
The Children Right Violation in the Conflict of Sudan: Government Negligence

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Abstract

The conflict caused by the government's negligence in handling political issues that have an impact on the welfare of children's rights that should be obtained, research uses a normative approach method. By using the regulation of children's rights in the Convention on the Rights of the Child which is a universal principle and legal norm regarding the position of children and international human rights treaties, the purpose of research is to find out the causes of the loss of children's human rights caused by government negligence and how the implementation of international law and the contribution of UNICEF (United Nations International Children's Emergency Fund) in protecting children's rights, the Convention on the Rights of the Child is recognized as the most advanced human rights treaty, The Convention on the Rights of the Child is recognized as the most advanced human rights treaty agreed upon by states, the contribution of international humanitarian agencies that work with other international agencies to reduce or eliminate violence against children and provide special treatment for children who have mental disorders because see what children should not see, as an international organization UNICEF not only oversees and prevents the welfare of children but also determines the prospects for a decent and humane life for minors.

Keywords: International Law, Children Rights, Sudan Government

1. INTRODUCTION

Wars often occur due to conflicts with neighboring countries or internal strife. This can have a broad impact not only felt by the people involved in the war but also involves many innocent human beings who become victims, causing suffering for humanity, which makes humans experience violence or face death (Ridzki & Dharsono, 2021). No benefits can be obtained in war, but great losses or injury to human rights. Of the many losses caused by war, one of the worst effects is felt by children (Aslamiyah et al., 2016).

Sudan is a country located in the northeast of the African continent. At that time, the Sudan population was divided into southern Sudan areas, most of which were Muslims of Arab origin, and northern Sudan, most of which were Christians of African origin, who then conducted a separation referendum. This referendum was guided by the comprehensive peace agreement. This is motivated by the injustice of the government in favor of the two regions. In the division of the region, the south is more likely to be fertile in a position that gets a lot of oil and progress in other factors, and this ultimately makes the government's partisanship in providing policies more dominated by southern Sudan (Cahyanti, 2016).

The prolonged armed conflict in Sudan for decades has been a source of suffering and destruction for the people. It involves the Sudan government and several rebel groups in areas such as Darfur and the blue region. In the Sudan conflict, the Sudan government should have the primary responsibility of

protecting and fulfilling the rights of children in accordance with international law and the Convention about the Rights of Children in 1990, but this issue requires serious and special attention from international law. In this context, government negligence has led to human rights violations which include violations of children's rights. Children continue to be direct victims of violence, torture, forced recruitment, and access to proper education and health services (Soemantri, 2019).

Based on research on conflict areas involving children in prolonged suffering, about 400,000 children have dropped out of school. Therefore, children do not get the proper education that should have been the responsibility of the government to facilitate their intelligence. In the ongoing civil war, children are involved in the war army with the context of the Sudan people's liberation army, and the liberation of the Sudan people this has injured human rights, especially children, because children then do not get safe protection and security for their lives, which should be the responsibility of the Sudan government (Koos & Gutschke, 2014). Children should not be involved in the government's negligence. Children should not fight to become war soldiers. Children should get an adequate education, food, and a safe living place (Cesario et al., 2021).

Children are the next generation, who have the right to a decent life and the right to stay alive. In addition, children also have the right to learn, play, live in a safe environment, and grow up to be happy children. Children's growth process will determine their future character, but the growth process of children in conflict areas will be vulnerable to disturbing their physical, especially psychological (Mawarpury & Mirza, 2017). Although "International Humanitarian Law" has provided very clear limits and rules to minimize or avoid the suffering that is present because of the war, southern Sudan does not comply with the rules made by "International Humanitarian." In this case, the Sudan government's negligence has been fatal because it has failed to be a government responsible for maintaining peace within its country and has also failed to protect human rights, especially the protection of children (Ridzki & Dharsono, 2021).

In the rules of the Convention that has been implemented by UNICEF, which is in accordance with the rights of the loss of children, such as the government must ensure a decent child's life to survive and grow healthy, the child has the right to know his family, the child also has the right to express opinions and can be heard when making decisions that might affect his life.

Every child has the right to freedom: freedom of thought, belief, meeting with other children, and freedom of religion. Every child has the right to be protected in his or her privacy, which includes identity, family, home, communication, and reputation. Every child has the right to receive good care and guidance, which means being protected from violence, abuse, and devotion. Education is also very important in providing guidance to fulfill children's rights. With education, children can develop character, talent, condition, mental and physical abilities and teach an understanding of peace and gender equality between humans. Health is also one of the children's rights that the government must fulfil, because, with health, children will become more active. Consequently, achieving the minimum mortality rate of children also requires clean water, nutritious food, and environmental hygiene. The government must fulfil children's needs while knowing what their rights are (Noorani, 2018). Based on the main problems that have been described in the background, how the role of the government that caused the Sudan war to deprive human rights, and how the perspective and implementation of international law and other international legal institutions in viewing this case.

II. METHOD

This research used a normative analysis approach that examines the subject matter within the scope of juridical meta-legal norms and positive law with data in the form of methods in a qualitative approach to gain an in-depth understanding of child rights violations in the context of the Sudan conflict caused by government negligence. Secondary data systematically structured in the juridical analysis was treated as reference materials, such as related laws or other legal regulations, and journals as relevant literacy materials in this research. This research method was expected to provide a deeper understanding of child rights violations in the Sudan conflict caused by government negligence.

III. RESULT AND DISCUSSION

3.1 The Negligence of the Sudan Government

Sudan is already backgrounded by the war that continued to occur for many years. The first conflict was incited by the Southern Sudan liberation movement with members of the Southern Sudan

supporters. This movement was formed by Sudan Army lieutenant Joseph Song. He formed this movement to negotiate with the central government of this movement so that an Addis Ababa agreement was then agreed upon (Setyawan, 2015). This agreement contains the formation of a single autonomy with the entire southern Sudan region. It turned out that the negotiations had no meeting point. Sudan in the northern region felt unfair with the contents of the agreement, which gave special autonomy to the southern Sudan region. The agreement led by Jaafar Jackson turned out to betray southern Sudan by providing a policy that law enforcement is based on Islam and declaring that Sudan is an Islamic state by enforcing the politics of Arabization and Islamization in southern Sudan. This ended the special autonomy that had been contained in the agreement, and the second conflict lasted until 2005, motivated by the central government that did not implement the provisions in accordance with the agreement. This conflict stopped with a peace agreement between the Sudan government and pro-Sudan in the south. Then, southern Sudan succeeded in becoming independent and separating from Sudan by conducting a referendum, but after the referendum, Sudan was even worse due to the lack of oil supply because the current oil location was in the northern Sudan region. This happened because the north was more fertile and received special attention from the government's autonomy authority (Zavira Aulia, Ester Daniela A. Siregar, Levina Cerelia, 2021).

Until after Sudan's independence was achieved, the two regions of the country were still involved in the armed conflict caused by internal political competition between President Salva Kiir Maryadit and Vice President Riek Machar Teny Dhurgon, which ended with the removal of Machar's position as Vice president. President Salva Kiir fired his deputy and several others in the cabinet for allegedly planning a military coup, but Machar has denied this and counter-accused President Kiir of being a dictator. Attacks continued to be accused and resulted in mass displacement of civilians who continued to seek refuge. The violence after the accusations against Machar expanded to seven of the ten states in South Sudan, which caused division. In addition to this reason, there has also been massive corruption in Sudan. The Sudan government often takes taxes and finances from the public for the benefit of individuals to enrich themselves. Some ministers and officials have embezzled funds, while only 1.5% have been forcibly returned. In addition to that, the state leaders in South Sudan have used tens of billions of dollars illegally from oil revenues, making the economy unstable. This is not only a personal problem involving 2 people, but also the violence between the presidential guard army and the two largest ethnic groups in southern Sudan continues to grow and impacts ethnic divisions in various parts of the country. A flashback in the history of southern Sudan, political conflicts that turned into ethnic wars also occurred in 1999, involving many parties with massive ethnic slaughter, violence, persecution, and killing of many people (Wahiduddin, 2020). This conflict is a politicized tribalism issue with the aim of gaining support from a group of people within their community to obtain human resources to fight. Sudan's armed conflict in 2013 was categorized as one of the deadliest conflicts in Africa. This continued to happen repeatedly even before Sudan's independence until the referendum on a regional separation until now. The ravaging war that occurs repeatedly shows that the Sudan government has weak state institutions in handling internal pressures to meet the needs of the community and low external aspects in maintaining state security, economy, society and politics. These are the main factors that cause the conflict between Sudan to continue and not be handled properly (Geopolitik, 2023).

In terms of the causes that can cause conflict, it cannot be separated from the government's mistake in using its authority, the government's authority should use its right to regulate, protect and provide the needs of its citizens but it is not achieved and is more likely to be incompetent and authoritarian so that this cannot be separated from the dissatisfaction felt by the community, especially community groups that tend to be minorities and identity groups, feelings of frustration from the community because their basic needs are not met by the government and their stories have not been heard by several groups then channel their anger through actions that lead to prolonged social conflicts between brothers. Conflicts can occur because of the rationality of each party in taking an action since humans are actually creatures that have reasoning in acting, assessing things and making decisions. Accordingly, the government's steps in this case should start with a new approach by negotiating everything from the root of the problem, fixing the government system and being fair to the majority and minority parties (RA et al., 2019).

3.2 Implementation of International Law in The Protection of Children's Rights in Sudan

The Geneva CONVENTION is the result of developments in 1864-1949, which focused on protecting civilians who could not be involved in armed conflict, article 12, paragraph 1, stipulates that members who have been wounded, sick and have stopped fighting should not be attacked and must be protected (Geneva Convention II 1949 article 2). The Geneva Convention is a treaty that protects and aims to protect victims of the role and armed conflict (Geneva Convention 1949 p.2) (Montreux, 2008).

The purpose of establishing an international organization is to protect the interests of its members. Meanwhile, according to Pierre Gerbet, it is the result of efforts to organize international relations by building cross-border relations between governments or social groups that represent common interests within the framework of permanent groups or bodies separate from national institutions with their own characteristics, individuals, and their own roles in carrying out certain tasks internationally (Luerdi, 2021).

The Geneva Convention has 4 treaties:

- 1) The first treaty is about protecting wounded soldiers and ensuring that soldiers are treated humanely without discrimination.
- 2) The second treaty contains the extension of protection in accordance with the first treaty.
- 3) The third treaty contains the protection of prisoners of war who must be treated humanely without discrimination and must not use torture methods to extract information from prisoners of war.
- 4) The fourth treaty is an agreement governing civilians. In a war, civilians are entitled to protection and good and humane treatment (Geneva Convention)

International human rights treaties define the universal legal principles governing children's status, rights and protections. There are four groups of children's rights in international treaties, including;

- a. The survival rights, adolescent rights, to save lives and provide the finest treatment and health possible. There are references to this right in Articles 6 and 24.
- b. The right to protection
This right is for kids to be shielded from prejudice, abuse, or neglect, especially for kids without families or who end themselves as refugees. These articles, 2, 19, and 39, all mention this right.
- c. The ability to expand and grow (development rights)
This is a legal right. Children have the right to a good education and a level of living consistent with their stage of development, beginning with their physical, intellectual, and social well-being. There are references to this privilege in Articles 28, 29, and 32.

The rights to Participation

The right to participate and have a say in all matters. This right is contained in Article 13 (Desa et al., 2022)

In Child Welfare Theory, many researchers have proposed different definitions of happiness. In general, the meaning of happiness or wealth is a state of human life related to aspects of life-related to social relationship situations. Prosperity means good conditions, happiness, health, and peace. It was written at the beginning of the 1969 Declaration of the Rights of the Child.

- a. Recalling that member states of the United Nations have reaffirmed their belief in human rights in their declarations of national charters, respect human dignity and value, and strive to develop a freer society and improve the living environment.
- b. The United Nations Declaration of human rights preserves human rights for everyone without distinction, such as race, color, sex, language, religion, national or social opinion, and identity.
- c. The child is a minor and needs protection and affection when already and before birth. It includes proper legal protection.
- d. The need for protection is affirmed in the 1924 Geneva Declaration on human rights and the Child, in the Declaration of human rights, and in the laws of professional and international bodies responsible for the welfare of children.
- e. Humanity owes its children the obligation to follow this Declaration of the Rights of the Child to the end, to the best of their ability, have a happy childhood, and enjoy their rights and freedoms.

UNICEF (United Nations International Children's Emergency Fund), which was founded in 1946 in New York, started after World War II when the United Nations offered world peace. Many UN leaders were worried about children in Europe, then the UN (United Nations) helped draft the Convention on the Rights of the Child and succeeded in 1989. The various tasks that UNICEF (United Nations International Children's Emergency Fund) must carry out are providing alternative directions for solving problems about children, UNICEF supports the training of UNICEF (United Nations International Children's Emergency Fund) social workers in all countries, and cooperating with international organizations to provide external assistance to countries in need. The term "Child Protection" is used by different organizations, and its use and timing are also different. The term implies protection from violence, abuse, and exploitation. Child protection is complementary to other rights, which, inter alia, ensure that children receive what they need in order to survive, develop and grow. UNICEF is an international organization under the United Nations, which has plans and targets for long-term equality and the right to life for children. What UNICEF (United Nations International Children's Emergency Fund) does is protect children's rights, communicators, and facilitators. Some of the approaches taken by UNICEF (United Nations International Children's Emergency Fund) are traditional and modern approaches. The traditional approach is based on the state and the military, while the modern is based on individuals and groups (UNICEF, 2020).

UNICEF's goals as an international organization are to foster children's sense of trust in a caring country, assist young people in building a world in which all children live in security, and create a world fit for children. "Broad childcare easily covers different best interest assessments, including Health, Education, Economic Conditions, Family or Community Life, and Safety Issues. UNICEF (United Nations International Children's Emergency Fund) believes that for children to reach their full potential in line with their human rights, they must be provided with health and nutrition care, protection and reassurance from harm, and opportunities for early learning. He claims he needs responsive care, such as talking (Alan & Ramdhana, 2023).

The constraints UNICEF (United Nations International Children's Emergency Fund) often faces are the inability to provide full and consistent services to refugee camps and other facilities, lack of access leading to deteriorating education and child protection, out-of-school children being at high risk of child marriage, child labor or recruitment into armed forces, or armed groups,

The results are consistent with the problem analysis:

1.) Violation of the Geneva Convention II

The Geneva Convention II's Article 51 on violations states: "The grave violations referred to in the preceding article are those acts which, when committed against persons or property protected by the Convention, include willful killing, torture or inhumane treatment, including biological experiments, deliberate provocation to cause great suffering or serious injury to body or health, and widespread destruction and possession of property inconsistent with military."

2.) Based on International Labor Organization (ILO) norms, children's rights.

In the International Labor Organization (ILO), what is meant by a child is when the age is under 18 years old, as stated in Article 2 of ILO Convention No. 182 of 1999, which explains that bad or unnatural work for children must be eliminated immediately. Article 3 explains that the forbidden activities include enslaving children or forced labor, using them as soldiers of war, making pornographic videos, and harassing them (article 2 no.182, 1999).

3.) The KHA (Convention on the Rights of the Child),

Protection of the right to life in children is an obligation of a state. Countries recognize that every child has the right to life, according to article 6 paragraph 1 (KHA convention article 6 paragraph 1, 1989).

4.) Children's right to education

The Right to Education is lived and implemented in countries, according to Article 28, Paragraph 1. Based on the principle of equal opportunity, States shall:

- a. Establish primary schools
- b. Develop secondary education programs that are accessible to all children, and provide free schooling and financial assistance if needed
- c. Establish and develop accessible higher education according to interests and talents
- d. Provide education and employment guidance
- e. Create school programs that create interest and reduce dropout rates so that they do not persist.

UNICEF cooperates with international organizations such as the United Nations Development Program (UNDP). In addition to cooperation with development programs, UNICEF also cooperates to take care of human rights, the right to sustain life, which is also called the World Food Program (WFP), and UNICEF organizes education for those in need and maintains the rights and welfare of children (Sianturi, 2014).

The next step taken is to carry out psychological recovery by offering counseling and taking responsibility for determining the prospects of life for minors, with the aim of improving the quality of life and sustainability of the lives of children who are related to poverty, violence, and discrimination. In Article 28, paragraph 1, the state recognizes the right of children to education. In order to achieve progressive and equal opportunities, the state must make primary education open to all children, encourage the development of secondary education, including general education, and establish higher education that can be entered by all children based on the ability of each child (convention article 28 paragraph 2).

UNICEF also aims to reform the quality of life standards for children, especially in developing countries, in accordance with the 1949 Convention on the Rights of the Child. As well as having authority that is persuasive in nature to influence the formulation of policies or decisions of a country's government and has a strong continuity in the lives of children regarding child abuse, poverty, and discrimination (Ridzkia & Dharsono, 2021).

UNICEF (United Nations Children's Fund) plays an important role in protecting the rights of children in conflict zones and works closely with the Sudanese government and other local and international organizations to ensure education, health care, clean water, and sanitation for children. UNICEF also helps identify children separated from their families during the conflict and facilitates the reunification of their families or alternative accommodation if needed. It also provides psychosocial support to children who have experienced trauma from violence and conflict (Ilahi, 2020). In addition, UNICEF has also reported on child abuse since 2013, finding 2,342 deaths from being killed, 3,090 missing from kidnapping, and 1,130 from sexual abuse, as well as 303 attacks carried out in schools and hospitals. The conflict continues with constant clashes between the SPLA (Sudan people liberation army), the government, and allies in unity and upper mile states.

Subsequently, the UN made an agreement to make peace signed in 2015, but the agreement did not change anything. One thousand fifty-one incidents occurred and harmed 28,788 children, followed by 601 other incidents, including 103 sexual violence. UNICEF is obliged to overcome and cooperate with each other to provide assistance to children (Ilahi, 2020).

In its first role of protecting children, UNICEF has reached an agreement with global society and governments that children should not be used in war or political conflicts that have the effect of taking away children's rights and conducted campaigns designed to increase international review and support, especially from the United Nations and other international organizations.

The second role is that of the communicator to collect data constantly. Collecting data may resolve the problem of recruiting child soldiers in southern Sudan. The third role is to facilitate less fortunate children by seeking funds to provide facilities to children who are treated inhumanely.

The Sudan conflict is unimaginable, lasting and impacting, and consuming tens of thousands of child victims, as well as dozens of citizens leaving their homes, fleeing to the border to save themselves and some have fled. The future of children who do not know anything is unbalanced, and many other communities receive refugees from the impact of the Sudan conflict (Cesario et al., 2021). As for the role that UNICEF has played in helping the welfare and rights of children, there are 4 that have been applied to children in Sudan.

The first is to support and serve health and nutrition for children. The crises that occur in malnutrition in Sudan are numerous. Sudan already has one of the highest levels of malnutrition in the world. More than 600,000 children in Sudan suffer from severe wasting disease, which can lead to death. Because of this, UNICEF has supported the issue of malnutrition that occurs in Sudan by building health centers and mobile clinics and providing health to homes as well as providing vaccines, medicines, and medical equipment so that if something drastic happens, they can do self-treatment.

Secondly, ensuring clean and safe water to the people of Sudan is by installing water facilities on the border of Egypt and Sudan. Since water can also affect children's health, especially for malnourished and weak children, it is very important to consume clean water. Also, it is very difficult to reach and get clean water in Sudan, while many areas have a crisis of clean water.

The third is by providing psychological support. Thousands of children have experienced horrible things they witnessed even though these events were originally not and should not be seen by them. As a result, children may experience mental disorders after seeing the war. Thus, UNICEF provides psychological support to children affected by emotional health, physical health and social development of children by forming and building child-friendly homes, and providing assistance to children who are separated from their families.

Another UNICEF's assistance to Sudan is to provide space for children and help them to continue learning safely. Hopefully, education may help children to protect their physic from the dangers around them. Besides that, with education, children in Sudan understand more and think more maturely, as well as more importantly, with education, the future of children in Sudan is clearer. The Sudanese conflict has closed many schools, which has resulted in an imbalance in the future of children in Sudan, so UNICEF provides education for refugees and operates many e-learning centers to build safe places for children to continue their education (UNICEF, 2020).

With the presence of UNICEF, children are greatly helped in terms of education, health, and psychology. The arrival of UNICEF is expected to guarantee and protect children's rights to one day create national peace and stability. Suggestion: As a global body, the UN should have the authority to impose sanctions on nations who disobey treaties and resolutions firmly. Conventions and resolutions will only be recorded on the table of accords if political and economic considerations take precedence over the rule of law. It is important to understand that protecting people, especially women and children, and upholding human rights are the two key concerns in any situation during a war. International organizations, such as UNICEF, can aid in advancing children's rights globally (Mohamdeen, 2023).

The next step is to carry out psychological recovery by offering counseling. As a global organization, UNICEF is responsible for determining the prospects for life and humanity for minors. It also has the big goal of reforming the quality of life standards for children and strong sustainability of the lives of working children regarding issues of poverty, violence, and discrimination (Cahyanti, 2016)

IV. CONCLUSION

The prolonged armed conflict in Sudan for decades has been a source of suffering and destruction for the people. It involves the Sudan government and several rebel groups in areas such as Darfur, South Cordofan, and the blue region. In the Sudan conflict, the Sudan government should have the primary responsibility of protecting and fulfilling the rights of children in accordance with international law and the Convention on the Rights of the Child in 1990, but this issue requires serious and special attention from international law. In this context, government negligence has led to human rights violations that include violations of children's rights. Children continue to be direct victims of violence, torture, forced recruitment, and access to education and proper health care. "International humanitarian law" has provided very clear limits and rules to minimize or avoid the suffering that is present because of the war, but southern Sudan does not comply with the rules that have been made by "international humanitarian."

The negligence of the Sudan government, in this case, has been fatal because it has failed to be a government responsible for maintaining peace in its country and has also failed to protect human rights, especially the protection of children. Until after Sudan's independence was achieved, the two regions of the country were still involved in armed conflict caused by internal political competition between President Salva Kiir Maryadit and Vice President Riek Machar Teny Dhurgon flashback in the history of southern Sudan, political conflicts that turned into ethnic wars have also occurred in 1999 which also involved many parties with massive ethnic slaughter. Committing violence, persecution, and killing many people. The Sudan armed conflict also occurred in 2013 and was categorized as one of the deadliest conflicts in Africa. This continues to happen over and over again. The conditions of war that continue to occur repeatedly show that the Sudan government has weak state institutions in handling internal pressures to meet the needs of the community and low external aspects in maintaining security, state economy, social and political. These main factors caused this conflict between Sudan to continue and not be handled properly. Despite the "international humanitarian" has implemented international law in the protection of children's rights in Sudan, the Sudan conflict has been unimaginable, lasting and impacting and consuming tens of thousands of child victims, as well as dozens of citizens to leave their homes, fleeing to the border to save themselves, and some have fled. The future of children is bleak, and many other communities receive refugees from the impact of the Sudan conflict.

As for the role that UNICEF has played in helping the welfare and rights of children, 4 have been applied to children in Sudan. The first is to support and serve health and nutrition for children. The crises that occur in malnutrition in Sudan are numerous. Sudan already has one of the highest levels of malnutrition in the world. More than 600,000 children in Sudan suffer from severe wasting disease, which can lead to death. Because of this, UNICEF has checked before the war continues by supporting and serving the health of malnutrition that occurs in Sudan by building health centers and mobile clinics and providing health to homes, as well as providing vaccines, medicines, and important medical equipment so that if something sudden happens, they can do self-treatment.

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