

Child Rights

UNICEF calls upon the Government of Sudan to include the guiding principles and fundamental child rights of the Convention on the Rights of the Child in the new constitution.

The Convention on the Rights of the Child and the Child Act (2010) of the Republic of Sudan defines children as every human being below the age of 18 years.

Reform of the Constitution should include the insertion of the guiding principles of the CRC and recognition of survival and development rights, protection rights and participation rights.

Guiding principles: The guiding principles of the Convention include non-discrimination; adherence to the best interests of the child; the right to life, survival and development; and the right to participation. They represent the underlying requirements for any and all rights to be realized.

Quick Facts

When ratifying the Convention and Optional Protocols, a State accepts an obligation to respect, protect, promote and fulfil the enumerated rights—including by adopting or changing laws and policies that implement the Convention places equal emphasis on all of the rights for children.

There is no such thing as a 'small' right and no hierarchy of human rights. These rights are indivisible and interrelated, with a focus on the child as a whole. Governmental decisions with regard to any one right must be made in the light of all the other rights in the Convention, provisions of the Convention or Protocol.

Survival and development rights: These are rights to the resources, skills and contributions necessary for the survival and full development of the child. They include rights to adequate food, shelter, clean water, formal education, primary health care, leisure and recreation, cultural

activities, and information about their rights. These rights require not only the existence of the means to fulfil the rights but also access to them. Specific articles address the needs of child refugees, children with disabilities and children of minority or indigenous groups.

Protection rights: These rights include protection from all forms of child abuse, neglect, exploitation and cruelty, including the right to special protection in times of war and protection from abuse in the criminal justice system.

Participation rights: Children are entitled to the freedom to express opinions and to have a say in matters affecting their social, economic, religious, cultural and political life. Participation rights include the right to express opinions and be heard, the right to information and

THE INTERIM NATIONAL CONSTITUTION OF THE REPUBLIC OF THE SUDAN, 2005

Article 32(5)

The state shall protect the rights of the child as provided in international and regional conventions ratified by the Sudan.

International Law:

Sudan ratified the Convention on the Rights of the Child (1990) and it's Optional Protocol on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2004) Sudan has also ratified the Optional Protocol to the Convention on the rights of the Child on Involvement of Children in Armed Conflict (2005).



freedom of association. Engaging these rights as they mature helps children bring about the realization of all their rights and prepares them for an active role in society.

Recommendations

Reforming the Constitution is a fundamental step in creating a Sudan where children are protected. The Constitution should make children's rights visible within the Constitution and reinforce Sudan's international and regional commitments. It should aim to fill gaps that currently exist in the constitutional protection of children's rights.

1. The Constitution should meet the standards set out in the Convention on the Rights of the Child.
2. The Constitution should adapt CRC principles and provisions to ensure that the highest standards of children's rights are incorporated into law. The enumeration of children's rights should not be construed as a denial of children's rights set out elsewhere.
3. Full incorporation of children's rights should take place at the constitutional level.
4. The Constitution should both mainstream children's rights and contain a dedicated children's rights provision with child-specific rights.
5. The Constitution should include both socio-economic and civil and political rights.
6. The Constitution should make all children's rights justiciable.
7. The Constitution should place positive obligations on public authorities to prioritise the rights of children when taking decisions, including budgetary pronouncements.
8. A comprehensive and effective review procedure should be established to ensure that the protection and promotion of children's rights is a continuous and comprehensive process.
9. The Constitution should contain a meaningful system to ensure that all law and policy is compliant with the children's rights principles and provisions in the latter.
10. The Constitution should contain strong interpretive principles compelling those charged with reading its provisions to take children's rights into account.

UNICEF's mandate and activities in the field of child rights

UNICEF's mission is to advocate for the protection of children's rights, to help meet their basic needs and to expand their opportunities to reach their full potential. UNICEF is guided in doing this by the provisions and principles of the Convention on the Rights of the Child. UNICEF is providing technical and financial assistance to the Government of the Republic of Sudan on a number of issues related to the implementation of the CRC. UNICEF will be welcoming a request to provide legal and technical expertise on integrating Child Rights in the Constitution.