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Technical assistance and capacity-building

Report of the Independent Expert on the situation of human rights in the Sudan, Mashood A. Baderin

Summary

The present report is submitted in accordance with Human Rights Council resolution 18/16, in which the Council decided to extend the mandate of the Independent Expert for a period of one year and requested him to assist the Government of the Sudan in identifying areas of assistance that would aid the Sudan to fulfil its human rights obligations, and to submit a report for the Council's consideration at its twenty-first session.

The Independent Expert undertook his first mission to the Sudan from 10 to 14 June 2012 and met with a wide variety of actors, including Government representatives, international partners and civil society organizations. On the basis of the information gathered during his meetings with stakeholders, the Independent Expert's initial impression was that of a general willingness on the part of the Government of the Sudan to fulfil its international human rights obligations and to improve the situation of human rights in the country; indeed, the State has already taken some important steps in that direction.

The Independent Expert noted, however, the important human rights concerns raised by certain international partners that the Government must take seriously if it is to secure cooperation from them for the realization of the necessary technical assistance and capacity-building on human rights, areas of concern that are briefly described in the present report. He concludes that there is a need to strengthen confidence-building between the Government of the Sudan and relevant international partners in order to ensure continued constructive engagement to improve the situation of human rights in the Sudan.

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I. Introduction

1. In its resolution 18/16, the Human Rights Council decided to extend the mandate of the Independent Expert on the situation of human rights in the Sudan for a period of one year. In resolution 18/16, the Council requested the Independent Expert to engage with the Government of the Sudan with a view to identifying areas of assistance that would aid the Sudan to fulfil its human rights obligations and, to submit a report to the Council for consideration at its twenty-first session. Pursuant to resolution 18/16, the current mandate holder was appointed with effect from 1 May 2012 to replace the previous mandate holder, who stepped down in December 2011.

2. The current mandate holder undertook his first mission to the Sudan from 10 to 14 June 2012, where he engaged in constructive discussions with key officials of the Government of the Sudan, international partners and other stakeholders, including human rights defenders, civil society organizations and academic staff members of the University of Khartoum.

3. The present report is based on the information gathered by the Independent Expert from his meetings during his first mission, as well as from relevant communications received from various organizations and individuals since his appointment.

4. During his meetings with Government representatives, the Independent Expert emphasized his commitment to independence, impartiality and transparency in the fulfilment of his mandate, as required under the code of conduct for special procedures mandate holders of the Human Rights Council, and sought cooperation from all relevant stakeholders in pursuing his mandate in a positive and result-oriented manner. All meetings with Government representatives and other stakeholders were transparent, engaging, frank and constructive.

5. The Independent Expert was most appreciative of this opportunity to contribute to the promotion and protection of human rights in the Sudan, and thanks the Human Rights Council, the Government of the Sudan, United Nations agencies, the diplomatic community, civil society organizations and other relevant institutions for their invaluable assistance and cooperation towards the discharge of his mandate. He also thanks the previous mandate holder, Mohamed Chande Othman, for his tremendous work on the Sudan and for providing him with the necessary information for understanding the development of the mandate.

6. Owing to the limited time available between the appointment of the Independent Expert in May 2012 and the deadline for submission of his report, the Independent Expert was only able to prepare a report of a preliminary nature for consideration by the Human Rights Council. He considers that a more comprehensive report, with detailed analysis of the different technical assistance and capacity-building proposals received by him, will require more time and follow-up with relevant stakeholders.

7. In compliance with the code of conduct for special procedures mandate holders, a draft of the present report was shared with the Government of the Sudan to give it the opportunity to comment thereon before its final submission to the Human Rights Council.

II. Purpose and scope of the first mission of the Independent Expert

8. The Independent Expert undertook his first mission to lay the ground work for effective communication with the Government of the Sudan and other human rights

stakeholders. It also gave him the opportunity to conduct a preliminary assessment of the situation of human rights in the Sudan, with the ultimate objective of identifying areas of technical assistance and capacity-building that would aid the Sudan to fulfil its human rights obligations in ways that will eventually reflect positively on the lives of its people.

9. The Independent Expert held all his meetings and engagements in Khartoum; he was however unable to conduct any field missions at the time of his mission. Despite the fact that the Independent Expert had expressed his interest in visiting Darfur, the Government of the Sudan stated that it had not been given sufficient notice and time to arrange a visit to the region.

10. With regard to the scope of the mandate, the Government of the Sudan argued from the outset that, given that the mandate of the Independent Expert had been moved from Human Rights Council agenda item 4 (“Human rights situations that require the Council’s attention”) to item 10 (“Technical assistance and capacity-building”), it related only to providing technical assistance and capacity-building to the Government, and therefore did not include any element of human rights monitoring. On the other hand, many national and international stakeholders contended strongly that the mandate must be interpreted broadly to cover the monitoring of the situation of human rights in the Sudan.

11. While acknowledging that the mandate now comes under agenda item 10, the Independent Expert emphasizes the need to understand and interpret the scope of the mandate contextually, namely, in the light of the current general situation of human rights in the country. The identification of human rights concerns is necessary to enable the Independent Expert to make an appropriate assessment of the technical assistance and capacity-building needs required for the effective fulfilment of his mandate. This contextual understanding of the scope of the mandate justifies his engagement with relevant stakeholders during the mission in addition to the Government.

12. The Independent Expert believes that the recommendations made at the universal periodic review of the Sudan¹ would be an appropriate entry point for implementing the mandate.

III. Observations

13. In his meetings with Government representatives and other stakeholders, the Independent Expert received assurances of cooperation and demonstrations of goodwill towards his mandate and improving the situation of human rights in the Sudan.

A. Meetings with representatives and bodies of the Government of the Sudan

14. The Independent Expert met and held discussions with high-level Government representatives, including the Minister for Justice, the Under-Secretary of the Ministry of Justice, the Under-Secretary of the Ministry of Foreign Affairs, the Deputy Commissioner General of the Police Service and representatives of the Coordinating Council on Human Rights and Humanitarian Law in the Ministry of the Interior, as well as with the Chairman of the Darfur Regional Authority. He also held meetings with representatives of relevant Government bodies and agencies, such as the Advisory Council on Human Rights, the

¹ See A/HRC/18/16, paras. 83-84.

Human Rights Committee of the National Assembly, the National Council for Child Welfare and the Unit for Combating Violence against Women and Children.

15. In the meetings held with Government representatives and bodies, reference was made to the efforts of the Government to improve the situation of human rights in the country, including through the creation of institutions for the promotion and protection of human rights. Particular reference was made to the Advisory Council on Human Rights, which is composed of heads of different organs of Government and representatives of selected civil society organizations. The Advisory Council is the governmental body responsible for mainstreaming human rights across all governmental sectors in the Sudan. It is responsible for coordinating Government strategy for implementing the recommendations made during the universal periodic review, and has prepared a draft document thereon² While the document is a demonstration of the Government's positive engagement with the review mechanism, no time frames have been specified for many of the implementation strategies. The Independent Expert recommends that the implementation strategies be streamlined into short-term, medium-term and long-term goals, with the aim of completing the long-term goals by the second cycle of the universal periodic review for the Sudan.

16. During the Independent Expert's visit, the Advisory Council on Human Rights organized a high-level forum for developing the capacities of human rights in the Sudan, which was attended by Government officials, members of the diplomatic community and international partners. The forum, if properly utilized, has the potential to serve as an important medium of interaction between the Government and the international community in the Sudan and could help to identify the best ways to develop human rights capacities in the country. The Independent Expert recommends that the forum be reconvened for this purpose, and is prepared to provide technical advice and support for its effective implementation.

17. With regard to the composition of the Advisory Council on Human Rights, the Independent Expert heard expressions of concern that only pro-government human rights organizations were currently accorded membership to the body. Despite being a governmental body, there is no doubt that the advisory role of the Council can be enriched by inputs from independent non-governmental human rights organizations. To that end, the Independent Expert recommends that the Council build into its operation regular consultative meetings with all national non-governmental human rights organizations to deliberate on the situation of human rights in the Sudan. Such consultative meetings would create an atmosphere of trust and mutual cooperation between the Government and civil society organizations, which could consequently help to improve the human rights environment.

18. In January 2012, the Government established the National Commission for Human Rights, another important national institution. During meetings with the Independent Expert, members of the Commission emphasized the importance of guaranteeing its independence, diversity and accessibility. The Independent Expert supports the Commission in its determination to operate as an independent body in accordance with the provisions of the Paris Principles. Its independence is essential, and must be encouraged and respected by the Government if it is to discharge its responsibilities effectively. The Commission is very young, and will thus require substantial technical assistance and capacity-building in the form of training and logistic support for its members.

² The document is available for consultation from the secretariat of the Human Rights Council or from the office of the mandate holder.

19. The role of national human rights institutions in guaranteeing human rights is highly important, including in the promotion of public education and awareness on human rights, human rights monitoring and investigation, and in advising the Government and Parliament on human rights issues. In this regard, the Independent Expert urges the Government and international partners to provide appropriate support to enable the National Commission for Human Rights to fulfil its role effectively. He considers the Commission an important partner for the fulfilment of his mandate on technical assistance and capacity-building, and stresses the need for the Commission to apply for accreditation to the International Coordinating Committee of National Human Rights Institutions in order to review its compliance with the Paris Principles. Association with the Coordinating Committee, including its regional networks (such as the network of African national human rights institutions), would also enable the Commission to interact with other competent institutions, and thus enhance its knowledge and capacity on human rights issues, including interaction with the United Nations and regional human rights mechanisms.

20. During the meeting held with the Independent Expert, members of the National Commission for Human Rights highlighted the body's various capacity-building needs, including for a comprehensive human rights database and a library to assist the work of the Commissioners. They also expressed the importance of ensuring that commissioners are provided with training opportunities both in-country and internationally, as well as of establishing contact with the national human rights institutions of other countries to learn from their good practices. The commissioners expressed the hope that subregional offices would be soon established in the different States of the Sudan, in order to extend the operation of the Commission to the remotest parts of the country.

21. The Independent Expert was pleased to note that the importance of supporting the National Commission for Human Rights by both the Government of the Sudan and international partners was fully appreciated by all stakeholders. He also received expressions in principle from some ambassadors and United Nations agencies of support for the training needs of the Commission. He strongly recommends that the Commission be supported through the Technical Cooperation Programme in the Field of Human Rights of the Office of the United Nations High Commissioner for Human Rights (OHCHR). It could also benefit from other training opportunities, such as the fellowship programme offered by the National Human Rights Institutions section of OHCHR, which could be most useful for staff members and commissioners.

22. The Independent Expert also met with representatives of other human rights-related institutions, including the Human Rights Committee of the National Assembly, the National Council for Child Welfare and the Unit for Combating Violence against Women and Children. The need for training to enhance their capacity for the promotion and protection of human rights was underscored. Training for staff members of the National Commission for Human Rights, the Judiciary, the Ministry of Justice, the Legislature, the Police service, the Armed Forces, other security agencies and Government institutions was also highlighted in other meetings. The Independent Expert is ready to follow up with international partners to secure their assistance in facilitating training programmes for these bodies.

23. During his visit, the Independent Expert received various proposals for technical assistance and capacity-building from different institutions: for example, the Advisory Council on Human Rights has compiled a number of proposals for technical assistance projects with the objective of addressing various human rights concerns, including capacity-building of national and local actors in the area of gender and the elimination of violence against women; increasing awareness of the respect for human rights and international humanitarian law among officials and civil society; strengthening the administration of justice at the national and State levels; and strengthening the promotion

and protection of children's rights. The Independent Expert notes that, while these proposals are encouraging, they need to be carefully assessed to be considered for funding by international partners and donor agencies. The short time frame for submitting the present report did not permit any detailed analysis of the proposals. Nevertheless, the Independent Expert is prepared to coordinate and follow up with different stakeholders for their consideration and, ultimately, for effective implementation.

24. In spite of the positive steps taken by the Government to address human rights concerns in the country, many Government representatives acknowledged that important human rights challenges still confronted the State, and that the Sudan needed international assistance and support to address them. Many of the representatives expressed, however, their concern about the negative perception within the international community of the efforts made by the Government to fulfil its human rights obligations. The Independent Expert observed that this had created a degree of mistrust on the part of the Government in its relations with the international community. There is therefore a need for confidence-building to facilitate the constructive engagement necessary for addressing legitimate human rights concerns in the Sudan.

25. Some Government representatives also made reference to Islamic law and culture as important elements of Sudanese society that should be appreciated by the international community and factored into human rights dynamics in the Sudan. Subtle reference was made to a perception of "Islamic human rights", as opposed to international human rights. This raises the important need to raise awareness, particularly in Government institutions, that Islamic law and international human rights law are not inherently opposed to one another, but can be mutually compatible, depending on the interpretations and approaches adopted. As an expert in human rights and Islamic law, the Independent Expert is prepared to offer technical advice to the Government on how to positively fulfil its human rights obligations within an Islamic legal and cultural environment.

B. Meetings with the diplomatic community and other international partners

26. The Independent Expert also met with members of the diplomatic community and relevant international partners in the Sudan, including representatives of the European Union, the Chargé d'affaires of the United States of America, the ambassadors of Qatar, Switzerland and the United Kingdom of Great Britain and Northern Ireland, the Head of the African Union Office in Khartoum, the Resident Coordinator of the United Nations Development Programme (UNDP) and the head of the African Union-United Nations Hybrid Operation in Darfur. There was some appreciation that the Government of the Sudan had begun taking some necessary steps towards fulfilling its international human rights obligations.

27. Many of the international partners believe that the national human rights institution, if operated independently (as it should) and if properly empowered with the necessary human and financial resources, could play an important role in human rights monitoring and ensuring improvement in the human rights situation in general. While some international partners indicated their willingness to support the work of the National Commission for Human Rights, in particular in the areas of capacity-building and training, they also expressed the need for the Government to take the lead by positively demonstrating its commitment and providing the Commission with sustained appropriate operational and financial support.

28. Some members of the international community raised particular concern about different human rights issues, some of which are also reflected in the recommendations addressed to the Sudan at its universal periodic review, including those described below.

1. Need for an inclusive and transparent constitutional process

29. According to the document drafted on the Government's strategy for implementation of universal periodic review recommendations (see paragraph 15 above), the Government is already taking steps to ensure a transparent constitutional review process by holding seminars on human rights provisions of the current interim Constitution. The Independent Expert raised this issue with Government representatives as a legitimate human rights concern that needed to be addressed. Assurances were given, particularly by the Human Rights Committee of the National Assembly and the Advisory Council on Human Rights, that there was already public participation in the constitutional review process, and that a constitutional review commission would soon be established to collate the views of the public. They indicated that the constitutional review process would be transparent and inclusive, and that the Bill of Rights provisions in the interim Constitution would certainly be kept and improved upon in the new Constitution. The Council referred to the organization by the Government of a forum on public participation in constitution-making, in partnership with UNDP and other United Nations agencies. The proceedings of the first forum, held in Khartoum in May 2011, and the State-level recommendations made at it have been published, with the assistance of UNDP, for public dissemination.

30. In spite of the above-mentioned assurances, international partners expressed concern at, for example, the recent Government decision to prevent the Sudanese Initiative for Constitution-Making, an independent civil society organization, from conducting any further awareness-raising activities on constitutional reform. The Independent Expert notes that such interference infringes on the right to freedom of expression and the right of citizens to take part in the conduct of public affairs, as guaranteed under articles 19 and 25 respectively of the International Covenant on Civil and Political Rights. The Government, however, disputed the claim, stating that the organization is still active in the Sudan.

31. While the Independent Expert commends the Government for initiating the forum on public participation in constitution-making, it is essential that civil society organizations are not prevented by the State from participating or undertaking similar initiatives. In a democratic society, such initiatives must be encouraged to enrich the debate on constitutional reform. The Independent Expert considers that granting civil society the space to contribute to the constitution review process through awareness-raising initiatives is an essential demonstration of political will on the part of the Government to ensure an inclusive and participatory process. Such broad inclusion would also ensure ongoing forms of international collaboration and attract future ones. The Independent Expert has received indications in principle from UNDP that, subject to availability of funds, it is ready to continue to support awareness-raising programmes on constitution review, and that it also hopes to see more civil society organizations contributing to the process.

2. Protection of freedom of expression and freedom of the press

32. Various international partners raised concerns in relation to the Government's continued use of national security laws to arbitrarily close newspapers, arrest journalists and confiscate publications. This concern was indeed also reflected in some universal periodic review recommendations. In response, the Government stated in its strategy for the implementation of those recommendations (see paragraph 15 above) that it would conduct training for justice practitioners, law enforcement officers and security agents on freedom of speech and the right to expression, and amend the Press and Publication Act to give more protection to journalists and publishers. While these steps go in the right direction, no clear

time frames have been defined for their implementation. The Independent Expert considers such training to fall within the scope of his mandate, which will require the support of international partners to ensure its realization in the shortest possible time. In the meantime, the Independent Expert urges the Government to demonstrate the necessary positive political will and to desist from arbitrarily closing newspapers or arresting journalists.

3. Need for law reform, particularly in the area of criminal law and procedure

33. One universal periodic review recommendation called on the State to “amend its laws, including those on marriage, custody, divorce, property rights and indecency, to ensure compliance with international human rights law” and also to “adjust legislation and practices affecting women and children” to its international obligations.³ In response, the Government indicated in its strategy of implementation (see paragraph 15 above) that it would “conduct review studies and share wide consultation with relevant stakeholders to identify gaps in the present laws” and “conduct a review study of existing laws affecting women and train relevant stakeholders to ensure compliance of the practices with the law”. The Independent Expert regards these commitments as encouraging and requiring the support of international partners to ensure their proper realization in the shortest possible time.

34. The international partners met during the mission described a need for legal reform, in particular with reference to the case of a young woman sentenced in April 2012 by a Sudanese lower court to death by stoning for adultery, in compliance with the current Penal Code. The Independent Expert raised this matter with Government representatives and other stakeholders. Representatives of both the National Commission for Human Rights and the Advisory Council on Human Rights indicated their awareness of international concerns about the case, but noted that, as the case was still pending, the judicial process must be first allowed to take its full course, without interference. The woman’s conviction by the lower court was subsequently quashed by the court of appeal in June 2012, and the case was dismissed in a retrial by the lower court on 3 July 2012.

35. The attention of the Independent Expert was also drawn to another recent case, of a woman who had been convicted for a similar offence, with an appeal now filed to the Khartoum court of appeal. Human rights organizations have pointed out that, in most cases, women on trial had no legal representation. They also underlined the poor treatment meted out to women while their cases were pending, with some reportedly being held in shackles while carrying infants.

36. Convictions for adultery are applied pursuant to the provisions of the Sudanese Penal Code of 1991. In their meetings with the Independent Expert, members of the National Commission for Human Rights acknowledged the need for reform of the relevant provisions of the law, the debate of which was ongoing in the country. The recurrent nature of adultery convictions indicates the urgent need for the Government to expedite the legal reform process and possibly draw insight and good practice examples from relevant countries in the Muslim world. Taking urgent, active steps in this regard will be an important demonstration of political will to address the problem.

37. Having published well-cited academic papers on this specific subject, the Independent Expert is prepared to provide the Government with technical advice on how to address this apparent misunderstanding between the application of forms of Islamic criminal punishment and the need to abide by international human rights standards. He has perceived an urgent need for technical assistance and capacity-building in this area.

³ See A/HRC/18/16, para. 83.

4. Situation of human rights in Darfur, Southern Kordofan and the Blue Nile States

38. Many international partners expressed their concern about the human rights situation in Darfur, as well as their disappointment at the fact that the Independent Expert was unable to visit the region. While Government representatives acknowledged that there were human rights problems in Darfur as a result of the conflict in the region, they stated that the situation had improved, a view that was, however, contradicted by certain human rights organizations. Not having visited the region, the Independent Expert was unable to verify the situation on the ground. Representatives of the international community also expressed their concern about the continuing clashes and deteriorating human rights situation in Southern Kordofan and the Blue Nile States.

39. The concern about the situation in Darfur was also reflected in as many as eight recommendations made during the universal periodic review of the Sudan, which was called on to, *inter alia*, “continue to make concerted efforts to find a permanent and peaceful solution to the conflict in Darfur”, to “redouble efforts to build lasting peace in Darfur by exercising restraint, engaging with the African Union/United Nations peace process in Doha and improving the security situation in which humanitarian workers operate”, and “establish national mechanisms to combat violence against women, especially in Darfur”.⁴ In its implementation strategy (see paragraph 15 above), the Government stated that some of the recommendations had been implemented while others were still ongoing.

40. During some of the meetings held with the Independent Expert, reference was made by many international partners of the need for the Government to implement fully the Doha Document for Peace in Darfur, which has resulted in the establishment of a number of institutions, such as the Darfur Regional Authority, the Justice and Reconciliation Commission and the Darfur Special Courts, all of which are in need of technical assistance and capacity-building in the form of facilities and training to ensure their effective operation. The Independent Expert met the Chairman of the Darfur Regional Authority in Khartoum, who confirmed the need for technical assistance and capacity-building for these institutions to enable them to function effectively.

41. The importance of promoting the improvement of the human rights situation in Darfur cannot be overemphasized, bearing in mind that human rights violations were the reasons for the international community’s attention to that region in the first place. The need for the positive commitment of all stakeholders to the effective implementation of the Doha Document for Peace in Darfur, particularly the chapters on human rights and fundamental freedoms, and on justice and reconciliation also cannot be overstated. The Independent Expert particularly urges the Government of the Sudan to continue to address the human rights challenges in Darfur, Southern Kordofan and the Blue Nile States as a demonstration of its political will to improve the human rights situation in those regions. This will encourage the international community to extend further support to the Government in the areas of technical assistance and capacity-building.

5. Nationality and citizenship issues following the independence of South Sudan

42. International partners also raised concerns about incidents relating to nationality and citizenship issues, including reports of discrimination against people of South Sudanese descent residing in the Sudan. These concerns were also reflected in the recommendations made during the universal periodic review of the Sudan, which was called on to, *inter alia*, “guarantee the protection of ethnic and religious minorities and formalize post-referendum agreements on citizenship rights which will safeguard civil, political, economic, social and

⁴ Ibid.

cultural rights on an equal footing as citizens – regarding people of both northern and southern Sudan origin”, and “take concrete steps to prevent any form of infringement on the human rights of southern Sudanese residing in the north, including by addressing issues of nationality in cooperation with the authorities in Southern Sudan”.⁵

43. The Government indicated in its implementation strategy that it had taken measures to address the above-mentioned problem, but would also continue to address the cases not solved yet. The international partners had raised this concern with particular reference to allegations of cases of arbitrary arrest of embassy staff members suspected of being from Southern Sudan. These allegations were raised by up to three foreign missions in their meetings with the Independent Expert. In his meetings with the Advisory Council on Human Rights, the Independent Expert underlined this as an important matter that needed to be addressed by the Government.

6. Recent developments in the Sudan

44. The Independent Expert received communications from various civil society organizations and takes note of the press statement issued by OHCHR on 28 June 2012, in which the Office raised concerns about the use of force by Sudanese security agencies against demonstrators in different parts of the Sudan. The Independent Expert is particularly concerned about the most recent case in South Darfur, which resulted in the death and injury of demonstrators. He expresses his condolence and sympathy to the families of the dead and injured victims, and supports the call made by OHCHR to the Government to conduct promptly an independent and credible investigation into the violence and to hold those responsible accountable. This incident confirms the need for capacity-building and training of the Sudanese security forces on how to respect and protect the legitimate right to freedom of expression and peaceful assembly.

45. The Independent Expert is of the view that a purposeful needs assessment for technical assistance and capacity-building for the improvement of human rights must, of necessity, take the legitimate human rights concerns of potential donors and international partners into consideration. In this regard, the Government of the Sudan should address these concerns as a demonstration of its political will to fulfil its human rights obligations. As most of the above concerns expressed by the diplomatic community and international partners were already in the recommendations, made during the universal periodic review of the Sudan, the Independent Expert recommends that they be considered by the Government as matters that should fall within its short-term implementation plan.

C. Meetings with civil society

46. The Independent Expert held meetings with representatives of various civil society organizations, including the Sudanese Women General Union, the Sudan Council of Voluntary Agencies, members of the Sudanese Bar, human rights defenders and academics.

47. Apart from corroborating the concerns raised by the diplomatic community and international partners, many of the members of human rights organizations raised concerns about the restricted space for their human rights activities and expressed their fear of being arbitrarily arrested by Government agencies. They expressed the hope of eventually engaging with the Government to address human rights challenges and to contribute positively to improving the human rights situation in the Sudan. They also informed the

⁵ Ibid.

Independent Expert of their need for technical assistance and capacity-building to enable them play an effective role in the promotion and protection of human rights in the Sudan.

48. There is no doubt that civil society organizations generally can play an important role in fulfilling the mandate of the Independent Expert. These organizations have been the bedrock of the protection and promotion of human rights, wherever they are, particularly through their awareness-raising initiatives and also non-partisan objective scrutiny of the human rights record of the Government.

49. The attention of the Independent Expert has been called to the recent closure by the Government security agencies of the offices of a civil society organisation that works actively on the protection of women's rights and legal assistance, the "Strategic Initiative for Women in the Horn of Africa, in South Darfur.

50. In his engagement with the Government, the Independent Expert emphasized the importance of creating an environment of cooperation with civil society. In a State still in transition like the Sudan, civil society has a great contribution to make in many areas, including to the current constitution-making process, the promotion of women's rights and the promotion of press freedom. The role of civil society is crucial in helping the Government to fulfil its international human rights obligations.

51. The Independent Expert also wishes to emphasize the role of the academia in contributing to technical assistance and capacity-building initiatives in the Sudan. There are capable academics in different Sudanese universities, such as the University of Khartoum and the Ahfad University for Women, who have technical expertise in relevant areas of capacity-building that can be useful in the context of the mandate of the Independent Expert. The Independent Expert met with academics from the University of Khartoum, who expressed their readiness to provide the Government with technical advice in the area of human rights. He is of the view that providing relevant academic experts with necessary technical assistance will be valuable in widening the opportunities to promote the improvement of human rights in the Sudan.

IV. Conclusions

52. **From the meetings held with the various stakeholders in the Sudan, the Independent Expert identified the following preliminary challenges:**

(a) **The need for the Government of the Sudan to demonstrate its determination and political will to address the human rights concerns raised by international partners and potential donors;**

(b) **The need to rebuild a lasting climate of confidence and trust between the Government of the Sudan, civil society organizations and the international community, and to facilitate the effective promotion and protection of human rights in the country;**

(c) **As reflected by the costs indicated in the different proposals submitted by both governmental and non-governmental actors, capacity-building initiatives are capital-intensive and will require high levels of funding that need to be sourced both internally, from the Government and from different bilateral/multilateral partners;**

(d) **The need to identify and mobilize support from bilateral and international partners and donors to support technical assistance and capacity-building initiatives in the Sudan.**

53. **The Independent Expert concludes that, given the nature of the above-mentioned challenges, his mandate cannot be implemented in just a few months but**

rather over the long term, with consistent, focused engagement with all relevant stakeholders.

54. The mandate for technical assistance and capacity-building has provided an appropriate platform for initiating a positive engagement with the Government of the Sudan towards identifying ways of improving the situation of human rights in the country. The Independent Expert strongly recommends that the opportunity created by the mandate be utilized as a means to mark a new period of positive cooperation between the Government of the Sudan and the international community for the promotion and protection of human rights in the Sudan.

55. Despite the apparent difficulty and challenging nature of the mandate, the Independent Expert is convinced that the objectives of the mandate can be realized through consistent, focused and positive engagement with the Government of the Sudan within the framework of universal periodic review recommendations. His first mission facilitated an important confidence-building opportunity that can be further enhanced through continued engagement with the Government of the Sudan and other relevant stakeholders in a constructive manner, with the long-term aim of achieving tangible improvements in the general situation of human rights in the country. It is hoped that the United Nations, the Government of the Sudan and all other stakeholders will find the current Independent Expert a willing partner in taking this process forward.
