

HUMAN RIGHTS FIRST

A quarterly publication by UNAMID's Human Rights Section

Vol. 1 • Issue #1

September 2014

Note from the JSR



Mohamed Ibn Chambas, JSR, UNAMID, pictured during his visit to the Office of the High Commissioner for Human Rights (OHCHR), Geneva, which took place in May 2014. Photo by OHCHR Geneva.

From 22 – 23 May 2014, I undertook an official visit to Geneva where I met with the United Nations High Commissioner for Human Rights, Ms Navi Pillay, African Ambassadors including the Permanent Representative of the African Union to the UN, the Global Protection Cluster, and several technical departments at the Office of the High Commissioner for Human Rights (OHCHR). I also held a bilateral meeting with the Permanent Representative of the Sudan, Ms. Rahma Salih Elobied.

The purpose of my visit was to explore areas of possible collaboration and cooperation with OHCHR and to update partners on the situation in Darfur with a particular focus on the situation of human rights and protection of civilians. I informed on the deteriorating security and humanitarian situation and its associated impact on the civilian population in Darfur. I also noted that tensions between and among communities still existed in various parts of Darfur and emphasized the urgency of a comprehensive political settlement to the conflict. Many western partners seemed concerned about the possible adverse implications of the current insecurity in Darfur as well as on

donor confidence. I acknowledged the validity of such concerns and pointed out that finding a political settlement is crucial to mobilizing international support, particularly in light of competing needs from other crisis areas in the world.

I was encouraged by my meetings with the Permanent Representative of Sudan who commended UNAMID's on-going efforts to secure a durable peaceful settlement of the Darfur conflict and underscored the necessity of strengthening national human rights institutions in Sudan. She observed that more often than not external interference on issues of human rights in developing countries was brought about by the absence of strong and effective national institutions. Throughout the visit, my delegation and I updated on the current national human rights institutional architecture in Sudan, particularly as it relates to Darfur, highlighting the establishment of the National Human Rights Commission, the Special Court for Darfur Crimes, the appointment of special prosecutors, and adoption of a ten year national human rights strategy by the Government of Sudan. We emphasized that building

the capacity of these institutions was crucial to the implementation of the DDPD and promotion and protection of human rights in Darfur and Sudan in general.

During our bilateral meeting, the High Commissioner for Human Rights expressed concern at the situation in Darfur and called upon the AU to play a more constructive role in finding a peaceful solution. She confirmed OHCHR's commitment to supporting UNAMID, particularly in the areas of capacity building and reporting, and called for enhanced exchange of information. I also met separately with a number of OHCHR technical departments, including Field Operations and Technical Cooperation Division; Human Rights Treaties Division; External Outreach Services Division; and the Human Rights Council and Special Procedures Division. Potential increased collaboration between UNAMID and OHCHR in support of the implementation of DDPD provisions in areas of human rights and fundamental freedoms, transitional justice, and human rights and reconciliation were discussed. The OHCHR expressed readiness to sup-

UNAMID JSR with the United Nations High Commissioner for Human Rights, Ms Navi Pillay, in Geneva. Photo by OHCHR Geneva.



Editorial Team:

Editor-in-Chief
Isha Dyfan

Editor
Christian Mikala

Writers
Badar Farrukh
Tara Sadasivan
Abou Jeng

Publicists
Kathryn Harakal
Amira Ahmed


AFRICAN UNION - UNITED NATIONS
MISSION IN DARFUR (UNAMID)

port UNAMID in building the capacity of the Mission's components on monitoring and reporting on human rights violations as well as on human rights-related aspects of protection of civilians.

I was encouraged by the continued interest and commitment expressed by

both AU and Western Ambassadors in support of the political and peace process in Sudan especially the DDPD and UNAMID's role in this regard. I was equally encouraged by the willingness of the High Commissioner and her Office to support the Mission's efforts in implementing its

human rights and protection of civilian mandate through the provision of technical and financial assistance. UNAMID will continue to follow up on the various offers of support and I will remain engaged with the key human rights and protection stakeholders and donors. **HRS**

Letter from the Director's Desk



This is the first newsletter from the Human Rights Section (UNAMID HRS). As the publication progresses, it is our aim to highlight specific human rights issues as well as broader themes of relevance to the work of the Section and the Mission at large. This inaugural issue will serve to lay a foundation concerning the various human rights issues and activities from the three perspectives that guide and inform our work; the global perspective of the Office of the High Commissioner for Human Rights; the national level involving our interaction with, and capacity building of, governmental and non-state actors, as well as the work we are engaged in at the deep field level, where our Field Officers are monitoring, reporting and interacting directly with those most vulnerable of Darfur's local population. It is my hope that this newsletter will enable readers to develop a deeper understanding not only of the work and activities that we carry out in the field and at headquarters, but also of the critical importance of human rights advocacy, awareness

raising and mainstreaming of human rights issues throughout the work that we collectively undertake in support of our common UNAMID mandate.

One of the main reasons that working on human rights can be so challenging is due to an old perception that only victims have rights. Perpetrators also have rights which should be respected through the due process of the law. Promoting and protecting human rights is not possible without the strengthening of human rights mechanisms within every State and our task at the Human Rights Section is to work with all national counterparts. Together, we can ensure an efficient functioning of national institutions and in so doing support the State in its responsibility to ensure that the rights of all citizens are protected. This is also in line with the principle that "human rights is for all". Our monitoring activities in Darfur have assisted in identifying existing gaps, and through advocacy we are making all efforts to bring human rights concerns to the attention of State authorities who can then better respond to their obliga-

What are Human Rights?

Human rights are inherent entitlements which come to every person as a consequence of being human. The concept of human rights acknowledges that every single human being is entitled to enjoy his or her human rights without distinction as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Human rights are legally guaranteed by human rights law, which protects individuals and groups against actions which interfere with fundamental freedoms and human dignity. They are expressed in treaties, customary international law, bodies of principles and other sources of law. Human rights law places an obligation on States to act in a particular way and prohibits States from engaging in specified activities. Treaties and other sources of law generally serve to protect formally the rights of individuals and groups against actions or abandonment of actions by Governments which interfere with the enjoyment of their human rights.

The following are some characteristics of human rights:

- Human rights are founded on respect for the dignity and worth of each person;
- Human rights are universal, meaning that they are applied equally and without discrimination to all people;
- Human rights are inalienable, in that no one can have his or her human rights taken away other than in specific situations;
- Human rights are indivisible, inter-related and interdependent, for the reason that it is insufficient to respect some human rights and not others. All human rights should therefore be seen as having equal importance and of being equally essential to respect for the dignity and worth of every person.

UNAMID HRS Vision:

To ensure the full respect and protection of the rights of all persons in Darfur

UNAMID HRS Mission:

To build a safe, secure and dignified environment for the full respect and realization of human rights for all Darfuris


The work of the Human Rights Section (HRS) is primarily focused on the monitoring and investigation of human rights violations, violence committed against children, women and other vulnerable populations, sexual and gender based violence including conflict-related sexual violence, efforts to combat impunity, as well as on the protection of civilians including through implementation of early warning mechanisms that trigger early responses. The Section also works on medium and long-term responses to human rights violations through human rights institution building and good governance systems.

HRS additionally provides advice to the Government of Sudan, Darfur Regional Authority (DRA) and the Darfur state governments on strategies, policies and actions necessary to sign and ratify key international human rights instruments and ensure respect for, and implementation of, international human rights law and standards. The Section advises both governmental and non-state actors regarding specific human rights concerns, bringing to their attention violations of international human rights and humanitarian law, and suggesting appropriate actions.

tions under national, sub-regional and international legal instruments.

While the Human Rights Section is one of the departments of the civilian substantive pillar of UNAMID, it is at the same time part of the Office of the High Commissioner for Human Rights, with dual reporting lines in effect. As Chief of the Human Rights Section, it is my role

to also act as the Representative of the High Commissioner in Sudan. As such, one of my main responsibilities is to ensure that human rights issues are fully integrated and mainstreamed into political, humanitarian and development efforts and programmes of the United Nations Country Team (UNCT) and Humanitarian Country Team (HCT).

We are very pleased to share with you this first edition of our newsletter "Human Rights First". Subsequent editions will continue to expand on the many issues that each one of us in the Section is committed to working with and towards, as people very much concerned with the achievement of a full and long lasting peace for Darfur. 

Human Rights and Multidimensional Peacekeeping in Darfur



On 29 November 2012, students of the Al Salam School in the Abu Shouk IDP camp, North Darfur, are taught road safety during a sensitisation program organized by UNAMID police and the Traffic Division of the Sudanese police. Photo by Albert González Farran, UNAMID.

It is now well established that human rights are universal, indivisible and irreversible. Their universality relates to the understanding that the basic ideals of rights are recognized in all societies. This means that despite the continuing assault on peoples' human rights, the fundamental principle that every human being has a right is irreversible. Simply put, human rights are those sets of norms, values and rights which advance individual and collective rights. Their supreme importance

means that they are indivisible and so cannot be permanently withdrawn. Although the substance of human rights is broad, they generally relate to issues of freedom, justice, equality, dignity and peaceful existence. Increasingly also, the founding ideals of human rights are being harnessed as instruments in peacekeeping. The desire for peace is motivated by the need to preserve the dignity and value of human life, an equally important preoccupation of international human rights law.

Increasingly, peacekeeping missions are framed around the pursuit of peace and protection of civilians. The focus on protection places obligations and duty on peacekeepers. Such a duty is also interpreted to include a proactive stand to particularly protect threats to life and the physical integrity of civilians, especially vulnerable groups such as women and children. The enforcement of a robust protection regime for civilians not only strengthens the interface between human rights and peace-

keeping, but also makes it possible for the elevation of certain conflict related wrongs into the international limelight. A prime example is the emerging international drive to confront conflict related sexual violence (CRSV). This is a welcome development largely made possible by the impact of human rights in peacekeeping. In UNAMID's multidimensional mandate, the interaction between human rights and peacekeeping are bound to remain strong. There are three main reasons for this symbiosis.

First, the mission of UNAMID as formulated in UNSC Resolution 1769 of July 2007 and subsequently streamlined in three strategic priorities by Resolution 2148 of 3 April 2014, incorporates the protection of civilians and promotion of human rights as key components of its operational mandate. Carrying out this mandate requires the positioning and mainstreaming of human rights in UNAMID's operations and particular in the Darfur peace process. The support structure for human rights dimensions of the mission's mandate is provided for by the UNAMID Human Rights Section, which actively investigates, reports on human rights violations and formulates initiatives towards strengthening national institutions to promote and protect human rights in

Darfur. Part of these functions also includes consolidating transitional justice processes in Darfur to confront impunity and promote accountability. Crucially, this is linked to the Darfur peace process, making human rights a central core, and not a peripheral afterthought, of UNAMID's operations. The first chapter of the Doha Document for Peace in Darfur (DDPD) on human rights and fundamental freedom is testimony to the place of human rights in the transition to peace.

Second, the concept of 'peace' in UN international peacekeeping has evolved and expanded due to the multidimensional character of post-cold war intervention missions. The infusion and consolidation of governance, transitional justice, rule of law, and human rights in peacekeeping missions imply that the concept and understanding of 'peace' are no longer merely the *absence of violence*. Peace incorporates the attainment of social stability through active mitigation of the causes of structural violence such as poverty, inequality, marginalization and deprivation of rights. This version of peace is driven by core founding values of human rights. In the multi-layered conflict in Darfur, the attainment of peace is perceived not solely as the absence

of conflict, but also the realization of social justice, freedom, dignity and human rights for all. The need to protect and promote human rights and the obligations that arise from it, have shaped and impacted policy documents on the Darfur peace process. This is visible in the DDPD, which contains a strong human rights foundation complemented by a wide range of peace and social justice priorities considered critical for a post-conflict Darfur.

Third, the traditional distinction between human rights law and international humanitarian law has become increasingly blurred. Convergences in human needs, vulnerabilities and protection mechanisms have compelled human rights to apply as much in times of peace as they apply in times of conflicts. Their systemic violations aggravate conflicts and violate peoples' rights and dignities, which ultimately lead to violations of humanitarian law. In this light, there is a strong interaction between human rights and peacekeeping, meaning that if one is affected it will have a negative consequential effect on the other. In Darfur, where the conflict is laced with complexities, the prospect of attaining peace is intrinsically aligned to the respect for, and observance of, human rights. HRS

Visit of the UN Independent Expert on the Situation of Human Rights in Sudan



UN Independent Expert on the situation of human rights in Sudan, Professor Mashood Adebayo Baderin, is pictured here during his visit to Sudan from 15–24 June, 2014. Photo by UN Information Centre, Khartoum.

The UN Independent Expert on the situation of human rights in Sudan, Professor Mashood Adebayo Baderin, visited Sudan from the 15 – 24 June, 2014. The purpose of this visit, his fifth official mission to the country and fourth to Darfur, was to observe the situation of human rights in Sudan, follow-up on his previous recommendations from February 2014, and to identify areas of technical assistance and capacity building that may assist the government in fulfilling its human rights obligations. Professor Baderin is expected to present his findings and recommendations in a comprehensive report to the UN Human Rights Council in September 2014.

During his visit the Independent Expert engaged with the Government of Sudan and other stakeholders on human rights issues including in relation to the September 2013 fuel subsidy demonstrations, arrest and detention of political opponents and other activists

in the last few months, restrictions on press freedom and media censorship, and escalation of conflicts and displacement of civilians in Darfur, South Kordofan and Blue Nile states amongst others. Escalating conflicts in these states has contributed significantly to a deteriorating humanitarian and human rights situation, leading to further displacement of civilians. In this regard, the Independent Expert specifically expressed concern regarding the activities of RSF, which have led to serious human rights violations in these states, indiscriminate aerial bombings by government forces in the conflict areas and its consequential impact on civilians; suspension of activities of humanitarian agencies which has affected IDPs and the civilian populations. Finally, the Independent Expert urged the Government to improve humanitarian access while at the same time urging armed movements to desist from indiscriminate attacks that result in human rights violations. HRS

Institution Building And Human Rights – National Human Rights Commission (NHRC)

The promotion and protection of human rights in any country cannot be envisioned without the building up of its national institutions. National Human Rights Institutions (NHRIs) that comply with the principles relating to the status of national institutions, commonly known as the Paris Principles, play a crucial role in promoting and monitoring the effective implementation of international human rights standards at the national level, a role that is increasingly recognized by the international community.

NHRIs can also contribute to the creation of an effective legislative body, leading to the building up of a democracy with strong and dynamic civil society organizations, responsive media, human rights education programs at all levels and, generally, a society encouraging


the objective of a universal culture of human rights.

In January 2012, soon after the signing of DDPD, Sudan established a National Human Rights Commission (NHRC) through a Presidential decree pursuant to article 142 of the Interim National Constitution. The role of the Commission is to monitor the application of rights and freedoms provided for in the constitution's bill of rights. The powers of the Commission include receiving complaints, expressing opinions and presenting advice to state organs on any issues related to human rights, harmonizing legislations with human rights standards raising awareness among the public about human rights issues and cooperating with UN organizations and specialized agencies and other regional bodies working in the field of human rights.

“When your father dies, you are responsible for your brother..”

– a child orphaned by the Darfur conflict

The Commission is governed by the Human Rights Commission Act which was passed in 2009.

The Human Rights Section believes it is crucially important that the National Human Rights Commission continue to be supported and strengthened, thereby enabling it to function independently, with a resulting positive impact for the whole of Sudan's population. 

Functions and Jurisdiction of the Special Criminal Court for Serious Crimes in Darfur

As part of the continued development of international human rights laws and principles, it has increasingly become accepted that if societies do not address the painful legacies of their past, they do so at the expense of both reconciliation processes and broader transitional justice mechanisms that have the potential for a far greater positive impact on society. A variety of approaches have been developed internationally in order to respond to past atrocities in ways that are intended to facilitate justice and/or reconciliation.


In Darfur, efforts to respond to, investigate, and prosecute violations committed in Darfur during the period 2003 onwards, have included the creation of the Special Criminal Court for Serious Crimes in Darfur. The Court was established on 7 January 2012 based on Article (59) paragraphs (326, 324, and 322) of the DDPD. The jurisdiction of the Court relates to crimes committed in Darfur since February 2003, including serious crimes

Societies that do not address the legacy of the past... cannot put an end to the cycle of violence

outlined in the Sudanese criminal act 1991 under chapters (5), (6), (7), (14), (15), (16) and (17), crimes under the Sudanese Terrorism Act of 2001, as well as crimes involving gross violations of international humanitarian law, and any other crimes under any other law as determined by competent Sudanese judicial authorities.

The Special Court has its headquarters in El Fasher, with sessions to be conducted at the Court head-

quarters or any other place determined by the Chief of the Court based on the particulars of the case. Several cases have already been heard in Khartoum. In 2008, the Government of Sudan assigned a Special Prosecutor to the Darfur Special Criminal Court. Currently, the Court is composed of eight Judges who sit in court sessions in El Fasher, Nyala, El Geneina, Zalingie and El Daien. The Judges are seconded from public courts and while serving on the Special Court, they continue to perform their respective judicial functions as public court judges.

In 2013 the Special Prosecutor initiated investigations into sixty-six cases of which seven went through trial process. However, so far the majority of cases brought before the Court have largely involved public crimes such as theft, possession of stolen goods, murders. The Court is yet to deal substantively with crimes relating to war crimes or crimes against humanity as spelled out in its founding charter. 

UNAMID HRS Facilitates Classroom Project in Two IDP Camps



Boys section of the newly constructed school at Otash IDP camp. Photo by HRS, Sector South.

In March 2013, thousands of civilians across southern Darfur were forced to leave their villages as a result of insecurity and fighting due to inter-ethnic skirmishes and belligerent activities between GoS forces and rebel movements across the region. Many of these displaced families then moved into camps for internally displaced persons (IDPs) located in and around Nyala, South Darfur. During routine monitoring of conditions in a number of these IDP camps, Human Rights Officers became concerned that large numbers of school-age children were spending a majority of their time playing along the roadsides and in public spaces without access to a basic education. These concerns were later confirmed during subsequent visits to two of these camps, namely Otash and Dereige IDP camps, where community leaders lamented the lack of access to educational facilities available to the children residing there, and requested assistance in remedying this situation from the Human Rights Section's Sector South Office.

With the support of IDP community leaders, a more systematic needs assessment documentation process was formally begun. This assessment process established that a total of 819 children were registered in Otash IDP camp and 713 in Dereige IDP camp. With this factual data as a basis, UNAMID HRS together with UN agencies and NGO partners began tangible discussions regarding possible solutions that could help to better meet the education needs of the children currently living in the two camps, including the establishment of formal classrooms located within each of the camp boundaries. The Ministry of Education and the Humanitarian

Aid Commission (HAC) of Sudan were both also involved in the initiative, and committed to providing the critical element of teaching staff. UNICEF expressed strong support for the initiative and offered to provide necessary school materials such as stationary, while World Vision International pledged to provide much needed furniture and other basic classroom essentials.

Throughout this process UNAMID HRS continued to engage others within UNAMID, especially the National Staff Association, which spearheaded a fundraising campaign to support the construction of temporary classroom structures within each camp under the slogan "Every IDP child has a right to education". Funds generated from the fundraising campaign then complemented support received directly from UN agencies. This coordinated approach has now resulted in the completion of six classrooms in Otash camp, largely constructed using locally-sourced materials. The Ministry of

Education has provided the school with four teachers including the Head Master, and it is now hoped that additional literate IDPs could be recruited as volunteers or teaching assistants.

The second school is currently being constructed at the Dereige IDP camp, and once completed, will cater for the 713 children who would otherwise be on the streets and in harm's way. Construction works have been slower, however, in Dereige, and efforts continue to be made to complete the project as quickly as possible.

We in Human Rights Section believe that these school classroom projects represent a shining example of the importance of advocacy and collaboration in pursuit of the protection and promotion of basic human rights. UNAMID HRS continues to explore innovative ways of highlighting and addressing the plight of people caught in conflict, particularly those most vulnerable groups such as children and women.

HRS

Girls section of the newly constructed classrooms at Otash IDP camp. Photo by HRS, Sector South.



Government-led Initiative in West Darfur to Establish Foster Home for Children



Homeless children participate in a workshop organized by the Human Rights Section, Sector West in November 2012. Photo by HRS, Sector South.

Earlier this year on 11 February 2014, the Ministry of Social Affairs, West Darfur issued a decree establishing a High Committee to support homeless children. More recently, following a workshop for homeless children organized by the Human Rights Section in 14 to 15 November 2012, the Minister of Social Affairs announced the establishment of a foster home in West Darfur. UNAMID has committed to provide support and assistance through a Quick Impact Project aimed at the renovation of the perimeter wall surrounding the foster home building. The initiative was completed and handed over to the West Darfur Ministry of Social Affairs on 1 October 2013.

The Ministry of Social Affairs also plans to establish an emergency home in the region for street children that will provide psycho-social support, access to basic medical care, additional facilities and food, as well as keeping on record the profile of every child who visits the establishment. The emergency home is intended to prepare the children for participation in a rehabilitation program once the renovation of the foster home is complete. The emergency home, and future foster home, both represent a simple first step towards the larger goal of successfully rehabilitating and reintegrating these children back into Darfurian society

HRS

Homeless children participate in a workshop organized by the Human Rights Section, Sector West in November 2012. Photo by HRS, Sector South.



According to displaced and orphaned children in Darfur...

A human being: A talkative animal.

Brotherhood: "...We live in brotherhood even if we are not related. It is also about sharing and caring..."

Kindness: "... As destitute and orphan children, most people were angry at us for no reason. Some were kind enough to buy us food, give us some money but we sometimes had to do some chores to be rewarded..."

Responsibility: "...When your father dies, you are responsible for your brother but going to school is very important and will help us develop and be more responsible..."

Difference between a Human Rights Officer and an orphan in Darfur: "...The Human Rights Officer has been educated; the orphan is struggling to educate himself..."

Human dignity: "... we face many bad treatments. Some are degrading and can make us angry and uncomfortable but we have to smile and work every day.



On 5 March 2014, more than 2,000 civilians fled violent attacks in Kobe, Shoba, Adawia, Hillat Barti and other surrounding villages, and sought refuge next to UNAMID's base in Korma, North Darfur. UNAMID is providing security and water to the newly displaced and is working with humanitarian actors to provide them with emergency assistance. Photo by Owies Elfaki, UNAMID.