



**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**

KHARTOUM (24 May 2015) – At the end of a twelve day mission to the Republic of Sudan, which took her to Khartoum, States of North and West Darfur and North Kordofan, Ms. Rashida Manjoo, United Nations Special Rapporteur on violence against women, its causes and consequences, delivered the following statement:

“I have been mandated by the Human Rights Council to seek and receive information on violence against women, its causes and consequences, and to recommend measures to eliminate all forms of violence against women. Globally, violence against women and girls remains a widespread human rights violation that no country is immune from. Manifestations, prevalence rates, and the response of the State may differ, but the obligation of the State to act with due diligence demands prevention and response measures that address individual, institutional and structural causes and consequences, including social, cultural, economic and developmental factors.

I would like to express my appreciation to the Government of Sudan for extending an invitation to me to conduct this official country visit. The responsiveness of the government to engage with both the international and regional human rights systems is reflected in the fact that the UN Independent Expert on Sudan, the African Commission on Human and Peoples’ Rights and my mandate are in the country conducting visits, more or less at the same time. Constructive and open dialogues among all stakeholders; unfettered access; and an environment that is conducive to full and frank disclosures and dialogues, without the fear of reprisals; is essential in our common quest to promote and protect all human rights for all. During my visit, I have noted concerns in this regard and have also noted the gap between stated intent and actual practice. I will be discussing these issues with the relevant authorities.

I am grateful to all interlocutors, including State officials, representatives of civil society organisations, United Nations agencies, and individual survivors of violence. In particular, I would like to thank the Office of the UN Resident and Humanitarian Coordinator, UNAMID and the World Food Programme for supporting and facilitating my visits to the different locations. In Sudan, both the UN agencies and UNAMID, support efforts towards peace, security and the promotion and protection of human rights; provide protection to civilian populations; and facilitate humanitarian operations. To differing degrees, the UN entities and UNAMID are faced with challenges including security concerns, access restrictions, and political and administrative actions, which negatively impact partnerships and activities. The tension, lack of trust, and the conflation of issues, as regards the international community in general, and the UN in particular, was reflected in dialogues with some interlocutors. This unhealthy situation does not bode well for the people who live in Sudan, and who depend on both the government and the international community, for the effective promotion and protection of civil, political, economic, social, cultural and developmental rights. I hereby

encourage the Government of Sudan and all stakeholders to find common ground in constructively engaging and addressing the tensions that exist, in the interests of the people living in Sudan.

## **MANIFESTATIONS OF VIOLENCE AGAINST WOMEN**

Despite the existence of laws, policies and programs, I have observed that violence against women is an issue of concern in Sudan. A large number of women and girls live in a context of deep inequality, underdevelopment, poverty and conflict, and this is exacerbated by violence in both the public and private spheres, whether at the hands of state or non-state actors. Unfortunately it is impossible to verify the true extent in relation to any of the manifestations, whether occurring in public or private spaces, due to a range of factors. These include the limited existence of disaggregated data; social stigma and silences surrounding certain manifestations of violence; the lack of or the underreporting of cases; an unresponsive, and sometimes hostile environment, when the issue of violence against women is raised; traditional, cultural and social norms that prevent disclosure and the seeking of assistance from persons outside of the family unit; and the focus on reconciliation, at the expense of accountability, for crimes against women and girls.

Reports and interviews reflect the existence of violence in the family and the community, including against women and girl children, whether physical, psychological, sexual or economic. However, during the visit, the majority of interlocutors focused largely on two issues linked to girl children i.e. female genital mutilation and early marriages. The silence and the denials, whether by state authorities or many civil society participants, regarding the subject of violence as experienced by women, is a source of concern. Information received from confidential sources through reports and interviews indicate the existence of a range of manifestations of violence against women, whether in conflict or non-conflict areas.

I have also received reports of the increase in trafficking of women and girls, particularly of asylum seekers and refugees, and the violence that they are subjected to whether in the source country, during transit or in the destination country. Sexual and gender based violence in the context of conflict remains a source of concern, with rape and sexual harassment/humiliation continuing to be reported by different interlocutors. The racialised/ethnicized targeting of Darfuri women students, includes particular humiliations linked to their perceived racial identity, and includes the practice of cutting their hair and questioning their 'Arab' identity.

The insecurity prevalent in most IDP camps further renders women and girls vulnerable to violence, whether at the hands of criminal elements, rebel groups or the authorities. My predecessor in a 2005 report, and the UN Special Rapporteur on Internally Displaced People in his 2012 report, highlighted this issue of insecurity, and also noted the security risks that IDP women face outside of the camps, including when they are out gathering water, wood or engaging in other livelihood activities.

The discriminatory interpretation and implementation of provisions of some laws, including the Criminal Law, the Public Order Law and the Personal Status Law, was also raised as an issue of concern - due to it being seen as a cause and a consequence of violence against women and girls. For example, article 152 of the Criminal Law on 'indecent behaviour' has a disproportionately negative impact on the lives of women and girls; while the Public Order Law includes provisions that are interpreted to regulate freedom of dress, movement, association, and work, which in many instances targets and criminalises women's behaviour. Despite the 2006 Presidential Decree abolishing numerous categories of public order crimes,

the Public Order Police still patrol the streets and conduct sweeps, with the targeting of particular women, especially those who are working in the informal sectors of the economy, including as tea ladies, food sellers and domestic workers.

During my visit to a prison in Khartoum, I interviewed many women who are incarcerated for minor crimes, including for being unable to pay back micro-finance loans, or for informal small economic activities to meet subsistence needs. Pregnant women are regularly imprisoned, and there are a large number of children living with their mothers in prison, including women who have served their time but are unable to leave – as they cannot afford to pay the compensation (diyaa) or the money that they owe to lenders.

## **LEGAL, POLICY AND INSTITUTIONAL DEVELOPMENTS**

The Government of Sudan has taken concrete legal measures towards addressing women's human rights. The interim Constitution of 2005 contains key provisions relevant to women's human rights, including Article 31 and 32, to ensure non-discrimination and equal treatment of women in all spheres of life; the adoption of affirmative action policies in favour of women, which through the Electoral Law 2014 raised the quota for participation of women from 25% to 30% in all spheres of public life; the enactment of the Trafficking in Persons Act and the Asylum Act in 2014; the amendment of article 149 of the Criminal Law which provides clarity on the distinction between rape and adultery; and also the inclusion of a new provision on sexual harassment in the Criminal Law, among others. Sudan is also party to the International Conference on the Great Lakes Region (ICGLR), Protocol on the Prevention and Suppression of Sexual Violence against Women and Children.

I was also informed of an on-going review that was launched in 2006, of all laws that discriminate against women. According to information received, over 26 laws have been identified as containing provisions that are discriminatory towards women, including the Personal Status Law. In 2010, the reviewing committee tabled its report with Parliament, through the Women's Caucus. Proposed changes at the Federal level include a new amendment to set a minimum age of marriage; the harmonisation of substantive and procedural laws at a domestic level, in line with international human rights standards; and the consideration of ratification of both the Convention on the Elimination of all Forms of Discrimination against women, and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).

Information was also shared on numerous policies and strategies on violence against women, including the national plan for eradicating violence against women (2011 – 2016), with its successor (2015 – 2031) currently in the process of finalisation. Sudan also has a National Strategy for Combatting Harmful Traditional Practices, including FGM. Despite the assertions of transparent and inclusive consultations and engagement with civil society individuals and organisations, in the development of laws and policies, there continues to exist concerns about the selective inclusion of certain sectors of the NGO community in such efforts.

At the institutional level, the Combatting Violence against Women Unit (CVAW) is the main government body that plays an influential role in coordinating efforts to end violence against women, and provides leadership throughout the country in this regard. The CVAW Unit has established units in nine States, with other States currently having interim Committees and Gender Advisors to the Wali. The CVAW Unit has also assisted in the setting up of Gender-based Violence Committees and Security Council Resolution 1325 Committees in numerous

States. Since 2007, the Ministry of Interior has gradually established Child and Family Protection Units within the police services, and I was informed that there are currently twenty such Units operating in Sudan. A Gender Desk has also been established within the police service. Women's directorates within 17 States, gender focal points within each ministry, and a National Committee for the advancement of Women, also form part of the institutional mechanisms working towards the promotion and protection of women's human rights. Furthermore, two important and relevant mechanisms at the Federal level include the independent National Human Rights Commission, established as mandated by the Constitution; and the Advisory Council for Human Rights at the executive level, which is presided over by the Minister of Justice.

## **GAPS AND CHALLENGES**

As a starting point, the silences and denials about the existence of violence against women in Sudan, except in minimal and certain contexts, is a challenge that needs to be addressed as a matter of priority. I hereby urge the government of Sudan to set up a Commission of Inquiry, consisting of both national and international persons, to look into the reports of allegations of mass rapes in different regions, including recent allegations regarding the village of Thabit. Despite numerous, but limited investigations, and also despite my visit, it is impossible to monitor, document, verify and report with accuracy on the allegations that are surfacing about mass rapes in different locations. This is as a result of the security situation in some instances, but also due to the lack of a responsive environment to conduct impartial and objective investigations, without fear, favour or reprisals.

The issue of access to justice and to justice itself, for crimes experienced by women and girls, requires attention, especially through addressing the accountability deficit that seems to be the norm in Sudan for gendered crimes. Moreover, the various and overlapping institutional mechanisms, with complementary but sometimes duplicating functions need to be reviewed, to ascertain clarity on roles, functions and capacities. The reports that I have received indicate a clamping down on NGOs generally, but more specifically women's rights organisations, including through deregistration, challenges to applications by the relevant authorities, and also the imposition of barriers to registration.

The prolonged and protracted situation of conflict, particularly in Darfur, has and continues to contribute to significant levels of instability, insecurity, violence, internal displacement, rule of law challenges, and poverty and underdevelopment. The problem of numerous manifestations of violence against women in conflict situations requires more attention, particularly in a context of on-going hostilities and conflicts. The violence experienced by women in conflict situations is a reflection of the continuum of violence that is part of their daily reality, but one that is exacerbated in times of conflict and insecurity.

The government of Sudan has made reference to the negative impact of sanctions on women, and I am looking forward to receiving further information in this regard.

## **Conclusion**

Despite the situation of insecurity in parts of the Sudan, it is clear that there have been legislative and institutional developments to address the situation of women's human rights in general and violence against women in particular. At the level of States, there have also been legislative and policy developments and emerging practices that are positive. A review of emerging and good practices in the different States will be of benefit to the people who live

in Sudan, the government and also the international community that is committed to assisting the country. The state is the ultimate duty bearer and has the responsibility to act with due diligence to eliminate all forms of violence against women and girls. This responsibility includes the protection, prevention, investigation, punishment, and provision of effective remedies, including compensation measures. Furthermore, the State has a responsibility to hold accountable not only the perpetrators of violence, but also state authorities who fail to protect and prevent the violations of women and girls human rights, due to a lack of response, or because of ineffective responses. Holding accountable State authorities who perpetrate violence, is also an imperative in the current context.

My findings will be discussed in the comprehensive report that will be presented to the UN Human Rights Council in June 2016.

*Ms. Rashida Manjoo (South Africa) was appointed Special Rapporteur on Violence against women, its causes and consequences in June 2009 by the UN Human Rights Council. As Special Rapporteur, she is independent from any government or organization and serves in her individual capacity. Ms. Manjoo is a Professor in the Department of Public Law of the University of Cape Town.*

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