

United Nations Universal Periodic Review, 11th Session
Christian Solidarity Worldwide – Stakeholder Submission
SUDAN

INTRODUCTION

1. Christian Solidarity Worldwide (CSW), a human rights organisation specialising in religious freedom, wishes to highlight an escalation in human rights violations across Sudan. It also wishes to highlight the possibility of further escalation in the aftermath of the referenda of self-determination of Abyei and Southern Sudan, both scheduled for 9 January 2011¹.
2. The referenda raise particular concerns. The national elections of April 2010 were marred by human rights violations, including restrictions on freedom of opinion and expression and freedom of assembly, in northern Sudan particularly. There was also widespread intimidation, arbitrary arrests, and physical violence against election monitors and opponents of the ruling party. The current escalation in human rights violations suggests the advent of a situation of similar gravity as the plebiscite approaches. Of particular concern to CSW are the increasing infringement on the rights of Sudanese women and the potential for an increase in violations of freedom of religion or belief in the North after the referenda.

SCOPE OF INTERNATIONAL OBLIGATIONS

3. **Recommendation: That the State party ensures that domestic legislation, policy and practice is consistent with, and reflects its obligations under the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC) and other international human rights treaties to which it is party. The State party is also strongly urged to sign and ratify the Convention on the Elimination of All Forms of Discrimination against Women and to ratify the Convention against Torture and to issue a standing invitation to the Special Procedures of the Human Rights Council.**

RIGHT TO FREEDOM OF OPINION AND EXPRESSION

Northern Sudan

4. Following the April elections, the oppression of anti-government voices has increased: the National Intelligence and Security Services (NISS) have cracked down on opponents, activists, and journalists in Khartoum and northern states. Strict controls have been placed on the press, and between May and August 2010, NISS agents visited newspaper print houses on a daily basis, removing articles deemed to be sensitive. The NISS distributed a form to all newspapers requiring journalists to submit personal information including bank details and home addresses. A large number of newspapers were also closed down. Pre-print censorship was lifted on 7 August, but restrictions, requiring journalists to "defend the interest of the nation", still apply. These restrictions force newspapers to self-censor, out of fear of reprisal and punitive legal action. A journalist working for an opposition newspaper revealed that it is currently almost impossible to publish articles relating to human rights.
5. Websites have been blocked, whilst the BBC Arabic radio service was suspended in early August in Khartoum and three other major cities for having 'breached its agreement with the government'. In October, the government also refused to renew the license of Monte Carlo, the Arabic service of Radio France Internationale (RFI), to broadcast on local frequencies and provided no reason for this abrupt decision. Officials denied that it was politically motivated but the Arabic Network for Human Rights Information (ANHRI) believes that the Sudanese government intends to silence all media outlets that do not comply with their policies prior to the referendum. These actions amount to a clear contravention of Article 19 of the ICCPR.

¹ CSW's stakeholder submission has been compiled prior to this date

6. **Recommendation: The State party is urged to ensure freedom expression, and the freedom to seek, receive and impart information and ideas of all kinds and in all forms, regardless of frontiers, and in conformity with article 19 of the ICCPR.**

Southern Sudan

7. During the election campaign in March 2010, police officers forcibly entered two Juba-based radio stations, detaining staff on the grounds that one of the stations had broadcast an interview for an opposition candidate. The issue arose because the conduct and rights of journalists are not defined in the south's Interim Constitution or in any legislation specifically governing the media. The media immediately called for the government to pass "well defined" media legislation. However, this legislation is still backlogged in the Juba parliament. There are concerns that freedom of opinion and expression may be restricted in the continued absence of media legislation. As things stand, anything deemed offensive can potentially be declared in contravention of the law. For the referendum to be credible, it is important that campaigning can be done openly, without restrictions.
8. **Recommendation: The Government of South Sudan must ensure freedom of opinion and expression by ensuring the Juba parliament passes media legislation as a matter of urgency.**

STATUS OF WOMEN

Northern Sudan

9. Women are increasingly vulnerable. For example, on 1 August 2010, the Sudanese parliament called for the punishment of *Zina*² including the stoning to death of adulterers or those accused of having extra-marital affairs, and the promotion of early marriages and polygamy. At the same time, the parliament appealed for the removal of HIV/AIDS education from school curriculums. There are fears that such laws will have a particularly negative impact on women and girls in Sudan.
10. During 2009, numerous women were arrested, whipped and fined for contravening Public Order Laws in Khartoum on charges of "indecent dress", including Christian women supposedly not subject to Shari'ah law as stipulated in the Comprehensive Peace Agreement (CPA). In one case where a female minor was arrested and whipped for indecent dress, not only was there a serious breach of Sudan's legal obligations with respect of the CRC, but also several flagrant violations of domestic law occurred, namely, treatment of a minor, neglect to inform the minor's parents and no opportunity provided for appeal.
11. Both flogging and *Zina* punishments amount to violations of Article 7 of the ICCPR. In 1997 the concluding observations of the UN Human Rights Committee on Sudan in 1997 stated that stoning, amputation and flogging, all recognised as penalties for criminal offences under Sudanese law, are incompatible with the ICCPR, a point which was reiterated in the Human Rights Committee's 2007 report on Sudan³.
12. In addition, the encouragement of early marriages could amount to a violation of Sudan's obligations with respect of the CRC. The Committee on the Rights of the Child emphasised in 2010 that an "incorrect determination of childhood" throughout much of Sudan has "serious implications for the protection of children's rights, particularly in relation to juvenile justice and early marriage" and expressed concern for the "prevalence of the early and forced marriage of girls".⁴
13. **Recommendation: The State party is urged to ensure that state practice and legislation that impacts women and children reflects Sudan's obligations under international law, particularly**

² In Islamic jurisprudence, *zina* is the term used to describe premarital or extramarital sexual intercourse

³ Human Rights Committee, Concluding Observations: Sudan, 2007, CCPR/C/SDN/CO/3/CRP.1

⁴ Committee on the Rights of the Child, Concluding Observations: Sudan, 2010, CRC/C/SDN/CO/3-4

with regard to the rights of the child and the prohibition of torture and cruel, inhuman and degrading treatment. Further, that the State party's practice reflects a correct determination of childhood as per its obligations with respect of the CRC.

Southern Sudan

14. Women face the particular challenge of escalating gender-based violence (GBV). Officials at Rumbek hospital in Lakes State revealed that they are addressing an increasing number of GBV cases. While most women prefer dealing with cases of sexual and reproductive rights violations through customary law rather than in government courts, customary laws tend to favour men and to punish women in cases of rape. Female school attendance in Southern Sudan is low, with just over one quarter of girls in primary school. Young girls are often sent to cattle camps instead of the classroom where they have little protection from men. Many of the cases seen at the Rumbek hospital clinic involved girls aged 9-14. Worse still, bad roads and poverty often mean that the ability of girls and women to access treatment and medicine is very limited.
15. The physical abuse of women and children in the home has reportedly increased despite the stiff punishment being enforced by the judiciary in such cases. Domestic assaults are often justified by referring to traditional practice and customary law, and the lengthy civil war reinforced the hold of traditional practice that impact particularly negatively on women. Although South Sudan has signed many instruments to combat GBV, implementation remains problematic, partly due to the fact that women do not trust the police, and a cultural reticence to report rape, as was observed by the Human Rights Committee in 2007⁵. There is also a lack of clarity concerning the definition of rape in article 149 of the Criminal Act 1991, in particular its relation to the crimes of adultery or sodomy (article 145 and 148 of the Criminal Act respectively). As a result, a woman who alleges rape may face a prosecution for adultery, thereby undermining the right of women to complain about rape and contributing to impunity. In addition, Sudanese criminal laws do not recognise the offences of domestic rape, sexual harassment and female genital mutilation.
16. Forced marriages are also an increasing problem in South Sudan, in clear contravention of Article 23 of the ICCPR.
17. **Recommendation: The Government of South Sudan must be more proactive in discouraging traditional practices that impact negatively on women and girls. It should also increase efforts to raise awareness of, and educate the police and general public about GBV. In addition the Government of South Sudan should undertake to review its legislation, in particular articles 145 and 149 of the 1991 Criminal Code, so that women are no longer deterred from reporting rape.**

Darfur

18. Rape continues to be a problem in Internally Displaced Persons (IDP) camps with incidents most often occurring when women leave the IDP camps to collect firewood for cooking. Many incidents go unreported and for those women who do attempt to pursue justice, the high burden of proof makes it almost impossible for them to win their cases. Currently Sudanese legislation states that a woman needs four male witnesses to prove that this act was non-consensual. The evidentiary threshold has contributed to impunity, as a conviction can realistically only be secured where the perpetrator confesses to the crime. Referral mechanisms for victims of sexual assault have largely disappeared and all organisations that had significant medical response capability in this area were amongst those expelled. Furthermore, mental illness and particularly the trauma associated with rape and sexual violence are now completely taboo subjects among international humanitarians working in Darfur.
19. **Recommendation: The State party is urged to end impunity by taking robust action to punish perpetrators of rape. State laws governing rape must be brought into line with international standards as a matter of urgency. There is a particular need to reform article 149 of the 1991**

⁵ Human Rights Committee, Concluding Observations: Sudan, 2007, CCPR/C/SDN/CO/3/CRP.1

Criminal law so that rape is separated from adultery. Greater levels of protection are urgently required for female IDPs, along with post-trauma assistance in the aftermath of rape.

NON-DISCRIMINATION & FREEDOM OF RELIGION OR BELIEF

Northern Sudan

20. With regard to religious freedom, the Interim National Constitution recognises in Article 1 that Sudan is a “multi-religious” state and provides for religious freedom. In addition, the CPA stipulates that Shari’ah law will not be applicable in southern Sudan, and that Shari’ah punishments should no longer automatically apply to non-Muslims in Khartoum.
21. Despite these provisions, Christians in North Sudan are in an increasingly precarious situation. There are fears of a rapid rise in the social pressures against Christians in the event of secession, including discrimination in employment and education, as Shari’a law is likely to be applied to all people in north, with a concomitant limitation on religious freedom for non-Muslims due to the lifting of the restrictions imposed by the CPA. Christians in the North are already experiencing difficulties, and this will no doubt worsen following a vote for secession.
22. Fears for the safety of northern Christians was heightened by an assassination attempt on the Catholic Archbishop of Khartoum, Cardinal Zubeir Wako, during the Eucharistic celebration at the Comboni Playground in October, 2010. Some fear the attempt on the cardinal’s life was part of a campaign of intimidation against Christians in the run-up to the referendum.
23. Church property rights are also increasingly being violated in Khartoum. In early October, 2010, police evicted the staff of the Sudan Presbyterian Evangelical Church (SPEC) from its events and office site in the centre of the capital. The police were aiding a Muslim businessman, who did not have the documentation required by his contract to claim the land lawfully, in seizing the property by force. SPEC leaders say Muslims have taken over many other Christian properties through similar ploys.
24. There are also concerns that apostasy remains a statutory crime under the 1991 Penal Code. Punishing apostasy is an infringement of Article 18 of the ICCPR and specifically an individual’s right to adopt a religion or belief of his or her choice.
25. **Recommendation: The State party is urged to ensure that all of its citizens enjoy the rights guaranteed under the Sudanese Constitution and international covenants, with respect to ownership of property, education, and the right to life. In addition, the right for non-Muslims to be exempt from Shari’ah law should be more vigilantly upheld. The State party must ensure the enjoyment of freedom of religion or belief and that religious minorities do not face discrimination or repression during the post-referendum era. Finally the State party is urged to repeal its apostasy law, and to extend a standing invitation to the Special Rapporteur for Freedom of Religion or Belief.**

Southern Sudan

26. The Church in South Sudan has recently been the victim of attacks by the Lord’s Resistance Army (LRA). The LRA continues to devastate lives in Southern Sudan, mainly in Tombura-Yambio diocese, and neither the Sudan Peoples Liberation Force (SPLA), the Ugandan Peoples Defence forces (UPDF) nor the UN force, have managed to protect civilians. Christians have been specifically targeted on some occasions. On 14 August 2009 the LRA broke into a Catholic parish church in Ezo and abducted 27 Christians who were at prayers. Once in the forest the rebels crucified 17 of them on the ground with pieces of wood. Four days later the rebels attacked the Chapel of Nzara parish, caught twelve worshippers and nailed them to the ground in the form of a cross. Although there have been no repeat attacks in 2010, local Christians remain anxious.

27. **Recommendation: The State party is urged to work with international partners to end cross-border impunity including working with international organisations like the International Criminal Court. The State party should also work with international security forces to urgently devise strategies to provide villager and remote communities with adequate security and protection.**

RIGHTS OF INTERNALLY DISPLACED PERSONS

Darfur

28. The Northern government's "New Strategy for Darfur" was ratified in October and is a cause for much concern. The dominant refrain in this document is the redirection of the "humanitarian efforts towards rehabilitation and shifting from depending on the relief to development and self-reliance". This implies that the humanitarian crisis is over and that the humanitarian capacity can be shifted to development. This is dangerous because more humanitarian aid, rather than less, is currently required. Also of concern is the insistence on the "return" of displaced persons. The Government of Sudan has recently expelled from Darfur key officials of the UN High Commission for Refugees (UNHCR), the International Committee of the Red Cross (ICRC), and the intergovernmental International Organization for Migration (IOM). UNHCR and IOM had formal responsibility for providing true security to returning displaced persons and ensuring their returns are voluntary.
29. The humanitarian situation in Darfur remains critical, with more than 2.7 million people internally displaced. Reports from the ground, especially via Radio Dabanga, give an indication of the appalling suffering and destruction in the IDP camps during rainy season, which only ended in October 2010. Relief capacity has never recovered after Khartoum expelled thirteen humanitarian organisations in March 2009, and malnutrition has increased dramatically during the current "hunger gap". At the time they were expelled, these organisations provided roughly half the humanitarian aid in Darfur.
30. Huge areas are inaccessible to aid workers, either because of insecurity or because the Government of Sudan restricts access; the populous eastern Jebel Marra region, for example, has been without sufficient humanitarian relief since February 2010, as the government has been denying flight and road clearance to relief organisations. Recently there has been a near total ban on travel requests by humanitarian organisations even to areas in which no security threat existed and where there are strong indications of acute human suffering and privation. In June 2010 aid groups reported that security forces blocked flights and road trips in Darfur, stranding staff and stopping food deliveries.
31. Worryingly, the National Congress Party (NCP) has an effective veto over data and reports on humanitarian issues in Darfur: if disagreements arise over data or analysis these results are suppressed, even if critical to the planning and the allocation of humanitarian resources. Reports of a 'stabilised situation' are misleading considering the upswing in violence and civilian displacement since December 2009. Fighting between Khartoum and rebel forces has increased, with nearly 450 people killed in May, 2010, for example.
32. Over the 18 months to October 2010, armed groups kidnapped 24 aid workers for periods ranging from 2 to 147 days. Most recently, in the early evening hours of 7 October 2010, a UNAMID international civilian staff member was abducted from his accommodation in El Fasher, North Darfur. So far there has been no contact with the abductors, or the abducted.
33. **Recommendation: The State party should ensure as far as is possible the safety and security of aid workers within its borders and facilitate greater access for humanitarian organisations where civilian need requires, providing verifiable assurances to the international community of such action.**