
Human Rights Committee**Concluding observations on the fifth periodic report of the Sudan***

1. The Human Rights Committee considered the fifth periodic report of the Sudan (CCPR/C/SDN/5) at its 3532nd and 3533rd meetings (CCPR/C/SR.3414 and CCPR/C/SR.3415), held on 9 and 10 October 2018. At its 3556th meeting, held on 25 October 2018, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the fifth periodic report of the Sudan, and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's delegation on the measures taken to implement the provisions of the Covenant. The Committee is grateful to the State party for the replies provided, (CCPR/C/SDN/Q/5/Add.1), and for the subsequent information, provided after the interactive dialogue.

B. Positive aspects

3. The Committee welcomes the legislative and institutional processes underway in the State party, intended to align a number of domestic laws with international treaties. It welcomes, in particular:

- (a) The adoption of the Asylum Act of 2014;
- (b) The National policy to combat violence against women 2016-2031;
- (c) The 2015 strategy to end early marriage; and
- (d) The national strategy 2008-2018 for the elimination of female genital mutilation.

4. The Committee also recognises the role that Sudan plays in terms of hosting a vast refugee community.

5. The Committee also welcomes the State party's accession to the Protocol to prevent, suppress and punish trafficking in persons especially women and children, in 2014.

C. Principal subjects of concern and recommendations**Applicability of the Covenant in the domestic legal system**

6. The Committee takes note of article 27(3) of the Interim National Constitution of 2005, which provides that all rights and freedoms enshrined in international human rights treaties

* Adopted by the Committee at its 124th session (8 October to 2 November 2018).

ratified by the State party shall be an integral part of Sudan's Constitutional Bill of Rights. It further takes note of the State party's additional information, that the rights and freedoms enshrined in the Covenant are a binding and integral part of Sudanese law by virtue of the Constitution. However, the Committee reiterates its concern over the lack of clarity of the application and precedence, in practice, of the Covenant over national law. The Committee further notes that the State party did not cite any example of cases in which it showed that Covenant provisions have been invoked before or applied by the courts. (art. 2).

7. The State party should give full effect to the rights enshrined in the Covenant. It should take measures to raise awareness of the Covenant among judges, lawyers and prosecutors in order to ensure that the Covenant provisions are taken into account and applied by the national courts. The State party should expedite the process of legislative reform to ensure full compliance of domestic laws with duly ratified international treaties. It should consider acceding to the first Optional Protocol to the Covenant, which provides for the consideration of individual communications.

National Human Rights Commission

8. The Committee welcomes the recent appointment of the Chair, Deputy Chair, and Commissioners of the National Human Rights Commission, and notes with satisfaction that the Commission has the power to receive and to investigate individual complaints, a prerogative set forth in article 9(2) (h) of the National Human Rights Commission Act. The Committee however notes with concern that in terms of article 142(1) of the Interim Constitution of 2005, the members of the Commission are appointed by the President of the Republic, which raises concerns as to the independence, in practice, of this body (art. 2), and the ability of the Commission is hampered by the immunities which those officials who are most often accused of human rights violations enjoy (see para 38 below).

9. The State party should take all necessary steps to bring the Commission into compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It should in particular ensure that the process for appointing members of the Commission is transparent and fully independent, grant the Commission sufficient resources and capacity, and ensure its full autonomy, to carry out its mandate effectively.

State of emergency

10. While noting the inclusion, in article 211(a) of the Interim Constitution, of substantive, non-derogable guarantees, the Committee notes with concern that this provision does not appear to reflect the threshold of exceptional circumstances required under article 4(1) of the Covenant. The Committee notes, in particular, the ongoing state of emergency in the States of Darfur, Kassala, and North Kordofan; it notes, in this regard, that according to the State party, the state of emergency declared in the two latter states on 30 December 2017 was imposed as "a precautionary measure", without showing that it is strictly required by the exigencies of the situation, and that it meets all the other requirements set forth in article 4 (1) of the Covenant (art. 4).

11. The Committee recalls its general comment No. 29 (2001) on derogation from the Covenant during a state of emergency and requests the State party to incorporate in its legislation provisions fully in line with the substantive and procedural requirements of article 4 of the Covenant. The Committee further requests the State party to review the measures currently providing for derogation from the rights in the Covenant, in those States where the state of emergency is in force, so as to ensure that such measures are strictly required by the exigencies of the situation, and meet all requirements under article 4 of the Covenant.

Impunity, effective remedies and reparations

12. The Committee takes note, and welcomes the State party's renewal of a unilateral ceasefire in conflict areas, including in the states of Darfur, Blue Nile, and South Kordofan, most recently in July 2018. However, and reiterating its previous Concluding Observations (CCPR/C/SDN/CO/4, at par. 8), the Committee remains concerned over allegations that

attacks against civilians attributed to government forces, including reports of large-scale counter-insurgency operations in Darfur between 2014 and 2016, remain unpunished. The Committee is concerned that not only has the State party failed to hold to account perpetrators under domestic law, but it has also refused to cooperate with the International Criminal Court, which has issued arrest warrants against Sudanese nationals and officials on charges of genocide, crimes against humanity, and war crimes (arts. 2, 6 and 7).

13. The State party should take all necessary measures to end impunity for perpetrators of human rights violations, in particular the most serious violations, by ensuring prosecution of past violations, and by systematically conducting prompt, impartial, effective and thorough investigations in order to identify and prosecute those responsible and to impose appropriate penalties on those who are convicted of such violations, while ensuring that the families of the victims have access to effective remedies and to full reparation. The State party should also ensure that persons involved in serious human rights violations are excluded from positions of power and authority. The Committee further invites the State party to provide its full cooperation with international criminal processes.

Non-discrimination

14. The Committee remains concerned over the persistence of entrenched discriminatory provisions in legislation, in particular in the area of family law and personal status, and concerning sexual orientation. The Committee notes that article 31 of the Constitution does not define discrimination, nor does it provide for a list of prohibited grounds of discrimination, in line with articles 2(1) and 26 of the Covenant. The Committee is further concerned about the absence of comprehensive anti-discrimination legislation (arts. 2, and 26).

15. The Committee is troubled by article 148 of the Criminal Act of 1991, which criminalizes sodomy, an offence to be punished by flogging and a prison sentence, and which incurs the death penalty after a third conviction (art. 2, 6, 7, 17 and 26).

16. The State party should: (a) enact comprehensive legislation providing full and effective protection against discrimination in all spheres and containing a non-exhaustive list of prohibited grounds of discrimination, including sexual orientation and gender identity; (b) take effective measures to prevent discrimination, and ensure that effective complaint mechanisms are available to victims; (c) guarantee the protection and enjoyment, on an equal footing, of Covenant rights for all persons including adults engaged in same sex consensual activities; and (d) repeal article 148 of the Criminal Act and, in the meantime, ensure that no one is prosecuted by reason of sexual orientation or gender identity; and (d)

Gender equality and harmful practices

17. While welcoming the ongoing review of personal status laws, and also noting the State party's 2015 strategy to end early marriage, the Committee is however concerned about the persistence of entrenched discriminatory provisions within the Personal Law Act of 1991, such as sections 25(c), which provides that the contract of marriage for a woman shall be concluded by a male guardian; section 34, which allows for the marriage of a pubescent woman to be concluded by a male guardian, and section 40(3), which allows the conclusion of the marriage of a minor girl, if it can be proven that the marriage will "benefit" the girl. The Committee also remains concerned over the persistence, despite its previous recommendation (CCPR/C/SDN/CO/4, par. 10), of the discriminatory and vaguely defined offence of "immodest attire" in article 152 of the Criminal Act, punishable by flogging (art. 3, 7, 23, 24 and 26).

18. Recalling its General Comment No 28 (2000), the Committee recommends that the State party take all necessary measures to: (a) repeal without delay the discriminatory provisions of the Personal Law Act; (b) ensure that in the interim, and in any case, the minimum age for marriage is set at 18 years for both girls and boys; (c) ensure the civil registration of all marriages; (d) intensify its efforts to eradicate forced marriage and related harmful practices; (e) ensure that victims are provided with appropriate remedies and rehabilitation services; (f) repeal section 152 of the Criminal

Act; (g) continue its efforts to increase women’s participation in public life, in particular their representation at the highest levels of government and in the judicial system; and (h) ensure appropriate training, targeting law-enforcement officials, judges, lawyers and prosecutors, aiming at the elimination of gender stereotypes on the subordination of women to men, and their respective roles and responsibilities in the family and society. The State party should also swiftly engage in the ratification process of the Convention on the Elimination of all Forms of Discrimination against Women.

Violence against women

19. While noting the “National policy to combat violence against women (2016-2031)”, and welcoming the amendment of article 149 of the Criminal Act of 1991, which no longer conflates rape with adultery and sodomy, the Committee regrets that the definition of rape does not include marital rape, despite its previous recommendation (CCPR/C/SDN/CO/4, par. 12 (a)). The Committee, more generally, remains concerned about the absence of a legal framework for preventing gender-based violence, including domestic violence (arts. 2, 3, 6, 7, 23 and 26).

20. The State party should intensify its efforts to prevent and counter all forms of domestic violence against women. To this end, it should: (a) enact legislation that duly protects women from domestic violence and gender-based violence, including sexual abuse in marriage, inter alia by explicitly criminalizing domestic violence and marital rape; (b) carry out nationwide awareness-raising initiatives and training activities for State officials, especially judges, prosecutors, police officers and medical and paramedical personnel, to ensure that they respond effectively in all cases of domestic violence and gender-based violence; (c) take the necessary measures to ensure that all cases of sexual violence are investigated, and the perpetrators are prosecuted and, if found guilty, punished; and (d) ensure that victims receive physical and psychological support, and have access to legal services.

21. The Committee notes the case of Noura Hussein, a woman subjected to a forced marriage at the age of 16, who was sentenced to death after she stabbed and killed her husband in self-defence, after the latter attempted to rape her. The Committee welcomes the quashing, in June 2018, of Noura Hussein’s death sentence, and its replacement with a five-year prison sentence. The Committee welcomes the oral assurance from the delegation that despite an ongoing appeal by the State prosecutor, there will be no reinstatement of the death penalty in her case. The Committee is nonetheless concerned that the gender based violence to which she had been subjected was not taken into account as evidence by the court (art. 2, 6, 7, 14, and 26).

22. The State party should ensure that Noura Hussein is not subjected to the death penalty, and reconsider her five-year jail sentence.

Polygamy

23. While noting the information provided by the State party according to which a wife has the right to seek divorce if adversely affected by polygamy, the Committee is concerned about the persistence of the practice in the State party. It is further concerned over the State party’s assertion that polygamy is not prohibited under the Covenant, and regrets the lack of statistical data on this practice, and on its effects on women (art. 3, art. 26).

24. Recalling its General Comment No. 28 on article 3 (par. 24), in which it stressed that polygamy is incompatible with equality of treatment between men and women with regard to the right to marry, as it violates the dignity of women, the Committee requests the State party take the necessary steps towards abolishing polygamy, in law and in practice.

Female genital mutilation

25. While noting the information provided by the State party that the Criminal Act is being reviewed to criminalise female genital mutilation; and while welcoming legislation adopted in seven States in the State party prohibiting and punishing the practice, as well as the ongoing implementation of the national strategy 2008-2018 for the elimination of female genital

mutilation, the Committee regrets the absence of disaggregated data on the prevalence of the practice, indicating the number of complaints received, and investigations undertaken. The Committee also regrets not being provided with information on the sanctions envisaged in the amendments underway, and the rehabilitation measures contemplated (arts. 3, 7, and 24).

26. The State party should ensure that the necessary amendments to the Criminal Act are swiftly adopted to criminalize female genital mutilation throughout its territory, with sanctions commensurate with the gravity of the offence provided, as well as adequate compensation to victims. The State party should further guarantee that victims of these practices have access to rehabilitation measures.

Voluntary termination of pregnancy

27. The Committee is concerned over the criminalization of voluntary termination of pregnancy under article 135 of the Criminal Act, save under limited circumstances, leading women and girls to resort to unsafe abortion in conditions that put their lives and health at risk (arts. 3, 6, 7, 17, 24 and 26).

28. The State party should amend its legislation to provide safe, legal and effective access to abortion to protect the life and health of pregnant women or girls at risk, where carrying a pregnancy to term would cause the woman substantial pain or suffering, most notably where the pregnancy is the result of rape or incest, or is not viable. It should furthermore ensure that women and girls who have abortions, as well as the physicians assisting them, are not subjected to criminal sanctions. The State party should also ensure access to adequate sexual and reproductive health care services, contraception and education for men, women and adolescents throughout the country.

Death penalty

29. The Committee remains concerned that, despite its previous recommendations (CCPR/C/SDN/CO/4, par. 14), the death penalty remains imposed for crimes other than the “most serious crimes” within the meaning of article 6 (2) of the Covenant, meaning crimes involving intentional killing. The Committee notes, in particular, within the Criminal Act of 1991, that the offences of “undermining the constitutional order” (article 50), espionage (article 53); apostasy (article 126); adultery (article 146); and sodomy (article 148), do not meet this requirement. Similarly, the Committee notes with concern that under section 9(2) of the Trafficking Act of 2014, the death penalty may be imposed for certain aggravated acts of trafficking, several of which do not meet the threshold of the “most serious crimes” . The Committee is concerned by information received, that the death penalty is mandatory, among others, for the offences of murder (article 130 of the Criminal Act); armed robbery resulting in death (*harraba*) (article 168(1) of the Criminal Act); drug trafficking (articles 15 and 17 of the Narcotic Drugs and Psychotropic Substances Act of 1994); adultery (article 146 of the Criminal Act); and apostasy (article 126 of the Criminal Act). While noting the State party’s explanations about methods of execution actually resorted to, the Committee remains concerned by the possibility to resorting to execution by stoning, which may be accompanied by crucifixion, as set forth in article 27 of the Criminal Act of 1991, and that such practices continue to enjoy legal sanction (arts. 6 and 7).

30. The Committee urges the State party to amend article 27 of the Criminal Act, so as to revoke stoning and crucifixion as an officially sanctioned punishment under the national law of the State. The Committee further urges the State party to consider imposing a moratorium on the death penalty, and ratifying the Second Optional Protocol to the Covenant, In the meantime, the State party should revise the Criminal Act and the Trafficking Act, so as to make them strictly compliant with article 6(2) of the Covenant, and restricting the crimes for which the death penalty may be imposed to the “most serious” ones, understood to be crimes involving intentional killing.

31. Notwithstanding the oral assurances provided by the delegation that the death penalty is not imposed upon children, the Committee notes with concern that article 27(2) of the Criminal Act appears to allow for the imposition of the death penalty on children who were under age 18 at the time of the offence (art. 6 and 24).

32. **The Committee urges the State party to revise article 27(2) of the Criminal Act to ensure that the death penalty is never imposed upon people for crimes which they committed when they were under 18 years of age.**

Torture and ill-treatment

33. Recalling its previous observation (CCPR/C/SDN/Q/5, par. 14), the Committee remains concerned over the lack of progress concerning the legislative approval of the Bill expected to amend the Criminal Act 1991, and which would provide a comprehensive definition of torture. The Committee is further concerned over article 115(2) of the Criminal Act, which provides, for the offence of torture, penalties as mild as “a term of imprisonment not exceeding three months, or with fine, or both”. This is especially a source of concern in light of reports of systematic and widespread incidents of torture of individuals arrested and detained by the National Intelligence Security Service. Furthermore, the Committee notes with equal concern that article 10(2) of the Evidentiary Act allows convictions based on “otherwise inadmissible evidence”, if “corroborated by another evidence” (art. 2, 7 and 14).

34. **The State party should (a) adopt comprehensive anti-torture legislation, which provides for a definition of the crime of torture fully in line with the provisions of the Covenant, as well as for appropriate punishments for torture; (b) ensure that, in all jurisdictions, forced confessions are prohibited and any evidence obtained through torture is inadmissible; (c) ensure that suspected cases of torture and ill-treatment committed by law enforcement personnel, including personnel of the National Intelligence Security Service, are thoroughly investigated, that perpetrators are prosecuted and, if found guilty, sentenced to appropriate punishment and that victims receive compensation and are offered rehabilitation assistance; (d) ratify the Convention against Torture, a recommendation which it has accepted under the Universal Periodic Review, as well as the Optional Protocol to the Convention against Torture; and (e) establish a national mechanism for the prevention of torture.**

35. The Committee regrets that, despite several recommendations that it has issued (CCPR/C/SDN/CO/3 and CCPR/C/SDN/CO/4), the State party’s legislation still provides for the punishment of flogging (article 35 of the Criminal Act), which also applies to minors (art. 47(b) of the Criminal Act), as well as for the punishment of amputation (article 171(1) of the Criminal Act), which constitute, by their very nature, gross breaches of article 7 of the Covenant (arts. 6, 7, and 16).

36. **The State party should repeal provisions of its legislation providing for punishments, such as flogging and amputation, which constitute violations of article 7 of the Covenant.**

Administration of justice and immunity for State agents

37. The Committee is concerned over the newly extended powers given to the National Intelligence and Security Service (NISS) to engage in law enforcement. Moreover, the legal framework governing the security services and armed forces appears to guarantee impunity to perpetrators, in particular: the National Security Act of 2010, article 52(1); the Police Act of 2008, article 45(1); and the Armed Forces Act of 2007, article 34(2), all of which provide for immunities from prosecution to agents of the State party. Even if these immunities may be lifted in individual cases, they provide a barrier to a general system of accountability, free from undue political influence (art 2 (3) read with other articles).

38. **The State party should review the National Security Act, the Police Act and the Armed Forces Act, in the light of its obligations under the Covenant, in particular the obligation to provide effective remedies to victims of human rights violations, including criminal investigations and where appropriate prosecutions.**

39. While taking note of the additional information provided in writing by the State party, the Committee remains concerned over amendments to the Armed Forces Act introduced in 2013, which allow for the trial of civilians before military jurisdictions for vaguely defined crimes, such as “spreading false news” (art. 66), or “undermining the Constitutional system”, (art. 50), and reports that political opponents of the government have been prosecuted before military jurisdictions (art. 14).

40. **The State party should ensure that trials of civilians under military courts are exceptional and take place under conditions which genuinely afford the full guarantees stipulated in article 14 of the Covenant and Committee's general comment No. 32 (2007), in particular, that they are limited to cases where the State party can show that resorting to such trials is absolutely necessary and justified by objective and serious reasons, and where with regard to the specific class of individuals and offences at issue, the regular civilian courts are unable to undertake the trials.**

Arbitrary detention

41. The Committee remains concerned at reported cases of arbitrary and secret detention in which persons have been held by agents of the State, in particular the National Intelligence and Security Service, at unofficial places of detention that are not subject to oversight, including judicial oversight. It further reiterates its concern (CCPR/C/SDN/CO/4) over the fact that the legal regime governing arrest and detention in the State party is not compatible with article 9 of the Covenant, in particular the fact that under the Criminal Procedure Act, a custody period of up to two weeks is contemplated before the suspect is formally charged (article 79); furthermore, under the 2010 National Security Act (article 51), suspects may be detained for up to four and a half months without judicial oversight (arts. 2, 9, 6, 7, 10 and 16).

42. **The State party should align its legislation and practices with article 9 of the Covenant, bearing in mind the Committee's general comment No. 35 (2014) on liberty and security of the person. In particular, it should:**

(a) **Ensure effective judicial oversight and monitoring of all places of detention;**

(b) **Ensure that anyone who was detained arbitrarily is released without conditions, and compensated;**

(c) **Ensure that the period of initial police custody is shortened, and generally does not exceed 48 hours;**

(d) **Systematically ensure that persons being held in police custody or pre-trial detention are informed of their rights and that basic legal safeguards are respected, particularly the right of access to counsel;**

(e) **Where appropriate use non-custodial measures as an alternative to pre-trial detention.**

Enforced disappearances

43. The Committee is concerned over reports of arrests of journalists, human rights defenders, political activists, peaceful protesters, and members of the opposition being arrested by the National Intelligence and Security Service, and detained incommunicado in unacknowledged places of detention, amounting to occurrences of enforced disappearances. In this respect, the Committee expresses concern over the fact that 176 cases remain unresolved and pending before the United Nations Working Group on enforced or involuntary disappearances (arts. 2, 6, 7, 9 and 16).

44. **The State party should resolve all cases of enforced disappearance, and conduct investigations without delay; ensure that the victims and their relatives are informed of the progress and results of the investigation; identify those responsible, and ensure that they are prosecuted and punished with appropriate penalties that are commensurate with the gravity of their crimes; and ensure that victims of enforced disappearance and their families are provided with full reparation, including rehabilitation, satisfaction and guarantees of non-repetition. The State party should accept the pending visit of the Working Group on enforced or involuntary disappearances and should consider acceding to the International Convention for the Protection of All Persons from Enforced Disappearance.**

Freedom of expression, peaceful assembly and association

45. The Committee is concerned about reports of increased restrictions imposed upon the civic space in Sudan, through the arrests of journalists, human rights defenders and political activists, closure and confiscation of newspapers, travel bans being imposed on journalists, as well as the revocations of their press licences by the Press and press printed materials National Council, which is under direct supervision of the President of the Republic. The Committee is concerned, inter alia, over confiscation of the entire print runs of eight Sudanese newspapers in January 2018, on account of their critical coverage of increase in the price of bread and the ensuing social unrest. The Committee is further concerned over reports of restrictions on public meetings, including a number of instances in 2018 during which the National Intelligence and Security Services prevented public gatherings of political parties (arts. 9, 19, 21, 22 and 25).

46. **The State party should review its legislation and practice, to: (a) ensure that any restrictions on the exercise of freedom of expression, assembly and association comply strictly with the requirements set out in the Covenant; (b) release from prison all persons whose conviction had stemmed from their having exercised their rights to freedom of expression, association, and peaceful assembly, and grant those persons full compensation for the harm suffered; and (c) investigate, prosecute and convict persons responsible for harassment or threats or intimidation against journalists, political opponents and human rights defenders.**

Excessive use of force

47. The Committee is concerned about allegations that police and security officers use excessive force to disperse demonstrations. This has reportedly happened for example during crackdowns on anti-austerity protests in January 2018, when live ammunition, rubber bullets and tear gas was reportedly used against demonstrators, resulting in the death and injury of several protesters. The Committee also remains concerned over the lack of progress in investigating the September 2013 protests over the fuel price, during which, according to the State party, 84 persons had died. The Committee takes note of the information from the State party according to which criminal proceedings were initiated and that 71 families have received compensation, and that investigations remain ongoing. However, it regrets the protracted investigation process, and the fact that it was not provided with detailed figures on the actual number of investigations carried out, charges retained, the resulting prosecutions and convictions, and details as to remedies provided in those cases (arts. 2, 6, 7, 19, 21 and 25).

48. **The State party must (a) refrain from prosecuting demonstrators and meeting organizers for exercising their right of assembly; (b) ensure that the UN Basic Principles on the use of force and firearms 1990 are implemented, through measures to ensure that law enforcement personnel do not use excessive force during the management of demonstrations, and ensuring that all instances of excessive use of force are promptly, impartially and effectively investigated and that those responsible are brought to justice.**

Freedom of conscience and freedom of religion

49. While welcoming the information on the presidential amnesty granted to the Czech Christian aid worker Petr Jasek, who had been convicted of espionage, the Committee remains concerned over restrictions, in law and practice, imposed upon the right to freedom of conscience and religious belief, including reports of destruction of churches. The Committee also expresses concern over the offence of apostasy (*riddah*), in article 126 of the Criminal Act of 1991. While noting the explanation of the State party according to which there have only been four cases of prosecution for apostasy, and that only open proselytizing is criminalized, the Committee reiterates that such practices are incompatible with the Covenant (arts. 18 and 19).

50. **The State party should:**

(a) **Repeal article 126 of the Criminal Act and amend legislative provisions that violate freedom of thought, conscience and religion, as well as freedom of expression, to comply with the requirements of articles 18 and 19 of the Covenant;**

(b) **Refrain from interfering in worship by persons who do not follow the official religion, for example by destroying places of worship, if the interference is not based strictly on requirements of necessity and proportionality, as mandated by article 18(3) of the Covenant;**

(c) **Ensure that all persons, including atheists, or those who have renounced the Muslim faith, are able to fully exercise their freedom of thought, conscience and religion. The crime of apostasy should be abolished.**

Internally displaced persons

51. While welcoming the information provided in writing by the State party after the interactive dialogue, in which it indicated that the number of internally displaced persons had decreased by 92 % in 2018, the Committee remains concerned over the protracted internal displacement of a total of over two million internally displaced persons, mostly in Darfur, a population which remains heavily dependent on humanitarian aid, and vulnerable to continuing attacks attributed to members of the Rapid Support Forces, such as the attack of the Kalma camp in South Darfur in September 2017, resulting in five people being killed and 33 injured. The Committee is also concerned over reports that, between March and May 2018, Sudanese government forces carried out land attacks in East-South Jebel Marra area, under SLA (Sudan Liberation Army) control, resulting in an estimated 12,000 to 20,000 people displaced. The Committee further notes with concern reports of 111 cases, involving 148 victims of sexual violence between April 2017 and April 2018 in Darfur, allegedly committed by militia members and members of the State security forces. (art. 2, 6, 7, and 12).

52. **The State party should promptly launch effective and thorough investigations, and prosecute those responsible for attacks against civilians, including the attacks committed in Kalma (South Darfur), Jebel Marra, as well as cases of sexual and gender-based violence, and provide effective remedies and full reparation to victims. The State party should also work on durable solutions to alleviate the plight of internally displaced persons, which include safe and voluntary returns, local reintegration, or resettlement.**

Refugees, asylum seekers and migrants

53. The Committee welcomes the State party's tradition of hospitality, and acknowledges the challenge faced by Sudan in hosting some of the largest numbers of refugees in the world. While welcoming article 28 of the Asylum Act of 2014, which provides for the principle of non-refoulement, the Committee is concerned over allegations of forced returns of asylum seekers and refugees, including the forced return of 104 Eritrean refugees to Eritrea, among them 30 minors (article 6, 7, and 13).

54. **The State party should take the necessary steps to protect the rights of asylum seekers and refugees under the Covenant and other international standards, including by ensuring that all persons seeking asylum have the right to apply for asylum, to an individualized assessment of their asylum claims, to appeal and to effective protection against non-refoulement. . It should refrain from conducting, under any circumstances, collective expulsions of migrants and asylum seekers.**

D. Dissemination and follow-up

55. **The State party should widely disseminate the Covenant, the fifth periodic report, the written replies to the Committee's list of issues, and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant**

among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as the general public.

56. In accordance with rule 71 (5) of the Committee's rules of procedure, the State party is requested to provide, within two years of the adoption of the present concluding observations, i.e. by 2 November 2020, information on its implementation of the recommendations made by the Committee in paragraphs 13, 30 and 46 above.

57. The Committee requests the State party to submit its next periodic report by 2 November 2022, and to include in that report specific and up-to-date information on the implementation of the recommendations made in the present concluding observations and of the Covenant as a whole. The Committee also requests the State party, in preparing the report, to consult widely with civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The Committee also invites the State party to agree, by 2 November 2019, to use its simplified reporting procedure, whereby the Committee transmits a list of issues to the State party prior to the submission of its periodic report. The State party's replies to this list would constitute its next periodic report due under article 40 of the Covenant.
