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Sudan: Human Rights Denied in the South

During twenty-one years of war, governments of both the north and south of Sudan committed numerous violations of civil and political rights by killing and torturing their citizens, abducting people (including women and children), recruiting children into armed forces, attacking villages, and forcibly displacing millions of people.

As a result of the Comprehensive Peace Agreement (CPA), which ended the civil war between north and south in 2005, Sudan as a whole is governed by a Government of National Unity (GNU), also known as the Government of Sudan (GOS), and a semi-autonomous authority in the south, the Government of South Sudan (GOSS). The Government of Sudan has signed and ratified most important international human rights treaties. Now as the international community assists the governments with implementing the CPA, they must both act to guarantee the civil, political, economic, social, and cultural rights of the south Sudanese, which continue to be denied.

South Sudanese are ready for peace. Exhausted by twenty-one years of war, the people of the south expect to receive a peace dividend. Instead, they are experiencing the wages of war. Their physical security is tenuous at best, due to instability posed by the Lord's Resistance Army (LRA) near the border with Uganda, ethnic tensions in many of the states, a stalled disarmament process, a proliferation of small arms, and omnipresent landmines. Their ability to ensure their fundamental human rights to food, water, and shelter is compromised by the lack of even the most basic infrastructure in the South. Their access to medical care is posing both short-term—including disease epidemics—and long-term threats to well-being, including access to family planning and trauma survivor services. And the dearth of schools throughout the south, both primary and secondary, threatens to create a whole new lost generation.

Sudan is a party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, both ratified in 1986. It has also ratified or acceded to the Refugee Convention (1974), the International Convention on the Elimination of All Forms of

Racial Discrimination (1977), the Convention on the Rights of the Child (1990), and the African Charter on Human and Peoples' Rights (1986). As well, Sudan is a party to the Geneva Conventions of 12 August 1949, which it acceded to in 1957, and has signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1986). Although Sudan has not yet ratified the Torture Convention, as a signatory, it is obligated under international law not to take any action which would contravene the treaty's purpose. Consequently, Sudan has affirmatively agreed, and is legally obligated, to promote and protect the rights of its people; these rights are not optional, but are mandated by international law.

Southern Sudanese still face violence on a daily basis. The ready availability of weapons has amplified the threats posed by crime. As one internally displaced man told RI, "I thought peace was supposed to come, but there are still people with guns." Furthermore, splinter armed groups, such as the "White Army," active in Ayod, have refused to be disarmed. A slow, under-resourced disarmament process in South Sudan has exacerbated the threat of armed violence to civilians. In Equatoria, a formerly peaceful region, there are reports of deserting Sudanese People's Liberation Army (SPLA) soldiers joining ranks with the LRA to terrorize civilians and cause new displacement. In March 2006, RI interviewed people fleeing LRA violence in both Kakuma refugee camp in Kenya and in Northern Bahr-el-Ghazal. Landmines pose an even bigger threat to a larger number of people. South Sudan includes sixteen million square meters of mined land. Both the Sudanese Armed Forces (SAF) and the SPLA have resisted marking or removing the mines, and local government officials have actively obstructed the UN's de-mining efforts. Sudan ratified the Mine Ban Treaty in October 2003, but it is clearly failing to meet its legal obligations under this treaty.

People in South Sudan are not only threatened by violence; they are also hungry and thirsty. The south's agrarian economy has been destroyed by war and the infrastructure necessary to support agriculture will take years to build. The influx of returnees to impoverished villages and towns has forced residents to share their limited food and water. In the village of Canal, a village elder told RI, "Returnees are very hungry, and when they get here and see there is no food, they just eat fruit and wild leaves, or they leave." Aid agencies struggle to assist the flood of returnees but the journey home is dangerous. There are neither roads nor water infrastructure in the south, forcing people to risk death as they travel. RI interviewed women in Aweil who had traveled from Yambio, a journey of three months. "We had problems of hunger and thirst on the way," one said, "Some of the children do not have parents and we have to provide for them. We try to collect firewood to sell to make money for food."

Sudan has experienced major outbreaks of epidemic diseases over the past six months, including cholera, dengue, and yellow fever. In Malakal, a recent cholera outbreak claimed so many victims that people were treated in the local stadium, as the medical clinics could not handle the number of patients. The insufficiency of the medical infrastructure in the south is rivaled by the inadequacy of the educational system. While some towns and villages boast of a single primary school, secondary schools are even rarer. As of 2004, only two percent of children in the south finish primary school, with boys attending three times more often than girls, and there is little indication that the situation has improved. Refugees from South Sudan living in Kakuma refugee camp in northwest Kenya reported in March 2006 that SPLA officials suggested they leave Sudan to get an education, as "there are no schools here and you can get an education in Kakuma." Until the refugee camps offer less favorable conditions than South Sudan itself, it is unlikely that the influx of refugees seeking access to education will end.

The denial of basic rights is linked to the legacy of the civil war and the poor humanitarian conditions prevailing throughout the south. While insisting that the Governments of Sudan and South Sudan fulfill obligations to their citizens, through measures such as providing protection and investing oil revenues in reconstruction, donor governments and international agencies need to ensure that they are providing humanitarian and reconstruction support at levels commensurate with the massive need. Doing so will create an environment that encourages both Governments to live up to their responsibilities.

While human rights treaties, if signed or ratified by a country, create legal obligations, they depend upon pressure by governments and international agencies for implementation. Sudan

has ratified the most significant human rights instruments and has also signed a peace agreement with explicit human rights provisions, but is failing to promote and protect the rights of most of its citizens. Donor governments, the Secretary-General, and international agencies must hold both Governments of Sudan and South Sudan accountable and demand that they enable their citizens, particularly the south Sudanese and Darfurians, to enjoy their full complement of human rights—civil, political, economic, social, and cultural—without further delay.

Refugees International directly observed the failures of the Sudanese governments to promote and protect the peoples' rights on its recent mission to South Sudan, and therefore recommends:

- ❑ The Governments of Sudan and South Sudan implement all provisions of the Comprehensive Peace Agreement (CPA) relating to human rights and fundamental freedoms, especially provision 1.6 in the Power-Sharing Protocol;
- ❑ The Government of Sudan comply with all international and regional human rights treaties ratified, and do not take actions that would violate the Torture Convention, to which Sudan is a signatory;
- ❑ The Governments of Sudan and South Sudan ensure that resources previously allocated to military expenditures, as well as new resources, are directed toward the creation of basic infrastructure, including water and sanitation, medical clinics and hospitals, and schools;
- ❑ The Government of South Sudan ensure that the government ministries charged with water and sanitation, health, and education are adequately funded and empowered to implement laws and regulations to ensure equal and full access to water, sanitation, medical, and educational facilities;
- ❑ The Special Representative to the Secretary General of UNMIS along with the US and other donor governments support implementation of the CPA as the political priority in south Sudan, and urge the Government of Sudan to fulfill its legal obligations under the international human rights treaties signed or ratified.
- ❑ Donor governments and international agencies provide humanitarian and reconstruction assistance commensurate with the massive needs of the people of south Sudan.

Advocate Sarah Martin and Betsy Apple, a human rights lawyer, visited southern Sudan in March.