



Human Rights Council
Working Group on the Universal Periodic Review
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Compilation on South Sudan

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

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. The Commission on Human Rights in South Sudan recommended that South Sudan sign, accede to or ratify international and regional human rights instruments, notably the International Convention for the Protection of All Persons from Enforced Disappearance³ and the Rome Statute of the International Criminal Court.⁴

3. The United Nations Mission in South Sudan (UNMISS) recommended that the Government conclude the process of accession to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and their Optional Protocols, by transmitting to the Secretary-General the respective instruments of accession.⁵

4. The United Nations country team recommended that South Sudan ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Convention on the Rights of Persons with Disabilities, and the United Nations Convention against Transnational Organized Crime and the Protocols thereto.⁶

5. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that South Sudan accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.⁷

6. UNMISS was established by the Security Council in July 2011 upon secession from the Sudan, with a reprioritized mandate in 2014,⁸ following renewed conflict in 2013. In 2021, the Security Council extended the UNMISS mandate until 15 March 2022.⁹ The mandate covers the protection of civilians, creating conditions conducive to the delivery of humanitarian assistance, supporting the implementation of the 12 September 2018



Revitalized Agreement on the Resolution of the Conflict in South Sudan and the peace process, and also covers monitoring, investigating and reporting on violations of humanitarian and human rights law.

7. The Office of the United Nations High Commissioner for Human Rights (OHCHR) is represented by the Human Rights Division of UNMISS. The Division monitors, investigates, verifies and reports on violations of international human rights law and international humanitarian law in South Sudan.

8. The Human Rights Council established the Commission on Human Rights in South Sudan for a one-year term in March 2016,¹⁰ to monitor and report on the situation of human rights in South Sudan, and extended its mandate annually from 2017 to 2021.¹¹

9. The Secretary-General granted formal eligibility for the Peacebuilding Fund from 2012 until 2019, when project implementation was halted owing to the deteriorating security situation. The Secretary-General granted re-eligibility for South Sudan in 2021 for a five-year period.¹²

10. In 2019, South Sudan submitted its midterm report regarding the implementation of the recommendations made during the second cycle of the universal periodic review in 2016.¹³

III. National human rights framework¹⁴

11. The Secretary-General and United Nations country team reported that between 8 and 11 May 2021, the President had dissolved the Transitional National Legislative Assembly and the Council of States and reconstituted the 400-member Assembly as a 550-member parliament.¹⁵

12. The Commission on Human Rights in South Sudan noted that, following the establishment in February 2020 of the Revitalized Transitional Government of National Unity of South Sudan, prolonged contestation over power-sharing, including at the State and local levels, had left vast areas of South Sudan in a governance vacuum. Legislative functions had ground to a halt, since parties had failed to agree on the reconstitution of the Transitional National Legislature. Consequently, several critical pieces of legislation necessary for the implementation of reforms were pending, including the Constitutional Amendment Bill to rectify anomalies in the Constitutional Amendment Act of 2020, which would convert the Revitalized Agreement to the Transitional Constitution.¹⁶

13. The Commission reported that signatories and non-signatories to the Revitalized Agreement had continued to violate the permanent ceasefire, the Cessation of Hostilities Agreement and the Rome Resolution thereon. Hostilities have involved the National Salvation Front, a non-signatory to the Revitalized Agreement; the Sudan People's Liberation Movement-Army in Opposition; and the South Sudan People's Defence Forces.¹⁷

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

A. Cross-cutting issues

1. Equality and non-discrimination¹⁸

14. The Commission on Human Rights in South Sudan noted that parties to the conflict exploited local rivalries, including instrumentalizing ethnic identities in order to marginalize and displace populations presumed dissident to one party or another.¹⁹ Government forces had sought to punish minority ethnic groups, whom they perceived as sympathetic to the opposition, by depriving civilians of goods indispensable to their survival. The Commission concluded that the targeted nature of the attacks, along ethnic lines, owing to perceived

support for the opposition, could amount to the crime against humanity of persecution along political and/or ethnic grounds under the draft statute of the hybrid court for South Sudan.²⁰

15. The Commission recommended that the Government take steps to address competition and marginalization; adopt a strategy for national reconciliation and healing;²¹ and initiate reforms to ensure that the security sector was pluralistic and ethnically inclusive.²²

16. The United Nations country team asserted that Penal Code articles criminalizing the deliberate infection of another person with a sexually transmitted disease and with HIV had been abused by law enforcement agents to arbitrarily arrest and detain people living with HIV, sex workers and men who have sex with men.²³

2. Development, the environment, and business and human rights²⁴

17. The Commission on Human Rights in South Sudan stated that, since the Comprehensive Peace Agreement of 2005, the economy of the South had depended primarily on oil revenues. Accrued profits were reportedly being appropriated by political elites rather than reinvested into the country.²⁵ The armed conflict was being driven by the need to control the oil-producing areas in Unity and Upper Nile states. The oil industry had been militarized and securitized, with the National Security Service having expanded its involvement in oil production and management.²⁶

18. The Commission recommended that the Government: ensure the implementation of the articles of the Revitalized Agreement on the Petroleum Revenue Management Act, which facilitated transparency, accountability and an equitable allocation of oil revenues; establish a mechanism to monitor the transfer of revenues to states and ensure public reporting; expedite operationalization of the Future Generations Fund and the Oil Revenue Stabilization Account, and audit the transfers of oil revenue to oil-producing states and communities since 2011.²⁷

19. The Commission reported that millions of dollars in non-oil revenues had been diverted from the National Revenue Authority. Such a diversion of State funds may amount to economic crimes by members of the Government.²⁸

20. The Commission stated that clashes in Central Equatoria were motivated by, inter alia, access to lucrative gold mines, illegal taxation, extortion and smuggling.²⁹

21. Corruption had reportedly been so lucrative that it infected every sector of the economy and every State institution.³⁰ The Commission observed that rampant corruption and economic crimes, which concentrated illicit wealth in a few hands, continued to foment grievances and drive conflict. A corrupt political system in which elite alliances of dominant ethnic groups marginalized and excluded others, while enjoying impunity for violations, contributed to violent competition at the national and local levels, where weak or absent State structures facilitated violations.³¹

22. The Commission on Human Rights in South Sudan recommended that the Government ensure that senior officials made written declarations regarding their assets prior to taking up a government post, and then annually, in compliance with the Southern Sudan Anti-Corruption Commission Act of 2009, and introduce legislation making it a criminal offence to provide a wrong declaration. It also recommended that South Sudan work with other States to recover and repatriate proceeds from corrupt activities, and seek assistance to investigate and prosecute the individuals responsible.³²

23. The Commission reported that climate change had posed severe challenges, such as the delayed onset of seasonal rains, heavy flooding and drought. While South Sudan had experienced heavy flooding yearly since 2005, the flooding from September 2018 to December 2020 was the most devastating on record.³³ In rural society with wealth measured by cattle, adverse weather conditions provoked conflicts from December 2018 to November 2019 between pastoralists and farmers over access to water and grazing crop fields.³⁴

24. The Commission noted that unmaintained oil pipelines had suffered corrosion, causing spillage and leaks and impacting on the right to an adequate standard of living, including the right to health of local populations.³⁵ It recommended that the Government make full reparation to all affected communities for harm caused by oil exploration, ensure

their rights to safe drinking water and adequate health care, and develop a strategy to address the causes and effects of oil pollution.³⁶

B. Civil and political rights

1. Right to life, liberty and security of person³⁷

25. The Commission on Human Rights in South Sudan reported that, although the signing of the 2018 Revitalized Agreement had led to a reduction in hostilities at the national level, vast swathes of South Sudan had witnessed a massive escalation in violence perpetrated by organized tribal militias. The failure to meet Agreement deadlines had delayed gubernatorial appointments, creating a governance vacuum at the subnational level, and undermined the ability of states to reconcile local grievances.³⁸ UNMISS reported that incidents involving community-based militias had been the major source of violence affecting civilians since the signing of the Agreement.³⁹ The United Nations country team made similar observations, and noted that governor appointments to all 10 states were completed in early 2021.⁴⁰

26. The Commission stated that the violence across Jonglei State and the Greater Pibor Administrative Area in 2020 was the worst that had been recorded since the outbreak of the national conflict in December 2013, with waves of attacks and reprisals that had left hundreds of people dead, maimed or destitute. While men were targeted and killed during the attacks, hundreds of women and girls were abducted, forced into sexual slavery, tortured and repeatedly gang raped, while abducted boys were forced to fight.⁴¹

27. Over the period of this universal periodic review, UNMISS documented hundreds of incidents that negatively affected the human rights situation, including arbitrary killings, abductions, conflict-related sexual violence, arbitrary arrests and detention, torture and ill-treatment, forced military recruitment and the looting and destruction of civilian property. These resulted in thousands of civilians being killed and injured, including those attributed to the South Sudan People's Defence Forces, the South Sudan National Police Service, the National Security Service, as well as the Sudan People's Liberation Movement-Army in Opposition, National Salvation Front and other armed elements, including community-based militias.⁴²

28. The United Nations country team reported 523 incidents of violence between January and June 2021, affecting 1,870 civilians, of whom 1,053 were killed and 489 injured.⁴³

29. The Commission on Human Rights in South Sudan concluded that the attacks on civilians perpetrated by both government forces and armed opposition groups violated article 3 of the Geneva Conventions and provisions of Additional Protocol II, as well as customary international law, and constituted the war crimes of murder, pillage, unnecessary destruction of property and sexual violence.⁴⁴

30. Gross human rights violations and abuses amounting to serious violations of international humanitarian law were also committed in the context of localized conflicts by armed militias affiliated with the South Sudan People's Defence Forces and the Sudan People's Liberation Movement-Army in Opposition. Violations perpetrated against civilians included abductions, forced recruitment, murder, sexual violence and ill-treatment.⁴⁵

31. Incidents of violence further violated the right to life and property ownership under the African Charter on Human and Peoples' Rights, the Transitional Constitution and the Penal Code. The Commission expressed its belief that those acts could amount to war crimes and other serious crimes under international law in the draft statute of the hybrid court for South Sudan.⁴⁶

32. The Commission stated that it had reasonable grounds to believe that members of the Government of South Sudan had engaged in acts amounting to gross human rights violations and serious violations of international humanitarian law in the context of the armed conflict in Central Equatoria. The Government had also been complicit in gross human rights violations and abuses by arming and supporting organized militia groups during localized conflicts in Jonglei State, the Greater Pibor Administrative Area and Warrap State.⁴⁷

33. The United Nations High Commissioner for Human Rights stated that those key figures who had deliberately fuelled and exploited localized tensions in the devastating attack in Greater Jonglei would be held accountable. It was of paramount importance that the Government take effective steps to ensure that members of the security forces were prevented from supplying weapons from government stocks to those militias.⁴⁸

34. The Commission recommended that the Government fully implement the provisions of the Revitalized Agreement, and ensure the timely investigation of all allegations of serious violations of human rights and international humanitarian law committed by the South Sudan People's Defence Forces, the National Security Service and other members of the security forces.⁴⁹

35. The Commission reported that arbitrary arrests and detentions continued to characterize daily life in South Sudan. Through continued acts of enforced disappearance, South Sudan had also failed in its duty to investigate in good faith all allegations of human rights violations.⁵⁰ It recommended that South Sudan investigate the role played by the National Security Service in violations of fundamental rights, such as unlawful detentions, arbitrary arrests, enforced disappearances and torture, and hold to account those responsible; and that it also investigate enforced disappearances to establish the fate and whereabouts of persons disappeared, and bring perpetrators to justice.⁵¹

36. UNMISS noted that imposition of the death penalty remained a concern, including inadequate safeguards to protect due process and fair trial rights.⁵² It expressed concern about extrajudicial executions related to cases without a fair trial.⁵³ On 8 March 2019, the High Commissioner for Human Rights wrote to President Kiir, expressing concern about the increased number of executions and urging him to implement a moratorium on the death penalty.⁵⁴

2. Administration of justice, including impunity, and the rule of law⁵⁵

37. The High Commissioner for Human Rights in February 2021 welcomed the decision by the Government of South Sudan to move forward with the establishment of transitional justice institutions as an important step towards confronting and dealing with past human rights violations to prevent further violence.⁵⁶

38. The Commission on Human Rights in South Sudan reported in 2021 that South Sudan had made no concrete progress in establishing the transitional justice mechanisms provided for in the Revitalized Agreement to address accountability for conflict-related violations. Under chapter V of the Agreement, the Government was required to establish a commission for truth, reconciliation and healing; a hybrid court for South Sudan to investigate and prosecute individuals responsible for violations and atrocity crimes, together with the African Union; and a compensation and reparation authority to administer a fund for victims.⁵⁷ The Commission recommended that the Government implement the transitional justice provisions in the Revitalized Agreement,⁵⁸ and adopt a broad approach to reparations, including by ensuring that at least 1 per cent of oil revenues were allocated to reparations.⁵⁹

39. The Commission on Human Rights in South Sudan and the United Nations country team reported that inadequate infrastructure, resources and capacity diminished State abilities to provide civilians with access to justice.⁶⁰ Customary courts were not mandated to hear serious criminal cases and were ill-suited to providing justice to women and victims of sexual violence given gender biases and the lack of procedural safeguards.⁶¹ UNHCR expressed similar concerns.⁶²

40. The Commission recommended that the Government strengthen the independence and capacity of the judiciary and national justice institutions.⁶³ UNHCR recommended that South Sudan: reinforce the organizational structures of the police, prosecution, court and prison services through vetting, oversight and disciplinary mechanisms, transparent remuneration and training; strengthen access to justice for all population groups, including refugees, returnees and internally displaced persons; and establish police, justice and social services teams to help restore security and order in sites for internally displaced persons, returnees and refugees, and in other isolated areas.⁶⁴

3. Fundamental freedoms and the right to participate in public and political life⁶⁵

41. UNMISS stated that it received reports of censorship, harassment and arbitrary arrest and detention by the National Security Service of journalists, activists and other civilians expressing critical or dissenting views from those of the Government.⁶⁶

42. Several special procedure mandate holders addressed communications to the Government: in October 2020, concerning the reported harassment and intimidation of a human rights lawyer;⁶⁷ in January 2020, concerning the alleged killing of a foreign freelance journalist;⁶⁸ and in February 2019, concerning the alleged arrest, arbitrary detention, and investigation of a human rights defender.⁶⁹

43. The Commission on Human Rights in South Sudan recommended that the Government take effective measures to prevent acts aimed at interfering with the freedom to express opinions, such as attempts to intimidate or silence civil society, journalists, legal professionals, human rights defenders and political groups, investigate such interference, and ensure that perpetrators are prosecuted and victims are provided with redress.⁷⁰ It further recommended that the Government implement fully the three media laws – the Media Authority Act, the law on the right of access to information, and the Public Broadcast Company Law – and establishing the relevant media institutions.⁷¹

44. UNESCO recommended that South Sudan decriminalize defamation and place it within a civil code, and investigate cases of killed journalists.⁷²

45. The United Nations country team recommended that the Government prioritize undertaking a census to prepare for free and fair elections.⁷³

4. Prohibition of all forms of slavery

46. The Commission on Human Rights in South Sudan stated that it had documented the abduction of hundreds of women and children by militias and civil defence groups during localized conflicts in Jonglei and the Greater Pibor Administrative Area between May and September 2020. The women and girls abducted had been forced into sexual slavery or forced marriage.⁷⁴

C. Economic, social and cultural rights

1. Right to social security⁷⁵

47. The United Nations country team reported that 99.7 per cent of annual expenditure on social protection activities in South Sudan was provided by donor funding.⁷⁶

2. Right to an adequate standard of living⁷⁷

48. The Commission on Human Rights in South Sudan reported that corruption had made several officials extremely wealthy at the expense of millions of civilians, resulting in acute socioeconomic inequality. The illicit diversion of revenues had robbed the Government of critical resources to fund the realization of economic, social and cultural rights, such as health, education, food and water. South Sudan also spent its money on its military and governing elite, not on improving infrastructure or public services.⁷⁸ Over 80 per cent of the population was living in extreme poverty as of July 2021, with more than 8 million civilians dependent on aid.⁷⁹

49. The Commission recommended that the Government realign spending priorities and commit resources towards fulfilling citizens' needs, including ensuring freedom from hunger and other economic, social and cultural rights, and improved standards of living.⁸⁰

50. The Secretary-General noted that South Sudan in 2021 was facing the highest levels of food insecurity and malnutrition since independence in 2011. An estimated 7.2 million people, or 60 per cent of the population, were likely to face acute food insecurity or worse during the lean season between April and July 2021.⁸¹

51. The Commission on Human Rights in South Sudan found that government forces had used starvation as a method of warfare in Western Bahr el-Ghazal State between January

2017 and November 2018, and Jonglei State between 2017 and 2019.⁸² Members of armed groups also used starvation as a method of warfare in Central Equatoria in 2018. The forces of the Sudan People's Liberation Movement-Army in Opposition had deliberately obstructed the activities of international humanitarian aid organizations and prevented them from delivering foodstuffs to communities in need.⁸³ The Commission reported that indirect or incidental factors contributing to hunger were linked to challenges posed by climate change, such as delayed seasonal rains, heavy flooding and drought, leading to poor harvests.⁸⁴

52. The Commission recommended that the Government take effective measures to prevent and respond to any acts that could amount to the crime of starvation, such as the destruction of crops or livestock in localized conflict, or the displacement of populations by non-State actors.⁸⁵ It also recommended ensuring unfettered access to the United Nations, the International Committee of the Red Cross and humanitarian workers.⁸⁶

53. The Commission noted that as a result of flooding, water sources had become heavily contaminated.⁸⁷ The United Nations country team reported that, in 2019, only about 3 per cent of the population had access to piped water in their homes, while 41 per cent had access to other improved water sources such as boreholes and protected springs. An estimated 63 per cent of the population practised open defecation.⁸⁸

3. Right to health

54. UNMISS noted that the Government had not sought to make funding of the public health sector a priority. For 2019–2020, 1.2 per cent of the national budget was allocated to public health, leading to the de facto outsourcing of health-care services to international organizations and reliance on international donor funding.⁸⁹ The United Nations country team reported that the availability of health-care services had been affected by, inter alia, delayed or unpaid government salaries, insecurity and the lack of qualified health workers. Children faced malaria, pneumonia, vaccine-preventable disease and death, and South Sudan had one of the highest maternal mortality rates in the world.⁹⁰

55. UNMISS and the United Nations country team recommended that the Government improve access to health services, especially on sexual and reproductive health.⁹¹ UNMISS recommended substantially increasing budgetary allocations for the public health sector; strengthening the capacities of public health facilities and health workers; ensuring that competent national authorities investigate and prosecute individuals responsible for violations of international human rights law and international humanitarian law, including conflict-related sexual violence and attacks against medical personnel and facilities; and ensuring that victims have access to comprehensive programmes.⁹²

56. The Secretary-General reported that the COVID-19 pandemic had exacerbated existing vulnerabilities by disrupting immunization services and had weakened an already fragile health system.⁹³

4. Right to education⁹⁴

57. The Commission on Human Rights in South Sudan noted that South Sudan had the highest proportion of out-of-school children in the world, numbering at least 2.2 million. The situation had been exacerbated by conflict-related closures of schools, which had been targeted, damaged or occupied for military purposes. Even where schools were operational, they were severely underresourced.⁹⁵ The United Nations country team highlighted the schooling interruption caused by COVID-19.⁹⁶

58. The Working Group on Children in Armed Conflict encouraged the Government to ensure that attacks on schools were investigated and that those responsible for violating international humanitarian law were held accountable.⁹⁷

59. UNESCO recommended that South Sudan consider constitutionally guaranteeing the right to education for all within the national territory, consider making pre-primary education free and compulsory for at least a year, extend free education to 12 years instead of eight, and amend its legislation to explicitly set a minimum age of marriage at 18.⁹⁸ The United Nations country team recommended that South Sudan ensure quality, inclusive and equitable

education, particularly for girls and children in pastoralist communities, and also ensure adequate financing to the education sector that represented 15 to 20 per cent.⁹⁹

D. Rights of specific persons or groups

1. Women¹⁰⁰

60. The Commission on Human Rights in South Sudan reported that sexual violence, including rape, gang rape, abduction, sexual slavery, sexual mutilation and sexual torture had been consistent features of the conflict in South Sudan since 2013, and were being replicated in local level conflict. Armed clashes locally had resulted in mass displacement of the civilian population, in particular women and girls.¹⁰¹

61. The Commission was concerned that the practice of commodifying women as the spoils of conflict had been perpetuated at the local level, as government forces and aligned militias, the forces of the Sudan People's Liberation Movement-Army in Opposition and other armed groups were given the licence (as a form of "compensation") to loot and pillage, abduct, rape and force women into sexual slavery and forced marriage. Conflict-related sexual violence in South Sudan was thus rooted in the structural violence of conflict and the local political economy.¹⁰²

62. The Commission recommended that the Government: establish an interim reparations programme to address the immediate needs of victims, including through medical and psychosocial support, focusing on conflict-related sexual violence; promote accountability for conflict-related sexual violence; establish a committee to address accountability for conflict-related sexual violence; and mandate the committee to advise on the role of domestic and military courts in the prosecution of conflict-related sexual violence and on a comprehensive investigation and prosecutorial strategy.¹⁰³

63. The Secretary-General urged all parties to comply with the provisions prohibiting the use of sexual violence, as set out in the 2017 cessation of hostilities agreement and in the Revitalized Agreement. He called for all perpetrators of sexual violence to be prosecuted, irrespective of rank, and for the immediate and safe release of all abducted women and children.¹⁰⁴

64. UNHCR reported that impunity regarding sexual and gender-based violence coupled with limited livelihood options had had a negative impact, particularly on women and girls, some of whom had been subjected to sexual exploitation and had to engage in survival sex. UNHCR recommended that South Sudan introduce specific laws on sexual and gender-based offences to better prevent and respond to gender-based violence.¹⁰⁵

65. The Commission on Human Rights in South Sudan recommended that the Government act urgently to eliminate and prevent practices that constitute forced marriage, tackle the root causes thereof and ensure that instances of forced marriage were investigated and prosecuted.¹⁰⁶

66. The Commission also recommended that the Government fast-track the finalization of the national gender policy, including measures to implement the equality provisions in the Transitional Constitution and its Bill of Rights, which guarantee equality between women and men.¹⁰⁷

67. The Secretary-General reported that, despite progress made regarding state and local government appointments, the parties continued to fall short of the quota for women. He urged them to adhere to the 35 per cent quota in all government institutions, as stipulated in the Revitalized Agreement.¹⁰⁸

2. Children¹⁰⁹

68. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict reported that, despite a significant decline in grave violations against children following the signing of the Revitalized Agreement, grave violations continued to be committed by all parties to the conflict, including Government security forces.¹¹⁰ The reintegration of various armed groups into the South Sudan People's Defence Forces was

reportedly a significant factor in the reduction of the number of affected children.¹¹¹ The Secretary-General remained concerned that parties to the conflict, including government security forces, continued to perpetuate grave violations against children.¹¹²

69. The United Nations verified a total of 708 violations, affecting 618 children, for the period from 1 July 2018 to 30 June 2020.¹¹³ Recruitment and use remained the most prevalent violation, followed by killing and maiming, abduction, and rape and other forms of sexual violence.¹¹⁴ The Commission on Human Rights in South Sudan reported that, as of July 2019, some 19,000 children were thought to still be in the ranks of the South Sudan People's Defence Forces and armed opposition groups, and that that number had remained the same since December 2017.¹¹⁵ Insecurity, poverty and lack of opportunities were also drivers of child recruitment and use.¹¹⁶ About 75 per cent of cases of killing and maiming were caused by explosive remnants of war.¹¹⁷

70. The Secretary-General and the Working Group on Children in Armed Conflict called upon the Government to invest in disarmament, demobilization and reintegration processes, security sector reform and demining efforts.¹¹⁸ The Working Group encouraged the Government to focus on long-term sustainable reintegration and rehabilitation opportunities for children, including equal access to health care, psychosocial support and education programmes, and working with communities to avoid stigmatization, to facilitate their return and minimize re-recruitment.¹¹⁹ The Secretary-General called upon the Government to put an end to the crimes of rape and other forms of sexual violence against children, including by strengthening the legal framework, establishing a specialized court to prosecute sexual and gender-based crimes, and providing services, reparations and redress to survivors.¹²⁰

71. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict stated that the Sudan People's Liberation Movement/Army in Opposition was the main perpetrator of grave violations against children, followed by the South Sudan People's Defence Forces, the National Salvation Front, the South Sudan National Police Service and forces loyal to General Ochan.¹²¹

72. The Office of the Special Representative also reported that on 7 February 2020, the Government signed a comprehensive action plan with the United Nations to end and prevent all grave violations against children in South Sudan. The plan covers all six grave violations against children and was endorsed by other parties to the Revised Agreement. Some provisions of the plan, such as the establishment of committees as oversight structures had been implemented, whereas others, including the criminalization of the six grave violations and the establishment of complaint procedures, remained pending.¹²²

73. The Secretary-General called upon the Government to implement the comprehensive action plan and to budget for its implementation.¹²³ The Secretary-General urged the Government to remedy the impunity and to hold perpetrators accountable.¹²⁴ The Working Group on Children and Armed Conflict urged an end to impunity by ensuring that all perpetrators of violations and abuses were brought swiftly to justice and held accountable, and it also noted that, in the comprehensive action plan, the parties had committed themselves to investigating the six grave violations, criminalizing the violations and strengthening specialized units within the judiciary to investigate, prosecute and adjudicate violations.¹²⁵

74. The Commission noted that the bride price for wives in the context of conflict-related economic and physical insecurity had led to increased child marriages. The Commission encouraged the Government to take active steps towards meeting its commitment to ending child marriage by 2030.¹²⁶

3. Persons with disabilities¹²⁷

75. The United Nations country team reported that children with disabilities were subject to discrimination and stigma, noting a severe lack of services, infrastructure and facilities targeting the group.¹²⁸

4. Migrants, refugees, asylum seekers and internally displaced persons¹²⁹

76. The Commission on Human Rights in South Sudan noted that hundreds of thousands of civilians had been displaced by the violence and flooding.¹³⁰ UNHCR reported that South

Sudan remained Africa's largest displacement crisis with 2.2 million South Sudanese refugees and 1.6 million internally displaced persons.¹³¹

77. UNHCR noted that the overall protection context for refugees, in particular near the border with the Sudan, continued to be compromised by large numbers of armed elements and combatants, and associated challenges regarding physical security, rule of law, and voluntary and forced recruitment, in particular in refugee sites. UNHCR recommended that South Sudan reduce the presence of combatants, armed elements and weapons at refugee sites through initial and continuous screening in partnership between national and local authorities.¹³²

78. UNHCR noted that more than 1.3 million internally displaced persons had returned spontaneously to their areas of origin or habitual residence. As communities returned to their areas of origin, issues of housing, land and property ownership were surfacing owing to destruction, loss of documents and illegal occupation.¹³³

79. The Commission on Human Rights in South Sudan recommended that the Government facilitate the realization of the right to return of refugees and internally displaced persons.¹³⁴ UNHCR recommended that South Sudan: expedite the review of the Internally Displaced Persons Bill to incorporate norms from the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa; strengthen the humanitarian, peace and development nexus to create conditions for safe and sustainable return and integration; ensure participation of internally displaced young people in the peacebuilding process; and implement recommendations from the 2020 National Dialogue Conference.¹³⁵

5. Stateless persons

80. UNHCR reported that statelessness was caused by several factors, including State succession, lack of legal safeguards to prevent childhood statelessness, lack of a national birth registration system, and poor national identification.¹³⁶

81. UNHCR recommended that South Sudan insert a safeguard in the nationality law to grant nationality to children born on the territory who would otherwise be stateless, and implement the 2018 Civil Registry Act, in particular regarding birth registration;¹³⁷ include questions on nationality and statelessness in the 2022 census to establish the number of persons with undetermined nationality; adopt the civil registration and vital statistics regulations in order to implement the 2018 Civil Registry Act; allocate a budget for nationality documentation and ensure training; and prioritize groups at risk of statelessness, including cross-border populations, returning refugees and minority groups.¹³⁸

Notes

- ¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for South Sudan will be available at <https://www.ohchr.org/EN/HRBodies/UPR/Pages/SSindex.aspx>.
- ² For relevant recommendations, see [A/HRC/34/13](#), paras. 126.1, 126.28–126.29, 126.32–126.35, 126.53, 127.1–127.9, 127.12–127.19, 128.1–128.23, 128.37–128.38, 128.46–128.50 and 129.1–129.13.
- ³ [A/HRC/43/56](#), para. 82 (g).
- ⁴ *Ibid.*, para. 82 (h).
- ⁵ See https://unmiss.unmissions.org/sites/default/files/access_to_health_for_survivors_of_conflict-related_sexual_violence_in_south_sudan.pdf (para. 14).
- ⁶ United Nations country team submission for the universal periodic review of South Sudan, p. 2.
- ⁷ UNHCR submission for the universal periodic review of South Sudan, p. 3.
- ⁸ Security Council resolution 2155 (2014).
- ⁹ Security Council resolution 2567 (2021).
- ¹⁰ Human Rights Council resolution 31/20.
- ¹¹ Human Rights Council resolutions 34/25, 37/31, 40/19, 43/27 and 46/23.
- ¹² Peacebuilding Support Office submission for the universal periodic review of South Sudan, para. 2.
- ¹³ See <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRIImplementation.aspx>.
- ¹⁴ For relevant recommendations, see [A/HRC/34/13](#), paras. 126.3, 126.20–126.27, 126.41, 127.10,

- 127.27, 128.24–128.30, 128.33–128.35 and 128.92.
- ¹⁵ S/2021/566, para. 7; and United Nations country team submission, p. 4.
- ¹⁶ A/HRC/46/53, para. 16.
- ¹⁷ Ibid., para. 20.
- ¹⁸ For the relevant recommendation, see A/HRC/34/13, para. 126.11.
- ¹⁹ A/HRC/43/56, para. 61.
- ²⁰ A/HRC/46/53, para. 49.
- ²¹ Ibid., para. 81 (m)–(n).
- ²² Ibid., para. 81 (t).
- ²³ United Nations country team submission, p. 7.
- ²⁴ For the relevant recommendation, see A/HRC/34/13, para. 126.68.
- ²⁵ A/HRC/43/56, para. 35.
- ²⁶ A/HRC/40/69, para. 126.
- ²⁷ Ibid., para. 132 (a)–(c).
- ²⁸ A/HRC/43/56, paras. 39–44; and see the conference room paper of Commission on Human Rights in South Sudan on human rights violations and related economic crimes in South Sudan (A/HRC/48/CRP.3), paras. 131–164, available on the web page of the Human Rights Council (<https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session48/Pages/ListReports.aspx>).
- ²⁹ A/HRC/46/53, para. 27.
- ³⁰ A/HRC/43/56, para. 33.
- ³¹ A/HRC/46/53, para. 22.
- ³² A/HRC/43/56, para. 82 (a)–(b). See also A/HRC/48/CRP.3, para. 182 (a), (c)–(f) and (i)–(x).
- ³³ A/HRC/46/53, para. 48.
- ³⁴ A/HRC/43/56, para. 59.
- ³⁵ A/HRC/48/CRP.3, para. 82.
- ³⁶ Ibid., para. 182 (g)–(h).
- ³⁷ For relevant recommendations, see A/HRC/34/13, paras. 128.39, 128.41–128.45, 128.63 and 129.14–129.15.
- ³⁸ A/HRC/46/53, para. 32.
- ³⁹ S/2021/566, para. 71.
- ⁴⁰ United Nations country team submission, pp. 4 and 9.
- ⁴¹ A/HRC/46/53, para. 36.
- ⁴² S/2021/566, para. 67; S/2021/172, para. 52; S/2020/1180, para. 57; S/2020/145, para. 54; S/2019/722, para. 58; S/2019/491, para. 49; and S/2018/1103, para. 34.
- ⁴³ United Nations country team submission, p. 9.
- ⁴⁴ A/HRC/46/53, para. 45.
- ⁴⁵ Ibid., para. 46.
- ⁴⁶ Ibid., para. 47.
- ⁴⁷ Ibid., para. 76.
- ⁴⁸ OHCHR, “South Sudan: UN urges accountability for key figures supporting militias in Greater Jonglei”, 15 March 2021.
- ⁴⁹ A/HRC/46/53, para. 81 (a) and (o).
- ⁵⁰ Ibid., para. 79.
- ⁵¹ Ibid., para. 81 (ee)–(ff). See also the communication from several special procedure mandate holders to the Government of South Sudan regarding the alleged detention and enforced disappearance of two nationals of South Sudan in a third country, who were also allegedly at imminent risk of deportation back to South Sudan, 27 January 2017, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=22968>.
- ⁵² S/2021/566, para. 70.
- ⁵³ UNMISS, “UNMISS deeply concerned at spate of extra-judicial executions”, 26 July 2021.
- ⁵⁴ S/2019/491, para. 55. See also the communication by several special procedure mandate holders addressed to the Government of South Sudan concerning the sentencing to death for murder of an individual who was 15 years old at the time of the alleged commission of the crime, 5 October 2018, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24126>.
- ⁵⁵ For relevant recommendations, see A/HRC/34/13, paras. 126.4–126.10, 126.12–126.19, 126.57, 126.61–126.66, 127.26, 127.28–127.31, 128.36, 128.51, 128.61–128.62, 128.64–128.65, 128.73, 128.75–128.80 and 129.16.
- ⁵⁶ OHCHR, “Press briefing notes on South Sudan”, 2 February 2021.
- ⁵⁷ A/HRC/46/53, para. 73.
- ⁵⁸ Ibid., para. 81 (b).
- ⁵⁹ A/HRC/43/56, para. 82 (z).
- ⁶⁰ Ibid., para. 28; and United Nations country team submission, pp. 9–10.

- ⁶¹ [A/HRC/40/69](#), para. 43.
- ⁶² UNHCR submission, p. 3.
- ⁶³ [A/HRC/43/56](#), para. 82 (d).
- ⁶⁴ UNHCR submission, p. 3.
- ⁶⁵ For relevant recommendations, see [A/HRC/34/13](#), paras. 126.67, 128.83–128.91 and 128.93.
- ⁶⁶ [S/2021/566](#), para. 69.
- ⁶⁷ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25627>.
- ⁶⁸ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25029>.
- ⁶⁹ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24328>.
- ⁷⁰ [A/HRC/46/53](#), para. 81 (z).
- ⁷¹ *Ibid.*, para. 81 (dd).
- ⁷² UNESCO submission for the universal periodic review of South Sudan, paras. 12 and 14.
- ⁷³ United Nations country team submission, p. 5.
- ⁷⁴ [A/HRC/46/53](#), para. 66.
- ⁷⁵ For the relevant recommendation, see [A/HRC/34/13](#), para. 126.69.
- ⁷⁶ United Nations country team submission, p. 12.
- ⁷⁷ For relevant recommendations, see [A/HRC/34/13](#), paras. 126.70–126.71 and 128.94.
- ⁷⁸ [A/HRC/43/56](#), paras. 33–34.
- ⁷⁹ OHCHR, “Ten years after gaining independence, civilians in South Sudan still longing for sustainable peace, national cohesion, and accountability – UN experts note”, 9 July 2021.
- ⁸⁰ [A/HRC/43/56](#), para. 82 (c); and [A/HRC/48/CRP.3](#), para. 182 (b).
- ⁸¹ [S/2021/566](#), para. 34.
- ⁸² [A/HRC/46/53](#), paras. 48–49.
- ⁸³ *Ibid.*, para. 50.
- ⁸⁴ *Ibid.*, para. 48.
- ⁸⁵ *Ibid.*, para. 81 (x).
- ⁸⁶ *Ibid.*, para. 81 (y).
- ⁸⁷ *Ibid.*, para. 52.
- ⁸⁸ United Nations country team submission, p. 8.
- ⁸⁹ See https://unmiss.unmissions.org/sites/default/files/access_to_health_for_survivors_of_conflict-related_sexual_violence_in_south_sudan.pdf (paras. 5–7).
- ⁹⁰ United Nations country team submission, pp. 12–13.
- ⁹¹ See https://unmiss.unmissions.org/sites/default/files/access_to_health_for_survivors_of_conflict-related_sexual_violence_in_south_sudan.pdf (para. 14); and United Nations country team submission, pp. 12–13.
- ⁹² See https://unmiss.unmissions.org/sites/default/files/access_to_health_for_survivors_of_conflict-related_sexual_violence_in_south_sudan.pdf (para. 14).
- ⁹³ [S/2021/566](#), para. 40.
- ⁹⁴ For relevant recommendations, see [A/HRC/34/13](#), paras. 126.72–126.74, 127.11, 127.41–127.42 and 128.95.
- ⁹⁵ [A/HRC/40/69](#), para. 52.
- ⁹⁶ United Nations country team submission, p. 14.
- ⁹⁷ [S/AC.51/2021/1](#), para. 5 (l).
- ⁹⁸ UNESCO submission, p. 5.
- ⁹⁹ United Nations country team submission, p. 14.
- ¹⁰⁰ For relevant recommendations, see [A/HRC/34/13](#), paras. 126.2, 126.36–126.40, 126.42–126.48, 126.58–126.60, 127.20–127.21, 127.32–127.40, 128.31–128.32, 128.66–128.72 and 128.74.
- ¹⁰¹ [A/HRC/46/53](#), para. 72.
- ¹⁰² *Ibid.*, para. 68.
- ¹⁰³ *Ibid.*, para. 81 (g)–(j).
- ¹⁰⁴ [S/2021/312](#), para. 51.
- ¹⁰⁵ UNHCR submission, pp. 4–5.
- ¹⁰⁶ [A/HRC/46/53](#), para. 81 (s).
- ¹⁰⁷ [A/HRC/40/69](#), para. 130 (a).
- ¹⁰⁸ [S/2021/566](#), para. 109.
- ¹⁰⁹ For relevant recommendations, see [A/HRC/34/13](#), paras. 126.30–126.31, 126.49–126.52, 126.54–126.56, 127.22–127.25, 128.52–128.60 and 128.81–128.82.
- ¹¹⁰ Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission for the universal periodic review of South Sudan, p. 1.
- ¹¹¹ [S/2020/1205](#), para. 17.

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- 112 [A/75/873-S/2021/437](#), para. 158.
113 [S/2020/1205](#), para. 12.
114 *Ibid.*, para. 16.
115 [A/HRC/43/56](#), para. 45.
116 [S/2020/1205](#), para. 24.
117 Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission, p. 1.
118 [S/2020/1205](#), para. 74.
119 [S/AC.51/2021/1](#), para. 5 (h).
120 [S/2020/1205](#), para. 75.
121 Office of the Special Representative of the United Nations Secretary-General for Children and Armed Conflict submission, p. 1.
122 *Ibid.*, p. 2.
123 [A/75/873-S/2021/437](#), para. 156.
124 *Ibid.*, para. 159.
125 [S/AC.51/2021/1](#), para. 5 (f).
126 [A/HRC/40/69](#), para. 45.
127 For relevant recommendations, see [A/HRC/34/13](#), paras. 126.75 and 128.96.
128 United Nations country team submission, p. 8.
129 For relevant recommendations, see [A/HRC/34/13](#), paras. 126.76–126.77, 127.43 and 128.97.
130 [A/HRC/46/53](#), para. 36.
131 UNHCR submission, p. 2.
132 *Ibid.*
133 *Ibid.*, p. 4.
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