

Our Rights Group (ORG)

Civil Society Group of Organizations in Sudan

Prepared for UPR session No (30)

15 September 2015

Introduction:

This report is prepared for the second round of the Universal Periodic Review, and will be discussed in April 2016.

Our Rights Group thanks all the countries who formulate good recommendation for the sake of Sudanese people, to have safe and decent life. In the following report we will state the recommendation, the number, the country, and then we put our comments on what had been implemented by the government actually, and look at it, if it is leading to actual progress on the ground to promote the situation of human rights in Sudan. What is needed is stated inside a box.

Methodology:

This report was prepared by a group of Sudanese organizations working in Sudan. Each one is specialized on certain area. They had a lot of meetings. The first meeting was a presentation for UPR processes, UPR reports prepared in the last session, the recommendations stated by the government, other reports showing the international progress made in different countries worldwide regarding UPR process.

The meeting attendance decided their organization area of concern. The group divided into small groups specialized in certain issues, they worked on the recommendations regarding each field of work, they collected information about progress on the ground, what had been done regarding these accepted recommendations, the improvement reached and if there are any violations still there and what should be done in the future. The reports were collected, coordinated in one report, and translated and final editing was made.

Seek International community support to address human rights challenges

Recommendation 42 Pakistan: Seek the support of the international community in addressing human rights challenges, including development projects.

We observe the government take the following procedures:

- In February 2014 the government freeze international Crescent Committee
- In April 2014 the government expel the representative of UNFPA
- In April 2014 the government closed the organization Merlin Britain in Algenaina Darfur which offer health services for displaced persons.
- The government refuse to open safe roads for humanitarian assistance to Nuba Mountains and Blue Nile with continuous arbitrary aerial bombing for civilians in these areas.

Promotion of human rights in all polices

Recommendation 55 South Africa: Give priority to the promotion and protection of human rights in all policies developed by the Government

- All the laws which are contradicting with the constitution and violating freedom and human rights are effective till now as National Security Law, Public order law, Criminal Law, Press law..
- The president issued a decree in April 2014 regulating work of political parties asking them to have license for their activities even if it is inside their premises, this contradicts with Bill of Rights in constitution, and the law organizing political activities.
- Pre and after printing inspection for newspapers still exist, confiscation of newspapers, stopping issuance of newspapers, prohibition of journalists from writing still continues.
- Constitutional amendments were approved in 4 January 2015, it gives the president the right to appoint States governors instead of being elected, and the article (151) regarding responsibilities of National security was amended to give new military role to this institution.

Strengthen awareness and respect of human rights among armed forces, police and judiciary

Recommendation 193 Norway: Strengthen awareness of and respect for human rights within the armed forces, police and judiciary

- ❖ The law of the Armed forces was amended, and passed by parliament in July 2013, this act legalize prosecution of civilians in front of military courts. In January 2014 a student in university of Khartoum (Saeed Mohamed Alawad) and his mother was sued in front of military court, because he refused to leave his village in Nuba Mountains, and they classify them as members in Revolutionary Front.
- ❖ Families of victims and human rights activists face problems in suing the perpetrators of killing demonstrators in September 2013, they failed to have death certificate from hospitals stating the actual cause of death, and the police refused to register the cases in their files.
- ❖ Constitutional amendments passed by parliament in 4th January 2015 give the security the right to compose military militias.

Poverty Eradication

Recommendation 143 Cuba: Continue applying strategies and plans for the socio-economic development of the country, in particular those aimed at reducing poverty, and *145 Azerbaijan* to focus on rehabilitation of agriculture and infrastructure. We have the following remarks:

Sudan deteriorated deeply economically and socially after 2011 due to loss of 75% from its budget after Sudan separation. Inflation rates increased so much, the Sudanese pound lost 70% from its value, the prices increased by 110% in 2014.

- 1) Inflation increased from 23% in March to 23.3% in April 2015 as reflected by Bureau of Statistics
- 2) UNDP poverty indicators shows Sudan ranking 155 in 2010 while it deteriorates to 166 in 2014
- 3) The deficit in the balance of payments in 2014 reached 4.86 Billion Dollar.

So poverty rates increased and no development programs implemented and the national debt increased with geometrical figures.

Drinking water

Recommendation 154 , Democratic Republic of Congo, provide access to drinking water for each Sudanese.

Only 50 % of the rural population in Sudan is having access to clean water. In spite of the Nile and other rivers people in most of the cities and inside Khartoum are facing scarcity in water, actually most of the water networks even in the capital city are old and obsolete, the government allocates little funds for services, in spite of large funds for military, this situation deprived the people in Sudan from having a decent life. In this summer there are continuous demonstrations on streets asking for water.

Education & Literacy

Recommendation 158, 159, 160 and 161 Algeria, Bahrain, Oman and Cuba ... about ensuring education for all children in public schools, offer rehabilitation for educational institution, reduce dropouts and guaranty universal access to quality education. According to Ministry of Finance budget in 2015, military sectors including armed forces, police and security have 78% from the budget of Sudan; only 7% went to agriculture, industry, education and health sectors.

The public education is deteriorating drastically specially in rural and peripheral areas around cities, due to scarcity of government spending in rehabilitation of schools, low salaries of teachers and unavailability of other educational needs. Although it was stated in the constitution that primary and secondary education are free, but actually citizens need to pay to register in children public schools, and parents pay to keeps the schools running.

There are Three Million children¹ out of schools in 2014. The available figures show that in 2011 the dropout in Khartoum state reaches 68,000 students, about 40% from the total students in Khartoum state². There is a new trend, the government is now confiscating the land of some schools and allot it for other usage of investment, which will hurt education future in Sudan.

Illiteracy is high 36% for men and 47% for women according to some researchers. Dropouts and literacy are high due to conflicts, internal displacements, poverty, schools are far from residential areas, and the government cancelled boarding schools known in Sudan in the past, plus harmful traditional practices.

Health

Recommendation 152 Turkey, allocate sufficient financial resources to the health sector to improve access to health care and rebuild health infrastructure.

Public spending in Sudan since 1989 for 18 years is pro military spending, reaching 78% in 2015 according to Ministry of Finance Report; only 7% went to agriculture, industry, education and health sectors.

Offering health services to all citizens is part of social justice and distribution of wealth to poor people. According to international indicators of World Health organization all the indicators as, number of

¹ According to government and UNICEF figures in newspapers

² Khartoum state Parliament

primary health centers, vaccination, reproductive health, no of hospitals, is far away from international figures.

The government talks about medical insurance for most citizens and free treatment for children under 5, this is mere propaganda, and research show that coverage is too small.

The ministry of health in spite of all this deterioration, insisted on emptying the big hospitals in the centre e.g Khartoum Hospital, from services and move it to the other areas, but the number of beds in peripheral hospitals is only 36% from the number of beds in Khartoum hospital. Some specializations are not available in these hospitals as orthopedics, children surgery..etc, there are few beds for emergency, and intensive care not available (under construction).

Unavailability of intensive care in public hospitals led to a move to private hospitals for the capable citizens, and the poor face drastic situations that may lead to losing lives. Other consequences of this instability are the health staff left the country. Cancer hospital is lacking medicines. 80% of delivery is at home, which increased maternal mortality rate to 216 for 100,000. Saving lives medicines are not available and if found will be expired or bad quality.

Sudan will not be able to succeed in obtaining Millennium Goals in relation to child mortality³ 52 in 1,000 new born children, and 36 in 1,000 children under five. Mal nutrition is main cause of child deaths.

We need public free health care for all the citizens, to gain a healthy nation

Continue efforts to promote and protect human rights

Recommendation 26 Singapore: Continue to implement the provisions of the Comprehensive Peace Agreement and ensure the rule of law in the country

- In 16 February 2015 14 newspapers were seized and prevented from distribution
- In 25 May 2015 10 papers were seized after printing and prevented from being distributed
- In December 2014 two political leaders Dr. Amin Madani Head of Civil society Initiative, and Faroug Abu Issa Head of National Consensus Forces were arrested and charged in front of a court in 23 February 2015 criminalized with crimes against the state , after their signature Sudan Call in Addis Ababa jointly with Revolutionary Front, and Umma Party, Sudan call is asking for peace, freedom, assistance to war zones, democratic processes, justice and looking for peaceful settlement for Sudan conflicts.

Prosecuting activists

Recommendation 56 Sri Lanka: Continue its efforts to promote and protect human rights *and freedoms.*

After the constitutional amendments the government changed from just detention of activists, to legal action against them by NISS, the court sessions continue for long time then NISS cancel the case and

³ UNICEF 2015

free the convicted. NCP used to harm opposing parties by prosecuting activists with false legal cases, that led to losing academic years and losing jobs ..etc.

2015 election was a season for attacks against rights. The activists faced a fierce attack against their rights to express their opinions against a false election. In Atbara Nile State in April 2015 five opposition leaders were convicted under three codes in criminal law, the court had twelve sessions, the case cancelled by NISS and they were freed in August 2015. Three from Elduim in White Nile state were convicted in April 2015 moved to Khartoum then freed in June 2015. Rights activist was arrested in April while he has training in one organization and convicted, but he was freed later without charges.

NISS have authority to keep in detention any person for Four and half months without legal order. They kept in prison a member of Solidarity Committee with September Martyrs, for months. A student from University of Sennar was faced by false charges and convicted in the court to be imprisoned for two years. In April Three leaders of opposition were arrested while addressing public, and charged in court by lashes, and they were lashed.

NISS kidnapped two women activists and denied the incident and force them to hide the incidents. NISS punished the first activist for declaring her detention publically, by imposing on her to organize a press conference and deny all what she said earlier about her detention by NISS. Some of her family members were arrested also plus they punish the two newspapers which wrote about the incident to be collected after printing and deprived distribution.

Darfur students in Bahri University were terrified after violence irrupted in peaceful dialogue forum convened by Darfur students, NCP students attack the forum with local weapons and some with fire weapons, one NCP student died. Tens of Darfur students were arrested others kidnapped, boarding houses burned and the students obliged to go out boarding houses. Others convicted and charged by false charges.

Freedom of organization, opinion, and freedom of civil and political activism should be availed.

Civil Society Space⁴

Recommendation 83 Poland : Engage civil society in the process of implementation of UPR recommendations.

Instead of government engagement with civil society in UPR processes, civil society organizations are threatened in its existence. The period 2014 and 2015 has seen more pressures and diminishing of space available for civil society organizations and activists. The percentage of reported grave violations (detention/closure/confiscation) rose very high.

In Lagawa town (West Kordufan State) the secretary general and members of the executive committee of Lagawa Youth Organization were detained and transferred to Alfoula town (capital of the State) after they declared their intention to observe the elections process in their Locality.

In Khartoum, the office of the Consumer Protection Association was closed and its secretary general was arrested along with another member in the organization- a woman activist- against their rally against cases of child molestation by school bus drivers and their newspapers coverage. Civil society activists

⁴ Civil Society Monitor prepared by the Confederation of Sudanese Civil Society Organizations.

have seen a sustained and systematic campaign of intimidation and harassment carried out by regulatory and security bodies against civil society organizations during this quarter.

Harassment and obstruction to the work of civil society organizations also continues through lengthy, ambiguous requirements and procedures. Reports indicate that since the beginning of 2015 more than 40 registered organizations have failed to renew their registration/license work and activities. These organizations are under investigation/review by HAC. It is worth mentioning here that renewed (or valid) registration certificates are most often a prerequisite for donors to consider funding organizations or their projects.

Independent civil society organizations registered face obstacles in establishing state-level branches. A noticeable trend is emerging where state-level authorities from HAC are forcing federal-level NGOs wishing to work in their state to work through partnerships with state-level organizations that they recommend. Such organizations would most often be pro-government.

National security attack Tracks organization on 26 March 2015, they seize equipments as laptops ..etc, in March also environmental organization in Omdurman was attacked, NISS investigate with the manager on his role in boycotting elections. In February NISS closed Sudanese Writers Association. In 18 January 2015 NISS attack Mahmoud Mohamed Taha Cultural Center in Omdurman during the activity of the 30th memorial celebrating his glory death for freedom of expression and thinking, he was a leader, enlightened thinker and writer in Islamic issues, NISS closed the centre, In 21 December 2014 NISS attacked Sudanese Human right Monitor and confiscate the laptops and documents.

Restore the closed organizations; return all confiscated equipments, and Reform Humanitarian Aid Law to avail freedom of work for independent organizations in civil work.

Violence against Women & Impunity

Recommendation 138 Honduras: Adopt strong and decisive measures to punish those responsible for the rape of girls and women. We have the following observations:

- Tabit and information about 200 raped women need to be investigated seriously
- Girls university students from Darfur were expelled from hostel, 22 students arrested beaten and were faced by sexual harassment and intimidation, they lost their chance to live in boarding house which threaten the education of women in Darfur
- Students from Darfur tried to meet the United Nations special Reporter on Violence against women; they were arrested after the meeting with her and threatened.
- A woman activist who spoke on children harassment on school transport arrested for months.

Public Order Law

- Continuous harassment for tea and food sellers by forcing them to pay taxes in the shape of rent of chairs ..etc and continuous harassment by Public Order law for indecent dressing ..etc

- Twelve girls from Nuba ethnic group were prosecuted for indecent dressing and ten of them have been denied and different convictions.
- Tea sellers faced a harsh police attack, beaten and high fines imposed on them, tea sellers from Sennar convicted for not wearing gloves and socks. Public Order Police beaten a pregnant woman, local wine seller, and beat her until she loose her baby.
- Parliament is discussing limitation on women travelling outside Sudan.

What did the government make for women victims in Tabit? No one is convicted, there is no action to stop impunity in Darfur, Nuba and Blue Nile, so violence against women continues on daily basis. We look for the Abandon of Public Order Law

Indigenous people or minorities

Recommendation 57 Finland: Clearly voice its intention to guarantee the protection of ethnic and religious minorities and formalize citizenship rights which will safeguard civil, political, economic, social and cultural rights on an equal footing as citizens

The Indigenous People Rights are violated in terms of :-

- Deprived from Economic, Social and Cultural rights, in terms of denied access to trade markets by imposing different policy on some groups (Soge Lebia in Omdurman is an example) that pushes them out of the market. In addition to official allocation of new shops in the towns centre for particular groups and intentionally denied to the indigenous population.
- Many indigenous people were made redundant from Government employment at all levels.
- Various obstacles are practically put on the indigenous people to form social associations meanwhile the law allows the freedom of association.
- The Indigenous people's culture is not shown in the National media only on few occasions during a year.

Protect ethnic and religious minorities apply equal citizenship rights to all citizens, prosecute perpetrators of these fundamentals

Justice

Conflict Zones:

Recommendation 65 Spain: End the deliberate and indiscriminate attacks against civilians in Darfur and prosecute those responsible for these attacks

Many International reports reflect the war crimes committed against civil population in conflict zones Darfur, Blue Nile and South Kordofan in 2014 and 2015, and reflect the mass destruction NCP caused in the three areas, and in these areas. Continuous impunity and political aggression continues, nothing was made to bring justice in conflict areas, in spite of this the government declared they will succeed in ending war by defeating rebels by 2016. That mean they are planning to start new war operations.

On 13 September 2015, they attack Umserdoba and Umdorain areas in South Kordofan with Missiles and aerial bombs. The government opened new training camps for Jihad, planning to send troops by road to these areas in October 2015.

Government should Stop war, stop bombing civilians, and prosecute war criminals immediately

Prosecute serious human rights violations:

Recommendation 139 Slovenia: Adopt all necessary measures to bring the perpetrators of all serious human rights violations in the country to justice. And *140 Australia:* Ensure that all allegations of violations of human rights and international humanitarian law are duly investigated, and that the perpetrators are brought to justice.

The government gave promises and sometimes forms committees to search on these issues, but nothing was done actually since 2003 the start of violations in Darfur: we ask what is done for war victims, for the burned villages, for the lost civilians, for the IDP's of Darfur, South Kordofan and Blue Nile? *People of Sudan need immediate justice*

Regarding September 2013 the government issued report distributed 12 September 2015 showed that cars without plate numbers shot with weapons the demonstrators of September 2013 and killed them. This is childish and laughing on people, how the government and all its military powers and militias couldn't identify these cars and who uses it? They are the Gangawed called later Rapid Support Force (SRF) now part of NISS.

We need September perpetrators to be prosecuted immediately. We ask for immediate cancellations & abolition of all Militias and to collect all weapons used outside official military institutions the armed forces and police.

Return of citizens to Sudan

Recommendation 168 Ecuador : Create incentives for the voluntary return of Sudanese nationals who left the country due to the situation of internal violence, including displaced persons, refugees and migrants. Generate and implement Government programmes enabling the economic and social reintegration of these people, especially those in vulnerable situation

Governmental figures shows number people who flee their villages to be IDP's are increasing in 2015. The professionals as university lecturers, doctors, engineers ..etc are escaping from the country with large numbers.

The government is actually giving incentives for people to leave their homes.

Government should respect citizenship rights and look for equal citizenship in Sudan, justice and rule of law

Laws Reform

Recommendation 27 Ecuador: Adjust its national legislation to be compatible with: National Security Act (2010), Press and Printing Act (2009), Volunteer and Humanitarian Work Act (2006), Criminal Code, Criminal Procedure Code and *:Recommendation 37Canada:* Amend its laws, including those on

marriage, custody, divorce, property rights, and indecency, to ensure compliance with international human rights law

*The government did not accept to reform **National Security Act (2010)**, but reform is highly needed*

The government accepts the recommendations regarding the **Family Code 1991**, but nothing done: Articles 40/1 and 40/2 regarding age, and marriage of minor, mad or insane and 1/115 about child custody and 1/162 about divorce and 168 also divorce, women could not prove the case due to social barriers. These laws are discriminatory and violates women dignity.

No reform to Family code made it stills contradicts with women rights, reform needed

Regarding **Child rights**: We appreciate 2010 child law reform, but in practice so many problems arise, e.g age is eighteen in the law but so many girls who are 17 years were not identified as children and were prosecuted as adults.

Practice need to be developed in Child Act, right to education and health should be included

Criminal law: Many articles regarding body punishment and dressing, plus in the public order law which is part of these articles, need to be reformed. Regarding Articles 149, we appreciate reform of this article, but it needs further reform and precision in words and rearrangements of sub articles.

Criminal Law needs further reform. We need to withdraw Public order law

Freedom of Expression

Recommendation 36 Canada: Bring the 2009 Press and Publications Act in line with its international obligations, and put in place effective enforcement measures.

The government promised to modify Press and Publication Act of 2009 to avail freedom of expression and freedom of press, but the security force put red lines in which political issues overlap with corruption and societal issues, any newspaper which wrote on the banned issues will face harsh measures. For example during 2015 election, all the newspapers are obliged to talk positively about election, they are not allowed to reflect the wide rejection of Sudanese people to it. NISS confiscate newspapers, make them loose financially, so the editors became also observers, the journalists face sorts of aggression and waiting hours in security offices due to material wrote.

- In 16 February 2015, 14 newspapers were seized and prevented from distribution for the first time in Sudan history, reason not known till now.
- In 25 May 2015, 10 papers were seized after printing and prevented from being distributed
- This issue continues till yesterday 20 September 2015 Khartoum newspaper grabbed after printing, also Alsudani newspaper grabbed for 19 and 20 September 2015.

Even the newspapers that have level of freedom of expression face the same fate. In 19 July 2014, Alttyar newspaper was invaded by a military force, and editor in Chief of a newspaper was beaten

harshly in the premises of the newspaper for criticizing the president. Journalist Hassan Ishag was imprisoned for 100 day in Alnohod town for covering event of opposing party, he was hurt, insulted and offended, another journalist and photographer face same last September because found near activists. A radio broadcast program which talk about corruption called (Biet Algalos) was banned.

The government did not fulfill its promises to reform Press & publication Act. The journalists face aggression and repression daily from government and its security, from publishing any materials that uncover information about corruption and violation of rights. Freedom of expression faces wide violations.

International Treaties

Recommendation 6 Brazil : Consider ratifying core universal human rights instruments, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Elimination of All Forms of Discrimination against Women. *Recommendation 8 Spain*: Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol

Nothing done we need all mentioned treaties accepted by the government to be ratified immediately

Peace & Dialogue & Comprehensive solution for Sudan Crisis

Recommendation 58 Kuwait: Continue to reinforce the pillars of peace throughout the country, and *Recommendation 179 Austria*: Draft the Constitutions in an inclusive process with the participation of civil society, women and minorities. Also, ensure that the new Constitution include a catalogue of human rights, in particular the freedom of speech and assembly, and take the multiethnic and multi religious background of their population into account

The government initiate dialogue in January 2014 called (Wathba), The African Union High panel take this seriously and convened two meeting in Addis Ababa in March 2015 and August 2015 attended by Sudan Call signatories, but the government did not attend. The government did not abide with its responsibilities to build confidence and create positive atmosphere, instead they imprisoned opposition leaders and narrow the margin of freedom in the country.

We as civil society groups look forward for the international community to push the government to understand the crisis, which our country and Sudanese people face, proceed genuinely and seriously on dialogue processes, give space to others, and look for the national interest so as to reach peace, justice, inclusion and development in Sudan.