



(Maarij Foundation for Peace and Development) Report On Human Rights situation in Sudan Submitted for the UPR Mechanism

First: Introduction:

1. **Maarij Foundation for Peace and Development** is an international non-governmental Organization holds consultative status with ECOSOC of the United Nations to deal with all the rights and development and works to promote the concepts of international conventions through practical projects, especially those concerning the right of self-determination and the Prevention of Discrimination and Protection of Minorities and women's rights and child slavery, slavery and practices similar and the rights of persons subject to detention or imprisonment, and protection from torture and other cruel, inhuman or degrading treatment, human rights and states and agencies in the administration of justice and the rights of minors and freedom of association and related recruitment and forced labor, corporations and human rights and economic rights and the right to peace, privacy and rights of indigenous peoples and development issues and the rights of disabled and refugees, foreigners and the prevention of war crimes and crimes against humanity and international humanitarian law and to develop and explain the concepts and implementation of all follow-up to what comes out of meetings, conferences and United Nations bodies.

2. **Maarij Foundation for Peace and Development** submit this report to the universal periodic review mechanism on the human rights situation in Sudan for the period from 2007 to 2010. Methodology of research, analysis and scrutiny of the adoption of information and the involvement of specialists on the local and global levels in this and organized workshops and forums to enrich the debate on the issues raised.

3. On December 19, 2009 and on the occasion of International Day for Human Rights at the city of El Fasher, **Maarij Foundation for Peace and Development** participated in organizing a (Darfur, International Conference for Human Rights), which called a number of international activists in the field of human rights to preach human rights and to determine the status of human rights the region where it scored the polytheists visit camps for displaced people to stand on their situation and concluded the symposium for the Conference (international justice between politics and the law) The conference concluded with several recommendations included in this report.

Second: legal and institutional framework for human rights in Sudan

4. The international legal framework

5. **Sudan** is a party in many of the basic international instruments of human rights, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, but that there are some unclear saw Sudan where such protocols to the International Covenant on Civil and Political Rights and the Convention on the prevention of all forms of torture and the Convention on the Prevention of All Forms of Discrimination against Women.

6. National framework, institutions and reforms

7. The development of legislative and legal reform in a clear and significant in the reporting period. On June 8, 2009, the National Council (parliament) authorized, Press and Publications Act. Which allows for the right to access to information in accordance with the law.

8. In September 2009, the President of the Republic issued a decree by the lifting of censorship on the print media. Despite these improvements, there is still concern about the powers granted to the National Council for the press to the press and publications in the practice.

9. On December 29, 2009 authorized the National Council (parliament), the Children's Act.
10. Also endorsed the Sudan also the Convention on the Rights of the Child and the Optional Protocols thereto, two, and the International Covenant on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of Persons with Disabilities, Geneva Conventions of 1949 and 2 Optional Protocols thereto, and the African Charter on Human and Peoples Rights.

11. With regard to children, the government established specialized courts for children, and appointed them to prosecutors, as well as the establishment of the family unit and children as part of law enforcement in the country.

12. On December 30, 2009 According to the Comprehensive Peace Agreement passed the National Council (parliament), the Abyei Referendum Referendum Act and the popular consultation of South Kordofan and Blue Nile.

13. In the December 31, 2009 passed (Parliament) of Southern Sudan Referendum Act came into force from this date.

14. High Commissioner for Human Rights in Sudan:

Board approved the Sudanese National Assembly (Parliament) Act for the Establishment of National Commission for Human Rights for the year 2008, but that the appointment of members of the Commission is still in the process of consultation with the Foundation President of the Republic and thus the matter remained pending because of a dispute the ruling partners on the designation of members of the Commission to date. Has also been setting up a Commission for Human Rights in Southern Sudan has begun its functions but does not play a role in the protection and rehabilitation of the human rights situation in southern Sudan and cut and silent in front of violations of the Popular Army for the Liberation of Sudan for Serious Violations of the rights and freedoms and tolerance of particular nominated for practices and aggressive collection of weapons from the people the southern tribes. In this regard, **Maarij Foundation for Peace and Development** was touched some shortage from the partners that they didn't expedite the nomination and appointment of members of the National Commission for Human Rights.

15. B - 3 - the Constitutional Court and Human Rights:

Parliament enacted the Sudanese Constitutional Court Act for the year 2005 under article 119 of the Constitution of the Sudan in transition, a court independent of the Sudanese judiciary and the executive and legislative branches which rise to defend the constitutionality of laws and has a central task in the protection of fundamental rights and freedoms as enshrined in the Article 122 (2) of the Act Constitutional Court, also plays a criminal jurisdiction in the face of the President and his deputies in the face of the judges of the Supreme Court according to Article 60 (2) of the Constitution of the Sudan Interim for the year 2005. .

Third: political and constitutional developments:

16. Democratization:

A major step towards democratization and as envisaged in the Comprehensive Peace Agreement, general elections were held in the Sudan at all levels of government (national, state and local) in the period from April 11 to 15, 2010.

17. Characterized the election as the first multi-party elections in the country 24 years ago and is expected to contribute effectively in the process of democratization in the country.

18. Number of opposition parties in northern Sudan, such as the National Umma Party, the Communist Party boycotted the electoral process, while the Popular Movement for the Liberation of Sudan withdrew from the presidential election and decided not to participate in the elections that took place in Darfur.

19. The electoral process suffered from some technical problems which necessitated the extension of the voting period for two days. However, the voting process was orderly and peaceful solution to a large extent, and within the secured environment in Darfur, where the elections were largely free of major incidents.

20. Elections were monitored by observers from the African Union and the European Union and the League of Arab States and the Carter Center and other stakeholders alongside local civil society organizations. In spite of the reported defects, such as not to display records of voters in some polling stations, but eventually everyone welcomed the peaceful and positive attitude for the electoral process.

21. Arche de Zoe scandal

Thursday, October 25, 2007 arrested by the Chadian authorities 19 people, nine French and seven Spaniards and Chadian and Belgian pilot named Jack Wilmar, caught red-handed transfer of 103 children to France from the airport of Abeche, the majority of children Sudanese, including a few Chadians aged between one and nine years. Association " **Arche de Zoe** French", which was organized process that they claimed the wounded and the sick and orphans and they deport them to France for adoption, or treatment. Lie collapsed before few hours to control the process it revealed a French organization that they were stolen from their families and fields after being drawn, and fell bandages that were on the bodies of some children to discover it was only to mislead and they are in good health, then hastened to Paris to denounce the process and deny any responsibility the plaintiff in the same time that the organization "Arche de Zoe" is not supported as a charitable organization within the organizations French working in Darfur, while the FAO said that the process was being implemented with the knowledge of the French authorities, acknowledging that families French that have accepted the hospitality of treatment or adoption, paid the amount of €2400 Every child needs and to secure the rental of aircraft to transport them. While the French diplomat said to the BBC that about 300 families in France and Belgium paid between 4 to 9 thousand dollars for each child being transferred.

22. A statement signed by the "international non-governmental organizations working in Darfur," it "condemns the recent attempt made by one of the organizations for the transfer of children from Chad." The statement added that "this activity is not a work being done by non-governmental organizations in Darfur or our colleagues in Chad." And between organizations signed the statement "The Sword with Children to" and "Oxfam" and "CARE" and "International Rescue kumite" and the "Action Against Poverty," the French and the Organization Norwegian "Church Aid" and the "War Child Holland" and the "land of the people" in French.

23. **Maarij Foundation for Peace and Development** , Demands the international community to condemn the French President, who traveled to Chad and the transfer of offenders referred to them after the preliminary ruling, making it one of which help to impunity.

24. The Government has made remarkable progress in the field of institutional and legislative reform in accordance with the Comprehensive Peace Agreement and the Interim National

Constitution of 2005, which was passed new laws, such as the Children's Act, and the press and publications, and the law of Southern Sudan Referendum Act, and the popular consultation of Abyei, Southern Kordofan and Southern Blue Nile, next to the referendum law . However, we look to complete the map of justice meets all the requirements including the protection of human rights in Sudan.

25. In southern Sudan **Maarij Foundation for Peace and Development** ,observes the repeated attacks of members of the Popular Army for the Liberation of Sudan (SPLA) on the citizens are growing with alarming acts of clan violence, threatening the right to life especially of women and children and the growing tensions between ethnic groups.

26. In Darfur, despite the general improvement in the security situation, and banditry, but sporadic skirmishes by the parties to the conflict is still ongoing. In some areas,

27. Employees of some movements are still targeting UN staff and the staff of humanitarian organizations and represents a substantial risk to their lives. During the four years the report of the international workers were a deliberate attack and the kidnapping of each other and despite the success of government agencies in their release but that this is under threat must be borne by the armed movements in Darfur has claimed responsibility towards him.

28. Justice is still a major challenge given the difficulty of the lack of cadres working in the institutions of justice and police outside the main urban centers. Next to a marked lack of capacity, along with significant deficits in material resources and training within the institutions of the justice sector, the formal justice sector.

29. **Maarij Foundation for Peace and Development** see that eventually became the biggest concern for justice in Darfur, the government appointed special prosecutor issues mandate to take all kinds of crimes also all fees regarding various legal situations has been cancelled to enable poor people to reach the courts to raise their compliant.

Recommendations:

30. International community to support all the steps that maintain the peace in Sudan and make peace sustainable.

31. And the international community to fulfill its obligations on building the capacity of Sudanese civil society organizations.

32. Strengthening the rules of international humanitarian law and human rights law and that the deployment of awareness and monitoring violations and to hold perpetrators

33. Put pressure on the government of South Sudan to do its part in maintaining the natural rights of the people of Southern Sudan.

34. Provide all violators of human rights to fair trials compatible with human dignity.