

August 19, 2009

Honorable Salva Kiir
Vice President of Sudan
President of the Government of Southern Sudan
1233 20th Street N.W. Suite 602
Washington, DC 20036

Dear President Kiir,

I am writing on behalf of Child Protection International to urge you to take immediate steps to end child abductions in Southern Sudan.

Child Protection International (CPI), formerly the Save Yar Campaign, is a Minnesota-based NGO that has worked to bring attention to this issue since 2007. Two of our representatives, Kou Solomon and Amanda Lyons, met with you in Washington D.C. to discuss the recovery of Yar and Ajak Mading, who were abducted from Liliir in Jonglei State in October 2007. Unfortunately, Yar and Ajak have not yet been returned to their family. Since our meeting with you, however, we have continued to educate ourselves about widespread child abduction in Southern Sudan and to research appropriate preventative measures that could be taken to end this pattern of violence against children and their families. We believe that to stop further child abductions the Government must take two immediate steps: (1) strengthen provisions of the Child Act concerning forced abductions and (2) register all children in the country to ensure that they can be identified and returned to their families if they are abducted.

We understand the complexity of the issues facing the Government of Southern Sudan including a serious increase in intercommunal violence. We believe, however, that there is no responsibility more important for the Government than protecting its children and keeping them with their families. The time has come for a more serious national and international approach to address the ongoing violations against children and their families in Southern Sudan. We, therefore, call on the government to strengthen the Child Act to ensure the recovery of children who are unlawfully taken from their families and communities, by revising the Child Act to ensure the maximum prosecution and punishment of those who abduct children, and take immediate steps to register all children throughout Southern Sudan.

Profile of Child Abduction

There are two types of child abduction currently taking place in Southern Sudan: forced abduction of children as child soldiers by the Lord's Resistance Army ("LRA") and child abductions as an element of intercommunal violence in the region.

The LRA has abducted large numbers of civilians for training as soldiers; most victims have been children and young adults. Boys are forced to serve as porters or to carry arms in conflict. Abducted young girls are made to 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. While some later escaped or were rescued, the whereabouts of many children remain unknown. In the past 6 months LRA attacks have largely occurred in Western Equatoria and Central Equatoria States. The LRA attacks remain ongoing and Southern Sudanese civilians continue to live in fear.

The longstanding cultural practice of child abduction is another serious violation of children's rights. Recent intercommunal violence in the States of Jonglei, Central Equatoria, Eastern Equatoria and Western Equatoria, has resulted in the abductions of more than 300 children since March 2009. The current fighting between the Lou Nuer and the Murle communities is leading to hundreds of civilian deaths and a spike in violence aimed at children, including forced abduction.

Child abductions have typically taken place along with cattle raids among the tribes in Southern Sudan. Cattle are highly valued in the region and are scarce due to a lack of water and veterinary care. Cattle raids carried out by members of the Murle community have often included child abductions. Children are seen as valuable commodities by the Murle, who suffer very low fertility rates.

In many cases, the Murle reportedly raise the abducted children in their communities to provide labor and to marry and reproduce. A recent example from Bor County, however, indicates a new and worrying development in child abductions. On May 15, 2009, 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 inter-communal conflict between the Murle and Lou Nuer. These abductions ending in brutal murder show the serious risk faced by families and their children in certain communities in Southern Sudan.

Child Protection Responses

The international community has recognized the seriousness of child abductions in Sudan. In Sudan's Initial Report to the UN 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 to abduct children for forced labor and reports of child slavery in the country.¹ In its response to the UN Human Rights Committee 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. The delegation also mentioned the Committee for the Elimination of Abduction of Women and Children ("CEAWC") and stated that "thousands" of cases of abduction had been addressed by the Government.² Despite a stated desire to pursue legal action against abductors, the

¹ 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>.

² Press Release, UN Office of the High Commissioner for Human Rights, Human Rights Committee Considers Third Report of Sudan, July 12, 2007.

Government reported that tribal chiefs had preferred to resolve the matter informally through dialogue with the parties.

The Government's responses to such a serious problem are not adequate. While the Government of Sudan did establish the Committee for the Elimination of Abduction of Women and Children (CEAWC) in 1999, with a mandate to end child abduction, the Committee has been widely criticized for being ineffective. According to the U.S. Department of State, in its 2007 Country Reports on Human Rights Practices, CEAWC "had not engaged in any transport or retrieval missions since early 2006 due to lack of funding." However, in 2007 CEAWC received an additional four million Sudanese pounds (approximately 180 million USD) from the Government of South Sudan, with which it reportedly repatriated 228 Dinka abductees, who had been taken between the 1980s and 1990s.³ To our knowledge, CEAWC has not taken any successful steps to address abductions from intercommunal violence in the South. Nor have the tribal chiefs taken any significant steps to end child abduction in the region. While in 2008 Sultan Ismail Konyi, who serves as a Presidential Advisor to the Government of Southern Sudan, pledged to work with other Murle leaders to resolve the matter of child abductions, we have seen many more child abductions by the Murle since Konyi's pledge. The situation for children is worsening and the Government must take action to support the affected communities.

Because of the lack of meaningful action by the Governments of Sudan and Southern Sudan to protect children from abduction, Child Protection International believes that a new approach must be taken, including amendments and implementation of the Child Act, and immediate steps to register all children in Southern Sudan.

Child Protection International's Requests

Amend the Child Act

Aware of the problems facing children, the Government of Southern Sudan successfully adopted the Child Act in 2009. This Act outlines policies and procedures for implementation of a wide variety of rights and privileges for children. We believe that the Act needs further development aimed specifically at deterring, investigating and prosecuting child abductors.

The Child Act should be strengthened in two ways: First, criminal penalties for "the unlawful taking" of a child (under articles 119:1 and 123:1) should be increased to 10 years to bring them into parity with the penalties for "trafficking." Such an amendment would emphasize the seriousness of inter-communal child abduction that has become so prevalent in the region.

Second, article 125:1 of the Act should be amended to mandate recovery for children found to be unlawfully taken. The current discretionary language ("the Court *may* make a recovery order") fails to articulate the Government's responsibility to ensure that every child unlawfully taken is recovered and returned to their rightful guardians.

³ 2008 Human Rights Report: Sudan, U.S. Department of State, Bureau of Democracy, Human Rights and Labor, 2008 Country Reports on Human Rights Practices, February 25 2008.

Implement Universal Birth Registration

The Child Act explicitly supports birth registration, which brings the Government of Southern Sudan in compliance with its international obligation under the Convention on the Rights of the Child to adopt appropriate national measures including universal birth registration to prevent the abduction of children. All children have the right to a name, nationality, and family.⁴ 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.”

In General Comment 7, on “Implementing Child Rights in Early Childhood,” the Committee on the Rights of the Child explicitly recommended “that States parties take all necessary measures to ensure that all children are registered at birth” (art. 25) as a first step to ensuring a child’s right to survival. The Committee also noted that with regard to the sale, trafficking and abduction of children, “universal birth registration, in addition to international cooperation, can help to combat this violation of rights” (art. 36(h)). Given the crisis of child abduction in Southern Sudan, it is of utmost urgency that the Government, with the assistance of the international community, take immediate steps to register all children under its jurisdiction.

As of 2007, thirty-three percent of births in Sudan as a whole were registered and only twenty-two percent in rural areas.⁵ 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 cultural 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 capacity to identify abductees, and also to prosecute those who have taken them from their families.

We commend the Government for participating in the recent meeting in Khartoum organized by UNICEF to design national and state action plans on birth registration. The Government should now act to build on this effort to ensure all children are registered, recognized and protected.

International Campaign for Birth Registration in Southern Sudan

Children are under threat in Southern Sudan. The Government of Southern Sudan must address all child abductions with urgency and call upon the support of the international

⁴ See ICCPR Article 24(2); CRC Articles 7 & 8; AHCR Articles 18. Sudan has ratified or acceded to each of these.

⁵ [Unite for Children](http://www.unicef.org/infobycountry/sudan_statistics.html). 24 Feb. 2004. UNICEF. 10 June 2009 <www.unicef.org/infobycountry/sudan_statistics.html>.

community to protect the most fundamental human rights of all its children. We believe two immediate steps can be taken: revising the Child Act and establishing a birth registration campaign to support the rights of the children in Southern Sudan.

Child Protection International is ready to assist the Government of Southern Sudan in these endeavors to the extent of its abilities and to call upon international agencies and actors to do so as well. It is essential that the Government of Southern Sudan take immediate action to end child abduction -- the security of the country and the region depends on it.

Sincerely,

Robyn Skrebes
Executive Director
Child Protection International

cc: Ms. Navanethem Pillay, UN High Commissioner on Human Rights
Ms. Yanghee Lee, Chair, UN Committee on the Rights of the Child
Ms. Hillary Clinton, United States Secretary of State
Mr. Per Engebak, UNICEF, Acting Representative to the Sudan