

KONTEKST:

Potrebno utvrditi pitanje nasilja nad ženama i decom u Sudanu, u cilju analize i donošenja odluke u konkretnom slučaju, a povodom zahteva za azil lica poreklom iz Sudana, prema izjavi iznetoj na zahtevu za azil i usmenoj raspravi;

PITANJE: Nasilje nad ženama i decom u Sudanu

ODGOVOR:

Žene u Sudanu su izložene različitim oblicima nasilja, koje uključuju seksualno, fizičko, emocionalno i psihološko zlostavljanje, porodično nasilje, seksualno uznemiravanje, genitalno sakaćenje, prevremena udaja i trgovina ljudima.^{1 2} Brojni izveštaji potvrđuju slučajevne silovanja žena i dece, od strane vladinih bezbednosnih snaga, kao i vladinih i antivladinih milicija i drugih oružanih grupa.³

Seksualno nasilje nad ženama i devojčicama koristi se kao oružje u sukobima u Sudanu.^{4 5 6}

Kazna za silovanje u Sudanu varira od 100 udaraca bičem, preko 10 godina zatvora, pa čak do smrtne kazne.^{7 8} Međutim, sudanske vlasti ne sprovode efikasno ove odredbe zakona,^{9 10} i često ometaju pristup pravdi za žrtve silovanja.¹¹

Po sudanskom zakonu, ako žena optuži čoveka za silovanje i ne uspe da to dokaže, može joj biti sudjeno za preljubu.^{12 13} Upravo iz straha da će biti kažnjene ili uhapšene zbog "ilegalne trudnoće" ili preljube, žrtve silovanja u praksi uglavnom ne odlučuju da prijave

¹ OCHA: Humanitarian Bulletin - Sudan/Campaign against gender-based violence, 25 November 2012 - http://www.ecoi.net/file_upload/1226_1354878226_ocha-sudan-weekly-humanitarian-bulletin-issue-46-19-25-nov-2012.pdf str 2, pristupljeno 15. januara 2013.

² UK Border Agency: Country of origin information report - Republic of Sudan, September 2012 - http://www.ecoi.net/file_upload/1226_1347446002_2012-09-11-ukba-country-report-sudan-finalversion.pdf str 225

³ US Department of State: Country Report on human rights practices for 2011 - Sudan /Physical abuse, punishment, and torture, 24 May 2012- http://www.ecoi.net/local_link/217666/324296_en.html

⁴ Child Rights International Network: Children and armed conflict: Focus on Sudan and South Sudan - http://www.crin.org/docs/Children_and_armed_conflict_Sudan.pdf, pristupljeno 15. januara 2013.

⁵ Freedom House: Freedom in the World 2012 - Sudan/Political rights and civil liberties - <http://www.freedomhouse.org/report/freedom-world/2012/sudan>

⁶ UK Border Agency: Country of origin information report - Republic of Sudan, September 2012 - http://www.ecoi.net/file_upload/1226_1347446002_2012-09-11-ukba-country-report-sudan-finalversion.pdf str 225

⁷ US Department of State: Country Report on human rights practices for 2011 - Sudan /Women, 24 May 2012- http://www.ecoi.net/local_link/217666/324296_en.html

⁸ UK Border Agency: Country of origin information report - Republic of Sudan, September 2012 - http://www.ecoi.net/file_upload/1226_1347446002_2012-09-11-ukba-country-report-sudan-finalversion.pdf str 224

⁹ US Department of State: Country Report on human rights practices for 2011 - Sudan /Women, 24 May 2012- http://www.ecoi.net/local_link/217666/324296_en.html

¹⁰ UK Border Agency: Country of origin information report - Republic of Sudan, September 2012 - http://www.ecoi.net/file_upload/1226_1347446002_2012-09-11-ukba-country-report-sudan-finalversion.pdf str 224

¹¹ US Department of State: Country Report on human rights practices for 2011 - Sudan /Women, 24 May 2012- http://www.ecoi.net/local_link/217666/324296_en.html

¹² US Department of State: Country Report on human rights practices for 2011 - Sudan /Women, 24 May 2012- http://www.ecoi.net/local_link/217666/324296_en.html

¹³ UK Border Agency: Country of origin information report - Republic of Sudan, September 2012 - http://www.ecoi.net/file_upload/1226_1347446002_2012-09-11-ukba-country-report-sudan-finalversion.pdf str 224

silovanje, ni svojoj porodici ni vlastima.¹⁴ Takođe, jedan od razloga za ne prijavljivanje silovanja je i društvena stigma u Sudanu.¹⁵

Nema dostupnih informacija o broju lica koja su gonjena, osuđena ili kažnjana za silovanje u Sudanu.¹⁶ Ali je generalno prisutno stanje opšte nekažnjivosti za počinioc silovanja.¹⁷

Silovanja žena i devojčica su posebno česta u oblasti Darfur.^{18 19} Neki od slučajeva silovanja u oblasti Darfur: 13. januara 2012.godine šest žena i devojaka koje su bile interno raseljene silovane su od strane dvojice pripadnika vladine milicije, u blizini grada Tawilla, u severnom Darfuru; 22. marta 2012.godine naoružani policajci oteli su 4 žene iz svojih kuća u blizini mesta Shangil Tobaya, sve četiri su pretukli, a jednu su silovali; 1. oktobra 2012. godine pripadnici vladinih milicija silovali su dve devojčice stare 12 i 14 godina u mestu Kabkabiya u severnom Darfuru.²⁰

Takođe u oblasti Južnog Kordofana u centralnom delu Sudana, organizacija Human Rights Watch, zabeležila je svedočenja velikog broja silovanih žena i devojaka u 2012. godini, od strane vladinih vojnika i pripadnika različitih oružanih milicija.²¹ One su najčešće silovane pred članovima svoje porodice i bile žrtve silovanja od strane više muškaraca.²²

U izbegličkim kampovima Yida i Doro takođe je zabeležen veliki broj slučajeva maltretiranja i silovanja žena i devojaka, naročito noću, zbog čega žene u tim kampovima žive u stalnom strahu.²³

Nasilje nad ženama, naročito od strane muževa je veoma često, iako nema dostupnih statističkih podataka o tom obliku nasilja.^{24 25} Policija se najčešće ne meša u porodične sukobe, a porodično nasilje nije ni kažnjivo po zakonu.^{26 27}

Silovanje u braku ne predstavlja krivično delo.^{28 29} Ni seksualno uznemiravanje nije izričito kažnjivo zakonom.^{30 31}

¹⁴ US Department of State: Country Report on human rights practices for 2011 - Sudan /Women, 24 May 2012-
http://www.ecoi.net/local_link/217666/324296_en.html

¹⁵ UK Border Agency: Country of origin information report - Republic of Sudan, September 2012 -
http://www.ecoi.net/file_upload/1226_1347446002_2012-09-11-ukba-country-report-sudan-finalversion.pdf str 225

¹⁶ US Department of State: Country Report on human rights practices for 2011 - Sudan /Women, 24 May 2012-
http://www.ecoi.net/local_link/217666/324296_en.html

¹⁷ UK Border Agency: Country of origin information report - Republic of Sudan, September 2012 -
http://www.ecoi.net/file_upload/1226_1347446002_2012-09-11-ukba-country-report-sudan-finalversion.pdf str 226

¹⁸ Annual Report 2012: The state of the world's human rights - Sudan/Armed conflict-Darfur -
<http://www.amnesty.org/en/region/sudan/report-2012>

¹⁹ UK Border Agency: Country of origin information report - Republic of Sudan, September 2012 -
http://www.ecoi.net/file_upload/1226_1347446002_2012-09-11-ukba-country-report-sudan-finalversion.pdf str 224 i 227

²⁰ Annual Report 2012: The state of the world's human rights - Sudan/Armed conflict-Darfur -
<http://www.amnesty.org/en/region/sudan/report-2012>

²¹ UK Border Agency: Country of origin information report - Republic of Sudan, September 2012 -
http://www.ecoi.net/file_upload/1226_1347446002_2012-09-11-ukba-country-report-sudan-finalversion.pdf str 229

²² UK Border Agency: Country of origin information report - Republic of Sudan, September 2012 -
http://www.ecoi.net/file_upload/1226_1347446002_2012-09-11-ukba-country-report-sudan-finalversion.pdf str 229

²³ UK Border Agency: Country of origin information report - Republic of Sudan, September 2012 -
http://www.ecoi.net/file_upload/1226_1347446002_2012-09-11-ukba-country-report-sudan-finalversion.pdf str 230

²⁴ US Department of State: Country Report on human rights practices for 2011 - Sudan /Women, 24 May 2012-
http://www.ecoi.net/local_link/217666/324296_en.html

²⁵ UK Border Agency: Country of origin information report - Republic of Sudan, September 2012 -
http://www.ecoi.net/file_upload/1226_1347446002_2012-09-11-ukba-country-report-sudan-finalversion.pdf str 231

²⁶ US Department of State: Country Report on human rights practices for 2011 - Sudan /Women, 24 May 2012-
http://www.ecoi.net/local_link/217666/324296_en.html

²⁷ UK Border Agency: Country of origin information report - Republic of Sudan, September 2012 -
http://www.ecoi.net/file_upload/1226_1347446002_2012-09-11-ukba-country-report-sudan-finalversion.pdf str 231

Jedan od ključnih problema nasilja nad ženama je prisilna prevremena udaja djevojčica,³² što potvrđuje i podatak da se 12.4% djevojčica uda pre navršениh 15 godina,³³ a čak 36% djevojčica u Sudanu uda pre navršениh 18 godina života.^{34 35}

Zakon u Sudanu predviđa da za djevojčice dozvoljen uzrast za brak iznosi 10 godina, a za dečake 15 godina ili ulazak u pubertet.³⁶

Genitalno sakaćenje žena je također veoma rašireno u Sudanu.^{37 38 39 40} Za čak 89% djevojčica i žena uzrasta od 15 do 49 godina, veruje se da su bile žrtve nekog oblika genitalnog sakaćenja.^{41 42}

Prema nacrtu zakona o deci iz 2010. godine, predviđen je bio član kojim se inkriminiše genitalno sakaćenje. Medjutim, taj član nije se našao u konačnoj verziji zakona i nije usvojen.⁴³

²⁸ US Department of State: Country Report on human rights practices for 2011 - Sudan /Women, 24 May 2012- http://www.ecoi.net/local_link/217666/324296_en.html

²⁹ UK Border Agency: Country of origin information report - Republic of Sudan, September 2012 - http://www.ecoi.net/file_upload/1226_1347446002_2012-09-11-ukba-country-report-sudan-finalversion.pdf str 224

³⁰ US Department of State: Country Report on human rights practices for 2011 - Sudan /Women, 24 May 2012- http://www.ecoi.net/local_link/217666/324296_en.html

³¹ UK Border Agency: Country of origin information report - Republic of Sudan, September 2012 - http://www.ecoi.net/file_upload/1226_1347446002_2012-09-11-ukba-country-report-sudan-finalversion.pdf str 224

³² UK Border Agency: Country of origin information report - Republic of Sudan, September 2012 - http://www.ecoi.net/file_upload/1226_1347446002_2012-09-11-ukba-country-report-sudan-finalversion.pdf str 237

³³ UK Border Agency: Country of origin information report - Republic of Sudan, September 2012 - http://www.ecoi.net/file_upload/1226_1347446002_2012-09-11-ukba-country-report-sudan-finalversion.pdf str 237

³⁴ Child Rights International Network: Children and armed conflict: Focus on Sudan and South Sudan - http://www.crin.org/docs/Children_and_armed_conflict_Sudan.pdf, pristupljeno 15. januara 2013.

³⁵ UK Border Agency: Country of origin information report - Republic of Sudan, September 2012 - http://www.ecoi.net/file_upload/1226_1347446002_2012-09-11-ukba-country-report-sudan-finalversion.pdf str 237

³⁶ UK Border Agency: Country of origin information report - Republic of Sudan, September 2012 - http://www.ecoi.net/file_upload/1226_1347446002_2012-09-11-ukba-country-report-sudan-finalversion.pdf str 237

³⁷ UK Border Agency: Country of origin information report - Republic of Sudan, September 2012 - http://www.ecoi.net/file_upload/1226_1347446002_2012-09-11-ukba-country-report-sudan-finalversion.pdf str 232

³⁸ US Department of State: Country Report on human rights practices for 2011 - Sudan /Children, 24 May 2012- http://www.ecoi.net/local_link/217666/324296_en.html

³⁹ Freedom House: Freedom in the World 2012 - Sudan/Political rights and civil liberties - <http://www.freedomhouse.org/report/freedom-world/2012/sudan>

⁴⁰ UK Foreign and Commonwealth Office: Human Rights and democracy - 2011 Report - Section IX: Human Rights in countries of concern - Sudan and South Sudan/Women's rights, April 2012 - http://www.ecoi.net/local_link/228626/336705_en.html

⁴¹ UK Border Agency: Country of origin information report - Republic of Sudan, September 2012 - http://www.ecoi.net/file_upload/1226_1347446002_2012-09-11-ukba-country-report-sudan-finalversion.pdf str 232

⁴² UK Foreign and Commonwealth Office: Human Rights and democracy - 2011 Report - Section IX: Human Rights in countries of concern - Sudan/Women's rights, April 2012 - http://www.ecoi.net/local_link/228626/336705_en.html

⁴³ UK Border Agency: Country of origin information report - Republic of Sudan, September 2012 - http://www.ecoi.net/file_upload/1226_1347446002_2012-09-11-ukba-country-report-sudan-finalversion.pdf str 235