

# COMMITTEE OF THE CIVIL PROJECT IN SUDAN

## ISSUE PAPER E-3

### THE RIGHTS OF CHILDREN: A CHALLENGE FOR THE TRANSITION

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#### **I. Introduction and Methodology**

In this paper, the rights of the child are briefly introduced according to international human rights norms. Dimensions of child rights, in terms of both measures of protection and promotion (such as the rights to education and to a healthy socialization of the child) are highlighted. The paper focuses closely on the deprivations of Sudanese children who live under a state of uneven regional development, armed conflict, and the other social ills endangering the social life of Sudanese people all over the country. Throughout the discussion raised in this paper, the diversity of Sudanese family systems and interrelationships is critically presented as an essential ingredient of the Sudanese society. The NDA's commitment to the international rights of the child is explored in the light of a proposed national programme for comprehensive child rights and a plan of action to promote solutions to the special needs of children for further discussion.

#### **II. Child Rights in International Law: Rights in every aspect of a child's life**

Article 1 of the Universal Declaration of Human Rights states clearly that: 'All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.' The premises of this article embraces all human beings indiscriminately, adults or children, men or women.

Children, in particular, constitute a special component of the human family. Special rights and treatment must therefore be guaranteed to advance their growth and development to the maximum degree attainable, in addition to the other fundamental rights set forth in the Declaration such as the right to life, liberty and security of person (article 2), the right to be free of any form of slavery or servitude (article 3), the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment (article 5), the right to a nationality (article 15), the right to education (article 26) among many other rights to protect the motherhood and childhood in terms of 'special care and assistance. All children whether born in or out of wedlock shall enjoy the same social protection' (article 25). 'The child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth ... mankind owes to the child the best it has to give ... to the end that (the child) may have a happy childhood and enjoy for his own good and for the good of society the rights and freedoms set forth (in the Declaration of 1956).'

Since the proclamation of the Universal Declaration in 1948, fundamental rights and basic freedoms have been developed in great detail through the International Convention on

Economic, Social and Cultural Rights (1966), the International Convention on Civil and Political Rights (1966), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Declaration of the Rights of the Child (1959), and the Convention on the Rights of the Child (1989) among many other instruments. International human rights norms have consistently expanded the rights of children to include almost any aspect of the social life of a child.

The paper emphasizes the fact that all international human rights norms are organically interrelated and that they must be collectively observed as they compliment each other. For example, the Convention on the Elimination of All Forms of Discrimination against Women is closely correlated with the Convention on the Rights of the Child as both of them are particularly important to the family and social life.

The International Convention on the Rights of the Child stipulates in 54 articles the measures necessary to develop the freedom of a child in terms of intellectual, moral, and spiritual capacities. This is to be based on access to good health conditions and medical care, minimum standards of food, clothing, and shelter; the right to be an actor in a child's own development, to express opinions and to have them considered; the rights of disabled and refugee children as well as those in trouble with the law; protection of all children from all forms of exploitation, especially the children of minorities and indigenous groups, and problems of drug abuse and neglect; and non-discrimination as an important principle, irrespective of the child's or his or her parents' race, colour, sex, language, religion, political, stand, ethnic or social origin, etc.

These same principles have been adopted in the International Convention on the Rights of the Child. Composed of 48 articles, the African Charter on the Rights and Welfare of the Child provides similar provisions for the welfare of the child and concentrates on both rights and duties for children and parents.

### Responsibilities of State and Society

The Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between peoples (1965) emphasizes the up-bringing of young people 'in the spirit of peace, justice, freedom, mutual respect and understanding in order to promote equal rights for all human beings and all nations ... in the knowledge of the dignity and equality of all men, without distinction as to race, colour, ethnic origins or beliefs, and in respect for fundamental human rights and for the right of peoples to self-determination.'

The question here is to what extent has Sudanese State and society adhered to these international norms? And what possible ways are available to follow? To make a reasonable assessment of the situation, past and present, a background of Sudanese family structures and interrelationships is immediately presented according to scientific social research and ethnology. Whenever appropriate, examples are used to illustrate the impact of laws, familial relations, and cultural factors on the commitment of Sudanese State and society to the international norms, past and present.

### **III. The Sudanese Family Systems and Internal Relations: A Socio-cultural Background**

Despite the strength of extended family relations in Sudan, a state of 'partial modernization' (i.e., a condition of co-existing traditional and modern patterns of behaviour side by side in a society) has consistently transformed family relations, to some extent: disparate patterns of family relations developed in the country and the stability of the institution of the family and

family interrelationships has been gradually, but consistently, in a process of abrupt transformation whether in the urban or the rural sides of the country.

The need to smooth social change under these circumstances is vital. The need for corrective planning of social change for Sudanese family life and child socialization is now a question of incorporating international human rights norms into all appropriate value-orientations of the complex and diverse systems of Sudanese family institutions and cultures. These systems are extremely diverse with both patrilineal and matrilineal relations which have not been equally treated by State and society in many cases. Also, a state of discrimination and unequal relations has been consistently observed and documented by many scholars and social scientists in the case of the Nuer (Hutchinson, 1996), the Dinka (Deng, 1971), the Baggara Arabs (Cunnison, 1966), the Kababish Arabs (Asad, 1970), the Shaigiya (al-Shahi, 1973) among many others. In conclusion, there is a problem of discrimination in socialization processes that is deeply rooted in Sudanese society, and that needs careful and planned attention and solutions.

According to Ali Mazrui (1973:69) 'The political sociology of shades of colour remains a part of the Sudanese scene. But the phenomenon of inter-marriage and miscegenation, on the basis of patrilineal descent, have resulted in a more integrated model of racial mixture than that afforded by either the North American experience, the Latin American experience or the experience of South Africa ... The union of an Arab male with a non-Arab Sudanese woman, where it is legitimate, produces more Arabs rather than half-castes. The dominant group increases in size. It becomes possible to envisage a situation when more and more Sudanese become, linguistically and by claimed descent, Arab Sudanese.'

The Arab-African miscegenation for Mazrui indicates a model of ascending miscegenation in contrast to the other models which pertains to the model of Afro-Saxon, Afro-Latin, and Afro-Africaner intermingling in the United States, Brazil, and South Africa respectively: With the Arabs the idea of 'half-caste' is relatively alien. If the father is Arab, the child is Arab without reservations. 'If we visualize an Arab marrying a Nilotic woman in the fourteenth century and visualize the son being born, the son would be an Arab. If we imagined in turn that the son again married a Nilotic woman who bore a son--this son, too, would be an Arab' (p. 56).

Mazrui notes that, 'The civil war itself has had consequences relevant to this whole process of inter-marriage. The Sudanese, both Arab and African, are, on the whole, strongly patrilineal. This has tended to encourage fathers to claim their children, particularly if they are boys, for inclusion into their original family. A more distinct example is that of the Dinka of south-western Sudan, who have close contacts with Baggara Arabs who come down annually in search of water and good pastures. During the Miriam wars with the Dinka, the Dinka captured Arab girls and some young Arab men. many of these were integrated to some extent with the society which had captured them. In the villages of Jorbico and Akuang Akuet, there are Arab Dinkas with names such as Ngong. In appearance many betray their mixture, but they are Dinka by language and culture' (p. 72).

In another Sudanese family system the south-eastern Nuba society is characterised by common polygyny. James Faris (1973) writes that: 'Wives are a vital production asset. Apart from domestic support, wives carry grain from the fields to the threshing arenas, and make the beer necessary for weeding, harvesting, and threshing parties' as collective activities. The south-eastern Nuba age structure and organization signifies the culture and family relations of these section of the population. It is a society based on sporting activities and protected with ritual and special age proceedings. In the kadundor (warrior) age grade [for which boys train during their wrestling years] songs are composed by the drummers' society for dance praise

or ridicule of the results of the sport. 'These parties are remembered, recounted many times publicly, and transmitted through members of the drummers' society (chabaja) to be sung on occasion during a man's waning years and finally to form the central dance praise song at his funeral' (p. 15). It is a complete social system involving birth, maturation, adult activities, and death ceremony. The point is that these social and cultural organizations do not conform to the Arab Muslim structures family value-orientations simply because both Nuba and Arab family institutions constitute autonomous social systems. And yet, whereas the Arab Muslim systems have entrenched themselves in law making and power relations throughout history, the Nuba tradition has been woefully neglected and harassed.

What is more is that even within the Arab Muslim families, there are situations of discrimination and caste-systems. For one, Ahmed al-Shahi (1973:90-91) discovers some of these problems within the Nuri village of the Northern Province, which well exemplifies the northern riverain people of the Sudan. al-Shahi's study uncovers the existence of a highly stratified caste-like society in which the inhabitants of Nuri categorized themselves over time into three distinct groups: (1) the Isaiyab Shaigiya 'who regard themselves as the "owners" of the village, ahl al-balad,' accompanied by many other Arab and Nuba settlers; (2) Abid who have been incorporated into the Nuri community through the Shaigiya raids in the eighteenth and nineteenth centuries, brought in open markets, or as escapees from former "masters" in neighbouring areas. Although this group has been in long association with Nuri people, and the fact that slavery was abolished after the re-occupation of the Sudan, the abid still have obligations towards their ex-masters. 'Publicly and directly, Nuri people do not refer to the abid as such, but in private they may refer to an individual as "our slave," abidna. The social stigma attached to abid has led the younger generation to leave the village and seek residence and employment in the big towns.' The Arab are considered by the Nuri community in an ambivalent way: 'in one context to claim descent from an arab tribe is a matter of pride; in another context, to be an arab indicates a nomadic way of life and an associated inferior social status.' (Conversely, nomads look down upon sedentary agriculturalists) (p. 92). The third group is the halab who claim that they have come from Upper Egypt. al-Shahi concludes in the fact that 'These four groups in Nuri community differ in status ... Nuri people hold the highest status and ... the three (other) groups (living in the higher ground of Nuri, the jabal) are graded accordingly: first the arab, second the abid, and lowest the halab' (p. 93).

This social stratification of the Nuri community generates an overall impact on the social organization and interrelations of the inhabitants. Eventually, 'marriage between Nuri people and members of the three lower-status social groups are strongly disapproved of and discouraged by Nuri people. Similarly, marriages between members of the lower-status social groups are strongly disapproved of by these groups.' Likewise, residence, participation in social occasions and discrimination by the shades of skin colour are all performed in accordance with the prevailing social system. 'Although arab, halab, and abid observe the rituals of Islam, yet they do not participate in the religious life of Nuri people ... The avenues for achieving power and authority are also blocked to them; no member of any one of these groups would be elected to a position of authority in the village.'

#### **IV. New Possibilities and Avenues to Promote Child Rights**

In this section the paper lays for discussion different possible ways to ensure the full enjoyment of international human rights norms to all children of the Sudan in the context of healthy planning, law-making, and implementation by a highly committed State and society

to human rights norms. The NDA commitment, as well as those ways adopted by Sudanese central governments (including the NIF existing regime) is closely focused upon.

### (1) Socialization Processes Free of Discrimination

A fundamental fact in social sciences is that ‘environments of infancy and early childhood are shaped by cultural values. These values vary widely between human populations and become regulations of individuals, who seek to re-establish them in the next generation’ (LeVine 1977).

The principles of the Declaration entitle to the rights ‘every child, without any exception whatsoever, without distinction or discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, whether for himself or of his family’ (principle 1). The child shall enjoy ‘special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose, the best interests of the child shall be the paramount consideration’ (principle 2).

### (2) The Rights of Minority Minors to enjoy their own Culture, Religion and Language

The International Convention on Civil and Political Rights states that ‘In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language’ (article 27).

### (3) Family Planning and Health Programmes

The other principles stress the rights of the child to ‘enjoy the benefits of social security ... to grow and develop in health (with) special care and protection provided both to him and to his mother, including adequate pre-natal and post-natal care ... adequate nutrition, housing, recreation and medical services’ (principle 4); ‘special treatment, education and care for the child who is physically, mentally or socially handicapped’ (principle 5); ‘love and understanding for the full and harmonious development of personality (and) to grow up, whenever possible, in the care and under the responsibility of parents ... in an atmosphere of affection and of moral and material security’ (principle 6). Harmful habits, such as female circumcision, should be eradicated in close collaboration with human rights and child welfare groups.

### (4) Education

‘Education ... shall be free and compulsory, at least in the elementary stages .. an education which will promote the general culture of the child to enable, on a basis of equal opportunity, the child to develop abilities, individual judgement, and sense of moral and social responsibility, and become a useful member of society ... the responsibility lies in the first place with parents’ (principle 7). Despite the obvious resource constraints it is important that the Transitional Government take the challenge of rehabilitating Sudan’s educational system seriously.

#### (5) Protection from Delinquency

In the Declaration, as well as the Convention, the special needs of juvenile justice must be recognized by State and society in accordance with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules, 19 ) which include special provisions for adjudication and disposition in terms of a competent authority to adjudicate, the right of the juvenile to legal counsel through representation by a legal adviser, and the participation of parents or guardian in the proceedings.

Equally important are the UN Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) which set forth measures for the protection of young persons who are abandoned, neglected, abused or in marginal circumstances, or at 'a social risk' in other words. The child 'shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form, and shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice health or education or interfere with physical, mental or moral development' (principle 9).

#### (6) Children in Situations of Armed Conflict

'The child shall be protected from practices which may foster racial, religious and any other form of discrimination. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, and in full consciousness that energy and talents should be devoted to the service of fellow men' (principle 10 of the Riyadh Guidelines).

The Declaration on the Protection of Women and Children in Emergency and Armed Conflict (1974) calls for the strict observation of the prohibition of attacks, bombings or any other ravages of war on women and children, who are the most vulnerable members of the population, as well as the prohibition of measures such as persecution, torture, punitive measures, degrading treatment and violence.

Since 1994, UNICEF has engaged with the SPLA/SPLM and a range of Southern Sudanese civil society institutions in developing a set of 'humanitarian principles' to be applied in the war zones of Southern Sudan. This programme is open to two objections, one, that there is no parallel process to try to bind the NIF Government to a similar set of principles and two, that there are no mechanisms for enforcement. Nonetheless this has proved to be an important exercise in human rights education that could, with appropriate revisions, be continued and extended during a future transitional period. A similar process of disseminating the basic principles of the rights of the child is also appropriate for the war zones of eastern Sudan where NDA forces are active.

#### (7) Foster Placement, Child Custody and Adoption

The Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally (1986) proclaims these principles: That every State 'should give a high priority to family and child welfare' (article 1); 'Child welfare depends upon good family welfare' (article 2); 'Governments should determine the adequacy of their national child

welfare services and consider appropriate actions' (article 7); and provides for foster placement 'to be regulated by law' (article 10) 'that should not preclude either prior return to the child's own parents or adoption' (article 11). 'The primary aim of adoption is to provide the child who cannot be cared for by his or her own parents with a permanent family' (article 13). Adoption should be processed in the 'most appropriate environment for the child' (article 14) and 'observed by child welfare agencies' (article 16) among many other important principles.

## **V. A National Programme for Comprehensive Child Rights**

A national programme for comprehensive child rights might well be addressed by the NDA to guarantee full welfare services for the Sudanese child. The proposed programme could serve as a guide for public and voluntary child agencies all over the country.

The programme might be used to help the next Transitional Government to:

- (1) solve the problems of children held in slavery, especially in western Sudan;
- (2) deal with abducted children taken to peace camps or PDF centres;
- (3) deal with unaccompanied children in the South, some of whom have been recruited as combatants;
- (4) rehabilitate children who are already suffering the conversion practices against their religion or culture;
- (5) assist with family reunification for children who have been separated from their families by war and forced displacement, and
- (6) take judicial measures against those who are responsible for such abuses.

### Definitions and General Concerns

As previously explained, international child rights constitute guiding principles for creating community welfare systems so that children and families may receive services they need and are entitled to. A plan of action and advocacy has to be established between NDA's legislators, policy makers, and administrators in collaboration with all community members who share the same goals for children, families, and society.

'Child' refers to 'anyone from birth through youth who is considered dependent on the care and protection of parents and society.' 'Care' is used to mean providing or seeing that a child has whatever is considered essential for him or her to develop fully and to function effectively in society (NHC, 1964). 'Child welfare' is interchangeably used with 'child rights'.

Fortunately, the issue of children's rights has now become current across the world and there is a range of specialised international agencies (including UNICEF and the Save the Children Fund) that have extensive experience with practical approaches to child welfare in poor and war-ravaged countries. Even for international agencies accustomed to dealing with famine, child labour and child soldiers, Sudan will present a major challenge. A close collaboration between these agencies and the Transitional Government of Sudan at the highest level will provide an essential foundation for a comprehensive plan of action to guarantee the future of Sudan's children.

### (1) Constitutionality and Law Making of Children's Welfare

In accordance with the NDA's commitment to international human rights norms, the Constitution of the Sudan must assign ultimate responsibility for the State to promote the welfare of Sudanese children and to protect their rights on the basis of internationally recognized norms of child welfare. It is this responsibility that the State delegates by statute or charter to the State agency or department and to the public and voluntary organizations authorized to provide child welfare services.

## (2) Responsibility of the Sudanese Legislature

As the rights of the child are not clearly or fully spelled out in Sudanese laws, the Sudanese legislature must assure the general well-being of children by

- (i) reviewing legislation in all provinces and enacting provisions needed to implement a national policy;
- (ii) taking measures to ensure compliance of the administrative structures of governmental and nongovernmental agencies, including procedures to assure that children will receive the services to which they are entitled, including appeal and grievance procedures, judicial review of agency decisions when services are denied or deemed unsatisfactory;
- (iii) taking the appropriate laws to define and establish services as rights legally enforceable and available without any discrimination between children and families; and
- (iv) emphasizing the entitlements of children, parents and families to services and welfare of the national programme.

Most important, the Sudanese legislature must ensure by legislation all safeguards necessary against slavery, child transportation and/or kidnapping by military or civilian persons, unpaid employment of non-family children, prosecute and instigate judicial measures against those who are responsible for such abuses.

## (3) Responsibility of the Judiciary and Law-Enforcement Agencies

The Judiciary and the other law-enforcement agencies (especially the armed forces, police, and security forces, according to their legal jurisdictions) must enforce fully Sudanese law punishing child abuse, kidnapping, hostage-taking, and forced or child labour, with regular, public reports on relevant criminal investigations, prosecutions and convictions. The Judiciary must investigate and prosecute officials and police or army officers who fail to enforce criminal laws in this regard.

## (4) Responsibility of the Central and Local Governments

Both central and local governments of the transitional rule should participate in providing child welfare services by grants to the provinces and directly to agencies, and by provision of funds for the purchase of services for children and families for whom government is responsible to provide services. The child welfare programme in question must be viewed as an integral part of a national social service programme, and as one segment of a more comprehensive national programme for children, families and communities to which the country must commit itself if the rights of children are to be safeguarded and fulfilled.

## (5) Responsibility of the Private Sector

It is extremely important to ensure adequate participation for the private sector as a vital partner in Sudanese development in the child welfare programme. Taking part in the process of planning and decision making of the programme should enable the private sector to behave sensitively towards the needs and entitlements of children and their families in apprenticeship, training, employment, etc., according to law. Government and private sector have complementary roles. The major consideration should be how services can be provided most effectively to children and families.

#### (6) Fund Raising

The programme proposed for child welfare must obtain adequate funds from government and from voluntary contributions. Fund raising must be based on the setting of a high priority for services for children and families that are placed at a high risk due to war situation, displacement, and the other catastrophes particularly in the southern, western, and eastern regions of the country.

#### (7) International and Regional Co-operation

The Transitional Government must invite maximum co-operation with all human rights organizations, friendly states and the United Nations specialized agencies, especially UNICEF, to implement the programme directed for child welfare in the country. This principle deserves high attention by government and society in light of the negative attitude of NIF rule which restricted Sudan's co-operation with the international community to a great extent. Sudan's laws in the transition should be clearly directed to enhance such co-operation in all aspects of the proposed programme, to recognize the concerns and humanitarian activities of human rights groups, and to protect the jurisdiction and functions of international organizations.

#### (8) The Media

The programme under consideration must maintain identity and visibility through active coverage of all T.V. and radio stations and the press. The coverage of the programme must be technically prepared and supervised in collaboration with media unions and professionals under auspices of a special national body.

#### (9) A National Council for Child Welfare and Human Rights

To proceed with the programme discussed thus far, the Transitional Government should establish a national administrative body to act competently in behalf of the nation for the welfare of the child.

A National Council for Child Welfare (NCCW) should be created by a declaration of the Transitional Government to carry out the national programme for the welfare and the full enjoyment of human rights of the child in the Sudan presented in this paper.

During the last democratic period (1986-89) there was an existing NCCW. The experience of this period should be examined to seek lessons for the future. The NCCW included both voluntary and governmental representatives. The Council did not meet regularly, although it was headed by the minister. Most important, the NCCW did not have any funds allocated for its work. It failed to co-ordinate agencies with one another. These

failings reflected a lack of political will at the highest level and must not be repeated in a future Transitional Government.

In the transitional period, new programmes reflecting current social changes must be assessed to determine what is pertinent and can be put to use for all children, without abandoning principles and practices in family life and/or work that have stood the test of time. A good performance of child welfare services calls for specialized knowledge, skills, and competence that are developed through social workers and social work education, parental roles and experiences in collaboration with other professions, especially physicians, nurses, teachers, and administrators. There are many social workers, teachers, and nurses unemployed who could provide a strong base for the advancement of child welfare through a newly-established NCCW.

#### (10) Functions and Organizational System of the NCCW

The NCCW is advised to avoid all negative aspects and experiences of the pre-transition era. These included patronage of central entities over provinces and rural areas regardless of their massive populations and diverse cultures and value-orientations; negligence of children and families; lacking in funds and provisions of law; etc. See the experience of previous NCCW.

The NCCW must address needs, set community goals, establish the procedures to achieve goals, and allocate responsibilities and resources to achieve goals, in addition to the execution of plans and follow-up duties.

The NCCW should be established on the basis of adequate geographical and professional representation for planning at the national, provincial, and local levels in accordance with the needs and problems of children and their families and the resources for dealing with them. The role of influential groups in local communities should be recognized, as well. Together with the private sector, human rights groups and youth organizations must be fairly represented in the NCCW.

#### (11) Funds of the NCCW

With its taxing power, the Transitional Government will have the capability of offering universal coverage and of dealing with larger numbers of children and families all over the country. The private sector and international organizations would be equally important to play a great role in ensuring adequate funds for the NCCW in accordance with new legislature and facilities (see above).

#### (12) Auspices of Child Welfare Services

Schools, health and medical services, family services, courts, religious institutions, private sector enterprises, labour unions and other social and political groups, in addition to independent practitioners, must be recognized as part of the child welfare service system with common goals and responsibilities. Social workers, paediatricians, health personnel, and many other professionals should collaborate as a team work to enhance child welfare programmes.

#### (13) Agencies Under Religious Auspices

As part of the Sudanese heritage of religions and cultural pluralism, the religious faith groups have the right to organize and maintain services for the children and families who need help

and through which they may enhance the religious faith and cultural heritage of those who need the services. Children and parents should be afforded opportunity to choose services, if they prefer, that provide for child rearing in accordance with their religious and cultural heritage. The experience of many religious groups under NIF rule has been disastrous as they have been forcibly prevented from serving children and families of their faith, especially the Christian churches, Ansar al-Sunna, the Khatmiya, and the Ansar, among many others. the Transitional Government must not be involved in any of these policies or practices.

## **VI. Plan of Action to Address Special Needs of Children**

The following plan of action targeted at the specific needs of certain categories of children has been identified.

### (1) Children Abducted or Held in Slavery

The Transitional Government must undertake a national campaign to free all children abducted and taken captives in the peace camps or PDF centres in full collaboration with the NCCW, as a national body with adequate geographical and professional representation.

NCCW must identify and release those held in captivity by members of tribal militias, Popular Defence Forces, and others through NCCW geographical membership and committees. NCCW should work in close co-operation with the judiciary to investigate all reports of the kidnapping and/or enslavement of children with a view to releasing all those held against their will and/or forced to work without compensation, and prosecuting those in any way responsible for their capture or who benefit from their forced labour.

NCCW must collaborate closely with the judiciary to investigate all reports of children and families held against their will as servants or labourers, paid or unpaid, and all reports of their physical or sexual abuse, and prosecute all those found guilty.

NCCW should be responsible, in consultation with regional and international agencies with experience in locating missing persons, for assisting children and family members to locate their missing relatives, and assure funding necessary for its operations, including publicity and full co-operation with community representatives seeking to trace community members taken in army and militia raids.

### (2) Unaccompanied Children in the South

The NCCW must act for the Transitional Government in carrying out serious negotiations with the Sudanese People's Armed Forces and SPLM/SPLA, both of which have been continuously accused by human rights organizations of child conscription in the war zones of the South, to release the full list of such children and to announce publicly their whereabouts. These armed forces should also co-operate with investigations to identify children in their ranks and children attached to their camps. Both the Sudanese army and SPLM/SPLA must announce their full commitment to abide by international law and child rights and show such commitment through co-operation with the NCCW.

NCCW should request international co-operation, particularly technical assistance and advice, to pay urgent and due regard to reports of slavery, forced labour, and unaccompanied children in the war zones. Adequate funds necessary for such operations should be allocated by government into NCCW budget.

### (3) Rehabilitating Children Suffering Religious Persecution

NCCW should be able to collaborate closely with all religious groups, including Christian, Muslim, and many other indigenous disciplines, to take responsibility for rehabilitation of the children who have been forced to abandon their faith by NIF organizations, PDF, and security forces.

The Transitional Government must pay full attention to the needs of such children by allocating adequate funds to enable the religious groups concerned to care for such cases. Still, government is advised to allow the NCCW to handle the affairs of such children as a largely representative body of Sudanese regions, religions, and cultures.

#### (4) The UNICEF Family-Reunion Programmes

During the previous transitional period (1985-1986) and that of the democratic government (1986-1989), UNICEF and many other international and national human rights organizations (Sabah, Sudan Human Rights Organization, Sudanese Social Workers Association, International Committee of the Red Cross, the Save the Children Fund, CARE, Oxfam etc) collaborated in varying ways to allow the family union of many homeless children in Khartoum with their families in the South and Western Sudan. Some success was achieved. But UNICEF, as well as the NGOs involved, were curtailed many times in their efforts by both military and administrative interventions.

The next Transitional Government must show respect and consideration to these formal and voluntary organizations to be able to help Sudanese children and families. In particular, the NCCW will have to play a leading role in building up a progressive network of activities in good standing with all national and international parties.

## **VII. Conclusion**

All Sudanese should be concerned with the rights of children in Sudan. Sudan's children not only deserve that their rights be respected, but they are the future of the country, and Sudan cannot hope to escape from the current cycle of war, abuse and famine unless the next generation is brought up in a peaceful atmosphere of tolerance and respect for human rights. A generation is a short time: it will be only a few years before today's young children are of an age when they are able to bear guns, and indeed bring the next generation of children into the world. A comprehensive programme of action to address the welfare and rights of children cannot be delayed or considered a second level priority, even though a future Transitional Government will be understandably preoccupied with many urgent and pressing concerns. It is probable that a future government will adopt a programme for children but fail to give it the required political backing and resources; it will be delegated to a department under the Ministry of Social Welfare and effectively marginalised away from the main political concerns of the government. This would be a mistake: Sudan's children deserve something altogether better.

## **References**

The list of references used in this discussion paper includes many academic and professional works. Of these, the following have been intensively used:

On Human Rights:

United Nations publications of international human rights norms; 'Behind the Red Line - Political Repression in Sudan,' Human Rights Watch, New York, 1996.

On Child Rights and Welfare:

A National programme for Comprehensive Child Welfare Services, the Child Welfare League of America, New York, 1964; 'Child Abuse,' Ruth S. Kempe & C. Henry Kempe, Harvard U. Press, 1978; 'Child Welfare Perspectives, Selected papers of Joseph H. Reid,' edited by Ann W. Shyne, New York, 1979; UNICEF publications and the United States Govt publications on children. Robert LeVine, 'Child Rearing as Cultural Adaptation,' in: 'Culture and Infancy - Variations in the Human Experience,' edited by P. Herbert Leiderman et al., Academic Press, Inc., New York, 1977.

On Sudanese family and cultures:

Dunstan M. Wai, 'The Southern Sudan - The Problem of National Integration,' Frank Cass, London, 1973; Ali A. Mazrui, 'The Black Arabs in Comparative Perspective: The Political Sociology of Race Mixture'; Muddathir 'Abd Al-Rahim, 'Arabism, Africanism, and Self-Identification in The Sudan'; Ian Cunnison, 'Blood Money, Vengeance and Joint Responsibility: The Baggara Case'; L. Holy, 'Residence Among The Berti'; Wendy James, 'The Politics of Rain Control Among The Uduk'; Ian Cunnison and Wendy James (editors): 'Essays in Sudan Ethnography,' Humanities Press, New York, 1972; Andreas and Waltraud Kronenberg, 'The Bovine Idiom and Formal Logic.' [A study on the Didinga society]; Ian Cunnison, 'Baggara Arabs - Power and the Lineage in a Sudanese Nomad Tribe,' Clarendon Press, Oxford 1966; Sharon E. Hutchinson, 'Nuer Dilemmas: Coping with Money, War and the State,' U. of California Press, Berkeley 1996; E. E. Evans-Pritchard, 'The Azande: History and Political Institutions,' Clarendon Press, Oxford, 1971; Francis Mading Deng, 'Tradition and Modernization - A Challenge for Law Among the Dinka of the Sudan,' Yale U. Press, New Haven 1971; Talal Asad, 'The Kabbaihs Arabs - Power, Authority and Consent in a Nomadic Tribe,' Praeger publishers, NY 1970; M. E. Mahmoud, 'The Impact of Partial Modernization on the Emigration of Sudanese Professionals and Skilled Workers,' PhD, Brown University, Providence 1983.