



Comité Africain d'Experts sur les Droits et le Bien-être de l'Enfant
Comité Africano de Peritos os Direitos e Bem-Estar da Criança
لجنة الخبراء الإفريقية المعنية بحقوق الطفل ورفاهه



ACERWC
African Committee of Experts on
the Rights and Welfare of the Child

ACERWC'S REPORT ON THE ADVOCACY MISSION FOR THE RATIFICATION OF THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD, 12-14 APRIL 2023, JUBA, SOUTH SUDAN

MAY 2023

I. Purpose of the Mission

1. To carry out an advocacy mission in South Sudan, from April 12-14 2023. The aim was to serve as a reminder to the Government of the Republic of South Sudan about the significance of ratifying the African Charter on the Rights and Welfare of the Child (referred to as the Charter or ACRWC) and to emphasize the need for implementing the recommendations put forth by the African Committee of Experts on the Rights and Welfare of the Child (the Committee or the ACERWC) after its investigation mission in August 2014, which focused on the situation of children affected by conflict.

II. Objectives of the ACERWC in this Mission

1. To raise awareness on the importance of ratifying the ACRWC.
2. To emphasise the need to implement the Committee's recommendations following the investigative Mission in 2014.

III. Expected Outcomes/Outputs of the Mission

3. To get firm commitment and time frames on the ratification of the Charter by the Republic of South Sudan.

IV. List of Delegation

4. The delegation consisted of:
 - Hon. Anne Musiwa, Vice-Chair of the ACERWC and Special Rapporteur on Children without Parental Care; Country Rapporteur for the South Sudan;
 - Hon. Robert Nanima, Committee Member and Special Rapporteur on Children and Armed Conflict;
 - Dr Ayalew Getachew Assefa, Senior Child Protection Officer;
 - Dr Meseret Kifle, Technical Expert at the Secretariat of the ACERWC;
 - Aline Nininahazwe, Technical Expert at the Secretariat of the ACERWC.

V. Methodology

5. The advocacy mission to the Republic of Sudan was carried out through a series of meetings involving various parties concerned with children's rights and welfare. These stakeholders included Government officials, CSOs, international organizations, and child parliamentarians. The mission also included a consultative workshop with national child-rights stakeholders in South Sudan.

6. The delegation delivered a brief overview of the Committee's organizational structure, composition, and mandate at each meeting. Furthermore, the delegation discussed the mission's objectives and the added value of ratifying the Charter to improve the protection and advancement of children's rights and welfare in the Republic of South Sudan. Discussions about the state of children's rights in South Sudan were held, albeit in an indirect manner because it fell outside the scope of the mission.
7. Within these discussions, stakeholders exchanged insights regarding the challenges faced and highlighted best practices employed within the country for the advancement and safeguarding of children's rights and welfare. These deliberations culminated in the recommendation that expedited Government ratification of the Charter would enable the Committee to effectively monitor the implementation status of children's rights in the country.

VI. Summary of the Mission

8. The Mission aimed to expedite the Charter's ratification and assess progress in implementing recommendations for children affected by armed conflict. Stakeholders, including Government Ministries, children's representatives, CSOs, and international organizations, were engaged. Positive developments were observed, such as the establishment of a children's parliament, juvenile courts, and one-stop centres. Access to free primary education has increased, inclusivity in schools has been promoted, and measures were taken to prevent child soldier recruitment and occupation of schools/hospitals.
9. Despite advancements, concerns were identified during the advocacy mission. These included delays in ratification of the Charter, the need to revise the Children's Act and establish the Children's Commission, and the absence of child rights stakeholders in the constitutional-making process. The delegation noted that urgent action is required to address these gaps and ensure the protection of children's rights and welfare in the Republic of South Sudan.

VII. Meeting with representatives from the Ministry of Gender, Children and Social Welfare, Health, Education, Interior of the Republic of South Sudan

10. On 12 April 2023, the delegation met with representatives from the Ministry of Gender, Children and Social Welfare, Health, Education and Interior of the Republic of South Sudan. During the meeting, the delegation provided a brief outline of the Charter and the purpose of the mission. Furthermore, the delegation expounded on the added value of the Charter and its synergistic relationship with the United Nations Convention on the Rights of the Child

(UNCRC), emphasizing the significance of ratifying the Charter, as well as the Committee's mandate and composition.

11. During subsequent discussions, various issues were raised. Concerns were expressed about overcrowding in schools and the need for support in the education sector. The Presidential Declaration for compulsory free primary and secondary education could have been attributed to overcrowding. Children are reintegrated into schools through back-to-school campaigns, with a focus on improving girls' enrolment rates. Child marriage and the associated violence against children who reject such unions were emphasized, along with existing legislation to safeguard the right to education. Moreover, it was noted that challenges such as cultural beliefs, natural disasters, conflicts, and displacement hindered children's access to education. The availability of clean water in schools was identified as a concern and collaborative efforts with partners were highlighted to tackle specific challenges in different areas.
12. In addition, representatives from the Ministry of Health (MOH) provided updates on the state of healthcare services in South Sudan. The low coverage of formal healthcare, particularly in rural areas, was highlighted. It was noted that the MOH implemented the Boma Health Initiative, focusing on WASH services, and immunizations, and reaching communities at the grassroots level. The positive impact on children, especially regarding immunizations, was emphasized. The establishment of one-stop centres for gender-based violence survivors to address the significant number of affected children was considered a positive development. Additionally, the challenges posed by humanitarian crises on child welfare were discussed.
13. Insights were shared regarding healthcare services, particularly focusing on efforts to enhance access. Challenges in remote areas with limited healthcare facilities were acknowledged, leading to higher child mortality rates due to limited disability facilities. Discussions included topics such as child marriage, fistula cases, and the importance of raising awareness about associated health risks. High volumes of children in need of care in one hospital were identified as a challenge for children seeking treatment. Despite conflict contributing to high neonatal and under-5 mortality rates, progress was made through midwife training, family planning, and advocacy against child marriage, resulting in a reduction in maternal mortality rates.
14. Following the discussions, the delegation commended South Sudan's efforts in promoting children's interests, particularly free education. The Government's commitment to children's rights and welfare despite the challenges was appreciated. Data disaggregation within the MOH was emphasized. While no specific recommendations were provided, the delegation emphasised the urgency of ratifying the Charter to fulfil its monitoring mandate.

VIII. Meeting with Children's Representatives

15. The delegation convened with child parliamentarians and children's representatives in the Republic of South Sudan on April 12, 2023. During this meeting, the child parliamentarians shared that, they are afforded platforms to present their views though, not all their views are always taken into consideration. Child parliamentarians have been able to effect positive changes and influence laws and policies. Examples were provided, where their advocacy led to positive changes, such as an increased education budget, resulting in an augmentation of teachers across the country.
16. During the meeting, the children expressed several concerns that were brought to the attention of the delegation. These concerns included the need for increased school infrastructure in rural areas, to enhance educational access, the construction of specialized hospitals catering for children's needs, the provision of educational materials like books, and the establishment of dedicated schools for children with disabilities. The children emphasized the challenges faced by children with disabilities in attending school due to physical and geographical obstacles. They highlighted the significant distances that children have to travel to reach schools and the limited accessibility of schools for children with disabilities. Furthermore, the delegation was informed about the occupation of certain schools by military forces. However, through the advocacy and engagement efforts of the children with relevant ministries, eight of the occupied schools were successfully reinstated.
17. Subsequently, the importance of expanding the representation of child parliamentarians to a national level, encompassing children from all ten states, was underscored. The delegation further emphasised the importance of the Charter and recommended that child parliamentarians advocate for its ratification, signalling the Government's willingness to listen to the voices of children and address challenges. The delegation acknowledged the opportunities this presents for CSOs to amplify the voices of children.

IX. Meeting with Save the Children, Plan International and CSO Coalition in South Sudan

18. On April 13, 2023, the delegation engaged in a meeting with Save the Children, the CSO Coalition in South Sudan, and Plan International. Plan International provided an overview of the state of children's rights and welfare in South Sudan. During the presentation, the importance of political commitment to prioritize children's rights and welfare was emphasized, with specific concern regarding high child marriage rates. It was noted that customary courts often exceed their

authority in cases of sexual and gender-based violence, resulting in inadequate compensation and underreporting.

Challenges within the education sector were highlighted, including low enrolment rates for girls and a significant number of children, particularly girls, being out of school due to various reasons. Moreover, it was mentioned that the commitment to allocate a sufficient budget for social protection and education has not been fulfilled, impeding effective support for children. The presentation included key recommendations to address the identified challenges and improve the situation of children's rights in South Sudan, which encompassed ratifying the ACRWC, revising the Child Act, improving data infrastructure, promoting child participation, allocating resources, enhancing human capacity, and strengthening monitoring mechanisms.

19. This was followed by a presentation by the CSO Coalition representative who emphasized their efforts in organizing a lobby event in 2021 to bring together stakeholders and duty-bearers under one roof to collectively advocate for the completion of the ratification process. It was revealed that the lobby fostered enhanced collaboration among stakeholders and generated joint commitments to locate the instrument of ratification. It was noted that consequently, a Committee was formed to engage the Government to secure the final signature of the President. However, it was observed that despite the Committee's efforts, the instrument of ratification for the ACRWC could not be located within the parliament. It was further noted that the members of the committee agreed to hold a meeting with the Minister of Justice to discuss the next steps and find a way forward.

20. In the discussion that followed, the need for engagement with the government, particularly the Ministry of Gender, Children and Social Affairs to expedite the ratification process was emphasized, as the Ministry with the mandate for the welfare of children. Moreover, the importance of collaboration among stakeholders and international organizations to advocate for children's rights in South Sudan was highlighted. Challenges, such as frequent changes in leadership and a lack of information on the ratification process, were highlighted and acknowledged. The suggestion was made to initiate the ratification process anew if the missing instrument cannot be located and to involve the relevant line ministries in this process. The establishment of key institutions, including the Child Commission, was deemed necessary. In addition, concerns were raised about the delay in ratification and the need to activate political will. Advocacy and campaigns were recommended as a solution based on previous successes. The Committee was asked to guide on protecting children's rights and welfare in the absence of ratification, particularly during transitional justice processes. In light of the country's challenges, including conflict and the need for humanitarian

assistance, the Committee was urged to work closely with actors involved in the peace agreement process to prioritize children's issues.

21. The meeting was concluded by the delegation which expressed appreciation for the contributions and stressed the importance of coordination among stakeholders. The establishment of the Child Commission and the significance of the Charter's ratification were noted. The delegation also discussed reinitiating the ratification process and setting a timeline for action. The importance of the ratification for the Committee's monitoring and follow-up mandate, as well as its relevance in protecting children affected by armed conflict, was emphasized. Overall, the delegation acknowledged the common concerns raised by various stakeholders and emphasized the need for collective efforts to advance the ratification process and protect children's rights in South Sudan.

X. Meeting with UNICEF

22. On April 13, 2023, the delegation convened with representatives from UNICEF to explore avenues in which UNICEF can support the Republic of South Sudan in expediting the ratification of the Charter and the implementation of the Committee's recommendations from its 2014 mission.
23. In this regard, several key points were highlighted in terms of the ratification of the Charter and the status of implementation of the Committee's recommendation from its 2014 mission. Concerning the latter, the ongoing issue of arms flow and the normalization of guns among children were regrettably noted, despite the Government's efforts to address this matter, emphasizing the need for progress. On family tracing, the representatives emphasised the presence of robust family tracing, despite challenges such as a shortage of social workers. Regarding the demobilization of child soldiers, the representatives acknowledged the commendable efforts made by the Government and the South Sudan People's Defence Forces. They noted that the number of child recruits has steadily decreased. In terms of humanitarian response and education access, it was recognized that the existing resources and support are insufficient to meet the extensive needs of the affected population. Increasing investments were highlighted as crucial in addressing these challenges effectively. Regarding nutrition, it was noted that partnerships among various stakeholders involved in food security and nutrition responses are commendable. However, challenges persist in terms of resources and accessibility, hindering the ability to provide both preventative and recovery options. In addition, the representatives expressed UNICEF's readiness to support the Committee's efforts in ratifying the Charter, recognizing its significance in protecting the rights of children and welfare in South Sudan.

XI. Meeting with the Specialized Committees of Gender, Justice; Human Rights in the NTLA

24. During the mission, the delegation had a meeting with the Specialized Committees of Gender, Justice, and Human Rights in the National Transitional Legislative Assembly (NTLA) on April 13, 2023. During the discussion, sentiments echoed those of other Government officials and stakeholders regarding the delay in the ratification process were expressed. Furthermore, the government's willingness to reinitiate and expedite the ratification of the Charter was conveyed. The challenging situation faced by children in South Sudan and the urgent need to extend support and assistance to facilitate the repatriation of child refugees back to South Sudan have been emphasised.

XII. Consultative Workshop with National Child-Rights Stakeholders in South Sudan, 14 April 2023

25. The Workshop commenced with a series of opening remarks delivered by esteemed individuals, beginning with Regina Ossa Lullo, Acting Under Secretary and Director General at the Ministry of Gender, Children, and Social Welfare. Other notable speakers included Solla Asea, a child protection specialist at UNICEF, Samuel Chor, a representative from the CSO Coalition in South Sudan, and a representative of children. Honourable Anne Musiwa, the head of the delegation and Vice-Chairperson of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), also provided insightful remarks. Following the opening remarks, a series of presentations were made on the following topics:

a) Children's Representatives Panel Discussion

26. A panel discussion was conducted by children's representatives focusing on the rights of children and welfare in South Sudan. During the panel discussion, child representatives, who are part of the child parliamentarians, delved into several important issues regarding children's rights. One of the key topics explored was the significance of child participation in decision-making processes and how it has positively impacted children in South Sudan. The children emphasized that embracing the principle of the best interests of the child entails involving them in decision-making, allowing them to express their views on matters that directly affect them. They further highlighted the influential role of the children's parliament in South Sudan, as it provides a platform for developing their communication skills and gathering the perspectives of children residing in remote areas.

27. Moreover, the children called upon the Republic of South Sudan to ratify the Charter, as this would grant them access to the full range of rights enshrined within it for the promotion of their welfare. The child representatives shed light on the challenges faced by girls in South Sudan, particularly concerning child marriage, and highlighted how Charter ratification would help mitigate this issue and bring perpetrators to justice. The child representatives emphasized that early child marriage is prevalent in the country, especially in rural areas, leading to

health complications such as fistula formation. They emphasized that children are the leaders of tomorrow and that the nation's future depends on their active involvement. They urged the Government to enact strong laws against those who violate children's rights and called for stricter penalties for crimes against girls.

28. The importance of education was another topic discussed, and the child representatives outlined their expectations from the Government, CSOs, the African Union (AU), and other stakeholders. In conclusion, the child representatives expressed their vision for South Sudan, which includes ratifying the ACRWC, amplifying the voices of children, combating corruption, ensuring the safety and security of every child, protecting children's rights, improving access to education, healthcare, nutrition, and fostering peace and harmony, free from conflict.

b) Presentation and discussion about the role of stakeholders in the ratification and implementation of the Charter

29. During the presentation, the representative of the CSO Coalition emphasized their efforts in organizing a lobby event in 2021, with the support of the African Capacity Alliance, to advocate for the final ratification of the ACRWC by the Republic of South Sudan. The objective of this event was to bring together stakeholders and duty-bearers under one roof, fostering collaboration and joint efforts to expedite the ratification procedures. It was stated that the instrument of ratification was passed by the Parliament in 2014; however, the instrument of ratification had not yet been submitted to the office of the President for final signature. The CSO Coalition representative highlighted the positive outcomes of the lobby, which included strengthened collaborations among stakeholders and their shared commitment to locate the instrument of ratification. Consequently, a Committee was formed to engage the Government and advocate for the final signature from the President. Unfortunately, the ACRWC ratification document could not be located within the Parliament, leading the members to agree on arranging a meeting with the Minister of Justice to discuss the way forward.

30. The CSO Coalition representative emphasized that children constitute the majority of the population in South Sudan, highlighting the importance of ratifying the Charter to promote and safeguard the rights of children in the country. In this regard, the representative urged the delegation to establish a timeline for the ratification of the Charter by the Government of the Republic of South Sudan, expressing hope that the ratification would be completed before the end of 2023.

c) Presentation and discussion about the Charter, the Committee and rationale about the process of ratification of the Charter

31. The Secretariat delivered a presentation on the Charter, the Committee, and the rationale behind the ratification process. The presentation covered various aspects, including the factors influencing the Charter's work, the Committee's composition, the bureau and Special Procedures, as well as the Committee's mandate.

d) Reflection by the Government of South Sudan about the ratification of the Charter

32. During the reflection session, a representative of the Republic of South Sudan provided an update on the ratification process of the Charter. It was stated that the process began in 2014 with Parliamentary discussions, and the final step remaining was the signing of the instrument of accession by the President. However, a delay was encountered, leading to the decision to restart the process and send written communication through the designated office. The importance of implementing the Charter and allocating sufficient financial resources for children's rights and welfare was emphasized, given their significant representation in the country's population. It was highlighted that successful implementation would require collaboration among all stakeholders and technical support to fulfil reporting obligations. The plan to review the Child Act was mentioned, recognizing the need for careful consideration of child rights in all laws, including the Constitution, which serves as the overarching framework. Consultation with child rights stakeholders in the constitutional-making process was deemed crucial to ensure adequate incorporation of children's rights.

e) Presentation on the Committee's recommendations from the 2014 mission

33. During the presentation, Hon. Robert Nanima provided an outline of the mission, recommendations, and the way forward. In terms of context, he stated that the mission was launched in response to the 2013 conflict and the 2014 Peace and Security Council (PSC) Resolution. He went on to define the Committee's mandate, which includes protective, promotional, and interpretive mandates, as well as recommendations to governments. A concise summary of the recommendations from the 2014 mission was also presented. In terms of the next steps, Hon. Robert stressed the importance of ratifying the Charter in compliance with AU standards. He detailed the steps to be followed, acknowledged the problems involved, and discussed the progress toward ratification.

34. Following the presentation, participants brainstormed ideas for expediting the Charter's ratification, implementing the Committee's recommendations from the 2014 mission on children affected by armed conflict, and addressing other significant child rights concerns in South Sudan. It was noticed that the distribution of child-friendly places in Protection of Civilian (POC) sites is not confined to POCs but spreads across the country. Immediate displacement places have measures in place, such as transportable child-friendly spaces in communities and schools.

35. Concerning school occupation, it was said that great efforts had been made to address this issue, resulting in significant reductions and improvements. It was noted that the Ministries of Education and Gender have made great attempts to resolve these issues.

36. Due to the high caseload of unaccompanied and separated children, significant progress in family reunification and tracing has been reported. It was also mentioned that a national database has been established, backed by UNICEF and managed by Save the Children, allowing all partners to contribute data.
37. Mental health issues were identified as an ongoing topic of work. In this regard, it was stated that there is a Mental Health and Psychological Support Technical Working Group comprised of child protection partners. Given the seriousness of some cases, efforts to expand existing measures, particularly specialized help through the Ministry of Health, were noted. The lack of policies in the field of mental health and psychosocial assistance was also mentioned, underlining the importance of intervention.
38. Following that, Regina Ossa Lullo delivered concluding remarks, thanking all participants for their vital contributions during the constructive meeting and expressing her hope that the Charter would be ratified by June 2023. She also thanked the delegation for their continued dedication to carrying out the advocacy mission in South Sudan.
39. Moreover, in her closing remarks, Hon. Anne Musiwa conveyed her gratitude to South Sudan's Government for hosting the delegation and assisting the delegation with its advocacy mission. She extended her appreciation to all attendees for their presence and contributions and recognised the value of their insights on behalf of the Committee. She expressed her hope that the Government and relevant stakeholders would address the concerns presented by the child parliamentarians, including the ratification of the Charter. She also underlined the significance of having a comprehensive plan to articulate children's rights in the Constitution and ensuring that no child is left behind. She closed her remarks by confirming the Committee's commitment to collaborating with all parties working on children's rights and welfare in the country, emphasizing that effective collaboration would be feasible if the Charter is ratified.

XIII. Meeting with the Minister of Foreign Affairs

40. To conclude the mission, the delegation paid a courtesy visit to the Minister of Foreign Affairs of the Republic of South Sudan, Honourable Deng Dau Deng. During this meeting, Honourable Deng Dau Deng reiterated the Ministry of Foreign Affairs' commitment to expedite the ratification of the ACRWC. He assured the delegation that the Republic of South Sudan is dedicated to overcoming the delay in the process by collaborating closely with the Ministries of Justice and Gender, Children, and Social Welfare to determine the best course of action.

XIV. Action Points Identified

- √ Government to intensify efforts to locate the ratification instrument and complete the ratification process of the Charter by the Republic of South Sudan.
- √ If locating the ratification instrument is not possible, the Government is to initiate the process anew and expedite the ratification of the Charter by June 2023.
- √ The Government, in collaboration with CSOs and INGOs, and consultation with children, is to effectively implement the recommendations from the 2014 mission of the ACERWC.
- √ Concerning other raised issues such as the establishment of the Child Commission, revising the Child Act, and ensuring the participation of child-rights stakeholders in the Constitutional-making process, the Committee acknowledges the need for deeper engagement on these matters and commits to monitoring additional child-rights concerns in the country after the Charter is ratified by the Republic of South Sudan.