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Contacts:

Sarah Martin and Sally Chin

## Sudan: Inform Rape Survivors of Their Right to Seek Life-saving Treatment

The conflict in Darfur has been characterized by sexual assaults and rapes. Until recently, women who were raped suffered the double injustice of being denied, by law, post-trauma medical assistance unless they agreed to fill out a police report, or Form 8.

As documented by Refugees International in November 2004, this requirement has meant that many women have decided not to seek life-saving treatment because of fear of reprisal; not only are the rapists often the Sudanese police themselves, but the Sudanese government has been quick to equate rape with adultery (which is punishable under shari'a law).

Months of international pressure and high-level advocacy finally resulted in an amendment to this law earlier this year; women may now seek medical care without filing a Form 8. Yet most women and members of the Sudanese police and African Union Civilian Police are unaware of this critical change in the law. In effect, nothing has changed for survivors of rape in Darfur. International organizations must take the immediate initiative to inform the women of Darfur of their rights rather than waiting for the Government of Sudan to do so. The United Nations Fund for Population Activities (UNFPA), as the lead agency on gender-based violence in Darfur, must be the one to spearhead this action.

Since the beginning of the crisis in Darfur, humanitarian agencies and key international figures have devoted intense focus and energy to the prevalence of sexual abuse and rape. Special Representative to the Secretary-General, Jan Pronk, and the Under-secretary for Humanitarian Affairs, Jan Egeland, have been very vocal in pressuring the Government of Sudan to address the problem of gender-based violence. In July 2005 U.S. Secretary of State Condoleezza Rice pressured the Government of Sudan to address the problem of violence against women in Darfur, and linked the Sudanese ranking on the U.S. Trafficking in Persons Report to its response to gender-based violence.

This multi-pronged advocacy has had an impact. The Government of Sudan has finally acknowledged publicly that there has been rape in Darfur. The rules regarding Form 8 have been amended, the Government of Sudan has issued a National Plan of Action to address gender-based violence, and State Committees for Combating Gender-Based Violence (made up of local government, United Nations agencies, African Union, and NGOs) have been established in South, West, and North Darfur.

Nevertheless, there is still much work to be done, and it would be very dangerous for the international community to let up the pressure now. For example, while the three State Committees have been established, only the one in South Darfur has been meeting with any regularity. Even there, when the South Darfur State Committee has tried to implement its Plan of Action (which includes the dissemination of the Form 8 amendments), not all government parties have been engaged. Members of the State Committee agreed to start informing police officers of the Form 8 changes, but some government officials failed to turn up at the meetings.

Humanitarian agencies in South Darfur insist that the dissemination campaign must come from the Government, otherwise the police and health workers won't believe that anything has changed. "We need to spread the news, we told them it had changed but none of them believed us," one health care agency told RI. However, as the decree is signed by the Governor, or Wali, and electronic copies of the signed document are available, there is nothing preventing the international community from jumpstarting action by launching its own public information campaign. While it is important to recognize the positive steps taken by the Sudanese government, it is

clear that the Government of Sudan has been waging a procedural “war of attrition” on the humanitarian community. It has thrown up roadblocks and dragged its feet at every turn hoping that gradually the community would be so worn down that it would give up on the issue of eliminating the Form 8 requirement and establishing effective State Committees. The international community should congratulate itself on the hard-won advocacy victory but not be cowed into inaction.

RI is gravely concerned that “Form 8 fatigue” has set in within the humanitarian community. UNFPA received a signed copy of the clarification at the end of October, but it was not disseminated in Darfur until December 8th. This is unacceptable. Despite the fact that very few Darfurians are aware of the changes, one international humanitarian worker stated, “Form 8 is closed. All the health agencies know about it.” In fact, some health agencies that RI interviewed were unsure if the issue had been resolved and others were reluctant to inform their staff because they feared putting them in danger. Another humanitarian worker said, “Form 8 is a legal thing now, not a health matter.” But it is a health matter, in that it directly implicates health care workers and whether or not they provide services. Health agencies and their employees rightly fear that they will be prosecuted for breaking what they understand to be the current law.

Sudanese police officers are also uninformed about the changes in the law. While on a “firewood gathering” patrol with the African Union near Otash camp, RI interviewed Government of Sudan police officers about the problem of gender-based violence. When shown the new circular and asked about the amendment regarding Form 8, the police officer said, “I try to help women who have been attacked. However, I do not know about this law or form.” More worrisome was that African Union Civilian Police officers, even at high levels, who are mandated to monitor and mentor Government of Sudan police officers, were also ignorant of the changes in the policy. When RI staff met with the new regional commander of the AU Civilian Police in South Darfur, we had to inform him of the changes. If the AU Civilian Police are to do their job effectively, they must be aware of these changes and included in campaigns and strategies to educate the police forces.

Instead of waiting for the Government of Sudan to disseminate the changes, UNFPA must immediately act to inform all communities of the amendments to the law.

There are resources available to conduct a public information campaign with posters and handouts. UNFPA could include information on this issue in the numerous trainings planned for the AU, the Government of Sudan police and others. If the international community waits for the government of Sudan to “take up its responsibility” to disseminate the information, the women of Sudan will have to wait yet another year until there is any actual change in the implementation of the law. There must be no further delay in educating the Government of Sudan’s police force and the women of Sudan of their new rights.

#### **REFUGEES INTERNATIONAL RECOMMENDS:**

- ❑ The State Committees in all three Darfur states disseminate the circular clarifying the utilization of Form 8 in cases of sexual violence and rape by meeting immediately with key local health agencies and police departments;
- ❑ UNFPA and other agencies launch a public information campaign to clarify the utilization of Form 8 for all health workers and Government of Sudan police officers immediately;
- ❑ The AU Civilian Police Commissioner at Force Headquarters in El Fasher disseminate the circular clarifying the utilization of Form 8 to all AU Civilian Police who must be trained on its ramifications, and in turn must mentor the Government of Sudan police in its implementation;
- ❑ Secretary of State Condoleeza Rice continue to monitor the prevalence of gender-based violence in Darfur and continue to raise the necessity of preventive policies and actions with senior officials in the Sudanese government;
- ❑ The U.S. State Department Office to Monitor and Combat Trafficking in Persons include an analysis of the current situation, which reflects the continued problems with the Government of Sudan’s response to sexual violence and rape, in its upcoming report on the status of Sudan.

*Advocates Sarah Martin and Sally Chin recently returned from an assessment mission to Darfur.*