

Child Abduction in Southern Sudan The Need for Birth Registration

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I. Introduction

Child abduction, a longstanding cultural practice that is an extreme violation of the rights of the child, is on the rise in Southern Sudan. The recent intercommunal violence in the States of Jonglei, Central Equatoria, Eastern Equatoria and Western Equatoria, has spurred an increase in abductions of over 300 children since the beginning of March 2009. Competitions over scarce resources, revenge attacks and uneven civilian disarmament have contributed to the rise of violence. Child protection is a crucial issue within the dynamics of intercommunal violence and conflict in Southern Sudan. Child abductions can be directly linked to tribal conflict in that it is a tool used to promote violence.

The problem of intercommunal child abductions in Southern Sudan first came to our attention through the personal experience of our colleague, Gabriel Kou Solomon.¹ He learned from family in Lillir, Jonglei State that on October 3, 2007 his young nieces, Yar and Ajak Mading, were violently abducted by armed men during a cattle raid on the village. The girls were three and one and a half years of age at the time. In the course of this abduction, the girls' great-grandmother was killed and their grandmother seriously injured. The story of Yar and Ajak was far from an isolated case. Intercommunal child abductions, which frequently overlap with cattle raids, are not a new phenomenon.²

Child Protection International (CPI) is a Minnesota-based NGO that was formed to address these abductions. In this memo we will give a basic introduction to issues surrounding child abduction in Southern Sudan and a summary of the current situation. We will also discuss our proposal that birth registration can serve as an important part of the solution to deterring child abductions.

II. Portrait of child abductions

Child abduction has long been a problem in Southern Sudan, but has notably continued since the passage of the Comprehensive Peace Agreement (CPA) in 2005; furthermore, incidents of child abduction have risen in recent months. These forced abductions fall into two categories: abductions of children by the Lord's Resistance Army (LRA) and Intercommunal Child Abduction.

We briefly describe below the nature and extent of these two categories of abductions.

LRA Abductions of Children

Children and young adults have become the fighting core and social backbone of the LRA movement that is notorious for abducting and killing

¹ For background on the founding of our organization, please see The Save Yar Campaign Weblog, at <http://gsolomon20.wordpress.com/>.

² See, e.g., Sandra Gray et al., *Cattle Raiding, Cultural Survival, and Adaptability of East African Pastoralists*, 44 *Current Anthropology* S5, December 2003 (discussing the "cultural phenomenon" of cattle raids with automatic weapons since the 1970's); Ehsan Mohamed Elriah Abdelgadir, *Gender Violence in Conflict Situations: The Case of Abduction of Women and Children in Sudan*, Nov. 2001 (Working Paper, Makerere University, Uganda) available at https://www.up.ac.za/dspace/bitstream/2263/951/1/abdelgadir_eme_1.pdf.

children. The LRA directly affects three countries, Uganda, Sudan and the Democratic Republic of the Congo. The LRA uses the borders between the three countries to launch attacks on the Ugandan government and the people living along the borderlands. In the past decade two million people have been displaced, and an estimated 20,000 children have been abducted or killed.³ In the past 6 months LRA attacks have largely occurred in Western Equatoria and Central Equatoria States while intercommunal abductions occur most frequently in Jonglei, Eastern Equatoria and Central Equatoria States. The LRA ventured into Sudan in the 1990s to seek refuge from the fighting in Uganda. This development had an impact on both the Sudanese civil war and the war in Uganda, isolating large parts of Sudan's Eastern Equatoria and caused thousands to flee due to the LRA's ruthless attacks and abductions.⁴ In addition to destabilizing northern Uganda from bases in Sudan, the LRA congregated in the Bunia area in eastern Congo. The LRA has abducted large numbers of civilians for training as soldiers; most victims were children and young adults. Abducted young girls often times serve as sex and labor slaves. Other children, mainly girls, were reported to have been sold, traded, or given as gifts by the LRA to arms dealers in Sudan.⁵ While some later escaped or were rescued, the whereabouts of many children remain unknown. Currently the LRA attacks remain ongoing and Southern Sudanese civilians continue to live in fear.

Intercommunal child abductions

As noted by the United Nations Special Rapporteur on human rights in Sudan, Sima Samar, in her most recent report to the Human Rights Council, there continues to be an escalation in intercommunal violence in certain states of Southern Sudan, accompanied by a large increase in child abductions. The ongoing fighting between the Lou Nuer and the Murle tribes, due to an extensive history of clashes over land and cattle, has increased dramatically in the past months leading to an increased number of child abductions. Child abductions are the cause of serious intercommunal animosity, with specific anger directed against the Murle tribe, which is the primary perpetrator of this form of violence.

Until the recent spate of violence, child abductions have typically been a byproduct of the longstanding practice of cattle raids among the tribes in Southern Sudan. Cattle are highly valued by the tribal groups, their scarcity due to lack of water and veterinary care. Cattle raids carried out by members of the Murle tribe have often included child abductions. Children are seen as valuable commodities by the Murle, who suffer very low fertility rates. The Murle are the main perpetrators of child abductions in Jonglei state but are reportedly responsible for abductions in Central Equatoria and Eastern Equatoria States as well. In many cases, the Murle raise the abducted children as their own and the girls grow up to

³ (2007, June 1). Living with the LRA: The Juba Peace Initiative. Retrieved June 19, 2009, from IRIN Humanitarian News and Analysis Web site:

<http://www.irinnews.org/InDepthMain.aspx?InDepthId=58&ReportId=72471>

⁴ Schomerus, Mareike. "The Lord's Resistance Army in Sudan: A History and Overview." *Small Arms Survey* (2007):

⁵ Pike, John. "The Lord's Resistance Army." *globalsecurity.org* (2007)

be brides for Murle sons.⁶ Anecdotal evidence suggests that this type of abduction has continued for at least several generations.

In recent months there has been an increase in intercommunal violence between the Lou Nuer and the Murle that has resulted in the killing of several hundred civilians and a proportional increase in the abductions of children. Reported abductions between 2006 and 2008 were at the level of about 150 per year in the three most affected states: Jonglei, Central Equatoria and Eastern Equatoria. In the first four months of 2009, at least two hundred children have been abducted; this number more than doubles the total number of children reported abducted in 2008. We believe that these abductions represent a serious threat to the stability of Southern Sudan, and may affect the successful implementation of the CPA. Whether an increase in child abductions is a contributing factor to the increased violence or vice versa, it plays an important role in understanding the complexities of the larger regional conflict.

A recent example from Bor County indicates a new and worrying development in child abductions. On May 15th during a cattle raid in which more than 700 people were killed, four children were abducted by Murle raiders and their bodies were later found mutilated in the bush. This incident occurred amid a month of intense intercommunal conflict between the Murle and Lou Nuer. These abductions ending in brutal murder break the previous pattern where children were treated as commodities.

The international community has recognized the seriousness of child abductions in Sudan. In Sudan's Initial Report to the Committee on the Rights of the Child under Optional Protocol on the Sale of Children in 2007, the government was asked what was being done to address raids carried out on villages for the purpose of abducting children for forced labor and reports of child slavery in the country.⁷ In responding to the human Rights Committee's questions in 2007, the Government of Sudan explained the phenomenon of abduction as an ancient practice between tribes, based on a lack of awareness and old customs, intensified by the civil war.⁸ The delegation mentioned the Committee for the Elimination of Abduction of Women and Children and stated that "thousands" of cases of abduction had been dealt with.⁹ Despite a stated desire to pursue legal action against abductors, the government reported that tribal chiefs had preferred to resolve the matter informally through dialogue with the parties.¹⁰

III. Child protection responses

CEAWC

⁶ Morlue, Sylvester. *Save the Children*. Interviewed by Robyn Skrebes. Juba, 17 March 2008.

⁷ Sudan's Initial Report under Optional Protocol on the Sale of Children, Summary by the Office of the High Commissioner for Human Rights, May 2007, *available at* <http://www.reliefweb.int/rw/RWB.NSF/db900SID/EGUA-73JNYT?OpenDocument>.

⁸ This is an oft-repeated explanation for the persistence of intertribal child abduction. *See, e.g.*, CERD Concluding Observations, *supra* note 8, at para. 12.

⁹ Press Release, Human Rights Committee Considers Third Report of Sudan, July 12, 2007, *available at* [http://www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear_en\)/08535AEC45499C5AC12573160060D057?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/08535AEC45499C5AC12573160060D057?OpenDocument).

¹⁰ *Id.*

The Government of Southern Sudan has taken some steps to address the issue of child abduction but it could be much more proactive in its approach to this serious security issue. The Government of Sudan established the Committee for the Elimination of Abduction of Women and Children (CEAWC) in 1999, with a mandate to end child abduction, prosecute abductors and reunite families. As noted in previous reports by the U.N. Special Rapporteur, this committee has not been effective in regard to combating intercommunal abductions in Southern Sudan. The Committee, largely criticized while active, eventually ceased functioning in early 2006 because of a lack of funding and support by the Government.¹¹ In 2007, the U.S. Department of State reported that the CEAWC and its 22 joint tribal committees, while continuing to investigate abduction cases, “ha[d] not engaged in any transport or retrieval missions since early 2006 due to lack of funding.”¹²

Aid agencies, such as UNICEF and Plan International, have been allowed to work in the region in order to address some of the issues facing vulnerable children and combat the human rights violations taking place, but these agencies cannot be fully effective without strong governmental support.

The Child Act

The Government of Southern Sudan made an important stride toward ensuring the rights and protection of children with the 2009 Child Act. The Child Act outlines policies and procedures for implementation of a wide variety of rights and privileges for children. It utilizes language from the United Nations Convention on the Rights of the Child, and includes provisions to ensure the rights to nationality, health and security. The Child Act has significant strengths and weaknesses, but overall its passage indicates an important step toward ensuring the rights and security of children.

There are some concerns that must be addressed in order to make the Child Act fully applicable to the current situation regarding child abduction. The Act differentiates between child trafficking and the unlawful taking of a child and calls for no more than 10 years imprisonment for the crime of trafficking but no more than 5 years for the taking of a child.¹³ This discrepancy undermines the seriousness of the child abduction pattern that has become so prevalent in the region. The process for recovering children outlined in the Act also lacks strong language to ensure the recovery of abducted children. It states that if the court determines a child has been unlawfully taken, “the Court *may* make a recovery order”¹⁴ (emphasis added). The Act’s language with regard to recovery of missing children fails to ensure that every abducted child is recovered and returned to his or her rightful guardians. The Child Act must not simply allow governmental action, it must require it.

¹¹ DOS Country Report 2007, *supra* note 3; DOS Country Report 2006, *supra* note 3.

¹² DOS Country Report 2007, *supra* note 3; DOS Country Report 2006, *supra* note 3.

¹³ Southern Sudan. The Child Act. ¶ 119:1, 123:1. Ministry Legal Affairs and Constitutional Development, 2008.

¹⁴ Southern Sudan. The Child Act. ¶ 125:1. Ministry Legal Affairs and Constitutional Development, 2008.

We are pleased that the Child Act explicitly supports birth registration and believe this is an important step in meeting the government's obligation under the CRC to adopt appropriate national, bilateral and multilateral measures to prevent the abduction of children. The Committee on the Rights of the Child has explicitly stated its concern about "evidence of the sale and trafficking of abandoned and separated children for various purposes... universal birth registration, in addition to international cooperation, can help to combat this violation of rights."¹⁵ We propose that the Government of Southern Sudan act with due diligence to register all the children in its states as a critical step to protect children from abduction.

The Need for Birth Registration

All children have the right to a name, nationality, and family.¹⁶ Birth registration is an independent right; states have a corresponding obligation under international law to register children. Article 7.1 of the UN Convention on the Rights of the Child declares that children "shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and as far as possible, and the right to know and be cared for by his or her parents." Additionally, Article 6 of the African Charter on the Rights and Welfare of the Child instructs that, *inter alia*, "Every child shall be registered immediately after birth."

Despite many African countries' ratification of the Convention on the Rights of the Child and the inclusion of the birth registration provision in the African Charter, Child identification campaigns in Africa face particular challenges.¹⁷ A common observation is that the movement toward child identification is a foreign concept, particularly to those living in rural areas, and experience with it is often associated with colonization.¹⁸ In Southern Sudan specifically, persistent underdevelopment and instability inhibits access required to reach remote areas, and lack of infrastructure has prohibited either collection or storage of official records.

As of 2007, thirty-three percent of births in Sudan as a whole are registered and only twenty-two percent in rural areas.¹⁹ Research suggests that Southern Sudan likely has an even lower rate of birth registration, a factor that makes it easier for abductors to act with impunity, making it almost impossible for families to trace their missing children. In the case of Yar and Ajak, for instance, all that remains as evidence is one snapshot photo of a much younger Yar. Given the change in appearance and language due to culture assimilation with their abductors, it would be extremely difficult to prove these girls' identity even if they were to be found. While birth registration, with footprints, may not ensure that abductees are found and returned, it does increase the ability to identify abductees, and also to prosecute those who have taken them from their families.

¹⁵ CRC/C/GC/7 (Nov. 1, 2005) what is this document? Is it a General Comment? Then give the full title so we know what you are citing.

¹⁶ See ICCPR Article 24(2); CRC Articles 7 & 8; AHCR Articles 18. Sudan has ratified or acceded to each of these. For information on Sudan's ratification of international human rights treaties, see the University of Minnesota Human Rights Library at <http://www1.umn.edu/humanrts/research/ratification-sudan.html>.

¹⁷ *Id.*

¹⁸ *Id.* at 8.

¹⁹ Unite for Children. 24 Feb. 2004. UNICEF. 10 June 2009
<www.unicef.org/infobycountry/sudan_statistics.html>.

Systematic birth registration is essential to child protection because it is necessary to the realization of fundamental human rights. UNICEF describes the importance of birth registration in its report *“Universal Birth Registration in Armed Conflict”*:

The right of every child to an identity is a fundamental human right. Birth registration is a State’s official recognition of a child’s existence, enabling the right to a name, nationality and family relations. It is a passport to citizenship and participation in society, and the foundation for the realization of many other human rights integral to a child’s development and well-being. Birth registration is a crucial first step in building a culture of protection.²⁰

In addition to the significance of legal recognition, birth registration can serve as the basis for healthcare and immunizations to be provided and monitored, for children to be enrolled in school and to protect children from underage military inscription. Birth registration also makes children less vulnerable to abuse and exploitation, especially if separated from their parents. In a background paper prepared for the Second Eastern and Southern Africa Conference on Universal Birth Registration, Plan International stated “[b]irth registration is the first point of contact between a child and the state. It is the first and fundamental right in and of itself. And it is the door to other rights, providing a measure of protection against age-related exploitation and abuse.”²¹ Birth registration is also essential to combating child abduction for the purpose of child soldiers. The record of children is critical to the government’s ability to demobilize child soldiers, so that they can be rehabilitated and reunited with their families.

A particular challenge around advocating for and implementing a child registration campaign in Southern Sudan is the national political situation. Unlike other countries with a clearly identified central government, Sudan is currently under a divided government through a temporary power-sharing agreement.²² Because of this, it would likely be most effective to implement an independent child identification program run by the Government of South Sudan rather than out of the Khartoum structures. The need for quantifiable information has been recognized by the Government of South Sudan.²³ A program registering children in

²⁰ “Birth Registration and Armed Conflict”. UNICEF and the Innocenti Center. < www.unicef-irc.org/publications/pdf/insight-br-eng.pdf.> 2007.

²¹ African Child Forum, *Universal Birth Registration: The Challenge in Africa* (prepared for the Second Eastern and Southern Africa Conference on Universal Birth Registration in Mombasa, Kenya, September 26 – 30, 2005) available at

http://www.africanchildforum.org/Documents/Universal%20Birth%20Registration_final.pdf.

²² Full text of the Comprehensive Peace Agreement is available at

<http://www.reliefweb.int/rw/RWB.NSF/db900SID/EVIU-6AZBDB?OpenDocument>. For an introduction to the CPA, see BBC, *Q&A on the Comprehensive Peace Agreement*, <http://news.bbc.co.uk/2/hi/africa/3211002.stm>; BBC, *Referendum 2011*, <http://news.bbc.co.uk/2/hi/africa/6284976.stm>.

²³ For example, the Southern Sudan Commission for Census, Statistics and Evaluation comments on its webpage, <http://ssccse.org>: “As Southern Sudan emerges from a period of conflict, the use of statistics and

Southern Sudan will also be an important step toward supporting the autonomous government.

Birth registration campaigns have been successful in other parts of the continent where states have collaborated with UNICEF and other members of the international community. UNICEF is already at work in Sudan and has stated hopes to increase birth registration to fifty-three percent by the year 2012.²⁴ Southern Sudan and UNICEF must work together to carry out birth registration in the South as well as other regions of Sudan as a good faith step to protect the children of Southern Sudan from the growing practice of forced abductions. GOSS, UNICEF and other key actors must act quickly to implement a systematic plan for universal birth registration and to ensure its continued implementation by training registers in local communities and partnering with other services such as immunizations and early childhood.

IV. Key Actors in Child Welfare and Security in Southern Sudan

Several organizations in the region are instrumental in planning and implementing policies and procedures that support the security of children in Southern Sudan. In particular, large-scale strategic plans regarding the well-being of children have been created and put into action by NGOs Plan Sudan and Save the Children and international agencies UNICEF and UNMIS. These organizations often collaborate, both formally and informally, with one another to enhance children's security and access to critical social services. Each of these organizations has a different mandate, structure, and ability to access resources, and each is uniquely suited to a particular type of work. The following section will profile these four organizations and explain how each contributes to the broader goal of child security and welfare.

Plan Sudan

Plan Sudan works to protect children's rights and end child poverty; to this end, they provide material aid, program support, and international advocacy. The organization has four target areas: health, water and sanitation, education, and economic security. In Southern Sudan, Plan works mainly in Central Equatoria, one of the states frequently affected by child abduction and general insecurity. Notably, Plan has successfully partnered with UNICEF in several post-conflict African regions, including the border area between Northern and Southern Sudan, to register children with the state. The stated purpose of such endeavors has been to ensure children are entitled to all of the rights and privileges of citizenship and that their families and communities have a record of their existence.²⁵

Save the Children

Save the Children has been working in Southern Sudan since 1992; since the CPA in 2005, Save the Children has operated separate organizations in both Southern and Northern Sudan. The in-country programs of Save the Children

availability of key indicators will be critical to the public and private sector decision making processes, and to the development of our country.”

²⁴ United Nations. UNICEF. Sudan Country Office. *A Vision for Children: UNICEF is Sudan*. New York: UNICEF, 2008.

²⁵ *Desmond Tutu on Birth Registration*. Prod. UNICEF. 2007.

Southern Sudan are a collaborative effort of member organizations: Sweden, the U.S., and the U.K. Save the Children Southern Sudan focuses its efforts on three issue areas: child protection, education, and hunger reduction; within these theme areas, they work to improve conditions in Southern Sudan by providing material support, training organizations, investigating problem areas, reporting conditions, and advocating for change.

Save the Children endeavors to create partnerships with other organizations. In recent years, Save the Children has institutionalized its shared work with UNMIS and UNICEF. UNMIS and UNICEF have mandates to investigate and report on human rights in Southern Sudan, but minimal budgets for implementation; Save the Children has an annual budget of \$20 million USD,²⁶ and works with UNMIS and UNICEF to address humanitarian concerns and implement long-term strategic plans. Save the Children also works closely with and even creates community-based organizations. For example, Save the Children has created more than 50 community-based child protection networks- groups of local tribal leaders that work to ensure child security.

UNICEF

Since the signing of the CPA, UNICEF has worked continuously with the State and local governments, community leaders, and NGOs toward short and long-term solutions to child protection. UNICEF has developed a working relationship with the GONU and the GOSS, working in partnership to develop laws and protective services for children. This has included working to formalize family and community based approaches to child protection and creating child and family protection units within the Sudanese police forces.²⁷ In addition, they assisted local State government including the Jonglei State in the creation of working groups and intercommunal conferences to discuss cattle raiding and child abductions specifically.²⁸

UNICEF has worked behind the scenes to drive the creation of the Child Act and is currently developing strategies to ensure its implementation. In addition to working within Southern Sudan, UNICEF coordinates conferences globally to discuss child protection issues. Most recently they organized a conference in Geneva, which discussed child displacement due to LRA attacks and intercommunal violence in Jonglei.²⁹ UNICEF continues to work on birth registration in Sudan. In partnership with GONU and GOSS, UNICEF has set a goal of 52.5% registered at birth by 2012.³⁰

UNMIS

²⁶ Bhoosnurmath, Kashinath. Interim Country Director. Interviewed by Robyn Skrebes. Juba, 17 March 2008.

²⁷ "UNICEF Sudan technical briefing paper 3-Family and Child Protection Units". UNICEF Online. 2007. 5.24.09. < www.unicef.org/sudan/Briefing_paper3-CP_Units.pdf>

²⁸ "A one day workshop on child protection convened in Juba". Miraya FM. 2007. 5.29.09. < http://www.mirayafm.org/news/news/_20070529786/>

²⁹ "UNICEF warns of impact on children of ongoing violence in Southern Sudan". UN News Service. 2009. 5.5.09. < <http://www0.un.org/apps/news/story.asp?NewsID=30696&Cr=Southern+sudan&Cr1=>>

³⁰ "Summary Result Matrix: 2009-2012 GONU/GOSS/UNICEF Country Programme". UNICEF. 2009. 6.1.09. <[www.unicef.org/about/execboard/files/08-PL12-Sudan-results_matrix\(1\).pdf](http://www.unicef.org/about/execboard/files/08-PL12-Sudan-results_matrix(1).pdf)>

The UNMIS Child Protection Unit (CPU) by all accounts plays a monitoring role, rather than a hands-on role in protecting children. UNMIS has provided training for non-military staff on recognizing grave human rights violations against children and how to properly report them.³¹ Other training activities have included, training of commanders from the SPLA and the SAF and police forces regarding the protection of children from child recruitment, as well training them to act as 'national monitors'. This has included providing basic information on Sudan's monitoring and reporting obligations. Although no recent accounts were found, UNMIS has in the past organized meetings between police, relevant government ministries, and community leaders to coordinate and clarify lines of responsibility regarding child protection.³²

Despite CPU activities it remains unclear whether they play a central role in Southern Sudan in child protection and monitoring or whether they play more of a supportive role. It has also been reported that the UNMIS focus is on short-term responses to child protection issues, rather than developing long-term solutions.³³ Questions that remain regarding UNMIS activities include, whether the CPU plays a visible and central role in child protection and how UNMIS could work more closely with partners on the ground regarding coordinating efforts around child protection and combating child abduction.

V. Conclusion

³¹ "Latest News". UNMIS Latest News Online, 2009. 6.6.09. <www.unmis.org>

³² UN Bulletin Southern Sudan. vol.1, no.2006. 5.24.09. <www.unmis.org/english/.../Microsoft%20Word%20-%20UN%20Bulletin%20-%20Southern%20Sudan%20-%20Vol.1,%20Num.%204..pdf>

³³ "Sudan: UNMIS must be more proactive in protecting civilians". Refugees International Field Report. 2009. 05.30.09. <www.unhcr.org/refworld/pdfid/4965f9362.pdf>