

October 2021

Recommendations for the UPR of Sudan

National Action Plan 1325

- Ensure the implementation of the National Action Plan on Women, Peace and Security 2020-2022 with adequate financial, human and monitoring and evaluation resources and with full involvement of civil society; facilitate and support civil society initiatives on Women, Peace and Security.

Protection of women and girls in conflict-affected areas

- Ensure protection of women and girls in conflict-affected areas, including by:
 - taking immediate measures to rein in militias and remove their presence from civilian areas in Darfur and other parts of the country;
 - putting in place immediate and practical measures for the protection and prevention of sexual and gender-based violence, in addition to mechanisms for accountability, in conflict-affected and displacement settings, whether in camps, settlements or out-of-camp settings;
 - taking immediate and concrete measures to address the proliferation of weapons, particularly of small arms and light weapons (SALWs), as it heightens the risk of gender-based violence and contributes to an increase in gendered inequality and a generalized culture of violence;
 - ensuring the inclusion of women as leaders and active participants in the design and implementation of the activities of National Plan for the Protection of Civilians including by working with existing platforms, such as the Darfur Women's Protection Networks and women's civil society organizations who have intimate knowledge of good practice interventions, grounded in decades of experience.

Women human rights defenders

- Create an enabling environment to protect human rights defenders in law and in practice, including through the establishment of protection mechanisms for human rights defenders, paying attention to the specific needs of women human rights defenders and women peacebuilders;
- Ensure that all cases of attacks against women human rights defenders and women peacebuilders are thoroughly investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims are provided with effective remedies.

Women's participation in political and peace processes

- Ensure the full, equal and meaningful participation and leadership of diverse women, youth and civil society, at all stages of peace and political processes and ensure that their needs and interests are included in all negotiations;
- Realize the 40 percent quota for the Transitional Council in line with the Constitutional Declaration, and apply the quota to the broader government bodies, as well as to the upcoming election laws.

Accountability and remedy

- Establish a comprehensive, consultative and holistic survivor-centred transitional justice process led by the Transitional Justice Commission to redress past violations and abuses, including gender-based crimes, to prevent their recurrence, and to ensure remedy and reparations;
- Ensure that all survivors of sexual and gender-based violence are provided with the necessary medical, psychosocial, legal and socioeconomic services and combat impunity through investigation and prosecution of sexual and gender-based violence.

Discrimination

- Promote women's rights and combat discrimination against women through legal reforms, including those of the Criminal Code and the Personal Status Law, by consulting women's organisations and other civil society;
- Adopt a comprehensive anti-discrimination law to promote equality and combat discrimination as recommended by the Committee on Economic, Social and Cultural Rights.¹
- Become party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), without reservations, and ensure harmonization of domestic laws with the Convention without delay.

Background

National Action Plan 1325

A National Action Plan on UNSCR1325 was released in June 2020 for the period 2020-2022. The NAP sets out many objectives that, if met, could lead an improvement in women and girls' enjoyment of human rights.

Women's participation

In September 2021, Hala Al-Karib reported to the UN Security Council that "despite the 40% quota demanded in the Constitutional Declaration, women are still fighting for representation. Only one woman sits on the Sovereign Council. Women serve as only four out of 26 ministers in the cabinet, and two out of 18 state governors. In addition, in Darfur and elsewhere, officials from the former regime dominate the local authorities and executive administrations, conveying little hope that reform is on the way."²

Impact of the conflicts on women and girls

Women and girls are disproportionately affected by the impact of the conflicts and humanitarian crises in Sudan due to gender inequality, intersecting with other factors of discrimination and disadvantage. In its submission to the UPR, the UN country team has reported that gender-based violence remains hugely underreported and is a critical concern both in humanitarian and conflict settings. Gender-based violence has been exacerbated by the escalation of violence following the end of UNAMID's mandate on 31 December 2020. Women and girls have been at greater risk of gender-based violence and other violations and abuses.

In the abovementioned address to the Security Council, Hala Al-Karib also reported that "Since the Transitional Government came into power, extrajudicial killings and rape of civilians have continued to occur in Darfur, as well as in Kassala and Port Sudan in the East. The uncontrolled presence of armed militia in civilian areas in Darfur and other parts of the country has led to an increase in sexual violence, which is perpetrated with impunity. Such concerning trends not only compromise Sudan's chances of achieving a peaceful transition, but risk the country slipping back into chaos."³

Women human rights defenders

In July 2021, OHCHR reported that "journalists and human rights defenders continue to be targeted by security forces in the Sudan despite the bold steps taken by the Government of the Sudan to implement reform in this regard" and reported, *inter alia*, the case of a woman human rights defender and media practitioner interrogated by the police for posting a statement on her Facebook account; she was later charged by the Cybercrime Prosecutor for publishing false news in violation the Cybercrimes Act of 2020 and risks prosecution for exercising her right to freedom of expression; and of a woman human rights defender arrested after she live-streamed a video on social media criticizing security forces for discriminating against women at gas stations; a criminal court sentenced her was a six-month suspended prison sentence.⁴

¹ "The Committee urges the State party to amend legal provisions that are discriminatory or have a discriminatory effect on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, in accordance with article 2 of the Covenant. The Committee also recommends that the State party adopt a comprehensive anti-discrimination law defining, prohibiting and punishing discrimination. The law should cover not only direct but also indirect discrimination and provide for the implementation of temporary special measures and remedies for victims. Furthermore, the Committee recommends that the State party condemn and punish acts of discrimination against religious minorities as well as against individuals on the basis of sexual orientation and gender identity..." E/C.12/SDN/CO/2, paragraph 20.

² https://www.womenpeacesecurity.org/wp-content/uploads/UNSC_Briefing_Sudan_Al-Karib_09-2021_EN.pdf

³ https://www.womenpeacesecurity.org/wp-content/uploads/UNSC_Briefing_Sudan_Al-Karib_09-2021_EN.pdf

⁴ Report of the Office of the United Nations High Commissioner for Human Rights on the situation of human rights in the Sudan, A/HRC/48/46, 27 July 2021, paragraph 28.