

Sudan



January 2010 marked the 5th anniversary of the Comprehensive Peace Agreement (CPA) between North and South Sudan and the start of the final 18 months of the

agreement during which elections and the referendum on the future of the South will take place. As we enter the final stages of the CPA, the human rights situation across Sudan remains grave.

The Interim National Constitution, agreed following the CPA, included a Bill of Rights that enshrined the principle of human rights at all levels of government and society. A key component of the CPA is the revision of legislation that contradicts the freedoms outlined in the CPA itself, the Bill of Rights and the Interim National Constitution. The Sudanese government has taken some steps to strengthen the human rights legal and institutional framework. This includes passing the National Human Rights Commission Act in December 2008, which provides the legal basis for establishing a dedicated, independent national human rights body in Sudan. However, we are concerned that 12 months on its provisions have yet to be implemented and the Commission is yet to be formed. The Sudanese government's participation with the UN, African Union and other international partners in the Advisory Council for Human Rights in Sudan and the Sudan–Darfur Human Rights Forum is welcome. However, this does not replace the need for a genuinely independent national Human Rights Commission. The Sudanese government has ratified many international and regional human rights treaties, but not fully implemented them domestically. Sudan has refused to sign the Convention on the Elimination of All Forms of Discrimination against Women because of concerns over incompatibility with Sharia and Sudanese tradition. Sudan has also signed but not ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The government is still considering these treaties, and we have offered our full support to help the government adhere to them.

We continue to have serious concerns including about arbitrary arrests and detention, women's rights, restrictions on freedom of expression, association, assembly and movement across the country, Hudood punishments (amputation, flogging and stoning), the death penalty, and a lack of justice and accountability

for serious crimes. In March 2005, the UK sponsored UN Security Council resolution 1593 referring Darfur to the International Criminal Court (ICC). In 2007, the ICC issued arrest warrants for Sudanese government minister Haroun and militia leader Kushayb. The Sudanese government has not cooperated with this request. In July 2008, ICC Prosecutor Ocampo announced his application for an arrest warrant for President Bashir on ten counts of genocide, war crimes and crimes against humanity (see page 65). On 4 March, ICC judges issued an arrest warrant on seven counts of charges of war crimes and crimes against humanity, but (by majority decision) found there were not sufficient grounds for a charge of genocide because of "legal technicalities". The Foreign Secretary subsequently issued a statement supporting the ICC as an independent judicial body, urging the government to cooperate with the Court and reiterating UK support to peace in Sudan. In keeping with the Court's independent status, we do not comment substantively on its decisions.

In Khartoum, our Embassy continues to work with other EU Missions to raise human rights issues. Meetings between the EU Heads of Mission and the Advisory Council for Human Rights provide a platform to deliver these concerns to the Sudanese government. EU Heads of Mission in Khartoum met with the Advisory Council in November to discuss implementation of the National Human Rights Commission; legislative reform and the National Security Bill; freedom of expression, press and right to assembly; and women's rights. The EU also made representations to the government on the rights of non-Muslims in the North of Sudan; ratification of the Convention against Torture; and the death penalty in Sudan.

In June, the UN Human Rights Council in Geneva voted in favour of extending the mandate of the special procedure on the human rights situation in Sudan (see page 61). Mohammed Othman was appointed to the role in September, with a 12-month mandate. He will have a key role in keeping the international community informed about the human rights situation in Sudan and providing technical assistance to the government to meet the challenges they face.

During his visit to Sudan in October, Minister of State for International Development, Gareth Thomas urged the Sudanese government to engage with the Independent Expert. The Sudanese government

Registering Female Voters in Gedaref State

The UK has pledged £12.5 million towards the elections due to take place in Sudan in April 2010. Our funding supports the technical preparations, civic education and conflict management. We must continue to maintain pressure from donors, and offer further support to the National Elections Commission and the UN Development Programme basket fund that provides technical support, if elections are to approach reasonable levels of credibility. This will be a significant challenge.

Encouraging as wide an electoral turnout as possible is particularly important to ensuring credible elections. On 25 November, UK staff visited the special voter registration centres for women in Gedaref State in Sudan. Mr Amin Omer Eraibi, the Head of Gedaref Elections High State Committee, showed us the colour-printed maps of voter constituencies in the state. He explained that in the rural areas, three-quarters of the people registered were women. The High State Committee had opened ten additional women-only registration centres. *“We wanted to reach out to all people, including women who would not register in the same registration centre with men. We hired additional women registration officers, trained them, and they are now registering a considerable number of women. Our target is to register an equal number of men and women... The readiness of so many international donors to assist us in this election process represents a great moral support for all my staff – to do a better and qualitative job with the voter registration.”*



A child holds a poster encouraging women to register to vote

expressed their intention to do so. We will continue to remind the Sudanese government of their commitment.

UK activity on Sudan in the UN Security Council continues to focus on the UN Peacekeeping Mission in the Sudan (UNMIS) and the UN–African Union Peacekeeping Force for Darfur (UNAMID). Ensuring respect for human rights and the protection of civilians within the mandates of these Missions remains one of our highest priorities and we will continue to advocate for their inclusion.

Press Censorship and Harassment of the Media

We welcome the announcement in September by the Sudanese government that pre-publication censorship will be stopped. We hope that this decision is implemented without exception. We will follow the situation closely. However, we continue to receive reports of government harassment of newspapers, the arrest of journalists, and censorship of reporting of sensitive subjects, such as Darfur, violence against students, the freedom of the press and police violence. We have called upon the Sudanese government of National Unity to encourage open democratic debate, as a crucial part of creating an environment conducive to credible elections conducted in an atmosphere of political freedom in April 2010. The elections will be a measurement of the degree to which press freedom is respected by the government.

Human Rights Defenders

The Khartoum Centre for Human Rights and Environmental Development, the Amel Centre for Treatment and Rehabilitation and the Sudan Social Development Organisation all had their offices closed and their licences revoked following the ICC announcement on 4 March. The government alleged that they had been collaborating with the ICC and therefore contributed to securing an arrest warrant for President Bashir. Despite the current difficulties and challenges, the Sudanese human rights organisations and activists continue to work where they can. The UK views an independent local human rights network as essential to protecting and promoting the human rights of Sudanese citizens, as Foreign Office Minister Baroness Kinnock emphasised when she met with human rights defenders in Khartoum in January 2010. We encourage the Sudanese government to provide a conducive environment for human rights defenders to continue their work in Sudan.

Women's Rights

The Sudanese government needs to make progress on implementing the National Policy for Women's Empowerment. Through the UK's £12.5 million commitment to supporting the elections, the UK has contributed to programmes which have sought to engage women in the electoral process. The programmes will support awareness-raising of women's rights, support and encourage women to put themselves forward to be candidates, and provide a gender adviser to the National Elections Commission to promote gender sensitive policies and practises. We have provided funding and assistance to engage women in the Darfur Peace Process through the Darfur–Darfur Dialogue and consultation, as well as supporting the economic

and social re-integration of women associated with armed conflict through the UK's £20-million contribution to the UN's Integrated Disarmament, Demobilisation and Re-integration programme.

Death Penalty

Through the EU, we have expressed our concern about the use of the death penalty throughout Sudan. We have urged the Sudanese government to establish a moratorium on the death penalty and to consider abolishing the death penalty across Sudan.

Darfur

In Darfur there continued to be systematic violations of human rights and a flagrant disregard for international humanitarian law by government,

Public Morality Offences: The Case of Lubna Hussein

On 3 July, Lubna Hussein, a Sudanese UN Mission in Sudan employee and freelance journalist, was arrested by the Public Order Police in a restaurant in Khartoum for wearing trousers. Along with 14 other Sudanese women arrested in the same raid, Lubna was charged with wearing "indecent clothing" in breach of Article 152 of the 1991 Criminal Procedure Code, which states that "any act committed by an individual in a public place, contradicting public morality or feelings will be punishable with whipping that should not exceed 40 lashes or a fine or both." Cases under Article 152 are usually heard in Public Order Courts with no legal representation allowed for defendants. Ten of the women arrested with her, including several non-Muslims, each received ten lashes and a fine. But Lubna and two other women asked for a lawyer, delaying their trials. Lubna waived her immunity as a UN employee and proceeded with the trial. On 9 September, the court found Lubna guilty and ordered her to pay a fine of 500 Sudanese pounds or imprisonment for one month. She refused to pay the fine. Under intense international and media pressure, Lubna was released after only one day in prison, after the Chair of the Union of Sudanese Journalists had paid the fine.

The British Embassy in Khartoum followed the trial closely and we raised the case with the Sudanese government at the Human Rights Council in Geneva. As Lubna subsequently pointed out to members of the Embassy, her case is one of thousands of instances of this sort in Sudan. We will continue to raise issues of this kind with the Sudanese government.



Lubna Hussein after her court case carrying a sign that reads "know your rights, avoid discrimination"

Promoting Justice and Reconciliation in Darfur: The AU Panel

The AU Panel on Darfur (AUPD), led by former South African President Thabo Mbeki, was set up by the African Union Peace and Security Council (AUPSC) to consider possible measures to promote reconciliation and healing in Darfur while also addressing the issues of accountability and combating impunity.

Between March and September, the Panel members held public consultations in the three Darfur state capitals and Khartoum, and private meetings in Sudan and neighbouring countries with all key Sudanese, regional and international stakeholders. The Panel's report was endorsed by AUPSC Heads of State and the government in Abuja on 29 October. It sets the Darfur conflict in the context of the wider issue of marginalisation of Sudan's peripheries. It fully recognises the scale of the atrocities, noting that the people of Darfur have suffered "horrendous atrocities" and "extreme violence and gross violations of human rights". The report contains frank messages for the Sudanese government including on its responsibilities and the need for unilateral action to promote peace, justice and reconciliation. Armed groups are also pushed on the importance of their participation in the peace process.

On the issue of justice the report describes a lack of confidence among Darfuris in the capacity of the Sudanese judicial system to act independently. It

recommends a hybrid court system involving non-Sudanese as well as Sudanese judges, strengthening of Sudan's judicial system, a truth and reconciliation commission, and payment of compensation. It recounts in factual and neutral terms the ICC's involvement, commenting that justice for the victims is essential and that the Sudanese system has not so far delivered this.

Some points in the report may need more work. But our overall assessment is that it is thorough, detailed and balanced, with a frank analysis of causes and consequences of the conflict. Its recommendations, if implemented, would have a significant impact on the situation in Darfur. The Foreign Secretary has written to AU Chairperson Ping welcoming the report in these terms.

We have called on all parties, especially the Sudanese government, to take concrete action to implement the report's recommendations, particularly on justice and reconciliation. We will continue to support the work of the Mbeki-led high-level Implementation Panel, established by AU PSC Heads of State in Abuja, to encourage effective coordination with existing mechanisms, and to work with the AU and other international actors on areas needing further consideration. The UN Security Council issued a statement on 21 December welcoming the report.

militias and rebel groups throughout 2009. Although the levels of fighting between the Sudan Armed Forces and rebel groups have decreased since their peak between 2003–05, levels of lawlessness and insecurity remain high and humanitarian access poor. The causes and the consequences of the conflict remain unaddressed. Without this there can be no sustainable peace in Darfur. The ability of humanitarian agencies to assist those affected by conflict in Darfur continues to be restricted by insecurity, government bureaucracy and harassment. Following the announcement of the ICC's decision to issue an arrest warrant for President Bashir in March, the Sudanese government expelled 13 international NGOs and closed down three national NGOs, significantly restricting the quality of programming in the region.

The UK continues to press for full access for humanitarian agencies in Darfur at all levels with the Sudanese government. We have called for the government to reverse its decision regarding

the expulsion of the international and national organisations. The Prime Minister, the Foreign Secretary, the Secretary of State for International Development and the Minister for Africa have raised the humanitarian situation with neighbouring countries and international organisations. Although the decision has still not been reversed in full, this pressure on the Sudanese government to work quickly with the UN and others to plug gaps averted a potential humanitarian crisis.

While the overall level of violence between government and rebel forces continues to decrease in Darfur, security for humanitarian agencies and workers continues to worsen. In addition to a constant stream of car-jackings and compound break-ins, there have been a series of kidnapping cases involving aid workers and peacekeepers since the ICC's indictment of President Bashir in March. This is severely affecting the humanitarian response as aid agencies withdraw staff and limit programmes, particularly in rural areas. The International Committee

of the Red Cross has suspended all their activities across Darfur, with the exception of Gereida. Not only will this affect the quantity of aid delivery but it will also limit the quality and level of trust between Darfuris and the NGO community.

With UK leadership, the October mission to West Darfur by the High Level Committee re-focused attention on the issue of security. Strong messages were delivered to state and national authorities on the need for government to do more to secure the safety of humanitarian workers.

We continue to support the joint African and UN Chief Mediator, Djibrill Bassolé, in his work to negotiate a peace settlement in Darfur between the Sudanese government and armed movements. Securing a sustainable peace deal for Darfur requires effective consultation and engagement with all parts of Darfuri society, as Baroness Kinnock stressed to members of Darfuri civil society when she met them in January 2010. For this reason the UK is funding additional work through the Darfur–Darfur Dialogue and Consultation to engage civil society and rebel groups in discussion of humanitarian issues. Some of this work contributed to the Darfuri civil society event,

which took place in Doha in November, providing an opportunity for the people affected by the conflict, including an encouragingly high proportion of Darfuri women, to have their voice heard in the negotiations for peace.

South Sudan

In the South, more people died in 2009 as a result of tribal fighting than in Darfur. This and attacks by the Lord's Resistance Army (LRA) have forced over 300,000 people from their homes – more than double the number from 2008. Corruption and the mismanagement of food stocks by the Southern Sudanese government have compounded the worsening humanitarian and security situation.

We are funding significant work in the South to strengthen law-enforcement capacity through our £50 million contribution to the South Sudan Recovery Fund, which provides support for policing, community-led security work, as well as to promoting reconciliation. Our Ambassador met with members of the Southern Sudan Human Rights Commission in June to discuss human rights issues, including the death penalty, women's rights, access to justice and the standard of detention facilities. In addition, the



UN helicopter bringing aid to Southern Sudan

UK has provided funding for basic training for Human Rights Officers within the Human Rights Commission and has recently awarded a Chevening Fellowship to one of the Human Rights Commissioners.

The UN Security Council continues to condemn the LRA's indiscriminate attacks in South Sudan. According to UN reports, LRA activities have caused the displacement of 70,000 people in Sudan this year alone. Regional military cooperation between Uganda, the Democratic Republic of Congo (DRC), South Sudan and Central African Republic to combat this threat continues. According to the Ugandan and DRC authorities, it is having an attritional effect on the LRA, which has severely disrupted its command structure and ability to communicate. We welcome cooperation among the countries in the region. We have called and will continue to call for measures to protect civilians to be given proper priority in these operations, and for there to be close cooperation with the UN missions in LRA-affected areas, in particular the UN Mission in DRC and the UN Mission in Sudan.

East Sudan

The human rights situation in East Sudan remains a concern. Our Ambassador visited the region in July to urge the implementation of the East Sudan Peace Agreement signed in 2006. The agreement has brought peace and helped deliver a successful demobilisation process for former combatants, including women and child soldiers. However, restrictions on freedom of expression and other political rights have limited the political space in the East. There are concerns about the ability of all political parties to be able to campaign freely in the region in the 2010 elections.

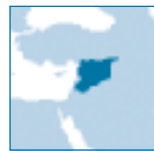
Women and children are particularly disadvantaged in the East. Female genital mutilation is near universal and girls' access to education is particularly low. In the absence of leadership from the state government NGOs are working to redress these issues. During her visit in July, the UK Ambassador visited a Médecins Sans Frontières-run project in Port Sudan, which promotes female health issues and builds awareness among the local communities of the harmful effects of female genital mutilation. She also visited women's self-help schemes to promote women's empowerment and education at Kubri al Butana al Jadeed in Kassala State, run by the Irish NGO GOAL Sudan, initially with DFID funding.

North Sudan

Rights of Non-Muslims

Although the CPA and the Interim Constitution stipulate the safeguarding of the rights of non-Muslims in Northern Sudan, non-Muslims continue to be charged with offences criminalised under the Sharia-inspired Criminal Act. For example, there are currently many Southern Sudanese women serving prison terms for crimes associated with possession of alcohol and continued arrests under Public Order offences, citing inappropriate dress (see page 154). Under the CPA, a Commission for the Rights of non-Muslims was established in early 2006. The Commission is tasked to protect the rights of non-Muslims in Khartoum and ensure that they are not adversely affected by the application of Sharia law in the capital. We have called on the Sudanese government to meet their responsibility to respect the rights of non-Muslims and have asked the Commission for the Rights of non-Muslims to ensure the necessary measures and legal mechanisms are in place to protect these rights.

Syria



Syria's human rights record continued to deteriorate in 2009. An Emergency Law, in place since 1963, continues to restrict the rights of Syrian citizens. This is based on the justification that Syria is still at war with Israel. We remain deeply concerned about arbitrary arrests, intimidation, torture, travel bans, lack of freedom of expression, and lack of respect for the rights of the Kurdish minority.

There is no accurate figure for the number of political prisoners in Syria. The NGO Freedom House estimates that 2,500–3,000 political prisoners remain imprisoned in Syria. Some Syrian human rights defenders and lobby groups estimate a much higher figure of around 4,000. In January, the NGO Syrian Human Rights Information Link published their annual list of political prisoners. Though not definitive, the list shows an increase in new political prisoners, from 800 imprisoned in 2008 to 974 in 2009.

In 2009, the UK has consistently raised its concerns about the human rights situation in Syria. A new EU joint strategy on human rights was instigated by the UK in 2009.

On 3 August, Foreign Office Minister Ivan Lewis raised major issues of human rights concern during his