

Mandates of the Special Rapporteur on the situation of human rights defenders and the Working Group on discrimination against women and girls

Ref.: AL SDN 4/2022
(Please use this reference in your reply)

6 July 2022

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 43/16 and 41/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the intimidation and harassment of woman human rights defender working to combat violence against women, Ms. Sulaima Ishaq Al-Khalifa, which may be in reprisal for her cooperation with UN in the field of human rights.

Ms. **Sulaima Ishaq Al-Khalifa** is a woman human rights defender and director of the Unit for Combatting Violence Against Women at the Ministry of Social Development in Sudan since November 2019. She previously worked as director of the Trauma Outreach Office in the Trauma Centre in the Ahfad University for Women in the city of Omdurman, Sudan. After alleged killings, rape and sexual violence perpetrated by security forces against a sit-in at the Khartoum Military Headquarters on 3 July 2019, she headed the subsequent provision of psychosocial support for sexual and gender-based violence survivors.

According to the information received:

Since the military took control of the government on 25 October 2021, Ms. Al-Khalifa has continued in her position as Director of the Unit for Combating Violence against Women, continuing to provide services for survivors of sexual and gender-based assault. She has also spoken to a number of international news outlets, denouncing incidents of sexual violence and the alleged government involvement in the incidents.

Ms. Al-Khalifa has cooperated with UN bodies and mechanisms in the course of her human rights work, most notably monitoring information on cases of sexual violence and coordinating access to medical, legal and psychosocial assistance as part of the working group established by the Representative of the UN High Commissioner for Human Rights in Sudan, who also holds the position of Director of the Office of Support for Civilian Protection in the United Nations Integrated Transition Assistance Mission in the Sudan (UNITAMS). The working group consists of a number of actors, including at least six UN entities. Ms. Al-Khalifa's involvement in the working group was explicitly mentioned in the report of the UN Secretary-General on the situation of human rights in Sudan as well as in the activities of UNITAMS.

On 12 March 2022, the Minister for Social Development, appointed in February 2022, called for a meeting with Ms. Al-Khalifa to discuss her human rights work, the head of the General-Directorate of Women and Family Affairs

was also reportedly present. Ms. Khalifa reportedly felt threatened at the meeting.

On 22 March 2022, the Government of Sudan wrote to the President of the UN Security Council questioning the figures produced by UNITAMS on sexual violence perpetrated by police. On 28 March 2022, the Special Representative of the UN Secretary-General for Sudan, presented the latest report on the situation for human rights in Sudan, which included incidents of sexual violence. In a statement made to the UN Security Council the same day, the Sudanese authorities claimed that information in the report, including information on sexual violence, was exaggerated or erroneous and went beyond the specified timeframe of 3 months.

On 7 April 2022, Ms. Al-Khalifa was summoned by the Office of the Prosecutor of Crimes against the State. She was questioned as to whether she provided information to the Special Representative of the Secretary-General for his briefing to the UN Security Council on 28 March 2022. Under section 47 of the Criminal Procedure Code, a preliminary investigation was opened against Ms. Al-Khalifa for “crimes against the State”. One man at the Prosecutor’s office, who is suspected to have been an officer from the General Intelligence Services asked her for the names, ages, marital status, and addresses of victims of sexual and gender-based violence she had documented. Ms. Al-Khalifa refused to provide this information.

Mr. Khalifa was released on bail during the evening of the 7 April. She later received a phone call from the General Intelligence Services that they would come to her office on 10 April. However, the visit did not take place.

On 12 April 2022, Ms. Al-Khalifa was brought in for questioning for a second time to the Office of the Prosecutor of Crimes against the State. She was allegedly interrogated about a report that had been submitted by the Unit for Combatting Violence Against Women to the National Mechanism for Reporting and Follow-up about sexual violence committed in Khartoum during protests on 19 December 2021.

After the interrogation, when leaving the building, she was served an arrest warrant for “cybercrimes” by an officer from the General Intelligence Service. No specific provision of the Cybercrimes Law was mentioned. She was brought to the Cybercrimes Prosecution Office and interrogated further. She was later released on bail that day.

At the time of writing, Ms. Al-Khalifa has reportedly not received any further calls or summons since the 12 April. According to the information received the Unit for Combating Violence against Women is finding it more difficult to carry out its work in prevention and response to violence against women due to lack of cooperation from other sectors of Government.

Without prejudging the accuracy of the information received we would like to express our deep concern regarding the multiple interrogations and charges allegedly filed against Ms. Sulaima Ishaq Al-Khalifa, which appear to be an attempt to intimidate her for her work collecting information about sexual assault and rape committed by security forces and other individuals. We are particularly concerned

because the allegations would suggest that the targeting of Ms. Al-Khalifa is in reprisal for cooperating with the UN in the field of human rights. If proven to be true, this would be deeply reprehensible infringement on the work and rights of a woman human rights defender. In this regard, we are concerned that Ms. Al-Khalifa may be at imminent risk of detention or persecution for her human rights activities. We fear that the intimidation of Ms. Khalifa may be a measure used to discourage others from sharing information about the situation of human rights in the country, which may have a chilling effect on civil society, particularly women's rights, in Sudan.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** 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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the exact charges, if any, filed against Ms. Sulaima Ishaq Al-Khalifa, as well as their factual and legal basis, and how they are consistent with your obligations under international law.
3. Please indicate any measures taken to prevent the occurrence of acts of intimidation or reprisal, including where necessary, by adopting and implementing specific legislation and policies in order to effectively protect those who seek to cooperate or have cooperated with the United Nations, its representatives, and mechanisms in the field of human rights.
4. Please provide any information on steps taken by your Excellency's Government to ensure that women human rights defenders in all parts of Sudan carry out their work in a safe and enabling environment without fear of acts of intimidation or harassment of any sort, such as gender based discrimination, and to ensure that any attacks to which they are subjected are fully investigated. If no such measures have been put in place, please indicate a means by which we may engage with your Excellency's Government as to the development of such measures.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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(s) responsible for the alleged violations.

In light of the allegations of reprisals for cooperation with the United Nations on human rights, we reserve the right to share this communication – and any response received from Your Excellency’s Government - with other UN bodies or representatives addressing intimidation and reprisals for cooperation with the UN in the field of human rights, in particular the senior United Nations official designated by the Secretary General to lead the efforts within the United Nations system to address this issue.

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Melissa Upreti
Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the principles and international standards applicable to this communication. The above-mentioned allegations appear to be in violation of article

s 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Egypt acceded to on 14 January 1982.

Article 19 of the ICCPR guarantees that everyone shall have the right to hold opinions without interference, and the right to freedom of expression, which includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of one's choice. As interpreted by the Human Rights Committee in General Comment No. 34 (CCPR/C/GC/34), such information and ideas include, inter alia, political discourse, commentary on one's own and on public affairs, cultural and artistic expression, and discussion of human rights (paragraph 11) as well as expression of criticism or dissent. Restrictions to freedom of expression can only be imposed if adhering to the strict criteria of legality, necessity and proportionality established in article 19 (3) of the Covenant. As interpreted by the Human Rights Committee, article 19 (3) may never be invoked to justify the muzzling of any advocacy of human rights (*idem*, paragraph 23).

Regarding allegations indicating that the violations could be an act of intimidation and reprisals against those who cooperate with the UN in the field of human rights, we would like to refer to Human Rights Council resolutions 12/2, 24/24, 36/21, 42/28 and 48/17 reaffirming the right of everyone, individually or in association with other, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights. In these resolutions, the Human Rights Council urges States to refrain from all acts of intimidation or reprisals, to take all appropriate measures to prevent the occurrence of such acts. This includes the adoption and implementation of specific legislation and policies, as well as the issuance of appropriate guidance to national authorities, in order to promote a safe and enabling environment for engagement with the United Nations on human rights, and to effectively protect those who cooperate with the United Nations. The Council also urges States to ensure accountability for reprisals by providing access to remedies for victims and preventing any recurrence. It calls on States to combat impunity by conducting prompt, impartial and independent investigations, pursuing accountability, and publicly condemning all such acts.

Furthermore, we wish to refer to Human Rights Council resolution 22/6, which provides for the right to "unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms".

In paragraph 23 of its General Comment No. 34, the Human Rights Committee has recognized that those “persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports”, are “frequently subjected to threats, intimidation and attacks because of their activities.” The Committee has urged States parties to protect against attacks aimed at silencing those exercising their right to freedom of expression.

We furthermore draw your attention to article 4 of the Declaration on the Elimination of Violence Against Women, which declares that States should (o) recognize the important role of the women's movement and non-governmental organizations worldwide in raising awareness and alleviating the problem of violence against women; and (p) facilitate and enhance the work of the women's movement and non-governmental organizations and cooperate with them at local, national and regional levels.

Furthermore, as stressed by the Working Group on discrimination against women and girls in one of its reports to the Human Rights Council (A/HRC/23/50), stigmatization, harassment and outright attacks are used to silence and discredit women who are outspoken as leaders, community workers, human rights defenders and politicians. Women defenders are often the target of gender-specific violence, such as verbal abuse based on their sex, sexual abuse or rape; they may experience intimidation, attacks, death threats and even murder. Violence against women defenders is sometimes condoned or perpetrated by State actors. The Working Group recommended to accelerate efforts to eliminate all forms of violence against women, including through a comprehensive legal framework to combat impunity, in order to fulfil women’s human rights and to improve the enabling conditions for women’s participation in political and public life.

In a joint declaration, the Working Group on discrimination against women and girls emphasized that women human rights defenders face unique challenges, driven by deep-rooted discrimination against women and stereotypes about their appropriate role in society. Today’s rising fundamentalisms of all kinds and political populism, as well as unchecked authoritarian rule and uncontrolled greed for profit-making further fuel discrimination against women, intensifying the obstacles facing women human rights defenders. In addition to the risks of threats, attacks and violence faced by all human rights defenders, women human rights defenders are exposed to specific risks, such as misogynistic attacks, gender-based violence (including sexual violence), lack of protection and access to justice as well as lack of resources. Those working on rights contested by fundamentalist groups such as women’s sexual and reproductive health and rights and those denouncing the actions of extractive industries and businesses are at heightened risk to attacks and violence. (<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20938&LangID=E>)

We would also like to refer to General Assembly resolution 68/181, adopted on 18 December 2013, on the protection of women human rights defenders. Specifically, we would like to refer to articles 7, 9 and 10, whereby States are called upon to, respectively, publicly acknowledge the important role played by women human rights defenders, take practical steps to prevent threats, harassment and violence against them and to combat impunity for such violations and abuses, and ensure that all legal provisions, administrative measures and policies affecting women human rights defenders are compatible with relevant provisions of international

human rights law.

We would like to refer your Excellency's Government 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 and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 5 (c), which provides for the right to communicate with non-governmental or intergovernmental organizations;
- article 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;
- article 9, paragraph 4, point a), which provides for the right to unhindered access to and communication with international bodies;
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.