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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Maarij Foundation for Peace and Development (MFPD), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 August 2011]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The international conventions and their impacts on national laws, religions and beliefs

The conventions after ratification become binding and the signing states are committed to implement their provisions as it is considered as international law and the signing states are obligated to reset their laws and legislations on different levels. It is well-known that many of these conventions are violating religions and beliefs of many states and hence violating the United Nations convention that calls for considering the religions and beliefs of states while forming such conventions. So, it is justified when many states refuse to sign some conventions which tackle such important issues not because they do not like to cooperate with the international community but because such conventions in their recent forms constitute demolish of the religions and beliefs of such states.

To find conformity between all conventions approved by the international community and to secure privacy and respect to the religions and beliefs of people, Maarij Foundation for Peace and Development has participated in the workshop of the comprehensive rotational review about Sudan among the National Group for Human Rights which includes many groups of Sudanese civil society foundations on Thursday 28 July 2011, at Salam Rotana Hotel, Khartoum. The workshop discussed the recommendations that encourage Sudan to sign many international conventions.

Mr. Mohammed Bushara Dousa, Sudanese Minister of Justice, has participated in that workshop besides some representative of diplomatic missions, United Nations, heads of specialized committees of the National Assembly and States Council and number of media bodies and human rights activists.

One of the most controversial conventions that raised a lot of debate is (Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women) which has impacts on religions and beliefs of people and national laws.

The convention calls for absolute equality between men and women in all political, economic, cultural and civil respects concerning roles, rights or legislations. It considers any variation in such roles or legislations between men and women as discrimination against women, which is false and misleading as many states believe.

For example, the Islamic Sharia acknowledges the existence of explicit and real variations between men and women concerning life roles and functions. These variations are innate and unavoidable to populate the universe like: fulfillment of woman for her role as a mother, bringing up children, caring for family and house while man commits his roles inside the house like availing expenditures, protection, caring, consultation, ...etc. All these variations in roles and functions lead to variations in legislations like: inheritance, polygamy, marriage, divorce, guardianship on girls during marriage procedures and other legislations that keep stability of the family and protect the security and coherence of the community; but are considered as discrimination against women.

The reservations of the Islamic and Arab states were on articles: (2) which prohibits discrimination on the states constitutions; and article (7) concerned with political practice; and article (9) concerned with granting nationality for women; article (15) concerned with equality between men and women in legal capacity and rules of travel and residence; article (16) concerned with marriage and family rules; article (29) concerned with: in case of conflict in interpretation of the convention or its implementation between states parties should be raised to the international justice court. The logic of the reservations is that they contradict with Islamic Sharia and the national constitutions of these states.

There is also some accord and some reservations on the conventions:

- International Convention on the Elimination of All Forms of Racial Discrimination.
- The International Covenant on Civil and Political Rights.
- The International Covenant on Economic, Social and Cultural Rights.
- Convention on the Elimination of All Forms of Discrimination against Women.
- Convention against Torture and Other Cruel, Treatment or cruel, inhuman or degrading treatment.
- Rights of the Child Convention.
- International Convention for Protection of the Rights of all Migrant Workers and Members of their Families.
- International Convention for the Protection of All Persons from Enforced Disappearance.
- Convention on the Rights of Persons with Disabilities.
- Optional Protocol on the International Covenant on Civil and Political Rights.
- Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the Abolition of the Death Penalty.
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment.

The workshop recommends the following:

1. To establish machinery from the NGOs and the concerned state authorities to review the international conventions which are not ratified by Sudan.
2. To activate the international conventions which are not ratified by Sudan.
3. To activate the inactive international conventions that ratified by Sudan.
4. To let the concerned authorities to submit their rotational reports on time for the concerned international institutions.
5. To monitor the NGOs on the implementation of the international conventions.
6. To coordinate between the national NGOs in the rotational meetings of the human rights council and the comprehensive rotational review for states.
7. To prompt the state to sign and ratify the conventions which have not been ratified keeping its right to reserve what is not in agreement with the beliefs and traditions of people.
8. It is necessary to follow up the execution of the comprehensive rotational review recommendations in its subsequent stages; and to grant the execution of the recommendations agreed upon by states.
9. NGOs should endeavor to include all conventions, international convent in the new constitution to reformulate and improve human rights.

10. To perform the needed legal modifications in some laws like press law to grant freedom of opinion, press and information.
11. To facilitate flow of information, gaining information with reference to flexible laws that consider the public interest and keep the individual and institution rights in addition to enact rules that organize gaining information and privacy.
12. To open the door for open discussion on the coming constitution as it is the basic law and the social contract that regulates the relation between state and people.
13. To publish the legislative improvement which performed in the international conventions like Child Law 2010 that considered as even better than the international conventions and protocols?

To set the development targets especially that concerned with education, health, poverty, childhood and mother caring as main targets that all NGOs and the government endeavor to; whereas NGOs should be provided by the technical and the material support to achieve such targets.
