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Annual Report on Human Rights 2008 - Sudan

Introduction

The 2005 Comprehensive Peace Agreement between North and South Sudan formally brought to an end the longestrunning civil war in Africa. The subsequent Interim National Constitution included a bill of rights that enshrined the principle of human rights at all levels of government and society. Despite this, Sudan's human rights record is poor and a culture of impunity is widespread. Our concerns continue to include the death penalty; women's rights; torture; Hudud punishments (amputation, flogging and stoning); freedom of the media; and harassment and arrest of activists and political figures. Many parts of the country remain insecure with a proliferation of small arms. In Darfur there continue to be systematic violations of human rights and lack of respect for international humanitarian law by government, militias and rebel groups.

Recent developments

There has been some progress in Darfur with the deployment of the hybrid UN-African Union peacekeeping force for Darfur (UNAMID); the appointment of the UN-African Union chief mediator for the Darfur peace process, Djibril Bassolé, former Foreign Minister of Burkina Faso; and the Sudan People's Initiative, which was launched by the Sudanese government in July to find a solution to the conflict in Darfur.

The 2005 Comprehensive Peace Agreement led to the formation of a Government of National Unity, provisions on the sharing of power and wealth and a – largely observed – ceasefire across southern Sudan. However, rights enshrined in the agreement and constitution have had little impact on the ground. For example, the National Human Rights Commission, which should have been established under the Comprehensive Peace Agreement, has not yet been set up. On a more positive note, the head of the Southern Sudan Human Rights Commission (created in mid-2007) was upgraded to ministerial rank by the government of southern Sudan in October

The Sudanese government is falling short of its human rights commitments. There have been no improvements in press freedom. Political prisoners continue to be detained. All sides of the conflict in Darfur continue to commit human rights abuses. We have made clear that there must be no impunity for those who have committed these crimes.

The ability of humanitarian agencies to assist those affected by conflict in Darfur continues to be restricted by government bureaucracy and harassment. In 2008, the Sudanese government closed down some programmes that seek to address protection issues, including gender-based violence.

UK action

We are working with the international community to bring lasting peace and security to Sudan. Lord Malloch-Brown, Minister for Africa, visited Sudan in January 2008 and the Foreign Secretary visited Sudan in July. They reaffirmed the UK commitment to a peaceful and prosperous future for Sudan, and pressed the Sudanese government on implementation of the Comprehensive Peace Agreement and to find a sustainable, negotiated solution to the conflict in Darfur.

Humanitarian situation

The UK continues to push for full access for humanitarian agencies operating in Darfur at all levels with the Sudanese government. The UK has committed considerable resources to alleviate the immediate humanitarian crisis, and we are the second largest bilateral humanitarian donor, having contributed over £334 million in humanitarian assistance to Sudan (£174 million to Darfur) since April 2004. The International Development Secretary in March 2008 announced a UK contribution of £40 million to the Common Humanitarian Fund (CHF), a pooled fund at the disposal of the UN Humanitarian Co-ordinator to allocate to areas of greatest need across Sudan. Among other things, the CHF supports a number of women's rights projects in Sudan, with a total allocation for 2008 of over \$150 million. Projects are implemented by various UN agencies and NGOs and include action on civilian protection, including sexual and gender based violence in Darfur and southern Sudan.

Darfur peacekeeping

UNAMID is vital to restoring peace and stability in Darfur. It is seeking to improve security for internally displaced persons and ensure humanitarian agencies can operate effectively, but has limited capacity to do this effectively. In the second half of 2008, there was some progress. UNAMID has established a full-time presence in Kalma Camp in Nyala, South Darfur, following a raid in August by government forces that resulted in 33 deaths. Patrols, including protection for women collecting firewood, have been stepped up in some areas, but frequency, reach and presence remain below what is required. The UNAMID civilian element is meeting civil society and starting mine clearance and education, including on human rights issues.

Deployment of UNAMID is still too slow – the current target is 85 per cent of full strength by March 2009. Lord Malloch-Brown pressed the UN again for the rapid and effective deployment of UNAMID during his visit to New York in September. The UK continues to support UN efforts to fill shortfalls in the force, including through extensive lobbying for helicopters and other key units. On 19 March, the Prime Minister announced £4 million in UK support for training and equipping African troop-contributing countries for UNAMID. In addition to our very substantial contribution to UN assessed costs, we are also providing pre-deployment training for UNAMID police. We are also pressing the government of Sudan to co-operate fully with UNAMID. The Foreign Secretary followed up these issues with President Bashir during his visit to Sudan in July, and with Vice-President Taha during their meeting in New York on 27 September.

Darfur peace process

Ultimately, peace can only be achieved through a political process. We welcomed the appointment on 30 June by the UN and African Union (AU) of a single chief mediator for the Darfur political process, Djibril Bassolé, formerly the Foreign Minister of Burkina Faso. We have committed £1 million to support the UN-AU to lead the process and we stand ready to support Mr Bassolé in his efforts to reinvigorate the peace process, including by hosting talks if this would help. Securing a sustainable peace deal for Darfur also requires effective consultation and engagement with all parts of Darfuri society, including Arab tribes. We are funding key positions within the mechanism for consulting civil society – the Darfur-Darfur Dialogue and Consultation.

The International Criminal Court

There can be no impunity for the crimes committed in Darfur. The UK priority is to ensure that all violations of international humanitarian law cease, and for the perpetrators to be held to account. The UK co-sponsored UN Security Council Resolution 1593 (on 31 March 2005) referring human rights violations in Darfur to the International Criminal Court (ICC). On 2 May 2007 the ICC issued arrest warrants for two individuals for alleged crimes in Darfur. They have still not been surrendered to the Court. On 14 July, the ICC Prosecutor submitted a new application to the ICC judges regarding Sudanese President Omar al Bashir. We have continued to press the Sudanese government to co-operate with the ICC. The Foreign Secretary raised this with President Bashir on 9 July. In November, the ICC Chief Prosecutor Luis Moreno Ocampo submitted a new application to the ICC judges regarding rebels who attacked African Union peacekeepers.

UN Human Rights Council

We support the council's work on improving human rights in Darfur. The UK worked to ensure the September 2008 renewal of the mandate of Dr Sima Samar, the UN Special Rapporteur for Human Rights in Sudan. We look forward to Dr Samar's next report and further discussions in the Human Rights Council in June 2009.

Press censorship and harassment of the media

We are concerned by growing press censorship. In November, 63 journalists were arrested and then released following protests against press censorship, and 150 journalists staged a hunger strike on the same issue. We encourage the Sudanese government to take the opportunity of the current revision of the media law to ensure the freedom of the press.

Southern Sudan

The situation in Southern Sudan reveals examples of poor access to justice, weak control over security services and continuing inter-communal violence. Because of this, a culture of impunity remains. The UK gave £9.75 million between 2005 and the end of 2008 to fund a major programme on safety, security and access to justice, which includes providing support to rule of law organisations and law enforcement bodies. This has provided substantial capacity-building support to the Southern Sudanese government's Ministry of Legal Affairs and Constitutional Development. This work will be taken forward from 2009 in a Justice and Police Development Programme. We are supporting the Southern Peace Commissions and the Southern Sudan Human Rights Commission and have funded several smaller projects, working with national NGOs to raise awareness of human rights issues with local communities. In particular, we support the Southern Sudan Human Rights Commission's plans to place human rights monitors in each of the southern states and recently funded the training of delegates to take up these positions: 34 human rights defenders completed their training at the end of November.

The threat to civilians in Southern Sudan posed by the Lord's Resistance Army (LRA) receded following the 2006 launch of the Juba Peace Process. However, Joseph Kony has repeatedly refused to sign and implement the final peace agreement unless the ICC arrest warrants against him and others in the LRA leadership are lifted. This refusal to engage in the peace process led to military action against the LRA by the governments of the Democratic Republic of Congo, Uganda and Southern Sudan in December. Following the launch of this action, the LRA splintered into smaller groups and LRA activity increased in Southern Sudan with several deaths and abductions of adults and children reported by the end of December. With the LRAs leaders still at liberty but under significant pressure, human rights remain under threat. The Southern Sudanese government, along with other regional partners, has an obligation to support the ICC in executing the arrest warrants issued for the LRA leadership. We welcome increased regional co-operation to ensure the LRA leaders are brought to justice.

Children and armed conflict

The Sudanese government has begun to implement the recommendations of the UN Secretary-General's report of 2006. Child soldier recruitment in Darfur has grown with the multiplication of rebel factions. We have called on all parties to implement the recommendation of the UN Secretary-General's reports without delay.

Sexual and gender-based violence

Armed individuals in Darfur frequently commit sexual and gender-based violence. Tackling this is a priority at the regular meetings between the international community and the Sudanese government. We continue to press the Sudanese government to implement its action plan to eliminate violence against women. The UN's Common Humanitarian Fund, to which the UK is the largest donor, funds a number of programmes that seek to protect and support women affected by gender-based violence. Projects are implemented by UN agencies and NGOs and include action in Darfur and southern Sudan.

Death penalty

We regularly raise human rights issues including the death penalty with the Sudanese government. We will continue to use existing human rights fora to discuss the death penalty abolition (or moratorium) including through the EU and the EU-Sudan Human Rights Dialogue.

Individual cases

We regularly raise the cases of individuals who have suffered abuses of their human rights with the Sudanese government through our Embassy in Khartoum and ministerial contacts. We know that in some cases concerted international pressure has led to the release of human rights defenders and other detainees.

International obligations

The Sudanese government has ratified many international and regional human rights treaties, but not fully implemented them in domestic law. Sudan has refused to sign the Convention for the Elimination of Discrimination Against Women because of concerns over incompatibility with Shari'a and Sudanese tradition. Sudan has also signed but not ratified the Convention Against Torture. The government is still considering these treaties, and we have offered our full support to help the government adhere to them.

Projects

We support a range of projects related to human rights, including human rights training for prison officers, strengthening the application of the rule of law and access to justice for victims of human rights abuses, and support programmes on human rights and peacebuilding activities. We have also supported media campaigns that have sought to tackle violence against women and children.

Forward look

We will continue to raise human rights issues frequently with the Sudanese government and work with human rights NGOs and international organisations, including the UN Human Rights Team. We will continue to press the Government of National Unity and the government of southern Sudan to implement all parts of the Comprehensive Peace Agreement and to investigate all reports of human rights violations urgently, transparently and without prejudice. We will work with the AU and UN to support a negotiated peaceful solution to the Darfur crisis, underpinned by an effective peacekeeping force and unimpeded humanitarian access.

