

Mandates of the Working Group on the issue of discrimination against women in law and in practice; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Independent Expert on the situation of human rights in the Sudan; and the Special Rapporteur on violence against women, its causes and consequences.

REFERENCE: AL
SDN 4/2014:

10 July 2014

Excellency,

We have the honour to address you in our capacity as Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Independent Expert on the situation of human rights in the Sudan; and Special Rapporteur on violence against women, its causes and consequences pursuant to Human Rights Council resolutions 23/7, 24/5, 25/18, 24/28, and 23/25.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the closure of the Salmmah Women's Resource Centre. Since 1997, the Salmmah Women's Resource Centre has promoted women's rights and gender equality through research, training, advocacy and publications. The Centre is a non-profit association registered with the Ministry of Justice. The arbitrary closure of human rights associations was the subject of a communication sent by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders and the Independent Expert on the situation of human rights in the Sudan to your Excellency's Government on 17 January 2013. Despite the assurances transmitted by your Excellency's Government in a letter dated 15 March 2013, we remain concerned that the human rights violations identified in this letter remain valid.

According to the information received:

On 24 June 2014, representatives from the Salmmah Women's Resource Centre received a letter from the Ministry of Justice revoking the Centre's registration license and calling for the organization's immediate dissolution. The letter referred to a five-person committee tasked to supervise the process, but did not provide further explanation about the decision to close down the Centre.

Later that day, a five-person committee from the Ministry of Justice's registrar of companies, together with men wearing civilian clothes and refusing to identify themselves, visited the Centre. The group of men ordered the staff of the Centre to leave their offices, and further seized their documents and assets, before closing the Centre. It is reported that at the time of the writing of this communication, three individuals from security forces are still present in the Centre preventing its staff from entering its premises.

The closure of the Centre took place a few weeks after the organization promoted women's rights and gender equality in a conference abroad. The organization has indeed been working on issues related to women's sexual and reproductive rights as well as violence against women for several years. Earlier this year, a number of women's organizations, including the Centre, were reportedly subjected to intense scrutiny by the Humanitarian Affairs Commission (HAC), which regulates the work of NGOs.

In this context, and in the light of previous communications on related matters sent to your Excellency's Government, these measures appear to form part of a pattern targeting independent civil society actors, including those defending and promoting women rights and gender equality.

Concern is expressed that the closure of the Salmmah Women's Resource Centre and the seizure of its property was not in accordance with due process and may be related to its legitimate and peaceful human rights activities. Concern is also expressed at the physical and psychological integrity of the staff of the Centre. Further concern is expressed that these measures may form part of a pattern aimed at intimidating and silencing independent human rights defenders, including those defending and promoting women rights and gender equality.

In connection to the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Has a complaint been lodged on behalf of the Salmmah Women's Resource Centre?

3. Please provide the full details of the legal basis for the closure of the Centre and explain whether and under what conditions the Salmamah Women's Resource Centre has recourse to a legal review of this decision.

4. Please indicate what measures, including criminal or disciplinary measures against persons carrying out acts of intimidation, have been taken to ensure the physical and psychological integrity of human rights defenders, especially those defending and promoting women's rights and gender equality.

We would appreciate a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations. We also take this opportunity to encourage your Excellency's Government to ratify the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Frances Raday
Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst
Special Rapporteur on the situation of human rights defenders

Mashood Baderin
Independent Expert on the situation of human rights in the Sudan

Rashida Manjoo
Special Rapporteur on violence against women, its causes and consequences

Annex

Reference to international human rights law

In connection with above, we would like to refer to the rights to freedom of peaceful association as set forth in article 20 of the Universal Declaration of Human Rights and in article 22 of the International Covenant on Civil and Political Rights acceded by Sudan on 18 March 1986.

In this context, we would like to refer to the best practices related to freedom of association and of peaceful assembly identified in the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (See in particular, paragraph 75 on the procedure related to the suspension or the dissolution of associations; A/HRC/20/27).

We also refer to article 7 (c) of the International Convention on the Elimination of all forms of Discrimination against Women, on women's participation in political and public life, including the right to participate in non-governmental organizations. In this sense, we also make reference to Article 4 (o & p) of the United Nations Declaration on the Elimination of Violence against Women, on the important role of the women's movement and non-governmental organizations.

We also make reference to the report of the Special Rapporteur on violence against women (A/HRC/23/49), which recalls that State's due diligence obligation is not only individual due diligence toward particular victims of violence, but also systemic due diligence, which requires States' to create a functioning system to eliminate violence against women. The support and cooperation with women human rights organizations, should be an integral part of this system.

We recall paragraph 65 of the thematic report of the Working Group on Discrimination against Women in Law and Practice on participation in public life (A/HRC/23/50), where the Working Group has stated that women defenders are often the target of gender-specific violence, such as intimidation, attacks and death threats, which are sometimes condoned or perpetrated by State actors.

We further recall paragraph 23 of the Agreed Conclusions of the Commission on the Status of Women adopted in March 2013 (E/2013/27- E/CN.6/2013/11), where the Commission has also expressed its deep concern about violence against women and girls in public spaces, when it is being used to intimidate women and girls who are exercising any of their human rights and fundamental freedoms. The Commission has urged States to "prevent, investigate and punish acts of violence against women and girls that are perpetrated by people in positions of authority, such as ... law enforcement officials, in order to end impunity for these crimes" (para. (x)).

We would also like to refer to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental

Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Furthermore, we would like to draw your attention to resolution 22/6 adopted on 21 March 2013 by the Human Rights Council, which calls upon States to “respect, protect and ensure the right to freedom of association of human rights defenders and, in this regard, to ensure, where procedures governing the registration of civil society organizations exist, that these are transparent, accessible, non-discriminatory, expeditious and inexpensive, allow for the possibility to appeal and avoid requiring re-registration, in accordance with national legislation, and are in conformity with international human rights law”.