



General Assembly

Distr.: General
7 March 2016

Original: English

Human Rights Council

Working Group on the Universal Periodic Review

Twenty-fifth session

2-13 May 2016

Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Sudan

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.



I. Background and framework

A. Scope of international obligations¹

1. International human rights treaties²

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1977)		ICCPR-OP 2
	ICESCR (1986)		CEDAW
	ICCPR (1986)		CAT (1986, signature)
	CAT (1986, signature)		OP-CAT
	CRC (1990)		ICRMW
	OP-CRC-AC (2005)		ICPPED
	OP-CRC-SC (2004)		
	CRPD (2009)		
<i>Reservations and/or declarations</i>	OP-CRC-AC (declaration under art. 3 (2): 18 years, 2005)		
<i>Complaints procedures, inquiries and urgent action³</i>	OP-CRPD, art. 6 (2009)		ICERD, art. 14
			OP-ICESCR
			ICCPR, art. 41
			ICCPR-OP
			OP-CEDAW
		OP-CRC-IC	

2. Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Convention on the Prevention and Punishment of the Crime of Genocide	Palermo Protocol ⁴	Rome Statute of the International Criminal Court
	1951 Convention relating to the Status of Refugees and its 1967 Protocol		1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness
	Geneva Conventions of 12 August 1949 and Additional Protocols I and II ⁵		Additional Protocol III to the 1949 Geneva Conventions ⁶

<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
ILO fundamental conventions except Nos. 87 ⁷		ILO Convention Nos. 87, 169 and 189 ⁸ Convention against Discrimination in Education

1. The Independent Expert on the situation of human rights in the Sudan urged the Sudan to ratify CEDAW.⁹ The Committee on Economic, Social and Cultural Rights encouraged the Sudan to ratify OP-ICESCR and CEDAW.¹⁰ The Committee on the Elimination of Racial Discrimination encouraged the Sudan to consider ratifying CEDAW, CAT, ICRMW and ILO Convention No. 169.¹¹

2. The Human Rights Committee encouraged Sudan to accede to OP-CRC-IC and ICCPR-OP-2 aiming at the abolition of the death penalty.¹²

3. The United Nations Educational, Scientific and Cultural Organization (UNESCO) observed that Sudan was not party to the Convention against Discrimination in Education and recommended its ratification.¹³

B. Constitutional and legislative framework

4. The Human Rights Committee was concerned by reports that the constitutional review process was not fully inclusive or allowing full freedom of debate.¹⁴ It was also concerned about lack of clarity on the primacy of the Covenant over domestic law.¹⁵ It recommended transparency throughout the constitutional review process.¹⁶

5. The Human Rights Committee was concerned that the rights protected by ICCPR have not yet been recognized in the Interim National Constitution or national legal frameworks. It recommended that the Sudan ensure that personal status, family and penal laws are compatible with its obligations under the Covenant.¹⁷ In 2015, the Special Rapporteur on violence against women, its causes and consequences, was concerned by the discriminatory interpretation and implementation of provisions of the Criminal Law Act, the Public Order Act and the Personal Status Act. The Special Rapporteur noted that over 26 laws, including the Personal Status Act, contained provisions that were discriminatory towards women. Proposed changes at the federal level included: an amendment to the minimum age of marriage; the harmonization of domestic substantive and procedural laws with international human rights standards; and the ratification of CEDAW and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.¹⁸ The Committee on Economic, Social and Cultural Rights was also concerned with the discriminatory provisions affecting women, religious minorities and lesbian, gay, bisexual, transgender and intersex persons, including those contained in the Criminal Law Act, the Personal Status Act, the Public Service Regulations, the Social Insurance Act and the Sudanese Nationality Act. It urged the Sudan to amend legal provisions that are discriminatory or have a discriminatory effect.¹⁹ The Human Rights Committee recommended that the Sudan criminalize domestic violence and marital rape.²⁰ The Independent Expert recommended that the Sudan review article 152 of the Criminal Code on "indecent dress", to ensure that it does not perpetuate violence against women.²¹ In 2015, a group of United Nations human rights experts urged the Sudan to repeal discriminatory laws and comply with international standards.²²

6. The Committee on the Elimination of Racial Discrimination recommended expediting the adoption of the permanent constitution and ensuring that article 27 (3) of the

Interim Constitution is fully reflected in its new constitution.²³ It also recommended adopting and enforcing legislation prohibiting the dissemination of ideas based on racial or ethnic superiority and expressions of racial hatred and incitement to racial discrimination and violence against any group of persons of another ethnic group.²⁴

7. The Human Rights Committee recommended that the Sudan adopt criminal legislation that defines and criminalizes torture and provides for penalties commensurate with the gravity of the act.²⁵

8. The Human Rights Committee regretted that Sudanese legislation still granted police, armed forces and national security forces immunity from criminal prosecution.²⁶ The Independent Expert and the Human Rights Committee noted that the increased mandate and powers of the National Security Service were having a negative impact on the promotion and protection of human rights. Under the National Security Act of 2010, National Security Service agents were only subject to prosecution if the Director General of the National Security Service decided to lift the “immunity” or “prerogative”.²⁷ The Human Rights Committee and the Independent Expert urged implementing their recommendations to amend the National Security Act to bring it into line with the country’s constitutional and international human rights obligations or revoke it.²⁸

9. The Human Rights Committee was concerned that Sudanese legislation still provided for several forms of corporal punishment. It recommended that the Sudan abolish such punishment in the penal system.²⁹

10. UNESCO reported that defamation under chapter 26 of the 2003 Penal Code remains a criminal offence.³⁰ It recommended that the Sudan decriminalize defamation in accordance with international standards.³¹

11. The Committee on the Elimination of Racial Discrimination recommended that the Sudan withdraw the 2011 amendment to the Nationality Act and ensure that citizenship acquisition and deprivation apply without discrimination.³²

C. Institutional and human rights infrastructure and policy measures

12. The Independent Expert commended the establishment of the National Commission for Human Rights, the Advisory Council for Human Rights and other governmental human rights bodies, such as the Human Rights Committee of the National Assembly and other commissions and ministerial units. He recommended that the Sudan continue to facilitate the establishment of branch offices beyond Khartoum and Darfur.³³ The Committee on the Elimination of Racial Discrimination was concerned that the National Commission for Human Rights was not provided with capacity-building support and the resources necessary for the effective and independent exercise of its mandate.³⁴ It recommended that the Sudan guarantee the full independence and financial autonomy of the Commission in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and to seek accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.³⁵

13. The Committee on the Elimination of Racial Discrimination and UNESCO noted with appreciation the information of the existence of the National Action Plan for the Promotion and Protection of Human Rights (2013-2023). Both encouraged the Sudan to provide it with adequate resources and effectively implement it.³⁶ UNESCO called on the Sudan to establish a high-level body to oversee the implementation of the National Action Plan. The Advisory Council for Human Rights and the National Commission for Human Rights should monitor implementation progress.³⁷

14. The Committee on the Elimination of Racial Discrimination urged the Sudan to establish a comprehensive, effective and independent complaints mechanism for discrimination.³⁸

15. The Independent Expert was pleased with the international partners' support to the Ministry of Justice to help implement recommendations from the universal periodic review, particularly those related to women and children's rights, and the technical assistance extended to the Advisory Council for Human Rights for the preparation of the national second-cycle review report.³⁹

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies

1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
Committee on the Elimination of Racial Discrimination	March 2001	2013	May 2015	Combined seventeenth to nineteenth reports due in 2019
Committee on Economic, Social and Cultural Rights	August 2000	2012	October 2015	Third report due in 2019
Human Rights Committee	July 2007	2012	July 2014	Fifth report due in 2017
Committee on the Rights of the Child	October 2010 (on CRC and OP-CRC-AC) and June 2007 (on OP-CRC-SC)	-	-	Combined fifth to sixth reports overdue since 2015
Committee on the Rights of Persons with Disabilities	-	2014	-	Initial report overdue pending consideration

2. Responses to specific follow-up requests by treaty bodies

<i>Concluding observations</i>			
<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
Committee on the Elimination of Racial Discrimination	2016	Internal displacement of persons; citizenship and the risk of statelessness; security of refugees and asylum seekers ⁴⁰	-

Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
Human Rights Committee	2015	Non-discrimination and equal rights of men and women; death penalty; prohibition of torture and ill-treatment; arrests and detentions under the National Security Act ⁴¹	-

16. UNESCO observed that the Sudan did not report to it on the implementation of its 1960 Recommendation against Discrimination in Education and recommended that the Sudan submit those reports.⁴²

B. Cooperation with special procedures⁴³

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	No	No
<i>Visits undertaken</i>	Internally displaced persons	Independent Expert on human rights in the Sudan (March and May-June 2011, January and June 2012, February and June 2013, February and June 2014, May 2015)
	Special Rapporteur on the situation of human rights in the Sudan (March and August 2006, July-August 2007, February-March and June-July 2008, May-June 2009);	Internally displaced persons ⁴⁴
	Independent Expert on the situation of human rights in the Sudan (January- February 2010).	Violence against women
		Negative impact of unilateral coercive measures on the enjoyment of human rights
<i>Visits agreed to in principle</i>	Freedom of opinion and expression	-
	Internally displaced persons	
<i>Visits requested</i>	Food	Racism
	Racism	Enforced or involuntary disappearances
	Enforced or Involuntary Disappearances	
	Contemporary forms of slavery	
	Safe drinking water and sanitation	
<i>Responses to letters of allegation and urgent appeals</i>	During the period under review, 31 communications were sent. The Government replied to 10 communications.	
<i>Follow-up reports and missions</i>		

17. The Human Rights Council had renewed the mandate of the Independent Expert and urged the Government to continue its cooperation with him, including by granting him access to the entire country, mainly the States of Darfur, South Kordofan and Blue Nile.⁴⁵

18. Special procedure mandate holders and the Independent Expert sent four joint urgent appeals and two allegation letters in relation to complaints with no official response from the Government. The Independent Expert urged the Government to provide prompt responses to future communications as required by the special procedures system.⁴⁶

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

19. The Human Rights Council noted with appreciation the submission by the Sudan of its mid-term report on the implementation of the accepted recommendations of the universal periodic review and its cooperation with the United Nations Development Programme in the implementation of those recommendations.⁴⁷ The Human Rights Council called upon the Government of the Sudan to continue to cooperate with the Office of the High Commissioner in the implementation the resolution.⁴⁸

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

20. The Committee on the Elimination of Racial Discrimination noted the existence of constitutional provisions on equality and non-discrimination and measures taken in that area. It recommended that the Sudan introduce a comprehensive definition of racial discrimination.⁴⁹

21. The Committee on Economic, Social and Cultural Rights was concerned at the inferior status of women in the family and in the society in the Sudan, which was reflected in several legal provisions limiting their rights.⁵⁰ The Human Rights Committee recommended that the Sudan guarantee de jure and de facto equality between men and women.⁵¹ The Special Rapporteur on women indicated that many women and girls suffered inequality, underdevelopment and poverty. That was exacerbated by violence in public and private spheres at the hands of State or non-State actors.⁵²

22. The Special Rapporteur on women noted information regarding the racialized/ethnicized targeting of Darfuri women students, such as the practice of cutting their hair and questioning their “Arab” identity.⁵³

23. The Committee on the Elimination of Racial Discrimination noted with concern the strong ethnic dimensions of the conflict, notably in Darfur, Southern Kordofan and Blue Nile, and urged the Sudan to integrate the principles of equality and non-discrimination in its conflict resolution and peacebuilding efforts.⁵⁴

24. The Human Rights Committee was concerned that discrimination against non-Muslims was embedded in legislation or exercised in practice. It recommended abolishing the crime of apostasy and eliminating discriminatory laws and practices that violate freedom of religion.⁵⁵

25. The Committee on the Elimination of Racial Discrimination noted with concern that the 2011 amendment to the Nationality Act provided for the revocation of Sudanese nationality of those who had acquired “de jure or de facto” the nationality of South Sudan.⁵⁶

26. The Human Rights Committee was concerned that a large proportion of children were still not registered and recommended that they be registered free of charge and receive official birth certificates.⁵⁷

B. Right to life, liberty and security of the person

27. The Human Rights Committee and the Independent Expert were concerned that the death penalty was maintained for crimes below the threshold of the “most serious crimes”, contrary to the Covenant, and that lashing was used routinely. Both recommended a moratorium on death penalty and/or abolishing it and ensuring that it is never applied to persons under 18.⁵⁸ They recommended that the Sudan ensure that allegations of torture and ill-treatment be promptly, independently and thoroughly investigated, that perpetrators be brought to justice and adequately sanctioned, that victims receive adequate reparation, including rehabilitation, and that confessions obtained in violation of the Covenant not be accepted by courts.⁵⁹

28. The Committee on the Elimination of Racial Discrimination recommended that the Sudan stop carrying out any violent act that is directed at or has a disproportionate effect on, a specific ethnic group and to ensure that its armed forces refrain from attacking civilians and civilian objects.⁶⁰ The Security Council and the Independent Expert reported that Darfur and the States of Southern Kordofan and Blue Nile continued to experience sporadic armed conflicts and banditry with a negative impact on civilians. Rapid Support Forces attacked civilians suspected of being sympathetic to armed opposition in Darfur in violation of international humanitarian law. The Independent Expert strongly urged all concerned parties to respect international human rights and international humanitarian law. Violations included systematic attacks against civilians by both government forces and armed opposition groups and bombing of civilian-populated areas in the Nuba Mountains. The Independent Expert had received information on a surge in fighting between government forces and the Sudan People’s Liberation Movement-North. Violations of human rights and international humanitarian law were also perpetrated by armed movements. On 12 March 2015, the Sudan People’s Liberation Movement-North reportedly attacked Kalogi in Southern Kordofan killing 40 civilians, injuring 45 and displacing 25,000 people. On 25 June 2015, another attack by the Sudan People’s Liberation Movement-North in Southern Kordofan is said to have led to the death of a dozen civilians and the wounding of 100 others. The Independent Expert reiterated his willingness to visit those regions to assess the situation.⁶¹ He recommended that the Sudan stop indiscriminate aerial strikes and respect the principle of proportionality in its armed response to attacks by armed movements.⁶² The Human Rights Council condemned the violations and abuses of international human rights and humanitarian law reported in the States of Darfur, South Kordofan and Blue Nile by all parties, including sexual and gender-based violence, and the bombings of humanitarian facilities.⁶³ The Committee on the Elimination of Racial Discrimination remained concerned that the allegations of mass rape by Sudanese soldiers of women belonging to the Fur ethnic group in Thabit village, northern Darfur, in October 2014 have not been thoroughly and effectively investigated.⁶⁴ The Human Rights Committee recommended that the Sudan facilitate the reporting of rape and ensure that cases of violence against women are promptly and thoroughly investigated, that perpetrators are brought to justice and adequately sanctioned and victims have access to reparations and means of protection, including access to specialized shelters or centres.⁶⁵ The Human Rights Committee and the African Union-United Nations Hybrid Operation in Darfur and the Security Council were concerned at reports of humanitarian access to

civilian populations having been denied in some conflict-affected areas, particularly those controlled by rebel groups. They recommended that the Sudan authorize and facilitate humanitarian access to civilian populations in all conflict areas.⁶⁶

29. The Independent Expert observed that two opposition leaders had been arrested and detained in May and June 2014 for making public statements crossing government-set “red lines” and urged the Government to facilitate an enabling environment for a meaningful national dialogue and political process.⁶⁷ The Independent Expert observed that fear of detention by the National Intelligence and Security Service continued to be a major cause of intimidation of political opponents and civil activists. He and the Human Rights Council urged the Government and its security agents to desist from arbitrary arrests and detentions and to respect the human rights of all individuals, including human rights defenders and members of civil society organizations.⁶⁸ The Human Rights Committee was concerned that under the National Security Act, National Intelligence and Security Service officials could detain suspects for periods of up to four and a half months without judicial supervision. It recommended that the Sudan ensure that detainees are brought before a judge within 48 hours, abolish all secret places of detention and ensure enjoyment of all legal safeguards under article 9 of the Covenant.⁶⁹

30. The Human Rights Committee and the Committee on the Elimination of Racial Discrimination recommended stopping all forms of excessive use of force by ensuring that State officials carry out their activities in accordance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and other human rights standards and thoroughly investigate reports of excessive use of force and to prosecute perpetrators.⁷⁰ The Committee on the Elimination of Racial Discrimination was concerned about information that human rights defenders continued to be persecuted by the police.⁷¹

31. The Independent Expert and the Human Rights Council expressed serious concern at the killing of demonstrators in September 2013 and March 2014, and called on the Sudan to conduct an independent inquiry and ensure justice and accountability.⁷² The Independent Expert considered that the government report did not provide evidence of an independent investigation of those violations and urged it to quickly institute an independent judicial public enquiry into the killings and other human rights violations.⁷³ The Human Rights Committee was concerned by numerous allegations of torture or ill-treatment by State officials and recommended that all allegations be investigated.⁷⁴

32. The Human Rights Committee and the Committee on the Elimination of Racial Discrimination expressed concern about reported cases of sexual violence in conflict. They strongly urged the Sudan to ensure that State forces and groups under its control do not perpetrate human rights violations under any circumstances and investigate and punish acts of sexual violence in conflict areas, in particular Darfur, South Kordofan and Blue Nile, including the alleged mass rape in Thabit village.⁷⁵

33. The Special Rapporteur on women stated that protracted conflict, particularly in Darfur, had caused instability, insecurity, violence, internal displacement, rule of law challenges, poverty and underdevelopment.⁷⁶ She stated that it was impossible to verify the extent of violence against women due to limited disaggregated data; social stigma; underreporting of cases; traditional, cultural and social norms.⁷⁷ She stated that denial of violence against women, except in minimal and certain contexts needed to be addressed as a priority. She urged the Government to set up a commission of inquiry, consisting of national and international members, to look into allegations of mass rapes in different regions.⁷⁸ The Independent Expert was particularly concerned about the prevalence of sexual and gender-based violence throughout Darfur. Reluctance of law enforcement officials to register or appropriately investigate sexual violence offences impeded victims’ access to justice. Difficulties for the African Union-United Nations Hybrid Operation in

Darfur in gaining access to information, sites and victims of alleged human rights violations continued to impede reporting cases of sexual and gender-based violence.⁷⁹

34. The Special Rapporteur noted that, despite the 2006 Presidential Decree abolishing numerous categories of public order crimes, the Public Order Police still conducted sweeps mainly targeting women working in the informal sector.⁸⁰

35. The Special Rapporteur on women noted reports of increased trafficking in women and girls, particularly asylum seekers and refugees.⁸¹ The Committee on the Elimination of Racial Discrimination recommended that the Sudan increase its efforts to prevent and protect refugees and investigate all cases of abduction, bring perpetrators to justice and firmly apply its anti-trafficking legislation.⁸² The Human Rights Committee raised similar recommendations.⁸³

36. UNESCO noted the strategy to eliminate female genital mutilation. It appeared, however, that the Sudan had not taken further steps to prohibit the practice and educate the women on their rights. It encouraged the Sudan to abolish female genital mutilation through education.⁸⁴ The Human Rights Committee recommended eradicating the practice and enforcing the necessary legislative measures.⁸⁵

37. The Human Rights Committee was concerned that violence against women remained a serious problem. It recommended that the Sudan ensure an effective response to all forms of violence against women.⁸⁶

38. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict acknowledged the Sudan/United Nations dialogue towards the adoption of an action plan to end recruitment of children. It called on the Government to sign the action plan. It recommended ending and criminalizing recruitment of children, investigating any reports of recruitment and use of children by its security forces and ensuring that recruiters are brought to justice and punished. It expressed concern regarding reports of sexual violence committed against children by government forces and militias, and requested the Government to prosecute perpetrators and provide reparations for victims and humanitarian assistance to children.⁸⁷

C. Administration of justice, including impunity and the rule of law

39. The Human Rights Committee was concerned at reports that the 2013 amendment to the Armed Forces Act allowed military authorities to try civilians and recommended adopting legal measures to prohibit military courts from exercising jurisdiction over civilians.⁸⁸

40. The Independent Expert called upon the Government to conduct an independent judicial inquiry into the killings and other human rights violations, address arbitrary violations of the right to life and prevent impunity. He recommended that the Sudan combat impunity and ensure access to justice for victims of human rights violations.⁸⁹

41. The Human Rights Committee recommended that the Sudan accelerate investigations and prosecutions regarding serious human rights violations committed in Darfur since February 2003, and increase cooperation with international mechanisms of accountability, including the International Criminal Court.⁹⁰ A joint report indicated that human rights violations were carried out with impunity. Perpetrators within government security and armed forces and pro-government paramilitary accused of human rights violations were rarely brought to justice.⁹¹ The Security Council emphasized that some of those acts against civilians, particularly women and children, may amount to war crimes or crimes against humanity against women and girls and investigations should be conducted and accountability measures undertaken.⁹²

D. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

42. The Independent Expert received information on arrests and restrictions of freedom of religion or belief of Christian communities.⁹³ The Independent Expert noted that he had received numerous complaints about the conviction of Meriam Ibrahim on allegations of apostasy. She was later released by a Court of Appeal ruling. He urged Sudan to fully respect the right to freedom of religion without discrimination.⁹⁴

43. The Human Rights Council expressed concern at reports of media restrictions, censorship, seizure of newspapers, banning of some journalists and violations of the rights to freedom of expression and freedom of association and of peaceful assembly.⁹⁵ The Council also urged the Government to further promote and protect those human rights, including activities of civil society, and ensure compliance by all parties with human rights and international humanitarian law.⁹⁶

44. UNESCO encouraged Sudan to introduce a freedom of information law in line with international standards.⁹⁷ The Human Rights Committee was concerned by allegations that State officials had closed or confiscated newspapers without court orders, subjecting journalists to intimidation and harassment. It was also concerned about the obligations placed on journalists by the 2009 Press and Publications Act and about prosecutions for disseminating “false news”.⁹⁸ UNESCO recommended that the Sudan facilitate the introduction of a self-regulatory mechanism for the media.⁹⁹ The Independent Expert urged the Sudan to protect freedom of the press, noting that national security laws were used to clamp down on the press, including through the closure of media houses, the arrest of journalists and the confiscation of newspapers and equipment by the National Security Service.¹⁰⁰ The Independent Expert called on the Government to allow civil society organizations to operate legitimately and to ensure that its security agents stop curtailing the activities of civil society.¹⁰¹ The Special Rapporteur on women noted reports received, indicating a clamping down on non-governmental organization generally, but more specifically women’s rights organizations, including through deregistration and the imposition of barriers to registration.¹⁰²

45. The Independent Expert reported that, in December 2014, human rights activists and political leaders had been arrested by the National Security Service for having signed and supported the “Sudan Call”, a political declaration calling for the restoration of democracy. On 9 April 2015, their trial had been suspended and they had been released.¹⁰³ In 2015, the Special Rapporteur on the situation of human rights defenders thanked the Government for its replies¹⁰⁴ and expressed his concern at allegations of intimidation against human rights defenders and their families and the detention of defenders in relation to their legitimate peaceful activities.¹⁰⁵

E. Right to social security and to an adequate standard of living

46. The Independent Expert observed that, in Darfur, widespread poverty with two thirds of the population under poverty line, had been exacerbated by armed conflict, adversely affecting the enjoyment of the rights to food, housing, health, water, sanitation and education. Land occupation and land use issues were a recurring issue in Darfur. Issues of access to land often triggered intercommunal conflict in the region. Women in Darfur, by virtue of their social and legal status and as a result of traditional norms and customs, faced increased discrimination, affecting their enjoyment of economic, social and cultural rights.¹⁰⁶ The Committee on Economic, Social and Cultural Rights noted with concern the high rate of unemployment among youth and women.¹⁰⁷ It was concerned that measures

taken to mitigate the effect of the austerity programme had further corroded the enjoyment of certain Covenant rights, such as the right to food.¹⁰⁸

47. The Committee on Economic, Social and Cultural Rights was alarmed by the negative impact on the rights of land users, particularly small-scale farmers and agropastoralists, of development projects such as the construction of dams and large-scale leasing of farmland in the country to local or foreign investors, facilitated by the Land Confiscation Law, the Unregistered Land Act, the Land Allocation Act and the National Investment Encouragement Act.¹⁰⁹

48. The Special Rapporteur on the human rights of internally displaced persons noted that endemic poverty affected 47 per cent of the population in the Sudan. The lack of access to basic services and a social safety net, particularly in peripheral regions, was reflected in indicators such as low full immunization of children at (39.3 per cent), and high under-5 and maternal mortality rates.¹¹⁰

49. The Independent Expert noted that poverty was an issue of concern, especially for internally displaced persons in conflict areas. There were noticeable inequalities in access to education, sanitation and clean water. A wide income gap persisted between rural and urban settings.¹¹¹

F. Right to health

50. The Independent Expert noted that, owing to non-access to areas under the control of armed movements since 2011, it was estimated that 160,000 children under 5 in South Kordofan and Blue Nile States were at risk of polio and other preventable diseases as a result of lack of immunization. The Independent Expert recommended that all parties allow vaccination access to conflict areas.¹¹²

G. Right to education

51. UNESCO encouraged the Sudan to continue working towards providing basic and human rights education for all, including in remote areas and with special attention given to refugees and asylum seekers.¹¹³

H. Minorities and indigenous peoples

52. The Committee on the Elimination of Racial Discrimination regretted the absence of data on the ethnic composition of the population and encouraged holding a nationwide census.¹¹⁴ It was also concerned about the absence of data on representation of minority groups in public administration and recommended promoting equitable representation of minority groups in national and local government functions, the public services, the army and the police, particularly at high-level positions.¹¹⁵

53. The same Committee was concerned that the unresolved status of Abyei continued to impact the enjoyment of rights by ethnic groups living there. It encouraged the Sudan to resolve the political future of Abyei, so that they can fully enjoy their rights protected under the Convention.¹¹⁶

54. The Committee was concerned about reports of plans to resume construction of the Kajbar dam, and recommended consulting ethnic groups whose rights may be affected.¹¹⁷

I. Migrants, refugees and asylum seekers

55. The Human Rights Committee noted with concern reports indicating that the principle of non-refoulement had not always been observed, in particular with regard to Eritrean refugees and asylum seekers. It recommended that the Sudan ensure that the absolute prohibition of refoulement under the Covenant is strictly respected.¹¹⁸ The Committee on the Elimination of Racial Discrimination recommended that the Sudan ensure the safety of refugees and asylum seekers by seeking international assistance.¹¹⁹

J. Internally displaced persons

56. The Human Rights Committee was concerned about insufficient protection of internally displaced persons in camps and in host communities. It urged the Sudan to ensure adequate and effective protection is provided to internally displaced persons in camp and non-camp situations.¹²⁰ The Committee on the Elimination of Racial Discrimination recommended that the Sudan cater to internally displaced persons and facilitate humanitarian access to those in need of such aid without discrimination.¹²¹ The Committee on Economic, Social and Cultural Rights recommended intensifying efforts to create conditions for the voluntary return or local integration of internally displaced persons.¹²² The Independent Expert recommended that the Sudan ensure that humanitarian assistance is provided to internally displaced persons, and that economic, social and cultural rights are respected.¹²³

57. The Independent Expert reported that the upsurge in conflict generated an estimated 250,000 internally displaced persons between February and April 2014, pushing the total number in Darfur to over 2 million.¹²⁴ The Human Rights Committee recommended that the Sudan prevent and avoid displacement of persons, including by training its security forces on how to avoid tactics that lead to displacement.¹²⁵

58. The Special Rapporteur on internally displaced persons noted new and protracted internal displacement caused by armed conflict, communal violence and conflicts over resources as a result of climate change.¹²⁶ He recommended that the Sudan develop a comprehensive national framework on internal displacement,¹²⁷ with clear procedures that can be communicated to all parties concerned to facilitate unimpeded timely humanitarian access at the capital, regional, state and local levels;¹²⁸ initiate a multi-stakeholder mechanism to look into the factors triggering or prolonging displacement in the Sudan and provide recommendations on strategies to address that issue;¹²⁹ and develop early-warning, conflict-resolution and mediation mechanisms.¹³⁰ He noted that continued fighting in South Kordofan and Blue Nile since June 2011 and throughout 2012 between the Sudanese Armed Forces and the Sudan People's Liberation Movement-North severely limited international humanitarian community access to nearly 800,000 internally displaced persons and severely affected persons in those areas.¹³¹ He recommended, inter alia, that the Sudan ensure timely delivery of assistance and early-recovery programmes.¹³² He reported that no significant improvement in the overall humanitarian situation, with nearly 40 per cent of the population of Darfur (3.5 million people) continued to receive humanitarian assistance in 2012, approximately half of whom were registered internally displaced persons living in camps.¹³³ The Committee on the Elimination of Racial Discrimination was concerned at new waves of internally displaced persons in Darfur and the Nuba mountains. It urged the Sudan to ensure that ongoing conflicts do not generate further displacement.¹³⁴ The Special Rapporteur on internally displaced persons recommended that the Sudan, inter alia, continue engagement with relevant actors to reach comprehensive and inclusive political solutions to the conflict that can lead to durable solutions to displacement and facilitate unimpeded humanitarian access to internally displaced persons.¹³⁵

59. The same Special Rapporteur noted that displaced women and girls were at increased risk of sexual and gender-based violence and exploitation.¹³⁶ The Special Rapporteur on women made related observations.¹³⁷

60. The Human Rights Council urged the Government to investigate allegations of human rights violations in the camps for internally displaced persons with a view to ending them, taking into account the Independent Expert's recommendations.¹³⁸

K. Right to development

61. The Committee on the Elimination of Racial Discrimination was concerned that the amendment to article 43 of the Interim Constitution, empowering the President to allocate and confiscate land for investment purposes without restriction, could further contribute to the displacement of Nubians and the destruction of sites significant to them. It recommended that the Sudan consider repealing that amendment.¹³⁹

62. The Special Rapporteur on internally displaced persons noted that conditions partly attributable to climate change had led to failed growing seasons, desertification, deforestation and erratic rainfall exacerbating food insecurity, and reducing grazing lands. That had led to conflict over scarce resources, particularly between pastoralist and agriculturalist communities.¹⁴⁰

63. The Independent Expert recommended that the international community support the Government of the Sudan in the realization of economic and social rights and the effective implementation of the Doha Document for Peace in Darfur.¹⁴¹

64. In November 2015, the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights noted that such measures had been applied to the Sudan for two decades without any adaptation to the evolution of the internal context, although the situation that had prevailed in 1997 was completely different from the current one. He recommended, inter alia, that the Sudan consider setting up a temporary mechanism under the United Nations to ensure the channelling of vital supplies, such as medicines, prevent pandemics and ensure prompt supply of spare parts, in cooperation with the source country and the Sudan.¹⁴²

Notes

¹ Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Sudan from the previous cycle (A/HRC/WG.6/11/SDN/2).

² The following abbreviations have been used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

- ³ Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and ICPPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; ICPPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; ICPPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: ICPPED, art. 30.
- ⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁵ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/ihl.
- ⁶ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/ihl.
- ⁷ International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182).
- ⁸ ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Indigenous and Tribal Peoples Convention, 1989 (No. 169); and Domestic Workers Convention, 2011 (No. 189).
- ⁹ See A/HRC/27/69, para. 29.
- ¹⁰ See E/C.12/SDN/CO/2, para. 57.
- ¹¹ See CERD/C/SDN/CO/12-16, para. 24.
- ¹² See CCPR/C/SDN/CO/4, paras. 7 and 14.
- ¹³ See UNESCO submission for the universal periodic review of the Sudan, para. 40.
- ¹⁴ See CCPR/C/SDN/CO/4, para. 6.
- ¹⁵ *Ibid.*, para. 7.
- ¹⁶ *Ibid.*, para. 6.
- ¹⁷ *Ibid.*, para. 7.
- ¹⁸ Press release, “Special Rapporteur on violence against women finalizes country mission to Sudan and calls for more open and constructive dialogues on violence against women, its causes and consequences”, 24 May 2015. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16009&LangID=E.
- ¹⁹ See E/C.12/SDN/CO/2, paras. 19 and 20.
- ²⁰ See CCPR/C/SDN/CO/4, para. 12.
- ²¹ See A/HRC/30/60, para. 74 (j).

- 22 Press release, “Young woman risks 20 lashes for ‘indecent dressing’ – UN experts urge Sudan to overturn ‘outrageous conviction’”, 28 August 2015. Available at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16355&LangID=E.
- 23 See CERD/C/SDN/CO/12-16, para. 15.
- 24 Ibid., para. 12.
- 25 See CCPR/C/SDN/CO/4, para. 15.
- 26 Ibid., para. 17.
- 27 See A/HRC/30/60, para. 13. See also CCPR/C/SDN/CO/4, para. 17.
- 28 See CCPR/C/SDN/CO/4, para. 18 and A/HRC/27/69, paras. 29, 60 and 81 (f).
- 29 See CCPR/C/SDN/CO/4, para. 16.
- 30 See UNESCO submission for the universal periodic review of the Sudan, paras. 31-32.
- 31 Ibid., paras. 42-44.
- 32 See CERD/C/SDN/CO/12-16, para. 19.
- 33 See A/HRC/30/60, paras. 60 and 74 (c), and A/HRC/27/69, para. 81 (r).
- 34 See CERD/C/SDN/CO/12-16, para. 17. See also A/HRC/23/44/Add.2, para. 12, A/HRC/30/60, paras. 60 and 74 (c), A/HRC/27/69, para. 81 (r), and E/C.12/SDN/CO/2, para. 9.
- 35 See CERD/C/SDN/CO/12-16, para. 17. See also A/HRC/23/44/Add.2, para. 12, A/HRC/30/60, paras. 60 and 74 (c), and A/HRC/27/69, para. 81 (r).
- 36 See CERD/C/SDN/CO/12-16, para. 23, and UNESCO submission for the universal periodic review of the Sudan, para. 14.
- 37 UNESCO submission for the universal periodic review of the Sudan, para. 14.
- 38 See CERD/C/SDN/CO/12-16, para. 22.
- 39 See A/HRC/30/60, para. 65.
- 40 See CERD/C/SDN/CO/12-16, para. 30.
- 41 See CCPR/C/SDN/CO/4, para. 27.
- 42 See UNESCO submission for the universal periodic review of Sudan, para. 40.
- 43 For the titles of special procedure mandate holders, see www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx.
- 44 See A/HRC/23/44/Add.2 and A/HRC/23/44/Add.3.
- 45 See Human Rights Council resolution 24/28.
- 46 See A/HRC/27/69, paras. 23, 24 and 81 (p), and A/HRC/30/60, para. 74 (f) (iv).
- 47 See Council resolution 24/28.
- 48 See Council resolution 27/29.
- 49 See CERD/C/SDN/CO/12-16, paras. 12.
- 50 See E/C.12/SDN/CO/2, para. 29.
- 51 See CCPR/C/SDN/CO/4, para. 10.
- 52 Press release, “Special Rapporteur on violence against women finalizes country mission to Sudan and calls for more open and constructive dialogues on violence against women, its causes and consequences”, 24 May 2015.
- 53 Ibid.
- 54 See CERD/C/SDN/CO/12-16, para. 6.
- 55 See CCPR/C/SDN/CO/4, para. 20.
- 56 See CERD/C/SDN/CO/12-16, para. 19.
- 57 See CCPR/C/SDN/CO/4, para. 25.
- 58 Ibid., paras. 14 and 15, and A/HRC/30/60, paras. 57 and 74 (g).
- 59 See CCPR/C/SDN/CO/4, paras. 14 and 15.
- 60 See CERD/C/SDN/CO/12-16, para. 8.
- 61 See A/HRC/30/60, paras. 37, 42 and 49-52. See also Security Council resolution 2265 (2016).
- 62 See A/HRC/27/69, paras. 61, 64 and 81 (j). See also Security Council resolution 2265 (2016).
- 63 See Council resolution 27/29.
- 64 See CERD/C/SDN/CO/12-16, para. 11.
- 65 See CCPR/C/SDN/CO/4, para. 8.
- 66 See CCPR/C/SDN/CO/4, para. 8, and joint report by the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and OHCHR, para. 115, and Security Council resolution 2265 (2016). See also joint UNAMID and OHCHR report, para. 115, as UNAMID recommended that the

Sudan grant unfettered and unimpeded access to all areas to human rights and humanitarian actors to ensure the effective protection of civilians.

⁶⁷ See A/HRC/27/69, paras. 27 and 28.

⁶⁸ See Council resolution 27/29 and A/HRC/27/69, para. 48.

⁶⁹ See CCPR/C/SDN/CO/4, para. 18.

⁷⁰ *Ibid.*, para. 22, and CERD/C/SDN/CO/12-16, para. 13.

⁷¹ See CERD/C/SDN/CO/12-16, para. 13.

⁷² See Council resolution 27/29 and A/HRC/27/69, paras. 32, 40, 41 and 81 (b).

⁷³ See A/HRC/27/69, paras. 40 and 81 (b).

⁷⁴ See CCPR/C/SDN/CO/4, para. 15.

⁷⁵ *Ibid.*, para. 8, and CERD/C/SDN/CO/12-16, para. 11.

⁷⁶ Press release, “Special Rapporteur on violence against women finalizes country mission to Sudan and calls for more open and constructive dialogues on violence against women, its causes and consequences”, 24 May 2015.

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*

⁷⁹ See A/HRC/30/60, paras. 43-45.

⁸⁰ Press release, “Special Rapporteur on violence against women finalizes country mission to Sudan and calls for more open and constructive dialogues on violence against women, its causes and consequences”, 24 May 2015.

⁸¹ *Ibid.*

⁸² See CERD/C/SDN/CO/12-16, para. 20.

⁸³ See CCPR/C/SDN/CO/4, para. 23.

⁸⁴ See UNESCO submission for the universal periodic review of the Sudan, paras. 39-40.

⁸⁵ See CCPR/C/SDN/CO/4, para. 13.

⁸⁶ *Ibid.*, para. 12.

⁸⁷ Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission for the universal periodic review of the Sudan, p. 1. See CCPR/C/SDN/CO/4, para. 24.

⁸⁸ See CCPR/C/SDN/CO/4, para. 19.

⁸⁹ See A/HRC/30/60, paras. 33, 54 and 74 (f) (i).

⁹⁰ See CCPR/C/SDN/CO/4, para. 8.

⁹¹ See joint UNAMID and OHCHR report, para. 39.

⁹² See Security Council resolution 2265 (2016), paras. 16, 21 and 24. See also press release, “Special Rapporteur on violence against women finalizes country mission to Sudan and calls for more open and constructive dialogues on violence against women, its causes and consequences”, 24 May 2015.

⁹³ See A/HRC/30/60, para. 30.

⁹⁴ See A/HRC/27/69, paras. 29 and 43.

⁹⁵ See Council resolution 27/29.

⁹⁶ See Council resolution 24/28.

⁹⁷ See UNESCO submission for the universal periodic review of the Sudan, paras. 42-44.

⁹⁸ See CCPR/C/SDN/CO/4, para. 21.

⁹⁹ See UNESCO submission for the universal periodic review of the Sudan, paras. 42-44.

¹⁰⁰ See A/HRC/30/60, para. 22.

¹⁰¹ See A/HRC/27/69, para. 55.

¹⁰² Press release, “Special Rapporteur on violence against women finalizes country mission to Sudan and calls for more open and constructive dialogues on violence against women, its causes and consequences”, 24 May 2015. See also A/HRC/30/27, p. 12 (several special procedure mandate holders sent a communication regarding the alleged deregistration of 14 associations in Sudan for contravening the Law on Cultural Groups of 1996 regulating associations).

¹⁰³ See A/HRC/30/60, para. 17.

¹⁰⁴ See A/HRC/28/63/Add.1, paras. 66-68.

¹⁰⁵ *Ibid.*, paras. 69.

¹⁰⁶ See A/HRC/30/60, paras. 46-48.

¹⁰⁷ See E/C.12/SDN/CO/2, para. 31.

¹⁰⁸ *Ibid.*, para. 17.

¹⁰⁹ *Ibid.*, para. 11.

- ¹¹⁰ See A/HRC/23/44/Add.2, para. 7.
- ¹¹¹ See A/HRC/27/69, para. 72.
- ¹¹² *Ibid.*, paras. 70 and 81 (n) and 84 (d).
- ¹¹³ See UNESCO submission for the universal periodic review of the Sudan, para. 40.
- ¹¹⁴ See CERD/C/SDN/CO/12-16, para. 14.
- ¹¹⁵ *Ibid.*, para. 18.
- ¹¹⁶ *Ibid.*, para. 9.
- ¹¹⁷ *Ibid.*, para. 21.
- ¹¹⁸ See CCPR/C/SDN/CO/4, para. 23.
- ¹¹⁹ See CERD/C/SDN/CO/12-16, para. 20.
- ¹²⁰ See CCPR/C/SDN/CO/4, para. 9.
- ¹²¹ See CERD/C/SDN/CO/12-16, para. 10.
- ¹²² See E/C.12/SDN/CO/2, para. 24.
- ¹²³ See A/HRC/30/60, para. 74 (l). See also Security Council Resolution 2265 (2016).
- ¹²⁴ See A/HRC/27/69, para. 62.
- ¹²⁵ See CCPR/C/SDN/CO/4, para. 9.
- ¹²⁶ See A/HRC/23/44/Add.2, para. 62.
- ¹²⁷ *Ibid.*, para. 65 (a).
- ¹²⁸ *Ibid.*, para. 65 (b).
- ¹²⁹ *Ibid.*, para. 65 (e).
- ¹³⁰ *Ibid.*, para. 65 (f).
- ¹³¹ *Ibid.*, para. 60.
- ¹³² *Ibid.*, para. 65 (r).
- ¹³³ *Ibid.*, para. 30.
- ¹³⁴ See CERD/C/SDN/CO/12-16, para. 10.
- ¹³⁵ See A/HRC/23/44/Add.2, para. 65 (i) and (j). See also Security Council Resolution 2265 (2016).
- ¹³⁶ See A/HRC/23/44/Add.2, para. 38.
- ¹³⁷ Press release, “Special Rapporteur on violence against women finalizes country mission to Sudan and calls for more open and constructive dialogues on violence against women, its causes and consequences”, 24 May 2015.
- ¹³⁸ See Council resolution 27/29.
- ¹³⁹ See CERD/C/SDN/CO/12-16, para. 21.
- ¹⁴⁰ See A/HRC/23/44/Add.2, para. 10.
- ¹⁴¹ See A/HRC/27/69, para. 81 (g).
- ¹⁴² Press statement, “Preliminary observations and recommendations of the UN Special Rapporteur on the negative impacts of unilateral coercive measures on the enjoyment of human rights”, 30 November 2015. Available at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16824&LangID=E.
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