PROTECTING CHILDREN IN CONFLICT IN SOUTH SUDAN

A GUIDE TO UNDERSTANDING SAFE SCHOOLS DECLARATION GUIDELINES AND SOUTH SUDAN PEOPLES’ DEFENSE FORCES CODE OF CONDUCT

Supported by
Save the Children International, South Sudan Country Programme (SCI) in partnership with Charity and Empowerment Foundation (CEF)
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Foreword

South Sudan endorsed the Safe Schools Declaration and the Guidelines for Protecting Schools and other learning institutions from Military use during armed conflict as a commitment to ensure learning institutions in South Sudan are protected from military attacks and occupations.

As a framework for action, endorsing states are expected to domesticate the guidelines into existing policy, legislation, operational frameworks, and raising awareness on the protection of learning institutions from attack and occupation by armed forces and armed groups, and to bring change in attitude and behavior of armed groups to value and protect learning institutions from attack.

It is against this background that the Ministry of General Education and Instructions with support from Save the Children International (SCI), Charity and Empowerment Foundation (CEF) developed this document to facilitate the dissemination of the guidelines of Safe Schools Declaration incorporated into the South Sudan People Defense Forces (SSPDF) code of conduct aimed at creating awareness and action on the promotion and protection of schools and other learning institutions during armed conflict.

I would like to extend my gratitude to our development partners for their continued support both technical and financial, and without which the safe school declaration guidelines would not have been accomplished.

Hon. Awut Deng Acuil,
Minister,
Ministry of General Education and Instruction Republic of South Sudan,
Juba

A letter on safe schools declaration guidelines

The Ministry of General Education and Instructions (MoGEI) hereby declares that nobody should occupy any school or learning institution either by force or by any virtue. The MoGEI is appealing to the public to disengage from the act of occupying schools and other learning institutions. This declaration serves to inform all the organized forces, army, and other armed groups to peacefully vacate all schools and other learning institutions currently under occupation to allow the learning processes to continue as schools have resumed after a long closure due to COVID-19 Pandemics.

It is now time for South Sudan to rebuild resilience and recover from conflict and COVID-19 impacts by resuming learning activities in a peaceful and a safe environment. This declaration will make all the schools and other learning institutions safe for learners and their instructors. The declaration will act as the guiding policy that should be adopted and used by all the learning institutions, government agencies, partners, and communities to ensure schools and learning institutions are safe for learners and their instructors in South Sudan.

Hon. Dr. Kuyok Abol Kuyok,
Undersecretary,
Ministry of General Education and Instructions Republic of South Sudan.
Juba
Acknowledgements

First and foremost, I acknowledged with thanks the valuable contributions made by Charity and Empowerment Foundation (CEF) in leading the process for the development of South Sudan safe school declaration guidelines driven by the felt need to protect education from attacks and military occupation. I also extend my special thanks and appreciations to MoGEI for the tireless efforts in engaging a team of experts during the development processes.

We owe them a lot of thanks for the sacrifice they made right from day one of the development of the safe school guidelines.

Finally, I thank NORAD for the financial support through SCI, and without which this document would not have been accomplished.

It is our hope that guidelines will help arm forces to safeguard learning institutions from attacks and military occupation.

We hope that every stakeholder who will use this document will find it a useful tool in directing the safe school declaration guidelines.

Not forgetting the Ministry of General Education and Instruction, who have ensured children have access to education, with their support some schools that were occupied have been vacated. Start in life, the opportunity to learn and protection from harm. It is our utmost hope that the Guidelines will help armed forces to safeguard schools and learning facilities from attack and military occupation.

Rama Hansraj
Country Director,
Save the Children International,
Republic of South Sudan
Juba

Background

In June 2015, South Sudan took a momentous step as one of the first governments to endorse the Safe Schools Declaration.

The Safe Schools Declaration is an inter-governmental political commitment and agreement that outlines a set of commitments to strengthen the protection of education from attack and restrict the use of schools and other learning institutions.

The purpose of the Safe Schools Declaration is to protect students, teachers, schools, and other learning institutions from some of the worst effects of armed conflicts.

The Declaration offers guidance on concrete measures that armed forces and non-state actors can take to avoid military use of educational facilities, to reduce the risks of attacks, and to mitigate the impact of attacks and military use when they occur.

The guide was developed by Charity and Empowerment Foundation (CEF) supported by Save the Children with funding from Norwegian Agency for Development Cooperation (NORAD).
1.0. Introduction

The attacks on education occurred in South Sudan throughout and across the country resulting to damaging of schools and killing and injuring students and teachers. More than 150 schools were used for military purposes and hundreds of children were abducted from their classrooms since the start of war in 2013. In December 2017 alone, UNICEF reported that around 2 million children in South Sudan were out of school, representing 72 percent of the country’s school age population. This was the largest percentage of any nation’s children out of school at the time. Schools across the country were frequently closed due to fighting and the threat of violence, and hundreds of schools and other civilian assets were looted and destroyed. Since the beginning of the conflict in December 2013 to date, 293 incidents of attacks on schools or protected persons or of military use of schools were reported across the country. These incidents cumulatively affected more than 90,000 children. Most parents kept their girls home from school to do housework, with conflict and famine adding fuel to their decisions.

In June 2015, South Sudan took a momentous step as one of the first governments to endorse the Safe Schools Declaration. The government of the Republic of South Sudan endorsed the Guidelines in 2015 and established a Focal Point at the Ministry of General Education and Instruction. The Focal Point coordinates all stakeholders involved in Safe Schools Declaration work and advocates for domestication of the same into relevant policy and legislative frameworks. In so doing, the SSPDF Code of Conduct, its legislation and other applicable international law norms are harmonized with the Guidelines for effective implementation. Still attacks on schools, violence, school’s occupation by armed forces, armed groups, and armed youth is still taking place. Beginning from 2013 to date, 31 percent of all schools in South Sudan had suffered some form of attack by armed forces or non-state armed groups including armed youth, military use or threats targeting students and teachers.

It is unfortunate that South Sudan is among 13 member states with parties to the conflict listed or named by the UN Secretary General for engaging in attacks on schools and other learning institutions during Armed Conflicts. Wider consultation was conducted in which representatives of the governments expressed political support and commitment to protect education in armed conflicts, including by endorsing and committing to implement the guidelines. The Safe Schools Declaration was opened for endorsement at an international Conference in Oslo on May 29, 2015. The Declaration builds a community of nations committed to respecting the civilian nature of schools and developing and sharing examples of good practices and protecting schools and others learning institutions during armed conflicts.

As of August 2020, this community of nations grew to 104 endorsing States. The Declaration offers guidance on concrete measures that armed forces and non-state actors can take to avoid military use of educational facilities, to reduce the risks of attacks, and to mitigate the impact of attacks and military use when they occur. Countries also commit to collect or facilitate the collection of data on attacks on education; investigate and prosecute war crimes involving education and help victims. By endorsing the Declaration, States also commit to restoring access to safe education and to developing education systems that are conflict sensitive and promote respect between social or ethnic groups. The Safe Schools Declaration is a framework for collaboration and exchange, and endorsing countries meet on a regular basis to review the implementation of Declaration.
This guide was developed by CEF supported by Save the Children with funding from Norwegian Agency for Development Cooperation (NORAD). Special thanks to SCI colleagues who reviewed the guidelines and provided valuable contribution and comments to enrich the report.

By endorsing the Declaration, countries commit to undertake the following steps to create a safe, protective, supportive and respective environment for students, teachers, schools, and others learning institutions from attacks and military use:

• Implement the guidelines for protecting Schools and others learning institutions from Military Use during Armed Conflict and bring them into domestic policy and operational frameworks as far as possible and appropriate.

• Report on attacks and military use of schools and others learning institutions through existing monitoring and reporting mechanisms such as the UN-led MRM, Education Cluster or the Civil Military Reporting Mechanism.

• Help victims of attacks, in a non-discriminatory manner.

• Investigate allegations of violations of national and international law and prosecute perpetrators where appropriate.

• Develop and promote conflict-sensitive and safe programming approaches to education.

• Support the UN’s work on the children and armed conflict agenda; and

• Meet on a regular basis, inviting relevant international organizations, civil society and with RoSS authorities to review the implementation of the Declaration and use of the Guidelines with accountable persons.

• Recognize that International, Regional and National organizations can play a key role in supporting the governments to implement these commitments.

2.0. Purpose for this booklet

The purpose for this booklet is to disseminate the Safe School Declaration and its Guidelines in a user-friendly version. The main purpose is to enhance understanding of the guidelines that can aid their rules of engagement as far as protection of schools and learning facilities is concerned. In other words, the aim is to distribute the user-friendly version of the Guidelines on Safe Schools Declaration and SPLA (now South Sudan People Defense Forces).

- SSPDF), the Military Code of Conduct and command Orders regarding the protection of education to members of South Sudan Armed Forces and other armed groups to disseminate relevant information on the importance of protection of school facilities and to ensure the continuation of learning even during armed conflict. It is expected that the booklet shall be a helpful guidance on the behavior and strong application of the best standards and practices to ensure the continuity of safe education during armed conflicts.

2.1 How to use the guidelines?

The guidelines shall be used as a handy tool by the stakeholders for continuous dissemination among armed forces, schools, larger community, and all public settings. Although the Safe School Declaration and its Guidelines are part of soft law or non-binding legal principles, they do not contradict International Humanitarian Law nor purport to change of existing international law. As such they are considered as useful reference documents in relation to the protection and continuity of education during armed conflicts.
2.2. Understanding Safe Schools Declaration Guidelines

The Guidelines for Protecting Schools and others learning institutions from Military Use during Armed Conflict were developed to provide clear and simple guidance for armed actors. They are a non-binding practical tool that aims to help parties to conflict – both government and armed forces and armed non-state actors – to exercise restraint with respect to the use of schools and others learning institutions for military purposes. Military use of educational infrastructure risks converting schools and others learning institutions into military objectives, exposing students and teachers to potentially devastating consequences of attack. Military use can be prevented by making changes to legislation, doctrine, military orders, rules of engagement, practice, exercises, and training.

The Guidelines are based on what is practically achievable. They acknowledge parties to armed conflict are invariably faced with difficult dilemmas requiring pragmatic solutions. The Guidelines encourage a change in mentality and shift in behavior regarding the military use of schools and others learning institutions, through integration into military policies and doctrine, and application of good practice in exercises, planning and operations. The following Guidelines were finalized through a state-led process and unveiled on December 16, 2014, at a meeting hosted by the Permanent Missions of Norway and Argentina to the UN in Geneva, Switzerland. Parties to armed conflict are urged not to use schools and others learning institutions for any purpose in support of their military effort. While it is acknowledged that certain uses would not be contrary to the law of armed conflicts, all parties should endeavor to avoid impinging on students’ safety and education, using the following as a guide to responsible practice.

3.0. Existing MoGEI guidelines for safe schools in South Sudan

These essential requirements are necessary for the delivery of child protection, safe learning environment and provision of quality education to learners in all learning institutions. It is acknowledged that the Republic of South Sudan has emerged from decades of war and destruction of learning facilities by armed groups are prevalent, and this has affected continuous learning. Therefore, these guidelines are designed to protect education and learning institutions from attacks and military occupation.

3.1. Understanding School Environment, Structures and Facilities in South Sudan

The school has the following.

3.1.1. A clear signpost showing:

a) The name of the school
b) The school vision and motto
c) The school type and category (Public, private, religious, formal AES, GES
d) Contact number of the school (Telephone/ Email).
e) School badge
3.1.2: *School environment*

The school has the following:

- a) Clear access road to the school.
- b) Clearly demarcated boundaries
- c) A properly hedged or fenced compound
- d) Clearly marked footpaths for both normal learners and learners with disabilities.
- e) Windbreakers and shade trees
- f) Flower gardens
- g) Clearly marked protected green areas of the compound
- h) Waste disposal pits
- i) Dust bins strategically positioned on the school compound.
- j) Learners’ garden and accessible source of water hoses, slashes, and pangas
- k) Talking compound.
- l) Sufficient light in the classrooms
- m) Adequate aeration/ ventilation in the classrooms
- n) Properly marked areas for games and sports
- o) Secure entrance and exit gates.

3.1.3: *School buildings, structures, and facilities. The school has the following:*

- a) Architectural plans, designs and standards that are approved by ministry of public works and education.
- b) Special facilities such as laboratories; dining halls; dormitories; computer laboratories; Kitchens; stores; staff quarters; separate toilets and urinary shelters for boys, girls, and staff; recreational facilities (same facilities may only apply to secondary education)
- c) Building design must address the requirements of children with disabilities i.e., a ramp for easy access.
- d) Every school building must have a lightening conductor.
- e) Schools in rented premises should have secure tenancy agreement.
- f) A head teacher’s office
- g) A deputy head teacher’s office
- h) School officer’s office
- i) School examination’s secretary office
- j) Bursar’s office
- k) Secretarial Office
- l) A staffroom and departmental offices
- m) School dispensary
- n) A well-maintained general store with adequate space for storage.
- o) A well-equipped kitchen with chimney, proper water storage and drainage.
- p) A well-maintained dining hall with adequate space and facilities.
- q) A library (a reading corner for primary)
- r) A laboratory / multipurpose science room (for Secondary)
- s) A typing/ computer room.
- t) Staff quarters.
- u) School land

3.1.4: *Health and Sanitation Facilities*

The school has the following:

- a) Age-appropriate separate pit/ flush latrines/ toilets for:
  - Male Learners
  - Female learners
  - School male staff
  - School female staff
  - Learners with disabilities
  - Staff with disabilities
• Toilet-child ratio should be 1:30 (for pre-primary)
• The sanitation facilities should be constructed about 15 meters away from water source and should not be less than 6 meters or 20 feet deep.
• Washing room/facility for the girl child.

b) A separate urinal shelter for:
• Male learners
• Male staff
• Learners with disability
• Staff with disability
• All toilets must have hand washing facilities, source of water and soap or ash.

c) Safe drinking water for all learners and staff

Guidelines on prevention of use or occupation of schools and learning spaces.

Guideline 1

Functioning schools and others learning institutions should not be used by the fighting forces of parties to armed conflict in any way in support of the military effort.

• This principle extends to schools and others learning institutions that are temporarily closed outside normal class hours, during weekends and holidays, and during vacation periods.

• Parties to armed conflict should neither use force nor offer incentives to education administrators to evacuate schools and others learning institutions in order that they can be made available for use in support of the military effort.

Guideline 2

Schools and others learning institutions that have been abandoned or evacuated because of the dangers presented by armed conflict should not be used by the fighting forces of parties to armed conflict for any purpose in support of their military effort, except in extenuating circumstances.

The school has:

a) Safety and security rules and regulations
b) Copy of the road safety codes.
c) The learners are sensitized about road safety codes and safe crossing of roads.
d) Learners are sensitized about personal, community and national safety and security matters.

e) Firefighting equipment is located outside each building for schools accessing power source.
f) In rural schools a twenty-meter fire free protection zone is established and enforced around the school hedge
g) Every building block has a lightning conductor/arrester.
h) Classes and school buildings have secure doors and windows.
i) The school has a trained guards / security service provider.
j) Proper facility for disposing glass, metal, and sanitary pads/towels.
k) Land lease for the land on which they are located.
l) All story buildings have emergency exits.
m) Fire detection & prevention systems e.g., smoke detectors, alarm system, control panels, use of fire retardant in construction, management of storage materials, emergency plans, fire extinguishers are in place.
n) Emergency preparedness system is in place e.g., emergency contacts, routes, and evacuation plans.
o) Rules and regulations for prevention of violence and abuse
p) Mechanisms for reporting violence or abuse
q) Peer to peer support mechanism (reporting and monitoring)
r) Psychosocial systems e.g., Spiritual, and moral care, Life skills such as prevention of self-harm, peer abuse, abuse by adults and societal abuse.
s) The school reports to Payam Education Office cases of recruitment of learners to armed forces.
t) The school institutes measure to:
• Control access to its premises
• Ensure security within its premises.
• Manage indiscipline teachers and learners
• Prevent crime.
• Recruit trained guards.
• Ensure infrastructural safety.

South Sudan Safety and Security

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- SSPDF, the Military Code of Conduct and command Orders regarding the protection of education to members of South Sudan Armed Forces and other armed groups to disseminate relevant information on the importance of protection of school facilities and to ensure the continuation of learning even during armed conflict. It is expected that the booklet shall be a helpful guidance on the behavior and strong application of the best standards and practices to ensure the continuity of safe education during armed conflicts.

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when they are presented with when there is no alternative and it is a request from the community and only for as long as no choice is possible between such use of the school or other learning institutions and another feasible method for obtaining a similar military advantage. Other buildings should be regarded as better options and used in preference to school and others learning institutions buildings, even if they are not so conveniently placed or configured, except when such buildings are specially protected under International Humanitarian Law (e.g., hospitals), and keeping in mind that parties to armed conflict must always take all feasible precautions to protect all civilian objects from attack.

• Any such use of abandoned or evacuated schools and others learning institutions should be for the minimum time necessary.
• Abandoned or evacuated schools and others learning institutions that are used by the fighting forces of parties to armed conflict in support of the military effort should remain available to allow educational authorities to re-open them as soon as practicable after fighting forces have withdrawn from them, provided this would not risk endangering the security of students and staff.
• Any traces or indication of militarization or fortification should be completely removed following the withdrawal of fighting forces, with every effort made to put right as soon as possible any damage caused to the infrastructure of the institution. All weapons, munitions and unexploded ordnance or remnants of war should be cleared from the site.

Guideline to prevent attacks on schools and learning spaces.

Guideline 3

Schools and others learning institutions must never be destroyed as a measure intended to deprive the opposing parties to the armed conflict on the basis to use them in the future. Schools and others learning institutions; be they in session, closed for the day or for holidays, evacuated or abandoned—are ordinarily civilian objects.

Guideline on taking all feasible alternative measures before attacking a school that has become a legitimate military objective to target.

Guideline 4

While the use of a school or others learning institution by the fighting forces of parties to armed conflict in support of their military effort may, depending on the circumstances, have the effect of turning it into a military objective subject to attack, parties to armed conflict should consider all feasible alternative measures before attacking them, including, unless circumstances do not permit, warning the enemy in advance that an attack will be forthcoming unless it ceases its use.

• Prior to any attack on a school that has become a military objective, the parties to armed conflict should take into consideration the fact that children are entitled to special respect and protection. An additional important consideration is the potential long-term negative effect on a community’s access to education posed by damage to or the destruction of a school.
• The use of a school or others learning institutions by the fighting forces of one party to a conflict in support of the military effort should not serve as justification for an opposing party that captures it to continue to use it in support of the military effort. As soon as feasible, any evidence or indication of militarization or fortification should be removed, and the facility returned to civilian authorities for the purpose of its educational function.

Guidelines to minimize the risk of turning schools into legitimate targets of attack while providing security to schools.

Guideline 5

The fighting forces of parties to armed conflict should not be employed to provide security for schools and others learning institutions, except when alternative means of providing essential security are not available. If possible, appropriately trained civilian personnel should be used to provide security for schools and others learning institutions. If necessary, consideration should also be given to evacuating children, students, and staff to a safer location.

• If fighting forces are engaged in security tasks related to schools and others learning institutions their presence within the grounds or buildings should be avoided, if possible, to avoid compromising the establishment’s civilian status and disrupting the learning environment.

Guideline to promote the dissemination of the Guidelines.

Guideline 6

All parties to armed conflict should, as far as possible and as appropriate, incorporate these Guidelines into, for example, their doctrine, military manuals, rules of engagement, operational orders, and other means of dissemination, to encourage appropriate practice throughout the chain of command. Parties to armed conflict should determine the most appropri-
The South Sudan military Code of Conduct in support of safe school declaration guidelines. It states:

- The armed forces are bound to observe applicable international and regional instruments on military Code of Conduct.
- Whether on or off duty, SSPDF officer shall respect human rights and Fundamental freedoms of civilians including their properties.

To effectively implement the Guidelines, the government must:

- Put in place mechanisms for monitoring and reporting violations of the Guidelines.

Order from the Office of the Deputy Chief of General Staff for Political Military Operations, 2012

1. I hereby order you to urgently evacuate the following schools occupied by the forces under your direct commands. [List of eight schools, by name, state, county, date occupied, and division occupying school.]

2. Failure to evacuate the above-mentioned schools will lead to severe disciplinary actions and the act is a serious violation of the law of our land which shall bear regrettable implications on each of you Div. CDRs [divisional commanders].

3. Each division CDR [commander] must report the date of their evacuation of the above-mentioned schools within seven days starting from 17th 04.2012 24th 04.2012.

4. Remember all eyes are on your immediate action.


Draft General Order on SPLA Interaction with Children, 2012

1. It has become apparent that there is a need to regulate the way SPLA personnel interact with children.

2. For purposes of this instruction, the definition of a child is any person under the age of 18 years of age.

3. The primary mission of the SPLA is to uphold the Republic of South Sudan’s Constitution, secure its territorial integrity, and protect its people, especially the children...

4. The aim of this directive is to provide comprehensive and unambiguous instruments pertaining to the appropriate manner by which children are dealt with by the SPLA and other armed forces.

DIRECTIVE:

6. PROHIBITION: It is expressly prohibited to:
   (c) Occupy schools or interfere with or disrupt classes. Under no circumstances are school buildings or school facilities to be used for any military purpose.

7. The only exception to this instruction that will be tolerated is where children are in imminent danger owing to conflict or natural disaster and there is an identified need to evacuate children for their own safety. Such authority must be sought from the Chief of General Staff, via the Judge Advocate General of the SPLA (Director, Military Justice and Legal Affairs Directorate). If children are permitted access to SPLA camps or premises pursuant to this exception, the camp or unit commander will immediately contact his unit’s or his superior unit’s child protection officer to enable evacuation of such children to UNICEF, UNMISS, Save the Children, or similar international or humanitarian organizations that can help the children in a civilian environment.

DISCIPLINARY:

8. Failure to carry out these directives and instruction will lead to the offender being charged under section 67 of Ref (A), the SPLA Act, for disobedience of lawful orders. Upon conviction, any offender who is the commanding officer of an SPLA unit shall be relieved of his or her command.

~ Draft General Order on SPLA Interaction with Children, from General James Hoth Mai, Chief of General Staff, November 2012


NOTE: THIS IS A PUNITIVE ORDER. Under this General Order, SPLA members are prohibited from: (1) recruiting children into the SPLA; (2) using children in any manner; or (3) occupying schools. SPLA members violating this Directive ARE SUBJECT TO the full range of disciplinary and administrative measures available under South Sudanese and International Law, including, but not limited to:

- Referral of charges to general court-martial
- Referral of charges to civilian criminal court
- Referral of charges to the ICC (International Criminal Court)
1. PURPOSE

This “Directive-style” General Order … makes clear that (1) children—defined as all persons under the age of 18 years old—shall NOT be recruited into the SPLA or used by or within the SPLA in ANY capacity for ANY purpose; AND (2) SPLA units and/or soldiers will NOT, under any circumstances, attack, occupy, or use for any purpose schools or school buildings or property.

This General Order announces a ZERO TOLERANCE POLICY: SPLA Members are prohibited from: (1) recruiting or using children for ANY purpose; (2) occupying schools or using school property for ANY purpose under ANY circumstances. These prohibitions are without exception and unconditional. Any officer, non-commissioned officer (NCO), or soldier suspected of violating this General Order may be investigated by an officer appointed by the Commanding Officer of the pertinent Battalion, Brigade, or Division, OR by the COGS or a D/COGS OR a Director or Deputy Director of a General Headquarters Bilpam Directorate, OR by the Judge Advocate General of the SPLA (the Director, Military Justice & Legal Affairs Directorate). The officer appointed as the Investigating Officer shall coordinate with both the Child Protection Officer AND the judge advocate assigned to the Command or to its senior command...

b) Officers, NCOs, and soldiers suspected of being in violation of this General Order themselves shall be investigated. The officer conducting the investigation shall make a written report of his or her inquiry that sets forth comprehensive Findings of Fact, lists the evidence supporting each Finding of Fact, renders Opinions and a Conclusion concerning the facts underlying the event or events being investigated, and makes Recommendations with respect to the disposition of the case, including whether the situation investigated warrants the taking of administrative or disciplinary action by the Command against any Officer, NCO, or soldier suspected of conduct violating this General Order.

c) A written investigative report that has been reviewed by a judge advocate and endorsed by the commanding officer of the unit involved and by the pertinent Division or Brigade Commander or Directorate senior officer shall be forwarded to the Chief of General Staff via the Head of the SPLA’s Child Protection Unit and the Judge Advocate General of the SPLA.

d) Disciplinary and/or adverse administrative action SHALL BE taken if there is evidence that suggests that any member or members of the SPLA have violated laws, rules, or orders relating to the recruitment or use of children by or within the armed forces, the occupation of schools, or the protection of children generally.

2. SITUATION

The UN Secretary General Report on Children & Armed Conflict for 2011, lists the SPLA as a persistent violator of Child Protection laws… The SPLA appears on this list, the UN Secretary General’s List of Shame, alongside groups such as the Lord Resistance Army (LRA), Al-Shabaab, Al-Qaida, and the Taliban. This is intolerable and all SPLA actions causing SPLA to appear on this list will cease immediately. SPLA Officers, NCOs, and Soldiers … will immediately cease occupying or using schools for ANY purpose…
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Certificate of Unit Free of Persons Under the Age of 18 Years

I, (Major General/Brigadier General/Colonel/Brigadier/Colonel) ________ Commanding Officer of ________ (Division/Brigade/Battalion/Company/Platoon), do hereby certify that:

5. Units under my command are not occupying schools or utilizing school facilities in any way.

CONCLUSION.

I hereby certify that the foregoing information and statements relating to the state of personnel under my command have been certified and are true…

− General Order, from General James Hoth Mai, Chief of General Staff, August 14, 2013.

Order from the Acting Sudan People’s Liberation Army Chief of Staff, 2014

…This message serves to reaffirm the SPLA Commitment as this General order demand that.

All SPLA members are prohibited from: …Occupying of using schools in any manner.

The SPLA members violating the directives ARE SUBJECT TO the full range of disciplinary and administrative measures available under South Sudanese and International Law including but not limited to as indicated in the attached punitive Order:

(a) Referral of charges to General Court Martial
(b) Referral of Charges to Civilian Criminal Court
(c) Punitive Dismissal from Service
(d) Non-Judicial Punishment
(e) Administrative Separation from Service
(f) Relief from Command (where applicable)
(g) Adverse Performance Evaluation

Therefore, you are directed to implement and observe this order as detailed in the attached document. All unit commanders are to use the forms and submit their reports and failure to do so measures will be taken in this order. [sic] For immediate execution.


Draft Amendment to Sudan People’s Liberation Army Act, 2014

Section 22(2) Occupation of Schools and Hospitals

Occupation of Schools and Hospitals: every SPLA member commits an offence who occupies Schools or Hospitals … which are prohibited commits an indictable offence and liable to:

a) Court martial.
b) Dismissal from the service
c) Non-judicial punishment
d) Administrative separation from service
e) Administration reduction in grade
f) Relief from command
g) Adverse performance evaluation

− Draft amendment to Sudan People’s Liberation Army Act, as per letter of Kuot Jook Alith, Legal Advisor, Ministry of Defense and Veteran Affairs, September 11, 2014.

References.

1. The UN Secretary General Reports on Children & Armed Conflict for South Sudan 2011.
2. General Order, from General James Hoth Mai, Chief of General Staff for South Sudan army forces August 14, 2013.
3. Draft Amendment to Sudan People’s Liberation Army Act, 2014.
4. Draft on minimum standards and indicators for pre-primary and primary schools for the Republic of South Sudan September 2015 (MoGEI).
5. Draft on school safety and security for the Republic of South Sudan 2015 (MoGEI).
COMMITMENT LETTER ON THE SAFE SCHOOLS DECLARATION GUIDELINES

The Ministry of Defence & Veterans’ Affairs would like to commend the work of the United Nation’s Security Council on Children in Armed Conflict and acknowledge the importance of the monitoring and reporting mechanism for grave violations against children in armed conflict. We therefore, emphasize the importance of Security Council Resolution 1998 (2011) and 2143 (2014) which, inter alia, urges all parties to the Armed conflict to refrain from actions that impede children’s access to education and encourages member states to consider concrete measures to deter the use of schools by Armed forces and non-state groups in contravention of applicable National and International laws.

We shall make every effort to collect reliable relevant data and investigate allegations of violations of applicable National and International laws, hence, I instruct the concern units within the Ministry of Defence & Veterans’ Affairs to immediately start the process of incorporating and observing Safe Schools Declaration and Guidelines into The Armed Forces Act, Code of Conduct and other legal instruments.

This letter serves to reaffirm the Army commitment as this general demand that all military members are unconditionally prohibited from occupying schools, interfering with, or disrupting school classes or activities or using school facilities for any purpose.

This declaration serves to inform all military personnel’s, and other armed groups to peacefully vacate all schools and other learning institutions currently under occupation to allow the learning processes to continue.

With this commitment, we express our political commitment to advance the principles of the Safe Schools Declaration; including the use of the Guidelines for protecting schools and other learning institutions from Military use during armed conflict.

Yours truly,

Hon. Angelia Nyuony Mai
Minister
Ministry of Defence & Veteran’s Affairs
Republic of South Sudan
Juba

PROTECTING CHILDREN IN CONFLICT IN SOUTH SUDAN

A GUIDE TO UNDERSTANDING SAFE SCHOOLS DECLARATION GUIDELINES AND SOUTH SUDAN PEOPLES’ DEFENSE FORCES CODE OF CONDUCT