



# COUNTRY SITUATION

FEBRUARY 2018

## SUDAN

### ANALYSIS OF THE SITUATION

#### A. General situation

Sudan is a country in Eastern Africa, bordered by Egypt to the north, the Red Sea, Eritrea and Ethiopia to the east, South Sudan to the south, the Central African Republic to the southwest, Chad to the west and Libya to the northwest. It is the third largest country in Africa.

Based on the 2010 Sudan Household Health Survey, Sudan's population, after the secession of the South is estimated at 30.5 million, of which half are children, with 4.5 million of them aged under five years. Conflict, chronic underdevelopment and even the climate have had a toll on the country's children. Moreover, the notion of children as right-holders and an important target group for development policies and programmes is very limited. The country has weak protection systems and mechanisms.

Furthermore, it was recently estimated that 247,000 South Sudanese children lived in refugee camps in Sudan, and that of the two million displaced in Darfur, 1.2 million were children. Other serious issues of concern are child birth registration, violence against children, as well as poverty. Child protection services in Sudan are focused more on response than prevention. The Federal *Child Act 2010* (see below) includes several provisions on rights but there is not a clear mechanism of accountability when denial of these rights occurs.

#### Sources:

- Wikipedia, Sudan, <https://en.wikipedia.org/wiki/Sudan>;
- UNICEF Sudan, <https://www.unicef.org/sudan/>;

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- UNICEF Sudan’s Child Protection Programme, [https://www.unicef.org/infobycountry/files/Unicef\\_Sudan\\_CHILD\\_PROTECTION\\_PROGRAMME\\_FINAL\\_\(032016\).pdf](https://www.unicef.org/infobycountry/files/Unicef_Sudan_CHILD_PROTECTION_PROGRAMME_FINAL_(032016).pdf).

## B. Situation of children deprived of parental care and alternative care

### Prevention of family separation

The *Child Act 2010* establishes that the primary responsibility for the care of the child relies on the parents, but that the State shall endeavour to provide appropriate assistance to the family (Art. 5.2.m). Furthermore, in June 2011, the National Council for Child Welfare (NCCW) approved the National Policy on Welfare and Protection of Children Deprived of Parental Care (hereinafter, ‘National Policy’), which includes a description of the obligations and duties of the various actors involved in this field, including the Ministry of Social Welfare, Women and Child Affairs, the National Council for Child Welfare and State Councils, the Ministry of Health, the Ministry of General Education, the Family and Child Protection Units (FCPUs), the State Ministries of Social Affairs, the localities and civil society organisations.

According to a report of Hope and Homes for Children Sudan (HHC Sudan), ‘[t]he policy establishes four pillars of the Sudanese approach to children deprived of parental care: 1. **awareness-raising to avoid child abandonment** and illegal pregnancy; 2. **prevention of separation** and where separation happens, prioritising reunification (...); 3. **Permanent Alternative Families**; 4. **Emergency Alternative Families** (...)’. Indeed, the National Policy states that ‘[f]amily is the natural environment for the growth of children and their protection and care. Therefore, efforts of probation officers, social workers and Family and Child Protection Units (FCPUs) should aim at preventing separation of children from their mothers and protect them from being killed or abandoned alive. In case the child is abandoned, efforts should be made to return the child to his or her family to live under the wings of his or her parents to the possible extent or under the wings of an extended family. Before taking the decision of reintegration or prevention of separation, the capacity of the parents or the family to provide care or protection to the child should be assessed. Such a decision should be taken by a competent body. The process of prevention of separation and reintegration should include provision of religious and psychological counseling as well as direct technical and in kind support to the family to restore its balance and keep its child’ (p. 10 of the National Policy).

As mentioned by HHC Sudan, there is a clear need to communicate the message that abandoned children are innocent and need to be supported, as well as their mothers. Indeed, this is necessary in order to overcome society’s opinion, discrimination and subsequent stigma in relation to children born out of wedlock.

### Alternative care

In accordance with Art. 25 of the *Child Act 2010*, alternative care must be provided to children in difficult family circumstances, which hinder their upbringing or return to their natural family. In this case, alternative care may be provided in the following forms :

- with relatives of the father or mother (**kinship care**);
- with maintenance/alternative/sponsor families, in accordance with Sharia Law (**Kafalah**) or adoptive families, in accordance with the Non-Muslims Personal Status Act (**adoption**);
- in care homes (**residential care**).

When deciding any alternative care option, due regard shall be placed on the child’s religious, ethnic, cultural and linguistic background, and continuity of the latter in accordance with his or her beliefs.

As highlighted by HHC Sudan, ‘with support from UNICEF, the Government established an Alternative Family Care Task Force in 2002 whose members were the Khartoum State Ministry of Social Affairs, the Khartoum Council for Child Welfare, Médecins Sans Frontières (MSF) and Hope and Homes for Children (HHC). The Task Force commissioned a study group to conduct field research (...). The most significant finding was the conformity of Sudanese culture with the family-based care for children. Of particular significance was the Sudanese familiarity with *Kafalah* as a permanent family-based solution akin to adoption and the high rate of success it had across all economic groups’. To care for abandoned children and place them with alternative permanent families, UNICEF has worked with the Government of Sudan to implement *Kafalah* measures (see below), which has resulted in securing homes for more than 3,000 abandoned children.



Furthermore, the above-mentioned report highlights that the '[Child Act 2010] placed a new emphasis on the family unit as the primary source of care for abandoned children – a significant change from previous legislation which promoted institutional care'.

### Residential care

In accordance with Art. 26 of the Child Act 2010, care homes for children without family care shall be established. However, the National Policy states that 'the objective of an integrated institutional care is to pave the way for the integration of children deprived of parental care into sponsor families in a manner that ensures them a dignified natural life. (...) Sheltering in a care home is temporary because the upbringing of an abandoned child under the wings of a natural family is the ideal solution that realises the child's best interest. In accordance with religious teachings and international conventions of child rights, abandoned children should enjoy sheltering and care in a manner that ensures protection' (pp. 11-12 of the National Policy).

In this regard, the National Policy also explains that 'the most important [care home] is Maygouma Care Home, which was established in 1961. Maygouma Care Home receives abandoned children of one day to four years of age from across the country. This home functions along with other two homes: the Protection Home (for male children) and the Future Home (for female children). Both receive children of ages ranging between 4 – 21 years. There are other small Homes in some states such as Gezira, Red Sea and River Nile' (p. 8). Furthermore, as explained by HHC Sudan, 'the Maygouma (...) was designed to take care of a maximum of 80 babies and generally had a population of about 40 at any one time'. As part of the National Policy development, the Islamic *Fiqh* Council issued an opinion, which clearly recommended that '[t]he state should directly supervise these care homes and they should not be placed under the management of foreign organisations. It is the duty of the state to care for and protect these children because they are part of its subjects'.

### Family-type care (permanent and temporary)

The *Child Act 2010* establishes the term 'maintenance family', which means a substitute or sponsor family, which assumes the provision of spiritual, social, psychological, and health care of a child, whose circumstances prevent his or her upbringing in his or her natural family (Art. 4). Furthermore, the National Policy states that '[o]fficial efforts (...) give **priority to sponsorship of abandoned children by foster families**', in accordance with the four pillars mentioned above (awareness-raising as to abandonment; prevention of family separation and promotion of reintegration; permanent family care; and temporary/emergency family care) (pp. 8-9 of the National Policy). Indeed, as explained by HHC Sudan, 'in Sudan, the existence of cooperation and dialogue between different actors, including the Government, religious authorities and civil society, has resulted in the principle of *Kafalah* being applied in a progressive way.

According to the National Policy (p. 11 of the National Policy), two types of alternative care in the form of foster care are possible:

- a **permanent foster family** (*kafalah*) (see Section C) may shelter one child or more and fulfill their emotional, family and social needs. Brothers and twins should not be separated. A permanent family should be selected in accordance with conditions and criteria that are more comprehensive than those required for selecting an emergency foster family. HHC Sudan, working with the Task Force, helped the Khartoum State Government and local imams to develop a set of procedures and regulations around the placement of children in these families, overcoming the obstacles to providing a permanent care solution for children in this context';
- an **emergency foster family** (foster care) provides temporary residence until a permanent alternative is found; the child should stay with the emergency family for the shortest possible period during which search will continue for a permanent foster family. Such families are selected in accordance with specific conditions and criteria.

In order to qualify as an **emergency foster family**, the applicants must comply with (1) legal eligibility conditions (age and maturity); (2) financial capability; (3) the location of residence of the family applying for custody/care should be within the boundaries of the Locality or State where the abandoned child is found; (4) the application should be submitted in the name of the alternative mother; (5) the applicant should be Sudanese; (6) the alternative mother should not be less than 28 years of age and not more than 55 years; (7) the woman's guardian must consent and the



guardian should personally appear before the competent bodies to verbally express his consent (in the event of an absence of a guardian, the authorities may resort to public guardianship); (8) the environment in the residence of the alternative mother should be suitable for care for the child; (9) the applicant should be free of any diseases that may hamper care for the child; (10) the applicant should be of good conduct; and (11) the age of the youngest child of the applicant should be 24 months.

The child is monitored while in the emergency family in health, psychological and social aspects by way of weekly visits undertaken by probation officers. Furthermore, the state grants the emergency foster family a reasonable monthly allowance; indeed, each Emergency Alternative Family is paid a regular sum each month and health insurance is provided for all children in the family. School fees are also paid for by the State.

It appears that, in addition to governmental efforts to promote and develop emergency foster care, there are some voluntary efforts made by sponsor families in several states.

### Comments by the ISS/IRC

It is welcome that the legislation in force and the National Policy clearly establish that residential care is a transitional option, of last resort, and that priority shall be given to family-type solutions. It is equally positive that, in response to the latter, important efforts have been undertaken by the government, jointly with civil society, in particular Hope and Homes for Children, to develop and strengthen these family-type forms of care, whether temporary or permanent.

Indeed, as will be further detailed below, emergency and permanent foster families have been emerging over the past decade, and have become a genuine option for children deprived of parental care. This promising practice, which takes into account the cultural and religious context of Sudan, offers a system, in which children are placed with families, either temporarily or permanently.

These efforts are positive, and it is important that the State continues to strengthen this system, providing it with the needed human and financial resources, specific legislation and policies, in order to expand it across the country, always in accordance with local culture, religion and social circumstances.

#### Sources:

- Child Act 2010;
- National Policy on Welfare and Protection of Children Deprived of Parental Care;
- Hope and Homes for Children. *Looking Back, Looking Forward. Celebrating 10 years of transforming Sudan's Child Protection System. An innovative model of alternatives to institutional care in Khartoum.* Available at: <https://bettercarenetwork.org/sites/default/files/Looking%20Back%20Looking%20Forward%20Report%20HHC257.pdf>;
- Hope and Homes for Children. *Transforming care for babies in Sudan. A replicable model*;
- Hope and Homes for Children. *Establishing a pathway to permanency for children in Sudan.*

### C. Kafalah (Permanent Alternative Family)

The following section of the Country Situation focuses on permanent foster care placement, i.e. *kafalah*, which can take place at the national level (via an established procedure) and at the international level (via diplomatic channels).

ASPECTS	INFORMATION
COMPETENT AUTHORITY	<b>National kafalah:</b> The formal process undertaken varies from State to State within Sudan. In Khartoum, the movement of a child to a Permanent Alternative Family must be approved by both, the <b>Director General of the Ministry of Social Protection</b> and the <b>Children's Prosecution Attorney Bureau at the Ministry of Justice</b> . In others States, the move is signed off by the <b>Director General of the Ministry of Social Affairs</b> and a judge from the <b>Children's Court</b> .



	<p><b>Intercountry-kafalah:</b> there appears to be a possibility for intercountry <i>kafalah</i> placements, as the National Policy states, in its Annex 3, that procedures for custody of mothers residing outside Sudan should be initiated at the <b>Sudanese Embassy</b> in the country of their residence and necessary measures should be taken to ensure the protection of the child by the host country in the case of a foreign husband.</p> <p>Sources: National Policy on Welfare and Protection of Children Deprived of Parental Care; HHC Sudan.</p>
<p><b>PRINCIPLE OF SUBSIDIARITY</b></p>	<p>Each child’s situation is carefully examined and every effort is made to first trace the child’s family and reunite them where this is possible and in their best interests. In every case the decision to permanently place a child in an alternative family is approved at a very high level and in consideration of the possible effects on their rights regarding identity and contact with their biological family.</p>
<p><b>CHILD ELIGIBLE FOR KAFALAH</b></p>	<p><i>Kafalah</i> only applies to <b>children, whose parents have died</b>. However, in February 2006, a <i>fatwa</i> was issued in Sudan by the Fatwa Council – the highest religious body in Sudan – which fundamentally changed the way in which society viewed abandoned babies. The 2006 <i>fatwa</i> set out that the principle of <i>Kafalah</i> can be extended to <b>children, who have been abandoned at birth and whose birth parents cannot be found</b>. This provision made family-based care and, most importantly, long-term family care available for children in Sudan. The place where the abandoned child is found shall be evidence of the child’s religion and every child lost in Islamic cities shall be considered a Muslim.</p> <p>Source: HHC Sudan, <i>Looking Back, Looking Forward. Celebrating 10 years of transforming Sudan’s Child Protection System. An innovative model of alternatives to institutional care in Khartoum</i>; National Policy on Welfare and Protection of Children Deprived of Parental Care</p>
<p><b>POTENTIAL KAFIL PARENTS</b></p>	<p>Annex 3 of the National Policy on Welfare and Protection of Children Deprived of Parental Care sets out the requirements for permanent foster families:</p> <ul style="list-style-type: none"> <li>▪ ability;</li> <li>▪ the location of residence of the family should be within the boundaries of the Locality or State where the abandoned child is found;</li> <li>▪ the application should be made in the name of the alternative mother;</li> <li>▪ the applicant should be a Sudanese woman; in the event of a foreign wife, the application should be made in the name of the husband provided the consent of the wife is secured;</li> <li>▪ an unmarried man is not allowed to apply for custody;</li> <li>▪ the age of the alternative mother should not be less than 28 years and not exceed 55 years;</li> <li>▪ the consent of the guardian (the guardian should personally appear before the competent bodies to verbally express his consent); in the event of absence of guardian, authorities may resort to public guardianship;</li> <li>▪ the environment in the residence of the alternative mother should be suitable for care for the child;</li> <li>▪ the applicant should be free of any diseases that may hamper care for the child;</li> <li>▪ the applicant should be of good conduct;</li> <li>▪ the age of the youngest child of the applicant should be 24 months;</li> <li>▪ the foster family must accept the monitoring undertaken by the concerned bodies;</li> <li>▪ the foster mother must process the sponsorship personally and is not allowed to authorise another person for it.</li> </ul> <p>Source: National Policy on Welfare and Protection of Children Deprived of Parental Care.</p>
<p><b>DOCUMENTS</b></p>	<p>The <b>documents</b> to be submitted are: the written consent from the guardian, attested by the competent authorities; the IDs of the guardian and of the applicant (foster mother); the marriage contract, voucher of divorce, husband’s death certificate as appropriate; a certificate of medical fitness; the birth certificate or assessment of age certificate; a recent residence certificate issued</p>



	<p>by competent bodies in the residential area; a recent certificate of good conduct issued by competent bodies in the residential area; and a criminal record certificate (antecedence).</p> <p><i>Source: HHC Sudan, Looking Back, Looking Forward. Celebrating 10 years of transforming Sudan’s Child Protection System. An innovative model of alternatives to institutional care in Khartoum; National Policy on Welfare and Protection of Children Deprived of Parental Care.</i></p>
<p><b>PROCEDURE</b></p>	<p><b>1) Completion of the application form</b>, which contains preliminary information about the applicant.</p> <p><b>2) Revision of applicant’s documents</b> (see below) and opening of a special file for the family.</p> <p><b>3) Assessment.</b> A visit to the applicant family is undertaken to assess their eligibility or otherwise through a questionnaire containing basic data including social, health and economic status of the family. According to HHC Sudan, ‘when a family makes enquiries to become an Alternative Family, a rigorous process is in place to select the applicants (detailed description is available at the SSI/CIR). The child’s best interests are at the forefront of this process and several meetings/visits take place with the Alternative Family before any child is placed. Families also undergo training during which they will learn best practice in caring for children as well as the trauma the baby may have experienced and its possible impact of this’.</p> <p><b>3) Follow-up.</b> The State retains the responsibility of monitoring the placement and intervene if it breaks down. Once a child is placed in an Alternative Family, safeguarding the child’s welfare is of primary concern. Regular visits take place, often unannounced, to verify that the child is being cared for appropriately and to assess the family for further support if needed. With regards to permanent alternative families, the child’s protection will be monitored weekly and then monthly, followed by once every three months and then once every six months; the frequency of the visits will be reduced to every 12 months but continue until the child reaches 18 years.</p> <p><i>Sources: HHC Sudan, Looking Back, Looking Forward. Celebrating 10 years of transforming Sudan’s Child Protection System. An innovative model of alternatives to institutional care in Khartoum; National Policy on Welfare and Protection of Children Deprived of Parental Care.</i></p>
<p><b>LEGAL EFFECTS</b></p>	<p><b>Responsibility of the family:</b> A Permanent Alternative Family is financially responsible for the child and takes responsibility for most of the day-to-day decisions affecting him or her. The State retains the responsibility to monitor the placement and intervene if it breaks down.</p> <p><b>Parentage:</b> Because of the importance afforded to blood ties in Islamic teaching and society, biological ties cannot be severed by a legal process in the same way as is the case in adoption, and it is therefore not permissible for a Muslim to give his lineage to a person not part of him. However, in Sudan, Permanent Alternative Families are considered to be permanent arrangements, and children remain a part of the family beyond the age of 18.</p> <p><b>Name:</b> As recognised in the National Policy, a Muslim is not allowed to give his name to a child that is not lawfully his own child.</p> <p><b>Inheritance:</b> Reasons for inheritance are well defined in Islam, and an abandoned child shall have no right to inheritance due to lack of legal grounds that makes it a duty. According to HHC Sudan, ‘a child cared for under <i>Kafalah</i> has no automatic right to inheritance, which is decided under Islamic teaching by a strict formula governing how an estate will be divided among blood relatives. Under Islamic teaching however, an individual can make a will according to which a maximum of 30% of their estate can be inherited by a person or persons of their choosing. Hope and Homes for Children in its training has encouraged social workers to counsel Permanent Alternative Families to make such a will, naming the adoptive child as beneficiary of up to the maximum 30% of the estate’.</p>



	<i>Sources: HHC Sudan, Looking Back, Looking Forward. Celebrating 10 years of transforming Sudan's Child Protection System. An innovative model of alternatives to institutional care in Khartoum; National Policy on Welfare and Protection of Children Deprived of Parental Care.</i>
<b>REVOCAION</b>	Provision is made for a child to be returned to his or her mother from a Permanent Alternative Family if she is found and comes forward to claim the child, and if it is in the child's best interest.
<b>KAFALAH BREAKDOWNS</b>	In case of failure of the child's union with his kafile mother or extended family, the mother and the family must be involved to find a better solution for the child with the participation of the psychiatrists and to determine the need the child concerned.
<b>IDENTITY AND ACCESS TO ORIGINS</b>	Best practice in adoption shows the importance of maintaining the child's identity and knowledge of his or her birth family and history – a principle which is mirrored under <i>Kafalah</i> . Permanent Alternative Families therefore provide a progressive approach to a long-term stable solution for children.  <i>Sources: HHC Sudan, Looking Back, Looking Forward. Celebrating 10 years of transforming Sudan's Child Protection System. An innovative model of alternatives to institutional care in Khartoum; National Policy on Welfare and Protection of Children Deprived of Parental Care.</i>
<b>STATISTICS</b>	According to UNICEF's Annual Report for 2015, through the Alternative Care Programme of the Ministry of Social Welfare, 791 children (514 boys, 277 girls) were placed in foster family care/ <i>Kafalah</i> .  <i>Source: UNICEF Sudan, Annual Report 2015, <a href="https://www.unicef.org/sudan/UNICEF_Sudan_Annual_Report_2015.pdf">https://www.unicef.org/sudan/UNICEF_Sudan_Annual_Report_2015.pdf</a>.</i>

### Comments by the ISS/IRC

As mentioned above, the establishment of permanent foster care which takes into account Sudan's legal, cultural and religious framework, is a very important step forward in ensuring family-type care for children separated from their families. Indeed, the country has strengthened its family-based care system, which is now recognized and widespread. It provides a framework with clear procedures including the respect of the subsidiarity principle, post placement support, professional intervention in case of failure, etc.

However, some aspects of the process need to be further developed in order to ensure that there are sufficient safeguards in place for children in care. Further information on the exact *matching* process would be needed: how is the family selected for a specific child? By whom is this decision taken (e.g multidisciplinary team)? Furthermore, the law remains silent on the consents of birth parents, the child and the kafil parents as well as on the protection of the child once he/she reaches majority?

It would be particularly important to frame cross border foster care placements, in case of a Sudanese child is placed with a family residing abroad, as mentioned in Annex 3 of the National Policy. In order to better regulate this type of intercountry placement while respecting the rights of the child, the ratification of the 1996 Hague Convention should be considered, as it provides for a cooperation and communication mechanism between the administrative and judicial authorities involved.

#### Sources:

- National Policy on Welfare and Protection of Children Deprived of Parental Care;
- Hope and Homes for Children. *Looking Back, Looking Forward. Celebrating 10 years of transforming Sudan's Child Protection System. An innovative model of alternatives to institutional care in Khartoum.* Available at: <https://bettercarenetwork.org/sites/default/files/Looking%20Back%20Looking%20Forward%20Report%20HHC257.pdf>
- UNICEF Sudan, *Annual Report 2015*, [https://www.unicef.org/sudan/UNICEF\\_Sudan\\_Annual\\_Report\\_2015.pdf](https://www.unicef.org/sudan/UNICEF_Sudan_Annual_Report_2015.pdf).



## D. Adoption

**Adoption is prohibited in Islam**, whether for a child of known or unknown lineage, as it is not permissible for a Muslim to give his lineage to a person not part of him. However, it appears that **adoption may be allowed for non-Muslim children in Sudan**, given the *Child Act 2010* mentions that the latter may occur in accordance with the *Non-Muslims Personal Status Act*.

Sources: 'Religious opinion about children deprived of parental care', by Shaikh Ibrahim Ahmed Al Shaikh Al Dareer; in: National Policy on Welfare and Protection of Children Deprived of Parental Care; and US Department of State.

### Comments by the ISS/IRC

If the *Non-Muslims Personal Status Act* of Sudan does indeed allow for adoption to occur in the case of non-Muslim children and families, and that this may, in addition, occur as an intercountry placement, then it is very important that the procedure be established clearly. These legal developments should ensure compliance with international principles and safeguards relating to adoption, such as in particular the Convention on the rights of the child or the 1993 Hague Convention.

#### Sources:

- Religious opinion about children deprived of parental care', by Shaikh Ibrahim Ahmed Al Shaikh Al Dareer; in: National Policy on Welfare and Protection of Children Deprived of Parental Care;
- US Department of State.

## LEGISLATION

### A. International instruments

INTERNATIONAL INSTRUMENTS	Signature (S) / Ratification (R) / Accession (A) / Entry into force (F)	Web access
Convention on the Rights of the Child (1989)	3 August 1990 (R) 24 July 1990 (S)	<a href="https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&amp;mtds_g_no=IV-11&amp;chapter=4&amp;clang=_en">https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&amp;mtds_g_no=IV-11&amp;chapter=4&amp;clang=_en</a>
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	2 November 2004 (A)	<a href="https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&amp;mtds_g_no=IV-11-c&amp;chapter=4&amp;clang=_en">https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&amp;mtds_g_no=IV-11-c&amp;chapter=4&amp;clang=_en</a>
Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993)	-	<a href="https://www.hcch.net/en/instruments/conventions/status-table/?cid=69">https://www.hcch.net/en/instruments/conventions/status-table/?cid=69</a>
Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children (1996)	-	<a href="https://www.hcch.net/en/instruments/conventions/status-table/?cid=70">https://www.hcch.net/en/instruments/conventions/status-table/?cid=70</a>





## B. Regional instruments

REGIONAL INSTRUMENTS	Signature (S) / Ratification (R) / Accession (A) / Entry into force (F)	Web access
African Charter on the Rights and Welfare of the Child (1990)	-	<a href="http://www.achpr.org/instruments/child/ratification/">http://www.achpr.org/instruments/child/ratification/</a>

## C. Domestic legislation

LAWS/REGULATIONS	WEB ACCESS
Child Act 2010	<a href="http://www.africanchildforum.org/clr/Legislation%20Per%20Country/Sudan/sudan_children_2010_en.pdf">http://www.africanchildforum.org/clr/Legislation%20Per%20Country/Sudan/sudan_children_2010_en.pdf</a>
National Policy on Welfare and Protection of Children Deprived of Parental Care (2011)	Available at the ISS/IRC.

## ACTORS

**National kafalah:** The formal process undertaken varies from State to State within Sudan. In Khartoum, the movement of a child to a Permanent Alternative Family must be approved by both, the **Director General of the Ministry of Social Protection** and the **Children’s Prosecution Attorney Bureau at the Ministry of Justice**. In others States, the move is signed off by the **Director General of the Ministry of Social Affairs** and a judge from the **Children’s Court**.

**Intercountry-kafalah:** there appears to be a possibility for intercountry *kafalah* placements, as the National Policy states, in its Annex 3, that procedures for custody of mothers residing outside Sudan should be initiated at the **Sudanese Embassy** in the country of their residence and necessary measures should be taken to ensure the protection of the child by the host country in the case of a foreign husband.

Sources: National Policy on Welfare and Protection of Children Deprived of Parental Care; HHC Sudan.

## APPENDICES

### A. Documents in the framework of the country’s review by the Committee on the Rights of the Child

#### Convention on the Rights of the Child

- Concluding Observations: Sudan, CRC/C/SDN/CO/3-4, 22 October 2010
- Third and Fourth Periodic Report: Sudan, CRC/C/SDN/3-4, 24 February 2010
- Reply to list of issues: Sudan, CRC/C/SDN/Q/3-4/Add.1, 31 August 2010

#### Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

- Concluding Observations: Sudan, CRC/C/OPSC/SDN/CO/1, 21 June 2007
- Initial Report: Sudan, CRC/C/OPSC/SDN/1, 8 November 2006
- Reply to list of issues: Sudan, CRC/C/OPSC/SDN/Q/1, 22 February 2007



*Source:* Documents (as well as those of former sessions) available at: Committee on the Rights of the Child, [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SDN&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SDN&Lang=EN).

## B. Alternative reports submitted to the Committee on the Rights of the Child

### Convention on the Rights of the Child

- *Briefing*, Global Initiative to End All Corporal Punishment of Children, 2010, [http://www.crin.org/docs/Sudan\\_GI\\_CRC\\_NGO\\_Report.doc](http://www.crin.org/docs/Sudan_GI_CRC_NGO_Report.doc)
- *Recommendations*, Child Helpline International, 2010, [http://www.crin.org/docs/Sudan\\_CHI\\_CRC\\_NGO\\_Report.pdf](http://www.crin.org/docs/Sudan_CHI_CRC_NGO_Report.pdf)

### Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

- *Remarks of the NGOs*, Friends of Children Society (AMAL), 2006, [http://www.crin.org/docs/Sudan\\_OPSC\\_Amal\\_NGO\\_Report.doc](http://www.crin.org/docs/Sudan_OPSC_Amal_NGO_Report.doc)

*Source:* Available at: Child Rights International Network: <https://www.crin.org/en/custom-search?open=yes>.

## C. Other sources of information

- ❖ **UNICEF Sudan**  
<https://www.unicef.org/sudan/>  
Information on the situation of children in the country.
- ❖ **Hope and Homes for Children**  
<http://www.hopeandhomes.org/poi/sudan/>  
Information on the situation of children and alternative care in the country.
- ❖ **US Department of State (USA)**  
<https://travel.state.gov/content/travel/en/Intercountry-Adoption/Intercountry-Adoption-Country-Information/Sudan.html>  
Information on adoption in the country.

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