



Update on women, peace and security in the Sudan December 14th 2020¹

The Informal Experts Group of the Security Council on Women, Peace and Security discussed the situation in the Sudan on 16 December 2019, with the participation of the Special Adviser of the Secretary-General on Sudan, the Deputy Joint Special Representative for the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and the United Nations Resident Coordinator and Humanitarian Coordinator for Sudan. This update summarizes relevant developments since then.

Developments in the Security Council

On 4 June 2020, the Council adopted unanimously two resolutions related to the Sudan. **Resolution 2525** extended the mandate of UNAMID until 31 December 2020, without changes to the mandate as laid out in 2018 in resolution 2429, which has comprehensive language on women, peace and security. **Resolution 2524** established a follow-on mission to UNAMID, the United Nations Integrated Transition Assistance Mission in Sudan (UNITAMS) to start no later than 1 January 2021. The mandate of the new mission covers WPS extensively and the relevant excerpts are included in the annex below. In the resolution, the Security Council recognizes the important role that women played in the peaceful political transition in Sudan, requests UNITAMS to integrate gender considerations as a cross-cutting issue throughout its mandate, deploy gender and women protection advisors, and include gender analysis in its periodic reports to the Security Council, and to assist the Government of the Sudan in ensuring the full, equal and meaningful participation of women at all levels of peace and political processes, in all social and economic aspects of life, and in the implementation of the Framework of Cooperation between the United Nations and the Government of the Sudan on conflict-related sexual violence.

The latest report of the **Panel of Experts** on Sudan (S/2020/36) includes a dedicated section on rape and sexual and gender-biased violence. The panel notes that acts of rape and other forms of sexual violence were increasingly used in the fight between nomads and farmers over access to land in several areas in Darfur, including to prevent communities from gaining access to their farms and from engaging in other livelihood activities. The identification of perpetrators, sometimes described as herders and sometimes described as members of the security sector, remains one of the barriers to justice and accountability. No additional individual has been added to the sanctions list since the last meeting of the IEG on the Sudan.

In her bi-annual briefing to the Security Council on 10 June 2020, Fatou Bensouda, **Prosecutor of the International Criminal Court (ICC)** welcomed the transfer of former Janjaweed commander Ali Kushayb into the custody of the ICC and noted reports of continuing sexual and gender-based violence in Darfur. No women from civil society has briefed the Council since the last IEG on the Sudan.

Recent political developments in the Sudan

On 3 October 2020, the transitional Government of the Sudan signed a **peace agreement** with the Sudanese Revolutionary Front and the Sudan Liberation Army (SLA)-Minni Minawi faction. The signing of the peace

¹ This background note, including the recommendations at the end of this document, is prepared by UN Women as the secretariat of the Informal Experts Group on Women, Peace and Security, in consultation with other UN entities.

agreement in Juba marked the end of nearly a year of negotiations mediated by the Government of South Sudan. The peace agreement includes commitments on women's participation, women's access to justice, and the protection of women, but women activists are concerned that these commitments are not specific enough. UNAMID supported 20 women from Darfur and other regions to attend the talks in Juba and to present a position paper to inform the negotiations, and three women leaders from Darfur to witness the signing of the agreement. More than 20 women were part of the negotiations as members of the delegations of various parties, and some of them signed the final protocol. On September 5, 2020, the Prime Minister established a peace council, which has four women, to implement the commitments of the Juba peace agreement.

Women's participation in decision-making remains low, including in transitional structures and the security sector. The Constitutional Declaration stipulates a 40 percent quota for women's representation in the Transitional Legislative Council but the formation of the Council is delayed. The 18-member cabinet only includes four women and Sudan's first female foreign minister has recently been replaced. The newly formed Council of Partners has only one female representative and there were only two women among the 18 governors appointed by the Prime Minister on 22 July 2020. The Women and Gender Equality Commission provided for in the Constitutional Declaration has not yet been established. The Commission is expected to provide policy guidance on advancing WPS, including integrating gender into peace implementation policy and strategy documents, monitoring the implementation of the peace agreement, engaging women in post conflict reconstruction, and including women in governance structures and decision-making at all levels .

A UNDP-funded mapping exercise conducted by two Sudanese NGO to promote political participation in the 2022 elections identified 1,070 women willing to represent their communities and they are now registered for future training and engagement. Supported by UNAMID, women in Darfur formed the Darfur Women platform, an umbrella body of 32 groups of women from the five states of Darfur, comprising of 724 women. Among other activities, this platform is disseminating the gender-related provisions of the peace agreement and compiling a database of qualified Darfur women leaders for consideration for leadership positions.

A participatory process, including consultations with Sudanese women's organizations, led to the adoption of Sudan's first-ever **National Action Plan on women, peace and security (NAP)** for a two-year period (2020-2022) in June 2020. The NAP focusses on the following cross-cutting issues: (1) protection of women from being affected by conflict by ending discriminatory laws, developing early warning systems and public education and prosecuting violators of women's rights; (2) protecting women during and after conflicts by ending violence against women in local communities, and by parties to conflict or parties to conflict resolution; (3) participation of women in decision-making related to conflict such as the general policies of the state in times of peace and war, peace-making, negotiations and transitional justice; (3) supporting the role of women in relief operations, economic recovery and reconstruction. The NAP does not have a dedicated budget.

Human rights and humanitarian issues, including conflict-related sexual violence

Women human rights defenders and journalists continue to report being targeted with attacks and harassment. The organization Front Line Defenders documented the case of two women human rights defenders and journalists who in May 2020 published an article in May 2020 about the severe impact of the COVID-19 pandemic in El-Fasher and the shortage of personal protective equipment. In response, both activists received threats via phone calls, were stopped by a military officer who attempted to arrest them, and are now facing a lawsuit for defamation and the spreading of false news. A video showing the singer Asha El Jebel being harassed by a large group of young men in August 2020 prompted a public outcry and a vigil organized by a coalition of women's rights groups calling for clearer and stricter laws to protect

women from physical, verbal and psychological harassment. Women activists also complain about a lack of will and capacity within the police to handle cases of sexual harassment. Furthermore, civil society organizations warn that the recently reviewed Cybercrimes Act further shrinks the civic space for women and their ability to defend their rights.

Restrictions of movement in response to the COVID-19 pandemic between April and June led to an **increase of domestic violence**. Moreover, UNHCR warns that a possible increase in fighting and violence might result in an increased resort to **negative coping strategies**, including early marriage and survival sex. **Child marriage** continues to be widespread in the Sudan. According to the 2020 Humanitarian Needs Overview, 12 per cent of women were first married before age 15, and 38 percent before age 18. The Council of Ministers announced in November 2020 its intention to end child marriage.

In July 2020, the Joint Council adopted several amendments to the 1991 penal code to protect women's rights, including the **criminalization of female genital mutilation (FGM)** which is a widespread practice in the Sudan, with about 87 percent of women having undergone some form of FGM. Other amendments included the introduction of life imprisonment for rape, the abolishment of the offence of "immodest attire" that had been applied against women, and the introduction of an alternative penalty of community service for convicted women, lactating mothers and women accompanying children under five. The transitional government also criminalized actions that include gender-based discrimination, repealed immunity regimes that protected agents from prosecution for acts committed during their work, including acts of sexual and gender-based violence, and eliminated the requirement for women travelling with children to obtain the permission of a guardian. The Government of the Sudan announced its intention to sign and ratify **CEDAW**, but this has not happened yet.

In Darfur, the protection and security of women and girls continues to be an area of concern, and even more so in anticipation of the withdrawal of UNAMID. **Women's protection networks** supported by UNAMID continue to serve as an important early warning and conflict prevention mechanism for security threats, including risks of sexual and gender-based violence. Their mapping of security and protection risks informs UNAMID patrols in hotspots and the Government's work. These women's protection networks were the first who reported attacks against civilians in Kutum, Kass and Boronga in June and July 2020. Following this, on 27 July 2020, members of the Women Protection Network were part of the Darfur Women's Platform delegation that met the Prime Minister to discuss insecurity in Darfur. Their targeted advocacy contributed to deployment of more joint security forces to Darfur. In West and North Darfur, UNAMID held workshops in collaboration with Sudanese authorities to strengthen women's resilience and mitigation capacities in relation to gender-based violence.

In 2019, UNAMID documented 191 cases of sexual violence, affecting 135 women, 54 girls and 2 boys. Between June and November 2020, UNAMID documented cases of **sexual and gender-based violence and conflict-related sexual violence** against 67 survivors. Most of the survivors of conflict-related sexual violence documented in 2020 were girls under the age of 18. Overall, sexual violence continues to be underreported due to a culture of denial, social stigma, fear of harassment, physical and psychological trauma, the lack of protection afforded to victims and witnesses, and the perceived inaction of law enforcement and justice institutions. Furthermore, measures put in place to mitigate the spread of the coronavirus resulted in reduced fact-finding, monitoring, and reporting of incidents of sexual and gender-based violence, especially between March and September 2020. Alleged perpetrators include members of the Sudanese Armed Forces, the Rapid Support Forces (RSF) and SLA-Abdul Wahid elements. Furthermore, women continue to report sexual and gender-based violence during episodes of inter-communal conflict and from armed nomads, especially when collecting firewood or grass. The peak time for sexual attacks is the planting and harvest seasons when women spend most of their time in the fields. Women and girls living in IDP or refugee settings are particularly vulnerable to be subjected to sexual and gender-based violence, especially those living in the over 200,000 women-headed refugee households, and

nearly 7,800 child-headed refugee households. Insufficient lighting in camps and settlements and energy and water supply gaps that force women and girls to travel long distances to fetch water and firewood expose them to potential attacks. Access to specialized medical care in several areas, including to post-exposure prophylaxis, remains limited for survivors of sexual violence, often resulting in HIV infections or unwanted pregnancies. Effective access to justice for survivors is very limited due to lack of legal aid, shortage of female police officers, community distrust of formal legal mechanisms, and the centralized handling of cases at state capitals, which disadvantage survivors from poor backgrounds and remote areas due to transport costs.

In March 2020, the Government of the Sudan signed a **Framework for Cooperation with the UN to prevent and respond to conflict-related sexual violence**, in accordance with Security Council resolution 2467 (2019). The framework prioritizes actions in a number of areas such as supporting legislation to strengthen protection from sexual violence in conflict, ensuring comprehensive services for survivors, and engaging with Sudanese justice and security actors including to enhance capacity for the investigation and prosecution of crimes of sexual violence.

The former Janjaweed commander **Ali Kushayb was transferred to ICC custody** on 9 June 2020 after he surrendered voluntarily in the Central African Republic. Mr Kushayb is suspected of having commanded thousands of Janjaweed militia in 2003 and 2004 in a counter-insurgency campaign of the Government of the Sudan. The arrest warrant issued against him by the ICC in 2007 included 50 counts of crimes against humanity and war crimes, including rapes and outrages upon the personal dignity of women and girls. Five other ICC arrest warrants related to the situation in Darfur are still pending.

The Government established a **National Independent Investigation Committee** to investigate the attacks against civilian protestors on 3 June 2019 which resulted in sexual and gender-based violence and arbitrary arrests. All nine members of the Committee are men and the Independent Expert on the situation of human rights in the Sudan expressed concern about the Committee's technical capacity to investigate sexual and gender-based violence. Civil society has expressed frustration that the Committee has not yet released any information on the progress of the investigation.

Over 90 percent of Sudan's localities **lack specialized lifesaving GBV services**, such as clinical management of rape and psycho-social support. COVID-19 containment measures negatively impacted the implementation of SGBV services: only 120,000 people reached SGBV services between April and June 2020 – 100,000 fewer than in the first quarter of the year. Access to **SRHR services** is also limited. Only 32 percent of health facilities in the Sudan fully provide emergency obstetric care services, leaving pregnant women at risk of obstetric complications, maternal deaths and disabilities. In September 2020, the worst flooding in 30 years affected 206,000 women of reproductive age who are now living in temporary flood shelters with minimal protection. UNFPA estimates that among them are 20,000 pregnant women of whom 3,000 will experience pregnancy complications and require SRHR services.

Following violence in the Tigray region in northern Ethiopia, more than 40,000 **Ethiopian refugees** have arrived in eastern and southeastern Sudan since November. The majority of the refugees are women and children and UNFPA estimates that more than 700 of the refugee women are currently pregnant. Furthermore, between 5 and 16 September, a total of **392 female-headed households have been displaced** from the Sortony IDP gathering site in North Darfur to the Savanga and Toga IDP sites near Rockero and Golo in Central Darfur. This mass displacement was reportedly prompted by the detention of several IDPs who were accused by a commander of the RSF of being part of SLA-Abdul Wahid forces.

The worsening economic crisis, which is compounded by the COVID-19 pandemic, has a disproportionate impact on women in low-income households. UNFPA warned already in March this year that the dire financial situation might force women in conflict areas to take risky journeys to provide for their families.

At a **high-level partnership conference** hosted online by Germany on 25 June 2020, participating delegations pledged a total of \$1.8 billion, including \$500 million to the Sudan Family Support Programme, designed by the World Bank to mitigate the impact of the removal of the fuel subsidies. Female-headed households will be prioritized for assistance.

The transition of the mission

The **March 2020 Special Report** of the Chairperson of the AU Commission and the Secretary-General on UNAMID and a follow-up presence identified gender equality and women, peace and security as key factors in the planning of a post-operation mechanism and emphasized that these issues must be at the core of international support for the transitional Government. The report also recommended to explore the role of women's protection networks established by UNAMID as a protection modality. In her briefings to the Security Council, USG DiCarlo said that gender equality and the implementation of the women, peace and security agenda will be a strong cross-cutting priority for the follow-on presence and announced that the mission will have **dedicated gender expertise, including at the senior level**.

During its visit to Sudan from 26 July to 11 August, the **planning team** met with different Sudanese stakeholders, including women's organizations. The planning team identified supporting an inclusive peace process as one of the nine strategic priorities of the mission concept for UNITAMS but it did not define a dedicated gender-related priority. On 5 July, the transitional Government established the **Executive Committee for Coordination** with UNITAMS. The Committee consists of 16 members from the transitional authorities, security institutions and civil society. Only one of them is a woman.

UNITAMS' **proposed budget** for 2021 submitted to the General Assembly for approval in October 2020 states that UNITAMS will prioritize gender equality and the promotion of the WPS agenda through all areas of its mandate. The mission further commits to supporting the implementing of the human rights, equality, accountability and rule of law provisions of the Constitutional Declaration and future peace agreements, in particular those related to justice and women's rights. As part of its mission strategy, the UNITAMS proposes that the SRSG and other mission component engage with civil society and women to ensure meaningful participation in the political transition. The mission also intends to conduct documentation, reporting and analysis of the human rights situation, including conflict-related sexual violence and to share this information with the transitional authorities. This work is expected to lead to the ratification of core treaties and the repeal of laws discriminating against women.

UNITAMS plans to establish an **integrated protection cell** located underneath the office of support to civilian protection. The cell would integrate child protection, conflict-related sexual violence, and other aspects with a shared approach to data collection, analysis, and advocacy. For example, the cell would coordinate the Monitoring, Analysis, and Reporting Arrangements on conflict-related sexual violence, and its staff would include a senior women protection advisor.

Women activists warn that the withdrawal of UNAMID will create a protection vacuum and leave women vulnerable to sexual and gender-based violence. They fear that the 12,000 joint forces that are being deployed to Darfur do not have the capacity to provide adequate protection for civilians, including protection for women from sexual violence. UNHCR has warned that the deployment of the Joint Forces could lead to an increase of incidents of misconducts by such forces, including sexual and gender-based violence and sexual exploitation and abuse.

Sudan's **national plan for protecting civilians after the exit of UNAMID** identifies "combating violence against women and children" as one out of nine main components. The government's plan declares zero tolerance for violence against women and sets out a list of activities that will be implemented to that end, including reviewing Article 149 of the 1991 Criminal Code on rape and adultery, using a maximum of

women police officers in the Darfur states, and raising awareness for the need to combat violence against women through radio and television programmes, posters and billboards. Some of the activities listed in the plan have already been implemented such as the adoption of a National Action Plan on WPS and the criminalization of female genital mutilation.

Recommendations

- Council Members should ensure that all assistance provided to the transitional government takes into account women, peace and security considerations and that dedicated funding is allocated to the implementation of the gender provisions of the peace agreement.
- The co-chairs and other Council members should encourage the transitional government to ensure that the gender-related provisions of the peace agreement are included in the implementation and monitoring mechanisms of the peace agreement, and promote women's meaningful participation in its implementation, including strengthening Darfuri women's participation in post-conflict decision-making structures at all levels and in upcoming elections.
- The co-chairs and other Council members should engage in high-level direct political advocacy in support of women's participation in the transitional government, including 40 percent women's representation in the Transitional Legislative Council and the establishment of the Women and Gender Equality Commission as set out in the Constitutional Declaration
- The Security Council should ensure that adequate protection for civilians provided in Darfur after the withdrawal of UNAMID, including protection for women from sexual violence, and that services for vulnerable women are available on the local level. In doing so, the Council should ensure that women are included in any protection initiative.
- The Security Council should ensure that women's organizations are actively involved and meaningfully consulted in the implementation of any protection initiatives in the context of the withdrawal of UNAMID, and in the roll-out of UNITAMS.
- Council members should support the Government of the Sudan with the implementation of the National Action Plan on Women, Peace and Security and the Framework of Cooperation on the prevention of and response to sexual violence in conflict and encourage the development of laws on reparations for survivors and programmes for the protection of victims and witnesses as well as the strengthening of codes of conduct of security sector actors and improvements in the investigation and prosecution of perpetrators of conflict-related sexual violence.
- Council members should encourage the Government of the Sudan to include women in the National Independent Investigation Committee established to investigate the events of 3 June 2019 and to ensure that the Committee has the capacity necessary to investigate the reported cases of sexual and gender-based violence that reportedly occurred during those events.

ANNEX: Relevant excerpts in resolution 2524 (2020), establishing UNITAMS

Stressing the primary responsibility of the Government of Sudan to address the longstanding drivers of instability and inequality in Sudan, and to engage with other stakeholders, including (...) women (...).

Recognizing the important role that women played in the peaceful political transition in Sudan, welcoming the steps taken to increase the role of women in public life, government institutions and decision-making processes, further welcoming the decision to criminalise female genital mutilation (FGM) in Sudan and encouraging the completion of all necessary administrative steps in this regard, acknowledging the Government of Sudan's efforts to develop a National Action Plan on Women, Peace and Security, and encouraging its completion and full implementation, calling upon the Government of Sudan to take further steps to promote and protect women's rights and full, equal and meaningful participation in all social, political, economic aspects of life, including by repealing all laws that discriminate against women and girls and by meeting the 40% quota for women's participation in the Transitional Legislative Council, recognising the disproportionate impact of conflict on women and girls and calling upon on the Government of Sudan to ensure women's full, equal and meaningful participation in peace processes, implementation of future peace agreements, conflict prevention and decision making- and reform processes related to peace and security,

OP 2. Further decides that UNITAMS, as part of an integrated and unified United Nations structure, shall, in full accordance with the principles of national ownership, have the following strategic objective: (...) Support the implementation of the human rights, equality, accountability and rule of law provisions of the Constitutional Document, in particular those provisions that guarantee women's rights (...); provide good offices and support to the Sudanese peace negotiations, including supporting the meaningful participation of civil society, women, youth, refugees and IDPs and members of marginalised groups; provide, if so requested by the parties to the negotiations, scalable support to the implementation of any future peace agreements, including support to accountability and transitional justice, including for acts of sexual and gender-based violence, to disarmament, demobilisation and reintegration (DDR), including transitional weapons and ammunition management, and taking into account the different needs, experiences, and safety of female and male ex-combatants (...); assist, advise and support the Government of Sudan to establish a secure and stable environment within which any future peace agreement can be implemented (...) and through deploying mobile monitoring teams, facilitating local crisis mediation, early warning mechanisms, including Women Protection networks, communications and outreach strategies with affected populations; support the strengthening of the protection of human rights, in particular in conflict affected areas, including by supporting protection for women and for children from all forms of sexual and gender-based violence and other violations and abuses, through monitoring and reporting of violations of international humanitarian law and international human rights law, and refugee law, implementation of the Framework of Cooperation between the United Nations and the Government of Sudan on conflict-related sexual violence (CRSV), support to the development and implementation of action plans and a national prevention plan on violations and abuses against children, through women and child protection advisers and supporting the provision of medical, psychosocial, legal and socioeconomic services to all survivors of sexual violence; (...).

OP 8. Requests that UNITAMS integrates gender considerations as a cross-cutting issue throughout its mandate and assists the Government of Sudan in ensuring the full, equal and meaningful participation of women at all levels of peace and political processes, and in all social and economic aspects of life, and reaffirms the importance of gender expertise, including the deployment of gender and women protection advisers, gender analysis, including the collection and use of sex- and age-disaggregated data, and capacity-strengthening in executing the mission mandate in a gender-responsive manner, and requests the Secretary-General to include gender analysis in the reports requested in paragraph 16 of this resolution;

OP 10. Welcomes the commitment of the Secretary-General to enforce strictly his zero-tolerance policy on sexual exploitation and abuse (SEA), requests the Secretary-General to continue to implement a zero-tolerance approach to sexual harassment, further requests the Secretary-General to take all necessary measures to ensure full compliance of all UNITAMS personnel with this policy and approach, stresses the need to prevent such exploitation and abuse and to improve how these allegations are addressed in line with resolution [2272 \(2016\)](#), urges all member states who contribute uniformed personnel to take appropriate preventative action, including vetting of all personnel, pre-deployment and in-mission awareness training, and ensure full accountability in cases of such conduct involving their personnel, including timely investigations and holding perpetrators to account and further requests the Secretary-General to keep the Council fully informed about the mission's progress in this regard;