



## Children Discriminated Against in Southern Sudan



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This publication is partly financed by Sida, the Swedish International Development Cooperation Agency. Sida has not taken part in its production and does not assume any responsibility for the content.

© 2007 Save the Children Sweden  
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# Preface

All children have the same rights. However, in reality, we all know that the world is not treating everyone in the same way. We know that some children are treated differently from others. This is a problem that many children experience in their everyday life.

It is also a problem when decisions are taken or when systems or structures are being set up that are intended to provide for all children, e.g. schools. Maybe the reality becomes too complicated or maybe we just have a general notion of children as a group. If we regard children as one homogenous group when we make our decisions we are likely to discriminate against some of them. Some children would need extra support to e.g. access school. In order for Save the Children Sweden to get a better understanding of which groups of children are discriminated against in southern Sudan, we conducted this study. It is our intention that SCS as well as other actors will be able to work against discrimination and design structures and systems that will support the rights of ALL children. We hope that this report will give you an insight into the different lives that children live in southern Sudan, so that you will be able to act in a way that is more appropriate to the reality of these girls and boys.

Anna Lindenfors,  
*Country Director, southern Sudan Programme*  
*Save the Children Sweden*

# Executive summary

## Background of the study

The United Nations Convention on the Rights of the Child (UNCRC), the African Charter on the Rights and Welfare of the Child (ACRWC) and the Interim Constitution of Southern Sudan 2005 all outline the rights of the child and further declare that those rights apply to all children without discrimination of any kind irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. This principle of non-discrimination is entrenched in the UNCRC<sup>1</sup>, African charter <sup>2</sup> and the Interim constitution of Southern Sudan 2005<sup>3</sup>. The constitution further holds that “all persons are equal before the law and are entitled to equal protection of the law without discrimination as to race, ethnic origin, color, sex, language, religious creed, political opinion, birth, locality, or social status”<sup>4</sup> Apart from the UNCRC, other international human rights instruments also uphold this principle of non-discrimination.<sup>5</sup>

In spite of the written letter of the law, the reality is further removed from meeting this requirement of non-discrimination. Children by virtue of being children still suffer from discrimination in Southern Sudan as else where in the world. This problem is further compounded by the fact that formal structures to protect children from discrimination and other forms of abuse are not yet fully established due to a protracted armed conflict from which Sudan is now recovering. Even as children generally face discrimination, some among them face double discrimination by virtue of not only being children but also due to other external factors. Such factors include race, colour, sex, language, religion, parents or guardians political or other opinion, national, ethnic or social origin, property, disability, birth or other status. They as a result experience intolerance, rejection, exclusion and violence expressed through words, glances, gestures, attitudes and omissions. Bottom-line, these acts of discrimination generally have the effect of nullifying or impairing the recognition, enjoyment or exercise by these children of their rights and freedoms on an equal footing with their peers.

Since Save the Children Sweden (SCS) bases its work on the principles and provisions of the UN CRC and the relevant national instruments that domestic it, fighting discrimination in Southern Sudan lies at the core of its work. This study is but a first step in the comprehensive approach by SCS to fight discrimination in Southern Sudan. To carry it out, the project turned to children and other pertinent stakeholders who as sources of information also became the perfect compass to guide our efforts in this field. It is for this reason that we extend our heartfelt gratitude to all who played a vital role in making this study a reality.

The study searches and scrutinizes to find out which children are most vulnerable to discrimination and their challenges coupled with those living closely with and around them.

## Characteristics of the study

The focus and main objective of this study was to find out which children are most vulnerable to discrimination in South Sudan and some of the root and immediate causes of this. All children have a right to equal access to all the rights provided for in the UN CRC. This study is an attempt to find out the children that are left out in their access of these rights especially the right to

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1 Article 2

2 Article 3

3 Article 21 (1) e

4 Article 18

5 Article 2 & 7 of the UDHR, article 2 (1), 24 (1) and 26 of the ICCPR, article 2 (2) and article 10 (3) of the ICESCR, article 1 of CEDAW and article 1 (1) of The International Convention on the Elimination of All Forms of Racial Discrimination

education and the factors that lead to this. Consequently for the purpose of this study we will limit discrimination to mean all distinctions, exclusions, restrictions or preferences that, either intentionally or not, lead to the denial or impairment of the rights of the child with a special bias to the right to education. We gave more focus to the right to education because education is one of SCS's priority areas and one of the most urgent needs for the children of Southern Sudan.

## Objectives of the study

The specific objectives of the study are as follows:

- Gather information, which can provide a basis for understanding and highlighting the plight of children who face discrimination specifically to their right to education in Lakes, Jonglei and Northern Bahr el Ghazal.
- Collate and relate information on the familial, communal and cultural practices, beliefs and attitudes that lead to discrimination of children
- Create a basis for building SCS' capacity and that of other stakeholders in issues of child rights in view of the principle of non-discrimination.
- Based on these findings, provide suggestions on realistic and effective interventions to fight against those practices, beliefs and attitudes that lead to such discrimination

## Scope

The survey covered the three regions in Southern Sudan in which SCS operates namely Jonglei, Lakes and Northern Bahr el Ghazal. The survey's focalized research approach does not aspire to be statistically representative even within the counties within the regions since the regions themselves are very diverse. Within Northern Bahr el Ghazal region, interviews and discussions were carried out with both adults and children in Malualkon and Gok Machar, whereas in Jonglei they were carried out in Lualdit, Padak, Bor and Kogor and lastly in Lakes they were carried out in Cuiebet, Akot and Rumbek central. The people interviewed in these areas are 99per cent from the Dinka ethnic community.

## Method

There were two main techniques used in gathering information namely:

- Group discussions held with Children, Young People and Adults
- Interviews based on questionnaires

Through narrations of hypothetical case studies as well as direct questions intended to find out which children are left out of school and why, the participants were encouraged to discuss in groups of around 6 to 8 people and share their findings for discussion in a bigger group. Using this method, we involved in total 449 adults from the three regions in which SCS operates as well as 287 children and young people<sup>6</sup>. These adults included chiefs, teachers, community elders and women's groups.

Apart from the guided discussions and debates, we developed questionnaires with a list of questions on key topics for interviews. The questionnaires targeted children, adults as well as partners. Guided by our checklist, we asked open-ended questions, with the exception of a few queries for demographic information such as age, school grade and gender identity. While we did not adhere formulaically to our questionnaire in every interview, we did ask each person about every one of the subjects addressed in this report. Most of our individual interviews with youth lasted between forty minutes and one hour.

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<sup>6</sup> We managed to talk to 136 adults and 114 young people and children in Aweil East and Aweil North Counties in Northern Bahr el Ghazal. In Jonglei, 147 adults and 154 youths were talked to from various locations including Makuac, Padak, Bor and Mabior. Lastly in Lakes state, 166 adults and 19 young people were involved in discussions in Rumbek central, Rumbek East and Cuiebet counties.

## Limitations

Language was one of the barriers to the study especially in filling the questionnaires. The questionnaires were in English and since a majority of the people we were targeting are unfamiliar with it, we used interpretation which was not as effective as direct communication.

We weren't also able to hold as many discussions with children as with adults due to many factors. Though this study is about children, we relied a lot on the adult intermediaries like teachers etc because children were not always readily available.

# I. Girl-child

Among the Dinka community, girls are seen as a source of wealth. Marriage is formalized by the payment of dowry, which is quantified in terms of cows. Once a girl reaches the age of puberty, she is deemed ready for marriage and the event is made known by putting a flag on the roof of the house to announce it or by even walking around with a small bell. Since the girl's family customarily receives a substantial bride-wealth from the groom's family as part of the marriage agreement, the pressure to marry off a family's female children is ever present. The economic hardship brought about by the war frequently aggravates the situation or dissuades those who might otherwise feel inclined to wait. The marriageable age of boys is generally much higher in pastoral communities as they can only marry when they have enough cattle with which to settle the required bride price. In many cases, girls are married off first in order that the family can obtain the cattle with which to pay the boys bride price.

Due to the issue of bride price obtained when a girl gets married, educating a girl is not seen as a priority and even if she goes to school, chances of her finishing her education once puberty approaches are next to nil. A visit<sup>7</sup> to one of the girl's schools in Lakes State revealed that the rate of dropouts at the higher classes is very high as compared to the lower classes. According to the headmistress of the school, the drop out rate becomes very evident from classes 4 upwards since this is the stage most girls start puberty. Lower classes are however well attended so much so that at the time of the study (2006), the primary one class of the school had 4 streams with 340 students registered in total just so as to be able to accommodate the students. Primary 8 class on the other hand only had a single stream with 8 students only. The situation is sometimes worse in that in 2005, the school did not have any students in the primary 8 class and thus no candidates to sit that year's national exam. This necessitated the administration to register the students who were in the primary 7 class then as candidates.

Early marriage as much as it is an accepted cultural practice, is thus discriminatory since it denies the girl the right to development on the same footing as the boys. Interviews conducted with some of the girls still in school revealed that they would like to finish their education given a chance. Some of their answers were as follows:

*"It's not good to get married. I am a very small girl"* Deborah, 14 years old, primary 4

*"I know a girl who got married at 13 and she is not happy"* Akur 13 years, primary 4

*"We want to finish secondary school then get married"* Helena 13 years old, primary 4

Since the practice of early marriage is deeply rooted in the culture, it will take a while for parents to be convinced to leave their girls in school rather than marry them off. Even though it's sometimes the parents who initiate the process of the girl dropping out of school to get married, it should also be noted that the girls themselves also drop out on their own volition once they feel mature so as to go and get married. A strong recommendation was made that girls start school early so as to know the importance of education by the time they reach puberty.

Apart from early marriage, domestic work also leads to girls being left out of school. It's a woman's responsibility to do the food preparation, take care of the children and do all other tasks related to the proper functioning of a homestead. Food preparation includes pounding or grinding sorghum or millet into flour manually and this takes a long time to do. There are very few places (some towns) with grinding mills, which lighten the workload when available, but they are not accessible to everyone and not also everyone can afford to take their grains for grinding there. Fetching water for cooking and for other use around the home is also another domestic chore that a woman is expected to perform. Few homes have water points close by but this is not so for many homes especially those deep in the villages. In such places where water points are very far from homes, mothers utilize their daughters to help out in such chores and this interferes

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<sup>7</sup> Visit made on the 26<sup>th</sup> of September 2006

with education for their girls. First-born girls are the most vulnerable to this. Boys on the other hand are not expected to cook, clean, look after young ones or do any other major household chores.

Some of the answers given in relation to domestic labour as a cause to discrimination were as follows:

*“Where a mother has two or three daughters, she may send two to school but stay with one to help her with household duties. This will usually be first born. It’s absolutely rare to find a home where all the girls have been taken to school; this includes homes where the parents are aware of the importance of education.”*

*Southern Sudanese NGO worker with a child rights organization, Upper Nile*

*“In order for girls to go to school, the government and the NGO’s should have machines to grind sorghum and millet and bore holes should be near the homes. A lot of house work makes girls not be able to go to school since they have to help their mothers” 16 year old girl in upper Nile*

*“My teenage sister has to stay at home to cook for it’s her duty and responsibility to do so for all of us. When I go home, I don’t ask my mother for food but her since my mother is old and my sister should now be helping her. If I found my mother cooking, I would beat up my sister, as she is now old enough to cook. For this reason she can’t go to school because who will cook if she does?” Teacher in Cuiebet county talking about his teenage sister*

*“Men are not allowed to go into the kitchen and they are not even supposed to know how the food is prepared. In our culture if a man prepares anything, he cannot eat it.”*

The task of a man is to look after cattle as the woman does the household chores and looks after the kids. If it’s the rainy season, the woman also goes to till the land on top of these duties. These many household duties thus cause women to keep their girls (or at least one girl) at home to help. Hiring domestic help is not a common and acceptable practice.

Apart from early marriage and domestic work, which hinder girls from going to school, certain beliefs and prejudices also play their part in this. Some of the beliefs and prejudices shared were:

*“Girls who go to school are not likely to listen to parents or later to their husbands when they get married. Education may make them not allow their fathers to choose for them spouses as it has been in our culture”*

*“We are afraid of sending our girls to school because they might become prostitutes. Most schools are near towns and this will expose our girls to bad behaviour”*

*“Girls in school will meet boys and they might engage boys who are not from suitable homes so it’s better to keep them at home where we can supervise who they interact with.”*

Apart from the right to education, girls are not given as much right to participation<sup>8</sup> as boys. Culturally what women say is not given as much weight as what men say and as such women have no voice. Due to this culture girls tend to shy away from speaking in public and a lot of the decisions touching on their lives are made for them without due regard to their wishes by either their fathers and sometimes by their brothers. Even younger brothers have a say on what their sisters are allowed to do on a daily basis. Even in a pertinent issue such as marriage, a girl does not have much say as to when and who she should marry. Her father and relatives make the decision for her depending on who they find acceptable in their opinion. The spouse is mostly chosen based on how much cows he can afford to pay as dowry. Due to this reason, a young girl may find herself married to an old man whereas her choice would have been a young man or not at all. Even those girls in school are at the mercy of their parents on the issue of whether to get married or continue with school. This leads to a state of helplessness on the part of the girl.

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<sup>8</sup> Article 12 of the UNCRC states that a child who is capable of forming his or her own views has the right to express those views freely in all matters affecting him or her and the views given due weight in accordance with the age and maturity of the child.

## 2. Disabled children

To date as with many children's issue, disability has been seen through the lenses of a 'welfare approach' rather than a 'rights based approach'. A shift needs to be achieved from a charitable focus on the needs of Children with disabilities (CwD) to respect for their dignity and justice in terms of equal rights. A disabled person wants to enjoy civil, political and economic rights on an equal basis, not just a select few rights. According to the UNCRC<sup>9</sup>, physically and mentally disabled children have a right to enjoy a full and decent life, in conditions, which ensure dignity, promote self-reliance and facilitate active participation in the community. CwD however face a lot of discrimination and are denied a myriad of rights in Southern Sudan in comparison to their peers.

Under the UNCRC<sup>10</sup>, parents (or where applicable the members of the extended family, legal guardians or other persons legally responsible for the child) need to provide appropriate direction and guidance to promote the exercise by the child of their rights in a manner consistent with the child's evolving capacities. However, both the potential and actual capacities of disabled children are routinely under-estimated and they are widely denied opportunities to fulfill their potential. CwD are thus ignored and most parents neglect to make any effort to expose their children to school or even to participation in family and communal activities. Parents are unwilling to invest any money towards educating CwD as they feel they will not be able to reap any fruits from them. Some of the comments given by members of the community during the study reflected that CwD experience insufficient family. Examples of these comments were:

- There is lack of proper care by parents
- The community and parents have a negative attitude that the children with disabilities are helpless and thus taking them to school is a waste of time
- There is lack of encouragement and motivation of CwD by parents about going to school
- There is lack of financial support by parents
- Parents give priority to the children without disabilities.

Disabled girls are even more vulnerable due to the fact that they need a lot of care and attention and hope of gaining wealth from them through marriage is next to nil. They therefore suffer a lot of neglect since they are deemed as a liability. Parents tend to concentrate on those who can give something in return in terms of helping both within and outside the home. Some of the comments given that reflect this were:

*"Girls with disabilities are not taken to school because they may not get married and thus bring wealth to the family"*

*"Girls with disabilities are sometimes given to other people to help them raise children"*

*"Parents feel like they are wasting resources sending a girl with disability to school. They therefore sometimes lose interest in caring for them"*

*"Parents find it difficult to invest in one who might not bring in wealth"*

CwD also experience discrimination through the traditional naming practices. Even though children have a right to name and identity<sup>11</sup>, naming according to disability ceases to be in line with the principle of the best interests of the child found in the UNCRC<sup>12</sup>.

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<sup>9</sup> Article 23

<sup>10</sup> Article 5 of the UNCRC

<sup>11</sup> Article 7 of the UNCRC

Some common Dinka names for `CwD are:

| Dinka name     | Meaning                     |
|----------------|-----------------------------|
| Aciek          | Girl/boy born with a defect |
| Maciek         | Boy born with a defect      |
| Nyanaciek      | Girl born with a defect     |
| Raan cie Riari | somebody born with a defect |
| Koc-Nhial      | Related to ghost spirits    |
| Cior           | Blind                       |
| Mun            | Epileptic                   |
| Ming           | Deaf                        |
| Ngol           | Lame                        |

These names are given specifically given to disabled people at birth and they thus act as labels. They emphasize on the disability instead of other positive traits in the child's life. The study showed that CwD tend to suffer from low self esteem which may be the result of this among other things.

Disabled children are excluded from many initiatives to promote children's participation. They are also widely silenced in families where they have a lower status than other children. Most of the CwD interviewed who were out of school stated that their parents did not consult them on whether or not they wanted to go to school. A few CwD who were in school however revealed their parents agreed to take them to school on their request.

Disabled children are also routinely excluded from opportunities for play, sport and recreation through rejection by other children, or by physical barriers impeding access. Some of the comments given by CwD concerning their participation in play were:

*"I only play with young children and never with children my age"* 17 year old mentally retarded boy

*"I do not play or participate in games. I have never tried to play and the other children have also never invited me to play with them. If they called me to play, I would be very happy to do so"* 16 year old girl with a hunchback

*"I do not participate in debates because other children discourage me"* 15 year old crippled boy

*"Some children play with me but others don't. They make fun of me and call me one leg-8 year old girl"*

*"At school children do not play with me but at home they do"* 11 year old lame girl

*"Sometimes children allow me to play with them but not all the time. If we have debate in school and it's open for all, I get involved."* 14 year old boy with paralysis

Interviews carried out with the schoolmates and peers of the CwD revealed that no ill will is intended by not including the CwD in their games and dances. Some children expressed fear that if they include the CwD, they might end up hurting them due to the intensity of the games or cultural dances. They also revealed that if one of the CwD is courageous enough to request to play with them, they find a part that is physically suitable for him or her. 70 per cent of the children interviewed stated that they have disabled friends with whom they do play or carry out other recreational activities. They however commented that for most part, the majority of CwD seemed content to sit on the sidelines to watch them play or dance. Some few CwD however take part in the cultural dances especially the deaf since they can imitate the movements that other children make. The deaf also take part in games more than the other categories of CwD since they get involved in football with other children. Some blind children participate in dances by playing the drums whereas the children with difficulties in movement will sometimes

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<sup>12</sup> Article 3 of the UNCRC provides that in all actions concerning children, the best interests of the child shall be a primary consideration

participate in “sit down games”. More often than not however, CwD do not participate in games and dances and those who do are an exception to the norm.

CwD often suffer from abuse and most especially psychological abuse from both adults and other children as a well. They are also exposed to inhuman and degrading treatment especially if they suffer from mental disability. Even though the UNCRC protects all children from all forms of physical and/or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse<sup>13</sup>, inhuman and degrading treatment<sup>14</sup> disabled children are more vulnerable to all forms of abuse and there are rarely any child protection procedures which take account of the particular difficulties a disabled child will experience in reporting abuse. The abusive treatment and neglect of many disabled children within the family life includes denial of food, physical assaults, refusing to let them out of the home, name calling among others. There are very few avenues open to anyone to seek redress for these violations.

70 per cent of the CwD interviewed stated that they face verbal abuse though not from everyone. Mostly it's from the other children they interact with but also not all of them call them names. 90 per cent of the abusive names directed to them were mostly related to the kind of disability the child has.

Other examples of abuse the children described were:

- Rejection in families due of their low status
- Being hidden
- Lack of freedom to interact with others within the community
- Bien tied to trees for those who are mentally handicapped.

In regard to health care, CwD are also 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. Out of the many institutions and organizations (both local and international) contacted during this study in Rumbek, Maluakon and Mabior, only one<sup>15</sup> was found specializing in the needs of the CwD and even then it is limited to those who need physiotherapy around Rumbek town. There was no organization found specifically serving the deaf, the blind or the mentally disabled. This leaves children suffering from disability very vulnerable and their caregivers stranded for options of correcting their situation. Due to the lack of special medical facilities for the disabled, some conditions become permanent even where they would otherwise have been rectified with the existence of proper medical care. On one of the visits to MCDI during the time of this study, I personally encountered a 10-year-old boy who had a clubfoot. The director of the institution commented that if the boy had been taken to hospital earlier, the condition would have been rectified but if one stays too long with such a situation, the only way to rectify it would be through very expensive surgery that is not easily available in Sudan.<sup>16</sup>

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<sup>13</sup> Article 19 of the UNCRC

<sup>14</sup> Article 37 of the UNCRC

<sup>15</sup> M.C.D.I-

<sup>16</sup> Apart from the lack of specialized health services and facilities for the disabled, the negligence or ignorance of parents to seek medical attention promptly sometimes leads to once able bodied children becoming disabled. Some of the causes of disability according to the records of MCDI are burns, snake bites, polio, meningitis, cerebral palsy, T.B and congenital malformation of the lower limbs. Whereas not all of them if treated in good time would prevent the disability, some however would.

## 3. Other categories of children discriminated against

### 3.1 Orphans

Due to the protracted war coupled with other calamities like inter clan fights in southern Sudan, orphans are a reality in the southern Sudan community though not very many. The society has a support system of ensuring such children have a family structure, which absorbs them. Even though this meets the child's need to have a family, not all orphans are given access to their rights as provided in the UNCRC. These children do not always access their right to education and development even when they are under the care of a relative / guardian whose children may be going to school. They are also sometimes sent to the cattle camp or left at home to undertake manual labour. On top of being left out of school, they do not receive parental love and care that every child is entitled to.

#### *Underlying causes*

**Poverty:** Some of the families in which an orphan is left are poor and thus unable to meet all the needs of the child e.g. clothing. During the study, lack of clothing for orphans was said to be one of the reasons why they don't go to school thus making them stay at home when others are attending school.

**Lack of social legal protection;** Some guardians given charge of an orphan use such children to take care of their cattle at the cattle camp while their own children are attending school. Such guardians see the child as a source of labor and may thus not be willing to take him to school even though they can afford it. There is however no socio legal protection for orphans against such treatment and so such treatment goes undeterred. It should however be noted that not all orphans sent to the cattle camp by their guardians is out of discrimination. Some of the guardians send the orphan together with their own children (especially during the dry season) so that they can drink milk and be well taken care of.

**Negative attitude:** some of the guardians don't have the good will of the orphans at heart and thus treat him/her different from their own children.

### 3.2 Children from poor families

Among the Dinka community, a rich person is given a more prominent place in community as compared to his poorer counter part. This is such that a poor person is not given as much audience as a rich person and sometimes his ideas are unceremoniously dismissed. This attitude is also sometimes transferred to children and this is reflected in the way children from such families are treated. Teachers sometimes don't give much attention to these children as they do those from rich families. Some children from well off families also sometimes refuse to associate with those from poor families. In public forums, such children may also not be allowed to express themselves.

#### *Underlying causes*

**Traditional/ cultural values:** culturally poor people are seen as not having anything useful to contribute in the community in comparison to the rich. They are therefore not listened to as much as the well to do persons and this sometimes trickles down to children as well.

### 3.3 Children from homes associated with witchcraft

This is not a very common phenomenon but where there is suspicion of witchcraft, children from such homes are often discriminated against by their own peers who do not like to associate with them. These children thus miss out on their right to association even they are able to attend school without any problem.

### *Underlying causes*

Fear: other children are afraid that if they associate with these children they may become victims of witchcraft so they keep away from them.

## **3.4 Children born in relationships/unions that are not traditionally acceptable**

Where a man elopes with a girl, impregnates her and is unable to pay dowry for her, her relatives normally take her away from him and if she is lucky gets married off together with the child to someone who is able to pay dowry. If the child happens to be a boy, he receives a lot of stigmatization, abuse and segregation from his new home. Such boys are treated like outsiders and often end up going to look for their biological fathers once they grow up. Girls however don't face the same problem as they are seen as a source of wealth. At the time of marrying the mother, a man is allowed to pay a certain amount of cows to adopt the child and a man who has paid such for a girl child is legible to receive cows as though she were his biological child. Boys on the other hand are a liability when it comes to marriage since they need to be given cows at the time of marriage. As such boys who do are not the biological children of a home tend to be looked down upon and given a hard time by the being called abusive names. Examples of children who fall under this group are:

- IDP children from Khartoum whose mothers conceived by Arab men but have now come to the south minus these fathers. The situation of this particular group of children is also compounded by the fact that they are a minority in the south due to their looks and also their language. This makes them stand out even further.
- A child whose mother conceived with a man unable to pay dowry; Their mothers finally get married off to someone who can pay dowry and once this happens, the child goes with the mother and is however rarely accepted in his new home especially if he is a boy.

### *Underlying causes*

Social values/culture: the Dinka are a very cultural people and since marriage is an important part of culture, such labeling is seen as a way of discouraging behaviors that lead to breaking of culture thus the labels given to the children.

Lack of awareness/ ignorance: lack of knowledge on the negative impact of labeling children is also another reason why children are still labeled even when they are not to blame for the circumstances surrounding their birth.

## **3.5 Children suffering from leprosy, epilepsy, TB or whose member of the family is**

Members of the society discriminate against children who are suffering from diseases such as leprosy, epilepsy, TB among others and as such people do not want to associate closely with them. Children are also discriminated in this way also when it's a member of their family suffering from the above named diseases.

Children suffering from epilepsy are sometimes kept in isolation and other times totally neglected by their families so much so that they go to wander and live in the market places unattended. Even when allowed to live at home with other family members, in some of the homes these children are built for a house in isolation of the rest of the houses within the homestead and serving them in their own special dishes further enhances this isolation. This is stigmatization that gives such children psychological trauma. Children suffering from leprosy are also isolated and live in isolation from the rest of the community.

### *Underlying causes*

Fear caused by ignorance: The society is unaware of the causes and mode of transmission of diseases like TB, epilepsy and leprosy and thus isolate victims out of fear. Some fear that they will contract if they associate with the victims of such diseases and so even if the child is not the one

suffering from the disease but a member of the family, they still associate the child with that disease as though it were genetic. Even after recovery, people still distance themselves and if one has suffered any of the above or his relative has, other families don't even want their young people to be engaged to a young man or woman from such a family.

### 3.6 Children in cattle camps

Children aged between 7 and 12 years old are sometimes sent to the cattle camp to look after cattle as part of developing their survival and life skills within the traditional dinka community. Boys are involved in looking after cows, whereas girls are involved in milking and carrying out other domestic duties. 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 sent to the cattle camp may not be given a choice as to whether they would rather be in school or at the cattle camp. This is a denial of their right to participation and in being involved in decisions affecting their life as provided in art 12 of the UNCRC. Not only are children at the cattle camp denied their right to education, but they are also exposed to very harsh and testing situations for children their age thus jeopardizing their right to life and protection.

*When I was a around 11, we were sent to look after cattle so my two friends and I went together as a group though each was looking after his own herd. It was during the rainy season and the whole place had water. As we were walking my friend fell into a hole and we watched him drown and there was nothing we could do since we were two small and there was no adult around. We just stood there and cried and as we watched our friend die*

#### **Story shared by an adult interviewee about his experience at the cattle camp**

One child is sometimes expected to take care of as many as 100 to 200 cows on his own in the wild without any help from an adult. He is expected to ensure that none of the cows gets lost and he is punished in case of any loss. This is child labour since the child does this at the expense of going to school. Adults or older youths only accompany the child if there is a security threat but if none exists, the child is let to go on his own. Another right that is violated is the right to an adequate standard of living. Apart from the milk that the child is given early in the morning before he leaves with the cattle, he does not have access to any other meal until he comes home at sundown. Some children are even forced to drink their own urine due to thirst under very extreme situations. They are scorched by the sun during the hot season and are left out in the rain during the wet season. Lastly, most children sent to the cattle camp do not live with their parents and are thus denied their right to parental love and care during these important developmental years of their life.

In conclusion, even though sending children to the cattle camp is a largely accepted practice, it leads to discrimination, as the children involved do not access their rights on the same footing as the children who stay home instead.

#### **Underlying causes**

Traditional /cultural/social values: sending children to the cattle camp is a traditionally accepted practice that is seen as a way of shaping children. Most parents believe that sending a child to the cattle camp teaches children valuable survival lessons since he learns how to endure hardships and develops his survival skills. Some adults even believe that children from the cattle camp are more disciplined later when they attend school than those who have not been there. Culture also plays an important role in this in that "cattle keeping" is an integral part of the life of the dinka community. Cattle are seen as a measure of ones wealth and since some people own over 100 cows, they need someone to look after them thus the cultural practice of sending children to the cattle camp.

Ignorance/ Lack of awareness: the community is also ignorant about the importance of education and therefore sees no problem with sending their children to the cattle camp instead of school.

Insufficient laws and policies to curb the practice: there are no traditional or formal mechanisms to enforce the right to education for all children thus the prevalence of the practice of sending children to the camp in place of school

Famine/poverty: parents sometimes send their children to the cattle camp since they have no food to give them at home. At the cattle camp they feel their children are better provided for as they receive milk from the cows.

## 4. International standards on non-discrimination vis-à-vis laws and policies in southern Sudan

Under international law, all children are equal and as such are entitled to equal access to the rights provided therein. There are two international instruments that touch on child rights specifically and they both talk about non-discrimination. The UNCRC is the main international treaty that directly relates and specifies the rights of the children. It came into force in 1989 and has been ratified by over 192 countries to-date and this makes it the most ratified of all international human rights treaties. The African 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 states that each state shall ensure that each child under its jurisdiction shall 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 or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status

Apart from this general clause, the two instruments further protect the right to education for some of the following marginalized groups as hereunder:

### Girl-child

The African charter on the rights of the welfare of the child<sup>17</sup> states shall be required to take all appropriate measures with a view to achieving the full realization of the right to education and shall in particular:

- Take measures to encourage regular attendance at schools and the reduction of dropout rates;
- Take special measures in respect of female, gifted and disadvantaged children, to ensure equal access to education for all sections of the community.
- Take appropriate measures to ensure that children who become pregnant before completing their education shall have an opportunity to continue with their education on the basis of their individual ability.

Since also early marriages lead to drop out of girls from school, the African Charter<sup>18</sup> 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 be taken to specify the minimum age of marriage to be 18 years and make registration of all marriages in an official registry compulsory.

So far there is no legislation giving children the right to free and compulsory education, however there is a proposed children's law in the pipeline outlining this right. The proposed children's law provides for free and compulsory primary education<sup>19</sup>.

In regard to early marriage, the bill proposes for protection from early and forced marriage<sup>20</sup> though there is no definition of what early marriage is. There is no specification as to the legal age at which a girl can be married off. There is therefore need to be specific on the age on this issue in order to be fully in compliance with the international standards.

The bill also states "no girl child may be expelled from school due to pregnancy, motherhood or hindered from continuing her education"<sup>21</sup> Once the bill is passed, there will be need to ensure

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<sup>17</sup> Article 11(3d & e) and 11(6)

<sup>18</sup> Article 21

<sup>19</sup> Section 14

<sup>20</sup> Section 22 and 26

<sup>21</sup> Section 26 (5)

that policies are passed by the ministry of education to support this law so that practice may change on the ground.

## Children with disabilities

According to article 23 of the UNCRC, physically and mentally disabled children have a right to enjoy a full and decent life, in conditions, which ensure dignity, promote self-reliance and facilitate the child's active participation in the community. According to the UNCRC (art 23), the state is charged with the responsibility of ensuring that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development. Any such assistance extended by the state in this regard shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child.

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<sup>22</sup>. The proposed children's bill<sup>23</sup> 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 or her enjoys a full and decent life in dignity and achieves the greatest possible degree of self-reliance and social integration." Once the children's bill is passed, there will need for policies to support this provision for free special care in order to enable CwD enjoy a full and decent life.

## Others

In regard to orphans the interim constitution of south Sudan provides that the government shall offer special protection. Under the children's bill, orphans have been categorized as children in need of special care and protection<sup>24</sup> and there is a procedure set out as to how they should be handled.<sup>25</sup> There is however need to have policies in place and systems established once the bill comes into place in order to see this become a reality.

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 state is further mandated under the same article to take legislative, administrative, social and educational measures to ensure the implementation of the article. The interim constitution protects children from work that may be harmful to his education, health and well-being. The proposed children's bill states "every child has a right to be protected from exposure to economic exploitation and child labour<sup>26</sup>. "Child labour" is defined as work undertaken by children that in some way harms or exploits them, whether physically, mentally, morally, or by blocking them from education". However when it comes to outlining examples of child labour, the examples outlined are all industrial and there is therefore need to have policies in place to protect children involved in work that keeps them away from school but which is not necessarily commercial.

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<sup>22</sup> Article 21 (3)

<sup>23</sup> Article 27

<sup>24</sup> Section 69 (2) a

<sup>25</sup> Article 21 (d)

<sup>26</sup> Section 24 (1)

## 5. Conclusion

Despite the positive steps that have been taken in legislation, discrimination against children still remains a reality. Poverty, cultural traditions, ignorance, fear and social isolation all contribute towards their rejection. All of these causes need to be addressed if real change is to be achieved. However, what also emerges is that there is a great deal that governments and civil society can do to overcome discrimination and social exclusion.

### Suggested measures to combat discrimination

The following were some of the suggestions given by the people interviewed concerning what would combat discrimination:

- Community awareness raising
- Separate schools for boys and girls
- Early childhood education
- Need for special schools for CwD
- Provision of clothes for orphans
- Resource allocation by government and NGO's to cater for the needs of CwD.

## 6. Recommendations

### Legislative framework and policies

Governments need to be committed to combating discrimination. This includes ensuring not only that policies and legislation are non-discriminatory, but also that there are proactive plans in place to address all forms of discrimination. An adequate legislative framework is essential to fighting discrimination. There is therefore need for lobbying for the Children's bill to be passed since it protects many vulnerable groups from discrimination.

Policies regarding the following issues (among others) need to be put in place:

- Age of marriage to be specified as 18 and over in order to be fully in compliance with the international standards
- Marriage registration to be made compulsory
- Policies to be passed to allow girls who fall pregnant or are mothers to be allowed to continue and or return to school
- Policies for CwD to access free special care, medical treatment, rehabilitation, to family and personal integrity, sports and recreation, education and training to help him or her enjoys a full and decent life in dignity and achieve the greatest possible degree of self-reliance and social integration
- Laws and policies clearly outlawing sending children to the cattle camp at the expense of school.

### Awareness raising

There is need for continued awareness creation in order to change the attitudes of the people and uproot those cultural beliefs and practices that promote discrimination. In societies where attitudes or traditions facilitate discrimination, children's protection will always be undermined because of this. Discrimination needs to be discussed and condemned openly and publicly. At the most immediate level, children suffering discrimination need to be free to speak up about their concerns. At the national level, media attention and civil society engagement against discrimination can play an important role. Health workers, teachers, police, social workers and many others who deal with children need to understand and know how to address discrimination. Families and communities also need to understand how to protect, and be supported in protecting, their children from discrimination. Children need to be aware of their right not to be discriminated against. They should also be supported and enabled to act as advocates against discrimination.

Discrimination must be monitored and reported on. An effective monitoring system is required that records the incidence and nature of discrimination and allows for informed and strategic responses. Such systems should normally be participatory and locally based.

### Early childhood education

Early childhood education should be supported and expanded in order to promote girl education.

### Inclusive education

Inclusive education should be promoted and teacher's capacity built so as to be able to accommodate CwD. There should be more teachers trained on handling the special needs of the disabled, as this is one area that is lacking.

# Acronyms

|        |  |
|--------|--|
| ACRWC  | African Charter on the Rights and Welfare of the Child                         |
| aids   | Acquired Immune Deficiency Syndrome  |
| CEDAW  | The Convention on the Elimination of all forms of Discrimination against women |
| CWD    | Children with disabilities   |
| hiv    | Human Immuno Virus   |
| ICESCR | The International Covenant on the Economic, Social and Cultural Rights         |
| iccpr  | The International Covenant on Civil and Political Rights                       |
| udhr   | The Universal Declaration of Human Rights                                      |
| uncrc  | The united Nations Convention on the Rights of the Child                       |
| MCDI   | Medical Care Development International   |
| SCS    | Save the Children Sweden   |

## Save the Children Sweden in Eastern and Central Africa

Save the Children Sweden started working in Eastern and Central Africa in 1965. Today, the organisation has offices in Addis Ababa, Ethiopia; Nairobi, Kenya; and Khartoum, Sudan. Save the Children Sweden has long-term child-rights based development programmes in Ethiopia and Sudan, and it supports local partners in Kenya, Eritrea, Somaliland and Uganda.

The organisation focuses on building the capacity of local people, community-based structures and organisations. In Eastern and Central Africa, it works with more than forty different non-governmental organisations and government bodies. In addition, it has adopted a direct implementation approach in southern Sudan and in the refugee camps of western Ethiopia and North Darfur.

All of the work in the region focuses on children's rights, and tackles issues that affect marginalised children. The core of the work focuses on children affected by conflict, discrimination, abuse, exploitation, and HIV/AIDS. Save the Children Sweden's focus also includes education, child participation and good governance in the best interest of the child.

The major task facing child rights advocates today is making the UN Convention on the Rights of the Child a reality for all children. The exchange of experience and know-how are proactive ways to work towards this goal, which is why Save the Children Sweden makes its books and reports available for the world. Welcome to visit our child rights bookshop on the internet, [www.rb.se/bookshop](http://www.rb.se/bookshop)

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Save the Children Sweden fights for children's rights. We deliver immediate and lasting improvements to children's lives worldwide.

Save the Children Sweden works for a world:

- which respects and values each child
- which listens to children and learns
- where all children have hope and opportunity

More information about Save the Children Sweden and our projects worldwide can be obtained from our head office.

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