



Human Rights Council
Working Group on the Universal Periodic Review
Fortieth session
24 January–4 February 2022

Summary of Stakeholders' submissions on South Sudan*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 22 stakeholders' submissions¹ to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations² and cooperation with international human rights mechanisms and bodies³

2. Various stakeholders recommended that South Sudan ratify the ICESCR⁴, OP-ICESCR⁵, ICCPR⁶, ICCPR-OP 1⁷, ICCPR-OP 2⁸, CRPD⁹, ICCPED¹⁰, Interstate communication procedure under the ICCPED¹¹, OP-CRC-IC¹², ICERD¹³, and ICRMW.¹⁴

3. ICAN recommended that South Sudan ratify the Treaty on the Prohibition of Nuclear Weapons.¹⁵

B. National human rights framework¹⁶

4. JS7 reported that most of the institutions tasked to implement the 12 September 2018 Revitalised Agreement of the Resolution of Conflict in South Sudan had been formed and were functional. Implementation of the Revitalised Agreement remained slow, selective, and inconsistent.¹⁷ Although the Revitalised Agreement mandated the Government to initiate and oversee a Permanent Constitution-making process during the twenty-four months of the transitional period, this provision had not been implemented.¹⁸ Knowledge of the Agreement was low among South Sudanese, especially at the sub-national level.¹⁹ JS7 recommended that the Government allocate enough resources for implementation of the Revitalised Agreement without further delay, and engage citizens in the implementation processes, including reconciliation, constitutional development and monitoring of the peace agreement.²⁰

* The present document is being issued without formal editing.



5. AI reported that South Sudan's national human rights commission was mandated to monitor the rights and freedoms in the Bill of Rights and investigate complaints of human rights violations, but the President had not appointed a Chairperson, so the commission was not fully established.²¹

6. AI noted that crimes under international law had not been incorporated into South Sudanese law, and the 2015 Penal Code Amendment Bill on these crimes was still under parliamentary discussion.²² AI recommended that South Sudan amend the definitions of crimes under international law currently incorporated in the Amendment Bill in conformity with international law and include provisions on torture, enforced disappearance, command responsibility, and the non-applicability of amnesties and immunities, and amend the Penal Code to ensure conformity with human rights obligations.²³

7. JS4 informed that the Child Act 2008 provided for the Establishment and Functions of an Independent Child Commission to investigate complaints and monitor compliance of the CRC, but such a Commission had not been established.²⁴ JS4 recommended that the Government establish and resource an Independent Child Commission in line with the Child Act 2008.²⁵

8. JS7 noted that, although the Revitalised Agreement provided for the reconstitution of a competent and independent National Elections Commission to conduct elections before the end of the Transitional period, within seven months, this period had elapsed and there were reportedly no census or election plans. JS7 stated that the Government should put in place mechanisms to create a conducive environment for elections, including reconstituting a Commission.²⁶

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

*Equality and non-discrimination*²⁷

9. MAAT contended that the roles of tribes and their conflictual interactions in South Sudan contributed to fuelling competition over wealth, power, livestock, and social status. This undermined political stability, impeded national integration, and gave rise to mass killings, abductions and looting of livestock.²⁸ MAAT recommended that the Government: coordinate effective measures to limit the development of tribal violence; bring together all parties to tribal conflicts, including through conferences; and develop its capabilities to disarm armed militias, who should be retrained and integrated into a national army.²⁹

10. JS1 reported that, during the COVID-19 pandemic, vulnerable groups had been targeted with hate speech leveraging misinformation, significantly contributing to social stigma.³⁰ JS1 recommended that the Government prioritise funding for digital development that meets the diverse needs of all individuals, and reallocate funds toward building inclusive digital infrastructure.³¹

11. JS8 recommended developing a comprehensive law reform and policy strategy, based on inclusive consultations with affected groups, to counter hateful ideologies, hate speech and prejudice, and to strengthen social cohesion in South Sudan.³²

*Development, the environment, and business and human rights*³³

12. MAAT stated that the scramble for water resources, wealth, oil, and gold was the main feature of economic reality in South Sudan, with development challenges in terms of the lack of infrastructure for industry, agriculture, trade, mining, services, oil, and pastoral activities.³⁴

2. Civil and political rights

*Right to life, liberty and security of person*³⁵

13. ACHPR was appalled by the deliberate targeting of civilians, particularly women and children, by both government and opposition forces. It particularly condemned the 2018 acts

of violence constituting gross violations of human and peoples' rights under the African Charter on Human and Peoples Rights and international humanitarian law.³⁶

14. AI reported that, since South Sudan's review in November 2016, all parties to the conflict had continued to kill civilians, including men, women, children, older people, and persons with disabilities. Although large-scale, nation-wide fighting had decreased since the signing of the 2018 Revitalised Agreement, Government and former opposition forces continued to clash with non-state armed actors in southern Equatoria region, killing civilians and committing other crimes under international law. In 2020, fighting, including cattle raiding, between ethnic groups, clans and sub-clans had surged across the country, and the Government had failed to protect at least 600 people, including civilians, from being killed by armed groups and militias.³⁷

15. GICJ asserted that the South Sudanese army (Sudan People's Liberation Army or SPLA) had conducted numerous indiscriminate attacks leading to mass displacements, human rights violations, and famine. It stated that between April and May 2018, at least 232 civilians were killed. Others sustained injuries resulting from military offenses conducted in Mayendit and Leer. An estimated 132 girls were abducted, while about 120 women and girls were raped. As of September 2018, the campaign of disarmament against other non-state actors such as the National Salvation Front had entailed unlawful killings and human rights violations, exacting a toll mostly on civilians, especially women, children, and older persons.³⁸

16. JS7 reported on the prevalence of inter-communal violence, kidnaping, cattle raiding and revenge killings especially in Lakes, Jonglei, Unity and Warrap states, being perpetrated by armed youth, with hundreds of lives lost and property destroyed or looted. The occupation of civilian property by armed groups had also persisted, discouraging civilians from returning to their communities. Armed cattle keepers had also reportedly killed, raped, tortured, and displaced dozens of people from their farmlands as well as destroyed or looted property. The Government's intervention seemed minimal, including in enforcing the 2017 presidential order urging pastoralist communities to leave farmlands within the Equatoria Region as well as the attempt at disarmament of civilians in Lakes and Warrap State.³⁹

17. AI recommended that South Sudan immediately cease all violations of international humanitarian and human rights law, specifically by ending all unlawful killings of civilians.⁴⁰ JS7 recommended that the Government investigate and document all alleged human rights violations in the country, and consider disarming civilians all over the country and putting in place appropriate measures to control the flow of firearms.⁴¹

18. ACHPR condemned attacks against humanitarian workers, UN Peacekeepers and other actions limiting humanitarian access.⁴² GICJ noted continued attacks on aid workers, with several reported in 2020 and 2021.⁴³ ACHPR called on the Government and armed opposition to end attacks against humanitarian actors and ensure unrestricted humanitarian access.⁴⁴ JS5 recommended that the Government investigate the deaths of aid workers.⁴⁵ MAAT recommended facilitating aid workers in reaching remote and affected areas, and enhancing the capabilities of humanitarian partners to conduct their activities.⁴⁶

19. AI stated that extra-judicial killings continued during the period under review.⁴⁷

20. AI observed that the 2008 Penal Code provided for the death penalty for several crimes including murder.⁴⁸ BCU noted that the 2011 Transitional Constitution provided for the death penalty, and although Article 21 restricted application to "extremely serious offences", it failed to define "extremely serious".⁴⁹ AI reported that, between January 2017 and July 2021, South Sudan carried out at least 25 judicial executions, including at least 4 individuals who were children at the time of the crime, and at least 45 people were sentenced to death.⁵⁰ GICJ estimated that 140 persons were on death row.⁵¹

21. AI and GICJ recommended that the Government establish an official moratorium on executions with a view to abolishing the death penalty.⁵² AI recommended ensuring full compliance with international law and standards on the use of the death penalty, including the prohibition on its use against persons below 18 years of age at the time of the crime.⁵³ BCU recommended developing a comprehensive action plan to work towards a moratorium, with a view to abolition, and amending the 2011 Transitional Constitution to prohibit the

death penalty.⁵⁴ GICJ recommended commuting the sentences of all prisoners on death row to imprisonment terms.⁵⁵

22. JS2 noted the absence of official information on the death penalty.⁵⁶ Although the Bill of Rights lays out that persons under the age of 18 or over 70 may not be executed, there were unspecified criteria to determine age if there were no records available.⁵⁷ The lack of formal judicial infrastructure throughout South Sudan had also led to many criminal cases being brought before customary courts, although customary courts were supposed to be subordinate to the formal, statutory courts.⁵⁸ JS2 recommended that the Government: publish data on the country's use of the death penalty, including the number of individuals sentenced to death and/or executed, their ages, and the role, if any, that customary courts played; ensure that all people are afforded the rights guaranteed to them under the Constitution; issue guidelines to determine whether a defendant is under 18 or over 70 when there are no officially recognized birth records; and ensure that all individuals sentenced to death are afforded the right to have their sentences reviewed on appeal.⁵⁹

23. AI reported that detainees illegally held by the NSS in multiple facilities were routinely badly beaten, especially during interrogation or as punishment, and electrocution was allegedly also used as torture by both the NSS and Military Intelligence.⁶⁰ AI recommended that the Government initiate prompt, effective, independent and impartial investigations into NSS and Military Intelligence detention practices, including enforced disappearances, deaths in custody, torture and other ill-treatment, and bring those suspected of criminal responsibility to justice in open, accessible civilian courts and without recourse to the death penalty.⁶¹

24. AI and GICJ informed that the NSS and the Military Intelligence Directorate continued to arbitrarily arrest actual and perceived Government opponents and other critics, and hold them in prolonged arbitrary detention in harsh conditions without charge or trial. Detainees were reportedly routinely denied the right to have their detention reviewed by a court.⁶² AI recommended that the Government publicly condemn physical attacks, killings, threats, harassment, obstruction, intimidation, arbitrary arrests and detention of critics, and release, or charge with internationally recognizable criminal offences and promptly bring to civilian courts, all remaining detainees arbitrarily held at the NSS and Military Intelligence detention facilities.⁶³

*Administration of justice, including impunity, and the rule of law*⁶⁴

25. AI, GICJ and JS7 reported that none of the three transitional justice mechanisms in Chapter V of the Revitalised Agreement had been established.⁶⁵ Despite approval of a plan in January 2021 by the Council of Ministers for establishing the Hybrid Court, the Commission on Truth, Reconciliation and Healing and the Compensation and Reparation Authority, by July 2021, no significant progress had been made beyond establishing a taskforce, the reconstitution of a technical committee to conduct additional consultations to inform legislation for the Commission, and the launch of the consultative process.⁶⁶

26. AI and JS8 recommended that South Sudan adopt the Draft Statute of the Hybrid Court.⁶⁷ AI recommended ensuring that the court is established and becomes rapidly operational, starting with its investigative branch, and implement all other transitional justice provisions of the peace agreement.⁶⁸

27. JS8 recommended that South Sudan: ensure adequate funding for sensitisation of the public about the transitional justice measures; initiate inclusive, survivor-centred and gender-sensitive consultations at local and regional levels; specifically consider protection around consultations and the activities of the Commission on Truth, Reconciliation and Healing;⁶⁹ and work with international human rights actors to devise polices for enhancing victim protection mechanisms.⁷⁰

28. AI noted that individuals sanctioned by the UN Security Council, or otherwise implicated, for their involvement in serious crimes, had been promoted and given senior army and Government positions. Civilian and military courts lacked independence and military courts lacked jurisdiction to prosecute soldiers for crimes against civilians.⁷¹ AI recommended that, pending independent, impartial and effective investigations, South Sudan

should suspend public officials or prevent the appointment to public positions of individuals alleged to be responsible for violations of international humanitarian or human rights law.⁷²

*Fundamental freedoms and the right to participate in public and political life*⁷³

29. JS3 contended that the national legislative framework undermined the Constitution's protection of the right to freedom of expression. The Penal Code Act (2008) included defamation provisions, while the Media Authority Act (2013) had reportedly been used to suppress media actors deemed subversive or working on 'controversial' stories. The National Security Service Act (2014) gave expansive powers to the State to pre-empt and control any situation that may harm and cause danger to the national interest, provided sweeping powers regarding surveillance, arrest and detention without providing adequate safeguards against abuse of powers, and included a vague provision on obtaining a judicial warrant.⁷⁴ ADF asserted that the broad prohibition of defamation imposed by the Penal Code did not constitute a proportionate derogation from the right to freedom of expression under the ICCPR.⁷⁵ The subjective language of the provisions facilitated arbitrary application.⁷⁶

30. ADF and JS3 reported that defamation provisions had been used to arrest and prosecute journalists and other civil society actors.⁷⁷ JS3 noted that the provisions had engendered widespread self-censorship, and journalists continued to be threatened by authorities and subjected to arbitrary detention under the National Security Service Act.⁷⁸ Several media outlets had also been closed.⁷⁹ AI reported that the National Communication Authority, NSS agents and the Media Authority were responsible for censoring media, suspension and closure of news outlets, seizure of newspapers, blocking access to news sites, revocation or denial of accreditation of foreign correspondents, arbitrary arrests and prolonged detention for critical posts on social media.⁸⁰

31. ADF, JS1, JS3 and JS9 recommended that South Sudan decriminalise defamation, including by repealing relevant articles of the Penal Code.⁸¹ JS3 recommended that the Government: amend the Penal Code to fully align with international human rights standards on freedom of expression; guarantee the independence of the Media Authority and ensure it does not interfere with journalists and media workers exercising their right to freedom of expression; repeal the National Security Service Act in its entirety; cease closing media outlets or publications, and refrain from website blocking and ensure blocking is provided by law.⁸² JS5 recommended reinstating media outlets, online blogs and newspapers, releasing all journalists and human rights defenders detained for their work, and ceasing unwarranted raids on media outlets.⁸³

32. FLD noted an increasingly hostile environment towards civil society actors, affecting, in particular women and refugee human rights defenders. The crackdown on civil society, which reportedly intensified since the instalment of the transitional Government in 2020, heightened the vulnerability of these human rights defenders, who became more exposed to abductions, detentions and violent attacks.⁸⁴

33. AI and FLD reported that the Government, primarily through the NSS, conducted communications surveillance and physical surveillance through a widespread, cross-border network of informants and agents, and by monitoring media and social media, and required event organizers to seek permission before holding any public gathering. Civil society space shrank as the NSS often infiltrated and surveilled human rights defender spaces under powers provided by the National Security Service Act. The NSS had also used surveillance illegally to arbitrarily arrest and illegally detain individuals.⁸⁵

34. FLD, JS1, JS3, JS5 and JS9 recommended that the Government ensure the prompt, thorough and impartial investigation of all violations against human rights defenders, the prosecution of perpetrators, and access to effective remedies for victims.⁸⁶

35. AI recommended that the Government: issue clear instructions to all Government officials and security forces, in particular the NSS, to stop harassing, threatening, arbitrarily arresting and detaining critics of the Government and Government officials; end the NSS's practice of operating outside the law, including the unlawful surveillance of journalists and human rights defenders, and requiring public event organizers to seek permission.⁸⁷ ADF, FLD and JS9 made similar recommendations.⁸⁸

36. FLD also recommended that the Government: guarantee that human rights defenders are able to carry out their legitimate human rights activities without fear of reprisals; limit the powers of the NSS and ensure that the National Security Service Act is not used to restrict the legitimate work of human rights defenders within and outside South Sudan; and provide training on international human rights and humanitarian law for NSS personnel.⁸⁹ FLD and JS5 recommended to review the Act to ensure its compliance with international standards on freedom of association.⁹⁰

37. JS3 noted that the 2016 NGO Act prevented NGOs from operating unless duly registered, and criminalized activities without a certificate, while the Government had also used fees and other bureaucratic barriers for approval to carry out their activities.⁹¹ JS3 and JS5 recommended that the Government amend the NGO Act to fully align with international standards on the right to freedom of association and freedom of expression and ensure that the law is not used to impede the work of civil society.⁹²

38. AI contended that security forces had violated the right to freedom of peaceful assembly and association. It reported that, in mid-2019, South Sudanese authorities had waged a regional crackdown on members of a civil rights movement, and the Government had deployed the military in the streets, preventing protesters in Juba from participating in a peaceful demonstration. In June 2020, security forces shot at unarmed protesters in Juba, while at least 14 demonstrators were reportedly arrested and illegally detained for five months.⁹³ JS3 noted similar reports.⁹⁴ JS3 recommended that the Government cease the arbitrary detention of protestors and promote a safe and enabling environment for individuals and groups to exercise their rights to freedom of peaceful assembly.⁹⁵ JS5 recommended sending clear instructions to all security forces to refrain from using excessive and lethal force while dispersing protests.⁹⁶

39. Regarding freedom of religion, ADF asserted that South Sudan's blasphemy laws violated the ICCPR by criminalizing expression that was deemed problematic by the State. Although the constitution guaranteed freedom of religion, this right was undermined by frequent violence targeted towards religious leaders and churches.⁹⁷ ECLJ and JUBILEE noted reports of religiously motivated attacks.⁹⁸ ADF recommended that South Sudan repeal Articles 201-205 of the Penal Code criminalizing 'offences against religion', and adopt measures to protect religious leaders and church communities from violence.⁹⁹ ECLJ stated that the Government must do more to defend the religious freedom of the people of South Sudan.¹⁰⁰ JUBILEE recommended ensuring that the South Sudan People's Defense Forces (SSPDF) and militant groups cease the practice of arbitrarily arresting and detaining Christians, and taking measures to prevent and prosecute any SSPDF or militant group violence towards Christians and civilians.¹⁰¹

Right to privacy and family life

40. AI stated that the National Security Service Act endowed the NSS with unchecked powers to conduct surveillance without sufficiently protecting the right to privacy guaranteed under the country's Transitional Constitution and international human rights law.¹⁰² AI and JS9 recommended that South Sudan amend the law to make judicial authorization and oversight of intelligence gathering activities mandatory.¹⁰³ AI recommended to amend the Act and the 2019 Amendment Bill to bring it in line with the NSS's constitutional mandate limited to "information gathering, analysis and advice to the relevant authorities", and issue a moratorium on the use of surveillance until a human rights compliant regulatory framework was in place.¹⁰⁴ JS3 recommended ensuring that targeted surveillance and/or interception of communications is in line with international human rights law, and subject to judicial authorisation.¹⁰⁵

41. JS9 noted that South Sudan had no data protection law.¹⁰⁶ It recommended that the Government enact a data protection and privacy law in line with international standards.¹⁰⁷

3. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

42. JS5 noted growing concerns over the Government's attacks on independent trade unions and their leaders.¹⁰⁸ JS5 recommended that the Government allow the formation of independent trade unions, in line with the Constitution.¹⁰⁹

*Right to social security*¹¹⁰

43. ELIZKA noted that Government expenditure on social sectors was minimal. Allocations had reportedly been undermined by the failing economy and the de-prioritization of spending on social sectors in favour of spending on security. ELIZKA asserted that although the Government had committed to allocating 1 per cent of its annual budget to protect the most vulnerable groups, this was small compared to the needs of citizens living under difficult conditions.¹¹¹

*Right to an adequate standard of living*¹¹²

44. MAAT indicated that tribal violence contributed to pushing the economic situation into further collapse, in addition to climate change impacts such as droughts and floods, and the COVID-19 pandemic, affecting the industrial, commercial, oil, mining, agricultural and pastoral sectors. Tribal clashes reportedly threatened the pastoral and agricultural economy by hindering the farming process, pastoral movements, and through the destruction and theft of crops, resulting in loss of income. Food insecurity also increased.¹¹³

Right to health

45. JS6 recommended that the Government continue its work with international agencies and civil society organizations to fulfil its Health Sector Strategic Plan and Health Systems Stabilization and Recovery Plan, with an emphasis on providing quality health care to mothers and new-born children.¹¹⁴ ADF recommended increasing efforts to improve the health-care system, including access to health facilities and skilled birth attendance and other resources for maternal health.¹¹⁵ ELIZKA recommended increasing the national budget allocation to the health sector.¹¹⁶

*Right to education*¹¹⁷

46. JS7 stated that an ambitious legal and policy framework for the education sector, including the General Education Act 2012 and the General Strategic Plan 2018-2022, remained largely unimplemented, mostly due to limited budget allocation, reportedly 10 per cent of the national budget in 2019. The sector was extremely donor-dependent.¹¹⁸ ELIZKA estimated that 51 per cent of children were out of school, due to insecurity, displacement, and the destruction of school buildings.¹¹⁹ JS4 reported that lack of school structures and no access to school in some parts of the country continued to present barriers in access to education for most children. Parents also kept their children at home to take care of cattle and perform domestic responsibilities, while girls were kept at home to protect their value as economic assets.¹²⁰ ELIZKA and JS7 recommended that the Government increase the national budget allocation.¹²¹ JS7 recommended implementing all education policies and the legal framework, establishing a national scholarship scheme for girls, and creating a conducive security environment.¹²²

47. JS4 and JS7 reported that the quality of education was poor, as the majority of teachers had received no relevant training.¹²³ Teachers were also irregularly paid.¹²⁴ Many families could not afford to send their children to school as parents often paid teachers' salaries.¹²⁵ JS4 noted that children had also reported widespread abuse by teachers, including a prevalence of sexual harassment.¹²⁶ JS7 recommended that the Government increase teachers' salaries and ensure timely payments, and ensure all teacher training and technical and vocational education training institutes are functional.¹²⁷

48. JS5 was concerned that children did not have equal access to education, especially girls aged 13-18 years and children from rural and remote areas, while there appeared to be a discrepancy between the quality of education provided in private and public schools.¹²⁸ JS4

recommended that the Government: build schools and provide an inclusive, free, accessible and compulsory quality education for all children including children with special needs, in urban and rural areas; establish a national teachers training college and compulsory evaluation of qualifications for employment in Government schools and regulation of private schools; implement the Education Act 2012 and make classes adaptable to children with disabilities, and consider inclusive education for children with disabilities in the curriculum.¹²⁹ JS6 recommended strengthening mechanisms to ensure access to education for all children, especially girls and those from the rural and remote areas, and ensuring the quality of education in these areas through increased budget allocation.¹³⁰

4. Rights of specific persons or groups

*Women*¹³¹

49. GICJ noted that women and girls had been raped, gang raped and faced other forms of sexual violence at the hands of both Government and opposition forces.¹³² JS8 reported that thousands of women, men and children had been victims of rape, sexual torture and other forms of sexual violence.¹³³

50. JS7 reported that progress in addressing sexual and gender based violence (SGBV) included a gender based violence court, a family protection centre, and two safe homes, as well as a helpline and 16 Special Protection Units within the police service. However, these institutions were dependent on international funding, the protection of survivors was minimal, and full operationalization of the Units was challenged by mismanagement. An Anti-Gender Based Violence Bill was awaiting endorsement by the Council of Ministers, while a National Action Plan 2015-2025 on UN Security Council Resolution 1325 was under review. Cases of SGBV were rising, and those of domestic violence reportedly spiked following COVID-19 related lockdowns.¹³⁴ JS6 remained concerned that sexual and physical abuse against women continued to be a serious problem and limited data was available.¹³⁵

51. JS7 recommended that the Government speed up the process of passing the Anti-Gender Based Violence law; enact a family law; establish safe homes and functional Special Protection Units across all the ten states and 3 Administrative areas; and allocate adequate resources to relevant institutions.¹³⁶ JS6 urged the Government to support the Units.¹³⁷

52. JS8 noted that survivors of conflict-related sexual violence lived mostly in rural areas with limited access to healthcare, or witness and victim protection. Survivors suffered physical and psychological impacts, stigma, and economic losses. Despite some training of SSPDF forces on prosecuting sexual violence crimes, and several related convictions, only low-ranking officers had reportedly been tried, and survivors had not received compensation.¹³⁸

53. JS8 recommended that the Government: accelerate the implementation of the Disarmament, Demobilization and Reintegration programme; ensure that gender equality principles permeate the constitution drafting process; expedite law reform to give effect to equal rights and outlaw harmful practices; prioritise mechanisms to ensure the protection of victims against reprisals, intimidation and stigma; and eliminate societal norms that subordinate women and girls, such as early, forced and child marriage.¹³⁹ JUBILEE recommended establishing health and psycho-social services tailored to survivors of conflict-related SGBV and encouraging incident reporting; expanding the health system to ensure greater accessibility for survivors with disabilities; and prosecuting all perpetrators of SGBV.¹⁴⁰

54. JS6 observed that men enjoyed greater access to employment due to customary expectations for women to take care of the household. Despite increased representation of women in parliament, the Government should continue efforts to increase their participation in the public sector.¹⁴¹ JS6 urged developing more gender-specific statistics to allow better targeting of issues such as violence against women and female unemployment.¹⁴²

55. ADH recommended that the Government encourage the education of women and youth, and their higher levels of social participation, while ensuring their security.¹⁴³

*Children*¹⁴⁴

56. GICJ reported that children continued to be recruited into various armed forces. It noted that up to early 2018, forced recruitments were still documented nationwide, including reports of child abduction by South Sudanese forces (SPLA). Since the signing of the OP-CRC-AC in late September 2018, a drop in the use of child soldiers had been registered, with increased demobilization.¹⁴⁵ GICJ recommended that the Government properly investigate the use of child soldiers among the SPLA and the SPLM forces.¹⁴⁶ JS4 recommended that the Government stop using children as soldiers during the conflict, observe international humanitarian law, establish trauma healing centres with vocational training and counselling services for children affected by armed conflict, and carry out disarmament, demobilisation and reintegration in accordance with the Revitalised Agreement.¹⁴⁷

57. JS6 observed that child abduction for the purpose of forced labour, armed conflict, early marriage and sexual exploitation continued to be major concerns.¹⁴⁸ JS6 recommended that the Government provide more resources to eradicate economic and sexual exploitation, and early marriage, especially of girls.¹⁴⁹

58. JS7 noted the absence of laws addressing child marriages except customary laws, and the dilemma in interpreting the constitutional provision of “marriageable age,” since it was against the Child Act 2008 and favoured the customary practice of child marriage.¹⁵⁰ JS4 reported that laws and policies in South Sudan did not define marriageable age, and the bridal wealth system imposed economic incentives to arrange marriages of girls at a young age. JS4 asserted that a number of harmful traditional practices persisted in contradiction to the country’s legal framework, including girls being given as compensation for a killing, child abduction, and corporal punishment.¹⁵¹

59. JS7 recommended that the Government strengthen local institutions to address cases of child marriage and early pregnancies and amend the Transitional Constitution to include the marriageable age.¹⁵² JS4 recommended introducing legislation to prohibit child marriage and setting the marriageable age at 18 years; ensuring that child protection survivors receive rehabilitation; continued awareness-building; enforcing the penal law and penalties against child marriage offenders; and abolishing harmful traditional practices that contradict international treaties to which South Sudan was a party.¹⁵³

60. JS4 reported that children had limited access to essential services, especially children with disabilities regarding access to public places such as schools and special education materials. Access to protection, education and health services was further restricted by the COVID-19 pandemic and its effects.¹⁵⁴

61. JS4 noted the establishment of a gender based violence and juvenile court in 2020. When children were arrested and detained by police, they were sent to institutions, including prisons, under systems of justice in many cases set up for adults. Large numbers of children in conflict with the law were reportedly socio-economic victims, denied their rights to education, health, shelter, care and protection. Many had left their homes to escape abuse from their families.¹⁵⁵ JS4 recommended that the Government: provide training, particularly legal and psychological training, for persons working for children in conflict with the law; replicate the gender based violence and juvenile court in all ten states; and establish reformatory and rehabilitation centres in all states to enable reform and reintegration into society.¹⁵⁶

62. JS4 reported that there was no birth registration system in South Sudan, and that the Government instead issued age assessment certificates. This impacted on the enjoyment of child rights, including in establishing a minimum age for marriage and for criminal responsibility, and access to essential services, including health, education and protection.¹⁵⁷ JS6 noted that the 2018 Civil Registry Act outlined the procedure for birth registration and that the Government had launched a pilot program, but emphasized the need for awareness on the importance of birth registration and for providing access to health care facilities where newborns can be registered.¹⁵⁸ JS4 recommended that the Government establish a comprehensive national birth registration system by 2022.¹⁵⁹ JS6 recommended that the Government enhance the birth registration awareness campaign to include the benefits of birth registration, and improve accessibility to health care facilities.¹⁶⁰

*Migrants, refugees, asylum seekers and internally displaced persons*¹⁶¹

63. MAAT noted that conflict and violent tribal interactions, as well as flooding, had led to displacement.¹⁶² ELIZKA estimated that 2 million South Sudanese were internally displaced and another 2 million were refugees.¹⁶³

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

*Civil society**Individual submissions:*

ADF	ADF International, Geneva (Switzerland);
ADH	Agence pour les Droits de l'Homme, Geneva (Switzerland);
AI	Amnesty International, London (United Kingdom of Great Britain and Northern Ireland);
CGNK	Center for Global Nonkilling, Grand-Saconnex (Switzerland);
ECLJ	European Centre for Law and Justice, Strasbourg (France);
ELIZKAELIZKA	Elizka Relief Foundation, Kumasi Ashanti (Ghana);
FLD	Front Line Defenders - The International Foundation for the Protection of Human Rights Defenders, Dublin (Ireland);
GICJ	Geneva International Centre for Justice, Geneva (Switzerland);
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva (Switzerland);
JUBILEE	Jubilee Campaign, Fairfax (United States of America);
MAAT	Maat Foundation for Peace, Development and Human Rights, Cairo (Egypt);
BCU	The UPR Project at Birmingham City University, Birmingham (United Kingdom of Great Britain and Northern Ireland).

Joint submissions:

JS1	Joint submission 1 submitted by: Access Now, New York, United States of America, and Gisa Group;
JS2	Joint submission 2 submitted by: Advocates for Human Rights, Minneapolis, United States of America, and the World Coalition Against the Death Penalty;
JS3	Joint submission 3 submitted by: Article 19, London, United Kingdom of Great Britain and Northern Ireland, and Free Press Unlimited;
JS4	Joint submission 4 submitted by: Child Right Civil Society Coalition South Sudan, Juba, South Sudan, Dard South Sudan, TOCH South Sudan, Child Rights Foundation, CAPAD, Hold the Child, IDEA-SS, IFIX Initiative, ACDF-SS, Action for Conflict Resolution, HeRY, CXES, Junub Child Rights Initiative, Legacy for African Women and Children Initiative, CARDO South Sudan, Africa Development Aid, and Monds and Souls Institute;
JS5	Joint submission 5 submitted by: East and Horn of Africa Human Rights Defenders Project (DefendDefenders), Kampala, Uganda, and South Sudan Human Rights Defenders Network;
JS6	Joint submission 6 submitted by: Istituto Internazionale Maria Ausiliatrice, Veyrier (Switzerland) and VIDES International;
JS7	Joint submission 7 submitted by: Lutheran World Federation, Geneva, Switzerland, Action Africa Dignity and Humanity – AADH, Assist the Needy-ANO, Centre for Human Rights, Governance and Peace – CHRGP, Civil Society Human Rights Organization – CSHRO, Community Care Initiative – CC, Forum for Peace and Unity – FOPU, Foundation for Democracy and Accountable Governance – FODAG, Junior Chamber International South Sudan – JCI, Minds & Soul Initiative – MSI, Peace and Development Collaborative Organization – PDCO, Peace Initiative and Development Programme- PIDP, People's Demand

Organization – PEDO, Solidarity for Women’s rights Association – SOWA, South Sudan Association for the Visually Impaired – SSAVI, South Sudan Civil Society Alliance – SSCSA, South Sudan Human Rights Commission – SSHRC, South Sudan Women Empowerment Network South Sudanese Network for Democracy & Elections – SSUNDE, United Nations Association South Sudan-UNASS, United Nations Youth South Sudan – UNYSS, Youth Vision South Sudan-YVSS;

JS8 **Joint submission 8 submitted by:** Rights for Peace, London, United Kingdom of Great Britain and Northern Ireland, Centre for Inclusive Governance, Peace and Justice, and Dialogue and Research Institute;

JS9 **Joint submission 9 submitted by:** Small Media, London, United Kingdom of Great Britain and Northern Ireland, DefyHateNow, Collaboration on International ICT Policy for East and Southern Africa, Rise Initiative for Women’s Rights Advocacy, ICT4D Network, Freedom of Expression Hub, Koneta, Okay Foundation, Anataban, IamPeace, Internet Governance Forum South Sudan.

Regional intergovernmental organization(s):

ACHPR The African Commission on Human and Peoples’ Rights, Banjul (The Gambia).

² The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

³ For relevant recommendations see A/HRC/34/13, paras. 126.1, 126.28-126.29, 126.32-126.35, 126.53, 127.1-127.9, 127.12-127.19, 128.1-128.23, 128.37-128.38, 128.46-128.50, and 129.1-129.13.

⁴ AI p. 4 and JUBILEE para. 4.

⁵ AI p. 4.

⁶ AI p. 4, CGNK p. 7, JS5 para. 5.2, JUBILEE para. 4 and BCU para. D. i).

⁷ AI p. 4.

⁸ AI p. 4, CGNK p. 7, JS2 para. 34, JUBILEE para. 4, and BCU para. D. i).

⁹ AI p. 4 and JUBILEE para. 4.

¹⁰ CGNK p. 7, JS5 para. 5.3, JS8 p. 5, and JUBILEE para. 4.

¹¹ JUBILEE para. 4.

¹² JS5 para. 3.2.2.

¹³ JUBILEE para. 4.

- ¹⁴ JUBILEE para. 4.
¹⁵ ICAN p. 2.
¹⁶ For relevant recommendations see A/HRC/34/13, paras. 126.3, 126.20-126.27, 126.41, 127.10, 127.27, 128.24-128.29, 128.30, 128.33-128.35, and 128.92.
¹⁷ JS7 para. 5.
¹⁸ JS7 para. 7.
¹⁹ JS7 para. 12.
²⁰ JS7 p. 6.
²¹ AI para. 11.
²² AI para.12.
²³ AI p. 5.
²⁴ JS4 para. 3.1.4.
²⁵ JS4 para. 3.2.3.
²⁶ JS7 para. 9.
²⁷ For relevant recommendations see A/HRC/34/13, para. 126.11.
²⁸ MAAT p. 4-5 and 7.
²⁹ MAAT p. 10.
³⁰ JS1 para. 13.
³¹ JS1 para. 18 d).
³² JS8 p. 5.
³³ For relevant recommendations see A/HRC/34/13, para. 126.68.
³⁴ MAAT p. 1.
³⁵ For relevant recommendations see A/HRC/34/13, paras. 128.39, 128.41-128.45, 128.63, and 129.14-129.15.
³⁶ ACHPR p. 1.
³⁷ AI paras. 18-19.
³⁸ GICJ para. 1 iii).
³⁹ JS7 para. 10.
⁴⁰ AI p. 5.
⁴¹ JS7 p. 6.
⁴² ACHPR p. 1.
⁴³ GICJ para. 1.2-vii)-ix).
⁴⁴ ACHPR p. 2.
⁴⁵ JS5 para. 5.3.
⁴⁶ MAAT p. 10-11.
⁴⁷ AI para. 20.
⁴⁸ AI paras. 16 and 21.
⁴⁹ BCU para. 4.
⁵⁰ AI paras. 16 and 21.
⁵¹ AI para. 3. xiv).
⁵² AI p. 5 and GICJ p. 6.
⁵³ AI p. 5.
⁵⁴ BCU paras. D ii)-iii).
⁵⁵ GICJ p. 6.
⁵⁶ JS2 para. 2.
⁵⁷ JS2 para. 32.
⁵⁸ JS2 para. 24.
⁵⁹ JS2 para. 34.
⁶⁰ AI para. 31.
⁶¹ AI p. 5-6.
⁶² AI para. 30 and GICJ para. 2 x-xiii).
⁶³ AI p. 5.
⁶⁴ For relevant recommendations see A/HRC/34/13, paras. 126.4-126.10, 126.12-126.19, 126.57, 126.61-126.66, 127.26, 127.28-127.31, 128.36, 128.51, 128.61-128.62, 128.64-128.65, 128.73, 128.75-128.80, and 129.16.
⁶⁵ AI para. 4 and GICJ para. 4. xvi).
⁶⁶ AI para. 4 and JS7 para. 7.
⁶⁷ AI p. 5 and JS8 p. 6.
⁶⁸ AI p. 5.
⁶⁹ JS8 p. 6-7.
⁷⁰ JS8 p. 9.
⁷¹ AI para. 5.

- 72 AI p. 5.
- 73 For relevant recommendations see A/HRC/34/13, para. 126.67, 128.83-128.91, and 128.93.
- 74 JS3 paras. 12-14, 17-18 and 20-27.
- 75 ADF para. 16.
- 76 ADF para. 16 and JS3 para. 19.
- 77 ADF para. 16 and JS3 para. 15.
- 78 JS3 para. 16.
- 79 JS3 para. 37.
- 80 AI para. 27.
- 81 ADF para. 21 c), JS1 para. 18 e), JS3 para. 29 and JS9 para. 31 b).
- 82 JS3 paras. 29 and 41.
- 83 JS5 para. 5.1.
- 84 FLD para. 2-5.
- 85 AI para. 28 and FLD paras. 6-20.
- 86 FLD para. j) , JS1 para. 18. e), JS3 para. 34, JS5 para. 5.1 and JS9 para. 31 c).
- 87 AI p. 5.
- 88 ADF para. 21 d), FLD para. 18 e) and JS9 para. 31 c).
- 89 FLD paras. a), d), and f).
- 90 FLD para. 18 k) and JS5 para. 5.1.
- 91 JS3 paras. 51-55.
- 92 JS3 para. 56 and JS5 para. 5.3.
- 93 AI paras. 22-23.
- 94 JS3 para. 44.
- 95 JS3 para. 46.
- 96 JS5 para. 5.2.
- 97 ADF paras. 15 and 17.
- 98 ECLJ paras. 9-15 and JUBILEE paras. 6-10.
- 99 ADF paras. 21 b) and e).
- 100 ECLJ para. 15.
- 101 JUBILEE para. 11.
- 102 AI para. 14.
- 103 AI p. 5 and JS9 31 a).
- 104 AI p. 5.
- 105 JS3 paras. 29 and 41.
- 106 JS9 para. 24.
- 107 JS9 para. 31 f).
- 108 JS5 para. 4.1.
- 109 JS5 para. 5.3.
- 110 For relevant recommendations see A/HRC/34/13, para. 126.69
- 111 ELIZKAELIZKA p. 3.
- 112 For relevant recommendations see A/HRC/34/13, paras. 126.70-126.71, and 126.94.
- 113 MAAT p. 5-6 and 8.
- 114 JS6 para. 20.
- 115 ADF para. 21 f).
- 116 ELIZKAELIZKA p. 3.
- 117 For relevant recommendations see A/HRC/34/13, paras. 126.72-126.74, 127.11, 127.41-127.42, and 128.95.
- 118 JS7 paras. 19-22.
- 119 ELIZKAELIZKA p. 3.
- 120 JS4 4.1.5.
- 121 ELIZKAELIZKA p. 3 and JS7 p. 11.
- 122 JS7 p. 11.
- 123 JS4 4.1.5 and JS7 para. 23.
- 124 JS7 para. 21.
- 125 JS6 para. 10 and JS7 para. 23.
- 126 JS4 4.1.5.
- 127 JS7 p. 11.
- 128 JS6 paras. 9 - 10.
- 129 JS4 paras. 4.2.1-4.2.5.
- 130 JS6 para. 12 a)-b).
- 131 For relevant recommendations see A/HRC/34/13, paras. 126.2, 126.36-126.40, 126.42-126.48, 126.58-126.60, 127.20-127.21, 127.32-127.40, 128.31-128.32, 128.66-128.72, and 128.74.

- ¹³² GICJ para. 3.1 xv).
¹³³ JS8 para. 3.
¹³⁴ JS7 paras. 13-18.
¹³⁵ JS6 para. 23.
¹³⁶ JS7 p. 9.
¹³⁷ JS6 para. 24 a).
¹³⁸ JS8 paras. 4-12.
¹³⁹ JS8 p. 4-5.
¹⁴⁰ JUBILEE paras. 21, 22 and 24.
¹⁴¹ JS6 paras. 21-22.
¹⁴² JS6 para. 24 b).
¹⁴³ ADH p. 4.
¹⁴⁴ For relevant recommendations see A/HRC/34/13, paras. 126.30-126.31, 126.49-126.52, 126.54-126.56, 127.22-127.25, 128.52-128.60, and 128.81-128.82.
¹⁴⁵ GIGJ para. 1.1 iv)-vi9.
¹⁴⁶ GICJ p. 6.
¹⁴⁷ JS4 8.1.0-8.1.3.
¹⁴⁸ JS6 para. 25.
¹⁴⁹ JS6 para. 26.
¹⁵⁰ JS7 para. 17.
¹⁵¹ JS4 paras. 6.1.0 - 6.1.4.
¹⁵² JS7 p. 9.
¹⁵³ JS4 6.2.1-6.2.5.
¹⁵⁴ JS4 4.1.3-4.1.4.
¹⁵⁵ JS4 5.1.0-5.1.2.
¹⁵⁶ JS4 paras. 5.2.1, 5.2.2 and 5.2.4.
¹⁵⁷ JS4 para. 3.1.5.
¹⁵⁸ JS6 para. 13.
¹⁵⁹ JS4 para. 3.2.1.
¹⁶⁰ JS6 para. 14.
¹⁶¹ For relevant recommendations see A/HRC/34/13, paras. 126.76-126.77, 127.43, 128.97.
¹⁶² MAAT p. 7.
¹⁶³ ELIZKA p. 2.
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