
**GUIDANCE NOTE
ON UNITED NATIONS ACTIVITIES IN SUPPORT OF
HUMAN RIGHTS AND THE PROTECTION OF CIVILIANS IN SUDAN**

CONTENTS

	INTRODUCTION AND PURPOSE
1.	PRINCIPAL HUMAN RIGHTS AND PROTECTION OBJECTIVES IN SUDAN
2.	PROTECTION IN SUDAN - ROLES AND RESPONSIBILITIES
(a) UNMIS	Special Representative of the Secretary-General
	Principal Deputy Special Representative of the Secretary-General
	Deputy Special Representative of the Secretary-General and Humanitarian Coordinator
	UNMIS Protection
	UNMIS Human Rights
	UNMIS Rule of Law
	UNMIS Civil Affairs
	UNMIS Police
	UNMIS Military
(b) UN Agencies	UNHCR
	UNICEF
	UNDP
	UNFPA
(c) Key Non-UN Actors	African Union Mission in Sudan
	ICRC
	IOM
	NGOs and Civil Society
3.	ENSURING A COHERENT AND COORDINATED APPROACH
	At the Field Level - Protection Working Groups
	At the Khartoum Level - Khartoum Protection Steering Group
	Protection Liaison Group
	Steering Committee on Human Rights and Protection
	Steering Committee on Rule of Law

INTRODUCTION AND PURPOSE

The purpose of this Guidance Note is to:

- Outline the United Nations principal objectives with regard to promotion and protection of human rights and the protection of civilians in Sudan.
- Outline the roles and responsibilities of the relevant components of the United Nations Mission in Sudan (UNMIS) and United Nations humanitarian and development agencies in promoting and meeting these objectives.
- Describe the mechanisms that have been established to ensure a coordinated and coherent approach among these various actors, as well as the broader community of non-governmental organisations (NGOs) and civil society, to the promotion and protection of human rights and protection of civilians and in Sudan.

The note, developed at the request of the Steering Committee on Human Rights and Protection, is concerned for the most part with the human rights and protection activities of the United Nations. However, it should be acknowledged that such activities are generally implemented in cooperation and coordination with a broad range of non-UN actors, including the African Union Mission in Sudan (AMIS), the International Committee of the Red Cross (ICRC), the International Organisation for Migration (IOM) an extensive number of international and national non-governmental organisations (NGOs), civil society groups, as well as representatives of the donor and diplomatic community.

1. PRINCIPAL HUMAN RIGHTS AND PROTECTION OBJECTIVES IN SUDAN

The protection and human rights situation in Sudan characterised by a broad range of challenges to the effective implementation of international human rights and international humanitarian law. This is perhaps most obvious in the case of the situation in the Darfur region of the country. It applies equally, however, to the post North-South conflict and challenges relating *inter alia* to the return or resettlement and reintegration of internally displaced persons and refugees in the South; to the transitional areas of Abyei, South Kordofan and Blue Nile; and to the conflict-prone Eastern Sudan as well as in regard to the grave protection and assistance problems confronting IDPs in camps in and around Khartoum.

Against this backdrop, and drawing on the Comprehensive Peace Agreement (CPA), UN Security Council resolution 1590 establishing UNMIS and the 2006 UN Workplan for Sudan, the overall protection and human rights objective of the United Nations in Sudan can be summarised as:

To contribute to the promotion and protection of international human rights and humanitarian law in Sudan through the implementation of human rights promotion, civilian protection and monitoring activities, including ensuring the voluntary, safe and dignified return or resettlement of internally displaced persons and refugees; and by assisting with and supporting access to justice for victims of violence and abuse and working towards the effective functioning of the rule of law throughout Sudan.

More precisely, relevant components of UNMIS and UN humanitarian and development agencies will seek to meet the following objectives:

To build the capacity of the authorities to meet their international human rights and humanitarian law obligations

- To enhance capacity amongst national institutions to effectively respond to the current needs in the areas of rule of law, human rights and justice, including the creation of a policy and legal environment complying with international human rights and humanitarian law.
- To enhance the capacity of Sudanese civil society organisations (including media) to promote good governance, rule of law and peace-building.

To enhance the protection of civilians in armed conflict

- To coordinate international efforts towards the protection of civilians with particular attention to vulnerable groups including internally displaced persons, returning refugees, women and children.
- To promote and safeguard the protection of civilians through monitoring, reporting and responsive action, including creating a protective environment in camps, IDP settlements and host communities.
- To take necessary action, in the areas of deployment of UNMIS forces and as deemed within its capabilities, to protect civilians under imminent threat of physical violence.

To ensure short and long term accountability and justice for victims

- To support access to justice for victims of human rights abuses and enhance accountability
- To improve respect for human rights and international humanitarian law through the provision of direct assistance and support to the victims of violence and human rights abuses and access to remedies for violations of abuses.
- To monitor police, prosecution and courts to ensure that cases filed by victims or their representatives are pursued and justice is provided according to internationally established fair trial standards.

To enhance protection against gender-based violence

- To reinforce prevention of gender-based violence (GBV) and ensure that people at risk persons and survivors of GBV receive adequate protection and assistance.
- To support the authorities in implementing an efficient policy against GBV, including by reinforcing referral pathway for GBV survivors.

To enhance the protection of children

- To create and strengthen a protective environment for children, including strengthening the capacities of communities, authorities and other partners to protect children from violence, exploitation, and abuse and ensure adequate responses where children are in danger or have become victims.

To support and ensure voluntary, safe and dignified return or resettlement and reintegration

- To ensure the right of Sudanese displaced (IDPs and refugees) to voluntary return or resettlement, in safety and with dignity, and to effective reintegration, including by developing community-based institutions and structures for protection and legal advice.
- To recognize the critical role that women play in post conflict recovery and reconstruction and ensure that the needs of women and children are included in special measures for the protection of civilians including ending of impunity, facilitation of early access to education and training and the facilitation of provision of humanitarian assistance.

To support the effective functioning of the rule of law

- To lay the foundations for the establishment of an independent judiciary and for a professional and accountable police and prisons service.
- To monitor places of detentions for assessing the legality of detentions of persons and to verify whether detainees were treated humanly and not subjected to ill - treatment or torture.
- To enhance the capacity among Sudanese stakeholders (state institutions, civil society, IDPs, and their representatives, general population) to effectively respond to the current gaps in the rule of law sector, improve access to justice through legal aid and advocacy, and foster reconciliation and confidence building processes.

To mainstream protection and human rights into assistance programmes

- To ensure protection and human rights are mainstreamed into humanitarian response, recovery and development programmes, including ensuring adequate reflection of

protection issues related to the return of internally displaced persons in cross-sectoral coordination, planning and implementation of responses.

2. HUMAN RIGHTS AND PROTECTION IN SUDAN - ROLES AND RESPONSIBILITIES

The furthering of human rights and protection agenda is a collective responsibility. In this light, there are various UN (UNMIS, humanitarian and development agencies) and non-UN actors that have a role to play in meeting and contributing to the objectives outlined above.

(a) UNMIS

Special Representative of the Secretary-General

As the senior United Nations official in Sudan, the Special Representative of the Secretary-General (SRSG) has overall authority over the activities of the UN in the country and the responsibility to speak on behalf of the UN in Sudan.¹ As such, the SRSG is the official with the ultimate responsibility to advocate with the authorities and other relevant actors to uphold their international human rights and humanitarian law obligations and bring to their attention issues concerning human rights violations and the protection of civilians.

Principal Deputy Special Representative of the Secretary-General

The Principal Deputy Special Representative of the Secretary-General has primary responsibility for managing, on behalf of the SRSG, UNMIS' political, civil affairs, human rights, rule of law, United Nations Police, public information and electoral activities. In addition, the PDSRSG is responsible for contact with all Sudanese parties, regional and other partners, including in the field of good offices to resolve differences amongst the parties.

Deputy Special Representative of the Secretary-General/Humanitarian Coordinator

Pursuant to the *Revised Terms of Reference for the HC*,² the Deputy Special Representative of the Secretary-General/Humanitarian Coordinator (DSRSG/HC) is responsible for advocating with the relevant parties for the application of humanitarian principles on behalf of the victims and of the humanitarian community. This includes:

- Promoting, assisting and, if necessary, leading negotiations to obtain free, safe and unimpeded access for humanitarian assistance to those in need, in a manner consistent with the operational requirements of the various partners;
- Promoting respect for international human rights law and international humanitarian law, as well as the Guiding Principles on Internal Displacement;
- Seeking acceptance by all parties to a given conflict of the principles of neutrality and impartiality that underline humanitarian action, as well as of other fundamental issues such as the access to those in need and the security of humanitarian personnel;
- Carrying out advocacy initiatives with the local and international media, the international community, the civil society and the public at large.

UNMIS Human Rights

The activities of UNMIS Human Rights can be divided into the following main categories:

- Investigate, monitor and report on human rights violations and recommend corrective actions to the Government of Sudan (GoS). This involves:
 - Monitoring the activities of the police, prosecution and judiciary and ensuring accountability for human rights abuses at the local and national level;

¹ In line with the *Secretary-General's Note of Guidance on Integrated Missions* (9 December 2005)

² Adopted by the Inter-Agency Standing Committee on 29 August 2003.

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- Visits to and monitoring of places of detention to follow-up on specific cases, with a focus on the legality of detentions and ill-treatment and/or torture of detained persons.
- Coordinate and collaborate in human rights related policy and operational activities within UNMIS and with UN humanitarian and development agencies, AMIS, as well as NGOs;
- Provide support to the Special Rapporteur on Sudan and other Special Procedures established by the UN Commission on Human Rights;
- Implement human rights promotion and capacity building activities.

UNMIS Protection

The activities of UNMIS Protection focus on the following areas:

- Coordination and joint planning of protection related policy and operational activities within UNMIS, and with UN agencies, international organisations, NGOs as well as the AU Mission in Darfur. This includes:
 - facilitating the development of strategic workplans with regards to protection needs;
 - supporting a nation-wide network of inter-agency protection working groups.
 - organising a coordinated response to situations where civilians are at risk of or have been subject to abuse;
- Monitoring and reporting on protection-related issues. This involves:
 - analysing trends and patterns of abuse and violations against civilians, particularly in relation to humanitarian assistance;
 - early-warning - through reporting - of impending situations of concern for the protection of civilians;
- Advocacy with relevant Government authorities and other key actors (UNMIS, donor and diplomatic community, AU/AMIS, etc.) for the respect of protection responsibilities and a timely response to the protection needs of civilian populations.
- Mainstreaming of protection issues in the humanitarian and recovery, activities as agreed in the 2006 Workplan;
- Support to the Government of National Unity (GNU) and the Government of South Sudan (GoSS) to implement those parts of the CPA requiring special measures for children; and support to children in other conflicts and peace processes, by ensuring UNMIS staff, partners and national counterparts are aware of the risks that children face and actively contribute to extending protection to children;
- Training and capacity building of relevant actors (AMIS, UNMIS, humanitarian actors, etc.) to strengthen coordination and awareness of protection issues.

UNMIS Rule of Law

The activities of the UNMIS Rule of Law Unit cover institution building, legal and judicial reform as well as correction matters with a focus on strengthening the independence and integrity of both the formal (statutory) and informal justice systems. The Unit assists in the harmonization/unification and codification of judicial systems, procedures, and practices, including national, international and customary law, in line with a regulatory framework to be developed for judicial institutions focused on the primacy of the judiciary to interpret the law, and the obligation to apply and enforce decisions of the courts/customary tribunals. In the Rule of Law Sector, UNMIS works closely with UNDP and other UN agencies, NGOs, donors and national stakeholders as well as with other UNMIS components, such as Police, Human Rights, Protection, and Civil and Political Affairs.

In coordination with bilateral and multilateral assistance programmes, the Unit supports the implementation of the Comprehensive Peace Agreement (CPA) by assisting the Parties in activities including:

- Promoting the rule of law, including an independent judiciary;

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- Developing a national legal framework that enshrines basic international standards conducive to rule of law and justice;
- Protecting human rights of all Sudanese with the aim of combating impunity through institutional reform;
- Where requested by the Parties, to assist in supporting efforts to establish the rule of law through the creation of new institutions and/or the reform of existing bodies; and
- Re-establishing and strengthening the prisons system in Sudan.

Key tasks in relation to institution building, and legal and judicial reform include:

- Monitoring the Parties' adherence to their rule of law-related commitments in the CPA, Interim National Constitution (INC), the Interim Constitution Southern Sudan (ICSS), and state constitutions and provision of technical assistance where needed;
- Providing assistance and support to newly-established commissions, including the Commission to Protect the Rights of non-Muslims in the National Capital, the National Judicial Service Commission, the revised Joint National Transition Team and the National Constitutional Review Commission, as well as National, Southern Sudan and local actors;
- Monitoring the developments in the law reform sector through the establishment of contacts with relevant local actors and providing assistance when required.

Key tasks related to corrections include:

- Development of an implementation plan with national counterparts to ensure prisons systems meet international standards;
- Facilitating the rehabilitation and establishment of prison buildings and provision of equipment and other essential logistics;
- Development and implementation of an effective advisory programme which assists the national government to implement the provisions of the CPA and to strengthen the prison system in Sudan;
- Supporting the development of a national training and development framework and training programmes;
- Development and implementation of a mentoring programme for middle and senior prison personnel.

UNMIS Civil Affairs

Since establishing a permanent presence in Darfur at the end of March 2005, Civil Affairs has embarked upon civilian protection work both unilaterally and with humanitarian actors. This has included undertaking joint missions in the region with UNMIS Human Rights, UNMIS Protection, IOM, OCHA, AMIS, and other humanitarian actors to support and enhance protection of civilians in their own villages. During these missions:

- Civilians were made aware of their rights under the Declaration of Principles, Interim National Constitution, and Darfur State Constitutions;
- Information was provided on how to approach other humanitarian organizations for support and help and how to follow their cases with the local authorities;
- Discussions were held with local religious and tribal leaders to enlist their support for the protection of civilians, and taming the armed militias in their areas.

Beyond this specific protection role in the context of Darfur, Civil Affairs more generally seeks to:

- engage and assist local civilian communities and authorities in an effort to consolidate peace by restoring the political, legal, economic and social infrastructures that support democratic governance and economic development;
- engage civil society organizations to provide the structural link amongst grass root communities and the political process, and thereby avoid perceptions of an exclusively top-down driven transformation process; and facilitate broad-based ownership of the CPA, GNU and GoSS constitutions, and to address fears of continued marginalization of those not currently involved in the North-South or Abuja peace process.

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In addition to empowering civil society organizations and broadening political space throughout the country, the East, and Darfur in particular, Civil Affairs is also promoting:

- Darfur-Darfur dialogue;
- Traditional/tribal conflict resolution/reconciliation with compensation mechanisms;
- Successful returns and livelihood reintegration programmes for IDPs;
- Public awareness of the State Constitutions.

In Southern Sudan and the Transitional Areas, Civil Affairs is promoting an interfaith dialogue for reconciliation and healing, monitoring the South-South Dialogue, the implementation of the CPA, the problem of other armed groups, as well as the influx of returnees to many areas.

Civil Affairs is also working to enhance its early warning capabilities. Issues that need to be scrutinized with other mission components include an expected increase in population movements as the referendum date draws nearer, and the new security arrangements which will take effect through the disengagement of forces.

UNMIS Police

Under its present mandate UNMIS Police:

- Monitor and closely observe police activities to ensure that local police take appropriate action to prevent abuse and take prompt and correct action when it occurs. This includes ensuring that police are not themselves perpetrators of abuses;
- Target training and mentoring programmes to encourage police to see themselves in the role of protector and not simply as an extension of the military authority. Changing the mindset of the police is perhaps the greatest challenge and includes encouraging the community to change their perceptions of what police should be expected to do.

Although UNMIS Police has no executive authority in Sudan and cannot actively intercede to prevent abuse of civilians, the presence of highly visible UN Police officers in remote areas will enhance public confidence and be part of the process of establishing trust within communities. In short, the role of the UNMIS Police component can be summarised as follows:

- Monitoring and mentoring of police;
- Information gathering;
- Investigation of specific cases;
- Support to victims to ensure that cases are handled correctly;
- High profile presence in areas of potential threat and among vulnerable groups;
- Education of police respecting their duties to the community;
- Education of the community regarding the role and responsibilities of police;
- Development of police policies and management practices;
- Identifying areas in which national legislation might be strengthened;
- Collaboration with other agencies.

UNMIS Military

Pursuant to SC resolution 1590, and acting under Chapter VII of the UN Charter, the UNMIS military component is authorized to take the necessary action, in areas of deployment of its forces and as it deems within its capabilities, to:

- protect UN personnel, facilities, installations, and equipment, ensure the security and freedom of movement of UN personnel, humanitarian workers, joint assessment mechanism and assessment and evaluation commission personnel;
- without prejudice to the responsibility of the government of Sudan, to protect civilians under the imminent threat of physical violence.

In addition to the latter provision concerning the actual physical protection of civilians under threat of violence, there are a number of other areas in which the UNMIS military component can contribute, albeit less directly, to furthering the protection of civilians in Sudan:

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- As an integral part of monitoring and verification activities conducted by UN Military Observers (UNMOs), observations and information on protection and human rights abuses can be reported to UNMIS Human Rights and/or Protection. In order to do so, UNMO must be tasked and trained accordingly;
- "Military Joint Monitoring Teams (JMT) will, as an integral part of their monitoring and verification activities, observe, collect and report any incidents of human rights violations, abuses and requirements for protection e.g. of child and female soldiers;
- If deemed appropriate and useful, UNMIS military personnel can support/facilitate meetings between humanitarian/protection staff and armed actors.

(b) UN Agencies

UNHCR

UNHCR is involved in monitoring and supporting Sudan's implementation of its international and regional obligations to protect refugees. This has included support to:

- Capacity building for the Commissioner for Refugees and the South Sudan Relief and Rehabilitation Commission;
- Legal, social and material assistance to urban and camp-based refugees;
- Providing protection interventions, including basic humanitarian assistance, for refugees and spontaneous returns;
- Establishing eligibility for refugee status after cessation clauses had been invoked for refugees from Ethiopia and Eritrea, as well as for newly arriving asylum seekers;
- Voluntary repatriation operations, as well as promoting self-reliance of refugees in Sudan or their resettlement to other countries;
- Facilitating repatriation of Sudanese refugees and assisting in their reintegration.

As regards UNHCR's involvement with IDPs, since October 2004, UNHCR has been responsible for the protection and voluntary return of IDPs to their villages of origin in West Darfur, in partnership with other agencies:

- UNHCR is tasked with safeguarding the rights of IDPs and other duties in protection, and in monitoring and facilitating IDP returns.³ It also acts as coordinator of protection activities for IDP camps in West Darfur;
- UNHCR established and chairs Protection Working Groups (PWGs) as well as Return Working Groups (RWGs) in Geneina, Zalingei and other locations in West Darfur. It also supported the establishment of, and co-chairs, Child Protection and GBV WGs in El Geneina, as well as regular coordination meetings on the camp level and co-chairs all West Darfur Camp Coordination meetings. It also organises regular bilateral meetings with the Humanitarian Aid Commission (HAC) in Geneina, Zalingei and other locations of West Darfur.

With regard to the situation of IDPs in Khartoum:

- UNHCR chairs the PWG North to coordinate protection activities;
- UNHCR is also contributing to improving the protection of IDPs in and around Khartoum through *inter alia* systematic protection monitoring and interventions, as well as "go-and-see" visits and pilot return movements.

In Southern Sudan, in addition to conducting its mandated responsibility towards refugees, UNHCR, in May 2005, was asked by the DSRSG/HC to play a key role in the protection, return and reintegration of IDPs in Western, Central, and Eastern Equatoria and in Blue Nile State. UNHCR established and chairs PWGs in Juba, Rumbek, Yei, Malakal and Damazin. It provides expertise and operational support to the RWG South with the Sudan Relief and Rehabilitation Commission (SRRC) in Juba, as well national meetings of the HAC/SRRC/UN Return Steering Group and its Technical and Policy Committees. In order to harmonise the return and reintegration policy it also supports UNMIS RRR in chairing the Khartoum Return Working Group.

³ Pursuant to the January 2005 *Letter of Understanding* with the GoS on the voluntary repatriation of IDPs to and within West Darfur.

UNHCR activities in Southern Sudan include:

- Training and capacity building of authorities to safeguard the human rights of refugees, IDPs and returnees;
- Establishing of confidence building and reconciliation activities, community-based protection networks as well as protection and return monitoring systems;
- Facilitating return movements of IDPs and assisting in their reintegration
- Establishing protection and returns monitoring systems;
- Direct protection interventions and support to build logistical capacities, infrastructure rehabilitation, de-mining and the creation of eight way stations;
- Community-based reintegration projects, in the sectors of water and sanitation, health, education, food security and livelihoods to assist communities in their reception and reintegration of returnees and to prevent further displacements and conflict on services and resources;
- Surveying IDP demographics and intentions.

UNICEF

UNICEF supports the building of capacity to provide protection for children from violence, abuse, exploitation and neglect through the establishment and strengthening of systems for social and legal protection. More specifically, UNICEF focuses on:

- Coordination of response to child protection, establishment of referral mechanisms and raising awareness on child protection issues. Improved quality and quantity of data and situation analysis on child protection issues;
- Capacity building for core government child protection agencies to address the systems and identify structures, resources, policies and capacities needed to develop protective environment for children. This includes partnerships with the National Council of Child Welfare for overall advocacy and coordination on child protection issues; the Police for establishment of child-friendly procedures and children's protection units to enhance services for children who are in contact with the law, the Ministry of Social Welfare in the North and the new Ministry of Gender, Social Welfare and Religious Affairs in the South to strengthen and establish social welfare structures and social work capacities and referral mechanisms; the legislature for enhancing legal protection of children;
- Cultural practices that are harmful to children, especially focusing on attitudes and behaviour change related to female genital mutilation/cutting and early marriage of girls.

As regards children affected by armed conflict, UNICEF focuses on:

- Child recruitment: Advocacy on child recruitment, securing releases of children who are associated with armed groups and forces; providing services for the release and reintegration of children;
- Family tracing and reunification: Supporting NGOs to maintain records of children looking for their families, and to reunify children with their families. Working in close collaboration with the ICRC to establish referral mechanisms for tracing of families on behalf of children who have been affected by Sudan's conflicts;
- IDP returns: child protection services in preparation for the return, including awareness raising on prevention of family separation and mine risk education. Child protection services en route and at the place of return;
- Mine risk education: UNICEF's programme focuses on emergency mine risk education for returning IDPs, mainstreaming of mine risk education through the education system, as well as the establishment of a database on surveillance of mine incidents;
- GBV: Focus on psycho-social recovery, including the establishment of referral mechanisms and increased capacity for psycho-social support to survivors of sexual and gender-based violence.

UNDP

The UNDP activities in support of protection and human rights in Sudan fall into three programmes/areas: rule of law, governance and its recovery and reintegration activities:

The Rule of Law Programme incorporates the promotion of human rights and protection across its activities, either through immediate and medium-term interventions or through long-term capacity building. Its projects are tailored to promote the full spectrum human rights through an independent and accountable judiciary system, access to free legal aid and police reform:

- At the national level, the MDTF has approved a major capacity building project of the Judiciary, managed by UNDP;
- At state level, UNDP is implementing mentoring programmes within the Judiciary, supports the introduction of a community policing philosophy and code of conduct for police; and, provides access to free legal aid, alongside the establishment of Legal Information Centres and Rule of Law awareness raising.

The Rule of Law Programme also seeks to address immediate and medium term needs in areas of return and in conflict areas:

- In Darfur, the Programme promotes human security of IDP communities and threatened populations through awareness raising of legal professionals, law-enforcement, traditional leaders and civil society; training of paralegals; management of legal aid centres and support to local lawyers.

A major thrust of the UNDP Governance programme is the creation of an environment conducive to human rights, as a means of achieving sustainable peace and development:

- The “Good Governance for Political Participation” project seeks to enhance the capacities of potential Sudanese women leaders and institutions; raise awareness of good governance principles and the importance of political participation of women; and, improve conditions for gender-sensitive policy reform on political participation.
- This builds on a previous pilot project “Women in Politics”, which entailed: in-depth trainings on gender and good governance; political knowledge and strategic thinking; communication skills, lobbying and advocacy skills. The objective is to mainstream human rights, gender and democracy in political parties and academic institutions. The project is currently expanding its outreach from central level to the states.

With regard to UNDP’s recovery and reintegration activities, the restoration of basic services in Abyei aims to establish access to socio-economic rights for both returnees and host-communities. It also includes construction of way-stations to provide protection to returnees.

UNDP also focuses on addressing the root-causes of Sudan’s conflicts, such as access to land, the right to property and freedom of movement. UNDP has embarked on a major joint initiative with the GNU to establish a National Centre for Conflict Prevention and Reconciliation. The Centre will engage in conflict analysis, early warning, mediation, negotiation and capacity building of individuals and institutions, paving the way for active dialogue and engagement with all stakeholders.

UNFPA

UNFPA works on development programmes throughout Sudan and concentrates humanitarian assistance in South Sudan, Darfur and the Nuba Mountains. As the lead agency on Gender Based Violence (GBV), UNFPA uses a two pronged approach focused on public health and a human rights framework. UNFPA, through collaboration with the Reproductive Health (RH) and GBV working groups, has supported the following:

- Provision of RH kits and including post-rape kits to health facilities in Darfur and Southern Sudan;
- Mobilising technical support on RH (GBV included) guidance and information to the field in response to their operational and strategic needs and to ensure capacity building, including through:

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- Identifying and making available best practice;
 - Identifying, documenting, linking, and formulating collaborations with appropriate local resources to address field needs;
 - Assisting in the planning and facilitation of assessments, strategic planning sessions, evaluations, and lessons learned exercises in gender based violence;
 - Collecting, consolidating and disseminating policy and programme information from Khartoum to the field, between the three Darfur state teams, and from Darfur to Khartoum.
- Ensure regular holding of coordination meetings and provide secretariat support, including ensuring that issues are followed-up at both Khartoum and the field level.
- Coordination at the Khartoum level with the Ministry of Health, Ministry of Justice (Advisory Council of Human Rights) and other GoS ministries as needed to clarify issues and support policy reform;
 - Present issues raised at GBV WGs to the KPSG, to the DSRSG/HC, the UNCT, the JIM, and the JIM Sub-Committee on Human Rights and Protection in order to inform decisions and generate policy-level support;
 - Coordination with the Khartoum steering protection group and the Child Protection Working Group, and at the state and national level.
- Assist in the preparation of field-informed situation and analytical reports for information and advocacy purposes;
- Assist with resource mobilization efforts to support GBV activities in Darfur along agreed upon interagency GBV strategy;
- Assist in the development of and/or endorse protocols, guidelines, referral systems, model preventive or response mechanisms, etc. to be used in Darfur;
- Provision of small grants to support GBV prevention and response in Darfur and Southern Sudan;
- Provide technical support on GBV as part of the interagency joint program for Capacity Building of African Union Forces in Darfur.

WFP

Protection strives for the physical safety, dignity and integrity of the person and the community, and their access to human rights in the broadest sense. WFP is mandated to protect the most basic of all rights - the right to life through the provision of food aid to save lives. It further contributes to the promotion of rights through alleviation of hunger and poverty through food aid.

While WFP is not a protection-mandated agency, its assistance activities, carried out in collaboration with partners, both directly and indirectly support the protection of internally displaced persons. These include:

- WFP engages in negotiations on access and safe passage for humanitarian supplies, including food, with the government of Sudan and non-state actors in order to reach internally displaced persons and other conflict-affected persons at risk. Advocacy for continuous and unrestricted access to the internally displaced means not only access for the provision of assistance and related protection, but also unrestricted access for regular and systematic needs assessments and follow-up monitoring;
- WFP's food assistance is provided in ways that are intended to protect and promote the human rights of beneficiaries. For example:
 - During programming design, food delivery schedules and commodities and quantities to be distributed are planned so as to minimise the risk of attacks, harassment, etc.
 - In addition, WFP's food assistance in response to the essential needs and rights of displaced persons may preclude repeated displacements and further erosion of their basic rights and security of displaced persons;
 - WFP ensures that its assistance programmes are designed and implemented on the basis of broad-based participation. As women constitute the majority of internally displaced people, WFP's Enhanced Commitments to Women play a particular role. They are aimed at ensuring women's direct access to

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appropriate and adequate food; women's equal access to, and participation in, power structures and decision-making; and women's equal access to resources, employment, markets and trade;

- WFP Food-For-Work (FFW) activities can provide an incentive for activities such as reconstruction of public and private assets, community infrastructure and private housing, and involving civilian populations affected by conflict. As such, FFW can aid in the process of resettlement, recovery and reconciliation;
- In the broad sense, food assistance provides protection during displacement and return phases, by reducing the burden for local communities and lessening the friction that can be caused between displaced people and resident populations.

As part of its continuing exploration of how to enhance its protection role, WFP held a workshop for some 40 staff in Sudan in October 2005, during which participants reflected on:

- how they could practically use the Guiding Principles on Internal Displacement to increase WFP's protection awareness;
- how they could work on inter-agency complementarity around any protection needs and responses
- the practicalities of protective programming
- the potential and risks of consciously and tactically applied WFP presence
- how to apply what was learnt to specific problems of the day in Sudan in terms of attitudes, capacity presence and visibility, analysis and reporting and awareness and training.

Further activities are planned aiming at the continuous sensitization of WFP staff to protection issues and the mainstreaming of protection into WFP activities.

(c) Key Non-UN Actors

African Union Mission in Sudan

A critical non-UN actor in terms of protection of civilians in the Darfur context is the African Union Mission in Sudan (AMIS). Pursuant to the October 2004 *Communiqué* of the AU's Peace and Security Council, AMIS is mandated to:

- Monitor and verify the provision of security for returning IDPs and in the vicinity of existing IDP camps;
- Monitor and verify cessation of all hostile acts by all parties;
- Monitor and verify hostile militia activities against the population;
- Monitor and verify efforts by the Sudanese government to disarm government-controlled militias;
- Investigate and report on allegations of violations of the Humanitarian Ceasefire Agreement (HCA);
- Protect static and mobile humanitarian operations under imminent threat and in the immediate vicinity, within capabilities;
- Protect civilians whom it encounters under imminent threat and in the immediate vicinity, within resources and capability, it being understood that the protection of the civilian population is the responsibility of the GoS;
- Provide visible military presence by patrolling and by the establishment of temporary outposts in order to deter uncontrolled armed groups from committing hostile acts against the population;
- Assist in the development of proactive public confidence-building measures;
- Establish and maintain contact with Sudanese police authorities;
- Establish and maintain contact with community leaders to receive complaints or seek advice on issues of concern;
- Observe, monitor and report the effective service delivery of the local police;
- Investigate and report all matters of police non-compliance with the HCA.

ICRC

ICRC, a neutral, independent and impartial organisation, has a clear legal mandate to protect and assist civilians affected by armed conflict and other situations of violence. Typical protection and assistance experience/expertise includes:

- Promoting/advocating international humanitarian law (IHL), overseeing the application of the Geneva Conventions and Additional Protocols and supporting the implementation of other international humanitarian law treaties;
- Training/promoting/educating IHL through technical cooperation, in particular with National Red Cross/Red Crescent Societies (general and preventive measures); implementing mine action and mine awareness programmes;
- Access to civilians, sick/injured and vulnerable groups - elderly, unaccompanied children, IDPs etc. - in armed conflict and other situations of violence, monitoring their situation and welfare, making confidential representations to the relevant authorities to ensure their proper treatment according to IHL and other relevant bodies of law and carrying out assistance activities (direct medical activities, surgery, support to existing medical structures, rehabilitation of amputees, food and seed distribution and other economic security endeavours, water provision and related activities, provision of shelter etc.) according to the needs directly assessed (during and in the aftermath of conflict);
- Neutral intermediary/facilitating agreements to address humanitarian problems;
- Monitoring the living conditions and treatment of persons deprived of their liberty, and striving for the full respect of IHL and other relevant bodies of law through visits to places of detention, imprisonment and internment and confidential representations to the concerned authorities (during and in the aftermath of conflict);
- Ensuring communication between separated family members, and respect for their right to know the fate of missing relatives (during and in aftermath of conflict).

IOM

IOM does not have a legal protection mandate but has committed to mainstreaming protection and enhancing the rights of IDPs through its programmes. IOM:

- Collects and analyses IDP information through registration and monitoring;
- Undertakes situation assessments to address assistance/protection needs of IDPs/host communities and to ensure sustainability in areas of return;
- Provides assistance and transportation for returnees and for evacuation and relocation of IDPs from high risk to safe areas;
- Supports national/local authorities in developing policies and programmes to reduce/prevent displacement and advocates for improved conditions of IDPs.

More specifically, in terms of the North-South return, IOM conducts the following projects:

- Establishment of way stations on return routes, together with other partner organisations, to provide temporary shelter, health/sanitation and other *en route* assistance;
- Information support to provide accurate, timely and unbiased information to sensitize/organize the IDP community in the planning and management of their return, relocation or integration. "Go and See Visits" to collect information about conditions en route and areas of return;
- Community surveys of return destinations to identify needs in security, health/sanitation and education;
- An inter-agency IDP Survey to gather information on South-South return intentions, including household composition, socio-economic as well as ethnic characteristics and to provide information on planned return routes and return patterns;
- Tracking and monitoring (until January 2006 an OCHA project) to assess the overall number of returnees and provide optimal level of assistance en route and in areas of return through information collection along the main return routes, data processing, and reporting to stakeholders;

- Lead agency for emergency transportation of vulnerable IDPs, such as elderly people, children, pregnant women, and disable people.

In the context of Darfur, IOM is tasked with verifying that returns of IDPs within the three states of Darfur are voluntary and to an area deemed appropriate in terms of services, security and sustainability.⁴ This is undertaken through the IOM Darfur Verification and Monitoring Unit (VMU) which provides a legal and binding mechanism to prevent forced movement of IDPs. The VMU:

- Verifies the voluntariness and appropriateness of returns;
- Conducts assessments of potential return areas in coordination with other agencies.
- Presents formal reports to the GOS on return movement assessments;
- Analyses/disseminates information collected through the VMU to other stakeholders.

In addition:

- IOM registration of IDPs in Darfur (basis for WFP ration cards) provides demographic, ethnic, economic and social information on more than 2 million potential returnees, a substantial planning tool and means of monitoring return through de- and re-registration;
- If requested, IOM can provide emergency transportation to relocate both IDPs and refugees (Chadian refugees in West Darfur) due to insecurity in areas of displacement.

NGOs and Civil Society

National and international NGOs, as well as civil society organisations, constitute the backbone of the overall humanitarian response in Sudan and play a critical role in terms of protection efforts:

- NGO presence alone, in IDP camps, areas of return, in communities under threat *may* at times exercise a deterrent effect on the activities of armed actors;
- A number of NGOs run humanitarian protection programmes which oversee the implementation of projects critical to the overall protection response such as:
 - Mainstreaming protection issues into humanitarian assistance activities, including camp management.
 - Monitoring and reporting on threats to civilians, including in particular IDPs and returnees.
 - Information, counselling and legal assistance to IDPs and victims of human rights violations.
 - Prevention of and response to GBV, including medical and psychosocial support for survivors.
 - Community-based training and awareness-raising on human rights and rule of law.
 - Community reconciliation and conflict resolution activities.
 - Child protection activities, including training and capacity building for local officials, counselling, reintegration assistance, family tracing and reunification.
 - Supporting legal reform.
- NGOs bring a critical contribution to the work and output of PWGs and the KPSG.

⁴ Pursuant to the August 2004 *Memorandum of Understanding* between the UN, the GoS and IOM.

3. ENSURING A COHERENT AND COORDINATED APPROACH

Given the broad range of UN and non-UN actors undertaking activities with regard to human rights and protection of civilians in Sudan, a coherent and coordinated approach is essential and is facilitated through the following national inter-agency protection coordination framework:

At the field level - Protection Working Groups

The principal fora for inter-agency coordination of protection and human rights activities at the field level are the network of PWGs. These play a critical role as consultative fora that aim to provide a coherent, coordinated and comprehensive response to the human rights and protection needs of civilians in Sudan. PWGs exist at several state and local levels throughout Sudan. There exists also thematic WGs such as on GBV and child protection.

A given PWG is chaired by the actor identified and designated, in a consultative process, to lead the protection sector in the respective state or region. UNMIS Protection provides secretariat support to all PWGs within the limits of its deployment. PWGs closely coordinate with and ensure that protection concerns are appropriately represented within other protection-related forums, such as Return and Reintegration Working Groups, camp coordination meetings, etc.

Membership is open to all UN agencies, international organizations and NGOs involved in implementing protection activities in the PWGs respective area of responsibility (AOR). ICRC attends as an observer. A given PWG may decide to also invite representatives of the local and national authorities and international actors such as donors to participate in specific meetings.

The objectives of the PWGs are as follows:

- Coordination - Support effective coordination of protection activities in the AOR. This includes planned and ongoing protection activities related to agencies' regular programs, *ad hoc*/integrated research work and assessments, trainings and workshops (including capacity building for government and local authorities), information management and response to urgent protection concerns;
- Assessment - Ensure that regular assessments of protection needs are carried out, either through protection-specific assessments or in the context of general needs assessments;
- Response - On the basis of assessed protection needs, develop appropriate response strategies and plans of action clearly identifying roles and responsibilities. This includes determining the required *ad-hoc* or planned/integrated actions, and monitoring and ensuring the timely implementation of actions decided upon by the PWG. It also includes undertaking advocacy efforts with a view to ensuring that preventive, remedial and reparatory actions are undertaken by the relevant authorities in accordance with their obligations;
- Protection Guidance, Support and Awareness Raising:
 - Ensure that all relevant actors, including the local population, displaced communities etc., are aware of the existence of the PWG and its role as a forum to which protection concerns should be referred;
 - Encourage and support information campaigns aimed at disseminating to civilian populations, timely and accurate information on their rights and on protection conditions in home areas;
 - Provide and disseminate protection policy, guidelines and best practice to all relevant actors and target groups including through organising and/or supporting training programmes, seminars and workshops;
 - Ensure protection concerns are fully taken into account by relevant actors during humanitarian, recovery and development needs assessments and programming.
- Monitoring, Reporting and Analysis - Establish monitoring and reporting mechanisms to be used as regularly and widely as possible. This includes the collection, verification and analysis of information on violations throughout the AOR (via direct reporting of

incidents by field staff, thematic WGs, local protection forums, etc.) with recommended response actions;

- Internal Reporting - Report on a regular basis to UNMIS/Protection in Khartoum, highlighting issues and recommending actions for consideration by the Khartoum Protection Steering Group (see below). At the state and local level, ensure that protection issues of concern are raised to relevant mechanisms to ensure the development of coordinated and consistent response and advocacy strategies.

At the Khartoum level - the Khartoum Protection Steering Group

The Khartoum Protection Steering Group (KPSG) is an inter-agency, senior level, policy development and coordinating body, based in Khartoum, that aims to ensure a coordinated and comprehensive response to the protection needs of civilians in the Sudan. It serves as the central forum of the field-based inter-agency protection network in an effort to support field based activities. Membership is open to all UN agencies, UNMIS civilian components, international organizations and international NGOs that are operationally involved in or coordinate significant activities in the protection of civilians. The KPSG may also invite other actors such as representatives of the donor community, the AU, or the national authorities to attend specific meetings.

The objectives of the KPSG are as follows:

- Address protection situations requiring inter-agency support as identified by PWGs or the KPSG;
- Advocate or intervene on specific protection concerns with third parties, for example AMIS, the national authorities, international community;
- Request operational support in situations that require inter-agency coordination, e.g. deployment of assessment missions, deployment of temporary staff, etc.
- Ensure the integration of protection concerns in relevant strategic processes and coordination mechanisms;
- Develop common policy with regard to protection issues, including through the issuance of inter-agency notes or thematic guidelines;
- Provide support to the field-based inter-agency protection network, in particular the PWGs;
- Engage in inter-agency activities such as training, advocacy initiatives, etc.
- Serve as an information exchange forum on issues related to protection in the Sudan.

Protection Liaison Group

The Protection Liaison Group (PLG) meets in Khartoum on a monthly basis and is the principal forum for discussion between members of the KPSG and representatives of the donor community. While not a coordination forum *per se*, it provides an important venue in which to engage donors on ongoing protection concerns and issues and seek their support, either in terms of political support or resources for protection activities.

Steering Committee on Human Rights and Protection

Guidance and coordination on human rights and protection issues is also provided at the Khartoum level through the UNMIS Human Rights and Protection Steering Committee. The Steering Committee is the principal UN policy-making body on human rights and protection in Sudan, and brings together the senior leadership of UNMIS (the SRSG, Deputy SRSGs - political/humanitarian, Force Commander and Directors of Human Rights and of Protection) with the heads of the main UN agencies involved in human rights and protection (UNHCR, UNDP and UNICEF).

The Steering Committee aims to ensure policy coordination, consistency and integration between human rights and protection activities, as well as between the Mission and the UN Country Team. It defines the scope and thrust of the UN's activities in these areas and the nature of its engagement with the respective national institutions. The Steering Committee also monitors national progress in these areas, and the impact of the UN's participation and

support, providing additional guidance and/or policy reviews as necessary. In particular, the Steering Committee is tasked to:

- Facilitate information sharing between different entities within UNMIS involved in human rights and protection issues;
- Identify issues requiring elaboration of policy and interventions by UNMIS and others and elaborate policy guidance and interventions;
- Appraise and advise on the effectiveness of UNMIS policy and interventions on issues relating to human rights and protection.

Steering Committee on the Rule of Law

Reference should also be made to the Steering Committee on the Rule of Law which plays a similar policy coordination role in regard to rule of law activities carried out by several UN actors in Sudan, in particular UNMIS Rule of Law and UNDP.⁵ UNMIS is responsible for coordination of all rule of law activities in Sudan through the Steering Committee. Regional Rule of Law Steering Committees will be established at field-level, and will be co-chaired by UNMIS and UNDP.

UNMIS has adopted a unified approach to rule of law activities, on the basis of which UNMIS focuses on the political and policy engagement in the rule of law sector, while the programmatic responsibilities rest with UN agencies (UNDP, UNHCR, UNICEF, FAO). However, this does not exclude joint initiatives and cross-over collaboration in specific areas. To this end Regional Rule of Law Steering Groups will be established, that will be chaired by UNMIS and co-chaired by UNDP.

Gender Based Violence Working Groups and Core group

GBV WG groups are held twice a month both at the Darfur state and Khartoum level to ensure coordination on prevention and response of GBV activities. Similar coordination has begun in Juba for organizations working in South Sudan. Membership is open to UN agencies, INGOs and civil society organizations. The meetings in Darfur are chaired by UNFPA and co-chaired with other UN agencies. Similar structures with government counterparts and national/community based organizations have been developed and meet at least once a month. In addition the Walis of Darfur have each developed State Committees for Combating Violence Against Women and the UN is an active participant. Finally, UNFPA represents the working groups in the sub-JIM meetings chaired by UNMIS HR and ACHR where a number of issues are discussed.

Child Protection Working Groups

Child protection coordination is being promoted in all states in the Sudan, and at the moment functioning child protection coordination for a exist in seven States, including the three Darfur States, the two Kordofan States, Gedaref and Khartoum States. The child protection coordination meetings generally take place on a bi-weekly basis, and are, at the moment, chaired by UNICEF, although increasingly the Government is taking charge of these fora. The aim is to have a coordinated response that is maximized through the complementary action of any and all child protection agencies. In addition to the generic national child protection working group, the Northern DDR Commission, with the support of UNICEF, has started a coordination meeting on child DDR with UN Agencies and NGOs.

⁵ See further, Steering Committee on the Rule of Law, *Rule of Law - Sudan: UN Policy and Programme* (1 February 2006)