

Sudan: Education Lost for a Generation

التعليم education
فوق above
الجميع all



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Executive Summary

The ongoing conflict in Sudan is taking a devastating toll on the nation. Over 13,000 people have been killed, around 33,000 injured, and over 6 million people internally displaced, more than half of whom are children. There are now 24 million people in need of urgent humanitarian aid and urgent medical care. Of these, over 14 million are [children](#) who require life-saving humanitarian assistance.¹ As a result of these unconscionable statistics, UNICEF has [confirmed](#) that Sudan is now the location of the largest child displacement crisis in the world and that this means an entire generation of children will be deprived of their right to education.

Education Above All Foundation calls the attention of the parties to the conflict, third states who are actively involved in perpetuating the conflict, and the international community to the dire situation where an entire generation of children will lose out on their education as a result of the vicious and wide spread of this conflict.

Education Above All Foundation is unwavering in its commitment to the children, youth and people of Sudan and calls the warring parties and the international community to comply with their obligations under international law, and to the principles of the United Nation Charter, respectively. At the same time, the parties to the conflict must refrain from acts that constitute the Six Grave Violations Against Children and the prohibitions on recruitment of children into armed forces and groups. The international community must do their utmost to ensure a cessation of hostilities, work towards a permanent end to the conflict and immediate humanitarian access to reach the people of Sudan. These steps are absolutely vital to have any realistic prospects preventing an entire generation being deprived of their right to education, which will have lasting negative consequences for the nation to harness the power of education to build peace long after the conflict has ended.



Situation analysis

The situation in Sudan remains critical, with ongoing hostilities between the Rapid Support Forces (RSF) and the Sudanese Armed Forces (SAF) particularly impacting Khartoum and Darfur since the abrupt eruption of the conflict on 15 April 2023, widening into other major cities and civilian areas. The conflict has worsened the humanitarian situation leading to massive displacement of civilians, and has resulted in increased insecurity and restricted humanitarian access, aggravating the difficulties faced by civilians who are already struggling with rising prices, loss of livelihoods, destruction of infrastructure, and looting. The Armed Conflict Location and Event Data Project (ACLED) has [documented](#) over 4,000 incidents of political violence since the conflict's onset, including 640 between November 2023 and January 2024.

The conflict has resulted in the [displacement](#) of over 6 million people within Sudan and has forced 1.6 million to [flee](#) the country. It has disrupted the education of 19 million children and contributed to an economic decline, positioning Sudan as a primary hotspot for hunger. While the conflicting parties have [pledged](#) to protect civilians and improve humanitarian access, leading to the creation of a Humanitarian Forum by UN OCHA in early November 2023, the ongoing conflict in Sudan is becoming more complex and is descending into a perilous humanitarian [crisis](#).

Particular concerns have been raised about human rights violations in the country, the reduced presence of international organisations in the country and restrictions on humanitarian aid. Volker Türk, UN High Commissioner for Human Rights, has stated that 'widespread abuses and violations of human rights' are occurring in the country amid the [fighting](#). The UN has also expressed 'alarm' at 'violations of international humanitarian [law](#)'. The US has claimed that they have evidence for war crimes committed by the RSF and allied militias including crimes against humanity and instances of ethnic cleansing, including an ethnic massacre in [West Darfur](#). Sexual and gender based violence against women and girls has increased since the outbreak of conflict in [April](#). Reports of rape and intentionally forced pregnancy, sexual slavery and trafficking, kidnap and forced prostitution are primarily being committed against minority communities, such as the Masalit in [West Darfur](#).

At the same time, the absence of international organisations in Sudan, including the UN Integrated Transition Assistance Mission in Sudan (UNITAMS), whose mandate was [terminated](#) on 1 December 2023 upon the request of the Sudanese authorities, means that access to areas for humanitarian aid and independent monitoring of the humanitarian needs of civilians caught up in the conflict is extremely challenging.

The internal displacement of more than 6 million people since 15 April 2023 has affected civilians in 6,089 locations across all 18 [states](#). The majority of internally displaced persons (IDPs) have come from Khartoum (3.5 million) and are staying in areas around Darfur, the River Nile and [Aj Jazirah](#). In addition to the 6 million people forced to flee from their homes, an estimated 25 million [need](#) humanitarian assistance and around 1.6 million have fled to neighbouring [countries](#).

Low food production due to the difficulty in accessing land has been exacerbated by low rainfall, pests and crop [diseases](#). As a result, over 4.6 million people were in need of urgent assistance to meet their nutritional needs in December 2023, with an increase in the number of people displaying Severe Acute [Malnutrition](#). However, humanitarian groups have struggled to retain a reliable presence in the region. As fighting spread into the South and East of Khartoum, the UN food agency was forced to temporarily suspend its food assistance to more than 800,000 [people](#).

The humanitarian crisis has led to both food insecurity and a cholera [outbreak](#) in several states in Sudan. This has added additional strain to the situation. On 26 September 2023, an outbreak was declared in Gedaref that has since spread to 46 [localities](#). By the 24 December 2023 at least 8,267 suspected cholera cases had been identified and 224 [deaths](#). 46% of the population are living in areas with medium-to-high risk of cholera, meaning that 77,500 further cases are expected to develop. In response to the outbreak, WHO and UNICEF are supporting vaccination campaigns and treatment [centres](#). 2.2 million people have already been vaccinated in high-risk [areas](#).

Education disrupted by the conflict in Sudan

The devastating impact on education in the country has been exacerbated by severe damage to infrastructure, particularly to educational facilities, leading to widespread closures of almost all schools in the country. The situation is particularly acute in Greater Darfur, where intensified conflict in recent months has forced several communities to flee, resulting in the closure of nearly all schools in urban areas and in refugee settlements. Khartoum has also been severely impacted, with all higher education institutions affected. Across the country, six public universities have faced theft, destruction, and arson. Prior to the conflict, over 7 million children were out of school – this number has since increased exponentially to [19 million](#) children impacted by the closures.

In conflict hotspots, such as Darfur, Kordofan and Khartoum, at least 10,400 schools are closed. UNICEF reported that 1 in every 3 children in Sudan have lost access to school during the [conflict](#), disproportionately disadvantaging education for girls and women in Sudan in particular. Out of school rates are higher for girls at primary and secondary [levels](#) and access to inclusive, safe learning environments for girls and disabled people is particularly [affected](#). This may have a long-term effects on the life outcomes of these girls and young women. In Sudan, approximately 55% of women with no education are married by the age of 18, whereas that number drops to 3% for those with higher [education](#).

OCHA's Humanitarian Response Project for Sudan records that 8.6 million children currently need humanitarian aid to be able to have any hope of continuing their education. The Sudan Education Sector, alongside Education in Emergencies partners, aims to provide an intervention package to 4.3 million of these children. The delivery of humanitarian aid to those most affected by the conflict faces additional challenges as a result of sporadic violence, logistical issues, and banking disruptions, leaving essential services out of reach. Although humanitarian agencies have provided lifesaving assistance to 4.5 million people, funding is a still major hurdle, with only 3.1% of the Humanitarian Needs and Response Plan for 2024 [financed](#) (as of 21 January 2024).

Education is vital for safeguarding children and for providing a secure living and learning environment in general, as well as to provide dignity and, importantly, hope. Currently many children are living in fear of losing loved ones, their homes and their futures, or are living with the trauma of witnessing extreme violence and death, and being uprooted from their homes. As the war continues there is no opportunity for young people to return to school, potentially leading to an entire generation deprived of education, essential life skills and [opportunities](#).

With the conflict showing no signs of abating, and unless the situation changes rapidly, schools are unlikely to reopen in the near [future](#).

Around 7 million children were out of school before the conflict began in April 2023. With a further one in every three children having lost access to education since, and the conflict showing little sign of abating, the Education Cluster and UNICEF have reported that there are currently around 19 million children out of school.

The continuation of the conflict will seriously threaten an entire generation that will be deprived of essential learning opportunities. The resulting scenarios and threats of abduction, sexual violence, under-age recruitment into militias and armed movements, will increase as children continue to be deprived of safe spaces to live and learn, and access to essential elementary education.

The Applicable Law

There are several general sources of law and specific provisions of international law that are binding on all parties to the conflict. These impose legal obligations upon the parties to the conflict which they must comply with, for which they can be held criminally accountable. Of particular relevance in this context is International Humanitarian Law (Laws of War) related to the protection of civilians and civilian infrastructure – the latter provides protection to

schools and educational facilities in particular. These rules provide specific obligations that protect schools, students and education personnel.

The conflict in Sudan is characterized as a non-international armed conflict ('NIAC'). The current conflict is mainly between the Sudanese Armed Forces (SAF), led by the Chairman of the reconstituted Transitional Sovereignty Council and head of the armed forces, Abdel Fattah al-Burhan, and the Rapid Support Forces (RSF), led by Mohamed Hamdan Dagalo ('Hemedti'), who was the former deputy head of the Transitional Sovereignty Council. In contrast to international armed conflicts in which two or more states are involved, NIACs require a certain threshold of violence to occur between a state and an armed group, or between two or more armed groups, each of which must evidence a certain level of internal organization and the ability to carry out military operations. Once these requirements are met, the rules of international humanitarian law come into force and must be respected by all parties to the conflict.

In addition to the applicable rules of international humanitarian law as enshrined in the [Geneva Conventions and their additional protocols](#), the norms of [customary international humanitarian law](#) also apply to the conduct of hostilities in the conflict and protect the civilian population and civilian infrastructure from attack. So, too, do a number of international and regional human rights treaties that were ratified by Sudan and enforced through the domestic legal framework, such as the Interim National Constitution ('INC', 2005), though the INC was repealed through the enactment of a series of interim framework agreements, including the constitutional declaration and the constitutional charter after the fall of the previous regime.

Taken together with the normative international humanitarian law framework and customary rules of international humanitarian law, the following sections outline the binding legal framework for the protection of civilians and civilian infrastructure from attack during the armed conflict in Sudan.



International Human Rights Law

States and state authorities sometimes argue that the right to education – and other fundamental human rights within international human rights law – can be [derogated](#) from during states of emergency that threaten the life and security of the nation, irrespective of whether such threats emerge from within, or as a result of external aggression from another State. States of emergency that result in armed conflict often have their own regime of temporary emergency laws and regulations, but a state of emergency does not absolve the state authorities or those involved in responding to the emergency from all obligations regarding the enjoyment of fundamental human rights. Where any fundamental right – such as the right to education – has to be derogated from due to a state of emergency, according to established international human rights jurisprudence and [best international practices](#), the derogation must be objective-driven, limited in scope and duration, must be temporary, proportionate to the objectives sought by the derogation of the enjoyment of the right, and must not in any way remove the [core essence of the right](#).ⁱⁱ *This means that all efforts must be made for alternative modalities for the realization of the right, which is [understood](#) in a broad and expansive way, including the availability of education, accessibility, acceptability and adaptability.*ⁱⁱⁱ



Convention on the Rights of the Child

The [Convention on the Rights of the Child](#) (CRC) is one of the main and the most widely ratified international human rights treaties in the world, which guarantees the right of education for children. Importantly, it provides no exceptions for derogation from, or suspension of, the provisions of the Convention.^{iv} This means that while derogation may not be prohibited, any derogation from the provisions of the Convention would be subjected to very detailed scrutiny. Art. 28 of the Convention obliges States-party to comply with the obligations related to the right of education for children. Article 38 goes further and obliges states to protect children in accordance with the rules of international humanitarian law, particularly for the protection and care of children affected by armed conflict. These obligations exist by

way of the State's ratification of international treaties and conventions, such as the Universal Declaration of Human Rights 1948 (UDHR), the International Covenant on Civil and Political Rights 1976 (ICCPR) and the International Covenant on Economic, Social and Cultural Rights 1976 (ICESCR). Sudan is a State-party to all three of these important international treaties and conventions and therefore all State authorities in Sudan are obligated to compliance with the obligations contained therein.

On 26 July 2005, Sudan ratified the [Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict \(OPAC\)](#) which entered into force in 2002. This obligation is of particular significance because of increasing evidence [alleging](#) the recruitment of children in the armed conflict in Sudan.

Six Grave Violations Against Children – The Children and Armed Conflict Agenda

Recruiting children into armed conflict also constitutes one of the six grave violations of international law established in 1999 by the UN Security Council, along with the office of the Special Representative for Children and Armed Conflict's mandate to promote the collection of information about the plight of children affected by war, raise awareness and ensure their protection. This international law mechanism includes the collection of evidence about grave violations against children (which includes recruitment of children into armed conflict, attacks on schools and denial of humanitarian access). On the basis of the evidence, the UN Secretary General has the power to name those who commit grave violations in his Annual Report which has become a de facto first-step in holding perpetrators accountable

The Right to Education

Art. 26 of the UDHR enshrines the right to education as a legally binding right upon the State to its citizens. When read in conjunction with Art. 2 of the UDHR, it ensures that the right to education must be provided to all without any discrimination, such as on grounds of race, gender, religion, colour, language or even political or other opinion. It further clarifies that no distinction shall be made on the basis of political, jurisdictional, or international status of the country or territory to which a person belongs, whether independent, non-self-governing or any other limitation of sovereignty. This means that even during a conflict where the authority and sovereignty of the state is being contested by the parties to the conflict, the right remains and must be protected for its citizens without discrimination on any of these grounds.

In addition to the UDHR, Art. 13 of the ICESCR also provides clear guarantees of the right to education for everyone, especially its importance for the respect for human rights and fundamental freedoms, and the maintenance of peace.^v

Sudan is also a State-party to the African Charter on Human and Peoples' Rights (1986) (ACHPR) and Art. 18 of the ACHPR provides an obligation on states-party to the Charter to ensure the enjoyment of the right to education. Similarly, the [Convention of the Rights of the Child in Islam](#),^{vi} adopted by the OIC in 2005, makes specific reference to the obligation of protecting the right to education for children,^{vii} as well as the obligation of protecting children by not involving them in armed conflict.^{viii}

International Criminal Law

As Sudan is also a signatory to the Rome Statute of the International Criminal Court, the perpetrators of war crimes, crimes against humanity and genocide are to be held accountable under international criminal law. In 2005, the Prosecutor of the International Criminal Court formally opened an investigation on alleged war crimes, crimes against humanity and genocide committed in Darfur, Sudan, since 1st July 2002 (when the Rome Statute entered into force), as a result of a referral by the UN Security Council in [Resolution 1593 \(2005\)](#).^{ix} Since the start of the current conflict, the Prosecutor of the ICC has again [reiterated](#) his willingness to include crimes committed by any of the parties to the conflict since 15 April 2023.^x

Domestic Political Agreements

With ever-increasing levels of conflict, respect for and compliance with the objectives and priorities of international humanitarian law are becoming increasingly critical. Civilians that are not taking active part in the conflict should be protected and should not be attacked, harmed or threatened in any way, and must be provided unimpeded humanitarian and medical support. Similarly, those who were previously, but are no longer taking active part in the conflict, should also be protected. On several occasions, both of the main parties to the conflict have reaffirmed their commitment to respect the rules of international humanitarian law, notably in the Jeddah Declaration of Commitment to Protect the Civilians of Sudan on 11 May 2023.^{xi} In this Declaration, the parties to the conflict explicitly committed themselves to the following terms:

“2. ...to respect international humanitarian law and international human rights law, including obligations to:

Distinguish at all times between civilians and combatants and between civilian objects and military targets.

Refrain from any attack that may be expected to cause incidental civilian harm that would be excessive in relation to the concrete and direct military advantage anticipated.

Take all feasible precautions to avoid and minimize civilian harm, with an aim to vacate urban centers, including civilian houses. Civilians should not be used as human shields, for example.

...Commit to vacate and refrain from occupying, as well as to respect and protect all public and private facilities, such as hospitals and water and electricity installations, and refrain from using them for military purposes.

...Refrain from the recruitment of children and the use of children in hostilities.”

Through these declarations, the Sudanese Armed Forces and the Rapid Support Forces have committed to complying with core principles of international humanitarian law and to protecting civilians from the effects of the armed conflict. Vitally, this includes protection of children, schools, civilians and civilian infrastructure from attacks and promises to ensure that the principles of distinction, proportionality and precaution, which form the framework for protection of civilians in armed conflict, are adhered to in the course of any military operations carried out in the course of the conflict by both parties.

In order to operationalize these commitments, the following recommendations – as reminders of the obligations that exist upon the parties to the conflict under international humanitarian law – would strengthen and facilitate the protection of civilians, especially of children, schools, educational and civilian infrastructure:

International Humanitarian Law

Sudan is a party to the Geneva Conventions and to the Second Additional Protocol to the Geneva Conventions relating to the Protection of Victims of Non-International Armed Conflicts. [Common Article 3](#) of the four Geneva Conventions is relevant for the current conflict and obligates compliance by all parties to ensure that those who do not actively participate in hostilities, including members of armed forces who have laid down their arms, or those who are injured, sick, wounded or detained, should be treated humanely, without discrimination.^{xii}

“Article 3 [Common Article 3 of the Geneva Conventions] - Conflicts not of an international character

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed 'hors de combat' by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.”

The [Second Additional Protocol \(Additional Protocol II\)](#) further obligates the parties to the conflict to ensure humane treatment toward those not taking active part in the conflict, the wounded, the sick, the civilian population, and prohibits the forced movement of civilians.^{xiii} Sudan also ratified the Second Additional Protocol and therefore this is also legally binding upon Sudan, as well as – [arguably](#)^{xiv} – to the armed forces of the contracting State and to dissident armed forces or other organized armed groups which exercise control over a part of its territory.^{xv}

Specific rules for the protection of civilians and children during the course of active hostilities in armed conflicts

Conduct of hostilities during the conflict should be strategically aimed at bringing the conflict to an end with minimal civilian casualties, protection of civilians and compliance with the rules of international humanitarian law and customary international law obligations.

In this context, the rules on ***Distinction*** must be carefully and meticulously applied to ensure that those not taking active part in the conflict are distinguished from those actively taking part in hostilities. This will crucially help avoid civilian casualties and will ensure that civilians, and civilian infrastructure being used in the conflict, are not affected by attacks. Additionally, it is imperative that ***Distinction*** is also applied towards all military objectives and targets so that no



civilian objects are targeted. From established state practice and comparative jurisprudence, it is [established](#) that civilian objects include civilian-populated areas, residential buildings, schools, universities, hospitals, medical facilities and establishments, places of worship, and public recreational spaces are all civilian objects and are protected through their civilian and non-military character and use. Such distinction also applies to the natural environment, water purification and irrigation facilities and other services that are crucial for the survival of the civilian population. All such facilities benefit from civilian status and protection unless and until they are used for non-civilian or military purposes, and they only lose that status for the [time](#) they are repurposed.^{xvi} It is crucial, therefore, that schools and educational facilities should be protected from any and all attacks, and from use as military outposts or bases from which to launch attacks, by all parties to the conflict. Similarly, schools that are sheltering civilians, including those in refugee camps where people have been displaced should be protected from all attacks by any of the parties to the conflict.

Along with the requirement of **Distinction**, the principles of **Proportionality** and **Precaution** must also be adhered to strictly in the context of international humanitarian law. Where hostilities are conducted against lawful military targets, they must still be proportionate to the specific aims and overall objectives sought to be achieved in order to satisfy the test of legality for such attacks. Any attacks on or near a civilian population would constitute a breach of international humanitarian law where such attacks are disproportionate to the specific military objectives sought to be achieved and where sufficient precaution is not taken to avoid civilian casualties, subsequently rendering such actions unlawful.

The same principles of precaution and proportionality apply in regard to attacks on critical civilian infrastructure, such as water, food, health, education, electricity and sanitation, or on other civilian infrastructure that would effectively force a mass displacement of the civilian population.

The principle of proportionality is also relevant in assessing the type of artillery, weapons, explosives and bombs that are used in the conflict. The use of weapons and explosives that are imprecise, or which cause indiscriminate damage to civilians and civilian infrastructure, would be unlawful as they would breach the principles of precaution and would render the resulting casualties to be disproportionate where they failed to effectively apply 'distinction' as regards the people targeted, injured or killed. In this context, it is noteworthy that Sudan has also signed and ratified the [Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction](#) (1997), commonly referred to as the Anti-Personnel Mine Ban Treaty, which prohibits the production, storage, and use of mines in armed conflict. It has been reported that the main cause of harm to victims in the current conflict is from the use of explosive weapons and ordinances that have a wide and indiscriminate range in their use. The use of such devices must be limited to military objectives and, even then, they should be proportionate to the effect that everything must be done to avoid damage to essential civilian infrastructure such as hospitals, schools, water facilities and electricity networks. Throughout the armed conflict, all measures must be taken to protect civilians from harm or injury. This includes the obligation of ceasing hostilities in order to allow the civilian population to leave a certain area if they would be otherwise exposed to the risk of serious injury or death. However, this does not allow the parties to forcibly displace a population, but is only to be opted for in order to protect civilians from being caught up in the conflict. Any displacement of civilians must be carried out as a last resort, and with guarantees of safety, appropriate conditions of shelter, sanitation, health and essentials such as food, water and emergency care.

Protection of civilians and those not taking active part in the hostilities

Civilians and those who have surrendered or are no longer taking active part in hostilities, including those who were party to the conflict but have since laid down arms, or those who were injured in the fighting, or are found to be in need of medical attention, must be treated humanely without discrimination as to their race, gender, nationality, ethnicity, age or other criteria. All such persons are to be afforded protection of life, dignity, freedom from torture

or inhuman and degrading treatment and shall not be killed. This also includes protection from sexual violence, rape, slavery, and all other forms of inhumane treatment, irrespective of gender. **Humanitarian Access**

It is an obligation on the parties to the conflict to ensure that there is adequate access for civilians, those that did not take part in hostilities and those who have ceased taking active part in hostilities. Access to humanitarian assistance and aid is essential to ensure that food, sanitation, health, medicine and nutrition can reach those who have been most affected by the conflict and to prevent long-term damage to the civilian population during and after the armed conflict. In the case of armed conflict and absence of a central government, the obligation to ensure adequate and timely humanitarian access lies with the parties to the conflict and they can be held accountable for failing to provide humanitarian access to those who are in need of such assistance as a result of the conflict. The parties to the conflict must provide humanitarian access to aid organisations if they cannot provide humanitarian aid themselves to those affected by the conflict. This may require the parties to the conflict agreeing on a pause in the conflict, a ceasefire, cessation of hostilities, humanitarian corridors and other such mechanisms, to allow for the agreed organisations to provide humanitarian aid to those who need it most. Once the parties to the conflict have agreed on the modalities, the relevant organisations must be given immediate, unimpeded and safe passage to deliver aid and assistance to victims of the armed conflict. Such access can only be impeded and hindered on a limited and temporary basis due to military necessity, but at no point can humanitarian staff and personnel be interrogated, intimidated, detained or attacked.



Targeting Education, Schools and Children

The ongoing conflict has proven to be utterly destructive for the Sudanese people. Beyond the destruction of civilian infrastructure in general, the targeting of schools and their destruction, including of [educational printing presses](#) where school textbooks were printed, are all having a devastating effect on the continuity of education and the ability of children to access schools.

Schools should never be a military target, neither should they be used by the parties to a conflict as bases, to launch attacks or to destroy in order to gain a military advantage.

In the current conflict, the numbers do not lie. Almost all of the schools across the country are closed. Prior to the start of the conflict in April 2023, around 7 million children were out of school, and now an additional 19 million are impacted by these closures, including 5 million in conflict-affected states.

Education Above All Foundation's Call to Protect Civilians, Children, and Civilian Infrastructure, including Education and Schools

Education Above All Foundation supports the call of Martin Griffiths, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator who, on 4 January 2024, [pleaded](#) that three things must happen immediately: protect civilians, facilitate humanitarian access and stop the fighting. Each of these three calls is rooted in the legal and humanitarian obligations of the parties to the conflict – and indeed upon the international

community as a whole – under international humanitarian law and the obligations to work for peace during times of conflict.

EAA calls upon the armed actors and the international community to diligently and responsibly comply with their obligations under international humanitarian law, customary international law, international criminal law, and the principles of the United Nations Charter to immediately work towards an agreement for a ceasefire, the establishment of a humanitarian corridor and the immediate provision of humanitarian access to provide aid urgently to the people of Sudan.

EAA calls upon the international community to use their diplomatic offices to prevent third states from fueling the armed conflict, from providing arms and financial and other support to the warring parties, and should instead use their good offices and political mechanisms to ensure a swift end to the conflict. The international community should also support the calls for urgent humanitarian assistance and funding, of which only 19% of the total required has been funded so far.

In conclusion, Education Above All Foundation deems the following to be the immediate priorities and stands ready to support and facilitate the fulfilment of these priorities to prevent a generation losing out on their right to education:

- 1. END HOSTILITIES: Urgent cessation of hostilities between the Sudanese Armed Forces and the Rapid Support Forces.**
- 2. PROTECT CIVILIANS: Commitments from all armed actors to ensure the protection of civilian life.**
- 3. Humanitarian Aid: The provision of funds and humanitarian aid on the ground to enable urgent medical assistance to prevent the spread of communicable diseases, illness and malnutrition.**
- 4. SAFE SPACES FOR CHILDREN AND LEARNING: All armed actors to agree and commit to providing safe spaces for children to gather and learn without fear of being embroiled in the conflict, being recruited into armed forces and groups. The first step should be a call and commitment to protect all schools and education facilities and upholding the inviolability of schools and civilian institutions during armed conflicts, especially those housing and sheltering civilians. The second step will be to reopen schools that have been closed to allow a greater number of out of school children into schools, as shelters and also with a view to providing psycho-social and trauma related support and therapy.**
- 5. SAFE RETURN: Safe return of internally displaced persons and refugees to their homes and provision of safe shelters for those dispossessed and displaced in the short-term.**
- 6. NEGOTIATED PEACE AGREEMENTS: Negotiated peace agreement to allow a return to a peaceful transitional process leading to a roadmap for the establishment of a permanent constitutional and inclusive political process.**

ⁱ <https://reliefweb.int/report/sudan/humanitarian-action-children-2024-sudan> (last accessed 10 Jan 2024)

ⁱⁱ See, for example, Guide to Article 15 of the European Convention on Human Rights: Derogation in time of emergency (31 August 2022) https://www.echr.coe.int/documents/d/echr/guide_art_15_eng (last accessed 10 Jan 2024).

ⁱⁱⁱ CESCR General Comment No. 13: The Right to Education (Art. 13) (8 December 1999), Para 6. <https://www.refworld.org/pdfid/4538838c22.pdf> (last accessed 10 Jan 2024)

^{iv} Articles 28, 38, Convention on the Rights of the Child 1990, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&clang=en (last accessed 10 Jan 2024).

^v Art. 13(1), International Covenant on Economic, Social and Cultural Rights, 1976

^{vi} <https://www.refworld.org/docid/44eaf0e4a.html> (last accessed 10 Jan 2024)

^{vii} Art. 12, Convention on the Rights of the Child in Islam, 2005 (adopted by Member States of the Organisation of Islamic Conference) <https://www.refworld.org/docid/44eaf0e4a.html> (last accessed 10 Jan 2024)

^{viii} Art. 17(5), Convention on the Rights of the Child in Islam, 2005

^{ix} [https://undocs.org/S/RES/1593\(2005\)](https://undocs.org/S/RES/1593(2005)) (last accessed 10 Jan 2024)

^x <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-khan-kc-uk-2023-01-10> (last accessed 10 Jan 2024)

^{xi} Jeddah Declaration of Commitment to Protect the Civilians of Sudan, 11 May 2023.

(<https://reliefweb.int/report/sudan/jeddah-declaration-commitment-protect-civilians-sudan> - last accessed 10 Jan 2023)

^{xii} Common Article 3 to the four Geneva Conventions, on 'Conflicts not of an international character', '[Geneva Convention \(I\) on Wounded and Sick in Armed Forces in the Field, 1949](#)', '[Geneva Convention \(II\) on Wounded, Sick and Shipwrecked of Armed Forces at Sea, 1949](#)', '[Geneva Convention \(III\) on Prisoners of War, 1949](#)', '[Geneva Convention \(IV\) on Civilians, 1949](#)' (<https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-3?activeTab=1949GCs-APs-and-commentaries> – last accessed 10 Jan 2024)

^{xiii} Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977 (<https://ihl-databases.icrc.org/en/ihl-treaties/apii-1977?activeTab=1949GCs-APs-and-commentaries> – last accessed 10 Jan 2024)

^{xiv} Since the conflict in Sudan erupted while it was undergoing a transition from the ouster of the former government of Omar al-Bashir, then an Interim transitional government, followed by a military coup which led to the most recent Transitional Sovereignty Council (led by the head of the Sudanese Armed Forces), the head of the Sudanese Armed Forces was effectively the head of the governing authority in Sudan at the time the armed conflict began, and the Rapid Support Forces could arguably, therefore, be defined as a 'dissident armed force', or at the very least, 'other organized armed groups', for the purposes of Art. 1, Para 1 of the Second Additional Protocol: <https://ihl-databases.icrc.org/en/ihl-treaties/apii-1977/article-1/commentary/1987>

^{xv} Art. 1, Para. 1, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977 (<https://ihl-databases.icrc.org/en/ihl-treaties/apii-1977?activeTab=1949GCs-APs-and-commentaries> – last accessed 10 Jan 2024)

^{xvi} Article 13.2, Second Additional Protocol to the Geneva Conventions; Rules 1-6 of the Rules on Customary International Humanitarian Law.

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