

**Committee on the Rights of the Child
Report on Situation of Children in South Sudan
submitted by
Plan International South Sudan
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Brief on the context and condition of children in South Sudan

In 2013, conflict erupted in South Sudan after one year of independence from Sudan and in July 2016 massive fighting, displacement and destruction of infrastructure occurred in conflict affected areas such as Upper Nile, Western Equatoria, Central and Eastern Equatoria (former Pageri County). This resulted into hunger, destruction of livelihoods, lack of medical facilities for women and girls, fear/mistrust, weak rule of law (targeted killing, robberies), destruction of private properties, killings, rapes, inter communal violence as well as intimidation of civilians by various armed groups including armed cattle owners. Though the general population is affected, women, girls, children and persons with disabilities are most impacted. Moreover, those majorly affected by gender-based violence were women, girls and children. Common types of gender-based violence (GBV) include rape, sexual violence, abductions, child, early and forced marriage (CEFM) as well as child labour.

Efforts were put forth to ensure conflicting parties negotiated and maintained peaceful coexistence. A peace agreement has been signed and a transitional government is in place. Dialogues between farmers and cattle owners organized in Nimule Payam, Eastern Equatoria State, where rules for peaceful coexistence between both IDP and host community were agreed upon and adopted.

Another dialogue was organized between the army and the population, which resulted into changes in soldiers' deployments, return of local authorities/judges, to allow return of the local population and resumption of farming, etc. Life, however, continues to be one of extreme hardship and deprivation for millions of

South Sudanese children and their families not only in the mentioned states but across the country.

Two out of three children in South Sudan are now in desperate need of humanitarian assistance. According to a UNICEF report (South Sudan child crisis report July 2021), an estimated 4.5 million children are in this situation, which is 400,000 more than the previous year. The biggest problems — poverty, food insecurity, poor access to education, child abductions have only gotten worse.

Violations of children's right in South Sudan

Due to the continued conflicts in South Sudan, serious violations against children rights, such as lack of access to food and health services, recruitment of children into armed groups, killing or injuring of children, school dropouts and severe poverty resulting in Child Early and Forced Marriages, have been documented. This brief report therefore highlights the below among the others.

1. Child, Early and Forced Marriages (CEFM)

In South Sudanese communities, girls are often married off before the age of 18 years with most girls being married between 15 and 16 years old. The issues of child forced marriages are spread all over the 10 states though some of the states have higher numbers. In Unity state for example, 71% of the girls are forced into early marriages (Born to be married, addressing early and forced marriage in Nyal, South Sudan, Oxfam 2019). In Jonglei state particularly Pibor, parents select girls as young as 5 years old to be future wives and once the girl experiences their first menstruation period between the age of 13-15 years, the husband will be informed by the parents of the girl and she will be handed over to the husband as a wife. Plan has interventions in Pibor currently trying to address the root causes of child, early and forced marriage.

The major reason as to why girls are forced into child and early marriage is because parents value the girl child as a sources of income. Once girls are married, the so-called husbands will be subjected to pay huge number of cattle as dowry to the parents of the girl, cattle acting as a source of wealth for the family.

In addition, girls are forced to marry early so that boys and male relatives within the same home can use the cattle paid by the girl's husband to marry a wife. Boys are more valued in a family because they enable continuity of the family through producing children after marriage compared to the girl child who will be married to another family.

2. Poor enrolment and Out of School Children

In South Sudan according to World Bank report of Dec 2018, the literacy rates stand at only 35% and only 2 million children have access to schools. Although the government has declared education as one of the top priorities and free of charge, it is estimated that 2.8 million are Out of School Children (OOSC). The overall school enrolment rate is 57% and girls have the worst enrolment of 48% compared to boys having 64%.

This huge number of OOSC is attributed to high levels of poverty where 82% of the population are living in extreme poverty with an inability to finance education needs of their children. In addition, OOSC are increasing due to inadequate learning spaces with only 17% schools constructed, a lack of teaching learning materials, poor quality of instructors with only 28% being trained teachers, 12% of them being female teachers. Furthermore, school management bodies and committees are almost non-existent as only an estimated 3% of schools have management bodies; there are also inadequate qualified local education authorities to facilitate better systems in schools. All these factors have contributed significantly to rising numbers of OOSC as facilities, structures and systems are totally non-functional in learning institutions.

National legislations and policies: attempts in addressing issues of education and CEFM

South Sudan is a member of the UN since independence in 2011. The country is committed to international treaties including CRC and CEDAW. In addition, South Sudan, is one of the countries working towards the achievement of the Sustainable Development Goals (SDGs). For instance, SDG 4, 5 and 10 which highlight quality

education, gender equality and reducing inequalities respectively are key targets of Government plans.

The Transitional Constitution of the Republic of South Sudan (2011) provides the basis for all attempts to address issues with education and CEFM. The Transitional Constitution has adopted a Bill of Rights and provides for gender equality and gender mainstreaming, including elements of affirmative action to ensure 25% representation of women in decision-making positions in all public institutions.

The Child Act (2008) provides for the protection of the girl-child from sexual abuse and exploitation and sexual and gender-based violence (SGBV), including rape, incest, early and child marriage, female circumcision and female genital mutilation.

South Sudan has a National Gender Policy (2013) which promotes gender equality and women's empowerment and addresses gender-based violence. The Policy emphasizes the importance of gender equality and women empowerment for maintaining peace and security, as well as ensuring sustainable economic prosperity.

The South Sudan National Action Plan 2015-2020 is meant to increase the participation of women in crisis prevention, conflict management and post-conflict peacebuilding and to protect them against any form of gender-based violence, and in particular sexual violence, in situations of armed conflict and in times of peace.

Other policy frameworks that contribute to dealing with issues around education and CEFM include the General Education Strategic Plan (2017-2022), National General Educational Policy (2017-2027) and the National Girls Education Strategy. These policy frameworks and guidelines have been instituted to help and guide in addressing issues of Out of School Children (OOSC), enrolment and retention in schools, as well as girls' safety and education.

The national government is also reaching out to communities through development agencies and local government to address CEFM. The law includes sentences of up to 14 years in prison.

The country is hit by economic crisis that has made it hard to provide infrastructure and services that meet regional and international standards. In recent years, the above concerns have been worsened by the impacts of climate change and the Covid-19 pandemic.

The Transitional Constitution and the Child Act both suffer from an age definition gap, in that, both legal documents do not define a minimum age of marriage for girls. This gap has been exploited by families and communities. This gap also limits the work of law enforcers and make understanding and interpretation of CEFM laws at the local government level challenging, especially where there are inadequately trained civil servants to roll out or enforce such legislations.

In South Sudan, sexual reproductive health rights (SRHR) education has long been mystified and not taught in many homes. As such, children including girls do not have adequate skills and knowledge to decide on their sexual issues. The mystery, myth and misconceptions around SRHR issues therefore contribute to the high incidence of CEFM. It is expected that more SRHR education will help girls to make better decisions about their lives.

The legislations and policies are rarely socialized to local levels of governments and communities. To make matters worse, at the local level of government, personnel lack adequate skills to interpret and implement policies to the communities which makes it hard to reduce OOSC numbers.

Limited budget allocation to education is another major gap in addressing the issues related to education and CEFM. Education expenditure of South Sudan increased from 0.96 % in 2011 to 1.54 % in 2016 growing at an average annual rate of 12.74%. The allocation is inadequate to deliver the various education needs in the country or to disseminate policies or information aimed at checking children to school to reduce the level of OOSC. An increase in budget allocation to education to 10.5% of annual budget will therefore go a long way to getting children in school and limiting risks of CEFM to girls.

RECOMMENDATIONS

The following recommendations are presented for the Government to address education, Child, Early and Forced Marriages issues, through the Ministry of Gender Child and Social Welfare and Ministry of Education, we recommend the following:

1. Enactment of the Family Law to set the marriage age for boys and girls at 18 at a minimum with no exception.
2. Enactment of GBV related laws and establish a register of sexual perpetrators in South Sudan.
3. Ensure the implementation of laws and policies so as to provide justice to survivors of violence.
4. The state should target CEFM worst performing locations in South Sudan and develop solutions based on community root causes and work with partners to implement the project.
5. Government should facilitate dialogue at national, state and community layers of government to talk about ending CEFM.
6. Government should develop guidance and information management systems to record and respond to gender-based violence including child, early and forced marriages.
7. Government should put and enforce strict penalties on people who facilitate child, early and forced marriage.
8. The Government should establish and rebuild girls boarding schools that are fully funded to enable girls to complete primary and secondary school level.
9. The Government should set targets for girls and boys and raise funds to enrol out of school children.
10. The Government of South Sudan should work with other partners to create awareness and sensitization programs and campaigns based on local context to enrol girls and boys and reduce OOSC.
11. Government should allocate at least 10.5% of national budget to education, in line with the national target of 10% annual budget and moving towards

the international target of 20% to improve education learning environment, teacher's motivation and teaching methods.

12. Government should support programs that promote early childhood development and also prioritize adult literacy especially for young women.

CONCLUSION

It is acknowledged that the Government has made efforts to put in place relevant policies and legislations towards addressing education, ending child, early and forced marriages and GBV issues. The Government therefore needs to set adequate implementation and monitoring systems, allocation of resources, in place to effectively monitor and ensure compliance of the laws by the public, institutions, and individuals as appropriate and without any favor of status or position.