

## **ADVANCE QUESTIONS TO SOUTH SUDAN**

### **2<sup>ND</sup> BATCH**

#### **BELGIUM**

- Belgium wishes to congratulate South Sudan, as the newest member of the United Nations, with the ratification of the Convention on the Elimination of Discrimination Against Women, the Convention Against Torture and its Optional Protocol, and the Convention on the Rights of the Child. When does the Government of South Sudan foresee the ratification of the remaining human rights treaties? Is the Government of South Sudan also considering ratifying the African Charter on Human and Peoples' Rights?
- Is the Government of South Sudan considering to amend the Transitional Constitution, which permits death penalty as a punishment for "extremely serious offences", with the aim of abolishing death penalty? Is the Government of South Sudan considering to introduce a moratorium on the use of death penalty?
- Is the Government of South Sudan considering to take steps to enact and enforce legislation that defines and criminalizes torture in compliance with the Convention Against Torture? Does the Government of South Sudan consider to criminalize enforced disappearance, genocide and crimes against humanity?
- The High Commissioner on Human Rights expressed concern about the slow progress in eliminating discrimination and abuses against women and girls. What concrete measures have been taken with a view to the elimination of all forms of discrimination against women and girls? What measures are being considered in order to provide an effective response to sexual and gender-based violence and to ensure that perpetrators are brought to justice?
- Belgium welcomes the 2012 General Education Act, which provides for free basic education for all. Nevertheless, the High Commissioner for Human Rights noted that at least 50% of all children do not attend school. What concrete steps is the Government of South Sudan taking to effectively implement the General Education Act?

#### **GERMANY**

- How does the Transitional Government of National Unity of South Sudan intend to comply with the provisions of the peace agreement demanding the incorporation of the peace agreement into the constitution in order to promote an inclusive peace process?
- How will the Transitional Government of National Unity of South Sudan ensure that the Humanitarian High Level Oversight Committee established by Presidential decree on the 15th of October removes the obstruction of humanitarian access and access by the institutions of the peace agreement notably the cease fire commission CTSAMM in light of its obligations under the peace agreement and its international human rights obligations and what steps will it take to ensure that such obstruction is prevented in the future?
- How does the Transitional Government of National Unity of South Sudan intend to repeal the National Security Service Act to bring it in line with international, regional and national human rights law standards?

#### **SLOVENIA**

- Slovenia notes with appreciation the ratifications of some core international human rights instruments and would like to ask the distinguished delegation of South Sudan on the time

frame for the ratification of the remaining core instruments, such as ICCPR, ICESCR, ICERD and CRPD.

- Slovenia is very concerned about the reports on widespread and systematic use of sexual and gender-based violence, including rape and gang rape of women and young girls, is used by all parties to the conflict in South Sudan. How will the government of South Sudan facilitate the reporting of such cases and ensure that cases of violence against women and girls are promptly and thoroughly investigated, that perpetrators are brought to justice and adequately sanctioned and that victims have access to reparations and measures of protection?
- Slovenia is also concerned by the reports on low rate of school attendance, in particular by girls and on continued use of schools by parties to the conflict for military purposes in different parts of South Sudan. As South Sudan has endorsed the Safe School Declaration and thus the Lucens Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, we would like to inquire about the plans to implement the before mentioned documents.

## **SWITZERLAND**

- What measures does the government intend to undertake to ensure the right to freedom of expression and the right of peaceful assembly, in particular, does it intend to review the National Security Service bill (2015), the NGO Act (2016) and the Relief and Rehabilitation Commission (RRC) Act (2016) in light of these rights?
- What efforts does the government intend to undertake to allow and facilitate immediate, unimpeded and sustained humanitarian access? Which measures does the nine member joint committee tasked to oversee access and delivery of humanitarian aid (order by President Salva Kiir) intend to take in this regard?
- Where does South Sudan stand in its consideration of joining the Rome Statute of the International Criminal Court and signaling its commitment to the fight against impunity for crimes under international law?
- What is the government undertaking with regard to the establishment of the Hybrid Court by the African Union, as stipulated in the 2015 peace agreement?
- What is the government undertaking to ensure that UN administrated sites for civilians fleeing the hostilities are not deliberately targeted by government and opposition forces?
- How does the Government of South Sudan intend to implement its international obligations and commitments regarding child protection, including under the Convention on the Rights of the Child?
- Does the Government of South Sudan consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict?
- Does the Government of South Sudan intend to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty?

## **UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**

- What is the government doing to ensure that those responsible for acts of sexual violence, and those who sanction such acts, are identified and prosecuted?
- How will the government ensure that journalists and the press are able to operate without fear of death, detention without trial, torture or risk of newspapers being closed?

- What progress has been made on the setting up of the Commission for Truth, Reconciliation and Healing as provisioned for under the peace agreement within 6 months of the transitional government's formation?
- How does the Government plan to support the African Union in the establishment of the Hybrid Court, as mandated in the ARCSS?
- What steps will the government take to prevent the recruitment of child soldiers?

## **UNITED STATES OF AMERICA**

- We are deeply concerned about reports of atrocities in South Sudan, including reports that South Sudanese security forces have raped and killed civilians. We note that such attacks against civilians may constitute war crimes, crimes against humanity and other atrocities. Moreover, those responsible for these atrocities – including those who order or incite violence, or encourage or contribute to the commission of such crimes – should be held accountable. *What is the Government of South Sudan doing to ensure command and control of, and respect for human rights within its security forces; to investigate and punish those responsible for attacks on civilians; and to prevent future atrocities?*
- Over the course of South Sudan's devastating armed conflict, the world has heard myriad tales of atrocities visited upon the South Sudanese people, and accounts of government and opposition members committing violations of international human law and human rights violations and abuses. Accountability and justice are key to transforming a society marked by violence to one in which human rights are respected and the rule of law upheld. The United States fully supports the AU's efforts to create a credible, impartial, and effective mechanism to bring those responsible for atrocities to account. More importantly, the people of South Sudan support the establishment of the Hybrid Court for South Sudan. *How is the South Sudan Transitional Government of National Unity fulfilling its obligation under the Agreement on the Resolution of the Conflict in South Sudan to cooperate fully in establishing the Hybrid Court?*
- We are deeply concerned by the ongoing obstruction of humanitarian access in South Sudan. Access challenges include the inability to reach populations due to active fighting; denials of movement by government or other forces; civilians lacking the freedom of movement to reach humanitarian assistance; harassment and threats to aid workers; looting of vital supplies; and destruction of humanitarian facilities. *What is the Government of South Sudan doing to allow free and unfettered access for humanitarian actors in all parts of the country?*