

The Right to Education Access to Safe Learning Matters

A universal right, codified at all levels

The right to education is a fundamental right that is codified in domestic, regional and international treaties and declarations. South Sudan has codified this right under Article 14(1) of the 2008 Child Act, and Article 29 of the 2011 Constitution placed an obligation on all levels of government, local to national, to realize the objectives of the Safe Schools Declaration.

A contributor to the peace-humanitarian-development nexus

This right promotes individual freedom and empowerment and yields important development benefits. Education helps enable those economically and socially marginalized to lift themselves out of poverty and participate fully as citizens. Education, and safe access to education, is also a driver of peace and stability.

Access to safe learning as the starting point

The right to education entails access to safe learning: Where such access is impeded, including through occupation and use of schools for other purposes, the right to education is violated. Access to safe learning requires parties to the conflict, authorities and communities themselves not to interfere with such access. This entails a prohibition on armed actors from entering, occupying or using educational institutions for their purposes, such as training or storage of weaponry and ammunition, or from converting them into military bases, barracks, detention or interrogation facilities. It also requires alternative solutions to sheltering internally displaced people (IDPs) in South Sudan, who have been uprooted from their homes due to conflict and natural disasters.

Occupation and ulterior use of schools

School occupation and use – a sobering reality: Yet, in 2022, occupation of and damage to school facilities remain a reality, as incidents reported to authorities and humanitarian actors show.

The Education Cluster reported seven incidents through its incident monitoring tool, of which six incidents are security-related (4 schools are partially destroyed and became non-functional; 1 school did not open due to insecurity; 1 teacher was killed). Overall, 1,160 pre-primary and 2,882 primary school children were affected. These incidents took place in Nyirol (1), Awerial (1), Magwi (2) and Leer (3). Furthermore, dozen schools have been closed after the communal violence in Jonglei and education materials looted, including tents that were being used as temporary learning spaces. At least nine schools¹ were affected by the conflict in Fangak county of Jonglei State².

It is also estimated that by October 2022, at least 887 schools in several states were closed or damaged due to floods³ while several others were occupied by IDPs seeking shelter on higher grounds.

Impact of Occupation and Ulterior Use of Schools

Far-reaching consequences for now and the future:

- Suspension of education activities or relocation to other facilities and locations.
- Creation of an educational vacuum affecting current and future generations. The impact of the Ngangalla incident can illustrate this: The security incident that occurred in Ngangalla Boma on 14th June 2022, during which reportedly 9 people were killed, and 14 houses burnt down, also resulted in the closure of

¹ The affected schools include Pakan, Bichulkuon, Abdalla Chuol, Excel Academy, Kuerkan, Comboni, Door, Tuongdiok, Wuntur and Dinye primary schools, and Vision Valley Secondary School in Fangak County of Jonglei State.

² [Learning paralysed in Jonglei, schools looted](#), 3 October 2022.

³ South Sudan Flooding Situation Report No:1, October 2022, OCHA.

four primary schools (Ngangalla, Ngulere, Ilyangari, and Lirya). Ngangalla primary school was greatly affected with the school feeding items and food burnt completely. IDPs from Ngangalla and Ngulere settled in Lirya primary school.

- Disruption of learning activities for several months and years with irrevocable harm to children. When children are out of school for an extended period, they are less likely to return back to school, and their exposure to physical, emotional and sexual violence as well as forced recruitment increases; their mental health, on the other hand, deteriorates.
- Occupation or use of schools by armed actors creates fear and trauma among children forced out of school, as well as their parents and teachers.
- Proximity of armed groups to schools increases risks of recruitment, harassment or conflict-related sexual violence, conflict impact and may even put students and teachers at risk of becoming a target.
- Where schools are occupied or used by IDPs for shelter, it can create tension and hostilities between displaced and host communities and having IDPs around school compounds during learning time is disruptive and limits space available for extra-curricular activities (an example of this is Mahad Primary school that has been used by IDPs since 2014 to date).
- Other impacts include damage or destruction of school buildings or property, and loss of investments made in the education infrastructure.

Recommended Follow Up Actions

Government

- All parties to conflict must understand their obligations under International Humanitarian Law and Safe Schools Declaration⁴, Child Act and the 2011 Constitution. Authorities must respect, protect and fulfil the right to education for all and ensure accountability for violations. Various Ministries, including Education, Defence, Social and Interior Affairs, and the Military have a role to play in this regard.
- To avoid interference with education, all parties to the conflict should sensitize their leadership and forces on the Safe Schools Declaration, as well as ensure inclusion of child protection measures in military training and standard operating procedures.
- Entities planning to establish any military facility must ensure necessary distance from civilian facilities, including schools, to avoid any direct or indirect impact.
- Authorities should avoid using schools for sheltering displaced people, except as last resort option.

Humanitarian Country Team (HCT)

- The HCT to urge all parties to implement the Safe Schools Declaration, and to initiate and support immediate advocacy and demarches with concerned authorities when an incident identified and documented by the Education and Protection Cluster is channelled to the HCT for advocacy.

Peace, Humanitarian and Development Actors

- Peace actors to proactively support education, and in particular access to safe learning, in peace- and social cohesion efforts from community to national levels.
- Humanitarian actors to improve reporting and triangulation of information and mainstream the monitoring and reporting of incidents in existing reporting mechanisms to better respond to incidents affecting education.
- Humanitarian actors should provide emergency shelter so that schools are not used as shelters, except as last resort option.
- Development actors should support the rehabilitation of damaged schools to enable to resumption of schooling as early as possible.

⁴ [Safe Schools Declaration Guidelines for South Sudan.](#)