

التحالف الإقليمي
للمدافعات عن
حقوق الإنسان
في الشرق
الأوسط و
شمال
إفريقيا

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 مركز نورة لمكافحة العنف الجنسي
Nora Center for Combating Sexual Violence

**JOINT SUBMISSION TO THE UPR OF SUDAN
ON THE SITUATION OF WOMEN'S RIGHTS AND WOMEN HUMAN RIGHTS DEFENDERS (WHRDS)**

By

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The Regional Coalition for Women Human Rights Defenders in the Middle East and North Africa

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Overview of situation of women's rights

Sudan received numerous recommendations on addressing discrimination against women, and there have been some key positive developments since the previous UPR cycle. However, despite the positive constitutional and legislative developments, women in Sudan still face growing marginalization, discrimination, sexual violence and abuse.

In the preamble and the general provisions of the Constitutional Declaration¹, the role of women in the revolution is clearly highlighted and emphasized upon making clear promises that the nature of the new State is [non-discriminatory based](#) on culture, sex, gender, disability, social and economic status and that the State respects human dignity and is “founded on justice, equality and diversity and guarantees human rights and fundamental freedoms.” Sudanese women achieved remarkable progress in putting gender equality in the top agenda of the transitional process. The constitutional document granted 40% participation for women in the Transitional Legislative Council (TLC).

Sudanese women have taken the challenges related to building democratic, non-discriminatory and inclusive institutions for achieving gender equality and promoting women's rights by making use of the Transitional Constitutional Document (TCD) which was signed by the Forces for Freedom and Change (FFC) and the Transitional Military Council (TMC) in August 2019.

Yet they continue to face serious challenges. For example, access to information, protection networks, prevention and awareness services on SGBV in Sudan remain poor and limited in scope. Issues like domestic violence, sexual harassment, child sexual abuse, rape, the right to abortion, and many more issues remain highly restricted in public discussions in terms of awareness or protection. Unknown numbers of women and girls face sexual violence every day in Sudan, while the stigma prevents them from finding help or accessing protection or support. In addition, while the public order laws have been cancelled, women continue to report police harassment.

The formation of the Commission for Women and Gender Equality, and the Commission for Legal Reform, which are provided for in the Constitutional Declaration document, could contribute to guaranteeing significant changes in the current situation of women in Sudan and a safety net for the strategic work to be implemented with a view to ending State and societal violence against both women and WHRDs.

Muslims [personal laws](#) imposed since 1991 have prevented women from enjoying their basic rights and stipulate restrictive rules like '[male guardianship](#)' and '[wife obedience](#)' and child marriage. The Ministry of Justice has formed a commission to reform the law, including strong presence of women but the work of the commission is facing different obstacles from religious groups and former regime members; some of the committee members faced vicious defamation campaigns on social media in the last couple of months.

¹ The document that is currently governing post-revolutionary Sudan: <https://constitutionnet.org/vl/item/sudan-constitutional-declaration-august-2019>

Violence against women and girls, including WHRDs

Sudan received numerous recommendations on combating violence against women and impunity, however the recommendations from the previous UPR cycle were not implemented, and in particular during the 8 months of the Sudanese revolution where women protesters faced [unprecedented](#) violence and human rights violations amounting to serious atrocities, including torture, sexual violence, arbitrary arrest, enforced disappearance and extrajudicial killings².

Hundreds of women protesters were injured, detained, sexually abused and tortured. At least [13 women were killed during the protests](#), among them a young child of 7 years old. Most of the deaths were caused by gun shots in the head and chest, which means direct targeting of the victims with orders to shoot to kill. Hundreds of women professionals were [subjected](#) to intimidation, detention, unfair trials and reprisals because of their leadership of workers' unions and local communities during the revolution. Women lawyers, doctors, engineers, teachers, bankers, university professors and others were detained for weeks without charges or access to medical care.

During the sit in crackdown on 3 June 2019, hundreds of women protesters were subjected to sexual violence including, verbal and physical harassment, rape, beating and intimidation. The TMC military council that replaced Al-Bashir, deployed [Janjaweed](#) soldiers (now re-branded as the 'Rapid Support Forces'), to disperse the protests. These forces are known of their use of rape as a weapon in [Darfur](#) and other war areas. The numbers of women raped, killed, injured, and abused remains unknown due to the continuous fear from the perpetrators, as some of them became the head of State³.

The protection and extended impunity of military, police and militia officers is [hindering](#) women and women human rights defenders (WHRDs) from being able to access justice. The abuse of power by many law enforcement officers was never investigated and perpetrators managed to escape any form of accountability. In December 2019, an independent investigation committee was [formed](#) to investigate the Khartoum Massacre of 3 June 2019, but the lack of resources and protection of witnesses has hindered many witnesses and victims from approaching the committee. The national investigation committee did not have the resources to protect women victims and witnesses which led most of the victims to not approach the committee. WHRDs also raised concerns about the lack of measures to ensure the participation of women in forming this investigative committee and overseeing the legality of its work to achieve justice, especially in crimes related to sexual violence and assaults against WHRDs.

Furthermore, the rise in intercommunal clashes in the conflict areas of Sudan, especially Darfur, has increased the reported cases of rape and other forms of violence against women in this region. Women farmers in conflict areas are facing endless sexual violence by armed militias in Darfur and Nuba mountains. Since July 2020, at [least 30 women](#) have been injured or killed during protests and other incidents of violence

² During the 3rd June 2019 massacre of peaceful protesters in Khartoum, at least 200 persons were killed, among them 4 women protesters. During 8 hours of unprecedented violence, at least 64 women were raped, while dozens faced extreme sexual violence. In the days following the crackdown on the peaceful sit in, violence continued all over Sudan where more women and girls subjected to sexual harassment, injury and humiliation. Read here [further documentation](#) of atrocities against women protestors between 2018-2019 by Sudanese Women Action.

³ General Mohamed Dagolo, known as [Hemedti](#), is vice president of the TMC and also leads the Janjaweed. He's personally been [accused](#) by human rights groups of orchestrating [war crimes](#).

around Sudan, all of them in the conflict areas of Darfur and Nuba Mountains.

The arrest of the wanted militia leader Ali Koshaiab in June 2020 by the International Criminal Court (ICC) is one of the rare opportunities for Sudanese women to access justice for sexual violence in conflict areas. The issue of justice in relation to sexual violence seems to be not prioritized enough by the government in terms of providing access and protection for the victims to achieve justice. Because of the security situation in Darfur, victims continue to fear presenting themselves, and civil society and women groups lack resources to reach out to the victims or provide the needed protection. The court will confirm the charges against Koshaiab in May 2021, as part of these charges are planning mass rapes and sexual violence from the period from 2003 in Darfur. The trials against Bashir, the former president in Sudan or those expected to be in front of the ICC should include crimes of sexual violence. But the general prosecutor office and justice system in Sudan does not have any measures to ensure victims of sexual violence will receive the protection and support they need to access justice.

Furthermore, violence against girls continues with impunity. For example, on March 19, 2021, Samah Abd Alhadi, a 13 year old girl, was [killed by her father](#) in Khartoum after she demanded admission to school with her friends. She was brutally shot by her father after being beaten, according to doctors who examined the body. The father was not arrested yet as the crime was reported to police under the unknown reason of death. The police did not arrest the father as there is no law in Sudan criminalizing domestic violence against women. There is a law submitted to the justice ministry proposed by the violence against women in the social affairs ministry but it has not been approved yet.

Recommendations

1. Ensure full access to justice for women, including by ensuring that victims of sexual violence receive the protection and support they need to access justice, and ending impunity for military and militias and law enforcement including for SGBV.
2. Approve the proposed violence against women law, including provisions which clearly criminalize domestic violence with strict punishments.
3. Prioritize the protection of women from violence and ensure respect for women's rights in reforms by reforming, changing or repealing all the laws and state legislations that legalize any form of violence or discrimination against women, including security laws, RSF laws, and Muslims Personal Law of 1991.
4. Amend Personal Status Laws, including by repealing provisions on male guardianship and wife obedience and raise the age of marriage for girls to 18 years old.
5. Allow international and regional human rights mechanisms to independently investigate the atrocities committed against protesters- especially women and girls- during the period from 13 December 2018 to August 2019.
6. Accelerate the formation of the Commission for Women and Gender Equality and the Commission for Legal Reform, which are provided for in the Constitutional Declaration document
7. Ratify the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and all the international and regional covenants that protect women's human rights, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

8. Enact reforms to the law enforcement and judicial systems to ensure effective protection of women and access to justice and train police forces to provide the needed protection for victims of sexual violence.

Women's participation in peace processes and in the transitional government institutions

Sudan received one recommendation to adopt a National Action Plan on Security Council resolution 1325 on women, peace and security. The government of Sudan adopted the first National Plan for implementation of the 1325 resolution in March 2020. However, some of the provisions of the Juba peace agreement signed in October 2020 did not comply with UNSC Resolution 1325.

Juba peace agreement

Women rights groups inside Sudan [led](#) successful and difficult campaigns to ensure the inclusion of women in the peace process that led to the signed agreement on 3 October 2020 between the Government of Sudan and some of the armed groups in Sudan. It's important to note that the involvement of women and gender perspective in the process didn't come automatically, but rather as a result of women's rights groups' campaigning for the inclusion of women in the process.⁴

The text of the agreement reflects the ability of women to include important changes and make these agreements gender sensitive⁵. In track 1 of the peace process, which is the main negotiation process, the participation included a total of 7 women from the Sudanese government, 16 women from the armed Revolutionary Front, and 7 women from the Sudanese People Liberation Army. The main achievements for gender equality in the agreement include:

- affirmation of the commitment of the transitional government's constitutional document to secure a 40% quota for women's participation in the national and regional governments as well as in parliament;
- reference to equal access to the mechanisms of reparation⁶, restitution and transitional justice⁷;

⁴ The President of the peace commission was [asked](#) by women about the lack of adequate inclusion of women in the process' initial meetings to which he replied "do you want us to fill these meetings with women slaves?". This response reflects the causes of the conflict in Sudan, where racism and discrimination against the people from conflict areas is part of the tabooed history of slavery and exploitation of women from African groups in Sudan for centuries. Despite the public outrage against his comments, he remains in his office after denying his statement.

⁵ Read [here](#) detailed gendered analysis of the agreement by Sudan Women Rights Action.

⁶ The two regions agreement mentioned clearly in the paragraph number "79" the women quota of 40% in the formation of the national voluntary return commission. This commission will play an important role in building peace and supporting women to return to their homes before the conflict and find protection.

⁷ The paragraph number (12.4) of the compensation and reparation part of Darfur agreement, committed to the 40% women quota in the membership of the compensation and reparation fund. In addition, the agreement included "gender" as part of the equality conditions for ensuing accessible support from the fund. The fund also committed to review all its procedures to ensure gender justice and equality in the distribution of the funds.

- an affirmation of complete separation between religious and State institutions;⁸
- commitment to the full cooperation with the International Criminal Court at all levels of protection of victims, lifting impunity and handing all wanted criminals.

Access to justice and accountability, women's security and protection from sexual and gender based violence (SGBV) are the core fundamentals for creating a sustainable peace. Without effectively addressing these essential issues, the whole peace process risks complete failure.

One of the main concerns regarding the peace agreement⁹ is the formation of the local Darfur Security Keeping Forces which consists of 12,000 troops and which will replace the blue hats mission known as the UNAMID peace keeping forces in December 2020. The new local force does not have any experience in protecting women from SGBV. On the contrary, these forces continue to be heavily [involved](#) in SGBV crimes in Darfur. Militias like Janjaweed (Rapid Support Forces) will be part of the force. The leaders of these militias are now part of the government and women have led [protests](#) in many areas of Darfur demanding protection from continuous [sexual violence committed](#) by these forces. Further, the provisions related to the mission and the role of the Darfur Security Keeping Forces did not mention any commitment to women's participation in the forces at any level, and did not mention any commitment to protecting women from SGBV, and does not comply with the 1325 resolution.

On 13 December 2020, a high level meeting was [organized](#) by women's rights groups, female members of armed movements and the ministry of Social Affairs with support from UN Women and UNDP in Sudan to demand the cooperation of the Sudanese government, armed movements and other stakeholders to facilitate and support the creation of the women monitoring and evaluation mechanism of the peace agreement. The demands for creation of this mechanism arise from the need to ensure that women achievements in the peace agreements are fully implemented and the concerns are fully addressed.

Recommendations

9. Implementation of the National Plan to implement UNSC resolution 1325.
10. Establish a women monitoring and evaluation mechanism for the peace agreement to ensure that women's achievements in the peace agreements are fully implemented and the concerns are fully addressed.
11. Ensure that the transitional government and the armed groups continue the consultation with women's rights groups, and include a gender perspective throughout the implementation of the Juba peace agreement including in security and military sector reform at all decision making levels.

Women's political participation

Sudan received at least five recommendations on participation of women in political and public life. Despite the commitments made in the Constitutional Declaration on gender equality, women continue to be

⁸ This provision is highly important for women, especially in terms of the oppression of the religious institutions and discrimination against women on religious grounds. The provision remains controversial regarding the nature of the State, but it makes it clear that Sudan is not going to be led religious groups anymore.

⁹ Read [here](#) a detailed analysis of the main challenges from a gender perspective by Sudan Women Rights Action.

underrepresented in decision-making posts.¹⁰

Women human rights defenders are facing serious challenges to push the transitional government towards being feminist-inclusive at all levels of the State and policymaking. Despite women human rights defenders' essential role during the revolution which ousted Al-Bashir, where they [led](#) peaceful street demonstrations, called for civil disobedience actions and took to social media in protest, they have not been able to secure institutional gains for gender equality nor an active and meaningful participation in the transitional period, mainly due to the lack of political will of the State authorities.

Women human rights defenders (WHRDs) from different groups worked together to nominate women to hold positions of state governor. The transitional government promised to adopt the nominations, but the actual appointments of governors included women nominated by the Forces for Freedom and Change (FFC), the political coalition supporting the government. Out of 18 state governors, only two women were appointed in Northern and River Nile States. The two state governors are the first women to take this position in Sudanese history. Both women faced challenges in taking the position, including protests by tribal leaders who saw the appointment as an insult to their masculinity and inherited patriarchal power. Some traditional leaders were open about their refusal of the appointment of a woman as governor, others refused it on basis of their right to participate in choosing their governor. The governor of the River Nile state Amna Ahmed reported the refusal of the army leaders to cooperate with her after her appointment. She [told](#) journalists in August 2020 "the leader of the army refused to attend the meetings and pulled out guards from some government buildings which led to theft incidents in Barbar city." The current transitional government cabinet has four women ministers out of 27 ministers, which is less than 15% of the council of ministers. Women activists groups are organizing themselves to push for equal participation in the Transitional Legislative Council (TLC).

Recommendations

12. Ensure full and effective implementation of the constitutional document commitments regarding women quota of 40% participation in the transitional government and the commissions created according to the Juba peace agreement of 2020.
13. Guarantee that women, including women human rights defenders, are able to participate actively in the transitional period including ensuring the representation of women of all decision making levels.

¹⁰ For example, although the constitutional document granted 40% participation for women in the parliament and supposedly in all traditional institutions, but the reality remains far from this percentage.

Situation of women human rights defenders (WHRDs)

Sudan received five recommendations specific to the protection of human rights defenders, including accountability for attacks against them.

The Sudanese government under Omar Al-Bashir regime targeted WHRDs through travel bans, asset freezing, [judicial cases against them](#), [detained activists](#) and denounced “those who conspire” against the State and “seek to attack it”. The [backlash](#) against WHRDs has also gone online, with security agents who have [shamed specific women on the internet](#) calling them ‘prostitutes’ for taking to the streets. Some of these women have also documented being subjected to various forms of violence during demonstrations, and [in prison](#) – including [disclosures](#) of sexual violence intended to intimidate them and push them away from the public sphere, and from the protests.¹¹

The situation for WHRDs **post-revolution** [remains unchanged in many perspectives](#) despite notable amendments in laws and policies. They continue to face increasing challenges, [amidst](#) a violent, Islamic fundamentalist backlash¹². There has been no reforms yet for the security sector and the continuous reported incidents of violence against women protesters and crackdown of peaceful protests in conflict areas, in addition to the army and police use of lethal weapons against peaceful protesters, is an alarming sign of the deteriorating situation of freedom of assembly and expression.

The military is [using the former regime law framework](#) and fundamental Islamists base to threaten freedom of assembly and expression and close the public space for WHRDs, who have faced charges of up to 1 year imprisonment for filming police abuses. The amended Cyber Crimes Law of 2020 is being used to curtail freedom of expression online, including by military and militias, and to intimidate and silence Sudanese WHRDs. The new cyber crime act [has punishments that could lead to six years in prison](#) and other heavy punishments for posting opinions or information on social media. This law is highly shrinking the space of freedom of expression for women and affecting their ability to hold the ground for the rights they gained during the revolution and beyond.

Women activists and journalists, working on uncovering the army or its militias’ corruption and control of massive economic sectors in gold mining and other sectors, [reported](#) threats on social media and fears of lawsuits in results of their work. Although some of these women activists and journalists live outside Sudan, they still receive threats especially after the military announcement of taking legal actions against all activists criticizing them inside or outside the country.

- [Waad Bahjat](#) is WHRD and member of Umbada resistance committee is facing charges by police officers following documenting harassment of women by their fellow officers. Since December 2020, she was subjected to judicial harassment after being presented to court on charges of publishing false news.

¹¹ [Human Rights Watch](#) and [United Nations officials](#) have reported how sexual violence, including [rape](#) was used widely against protestors. Such abuse is a long-time tool of oppression and intimidation against [Sudanese women](#), used to silence them [from war areas](#) to police and security detentions

¹² [Radical religious groups](#) including fundamentalist preachers have openly supported the Transitional Military Council (TMC) that replaced Al-Bashir immediately after his ousting.

- On 1 September 2020, Nora Rihan, a tea seller in Kadugli of Southern Kordofan, was shot dead by an army officer after she refused to serve him before others. The officer took refuge in the army base in the city and police were not able to arrest him to date despite the number of witnesses of the incident.
- On 18 September 2020, a young woman artist and activist was sentenced to two month in prison for chanting the revolution chants in a police station under the charges of public disturbance and disruption of public safety. During the investigation with her in the police station, she was slapped by a police officer who wanted to take her picture and she refused. She filed a complaint against the police officer but the complaint was never investigated or even followed by the police department or the prosecutor.
- On 23 September 2020, the Sudanese army intelligence officers and police arrested 31 people from a public event in Abujbeiha city of Southern Kordofan state, among the detainees were 5 women peace activists. The public event which was organized to address the process in the state of south Kordofan was attacked by the military intelligence officers who deemed the gathering illegal without permission from the army base leader of the city. The attacking force injured some of the participants and arrested over 30 of them among them and took to the army base.
- In Nertiti in Central Darfur, one woman protester was killed by the police in protest against the continuous attacks by Janjaweed militias on civilians in the area. After repeated killings and rape incidents in the area of Nertiti, protesters took the street on 10 September 2020 to demand protection and end of violence. The police responded with extreme force using live ammunition and tear gas to crack down the protest, which led to the death of two people and serious injuries of three.
- In the area of Ministry in West Darfur, 9 women were killed and 18 injured in an attack on a peaceful sit-in followed by a wide attack on the town and villages around it on 25 July 2020. The militias, described as Janjaweed, attacked the peaceful sit-in and the area around it for several days before, and the police and the army did not provide any protection to the civilians including women and children.
- Following protests on 30 June 30 2020 in Khartoum, a young woman protester was subjected to threats of lawsuits by army officers for reciting a poem during protests criticizing the army, which went viral on social media. On 18 July, the army issued a statement announcing taking legal actions against activists and journalists who might 'insult' the army online. The army appointed a legal commissioner to file cases against those activists inside and outside Sudan based on the Cybercrimes act.

Defamation is a key pattern used to attack WHRDs and delegitimize their work. It portrays WHRDs as threats to society, demonizes their work, seeks to enlist fear in women from joining the WHRDs movements and to keep women out of public space. For example, in February 2021, WHRDs leaders of the Coalition "No to women's repression" were [subjected](#) to an online defamation campaign calling them "traitors" and "immoral". The defamation seeks to pressure them into stopping their activities and advocacy for gender equality.

WHRDs with **disabilities** face additional challenges including lack of accessible facilities, social insurance and additional discrimination.

Recommendations

14. Protect freedom of assembly and expression under all circumstances, especially in the process of this transition, and develop policies that protect WHRDs' work, such as establishing a national protection mechanism for WHRDs including to protect them from online defamation.
15. Guarantee WHRDs right to remedy for the violations against them since December 2018, including justice for victims of sexual violence without impunity for any high-level officials.
16. Invite the Special Rapporteur on the situation of human rights defenders to undertake a country mission.
17. Reform the amended Cybercrimes law of 2020 and refrain from using legislation to intimidate and silence women human rights defenders.
18. Consult with human rights defenders, including WHRDs, on the development and implementation of a specific national law on the recognition and protection of defenders, in line with the UN Declaration on Human Rights Defenders and the Model National Law on the Recognition and Protection of HRDs.