Ministry of Gender, Social Welfare and Religious Affairs
Government of Southern Sudan
Juba
Initial Report to the African Committee on the Rights and Welfare of the Child
Ministry of Gender, Social Welfare and Religious Affairs
Government of Southern Sudan
Juba
Initial Report to the African Committee on the Rights and Welfare of the Child

<table>
<thead>
<tr>
<th>Content</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acronyms</td>
<td>03</td>
</tr>
<tr>
<td>Introduction</td>
<td>04</td>
</tr>
<tr>
<td>Civil Rights and Freedom</td>
<td>07</td>
</tr>
<tr>
<td>Family Environment and Alternative Care</td>
<td>10</td>
</tr>
<tr>
<td>Health and Welfare</td>
<td>13</td>
</tr>
<tr>
<td>Education, Leisure and Cultural Activities</td>
<td>17</td>
</tr>
<tr>
<td>Special Protection Measures</td>
<td>23</td>
</tr>
<tr>
<td>Conclusion</td>
<td>32</td>
</tr>
<tr>
<td>Reference</td>
<td>34</td>
</tr>
</tbody>
</table>
### Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACRWC</td>
<td>African Charter for the Rights and Welfare of the Child</td>
</tr>
<tr>
<td>CPA</td>
<td>Comprehensive Peace Agreement</td>
</tr>
<tr>
<td>GONU</td>
<td>Government of National Unity</td>
</tr>
<tr>
<td>GOS</td>
<td>Government of Sudan</td>
</tr>
<tr>
<td>GOSS</td>
<td>Government of Southern Sudan</td>
</tr>
<tr>
<td>UNCRC</td>
<td>United Nations Convention on the Rights of Child</td>
</tr>
<tr>
<td>UNPOL</td>
<td>United Nations Police</td>
</tr>
<tr>
<td>UNICEF</td>
<td>United Nations Children Funds</td>
</tr>
<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
</tr>
<tr>
<td>UNFPA</td>
<td>United Nations Population Fund</td>
</tr>
<tr>
<td>UNGASS</td>
<td>United Nations General Assembly Special Session</td>
</tr>
<tr>
<td>MLPS</td>
<td>Ministry of Labour and Public Service</td>
</tr>
<tr>
<td>HRC</td>
<td>Human Rights Commission</td>
</tr>
<tr>
<td>IOM</td>
<td>International Organisation for Migration</td>
</tr>
<tr>
<td>SSDDRC</td>
<td>Southern Sudan Disarmament, Demobilisation and Reintegration Commission</td>
</tr>
<tr>
<td>SSRRC</td>
<td>Southern Sudan Relief and Rehabilitation Commission</td>
</tr>
<tr>
<td>MCY&amp;S</td>
<td>Ministry of Culture, Youth and Sports</td>
</tr>
<tr>
<td>INCs</td>
<td>Interim Nation Constitution of Sudan</td>
</tr>
<tr>
<td>ICSS</td>
<td>Interim Constitution of Southern Sudan</td>
</tr>
<tr>
<td>EMDH</td>
<td>Enfants Du Monte Droit Del Homme</td>
</tr>
<tr>
<td>WHO</td>
<td>World Health Organisation</td>
</tr>
<tr>
<td>MDGs</td>
<td>Millennium Development Goals</td>
</tr>
<tr>
<td>WFFC</td>
<td>A World fit for Children</td>
</tr>
<tr>
<td>SHHS</td>
<td>Sudan Household Health Survey</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-Governmental Organisation</td>
</tr>
<tr>
<td>SPLA</td>
<td>Sudan People Liberation Army</td>
</tr>
<tr>
<td>LRA</td>
<td>Lord Resistant Army</td>
</tr>
<tr>
<td>CCL</td>
<td>Children in Conflict with Law</td>
</tr>
<tr>
<td>CSS</td>
<td>Children in Street Situation</td>
</tr>
<tr>
<td>CCC</td>
<td>Confident Children out of Conflict</td>
</tr>
<tr>
<td>ACS</td>
<td>African Child Survival</td>
</tr>
<tr>
<td>IDPs</td>
<td>Internally Displaced Persons</td>
</tr>
<tr>
<td>MGSW&amp;RA</td>
<td>Ministry of Gender, Social Welfare and Religious Affairs</td>
</tr>
<tr>
<td>UNFEM</td>
<td>United Nations Development Fund for Women</td>
</tr>
<tr>
<td>JICA</td>
<td>Japanese International Cooperation Agency</td>
</tr>
<tr>
<td>MoEST</td>
<td>Ministry of Education, Science and Technology</td>
</tr>
<tr>
<td>SGBV</td>
<td>Sexual Gender Based Violence</td>
</tr>
</tbody>
</table>
**Introduction**

This report is prepared in response to Article 43, paragraph 1, of the African Charter on the Rights and Welfare of the Child [Children's Charter] which requires that “every State Party to the present Charter shall undertake to submit to the Committee through the Secretary General of the Organisation of African Unity, reports on the measures they have adopted which give effect to the provisions of this Charter and on the progress made in the enjoyment of these rights.” After signing the instruments, States are requested to give a report after two years from the date of signature. The Sudan signed the African Charter in 2008 and as such is due to submit its initial report to the African Committee of experts in/by July 2010. This is the first time Southern Sudan is inputting to a report on the implementation of the African Charter on the Rights and Welfare of the Child.

The African Charter for the Rights and Welfare of the Child [ACRWC] is a very important instrument for the protection of the African children’s rights. It recognizes the problems faced by children in Africa, most of which have not been accommodated in the United Nations Convention on the Rights of the Child. The Charter also challenges the African traditional view on children and the harmful traditional practices. The Charter is similar to the UNCRC but applies to the African region. Both the UNCRC and the African Charter contain the principle of non-discrimination which oblige all countries that signed the agreements to commit themselves to the provision contained in the agreements that allow the children to enjoy and access all the rights entitled to them without any discrimination of any kind irrespective of the child’s or his or her parent’s legal guardian’s race, colour, sex, language, religion, political or other opinions, national, ethnic or social origin, property, disability, birth or other status.

It is envisaged that this report, in as much as it fulfils the commitment of the Government of Southern Sudan to provide a report to the African Committee on the Rights of the Child, it provides an important opportunity for the Government of Southern Sudan to take stock of what it has or has not done well in the implementation of its laws in relation to the protection of the children’s rights in the Southern Sudan. It will contribute to highlighting achievements and drawbacks in the implementation of the provisions of the Charter.
The Ministry of Gender, Social Welfare and Religious Affairs of the Government of Southern Sudan, as the Ministry responsible for child welfare was charged with the task of coordinating and compiling the report with the support of UNICEF. The report has been generated through a one day consultative workshop and from desk top research of related documents and reports from various Government Ministries, UN Agencies and International NGOs working with children in the Southern Sudan. The consultative workshop drew participants from Save the Children, Prisons Services, UNPOL UNMIS, Ministry of Health GOSS, MGSW&RA GOSS, MLPS & HRD, UNICEF, SSHRC, SHS, UNMIS Gender, UNFPA, JCCP, SSDDRC, MCY&S, EMDH [children of the World – Human Rights], Adventist Youth Development Initiative, and Rejaf Education Centre for the Blind. The short notice given to compile this report has warranted the approach taken to gather the information considering the poor structures for gathering information from a region that has been ravaged by long period of civil war.

The signing of the CPA in January 2005 set the stage for a new political landscape for positive development in terms of legislative, judicial and administrative measures that address basic needs and rights of the people as well as the need to improve access to coordinated basic social services in Southern Sudan. It offered a renewed and hopefully uninterrupted future for the children in the Southern Sudan. It is envisaged that conducive environment that guarantee achievement of children’s rights will be provided.

The most powerful instrument in promoting children’s rights is the UN Convention on the Rights of the Child [UNCRC], adopted in 1989 to which to date practically all countries world-wide have ratified. The UNCRC is the main international treaty that directly relates and specifies the rights of the children. Article 12 of the Convention has been identified by the Committee on the Rights of the Child as a general principle of relevance to implementation of the whole Convention. It strongly holds to the principle that childhood is a period of entitlement to special protection from abuse, neglect and exploitation which cannot be overlooked by any of the countries that signed the agreement.

The Government of Southern Sudan has the political will and commitment to the provisions of the African Charter on the Rights and Welfare of the Child [ACRWC]
and the United Nations Convention on the Rights of the Child [UNCRC]. This commitment is evident in the Interim Constitution of Southern Sudan. The Bill of Rights, Article 21 of the Interim Constitution of Southern Sudan, details children’s basic rights reflecting the fundamental standards outlined in the UNCRC and ACRWC. It makes specific references to the rights of children to be protected from all forms of abuses, neglect, exploitation, violence and discrimination and recognises the right of every child to a name and nationality and to be known and be cared by his/her parents or legal guardian. The article institutes the obligations for all public and private welfare institutions, administrative authorities, legislative bodies to give primary consideration to the best interests of the child and to provide special protection to orphans and other vulnerable children. The Interim Constitution of Southern Sudan is perceived as a very progressive legislation to promote and protect children’s rights.

The Child Act 2008 was enacted to replace the previous legislation which was less protective of the interest of children in Southern Sudan. The purpose of this Act is to extend, promote and protect the rights of children in Southern Sudan, in accordance with the provisions of Article 21 of the Interim Constitution of Southern Sudan, 2005, and as defined in the 1989 United Nations Convention on the Rights of the Child and other international instruments, protocols, standards and rules on the protection and welfare of children to which Sudan is signatory. Under Section 7 the Child Act 2008, explicitly talked about children being heard. It incorporates the legal framework for the rights of children and offers them protection from all forms of abuse.

In signing the UNCRC and ACRWC agreements and other related international agreements e.g. the Millennium Development Goals [MDGs], adopted by United Nations Members States in September 2000 and the Plan of Action of A World Fit for Children [WFFC], adopted at the United Nations Special Session on Children in May 2002, the Government of Sudan and thus the Government of Southern Sudan has committed itself to improving conditions for children and to monitoring progress towards that end.

This report follows the format/guideline provided by the Committee of Experts clustered by themes underlining the interdependent nature of the children’s rights.
The shortcoming of this report is related to the lack of basic infrastructures for collecting and storing basic statistics and information.

1. Civil Rights and Freedoms

After the signing of the Comprehensive Peace Agreement [CPA], the Government of Southern Sudan [GOSS] has expressed its political will to enhance the development and protection of the children in the Southern Sudan and give them a meaningful participation platform. To a large extent the legislative frame is adequate and harmonised with the provisions of the UNCRC, ACRWC and other major international treaties, conventions and standards.

All civil rights are guaranteed under the Interim National Constitution of Sudan [INCS], Interim Constitution of Southern Sudan [ICSS] and the Child Act 2008. These rights are also contained in the Southern Sudan Human Rights Act. In the judicial system, children's issues are heard in chambers. Within the police, there are a number of children's desks.

The rights to name, nationality and registration at birth are protected in sections 10(1)(2), 11(1)(2) of the Child Act 2008. Article 21 of the Interim Constitution of the Southern Sudan recognises the right of every child to a name and nationality and to be known and be cared for by his/her parents or legal guardian. The Convention on the Rights of the Child states that every child has the right to a name and a nationality and to protection from being deprived of his/her identity. Birth registration is a fundamental means of securing these rights for children. The World Fit for Children also states the goal to develop systems to ensure the registration of every child at or shortly after birth and fulfil his/her right to acquire a name and a nationality, in accordance with national laws and relevant international instrument.

Birth registration ensures children’s access to legal protection and basic social services. It plays essential role in protecting children from abuse such as child labour and child marriage. The Sudan Household Health Survey [SHHS] 2006 has highlighted birth registration as one of the main child protection concerns in the Southern Sudan. The survey showed that only 33% of children under-five year’s age in Sudan have their birth registered. All the 10 States of Southern Sudan have lowest percentage [0-59 months] in comparison to the other States in north Sudan.
Though there are provisions in the Interim Constitution of the Southern Sudan and the Child Act 2008 related to birth registration, there are several difficulties and disparities of having birth registration carried out across Southern Sudan. The discrepancy between the various States in Northern and Southern Sudan is quite wide. For instance Khartoum State had 70.2% of child birth registered in 2009 while in the south Lakes State had only 1.1% of child birth registered. The Sudan Household Health Survey conducted in 2006 showed that there were no significant variations in birth registration across the age categories. What was found to be excellent predictors for the likelihood that the child’s birth is registered was the mother’s educational background and wealth index to which the child’s household belongs. Hence the wide differences between the Northern and Southern States in terms of level of education and wealth index. Children in Southern Sudan are six times less likely [5%] to have had their birth registered than children in the Northern Sudan. The main reasons appear to be that parents or guardians:

- Did not know their child was supposed to be registered.
- Did not know where to register their children.
- Are not aware of the need to get the birth certificate after their children are registered.
- Did not wish to travel the long distance to the registration office to have their child registered.
- It cost too much to have a child birth registered.

The centralisation of the printing of the birth certificates is another factor of concern particularly to Southern Sudan. The printing of the birth certificates are currently centralised in the National Health Information Centre in Khartoum and distributed to hospitals across the country. In Southern Sudan birth certificates can only be obtained from the main hospitals in the towns of Juba, Wau, Malakal and Rumbek. Difficulty of access to such towns acts as disincentive to many people. The Interim Constitution of Southern Sudan envisions a decentralised birth registration system where registration of births can be done at State level. Lack of birth registration has significant negative implication with regards to protection from early marriage, protection under the juvenile justice system, recruitment into armed forces or police and prison services.
Freedom of expression is provided under section 17 of the Child Act 2008. Freedom of thought, conscience and religion is protected under sections 17 and 18 of the Child Act 2008. Freedom of association is mentioned in section 16 of the Child Act. All these rights are enshrined in the Interim Constitution of the Southern Sudan [Sections 27, 28 of the Bill of Rights].

Protection of privacy is contained in section 19 of the Child Act 2008. Protection against child abuse and torture are protected in sections 21 and 22 of the Child Act. Corporal punishment and protection from death penalty is included in the Child Act [section 21].

Article 18 of the Child Act 2008 states that “every child has the right to religious education and instruction, subject to appropriate parental guidance.” In the Southern Sudan, the general practice is that children follow the religion of their fathers. This means, in practice, the children do not have any choice to decide which religion they follow. Understandably, these rights are being taken away from them or ignored. Thus implying that they do not have freedom of choice in terms of what religion to follow as defined in the Act.

Work needs to be done on implementing the Act through the police justice system. There are many legal consequences for abusing child rights in the Act, but these consequences are not being carried out through the justice system. In order to promote children’s rights in the Southern Sudan the government will have to commit itself to:

- Producing policies for the implementation of the Child Act 2008.
- Establish Children’s Commission in accordance with the Child Act 2008 to monitor children’s issues.
- Birth registration policy to be adopted.
- Raise awareness on the rights of the child.
- Strengthen community-based protection mechanisms to take care of vulnerable children.
- Promote coordination among different stakeholders and programmes in order to have comprehensive interventions that address child right issues.
- Courts for juveniles, reformatories and drop-in centres should be built.
- The Child Act 2008 should be made accessible.
• People should be made aware through campaigns that the Child Act exists and the content of the Act.
• There should be ways to access the Act for interested people e.g. extra copies printed, putting the Act on the website.
• All relevant national and local government officials, police, social workers, prison wardens, teachers etc. should receive training.
• The Child Act should be translated from English to Arabic and other languages in a simplified form.
• Legal representation for children should also be accorded. The Ministry of Legal Affairs, Department of Civil Litigation deal with legal aid but people are not aware of this.

Persons with disabilities are guaranteed their rights under the Interim Constitution of Southern Sudan.

2. Family Environment and Alternative Care
The most affected persons by the long protracted Sudan's civil war have been the children and youth living in the Southern Sudan. Of the over 2 million people reported to have died and the over 4 million people displaced, 75% were children. At the same time, more than 50,000 children have been orphaned due to the civil war, and another 170,000 have no information about their biological parents. Many children experienced discrimination, exploitation and various forms of abuse directly or indirectly as a consequence of the civil war. The war has also devastated the existing infrastructure such as schools, law enforcement structures, family structures and health facilities. Some of the consequences of this situation are clearly demonstrated by the number of children in the streets of the big towns in Southern Sudan. Recent assessment carried out by EMDH in October 2009 in the towns of Wau and Juba revealed the main reasons for the street life as:
• 36% of the child took to street life because of lack of parental care;
• 26% because of economic reason;
• 17% because of conflict with the family and
• 17% because of pull factors e.g. freedom of expression, friend's influence, fascination for the city.

Majority of these street living children are aged 10 to 15 years old.
The principles of the family environment and alternative care are founded in the Interim Constitution of Southern Sudan and in the Child Act 2008. The best interests and respect of the Child are as well reflected in these documents. The provisions of these two legal documents i.e. the Child Act 2008 and the Interim Constitution of the Southern Sudan are much reflected in the provisions of the African Charter.

The main challenges related to the implementation of the provisions contained in the legal documents are that most of the rural communities are not sensitised about the provisions of the Child Act 2008 and the Interim Constitution of the Southern Sudan. Elements of poverty prevalent among majority of Southern Sudanese make it even more difficult for them to make sense of these rights and to address the related issues of children rights. Other elements that adversely affect family environment in the Southern Sudan have been the occurrence of tribal conflicts, particularly among cattle raiders, which sometimes get politicized, and thus make adherence to law and order precarious.

The long civil conflict in the Sudan has contributed much to the separation of children from their parents. Other factors include poverty and at times natural disasters such as droughts, floods and the lack of enough structures in place. Many children have lost one or both parents. The figure obtained from the Sudan Household Health Survey, 2006, indicated that 6.9% of children in the Southern Sudan did not live with a biological parent. Only 15.2% lived with both their parents. The highest prevalence of orphans is among those aged 15-17 years, which accounted to 16.7%.

The Government of Southern Sudan had the political will after the signing of the CPA to cater for the vulnerable children but did not have the capacity in terms of human resources and fund to fulfil that aspiration in terms of protection of children’s rights. Issues related to the vulnerable children appear not be up on the priority list of the government. As a result real psychosocial scars suffered by children during the conflict have not been handled well to help the children move on. The recovery has been so far very slow and effective intervention measures in terms of protection of the rights of the children were not effectively implemented.
The report received from NGOs, UNMIS and State Ministries of Social Development indicate that street children is a increasing phenomena, especially in the big towns in Southern Sudan such as Juba, Wau, Malakal, and Rumbek. Many of these are former demobilised children or separated and unaccompanied children who returned to Southern Sudan and preferred to live in the big towns in attempt to find livelihood opportunities for them. Some other just end up living in the street due to lack of parental care e.g. family separation, divorce, second marriage, lack of responsibility towards the children, lack of knowledge and skills needed for parenting and negative dynamics within the families [alcoholism, domestic violence and exploitation. It is established that separated and unaccompanied children are at higher risk for violation and abuse. Currently there are still no formal assessments of the situation of such children.

An organisation [EMDH] survey of children in street situation in Juba revealed that those children are confronted with numerous challenges that seriously jeopardise their lives.

- 32% of children reported that hunger is the main difficulty they have to cope with.
- 30% of street living children mentioned violence as one of the main threat of the street life. Children reported that they have been subjected to violence and hostility by police and security officers, especially at night time.
- 22% of street living children mentioned medical issues as another of their biggest challenges. These children sleep in unhealthy places, eat contaminated food and have no access to safe drinking water and toilet/bath facilities.

The poor sanitary conditions and children’s habits such as substance use and risky sexual attitudes make them extremely vulnerable and susceptible to diseases in addition to that, street living children grow-up without care and emotional guidance required to a healthy growth and development.

Family reunification has been one of the focuses of the Government of Southern Sudan after the signing of the Comprehensive Peace Agreement [CPA]. Some structures such as Southern Sudan Disarmament, Demobilisation and Reintegration Commission [SSDDRC] have been established to demobilise children from the armed
forces. Many children who were separated from their parents due to the war and other related factors is said to have been reunified after CPA. In 2006 and 2007 the SSDDRC has demobilised up to 1200 children with UNICEF support and at the beginning of 2008 it was estimated that there remained approximately 1000 children associated with the armed forces, SPLA, in Southern Sudan. Government and other partners are also committed to tracing children who have been kidnapped. 37 children abducted by LRA who managed to escape received psychosocial support, medical care and were reunited with their families or placed with foster families in 2009. The formation of the War Wounded, Widows and Orphans Commission is seen as possible move in helping in the fight for the rights of the orphans.

Other forms of family reunification the government and other related organisations are looking to tap into are Children in Conflict with Law [CCL] and Children in Street Situation [CSS]. The reintegration process in such cases presupposes interventions that address the root causes of the problems. This entails efforts of several actors in the process of reunion including family tracing, mediation with communities and families, family support, children reintegration, and follow up. These are difficult and complex interventions to carry out and require great efforts and support from the government and other stakeholders. One of the organisations [EMDH] that have recently taken part in the exercise has suggested that, in order to address the reintegration constraints and reinforce the effectiveness of the process two actions must be considered:

1. Focus on sensitization, networking and capacity building of institutions and local actors in the major towns e.g. Wau and Juba.
2. Field visits in the States need to be undertaken where most of the children come from to map out the existing resources in terms of institutions and organisations to establish contacts and collaboration.

The Child Act 2008 stipulates the formation of Children’s Commission and Juvenile Courts but these have yet to be formed. No reformatory institutions are currently functional in Southern Sudan. The only one reformatory institution in the town of Juba established before the war is derelict and needs to be rebuilt.

Article 18.3 of the African Charter on the Rights and Welfare of the Child states that “No child shall be deprived of maintenance by reference to the parents’ marital
status.” This provision is not made clear in the Child Act 2008. The assumption is that most of the Southern Sudanese traditional and cultural practices, in terms of child maintenance, are positive i.e. children are normally given priority when it comes to being given food, have parental love for the children. But in practice there exist some cases where children have been deprived of maintenance because of their parental status.

Adoption is provided for under the Interim Constitution of the Southern Sudan and the Child Act 2008. In the Child Act, any child who cannot stay with his/her parents can be provided for alternative care in the community including foster care. Section 70 of the Child Act 2008 stipulates the duty of the government to a parentless child. A child being adopted if possible should not be separated from his/her siblings and if possible the alternative family care should be in his/her community, including care by relatives.

Other challenges in implementing the provisions in the Child Act 2008 are the deeply rooted cultural and traditional practices, lack of infrastructure, low levels of awareness on the Child Act, ineffective law enforcement, high illiteracy rate, limited funding from GOSS. On the positive side, many copies of the Child Act have been produced though it said not to be enough and not many have reached to the desired destinations. Many more need to be produced.

3. Health and Welfare

In Child Act 2008 a child is defined as any human being below the age of 18 years. Most of the provisions related to the health and welfare of the child are found in Chapter 2 of the Child Act 2008 in the following sections:

- Section 9 of the Child Act provides penalties for discrimination against children.
- Best interests of the child are contained in sections 6 & 7 of the Act.
- Section 12 talks of the child’s right to life, survival and development.
- Section 12 & 17 relates to respect for the views of child,
- Section 16 refers to promotion of child participation in activities including sports, cultural, artistic and other leisure activities that foster the development of the potentials of the child.
• Section 10 refers to penalties, sanctions and sentencing of child less than 16 years of age.

In comparison to the African Charter on the Rights and Welfare of the Child, the Child Act is simpler to understand than the African Charter.

In signing the international agreements e.g. the Millennium Development goals [MDGs], adopted in September 2000 and the Plan of Action of A World Fit for Children [WFFC], adopted in May 2002, the Government of Sudan committed itself to improving conditions for children and to monitoring progress towards that end.

As an integral part of the national efforts to ensure progress towards the MDGs, the Government of Southern Sudan [GOSS] is putting in place strategic emphasis on addressing issues of child survival and development in line with the African Child Survival [ACS] initiative supported by UNICEF, WHO and the World Bank. Components of this broad strategy include support to policy development, capacity building. The implementation of the strategy is however currently slow coming.

Practically very little has been done towards meeting those goals, particularly in terms of infrastructures and basic services. For instance in maternity and newborn, according to the 2006 Sudan Household Health Survey

• 40.6% of expected mothers received no ante-natal care.
• 26.2% have received ante-natal care from skilful health personnel.
• Only 10.02% were attended to for births/delivery by skilful health personnel.
• 13.6% had some kind of institutional deliveries.
• Maternal mortality rate was 2.054 per 100,000 live births.

62.8% under-five children of mothers have no formal education, while 23.5% under-five children had mothers with primary education and 11.9% had mothers with secondary or higher education. Whereas in the whole of Sudan 1 in 3 [36%] women received ante-natal care from a medical doctor, in Southern Sudan, the figure was 1 in 10 [10%].

The Ministry of Health provides EPI, basic package of health services, free immunization, Accelerated Child Survival Initiative, Right to Education including equal opportunities for children with disabilities. MoGSW&RA has schools for the blind, deaf
and Orthopaedic Reference Centre as well as some child friendly schools. But these offer quite limited and insufficient facilities and services. Much more is needed.

There is no policy yet related to social security and child care services and facilities. Some NGOs provide services for demobilised, abducted and street children.

The practice of early and forced marriage increases the vulnerability of especially girls to sexual abuse and exploitation and put them at risk of health problems related to early marriage, pregnancy and child birth.

Child Act chapter 5 talks on care for vulnerable children and orphans. In Southern Sudan, though the government has the will and enacted a constitution and Child Act that are meant to protect the children, children with disabilities still remain more vulnerable than other children. There are no facilities to meet the special needs of the disabled e.g. the deaf, blind, the mentally handicapped and other types of physical and mental disabilities. There are insignificant numbers of organizations specifically serving the deaf, the blind or the mentally disabled. Usratuna Centre in Juba provides orthopaedic support and services, including training of personnel.

The Interim Constitution of Southern Sudan does not specifically mention the right of children with disabilities but does mention that the government shall accord special protection to vulnerable groups of children [Article 21 (3)]. The Child Act 2008 however mentions the rights of the disabled children as follows: “Every child with a disability has a right to free special care, medical treatment, rehabilitation, to family and personal integrity, sports and recreation, education and training to help him/her enjoys a full and decent life in dignity and achieves the greatest possible degree of self-reliance and social integration.” This is quite a comprehensive provision but what should follow this commitment is the need for the government to put in place the policies and systems to support this provision for free special care in order to enable children with disabilities to fully develop their potential and to enjoy a full and decent life.

Due to the protracted war coupled with other calamities like inter tribal fights in Southern Sudan, orphans are a reality in the Southern Sudan community. Other causes of orphans include poverty and lack of social legal protection. Some
guardians, particularly among the cattle herders, given charge of an orphan use such children to take care at the cattle camp while their own children are attending school. There is no social legal protection for orphans against such treatment and so such treatment goes undeterred. Currently there is only one government orphanage institution situated in the town of Juba in the Southern Sudan under the Central Equatoria State Ministry of Social Development.

More than 50,000 children have been orphaned due to the civil war, and another 170,000 have no information about their biological parents. Sudan Household Health Survey [SHHS] 2006, has provided the information available regarding children’s living arrangements and orphaned as follow:

- 10.6% of children not living with a biological parents
- 2.8% prevalence of orphans

One of the elements that have contributed to the creation of orphans is the prevalence of HIV/AIDS. The UN General Assembly Special Session on HIV/AIDS [UNGASS] called on governments to improve the knowledge and skills of young people to protect themselves from HIV. The indicators to measure this goal and to reduce HIV by half include improving the level of knowledge of HIV and its prevention and changing behaviours to prevent further spread of the disease. Lack of sex education both in the school and at home is one of the contributory factors. Left alone the children explore from peer groups, which sometimes expose them to many risks including HIV/AIDS and other sexually transmitted diseases. Only 10% of women in the Southern Sudan are adequately informed about the means of protecting themselves from AIDS. The least well-informed women in the Southern Sudan are women of Warrap and Lakes States where a shocking 99 women out of 100 do not know all the three main ways of protecting themselves against AIDS. The Ministry of Health is currently working on HIV protocol and the ways of prevention of mother to child transmission of AIDS. Save the Children have distributed a total of 5924 child friendly HIV/AIDS materials to 38 schools in some of the States in Southern Sudan.

Children who are orphaned or in vulnerable households may be at increased risk of neglect or exploitation if the parents are not available to assist them. Monitoring the variations in different outcomes for orphans and vulnerable children and comparing
them to their peers gives a measure of how well the government is responding to their needs.

4. Education, Leisure and Cultural Activities

Article 14 of the Child Act 2008 states that “every child has the right to free education at primary level which shall be compulsory. Every child has the right to education regardless of the type or severity of the disability he or she may have.” These rights are also provided for in the Interim National Constitution of Sudan [INCS]. Based upon these laws as stipulated in the INCS and Child Act, the policy of Ministry of Education, Science and Technology, explicitly says that education in the Southern Sudan is the right of every child. Moving towards implementation of this policy, the MoEST is putting in place some measures to improve educational access, quality and equity among school-aged children in Southern Sudan. However much of the measures are not fully achieved due to many challenges. One of the challenges is the shrinking national education budgets ear-marked for education in the Southern Sudan. In spite of the progress made in enrolment and other aspects of education in Southern Sudan, the government’s reduction of the education budget from $134,000,000 in 2006 to $111,000,000 in 2007 and $100,000,000 in 2008 [A Report of the Study on Socio-economic and Cultural Barriers to Schooling in Southern Sudan, Nov. 2008] is indicative of lack of prioritization of education at the national level. Enrolment of pupils in the Southern Sudan increased from 343,000 in 2005 to 1,500,000 in 2008. Yet it is now well recognized that meaningful realization of child rights can only be attainable with the proper allocation of resources for child developmental needs. It certainly stands in the way of implementation of children’s rights.

The increased enrolment of pupils in schools in Southern Sudan places much pressure on existing limited basic education facilities and services. Current projections state that 1.5 million children [more than 50% girls] in Southern Sudan are still out of school. Out of 400,000 [27% girls] pupils enrolled in primary in 2006, only 2% [0.8% girls] completed primary school. Today, the increase in enrolment rate per year is only 1.2%. The average pupil-teacher ratio in Southern Sudan in 2009 in the primary school was 52:1. The lean teaching force of 7000 [7% female] has low morale and capacity due to lack or delayed payments and lack of training. Majority of the teachers are untrained volunteers thus have limited teaching skills in
the content and methodology. Out of 26,575 primary school teachers in 2009 only 3496 [13%] are trained teachers.

This situation is exasperated by the dire need for facilities in the schools. Average class-size remained very high though it has reduced from 171 in 2007 to 129 in 2009. Most of the school buildings are dilapidated with overcrowded classrooms which present health hazards. Other physical structures such as toilets, water points, sports and cultural facilities and fences are either inadequate or lacking to cater for the large number of the pupil population. The poor or inadequate sanitation in most of the schools is not conducive, particularly for girls. These factors compromise the quality of education as well as the health of the pupils.

One innovating approach the Ministry of education has taken for providing some form of basic teaching skills is through what is referred to as Fast Track Teacher Training Programme. This approach saw 1300 teachers trained in 2007 and additional 500 received in-service training, tailored to meet requisite needs. Out of this programme around 5000 untrained teachers received training of some sort which served as stop-gap measure [unite for children/UNICEF report 2008].

Illiteracy rates are a staggering 80%, with 90 % illiteracy rates among women, accounting for the lack of qualified manpower to meet the human resources needs [ERDF, July 2007]. Less number of female teachers, who could act as role model for the female pupils, is being recruited into the teaching profession. The number of female teachers recruited in the primary schools in Southern Sudan reduced from 4317 in 2007 to 3431 in 2009 [Education Statistics for Southern Sudan 2009]. No reason has been provided for this reduction.

On average, only 16% of the children in Southern Sudan ever go to primary school, less than a third the figure for the Sudan as a whole. The figures below explain the education situation in the Southern Sudan.

- 6.6% net intake rate in primary school-age children
- 15.8% net attendance rate of primary school age children
- 2.4% secondary school net attendance rate
- 19.6% primary school attendance rate of children of secondary school age
• 46.9% children reaching grade five
• Primary completion rate is only 1.9%

Save the Children Netherlands has played positive role in the field of education in Southern Sudan. Its primary objective of supporting education in Southern Sudan is “to improve access, protection and quality in primary education for girls and boys”. The specific objectives are:

• To build stronger child protection and education linkages in quality basic education provision in Southern Sudan.
• To improve the school learning environment in 120 schools by 2009.
• To increase enrolment rates for girls and boys from 20% to 25% in 3 states of Southern Sudan by 2009.

The Save the Children Netherlands education programme has led to increased access to quality education for 21,361 children [6,746 girls and 14,615 boys]. 311 Parents Teachers Association and other community leaders received training in child rights and child protection issues and 236 children in Children Rights Clubs, received training on their rights.

Some of the biggest challenges in education particularly in trying to achieve gender parity are posed by cultural and traditional practices. Culturally, girls in most Southern Sudanese cultures are perceived as family ‘assets’ and a source of wealth. As soon as a girl reaches puberty she is considered ready for marriage to serve her purpose. For the family, her marginal value decreases with time after puberty [unite for children report]. As a result, in poor family household, the chances for the girls to go to school are practically nil. Discouragement from parents for their daughters to go to school contributes to the 30% of the girls currently not being enrolled in schools and to the increased percentage of drop-out as soon as the girls reached puberty.

The African Charter prohibits customs and practices discriminatory to the child on the grounds of sex or other status and more specifically child marriage and the betrothal of girls and boys. It recommends effective action, including legislation, to specify the minimum age of marriage to 18 years and to make registration of all marriages in an official registry compulsory. The Child Act 2008 Article 23 protects children from early
and forced marriage. Early marriage is discriminatory since it denies the girl the right to development on the same footing as the boys. But as much as it is an accepted cultural practice and deeply rooted in the culture, it will take a while for parents to be convinced to let their girls to go to school rather than marry them off.

The educational reality of girls’ situation in the Southern Sudan, though gradually changing, demands greater attention and commitments from the government. Due to the issue of bride price educating a girl is not seen as a priority and even if she goes to school, the chances of her finishing her education once puberty approaches are next to nil. This is one of the reasons why the drop-out rate at the higher classes of primary school is very high as compared to the lower classes. The teachers interviewed recently [Save the children] indicated that tradition of early and forced marriage and the image of girls as a source of income is too deeply rooted. Early marriage accounts for 58% of all cases of drop-out of girls from school.

Apart from early marriage, domestic work also leads to girls being let out of school. “Where a mother has two or three daughters, she may send two to school but stay with one to help her with household duties. It’s absolutely rare to find a house where all the girls have been taken to school; this includes homes where the parents are aware of the importance of education.” [Save the Children finding]. Girl-specific factors, including socio-cultural values, norm and practices with economic realities superimposed on them, explain the reasons for the high incidences of early marriages among girls [Statistical Analysis 2007].

The problem children discrimination in Southern Sudan is compounded by the fact that formal structures, systems and procedures to protect their rights are not yet fully established or fully implemented which is a manifestation of the long civil conflict in the Sudan. Girls are in a weak position to express their will and lack the power to negotiate with boys and men on issues relating to sex. There is no reporting mechanism in place where girls who have been sexually abused can report their cases. It is now the responsibility of the Ministry of Education to ensure that the relevant policies are passed to support the law against early and forced marriages so as to change the practices on the ground.
Another challenge that needs to be met is the cultural acceptance of the practices of cattle camp. Children aged between 7 and 12 years old are commonly sent to the cattle camp to look after cattle as part of developing their survival and life skills within the traditional community. Even though the intentions of the parents may be good, these children miss out on their right to education while their peers who are not at the cattle camp are in a position to go to school. Children in the cattle camp are covered under Article 32 of the UNCRC, which protects children from work that will interfere with the child’s education. The Interim Constitution protects children from work that may be harmful to their education, health and well-being. The Child Act 2008 also states that “every child has a right to be protected from exposure to economic exploitation and child labour” [Section 24 (1)].

There are several underlying causes for sending children to the cattle camps. In the first place it has traditional/cultural/social values connotation. Sending children to the cattle camp is a traditionally accepted practice that is seen as a way of shaping children. The fact is that the majority of the communities continue to stick to these cultural practices due to ignorance and lack of awareness about the importance of education. These children are exposed to very harsh and testing situations for their age, thus jeopardizing their right to life and protection. This is to an extent child labour since the child does this at the expense of going to school. Currently there are insufficient policies to curb the practices and there are no traditional or formal mechanisms to enforce the right to education for all children.

The Interim Constitution of Southern Sudan does not specifically mention the right of children with disabilities but does mention that the government shall accord special protection to vulnerable groups of children [Article 21 (3)]. The Child Act, article 27, however mentions the right of the disabled children as follows: “Every child with a disability has a right to free special care, medical treatment, rehabilitation, to family and personal integrity, sports and recreation, education and training to help him/her enjoys a full and decent life in dignity and achieves the greatest possible degree of self-reliance and social integration.”

Lack of institutions and organizations in southern Sudan that focus on the support and treatment for children with disabilities or training for teachers and other professionals on how to deal with these category of children. There should be more
teachers trained on handling the special needs of the disabled as this is one area that is lacking. Many people including teachers, lack the capacity to teach and handle children with special needs. One of the teachers interviewed quipped “you know many of us are not trained even to teach normal children, so it is even worse when we talk about teaching children with disability.”

In Southern Sudan, as is the case in most African countries, corporal punishment is not only acceptable it is seemingly the only means of instilling discipline in the young. This serves to enforce corporal punishment in schools against any policies or international conventions. As such, even though there is currently legal framework to stop corporal punishment, it does not have much effect since the cultural context helps not only to subvert but also circumvent the legal structures. The draft of the Education Act states that “Every child has the right to be free from corporal punishment and cruel and inhuman treatment by any persons including parents, school administration and other institutions. No person may administer corporal punishment at a school to a learner at any educational level or setting. Any person who contravenes subsection [1] is guilty of an offence and liable on conviction to a sentence which could be imposed for assault.” Article 21 (b) of the Child Act 2008 states that “no child shall be subjected to corporal punishment by chiefs, police, teachers, prison guards or any other person in any place or institution, including schools, prisons and reformatories.”

Although most education administrators were of the opinion that there should be no corporal punishment in schools, parents were at loss as to what options teachers would have if the cane was thrown out of the schools. [unite for children/UNICEF Report]. The removal of the cane from school will take more than policy pronouncements. The implementation must be monitored and failure to comply punished. The prevalence of corporal punishment in schools has several implications for schooling and learning in that if abuse it can act as a barrier to participation and attendance. Some teachers interviewed pointed out that the use of punishment could create resentment towards the teacher, discourage the child and lead him/her to leave school [Save the Children report]. Corporal punishment is also a violation of the rights of the child and its practice in schools contravenes and impedes the achievement of child friendly school [unite for children report 2008]. Apparently
alternative measures of discipline are not recognized or given due weight by the teachers and parents.

At a time when Southern Sudan is struggling to get more children in school, it is critical that factors that work against this should be addressed as a matter of priority through policy pronouncements, clear implementation and enforcement guidelines. To avoid corporal punishment children avoid school.

It is apparently clear that there is lack of awareness on children’s rights and about the legal protection provided in international and domestic legislation, including the UNCRC, ACRWC, the Interim Constitution of Southern Sudan and the Child act 2008, among the teachers.

5. Special Protection Measures
In general the Comprehensive Peace Agreement [CPA] 2005, the Interim Constitution Southern Sudan, 2005 and Child Act 2008 have provisions that cater for most of general principles related to special protection measures. Progress has been made in terms of the implementation of the African Charter for the Rights and Welfare of the Child [ACRWC]. The Ministry of Gender, Social Welfare and Religious Affairs [MGSW&RA] has put in place Child Protection Coordination mechanisms which are now functional at both GOSS and State levels. Most of the projects and programmes in the mainstream contain the general principles of the protection of the children’s rights.

In the Southern Sudan children without primary care givers include orphans, street children, children in orphanages, children in prisons or detention centres, unaccompanied and separated refugee or internally displaced children. According to the SHHS 6.9% of children did not live with their biological parents, while only 15.2% live their mothers. The highest prevalence of orphans is among those aged 15-17 i.e. 16.7% and the lowest prevalence is among those aged 0-4 years. The prevalence of orphans ranged from 20.5% in Unity State to 0.4% in Lakes State. Recent reports from UN agencies and NGOs working with HIV+ children indicate that recently there are also cases of children orphaned due to HIV.
The Child Act 2008 stipulates the formation of Children’s Commission and Juvenile Courts but these have yet to be formed. No reformatory institutions are currently functional in Southern Sudan.

Adoption is provided for under the Interim Constitution of the Southern Sudan and the Child Act 2008. In the Child Act, any child who cannot stay with his/her parents can be provided for alternative care in the community including foster care. Section 70 of the Child Act 2008 stipulated the duty of the government to a parentless child. A child being adopted if possible should not be separated from his/her siblings and if possible the alternative family care should be in his/her community, including care by relatives.

Article 21 of the Child Act 2008 provides for the protection of children from abuse, neglect and exploitation including physical and psychological abuse. Protection of children from sexual exploitation and use in prostitution is provided for in sections 21 and 22 of the Child Act 2008. These also apply for the protection of the child from torture, cruel, inhuman and degrading treatment including corporal punishment. Some corporal punishment is still applied on children by teachers, police and soldiers.

The CPA calls upon the GOSS, UNICEF and other UN agencies to ensure that all children associated with SPLA and other armed forces are demobilized by June 2005, but despite the high level political commitment the demobilization of all children and prevention of recruitment and use of children by the armed forces remains a challenge in Southern Sudan. After the signing of the CPA the Southern Sudan Disarmament, Demobilization and Reintegration Commission was established to oversee the general demobilization of SPLA and other forces including children. In 2006 and 2007 the SSDDRC has demobilized up to 1200 children with UNICEF support and at the beginning of 2008 it was estimated that there remains approximately 1000 children associated with armed forces. In 2009, 177 ex CAAGFs have received support and 1771 vulnerable children benefitted from psychosocial support in Western Bahr el Ghazal, Northern Bahr el Ghazal, Unity and Warrap States in Southern Sudan.
In 2007 UNICEF Sudan conducted a study to identify the causes for which children associated with armed forces are not successfully reintegrated to their communities. These include:

- The current practices and demobilization do not take into consideration the special needs of the individual children.
- Weak follow up of the situation of demobilized children and lack of psychosocial support for those who need specialized services.
- Limited access to education, vocational training and livelihood opportunities.
- Limited of essential life skills of demobilized children.
- Limited financial, material and human resources.

Some institutions for orphans have been established in Southern Sudan by the government and other charity organisations. Visits to some of these institutions, particularly those established by some charity organisations, revealed that they do not meet minimum standards of care. The Government officials do not regularly monitor and inspect them and there is no periodic review of the placement of children. There is no clear policies and adequate programming to help the children in the orphanages reintegrate back into their communities after 18.

There are no alternative care services for children without parental care as the GOSS does not as yet have a law to regulate foster care and national and international adoption. Informal fostering takes place in accordance to Southern Sudanese customs and traditions where extended families take up the children of absent or diseased parents.

Another category of children without primary care givers are street children. There was no formal assessment of the situation of street children, but the report received from NGOs, UNMIS and State Ministries of Social Development indicate that street children is an increasing phenomena, especially in the big towns e.g. Juba, Wau, Malakal and Rumbek. The majority of the street children are said to be former demobilized children or separated and unaccompanied children who returned to Southern Sudan but preferred to live in the big towns in the attempt to find livelihood opportunities. Within the returning refugees and IDPs there is an increase in the number of separated and unaccompanied children. There is no official statistics of these categories of children in Southern Sudan. IOM report indicated that
In January 2008, 19,290 returnees have been tracked on spontaneous return out of which 247 have been unaccompanied children, 22 separated children and 15 children were reported to be missing. Separated and unaccompanied children are at higher risk for violation and abuse. Though policies, guidelines and strategies that are directly focused on street children are not still in place, it is believed that the implementation of the existing legal and policy provisions would change the status quo. The MoGSW&RA through the State Ministries of Social Department has a plan to conduct screening and establishment of drop in centres for disadvantaged children including the street children in southern Sudan. It has also expressed willingness to work with the Ministry of Education, Science and Technology in launching programmes that cater for the needs of these children.

The Child Act 2008, Chapter 10 articles 135 to 191, contains all the applicable principles related to children in conflict with the law. Article 135 (a) and (b) states the objectives of the Juvenile Justice System as (a) reformation, social rehabilitation and reintegration of the child, while emphasizing individual accountability for crimes committed; and (b) the restoration of harmonious relationships between the child offender and the victim through reconciliation, restitution and compensation. An assessment of juveniles detained in Juba Central Prison has been carried out in September 2009. This was aimed at defining the following issues: upkeep of children in the prison, medical care, sanitary facilities, educational opportunities, recreational facilities, psychosocial services and the prison staff [EMDH].

Child Protection Working Groups have been established and are functional in all the 10 States in Southern Sudan. The Directorate of Gender and Child Welfare in the Ministry of Gender, Social Welfare and Religious Affairs with the support of UNICEF has established Special Production Units [Child Desks] for children in conflict with law to protect and advocate for the respect and protection of their legal rights and to follow-up on their situation. Currently these are established in few States but in the long run the plan is to establish Special Protection Units in all the ten States in Southern Sudan.

In theory the laws for the protection of the rights of the children do exist which need to be administered and enforced through the judiciary, police and prison services. In practice the laws are not being enforced. Unfortunately in Southern Sudan, the
judiciary at every level lack trained judges, support staff and resources to implement the laws. Many of the judges are said to have limited knowledge of current statutory laws, international human rights laws and customary law. There are no child friendly courts and children cases are often processed through the adult justice system. There are also no services for recovery and reintegration for children who are victims of abuse and neglect. The police currently have no prior training on community policing and on human rights and child rights. Currently there are many children below the age of imprisonment in prisons across all the States in Southern Sudan.

There are laws in Southern Sudan applicable to children in conflict with the law but they are not comprehensive and fully complaint with international standards and best practice on the treatment of juvenile offenders or juvenile deprived of their liberty. There is also lack of awareness on the protective laws and low enforcement of the laws. Prosecution and trial procedures in general often do not make distinctions between adult and child offenders facing charges before the courts. Lack of birth registration makes it even more difficult to ascertain minimum age of criminal responsibility. On the whole there is a lot of mix up of the ascertainment of age with cultural understanding of who is a child.

The Government of Southern Sudan, through its Ministry of Gender, Social Welfare and Religious Affairs, has taken some positive steps to address child protection related measures. In late 2007 Women and Juvenile Justice Department at the Ministry of Legal Affairs was established with the mandate to work on facilitation of diversion of children and to strengthen community based alternatives to detention as well as establish a legal aid system for children. Children and Women Desks have been established for children in conflict with law to protect and advocate for the respect and protection of their legal rights and to follow-up on their situation. Currently there is no well defined system for legal aid for children and families in the Southern Sudan.

Taking into consideration human and financial resource constraints faced by the Ministry, some positive achievements have been realised in terms of access to Child-friendly Justice Systems. Some training has been provided to 317 government officials on child protection and the Child Act 2008 in 2009. 277 professionals working with children have received training and thus enhanced their knowledge and
understanding of the provisions of the child Act 2008, child rights and juvenile justice friendly procedures in the same year. 244 children have been released from police cells and prisons by the judiciary with the support of trained workers, police and juvenile judges in the same year. [2009 GONU/GOSS – UNICEF Child Protection Programme Annual Review].

The SSDDRC has the overall oversight of children associated with armed forces demobilization and reintegration into their communities. It has a Department in charge with special needs group, which includes children. At State level the Commission has hired Child DDR officers in 8 of the ten States in 2007. UNICEF supported an initial training of the newly appointed staff at State level.

Children of imprisoned mothers belong to the category of children in contact with the law. These children are with their mothers in the facility of the prison due to lack of alternative care system. Available information about the prison services and facilities are not palatable. These children and their mothers are not provided with separate facilities and the conditions are dire for both the imprisoned mothers as well as their children. Article 191 of the Child Act 2008 that refers to the rights of a child born in prison states that “(1) where practicable, female detainees who are pregnant shall be taken to deliver their babies in hospitals and if a child is born in a prison or detention facility, every effort shall be made to secure the assistance of a mid-wife or traditional birth attendant and no mention of the same shall be made in any registries. (2) A baby born in a prison or detention facility has a right to be suckled and care for by his or her mother for two years. However the reality is that children older than two years continue to remain with their mothers due to lack of alternative options. Programming for this category of children and their mothers is inadequate and receives little attention. In practice, there are no clear provisions made for reintegration back into the communities of imprisoned mothers and their children.

According to the concluding observations of the UNCRC Committee to the initial report of Sudan on the implementation of the Optional Protocol to CCR Convention, there is very little evidence about the prevalence of sale, trafficking child prostitution and child pornography, sexual abuse and exploitation of children in Southern Sudan. However a participatory study conducted in 2006 by Save the Children Sweden on physical and humiliating punishment, sexual violence and abuse and harmful
traditional practices, which included early and forced marriage in three States, Jonglei, Northern Bahr el Ghazal and Lakes showed that children, particularly girls, are vulnerable to sexual abuse. Article 22 (2) of the Child Act 2008 stated that “every child has the right to be protected from the following types of treatment and abuse while in the care of parents, legal guardians, teachers, police or any other person who has care of a child:

(a) all forms of physical or mental violence, injury, abuse, negligent treatment, maltreatment or exploitation;
(b) abduction and trafficking, for any purpose or form, by any person including parents and guardians;
(c) sexual abuse, exploitation and harassment including but not limited to rape, incest, inducement or coercion of a child to witness or engage in a sexual activity; the use of a child in prostitution or other sexual practices; and
(d) the use of a child in pornographic performances and materials.

There is no official mechanism to report on children who are abducted, and there is no agency in charge of consolidating the reports. It is therefore difficult to measure the prevalence of child abduction within Southern Sudan.

Article 24 of the Child Act talks on the right to protection from harmful substance and Article 25 refers to the right to protection from child labour. The GOSS has submitted a new Panel Code to the Legislative Assembly in 2007 that qualifies rape as a crime regardless the sex of the victim.

There are several cultural and traditional practices in the Southern Sudan which could be classified as harmful social and cultural practices that affect the welfare, dignity, normal growth and development of a child. One of the most widely practiced harmful traditions practiced is early and forced marriage, particularly among the cattle keeping communities which affect mostly girls. The Sudan Household Health Survey [SHHS], 2006, shows that 12.4% of women aged 15-49 years were married before the age of 15 and 36% were married before the age of 18 years. According to the findings the incidence of early marriage appears to be linked to the mother’s educational status and the economic level of household. The lower educational level and the poor economic status of household is the lower the age of marriage. The
main driving force behind early and forced marriages has been the high dowry prices fetched by marriage of girls particularly in the cattle keeping communities and the role the girls play in securing the marriage of their own brothers in the family by fetching enough dowries.

This practice has been a grave stumbling block to girls’ education in Southern Sudan. At the lower primary classes there is often gender parity and relatively equal number of girls and boys enrolled in schools. However at the higher classes, many of the girls are often forced to drop out of school so they can be married off.

The Interim Constitution of Southern Sudan has provisions on protection against early and forced marriages and non-discrimination. Article 23 (1) of the Child Act 2008 has provisions protecting girls from discrimination, early and forced marriages as well as inheritance rights for girls. The Act states “every child has the right to be protected from early marriage, forced circumcision, scarification, tattooing, piercing, tooth removal or any other cultural rite, custom or traditional practice that is likely to negatively affect the child’s life, health, welfare, dignity or physical, emotional, psychological, mental and intellectual development”. These provisions are yet however to have the force of law.

The Government of Southern Sudan is politically committed to accomplishing protection rights of children, but is quite short in the budgetary and other resource commitment. The Ministry of Gender, Social Welfare and Religious Affairs is allocated limited budget for social and humanitarian sector. The annual increase in the budget is very limited as seen in the budget figures for 2008, 2009 and 2010 which were 8,000,000; 9,000,000 and 10,580,00 respectively. This is in despite of the nature of work undertaken. The Ministries of Social Development is charge of coordinating child protection activities but the institutional capacities in terms of human and financial resources is very limited. The majority of the State Ministries of Social development rely on UNICEF and other UN and Inter-NGOs for support to carry out their activities. The number of social workers within the States is also very small compare to the needs of the Departments. Majority of the social workers have not received any formal training. In each State the Ministry of Gender, Social Welfare and Religious Affairs and the State Ministries of Social Development have set up Child Protection Working Group as the governmental coordination mechanisms for
child protection. Currently there are several UN Agencies and Inter-NGOs supporting GOSS’s efforts to address child protection rights violation directly or indirectly. These include UNMIS, UNDP, UNFEM, UNHCR, UNFPA, UNMAO, IOM, NPA, Save the Children Sudan, Plan International, Oxfam and CHF.

Several activities have been undertaken in the course of the last four years to engage children participation. These included activities to promote children views through training of child journalists. UNICEF in collaboration with Southern Sudan Television [SSTV] planned presentation of children’s programmes on TV during the occasion of UNCRC anniversary. Day of African Child, celebrated on a yearly basis at GOSS and State levels and during the occasion children are given opportunity to meet with policy makers e.g. the Speaker of Southern Sudan Legislative Assembly, the President and Ministers of Government of Southern Sudan. Save the Children held children’s conference for children in 3 States to come and express their views on issues affecting them. Training was also provided on child rights for juvenile justice actors including on SGBV. Children’s Clubs have been set up in a number of locations by Save the Children, Sudan and Go to School Clubs by UNICEF.

There are a number of challenges that need to be addressed. These include

- Law not widely disseminated.
- Some harmful cultural beliefs that do not put the best interests of the child first.
- Weak legal infrastructure and even while the law is there it is not implemented.

The future plan for Government of Southern Sudan through the Ministry of Gender, Social Welfare and Religious Affairs is to form Independent Children’s Commission to promote the participation of the child and create awareness on their rights.

Special Protection Measures accomplished in the course of the four years include:

- Special protection measures for children in emergencies, refugees children are all mentioned under the Child Act.
- Some NGO’s do family tracing and re-unification of unaccompanied and separated children.
- Support has been provided to the SPLA to demobilise children from the army.
• Vocational training programmes are being undertaken through JICA and Save the Children.
• Interim Care centres that target children coming out of army to help them settle back have been established by Save the Children.
• Save the children have developed a number of drop in centres in a number of locations in the States.
• Confident Children out of Conflict [CCC] are in the process of building a drop-in-centre for girls targeting the most vulnerable girls e.g. those on the streets etc.
• Demobilised child soldiers were provided with reintegration packages by SSDDRC.

Conclusion
The Government of Southern Sudan has the political will and has, to a large extent taken the right course to build the needed capacity to fulfil its obligation to protection of rights of children within Southern Sudan. The legislative frame already in place is adequate and is harmonious with the provisions of the United Nations Convention on the Rights of the Child [UNCRC], the African Charter on the Rights and Welfare of the Charter and other major international treaties, conventions and standards. Three of the most fundamental instruments in fulfilling the obligations as warranted by the UNCRC and ACRWC are the Comprehensive Peace Agreement [CPA], 2005, the Interim Constitution of Southern Sudan [ICSS], 2005 and the Child Act, 2008.

Despite the significant progress made since the signing of the CPA, the law is not yet the rule in every corner of Southern Sudan. Many cases of child protection rights violation are not reported or if reported there are no well defined systems and policies to address the cases. While the Government of Southern Sudan is committed to providing an environment that ensures full protection to children, it does not yet have a comprehensive operational child protection policy and well defined strategic framework for the implementation of the policy.

There are limited resources for child protection in term of funding and staffing within the Ministry of Gender, Social Welfare and Religious Affairs, State Ministries of Social Development and UNICEF, the main partner organisation. There also limited number
and capacity of the law enforcement agencies and of social workers to carry forward child friendly procedures for children in conflict with the law.

The laws even where they do provide protection are not being enforced due to cultural understanding of the laws by the law enforcement agencies as well as the communities, especially if the statutory law is in conflict with the customary law. However there is increased awareness and a reduction in harmful practices which have been brought about by changing attitudes and promoting behaviours and practices which prohibit all forms of violence against children and which broadly respect and protect child's rights.

There are already several UN agencies and NGOs supporting the efforts of the Government of Southern Sudan in the field of child protection. More partners with special skills are encouraged to invest resources towards building stronger child protection.
Reference

3. UN Convention on the rights of the Child
8. Study on PHP, Sexual Abuse and Early Marriage in Southern Sudan, Save the Children.
10. Children Discriminated Against in Southern Sudan, Save the Children.
13. Save the Children Netherlands: Improving Access and Quality of Primary Education in South Sudan, Save the Children.