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South Sudan

* The present document is being issued without formal editing.



Introduction

1. South Sudan gained independence in July 2011. The first review of South Sudan as independent State took place in November 2016. The current report, which is the second national report of the Government of South Sudan on the Universal Periodic Review Process outlines progress on promotion and protection of the human rights in the country and the advances in the implementation of the accepted 203 recommendations received during the first review in 2016.
2. After adoption of the South Sudan UPR Report in 2017, the Government undertook measures to implement the accepted recommendations by preparing a matrix. The matrix clustered the recommendations into broad thematic areas which include specific actions undertaken by various Government institutions in the process of implementation of the accepted recommendations; human rights indicators to monitor the progress made; responsible actors, including CSOs and development partners; timelines within which the implementation should be completed.
3. The implementation matrix was endorsed by the Government, civil society organization and stakeholders in 2019 and that made it possible for the Government to submit a voluntary mid-term UPR Report in May, 2019.

Methodology

4. The Inter-Ministerial Committee of the Government, civil society organizations and other stakeholders, carried out a national consultation in Juba and Yei in Central Equatoria State; Warrap and Awiel in Northern Behr El Ghazal State; Rumbek in Lakes State; Wau in Western Bahr-El Ghazal State, Bor in Jongeli State, in Malakal in Upper Nile State, Torit in Eastern Equatoria State and Yambio in Western Equatoria State, to gather public views from women and youth on security situation, women and child rights, freedom of expression and other services rendered to the public by the Government.
5. After the Inter-Ministerial consultations, the Government invited members of the civil society organizations, other stakeholders and representative from the development partners, for a validation workshop held at Landmark Hotel in Juba from 9th to 10th September, 2021. The workshop unanimously approved the Report and directed the Government to proceed with its submission to the Human Rights Council, for deliberations.

Implementation of recommendations from previous UPR cycle

The Constitution

6. The Constitution contains in its Part Two, the Bill of Rights and fundamental freedoms derived from the international and regional human rights conventions, ratified by the Republic of South Sudan. The Bill of Rights is to promote and protect human rights of the citizens and residences and to uphold democratic principles and good governance in the country.
7. The Constitution establishes three levels of the government: national, state and local government, based on decentralized principles, among others, devolution and interlinkages between the three levels. The national government is composed of the President, 1st Vice President, four (4) Vice Presidents and Ministers. All the ten (10) states and three (3) Administrative Areas have executive and legislative powers. The state executive consists of the Governor, Deputy Governor and Ministers. The local government, which is the third-tier of the government, consists of the county, payam and boma in the rural areas.
8. The R-ARCSS has provided for the establishment of the Ministry of Peacebuilding and Ministry of Federal Affairs which are reflections of the Government commitment to peace.

9. Article 8.2 of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), 2018, provides that the Agreement shall be fully incorporated into the Transitional Constitution, 2011(as amended). On this basis, the Government made amendment to the Constitution by incorporating the provisions of the Agreement into the Constitution. The Constitution Amendment Bill is currently before the Transitional National Legislature for adoption.

10. Article 1.14.2.1 of the R-ARCSS, 2018, provides that Transitional National Legislature shall consist of the National Legislative Assembly and the Council of States. The number of the Members of Parliament has been expanded to (650) six hundred and fifty members, for the duration of the Transitional Period.

Institutional reforms

Reforms in the Bank of South Sudan, Anti- Corruption Commission and National Audit Chamber

11. Chapter IV of the R-ARCSS in Article4.1 mandates the parties and stakeholders to ensure that the Government of the National Unity shall be transparent and accountable with legal institutional policies and procedures fully fundamental for sustainable development. On this basis the R-ARCSS in Article 4.2 mandates the Government to introduce the necessary institutional reforms, including the review of laws governing the Bank of South Sudan and implementation of the Strategic Economic Development Roadmap. On this basis, the National Council of Ministers has recently directed the Bank of South Sudan authorities to amend its establishment law and the Ministry of Trade to amend the Investment Promotion Act, 2009 and the National Revenue Authority to include in its establishment law the necessary reforms.

12. In fighting corruption, the Government is currently making amendments the Anti-Corruption Commission Act,2009 and the National Audit Chamber Act,2011 with view of introducing to them the necessary reforms required by the R-ARCSS.

13. Article 4.6 of the R-ARCSS provides for the establishment of new institutions. The new institutions include Public Procurement and Asset Disposal Authority; Salaries and Remuneration Commission; Environmental Management Authority; Research and Development Centers; Health Care Support Fund and Students Support Fund. Process for the establishment of these institutions have started with development of policies at institutional level.

14. On review of other national laws, the Government is undertaking review of the Telecommunication and Postal Services Act, 2010; The Transport Act; Public Finance Management and Accountability Act; Petroleum Act and Mining Act. The review of the said laws has started at various relevant clusters of the Government.

Ratification and compliance with international and regional instruments

Recommendations: 126, 128.41, 128.5, 128.15, 128.19, 128.22

15. On ratification of the international and regional instruments, the Government has since the last UPR review, submitted to the National Legislative Assembly, for accession, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities, Protocol on African Charter on the Rights of Women in Africa and the African Charter on the Welfare of the Child. The ratified conventions include Convention on Stateless Persons and Convention Relating to the Status of Refugees and its Optional Protocol. However, it is worth mentioning that the political crisis in the country, have impeded on the ratification process.

16. On compliance with international and regional instruments to which South Sudan is a party, the Government has presented to the relevant treaty body of the Human Rights, three (3) initial reports on implementation of the Convention on Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child (CRC) and

Protocol on Involvement of Children in Armed Conflict (OPCA). The three reports are being examined by the relevant treaty bodies.

17. On technical assistance and capacity building, the development partners have trained in 2019, to explain the members of the civil society, MPs and some Government officials on contents of the ICCPR, the ICESCR and Convention on the Rights of Persons with Disabilities. The training covered obligations and benefits on ratification of the ICCPR, the ICESCR and CRPD.

18. On making efforts to domesticate the international instruments into the national laws to promote and strengthen human rights in the country, the Government since the last Review enacted by way of amendment of the Transitional Constitution, 2011 by incorporation of the provisions of the Agreement on the Resolution of the Conflict in the Republic of South Sudan, into the Constitution; the Passport and Immigration (amendment) Act, 2013 by incorporating new types of passports; Civil Service Pension Scheme Act, 2013, Advocate Act, 2013 to regulate legal profession; Financial Act, 2016; Non-Governmental Organizations Act, 2016; National Revenue Authority Act, 2016; Relief and Rehabilitation Commission Act, 2016.

19. The Government also in 2017 enacted the Labour Act, 2017, Civil Registry Act, 2018, Public Procurement, Act, 2018; South Sudan Peoples' Defence Force Pension Act, 2020 and Freedom Gratuity Act, 2020.

20. On the implementation of the R-ARCSS, the Government with support from Revitalized Joint and Monitoring Evaluation Commission (R-JMEC) made amendment and finalized the review of the key security laws, including the National Security Services Act, 2014; Police Service Act, 2009; Prison Service Act, 2011; Wildlife Service Act, 2011; Fire Brigade Act; Political Parties Act, 2012; Sudan Peoples' Liberation Army Act 2009.

21. In an effort to include international crimes in the national laws, in 2015 the Government supported by development partners introduced amendment to the Penal Code, 2008 by including in the penal law, crimes of Genocide, War Crimes, Espionage, Crimes against Humanity and crime of defilement. The enactment of the Bill into law was delayed due to the long absence of the parliament. As it has been reconstituted, the Bill would be represented to the Transitional National Legislative Assembly for immediate consideration and enactment.

Cooperation with human rights special procedures

Recommendations: 126.62, 126.63, 127.12, 127.13, 127.16, 127.18

22. On cooperation with the United Nations, African Union and the Inter-Governmental Authority for Development mechanisms, the Government since the last UPR review has granted access to various delegations, from the Commission on Human Rights in South Sudan, Panel of Experts established by the United Nations Security Council pursuant to the Resolution No.2521/2020, members of the United Nations Security Council and members of the African Union Security Council, have been visiting the country without restrictions. The Government provided the necessary support required for the missions, including visas issuance without delay, security briefings. The missions engaged with various Government officials, civil society organisations, journalists and human rights defenders, without restrictions.

23. Since the last review, the Government met with various special envoys from the United Nations, the African Union and the Inter-Governmental Authority on Development. This level of interaction indicates the Government commitment to full cooperation with all human rights mechanisms.

Implementation of the Peace Agreement

Recommendations: 126.4, 126.5, 126.6, 126.7, 126.8, 126.9, 126.10, 126.11, 126.65

24. The Inter-Governmental Authority on Development (IGAD) mediated R-ARCSS, 2018 which is seen by many as a significant milestone towards stability in the country. The R-ARCSS has been implemented in phases. The parties to the R-ARCSS in February, 2020 resolved the issue of number of the States and their boundaries which paved way to the

formation of the Transitional Government of National Unity, State Government, appointment of the Counties Commissioners and establishment of the Transitional National Legislative Assembly, the state Assemblies and other institutions at national and States levels.

Transitional justice institutions

Recommendations: 126.13, 126.14, 126.15

25. On implementation of Chapter V of the R-ARCSS, the Government in January, 2021 mandated the Minister of Justice and Constitutional Affairs to start the process for implementation of all mechanisms under Chapter V which include the Commission for Truth, Reconciliation and Healing (CTRH), Compensation and Reparation Authority (CRA) and Hybrid Court for South Sudan (HCSS); Chapter VI on Permanent Constitution Making Process and Article 1.17 on the establishment of the Judicial Reform Committee.

Commission for Truth Reconciliation and Healing (CTRH)

26. To implement the Council of Ministers directives, the Minister of Justice and Constitutional Affairs, in March, 2021 established a Taskforce within the Ministry of Justice to coordinate and oversee implementation of the R-ARCSS provisions. The Minister of Justice and Constitutional Affairs also in May, 2021, established a Technical Committee in accordance with provisions of Article 5.2.1.3 of the R-ARCSS, consisting of experts from the civil society organizations, women organizations, religious leaders, youth and some officials from relevant Government institutions. The Chairperson is an expert from religious institution and deputized by a female, from civil society organization. The Committee is to conduct a nation-wide consultation with youth, women, civil organizations, victims of the conflicts. The outcome of the consultations would be the basis for the enactment of legislation, for the establishment of the CTRH in accordance with provisions of Article 55.1.1 of the R-ARCSS.

27. After establishment of the Committee, the 1st Vice President on behalf of the Government, on 30th June, 2021 launched in Juba the Technical Committee to commence its work.

28. The Technical Committee has prepared its budget, passed its workplan and established sub-committees for its work. Training of the Committee is set to start on 27th September, 2021. The consultations would be carried out within the period of one month, from the date the consultations start.

Hybrid Court for South Sudan (HCSS)

Recommendations: 126.62, 126.63

29. Article 5.3.1.1 of the R-ARCSS provides for the establishment of an independent hybrid judicial court for South Sudan, by the African Union Commission (AUC). The AUC in accordance with Article 5.3.1.2 is to provide a broad guideline relating to including the location of the HCSS, its infrastructure, funding, mechanisms, enforcement mechanism, the applicable jurisprudence number and composition of judges, privileges and immunities of court personnel. The Government in the Council of Ministers Resolution of 29th January, 2021 has informed the AUC through the African Union office in Juba about the Government readiness to move forward with the process for the establishment of the HCSS.

30. Till this date, the Government is still committed to move forward on the establishment of HCSS as mandated by Article 5.3.1.2 of the R-ARCSS.

Permanent Constitution making process

Recommendations: 128.24, 128.28

31. On parameters of the permanent Constitution, the Government on the 27th May, 2021 launched a Workshop in the Capital Juba in accordance with provisions of Article 6.8 of the R-ARCSS, facilitated by a prominent institute in Constitutional making. The outcome of the Workshop was used as the basis for drafting a Bill for Constitution Making Process. The Bill was tabled before the National Council of Ministers on 26th August, 2021, for comments and approval. The Governance Cluster of the National Council of Ministers discussed the Bill on

1st September, 2021, pending presentation to the Transitional National Legislature, for enactment.

Access to justice and judicial reform

Recommendations: 126.24, 126.25, 126.26, 126.13, 126.14, 126.15, 126.17, 126.18, 126.19, 126.20, 126.21, 126.59, 127.31, 127.34

32. To overcome impunity through accountability, the Government in 2019, under its obligations in Chapter II of the R-ARCSS, introduced some institutional reforms in the security sector by setting up investigation committees which resulted in the prosecution of some individuals for violation of human rights, including gender-based violence against civilians, especially women and children.

33. The Government also undertook some measures which include policy and supportive actions to facilitate and provide technical advice to the rule of law forums, in Torit, Kapoeta in Eastern Equatoria State, Yambio in Western Equatoria State, Wau in Western Behr El Ghazal State, Juba in Central Equatoria State, Bor in Jonglei State and Aweil in Northern Bahr El Ghazal State. The programme has benefited justice and law enforcement units, members of the state assemblies and civil society representatives and has addressed rule of law challenges, especially the law enforcement agencies.

34. On Case management, the Government in 2020, tracked, disaggregated by type 7,478 criminal cases in Aweil in Northern Bahr El Ghazal State, Bor in Jonglei State, Yambio in Western Equatoria State, Wau in Western Behr El Ghazal State and Torit in Eastern Equatoria State. Out of the disaggregated cases, 2,718 were investigated and tried.

35. On other access to justice programmes, the Government in 2019, assisted by the development partners, provided a legal Aid service to 897 people, out of which 75 percent were female, in Juba in Central Equatoria State, Malakal in Upper Nile State, Bentiu in Unity State, Yambio in Western Equatoria State, Bor in Jonglei State and Aweil in Northern Behr El Ghazal State. The legal Aid services were provided through five newly established Justice and Confidence centers established in those areas in 2019.

36. On judicial reforms under Article 1.17 of the R-ARCSS, the Government in collaboration with IGAD is together working to establish an ad hoc Judicial Reform Committee, to study and make recommendations on judicial reform to the Government for consideration. The process is at advance level of the implementation. The reforms to be recommended by the Judicial Reforms Committee, include restructuring of the Judiciary to be undertaken by the reconstituted Judicial Service Commission during the Transitional Period. The Judicial Reform is to also include, but not limited to, the review of the Judiciary Act, 2008, Judicial Service Commission Act, 2008 and capacity building of the judicial personnel and development of the judiciary infrastructure.

37. All stakeholders to the Judicial Reform Committee shall respect the 35% of women as mandated by the R-ARCSS in the selection of their respective representative's representation. The Judicial Reforms Committee would be chaired and deputized by an imminent legal person, to be identified and recruited by the IGAD. As envisaged under the R-ARCSS, the Judicial Reform Committee will lay a firm foundation for peaceful and prosperous country, based on justice, respect for rule of law premised on an independent, effective and efficient judiciary. The Government and IGAD has developed and signed the Terms of Reference pursuant to Article 1.17 and 1.17.5 of the R-ARCSS.

38. The Terms of Reference for the establishment of Judicial Reform Committee have been signed by the Government, IGAD and R-JMEC. Currently, IGAD working to identify the legal experts from the region, to serve as Chair and deputy Chair of the JRC. IGAD is also expected to write to the parties to the R-ARCSS to nominate their representatives based on the formula set out in the R-ARCSS, for appointment to the JRC by the Transitional Government of National Unity.

Protection of Civilians

Recommendations: 126.22,1 26.59, 126.60

39. On communal violence perpetrated by organized criminals, the Government has established an investigation committee consisting of officials, chiefs, religious leaders, youth and other stakeholders. To save lives, the committee recommended immediate deployment of organized forces to areas of conflict. The committee also engaged different stakeholders, especially the youth and chiefs to cease violence and to find alternative mechanisms to resolve their differences. This was done in Warrap State, greater Jonglei, Lakes State Eastern Equatoria and Central Equatoria, among other areas.

40. The Government in collaboration with development partners, including UNMISS – Civil and Political Affairs Division, provided alternative dispute resolution mechanisms to the conflicting communities through dialogue for peaceful co-existence among the communities. Additional training and income generating activities were also provided.

41. The State Government officials including the Governors went on radio and other media outlets, calling for calm among the conflicting communities in the State. Most of the perpetrators involved in the communal violence were arrested, prosecuted and sentenced in accordance with the law.

42. On cattle raiding or rustling, the Government established a joint operation unit consisting of the army, police and other organized forces. The joint operation unit was deployed to the areas affected by cattle rustling, especially in Eastern Equatoria, Warrap, greater Jonglei, Unity, Juba suburban. The Government in collaboration with UNMISS – Civil and Political Affairs Division engaged and mediated a peaceful co-existence among the cattle raider's communities.

43. On targeting killings, the Government set up a community police unit in Eastern Equatoria, Juba in Central Equatoria, Wau in Western Behr El Ghazal and Warrap Lakes States. The Government also established an investigation committee for Gumbo-Shrikat incident in 2020. Ten accused were arrested, prosecuted and sentenced in accordance with the law.

44. On disarmament of civilians, the Government in 2020 established various investigation committee in Juba in Gumba area, Rumbek in Lakes State and Akobo in greater Jonglei. To uncover the culprits, the Government has deployed to the areas an investigation committee consisting of public prosecutors' attorneys and police investigators.

45. On highway attacks by unknown armed groups, the Government deployed on the highways, especially on the roads leading to Juba, Yei, Torit and Bor, a security patrol unit to provide protection to travelers and goods on transit. The police on Juba- Nimule highway arrested three (3) suspects who are currently being investigated.

Protection of Women Rights

Recommendations: 126.2, 126.3, 126.36, 126.38, 126.44, 126.46, 126.47, 126.57, 126.58, 126.61, 127.20, 127.21, 127.39, 127.40

46. To improve the existing mechanisms for reporting cases of sexual and gender-based violence against and to ensure access to justice for victims and survivors of the gender based-violence, the Government with support from the development partners, in 2019, established within the Judiciary a Juvenile and Gender Based Violence Court. The court is based in Juba in Central Equatoria State, with mobile units in Malakal in Upper Nile State, Yambio in Western Equatoria State and Torit in the Eastern Equatoria State. The Court has so far in 2020 to 2021 tried and sentenced 369 cases, out of which, 82 are cases of violence against juvenile and gender-based violence.

47. In upholding its commitment to implement the recommendation on combating impunity, the Juvenile and Gender -based Violence Court, in 2021, tried and sentenced 60 cases, out of which, 19 cases are relating to violence against women and children. It is evidenced that with the ongoing prosecutions and public awareness programme, there have been some behavioural changes in relation to SGBV issues.

48. On prevention and protection of survivors of SGBV, the Government has established 17 Special Protection Units (SPUs), six (6) in Juba police stations and One Stop Centers in Juba, Central Equatoria State, with integrated functional services, such as hospitals to provide medical, psychological and legal support, to enable GBV survivors access Justice. Standard Operating Procedures for Prevention, Protection and response to SGBV was also established in 2014 and road map developed to end child marriage in South Sudan between the year 2017–2030. These programmes have contributed positively to the protection of women.

49. On arbitrary arrest and detention, the Government in 2017 established an emergency court for organized forces to prosecuted personnel from the National Security Service, the South Sudan Peoples' Defence Forces, South Sudan National Police Service and the National Prisons Service, for violation of human rights.

50. On implementation of National Action Plan signed by the Government and the United Nations in 2016, a Taskforce composed of membership from relevant ministries (Ministries of Health, Interior, Justice, Gender, Defence, members of Parliament, regional and international stakeholders and civil society organizations) developed an implementation plan to operationalize the signed Communiqué aiming at ending all forms of conflict related-sexual violence in the country. Several training workshops were conducted with massive dissemination of information and command directives were made to all units of the organized forces regarding CRSV prevention.

51. On services to victims of SGBV, the Government with support from development partners, established 12 One Stop Centers in all ten (10) States, to provide protection, medical, psychosocial, legal services and shelters. Currently the Government has so far established two shelters (Safe Homes) for protection of survivors of SGBV and developed Standard Operating Procedures (SOP).

52. On access to justice for women, the Government with support from development partners, trained judges, prosecutors, defence lawyers, police female investigators, probation officers and social workers, to deal with SGBV issues. Currently, two social workers are assigned to assist survivors of SGBV on procedures, counselling and guidance. Legal Aid services has been provided on support by development partners and local NGOs, on recommendation by a committee. Since the last UPR review the number of Legal Aid beneficiaries have reached 181 out of which 33 are rape cases.

53. On affirmative actions aimed at eliminating discrimination against women and girls, the Government is currently implementing the R-ARCSS,2018 and has advanced the provisions of Article 16 of the Transitional Constitution,2011(as amended) by increasing women participation in the public and governance institutions from 25% to 35%. Also, the Government in its public service policies and the Labour Act, 2017 ensured equal participation and equal pay for women and men.

54. On public awareness raising on the rights of women, the Government in collaboration with development partners, in February, 2020, organized a three (3) days South Sudan Women Leadership Conference to raise women awareness on the rights enshrined in the related Conventions. The participants were from all the ten (10) States. However, due to the then insecurity, the Government was only able to conduct public awareness in limited areas less affected by the conflict, especially the rural areas. Also, the Government and civil society organizations conducted awareness campaign workshops in Eastern Equatoria, Western Bahr El Ghazal and Jonglei, to explain to women provisions of the Convention on Elimination of All Forms of Discrimination against Women.

55. On measures taken to improve socioeconomic situation of internally displaced women, the Government with development partners, provided support to the internally displaced women, to improve their lives through, trained women and girls on tailoring, basket making hair dressing and crafts and other income generating activities.

56. On women who cannot undertake income-generating activities as a result of the COVID-19 pandemic, the women were trained in new skills like liquid soap making and tailoring to produce face masks. On women affected by floods and droughts, the Government in collaboration with development partners provided relief food.

57. On employment opportunities for women, the Government has adopted measures to increase women participation in the public service and recruitment into organized forces. A number of female officers were recruited and promoted to various ranks and files, including promotion to the ranks of Generals in the army, National Security, police, prisons and Wildlife. The organized forces Code of Conducts determines exclusion of perpetrators of conflict-related sexual violence from the forces including in the would-be Necessary Unified Forces.

58. To ending impunity at the State level of the Government in 2019, a military court martial in Yei, prosecuted 36 cases of looting, murder and sexual violence, committed by military personnel against civilian. All were convicted and sentenced to various imprisonment terms and were all discharged from service.

59. On eradication of harmful customary practices, the Government supported by development partners in 2019, trained traditional leaders and chiefs on promotion and protection of human rights, especially the rights of women. The women groups also organized their own public awareness on the topic of women human rights.

Protection and promotion of child rights

Recommendations: 126.30, 126.31, 126.49, 126.50, 126.51, 126.52, 126.53, 126.54, 126.55, 126.56, 128.54

60. The Government acceded to various regional and international instruments which promotes child rights. Among the instruments acceded to are the Convention on the Right of the Child (CRC), Optional Protocol on the involvement of children in armed conflict (OPCA), the Geneva Conventions of 1949 and their Additional Protocols, I, II, and III.

61. On action against human rights violations and ending recruitment and use of child soldiers in armed conflicts, the Government in 2016 took steps to eliminate the conscription of child soldiers, the Government in the years 2019 and 2020, with support from development partners, introduced a South Sudan Social Protection Policy; South Sudan Action Plan; National Disability and Inclusion Policy throughout its programmes, especially for children.

62. Also, the Government developed a Comprehensive Action Plan to end and prevent all forms of grave violations against children affected by armed conflict. The Comprehensive Action Plan has put forward a detailed workplan to protect children which is considered by the development partners as a great achievement and a milestone in building structures for accountability and prevention of future violation of child rights.

63. In 2018, the Government voluntarily made a declaration as a step in the implementation of Article 3 of the Optional Protocol on the Involvement of Children in Armed Conflict by imposing a minimum age of 18 years, for recruitment in the army and other organized forces. All recruitments processes are to be made in public places and not done through use of force or duress. The recruitment process shall also be advertised in the press and national media. All recruits are to undergo a medical examination and be in possession of a valid birth certificate and certificate of education or apprenticeship.

64. Also, the Government at the State level, established a SGBV forums which include referral pathway, case management related to interventions and other survivors' services. As of year 2020, the Government with support from development partners, established a radio talk shows and community awareness raising with aim of averting violence against women and children. The radio talk shows covered issues of gender-based violence (SGBV).

65. On child age for criminal responsibility, the Government has put it at the age of 12 years. Efforts have been made to have the customary courts actors in the rural areas to adhere to the provisions of the statutory law. To end the overuse of detention of children during pre-trial and post-trial procedures, some sentences have been introduced by the Government which include diversion from traditional sentences, probation, counselling and community service. The diversion sentences were only applied on temporary basis in Malakal in Upper Nile State and Wau in Western Behr El Ghazal State. The project was terminated in 2013 due to political crisis in the country.

66. To ensure that children are not detained with adults, the Government in the implementation of provisions of Child Act, 2008 and the Prison service Act, 2011, directed

that minor should be kept in a separate detention facility. Social workers have been deployed to monitor at the police stations and prisons detention facilities in Juba. The Government with support from development partners trained Prison wardens and child protection officers on management of reformatory schools. Currently, there are only 2 operational reformatory schools in Juba and Wau. However, because of the lack of detention facilities, some of the State prison facilities continue to detain minors in the same detentions with adults.

67. On counselling services for children, the Government with support from development partners established a Family Conferencing & Mediation programme for minor offenders to encouraged mediation at pre-trial detention stage and the right of children to be release or bailed from detentions.

68. On implementation of section 26 of the Child Act, 2008, the Government has recognized the International Day of the Girl Child which is celebrated on 11th October each year; the Day of the African Child on 16th June each year; the Day of the United Nations on the Rights of the Child on 20th December each year and World Day against Child Labour on 14th June each year.

69. Since the last UPR review, the Government with support from development partners, from 2018 to 2021, identified, demobilized and integrated with their families, nine hundred and twenty-two boys and three hundred and fourteen girls. All the released children were found among the opposition forces who are signatories to the R-ARCSS.

Protection of Internally Displaced Persons (IDPs)

Recommendations: 126.36, 126.40, 126.41, 128.82

70. With good progress made in the implementation of the R-ARCSS, the Government with support from United Nations Mission in South Sudan (UNMISS) developed a confidence measure among the internally displaced persons. As a result, some of the IDPs have accepted to voluntarily return to their areas of origin.

71. To encourage voluntary return of IDPs, Government has directed the State Governments to ensure smooth transition of the returning IDPs by ensuring restitution of their land or property. The Council of Ministers in 2018 also directed all IDPs houses to be vacated and handed to the rightful owners.

72. On ensuring peace in the country, the Government in Central Equatoria, Western Equatoria, Eastern Equatoria, Upper Nile, Jonglei, Northern Behr El Ghazal, Western Behr El Ghazal, Warrap and Lakes States, established a joint operation security force, comprising of personnel from National Police Service, South Sudan Peoples' Defence Force, National Security Service, Prisons Service and Wildlife Service, to maintain peace and security to the returning communities. The Joint Security Force has been deployed along highways leading out of the major cities.

Security sector reforms

South Sudan Peoples' Defence Forces

Recommendation: 128.30

73. Article 1.17.2.1 of the R-ARCSS provides security sector reforms including amendment of the Sudan Peoples' Liberation Army Act, 2009. On this basis, the Government made an amendment to the Act making major changes including changing of name of the national army (SPLA), to the South Sudan Peoples' Defence Force. The Amendment Bill was approved by the National Council of Ministers on the 9th September, 2021 and will be presented during the 1st session of the Transitional National Legislative Assembly for enactment.

74. Article 2.4.10 of the R-ARCSS provides for demobilization, disarmament and integration of persons with special needs that are ineligible for or not willing to serve in the unified army. The demobilization shall include identification of children who are associated with the army or armed groups, signatory to the R-ARCSS. The Government also with

support from development partners, established a taskforce to verify number of forces and identify individuals within different armed groups, to be demobilized.

75. On technical assistance and capacity building within the national army, the Government during the 4th High Command Conference, ordered commanders to observe rules of engagement and distributed to them copies of the Constitution, the R-ARCSS and leaflet on ending sexual violence, looting or murder of any civilian. The order also directed the military court martial to order arrest, prosecute any military personnel involved in the commission of an offence.

76. On public awareness efforts to end human rights violations by the army and other organized forces, the Government supported by UNMISS – Human Rights Division, trained South Sudan Peoples’ Defence Force (SSPDF), National Security Service and other organized forces, on the principles of International Human Rights Law, International Humanitarian Law and other domestic laws. The training also covered issues of sexual and gender-based violence (SGBV) and child protection techniques.

National Security Service

Recommendation: 128.30

77. On the National Security Service reform, the R-ARCSS, 2018 also mandates in Article 1.17.1.2 for amendment of the National Security Service Act, 2014. The amendment Bill includes issues of training, structure, powers of the security service personnel and civilian oversight body. The Bill has been forwarded to the National Council of Ministers for deliberations and approval before its presentation to the Transitional National Legislative Assembly for enactment.

78. The Government in collaboration with International Red Cross in 2018, trained some senior members of the national security personnel on human rights, international humanitarian law and Geneva convention and its optional protocols.

79. On fighting impunity within the National Security Service, the Government has established in 2019 an internal accountability mechanism in form of two tribunals, summary and non-summary. The Tribunals are to impose discipline and prosecute national security personnel who commit offences related to human rights. Since its establishment, the tribunals in 2021 alone, prosecuted 16 cases related to human rights violations.

80. On technical assistance and capacity building, the National Security Service has trained its members on issues of human rights, protection of civilians, engagement and crisis management investigations and data collection.

South Sudan Police Service

Recommendation: 128.30

81. On the South Sudan Police reform, the R-ARCSS, 2018 mandates in Article 1.17.1.2 for the amendment of the South Sudan Police Service Act, 2009. The amendment Bill is containing new police structures including a change of name of the police service to the National Police Service. The Bill was approved by the National Council of Ministers on its meeting of 9th September, 2021 and will be tabled before the Transitional National Legislative Assembly during its 1st session.

82. To established standards, a training curriculum for National Police Service has been reviewed to include management, research methodology, judicial procedure, information security management, cybercrime, human rights, security and safety and policing within a cultural context. The curriculum is being implemented in all security trainings.

83. The Government has stepped up its efforts to fight corruption in the police service by combating illicit financial flows and tax avoidance through strengthening the National Revenue Authority and other financial institutions. The Government also, through an oversight financial committee, established under the Vice President for Economic Cluster, initiated, investigation and prosecution of corrupt officials from various Government institutions.

84. On fighting gender-based violence situation in Central Equatoria, Western Equatoria, Eastern Equatoria, Upper Nile, Jonglei, Northern Behr El Ghazal, Western Behr El Ghazal, Warrap and Lakes States, the Government and development partners, in 2020 established gender desk in police stations and trained police personnel on sexual and gender-based violence, protection of children and women.

85. On training of police service personnel as mandated by provisions of R-ARCSS on security arrangement, the Government has sent to the police training college twelve thousand five hundred non-commissioned officers. Their training is about to complete and will be graduated as part of the unified force under R-ARCSS.

86. The Government also with support from development partners, trained seventy-five female police personnel and seventy-five male police personnel on investigation of Sexual and Gender-Based Violence cases.

87. As part of the community policing in Juba, the Government, with support from UNDP and JICA, established six (6) police centers within residential areas. Three hundred police officers were also trained on police relationship with community.

Prison Services

Recommendation: 128.39

88. The South Sudan Prison Service Act, 2011 has been amended as part of the institutional reforms in accordance with provisions of the R-ARCSS. The Amendment Bill is containing the necessary reforms which include the change of the Prisons Service to Correctional Service. The Amendment Bill was approved by the National Council of Ministers on 9th September, 2021.

89. During the COVID-19 health challenges in 2020, the Government, supported by UNDP, released from prisons and police detention facilities 4,383 people out of which 474 were women. The early release from detention was aimed at reducing congestion in the prisons and other detention facilities, to limit the spread and impact of COVID19. Some of the releases took place in Aweil in Northern Behr El Ghazal State, Bor in Jonglei State, Torit in Eastern Equatoria State, Wau in Western Behr El Ghazal State, Juba in Central Equatoria State, Yambio in Western Equatoria State and Lakes State. Among those released, 717 cases involving detainees with underlying health problems, elderly persons, women, juveniles and lactating mothers.

90. On prison vocational skills training in Juba Central Prison, 213 inmates were men and 34 were female, and in Wau in Western Behr El Ghazal State, 105 inmates were also trained in various skills. The training was done across 12 trades areas, including hairdressing and beauty therapy, auto mechanic, tailoring and fashion design, masonry, bakery, carpentry and joinery, electrical installation, metal fabrication and welding, agriculture, bakery, food processing, plumbing and information technology. The Prison Service also in 2020, provided to juvenile in the reformatory school in Juba, the necessary education materials, including textbook, school desk.

91. In Juba Central Prison in 2017 to 2019, the Government with support from the International Red Cross, constructed two rooms, two toilets water and waste water system; installation of borehole equipped with solar power. The same facilities were also constructed in Torit in Eastern Equatoria and Aweil in Northern Behr El Ghazal States. In Yei prison in 2020, the Government with support from development partners also constructed two wards and two toilets for female inmates and renovated one ward in male inmates' section of the prison. The International Red Cross in Tonj in Warrap State prison renovated another two rooms in the female inmates' section and in Malakal, Upper Nile State, the UNMISS- Human Rights Division, constructed offices for prison personnel.

92. Based on the improved services in the prisons, in 2019 in Juba Central Prison, 43 inmates including juvenile, sat for South Sudan Certificate of Primary Education.

93. On technical assistance and capacity building of the Prison Service Personnel, the Government with support from development partners, trained ten (10) prisons officers in data entry relating to prison management system and developed an operation protocol manual for juvenile reformatory and trained fifty (50) officers on the manual in 2019.

Rights of persons with disabilities**Recommendations: 126.39, 126.75**

94. The National Ministry of Gender, Child and Social Welfare established in Rejaf an educational center for visual and hearing impaired. The center developed and highlighted the need for review of the Special Needs Education so as to align the programme with the Constitution, the Sustainable Development Goals. Inclusive education is now the overarching principle of this policy. Though the policy recognizes all disabilities and special needs, it is prioritizing the coverage of learners and trainees who have hearing impairments, visual impairments, deaf, blindness, physical impairments, intellectual disabilities, specific learning disabilities, cerebral palsy, speech and language difficulties, multiple disabilities and autism.

95. The Government also established a Physical Rehabilitation Reference Centre in Juba. The facility is currently providing various services ranging from Psycho-Social support, mobility appliances. In Usratuna facility for children with various disabilities, the facility is currently providing education, hospitalization, medication and rehabilitation services for children.

96. The process for ratification of the Convention on the Rights of Persons with Disabilities is at the final stages before the Transitional National Legislative Assembly to ensure conformity with the Article 30 of the Transitional Constitution, 2011 (as amended). However, the Government assisted the persons with disability, to setup their union known as South Sudan Union of Persons with Disabilities (SSPWDs). The Union is responsible for coordination, linkage and catering for all organizations of persons with disabilities (OPDs) across the country. Currently there are twenty-seven (27) effective OPDs in the country.

Education**Recommendations: 126.72, 126.73, 126.74, 127.41, 128.95**

97. On measures taken to implement provisions of the General Education Act, 2012 and the national girls' education strategy, the Government has established procedures to investigate causes of child drop out from school. The Government request the families of the drop out student to bring him or her back to school. If the drop out cause is due to the school distance, the student will be relocated to the nearest school. In cases of refusal by the school to reregister student, the County Education Director will treat the matter as criminal act and the child shall be registered regardless of the rejection by the school.

98. On measures taken to enforce section 26 (3) of the Child Act and section 30 (8) of the General Education Act on the right of pregnant girls and young mothers to attend school, the Government with support from development partner put in place a financial support to such students to ensure their retention in schools. To encourage girls returning to schools after dropping out, the Government has a readmission policy to encourage pregnant girls and young mothers to attend classes.

99. To implement alternative education system, the Government has introduced Accelerated Learning Programme and Adult literacy Programme to reduce illiteracy among women and girls and to provide continuing education programmes for women who are unable to complete primary or higher education. Also, the Government has developed a national curriculum for ICT to promote digital education, however there still remains an infrastructure challenge.

100. To prevent out of school girls from adopting negative coping mechanisms, the Government established an Emergency Response Committee to continue with education activities supported by development partners during school closure and lockdown mainly through Distance Learning Programme, Education on Air, Online Modules for Learners, Recorded Lesson for Hard-to-Reach Population, provision of Radios Handsets for Disadvantaged Communities, Cash Transfer for Girls and Community Awareness.

101. On GESS cash transfer to encourage and promote attendance in schools, 401,338 female students from primary to secondary levels, in 2020 academic year, benefited from GESS cash transfers programme.

102. On technical assistance and capacity building, the Government with support from development partners, trained twenty-five thousand teachers from primary and secondary education levels.

103. In Yei County of the Central Equatoria State, number of children enrolment into schools have increased in the year 2020 alone, from 6,000 to 12,360. This increase in the enrollment of pupils in schools is attributed to the stability and the return of refugees and internally displaced person to the area. In some schools, enrollment of girls is more than boys. In addition, there are about one public hospital and four (4) private medical clinics, operating in Yei.

104. In Torit in Eastern Equatoria State, enrollment of students in primary level has doubled from 8,616 to 40,037 and in secondary level from 6,396 to 20,446 as per 2021 school records. The increase in the enrollment is attributed to improvement in the security situation and return of IDPs and refugees to their place of origin.

Access to information and freedom of expression rights

Recommendations: 126.67, 128.83

105. The Access to Information Act, 2014 gives effect to Article 24 of the Transitional Constitution, 2011 (as amended) on the Right to Access to Information. The Act grants the Commission an oversight and enforcement powers to investigate complaints made by any person on the violations of the provisions of the Act. Amongst other functions, the Commission has the role of developing and facilitating public education awareness and developing programmes on the right of access to information and right to protection of personal data.

106. The Government with support from development partners, trained journalists on professional ethics. The journalists conducted elections and were able to establish for the first time since independence in 2011, the Union of Journalist for South Sudan, to be responsible for registration and discipline of its members.

107. On technical assistance and capacity building, the Government with support from development partners and AMDISS established media development institute to train journalist on basic profession standards for media professionals. The Government also appointed new board of directors for South Sudan Broadcasting Corporation, Media Authority and Access to Information Commission. This indicates the Government commitment to improve freedom of expression and access to information. The two boards are headed by women.

Achievements

108. The Government with support from development partners established in 2019 a juvenile and Gender Based Violence Court and Mobile Court under the General Military Court Martial.

109. The Government acceded to the Optional Protocol on the Involvement of Children in the Armed Conflict and developed Action Plan of Government of South Sudan on Children Affected by Armed Conflict 7th February 2020.

110. The Government with support from development partners established the Girls Education South Sudan programme (GESS) which encourages girls to continue attending school.

111. The Government, also with support from development partners, trained chiefs from the ten (10) States on impact of early marriage harmful customary practices on young women and girls.

112. The Government also issued a standing order to the military personnel that rape and other forms of sexual violence are serious national and international crimes and whoever commits rape or caused sexual violence will be investigated and prosecuted.

113. The Government in the implementation of its treaty obligations, prepared and submitted to the relevant treaty body of the Human Rights, initial national reports for the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC) and the Optional Protocol on the Involvement of Children in the Armed Conflict (OPAC).

Challenges

114. Generally, insecurity remains a major challenge in the outskirts of Yei in Central Equatoria, Malakal in Upper Nile and Wau in Bahr El Ghazal States due to skirmishes between the Government forces and the non-signatories to the R-ARCSS.

115. Another challenge is inadequate training to the journalists in the country and that impedes on freedom of expression.

116. Detention facilities, schools and hospitals were destroyed during the conflict.

117. Lack of provision of technical assistance by the international community to help South Sudan in the implementation of recommendations.

Conclusion

118. The Government of South Sudan is committed to promote and protect human rights of all citizens through implementation of the institutional reforms enshrined in the R-ACRSS. Among others, the Government is seeking from the international community and partners the following:

(a) Support in establishing a database to collect and store information and statistical data on the realization and enjoyment of human rights of the South Sudanese citizens;

(b) Building capacity of government officials both in national, State and Local government levels on the use of human rights-based approaches to plan, programme, develop policies and monitoring and evaluation processes;

(c) Capacity building on human rights for military, police, national security, prison personnel, prosecutors and judicial officers.
