



**REPORT ON THE ADVOCACY MISSION
TO ASSESS THE SITUATION OF CHILDREN
IN SOUTH SUDAN**

August 2014



ACERWC

African Committee of Experts on the Rights and Welfare of the Child

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LIST OF ACRONYMS

ACERWC	African Committee of Experts on the Rights and Welfare of the Child
ACRWC	African Charter on the Rights and Welfare of the Child
AU	African Union
AUC	African Union Commission
BID	Best Interest Determination
CAAC	Children Affected by Armed Conflict
CAAFAGs	Children Associated with Armed Forces and Groups
CBCPN	Community Based Child Protection Networks
CSOs	Civil Society Organizations
DDR	Disarmament, Demobilization and Reintegration
FTR	Family Tracking and Reunification
IDPs	Internally Displaced Persons
IGAD	Intergovernmental Authority on Development
INGOs	International Non-Governmental Organizations
MRM	Monitoring and Reporting Mechanism
NGOs	Non-Governmental Organizations
OAU	Organization of African Unity
POC	Protection of Civilians
SGBV	Sexual and Gender-Based Violence
SPLA	Sudan's People Liberation Army
SPLM-IO	Sudan's People Liberation Movement In Opposition
SRSG	Special Representative of the Secretary-General
UN	United Nations
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations International Children Emergency Fund
UNMISS	United Nations Mission in South Sudan

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Background

1. The African Charter on the Rights and Welfare of the Child (ACRWC) was adopted at the 26th Conference of Heads of State and Government of the Organization of African Unity (OAU) on 11 July 1990 and came into force on 29 November 1999. Article 32 of the Charter established the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) whose mandate is, among others, to monitor implementation, promote and protect the rights enshrined in the African Children's Charter.
2. The Committee is deeply concerned about the scale of the humanitarian challenges in South Sudan, which have implications for the protection and well-being of children. The Committee takes note of the fact that Articles 22, 23, and 25 of the ACRWC explicitly recognises the need to respect international law as it applies to the effect of armed conflict on children, particularly those who are displaced and separated from their parents.
3. Contrary the protection accorded through the African Children's Charter, the Committee realised that, children in South Sudan are among the most vulnerable to a broad range of serious violations, including being involved with armed groups. The Committee was

therefore convinced on the importance of a detailed assessment of the situation of children in South Sudan as they are the most affected group of the Community in the on-going Conflict. This in a way brings the Committee in harmony with the positions of the AU Peace and Security Council to address the needs of children according to the Rights established under the various African Union Human Rights Instruments; including the African Charter on Human and Peoples' Rights, OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, and the Convention for the Protection and Assistance of Internally Displaced Persons in Africa.

4. In consideration of these facts the ACERWC passed a Resolution on the situations of children in the Republic of South Sudan and Central Africa Republic during the 23rd Ordinary Session held on 7-16 April 2014 in Addis Ababa, Ethiopia, and decided to undertake a mission whose overall objective was to advocate for improved protection and response to children affected by armed conflict (CAAC) in South Sudan. Specifically, the Mission had the objective of assessing the impact of armed conflict on children in South Sudan and determines key capacity and resource gaps for the prevention and response for CAAC.
5. To this effect the Committee sent a Note Verbal to the Government of South Sudan, which accepted and welcomed the Committee's

Mission with the stated objectives. The ACERWC would like to take this opportunity to extend its appreciation to the Government of South Sudan for the permission it granted to the Committee.

Narrative discussion

6. Prior to the mission, Mr Ayalew Getachew, Legal Researcher of the ACERWC arrived in Juba to make arrangements with the Government of the Republic of South Sudan and the various Institutions who were facilitating the mission. These include the AU Liaison Office in Juba, UNICEF, UNMISS, UNHCR, Save the Children. The arrangements included securing appointments for the various meetings and arranging other logistics.

7. The delegation from the African Committee of Experts arrived in Juba on 3rd August 2014 and was headed by Prof. Julia Sloth-Nielsen, 2nd Chairperson of the ACERWC and accompanied by Justice Alfas Chitakunye, Rapporteur of the ACERWC, Mr. Jean Francois, Child Protection Advisor, from the Department of Peace and Security at the African Union Commission (AUC), Ms. Catherine Maina-Senior Social Worker, Mr. Ayalew Getachew, Legal Researcher and Mr Kameni Gael- Communication Specialist all from the ACERWC Secretariat.

The delegation met with officials from the following Institutions:

Government Offices /Organs/ Officials

- Ministry of Foreign Affairs of the Republic of South Sudan, Juba
- Ministry of Gender, Child and Social Welfare of the Republic of South Sudan, Juba
- Parliamentary Lobby Group /The Standing Committee on Gender, Child, Religious and Social Welfare, Juba
- South Sudan Human Rights Commission, Juba
- National Disarmament, Demobilization and Reintegration Commission
- SPLA Child Protection Unit, Juba
- The Governor of Jonglei State, Bor
- State Ministry of Gender and Social Development, Bor
- Commissioner of Minkammen

UN Agencies, INGOs and NGOs

- UNICEF
- UNMISS Child Protection Unit
- UNHCR,
- National Child Protection Sub Cluster
- National Coalition of Child Rights

- The MRM Country Task Force
- UNMISS State Coordinator, Bor
- INGOs and National NGOs

Protection of Civilian Sites (POC)

- Tomping POC, Juba
- The POC in Bor

FINDINGS OF THE DELEGATION

Killing of children

8. The Committee received numerous reports of children - even babies – being wantonly killed. The exact number of children killed was not yet known but reports estimate that 490 killed children were identified in the many mass graves in and around the Capital of Jonglei State, Bor. Many killed when gunmen attacked those internally displaced at the UN Protection of Civilians site. As recently as 17 April, 12 children in the Bor PoC¹were randomly mowed down by marauders, the youngest a mere 3 months old. These deaths are not accidental or unfortunate by-products as the Delegation was reliably informed

1 2500 Children reside in Bor PoC Site out of which 1000 are under five.





that children are being targeted deliberately.

Killing of parent and care-givers

9. The killings have left uncounted numbers of children parentless, orphans and having to take to the streets. There are many children in the Country separated from their loved ones and are now living in camps without their parents or primary caregivers, which make them more vulnerable to abuse and psychosocial challenges. For instance, in the Topping Camp² the delegation was informed that some children were traumatized and need psychosocial support as they have observed their parents being killed. This resulted in child-headed households to proliferate. The crisis has swept child protection and humanitarian agencies into a time consuming, expensive and interminable cycle of FTR (family tracking and reunification), which has to date yielded limited results.

Displacement

10. Huge displacement of peoples, including children with or without

² Immediately after the conflict in December 2013, it was reported that 25,000 IDPs were residing in Topping PoC Site. Currently, more than 14,000 IDPs reside in the compound. The delegation witnessed various challenges in the Site including lack of sufficient child friendly space, lack of schools, health and sanitation challenges including cholera outbreak.

their families, has occurred and continues to occur. The delegation has witnessed this massive disruption of people's and children's lives first hand. As per 04 April 2014, the delegation was informed that 14,593 persons were living In Tomping Camp. In Minkammen. The Government Official informed the delegation that the IDPs had overstretched the facilities in Awerial County. The number of IDPs in the area was 100,000 of whom 35,000 were children. The schools in the area could not accommodate all the children hence making some of them become idle and run the risk of being recruited by the armed forces.

11. It is estimated that more than 1.5 million people have been displaced internally and across borders. UNICEF has documented 4700 separated and unaccompanied children while some parents reported that they had missing children whom up to now they do not know their whereabouts.
12. Among the immense challenges include huge numbers of unaccompanied children who have no access to education. There were reports of large numbers of children are out of the Country while the parents are in the Country and vice versa. IDPs are crossing the borders to neighboring countries. The delegation was informed and appreciated the fact that the UN Agencies are soon to establish a

Best Interest Determinant (BID) Panel to discuss Internally Displaced Children's issues.

Grave Child Rights Violations:

13. The delegation was also informed that since the eruption of conflict in December 2013 to end of June, the UN received more reports of grave child rights violations in armed conflict than all of 2013 combined. Grave child rights violations continue to be analyzed, documented and verified. The violations monitored include killing, recruitment and use of children by armed forces and groups, sexual violence, attacks on schools and hospitals, and denial of humanitarian access, including access to health. Of mounting concern for the Committee is the escalating recruitment of children into forces associated with the armed conflict. Children associated with armed forces are one of the main protection issues that have to be addressed on a basis of absolute urgency. Unverified reports of an upsurge in the recruitment of children by armed groups have been received by the delegation.
14. As it is reflected in recent reports, the delegation has also observed the existence of visible involvement of children in the conflict. This includes girls in military uniform, reflecting the rapidly changing dynamic of the conflict on the protection of children. Children in uniform are seen entering the camps while some groups openly

recruit them. The communities are reluctant to report for fear of reprisal and at times also feel compelled to support the groups that are recruiting the children. The children at times join the militia due to boredom and idleness as they don't attend schools and some may have no caregivers to guide them.

15. These have been done despite the commitment made to the UN Special Representative of the Secretary-General (SRSG) for Children and Armed Conflict on Children in Armed Conflict in June 2014 by the Government of South Sudan and associated forces and also the commitment made in Addis Ababa to desist from mobilizing child soldiers, and to demobilize those already affected.

16. The Committee, however, appreciates the fact that a Work Plan has recently been endorsed for the implementation of the recommitment agreement to end grave violations of children's rights in South Sudan. The objective of the Work Plan, which was endorsed on 26 August 2014, is to end grave violations of children's rights in South Sudan in particular to end recruitment and use of children by armed forces, killing and maiming of children, sexual violence and the use of schools for military purposes by end of July 2015. The Committee appreciates the Government of South Sudan, the Child Protection Unit in SPLA and Child Protection Unit in the UNMISS to come up

with this Work Plan and encourages the Government and SPLA to strive for the full implementation of the Work Plan.

17. In its consultation with the SPLA Child Protection Unit, the delegation appreciated the fact that SPLA has committed to be a Child Free Force and has a Child Protection cell that has been working closely with UNMISS on child protection issues. The two Institutions had drawn an Action Plan which was revised in 2012 which they were implementing but all these gains were lost after the conflict that started on 15th Dec 2013.

18. During the conflict, children were killed, wounded, separated and involved in all manner of vulnerabilities .The SPLA informed that the rebels have been recruiting children while some children associate themselves with the Government forces in order to get food and shelter. UNMISS has been using the United Nations Security Resolution 2155 (2014) adopted at its 7182nd meeting ,on 27 May 2014 in which commitments were made to assist IGAD ceasefire monitoring operations in South Sudan in its activities with SPLA.

19. The National Child Disarmament, Demobilization and Reintegration Commission informed the delegation that they have a National Program 'The National Child DDR Project on the release and

Reintegration of CAAFgs' which was also overwhelmed by the large numbers of children involved in the conflict. These are children associated with the Government forces as well as those recruited by the rebel groups. It is also important for the peace accord process that is ongoing to have a comprehensive security sector that clearly reflect issues pertaining to children.

20. Linked to this concern about the role of children in the current conflict are unconfirmed reports of the recent escalation of arms in South Sudan. The proliferation of weapon fuels causes children's exposure to and association with armed conflict, and heightens their vulnerability to violence, injury and death.
21. The delegation is convinced that children associated with armed forces are one of the main protection issues that have to be addressed on a basis of absolute urgency.

Abductions and sexual violence

22. The extent to which this war is being waged directly upon the children of South Sudan is apparent from the violent abduction of children, and the confirmed incidents of rape of both girls and boys. The delegation was informed of the high level of sexual violence being





experienced, during all its interactions with IDPs and some of the Institutions that it interacted with. During the visit to Tomping PoC, the IDPs confirmed that there is serious sexual violence against children within and outside the PoC Sites.

23. Girls cannot use latrines after 7 PM as they feel unsafe as well as passing through areas where groups of young men hang out or live alone. Water points and alcohol breweries were also named as unsafe areas. The adolescent girls who have continued with tasks that take them out of the PoCs to buy food, wash clothes, collect firewood and other duties have the fear of being harassed, beaten, abducted, raped or killed by armed groups or due to ethnic reprisal. These crimes are usually done with impunity as survivors of sexual violence do not report for fear of being stigmatized and discriminated.
24. The IDPs suggested that the latrines be separated for male and females, street lights to be put around water points and latrines and also to have security guards at night.
25. The delegation appreciated the fact that Child Centered Services are being offered in the camps and these include: Identification, Registration and Documentation and Individual Case management for Family tracing and Reunification of Unaccompanied, Separated, and Missing children, Child protection monitoring including monitoring

of grave violations against children, Data Management and referral for SGBV cases, Child protection systems strengthening: Identifying and strengthening Community Based Child Protection Networks (CBCPN).

Nutrition

26. The crisis around nutrition and food insecurity was readily apparent on the Committee's mission. The conflict has increased the already above emergency threshold of malnutrition level in South Sudan. As the consequence of the conflict, the effect of Severe Acute Malnutrition has aggravated. UNICEF estimates that four million people (34 per cent of an estimated 11.6 million total population) will experience acute and emergency levels of food insecurity between June and August 2014; this means that 840,000 children under-fives and 328,000 pregnant and lactating women are exposed to unacceptably high levels of food insecurity. In the three conflict-affected states, 462,000 children under 5 years and 180,400 pregnant and lactating women are exposed to unacceptably high levels of food insecurity. The delegation was informed that treatments are in short supply and mothers pleaded for the delegation to advocate for food for their starving children.

27. Observing the gravity of the plight of children in this regard, the delegation was convinced on the estimate that 50 000 infants and young children face imminent death due to malnutrition in the coming few months. The situation is exacerbated by the onset of the rainy season, the conflict generally, and the diminished access of humanitarian aid to conflict sites.

Education

28. The delegation was told that over 1200 schools were closed down in conflict affected States; Upper Nile, Jonglei and Western Equatorial. More than 75 schools are still occupied by armed forces. In many places, the education situation has deteriorated to the point where most children are not accessing education.³ This is the case not only in the crisis States, but throughout the country. The effect of this is that a whole generation risks being lost altogether to the knowledge economy of the future.

3 According to UNICEF, South Sudan continues to be off-track to achieve universal participation, increased and equitable completion of quality primary education for all children. 57% of children in South Sudan currently don't attend schools, and the figures are worse in conflict affected areas. There are also high level of dropouts and delayed entry.

Health and sanitation

29. The conflict has completely disrupted the basic health services available to children in the conflict affected areas. There are various health hazards that include cholera outbreaks and malaria among others. Particularly, the delegation observed that the situation in the IDPs and in the POCs is far from adequate, with concomitant risks to children health and wellbeing. The rainy season also brings untold hardship to this situation. The need for peace and the resumption of normalcy so that families can return to their homes could not have been more evident. There have been 5 times more attacks on hospitals in the last 3 months than the whole of 2013. This too imperils children's access to medical services.
30. In deed efforts have been made in protecting children from vaccine-preventable diseases, such as polio. For instance, in the Topping camp efforts have been made to minimize the risk of disease outbreaks as 22,700 children less than 15 years have been reached with polio vaccination. However, the conflict has adversely affected regular immunization program in conflict affected places. The impact is more severe in POC Sites like Topping where 209 children with severe acute malnutrition were admitted for treatment while 1,750 children are receiving psychosocial support through child friendly

spaces. Cholera outbreak has also been reported in the country in a number of occasions, which caused the death of a number of children.

31. The delegation also observed that the national coverage for water and sanitation is extremely low, which is seriously affecting children's rights to health. This is particularly true in the POC Sites, both in Tomping and Bor, where children are living in a situation which could result in infectious diseases outbreaks, especially of water borne diseases.

32. Despite the extremely worrying condition of children's health and sanitation, the delegation also observed and appreciated the efforts made by child protection actors in these extremely difficult circumstances to improve the situation of children in South Sudan.

Humanitarian Aid

33. The Committee was also informed that some parts of the Country, such as Eastern Malakal, and the border between Lake State and Benitu, are still under the control of rebel groups hence, humanitarian aid cannot be accessed and children are dying of diseases and malnutrition.

Ratification of the African Children's Charter and implementation of the Child Act 2008

34. The Committee has noted and appreciated the intention of the Government of South Sudan to ratify African Charter on the Rights and Welfare of the Child. This, the ACERWC believes, will provide a solid commitment to improving the fulfillment of the rights of children in this country, as bearers of human rights and not objects of war. The delegation also takes note of the Child Act of 2008, and urges that plans be put in place to implement the Children's Commission, as well as to allocate budgetary resources for the progressive implementation of the Act. The child protection mechanisms envisaged in the Act should be established as early as possible.

CONCLUSION AND RECOMMENDATIONS

35. The ACERWC delegation on the situation of children in South Sudan therefore concluded that there are numerous protection issues that needed to be addressed including: reintegration of separated children; the disarmament, demobilization and reintegration of child soldiers; and support for communities affected by violence





to create resilience in families to be able to support their children. The delegation of course appreciates the remarkable steps the international community has made to address the plight of children in South Sudan through child rights approach.

36. Children comprise 60% of the inhabitants of South Sudan. South Sudan must come to this position immediately, children are not objects of war, and they are subjects and members of humanity.

37. The ACERWC, therefore, would like to draw the attention of the Government of South Sudan, Member States and other stakeholders to the following recommendations:

- The ACERWC therefore strongly recommends the African Union, its member states and the international community to take all necessary measures to reduce the flow of arms into South Sudan in the interests of children, and commends all efforts towards disarmament and demobilization.
- The Committee also urges the SPLM-IO to honor the commitment made in Addis Ababa to desist from mobilizing child soldiers, and to demobilize those already affected. A focal point for further liaison in this regard should also be immediately identified in SPLM-IO.
- On abduction and sexual violence, It is important for the establishment in all affected areas of clear referral pathway that outlines roles and responsibilities and the processes which are to be followed by all actors to ensure that rape and sexual assault survivors are provided

comprehensive support services and assistance with psycho social recovery.

- Abductions objectify and dehumanize children depriving them of their most fundamental rights as human beings. The delegation was told that more than 900 children have been abducted in Jonglei state since December 2013. For the peace process to work, it is important for those perpetuating the crimes may be held accountable for their actions.
- Considering the mounting effect of displacement on children's rights, the ACERWC recommends to expand the family tracing network to all affected counties and continue to support follow up to ensure children in foster care and extended family care remain protected and that referrals for family tracing are acted on when possible matches are found.
- On health and sanitation, considering the intensifying nature of the challenges, the Committee recommends that the immediate need and importance of expanding the number of Child Friendly Spaces in the POC Sites that are providing psychosocial support for affected children and helping them heal from the trauma associated with displacement and conflict and to build their resilience.
- The delegation was informed that many teachers have fled, and that schools have been occupied by armed groups, closed or destroyed.

It's necessary for the Government of the Republic of South Sudan and all other actors (including international partners in the education sector) to devise urgent strategies to enable the resumption of early childhood development and education for all the children of this country in the interests of securing some future for today's children.

- With regard to humanitarian aid, it is important for the AU to make all efforts to try and discuss with the Rebel groups so that humanitarian aid can be accessed by those areas blocked by rebel groups. Also the INGOs to facilitate the National NGOs and CSOs to deliver services on the ground as they understand the situation better.
- On nutrition, there has been strategic and cross-sectoral coordination of humanitarian programs with UN agencies and non-governmental actors providing essential humanitarian supplies to IDPs and affected population, but at the same time it's important for the international community and donor entities to assist scale up the available aid to combat the looming child mortality catastrophe.
- The Committee also encourages the creation of a Children's Parliament as it long overdue that the voices of the children in South Sudan are heard.
- The ACERWC calls upon the United Nations, the African Union, International and National Organizations and the International Community to recognize and play their pivotal role in addressing

the challenges of children in South Sudan and cooperate with the Government in averting the situation.

