

Submission to the United Nations Human Rights Council
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Sudan

**Written Statement submitted by The Human Rights Committee, a committee
made up of nine (9) civil society organizations based in Western Bahr el Ghazal
State**

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BACKGROUND INFORMATION

The Human Rights Committee was formed by nine civil society organizations based in Western Bahr El Ghazal State namely; Justice and Peace Commission of the Catholic Church, Women Training and Promotion Association (WOTAP), Women Development Group, Women Empowerment Group, Sawa Sawa, Muslim Women's Association, My Sister's Keeper, and Alma's Center for the Girl Child Empowerment.

All these CSOs are working in Western Bahr El Ghazal State in various activities related with the topics chosen in this report. These topics are considered as the priority for the citizens of this state as experienced by these organizations while implementing their activities.

Due to lack of adequate written information on the Sudan in the state the information in this report is based on research done by the member organizations and experiences of some of its members while conducting their activities.

Because the duration of the review is four years this report covers the period between 2006 and 2010.

I. Right to Education

The Interim National Constitution of the Sudan, article 44 (1) and (2), guarantees education for every citizen without discrimination, and compulsory and free primary education. This is being implemented by the support programs such as Every Child Must Go to School, the construction of Child Friendly Schools, school feeding program, and provision of school materials and furniture. Support from organizations like Unicef and WFP is received but the government is unable to meet the other needs and student end up being charged to support the school administration's feeding, duplication of examination papers and other administrative costs.

A. Higher Education

Politicization of Education sometimes interferes with the right to education through profiling of students considered to be supporters of groups that are in opposition to the government. For instance, 90% of students of southern origin who sat for the Sudan School Certificate in 2010 were not admitted to universities in the national intake. Only students who applied for colleges like Rural Development, Physical Education were accepted.

B. Curriculum

There are two curricula in Southern Sudan, the Sudan curriculum and the East African curriculum. The latter is in English while teachers in the State of Western Bahr el Ghazal are used to teaching in Arabic. The introduction of the new curriculum without prior training of teachers led to the deterioration of education standard in the state. Evident to that the State is the last in performance in the 2010 Sudan School Certificate results. The new curriculum is in English while teachers in the state are trained to teach in Arabic, hence are unable to teach the new curriculum properly. The government is trying to address the issues by training the teachers in English; however, it is not extensive enough to upgrade the standard of the teachers. Moreover, there are no adequate text books for the new curriculum; in some schools five pupils share one text book. Teachers spend most of their time copying the notes in the text books on the board than explaining to the pupils

C. Location of Schools

Most of the schools that have good services are located in town. Schools in the rural areas lack teachers, furniture and even budget to hire enough teachers. For example, Abushaka Primary School has four classes and hold about 250, but has no furniture, and only one teacher. Pupils have to walk for at least an hour before they reach school and their parents to buy them food. So many students have dropped out of school due to hunger. Schools are scarce compared to the number of population, and some school are turned into higher institutions for instance The University of Bahr el Ghazal and Quaraniya College used to be elementary and high school. These schools plus others are now hosted in Wau Complex which consists of about five high schools compounded in the ground of only one school. This has resulted in overcrowded schools, with some classrooms holding about 200 students. Teachers find it difficult

to track students performance and their presence in school because they are unable to call attendance with such big numbers.

D. Salaries

Teachers' payment is low forcing trained teacher to seek employment with government institutions and private organizations leaving a vacuum in schools. Teachers in Western Bahr el Ghazal State are paid only 65% of their salaries while in the rest of the nine states in Southern Sudan their colleagues receive 100% of their salaries.

E. Recommendations

The HR Committee recommends that government should benefit from the two curricula to come up with a strong curriculum and teachers training should be ongoing to equip them to teach in both languages and teach both curricula. Newly appointed teachers should go for training before starting to teach. Education environment needs to be improved in terms of fencing schools, planting trees, provide good seating, potable drinking water, and introduce extra curricula activities. Each school must form a PTA to address issues. There is need for the government to have its own printing press to avail text books in schools. Schools need to be allocated according to population to address the issue of overcrowded classrooms and distance to schools.

II. Public Health Care

Article 46 of the constitution guarantees the provision of public health institutions and free primary health care. However such facilities in the state are not to standard and has caused many citizens to be vulnerable to preventable health problems.

A. Environmental Health

Environmental health is the primary reason for most diseases affecting the population. Waste is accumulated around residential areas with no collection program. Stagnant swampy water in the vicinity of residential areas are not cleared or sprayed. This leads to the breeding of mosquitoes, flies, and bugs that cause malaria, typhoid, diarrhea and other diseases. Lack of latrines in many homes force citizens to make use of open areas; and during the rainy season the waste is washed back into sources of drinking water increasing water borne diseases, during the wet season.

B. Hygiene

Lack of hygiene in the hospital has become a health hazard. Wards are not kept clean, toilets are filthy and there is no source of clean water. Some trees in the hospital have become a home for bats and other birds that threatens the clean environment.

C. Death Rate

Rate of death is high among citizens of all ages due to the lack of good medical diagnosis and in many cases misdiagnosis lead to the prescription of unnecessary medication that results in deterioration in health and eventually death. Malaria medication is prescribed for any kind of symptoms even if not related to malaria.

D. Care in Hospital

Proper care is not available in the hospitals, specially at night. Admitted patients have to search for nurses to administer drugs on time. Patients admitted to hospitals sometime end up catching other disease because wards are not specified and patients are admitted where there is a bed.

E. Free Care

There are very few nurses who work at hospital emergency compared to the number of patients so nurses found this a chance to take money for quicker treatment or for injecting patients. Drugs are free but nurses and pharmacists take cash to give medicine and enforce bed charge to patients.

F. Reproductive Health

The only school of midwifery in the state is closed down due to lack of funding. Only traditional birth attendants who haven't been given refresher training attend to women in labour. These TBAs are growing older and becoming less effective in support the growing number of women in need of their care.

Pregnant women do not follow up regularly because centres are either far from their homes or they lack awareness of the necessity to do so. In most cases they also do not get immunized.

There are no specialized hospitals for women to care for their reproductive health and to look at cases of rape without fearing patient's privacy.

G. HIV/AIDS

HIV/AIDS has been on the increase rapidly. Lack of treatment in health centres or private clinics discourages many from checking their HIV status. There is only one centre in the hospital and patient's privacy is an issue. So people are reluctant to check in the hospital VCT centre because they know that result will be known to all.

H. Security

Hospital security is an issue for nurses and patients alike. Armed members of organized forces threaten nurses to treat them or their relatives at gun point. In case of nurses caring for other patients these groups feel that their have the priority for treatment ad put the life of hospital staff and patients in danger.

I. Recommendations

There is a need for continuous spraying of possible breeding locations and cleaning of hospital regularly for a clean environment. Nurses need to be trained not only on nursing but good care of the sick to address the mistreatment that patients receive at their hands. The government has tried to step up security in the hospital however only around the gate however, more such support needs to be present around the wards.

Training of traditional birth attendants is necessary as they can assist pregnant women who live far from health centres. To prevent the spread of HIV/AIDS diagnosis kits

should be provided to any clinic so that patients can check their status and ensure privacy.

III. Administration of Justice and Law

Although the constitution guarantees sanctity from torture, fair trial and the right to litigation, in articles 33, 34 and 35 respectively, some citizens do not enjoy these rights as others. Equality before the law has favoured economically powerful litigants, government officials, and top military personnel. In 2008 a government official raped a minor and high ranking military officers denied his estranged wife from having access to their children, both the wife and the relatives of the minor were not were denied the right to restore to justice. A man was jailed, never tried, until he died in prison because he crossed the street in front of the Governor's vehicle. In October 2010 a man died after being picked drunk by riot police and tortured.

A. Faith and the law

The law in Sudan is based on Islamic laws resulting in discrimination against believers of other faiths, which violates their rights to freedom of creed and warship as stated in article 38 of the constitution. For instance if a Christian women marries a Muslim, she is not eligible to inherit him if she does not convert into Islam. OR, a Christian child cannot inherit from his Muslim father.

B. Gender based cases

The law does not allow a woman to bail a jailed person or be a witness; to consider witness from women there have to be two women to witness against one man. The court does not give women the right to file for divorce and victims of gender based violence, such cases are either referred to the family to solve this problem or to chiefs who will always rule in favour of the men. Victims of rape and gender based violence are denied access to fair trial. Such cases are always referred to tradition courts which usually rules in favour of men because they consider these as deserved by the incumbent females.

C. Police Brutality

Police torture is widely practice on arrested persons. While arresting a person the police treat them as guilty and they do not pronounce the reason for arrest until the person reaches the jail. Any questions by the incumbent will lead to serious beating as it will be considered as obstructing the law.

Civil case suspects are held under the Criminal Investigation Department (CID) rather than the police. Cases are blown up on TV even before any evidence that suggests the guilt of the person, and are always treated as guilty rather innocent until proven guilty.

D. Independence of the Judiciary

Corruption among members of the judiciary, and nepotism in the appointment of judges, have jeopardized the independence of the judiciary. The capacity of judges is very low some who do not deserve to be judges are appointed by relatives. Due to the need of having judges, newly graduated students are appointed judges and there is no law school for them to go through training. Inadequacy of staff results in trials

taking longer than necessary, and arrested person staying longer in police custody or prison if the case does not take place within three days.

IV. Economic, Cultural and Political Rights

The guiding principles and directives of the constitution, chapter II article 10 (1) and (2) oblige the government to raise the standard of living of the citizens through equitable distribution of wealth and development of the private sector.

Imbalances of incomes created huge discrepancy between some people as a Minister's salary in the stat is about USD12,000, Members of the Legislative Assembly are paid about USD3500, while some workers still earn about USD 60 per month. The development of private sectors are concentrated in the north while most of the towns in the south do not any such development even if structures of some factories are present, for instance the canning factory and the brewery in Western Bahr el Ghazal sate. This has led citizens to be in high competition for government positions.

A. Security

Security is the main obstacle for residents of rural areas to be able to improve their living conditions. So many citizens moved to urban areas slowing down development process that could be done in rural areas.

Subsistence farming is widely practiced but due to lack of good roads, storage facilities, and transportation, farmers are unable to benefit from their crops which only a small amount is consumed, sold while that rest becomes bad for consumption.

Tribal conflicts have prevailed in the region for a long period of time and continue to be practice in discreet manners. The government though obliged by the constitution to reconcile citizens such programs though done recommendations have not been followed through by the government to ensure implementation.

B. Political and Civil Rights

Political rights are not guaranteed to all parties specially those not in power. During the elections independent candidates and candidates from other parties were not given the freedom to campaign specially outside town.

Salaries is Western Bahr el Ghazal State is lower compared to salaries in other states for the same institution. Corruption of administrative staff exacerbated the situation as in the Ministry of Education, despite 100% of salaries is dispatch from the Government of Southern Sudan, staff continue to receive only 65% of their salaries.

V. Child Rights

Article 32(5) commits the state to protect the right of children however the implementation mechanism to enforce those laws are lacking.

Poverty has led many families not to be able to provide basic needs for their children and there is no support from the government. There used to be allowance for government officials who have children but since it was established the amount of

about USD20 has never been improved and is not given according to the number of children they have. Many children end up not continuing their education and joining the work force in their early age.

A. Teenage Pregnancy

Teenage pregnancy also led to many children being unable to get their basic needs as their single mothers in most cases cannot afford to support them. Many children ended up being in the streets and entering into deviant behaviours creating social problems in many town.

B. Social Structures

Polygamous marriage has also resulted in the deviation of many children. Men marry a series of women bearing children and not involving in upbringing. Since many women are uneducated and jobless they fail to cater for their children and the law does not enforce the father to pay support for the children. So many children end up being street children.

Socialization of children sometimes causes them to deviate. Adults and children mix up in social activities and in many cases no attention is given to the presence of children. Some adults will send children to buy alcohol or light cigarettes and curiosity causes children to try drinking and smoking and end up being alcoholic.

C. Orphans

Orphans do not have a specific program, though funding exists in the Ministry of Social development and Child Welfare. They have no protection, no shelter, and no medical care.

D. Discipline

The constitution protects the right of the child as not to be disciplined by corporal punishment. However, corporal punishment is widely practiced in homes and schools to discipline children.

VI. Family and Gender

A. Freedom of choice

Article 15 (1) and (2) of the constitution considers the family unit as the main social unit of the society and entering into it should be by the consent of both parties; and obliges the government to protect women from injustice. However, women are still not being consulted on deciding whether they should enter into marriage; instead it is their parents or guardians who make that decision. This has made many school aged girls are forced into marriage relationship affecting their education and future.

B. Gender Roles

Women are confined to the homes with little attention being given to their empowerment educationally and economically. They mainly depend on men for their needs and if the man decides to leave she is left with no skills or education to be able

to support herself or her children. Given that the law does not oblige husbands to pay support for their wives, women end up doing the lowest paying jobs in the society.

Divorce is not awarded to women in court and if the husband decides not to divorce his wife but leaves her for another woman, the wife ends up being stuck in a relationship that does not benefit her. She cannot marry another man and anytime the husband can walk in and claim that she is his wife.

VII. Women's Rights

Article 32 (1) through (3) stipulates that the state would guarantee equal rights, promote women through affirmative action, and combat harmful practices that undermines women's dignity. The Government of Southern Sudan has stepped up its efforts to increase women's participation in decision making positions. Changes are seen in central government but state continue to lag behind in implementing the affirmative action as stipulated in the Comprehensive Peace Agreement.

A. Women as a Source of Wealth

Due to poverty parents always prefer to send their sons to school and leave girls to do the house chores with the understanding that the girl will be married into another family and she will benefit that family and not her own.

Girls are also considered as a source of wealth as when they are married the dowry whether in cash or livestock bring wealth to the family. The community believes that education spoils their daughters so they keep their daughters in schools until they reach puberty, when they withdraw them from school and keep them at home to prepare them for marriage.

B. Working Women

Working women are put in positions lower than their male counter part. They receive lower salaries than men, they do not get promoted when their male colleagues get promotions. Sometimes men junior to women are promoted to higher post leaving the women in lower positions.

C. Affirmative Action

Although the Interim Constitution of Southern Sudan and the CPA guarantees 25% for women this quota if recognized will only cover the political post for instance in the executive and legislative branches of the government. In Western Bahr el Ghazal State the State Government marginalizes educated women and appoints the least qualified women to show the community that women are unable to deliver and that there are no qualified women to fill the position. Convincing the community that women cannot deliver in public offices and should be confined to the homes.

D. Right to Inheritance

When a father passes away, female members of his family are cut from inheritance, only male members of the family can inherit.

Although married women are allowed by the law to inherit their husbands customary laws usually contradicts that. Once a man dies his relatives become in charge of all his properties and the woman is sent away with nothing.

Mourning a diseased husband also causes a lot of pain to a woman because some traditional laws enforce unnecessary practices like cutting the skin on the face, arms hands and legs with unimmunized spears used for many people; making them walk around naked dress in black for a year or more.

VIII. Freedom of Expression

A. Freedom of Speech

In the Sudan citizens are not allowed to stand in public and talk about politics or make criticisms against the government functionary. Such acts are always avenged with imprisonment. Journalists are frequently arrested if they write something opposing the leaders or the system. Media is often shut down by government if they are not broadcasting programme which is in line with the governments' policies. Ajas el Huria newspaper has experienced such closures several times. Staff are also arrested and detained. The media including mobile phones are under the control of the government.

As being experienced prior to the referendum the national media is geared towards unity which is the opinion of the Government of Sudan while no media attention is given to advocates of separation.

In demonstrations those proposing separation were arrested, beaten and jailed.

B. Right to Privacy

The right to privacy is being violated by the Sudan government. Telephones and emails are interfered with. Sometimes telephones' networks are disrupted to prevent communication at certain time.

C. Elections Violence

As experienced during the election the right to assemblies was violated by the government. There were complaints of fraud; people were forced to vote for certain parties, ballot boxes were staffed and money was paid for voters to vote for certain parties. In some cases voters were paid money to give their cards away. Demonstration were disturbed by the police forces and the army, demonstrators were beaten up, arrested and imprisoned. Some members of observation teams were harassed, and others jailed.

