



**UNIVERSAL PERIODIC REVIEW
SOUTH SUDAN**

SUBMISSION of Edmund Rice International (ERI)
(NGO in Special Consultative Status with UN ECOSOC)

**26th Session of the UPR Working Group
Human Rights Council**

I. Introduction

1. Edmund Rice International (ERI) presents this submission concerning the human rights situation in the Republic of South Sudan for consideration by the UPR Working Group at its 26th session (September-October 2016).
2. Edmund Rice International (ERI) is an international non-governmental organization, founded in 2005 and with Special Consultative Status with ECOSOC since 2012. ERI is a faith-based group with networks in over thirty countries. ERI has a special interest in the rights of the child, the right to education and in eco-justice.
3. This report is based on the evaluation of the commitments made by the Government of the Republic of South Sudan to implement recommendations accepted during its previous UPR in May 2011. The data and information obtained for this submission came from various sources defending individuals and groups affected by human rights abuses in the Republic of South Sudan.
4. The analysis will address the following rights and issues: freedom of speech, access to and administration of justice, alleged killing of civilians by security forces and armed groups, lack of resources to implement a human rights based program, lack of capacity in governance to protect human rights, and inter-ethnic conflict.

II. Freedom of Speech and Access to Justice

A. First Cycle UPR Recommendations

5. In the last cycle of UPR Recommendations, through Sudan's Review, South Sudan received several recommendations in relation to freedom of speech. The

recommendations proposed that South Sudan ensure the freedom of expression, association and assembly of political dissidents, human rights defenders, and journalists. Furthermore the recommendations suggested that concrete steps be taken to ensure the freedom of the media and to investigate any form of intimidation and arbitrary detention of journalists.

B. Freedom of Speech

6. Limited or violated freedom of speech and expression has been reported as well as attacks on those who participated in protests or criticizing of the government¹.

C. Freedom of the Press

7. UNESCO reported that the Minister of Information and Broadcasting in South Sudan stated the government's commitment in support of the media. They guarantee that freedom of reporting is supported by the government. Yet journalists have been threatened, banned, harassed, detained for interviewing opposition figures, and murdered. Five journalists were killed in Western Bahr el Ghazal State in January 2015².
8. Reports suggest that the National Security Service (NSS) have shut down radio stations and newspapers and interfered with the Juba Monitor and the National Mirror. Although South Sudan implemented the UN Plan of Action on Safety of Journalists and the Issue of Impunity, the freedom and safety of journalists have deteriorated following the conflict that began in December 2013.

D. Lack of Accountability

9. A lack of accountability and access to justice exists with the continued lack of investigation into abuses by armed forces. Furthermore there are no significant mechanisms in place for the protection of witnesses and victims.

E. Recommendations

10. Our organization recommends to the Government of South Sudan to:
 - a) **Sign and ratify the International Covenant on Economic, Social and Cultural Rights.**
 - b) **Ensure the rights of freedom of speech and expression by human rights defenders and journalists are respected and protected by**

¹ Human Rights Watch 2015, "World Report 2015: South Sudan" Available from <<https://www.hrw.org/world-report/2015/country-chapters/south-sudan>>

² UNESCO Office in Juba 2015, "South Sudan advocates for Media Safety, Freedom of Expression and Gender Equality in Media" Available from <http://www.unesco.org/new/en/juba/about-this-office/single-view/news/south_sudan_advocates_for_media_safety_freedom_of_expression_and_gender_equality_in_the_media#VtWMR4wrK2x>

inviting the Special Rapporteur on the situation of human rights defenders to visit South Sudan.

- c) **Take further measures to ensure freedom of the media.**
- d) **Investigate any form of intimidation, harassment, threats, or killing of journalists, and publish the results of each investigation.**

III. Alleged Killing of Civilians by Security Forces and Armed Groups in South Sudan

A. First Cycle UPR Recommendations

11. In the first cycle of the UPR in 2011, the Government of the Republic of South Sudan received recommendations relating to the protection of human rights. The recommendations called for South Sudan to establish a national human rights institution, to increase education for human rights in armed forces and police forces, and to increase civil protection.

B. Civilian Killings by Sudan People's Liberation Army

12. While we commend efforts made by South Sudan to increase education of human rights among its armed forces and police, and increasing civil protection measures during the transition period, violence against civilians by the Sudan People's Liberation Army (SPLA) and similar armed forces continues. It has been reported that 83 civilians were killed during attacks on Gongbar, Dug Dug, Girbanat, Amduluz and Gosfamy villages in September 2014. Additional civilians may have been killed in Davai village close to the attacks. Further violence involving Sudan People's Liberation Movement/Army-In Opposition (SPLM/A-IO) on 29 October 2014 resulted in 11 civilians being extra-judicially executed.³ Concern has also been raised over the recent recovery of mass graves in the south-western region of the country.
13. The United Nations Mission in South Sudan (UNMISS) notes there have been reports that civilians continue to be killed in and around Protection of Civilian (PoC) sites by the SPLA between January and October 2015. Further extra-judicial killings of civilians in Upper Nile were reported to the UNMISS Human Rights Division (HRD) in 2015⁴. Specific reports state that on 25 May 2015, SPLA forces killed Shilluk Internally Displaced Persons (IDPs) going to Malakal Poc site.

³ United Nations Mission in South Sudan, 2015, "The State of Human Rights in Protracted Conflict in South Sudan" available from

<http://www.ohchr.org/Documents/Countries/SS/UNMISS_HRD4December2015.pdf>

⁴ United Nations Mission in South Sudan, 2015, "Flash Human Rights Report on the Escalation of Fighting in Greater Upper Nile." p.2, accessible from

<<http://reliefweb.int/sites/reliefweb.int/files/resources/Final%20version%20Flash%20Human%20Rights%20Report%20on%20the%20Escalation%20of%20Fighting%20in%20Greater%20Upper%20Nile.pdf>>

14. The Republic of South Sudan has taken a significant step forward to address the conflicts, notably the “Agreement on the Resolution of the Conflict in the Republic of South Sudan”⁵. However the implementation of this agreement has not been adequate.

C. Recommendations:

15. Our organization recommends that the Government of the Republic of South Sudan:

- a) **Sign and ratify, without limitations, the International Covenant on Civil and Political Rights.**
- b) **Ensure the efficacy of the South Sudan National Human Rights Commission through increased resource allocation.**
- c) **Intensify efforts to reduce civilian casualties by increasing the accountability of armed forces through tougher legislation.**
- d) **Strengthen its commitment to the “Agreement on the Resolution of the Conflict in the Republic of South Sudan” by returning to a ceasefire as soon as possible with the intention of further peace talks.**

IV. Lack of Resources to Implement Human Rights Based Programs

A. First Cycle UPR Recommendations

16. The previous recommendations for South Sudan with regards to the implementation of human rights based programs were to ensure the effectiveness of the new constitution and establish a national human rights institution in line with the Paris Principles. South Sudan was also asked to sign the Convention on the Rights of the Child and its two optional protocols. The recommendations also suggested strengthening the capacity for and awareness of the promotion and respect for human rights.

B. Lack of Human Rights Programs

17. The South Sudanese government created the National Investigation Committee into Human Rights Abuses, although the Committee’s recommendations failed to produce results.⁶ A lack of resources to implement a human rights based program is a concern as well as the reported continued lack of adherence to international human rights standards with arrests, detentions, and trials.⁷

⁵ S/PV.7532

⁶ United Nations Mission in South Sudan 2015, “The State of Human Rights in the Protracted Conflict in South Sudan” *United Nations Human Rights: Office of the High Commissioner*. Available from <http://www.ohchr.org/Documents/Countries/SS/UNMISS_HRD4December2015.pdf>

⁷ See above

18. The Transitional Government of National Unity has established a South Sudan National Human Rights Commission in 2012. Although it is poorly funded, this has the potential to be a significant platform for human rights.

C. Implementation of constitutional rights

19. The Bill of Rights in the South Sudan Constitution of 2011 protects several human rights, but concerns remain whether it is being properly implemented.⁸ Furthermore, South Sudan is the only African country not to ratify the African Charter on Human and Peoples' Rights.

D. Recommendations

- a) **Ratify the African Charter on Human and Peoples' Rights.**
- b) **Ensure proper implementation of the recommendations from the National Investigation Committee into Human Rights Abuses.**
- c) **Develop a nation-wide awareness program to promote the importance of human rights based approaches to policies and practices.**

IV. Lack of Skilled Capacity to Govern effectively

A. High Rates of Corruption

20. Resources meant for capacity building are being misused due to the high rates of corruption. As of 2015, Transparency International has rated South Sudan 163/168 on the Corruption Perceptions Index.⁹
21. The South Sudanese government is known as a money-laundering hub, where the elites use the financial sector for personal gain.¹⁰ There is a strong need for investigation and prosecution of offenders.

B. Unbalanced Allocation of Resources

22. Military spending is the highest in the region, more than the infrastructure budget, and equal to the accountability budget, which includes important development sectors such as the Audit Chamber, Anti-Corruption Commission, National Bureau of Statistics, and Reconstruction and Development Fund. Military spending has taken priority over social service spending.¹¹

⁸ 2011 "South Sudan's Constitution of 2011" *Constitute Project*. Available from <https://www.constituteproject.org/constitution/South_Sudan_2011.pdf>

⁹ Transparency International 2016, "Corruption by Country/Territory" Available from <<https://www.transparency.org/country/#SSD>>

¹⁰ See above

¹¹ The Sentry, "The Nexus of Corruption and Conflict in South Sudan" Available from <<https://thesentry.org/reports/south-sudan/>>

23. The lack of development outside the oil sector is detrimental to the economic growth of the country. The reallocation of resources is necessary to create multiple sectors to sustain development.

C. Lack of Health Facilities and Trained Physicians

24. A severe shortage of trained professionals in both the education and health sector has huge impacts on the development of the country. The high numbers of conflict casualties and displaced persons require extra health care, which along with education is mostly outsourced to non-government organizations. Extensive infrastructure losses are accounting for extremely poor health care. Approximately 55% of health facilities in Unity State, Upper Nile State and Jonglei are not functioning, as of September 2015.¹²
25. Lack of resources for training output, poor management, low wages, lack of supervision, and a high staff turnover rate leaves only 1 trained physician for every 65,574 South Sudanese people.¹³ Many resort to relying on low skilled and unqualified health workers.
26. The Health Sector Development Plan and the Strategic Plan for Human Resources for Health were established but need to be strengthened and adequately resourced.

D. Recommendations

- a) **Strengthen the Anti-Corruption Mission and ensure resources are available for prosecuting offenders..**
- b) **Re-allocate resources across sectors for more sustainable development and to ensure adequate social services are available.**
- c) **Increase financial investment in the health sector, including the development of health care facilities and the training of more specialized health care professionals.**

V. Inter-ethnic Conflicts

A. First Cycle UPR Recommendations

27. In the first cycle of the UPR in 2011, the government of the Republic of South Sudan received recommendations relating to conflict between ethnic groups. The recommendations called for South Sudan to draft their constitution with the participation of minorities and to ensure that the new Constitutions include a

¹² United Nations Office for the Coordination of Humanitarian Affairs 2016, "2016 South Sudan Humanitarian Needs Overview" *Relief Web*. Available from <<http://reliefweb.int/report/south-sudan/2016-south-sudan-humanitarian-needs-overview>>

¹³ World Health Organization 2016, "South Sudan" *Global Health Workforce Alliance*. Available from <<http://www.who.int/workforcealliance/countries/ssd/en/>>

catalogue of human rights, and take the multiethnic background of their population into account.¹⁴

B. Favouritism displayed towards Particular Ethnic Groups

28. The process of state building is especially difficult in the context of South Sudan, however it must not become a secondary issue, nor should it be used as a political tool. On December 24 2015 President Salva Kiir decreed 28 new states would be created, along with 28 new governors¹⁵. The perceived ethnic and political bias of the governors may cause further ethnic tensions.

C. Violence Against Ethnic Groups

29. Groups on all sides of the conflict in South Sudan are being persecuted for their ethnicity. UNMISS reports that the village of Abwong Payam was attacked in January 2014. People were gathered and questioned if they support President Kiir or Mr Machar. If they were ethnically Dinka, they were killed¹⁶.
30. Ethnic groups in South Sudan have become increasingly divided. There are regular reports of conflict between youths of varying ethnic groups, resulting in more deaths. The disillusioned and often uneducated youth are becoming the victims and perpetrators as a result of the government's failure to educate, protect, and otherwise help the ethnic youth populations.

D. Recommendations

- a) **Sign and implement the UN Declaration on the Rights of Indigenous Peoples.**
- b) **Ratify, without limiting reservations, the Indigenous and Tribal Peoples Convention.**
- c) **Adhere to the initial 'ten states for three-year plan', as previously agreed upon, to ensure political and regional stability.**
- d) **Provide fair representation of all ethnic groups in state and national government roles.**
- e) **Commit to the protection of ethnic minorities through national education programs that promote respect, understanding and cooperation between different ethnic groups.**

¹⁴ A/HRC/18/16

¹⁵ Aljazeera, 2015, "South Sudan President creates 28 new states", available from: <<http://www.aljazeera.com/news/2015/12/south-sudan-president-creates-28-states-151225101750723.html>>

¹⁶ United Nations Mission in the Republic of South Sudan, 2014, "Conflict in South Sudan: A Human Rights Report", available from <<https://unmiss.unmissions.org/Portals/unmiss/Human%20Rights%20Reports/UNMISS%20Conflict%20in%20South%20Sudan%20-%20A%20Human%20Rights%20Report.pdf>>