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Suggestions for the list of issues to be adopted by the Country Report Task Force at the 109th session of the Human Rights Committee in relation to the fourth periodic report submitted by:

Sudan

August 2013

Statement of Interest

1. The Equal Rights Trust (ERT) submits the following suggested questions for adoption by the Country Report Task Force at Human Rights Committee (the Committee) based upon the fourth periodic report submitted to the Committee by Sudan at the Committee's 109th session.
2. ERT is an independent international organisation whose purpose is to combat discrimination and promote equality as a fundamental human right and a basic principle of social justice. Established as an advocacy organisation, resource centre and think tank, it focuses on the complex relationship between different types of discrimination and inequality, developing strategies for translating the principles of equality into practice.
3. ERT has been actively involved in the promotion of improved protection from discrimination in Sudan since 2010. We have worked in partnership with Sudanese organisations and have carried out research on patterns of discrimination and inequality in Sudan and on the legal and policy framework in place to prevent discrimination and promote equality. ERT is currently in the process of drafting a comprehensive report on inequalities in Sudan.

4. These suggestions focus on the extent to which Sudan has met its obligations to respect, protect and fulfil the rights to equality and non-discrimination under Articles 2(1) and 26 of the International Covenant on Civil and Political Rights. They are divided into three parts: the first analyses the extent to which the Interim National Constitution of Sudan protects the rights to equality and non-discrimination; the second provides information to the Committee on relevant developments since the Concluding Observations of the Committee at the last consideration of Sudan in 2007; and the third provides the Committee with information on discrimination against certain groups of people in Sudan.

The Rights to Equality and Non-Discrimination in Sudan

5. As is noted in paragraphs 216 of the fourth periodic report, the rights to equality and non-discrimination are protected in Sudan primarily through Article 31 of the Interim National Constitution which provides:

All persons are equal before the law and are entitled without discrimination, as to race, colour, sex, language, religious creed, political opinion, or ethnic origin, to the equal protection of the law.

6. Article 32 provides for further specific protections for women and children.

(1) The State shall guarantee equal rights of men and women to the enjoyment of all civil, political, social, cultural and economic rights, including the right to equal pay for equal work and other related benefits.

(2) The State shall promote women's rights through affirmative action.

(3) The State shall combat harmful customs and traditions which undermine the dignity and the status of women.

(4) The State shall provide maternity and child care and medical care for pregnant women.

(5) The State shall protect the rights of the child as provided in the international and regional conventions ratified by the Sudan.

7. The Interim National Constitution also contains provisions guaranteeing freedom of religion (Article 38) and the rights of ethnic and cultural communities to “freely enjoy and develop their particular cultures; (...) practice their beliefs, use their languages, observe their religions and raise their children within the framework of their respective cultures and customs”.

8. Article 27(3) provides that:

All rights and freedoms enshrined in international human rights treaties, covenants and instruments ratified by the Republic of the Sudan shall be an integral part of this Bill.

9. ERT notes that Sudan has ratified or acceded to a number of international human rights treaties including (in addition to the International Covenant on Civil and Political Rights), the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of Persons with Disabilities, and the Convention on the Rights of the Child (including the first two optional protocols).
10. Sudan has no specific anti-discrimination legislation. The Persons with Disabilities Act 2009 does, however, contain provisions designed to enhance the participation of persons with disabilities in various areas of life including employment and education.¹

ERT's Concerns

11. Article 31 of the Interim National Constitution contains a closed list of just seven grounds upon which discrimination is prohibited: race, colour, sex, language, religious creed, political opinion, and ethnic origin. This list excludes a significant number of grounds upon which discrimination in Sudan is widespread and which are contained within international human rights treaties which Sudan has either ratified, or to which it has acceded, as well as grounds that have been recognised as covered by the Covenant by the Human Rights Committee, and grounds the inclusion of which is a good practice. These include descent; pregnancy; maternity; civil, family or carer status; birth; national or social origin; nationality; economic status; sexual orientation; gender identity; age, disability; health status, including HIV status; and, genetic or other predisposition toward illness.
12. In any event, constitutional protection alone is insufficient, and ERT is concerned by the lack of comprehensive legislation prohibiting discrimination on all grounds in Sudan. Such legislation should include a definition of key concepts in equality and non-discrimination law, such as direct and indirect discrimination, harassment, multiple discrimination, discrimination by association, and discrimination by perception. Legal definitions should conform to current international best practice, as reflected in the Declaration of Principles on Equality.² The Declaration was drafted and adopted in 2008 by 128 prominent human rights and equality advocates and experts, and has been described as “the current international understanding of Principles on Equality”.³

¹ See paragraphs 31(a) of the State report and the Persons with Disabilities Act 2009.

² *Declaration of Principles on Equality*, The Equal Rights Trust, London, 2008.

³ *Naz Foundation v. Government of NCT of Delhi and Others* WP(C) No.7455/2001, Para. 93.

13. Further, while Article 32(2) of the Interim National Constitution provides for positive action (termed “affirmative action”) as a means to reduce the disadvantage suffered by women, issues of positive action are difficult and sensitive and should be properly addressed in future comprehensive equality legislation.
14. ERT notes that the Human Rights Committee has frequently made recommendations to States Parties that they adopt comprehensive anti-discrimination legislation in order that their obligations under Articles 2 and 26 of the Covenant are effectively fulfilled.⁴

Suggested List of Issues

15. What actions are being taken by Sudan towards the introduction of comprehensive equality and anti-discrimination legislation, as recommended by treaty bodies? Will such legislation contain definitions of key concepts including direct and indirect discrimination, harassment, multiple discrimination, discrimination by association, and discrimination by perception conforming to current international best practice? Will such legislation include all grounds listed in paragraph 12 as well as the seven grounds in Article 31 of the Interim National Constitution?
16. Is Sudan taking or envisaging any legislative or policy action to address the widespread discrimination suffered by persons on grounds not included in Article 31 of the Interim National Constitution, including age, health status (including HIV status), sexual orientation, gender identity and economic status?
17. What measures of affirmative action has Sudan taken under Article 32(2) of the Interim National Constitution?

Developments since the Concluding Observations of the Committee at the last consideration of Sudan in 2007

Incorporation of the Covenant into National Law

18. At paragraph 8 of the Concluding Observations, the Committee noted:

(...) that pursuant to article 27 of the Interim National Constitution of 2005, the Covenant is binding and may be invoked as a constitutional text. It regrets, however, that the rights protected by the Covenant have not been fully incorporated into domestic law, and that the Covenant has not

⁴ See, for example, Human Rights Committee, *Concluding Observations: Finland*, UN Doc. CCPR/C/FIN/CO/6, Para 8; Human Rights Committee, *Concluding Observations: Ukraine*, UN Doc. CCPR/C/UKR/CO/7, Para 8; Human Rights Committee, *Concluding Observations: Angola*, UN Doc. CCPR/C/AGO/CO/1, 29 April 2013, Para 8.

been sufficiently well publicized to be easily invoked before the courts and administrative authorities.

The State party should ensure that its legislation gives full effect to the rights recognized in the Covenant. It should in particular ensure that remedies are available to safeguard the exercise of those rights. The Covenant should be made known to the general public, and in particular to law enforcement personnel.

19. As noted in paragraph 12 of this submission, the rights to equality and non-discrimination in Articles 2(1) and 26 of the Covenant have not been incorporated by Sudan into its domestic law. The government of Sudan has made no statement indicating an intention to introduce legislation which would give full effect to those rights. Since ERT started its work in Sudan, it has not been aware of any efforts made by the government to inform and educate the public, including law enforcement personnel, of the Covenant or the rights contained within it.

Discrimination against Women

20. At paragraph 13 of the Concluding Observations, the Committee noted “with concern”:

(...) a persistent pattern of discrimination against women in legislation, particularly in the area of marriage and divorce

The State party should:

(a) Speed up the adaptation of its laws governing the family and personal status to articles 3, 23 and 26 of the Covenant, in particular with regard the institution of the wali (guardian) and the rules on marriage and divorce.

(b) Step up its efforts to raise popular awareness of women’s rights, promote further women’s participation in public affairs and ensure their education and access to employment. In its next report, the State party should inform the Committee what action it has taken in this area and what results it has achieved.

21. ERT’s research, analysis and experience in Sudan all demonstrate that discrimination against women in many areas of life, including through discriminatory provisions in legislation, remains widespread.

Legal Provisions which Discriminate against Women

Criminal Law

22. Between them, articles 145 and 149 of the Criminal Law Act 1991 have been used to criminalise women who have been raped as adulterers. Article 145 provides for an offence of adultery:

(1) There shall be deemed to commit adultery:

(a) every man who has sexual intercourse with a woman, without there being a lawful bond between them;

(b) every woman, who permits a man to have sexual intercourse with her, without there being a lawful bond between them

23. Article 149 provides for an offence of rape:

(1) There shall be deemed to commit the offence of rape, whoever makes sexual intercourse, by way of adultery, or sodomy, with any person without his consent.

24. It is notoriously hard for women to prove rape. The rules of evidence do not admit the testimony of women alone at all in relation to “serious” crimes (*hudud*). The evidence of four male witnesses is required in order to prove an offence of rape, regardless of the number of female witnesses. In the absence of male witnesses, the offender may be released, and may even bring charges of defamation against the victim. The penalty for such defamation is 80 lashes. A judge will often advise women against proceeding with a case of rape, because of this risk. Further, where the victim is unable to prove that there was no consent to the sexual intercourse, she is liable to be charged with adultery under article 145, punishable by stoning, whipping or flogging.

25. There is also evidence that Article 145 is applied in a discriminatory manner. In 2007, Sadia Idries Fadul, a 22 year old woman from Tama tribe in Darfur was sentenced to death by stoning for committing adultery, despite the fact that she did not understand Arabic, the language used by the court. The man charged with adultery alongside her, however, was discharged due to lack of evidence.⁵ S., a Muslim woman belonging to the Zagawa Tribe and living in Kosti, told ERT about her experience of being charged with the offence of adultery:

I had sex with a man outside of marriage and got pregnant. I called him but he switched off his phone and avoided me. When my pregnancy

⁵ Women Living under Muslim Laws, Sudan: Two women sentenced to death by stoning on charges of adultery, 3 September 2007, available at: <http://www.wluml.org/node/3514>.

showed, the police arrested me and I was prosecuted in court for fornication. I was lashed while he was free and was never accused of any charges. My life is over because of what happened but because he is a man he can live a normal life and marry whoever he wants.

26. Further, by requiring the sexual intercourse to be “by way of adultery or sodomy” for the offence of rape to be committed, husbands who have sexual intercourse with their wives against their consent cannot be charged with rape.

27. Article 152 of the Criminal Code provides that:

(1) Whoever commits, in a public place, an act, or conducts himself in an indecent manner, or a manner contrary to public morality, or wears an indecent or immoral dress, which causes annoyance to public feelings, shall be punished, with whipping not exceeding forty lashes, or a fine or both.

(2) The act shall be deemed contrary to public morality, if it is so considered in the religion of the doer, or the custom of the country where the act occurs.

28. In July 2009, Lubna al-Hussein, together with 12 other women was arrested under Article 152 after wearing trousers in public and sentenced to 40 lashes. Ten of the women accepted the sentence, but al-Hussein and two other women opted to go to trial. The ten women were fined approximately \$120 and each given ten lashes.⁶ She was ultimately found guilty and fined. Amal Habbani, a female journalist, was also subjected to police action after she wrote an article in Arjass al-Horreya condemning al-Hussein’s treatment.⁷

29. In September 2009, ERT wrote to Mr Ahmed Ibrahim Al-Tahir and Mr Abdul-Basit Sabdrat, the then Speaker of the National Assembly and Minister of Justice respectively, expressing our concern over Ms al-Hussein’s conviction.⁸ In the letter, ERT expressed concern about the discriminatory application of Article 152, which has been used to target women and non-Muslims, and has disproportionately affected both categories of persons. The letter also echoes concerns that whipping, the prescribed punishment for breaching Article 152, constitutes cruel, degrading and inhuman treatment. ERT urged the authorities to repeal Article 152 of the 1991 Criminal Act. It further urged authorities to review the country’s

⁶ Ibid.

⁷ IFEX, “Journalist prosecuted for writing article, faces large fine”, 23 July 2009, available at: http://ifex.org/sudan/2009/07/23/habbani_prosecuted/.

⁸ The Equal Rights Trust, *ERT Urges Sudanese Parliament to Repeal Indecency Law*, 18 September 2009, available at: <http://www.equalrightstrust.org/newsstory180909/index.htm>.

criminal justice and other legislation in order to ensure it complies with the principle of non-discrimination.

30. Ms al-Hussein's experience is not exceptional. Over 43,000 women were convicted for similar "clothing offences" in 2008 alone.⁹

Public Order Laws

31. Public order laws issued at the local state level, such as the Khartoum Public Order Act 1996, are criminal provisions administered by summary judicial proceedings which are empowered to punish women for behaviour considered normal in most societies, such as wearing trousers. Flogging is the usual penalty and it is usually conducted in public. Summary judges are also empowered to issue prison and fine sentences. Though such laws apply to both sexes, reports suggest that women are picked out, publicly humiliated and harassed by the Public Order Police. The application of these laws also affects non-Muslim women, despite the fact that they are ostensibly aimed at enforcing Muslim values.¹⁰
32. ERT notes that in 2000, the Committee on Economic, Social and Cultural Rights made a recommendation to Sudan that it:

*(...) reconsider existing legislation, particularly the 1996 Public Order Act, in order to eliminate discrimination against women, thereby ensuring their full enjoyment of human rights in general and economic, social and cultural rights in particular.*¹¹

Family Law

33. Family law in Sudan is governed primarily by the Muslim Personal Status Laws 1991 which is discriminatory against women. Section 40 permits child marriage and deprives women of the right to choose a husband and the right to divorce a husband. If a man wishes to divorce his wife, he is not required to engage in any kind of procedure or provide any reasons. His right to divorce is validated merely by expression. Women, however, are required to go to court in order to divorce their husbands and provide evidence to justify the divorce.
34. Forced marriage is prevalent in South Darfur. A 20 year old Muslim woman from the Altargam Tribe told ERT:

⁹ Hussein, L., "When I think of my trial, I pray my fight won't be in vain", *The Guardian*, 4 September 2009, available at: <http://www.theguardian.com/commentisfree/2009/sep/04/sudan-woman-trousers-trial>.

¹⁰ The Christian Broadcasting Network, *Persecution Watch: Sudan and Pakistan*, available at: <http://www.cbn.com/spirituallife/ChurchAndMinistry/PersecutionWatch/PersWatch0616.aspx>.

¹¹ Committee on Economic, Social and Cultural Rights, *Concluding Observations: Sudan*, UN Doc E/C.12/1/Add.48, 1 September 2000, Para 34.

I live with my grandmother, my mother's mother, since my parents are separated and each one has a new family. Three years ago, my father told my uncle to marry me without even bothering to tell me. When my uncle told me, I started screaming that I didn't want to get married. My grandmother told me to go to Nyala to my mother which I did. I later went to Khartoum to stay with my aunt (my mother's sister). I tried to annul the marriage but when my father found out he told me that I am no longer his daughter. The court refused to annul the marriage but I appealed and was finally granted an annulment. My father appealed and the case is still ongoing. When I was married I was in the seventh grade and I was not able to go back to school. My father doesn't think I am a person and maybe all men are like that.

From my experience I don't think that there is any justice whatsoever. The judge didn't want to listen to my story and told me to shut up and only listened to my father. We only have a primary school in our area and no secondary school. Families don't educate their daughters. We live in hay houses and we have to buy water. Electricity is not available but in Khartoum the houses are nice and everything is available to those who have money.

What happened to me from my father is violence and has affected my education and even my chance of getting married again.

Violence against Women

35. Violence against women is prevalent. However, as reliable statistics did not exist, the extent of its prevalence is difficult to ascertain. Many women are reluctant to file formal complaints against abuse, despite it being a legal ground for divorce. The police rarely intervene in domestic disputes. A woman from Nyala, South Darfur, told ERT:

I'm a 46 years old woman and I live in Nyala, Atash displacement camp. I was beaten by a man years ago. I was doing some farm work in Gogain, west of Nyala when I found a horse belonging to one of the men in the village. The horse ruined my harvest and this was not the first time it had happened even though I talked to the owner of the horse. I went to the owner's father and told him what had happened. He promised to talk to his son. When I went to fetch water in the evening I found the horse's owner. He started beating me because I complained to his father. I was in my last month of pregnancy and had to be hospitalised for three days. I don't know how I delivered that child. As a result of the incident my

daughter who is now 7 is disabled, she cannot walk or eat solids, only liquids.

He beat me because I'm a woman. If I knew I would have told my husband first but I am the one who was doing the entire farm work. I didn't go the police because nothing is solved there.

My experience with the Zakat chamber is not a good one. I wanted help for my daughter and we live in a camp, but I couldn't get any. We were not treated well especially since I'm illiterate.

The only education available is the Khalwa or farm work. There were organisations that supported us in the camps but they no longer offer any support. Medical care needs money and we don't have any. From my experience with my daughter, we are not well treated because we are poor. Before we were displaced things were much better, we had cattle and food. Now we have nothing. Even organisations have stopped offering goods.

I was harassed by a man who knew how poor we were and that my husband is out of work and I can't leave my daughter alone. He said he would provide for me if I agreed to be his mistress. I refused.

36. Violence against women is a particularly serious problem especially in areas of conflict where rape, sexual violence, harassment, abduction and physical abuse are common practice. In their 2009 Report on Sudan, the US Department of State reported that:

In 2005 the UN noted the "widespread and systematic" prevalence of sexual violence in Darfur directed against women and girls, and this trend continued during the year. Women and girls in IDP camps frequently reported rapes by "men in uniform" and their assailants generally beat them and threatened to kill them.¹²

37. The report goes on to find that:

The law does not specifically prohibit domestic violence. Violence, including spousal abuse, against women was common, although there were no reliable statistics on its prevalence. Women who filed claims were subjected to accusations of lying or spreading false information,

¹² US Department of State Report on Sudan, February 25th 2009, available at: <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119026.htm>.

harassment, or detention, which made many women reluctant to file formal complaints, although such abuse constituted grounds for divorce.¹³

Employment

38. Sexual harassment in the workplace is prevalent in Sudan, particularly against refugee women. The testimony of I., who was interviewed by ERT, provides a typical example:

I am a refugee in the Shagrab refugee camp, where work opportunities are unavailable. I had to leave the camp with my four children, rented a house in Kassala and started working as a tea seller. I was sexually harassed almost daily which made me leave this job and I started washing clothes at people's houses. I was raped in one of those houses and went to the Abu Khamsa police station in July 2011, after which I stopped working and asked the refugee commission to take me back to the refugee camp.

I told the police officer at the station that I was raped. In the beginning he sympathised with me and took me to a doctor who examined me. The doctor stated that the hymen has been ruptured a long time ago but there was recent evidence of force. When the police officer read the report he insulted me by saying that I'm a woman not a girl meaning I'm not a virgin (...) he refused to give me the report (...) I left him but he never left me and continues to harass me himself.

Education

39. Women are also exposed to harassment within educational institutions. A student told ERT:

I was harassed and blackmailed by a University lecturer. I couldn't find anywhere to complain and I cannot trust any place will handle my complaint with the necessary privacy given that our society is a conservative and traditional one. If such an issue gets widely spread then every girl in the same situation will lose and her family will force her to stop her education. For that reason I chose to stay silent instead of confronting the issue. I know many harassment victims who choose silence. We only tell our girlfriends and sometimes boyfriends.

¹³ Ibid.

Suggested List of Issues

40. What actions are being taken by Sudan towards the reform of legislation which discriminates directly or indirectly against women, particularly the Criminal Law Act 1991, the Criminal Procedure Act 1991 and the Muslim Personal Status Laws 1991?
41. What steps are being taken by Sudan to tackle violence against women?
42. What steps are being taken by Sudan to tackle sexual harassment of women, including in the workplace and in education?

Discrimination against Other Minority and Vulnerable Groups

43. As part of ERT's research on patterns of discrimination and inequality in Sudan, ERT has identified a number of other minority and vulnerable groups in Sudan who are subject to discrimination.

Discrimination on Grounds of Race, Ethnicity and Tribe

44. Persons living in Southern Sudan and the Darfur region suffer significant disadvantage when compared with persons in the North, as a result of the conflicts in both regions. The Sudanese government's ongoing conflict with armed rebels in both regions leaves citizens vulnerable to violence and discrimination by association with the government's political and military opponents. Continued outbreaks of violence over many years have resulted in a lack of effective government in these regions, resulting in ineffective law enforcement, lack of access to basic services and a reliance on traditional forms of justice, which often discriminate against women.
45. Following the government's expulsion of 13 major international aid agencies from Darfur in March 2009, there is little information on the humanitarian needs of many of the 2.7 million internally displaced Darfuris.¹⁴ The absence of these agencies has led to reduced collection and dissemination of information on conditions in Darfur. Combined with the government's closure of Sudanese organisations, and its ongoing repression of human rights activists and journalists, this has resulted in a situation where the government now controls much of the information, not only regarding humanitarian needs, but also about the situation in Darfur, alleged human rights abuses, and civilian protection concerns. This suppression of information severely hampers the ability of concerned governments and the UN to monitor and respond to humanitarian needs or human rights abuses.¹⁵

¹⁴ Human Rights Watch, *The Way Forward-Ending Human Rights Abuses in Sudan*, 2009, p. 3, available at: <http://www.hrw.org/en/reports/2009/10/06/way-forward>.

¹⁵ *Ibid.*, p. 18.

Southern Sudan States

46. Prior to Sudan's independence, the British administered North and South Sudan as separate entities, fostering cultural, religious and linguistic tensions between the largely Arab North and the predominantly African South. Upon independence, the Arab population inherited an economically superior territory and eventually the North came to dominate the army, security services and civil service together with the economy and education. This historic disparity has been exacerbated in recent years as a consequence of the policies of Arabisation and Islamisation pursued by the current government,¹⁶ which has marginalised non-Arabic speakers from access to education and employment. This ongoing process since independence has led to the complete economic, social, religious and ethnic marginalisation of the non-Arab inhabitants of the states of Blue Nile, East Darfur, North Kurdufan, Sennar, South Kurdufan, and White Nile. Following the independence of South Sudan in 2011, the discrimination against non-Arabs in these states has intensified throughout the country, including in the peaceful northern states of Khartoum, Northern, and River Nile, as well as in the eastern states Al Qadarif, Kassala, and Red Sea.

The conflict in Darfur

47. During the height of the armed conflict in Darfur, Government forces forcibly disarmed non-Arab groups, leaving them largely defenceless against government sponsored militias, including the Janjaweed, who used violence, mass rape and branding to ethnically cleanse non-Arabs.¹⁷ The militias have also exploited traditional tribal tensions within the region to cover a counter-insurgency operation against those opposed to the government, further increasing conflict and violence.
48. Attacks on villages noticeably increased in 2008, with between 270,000 and 300,000 people displaced during the year.¹⁸ In February 2008, following an offensive by the Justice and Equality Movement in West Darfur, the government conducted some of the worst attacks on civilians in recent times. On 8 February 2008, the towns of Sirba, Silea and Abu Suruj were attacked by government allied militia and Sudanese army ground forces supported by helicopters and Antonov planes. The attacks resulted in the deaths of at least 100 people

¹⁶ Hassan, S., "The Sudan National Democratic Alliance (NDA): The Quest for Peace, Unity and Democracy", *Issue: Journal of Opinion*, Volume 31, No. 1 of 1, 1993, p. 16.

¹⁷ Jok, J. M., *Sudan: Race, Religion and Violence* (One World, 2007) p. 145.

¹⁸ Amnesty International, *Country Report*, 2009, <http://thereport.amnesty.org/en/regions/africa/sudan>.

including women, children and the elderly, the displacement of at least 30,000 people and widespread destruction and looting of civilian property.¹⁹

Discrimination on Grounds of Race

49. Race in Sudan is a complex matter due to the racial mixture of various populations. The estimated population of over 30 million is a multiethnic mix of more than 500 Arab and African tribes with numerous languages and dialects.
50. The Government continues to discriminate against ethnic minorities on tribal grounds in almost every aspect of society. The Government and government-supported militias actively used ethnicity and tribal differences as a tool to promote division and discrimination.
51. In South Darfur ethnic discrimination against non-Arabs takes many forms. One man told ERT:

I'm a Muslim, 26 year old man and I belong to the Fur tribe, from Nayla, South Darfur. I was abused and badly treated by my uncle because I refused to go to the Khalwa (a place where children memorize the Quran) and leave school. My father was in Iraq for four years during which I was forced to go to the Khalwa. When my father returned I went back to school. I faced great difficulty to get an education because of the fees and had to work in order to pay the fees. I worked as a dish washer. I am going to graduate from university this year.

I was threatened and beaten by armed men who stole my money and my mobile. I pressed charges but nothing happened because I am a poor man and don't have any rights. I applied for an ID card and it took me three months to get one. I applied for a job as a university security officer but was not given the job because of my ethnicity.

52. At the same time, non Arabs also practice discrimination. F., a woman from South Darfur told ERT:

I sell tea at the market place to feed my five daughters and four sons. All of my children go to school. Their father is a soldier and has not lived with us for 15 years. He used to come from the South to visit us. He has been transferred to the West of the country and is now in Dungula. He gives us half of his pay check but that is not enough for us to live. That's why I have to work at the market. People think that tea sellers are not decent women

¹⁹ United Nations Human Rights Council, *Human Rights Situations that require the Council's Attention*, 2 September 2008, p. 18, available at <http://www.universalhumanrightsindex.org/hrsearch/displayDocumentVersions.do?lang=en&docId=1369>.

and that is why anyone who buys tea from me considers himself to have liberty to speak inappropriately to me, and asks me to do things with him. This is very frustrating and demeaning. If I was a public employee, or an Arab, I would not have been treated this way. The officials don't treat us respectfully and think of us the same way and if anything happens the police treat us as if we are already criminals. Every day I go to the market is a day where I have to endure injustice.

53. The following testimonies were provided to ERT from persons in New Halfa, a site occupied mainly by Nubians who migrated from Wadi Halfa in Northern Sudan to the Butana area in Eastern Sudan when their home land was flooded by the construction of the high dam at Aswan, Egypt.

54. Salih told ERT:

Being non-Arabic speakers, we suffer from discrimination in the courts (...) if a problem occurs to a person from Halfa who is wronged and it reaches court, the judge will force that person to reconcile instead of issuing any punishment (...) this does not happen if the person who is wronged comes from any other tribe (...) this is something that makes me feel angry.

55. Sharaf told ERT:

We are always suspects in the eyes of the police. They arrest a person and torture him and when they find nothing against him, they release him (...) where is the dignity of humans? (...) I personally know that the law is on one side and reality is on the other side.

56. In White Nile State, individuals who are of "African" origins and who have darker complexion or who belong to a different religion are subjected to discrimination. This has led to psychological effects and a feeling of inferiority especially since the government does not protect them and does not offer them a fair trial. A.I. told ERT:

I'm a man from Nuba, and I'm Muslim. I speak both Arabic and an African language. I live in Kosti. I'm from the Nuba Mountains and work as a farmer and a trader. One day I took the bus to Khartoum and when we got to the check point before entering Khartoum, I was searched by the police just because of my ethnicity and colour. They found the 16,000 Sudanese pounds (around 5,000 US dollars) I had and I was taken to a police station because they wanted to inquire about the source of the money which they suspected was illegally attained. I was detained for 12 hours and released because there were no legal grounds of suspicion. All of this happened

because of my ethnicity and colour. The incident affected me a great deal and left me frustrated and insecure.

57. Persons belonging to tribes with members in other countries, and children with a Sudanese mother and foreign father can face difficulties in acquiring Sudanese nationality. This ultimately leads to the loss of many rights in addition to societal prejudice. Children can face discrimination in many areas of life especially once they begin their education. Affected groups are subjected to unfair legal procedures and trials in judicial institutions. These institutions are not impartial and are influenced by tribal prejudice and official corruption, in addition to lacking any tools for protecting vulnerable groups. This situation is made worse as police officers have immunity and cannot be held accountable for their actions. H., a man from Gary Wad Amara in rural Kassala told ERT:

All the citizens of the village of Amara suffer a great deal when it comes to issuing Sudanese nationality; a procedure that can sometimes take a year or two. Sometimes we are in a hurry to get the nationality and the delay procedures cause great loss. We fail to acquire the nationality in most cases and we have many examples of this. We of all people get questioned regarding our identity and special procedures are followed against us which we can only solve with bribes. All those who have failed to get a nationality see their failure as being due to their inability to bribe the officials. I feel humiliated as a citizen. The East Centre has helped us in discussing the issue with the head of police — we hold onto our right but there are still hindrances.

Suggested List of Issues

58. What actions are being taken by Sudan to address the high level of discrimination suffered by persons on grounds of race, ethnicity and tribe?
59. What actions are being taken by Sudan to investigate and prosecute racially motivated past abuses in Darfur and other conflict areas where non-Arab civilians have been assaulted, killed, raped and displaced; and what measures are taken by Sudan to provide effective remedy to the victims and their families?

Discrimination on Grounds of Political Opinion

60. ERT's research found significant evidence of widespread discrimination on grounds of political opinion. For example, S.M. told ERT:

I have graduated from Khartoum University, Faculty of Economics with a very good rating. I worked as a collaborate registration assistant at Kassala University for one year and when a job offer opened for the same

job I was excluded. The interview had nothing to do with the job itself, instead I was asked questions about football, politics and the Quran which I answered (...) I don't think that there are any reasons for not offering me the job except that I don't belong to the ruling party (...) everyone in the state knows that getting a job is not based on knowledge (...) it is very frustrating (...)

61. Respondents told ERT that persons who do not share the political opinions of the ruling party are deprived of work and harassed, even in the private sector. A.A. told ERT:

I'm 50. My academic qualifications are high, and I am an unemployed accountant. I belong to Gaa'lia tribe and I'm married, with six children. I'm originally from the Khawad village and lived in Kosti. I belong to the - party. I was fired from work in 1989 for political reasons and moved with my family back to my village in 1995. My relative Dr X. helped me to get a job at the Alkameer medical centre in Khawad village where I worked for five years. There was a lot of corruption and I was asked to let things slide and when I refused to do so, I was fired. I stayed unemployed for two years. I had a house in Kosti that I rented but was forced to leave due to our financial problems.

When the money was about to finish I moved with my family to Almatama to look for a job there, but even though there were available jobs at the hospital, I was not given any job. I was then hired at a petrol station near Shandi Almatama Bridge. I worked there for 6 months. M.A, an official in Almatama locality paid me a visit together with the secretary of the secretariat of the locality's conference. They asked if the station was registered and I replied that I'm only an accountant. I was later informed by the owner of the station that he had to let me go because he was threatened to either hire me or register the station. After that I started buying milk and making dairy products. The officials started to fund neighbouring kiosks to do the same thing. That simply means that if you have different political views, then neither you nor your children will be able to work.

62. Mohammed told ERT:

My name is Mohamed. I am 51 years old, from the Shaygia tribe and residing in Kosti. I was a worker at the railway, the secretary of the labour's union and a member of the communist party. I was arrested several times between 1982 and 1992. My wife had two miscarriages because of this. In 1992 I was taken into custody for a long period and no one at work knew where I was. My employment was terminated due to

absence. When the government security officials were sure of the termination, they released me. I tried to explain to my employer what happened but in vain. Because of the way I was terminated, I lost all my rights even though I filed many complaints.

Suggested List of Issues

63. What actions are being taken by Sudan to address discrimination suffered by persons on grounds of their political opinion?

Discrimination affecting people living with HIV and AIDS

64. There is a strong social and religious stigma associated with HIV/AIDS in Sudan. The Sudan National AIDS Program (SNAP) was established in 1987 soon after the official declaration of the first case of HIV in 1986. In addition to the Ministry of Health, there are at least eight key line ministries involved in the national response on specific areas (general education, higher education, defence, interior, guidance, youth and social welfare). As early as in 2005, the government of Sudan drafted a Bill on HIV/AIDS to protect the rights of persons living with HIV/AIDS (PLWHA) and other vulnerable population groups. However the Bill has yet to be passed by the National Legislature.
65. ERT's experience in Sudan shows that while there are government efforts on HIV/AIDS prevention, there is little focus on the rights of PLWHA. Sudanese society views PLWHA as contagious and there is much social exclusion.
66. S.A.S. told ERT:

I'm a secondary school teacher. I was diagnosed with AIDS and because of ignorance I was suspended from my job. My own private institute of education was stopped for the same reason. I was so frustrated and depressed. I contacted the association of people living with HIV in Kassala which helped and supported me until I got my job back (...) I'm not the only one who has suffered from the ignorance of the people. I have a friend who also had to go through what I went through. All the people I know went through difficulties like this (...) there are some who have not returned to their work yet (...)

67. F.A., a woman from the Alshaabia neighbourhood told ERT:

I feel very angry and I curse my husband who has transferred this disease to me. A woman refused to drink water after me (...) I feel embarrassed and hide my disease...if people knew then they would run away from me

(...) I know a woman who had AIDS and died. No one wanted to wash her body until one woman did after a lot of effort.

Suggested List of Issues

68. What actions are being taken by Sudan to address discrimination suffered by persons on grounds of their HIV/AIDS status?
69. At what stage is the HIV/AIDS Bill and what is the timetable for its introduction and implementation?