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INDIVIDUAL SUBMISSION

This report is submitted by the Sexual Rights Initiative and an anonymous human rights defender from Sudan



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The Sexual Rights Initiative is a coalition of national and regional organizations based in Canada, Poland, India, Argentina, and South Africa that work together to advance human rights related to sexuality at the United Nations.

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Executive Summary

1. In 2019, Sudan underwent a revolution, shift of power, and a dramatic change in governance. In the last 3 years, the revolution has had huge implications on the economic and political situation in the country. It has affected the whole country, and unique needs of different groups are starting to emerge as Sudan moves towards stability, with stronger political will and a commitment to human rights.
2. There are many challenges in relation to the legal system, culture and historical legacy of human right violations, and transitioning from a system of militarized rule. It is worth mentioning that Sudan has made significant gains since the revolution, including:
 - Repealed the notorious public order law, which controlled how women could act or dress in public; and
 - Banned female genital mutilation;
3. The transitional government has started the process of legal reform especially in repealing laws violating the rights of women. As Sudan undergoes a democratic transition towards safety and stability, it must take note of the accepted recommendations from the previous UPR cycle and ensure their full implementation. This submission focuses on the themes that need to be prioritized under the new regime: women’s rights; right to health and education; and the impact of the COVID-19 pandemic.

Women’s Rights

4. In the previous UPR cycle, Sudan received the following recommendations related to women’s rights:
 - Review and amend legislation containing discriminatory provisions towards women such as, inter alia, the Personal Status Law and the Criminal Law, and adopt a national action plan on gender equality (Czechia)
 - Grant women with civil and political rights, the right to health and the right to education without discrimination. (Angola)
 - Consider ratification of the CEDAW and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and to review its domestic legislation with the aim to eliminate discrimination against women. (Namibia)
 - Sign and ratify the African Union Maputo Protocol on the rights of women in Africa. (Norway)
5. Although Sudan accepted all of these recommendations, there has been little implementation. The new government needs to center women’s rights as Sudan takes steps towards becoming a democratic state. The entire legal system in Sudan must be revised both in the letter of the law as well as in practice.

Legal and Justice Systems

6. Justice systems in Sudan are not built for fulfillment of women’s rights or for women reporting and seeking justice for violations of their rights. The structures and the workings of police stations, prisons and courts are all deeply patriarchal, and built to accommodate and favour men. Women are often afraid to go to police stations or courts on their own, fearing dismissal of their cases, or worse, physical and verbal violence.
7. Many women who experience sexual violence are reluctant to initiate criminal cases. Sexual violence has stigma associated with it, and many women avoid reporting such crimes, particularly if the police officer responsible for pursuing their case is a man. The Criminal Procedure Act of 1991 provides some protections for women during court proceedings: it protects victims from being subjected to questions with offensive comments, and prevents emotionally harmful questions. However, in practice women are mistreated and taunted before and during court proceedings. Even getting to participate in court proceedings is rare as their cases aren’t given appropriate

attention, and the burden of court fees and legal counsel is too much for most women. The government needs to show commitment to women's access to justice by supporting comprehensive legal aid. Changing legislation is only the first step – there needs to be a system change to challenge existing sexist, racist and classist structures.

8. Women are also overly victimized by these systems. Women, particularly from marginalized communities, are disproportionately arrested and detained. There is little to no consideration for their hygiene and health. Sexual violence by authority figures is also rampant in detention centers and prisons, and there is a strong culture of impunity. These violations and the severity of abuse is rooted in women's racial, social and economic status, with poor women in the informal sector being the main targets. To further exacerbate their financial conditions, they are levied with arbitrary and unreasonable fines.¹
9. A large number of women have been arrested and detained under the Public Order Regime (POR), which gave police the power to arrest women and girls for "indecent or immoral behaviour or dress," including wearing pants in public. The new government's decision to repeal the POR law is greatly welcomed. However, there is no clarification on how this will impact the women charged and currently in detention under this law. The government also needs to provide support to reintegrate people back into society.
10. Women face discrimination in relation to rights during marriage and divorce, land rights, and rights to make decisions for their children. According to the Muslim Personal Law Act of 1991, if a woman wanted to travel outside the country with her child, the child's father has the power to approve that decision, even if he is divorced from the child's mother. Although this clause has recently been repealed, it is hard to predict how it will work in practice, as social and cultural conservative views have a strong voice and men are traditionally accorded decision-making power.
11. There are many laws that need to be revised or enacted for the Sudanese legal system to embody and support the fulfillment of women's and girls' rights:
 - Domestic violence and marital rape: there are no laws in Sudan to criminalize domestic violence or marital rape. If a woman experiences violence at the hands of her family or her husband, she has no recourse or remedy to seek justice. For marital rape, the wife is considered to owe a duty of obedience to her husband and is required to fulfil conjugal duties in the marriage.
 - Sex work: all aspects of sex work are prohibited by the Criminal Act. Sex workers and their clients are arrested, arbitrarily fined, shamed in their community, and often forcefully subjected to medical exams to confirm if they had sexual intercourse.
 - Marriage and divorce: The Personal Status Law requires the husband to "maintain" the wife. The wife owes obedience to the husband. A husband can divorce by repudiation while a wife can only divorce on specified grounds. If she applies for a divorce without grounds, she has to forgo financial rights associated with the marriage.
 - Land rights: Ownership and access to (farming) land is intrinsically linked to Islamic laws of inheritance. These laws reinforce gendered economic conditions for women, and act as barriers to women's access and ownership of land, particularly in rural areas. Women have a right to inherit, but in most cases receive less than men. Daughters receive half the share that sons receive.

Labour Rights

¹ See: <https://issuu.com/halayassin/docs/women-and-human-rights-conditions-of-detainees-and>

12. Most women in Sudan are restricted to working in the informal economy as farmers or as domestic workers. Close to 90% of Sudan's female labour force works in agriculture, and out of that, 90% work in subsistence farming. Subsistence farming is limited to growing food to meet the needs of farmers and their families, with little surplus for local needs. Traditional practices, including shopkeepers only extending credit to men, limit women's ownership and management of farm land. Despite doing the same work, men are called 'farmers' and women are called 'farm workers.' Any income generated from the land goes to the men. Women are also discouraged from participating in modern farming, even though there is a shortfall of labour.
13. In addition to traditional expectations and deterrents, there are also legal restrictions on certain types of work for women. Article 19 of the Labour Act prohibits women from working in occupations that are hazardous, arduous, or harmful to their health, including not being exposed to temperatures exceeding "the normal limits borne by women." It is also worth noting that the Article 19 of the Labour Act is in the larger section of "Employment of Women and Young Persons." Women are codified in law as subclass people without autonomy and needing protections as a young person would.
14. On the other hand, women working as domestic workers are not covered by the Labour Act. Although some labour protections are provided by other legislation, marginalized women are the ones working as domestic workers and they don't need protection as other women who can't even experience too high of temperatures. Sudanese legislation also only offers 8 weeks of paid maternity leave, less than the ILO standard of 14 weeks.
15. Post the revolution, a large survey identified that women find labour unions to be the most important platform for increasing women's visibility and access to decision-making. This needs to be reflected in the institution change the country is currently undergoing.

Political Participation

16. In order to prioritize women's rights in the transitional period, there needs to be gender parity in all governing structures moving forward. Despite their highly visible role in the revolution, women have largely been ignored and excluded from formal political processes. Only two women were included in the 2019 negotiations between the coalition representing the protestors and the military council running the country. This continues to be a trend with female appointees making an underwhelmingly small fraction of government bodies and councils. Women continue to protest for their rights with slogans like, "you thank us in demonstrations and forget about us in negotiations," and that "women's revolution is not over."

Right to Health, Education and Information

17. Sudan received and accepted all of the following recommendations in the previous UPR cycle:
 - Ensure provision of comprehensive and non-discriminatory health services to women and girls who have experienced sexual violence. (South Africa)
 - Continue the efforts towards raising the enrolment rate for children in schools, particularly girls. (Morocco)
 - Increase access to school education for all children, especially girls ... (South Africa)
 - Increase the resource allocation for the health sector, especially to fulfil steps towards securing a comprehensive healthcare system (Turkey)
 - Develop programmes aimed at guaranteeing the right to education and the right to health (Iraq)
18. Although the revolution and the political unrest in the country has been disruptive to education and health systems, no progress was made on implementation of these recommendations, and the new government has also not prioritized them.

19. The difference in education between boys and girls is one of the most obvious and critical inequalities in Sudan. Girls in general just learn how to read and write and some simple arithmetic and exit school when they reach puberty with an average of six years of primary school. Only about 12.8% of girls receive secondary education, compared to 18.2% for boys. Although both of those percentages are concerning, the differences between girls and boys manifest and reinforce gender inequalities later in their lives.
20. The health system in Sudan is faced with many challenges including poor infrastructure and poor compensation for health care professionals. There is also a gap in health policies and implementation by health care professionals; there is no consistency in care, information and services across the country.
21. Article 135 of the Criminal Law of 1991 legalises abortion (coded as “miscarriage”) only to save the mother’s life, if she is a victim of rape in her first trimester or in the case of fetal demise. However, in all cases, women need their husband or guardians’ consent for the procedure. Women who do not meet these requirements generally end up going to traditional midwives who often put their lives in risk through unsafe interventions. Unsafe abortion is one of the leading causes of maternal mortality. Alternatively, women seek pills for medical abortions, only sold on the black market. However, most women cannot access these pills, as they can cost 150-250 USD or more. The quality and expiration date of these pills cannot be confirmed and puts women’s lives at risk.
22. Provision of health service to victim of rape and the safe abortion protocols are still not fully supported by service providers, and basic concepts of right to privacy and dignity are not followed. Due to stigmatization and shame, most women resort to unsafe abortions.
23. Women, especially in conflict zones and young girls, have little to no access to contraception, adequate antenatal care or emergency obstetric care. They are unable to make decisions about their bodies and to decide the number and spacing of their children. These conditions have worsened under the COVID-19 pandemic.
24. The rights of people with disabilities has also not been prioritized by the government. Although there is a national plan for people with disabilities, it has been implemented poorly. There are accessibility issues that need to be addressed, including physical accessibility of public spaces and government buildings. People with disabilities are not consulted or included in decision-making spaces. The sexual and reproductive health and rights of people with disabilities remain unfulfilled and largely ignored.
25. One of the biggest issues in Sudan is the lack of accessible information. The health system also lacks data and statistics to inform policy and legislation. For instance, there is no government source for information regarding the number of people tested and treated for HIV/AIDS. HIV/AIDS treatment coverage remains weak and the community lacks sensitizations toward people living with HIV.
26. Information on education curriculum, health policies, and other government documents either does not exist or it is not accessible. If it is available, it is not in a digitized format which is preferred by youth. Youth make up for about 65% of the Sudanese population, and they are demanding access to national documents and policies that apply to them. They also want youth-friendly spaces for open-dialogue and to contribute to the transition of the country.

Covid-19 pandemic

27. The COVID-19 pandemic continues to have significant impacts on the economic, social and political conditions in Sudan. The lockdown and limited economic opportunities have led to high tensions in families. The number of GBV cases has increased dramatically during these times. Closures of schools and sports activities have created unsafe conditions for girls, as they are more likely to be victims of physical and sexual violence. Women and girls have disproportionate care giving burdens during the pandemic, and many girls have permanently dropped out

of school. People are also struggling to adopt new measures to meet nutrition needs in this dire economic situation created by the pandemic. The condition of IDPs has also worsened as they are not being prioritized by the government.

Recommendations

1. Establish a legislative council and prioritize the full implementation of the General Framework for the Programme of the Transitional Government section on ensuring promotion of the rights of women in all areas and their equitable representation in the structures of governance.
2. Sign and ratify CEDAW and its optional protocols and the Maputo Protocol, and harmonize all legislation with international standards.
3. Implement a rigorous gender-responsive budgeting exercise to examine the government's policy and spending practices in support of women and marginalized groups, including people with disabilities, youth and IDPs.
4. Mandate free education for all children, especially girls, facilitating it by providing transport, teachers and other resources like hygiene and safety kits. Ban children's involvement in work (formal or informal, paid or unpaid).
5. Reform legislation to reduce the dependence of women on men, by empowering them financially, their right to own property and financial protection irrespective of marital status.
6. Adopt laws and policies ensure abortion services including medical abortion are provided on demand, without onerous requirements, deleting the requirements of guardian, spouse or parental or third-party consent requirements.
7. Ensure universal access to state-subsidized sexual and reproductive health information and services, especially focusing on the needs of women, youth and people with disabilities.
8. Ensure Comprehensive Sexuality Education in formal and informal curriculum for all, in line with international standards.
9. Adopt and develop strategies and plans that ensures economic and social development and give specific attention to combating poverty immediately to alleviate the effects of the COVID-19 pandemic.
10. Ensure availability and accessibility of all government documents, policies, legislation. Ensure monitoring and data collection to better inform policies.