



IIMA
Human Rights Office
Istituto Internazionale
Maria Ausiliatrice



Human Rights Council

Universal Periodic Review (UPR) of South Sudan

40th Session (January-February 2022)

Joint Stakeholders' Submission on:

Human Rights in South Sudan

Submitted by:

IIMA - Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco

**VIDES International – International Volunteerism Organization for Women, Education
and Development**

(NGOs in Consultative Status with ECOSOC)

Geneva, July 2021

I. INTRODUCTION

1. This stakeholders' report is a joint submission of the above-mentioned organizations. The report highlights key concerns related to Human Rights in South Sudan in the following areas: education, birth registration, ill treatment and violence against children, child and adolescent health, the rights of women, young people, and minorities, economic and sexual exploitation of children, discrimination and access to the labor market. Each section conveys recommendations to the Government of South Sudan.

2. The data and information obtained for this submission came from various sources and includes information from youth, teachers, educators, and other civil society actors living and working in South Sudan, particularly in the regions of Gumbo, Tonj, and Wau. All information concerned the period from September 2016 to May 2021.

3. IIMA is an international NGO in special consultative status with the Economic and Social Council. IIMA is present in 96 countries where it provides education to children and adolescents, youth and women, particularly the most disadvantaged and vulnerable.

4. VIDES International is an international NGO in special consultative status with the Economic and Social Council, which is present in 42 countries worldwide. It was founded in 1987 to promote volunteer service at the local and international levels to ensure the implementation of human rights to vulnerable groups, especially children and women.

I. GENERAL REMARKS AND COOPERATION WITH THE UPR MECHANISM

5. This NGO coalition welcomes the constructive participation of South Sudan in the 3rd cycle of the Universal Periodic Review (UPR). The present joint submission represents the follow-up to the UPR recommendations accepted by the State in 2016.

6. The coalition recognizes the challenges that the State has had to endure during the civil war and congratulates it for ending the conflict through the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (Sept. 2018).¹

7. The coalition acknowledges that the Covid-19 pandemic has had adverse effects on all groups of society as well as on the progress that the Government of South Sudan is making in implementing the recommendations of the 2016 Universal Periodic Review.

8. The implementation of recommendations is critical in order to ensure a true advancement of human rights in the State under review. Therefore, special attention should be paid by South Sudan to the follow up of recommendations in an effective manner and in consultation with Civil Society.

¹[https://www.peaceagreements.org/wview/2112/Revitalised%20Agreement%20on%20the%20Resolution%20of%20the%20Conflict%20in%20the%20Republic%20of%20South%20Sudan%20\(R-ARCSS\)](https://www.peaceagreements.org/wview/2112/Revitalised%20Agreement%20on%20the%20Resolution%20of%20the%20Conflict%20in%20the%20Republic%20of%20South%20Sudan%20(R-ARCSS))

II. RIGHT TO EDUCATION

9. The coalition is concerned that children do not have equal access to education, especially girls around the ages of 13-18. More specifically, it is of utmost concern that children from the rural and remote areas have limited access to education. Furthermore, the quality of education in rural and remote areas are poor as most schools do not have proper classrooms or furniture such as tables and chairs. There is an urgent need to build more schools, improve the infrastructures and facilities, increase the number of teachers, provide textbooks and educational materials. The inadequate teacher training is also a matter of concern since it impacts negatively the quality of education received by the students.

10. Although the Constitution and the Child Act provide for free primary education, in practice many families cannot afford to send their children to school as parents often pay teachers' salaries, a cost that is prohibitive for many families. Moreover, the coalition observes that there appears to be a large discrepancy between the quality of education provided in private and public schools.

11. The coalition recognizes that the State has incorporated the Convention on the Rights of the Child in the act of the Ministry of Education and that it is incorporating human rights education in the school curriculum. However, the level of human rights awareness appears to be low.

12. We recommend the Government of South Sudan to:

- a. Strengthen the necessary mechanisms to ensure the access of education for all children especially girls and those from the rural and remote areas;*
- b. Assure the quality of education in rural and remote areas through increased budget allocation in order to guarantee improvements in infrastructures, i.e., building of more schools and classrooms; the recruitment, training and adequate salaries for teachers; as well as the provision of textbooks and educational materials;*
- c. Address effectively the high rate of school drop-out and low completion rate of children as they progress in the educational ladder;*
- d. Continue incorporating the Rights of the Child and human rights education into the school curriculum and in teacher training courses.*

III. BIRTH REGISTRATION

13. IIMA and VIDES commend the State's support and need for technical assistance to implement Recommendation No. 128.81, and its progress to date to improve the birth registration system.² This includes outlining the procedures for birth registration in the Civil

² Recommendation No. 128.81: Implement an effective birth registration policy for the whole country in order to consolidate the rights of children (Central African Republic). Report of the Working Group on the Universal Periodic Review of South Sudan, 28 December 2016, UN Doc. A/HRC/34/13.

Registry Act of 2018³ as well as the partnership between the Ministry of Health and UNICEF to launch a pilot program to register births.⁴ Nevertheless, there is still a need to sensitize the people on the importance of birth registration as well as to increase awareness to families and provide the infrastructure they need to access health care facilities where newborns can be registered. The lack of proper birth registration can delay the school entry year or prevent children from other opportunities later in life.

14. We recommend the Government of South Sudan to:

- a. Enhance the birth registration awareness campaign, particularly in rural and remote areas, to include the benefits of acquiring birth registration and certification for their children;***
- b. Improve accessibility to health care facilities and workers who can help mothers register their newborns.***

IV. ILL TREATMENT AND VIOLENCE AGAINST CHILDREN

15. It is commendable that Recommendations 126.38 and 126.47 enjoyed the support of South Sudan,⁵ and that the State has already enacted laws that promote and protect women and children such as the National Gender Policy (2013) and the National Standard Operating Procedures for Prevention, Protection and Response to Gender Based Violence (2014). Nevertheless, the coalition observes that child abuse still occurs at the home or school despite its prohibition.

16. We recommend the Government of South Sudan to:

- a. Promote government programs including with Civil Society organizations in educating children, parents, teachers, community members, and law enforcement officers on how to prevent violence in all its many forms and empower victims to speak out, report violence, and be guaranteed their legal rights and protection;***
- b. Strengthen the implementation of the State's various laws through concrete programs and awareness raising campaigns, and stronger punishment towards child abuse offenders.***

V. CHILDREN IN ARMED CONFLICT

17. The coalition commends the State for enacting the Child Act (2008) and adhering to the Convention on the Rights of the Child as well as ratifying the Optional Protocol on the Involvement of Children in Armed Conflict in 2018, in accordance with recommendations n^o

³ <https://www.refworld.org/pdfid/5ebcfd374.pdf>

⁴ <https://www.unicef.org/southsudan/stories/south-sudan-registering-birth-providing-identity>

⁵ Recommendation 126.38: Take appropriate measures to put an end to all forms of discrimination against women and girls, as well as to widespread sexual violence, and also to the recruitment and use of children in conflict (Madagascar); Recommendation 126.47: Strengthen efforts to prevent discrimination and violence against women and girls, including by eradicating harmful practices such as child, early and forced marriage (Slovenia). Report of the Working Group on the Universal Periodic Review of South Sudan, 28 December 2016, UN Doc. A/HRC/34/13.

128.15 and 128.53.⁶ However, as noted in the Report of the Secretary-General on Children and Armed Conflict in South Sudan,⁷ there continues to be serious violations committed against children during the armed conflict. The coalition, nevertheless understands that the State requires technical assistance to protect children from armed recruitment and to support their reintegration into civil society.

18. We recommend the Government of South Sudan to:

- a. Partner with Civil Society organizations and the United Nations' agencies to reduce the number of violations against vulnerable children, to include their recruitment in armed conflict;**
- b. Ratify/accede to the African Charter on the Rights and Welfare of the Child,⁸ and take into consideration the recommendations made by the Secretary General in its December 2020 report on Children and Armed Conflict in South Sudan.**

VI. CHILD AND ADOLESCENT HEALTH

19. The coalition recognizes that the protracted conflict that the country has endured since gaining its independence in 2011, and the adverse effects caused by the Covid-19 pandemic has hampered the State's progress towards achieving Primary Health Coverage (PHC) and Universal Health Coverage (UHC).⁹ Nevertheless, the population continues to experience a high mortality rate for mothers and newborn children, particularly the latter which has registered a mortality rate of 62.4 per 1,000 live births over the past five years.¹⁰

20. The coalition recommends the Government of South Sudan to:

- a. Continue its efforts to work with international agencies and Civil Society organizations in order to fulfill its Health Sector Strategic Plan and Health Systems Stabilization and Recovery Plan, with a particular emphasis on providing quality health care to mothers and newborn children.**

⁶ Recommendation 126.53: Issue clear, public orders to end the recruitment of child soldiers, ensure their swift release and investigate and prosecute the commanders responsible. Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Germany); Recommendation 128.15 Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and step up efforts to protect children and prevent their recruitment into the armed forces or armed groups and reintegrate them into civilian life in line with the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (the Paris Principles) (Czechia). Report of the Working Group on the Universal Periodic Review of South Sudan, 28 December 2016, UN Doc. A/HRC/34/13.

⁷ <https://reliefweb.int/sites/reliefweb.int/files/resources/N2036355.pdf>

⁸ <https://www.acerwc.africa/ratifications-table/>

⁹ <https://www.who.int/news-room/feature-stories/detail/south-sudan-2021>

¹⁰ <https://www.statista.com/statistics/807752/infant-mortality-in-south-sudan/>

VII. RIGHTS OF WOMEN

21. The coalition commends the State for ratifying the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol. However, the coalition observes that men enjoy more access to employment due to customary practices and expectations for women to take care of the household.

22. The coalition commends the State for increasing the representation of women in parliament from 26.5% (2015) to 28.5% (2020).¹¹ Nevertheless, the Government should continue its efforts to implement Recommendation 127.39, which is to increase the representation and participation of women in the public sector.

23. The coalition remains concerned that sexual and physical abuse against women continues to be a serious problem and very limited data is available in order to better address these issue areas.¹²

24. We urge the Government of South Sudan to:

- a. Support the Special Protection units that have been established to enable women, girls and children to report cases of gender-based violence;***
- b. Develop more gender-specific statistics so that government agencies and Civil Society organizations can better target issue areas such as violence against women and female unemployment.***

VIII. ECONOMIC AND SEXUAL EMPLOYMENT AND HUMAN TRAFFICKING

25. Although statistics are hard to come by, Civil Society organizations observe that child abduction for the purpose of forced labour, armed conflict, early marriage and sexual exploitation continues to be a major concern.¹³ It is important for the State to protect the rights of these exploited children, particularly girls between the ages of 8 to 18 years of age. Children, especially girls, who are out of school are more at risk of being exposed to early marriages, child labor, family responsibilities, or wandering the roads looking for food.

26. We recommend the Government of South Sudan to:

- a. Provide more resources to the Ministry of Gender, Child and Social Welfare so that it can effectively eradicate economic and sexual exploitation, and early marriage especially of girls.***

¹¹ <https://data.worldbank.org/indicator/SG.GEN.PARL.ZS?locations=SS>

¹² <https://data.unwomen.org/country/south-sudan>

¹³ <https://www.hrw.org/news/2020/11/30/submission-committee-rights-childs-review-south-sudan>