

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	319
Land:	Sudan
Kilde:	UK Foreign and Commonwealth Office
Titel:	Annual report on human rights situation in 2014 - Sudan
Udgivet:	12. marts 2015
Optaget på baggrundsmaterialet:	17. juni 2015



- Foreign & Commonwealth Office (<https://www.gov.uk/government/organisations/foreign-commonwealth-office>)

See more information about this Corporate report (<https://www.gov.uk/government/publications/sudan-country-of-concern--2>)

Corporate report

Sudan - Country of Concern

Published 12 March 2015

Contents

Elections
Freedom of Expression and Assembly
Access to Justice and the Rule of Law
Death Penalty
Torture
Conflict and Protection of Civilians
Freedom of Religion or Belief
Women's Rights
Minority Rights
LGB&T Rights
Children's Rights
Other Issues
Give your comments and questions about the report

The human rights situation in Sudan remains of deep concern to the UK; there was no overall improvement in 2014 and in some areas the situation deteriorated. Contributing factors were the following: the human rights abuses and deteriorating humanitarian situation generated by the ongoing conflicts in Darfur, South Kordofan and the Blue Nile; the lack of personal freedoms, as highlighted by the continuing arrest and detention of members of the opposition, civil society figures and journalists, and regular confiscation of newspapers; and the lack of religious freedom, as highlighted by the harassment of individuals and church closures. The government of Sudan was the main perpetrator of these abuses, and its unwillingness to reform is a key hurdle to overcome in order to address these concerns. This was highlighted by the lack of progress around key recommendations made by the UN Independent Expert on the situation of human rights in Sudan in his report to the UN Human Rights Council (HRC) in September.

The UK's key human rights objectives for 2014 focused on conflict resolution, humanitarian access and the prevention of sexual violence in conflict. We took action on all three: playing an active role on conflict reduction through our role on the UN Security Council and as part of the "troika" with Norway and the United States; repeatedly pressuring, including at ministerial level, all parties to the conflicts to improve humanitarian access; providing training to the Sudanese Armed Forces on international humanitarian law; and working to build the capacity of civil society and non-governmental organisations (NGOs) to document the use of sexual violence in areas of conflict, while supporting the development of systems for delivering comprehensive medical, psychological and legal assistance to survivors. In addition, we have responded to emerging issues. The British Embassy in Khartoum played a central role in maintaining international pressure on the case of Meriam Ibrahim (see below for details). We also continued to work with civil society to broaden the political space and monitor human rights within Sudan, and with international partners, such as the HRC and UN Independent Expert, to raise awareness of the situation in Sudan.

We will continue to focus on conflict resolution and humanitarian access in 2015. Presidential elections are scheduled for April 2015, but the opposition is calling for delays in order to complete the "National Dialogue" process announced by the government of Sudan. Therefore, we will continue to work on this process and to promote peace agreements, including humanitarian access. Through our engagement with civil society, we will seek to broaden political space and to work on key issues including freedom of religion or belief, freedom of expression, and the prevention of sexual and gender-based violence. We will also look for opportunities to work with the new UN Independent Expert with a view to helping him develop a constructive and productive relationship with the Sudanese government; it is vital that he builds on the work of his predecessors.

Elections

In January 2014, President Bashir launched a “National Dialogue” that would be open to all political parties, civil society and rebel groups (if they suspended violence) and that aimed to address the fundamental issues facing the country: conflict, poverty, political reform and national identity. Since its launch, there has been limited progress by the government in achieving its stated intent. The UK made clear its support for a transparent, inclusive and comprehensive process. However, the arrest of opposition leaders and civil society figures continued to raise serious concerns.

Under the Interim National Constitution of Sudan (2005), presidential and parliamentary elections are due to take place in April 2015, and voter registration was completed in November. The opposition maintain that there is insufficient time to complete a comprehensive national dialogue process by April. Many parties stated that they will boycott the elections. Ongoing conflict and other restrictions to fundamental freedoms outlined in this report suggest that the current environment is not conducive to free and fair elections in 2015.

In November, the Presidency submitted a number of amendments to the Interim Constitution (2005) for consideration by the National Assembly, including a proposal for the abolition of elections of state governors.

Freedom of Expression and Assembly

Political and individual freedoms continued to be restricted by the government during 2014; the activities of civil society organisations were restricted and many reported ongoing harassment by security services. This included raids on offices, confiscation of equipment, and forced closure of organisations. In June, Salmamah Women’s Resource Centre, one of Sudan’s leading women’s rights organisations, was closed by the Ministry of Justice.

In the run-up to the anniversary of the September 2013 street demonstrations in Khartoum, the government arrested 80 individuals to ensure that there were no events marking the anniversary. All were released, but some claim they were tortured whilst in detention.

There was ongoing censorship of the press with newspapers shut down – notably al-Saiha, which was closed down for extended periods in June and October – and entire print runs confiscated by the government. Throughout the year, there were regular reports of journalists being questioned, arrested and detained by the security services.

In April, we welcomed a relaxation of restrictions on public meetings of opposition parties, announced in support of the “National Dialogue”. These moves were short-lived, however, with the leaders of the National Umma Party, and Sudanese Congress Party, Sadig al-Mahdi and Ibrahim al- Sheikh respectively, detained in May and June for criticising the government’s Rapid Support Forces (RSF). Opposition parties experienced harassment by security forces, notably raids on the offices of the Sudanese Congress Party and Sudanese Communist Party. Members of opposition parties faced restrictions on their international travel and leading figures of the National Umma Party, National Consensus Forces, and civil society were detained after signing agreements with the Sudan Revolutionary Front (SRF). We consistently called for political detainees to be released, and for freedom of expression to be respected.

Access to Justice and the Rule of Law

The overall trend showed no improvement in developing the mechanisms of justice and law enforcement, or in addressing concerns about Sudan’s laws. We remained concerned over the application of public order laws, with individuals subject to summary trials without access to legal representation. In addition, we were concerned about reports of civilians being tried using military courts.

On 11 March, a Darfuri student, Ali Abaker Musa, was shot and killed by security forces during a rally at the University of Khartoum protesting against attacks on civilians in Darfur. Further smaller protests followed across Khartoum. Police dispersed crowds at his funeral on 12 March and again at a memorial held on 13 March. Although the demonstrations were largely peaceful, the police used tear gas to disperse crowds at both events.

In his report to the HRC in September, the Independent Expert made a number of key recommendations, including reform of the National Security Act of 2010, which he described as “enabling legislation for the National Intelligence and Security Service to encroach on civil and political rights in the Sudan”. He also recommended that the government address the issues raised by the Meriam Ibrahim case, as well as highlighting the need for an independent investigation into the September 2013 demonstrations and the March shooting at the University of Khartoum. The government of Sudan took no action to

address these recommendations.

The arrest warrants issued by the International Criminal Court (ICC) against a number of Sudanese nationals for crimes committed in Darfur remain outstanding. On 12 December, the Chief Prosecutor of ICC announced her decision to “hibernate” ongoing investigations due to a lack of progress in bringing the individuals charged to justice. The Prosecutor highlighted the ongoing refusal of the Sudanese government to cooperate with the court.

Death Penalty

Sudan maintains the death penalty for a number of offences, including murder, adultery, sodomy, and alleged political crimes. International attention focused on the case of Meriam Ibrahim, who was sentenced to death for apostasy and her refusal to renounce Christianity. But there were many other cases where the death sentence was enacted for a range of crimes. It is difficult to quantify how often the death penalty was used due to a lack of consistent reporting and the informal justice mechanisms operating in parts of Sudan.

Torture

Torture is prohibited by Sudan’s 2005 interim constitution, but there were widespread reports in 2014 of torture being carried out, especially by the National Intelligence and Security Services (NISS). The final 12 people held in connection with the September 2013 demonstrations were released on 30 September after the Sudanese judge noted their confessions had been obtained under torture.

Conflict and Protection of Civilians

Sudan’s internal conflicts continued during 2014. The UK regularly raised its concerns about the ongoing violence and human rights abuses committed by all sides. We have consistently called on all sides to reach a political solution, and to allow unfettered access to humanitarian agencies to all conflict areas to help those displaced by the fighting.

The situation in Darfur continued to deteriorate. The UN Office for the Coordination of Humanitarian Affairs (OCHA) estimated that almost 450,000 people became displaced in 2014, and that over 4.3 million Darfuris were in need of humanitarian assistance.

In South Kordofan and Blue Nile states (the Two Areas), there continued to be reports of Sudanese military aircraft bombing civilians and civilian targets. This resulted in an unquantified number of civilian deaths. This included the bombing of three out of the five hospitals in South Kordofan in May and June. Humanitarian access to opposition-held areas continued to be prevented by government.

There were continuing reports of human rights violations being committed. Of particular concern were the actions of the RSF, but reported attacks by armed opposition groups also resulted in the displacement and deaths of civilians, such as attacks in the eastern part of North Darfur by the Sudan Liberation Army – Minni Minawi. The UN Independent Expert raised concerns on this when he visited Sudan in June, stating: “The activities of armed movements as well as government forces, particularly the RSF, have led to serious human rights violations, including rampaging of villages, destruction of property, as well as sexual and gender-based violence”.

The African Union-United Nations Hybrid mission in Darfur (UNAMID) suffered numerous attacks resulting in the death of four UN peacekeepers. The Sudanese government also restricted the movement of UNAMID peacekeepers, including refusing repeat access to Tabit in North Darfur to investigate allegations of mass rape. In addition, on 23 November, the government formally asked UNAMID to close its human rights office in Khartoum.

There were reports of intensified inter-tribal fighting in Darfur and West Kordofan. The largest incident took place in West Kordofan between 28-30 November, with media reporting over 200 deaths. We called on the government of Sudan to investigate and hold those responsible to account.

Humanitarian actors were prevented from carrying out their mandates. On 29 January 2014, the International Committee of the Red Cross (ICRC) was notified that its activities would be suspended from 1 February. The suspension was lifted in November after sustained lobbying of the Sudanese government. Although some initial agreements have been reached, ICRC’s operational activities are yet to resume fully.

Through the Department for International Development (DFID), we worked to ensure that protection was central to the humanitarian response, including through advocating for compliance with both international human rights and international humanitarian law, and ensuring that programming, where possible, prevents and addresses the consequences of abuse. Despite our calls (including at ministerial level) on government, there was little progress in improving humanitarian access to those in need.

Freedom of Religion or Belief

Despite freedom of religion or belief being enshrined in Sudan's 2005 Interim Constitution, the government continues severely to restrict the ability of non-Muslims to practise their religion freely. The continued harassment of individuals, expulsion of foreign practitioners, the destruction of churches, and the government's re-affirmation of its decision not to allow any new churches to be built, all highlight the pressure being applied. Freedom of religion or belief was brought to international attention by the case of Meriam Ibrahim, sentenced to death for apostasy in May. The British Embassy in Khartoum played a key role in monitoring developments. The Embassy attended the court proceedings, liaising closely with the defendant's legal team. This support was recognised by the legal team. Although Meriam Ibrahim's conviction was overturned on appeal, we are aware of other cases where the defendant has announced they will revert to Islam.

Women's Rights

Although women play an active role in public life and a parliamentary quota has been amended to guarantee 30% of seats for female parliamentarians in the National Assembly, women continued to suffer disproportionately under Sudan's legal system. This was highlighted by the case of an Ethiopian woman whose gang rape was filmed by her seven attackers and circulated on social media. She was tried for adultery alongside her attackers and found guilty of indecent acts. Despite clear evidence, the Attorney General blocked her attempts to press rape charges because she was being investigated for a criminal offence.

There were continuing reports of rape being used as a weapon of war in both Darfur and the Two Areas. Prevention of sexual violence is a priority area for the UK's human rights work and we have raised our concerns with the Sudanese government. However, it has not endorsed the UN Declaration on the Prevention of Sexual Violence in Conflict. We highlighted this issue at an event hosted by our Embassy in Khartoum to coincide with the Global Summit to End Sexual Violence in Conflict in London in June. We also formed a Prevention of Sexual Violence Initiative Consultation Group, comprising leading civil society actors and academics.

The issue of violence against women was highlighted by reports of an alleged mass rape of over 200 women and children by members of the Sudanese Armed Forces in Tabit in North Darfur on 31 October. The full facts around this case are still to be established and the government of Sudan continues to refuse UNAMID further access to Tabit to investigate the allegations.

DFID took an active role in working with the government of Sudan to address Female Genital Mutilation (FGM) and supported various initiatives. The government of Sudan participated in the UK Prime Minister's Girl Summit, and signed the summit charter on ending FGM and child, early and forced marriage.

Minority Rights

Individuals from Darfur and the Two Areas have continued to receive discriminatory treatment, particularly with respect to access to education. For example, in October, over 70 Darfuri female students were forcibly evicted from their university dormitories in Khartoum, with at least 16 subsequently detained, in some cases for over a month. There were also media reports of further arrests and detentions of Darfuri students based in Khartoum and Sinnar in Eastern Sudan during December.

LGB&T Rights

Homosexual acts are criminalised in Sudan and punishable through fines, flogging, stoning, prison sentences, and even the death penalty. Strict legal sanctions and social stigma created difficulties for the few organisations working to support the LGB&T community in Sudan.

Children's Rights

Gaps remain in Sudan's implementation of the Child Act (enacted in 2010), which raises the age of criminal responsibility, criminalises child exploitation and abuse, and prohibits recruitment of children to armed groups. There were credible reports of the continued use of child soldiers, particularly by armed opposition movements in Darfur, South Kordofan, and Blue Nile.

Other Issues

On social and economic rights, DFID programmes continue to respond by enabling access to basic services such as water and sanitation. In addition, an FCO project provided training to Sudanese entrepreneurs on business and human rights.

Migration issues remained a concern. Sudan is a major transit country for those leaving the Horn of Africa. The UN High Commission for Refugees (UNHCR) estimates that 400-500 asylum seekers, mostly Eritreans, cross into eastern Sudan alone on a monthly basis. Most leave the refugee camps and head to Khartoum, where they work illegally to fund their onward journey towards Libya and Europe. Migrants using this route are extremely vulnerable to trafficking and kidnap for exploitation.

In March, Sudan's Human Trafficking Act passed into law. A number of trafficking convictions have since taken place. While welcoming the new act and government steps to combat trafficking, we remain concerned that clauses were inserted to make human trafficking punishable by death. In September, Sudan hosted an African Union meeting on tackling migration in the Horn of Africa, which led to the ministerial launch of the "Khartoum Process" (an EU-Horn of Africa Migration Route Initiative) in Rome on 28 November. However, we are aware of recent cases where Sudan failed to meet its international obligations. For example, in July, 74 Eritrean asylum seekers were forcibly returned to Eritrea by the Sudanese authorities, in violation of the 1951 Refugee Convention and the 2014 Sudanese Asylum Act.

The status of both South Sudanese refugees who have crossed the border to flee the conflict in South Sudan, and those persons of South Sudanese origin who did not move to South Sudan following secession, remains undetermined. A Memorandum of Understanding was signed on 21 December between the Ministry of the Interior and the UNHCR for all these people to be registered. This is yet to be implemented.

This publication is part of the 2014 Human Rights and Democracy Report (<https://www.gov.uk/government/publications/human-rights-and-democracy-report-2014/human-rights-and-democracy-report-2014>).

Give your comments and questions about the report

Submit a question or comment on the report here (<http://www.hrdreport.fco.gov.uk/sudan>)

Invite others to read and comment on the report

We want to encourage discussion of this report and our human rights work, so if you have a blog or website, please add a link from your site through to the sections you are interested in.

Keep up-to-date with FCO's human rights work

You can follow us on our human rights Twitter channel @FCOHumanRights (<https://twitter.com/FCOHumanRights>), and subscribe to receive our human rights news via email (https://www.gov.uk/government/email-signup/new?email_signup%5Bfeed%5D=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fpolicies%2Fpromoting-human-rights-internationally%2Factivity.atom). You can also find detailed information on our human rights work on other areas of this website. In addition, you can also listen to or subscribe to our human rights podcasts via RSS (<http://podcast.ulcc.ac.uk/accounts/Foreign-Office/fcohumanrights.xml>) or iTunes (<https://itunes.apple.com/gb/podcast/human-rights-international/id462779772?i=108452757>).

For the countries of concern featured in this report, we will provide updates every quarter so you can follow human rights developments in these countries, and see what actions the UK is taking. These updates will appear on GOV.UK.

Contents