

**Mandates of the Special Rapporteur on violence against women and girls, its causes and consequences; the Working Group on Arbitrary Detention; the Special Rapporteur on the right to development; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the situation of human rights in Eritrea; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the human rights of internally displaced persons; the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on minority issues; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children; the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on trafficking in persons, especially women and children and the Working Group on discrimination against women and girls**

Ref.: AL OTH 101/2023  
(Please use this reference in your reply)

15 August 2023

Mr. Hamdan Dagalo,

We have the honour to address you in our capacities as Special Rapporteur on violence against women and girls, its causes and consequences; Working Group on Arbitrary Detention; Special Rapporteur on the right to development; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the situation of human rights in Eritrea; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the human rights of internally displaced persons; Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination; Special Rapporteur on the human rights of migrants; Special Rapporteur on minority issues; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Special Rapporteur on the sale, sexual exploitation and sexual abuse of children; Special Rapporteur on contemporary forms of slavery, including its causes and consequences; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Special Rapporteur on trafficking in persons, especially women and children and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 50/7, 51/8, 51/7, 45/3, 50/2, 44/5, 52/4, 50/6, 51/13, 52/20, 52/5, 52/36, 52/26, 51/15, 52/7, 44/4 and 50/18.

In this connection, we would like to bring to the attention of the Rapid Support Forces (RSF) information we have received concerning **credible allegations of widespread and systematic sexual violence, harassment and abuse, as well as acts tantamount to enforced disappearance, by the RSF against minority communities, women and girls in conflict-affected areas, particularly against refugees and internally displaced persons.**

According to the information received:

Since the outbreak of the war in Sudan on 15 April 2023, violence has spread across the country, leaving thousands of civilians dead and three million

Rapid Support Forces

people forcefully displaced, including 528,147 persons, who have fled to neighboring countries. Most of the civilians are reported to be women and children, who are in dire need of medical care, food and water, as well as access to shelters. Given the current situation women and girls are at risk of being forcibly disappeared, or being subject to contemporary forms of slavery, including forced labour and sexual exploitation. The situation of women and girls is deteriorating significantly and rapidly, amounting to war crimes and crimes against humanity.

*Reports of rape, sexual assault, sexual exploitation, physical violence and acts tantamount to enforced disappearance*

There are credible reports that women and girls are increasingly at risk of sexual violence and rape during looting of their homes, when they are trying to flee to a safer location and at checkpoints.

We have received information about hundreds of conflict-related sexual violence cases since mid-April, mainly in Khartoum and in Darfur perpetrated predominantly by men in RSF uniforms.

It is reported that in El Geneina, West Darfur, following the killing of the Governor of West Darfur on 14 June 2023, hundreds of people were victims of violence, and that women were subjected to rape, sexual assault, and acts tantamount to enforced disappearance by RSF forces. Among those targeted were two women human rights defenders, both of whom were threatened with rape. One of the women human rights defenders was also kidnapped for three days and interrogated as to her work documenting violations.

There are also reports of sexual violence being committed against refugee and migrant women and girls in RSF controlled areas. Victims include [REDACTED] woman who was reportedly raped in her home in Khartoum by [REDACTED] men in RSF controlled areas, in the presence of her [REDACTED] child on [REDACTED] 2023. [REDACTED] refugee women were allegedly raped in [REDACTED], and [REDACTED] men in uniform in areas controlled by the RSF allegedly raped a [REDACTED] girl and [REDACTED] young woman [REDACTED]. In a village located [REDACTED] armed men allegedly attacked and raped [REDACTED] refugee women; [REDACTED]. On [REDACTED] 2023, a truck from Khartoum [REDACTED] was allegedly carjacked by armed men in RSF controlled areas, who reportedly looted property and raped women. There are also reported cases of gender-based violence [REDACTED] by different actors in North Kordofan. In the vast majority of documented cases, victims and survivors identified individuals wearing RSF uniforms as the perpetrators. [REDACTED] women reported being raped while fleeing the war from Khartoum [REDACTED]. Cases of sexual assault against girls under the age of 12 were also reported. There are reports that some such incidences of conflict-related sexual violence are ethnically motivated, and, in some cases, perpetrators have directed racial slurs at victims.

Hundreds of girls have allegedly been abducted and their fate and whereabouts remain unknown to date. We have received reports indicating that between

250-300 women were arbitrarily detained in RSF detention centres in Khartoum between May and July 2023, particularly in the Riyadh neighbourhood, Khartoum North and Omdurman. In addition to detention centres, the RSF allegedly kidnapped and held [REDACTED] women in secret houses in Khartoum [REDACTED] where they were held in inhuman or degrading conditions, threatened, forced to perform labour and sexual services to RSF members, and were vulnerable to sexual assault and sexual slavery.

Witnesses [REDACTED] have confirmed that the number of women and girls being held in such houses is significantly higher than reported. Members of the RSF also allegedly kidnapped women and girls and held them hostage in parts of Darfur, to be ransomed back to their families who were requested to pay large sums of money to secure their release. In another case, [REDACTED] women and girls were reportedly abducted by RSF members in West Darfur and [REDACTED] held for several days in conditions amounting to sexual slavery. Trucks and cars identified as belonging to RSF militia were also seen on the roads to [REDACTED] carrying women and girls in handcuffs and shackles.

In the makeshift camps located around Khartoum, where internally displaced persons have been living since the conflict erupted, women and girls are particularly vulnerable and subject to violence. Access to medical and psychological treatment for survivors of rape is extremely limited. Many survivors cannot access the rape emergency kits within 72 hours, nor access the psychological and medical care they need.

#### *Acute socio-economic vulnerability of refugee and internally displaced women and girls*

The heightened economic instability and militarization fuel the conditions for increased conflict-related sexual violence, sexual exploitation, trafficking and other forms of sexual abuse against women and girls. The rising price of commodities and acute socio-economic vulnerability of women and girls is reported to have triggered harmful coping mechanisms, such as sale and exchange of sex (“survival sex”) as well as sexual exploitation and abuse, as they cannot afford day to day basic needs for their families. Given the urgent need to escape deprivation and insecurity, civilians have resorted to taking dangerous routes, due to lack of alternative options. Reports include smuggling networks adjusting their models, shifting routes and charging exorbitant amounts for journeys to neighbouring countries. Civilians fleeing Sudan face a heightened risk of sexual violence and other human rights violations. In Khartoum, which is identified as a “red zone,” together with Western Sudan, about nine million people are prevented from fleeing and no humanitarian corridor is in place to provide them with the necessities and services or a safe passage. The RSF has allegedly been looting and occupying houses, using civilian cars to circulate in the streets of Khartoum, and asking civilians to give their cars, food, as well as to surrender their women.

In this context, violations to women’s dignity, physical and psychological integrity, including sexual abuse, rape, forced prostitution, sexual slavery and other forms of sexual violence, are used as a weapon of war and a tool to

punish, terrorize and destroy civilian populations, mirroring violence that has been documented in Darfur since 2003, which has been attributed to the parties involved in the conflict.

Although local communities have actively mobilized to try and respond to the immediate humanitarian needs of the most in need, their resources are very limited and have been hampered by the insecurity. The ability of the United Nations to provide the much-needed humanitarian response, including the provision of health services, protection, food and water, has been seriously hampered by the ongoing fighting amongst parties to the conflict, which has also limited the capacity to provide lifesaving assistance and protection, including to pregnant women, many of whom have died while giving birth.

#### *Unreported cases and lack of response services for survivors*

In view of the rampant insecurity resulting from the fighting, persisting stigma, fear of reprisals and impunity around sexual and gender-based violence, women and girls are likely to underreport abuse. Victims and survivors have little to no access to medical and psychosocial support, in part due to relevant services reportedly being destroyed or looted. As a result, civilians have self-organized and formed groups to provide emergency response to cases of sexual violence. These efforts are insufficient and grossly underfunded, and relevant national and international actors must be allowed to step in, to provide the necessary protection and response to victims of violence.

While we do not wish to prejudge the accuracy of these allegations, we are deeply concerned by the reported ongoing repression and serious human rights abuses against women and girls as well as violations of international humanitarian law, including sexual and gender-based violence, harassment and abuse, contemporary forms of slavery, including sexual exploitation, sexual slavery and forced labour, as well as kidnapping and acts tantamount to enforced disappearance, that have long-term and severe physical, emotional and mental impacts on survivors, especially when the assault occurs at a young age, as it is allegedly the case in Sudan. Such acts appear to have been used as a deterrence for civilian resistance and a tool for shaming and punishment, as well as for discouraging women and girls from taking part in and benefitting from local humanitarian initiatives. In general, relatives of disappeared persons are also exposed to severe psychological trauma in the form of “ambiguous loss” and the lack of effective measures of psychosocial support is likely to further their suffering.

Acts of rape and other forms of sexual violence violate several core human rights, such as the right to life, the right to health, the right to security and personal liberty, freedom from slavery, from torture or other ill-treatment, and the right to non-discrimination, equality and equal protection under the law. Rape and other forms of sexual violence constitute an act of torture under international human rights law. International criminal law recognizes that sexual violence, including rape, committed in a systematic or widespread manner may amount to a crime against humanity, and when committed in the context of an armed conflict, a war crime.

We express serious concern at the targeting of at-risk populations, particularly minorities, refugee and internally displaced women and girls, in view of the high

vulnerability induced by the ongoing conflict in Sudan, as well as women and girls belonging to particular ethnic groups. Concerns regarding the physical and psychological integrity of refugee and internally displaced women and girls have been repeatedly raised by civil society organizations, as similar instances of widespread gender-based violence have occurred in Sudan in the past. We urge the RSF to ensure safe passages and free movement for refugees and internally displaced persons as well as remove any impediments to entry in order to ensure access to protection and humanitarian assistance to all individuals, regardless of their migration status, and to prevent people from resorting to taking dangerous routes.

The continued allegations of rape, sexual assault, sexual exploitation, disappearance, enslavement, and physical violence against women and girls that occur despite persistent calls of restraint by the international community suggest a serious disregard of international human rights obligations in situations of armed conflict. These include, inter alia, respect to the right to life of its citizens, which constitutes a *jus cogens* norm and international customary law, as well as the right to freedom from torture or to cruel, inhuman or degrading treatment and the absolute prohibition of enforced disappearance. Gender-based violence also constitutes a grave breach of the Geneva Conventions. We are also deeply concerned by the absence of effective accountability mechanisms for victims and survivors of rape, as well as the lack of access to health care facilities. We are also concerned that most women and girls who were sexually assaulted have been unable to access justice due to a well-founded fear of reprisals, absence of the rule of law and a lack of open courts in the area.

We would like to remind the RSF of their obligations to conduct thorough, effective, credible and transparent investigations of all human rights abuses, including sexual and gender-based violence, in line with international standards, and to bring perpetrators to account and provide reparations to the survivors. In this regard, we are dismayed by the continued failure of the RSF to follow up on its declared commitment to a zero-tolerance policy for sexual and gender-based violence at the highest level. Furthermore, we would like to remind the RSF that enforced disappearance is prohibited under customary international humanitarian law and all parties to a conflict have an obligation to take all feasible measures to account for persons reported disappeared as a result of armed conflict and must provide their family members with any information it has on their fate.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights and humanitarian law** attached to this letter which cites international human rights instruments and standards, as well as rules of international humanitarian law, 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. Please provide information on the measures undertaken to guarantee the immediate and complete cessation of all violence against civilians, and special attention and measures devoted to including conflict-related

sexual violence.

3. Please provide information on the measures undertaken to investigate and punish those responsible, including at the command level, of alleged sexual abuse and violence against women and girls, including conflict-related sexual violence against refugee and internally displaced women and girls. If no investigation was launched, please detail the reason(s) why.
4. Please provide information on the remedial measures taken to provide the necessary assistance, protection, rehabilitation, recovery and redress for victims of conflict-related sexual violence, including the necessary access to justice, adequate lifesaving assistance, health care services, protection, and reparations.
5. Please provide information on the measures undertaken to search for and establish without delay the fate and whereabouts of the women and girls allegedly subjected to acts tantamount to enforced disappearance and inform their families accordingly. Please also provide information on the measures put in place to secure the respect of the absolute prohibition of enforced disappearance.
6. Please provide information on the measures taken to prevent the sale, sexual exploitation and abuse of children, as well as efforts made to identify, rescue and refer child victims of these crimes in line with their best interests for reintegration.
7. Please indicate the measures undertaken to ensure safe corridors for civilians fleeing the conflict either within Sudan or crossing into neighboring countries, and the measures taken to ensure that international and national humanitarian actors can access affected victims and communities.
8. Please provide information on the measures undertaken or envisaged to prevent and address contemporary forms of slavery including forced labour and sexual exploitation.
9. Please provide information on the measures taken to ensure that all human rights defenders, in particular women human rights defenders, can carry out their peaceful and legitimate activities without fear of harassment, violence, or any other form of persecution in the context of the war in Sudan.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received 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.

A copy of this letter will be sent to the Permanent Mission of the Republic of Sudan. 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.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with you to clarify the issue/s in question.

Finally, we stress that this letter does not in any way imply the expression of opinion concerning the legal status of the Rapid Support Forces (RSF).

Please accept, Mr. Hamdan Dagalo the assurances of our highest consideration.

Reem Alsalem  
Special Rapporteur on violence against women and girls, its causes and consequences

Matthew Gillett  
Vice-Chair of the Working Group on Arbitrary Detention

Surya Deva  
Special Rapporteur on the right to development

Aua Baldé  
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Mohamed Abdelsalam Babiker  
Special Rapporteur on the situation of human rights in Eritrea

Morris Tidball-Binz  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Paula Gaviria  
Special Rapporteur on the human rights of internally displaced persons

Ravindran Daniel Justin  
Chair-Rapporteur of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

Felipe González Morales  
Special Rapporteur on the human rights of migrants

Fernand de Varennes  
Special Rapporteur on minority issues

K.P. Ashwini  
Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Mama Fatima Singhateh  
Special Rapporteur on the sale, sexual exploitation and sexual abuse of children

Tomoya Obokata  
Special Rapporteur on contemporary forms of slavery, including its causes and consequences

Alice Jill Edwards  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Siobhán Mullally  
Special Rapporteur on trafficking in persons, especially women and children

Dorothy Estrada-Tanck  
Chair-Rapporteur of the Working Group on discrimination against women and girls

## Annex

### Reference to international human rights law

In connection with the above alleged facts and concerns, we would like to draw your attention to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We wish to recall that both international and humanitarian law and international human rights law continue to apply in a situation of armed conflict, and there are obligations to respect fundamental human rights recognized in customary international law, including the Universal Declaration on Human Rights, the Geneva Convention of 1949 and the Customary Rules of International Law identified in the study of the International Committee of the Red Cross (“Customary Rules”). Rules of customary international law are binding at all times. In light of these grave allegations, we recall that the right to life constitutes an international customary and *jus cogens* norm, universally binding at all times (A/HRC/35/23, paras 25-26). We also recall the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment, as an international norm of *jus cogens*, and as reflected inter alia, in Human Rights Council Resolution 25/13 and General Assembly Resolution 68/156.

The above mentioned allegations seem to contravene articles 2, 6, 7, 14 and 24.1 of the International Covenant on Civil and Political Rights (ICCPR) ratified by Sudan on 18 March 1986; the Convention against Torture and other cruel, inhuman or degrading treatment or punishment, ratified by Sudan on 10 August 2021; the Convention on the Rights of the Child, which Sudan ratified on 3 August 1990; the International Covenant on Economic, Social and Cultural Rights, which Sudan acceded to on 18 March 1986; the International Convention on the Protection of All Persons from Enforced Disappearance, which Sudan acceded to on 10 August 2021; and the Convention on the Elimination of Racial Discrimination, which Sudan acceded to on 2 March 1977.

We would like to remind the RSF that the killing and serious injury of civilians, including the sexual abuse and rape of women, contravenes the absolute and non-derogable prohibition against torture and other cruel, inhuman or degrading treatment or punishment, according to international human rights law and *jus cogens* norms. Article 7 of the ICCPR states that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”. Article 2(2) of the Convention against Torture provides that the prohibition against torture is absolute and non-derogable, and that no exceptional circumstances, such as a state of war or threat thereof, internal political instability or any other public emergency, may be invoked to justify acts of torture in any territory under its jurisdiction.

Regarding the acts of rape and sexual and gender-based violence against women in conflict affected areas, we would like to stress that these acts of gender-based violence are strictly prohibited by international humanitarian law and constitute a grave breach of the Geneva Conventions. When committed in the context of armed conflict, such acts are prohibited through (i) grave breaches provisions such as article 147 of the Fourth Geneva Convention and article 85 of additional protocol I,

which prohibit torture, inhuman treatment, and willfully causing great suffering or serious injury to body and health; (ii) Common article 3, which prohibits violence to life and person, cruel treatment and torture, and outrages upon personal dignity; and other provisions, such as article 27 of the Fourth Geneva Convention, articles 75-77 of additional protocol I and article 4(2) of additional protocol II, which explicitly prohibit attacks against women, including rape, enforced prostitution and any form of indecent assault.

Furthermore, regarding addressing the acts of violence against women and girls in Sudan, we recall that the Declaration on the Elimination of Violence against Women adopted by the General Assembly resolution 48/104 of 20 December 1993, which defines violence against women in article 2 as encompassing, but not limited to, physical, sexual and psychological violence. The Declaration states that women are entitled to equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other fields. These rights include, inter alia, (a) the right to life; (b) the right to equality; (c) the right to liberty and security; and (d) the right to equal protection under the law (article 3). In article 4(g), the Declaration notes the importance of ensuring that women subjected to violence receive specialized assistance, such as rehabilitation, assistance in childcare, treatment, counselling, and health and social services, facilities and programmes, as well as support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation.

The Committee on the Elimination of Discrimination against Women, in its General Recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, noted that violence against women is one of the major forms of persecution experienced by women in the context of refugee status and asylum. Such forms are recognized as legitimate grounds for international protection in law and in practice. They may include the threat of female genital mutilation, forced/early marriage, threat of violence and/or so-called “honour crimes”, trafficking in women, acid attacks, rape and other forms of sexual assault, serious forms of domestic violence, among others. The Committee recommended that the definition of a refugee in the 1951 Convention relating to the Status of Refugees should be interpreted in line with obligations of non-discrimination and equality; fully integrate a gender-sensitive approach while interpreting all legally recognized grounds; classify gender-related claims under the ground of membership of a particular social group, where necessary; and consider adding sex and/or gender, as well as the reason of being lesbian, bisexual or transgender, and other status to the list of grounds for refugee status in their national asylum legislation.

The CEDAW Committee recommended in General Recommendation No. 35 (2017) that effective measures are developed and implemented, with the active participation of all relevant stakeholders, such as representatives of women’s organizations and marginalized groups of women and girls, to address and eradicate the stereotypes, prejudices, customs and practices set out in article 5 of the Convention, which condone gender-based violence against women and underpin the structural inequality of women with men. In addition, it recommended adopting and implementing effective measures to protect and assist women complainants of and witnesses to gender-based violence before, during and after legal proceedings. Finally, it recommended that victims are provided with effective access to courts and tribunals and the adequate response of authorities to all cases of gender-based violence against women, including by applying criminal law and, as appropriate, ex officio prosecution

to bring alleged perpetrators to trial in a fair, impartial, timely and expeditious manner and by imposing adequate penalties. Moreover, in its general recommendation No. 33 (2015), the CEDAW Committee stated that women's access to justice must be promoted and highlighted that accessibility requires that all justice systems, both formal and quasi-judicial, be secure, affordable and physically accessible to women, and be adapted and appropriate to the needs of women, including those who face intersecting or compounded forms of discrimination.

In the report on the criminalisation and prosecution of rape (A/HRC/47/26), the Special Rapporteur on violence against women noted that under international humanitarian law and international criminal law, rape can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide when other elements of the crimes are present. The Special Rapporteur stressed that rape is a violation of a range of human rights, including the right to bodily integrity, the rights to autonomy and to sexual autonomy, the right to privacy, the right to the highest attainable standard of physical and mental health, the right to equality before the law and the rights to be free from violence, discrimination, torture and other cruel or inhuman treatment. The Special Rapporteur recommended that there should be no statute of limitation for initiating legal proceedings on rape, whether committed during conflict or in peacetime. Finally, the Special Rapporteur recommended that legislation on the criminalisation and prosecution of rape should be reviewed in order to allow for accountability of the perpetrators, in line with international human rights standards.

In addition, the Committee on Economic, Social and Cultural Rights in its General Comment No. 22 (2016) on the right to sexual and reproductive health (article 12 of the ICESR), clarified that all individuals must have access to justice and meaningful and effective remedy in instances in which the right to sexual and reproductive health is violated, such as adequate, effective and prompt reparation in the form of restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, as appropriate. Victims whose right to sexual and reproductive health are violated by third parties must receive remedies and such acts must be investigated and prosecuted.

In relation to reports that incidences of violence may have ethnic motivations and that victims have been subjected to racial slurs, we wish to highlight that article 2 of the International Convention on the Elimination of Racial Discrimination prohibits racial discrimination. We would also wish to highlight that article 5(b) protects the right to security of person and protection against violence or bodily harm, whether inflicted by government officials or by any individual group or institution. We also wish to highlight that article 5(b) protects the right to security of person and protection against violence or bodily harm, whether inflicted by government officials or by any individual group or institution.

Regarding the abuses against children, we would like to refer to the Convention on the Rights of the Child, which states the obligations of due diligence and prevention of violence and other violations of human right; obligation to investigate and punish those responsible; as well as provide access to redress human rights violations, including against children. Under article 19(1) of the Convention on the Rights of the Child, all appropriate legislative, administrative, social and educational measures must be taken to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or

exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement. Article 39 of the Convention also stipulates that all appropriate measures must be taken to promote physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration should take place in an environment which fosters the health, self-respect and dignity of the child.

Article 8(1) of the optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, underscores that appropriate measures shall be adopted to protect the rights and interests of child victims of the practices prohibited under the present optional protocol at all stages of the criminal justice process, in particular by: (a) Recognizing the vulnerability of child victims and adapting procedures to recognize their special needs, including their special needs as witnesses; (b) Informing child victims of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases; (c) Allowing the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected, in a manner consistent with the procedural rules of national law; (d) Providing appropriate support services to child victims throughout the legal process; (e) Protecting, as appropriate, the privacy and identity of child victims and taking measures in accordance with national law to avoid the inappropriate dissemination of information that could lead to the identification of child victims; (f) Providing, in appropriate cases, for the safety of child victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation; (g) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting compensation to child victims. Under article 8(2), the uncertainty as to the actual age of the victim shall not prevent the initiation of criminal investigations, including investigations aimed at establishing the age of the victim, (3) and in the treatment by the criminal justice system of children who are victims of the offences described in the present optional protocol, the best interest of the child shall be a primary consideration. Article 8(4) further states that measures shall be taken to ensure appropriate training, in particular legal and psychological training, for the persons who work with victims of the offences prohibited under the protocol, and (5) the safety and integrity of those persons and/or organizations involved in the prevention and/or protection and rehabilitation of victims of such offences. Article 9(1) of the optional protocol outlines that all feasible measures must be taken with the aim to ensure all appropriate assistance to victims, including the full social reintegration and full physical and psychological recovery.

In its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee on the Rights of the Child notes that children's special and dependent status creates real difficulties for them in pursuing remedies for breaches of their rights, meaning that particular attention must be given to ensuring that there are effective, child-sensitive procedures available to children and their representatives. These procedures should include the provision of child-friendly information, advice, advocacy, including support for self-advocacy, and access to

independent complaints procedures and to the courts with necessary legal and other assistance. There should be appropriate reparation, including compensation, and, where needed, measures to promote physical and psychological recovery, rehabilitation and reintegration.

The Special Rapporteur on the sale, sexual exploitation and sexual abuse of children, has highlighted in the report that during humanitarian crises, children seeking to survive are often compelled to exchange sexual services, and due to pre-existing vulnerabilities as well as discrimination, girls are even forced to marry for food, shelter, protection or safe passage (A/72/164). Moreover, children on the move or those who live in conflict and humanitarian crisis areas, may be sold or trafficked to serve as combatants in armed conflict children, some of whom fall into the hands of criminals to continue their journey to reach relatives or acquaintances in another country. The Report underscores the recommendations to ensure justice and accountability in all cases of child sexual abuse and exploitation by implementing zero tolerance for such crimes, setting up prompt and effective investigations and prosecutions, implementing commensurate penalties for those guilty of such crimes, and providing reparation for victims. The Special Rapporteur outlined in the report that care, recovery and reintegration measures should be provided to child victims as part of their right to a meaningful remedy. Prevention measures must be taken against sexual exploitation by the military, extremist groups or family members, as well as child or forced marriages, whether in refugee, internally displaced persons camps or other situations in the country. Identification measures should be implemented to safeguard those children at risks of the sexual and labour exploitation, including with the establishment of accessible, safe and regular channels of migration. Moreover, collaboration must be strengthened on data sharing and the exchange of good practices among governments, humanitarian agencies and civil society on the identification, referral and assessment of children at risk of sale, trafficking and exploitation.

The Special Rapporteur on the sale, sexual exploitation and sexual abuse of children has emphasized in another report (A/HRC/52/31), that in line with the evidences based on various cases, reparation can allow for the narrowing of the gaps within communities formed by conflict and holds the potential to be an effective policy tool to promote recovery and development. There is an urgent need to step up efforts to support child-friendly remedies and reparations for victims and survivors, with a view to ensuring their access to justice and aiding their holistic recovery. Such efforts should include awareness raising for victims and their families and how to gain access to them, facilitating the expansion of free legal aid for children and building national cadres of specialized lawyers and paralegal services. Some positive steps in terms of meaningful reparation to child victims and survivors should also include; integrating legislative framework concerning survivor-centred reparation into the domestic jurisdiction, introducing co-creation model with the participation of child victims and survivors in the process of determining harms suffered, implementing interim relief measures, and ensuring child-friendly, multidisciplinary and inter-agency responses in line with age-appropriate and gender- and local-context-sensitive approaches.

Gender-based violence against women may also amount to torture or cruel, inhuman or degrading treatment in certain circumstances, including in cases of rape. In this respect, we would like to recall the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment and punishment as codified in

articles 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and in article 4(2) read in conjunction with article 7 of the International Covenant on Civil and Political Rights. We highlight that article 2 of the CAT specifically provides for the obligation to prevent acts of torture.

We would like to recall that enforced disappearance is prohibited under customary international law (rule 98) and all parties to a conflict must take all feasible measures to account for persons reported missing as a result of armed conflict and must provide their family members with any information it has on their fate (rule 117). Accordingly, we would like to recall the Guiding Principles for the Search for Disappeared Persons, and in particular principle 4, which requires the adoption of a differential approach when searching for disappeared children, girls and women. With regard to the latter, especially, principle 4.3 establishes that “in cases involving adolescent girls and women who have disappeared or are involved in the search, all stages of the search should be conducted with a gender perspective and staff, including female staff, who have received proper training”. Relevant indications on how to perform the search for disappeared girls and women and adopt adequate and effective measures of psychosocial support are also enshrined in the general comment on women affected by enforced disappearances issued by the Working Group on Enforced or Involuntary Disappearances ([A/HRC/WGEID/98/2](#)).

Indeed, the prohibition of enforced disappearance has attained the status of *jus cogens*. When acts tantamount to enforced disappearance have been committed, pursuant to article 3 of the International Convention on the Protection of All Persons from Enforced Disappearance (ICPED), acceded to by Sudan, with an obligation to investigate and hold accountable those responsible. Articles 1, 12, 24 and 25 of the ICPED also contain relevant rules that we bring to your consideration, as well as articles 1, 2, 3, 12, 19 and 20 of the Declaration on the Protection of All Persons from Enforced Disappearance, and articles 6, 7, 9 and 16, read alone and in conjunction of article 2(3) of the ICCPR.

The UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, stating the obligations to provide equal and effective access to justice; adequate, effective and prompt reparation for harm suffered; and access to relevant information concerning violations and reparation mechanisms. As set by the basic principles, reparations can be in the forms of restitution, compensation, rehabilitation and measures of satisfaction, such as public apologies, or public memorials, and guarantees of non-repetition and changes in relevant laws and practices, as well as bringing to justice perpetrators of human rights violations, while considering the situation of vulnerability of certain groups.

We also wish to draw your attention to the applicable treaty and customary norms of international humanitarian law. Common article 3 of the Four Geneva Conventions of 1949, which Sudan is a party to, prohibits outrages on personal dignity, in particular humiliating and degrading treatment. In addition, rape and other forms of sexual violence are also prohibited by article 4(2)(e) of the additional protocol II to the Geneva Conventions as well as customary international humanitarian law. In addition, “slavery and the slave trade in all their forms” are prohibited by article 4(2)(f) of Additional Protocol II to the Geneva Conventions as well as customary international humanitarian law (see ICRC Study on Customary International Humanitarian Law Rule 94).

We would like to draw your attention to the obligations set out in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol), supplementing the United Nations Convention against Transnational Organized Crime, which Sudan acceded on 2 December 2014. Specifically, we highlight the definition of trafficking in persons, and the elements of the crime outlined in article 3 of the Palermo Protocol. We remind you of the obligations to identify, assist and protect victims of trafficking as stated in article 6 of the Palermo Protocol, and to take into account, “the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care.” We would like to stress the obligation to ensure that victims of trafficking in persons have the possibility of obtaining compensation for damage suffered. We also remind you of the obligation to prevent and combat trafficking in persons, as stated in article 9 of the Palermo Protocol, and to protect victims of trafficking in persons, especially women and children, from revictimization. We remind you of the obligation to criminalize trafficking in persons, and to ensure effective investigation and prosecutions to combat impunity for trafficking in persons.

We recall Security Council resolution 2331 (2016): “Recognizing that trafficking in persons in areas affected by armed conflict and post-conflict situations can be for the purpose of various forms of exploitation; [...] further recognizing that trafficking in persons in armed conflict and post-conflict situations can also be associated with sexual violence in conflict and that children in situations of armed conflict and persons displaced by armed conflict, including refugees, can be especially vulnerable to trafficking in persons in armed conflict and to these forms of exploitation.”

We recall Security Council Resolution 2388 (2017), which “stresses the need to prevent and identify instances of trafficking in persons among those forcibly displaced or otherwise affected by armed conflict”, expresses “grave concern over the high numbers of women and children subjected to trafficking in armed conflicts”, and recognizes that “acts of trafficking in persons are often associated with other violations of applicable international law and other abuses, including those involving recruitment and use, abduction and sexual violence including, inter alia, rape, sexual slavery, forced prostitution and forced pregnancy; and calling to hold perpetrators accountable and to assist victims in their recovery and reintegration”. Further SC Res 2388 (2017), reiterates the condemnation of “all acts of trafficking, [...] and underscores the importance of collecting and preserving evidence relating to such acts in order to ensure that those responsible can be held accountable” (para. 10).

We recall Security Council resolution 2467 (2019), on the need to adopt a survivor-centred approach in the prevention and response to all forms of conflict related sexual violence. Further, Security Council Resolution 2467 (2019) recognizes that “men and boys are also targets of sexual violence in conflict and post-conflict settings, including in the context of detention settings and those associated with armed groups”, and urges the protection of “victims who are men and boys through the strengthening of policies that offer appropriate responses to male survivors and challenge cultural assumptions about male invulnerability to such violence” (para. 32).

We recall the provisions of the 1926 Convention to Suppress the Slave Trade and Slavery, 1926, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956 (succeeded to by Sudan). The factual and legal understanding of the 1926 Slavery Convention encompasses the exercise of powers of ownership based upon sexual access to an enslaved person—what is today referred to as “sexual slavery.”

We remind you of the ILO Forced Labour Convention (1930) (No. 29), which defines forced labour as all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily (art. 2) and by the ILO convention no. 182 on the worst forms of child labour (1999), which includes among worst forms of child labour, all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict (art. 3).

The prevalence of trafficking in persons during armed conflict has been highlighted in reports of the Special Rapporteur on Trafficking in Persons, especially women and children.<sup>1</sup> Specifically, the Special Rapporteur on Trafficking in Persons has highlighted that: “the general breakdown of the rule of law and political, economic and social structures, including community protection systems, higher levels of violence and increased militarism, as well as the lack of access to safe and legal migratory routes, foster conditions in which trafficking flourishes, including after hostilities have ceased.” (A/73/171, para. 5.) Further the Special Rapporteur has highlighted that: “The trafficking of women and girls for sexual exploitation, including sexual slavery, forced marriage, forced prostitution and forced pregnancy, features within the broader picture of sexual violence perpetrated against the civilian population during and in the wake of conflicts” (A/71/303, para. 33).

The Special Rapporteur on Trafficking in Persons has also highlighted the obligation to ensure that humanitarian access is maintained so as to ensure specialized assistance to and protection of victims of trafficking, in order to enable timely identification and prevent re-trafficking. (A/76/263, para. 67). Further, the Special Rapporteur has highlighted the positive obligation to ensure timely identification of, assistance to and protection of victims, and: “(a) Ensure that trafficking in persons for all purposes of exploitation are recognized, including for the purposes of forced labour, servitude, slavery or practices similar to slavery, forced marriage and forced criminality [...]; (d) Give due consideration to early warning signs, including indicators of vulnerabilities to trafficking for all purposes of exploitation, especially in refugee and internally displaced persons camps and host communities affected by conflict; (e) Ensure effective access to legal assistance and specialized psychological, medical and counselling support, especially on migration routes, in all situations of forced displacement and in conflict settings” (A/76/263, para 58).

---

<sup>1</sup> Report of the Special Rapporteur on trafficking in persons, especially women and children, on the gender dimension of trafficking in persons in conflict and post-conflict settings and the importance of integrating a human rights-based approach to trafficking in persons into the women and peace and security agenda of the Security Council (17 July 2018) A/73/171; Report of the Special Rapporteur on trafficking in persons, especially women and children, on trafficking in persons in conflict and post-conflict situations: protecting victims of trafficking and people at risk of trafficking, especially women and children (5 August 2016) A/71/303; Report of the Special Rapporteur on trafficking in persons, especially women and children, on the intersections of trafficking and terrorism (3 August 2021) A/76/263.

In addition, article 8 of the ICCPR states that; “No one shall be held in slavery and that slavery and the slave-trade in all their forms shall be prohibited” (article 1). “No one shall be held in servitude” (article 2). “No one shall be required to perform forced or compulsory labour” (article 3 (a)); “shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court” (article 3 (b) paragraph 3 (a)).

Article 35 of the CRC further highlights that “States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.”

We would also like to note the international standards regarding the protection of the rights of persons belonging to minorities, in particular article 27 of the ICCPR and the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which refer to the obligation to protect the existence and the identity of minorities within their territories and to adopt the measures to that end (article 1) as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination and in full equality before the law (article 4).

In a related manner, regarding the gendered inequalities of poverty, the Working Group on discrimination against women and girls has recently noted how poverty and inequalities shape the lives of internally displaced, migrant (especially undocumented), stateless, asylum-seeking and refugee women, and women living in situations of conflict; and how poverty and gender-based violence, including sexual violence, interact in a vicious, mutually reinforcing cycle (A/HRC/53/39, paras. 31 and 43).

We would also like to refer you to the 1998 Guiding Principles on Internal Displacement, which establish that all authorities shall respect their obligations under international law, including human rights and humanitarian law, to prevent and avoid conditions that might lead to the displacement of persons. We stress that according to the guiding principles, every human being shall have the right to be protected from being arbitrarily displaced, including in situations of armed conflict or due to gross human rights violations, discrimination and fear of persecution (principle 6). Internally displaced persons shall be protected by law, and in particular against enforced disappearances (principle (10)(1d)). Internally displaced persons shall also be protected in particular against direct or indiscriminate attacks or other acts of violence (principle 10(2d)). Authorities have the obligation to protect internally displaced persons from rape and gender-specific violence (principle 11(2a)). Internally displaced persons should also be protected from arbitrary arrest or detention and discriminatory arrest and detention (principle 12). All internally displaced persons have the right to know the fate and whereabouts of missing relatives, and the authorities should endeavor to establish the fate and whereabouts of internally displaced persons reported missing, and cooperate with relevant international organizations engaged in this task. (principle 16(1-2)). Families which are separated by displacement should be reunited as quickly as possible, and all appropriate steps shall be taken to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with the work of humanitarian organizations engaged in the task of family reunification (principle 17). We would also like to

highlight principle 18, which sets out that internally displaced persons shall have an adequate standard of living, including safe access to essential food and portable water, basic shelter and housing, appropriate clothing, and essential medical services and sanitation. (principle 18). The authorities shall issue to internally displaced persons all documents necessary for the enjoyment and exercise of their legal rights; in particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions such as requiring the return to one's area of habitual residence (principle 20). Internally displaced persons also have the right to liberty of movement and to seek safety in another part of the country (principles 14 and 15). We would like to remind you of the primary duty and responsibility to support durable solutions for internally displaced persons (principles 28-30).

We would also like to refer to your completion of the domestic procedure to ratify the African Union Convention for the Protection and Assistance of Internally Displaced Persons (Kampala Convention), while ratification is still to be formalized by the deposit of its instruments with the Chairperson of the African Union Commission. Article V (1) of the Kampala Convention states the duty and responsibility for providing protection and humanitarian assistance to internally displaced persons. Concerned parties shall refrain from and prevent arbitrary killing, summary execution, arbitrary detention, abduction and sexual violence in all of its forms, among other violations (article IX(1)(c)). Article IX(2)(a) sets out the obligation to provide internally displaced persons with practicable and adequate humanitarian assistance to the fullest extent and with the least possible delay, which shall include food, water, shelter, medical care and other health services, sanitation, education, and any other necessary social services, and where appropriate, extend such assistance to local and host communities. Special protection and assistance should be provided to those with special needs, including older persons and persons with disabilities (article IX(2)(c)). Internally displaced persons must be consulted and participate in decisions relating to their protection and assistance (article IX(2)(k)). Concerned parties shall seek lasting solutions to the problem of displacement by promoting and creating satisfactory conditions for voluntary return, local integration or relocation on a sustainable basis and in circumstances of safety and dignity (article XI(1)). The Convention also sets out the obligation to ensure the responsibility of individuals and non-State actors for acts of arbitrary displacement (article III(g), (h) and (i)), and to provide persons affected by displacement with effective remedies and reparation (article XII).

We would like to also recall that article 3(4) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) signed by Sudan on 30 June 2008, requires the adoption and implementation of "appropriate measures to ensure the protection of every woman's right to respect for her dignity and protection of women from all forms of violence..." The Maputo Protocol also requires measures to "enact and enforce laws to prohibit all forms of violence against women including unwanted or forced sex whether the violence takes place in private or public" (article 4(2)(a)); "punish the perpetrators of violence against women and implement programmes for the rehabilitation of women victims" (article 4(2)(e)) and "establish mechanisms and accessible services for effective information, rehabilitation and reparation for victims of violence against women" (article 4(2)(f)). With respect to women who become pregnant due to rape or acts of gender-based violence, we would like to recall that article 14(2)(c) of Maputo Protocol requires the protection of "reproductive rights of women by authorizing

medical abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the fetus.” The African Charter on the Rights and Welfare of the Child of 1990 stated in article 16 that “children must be protected from all forms of torture, inhuman and degrading treatment.” Article 27 further states that “children should be protected from all forms of sexual exploitation and sexual abuse.”

Furthermore, we recall the African Union Guidelines on Combating Sexual Violence and its Consequences in Africa adopted by the African Commission on Human and Peoples’ Rights during its 60th Ordinary Session held in Niamey, Niger from 8 to 22 May 2017, which calls for investigation into and, prosecution of alleged perpetrators of sexual and gender-based violence as well as, access to justice, and psycho-social and medical assistance to the victims of sexual and gender-based violence. In the context of these Guidelines that calls for the reparations of sexual and gender-based violence in form of compensation, rehabilitation, satisfaction and guarantee of non-repetition of sexual violence, we call on you to provide reparations for victims of sexual and gender-based violence.

Finally, we would like to recall the Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (also known as the 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 reiterates the prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.