

***STATEMENT TO THE 56<sup>th</sup> ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLE'S RIGHTS***

**Caught between militant ideology and terror: women in the Horn of Africa are faced with growing life threats, degradation of their dignity as a result of the fast spreading militancy and Islamic Salafism.**

**BY: THE STRATEGIC INITIATIVE FOR WOMEN IN THE HORN OF AFRICA (SIHA) NETWORK**

***Banjul, April, 2015***

*Honorable Chairperson, Commissioners, the Secretary of the African Commission on Human and Peoples' Rights and distinguished participants*

The Strategic Initiative for Women in the Horn of Africa (SIHA) is highly concerned about the rapid spread of religious militancy and Salafism in the Horn of Africa and the plight of women, who suffer on a daily basis, as a result of lashings, stoning and discriminatory laws and acts. Religious militancy and fundamentalism remains one of the biggest challenges facing women and men of the Horn of Africa as they are unable to enjoy their human rights while they are faced with life threats and are subjected to laws which dictate all aspects of their lives.

SIHA is specifically aware that central to the religious militancy ideology is the subjection of women and the undermining of their humanity. In addition, Salafi groups have a tendency towards severe exclusion and inability to peacefully co-exist with people of different beliefs and ideologies, thus the militant ideologies around the Horn of Africa are breeding ongoing wars and civil conflicts.

In this statement, SIHA will be looking at the Sudan legal framework being largely influenced by militant ideologies particularly when it comes to women's human rights and this appears to be in great discrepancy with the country's international and regional obligations. This situation has resulted in women being detained and flogged and their human dignity is compromised and thus, their potential to prosper is hindered and their well-being is constantly under threat.

In Somalia, the fragile state structure is struggling to secure its citizens under the repeated attacks and aggression by the militants and women are falling through and continue to experience killings and death by stoning and other forms of persecution in addition to sexual violence.

Sexual violence, impunity and criminalization of women are shared elements for women in Sudan and Somalia.

**SUDAN**

In Sudan, women who are charged with adultery (Zina) which is confused with rape in the practice of the law or are arrested by the public order police (now known as the community security police) *which has the right to raid houses, arrest women at random from the streets,* often find themselves sentenced to 100 lashes and if they are married, sentenced to stoning.

Lashing and stoning remains one of the punishments used to intimidate, control and subjugate women in Sudan. Thousands of women are lashed every year under laws that criminalize their personal behavior, most importantly, their dress-code, as a result of vague laws that disfavor women and give the state the power to control their existence and lessen their feeling of security in the public sphere.

We are also concerned about the ongoing crackdown on religious freedoms that is evident in many cases of women and men being prosecuted on grounds of apostasy charges and the new amendments to Article 125 and Article 126 (on offending religious beliefs and apostasy) of the Criminal Act of 1991 proves that many will find themselves facing the death penalty in Sudan if they oppose the fundamentalist interpretation of religion.

## **SOMALIA**

In Somalia, sexual violence and death by stoning or by a fire squad remains a daily ordeal faced by women at the hands of militias and especially Al-Shabab with total impunity. Women subjected to sexual violence are stigmatized and suffer criminalization, are unable to access justice in the court of law while perpetrators are often free and are sometimes accused of committing adultery and in turn are stoned to death without a free trial and because religion is interpreted by militant groups to impose their political strength.

The Somali government is exercising poor political will to end this impunity and end the horrific sexual violence and the stoning punishment imposed on Somali women in Al-Shabab-controlled areas.

Any strong women voices that challenge this religious militancy are silenced such as the case of Saado Ali Warsame, a parliamentarian who was shot dead in July 2014. This brutality is a daily reality for Somalis living in Al-Shabab controlled areas and in areas where Al-Shabab has influence.

As a coalition of civil society organizations working on women's rights, we are extremely concerned about the impact of the growing influence of militant ideology on the women and girls in the region and its spread to other countries as the kidnapping of female students by Boko Haram and the killings of innocent students at Garissa highlighted to us.

### **We call on the African Commission to consider the following recommendations:**

-Call on the Sudanese government to abolish the punishments of lashing and stoning which are incompatible with Article 5 of the African Charter on Human and People's Rights on the Prohibition of Torture and Cruel, Inhuman and Degrading Treatment.

-Call on Sudan to reform the public order articles of the Criminal Act of 1991 and Revise the recent amendments of the Articles on offending religious beliefs and apostasy.

-Advise the Government of Sudan and the Government of Somalia to give space to Civil Society Organizations to function to implement projects that fight the militant religious ideology.

-Call on the Sudanese and the Somali government to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

-Call on the African Commission on Human and Peoples' Rights to Adopt the Resolution on Sudan put forward and adopted at the NGO Forum

-Call on Somalia to revise their national gender policy to include provisions on Gender-Based Violence.

-Call on the Government of Somalia to establish the Human Rights Commission mandated by the Constitution in Somalia receives necessary parliamentary support to become an effective body that investigates all cases of brutality and violence and brings perpetrators of human rights violations to relevant judiciary bodies.