

REPARATIONS FOR SURVIVORS OF CONFLICT-RELATED SEXUAL VIOLENCE



COUNTRY BRIEFING SUDAN

Official Register of Survivors, including Survivors of Conflict-Related Sexual Violence (CRSV): None.

Commonly Cited Number of CRSV Survivors: Tens of thousands.

Estimated Real Number of CRSV Survivors: Over sixty thousand.

Domestic Legal Framework for Administrative Reparation Programme: The 2020 [Juba Agreement for Peace in Sudan](#) foresees a Compensation and Reparation Fund amongst other mechanisms, for which implementing legislation is required.

Mechanism to Implement Administrative Reparation: According to Chapter 3 of the Juba Agreement for Peace in Sudan, a Transitional Justice Commission, a Compensation and Reparations Fund and other mechanisms, when established, should (according to Darfur Track of the Juba Peace Agreement) recommend measures for urgent reparation as well as full reparation.

Domestic Avenues for Reparation through Courts: No CRSV case has been investigated. Some isolated trials have taken place in Sudan, and have awarded compensation for sexual violence, though these are not framed as CRSV. In some cases, compensation has been paid and serious reprisals against victims have been reported such as Safia Ishaq's case (not CRSV).

Approximate Number of Survivors Having Received Reparation for CRSV: 0.

Survivor Views on the Implementation of Reparations: Survivors are not generally aware of the legal framework for reparations in the Juba Agreement for Peace in Sudan or any other mechanisms. Generally, they do not trust in the government's capacity to deliver fair justice or to provide any reparation.

Ongoing CRSV: Conflict-related violations have largely increased since the revolution in 2019 both in Khartoum and Darfur. CRSV including rape, gang rape and sexual slavery persist. The outbreak of war in April 2023 has escalated atrocities to a new level. In May 2023, the UN Human Rights Council [condemned](#) all reported violations, including reported acts of sexual and gender-based violence committed since the start of hostilities by all parties to the conflict across the country.



Scale and Scope of CRSV

Sudan has seen widespread and systematic levels of sexual violence. Whilst it is difficult to measure exact numbers, at least tens of thousands of women, men, boys and children have been subjected to CRSV in Sudan since the conflict broke out in Darfur (2003-ongoing) and during the conflicts in South Kordofan (2006) and Blue Nile (2011). Incidents including mass rapes were reported at increasing levels in Khartoum and Darfur since the 2019 revolution and again escalated to new high levels with the war that broke out on 15 April 2023.

Sexual violence has been used as a weapon of war in Darfur, South Kordofan and the Blue Nile states of Sudan. The [most reported forms of CRSV](#) are rape and gang rape. The Joint African Union and United Nations Hybrid Operation in Darfur (UNAMID) found that [80% of reported cases were rape or attempted rape](#), but NGO reports also highlight that gang rapes often took place in public, with other acts also prevalent during Janjaweed raids, such as sexual slavery, sexual mutilation, forced marriage, and forced nudity.

Ethnic Dimension and Political Dimensions

CRSV in Sudan is used with the aim of humiliating, punishing, controlling, terrorising and displacing whole communities and is often racially motivated as part of ["ethnic cleansing" campaigns](#) in areas such as Darfur and South Kordofan. In these areas, the Sudanese army, Rapid Support Forces, army-backed militia, police or intelligence agencies, all dominated by the Arab-elite, have targeted women from so-called "black-African tribes" such as the Masalit, Fur and Zaghawa, as a form of political or ethnic punishment. In Khartoum, sexual violence has been used by government security forces to [suppress political, pro-democracy and human rights activists](#) that are opposed to a military or Islamist regime. CRSV in Sudan has had a devastating impact on survivors, families and communities, causing widespread individual and communal harm.

Before the war on 15 April 2023, the 2020 Juba Agreement for Peace in Sudan included provisions for:

- A Compensation & Reparation Fund
- An Internally Displaced and Refugees Commission (IDPRC)
- A Commission for the Return of IDPs and Refugees
- A Development and Reconstruction Commission
- A Lands and Hawakeer (tribal ownership) Commission

The Transitional Justice Commission Law of April 2021 (Gazetted in July 2021), provides for the establishment of a Transitional Justice Commission, and recognises reparation as material and moral compensation, rehabilitation and reintegration.

"If it means money, we don't need money, we need peace to live peacefully, and to remove the Rapid Support Forces camp from our area."

A survivor of CRSV



Harm caused to Survivors, Families and Communities

Survivors in Sudan face a devastating range of physical, psychological, medical, social, and economic needs as a result. Services are hugely lacking, especially for the majority of survivors who live in internally displaced persons (IDP) camps. After the closure of some international organisations, services are less accessible and are confined to hospitals in the cities that are difficult to access due to impoverishment and distance. The war that started on 15 April 2023 has seen an almost complete breakdown of medical services in many areas, including the capital Khartoum, due to power cuts, lack of water and ongoing fighting.

"My husband left us, and I am blamed for what happened to me and demonised by the community. The RSF soldiers raped me a couple of times when I went outside the village to collect the wood."

A survivor of CRSV

Stigma, long-term trauma and victim-blaming are common. Some survivors state that they self-isolate due to stigma and desire to commit suicide. The attitude of survivors' husbands is problematic. Many survivors are abandoned by their husbands. There is further widespread neglect, mistreatment and physical abuse of both survivors and children born of rape by family and community members. There are a number of stigmatising names used to refer to children born out of wedlock. In Darfur, women dread giving birth to Arab-looking children who will be named "Janjaweed" and "Suluma".

CRSV takes place in a social and legal environment in which CRSV is normalised and in which most survivors have no access to services, protection, or justice. Unmarried women who are survivors may never marry and are considered "spoiled". In interviews, survivors stated that sometimes the communities expressed their willingness to accept the victim but not the child born as a result of rape. Due to the prevalence of CRSV, families often enforce early marriages to ensure that girls are not "spoiled". Marriage in the refugee camps has become cheap with regard to the traditional dowry or "bride price", as parents marry off their daughters at a very young age in a bid to save the family's honour.



Survivors' Views

Needs and Expectations

Survivors of CRSV have different levels of knowledge about their rights as well as the right to reparation. Some were unaware of the right to reparation. A number said the harm is from God and they await God's decision with regard to the violation against them, many of those interviewed shared this view: "What happened is seen as God's will, and God alone can compensate you". One survivor when asked about reparation identified it with "Taweed" (local term for compensation in traditional justice) or "Jabr Darar" (damage repair). Another survivor, who was raped by a soldier, said she knows nothing about human rights and did not report the ordeal to anyone because she was unaware of how to react to the entire situation. Under Sharia law, the crime of adultery also creates a chilling effect on reporting crimes. Intercourse outside wedlock is a serious crime, meaning that the victim might easily be accused of adultery when reporting rape – for which the punishment of death by stoning continues to be applied.



Focus group discussion, North Darfur, April 2022 © Rights for Peace.

In both Darfur and South Kordofan, survivors tend to raise peace and justice rather than compensation. Some survivors have questioned the efficiency of reparations and noted that the past cannot be undone. In South Kordofan they questioned how the dignity of rape victims can be restored by reparations when the whole community knows of the incident. They questioned the concept of reparations, and whether it can restore their health, bring back loved ones they've lost or salvage their already ruined reputation. Survivors also expressed their concerns about claiming and seeking justice which has proven difficult as reported cases are neither investigated nor followed up and may instead result in reprisals.

In Khartoum, there is a stronger emphasis on justice and the need for psychological and medical support from personnel trained in trauma care. Pressing needs continue to include urgent medical assistance, psychological support, as well as food and education for children affected by CRSV or born of conflict-related rape.

"I left my slippers and axe behind, when I arrived at the village, I found the people at the outskirts wondering what happened to me. I didn't tell anyone that the RSF soldier raped me, I denied what happened to me but everyone in the village believes that I was raped."

A survivor of CRSV

Economically, most survivors express the desire to live in peace and see their lost property and lands restored.

Security, protection measures and guarantees of non-repetition such as security sector reform are a priority. The majority of survivors in Darfur and South Kordofan want the removal of Rapid Support Forces and other armed groups from the camps and surroundings areas as a matter of urgent priority.

At the social level, survivors call for public awareness campaigns to reduce blame and explain that survivors are victims. The stigma also endangers the lives of survivors as they become isolated and lose protection from family and community given their "spoiled" status. Awareness programs targeting men and husbands are particularly needed to curb abandonment and support reconciliation in communities.

Survivors emphasise the need for free access to medication and clinic visits as they lack the financial capacity to pay for such services. The process to establish indigent status is onerous, time-consuming and complex and should be simplified.

Survivors call for justice, arrests, and arraignment before the ICC, as well as peace and collective and individual reparation. Most survivors want support to document and investigate what happened to them to secure compensation through judicial means in a timely and just manner. They mention the need for simplified access to medical evidence as well as legal assistance in the form of legal representation and support with cases already reported with authorities to ensure justice and accountability.



Survivors' Initiatives

So far, survivors have not engaged in advocacy initiatives. There are mixed responses about pursuing justice. Some express mistrust in the judicial system, while others fear reprisals "I was threatened by the security. They pointed the guns to my head and asked me why I talked to a human rights organisation."



Dancing can be a way to reduce anxiety and stress: trauma awareness training, North Darfur, April 2022 © Rights for Peace.

"I lived suffering since the war broke out. Until today I can't sleep well. I suffered a lot. Myself not talking on behalf of any one here, I can forgive Janjaweed or those forces who attacked us, but I will never forgive Omer Al Bashir (former President) and Osman Keber (former North Darfur Governor) and their dogs, who ordered our killings and displaced us from our homes. I swear to God I will never ever forgive them until I see them before the ICC."

A survivor of CRSV

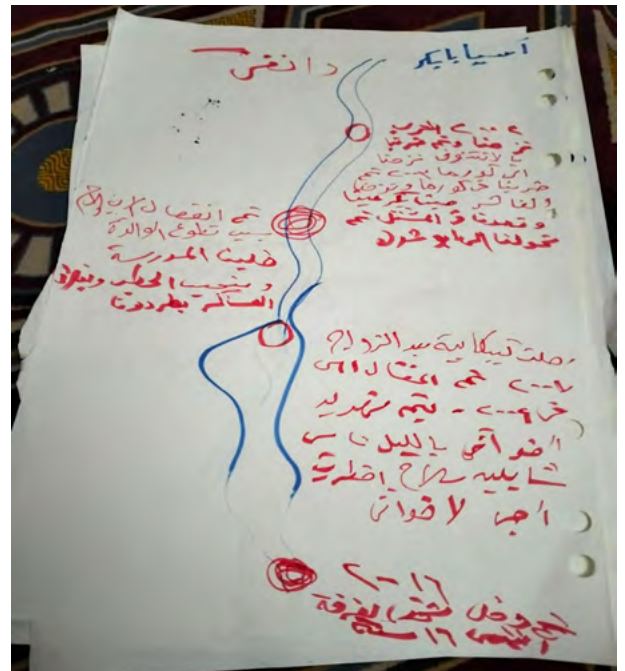


Opportunities

The situation has changed dramatically in Sudan after the eruption of the war on 15 April 2023, and the prospect of a final political settlement is elusive. Currently, there is no functioning government in Sudan. Most civil society organisations are either temporarily shut, have their staff displaced or have fled the country, while the international community has shifted its focus to ending the war and providing humanitarian aid.

The existence of the [Juba Agreement for Peace in Sudan](#) might be the only open opportunity for establishing transitional justice mechanisms after the end of the war.

The fact that Sudan is a party to a number of international treaties, including the International Covenant on Civil and Political Rights and the Convention Against Torture, may have a positive indication for future advocacy on reparation for CRSV. [The Security Council's referral of the Situation in Darfur](#), dating back to 2005 is potentially both a leverage tool for brokering a political settlement and for ensuring accountability. The international community needs to put pressure on the warring parties to end the war and engage in effective political dialogue and restore a democratic government.



River of life exercise: trauma awareness training, South Kordofan, March 2022 © Rights for Peace.



Key Challenges

- The 15 April 2023 outbreak of war between the Sudan Armed Forces and Rapid Support Forces.
- Sporadic atrocities in Darfur, often with an ethnic dimension, and repression of political activists increased since the 25 October 2021 military coup, reversing gains made by the transitional government since the 2019 revolution.
- Hyper-inflation rate peaking at 359% in 2021 and lack of a functioning government as of April 2023.
- Lack of trust between survivors and the State. Survivors are sceptical of state agents and have demonstrated a lack of trust in how the country is run, only exacerbated by the ill-treatment and harassment of women activists.
- Reprisals from government officials. Survivors have been arrested and tortured for speaking to human rights groups impacting survivors' propensity to seek assistance due to fear.
- Ongoing insecurity and lack of protection: There is no effective rule of law in Sudan. Survivors and stakeholders fear reprisals for attempts to access health care. Pre-15 April 2023 survivors feared seeking justice, which deterred them from exercising their rights.

"Myself I was imprisoned for almost a year by the National Security because of reports to the human rights people about our situation and the violations we grieved."

A survivor of CRSV



Recommendations

To the Warring Parties

- Immediate cessation of hostilities and sexual violence by the Sudanese Armed Forces and Rapid Support Forces.
- The UN Security Council and UN Human Rights Council should mandate an immediate inquiry into all human rights violations committed since the 25 October 2021 coup, as well as since the outbreak of conflict on 15 April 2023, with a specific emphasis on conflict-related sexual violence.
- The Sudanese Armed Forces and Rapid Support Forces should publicly condemn and demand a cessation of sexual violence against civilians and should immediately hold perpetrators in their ranks to account.
- The warring parties should remain committed to humanitarian agreements, such as the Jeddah Humanitarian Agreement signed on 11 May 2023 to allow CRSV survivors access to medical assistance.
- A new civilian Transitional Government and political parties should ensure that CRSV survivors are included in discussions on transitional justice in any new agreement.
- A new civilian Transitional Government should establish the Transitional Justice Commission in accordance with the law adopted on 24 April 2021.
- A new civilian Transitional Government should expedite the approval of the Draft Violence Against Women Law, drafted by the VAW Unit in the Ministry of Social Development.
- All parties to the conflict must acknowledge their contribution towards CRSV in Sudan, render apologies, commence a Disarmament, Demobilisation and Reintegration (DDR) process and implement robust accountability measures.
- Security Sector reform should be expedited, including the dismantling of the Rapid Support Forces (RSF) and their removal from residential areas, internally displaced persons (IDP) camps and their surroundings in conflict regions.
- The warring parties, other armed groups, and a new civilian Transitional Government should remain committed to the UN Framework Agreement on the Prevention and Response to Sexual Violence against Women and Girls during Conflict signed on 10 March 2020.



Recommendations (continued)

With Regard to Reparation

- Any political agreement after the conflict should ensure accountability and facilitate reparation, including urgent interim reparation for survivors of CRSV and other victims in need.
- Any future political agreement should adopt a holistic approach to transitional justice by establishing the Transitional Justice Commission outlined in the 2021 law and supporting the transitional justice mechanisms itemised in the Juba Peace Agreement.
- All processes should ensure genuine consultations with affected communities, enabling women and survivors' engagement in the design and implementation of processes and mechanisms in accordance with Security Council Resolutions 1325 and 2467.
- A new civilian Transitional Government should break the silence, blame and social stigma around sexual violence through community awareness programmes to create an enabling environment for survivors to be supported, report cases and ultimately acquire reparations.
- The international community should provide holistic support to victims ensuring they can access remedies and reparations through the International Criminal Court (ICC), existing domestic justice processes and transitional justice mechanisms yet to be designed.

