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South Sudan

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I. Introduction

1. The Republic of South Sudan was first reviewed as part of Sudan in 2011. This national Report provides updates on implementation of some of the recommendations under that Review. The Republic of South Sudan has made some progress on the implementation of the 2011 UPR recommendations by enacting laws for establishment of institutions relevant for promotion and protection of human rights in the country.
2. After independence from Sudan, South Sudan has undergone various complex situations. The most serious include the out-standing CPA issues with Sudan, insecurity and post-independence issues. South Sudan went through an internal conflicts in 2013 and recently in 2016.
3. This Report has identified measures undertaken by the Government in implementation of the 2011 UPR recommendations.

II. Methodology and broad consultation process

4. The Government Inter-Ministerial Committee chaired by the Ministry of Justice and Constitutional Affairs and Ministry of Foreign Affairs and International Cooperation is responsible for facilitation, coordination and writing of this Universal Periodic Review (UPR). Initial consultative meetings took place on 16, 23 and 28 June 2016, with State and non-State actors in some of the states with security stability. The State and non-State actors in those states provided the Inter-Ministerial Committee with full account of coordinated efforts to bring peace and reconciliation to their communities. However, the Inter-Ministerial Committee was not able to visit some of the states, due to security concerns.
5. The information gathered at initial consultative meetings in the states was supposed to be validated in a workshop to take place in Juba on 8 July 2016, to be organized by the Inter-Ministerial Committee to provide the South Sudan Human Rights Commission and non-State actors with opportunity to make their final comments on the Report. But due to the security situation which erupted in Juba on 7 to 11 July 2016, the workshop could not be held.

III. Follow-up from previous UPR recommendations

6. The Government has made efforts to preserve climate of peace achieved by the Comprehensive Peace Agreement (CPA) during the six years of the transitional period and continues to work with regional and international partners to ensure amicable resolution, to remaining post referendum issues. Also, the Government remains committed to negotiations with the Republic of Sudan to peacefully resolve other pending post-independence issues, including sharing of natural resources, border demarcation, foreign debts, oil and water sharing and citizenship.
7. The Government has promulgated The Transitional Constitution, 2011 (as amended), (the Constitution) as recommended in 2011 UPR. The Constitution contains provisions guaranteeing human and fundamental rights, including establishment of South Sudan Human Rights Commission in line with the Paris Principles. Also the Constitution has taken into account a catalogue for freedom of speech and assembly, multi-ethnic and multi-religious rights. Further, the Government has undertaken measures to amend all the post- CPA laws in line with the CPA and international obligations.

8. As part of the Sudan, the Government has fully cooperated with the Independent Expert on the situation of human rights in the country and with support from OHCHR, adequately strengthened the capacity of the rule of law sectors, to promote and protect human rights. Also the Government has ratified without reservations the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol and the African Charter on Human and Peoples' Rights to ensure that no one will be discriminated against because of his or her ethnic origin or religion. Further, the Government has ratified and adhered to the Convention against Torture and its Optional Protocol.

9. The Constitution contains provisions which guarantee freedom of expression, association and assembly and permit human rights defenders, political parties and journalists to express their views freely in line with international human rights law. In this regards the Government has enacted relevant media laws and carried out workshops with view of strengthening awareness and respect for human rights within the national army and other organized forces.

10. Also the Government has enacted the Child law and adhered to the Convention on the Rights of the Child and its two Optional Protocols and endorsed the Paris Commitments to protect children from unlawful recruitment or use by the national army and other organized forces or armed groups.

IV. Normative and Institutional framework

A. Constitution

11. 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 intended by the Government to promote and protect human rights of the citizens and uphold democratic principles and good governance in the country.

12. The Constitution establishes three levels of government: national, state and local government based on certain principles, among others, devolution and linkages between the three levels, collaboration and popular participation. The national Government is composed of the President, 1st Vice President and Vice President and Ministers. All states have executive and legislative powers. The state executive consists of the Governor, Deputy Governor and Ministers. The local government, which is the third level of the government, is the nearest to the people and is made up of county, payam and boma in the rural areas. Also Part Two of the Constitution provides for national values and principles of good governance such as equality, non-discrimination, protection of the marginalized, social justice rule of law and 25% affirmative action for participation of women in public affairs. Other constitutional provisions provide for promotion and protection of human rights nationality, citizenship, land, participation of people with special needs, minorities and marginalized communities.

13. Part Five of the Constitution provides for establishment of institutions to uphold democracy and promotes human rights, among others, the National Legislature which is composed of two Houses: Council of States, consisting of fifty (50) members elected through the respective states and National Legislative Assembly, consisting of 400 elected or appointed members; National Elections Commission; Political Parties Council; South Sudan Human Rights Commission; Judicial Service Commission; South Sudan Police Service; South Sudan Prison Service; Anti-Corruption Commission and Directorate of Prosecution in the Ministry of Justice and Constitutional Affairs. Also the Constitution

provides that all human rights and freedoms enshrined in the international and regional human rights conventions ratified by the Republic of South Sudan shall be considered as integral part of the domestic laws of the country.

14. Article 11 of the Agreement on Resolution of the Conflict in the Republic of South Sudan (ARCSS) provides that the National Legislative Assembly shall be expanded for the duration of the Transitional Period and shall be known as the Transitional National Legislative Assembly (TNLA). The TNLA has to consist of four hundred (400) members, including the prior three hundred and thirty two (332) members and an additional sixty-eight (68) members appointed as follows: South Sudan Armed Opposition, fifty (50) members; Former Detainees, one (1) member; Other Political Parties, seventeen (17) members. Article 11.4 of the ARCSS provides for selection of the Speaker of the TNLA upon expansion of TNLA. However, due to the security events which took place in Juba from 7 to 11 July 2016, the establishment of TNLA in accordance with ARCSS has not yet taken place.

B. Legislation and Ratified Conventions

15. The Government has enacted one hundred and thirty three (133) pieces of legislation and domesticated eleven (11) regional and international conventions, among others, the Sudan Peoples' Liberation Army Act, 2009, Southern Sudan Police Service Act, 2009, Geneva Convention Act, 2012, Passports and Immigration Act, 2011, Land Act, 2009, Refugees Act, 2012, Southern Sudan Human Rights Commission Act, 2009, Southern Sudan Anti-Corruption Commission Act, 2009, Political Parties Act, 2012, National Elections Act, 2012, Judicial Service Commission Act, 2008, Child Act, 2008, General Education Act, 2012, Southern Sudan Employee Justice Chamber Act, 2011, Southern Sudan Consumers Protection Act, 2011, Southern Sudan War Disabled, Widows and Orphans Commission Act, 2011, Public Grievances Chamber Act, 2011, Workers Trade Unions Act, 2013, Access to Information Act, 2013, Media Authority Act, 2013, Peace and Reconciliation Commission Act, 2012 and HIV/AIDS Commission Act, 2013.

16. The Government has acceded and ratified various regional and international conventions with aim of promoting and protecting human rights of its citizens. The Conventions ratified and acceded to by the Government are: the Geneva Convention and its Protocols; Convention Governing the Specific Aspects of Refugees Problems in Africa; International Convention on Elimination of All Forms of Discrimination against Women; Convention on the Rights of the Child and its Optional Protocols; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; African Charter on Human and Peoples' Rights; Convention Concerning Protection of the World Cultural and Natural Heritage; Convention for the Safeguarding of the Intangible Cultural Heritage and Convention on the Protection and Promotion of the Diversity of Cultural Expression.

17. Other regional and international human rights related conventions ratified by the Government are the International Covenant on Civil and Political Rights (ICCPR) and 1st Optional Protocol; International Covenant on Economic, Social and Cultural Rights (ICESCR) and Optional Protocol; International Convention on Elimination of All Forms of Racial Discrimination; Convention and Protocol Relating to the Status of Refugees; African Youth Charter; the African Convention for Protection and Assistance of Internally Displaced Persons in Africa and Convention on the Rights of Persons with Disability and there are about twenty (20) bills before the National Legislative Assembly for enactment.

C. Administration of justice

18. The Constitution guarantees the inherent right to life, dignity and the integrity of the person and that no one is to be arbitrarily deprived of life, liberty and security of the persons and not be subjected to arrest, detention, deprivation or restriction of liberty, torture or cruel, inhuman or degrading treatment or punishment, except in accordance with procedures prescribed by law.

19. The right to fair trial is guaranteed under the Constitution and that any accused is presumed innocent until proved guilty in accordance with the law. A person arrested of any offence is required to be informed at the time of such arrest of the reasons for his or her arrest and cannot be held in detention for a period exceeding 24 hours before being produced in court. Where the accused cannot afford legal cost in a trial for commission of serious crimes, the Government is required by law to provide legal aid. To uphold this constitutional provision to fair trial, the Government in May, 2013 established a Legal Aid Fund of 5,000,000 South Sudanese Pounds, as seed fund for legal aid services.

20. Being a nation emerging from decades of conflict, the Government is faced with more challenges; some of them are around effective protection of human rights and freedoms. The Government is still putting in place regulatory frameworks to improve performance of the administration of justice sectors personnel, including training of prosecutors and judges, court clerks, police and prisons officers. The administration of justice sectors personnel and infrastructure in the conflict affected cities such as Malakal, Yambio, Bentiu and Torit are in dire need for rebuilding of the destroyed prosecutors and judges offices, courts, police stations and prisons. The Government is soliciting for financial support from the relevant international partners for reconstruction of institutions and training of the administration of justice personnel.

D. Judiciary

21. The South Sudan Judiciary is established by the Constitution and also the ARCSS as an independent body to uphold the principle of separation of powers and the supremacy of rule of law. The judiciary is composed of the Supreme Court; court of appeal; high court; county courts and other lower courts. Currently there are three (3) branches of court of appeal, one each in major regions of Greater Bhar Elghazal, Greater Equatoria and Greater Upper Nile with the High Court established in the former 10 states. The ARCSS provides for reforms of the judiciary that shall include the review of the Judiciary Service Commission Act, 2008, capacity building of the judicial personnel and infrastructure.

22. The Government, with assistance from the international partners, prepared Human Rights Agenda and Action Plan and identified general areas of reforms, including training of judicial personnel, public prosecutors, police and prisons officers in dealing with cases involving vulnerable groups such as juvenile offenders, women and mentally ill. The Government established in the judiciary Juvenile Remand Review with aim of reducing the amount of time children spend in pre-trial detention and also introduced the United Nations Rule of Law Indicators in all activities of the judiciary to measure effectiveness and performance of the trained judicial personnel.

23. Further, in 2013, the Government established Mobile Courts in Juba to reduce time of pre-trial detentions and arbitrary arrest and this resulted in trial of indiscipline members of the organized forces. Membership of the Mobile Courts consisting of civilian judges and military judge advocates.

24. Judiciary has many challenges; among those challenges is the presence of the customary courts run by traditional leaders in accordance with Local Government Act,

2009, parallel to the statutory courts. To address the challenge of dual court system in the country, the Government, with support from UNMISS – Human Rights Division, developed and provided a number of trainings to the traditional leaders in some states with aim of improving the customary courts standards.

25. Other challenges of the judiciary are, among others, limited reach of formal justice, poor infrastructure and limited capacity of judicial officers and lack of physical facilities such as library and court buildings.

E. National Army (SPLA)

26. The Constitution provides for establishment of professional and disciplined armed forces to uphold the Constitution, defend the sovereignty of the country, protect the people and secure territorial integrity of the country, assist in the development and participate in reconstruction and disaster management. Terms and condition of service of the national are provided in the Sudan Peoples' Liberation Army Act, 2009. In transformation of the army, the Government adopted Objective Force, 2017 which provides for leadership vision of the national army. The main elements of transformation to achieve the vision include the recruitment procedures, qualification requirements, trainings and size of the army.

27. With support from the UNMISS – Human Rights Division and UNMISS Military Justice Advisory, the Government provided trainings throughout the country to the members of the national army, on application of human rights standards, with main focus on strengthening the military justice accountability system.

28. Also, in 2012, the Government with the United Nations and UNICEF signed a Revised Action Plan with aim of preventing recruitment into the army of any person under the age of 18 years. As a result of signature of the Action Plan by the Government, in 2013 alone, 821 boys and girls were released from the national army and 540 from militias groups operating within the country. Further, the Government established within the army a Child Protection Units which facilitated access by the United Nations, UNICEF and South Sudan Disarmament and Demobilization Commission personnel to monitor, report, verify and register any recruitment of children by the army.

29. Lately in April 2015, the Government, UNMISS and UNICEF demobilized and released 36 children associated with the national army in Malakal, Upper Nile state and identified, screened, demobilized and released other 37 children in Warrap state. In May 2016, the Government, UNMISS and UNICEF identified, screened, demobilized and released 20 children associated with the armed groups in cities of Mayom and Mankein in Unity state.

30. Under arrangement with the national army, the UNMISS seconded an International Child Protection Specialist to the army Child Protection Unit, with aim of providing an ongoing technical support and trained 1,043 army Child Protection Unit officers. In August 2013, the army Chief of General Staff issued Punitive Orders prohibiting recruitment and use of children by the army and mandated referral of all violations of child rights to the Military Justice for prosecution.

31. The ongoing efforts by the Government in transformation of the army into professional force faced various challenges, including eruption of internal conflicts, recruitment standards, trainings and financial resources, composition, inadequate structures and system to manage a modern armed forces.

F. National Security Service

32. The Constitution provides for establishment of professional National Security Service, subject to the authority of the Constitution and the law and to be subordinate to civil authority and respect the will of the people and human rights. To regulate affairs of National Security Service, the Government enacted the National Security Service Act, 2014 and embarked on internal reforms with aim of building the necessary institutional capacity, including training on respect for human rights by members of the Service. The Government also with support from the International Red Cross (ICRC) undertook trainings of the Service new recruits in the field of human rights and international humanitarian law.

33. To uphold discipline within the National Security Service, a Legal Department has been established to oversight and advise on issues related to best practices and respect to human rights. Also, the Legal Department is tasked to deal with complaints made by members of the public against Service personnel. To demonstrate transparency, the Government has allowed access by the International Red Cross (ICRC), prosecutors and lawyers representing detainees to inspect National Security Service detention facilities in Juba. The Government further has undertaken other reforms as mandated by the law, including recruitment requirements and training standards.

34. Like the SPLA, the National Security Service is faced with various challenges, including indiscipline personnel, lack of adequate training on human rights issues, educational qualifications, recruitment procedures, lack of clear direction and mission and financial resources.

G. Police Service

35. The Constitution provides for establishment of professional Police Service at national and state levels to combat, investigate crimes, maintain law and public order and protect the people and their properties. The Police Service is headed by Inspector General and its terms and conditions of service are regulated by Southern Sudan Police Service Act, 2009.

36. In 2011–2015, the Government with support from United Nations Police (UNPOL), developed Strategic Training Plan, which provided foundation for long-term institutional development to improve performance of the Police Service. Under the Strategic Training Plan, 300 UNPOL officers were co-deployed with South Sudan National Police with aim of transferring knowledge and skills. Also UNPOL provided human rights training modules for police cadets at the National Police Academy based in Rejaf, Central Equatoria state. Further, similar human rights trainings were provided by UNPOL, including training on monitoring of police detention centers, respect for human rights, especially with regard to resolving cases of arbitrary arrest or detention, prevention of violence against women and children and training of 5,100 police officers in English language literacy. As a result of the trainings, by UNMISS and other international partners, the Government established Special Units chaired by female police officer to deal with issues related to women and children, especially on issues of gender based violence (GBV). In 2011, the Government adopted Police Reform Plan which its main objective was to develop and increase capacities of the police personnel and broadening of their activities across the country.

37. The Government lacks financial resources to cater for pension of the demobilized SPLA officers and because of the financial challenges, the National Police Service is becoming a backdrop of continuing absorption of large numbers of the SPLA officers. Unfortunately the SPLA officers absorbed into the police force are from the vulnerable groups, including women, the weak, aged and the injured. Other challenges facing the

Government in transformation of the police force, including issues of composition, structure, education, training and lack of financial resources. As a result of these challenges, the Government is seeking from the international partners a technical and financial assistance to support transformation of the National Police Force into a professional force. The technical assistance needed, among others, include literacy training, infrastructure development and investigation skills, trainings on gender-based violence crimes and human rights related cases.

H. Prisons Service

38. The Constitution provides for establishment of professional Prisons Service at national and state levels, with mandate to manage, maintain, operate and treat prisoners humanely. The prisons Service personnel terms and condition of service are regulated by South Sudan Prison Service Act, 2011. From onset, the Government has undertaken measures of training Prisons Service personnel and improving detention conditions of the prisoners by reducing overcrowdings in the prisons facilities by establishing separate prison cells for men and women and juvenile offenders. Another step taken by the Government is to separate holding of pre-trial detainees from convicted prisoners. Prison feeding, health care and sanitation have also been progressively improved.

39. The Government has initiated low-cost reforms efforts to lower number of pre-trial cases and formed a National Prison Department Committee to develop strategies for meeting of international prisons standards. With support from international partners, the Government constructed two prisons at Rweto in Eastern Equatoria and Jonglei and renovated some central prisons in Juba, Wau, Malakal, Rumbek, Aweil, Torit and Yambio and proposed project for construction of new prisons in Bentiu and Kwajok. All main prison facilities have health center facility at least with a doctor or medical assistance. In an effort to improve condition of juvenile offenders, the Government has allocated to the Prisons Service a piece of land in Juba for construction of reformatory school, however, construction of the reformatory facility has been delayed by the recent conflict in the country. In another effort to rehabilitate convicted prisoners, the Government with support from the international partners, opened fully-equipped prison workshops for training of inmates on various vocational skills in Juba, Yambio and Wau central prison.

40. During and after the colonial period till its independence in 2011, South Sudan was a neglected region of the Sudan, with limited number of prisons facilities. Overcrowding in its prison facilities and high level of illiteracy remain a major challenges. Management of juvenile, women and mentally ill inmates, lack of means of transportation, trainings of the prisons personnel, development of new infrastructures and institutions and access to medical care by the inmates are other challenges facing the Prisons Service. Although the Government has recently trained and graduated its first batch of prisons officers, there is still need for additional trainings and technical assistance and financial resources to build new prison facilities so as to overcome the challenges of overcrowdings still prevailing in some of the prison facilities in the country.

V. Promotion and protection of human rights

A. Land rights

41. The Constitution provides that “every citizen has the right of access to decent housing” and that the “State is to formulate policies and take reasonable legislative measures within its available resources to achieve the progressive realization of these

rights". The Government enacted the Land Act, 2009 which establishes a legal framework, governing issues of land tenure, regulate ownership, recognizes customary law and practices related to land owned by the communities and guarantees a fair and prompt compensation to any person whose right of occupancy or ownership has been affected by acquisition of his or her land for public purpose. Under the Local Government Act, 2009 the local government council is the primary institution managing land issues in the rural communities.

42. The Government in 2012, developed National Housing Policy of taking towns to the people and to guide and regulate urban and rural housing development and other related services across the country. The Land Regulations developed by the Land Commission in accordance with provisions of Land Act, 2009 is dealing with issues related to restitution of land and to assist the courts with disposal of land disputes.

43. On issue of internally displaced persons (IDPs) and before the conflict of 16 December 2013, population of IDPs settled in urban areas or on land provided by host communities was estimated at 390,000 IDPs. The IDPs who returned to their places of origin, after signing of the CPA found that their lands were occupied by other settlers. This situation of settling IDPs on land owned by others was also aggravated by the conflict of 16 December, 2013 which resulted in displacement of various communities in Juba, Malakal, Bentiu and Bor. After establishment of the Transitional Government of National Unity (TGoNU), the IDPs within the UNMISS Protection of Civilians Sites (POCs) in Juba, expressed desire to leave the Sites and return to their homes. In preparation for their exit from POCs, the Government has directed the Ministry of Humanitarian Affairs and Disaster Management in collaboration with international partners to address post-Agreement challenges related to repatriation, relief, resettlement and rehabilitation of refugees and IDPs.

44. Also on 6 May 2016, the TGoNU approved plans directing ministries responsible for security sectors to ensure that occupants of homes or plots of land, illegally appropriated in the wake of 16 December 2013 conflict, to be returned to the rightful owners. The TGoNU further directed the Ministry of Justice and Constitutional Affairs to initiate legal proceedings against potential culprits who are engaged in IDPs land grabbing. The IDPs currently living in the UNMISS Protection of Civilians Sites in the country are top priority of the Government which has ordered vacation by soldiers or persons occupying any house belonging to an IDP. Those IDPs who are willing to be relocated to the place of their choice will be facilitated and the cost will be paid by the Government.

45. On issue of land restitution, the Government has in place a policy for restitution of right to land held in the communities where IDPs and returnees originated from during the conflict times. The Government also resolved that no IDP will be forced to exit POCs or any place against his or her will and that those IDPs seeking to permanently settle in the community where they have been hosted would be allowed to do so and if land is available be granted piece of land for housing purpose.

46. There are many challenges facing the Government, including issues of training of government officials to halt land grabbing by people in authority, corrupt practices within land departments and abuse of powers by some government officials and traditional leaders. To improve land tenure in the country, the Government is soliciting from the international partners technical and financial assistance to build the necessary capacities to receive the IDPs from the UNMISS - POCs in cities of Malakal, Bor, Bentiu, Juba and Wau. The IDPs are in need of essential services such as health, water, educational facilities, trained teachers and food, when relocated to their places of origin.

B. Protection of civilians

47. The Constitution confers on all levels of the Government primary responsibility to provide security and welfare to the people of South Sudan. As a nation emerging out of long civil war, security remains a continuing concern for the Government. The impact of continued armed conflicts in parts of the country continues to affect the security of civilians and impairs their human rights. The Government with the limited resources is undertaking dual task of nation and State building to achieve a return to normalcy. After signing of the CPA in 2005 and the ARCSS, 2015, the Government is still grappling with issues of insecurity caused by inter-communal conflicts, hostile activities of foreign backed armed rebel groups, criminal activities of armed gangs, indiscipline among some elements of the security forces and unabated cattle rustling. These insecurity activities remain challenges in several parts of the country and are serious threat to human security and an impediment to government efforts to development and delivery of essential services to the civilians.

48. The Government is enacting laws which defined the role, functions and powers of the security sectors personnel with appropriate supervisory and disciplinary structures and is undertaking comprehensive security sectors reforms as outlined in ARCSS, with aim of combating violence being perpetrated against civilians. The efforts are being exerted to reform security sectors, including registration of weapons, screening of all security personnel, improving capabilities, discipline and professionalism.

49. On efforts to combat corruption, the Constitution confers on the Anti-Corruption Commission powers to protect public property, investigate and prosecute cases related to corruption and combat administrative malpractices in public institutions. The Anti-Corruption Commission has conducted awareness-raising and sensitization workshops on mechanisms and processes for combating corruption in the country. In the recent development, in June 2016, the High Court in Juba has found guilty of corruption practices and sentenced to life imprisonment sixteen (16) accused including senior government officials.

50. There remain enormous challenges facing the Government to provide a lasting and meaningful protection to the civilian in the country. Humanitarian needs remain substantial, especially in areas such as Jonglei, Unity, Upper Nile, Western Bhar Elghazal, Northern Bhar Elghazal, Western Equatoria and some parts of Central Equatoria, where insecurity has continued to produce waves of displacement, including influx of Sudanese refugees from neighbouring Sudan. As result more than 90% of the population in the affected areas by the insecurity lives below the poverty level and facing food gaps.

C. Protection of women and children

51. The Constitution provides that women will be accorded full and equal dignity of the person with men; have the right to equal pay for equal work; participate equally with men in public life and promote women participation in public life and their representation in the legislative and executive organs by at least 25% as an affirmative action to redress imbalances created by history, customs and traditions. The Government established Ministry of Gender, Child and Social Welfare with mission of promoting and protecting human rights of vulnerable groups, women and children, elderly and persons with special needs. The Ministry, in collaboration with state Ministries of Social Development and civil society, work together to ensure appropriate measures for elimination or mitigation of injustices and equitable distribution of resources. The National Ministry of Gender, Child and Social Welfare also prepared a Gender Policy Framework that lays out programmes for the whole country. Under the policy, principle of gender mainstreaming is given prominent

focus in which government and private sector institutions are to work towards elimination of all forms of discrimination against women and vulnerable groups.

52. In an effort to promote and protect women and children and vulnerable groups human rights, the Government has enacted laws and acceded to a number of regional and international conventions, including International Convention on Elimination of All Forms of Discrimination against Women; African Union Charter on the Rights and Welfare of the Child and Southern Sudan Child Act, 2008. In addition the Government adopted National Gender Policy, 2013; Public Service Gender Mainstreaming and Sensitization Manual, 2013; National Standard Operating Procedures (SOP) for Prevention, protection and Response to Gender Based Violence, 2014; National Action Plan for implementation of the United Nations Security Council Resolution No. 1325 (2015–2020) and Policy on children without parental care.

53. Since South Sudan independence in 2011, significant equal treatment, promotion, protection and respect for women human rights have emerged in the country. Women have taken an active role in the society but illiteracy rate as high as 84 to 86% has been the major challenge affecting women equal participation in the public life. On the basis of United Nations Security Council Resolution No.1325, gender awareness and peace forums were held nationwide. In August, 2012, the Sudan Peoples' Liberation Army (SPLA) with support from UNMISS, undertook a gender-mainstreaming training. In another effort to promote girl-child education, UNICEF and the National Ministry of General Education facilitated and launched a National Strategic Plan on girl-child education which was disseminated nationwide. Through media and public events, advocacy efforts by the Government and international partners to increase number of girl-child enrolment in schools is ongoing.

54. The President of the Republic, with the Special Representative of the United Nations Secretary General on Sexual Violence in Conflict, signed a commitment to prevent sexual violence against women and children, including development and strengthening of laws, issuance of clear orders to all defence and security forces, ensure accountability in accordance with international standards for sexual violence crimes and strengthening protection of all internally displaced persons.

55. Full implementation of the 25% affirmative action as enshrined in the Constitution remains a big challenge to the Government because women illiteracy rate is higher than that of the men. This illiteracy rate among the women population is caused by customs and traditions perceptions and led to different allocation of duties, recognition and valuing of roles of women in the society. These experiences cut across the entire social construction ranging from the family, community to the national levels through religion, education, culture, and the media.

56. Perpetuation of gender inequalities, biases and discrimination which translate into systematic violations of the rights of women, including incidences of gender based violence (GBV) such as sexual exploitation and abuse, early and forced marriage of girl-child and domestic violence continue to be a challenge to the Government efforts to protect and promote women and child rights. Although the Southern Sudan Child Act, 2008 provides for marriageable age of 18 years yet many girls are married off before that age of 18, especially in rural areas where presence of government institutions is limited.

57. The adoption of the National Gender Policy; Public Service Gender Mainstreaming and Sensitization Manual; National Standard Operating Procedures (SOP) for Prevention, protection and Response to Gender Based Violence; National Action Plan for implementation of the United Nations Security Council Resolution No. 1325 (2015–2020) and Policy on Children without Parental Care, are prove of the Government efforts to eradicate harmful customs and traditions which places women at lower scale level of the

society. The Government has established fourteen (14) Special Protection Units (SPU) at various police stations in Juba and other major cities to enable women, girls and children, report cases of gender based violence (GBV). In addition, the Government with international partners, established women Friendly Spaces in the country so that women and girls are encouraged to discuss issues related to their welfare and training on necessary social skills. The Government, with support from some financial international partners, advanced financial grants to women with aim of carrying out group-businesses. Before the 16 December 2013 conflict, the Government made plans for establishment of women's bank and women's empowerment trust fund with view of eliminating women inability to access capital credits and other financial services.

58. Lack of funding, long civil war and the entrenched inequalities impacted negatively on the lives of people, particularly women, children, persons of special needs and other vulnerable groups. To eradicate imbalances in the society, especially against women and children, the Government is seeking technical and financial assistance from the relevant international partners so that it can implement its plans, policies and laws.

D. Freedom of expression and rights of access to information

59. The Constitution provides for protection and promotion of freedom of expression and access to information as well as freedom of the press, including the right to form or join political party, association and trade or professional unions. To uphold this constitutional mandate, the Government has enacted the Broadcasting Corporation Act, 2013, Access to Information Act, 2013 and Media Authority Act, 2013. The Government also has formed an independent South Sudan Media Authority Board under the Media Authority Act, 2013 and Information Commission under Access to Information Act, 2013.

60. Currently, there are 23 private radio stations, 12 newspapers and magazines and 3 TV stations, registered and operational in the country. It is worth mentioning that the Government allows foreign newspapers and magazines into the country. There are 30 political parties and more than 200 civil society organisations in the country which meet regularly and freely without prior permission or interference by the Government.

61. To promote transparency and the right of access to information, the Government, with support from international partners, has established independent institutions such as Human Rights Commission, Anti-Corruption Commission, Public Grievances Chamber and Peace and Reconciliation Commission. Before the 16 December 2013 conflict, the Government has made several steps to conduct elections in 2015 as enshrined in the Constitution and approved conduct of the national census which was supposed to take place in 2014. In January 2013, the Government established the National Elections Commission. Under this arrangement for conduct of national census and elections, the Government on 12 February 2013, presented a request for technical, logistical and operational resources assistance to the United Nations.

E. Food security

62. To address food gap in the country, the Government has recently taken two phase-approach: short term and long term. In the short term approach, the Government procured 11,000 metric tons of sorghum (dura) from the consortium of banks. The procured dura were allocated to the states most affected by food gaps as a result of the civil war as follows: Jonglei state 39% for 595,500 IDPs; Unity state 28.69% for 437,600 IDPs; Upper Nile state 16.05% for 244,900 IDPs; Lakes state 8.22% for 125,400 IDPs; Central Equatoria state 4.86% for 74,100 IDPs, Western Bhar Elghazal state 1.02% for 15,600

IDPs; Warrap state 0.73% for 11,100 IDPs; Eastern Equatoria state 1, 50% for 7,600 IDPs; Northern Bhar Elghazal state 0.14% for 2,200 IDPs; Western Equatoria state 0.31% for 4,900 IDPs and Abyei Administrative Area 0.44% for 6,700 IDPs.

63. It is worth mentioning while the number of IDPs displaced since 16 December 2013 is 100,000 people in UNMISS Camps, the number of IDPs under protection of the Government in various states is 1,525,400. The dura was distributed to the hard accessible and affected areas, including the areas under control of Sudan Peoples' Liberation Movement/Army – in Opposition (SPLM/A-IO). As support to the partners, the World Food Programme has been facilitated to ship weekly 500 metric tons of assorted food from Kosti in Sudan to various locations in Upper Nile. The World Food Programme is also facilitated to air lift food from Juba and Ethiopia to be airdropped to several locations in the country.

64. In the long term approach, the Government has acquired and distributed 1,000 tractors, 5,000 ox-ploughs and other agricultural inputs, improved seeds and varieties, training of farmers to adopt better practices, husbandry and post-harvest; encourage cottage industries based on agriculture for purpose of sustaining food security for civilians.

65. Despite the efforts being undertaken by the Government to improve food security in the country, majority of the population still lives below the poverty line. This is caused by lack of rains, insecurity and high rate of unemployment among the youth. Those affected much by the poverty are the women and children from the areas most affected by the civil war IDPs and returnees.

F. Education

66. The Constitution provides that education is a right for every citizen and no person shall be discriminated from receiving education on the basis of religion, race, ethnicity, health status, including HIV/AIDS, gender or disability. The General Education Act, 2012 provides legal framework to the education sector in the country.

67. The Government has made the primary education compulsory throughout the country and established an Alternative Educational System which is to provide basic adult, accelerated learning programmes, community girl schools programme, pastoralist education programme and intensive English course to the children demobilised from the army and other militias groups operating in country. The demobilised children are assessed and placed into the available learning programmes based on their needs. The demobilized children of ages between 17 and 18 years old and did not have educational background are placed in vocational and life skills programmes.

68. Caring for students whose education was interrupted by the event of 16 December, especially in the three states of Jonglei, Unity and Upper Nile, the Government succeeded in enabling those students to sit their High School Certificates at Bentiu in Unity State; Malakal, Maban, Melut and UNMISS Site in Upper Nile State; Bor town in Jonglei State; Aweirial in Lakes State and Greater Pibor. Some students from Jonglei State appeared for their examinations in Central Equatoria State in Juba. This makes the total of 1,090 students who appeared for South Sudan High School Certificate. Also over 2,800 students from Upper Nile University and Dr. John Garang Memorial University were able to complete their academic year in Central Equatoria in Juba. In addition, the Government has decided to allow the two universities: Upper Nile University and Dr. John Garang Memorial University to continue functioning in Juba until such a time that permanent peace and stability return to Upper Nile and Jonglei states. As the result of improvement in security in Jonglei, Dr. John Grang Memorial University has been relocated to its original campus in Bor Town.

69. Before signing of the ARCSS, the Government established a High Level Committee composed of the army, UNMISS and UNICEF to verify issues of occupation of schools by members of the organized forces and found that in the areas then under control of the Government, some schools in remote areas were occupied by the army. The occupants were ordered to vacate. From June 2014 to April 2015, 29 schools verified by the Committee to have been occupied by the army and other organised forces in Lakes, Central Equatoria, Eastern Equatoria, Upper Nile, Unity and Jonglei States were all vacated.

70. To promote respect for human rights, the Government with South Sudan Human Rights Commission and Ministry of General Education prepared a policy document to include human rights issues in Education Curricula. Also in July 2015, the Government signed the Safe Schools Declaration with Global Coalition to Protect Education from Attack (GCPEA) as its commitment to protect education in armed conflict situations.

71. The Government has financed and facilitated construction of new schools and rehabilitated those schools affected by the South-North civil war.

VI. Achievements

Peace and reconciliation

72. Before the security events of 16 December 2013, the Government enacted the Peace and Reconciliation Commission Act, 2012 as an independent commission to promote peace among the citizens in the country and to consolidate peace ushered in by the CPA and the ARCSS. In an effort to initiate a comprehensive process of national reconciliation and healing, the Government has established Peace and Reconciliation Committee. In another effort, the Government pardoned some armed groups for taking arms against the State.

73. In addressing inter and intra-community violence, the Government held a conference in Lakes State in March 2015 attended by all traditional leaders, State authorities, members of the State Assembly of Lakes State, members of the National Legislature from Lakes State and representatives from leaders of other political parties, and civil society. The conference identified the root causes of inter and intra-community conflict and were resolved.

74. Also similar conference was carried out by the Government in Eastern Equatoria State in which inter and intra-community conflicts were identified, discussed and resolved. The two conferences conducted are efforts by the Government to carry out traditional justice. Chapter five of the ARCSS deals with transitional justice, accountability, reconciliation and healing under which legislation for establishment of a commission for truth, reconciliation and healing is to be enacted by TGoNU. Any existing committee for national healing, peace and reconciliation or the national platform for peace and reconciliation is to transfer all of their files or records to the Commission for Truth, Reconciliation and Healing (CTRH). The CTRH is to recommend processes and mechanisms for full enjoyment by victims of the rights to remedy, including measures for reparation and compensation. The CTRH is also mandated to inquire into issues of human rights violations and abuses, breaches of rule of law and excessive buses of power committed against all persons in South Sudan. However, the TGoNU is faced with various challenges in carrying out its mandate under the ARCSS due to lack of resources and the security events which took place in Juba between 7 to 11 July 2016.

VII. Challenges in promotion and protection of human rights

75. There are enormous challenges facing South Sudan in the field of promotion and protection of human rights and the challenges include the insecurity, poverty and lack of financial resources to create strong institutions and support the available human rights institutions in the country. With the current level of fragility in the country, creation of suitable strategies and programmes for the promotion and protection of human rights is becoming difficult.

76. In addition to the issues of promotion and protection of human rights, there comes with it delayed development of crucial government institutions and that include building of the civil servants capacity. As a new State, the Government is currently overwhelmed with State building and the issues of promotion and protection of the human rights in the country becomes priority among other priorities. Therefore, in post-conflict State such as South Sudan, promotion and protection of the human rights always face challenges thus continue support from the international community is highly needed.

VIII. Request for capacity building and technical assistance

77. The Government of the Republic of South Sudan is soliciting support in the following areas:

- (a) Technical assistance on issues of trainings and awareness related to human rights, especially to national army and other organized forces;
 - (b) Capacity building on issues related to human rights to the judicial, public prosecutors and investigators personnel to enable them provide the right service delivery;
 - (c) Building of courts, prison facilities, police stations and other rule of law sector infrastructures;
 - (d) Technical support to TGoNU so as to speed up implementation of the ARCSS;
 - (e) More support for provision of services to the IDPs and returnees;
 - (f) Support in harmonization of customary laws with statutory laws;
 - (g) Support in empowerment of women economically, including encouraging them to own land;
 - (h) Support in empowerment of women socially by enlightening them to play an effective role in combating child marriage and inheritance of wife of deceased male relative.
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