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Swiss Agency for Development
and Cooperation SDC

**Joint Programme for the Rule of Law and Human Rights in Darfur
Annual Report
From January to December 2019**



Hakama (Traditional Community Singer) at the age of 65 is proud of her participation certificate in child protection workshop, Zalingie Police HQ hall - 16 August 2018

Jointly Implemented by:



Introduction

Since early 2017, the Joint Programme for Rule of Law and Human Rights (JPROL) in Darfur has been providing a framework to implement the different Security Council Resolutions¹ reaffirming the strong commitment to the rule of law and human rights in achieving and sustaining peace, unity and territorial integrity of Sudan. In line with the resolutions 2296 (2016) and 2429 (2018), the JPROL ensured and will continue to transfer rule of law tasks as well as capacity-building of police and other local institutions which combat impunity to entities with the necessary comparative advantage. Such transfer should be done through a well-coordinated handover facilitated by the United Nations Country Team (UNCT) to national institutions.

The JPROL focuses on the two inter-related areas: (i) the reinforcement of justice institutions, including customary and traditional justice systems to provide effective, equitable and timely justice and protection services and (ii) the improvement of the communities and vulnerable groups awareness of their rights and empowerment to demand for accessible and equitable justice services. In order to address the root causes of the conflict in Darfur, the JPROL is supporting rights-based resolution of land issues. All the programme interventions are gender mainstreamed

In 2017 and 2018 the programme was funded by gracious donations from DPKO and the Government of Canada. A separate financial contribution to UNDP was provided by UNDP funding window to implement some activities that were not covered by DPKO and Canadian funding

The main feature of the programme has been the joint implementation of its activities by several UN agencies including mainly UNDP, UNAMID and UNICEF. However, in 2019, activities carried under this project were limited to those implemented only by UNICEF as UNDP and UNAMID, given the political and economical events -including the long months of the revolution in Sudan that led to the toppling of the former regime of Omer El Bashir-were unable to conduct most of their planned activities under this programme.

Therefore, this progress report provides an overview of achievements of the programme for the period from January to December 2019 which are mainly UNICEF implemented activities and how these activities contribute and respond to the needs and aspirations of the people of Sudan in Darfur in the attainment of peace and stability.

However, this report will be followed by a final and comprehensive narrative and financial one as there are still funds unutilised from UNICEF budget (approx. 30%). The final report of programme will be submitted once all funds are utilised. This would include final report for UNAMID as well as UNDP.

¹ UN Security Council resolution 2228 (29 June 2015) and 2296 (29 June 2016).

Country	SUDAN
Project Title	Improving rule of law through support for the action plan to end child recruitment
Donor	Government of Canada
Grant Number	SM170652
Grant Period	29 November 2017 – 31 May 2020
Total Contribution	USD 258,777
Total Expenditure	USD 181,964 (70.3 per cent)
Reporting Period	January - December 2019

PURPOSE OF THE CONTRIBUTION-UNICEF

The objective of this sub-project under the Joint Rule of Law (JROL) programme in Darfur, fully funded by the Government of Canada, is to provide support to the Action Plan for the Protection of Children in Armed Conflict in order to strengthen prevention and accountability of the security institutions, and consequently rule of law. This is achieved through a two-pronged approach of, one, strengthening the policies of the security institutions and their implementation through training, and, two, empowering communities through policies, awareness-raising, and programming. UNICEF is working closely together with the Romeo Dallaire Child Soldiers Initiative in reaching the outcomes listed under this project.

This Rule of Law programme contributes to the strengthening of the security institutions in Sudan to enable them to address grave violations of children's rights (in line with International Humanitarian Law). Strengthening the security system helped to achieve the overall goals of the **Joint Rule of Law (JROL) programme in Darfur** and builds a solid foundation for sustainable peace and development. In addition, the project supported the rule of law institutions and build their capacity to ensure that recruited children were supported through the justice for children system and that they received child-friendly services. The project also supported the empowerment of children as rights holders.

Successful implementation of the Action Plan for the Protection of Children in Armed Conflict will directly and indirectly support the national objectives prioritised under the Rule of Law programme, in particular: Sustainable Development Goal 16 on peace, justice and strong institutions; Security Council Resolution 1325 on women, peace and security; the United Nations Development Assistance Framework (UNDAF) Outcome 6: 'People in Sudan are protected under an enabling environment that guarantees the rule of law, basic rights and fundamental freedoms', and the UNICEF Sudan Country Programme Action Plan (CPAP), relating to the rule of law, basic rights and fundamental freedoms, justice institutions, legal aid and access to justice, as well as the Child Protection Rolling Work Plan.

SITUATION IN SUDAN

The implementation of the Action Plan to Protect Children from Grave Violations, signed by the Government of Sudan and the United Nations in 2016, led to the delisting in 2018 of the Government of Sudan's security forces from the UN Secretary-General's annual report on children and armed conflict. This development has gradually led to better

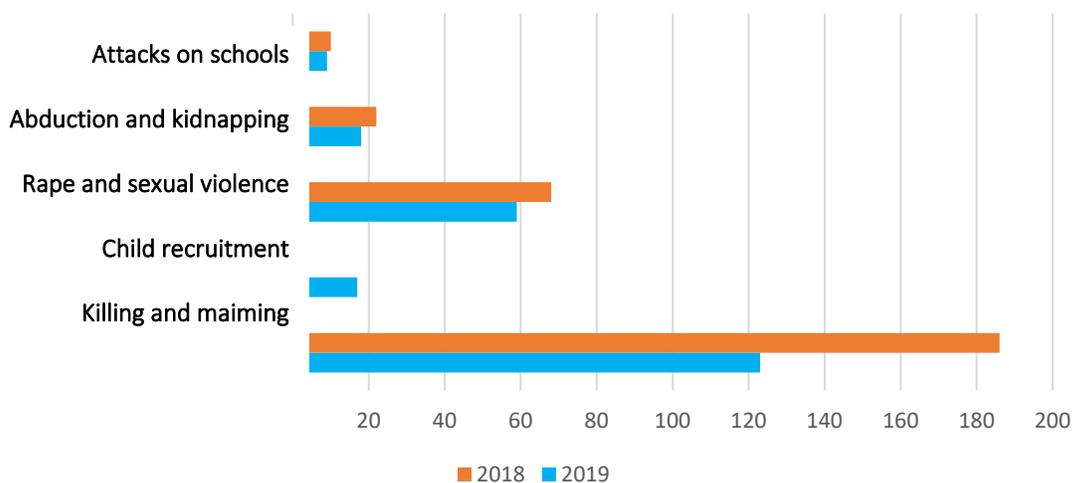
protection of children in conflict areas and political commitments from the Government of Sudan to end recruitment and to protect children from the six grave violations, including in Darfur.²

As part of the implementation of the UN/Sudan Action Plan on Protection of Children in Armed Conflict, a total of 1,216 Rapid Support Forces (RSF) troops were screened and 37 cases were identified for further verification through the age-assessment mechanism. Thirty technical committee members and UN staff gained skills and knowledge on age verification and were able to effectively participate in two age verification exercises among RSF troops (South Darfur and West Darfur). The results of the verification missions revealed that thirty of the identified cases were proven to be above eighteen years-old, whilst seven cases needed further verification based on a three-step assessment. In the end, none of them was found to be below eighteen years of age.

Additional verification missions were planned to be conducted in other Darfur states as well as Blue Nile and Khartoum (where RSF has a heavy presence) but due to COVID-19 – especially restrictions on inter-state travel and face-to-face meetings – these missions are postponed.

UNICEF and partners (the National Council for Child Welfare, Sudan Armed Forces, police and other government stakeholders) have statutory and coordination mechanisms in place, which support the implementation, verification, prevention and response to (grave) child rights violations. UNICEF documents all grave violations against children. During 2019, the country task force documented 222 violations affecting 217 children (79 girls and 138 boys). This represents a 23 per cent decrease compared to 267 children (138 girls and 129 boys) affected in 2018. Majority of the incidents were attributed to unknown armed men, usually identified as Arab nomads or Arab militias. Among the government security forces, the RSF remained the main perpetrator of grave violations against children and committed acts of sexual violence and killings and maiming of children.

Figure III. Grave violations against children (Source: Annual and quarter reports of the MRM, UN, Sudan 2019)



During 2019, UNICEF and its partners encountered major challenges when socio-political instability in Sudan negatively impacted on the UN's ability to relate with RSF and implement the signed action plans with the Sudanese People's Liberation Movement (SPLM)/North and the Sudan Armed Forces. In addition, the fragmented peace talks during the second half of 2019, resulted in dealing with a diverse range of groups individually. Verification of reported cases of recruitment in the armed forces and groups continues to be a huge challenge.

RESULTS

² See: <https://childrenandarmedconflict.un.org/six-grave-violations/>

Outcome 1: Justice institutions are strengthened to provide equitable, effective and accountable justice services.

UNICEF – building on the momentum of the Action Plan on Protection of Children in Armed Conflict – influenced institutional change to ensure equitable, effective and accountable justice services. UNICEF is part of the Technical Committee of the Action Plan, which also includes: the Sudan Armed Forces (SAF); Ministry of Defense; Ministry of Foreign Affairs; Ministry of Interior; Ministry of Social Welfare; National Security; Population Defense Forces; National Council for Child Welfare and the State Councils for Child Welfare. Working with this wide range of stakeholders helped the decision-making process as well as engagement with different duty bearers. The Technical Committee is mandated to follow-up and monitor the implementation of the benchmarks in the signed Action Plan on the Protection of Children in Armed Conflict, including monitoring and verification missions, development of standard operating procedures (SOPs) and the Complaint Mechanisms, supporting the release and reintegration of children.

The work with national and local partners in strengthening the justice and social welfare system, helped in achieving national ownership of key programme activities. This was evidenced by the Family and Child Protection Unit (FCPU) taking the lead in service provision for children associated with armed groups and conflict (just like service provision for other children in contact with the law), thereby moving away from national security leadership for these cases. A rehabilitation center was established inside the FCPU in Omdurman locality, Khartoum state, to ensure that children received the needed care and support.

Output 1.2: Selected laws and policies are brought in line with international standards and norms.

- Following-up on the benchmarks of the Action Plan through the technical committee – and as part of the legal reform in relation to armed conflict – standard operating procedures (SOPs) on the release and reintegration of children associated with armed conflict were adopted by the Government of Sudan.
- UNICEF supported the roll-out of the SOPs on the release of children from armed conflict as well as a complaint mechanism.
- UNICEF in collaboration with the Child Rights Unit within the Sudanese Armed Forces (SAF), developed a training manual for SAF that will be part of the mandatory training for all officers as well as non-commissioned soldiers. Romeo Dallaire Child Soldiers Initiative staff – a programme to rescue and rehabilitate child soldiers – visited Sudan from 24 to 28 November 2019. They facilitated two workshops with SAF leadership who are responsible for training as well as the Child Rights Unit within SAF. The outcomes of these workshops provided a clear way forward on the preparation of the training manual and the Training of Trainers (ToT) for SAF trainers. The Romeo Dallaire Initiative shared the draft manual with UNICEF and SAF for review. Although the manual was planned to be finalised by February 2020, the COVID-19 pandemic caused a delay. Despite the delay, UNICEF trained around 60 SAF officers, including legal advisors from different states. More SAF officers and soldiers will be reached in 2020.
- UNICEF and partners engaged heavily with RSF since this military force is the weakest in terms of knowledge and capacities related to International Humanitarian Law (IHL), child rights and protection because they are only quite recently integrated in the military and have had no opportunities for capacity-building activities.
- During the reporting period, UNICEF tried to use age assessment machines to ensure no children under eighteen were part of the armed forces. In the past, the military forces repeatedly claimed that there was a lack of such machines and that it was therefore difficult to estimate the age of new recruits without identification papers/birth registration (a related issue is that the age of young people in detention can often not be verified). However, UNICEF's efforts to procure age assessment machines was unsuccessful, since the only machines were found in Israel and due to political reasons, it was not possible for SAF to request them. This issue is still pending, yet some local suppliers have been identified who sell similar machines.

Outcome 2: Communities and vulnerable groups enjoy enhanced access to justice and are empowered to demand respect for their human rights.

The Rule of Law programme helped UNICEF to build and strengthen the capacities of rights holders and to empower children to claim their rights. This was done through education and increased access to justice services. For example,

through community awareness that empowered marginalised and vulnerable groups by adopting a holistic, people-centred and needs-based approach to identify and support the real drivers of community empowerment and protection.

Output 2.1: Communities and vulnerable groups are aware of their rights and empowered to demand accessible and equitable justice services.

- UNICEF supported the finalisation of the Knowledge, Attitude and Practices (KAP) in relation to child recruitment. Through the combined advocacy of the Nation Council for Child Welfare (NCCW) and UNICEF, the KAP study was endorsed by the Minister of Social Welfare on 13 May 2018.
- A complaint mechanism was established to ensure that community members can make a complaint when they witness or hear about any case of child recruitment. The complaint mechanism was printed, circulated and tested in one of the recruit cases in Kass, South Darfur. After receiving the complaint and with involvement of the State Council for Child Welfare (SCCW) and the Ministry of Social Welfare (MOSW), the 17-year-old boy was reunited with his family.
- A communication campaign on 'ending recruitment and use of children in armed conflict' was initially planned to focus on the involvement of children in inter-communal armed conflict. However, the wide allegations against the Rapid Support Forces (RSF) and the Government of Sudan entailed that a broader focus was needed. The campaign therefore focused on the motivation for joining the RSF (the high salaries and status) while it at the same time addressing the involvement of children in intercommunal (tribal) conflict, which is mainly a social norm issue based on local traditions and cultures.

CHALLENGES AND LESSONS LEARNED

The political instability and the emerging of new strong players within the military apparatus (the Rapid Support Forces) during the reporting period created challenges for UNICEF. While UNICEF and partners made much progress with the Sudan Armed Forces in terms of trust and capacity building, this newcomer was very much lagging in terms of knowledge and capacities related to human rights law, international humanitarian law (IHL), child rights and protection, specially within the context of armed conflict. However, the work done so far proved encouraging.

Another challenge is the current COVID-19 pandemic, which has delayed some of the remaining work, including the procurement of age assessment machines.

One of the major lessons learned is the importance of having strong partnerships and relations in place with key ministries. Being part of the government technical committees is essential for achieving institutional change and for ensuring that the (child) rights approach is followed. Government involvement also increases the level of accountability and ensures harmonization of actions guided by both international and regional standards.



