

International Humanitarian and Human Rights Law Issues

	"No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time". Art. 12 ICCPR (see above) Art. 12(1) AC (see above) Art 5(d)(i) CERD (see above)	right of freedom of movement and freedom of residence set out in Art. 12 ICCPR, Art. and 12(1) AC. ⇒ The detention of only non-Arab South Sudanese Christian/Animist civilians is also a violation of the prohibition of discrimination on the basis of race with respect to the right to exercise the freedom of movement and residence within the borders of one's own state.
Dispersal of family The indiscriminate attacks by the GOS and its allies on civilians and civilian areas including villages and temporary settlements of IDPs has caused civilians to flee. Many parents are unable to find and take all their children with them when such attacks occur. As a result, many families are separated. After attacks parents do not know if their children have fled to safety, have been killed or have been abducted.	Art. 23 (1) ICCPR "The family is the natural and fundamental group unit of society and is entitled to protection by society and the State." Art. 10(1) ICESCR requires that parties recognize that: "The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children." Art. 18 AC (1) "The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical health and moral needs. (2) The State shall have the duty to assist the family which is the custodian of morals and traditional values	(3) The effect of the GOS attacks on civilians and civilian areas is to cause the victims of the attacks to flee and in so doing many families are separated. These attacks therefore violate the positive obligations incumbent on the GOS under the ICCPR, the ICESCR and the CRC, to protect the family unit, to protect children and to ensure that children are not separated from their families against the will of their parents.