

Press release

7th January 2011

Kampala: SAFETY AND PROTECTION FROM HUMAN RIGHTS VIOLATIONS FOR ALL MUST BE PART AND PARCEL OF A FREE AND FAIR REFERENDUM IN THE SOUTH SUDAN

On 9th January 2011, the people of Southern Sudan will participate in a referendum to determine whether or not the South will remain part of the Sudan. The referendum, which is part of the 2005 Comprehensive Peace Agreement (CPA) between the Government of Sudan (GoS) and Sudan People's Liberation Movement (SPLM) that ended 20 years' civil war in which over two million lives were lost, is a step towards finding lasting peace in the Sudan.

EHAHRDP recognises the efforts of various actors committed to making this occasion a success and calls on all parties involved to observe a free and fair referendum and respect the will of the people of Southern Sudan by honouring the results of the referendum irrespective of the outcome. As we appreciate the largely peaceful pre-referendum processes, we urge for more tolerance of divergent political opinions, support for journalists to freely report on the process without restrictions and for civil society groups and human rights defenders (HRDs) – including individuals and groups to operate without fear of intimidation, harassment and persecution.

EHAHRDP considers this civic process as an integral component of human rights protection. Article 25 of the International Covenant on Civil and Political Rights (ICCPR) protects the right to vote by providing that every citizen has the right to vote without unreasonable restrictions at genuine periodic elections by universal and equal suffrage guaranteeing the free expression of the will of the electors. EHAHRDP urges that every citizen's right to vote is respected.

To this effect, in December 2010, EHAHRDP took a more pro-active approach by embarking on a fact-finding mission to the Southern Sudan not only to establish the prevailing pre-referendum environment in the Southern Sudan which we believe is a requisite condition for free and fair referendum in the country but also the general situation in the country. The mission observed that the legacy of the war continues to have a significant impact on the protection and promotion of human rights in the country. EHAHRDP through Protection Desk Uganda (PDU) had also earlier conducted a security management training for HRDs working in South Sudan aimed at equipping them with the skills to assess their security and put in place strategies to mitigate any potential risks

The fear to monitor and/or report on human rights is prevalent in South Sudan. Conscious of possible reprisals, human rights defenders, the media and civil society groups have resorted to self-censorship and/or relied on the goodwill of international human rights organizations to document and disseminate information regarding human rights violations or emerging trends of human rights abuse. In addition, the absence of a media law that guides the operation and protection of journalists and other human rights defenders, makes it difficult for these actors to seek legal redress. Therefore EHAHRDP calls for the establishment and implementation of laws that provide space for civil society organizations to carry out their work

During this period, the government priorities are understandably focused towards the referendum. However this cannot be at the expense of the concerns of civil society groups, particularly HRDs who are facing threats, intimidation and arrests by state and non-state actors. We believe that the prevailing restricted operating space for civil society, coupled with

a lack of protection mechanisms for activists and the slow emergence of networks for civil society organizations, journalists and HRDs affects the growth of a vibrant human rights movement. . Mr Hassan Shire Sheikh, Chairperson of EHAHRD-Net has noted:

“Given the key role that independent civil society can play, according them the deserved working space to continue with their work is key as they are vital to any growing country”.

Whilst acknowledging the constraints, challenges and effects of the aftermath of the civil war and the general security situation on the ground, we call on the Government of Sudan to accord HRDs the space needed for them to carry out their work.

EHAHRDP therefore calls on the Sudanese authorities:

- To ensure a free and fair referendum and ensure that the results of the referendum are respected.
- To establish and implement laws that provide space for civil society organizations to carry out their work.
- To ensure that the South Sudan Human Rights Commission makes public its activities to promote and protect human rights; build on the newly established forum to provide safe space for interaction; engage with civil society organizations and individual HRDs about their experiences for the purpose of making needed interventions and developing appropriate human rights policies and programmes to nurture a culture of respecting human rights in the country
- To establish a strong institutional framework for the protection and promotion of human rights. This would include support for and protection of individuals and groups engaged in the monitoring and highlighting of human rights violations in the country.
- To ensure that freedom of the media and expression is guaranteed by protecting journalists from harassment, intimidation or arrest.

EHAHRDP furthermore calls on the EU missions:

- To support the process of the referendum regardless of the outcomes and continue to monitor the human rights situation in the country after the referendum
- To operationalize the EU Guidelines on the protection of HRDs in the region by supporting the establishment of HRDs network and supporting the network through capacity building of its members and assisting in the establishment of a protection framework for network members in distress

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