



## **SOUTH SUDAN: HUMAN RIGHTS IN REVIEW**

AMNESTY INTERNATIONAL SUBMISSION FOR THE UN UNIVERSAL PERIODIC REVIEW, 40<sup>TH</sup> SESSION OF THE UPR WORKING GROUP, JANUARY – FEBRUARY 2022

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# INTRODUCTION

This submission was prepared for the Universal Periodic Review (UPR) of the Republic of South Sudan in January – February 2022. In it, Amnesty International evaluates the implementation of recommendations made to South Sudan in its previous UPR, including in relation to the ratification of key human rights instruments, ending and preventing all grave violations against children in armed conflict, preventing and eliminating sexual violence, reform of the organized forces and law enforcement institutions and the criminal justice system, the establishment of the transitional justice mechanisms, accountability for crimes under international law, the development of a human rights agenda and protection of the right to freedom of expression.

It also assesses the national human rights framework with regard to the bill of rights, South Sudan's human rights commission, crimes under international law, the 2014 National Security Service Act, and the death penalty.

With regard to the human rights situation on the ground, Amnesty International raises concern about violations of the right to life, freedom of association and peaceful assembly, freedom of opinion and expression, arbitrary arrest and prolonged detention, and freedom from torture and other ill-treatment.

## FOLLOW UP TO THE PREVIOUS REVIEW

### ACCEPTED RECOMMENDATIONS THAT HAVE BEEN IMPLEMENTED

At its previous review, South Sudan supported 203 recommendations and noted 30.<sup>1</sup>

Accepted recommendations that have been implemented include ratification<sup>2</sup> of the African Charter on Human and Peoples' Rights (ACHPR)<sup>3</sup>, ratification of the two optional protocols to the Convention on the Rights of the Child (CRC)<sup>4</sup> and cooperation with the UN Commission on Human Rights in South Sudan (CHRSS).<sup>5</sup> South Sudan also ratified the Convention Governing Specific Aspects of Refugee Problems in Africa. Some steps have been taken towards ending and preventing all grave violations against children in armed conflict<sup>6</sup> by signing the action plan with the UN's Special Representative on Children Affected by Armed Conflict (CAAC). The army and police signed an action plan on preventing and eliminating sexual violence.<sup>7</sup> Some improvement has been made by the establishment of a Gender-Based Violence (GBV) and Juvenile Court.

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<sup>1</sup> UN Human Rights Council (UNHRC), *Report of the Human Rights Council on its thirty-fourth session*, 14 June 2018, A/HRC/34/2, pp. 125 - 131.

<sup>2</sup> UNHRC, *Report of the Working Group on the Universal Periodic Review, South Sudan (WG UPR Report: South Sudan)*, 28 December 2016, UN Doc. A/HRC/34/13. Recommendation 127.9 by Kenya recommended the ratification and the implementation. While South Sudan has ratified the convention, much needs to be done for it to be implemented.

<sup>3</sup> UN Doc. A/HRC/34/13, Recommendation 127.9 (Kenya).

<sup>4</sup> South Sudan ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (UNCRC-OPSC) and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (UNCRC-OPAC) on 27 September 2018. Office of the High Commissioner for Human Rights (OHCHR), *Status of Ratification Interactive Dashboard*, [www.indicators.ohchr.org/](http://www.indicators.ohchr.org/).

Recommendations 126.53 (Germany), 127.1 – 127.8 (Spain, Kenya, Montenegro, Rwanda, Guatemala, Botswana, Luxembourg and Slovakia). UNHRC, *Report of the WG UPR Report: South Sudan*, 28 December 2016, UN Doc. A/HRC/34/13.

<sup>5</sup> UNHRC, *Report of the WG UPR: South Sudan*, 28 December 2016, UN Doc. A/HRC/34/13, Recommendations 127.12 - 127.16 (Saudi Arabia, Cuba, Senegal, South Africa, Congo).

<sup>6</sup> UNHRC, *Report of the WG UPR: South Sudan*, 28 December 2016, UN Doc. A/HRC/34/13, Recommendations 126.49 – 126.55 (Slovenia, Slovakia, Ukraine, Djibouti, Germany).

<sup>7</sup> UNHRC, *Report of the WG UPR: South Sudan*, 28 December 2016, UN Doc. A/HRC/34/13, Recommendations 126.43 – 126.47 (Italy, South Africa, Georgia, Republic of Korea, Slovenia).

## ACCEPTED RECOMMENDATIONS THAT HAVE NOT BEEN IMPLEMENTED

Accepted recommendations that have not been implemented include those related to reform of the organized forces and law enforcement institutions and the criminal justice system as well as the establishment of the transitional justice mechanisms enshrined in Chapter V of the 2015 Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS) and the 2018 Revitalized ARCSS (R-ARCSS) and sufficient accountability measures for crimes committed during the conflict that broke out in December 2013.<sup>8</sup>

None of the three transitional justice mechanisms in Chapter V have been established. On the contrary, on 2 April 2019, the government signed a contract with a US-based lobby firm to, amongst others, “delay and ultimately block [the] establishment of the hybrid court”. Following public outrage, the parties amended the contract on 7 May 2019 and removed the clause obstructing the HCSS.<sup>9</sup> After years of dragging its feet, in January 2021, the Council of Ministers approved a plan<sup>10</sup> for establishing the Hybrid Court for South Sudan (HCSS), the Commission on Truth, Reconciliation and Healing (CTRH) and the Compensation and Reparation Authority (CRA). This marked a step forward, but by July 2021, no significant demonstrable progress has been made beyond establishing a taskforce, the reconstitution of a technical committee supposed to conduct additional consultations to inform enabling legislation for the CTRH,<sup>11</sup> and the launch of the consultative process.<sup>12</sup>

The government lacks political will to hold perpetrators of serious crimes accountable. For instance, in breach of South Sudan’s international obligation to investigate and prosecute suspects of international crimes as well as its responsibilities under the R-ARCSS, the government consistently grants blanket amnesties and integrates non-state actors implicated in abuses of international humanitarian law into the country’s armed forces and government.<sup>13</sup> Individuals sanctioned by the UN Security Council, or otherwise implicated, for their involvement in serious crimes, have been promoted and given senior army and government positions, most recently in April 2021.<sup>14</sup> Civilian and military courts lack independence<sup>15</sup> and military courts lack jurisdiction to prosecute soldiers for crimes against civilians.<sup>16</sup>

During the 2016 review, the Minister of Justice said that crimes under international law would be included in the Penal Code.<sup>17</sup> Nevertheless, more than 4.5 years later and despite learning visits to Uganda organized by UNMISS for South Sudanese parliamentarians, crimes under international law have still not been incorporated into the Penal Code.

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<sup>8</sup> UNHRC, *Report of the WG UPR: South Sudan*, 28 December 2016, UN Doc. A/HRC/34/13, Recommendations include 126.3 – 126.6 (Belgium, Iceland, Canada, France), 126.8 – 126.9 (New Zealand and Austria), 126.15 (South Africa), 126.57 – 126.66 (Georgia, Albania, Luxembourg, Sierra Leone, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Kenya, Sierra Leone), 127.26 – 127.27 (both Uganda), 127.29 – 127.38 (Togo, Egypt, Luxembourg, Spain, Argentina, Ukraine, Denmark, United Kingdom of Great Britain and Northern Ireland, Mexico, The Netherlands).

<sup>9</sup> See, Gainful Solutions, Inc., Consulting Contract Agreement with the Government of South Sudan, 2 April 2019, [efile.fara.gov/docs/6667-Exhibit-AB-20190418-2.pdf](https://efile.fara.gov/docs/6667-Exhibit-AB-20190418-2.pdf) and Gainful Solutions, Inc., Consulting Contract Agreement with the Government of South Sudan, 7 May 2019, on file with Amnesty International.

<sup>10</sup> Amnesty International, *South Sudan’s Council of Minister’s approval of plans to establish long-awaited hybrid court must be followed by action* (Index: AFR/65/3600/2021).

<sup>11</sup> On 15 December 2016, South Sudan launched a technical committee that conducted consultations to inform the CTRH’s enabling legislation. The methodology for these consultations is questionable and the individuals in opposition-held territories were not consulted. The technical committee became dormant until it was reconstituted by Ministerial Order 02/2021 on 10 May 2021 and tasked to carry out additional consultations.

<sup>12</sup> Eyerradio, *Gov’t starts process to set up truth and healing commission*, 30 June 2021, [eyerradio.org/govt-starts-process-to-set-up-truth-and-healing-commission/](https://eyerradio.org/govt-starts-process-to-set-up-truth-and-healing-commission/)

<sup>13</sup> Amnesty International, *“Do You Think We Will Prosecute Ourselves?” No Prospects for Accountability in South Sudan* (Index: AFR/65/1105/2019).

<sup>14</sup> Human Rights Watch, *South Sudan government reshuffle emboldens rights abusers*, 14 April 2021, [www.hrw.org/news/2021/04/14/south-sudan-government-reshuffle-emboldens-rights-abusers](https://www.hrw.org/news/2021/04/14/south-sudan-government-reshuffle-emboldens-rights-abusers)

<sup>15</sup> Prosecutors follow the directives of the executive and judges experience political interference. Military courts are not independent as the president has the power to confirm or reject judicial decisions. See, Amnesty International, *“Do You Think We Will Prosecute Ourselves?” No Prospects for Accountability in South Sudan* (Index: AFR/65/1105/2019).

<sup>16</sup> Section 37(4) of the SPLA Act clearly states: “Whenever a military personnel commits an offence against a civilian or civilian property, the civil court shall assume jurisdiction over such an offence.” If such cases are reported within the army, the military justice system should transfer the case to civilian courts. However, in practice, military courts often claim jurisdiction over any offence committed by army officials, including on crimes against civilians. They decide which court is competent based on the perpetrator rather than the victim of the crime, contrary to the SPLA Act. For more, see Amnesty International, *“Do You Think We Will Prosecute Ourselves?” No Prospects for Accountability in South Sudan* (Index: AFR/65/1105/2019).

<sup>17</sup> UNHRC, *Report of the WG UPR: South Sudan*, 28 December 2016, UN Doc. A/HRC/34/13, paragraph 7 and recommendations 128.28 – 9 (Uruguay, Spain).

Despite accepting the recommendation to ratify the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR),<sup>18</sup> the President has not yet signed the parliament's recommendations to ratify the Conventions and the ICCPR's First Optional Protocol.

During the previous review, South Sudan accepted to develop a human rights agenda and action plan.<sup>19</sup> This would be a start to improve the human rights situation, but the government has not done so.

No, or insufficient, measures have been taken to ensure protection of the right to freedom of expression.<sup>20</sup>

# THE NATIONAL HUMAN RIGHTS FRAMEWORK

## BILL OF RIGHTS

South Sudan's 2011 Transitional Constitution has a bill of rights containing several human rights and fundamental freedoms that all organs of the government are legally obliged to respect, uphold and promote.<sup>21</sup> Article 9.3 of the constitution determines that "all rights and freedoms enshrined in international human rights treaties, covenants and instruments ratified or acceded to by the Republic of South Sudan shall be an integral part of this Bill."<sup>22</sup>

## SOUTH SUDAN HUMAN RIGHTS COMMISSION

South Sudan's national human rights commission<sup>23</sup> is mandated to monitor the rights and freedoms in the Bill of Rights<sup>24</sup> and investigate complaints of human rights violations, inspect conditions of inmates in "police jails, prisons and related facilities", educate the public about human rights, and monitor government compliance with international and regional human rights treaties and conventions.<sup>25</sup> Under the review period, the President has not appointed a Chairperson, so the Human Rights Commission is not fully established, and has failed to implement provision 1.19.1.8 of the 2018 R-ARCSS. The Commission does not have A-status under the Paris Principles. It is tasked to periodically report on human rights, including submitting annual reports to parliament.<sup>26</sup>

## CRIMES UNDER INTERNATIONAL LAW

Crimes under international law have not been incorporated into South Sudanese law. The Ministry of Justice introduced a problematic Penal Code amendment bill on these crimes to Parliament in 2016. The definitions of war crimes, crimes

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<sup>18</sup> UNHRC, *Addendum to the WG UPR Report: South Sudan*, 8 March 2017, UN Doc. A/HRC/34/13/Add.1.

<sup>19</sup> UNHRC, *Report of the WG UPR: South Sudan*, 28 December 2016, UN Doc. A/HRC/34/13, Recommendations 126.26 (Ethiopia) and 126.27 (Pakistan).

<sup>20</sup> UNHRC, *Report of the WG UPR: South Sudan*, 28 December 2016, UN Doc. A/HRC/34/13, Recommendation 126.67 (Japan).

<sup>21</sup> Article 9.2 of the 2011 Transitional Constitution of the Republic of South Sudan.

<sup>22</sup> Article 9.3 of the 2011 Transitional Constitution of the Republic of South Sudan

<sup>23</sup> Article 145 of the 2011 Transitional Constitution foresees the establishment of an independent national human rights institution, in the form of a commission

<sup>24</sup> Articles 9.4 and 146(1)(a) of the 2011 Transitional Constitution of the Republic of South Sudan.

<sup>25</sup> See article 146(1) of the 2011 Transitional Constitution of the Republic of South Sudan.

<sup>26</sup> Article 146 of the 2011 Transitional Constitution of the Republic of South Sudan.

against humanity and genocide did not conform with international law. Furthermore, the draft bill did not include provisions on torture, enforced disappearance and the non-applicability of amnesties and immunities.<sup>27</sup>

The draft bill is still under parliamentary discussion. The bill was withdrawn and referred to the specialized parliamentary ‘Committee on Legislations and Justice’, whose chairperson committed to call for consultations to address these concerns. Instead, consultations were never conducted, the bill disappeared and later reappeared with its original wording before parliament around August or September 2018, leaving concerns raised by civil society and the UN unaddressed.<sup>28</sup>

Command responsibility does not exist under South Sudanese law as a mode of criminal liability. Consequently, army commanders cannot be prosecuted for having failed to prevent the commission of crimes by armed forces under their command, or for having failed to punish them once crimes were committed that they knew, or should have known, about.

## THE 2014 NATIONAL SECURITY SERVICE ACT

South Sudan noted recommendations to repeal its problematic 2014 National Security Service (NSS) Act which remains unamended.<sup>29</sup> In breach of Article 159 of South Sudan’s 2011 Transitional Constitution which mandates the NSS to conduct classic intelligence activities,<sup>30</sup> the 2014 NSS Act gives the NSS sweeping police-like powers to arrest, detain, conduct searches, seize property without adequate judicial oversight or safeguards against the abuse of such powers. The Act furthermore endows the NSS with unchecked powers to conduct surveillance without sufficiently protecting the right to privacy guaranteed under Article 2011 of the country’s Transitional Constitution, as well as regional and international human rights law.<sup>31</sup>

Since 2014, South Sudanese authorities have ignored calls to bring the 2014 NSS Act in line with the country’s 2011 Transitional Constitution and its obligations under regional and international human rights law. South Sudan has not amended the legislation as required under article 1.18.1.2 of the R-ARCSS.<sup>32</sup>

## THE DEATH PENALTY

In South Sudan, the 2008 Penal Code provides for the death penalty for<sup>33</sup> several crimes including murder, bearing false witness resulting in an innocent person’s execution or for fabricating such evidence or using as true evidence known to be false; terrorism (or banditry, insurgency or sabotage) resulting in death; aggravated drug trafficking, and treason.<sup>34</sup> Civilians sentenced to death are executed by hanging.<sup>35</sup> Soldiers sentenced to death by military courts are executed by a firing squad.<sup>36</sup> Section 21 of the 2011 Transitional Constitution protects persons under the age of 18, and of and over the age of 70, from being sentenced to death and women caring for a child below two years old from execution.<sup>37</sup>

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<sup>27</sup> Amnesty International and 8 other civil society organisations (CSOs), Observations and Recommendations on the Penal Code (Amendment) Bill, 2016 (Open Letter, 1 February 2016).

<sup>28</sup> Amnesty International, “Do You Think We Will Prosecute Ourselves?” No Prospects for Accountability in South Sudan (Index: AFR/65/1105/2019).

The South Sudanese authorities failed to reconstitute the parliament between February 2020 to May 2021 causing serious delays to legislation.

<sup>29</sup> UNHRC, UNHRC, *Report of the WG UPR: South Sudan*, 28 December 2016, UN Doc. A/HRC/34/13, Recommendations 128.30, (Germany) and 128.92 (Switzerland).

<sup>30</sup> Transitional Constitution of South Sudan 2011 Section 159(3) limits the mandate of the NSS to “focus on information gathering, analysis and advice to the relevant authorities.”

<sup>31</sup> Amnesty International, “These Walls Have Ears”: *The Chilling Effect of Surveillance in South Sudan* (Index: AFR/65/3577/2021).

<sup>32</sup> Article 1.18.1.2 of the R-ARCSS obliges South Sudanese authorities to amend legislation including the 2014 NSS Act and tasks the National Constitutional Amendment Committee (NCAC) with drafting an amendment bill which was submitted to the Ministry of Justice and Constitutional Affairs in mid-2019. The bill has yet to be discussed in parliament and enacted into law which should have been done before the start of the formation of the Revitalized Transitional Government of National Unity (RTGoNU) in February 2020.

<sup>33</sup> The death penalty is provided for in South Sudanese law under article 8 of the Penal Code Act.

<sup>34</sup> See, 2008 Penal Code Act, articles 206, 131(2), 67(2), 383, 64.

<sup>35</sup> Code of Criminal Procedure Act, Article 275.

<sup>36</sup> SPLA Act, Section 85.

<sup>37</sup> Article 21(2) and Article 21(3) of the 2011 Transitional Constitution of the Republic of South Sudan.

# HUMAN RIGHTS SITUATION ON THE GROUND

South Sudan consistently ranks towards the bottom of global human (development) indexes.<sup>38</sup> As in many other countries, COVID-19 exposed inequality and limited realization of basic human rights.

## RIGHT TO LIFE

Since South Sudan's last review in November 2016, all parties to the conflict continue to deliberately kill civilians, including men, women, children, older people, and *people* with disabilities.<sup>39</sup> Although large-scale, nation-wide fighting has decreased since the signing of the 2018 R-ARCSS, government and former opposition forces continue to clash with non-state armed actors in southern Equatoria region, killing civilians and committing other crimes under international law in violation of international humanitarian and human rights law.<sup>40</sup>

In 2020, fighting, including cattle raiding, between ethnic groups, clans and sub-clans surged across the country. The government failed to protect at least 600 people, including civilians, from being killed<sup>41</sup> by armed groups and militias who – according to the CHRSS<sup>42</sup> – are often supported by both government and opposition forces, including through the illicit provision of small arms and light weapons.

Extra-judicial killings continued during the period under review. For instance, in April 2019, the UN Panel of Experts on South Sudan concluded that it is “highly probable” that Dong Samuel Luak and Aggrey Ezbon Idri were executed at the NSS training facility on President Salva Kiir's farm in Luri, near Juba on January 30, 2017. Dong Samuel Luak was a South Sudanese human rights lawyer and registered refugee in Kenya. Aggrey Ezbon Idri was the chair of the SPLM/A-IO's Humanitarian Affairs Committee. Both were forcibly disappeared in Nairobi, Kenya in January 2017. They were

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<sup>38</sup> For instance, South Sudan ranks 185th out of 189 countries on the UN Development Program's (UNDP) Human Development Index. See, Human Development Index Ranking, [hdr.undp.org/en/content/latest-human-development-index-ranking](https://hdr.undp.org/en/content/latest-human-development-index-ranking). South Sudan received the lowest possible score from Freedom House in their analysis of political rights and civil liberties. Freedom House, *Freedom in the World 2018: The Annual Survey of Political Rights and Civil Liberties*, May 2018, [freedomhouse.org/sites/default/files/2020-02/FreedomintheWorld2018COMPLETEBOOK.pdf](https://freedomhouse.org/sites/default/files/2020-02/FreedomintheWorld2018COMPLETEBOOK.pdf)

South Sudan ranked last on the new Girl-Friendliness Index that measures performance of African governments against criteria taken from the CRC and the ACRWC. The African Child Policy Forum (ACPF), *South Sudan: How friendly is the government towards girls in 2020?* [app.box.com/s/g9dhilch1c7f15chcl4nd1oumzplw76](https://app.box.com/s/g9dhilch1c7f15chcl4nd1oumzplw76).

<sup>39</sup> Amnesty International, *'It Was As If My Village Was Swept By a Flood': Mass Displacement of The Shilluk Population From the West Bank of the White Nile* (Index: AFR 65/6538/2017); Amnesty International, *'If Men Are Caught, They Are Killed, If Women Are Caught, They Are Raped' – Atrocities in Equatoria Region Turn Country's Breadbasket Into A Killing Field* (Index: AFR 65/6612/2017); Amnesty International, *'Do Not Remain Silent': Survivors of Sexual Violence in South Sudan Call for Justice and Reparations* (Index: AFR 65/6469/2017); Amnesty International, *'Anything That Was Breathing Was Killed' – War Crimes in Leer and Mayendit, South Sudan* (Index: AFR 65/8801/2018); Amnesty International, *South Sudan: UN arms embargo must be maintained after surge in violence against civilians in 2020* (Press release, 30 November 2020).

<sup>40</sup> Amnesty International, *South Sudan: UN arms embargo must be maintained after surge in violence against civilians in 2020* (Press release, 30 November 2020); Commission on Human Rights in South Sudan (CHRSS), *Detailed findings of the Commission on Human Rights in South Sudan, 18 February 2021*, [www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session46/Documents/A\\_HRC\\_46\\_CRP\\_2.pdf](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session46/Documents/A_HRC_46_CRP_2.pdf); UN Panel of Experts (UNPoE) on South Sudan, *Final report*, 15 April 2021, [www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S\\_2021\\_365.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_2021_365.pdf)

<sup>41</sup> United Nations Secretary General (UNSG), *Situation in South Sudan, 26 February 2020*, [www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2020\\_145.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2020_145.pdf); UNSG, *Situation in South Sudan, 15 June 2020*, [www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2020\\_536.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2020_536.pdf); UNSG, *Situation in South Sudan, 8 September 2020*, [www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S\\_2020\\_890.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_2020_890.pdf); UNSG, *Situation in South Sudan, 9 December 2020*, [www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2020\\_1180.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2020_1180.pdf)

<sup>42</sup> CHRSS, *Despite renewed political commitment, staggering levels of violence continued across South Sudan for the second successive year*, UN experts note, 19 February 2021, [www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26761&LangID=E](http://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26761&LangID=E)

illegally flown to South Sudan where the NSS detained them until their reported deaths.<sup>43</sup> Human rights organizations, the UN Panel of Experts and the CHRSS have documented extra-judicial killings by the NSS, military intelligence and the army.<sup>44</sup>

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.<sup>45</sup> Until the death penalty is abolished, future judicial proceedings before both civilian and military courts present a high risk of death sentences and executions.

## FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

Security forces have also violated the right to freedom of peaceful assembly and association. In mid-2019, South Sudanese authorities waged a regional crackdown on members of the Red Card Movement (RCM), a diaspora-led self-proclaimed civil rights movement.<sup>46</sup> Protesters in Kenya and Ethiopia said they were targeted by NSS agents and threatened with abduction. In May 2019, the government deployed the military in the streets, conducted house-to-house searches and threatened protesters, preventing protesters in Juba from participating in a peaceful demonstration.<sup>47</sup>

On 3 June 2020, security forces shot at unarmed protesters in Juba's Sherikat neighbourhood, injuring at least two protesters. The protests were sparked by the unlawful killing of four people, including a pregnant woman and an older man by soldiers following a physical confrontation about a land dispute involving a relative of the president who succumbed to his injuries later that night.<sup>48</sup> At least 14 demonstrators were arrested and illegally detained in Juba Central Prison for five months until they were released but charged with offences against public order and public nuisance in November 2020.<sup>49</sup>

Despite the repressive environment, human rights defenders have demonstrated, on occasion, without authorities violating their rights to peaceful assembly and the freedom of expression.

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<sup>43</sup> UNPoE on South Sudan, *Final Report*, 9 April 2019, [www.undocs.org/S/2019/301](http://www.undocs.org/S/2019/301); Amnesty International, "These Walls Have Ears": *The Chilling Effect of Surveillance in South Sudan* (Index: AFR/65/3577/2021); See also, Human Rights Watch, "What Crime Was I Paying For?" *Abuses by South Sudan's National Security Service*, 14 December 2020, [www.hrw.org/report/2020/12/14/what-crime-was-i-paying/abuses-south-sudans-national-security-service](http://www.hrw.org/report/2020/12/14/what-crime-was-i-paying/abuses-south-sudans-national-security-service)

<sup>44</sup> See, for instance, Amnesty International, "It was as if my village was swept by a flood": *Mass displacement of the Shilluk population from the West Bank of the White Nile*, (Index: AFR 65/6538/2017); Human Rights Watch, "What Crime Was I Paying For?" *Abuses by South Sudan's National Security Service*, 14 December 2020, [www.hrw.org/report/2020/12/14/what-crime-was-i-paying/abuses-south-sudans-national-security-service](http://www.hrw.org/report/2020/12/14/what-crime-was-i-paying/abuses-south-sudans-national-security-service); UNPoE on South Sudan, *Final Report*, 14 April 2021, [www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S\\_2021\\_365.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_2021_365.pdf); UNPoE on South Sudan, *Final Report*, 28 April 2020, [www.undocs.org/en/S/2020/342](http://www.undocs.org/en/S/2020/342); UNPoE on South Sudan, *Final Report*, 9 April 2019, [www.undocs.org/S/2019/301](http://www.undocs.org/S/2019/301); CHRSS, *Detailed Findings Report*, 18 February 2021, [www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session46/Documents/A\\_HRC\\_46\\_CRP\\_2.pdf](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session46/Documents/A_HRC_46_CRP_2.pdf); CHRSS, *Report*, 20 February 2019, [www.ohchr.org/en/hrbodies/hrc/cohsouthsudan/pages/index.aspx](http://www.ohchr.org/en/hrbodies/hrc/cohsouthsudan/pages/index.aspx)

<sup>45</sup> Amnesty International, *Death Sentences and Executions 2017* (Index: ACT/50/7955/2018); Amnesty International, *Death Sentences and Executions 2018* (Index: ACT/50/9870/2019); Amnesty International, *Death Sentences and Executions 2020* (Index: ACT/50/3760/2021); Amnesty International correspondence with lawyer, May 2021; Eyerradio, *Special court condemns two men to death over Lual Marine's death*, 19 May 2021, [www.eyerradio.org/special-court-condemns-two-men-to-death-over-lual-marines-death/](http://www.eyerradio.org/special-court-condemns-two-men-to-death-over-lual-marines-death/); Eyerradio, *Sherikat incident: five men to spend 10 years in prison*, 20 May 2021, [www.eyerradio.org/sherikat-incident-five-men-to-spend-10-years-in-prison/](http://www.eyerradio.org/sherikat-incident-five-men-to-spend-10-years-in-prison/)

<sup>46</sup> Inspired by protests in Sudan and Algeria that led to the fall of former presidents Omar al-Bashir and Abdelaziz Bouteflika, RCM protests took place in Australia, the US, Ethiopia, Kenya and Sudan.

<sup>47</sup> Amnesty International, *South Sudan: "We are at risk and on the run" - Security agents track down peaceful protesters* (Index: AFR 65/0692/2019).

<sup>48</sup> Government of South Sudan, Committee Report of Committee to investigate the Sherikat incident, October 2020, on file with Amnesty International. Amnesty International remote interviews, 3-5 June 2020.

Amnesty International interview with demonstrator, remote, 4 June 2020; Amnesty International interview with demonstrator, remote, 5 June 2020; Amnesty International interview with witness, remote, 5 June 2020; Amnesty International interview with family member of a victim, remote, 11 June 2020; Amnesty International interview with demonstrator, remote, 2 July 2020; Amnesty International interview with demonstrator, remote, 4 July 2020; Amnesty International interview with demonstrator, remote, 9 July 2020; Amnesty International interview with demonstrator, remote, 11 August 2020.

<sup>49</sup> Amnesty International correspondence with lawyer, 23 November 2020.

## FREEDOM OF OPINION AND EXPRESSION

The rights to freedom of opinion and expression, including media freedoms, continue to be restricted in South Sudan. National actors reporting on human rights violations or engaging with international human rights actors are perceived as traitors or leaking state secrets. In 2018, the CHRSS described South Sudan as “one of the most dangerous places in the world for journalists, with many having been killed, physically assaulted and accused of propagating “Western agendas”<sup>50</sup> concluding that this has had a chilling effect on the press.

Information that should be public, including laws and court judgements<sup>51</sup> is shrouded in secrecy and considered as classified by many government officials, restricting the right to information.

The South Sudan National Communication Authority, NSS agents and the Media Authority, an oversight body, are responsible for censoring media, suspension and closure of news outlets, seizure of newspapers, blocking access to prominent news sites,<sup>52</sup> revocation or denial of accreditation of foreign correspondents,<sup>53</sup> summons, arbitrary arrests and prolonged detention for critical posts on social media.<sup>54</sup>

The government, primarily through the NSS, conducts communications surveillance with equipment bought in Israel, and likely with support from the telecommunication companies. The NSS also conducts physical surveillance through a widespread, cross-border network of informants and agents, by monitoring media and social media, and requiring event organizers to seek permission before holding any form of public gathering such as workshops and civil society meetings. The NSS has used these forms of surveillance illegally, in breach of the right to privacy, to arbitrarily arrest and illegally detain individuals and infringe on press freedoms, the freedom of opinion and expression, and the freedom of assembly.<sup>55</sup>

South Sudan’s legal framework governing surveillance does not meet the principles of non-arbitrariness, legality, necessity, legitimacy and proportionality for surveillance to be a legitimate law enforcement tool and to not interfere with the right to privacy. Cumulatively, electronic and physical surveillance – both in practice and perception – have created a pervasive climate of fear and self-censorship. While many human rights defenders continue to courageously work within the limits of this repressive environment, free speech is fraught with danger.<sup>56</sup>

## ARBITRARY ARREST AND PROLONGED DETENTION

Since the previous review, the NSS and the Military Intelligence Directorate continue to arbitrarily arrest actual and perceived government opponents and other critics, including journalists and civil society members, and to hold them in prolonged arbitrary detention in harsh conditions without charge or prospect of trial.<sup>57</sup> Detainees are routinely denied the right to have their detention reviewed by a court.<sup>58</sup> In September 2018, Amnesty International found that due to poor prison conditions, as well as inadequate access to medical care, the health of those detained usually severely deteriorated, in some cases leading to deaths in custody.<sup>59</sup>

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<sup>50</sup> CHRSS, *Report, February 2018*, [www.ohchr.org/en/hrbodies/hrc/cohsouthsudan/pages/index.aspx](http://www.ohchr.org/en/hrbodies/hrc/cohsouthsudan/pages/index.aspx), para 63.

<sup>51</sup> Amnesty International, “Do you think we will prosecute ourselves?” *No prospects for accountability in South Sudan* (Index: AFR/65/1105/2019).

<sup>52</sup> On 17 July 2017, the South Sudan National Communication Authority blocked the websites of news outlets Sudan Tribune and Radio Tamazu and blog sites Nyamilepedia and Paanluel Wel. These sites remain blocked at the time of submission. See, Amnesty International, *Report 2017/18: The State of the World’s Human Rights* (Index: POL 10/6700/2018); Committee to Protect Journalists, *South Sudan authorities block access to at least four media websites, 20 July 2017*, [cpj.org/2017/07/south-sudan-authorities-block-access-to-at-least-four-media-websites/](http://cpj.org/2017/07/south-sudan-authorities-block-access-to-at-least-four-media-websites/)

<sup>53</sup> UNPoE on South Sudan, *Interim Report, 20 November 2017*, para 31, [www.undocs.org/pdf/symbol=en/S/2017/979](http://www.undocs.org/pdf/symbol/en/S/2017/979); Amnesty International, *South Sudan: Journalists at risk ahead of unity government* (Press Release, 1 November 2019), <https://www.amnesty.org/en/latest/news/2019/11/south-sudan-journalists-at-risk-ahead-of-unity-government/>; Amnesty International interview with foreign correspondent Bastien Renouill, remote, 29 July 2020; Reporters Without Borders, *South Sudan expels another journalist, second in two weeks, 7 November 2019*, [rsf.org/en/news/south-sudan-expels-another-journalist-second-two-weeks/](http://rsf.org/en/news/south-sudan-expels-another-journalist-second-two-weeks/)

<sup>54</sup> See, for instance, Amnesty International, “Urgent Action: Detained Youth Activist Denied Family Visits”, 10 July 2019.

<sup>55</sup> Amnesty International, “These Walls Have Ears”: *The Chilling Effect of Surveillance in South Sudan* (Index: AFR/65/3577/2021).

<sup>56</sup> Amnesty International, “These Walls Have Ears”: *The Chilling Effect of Surveillance in South Sudan* (Index: AFR/65/3577/2021).

<sup>57</sup> Amnesty International, *Accountability critical to ending grave human rights violations in South Sudan* (Index: AFR/65/3105/2020).

<sup>58</sup> Examples can be found in Urgent Actions available at Amnesty International’s web page on South Sudan. See, for instance, Amnesty International, “Urgent Action: South Sudanese Activist Arbitrarily Detained” 27 August 2018; Amnesty International, “Urgent Action: Detained Youth Activist Denied Family Visits”, 10 July 2019; Amnesty International, “Urgent Action: Newspaper Editor detained without charge”, 25 July 2019.

<sup>59</sup> Amnesty International, *Report 2017/18: The state of the world’s human rights* (Index: POL 10/6700/2018); Amnesty International, *Broken Promises: Arbitrary Detentions by South Sudan’s Intelligence Agencies Continues* (Index: AFR 65/8823/2018).

## **FREEDOM FROM TORTURE AND OTHER ILL-TREATMENT**

Detainees illegally held by the NSS in multiple facilities are routinely badly beaten, especially during interrogation,<sup>60</sup> or as punishment. Victims and other witnesses told Amnesty International in 2018 about being badly beaten with sticks, logs, belts and whips. Amnesty International also received allegations about the use of electrocution as torture by both NSS and Military Intelligence.<sup>61</sup>

# **RECOMMENDATION FOR ACTION BY THE STATE UNDER REVIEW**

## **AMNESTY INTERNATIONAL CALLS ON THE GOVERNMENT OF [COUNTRY] TO:**

### **HUMAN RIGHTS TREATIES**

- Speedily ratify and implement the ICCPR, ICESCR and their Optional Protocols, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol), the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, the Convention on the Rights of Persons with Disabilities, the African Charter on the Rights and Welfare of the Child, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), as well as consider ratifying other UN and regional human rights treaties.
- Implement the ACHPR, Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and other UN and regional human rights treaties.

### **CRIMES UNDER INTERNATIONAL LAW**

- As a matter of urgency, amend the definitions of crimes under international law currently incorporated in the 2015 Penal Code Amendment Bill in conformity with international law and include provisions on torture, enforced disappearance, command responsibility, the non-applicability of amnesties and immunities and amend the Penal Code to ensure conformity with human rights obligations and international standards of fairness.
- Pending independent, impartial and effective investigations, 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.
- Initiate prompt, effective, independent and impartial investigations into allegations of crimes under international law and bring suspects to justice in fair trials in open civilian courts and without recourse to the death penalty.

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<sup>60</sup> See, for example, Amnesty International, *Systematic harassment of civil society, journalists, private sector and critics by South Sudan's intelligence agency* (Index: AFR/65/2727/2020) and Amnesty International, *Broken Promises: Arbitrary detention by South Sudan's intelligence agencies continues*, (Index: AFR/65/8823/2018).

<sup>61</sup> Amnesty International, *Broken Promises: Arbitrary detention by South Sudan's intelligence agencies continues*, (Index: AFR/65/8823/2018).

- Adopt the Draft Statute of the Hybrid Court for South Sudan and ensure 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.

#### THE 2014 NATIONAL SECURITY SERVICE ACT

- Review and amend the 2014 NSS 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"; to explicitly exclude from the NSS powers to arrest, detain, conduct searches, seize property and use force; to make judicial authorization and ongoing oversight of intelligence gathering activities, such as communications interception and physical surveillance, mandatory; and to ensure that the Act complies with international, regional and national human rights standards.

#### THE DEATH PENALTY

- Ensure full compliance with international law and standards on the use of the death penalty, including the prohibition on the use of the death penalty against persons below 18 years of age at the time of the commission of the crime, and pregnant women or women caring for a child.
- Immediately establish an official moratorium on executions with a view to abolishing the death penalty.

#### RIGHT TO LIFE

- Immediately cease all violations of international humanitarian and human rights law, specifically, by ending all unlawful killings of civilians.

#### FREEDOM OF OPINION AND EXPRESSION, OF ASSOCIATION AND PEACEFUL ASSEMBLY

- 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 and ensure that all government institutions respect, promote and protect the right to privacy, the right to freedom of expression and opinion, media freedoms and the right to peaceful assembly.
- 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.
- Issue a moratorium on the use of surveillance until a human rights compliant regulatory framework is in place. This human rights framework should include safeguards against unlawful surveillance including requirements in domestic law for transparency, judicial oversight, and adequate remedy.

#### ARBITRARY ARRESTS AND PROLONGED DETENTION

- Publicly condemn physical attacks, killings, threats, harassment, obstruction, intimidation, arbitrary arrests and detention of critics of the government and government officials, including journalists and human rights defenders.
- 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 in Juba and the rest of the country in line with obligations under domestic and international law.

#### FREEDOM FROM TORTURE AND OTHER ILL-TREATMENT

- 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.

# ANNEX I

## AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE<sup>62</sup>

### Key Amnesty International documents since the review in 2016

Amnesty International, *“Help has not reached me here”: Donors Must Step up Support for South Sudanese Refugees in Uganda*, 18 June 2017, (Index: AFR/59/6422/2017),

<https://www.amnesty.org/en/documents/afr59/6422/2017/en/>

Amnesty International, *‘It Was As If My Village Was Swept By a Flood’: Mass Displacement of The Shilluk Population From the West Bank of the White Nile*, 21 June 2017, (Index: AFR 65/6538/2017)

<https://www.amnesty.org/en/documents/afr65/6538/2017/en/>

Amnesty International, *‘If Men Are Caught, They Are Killed, If Women Are Caught, They Are Raped’ – Atrocities in Equatoria Region Turn Country’s Breadbasket Into A Killing Field*, 4 July 2017, (Index: AFR 65/6612/2017),

<https://www.amnesty.org/en/documents/afr65/6612/2017/en/>

Amnesty International, *‘Do Not Remain Silent’: Survivors of Sexual Violence in South Sudan Call for Justice and Reparations*, 24 July 2017, (Index: AFR 65/6469/2017)

<https://www.amnesty.org/en/documents/afr65/6469/2017/en/>

Amnesty International, *From London to Juba: A UK-Registered Company’s Role in one of the Largest Arms Deals to South Sudan*, 25 September 2017, (Index: ACT 30/7115/2017)

<https://www.amnesty.org/en/documents/act30/7115/2017/en/>

Amnesty International, *Report 2017/18: The State of the World’s Human Rights*, 22 February 2017, (Index: POL 10/6700/2018), <https://www.amnesty.org/en/documents/pol10/4800/2017/en/>

Amnesty International, *Death Sentences and Executions 2017*, 12 April 2018, (Index: ACT/50/7955/2018),

<https://www.amnesty.org/en/documents/act50/7955/2018/en/>

Amnesty International, *Broken Promises: Arbitrary Detentions by South Sudan’s Intelligence Agencies Continues*, 4 September 2018, (Index: AFR 65/8823/2018), <https://www.amnesty.org/en/documents/afr65/8823/2018/en/>

Amnesty International, *“Anything That Was Breathing Was Killed” – War Crimes in Leer and Mayendit, South Sudan*, 18 September 2018, (Index: AFR 65/8801/2018), <https://www.amnesty.org/en/documents/afr65/8801/2018/en/>

Amnesty International, *‘I told the judge I was 15’: The Use of the Death Penalty in South Sudan*, 7 December 2018, (Index: AFR 65/9496/2018), <https://www.amnesty.org/en/documents/afr65/9496/2018/en/>

Amnesty International, *Death Sentences and Executions 2018*, 10 April 2019, (Index: ACT/50/9870/2019)

<https://www.amnesty.org/en/documents/act50/9870/2019/en/>

Amnesty International, *South Sudan: “We are at risk and on the run” - Security agents track down peaceful protesters*, 18 July 2019, (Index: AFR 65/0692/2019), <https://www.amnesty.org/en/documents/afr65/0692/2019/en/>

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<sup>62</sup> All these documents are available on Amnesty International’s website: <https://www.amnesty.org/en/countries/africa/south-sudan/>

Amnesty International, *“Do You Think We Will Prosecute Ourselves?” No Prospects for Accountability in South Sudan*, 7 October 2019, (Index: AFR/65/1105/2019), <https://www.amnesty.org/en/documents/afr65/1105/2019/en/>

Amnesty International, *South Sudan: Execution spree continues as four people hanged in September*, 10 October 2019, (Index: AFR 65/1179/2019), <https://www.amnesty.org/en/documents/afr65/1179/2019/en/>

Amnesty International, *Human Rights in Africa: Review of 2019*, 8 April 2020, (Index: AFR 01/1352/2020), <https://www.amnesty.org/en/documents/afr01/1352/2020/en/>

Amnesty International, *South Sudan: Evidence of violations and illicit concealment of arms must spur UN to renew arms embargo*, (Press release, 30 April 2020), <https://www.amnesty.org/en/latest/news/2020/04/south-sudan-evidence-of-violations-and-illicit-concealment-of-arms-must-spur-un-to-renew-arms-embargo/>

Amnesty International, *Exposed, Silenced Attacked: Failures to protect health and essential workers during the COVID-19 pandemic*, 13 July 2020, (Index: POL 40/2575/2020) <https://www.amnesty.org/en/documents/pol40/2572/2020/en/>

Amnesty International, *Systematic harassment of civil society, journalists, private sector and critics by South Sudan's intelligence agency*, 17 July 2020, (Index: AFR/65/2727/2020), <https://www.amnesty.org/en/documents/afr65/2727/2020/en/>

Amnesty International, *South Sudan: United Nations arms embargo must remain in place after surge in violence against civilians in 2020*, 2 December 2020, (Index: AFR 65/3383/2020), <https://www.amnesty.org/en/documents/afr65/3383/2020/en/>

Amnesty International, *South Sudan's Council of Minister's approval of plans to establish long-awaited hybrid court must be followed by action* 1 February 2021, (Index: AFR/65/3600/2021), <https://www.amnesty.org/en/documents/afr65/3600/2021/en/>

Amnesty International, *“These Walls Have Ears”: The Chilling Effect of Surveillance in South Sudan*, 2 February 2021, (Index: AFR/65/3577/2021), <https://www.amnesty.org/en/documents/afr65/3577/2021/en/>

Amnesty International, *Report 2020/21: The State of the World's Human Rights*, 7 April 2021, (Index: POL , <https://www.amnesty.org/en/documents/pol10/3202/2021/en/>10/3202/2021)

Amnesty International, *Death Sentences and Executions 2020*, 21 April 2021, (Index: ACT/50/3760/2021), <https://www.amnesty.org/en/documents/act50/3760/2021/en/>

Amnesty International, *South Sudan: UN Security Council's extension of arms embargo on South Sudan a Welcome Step but weak benchmarks a let-down*, 24 June 2021, (Index: AFR/65/4291/2021), <https://www.amnesty.org/en/documents/afr65/4291/2021/en/>

# ANNEX II

## MATRIX OF ACCEPTED RECOMMENDATIONS WITH NOTES ON DEGREE OF IMPLEMENTATION

This matrix excludes the 43 recommendations which were considered by South Sudan to be under implementation or being implemented.

| Recommendation number | Recommendation  | Country  | Note on degree of implementation  |
|-----------------------|---|----------|---|
| 126.1                 | Continue to consider becoming party to the remaining core human rights instruments.   | Ethiopia | <p>South Sudan has ratified/acceded to five out of the nine core human rights treaties: CEDAW and CEDAW OP; CAT and CAT OP; UNCRC and UNCRC OPSC and UNCRC OPAC.</p> <p>In June 2019, parliament ratified the ICCPR and the ICESCR. However, these instruments are still pending presidential accession and subsequent depositing with the UN Secretary General.</p>  |
| 126.2                 | Remove from its law and practice all civil and criminal provisions constituting discrimination against women and girls.   | Paraguay | Not implemented. For instance, child marriage is still practiced in South Sudan and customary norms and laws prevent women from accessing and enjoying land and property.   |
| 126.3                 | Adopt a comprehensive law addressing all forms of violence against women and girls.   | Belgium  | Not implemented.  |
| 126.4                 | Fully implement the signed peace agreement designed to end the nearly civil war in South Sudan.   | Iceland  | No comment.   |
| 126.5                 | Fully implement the Agreement on the Resolution of the Conflict in the Republic of South Sudan, notably its provisions on accountability for violations of international humanitarian and human rights law committed during the conflict. | Canada   | None of the three transitional justice mechanisms in Chapter V have been established. After years of dragging its feet, in January 2021, the Council of Ministers approved a plan for establishing the Hybrid Court for South Sudan (HCSS), the Commission on Truth, Reconciliation and Healing (CTRH) and the Compensation and Reparation Authority (CRA). This marked a step forward, but by July 2021, no significant demonstrable progress has been made beyond establishing a taskforce, the reconstitution of a technical committee supposed to conduct additional consultations to inform enabling legislation for the CTRH, and the launch of the consultative process. |

|       |   |             |   |
|-------|---|-------------|---|
|       |   |             | Judicial reform has also not taken place. Crimes under international law are not domesticated, the judicial system lacks independence and the government lacks political will to hold perpetrators of serious crimes accountable.   |
| 126.6 | Take the necessary measures to implement the provisions of the August 2015 peace agreement on justice and reconciliation, which is a prerequisite for improving the situation of human rights in the country. | France      | None of the three transitional justice mechanisms in Chapter V of the 2015 and 2018 peace agreements have been established. After years of dragging its feet, in January 2021, the Council of Ministers approved a plan for establishing the Hybrid Court for South Sudan (HCSS), the Commission on Truth, Reconciliation and Healing (CTRH) and the Compensation and Reparation Authority (CRA). This marked a step forward, but by July 2021, no significant demonstrable progress has been made beyond establishing a taskforce, the reconstitution of a technical committee supposed to conduct additional consultations to inform enabling legislation for the CTRH, and the launch of the consultative process. |
| 126.7 | Continue efforts to strengthen the commitment to the Agreement on the Resolution of the Conflict in the Republic of South Sudan by returning to a complete ceasefire as soon as possible.                     | Holy See    | No comment.   |
| 126.8 | Take action to implement the 2015 peace agreement envisaging a range of transitional justice, accountability and reconciliation institutions, which are essential for long-term peace in South Sudan.         | New Zealand | None of the three transitional justice mechanisms in Chapter V of the 2015 and 2018 peace agreements have been established. After years of dragging its feet, in January 2021, the Council of Ministers approved a plan for establishing the Hybrid Court for South Sudan (HCSS), the Commission on Truth, Reconciliation and Healing (CTRH) and the Compensation and Reparation Authority (CRA). This marked a step forward, but by July 2021, no significant demonstrable progress has been made beyond establishing a taskforce, the reconstitution of a technical committee supposed to conduct additional consultations to inform enabling legislation for the CTRH, and the launch of the consultative process. |
| 126.9 | Rapidly implement all provisions of the Agreement on the Resolution of the Conflict in the  | Austria     | None of the three transitional justice mechanisms in Chapter V of the 2015 and 2018 peace agreements have been  |

|        |  |              |   |
|--------|--|--------------|---|
|        | Republic of South Sudan, including the justice and reconciliation aspects of the Agreement.  |              | established. After years of dragging its feet, in January 2021, the Council of Ministers approved a plan for establishing the Hybrid Court for South Sudan (HCSS), the Commission on Truth, Reconciliation and Healing (CTRH) and the Compensation and Reparation Authority (CRA). This marked a step forward, but by July 2021, no significant demonstrable progress has been made beyond establishing a taskforce, the reconstitution of a technical committee supposed to conduct additional consultations to inform enabling legislation for the CTRH, and the launch of the consultative process.                |
| 126.10 | Propose specific initiatives and policies aimed at combating all manifestations of racial and ethnic intolerance and respect the Agreement on the Resolution of the Conflict in the Republic of South Sudan. | Saudi Arabia | No comment.   |
| 126.11 | Develop a comprehensive strategy to strengthen social cohesion and respect for racial, religious, tribal and ethnic diversity, to strengthen the national peace plan.  | Saudi Arabia | No comment.   |
| 126.12 | Undertake fundamental reforms to resolve the dispute in South Sudan.   | Saudi Arabia | No comment.   |
| 126.13 | Continue its efforts towards peace and national reconciliation.  | Cuba         | No comment.   |
| 126.14 | Continue efforts to strengthen national reconciliation and fight against insecurity.   | Senegal      | No comment.   |
| 126.15 | Take the necessary steps to ensure the consolidation of peace, justice and reconciliation in the country.  | South Africa | None of the three transitional justice mechanisms in Chapter V have been established. After years of dragging its feet, in January 2021, the Council of Ministers approved a plan for establishing the Hybrid Court for South Sudan (HCSS), the Commission on Truth, Reconciliation and Healing (CTRH) and the Compensation and Reparation Authority (CRA). This marked a step forward, but by July 2021, no significant demonstrable progress has been made beyond establishing a taskforce, the reconstitution of a technical committee supposed to conduct additional consultations to inform enabling legislation |

|        |   |          |  |
|--------|---|----------|--|
|        |   |          | for the CTRH, and the launch of the consultative process.<br><br>Judicial reform has also not taken place. Crimes under international law are not domesticated, the judicial system lacks independence and the government lacks political will to hold perpetrators of serious crimes accountable. |
| 126.16 | Implement the 2012 Peace and Reconciliation Commission Act in order to appease the climate of national instability and ensure effectively the promotion and protection of human rights. | Congo    | No comment.  |
| 126.17 | Continue to support the Peace and Reconciliation Commission to implement the comprehensive national reconciliation and healing programme.   | Uganda   | No comment.  |
| 126.18 | Continue its efforts to promote domestic peace and reconciliation processes in order to foster an enabling environment for human rights development.                                    | China    | The government has failed to foster an enabling environment for human rights development.  |
| 126.19 | Further strengthen the commitment to the peace and reconciliation process, also in order to guarantee a more effective protection of human rights and respect for the rule of law.      | Italy    | The government has not adequately and effectively protected human rights and promoted and demonstrated respect for the rule of law.  |
| 126.20 | Further focus on the respect of human rights.   | Djibouti | The government has not focused on the respect of human rights.   |
| 126.21 | Continue to maintain the promotion and protection of human rights as a major priority in national policies and strategies.  | Togo     | The promotion and protection of human rights is not a major priority in (the implementation of) national policies and strategies. In policies and strategies where human rights are central, this does not translate to significant improvement to the enjoyment of human rights in practice.      |
| 126.22 | Strengthen the capacity of the Human Rights Commission in South Sudan to facilitate access to justice for victims and witnesses, with due regard for their protection.                  | Spain    | Under the review period, the President has not appointed a Chairperson, so the Human Rights Commission is not fully established, and has failed to implement provision 1.19.1.8 of the 2018 R-ARCSS. The Commission does not have A-status under the Paris Principles.                             |
| 126.23 | Continue efforts to build the national human rights institutions and provide the necessary resources to execute their mandate.  | Egypt    | Under the review period, the President has not appointed a Chairperson, so the Human Rights Commission is not fully established, and has failed to implement provision 1.19.1.8 of the 2018 R-ARCSS.   |

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|        |  |                          | The Commission does not have A-status under the Paris Principles.   |
| 126.24 | Continue to strengthen national human rights instruments and mechanisms.   | Nepal                    | Under the review period, the President has not appointed a Chairperson, so the Human Rights Commission is not fully established, and has failed to implement provision 1.19.1.8 of the 2018 R-ARCSS. The Commission does not have A-status under the Paris Principles.                                |
| 126.25 | Accelerate the process for the development of government institutions for the promotion and protection of human rights.  | Togo                     | Unknown.  |
| 126.26 | Develop a national human rights action plan for better implementation and monitoring.  | Ethiopia                 | Not implemented.  |
| 126.27 | Continue efforts for the implementation of a human rights agenda and action plan.  | Pakistan                 | Not implemented.  |
| 126.28 | Continue to seek the necessary technical and capacity-building assistance to effectively implement key national priorities and international human rights obligations. | South Africa             | Unknown.  |
| 126.29 | Continue to engage its regional and international partners with a view to seeking technical and other assistance in the field of human rights.                         | Philippines              | Unknown.  |
| 126.30 | Continue to adopt measures aiming at the protection of children.   | Sudan                    | Some steps have been taken towards ending and preventing all grave violations against children in armed conflict by signing the action plan with the UN's Special Representative on Children Affected by Armed Conflict (CAAC).<br><br>However, the human rights situation for children remains dire. |
| 126.31 | Take necessary measures to implement a national public awareness campaign on children's rights.  | Sudan                    | Unknown.  |
| 126.32 | Continue to seek technical assistance from the international community in line with recommendation 12 in the OHCHR assessment mission report.                          | Namibia                  | Unknown.  |
| 126.33 | Further cooperate with the conventional mechanisms of the United Nations and of the African Union.   | Central African Republic | UN: South Sudan has cooperated with the UN Commission on Human Rights in South Sudan (CHRSS).<br><br>AU: Unknown.   |

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| 126.34 | Constructively engage to garner technical and financial support from the United Nations agencies and the wider international community for the more effective promotion and protection of human rights. | Nepal        | Unknown.  |
| 126.35 | Engage with relevant international partners and civil society to develop appropriate mechanisms of prevention and response to deal with violence and violations of human rights.                        | Serbia       | Unknown.  |
| 126.36 | Reinforce its efforts to eradicate harmful customs and practices that are discriminatory against women.   | India        | Not implemented.<br><br>Child and forced marriage are common and widespread in South Sudan, with detrimental effects on the sexual and reproductive health of women and girls. According to the United Nations Population Fund (UNFPA), almost half of 18-year-old girls were married (June 2020).  |
| 126.37 | Develop a comprehensive strategy to eliminate discrimination against women and girls in the area of education, to prevent the increase of illiteracy among females.                                     | Saudi Arabia | Access to education is painfully restricted and unequal. According to a UNICEF, more than two million children, are out of school (June 2021). Most of these children are girls. Poverty, child marriage, teenage pregnancies, abductions, war, and cultural and religious views have all contributed to these high numbers of children out of school. Only 4% of 800,000 children with disabilities attend school (UNICEF, 2020). The government has chronically underinvested in education, including for girls.<br><br>According to UNESCO (2018), the literacy rate for women over 15 years old is 28.9 percent. The literacy rate for men over 15 years old is 40.3 percent. |
| 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   | Some steps have been taken towards ending and preventing all grave violations against children in armed conflict by signing the action plan with the UN's Special Representative on Children Affected by Armed Conflict (CAAC). Despite this, children are still recruited and used in conflict.<br><br>The army and police signed an action plan on preventing and eliminating sexual violence. Some improvement has been  |

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|        |   |            | made by the establishment of a Gender-Based Violence (GBV) and Juvenile Court.<br><br>Despite these efforts, sexual violence is still widespread and committed with impunity.  |
| 126.39 | Put in place a strategic plan aimed at strengthening the promotion and respect of the rights of women and vulnerable persons. | Djibouti   | Unknown.   |
| 126.40 | Continue its effort to protect the rights of women, children and vulnerable groups.   | Indonesia  | South Sudanese women and girls face myriad hardships and obstacles in their daily lives, including high levels of poverty, low levels of literacy, pronounced gender gaps in education and political representation, and the highest maternal mortality rate in the world— estimated at 789 deaths per 100,000 live births (July 2019, UNFPA).<br><br>Rights for vulnerable groups including refugees and internally displaced people (IDP) remain dire. |
| 126.41 | Take further steps to improve the humanitarian situation.   | Japan      | South Sudan’s humanitarian crisis remains one of the most dire and complex in the world.<br><br>The government fails to protect aid workers and ensure humanitarian access. It has also failed to prosecute suspects of killings of humanitarian workers.  |
| 126.42 | Take all appropriate measures to protect people from all forms of sexual violence.  | Luxembourg | The army and police signed an action plan on preventing and eliminating sexual violence. Some improvement has been made by the establishment of a Gender-Based Violence (GBV) and Juvenile Court.<br><br>Despite these efforts, sexual violence is still widespread and committed with impunity. Survivors of sexual violence struggle to access services such as health care and psycho-social support.   |
| 126.43 | Enhance efforts to combat violence against women.   | Italy      | The army and police signed an action plan on preventing and eliminating sexual violence. Some improvement has been made by the establishment of a Gender-Based Violence (GBV) and Juvenile Court.<br><br>Despite these efforts, sexual violence is still widespread and committed with impunity. Survivors of sexual violence struggle to access services such as health care and psycho-social support.   |

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| 126.44 | Strengthen efforts to combat sexual violence against women and children, including through the development and strengthening of relevant laws.   | South Africa      | <p>The army and police signed an action plan on preventing and eliminating sexual violence. Some improvement has been made by the establishment of a Gender-Based Violence (GBV) and Juvenile Court.</p> <p>Despite these efforts, sexual violence is still widespread and committed with impunity. Survivors of sexual violence struggle to access services such as health care and psycho-social support.</p>  |
| 126.45 | Undertake all necessary measures to eliminate discrimination and abuses against women and girls.   | Georgia           | Not implemented.   |
| 126.46 | Stop sexual violence against women and investigate all reported cases.   | Republic of Korea | <p>The army and police signed an action plan on preventing and eliminating sexual violence. Some improvement has been made by the establishment of a Gender-Based Violence (GBV) and Juvenile Court. There have been ad-hoc military tribunals that tried sexual violence cases, but these were not before the competent courts because military courts lack jurisdiction to prosecute soldiers for crimes against civilians.</p> <p>Despite these efforts, sexual violence is still widespread and committed with impunity.</p> |
| 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          | Not implemented. Child, early and forced marriage are still rampant in South Sudan.  |
| 126.48 | Take effective action to eliminate the phenomenon of female genital mutilation.  | Cyprus            | Unknown.   |
| 126.49 | Stop and prevent violations and abuses of children's rights, including by actively preventing and combating the recruitment and use of children in hostilities by parties to the conflict. | Slovenia          | <p>Some steps have been taken towards ending and preventing all grave violations against children in armed conflict by signing the action plan with the UN's Special Representative on Children Affected by Armed Conflict (CAAC).</p> <p>Despite this, children are still recruited and used in conflict.</p>   |
| 126.50 | Cease the recruitment and use of children in armed conflict.   | Slovakia          | <p>Some steps have been taken towards ending and preventing all grave violations against children in armed conflict by signing the action plan with the UN's Special Representative on Children Affected by Armed Conflict (CAAC).</p>   |

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|        |   |          | Despite this, children are still recruited and used in conflict.   |
| 126.51 | Further improve the promotion and protection of children's rights and prevent the recruitment of child soldiers.  | Ukraine  | Some steps have been taken towards ending and preventing all grave violations against children in armed conflict by signing the action plan with the UN's Special Representative on Children Affected by Armed Conflict (CAAC). Despite this, children are still recruited and used in conflict. |
| 126.52 | Redouble efforts aimed at stopping the recruitment and use of children in armed conflict.   | Djibouti | Some steps have been taken towards ending and preventing all grave violations against children in armed conflict by signing the action plan with the UN's Special Representative on Children Affected by Armed Conflict (CAAC). Despite this, children are still recruited and used in conflict. |
| 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  | Partially implemented. South Sudan ratified the two optional protocols to the Convention on the Rights of the Child (CRC).   |
| 126.54 | Work for the social reintegration of child soldiers, refugees and displaced persons who have opted to return to their original location.  | Senegal  | Unknown.   |
| 126.55 | Ensure the safe return of demobilized child soldiers to their families and ensure their access to education.  | Slovakia | Unknown.   |
| 126.56 | Promote the guarantee of the human rights of children and elderly people affected by the internal conflict, including family reunification.   | Colombia | Unknown.   |
| 126.57 | Ensure an impartial and comprehensive investigation of all reported cases of human rights violations and bring the perpetrators to justice.   | Georgia  | Not implemented.   |
| 126.58 | Adopt legal instructions and orders to all armed forces, military intelligence and allied militia, with the aim to prevent and punish all abuses, including crimes of sexual and gender-based violence.   | Albania  | Unknown.   |

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| 126.59 | Ensure access to justice for victims of sexual violence, ensuring the effective implementation of laws protecting women.   | Luxembourg   | The army and police signed an action plan on preventing and eliminating sexual violence. Some improvement has been made by the establishment of a Gender-Based Violence (GBV) and Juvenile Court. However, barriers to accessing justice remain high. For instance, South Sudan does not have a victim and witness protection mechanism or law.   |
| 126.60 | Investigate and prosecute incidents of sexual violence perpetrated by both parties to the conflict.  | Sierra Leone   | The GBV and Juvenile Court's warrant of establishment does not specifically include war crimes. There have been ad-hoc military tribunals that tried sexual violence cases, but these were not before the competent courts because military courts lack jurisdiction to prosecute soldiers for crimes against civilians. The Government of South Sudan lacks the political will to hold perpetrators of serious crimes, including sexual violence, accountable.   |
| 126.61 | Ensure proper investigation into allegations of violations of international humanitarian and human rights law.   | Ukraine  | The Government of South Sudan lacks the political will to hold perpetrators of serious crimes, including sexual violence, accountable. Civilian and military courts lack independence and military courts lack jurisdiction to prosecute soldiers for crimes against civilians. South Sudanese authorities have failed to establish and operationalize the Hybrid Court for South Sudan (HCSS).   |
| 126.62 | Work with the African Union to establish a hybrid court and the commission for truth, reconciliation and healing within the time frame set out in the peace agreement. | United Kingdom of Great Britain and Northern Ireland | Not implemented. The HCSS and the Commission for Truth, Reconciliation and Healing (CTRH) have not been established. After years of dragging its feet, in January 2021, the Council of Ministers approved a plan for establishing the HCSS, the CTRH and the Compensation and Reparation Authority (CRA). This marked a step forward, but by July 2021, no significant demonstrable progress has been made beyond establishing a taskforce, the reconstitution of a technical committee supposed to conduct additional consultations to inform enabling legislation for the CTRH, and the launch of the consultative process. |
| 126.63 | Fulfil its obligation under the Agreement on the Resolution of the Conflict in the Republic of South Sudan to cooperate fully in establishing the hybrid court.        | United States of America                             | Not implemented. The Government has failed to establish the HCSS. On 2 April 2019, the government signed a contract with a US-based lobby firm to, amongst others, "delay and ultimately  |

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|        |  |              | <p>block [the] establishment of the hybrid court". Following public outrage, the parties amended the contract on 7 May 2019 and removed the clause obstructing the HCSS.</p> <p>After years of dragging its feet, in January 2021, the Council of Ministers approved a plan for establishing the HCSS, the CTRH and the CRA. This marked a step forward, but by July 2021, no significant demonstrable progress has been made beyond establishing a taskforce.</p>   |
| 126.64 | Work with the African Union to establish the hybrid court set out in the August 2015 peace agreement.  | Australia    | <p>Not implemented. The Government has failed to establish the HCSS.</p> <p>On 2 April 2019, the government signed a contract with a US-based lobby firm to, amongst others, "delay and ultimately block [the] establishment of the hybrid court". Following public outrage, the parties amended the contract on 7 May 2019 and removed the clause obstructing the HCSS.</p> <p>After years of dragging its feet, in January 2021, the Council of Ministers approved a plan for establishing the HCSS, the CTRH and the CRA. This marked a step forward, but by July 2021, no significant demonstrable progress has been made beyond establishing a taskforce.</p> |
| 126.65 | Facilitate the effective functioning of the Transitional Government of National Unity, the implementation of the peace agreement and the establishment of the hybrid court by the African Union. | Kenya        | <p>Not implemented. The Government has failed to establish the HCSS.</p> <p>On 2 April 2019, the government signed a contract with a US-based lobby firm to, amongst others, "delay and ultimately block [the] establishment of the hybrid court". Following public outrage, the parties amended the contract on 7 May 2019 and removed the clause obstructing the HCSS.</p> <p>After years of dragging its feet, in January 2021, the Council of Ministers approved a plan for establishing the HCSS, the CTRH and the CRA. This marked a step forward, but by July 2021, no significant demonstrable progress has been made beyond establishing a taskforce.</p> |
| 126.66 | Strengthen transitional justice by establishing the hybrid court and a truth and reconciliation commission.  | Sierra Leone | <p>Not implemented. The HCSS and the Commission for Truth, Reconciliation and Healing (CTRH) have not been established. After years of dragging its feet, in January 2021, the Council of Ministers approved a plan for establishing the HCSS, the CTRH and the Compensation and Reparation Authority (CRA). This marked a step forward, but by</p>  |

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|        |  |                                  | July 2021, no significant demonstrable progress has been made beyond establishing a taskforce, the reconstitution of a technical committee supposed to conduct additional consultations to inform enabling legislation for the CTRH, and the launch of the consultative process.  |
| 126.67 | Take measures to ensure freedom of expression.   | Japan                            | The rights to freedom of opinion and expression, including media freedoms, continue to be restricted in South Sudan.  |
| 126.68 | Focus on economic, social and cultural rights as a first step to lifting the country out of the cycle of poverty and underdevelopment according to the Agenda 2030 on Sustainable Development of the United Nations. | United Arab Emirates             | Unknown.  |
| 126.69 | Continue its efforts to consolidate social policies in favour of the most vulnerable sectors of its people, counting on the assistance and cooperation of the community of nations, as requested by the country.     | Bolivarian Republic of Venezuela | Unknown.  |
| 126.70 | Promptly address the impact of the conflict on civilians' access to food, including through concrete steps in technical assistance and capacity-building, as requested in the national report.                       | Brazil                           | <p>More than 5.7 million people in South Sudan lack sufficient food to satisfy their basic needs (Integrated Food Security Phase Classification, May 2021).</p> <p>According to the CHRSS, government forces and armed opposition groups have used hunger as a weapon of war in the Equatorias, Western Bar El Ghazal and Unity states, cutting supplies, looting from markets and homes, burning produce and targeting civilians, even while cultivating in their fields, for their perceived allegiances.</p> |
| 126.71 | Guarantee the human rights to water and sanitation by increasing access to drinking water and sanitation facilities.   | Spain                            | Only 10% of the population has access to clean water and adequate sanitation which are constituent elements of the right to health and essential to the realization of all other rights (WHO, UNICEF). Most of the country is forced to drink contaminated water which leads to water-borne diseases, a major cause of child mortality. The lack of adequate access to clean water affects the ability of people to taking measures to prevent infections and the spread of diseases including COVID-19.        |
| 126.72 | Take further steps to provide access to education for all citizens, in particular in rural areas.  | Sudan                            | Access to education is painfully restricted and unequal.  |

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|        |  |         | Attacks on education continue to occur, including the use of schools by armed forces and groups, attacks on schools, attacks on students and teachers, and sexual violence at schools.   |
| 126.73 | Implement the Convention on the Rights of the Child through the 2012 General Education Act, to enable all children to join school. | Kenya   | Access to education is painfully restricted and unequal. According to a UNICEF, more than two million children, are out of school (June 2021). Most of these children are girls. Poverty, child marriage, teenage pregnancies, abductions, war, and cultural and religious views have all contributed to these high numbers of children out of school. Only 4% of 800,000 children with disabilities attend school (UNICEF, 2020). The government has chronically underinvested in education, including for girls. |
| 126.74 | Take all appropriate measures to protect children's rights, especially by ensuring their access to primary education.              | Italy   | Access to education is painfully restricted and unequal. According to a UNICEF, more than two million children, are out of school (June 2021). Most of these children are girls. Poverty, child marriage, teenage pregnancies, abductions, war, and cultural and religious views have all contributed to these high numbers of children out of school. Only 4% of 800,000 children with disabilities attend school (UNICEF, 2020). The government has chronically underinvested in education, including for girls. |
| 126.75 | Promote the inclusiveness of persons with disabilities.  | Angola  | Unknown.   |
| 126.76 | Provide internally displaced persons with assistance and protect their rights.   | China   | Unknown.   |
| 126.77 | Continue to seek support to address the issue of internally displaced persons.   | Nigeria | Unknown.   |

The following recommendations enjoy South Sudan's support with the note that the government needs technical assistance and resources to fully implement them.

| Recommendation number | Recommendation   | Country   | Note on degree of implementation   |
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| 128.2                 | Promptly ratify the International Convention on the Elimination of All Forms of Racial Discrimination. | Guatemala | Not implemented.   |
| 128.3                 | Promptly ratify the International Covenant on Civil and Political Rights.                              | Guatemala | In June 2019, parliament ratified the ICCPR. However, the instrument is still pending presidential accession and |

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|       |  |                             | subsequent depositing with the UN Secretary General.   |
| 128.4 | Promptly ratify the International Covenant on Economic, Social and Cultural Rights.  | Guatemala                   | In June 2019, parliament ratified the ICESCR. However, the instrument is still pending presidential accession and subsequent depositing with the UN Secretary General.   |
| 128.5 | Ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.  | Belgium<br>Norway<br>Panama | In June 2019, parliament ratified the ICCPR and the ICESCR. However, these instruments are still pending presidential accession and subsequent depositing with the UN Secretary General.   |
| 128.6 | Continue ratifying core human rights treaties, namely the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.   | Indonesia                   | South Sudan has ratified/acceded to five out of the nine core human rights treaties: CEDAW and CEDAW OP; CAT and CAT OP; UNCRC and UNCRC OPSC and UNCRC OPAC.<br><br>In June 2019, parliament ratified the ICCPR and the ICESCR. However, these instruments are still pending presidential accession and subsequent depositing with the UN Secretary General.  |
| 128.7 | Proceed with the early ratification of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.  | Japan                       | In June 2019, parliament ratified the ICCPR and the ICESCR. However, these instruments are still pending presidential accession and subsequent depositing with the UN Secretary General.   |
| 128.8 | Ratify the core international human rights instruments, particularly the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.  | Nepal                       | South Sudan has ratified/acceded to five out of the nine core human rights treaties: CEDAW and CEDAW OP; CAT and CAT OP; UNCRC and UNCRC OPSC and UNCRC OPAC.<br><br>In June 2019, parliament ratified the ICCPR and the ICESCR. However, these instruments are still pending presidential accession and subsequent depositing with the UN Secretary General.  |
| 128.9 | Ratify core international human rights treaties, namely the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and their Optional Protocols, as well as the International Convention for the Protection of All Persons from Enforced Disappearance. | Portugal                    | South Sudan has ratified/acceded to five out of the nine core human rights treaties: CEDAW and CEDAW OP; CAT and CAT OP; UNCRC and UNCRC OPSC and UNCRC OPAC.<br><br>In June 2019, parliament ratified the ICCPR and the ICESCR. However, these instruments are still pending presidential accession and subsequent depositing with the UN Secretary General.<br><br>South Sudan has not ratified the International Convention for the |

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|        |   |                          | Protection of All Persons from Enforced Disappearance.   |
| 128.31 | Amend its customary law so as to ensure compliance with the Convention on the Elimination of All Forms of Discrimination against Women, particularly in respect of inheritance.   | Algeria                  | Not implemented.   |
| 128.32 | Amend customary law and ensure its compliance with the Convention on the Elimination of All Forms of Discrimination against Women and the Transitional Constitution.  | Maldives                 | Not implemented.   |
| 128.36 | Set up permanent and sustainable programmes of education and training on human rights for public servants, in particular members of the armed forces and the judicial sector, with a focus on protecting vulnerable groups. | Colombia                 | Unknown.   |
| 128.37 | Enable the full deployment, without obstruction, of the UNMISS Regional Protection Force, as authorized by Security Council resolution 2304 (2016), to bring stability and help prevent further atrocities.                 | United States of America | Not implemented. The UNMISS Regional Protection Force was never deployed.  |
| 128.38 | Allow and facilitate immediately the deployment of the UNMISS Regional Protection Force as mandated by the Security Council.  | Germany                  | Not implemented. The UNMISS Regional Protection Force was never deployed.  |
| 128.39 | Continue efforts to improve conditions of detention and abolish the death penalty, with a view to commuting all death sentences.  | Holy See                 | <p>Conditions of detention remain dire and prisoners have poor access to food and healthcare, at times leading to deaths in custody. Prisons are overcrowded and unsanitary.</p> <p>South Sudan actively uses the death penalty. 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. Until the death penalty is abolished, future judicial proceedings before both civilian and military courts present a high risk of death sentences and executions.</p> |
| 128.42 | Take preventive and more effective measures aimed at promoting and protecting   | Bahrain                  | Not implemented.   |

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|        | human rights, especially in the light of the cases in which the safety and security of civilians is lacking and where the scope of armed conflicts in parts of the country is wider.  |          |  |
| 128.46 | Allow and facilitate immediate, unimpeded and sustained humanitarian access to all parts of the country.  | Ukraine  | Humanitarian access is not unimpeded in all parts of the countries. Attacks on humanitarian personnel go unpunished.   |
| 128.47 | Immediately respect the ceasefire and facilitate full and unimpeded access for humanitarian aid to the entire country.  | Germany  | The ceasefire was broken on numerous occasions during the period under review and all sides to the conflict violated international human rights and humanitarian law. In 2020 and 2021, sporadic clashes between parties to the armed conflict continued, mainly in the south.   |
| 128.48 | Guarantee immediate and unhindered humanitarian access to populations in need throughout the country and ensure the protection of the civilian population, including of persons in vulnerable situations.   | Sweden   | Humanitarian access is not unimpeded in all parts of the countries. Attacks on humanitarian personnel go unpunished.   |
| 128.49 | Guarantee the effective delivery of humanitarian assistance to civilians and the protection of humanitarian actors, with full respect for international humanitarian law, while stepping up cooperation with the UNMISS Human Rights Division, in particular concerning the implementation of the cessation-of-hostilities agreement of January 2014. | Brazil   | Humanitarian access is not unimpeded in all parts of the countries. Attacks on humanitarian personnel go unpunished.   |
| 128.50 | Permit unimpeded humanitarian access for civil society, NGOs and United Nations agencies, without threat of harassment or violence, to ensure the provision of vital supplies and assistance to populations in need.  | Ireland  | Humanitarian access is not unimpeded in all parts of the countries. Attacks on humanitarian personnel go unpunished.   |
| 128.51 | Create care mechanisms for the communities affected by the conflict, including psychiatric care.  | Colombia | Despite significant and widespread need, the availability and accessibility of mental health and psychosocial support services in South Sudan is extremely limited. South Sudan only has three national psychiatrists who work on a roving basis and provide training and supervision to health staff. They see patients in Juba |

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|        |   |           | Teaching Hospital which is the only public medical facility providing in-patient psychiatric care and which has insufficient beds in its psychiatric ward. The availability of psychotropic drugs is inconsistent and limited. Lacking appropriate services and facilities, people with mental health conditions are routinely housed in prisons, even if they have committed no crime. |
| 128.52 | Prevent and put an end to human rights violations and abuses suffered by children, strengthen measures aimed at ensuring an effective end to their recruitment and their release. | Argentina | Some steps have been taken towards ending and preventing all grave violations against children in armed conflict by signing the action plan with the UN's Special Representative on Children Affected by Armed Conflict (CAAC). Despite this, children are still recruited and used in conflict.  |
| 128.55 | Immediately live up to its commitment to end the use of child soldiers and minors in armed conflicts.   | Denmark   | Some steps have been taken towards ending and preventing all grave violations against children in armed conflict by signing the action plan with the UN's Special Representative on Children Affected by Armed Conflict (CAAC). Despite this, children are still recruited and used in conflict.  |
| 128.56 | Take measures to put an end to the recruitment of children by the armed forces or armed groups.   | France    | Some steps have been taken towards ending and preventing all grave violations against children in armed conflict by signing the action plan with the UN's Special Representative on Children Affected by Armed Conflict (CAAC). Despite this, children are still recruited and used in conflict.  |
| 128.57 | Strengthen ongoing efforts to end the recruitment of child soldiers and ensure the release of all children associated with armed groups.  | Maldives  | Some steps have been taken towards ending and preventing all grave violations against children in armed conflict by signing the action plan with the UN's Special Representative on Children Affected by Armed Conflict (CAAC). Despite this, children are still recruited and used in conflict.  |
| 128.58 | Stop and prevent violations and abuses of children's rights, including by actively preventing and combating the recruitment and use of children in hostilities.                   | Portugal  | Some steps have been taken towards ending and preventing all grave violations against children in armed conflict by signing the action plan with the UN's Special Representative on Children Affected by Armed Conflict (CAAC). Despite this, children are still recruited and used in conflict.  |
| 128.59 | Adopt measures to restrict the recruitment of children in the conflict and to ensure their demobilization and integration   | Chile     | Some steps have been taken towards ending and preventing all grave violations against children in armed conflict by signing the action plan with the UN's   |

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|        | into society. Pursue and punish all those responsible for violations of the human rights of children, in particular for killings and mutilations.  |             | Special Representative on Children Affected by Armed Conflict (CAAC). Despite this, children are still recruited and used in conflict.   |
| 128.60 | Take the necessary steps to prevent the recruitment of girls and boys by the army and other armed forces, and put in place a mechanism for the disarmament, demobilization and reintegration of girls and boys who have been involved in the armed conflict. | Mexico      | Some steps have been taken towards ending and preventing all grave violations against children in armed conflict by signing the action plan with the UN's Special Representative on Children Affected by Armed Conflict (CAAC). Despite this, children are still recruited and used in conflict.             |
| 128.61 | Investigate all cases of human rights violations and abuses and prosecute those responsible without exceptions and immunity.   | Slovenia    | The government lacks political will to hold perpetrators of serious crimes accountable. Individuals sanctioned by the UN Security Council, or otherwise implicated, for their involvement in serious crimes, have been promoted and given senior army and government positions, most recently in April 2021. |
| 128.62 | Investigate the serious human rights violations committed since independence and prosecute those responsible.  | Costa Rica) | The government lacks political will to hold perpetrators of serious crimes accountable. Individuals sanctioned by the UN Security Council, or otherwise implicated, for their involvement in serious crimes, have been promoted and given senior army and government positions, most recently in April 2021. |
| 128.63 | Immediately end all and prevent further violations of international human rights law and international humanitarian law committed by members of the armed forces and allied militias.  | Austria     | During the period under review, all sides to the conflict violated international human rights and humanitarian law with impunity. In 2020 and 2021, sporadic clashes between parties to the armed conflict continued, mainly in the south.   |
| 128.64 | End impunity for all human rights violations and launch credible, transparent and comprehensive investigations into all allegations of violations of international human rights law, including those possibly constituting international crimes.             | Norway      | The government lacks political will to hold perpetrators of serious crimes accountable.<br><br>Civilian and military courts lack independence and military courts lack jurisdiction to prosecute soldiers for crimes against civilians.  |
| 128.65 | Ensure prompt, credible, transparent, impartial and comprehensive investigations leading to prosecutions of the allegations of gross violations and abuses of international human rights law and violations of international humanitarian                    | Portugal    | The government lacks political will to hold perpetrators of serious crimes accountable.<br><br>Civilian and military courts lack independence and military courts lack jurisdiction to prosecute soldiers for crimes against civilians.  |

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|        | law, thus guaranteeing that perpetrators are duly accountable before justice.   |         |  |
| 128.66 | Take all necessary measures to safeguard the full enjoyment of human rights by women and girls, including by promptly and independently investigating all allegations of sexual and gender-based violence and bringing perpetrators of such crimes to justice, in accordance with international standards.                            | Sweden  | <p>The army and police signed an action plan on preventing and eliminating sexual violence. Some improvement has been made by the establishment of a Gender-Based Violence (GBV) and Juvenile Court. There have been ad-hoc military tribunals that tried sexual violence cases, but these were not before the competent courts because military courts lack jurisdiction to prosecute soldiers for crimes against civilians.</p> <p>Despite these efforts, sexual violence is still widespread and committed with impunity.</p> |
| 128.67 | Ensure that all forces, including any affiliated militia forces, immediately cease all violations and abuses of international humanitarian and human rights law, in particular against women and girls and including violations perpetrated by State security institutions, and end impunity by bringing the perpetrators to justice. | Canada  | <p>During the period under review, all sides to the conflict violated international human rights and humanitarian law with impunity. In 2020 and 2021, sporadic clashes between parties to the armed conflict continued, mainly in the south.</p>  |
| 128.68 | Urgently adopt effective measures to combat sexual violence in the whole territory, to ensure accountability for those responsible of such crimes and to ensure total redress for victims, by guaranteeing sufficient financial resources to implement such measures.   | Chile   | <p>The army and police signed an action plan on preventing and eliminating sexual violence. Some improvement has been made by the establishment of a Gender-Based Violence (GBV) and Juvenile Court. There have been ad-hoc military tribunals that tried sexual violence cases, but these were not before the competent courts because military courts lack jurisdiction to prosecute soldiers for crimes against civilians.</p> <p>Despite these efforts, sexual violence is still widespread and committed with impunity.</p> |
| 128.69 | End, investigate independently and prosecute promptly cases of sexual violence against civilians, as well as of assaults on and harassment of journalists and civil society activists.  | Germany | <p>The army and police signed an action plan on preventing and eliminating sexual violence. Some improvement has been made by the establishment of a Gender-Based Violence (GBV) and Juvenile Court. There have been ad-hoc military tribunals that tried sexual violence cases, but these were not before the competent courts because military courts lack jurisdiction to</p>   |

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|        |  |           | <p>prosecute soldiers for crimes against civilians.</p> <p>Despite these efforts, sexual violence is still widespread and committed with impunity.</p> <p>Assaults on and harassment of journalists and civil society activists continues, primarily by the National Security Service (NSS), with impunity.</p>  |
| 128.70 | Undertake prompt, effective and impartial investigations into allegations of crimes under international law and human rights violations, in particular sexual and gender-based violence. | Iceland   | <p>The government lacks political will to hold perpetrators of serious crimes accountable.</p> <p>Civilian and military courts lack independence and military courts lack jurisdiction to prosecute soldiers for crimes against civilians.</p> <p>Some improvement has been made by the establishment of a Gender-Based Violence (GBV) and Juvenile Court. There have been ad-hoc military tribunals that tried sexual violence cases, but these were not before the competent courts because military courts lack jurisdiction to prosecute soldiers for crimes against civilians.</p> <p>Despite these efforts, sexual violence is still widespread and committed with impunity.</p> |
| 128.71 | Investigate promptly cases of sexual and gender-based violence and ensure that perpetrators are brought to justice.  | Latvia    | <p>Some improvement has been made by the establishment of a Gender-Based Violence (GBV) and Juvenile Court. There have been ad-hoc military tribunals that tried sexual violence cases, but these were not before the competent courts because military courts lack jurisdiction to prosecute soldiers for crimes against civilians.</p> <p>Despite these efforts, sexual violence is still widespread and committed with impunity.</p>  |
| 128.73 | Adopt measures to ensure the effective access of victims to remedy, including reparation and compensation.   | Argentina | Not implemented.   |
| 128.75 | Establish a special tribunal based on the recommendations of the report on the investigation into the attack on the Hotel Terrain and ensure   | Japan     | The Terrain case is one of the only cases dealing with serious crimes perpetrated against civilians in the context of the conflict since 2013. A military court convicted 10 soldiers in connection with the killing of a journalist and rape and  |

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|        | accountability for all human rights violations.   |                          | sexual assault of aid workers during a July 2016 attack. The case was hailed as a success, but a closer analysis demonstrates fair trial concerns, the court's lack of jurisdiction and failure to investigate and prosecute high-ranking members of the army. |
| 128.76 | Set up immediately the hybrid court provided for in the 2015 peace agreement.   | Switzerland              | The HCSS (foreseen in the 2015 and 2018 peace agreements) has not been established.  |
| 128.77 | As provided in the peace agreement, support the swift establishment of a hybrid court to investigate cases of genocide, crimes against humanity, war crimes and other serious crimes under international and South Sudanese law.  | Czechia                  | The HCSS (foreseen in the 2015 and 2018 peace agreements) has not been established.  |
| 128.78 | Expedite as a matter of priority the establishment of a hybrid court for South Sudan, in line with the Agreement on the Resolution of the Conflict in the Republic of South Sudan, to try violations of human rights and other serious crimes in South Sudan and ensure accountability of all perpetrators. | Ireland                  | The HCSS (foreseen in the 2015 and 2018 peace agreements) has not been established.  |
| 128.79 | Take concrete measures to ensure better protection of civilians, in particular women and children, by supporting the setting up of a hybrid court and by investigating and prosecuting alleged serious violations of international law, including when perpetrated by its military personnel.               | Finland                  | The HCSS (foreseen in the 2015 and 2018 peace agreements) has not been established.<br><br>The government lacks political will to hold perpetrators of serious crimes accountable.   |
| 128.80 | Guarantee the fight against impunity by ensuring that all those responsible for crimes are prosecuted and tried, in particular by speeding up, with the support of the African Union, the establishment of a hybrid court as foreseen in the peace agreement.   | France                   | The HCSS (foreseen in the 2015 and 2018 peace agreements) has not been established.<br><br>The government lacks political will to hold perpetrators of serious crimes accountable.   |
| 128.81 | Implement an effective birth registration policy for the whole country in order to consolidate the rights of children.  | Central African Republic | Unknown.   |
| 128.82 | Ensure that birth registration is stepped up through an ongoing   | Mexico                   | Unknown.   |

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|        | campaign and the efficient use of resources and that the right to sustainable nutrition, public health and basic education is secured for all children. |             |  |
| 128.83 | Ensure protection of freedom of expression and association, and take action to protect journalists.   | New Zealand | The rights to freedom of opinion and expression, including media freedoms, continue to be restricted in South Sudan. are responsible for censoring media, suspension and closure of news outlets, seizure of newspapers, blocking access to prominent news sites, revocation or denial of accreditation of foreign correspondents, summons, arbitrary arrests and prolonged detention for critical posts on social media. Cumulatively, electronic and physical surveillance – both in practice and perception – have created a pervasive climate of fear and self-censorship. |
| 128.84 | Guarantee fundamental freedoms, in particular freedom of expression, which will contribute to the reconciliation process.                               | France      | The rights to freedom of opinion and expression, including media freedoms, continue to be restricted in South Sudan. are responsible for censoring media, suspension and closure of news outlets, seizure of newspapers, blocking access to prominent news sites, revocation or denial of accreditation of foreign correspondents, summons, arbitrary arrests and prolonged detention for critical posts on social media. Cumulatively, electronic and physical surveillance – both in practice and perception – have created a pervasive climate of fear and self-censorship. |
| 128.85 | Ensure the protection of and access to all areas by journalists, human rights defenders and humanitarian workers.                                       | Australia   | The rights to freedom of opinion and expression, including media freedoms, continue to be restricted in South Sudan. are responsible for censoring media, suspension and closure of news outlets, seizure of newspapers, blocking access to prominent news sites, revocation or denial of accreditation of foreign correspondents, summons, arbitrary arrests and prolonged detention for critical posts on social media. Cumulatively, electronic and physical surveillance – both in practice and perception – have created a pervasive climate of fear and self-censorship. |
| 128.86 | Provide full access for journalists, human rights organizations and other members of civil society to all areas of the country.                         | Iceland     | Journalists and human rights defenders can physically access areas of the country. However, the NSS conducts physical surveillance through a widespread, cross-border network of informants and agents,  |

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|        |   |          | <p>by monitoring media and social media, and requiring event organizers to seek permission before holding any form of public gathering such as workshops and civil society meetings. The NSS has used these forms of surveillance illegally, in breach of the right to privacy, to arbitrarily arrest and illegally detain individuals and infringe on press freedoms, the freedom of opinion and expression, and the freedom of assembly.</p> <p>South Sudan's legal framework governing surveillance does not meet the principles of non-arbitrariness, legality, necessity, legitimacy and proportionality for surveillance to be a legitimate law enforcement tool and to not interfere with the right to privacy.</p> |
| 128.88 | Ensure the enjoyment of freedoms of expression and assembly and put to an end the unlawful detention of peaceful protesters.  | Botswana | Security forces have violated the right to freedom of peaceful assembly and association and detained peaceful protesters. Despite the repressive environment, human rights defenders have demonstrated, on occasion, without authorities violating their rights to peaceful assembly and the freedom of expression.  |
| 128.90 | Take all necessary measures to ensure that civil society organizations, human rights defenders and journalists are able to carry out their legitimate activities without facing legal or administrative obstructions or fear or threat of reprisals.                        | Sweden   | National actors reporting on human rights violations or engaging with international human rights actors are perceived as traitors or leaking state secrets. Human rights work is fraught with danger.  |
| 128.91 | Promote and protect civil society space and carry out effective and impartial investigations into all cases of intimidation and violence against civil society actors and hold perpetrators of such acts accountable in accordance with international fair trial standards. | Finland  | Since the previous review, the NSS and the Military Intelligence Directorate continue to arbitrarily arrest actual and perceived government opponents and other critics, including journalists and civil society members, and to hold them in prolonged arbitrary detention in harsh conditions without charge or prospect of trial. This is done with impunity.   |
| 128.93 | Establish a robust legal framework for the functioning of a pluralistic system of political parties and ensure that free and fair elections are held regularly and in accordance with international standards.  | Czechia  | No comment.  |
| 128.94 | Take measures to enhance access to basic products among vulnerable communities by   | Colombia | Unknown.   |

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|        | creating food security programmes in areas particularly affected by the phenomenon of global warming.   |          |  |
| 128.95 | Ensure access to safe and quality education for children.   | Slovakia | Access to education is painfully restricted and unequal. According to a UNICEF, more than two million children, are out of school (June 2021). Most of these children are girls. Poverty, child marriage, teenage pregnancies, abductions, war, and cultural and religious views have all contributed to these high numbers of children out of school. Only 4% of 800,000 children with disabilities attend school (UNICEF, 2020). The government has chronically underinvested in education, including for girls. |
| 128.96 | Ensure the inclusion in all humanitarian and post-conflict reconstruction efforts of policies to protect the rights of persons with disabilities who belong to the most vulnerable groups in society.   | Austria  | Unknown.   |
| 128.97 | Take swift and immediate measures to protect and promote human rights, especially the rights of large sectors of people displaced from areas affected by armed conflict, in accordance with international humanitarian law and international human rights law.                                | Bahrain  | Unknown.   |
| 129.5  | Carry out an evaluation with a view to ratifying the main human rights instruments, in particular the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of Persons with Disabilities. | Chile    | South Sudan has ratified/acceded to five out of the nine core human rights treaties: CEDAW and CEDAW OP; CAT and CAT OP; UNCRC and UNCRC OPSC and UNCRC OPAC.<br><br>In June 2019, parliament ratified the ICCPR and the ICESCR. However, these instruments are still pending presidential accession and subsequent depositing with the UN Secretary General.  |
| 129.6  | Finalize the ratification process for the International Covenant on Civil and Political Rights and incorporate into domestic law the provisions of the international conventions already ratified.  | France   | In June 2019, parliament ratified the ICCPR. However, the instrument is still pending presidential accession and subsequent depositing with the UN Secretary General.  |

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