



Strategies for human rights protection in Sudan: Challenges, gaps and new directions
Centre for Human Rights Law, SOAS, 20 April 2017, Summary of proceedings

I. Introduction

The roundtable, attended by largely UK based human rights activists, scholars, researchers and policy makers, was convened to provide an opportunity for those who are part of the broader human rights movement working on Sudan to reflect on strategies and approaches taken to date. It was aimed at identifying and addressing challenges and gaps, as well as context-specific and more effective modes of engagement. The following is a generic summary of key points raised, and discussed during the meeting. It reflects the thrust of shared observations and ideas but does not imply that all participants agreed with the analysis and arguments put forward.

II. Human rights work and the human rights movement in Sudan

The first session focused on the context of engaging in human rights related work in, and on Sudan. The notion of human rights and the human rights movement has come under considerable criticism in academic and public debates. This debate has only played a marginal role in debates on the role of the human rights movement in Sudan (understood as a broad category of actors engaging on a range of human rights issues). Nonetheless, it raises some questions of considerable importance for human rights related work in the Sudanese context. Does human rights language resonate in Sudan? Who are human rights activists? Are human rights organisations working on and in Sudan part of a liberal, elitist project, rather than forming part of the agents of change needed? Finally, do they have credibility in Sudan, in the face of limited access (see more below)?

In terms of addressing the whole spectrum of human rights issues, one key challenge faced by human rights activists is the intensity of serious human rights violations, such as in conflict settings but also in systemic repression of basic rights and freedoms. In response, the focus of many organisations has been the protection of core civil and political rights which may have sidelined other rights and violations, such as economic and social rights. This has also meant that organisations are taking a largely reactive approach, giving agency to the perpetrator(s).

However, even working on these core violations has become extremely difficult. Human rights activists inside Sudan have faced increasing restrictions and repression, making their protection a priority. International organisations grapple with challenges to the credibility of allegations made in the absence of effective access. In addition, they have faced increasing hostility, such as in relation to Human Rights Watch's work on rapes in Tabit, and Amnesty International's work on chemical weapons in Darfur. Civil society also faces other challenges in Sudan, such as being Khartoum centric and donor dependant (NGOs). This has raised questions of sustainability of NGO work, and of the ability of civil society based

in the periphery to interact with international organisations, also due to lack of English language skills. In conflict areas, low profile human rights defenders do not receive adequate attention and support, and there are divisions along ethnic lines. Developments in several conflict areas also have a cross-border, bilateral dimension, i.e. Sudan and South Sudan, which needs to be reflected in the work done, both in terms of networking and tackling issues of common concern. The Sudanese diaspora has, with some exceptions, insufficiently engaged on human rights issues; there is considerable, as yet untapped potential for mobilisation if the right issues are chosen.

The 'traditional' mode of human rights work in and on Sudan risks ignoring underlying structural factors such as race and class, and may therefore not translate politically into empowerment needed for a broader political transformation. This raises the question of how best to broaden the focus, including by feeding human rights into the political process; for example the work undertaken on law reform and institutional reforms. A proactive approach that tackles systemic issues can be seen as an important prerequisite to ensure that actors in Sudan are prepared for any transition to come.

III. Gaps in focus and research

Participants identified a number of issues of concern that have not received adequate attention in human rights reporting and research. This includes economic, social and cultural rights (ESCR), also because they are not seen as a priority by donors (which may in itself be a reflection of how human rights activities have framed priorities), particularly education and health, especially in IDP camps and in the peripheries. ESCR have been neglected, as reflected in the very small number of NGO submissions concerning Sudan's recent state party report to the Committee on Economic, Social and Cultural Rights (2015). However, ESCR has figured as a cross-cutting issue in debates on inequality (the majority of work in this area has been done on gender inequality and discrimination, including report by Equal Rights Trust).

The current human rights focus in Sudan is out of step with developments in the broader field of human rights, including with respect to collective rights, largely because violations of civil and political rights in Sudan currently demand so much attention. An example of this is the response to the demonstrations against austerity measures. The primary focus was on the protests and state repression, such as the use of excessive force against demonstrators, rather than the cause of demonstrations (austerity measures) and what they had to say about ESCR violations.

While there is recognition of the need for further engagement on ESCR, there are considerable practical challenges. Lack of expertise on these rights and methods of researching and monitoring violations, as well as limited access to relevant data, make a systematic approach to ESCR in Sudan difficult. The lack of engagement on ESCR is a missed opportunity to draw on literature and analysis, mainly from a political sciences perspective, on structural issues, such as centre-periphery/ inequality. The limited focus on ESCR risks that the work of human rights NGOs and activists does not resonate with marginalised communities. In the absence of such focus and engagement, it is often left to the communities themselves to organise protests, and take action, such as in the case of the anti-dam movement. Participants agreed that inequality might be a good prism to consider structural factors impacting ESCR in Sudan (the Equal Rights Trust published a report on this in 2014: *In Search of Confluence: Addressing Discrimination and Inequality in Sudan*).

The issue of LGBTI rights constitutes another major gap. There is no research or reports on the issue, and a complete failure within Sudan to acknowledge that LGBTI persons have any rights. LGBTI persons have received no support from human rights organisations or lawyers, largely reflecting their marginalisation and lack of capacity, and hostility by the broader society. It is therefore an area where a lot of work could and should be done, including provision of adequate support by human rights organisations.

Land has become a major cross-cutting concern. Participants noted forced evictions, particularly of IDPs in and around Khartoum, new waves of displacement resulting from the commercialisation of land, allocation of land to foreign investors facilitated by the recent amendment to the Constitution (January 2015), and land grab in the context of armed conflicts such as in Darfur. In light of these developments, there is an urgent need to focus more closely on the question of land and the multiple rights at stake.

Internal migration across Sudan has also been overlooked. A focus on internal migration would show how inequality travels around in Sudan. It would also help focus further on how the law has been deployed against 'irregulars' in Sudan, and what measures can be taken to strengthen the position, and rights, of the communities and individuals concerned. A further group of persons to focus on is persons with disabilities, and their experiences. Research on health and education has constituted a major challenge due to lack of data (Alsharq Centre is conducting budget monitoring and analysis in Sudan in this regard).

The Khartoum Process has already attracted a lot of attention. The discussion of relevant developments was therefore rather brief, with the primary focus on key areas where further research and monitoring was needed. This includes what happens to Sudanese who have been returned to Sudan from the UK or other European countries, i.e. post-deportation monitoring, and the actual implementation of Khartoum Process projects, in Sudan, with a particular focus on violations of the rights of migrants from elsewhere in Africa/Horn. The analysis, and monitoring of bilateral agreements, such as between Italy and Sudan, is also an important element because it may open litigation avenues. There is also a need to broaden the network of those working on the Khartoum Process, both by bringing in Sudanese activists/diaspora and people from neighbouring countries, such as Eritrea.

IV. Strategies

This session focused on the adequacy and effectiveness of strategies utilised with a view to protecting human rights in Sudan. The opening discussion centred on the broad category of protection, including an analysis of how developments at the international political level have impacted human rights engagement on Sudan. The Government of Sudan's position in the international arena has been strengthened, also because external actors have prioritised issues such as counter terrorism, migration and the crisis in South Sudan.

The UK does not have any clear benchmarks for measuring progress in the strategic dialogue, has no clear human rights strategy as part of its overall approach, and seems to be blaming the SPLM-N for the failure of the humanitarian proposal. The new US approach to sanctions does not include developments on human rights or opening of political space as criteria, and there is a need to consider how best NGOs and civil society can engage in the monitoring surrounding the process of lifting sanctions.

UNAMID is weak, particularly the sections on human rights in its reports, which are vague and do not contain the recommendations needed, and requested by the UNSC on human rights. Discussions surrounding the UNAMID exit provide important advocacy openings. The AU and neighbouring states have sided with Khartoum, as have the Gulf countries. The changed environment means that there is a major question mark over how much human rights NGOs and civil society can expect from the 'international community', with limited support for human rights defenders in Sudan.

There was a widely-shared sentiment that it is time to focus on building the human rights movement from inside, including by strengthening networks inside and outside the country (particularly in Africa) and seeking to hold the government accountable at the local level. However, it is equally clear that targeted advocacy vis-à-vis international actors is important, as it can still have some impact. In terms of protection on the ground, there was some agreement that the key focus should be on UNAMID human rights reporting and on requesting continuous funding for UNAMID to function properly.

Good documentation is of critical importance for credibility in various contexts, including advocacy, litigation and transitional justice measures. Some efforts have been made to document violations in Sudan but overall there is very limited and inadequate documentation. Civil society has primarily documented violations for advocacy purposes, not with a view to seeking justice. The violent responses by the Government of Sudan to efforts to document violations demonstrates that it takes documentation seriously, although such responses have undoubtedly weakened efforts to effectively document violations. The lack of a well developed culture of documentation and adequate practice constitutes a major weakness, which civil society needs to overcome by better networking and establishing of archives. Political groups should also improve their documentation, and help build a human rights culture as part of their political engagement. It is prudent to take a long term perspective on documentation, as there is limited scope for effective litigation in the present circumstances.

Litigation has played an important role before the African Commission on Human and Peoples' Rights, both as a measure of satisfaction for the victims concerned and to establish an authoritative record of violations. It also acts as counterweight to denial and normalisation of affairs at the AU level. However, its limitations are equally clear, and there is a need to link litigation with broader advocacy and national human rights development discourses. The planned session of the African Commission in Sudan will be an important opportunity to engage with relevant actors in this regard.

While there was insufficient time to discuss in more depth 'new directions' of human rights engagement on, and in Sudan, the discussions highlighted the need for a critical, self-reflective approach that seeks to address weaknesses on the part of human rights activists, NGOs and civil society. This includes in particular building stronger links with various communities in Sudan, broadening the focus on multiple rights, their interrelationship, and underlying structural factors. It also entails the need for targeted research, and advocacy, and for the development of a 'documentation culture' which can be expected to play a critical role in countering denial/obfuscation (on the part of various actors) and in calls for accountability and justice.