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Technical assistance and capacity-building

Technical assistance and capacity-building for South Sudan

Report of the United Nations High Commissioner for Human Rights*

Summary

The present report is submitted pursuant to Human Rights Council resolution 46/29, in which the Council requested the United Nations High Commissioner for Human Rights to prepare a comprehensive written report on technical assistance and capacity-building for South Sudan. The report, which covers the period from January to December 2021, is based on information received through the engagement of the Office of the United Nations High Commissioner for Human Rights with the Government of South Sudan and other national stakeholders, including civil society organizations, and on observations and information gathered and verified by the Human Rights Division of the United Nations Mission in South Sudan.

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



I. Introduction

1. The Human Rights Council, in its resolution 46/29, requested the Office of the United Nations High Commissioner for Human Rights (OHCHR), in cooperation with the Government of South Sudan and relevant mechanisms of the African Union, to provide South Sudan with the required technical assistance and capacity-building to address human rights challenges in the post-conflict transition, and to present a comprehensive written report to the Council at its forty-ninth session. It also requested OHCHR to monitor and report on the situation of human rights in South Sudan and to make recommendations to prevent any deterioration in the situation with a view to improving it.

2. The present report, which covers the period from January to December 2021, presents the human rights situation in South Sudan and the main human rights challenges in the country, and outlines the technical assistance and capacity-building support provided by OHCHR to South Sudan. It also contains recommendations for the Government and other stakeholders aimed at strengthening the promotion and protection of human rights in the country.

II. Methodology

3. The report is based on observations and information gathered and verified by the Human Rights Division of the United Nations Mission in South Sudan (UNMISS) through its headquarters in Juba, 12 field offices in 10 states, and a number of temporary operating bases and special investigation missions. The Human Rights Division deployed monitoring and investigation teams to hotspots where violence continued, conducted in-person interviews with victims and witnesses of human rights violations and abuses, and engaged with members of civil society, community and traditional leaders, and local and national authorities.

4. The report presents illustrative cases rather than an exhaustive overview of human rights violations and abuses perpetrated during the period under review. Certain allegations could not be verified and, therefore, were not included in this report or have been referred to as allegations.

5. The findings set out in the present report have been documented and corroborated in accordance with standard OHCHR methodology on investigations, and in support of the Government's efforts towards respect for human rights and the fight against impunity. Investigations and access to information were hindered by various challenges, such as the vastness of the country, access denials, restrictions linked to the coronavirus disease (COVID-19) pandemic, and logistical, financial, security and human resources constraints, leading to difficulties in collecting and verifying some serious allegations of human rights violations and abuses, especially in remote areas.

6. OHCHR underlines its constructive engagement with the Government of South Sudan and welcomes its cooperation with OHCHR, the special procedure mandate holders of the Human Rights Council, the Commission on Human Rights in South Sudan, UNMISS, and regional, subregional and other international mechanisms in South Sudan. Through the Human Rights Division, OHCHR engaged in a number of technical assistance and capacity-building activities aimed at strengthening the Government's capacity to address human rights challenges. Further, in November, OHCHR received from the Government a list of the technical assistance necessary for the country's ministries, including the Ministry of Justice and Constitutional Affairs, the Ministry of Gender, Child and Social Welfare and the Ministry of Peacebuilding.

III. Main human rights challenges

A. Protection of civilians

7. Three years after the signing of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, despite a noticeable reduction of armed violence involving the signatory parties, the human rights situation in South Sudan remains of concern. Pockets of conflict continue to expose civilians to a multitude of human rights violations, especially in Western Equatoria, Central Equatoria, Jonglei, Lakes and Warrap States.

8. In 2021, the Human Rights Division documented 3,414 civilian casualties directly affected by violence. At least 1,907 civilians were killed (1,601 men, 187 women and 119 children), 842 wounded (737 men, 66 women and 39 children), 471 abducted (200 men, 93 women and 178 children) and 194 subject to conflict-related sexual violence (29 men, 135 women and 30 children). The vast majority of victims (87 per cent) was predominantly affected by subnational violence.

9. Warrap, Lakes and Jonglei States and the Greater Pibor Administrative Area experienced localized violence involving community-based militias organized and mobilized along ethnic lines, and often bolstered by the support of national and local actors driven by political and/or economic interests and aligned through community kinships. This has stoked tensions and exposed civilians to elevated risks of attack, killings, injury, abduction and sexual violence. Between 7 and 20 May 2021, armed elements from the Gawaar Nuer, Dinka (Duk County, Jonglei) and Lou Nuer (Uror County, Jonglei) communities carried out at least 36 attacks on 29 villages and populated settlements in the areas of Likuangole, Gumuruk and Verteth, resulting in at least 90 civilians being killed and 55 injured. It is estimated that over 20,000 civilians were forcibly displaced following these attacks.

10. During the reporting period, in the greater Tonj area in Warrap State, intra-Dinka clashes among sub-clans, including the Luanyjang, Thiik, Lou Paher, Apuk and Noi communities, resulted in at least 193 civilians being killed and 107 injured. Violence between these communities seems to be triggered by long-standing practices of cattle raiding and revenge attacks and the proliferation of small arms and light weapons. Despite the conclusion of a peace agreement by the conflicting communities on 27 October 2021, tensions remain high, with frequent attacks by spoilers in an attempt to reignite further clashes.

11. In Central Equatoria, incidents involving parties to the conflict in South Sudan were triggered primarily by tensions between the South Sudan People's Defence Forces and the National Salvation Front, largely concentrated in the greater Yei and Lainya area. Incidents documented by the Human Rights Division include killings, injury, rape and other forms of sexual violence, abduction, forced displacement, arbitrary detention, and looting and/or destruction of civilian property.

12. In Western Equatoria, particularly in the Tambura area, local divisions continue to be used for political gains. Between June and September 2021, clashes between the South Sudan People's Defence Forces and forces from the Azande community loyal to Major General James Nando, on the one hand, and Sudan People's Liberation Movement-Army in Opposition forces from the Balanda community, on the other, resulted in at least 440 civilians being killed (332 men, 60 women and 48 children) and 18 injured (17 men and 1 woman) and large-scale destruction of civilian property, as well as reports of the abduction of approximately 74 men, women and children and more than 64 cases of sexual violence. On 8 September 2021, a 14-member team of the Joint Defence Board¹ travelled to Tambura to investigate the ongoing violence and recommended concrete measures in view of the implementation of the Revitalized Agreement.

13. The humanitarian situation remains alarming, including violence and climate change-related emergencies that continue to cause mass displacements, disproportionately exposing

¹ The Joint Defence Board is the highest implementing security mechanism, formed pursuant to article 2.4.2 of the Revitalized Agreement to exercise command and control over all forces during the pre-transitional period.

women and girls to violations. According to the Office for the Coordination of Humanitarian Affairs, nearly 80,000 civilians were displaced as a result of the violence in Tambura, with concerning effects on socioeconomic rights such as the rights to food, health, education and housing.² Some of the internally displaced persons reportedly sought shelter in churches and schools, forcing children out of schools. Many were unaccompanied children whose parents had been killed. Water, sanitation and hygiene conditions continued to rapidly decline. Armed conflict in Central Equatoria, mainly involving non-signatory parties to the Revitalized Agreement and other armed factions, displaced more than 120,000 civilians between January and September 2021. Furthermore, since July 2020, an estimated 856,000 civilians have been affected by flooding. Those inhabiting areas along the White Nile have fled to higher ground to escape floods, while close to 400,000 civilians have been displaced, with women and children being the most affected. There are major threats of sexual violence in camps, thus these disasters have heightened the overall vulnerability and insecurity of women and girls.

B. Rule of law, accountability and transitional justice

14. A pervasive climate of impunity and a lack of accountability for serious human rights violations and abuses, particularly for high-ranking officials, continues to persist in South Sudan. Justice and rule of law institutions are absent or have been decimated in many areas across the country. In particular, in rural or remote areas affected by localized violence, access to formal justice mechanisms is limited owing, *inter alia*, to a lack of resources and the limited presence and capacity of justice-chain actors and institutions. The resulting climate of impunity has led some government authorities to address localized crime in a manner that is inconsistent with international human rights norms and standards.

15. For instance, during the reporting period, in an attempt to curb localized violence, a disturbing wave of extrajudicial executions by government officials emerged, mainly in Warrap and Lakes States. On 11 April 2021, five persons, including a child and an older person, were extrajudicially executed by bodyguards of the Governor of Warrap State, under the orders of the latter, in the village of Angui Dong, in Tonj North County, Warrap State. Reports indicated that the victims had reportedly been accused of attacking a commercial vehicle and killing two men.

16. The latest figures, in both states, indicate that at least 52 individuals, including at least three boys and two women, were reportedly extrajudicially executed for having committed crimes such as murder and cattle rustling. In some cases, the victims were reportedly removed from prison or police custody, taken to local officials for “sentencing” without access to a court, before being executed by a firing squad. Local authorities in Lakes State continue to defend the use of such extrajudicial executions as a form of deterrence in the absence of rule of law institutions. The Human Rights Division continued to advocate curbing the application of the death penalty, including through the statutory justice system, and mobile courts supported by UNMISS.

17. The cases of extrajudicial execution in Warrap and Lakes States and the situation in Tambura highlight the importance of holding perpetrators of human rights violations and abuses accountable. These instances are clear setbacks for accountability in South Sudan that might exacerbate the population’s mistrust of national institutions. In an effort to address the pervasive climate of impunity and lack of accountability for serious human rights violations, the Human Rights Division continues to strongly advocate appropriate measures to ensure accountability for violations and abuses by all parties to the conflict in South Sudan. The Human Rights Division undertakes regular and evidenced-based strategic advocacy with various stakeholders, including the Ministry of Justice and Constitutional Affairs, high-level government representatives, political parties and state authorities, with a view to increasing their awareness and commitment to bringing perpetrators to justice.

² Office for the Coordination of Humanitarian Affairs, “South Sudan: Tambura conflict – flash update No. 1”, 14 September 2021, p. 1.

18. Transitional justice is critical to achieving sustainable peace, national reconciliation and healing, and rebuilding the rule of law. Decades of violent conflict characterized by unspeakable atrocities combined with weak rule of law institutions have resulted in diminished security, lawlessness and a population sharply divided along ethnic lines. Immense political and social investment is, therefore, required to rebuild society and to achieve durable peace where the rule of law is re-established, gross human rights violations and abuses are addressed and measures focused on truth, reconciliation and healing, including through transitional justice mechanisms, are prioritized.

19. Parties to the Revitalized Agreement recognized that South Sudan, emerging from violent conflict that widened ethnic divisions, could not achieve sustainable peace, and rebuild a society in which the rule of law and human rights are respected, without first dealing with heinous crimes and atrocities committed in the past. Chapter V of the Revitalized Agreement therefore specifically provides for transitional justice, consisting of both judicial and non-judicial processes and mechanisms, including the Commission for Truth, Reconciliation and Healing, the Hybrid Court for South Sudan and the Compensation and Reparation Authority.

20. During the reporting period, encouraging steps were taken by the Government despite significant delays in the full implementation of the Revitalized Agreement. On 29 January 2021, the Government decided to commence the process of establishing transitional justice institutions and mechanisms as provided for under chapter V of the Revitalized Agreement.

21. On 30 January 2021, the Government agreed to form the Hybrid Court for South Sudan to investigate and prosecute individuals suspected of committing genocide, war crimes, crimes against humanity and other serious human rights violations and violations of international humanitarian law, as stipulated in chapter V of the Revitalized Agreement. However, the draft statute for the Hybrid Court and memorandum of understanding to be signed with the African Union continue to be delayed. Additional political will is required to drive the establishment of the Hybrid Court and the Compensation and Reparation Authority, both such important mechanisms.

22. On 26 March 2021, the Ministry of Justice and Constitutional Affairs established a task force to oversee the implementation of chapter V of the Revitalized Agreement, on transitional justice mechanisms, and chapter VI, on the permanent constitution-making process in South Sudan.

23. On 30 June 2021, the Government launched a technical committee on the establishment of the Commission for Truth, Reconciliation and Healing in South Sudan, which marked the inauguration of the process of public consultations to gather and consolidate public views and opinions on the matter. The results of the technical committee's public consultations will inform the creation of a national legislative framework for the establishment of the Commission for Truth, Reconciliation and Healing. So far, the technical committee has developed its draft terms of reference, workplan and budget. It has also set up three subcommittees tasked with addressing issues related to mapping, training, advocacy and awareness-raising and the development of a methodology for the public consultations.

24. The reconstitution of the Transitional National Legislative Assembly, on 30 August 2021, is also a positive step towards the passing of legislation relating to transitional justice mechanisms, including the Commission for Truth, Reconciliation and Healing, as stipulated in the Revitalized Agreement.

25. On 31 December 2021, the President, Salva Kiir, also committed to embarking on the process of establishing the Commission for Truth, Reconciliation and Healing by the end of January 2022; to identifying relevant international partners to assist with the establishment of the Compensation and Reparation Authority; and to establishing a national human rights advisory council to follow up on the regional and international conventions signed by South Sudan and engage with the African Union on the process leading to the establishment of the Hybrid Court for South Sudan.³

³ "His Excellency Salva Kiir Mayardit, President of the Republic of South Sudan: New Year's remarks", 31 December 2021.

26. The Human Rights Division continued to advocate, among the parliamentary committees on legislation and justice and on human rights and humanitarian affairs, the proposed incorporation of legislative provisions for the prosecution of international crimes into the legislative framework. The domestication of international crimes would be an important step towards promoting accountability and combating the pervasive climate of impunity in South Sudan.

C. Civic space and participation

27. During the reporting period, increasingly restrictive practices have been used by the authorities to curtail civic space, with greater impact on the rights to freedom of expression, association, peaceful assembly and participation. The Human Rights Division has documented incidents of harassment, intimidation, arbitrary arrest and detention of journalists, human rights defenders and civil society activists, and other persons expressing critical or dissenting views, further restricting fundamental freedoms and civic space. Most of these incidents have been attributed to the National Security Service, an entity that has been operating with extremely broad powers of surveillance and arrest and often functions outside of the law.⁴

28. On 30 August 2021, planned countrywide protests organized by the People's Coalition for Civil Action – a coalition of activists that called for the current Government to step down – failed to materialize amid a heavy deployment of security forces in Juba, and a nationwide disruption of Internet services. The days preceding and following the planned demonstration were marked by arbitrary arrests of individuals perceived as sympathizers of the People's Coalition for Civil Action.

29. In addition, on 6 October 2021, the Bank of South Sudan issued a written instruction to all commercial banks operating in South Sudan, without providing any justification, to immediately freeze and block the accounts of five leaders and four organizations linked to the People's Coalition for Civil Action and the failed protests of 30 August 2021. The targeted individuals included the managing director of the Sudd Institute, which was shut down by the National Security Service from 2 August to 22 November 2021, and one of the co-founders of the People's Coalition for Civil Action and former Governor of Northern Bahr el-Ghazal, who had been arrested arbitrarily in Juba on 2 August 2021. To this day, the latter has not been charged with any crimes or been brought before a court of justice, and is currently hospitalized under heavily armed guard in Juba with very limited access to his family. Three other co-founders of the People's Coalition for Civil Action have gone into hiding in fear of arrest and others have been forced to flee the country.

30. On 24 August 2021, Government security forces in Yei arbitrarily arrested four persons, including the Bishop of the Evangelical Presbyterian Church in Yei and two civil society activists, accusing them of having links to the People's Coalition for Civil Action. After having been detained at a military facility, the Bishop and a university student were released on bail at the end of October 2021. The two civil society activists were also released after two months in military custody, after which they were reportedly summoned on two occasions by county authorities and military intelligence to respond to questions regarding statements that they posted on social media after their release.

31. Furthermore, on 27 August 2021, a community radio station in Jonglei State was shut down and three journalists were briefly detained by the National Security Service on suspicion of supporting the People's Coalition for Civil Action and mobilizing people to take part in the nationwide protests that had been planned for 30 August 2021. The radio station was able to reopen on 24 September 2021 after the station manager apologized and received directives from the Government, including to broadcast stories that would promote peaceful coexistence and development, to balance stories, and to avoid broadcasts that could turn the country to war and negative politics that could cause tension and violence in the community.

⁴ Under art. 159 (3) of the Transitional Constitution of the Republic of South Sudan, 2011, the focus of the mandate of the National Security Service is on information-gathering, analysis and advice to the relevant authorities.

D. Rights of women and girls

32. The context of localized violence in some regions further exposed women and children to violence. During the reporting period, in Jonglei State and the Greater Pibor Administrative Area, at least 133 women and children were abducted, of whom at least 10 women were subjected to rape or attempted rape. The Human Rights Division continues to facilitate the release and return of abductees. On 1 October 2021, it facilitated the release and return of 10 abductees – five women and five children – belonging to the Murle community, from Lankien and Waat to Pibor in the Greater Pibor Administrative Area, as part of an ongoing project funded by the reconciliation, stabilization and resilience trust fund. A total of 127 victims (38 women, 45 boys and 44 girls) have been released. These ongoing efforts are crucial to building trust between communities and laying the groundwork for dialogue and sustainable peace.

33. Conflict-related sexual violence in South Sudan affecting mainly women and girls is still of concern despite noticeable developments. While the number of reported cases of conflict-related sexual violence has decreased since the signing of the Revitalized Agreement on 12 September 2018, conflict-related sexual violence has persisted as a pervasive form of individual harm throughout the country.

34. Conflict-related sexual violence continues to be perpetrated by both government security forces and non-State actors, including organized armed groups and community-based militias. In 2021, the Human Rights Division documented 194 victims of conflict-related sexual violence (135 women, 30 children and 29 men), mainly attributed to the South Sudan People's Defence Forces (40 victims), community-based militias (109 victims), the South Sudan National Police Service (11 victims), the Sudan People's Liberation Movement-Army in Opposition (6 victims) and the National Salvation Front (4 victims).

35. A geographical analysis indicates that conflict-related sexual violence hotspots remained concentrated in Western Equatoria, which accounted for 33 per cent of the overall cases recorded. This could be attributed to the armed conflict between the Sudan People's Liberation Movement-Army in Opposition and elements of the South Sudan People's Defence Forces loyal to Major General Nando and their respective affiliated militias. Central Equatoria accounted for 20 per cent of the overall cases recorded, which could be attributed to the ongoing clashes between the South Sudan People's Defence Forces and the National Salvation Front, and to localized violence related to cattle raiding. In 2021, the UNMISS Office of the Senior Women's Protection Adviser reported the use of sexual violence, including rape and attempted rape, in the context of localized violence, as a weapon to punish rival groups.

36. Few positive trends were observed in the area of accountability for crimes of sexual violence. Civilian courts in Warrap and Western Bahr el-Ghazal States convicted and sentenced uniformed personnel (one member of the South Sudan People's Defence Forces and four of the South Sudan National Police Service) for cases of rape, gang rape and murder of minors, which had occurred between 2019 and 2020. Sentences included monetary fines, five-year imprisonment and capital punishment.

37. The inclusion and participation of women is key in building the social fabric of South Sudan in the light of their historical subjugation and exclusion in formal decision-making processes. The Revitalized Transitional Government of National Unity is led by a cabinet of 35 members, 9 of whom, or 26 per cent, are women. Moreover, one out of the 10 deputy ministers and one out of the five vice-presidents are women. Out of the 10 governor positions, only one is held by a woman, and out of the 10 deputy governor positions, three are held by women. Furthermore, women constitute 16 per cent of officials appointed to positions in the 10 states, and 29 per cent of parliamentary seats, including the Speaker of the Transitional National Legislative Assembly and the First Deputy Speaker of the Council of States. Although the numbers fall short of the threshold of 35 per cent for affirmative action set in the Revitalized Agreement, the representation of women achieved thus far shows promising progress, especially in a country where, overall, women continue to face discrimination and inequality, including in public participation, owing to patriarchy and gender social norms.

38. State and non-State actors are listed in the annex of the Secretary-General's annual report on sexual violence in conflict for their roles in the commission of sexual violence.⁵ Owing to its prevalence in South Sudan, conflict-related sexual violence is a criterion for sanctions under Security Council resolution 2206 (2015).

39. Physical access to health care remained extremely challenging, with victims and survivors of conflict-related sexual violence often compelled to undertake long journeys, which exposes them to the risk of further harm.

40. The Human Rights Division continues to help improve referral pathways and increase awareness of medical services and psychosocial support available to victims and survivors of sexual and gender-based violence.

E. Economic, social and cultural rights

41. While COVID-19 cases remained relatively low in South Sudan,⁶ access to vaccines, essential tests and treatment remains a challenge. The pandemic continued to negatively affect the enjoyment of economic, social and cultural rights, particularly the right to health of the most vulnerable groups. Women and children appear to be the most exposed to inequalities exacerbated by years of conflict and compounded by the COVID-19 pandemic.

42. The measures taken to contain the spread of the COVID-19 pandemic have had a negative impact on households and have exacerbated gender inequalities. The limitations on movement, closure of schools and time restricted to the home have exposed women and girls to increased risks of gender-based violence. There has been a significant increase in child, early and forced marriage for financial gain as a negative coping mechanism to deal with the hardships brought by the COVID-19 pandemic, and in adolescent pregnancy. Livelihood anxieties because of the economic decline caused by the pandemic have also led to increased cases of domestic violence and have forced some women into sexual exploitation, forced prostitution and economically motivated violence and criminality.

43. Owing to inadequate health infrastructure coupled with a general lack of awareness about COVID-19, the Human Rights Division conducted awareness-raising through a weekly United Nations radio programme, broadcast nationally, on the impact of COVID-19. In addition, technical support was provided to the South Sudan Human Rights Commission to draft and submit to the Ministry of Justice and Constitutional Affairs an advisory opinion with specific recommendations on the decongestion of detention facilities in the context of the COVID-19 pandemic. During its capacity-building events, the Human Rights Division emphasized the need for partners and counterparts to adopt containment measures such as social distancing and the wearing of face masks.

44. On 23 September 2021, the Commission on Human Rights in South Sudan released a conference room paper on human rights violations and related economic crimes in South Sudan.⁷ In the report, a clear link is established between illicit financial flows, corruption and related financial crimes and the lack of capacity of the State to meet the core socioeconomic needs of its population, such as health care, education and others covered by the Sustainable Development Goals, with poor people, including women and children, being disproportionately affected. Economic crimes are described in the report as a significant driver of armed conflict in South Sudan, as they have provided the elite with the resources to raise and sustain fighting forces or foment violence.

⁵ [S/2021/312](#).

⁶ According to the World Health Organization, as at 31 December 2021, South Sudan had recorded a total of 15,242 cases of COVID-19. So far, 1.4 per cent of the population have been fully vaccinated across South Sudan. However, 29 health facilities in 14 flood-affected counties are yet to commence vaccination.

⁷ www.ohchr.org/Documents/HRBodies/HRCouncil/CoHRSouthSudan/A-HRC-48-CRP.3.docx.

IV. Main achievements in capacity-building and technical cooperation

45. Despite challenges linked to the COVID-19 pandemic, the Human Rights Division conducted a total of 457 capacity-building activities in the period from January to December 2021, including workshops, conferences, awareness-raising campaigns and radio outreach programmes on human rights, for more than 12,374 individuals across South Sudan, 37 per cent of whom were women. Participants included national and state government officials, political leaders, members of the armed forces, the police, the National Security Service, the prison services, the judiciary and the South Sudan Human Rights Commission, as well as human rights defenders, civil society activists, community leaders and youth.

A. Rule of law, accountability and transitional justice

46. In an effort to promote access to justice and accountability, the Human Rights Division, in partnership with the Rule of Law Advisory Section of UNMISS, continued to support the deployment of mobile courts to prosecute and try perpetrators in areas affected by violence and in areas in which the formal justice structure is not fully operational. The cases handled included rape, murder, robbery, theft and assault. Through its human rights due diligence policy, the Human Rights Division ensures that the death penalty cannot be imposed or carried out on any person duly convicted by a court that has benefited from the support of UNMISS.

47. Moreover, the Human Rights Division continued to provide technical, logistical, financial and capacity-building support to national civil society organizations and legal aid providers in order to develop and strengthen their ability to protect the rights of death-row inmates through the provision of legal aid, the creation of legal awareness, the training of justice-chain actors and the provision of support for reconciliation efforts alternative to the imposition of death sentences. Such activities are key to promoting access to justice and strengthen the rule of law, as the continued imposition of the death penalty in South Sudan remains of serious concern, particularly in the light of inadequate safeguards to ensure due process and fair trial guarantees. In addition, the Human Rights Division supported the South Sudan Human Rights Commission to conduct field missions in order to carry out independent investigations and reporting on alleged human rights violations.

48. In cooperation with the other components of UNMISS and United Nations entities, the Human Rights Division has been contributing to the provision of technical advice and capacity-building within the framework of a project on mitigating livestock-related violence in the border areas of Western Bahr el-Ghazal and Warrap. For example, the project provides for training, awareness-raising and consultation activities involving formal justice-chain actors and traditional leaders to ensure that case-referral mechanisms are working in practice and that links are strengthened throughout the justice chain.

49. The Human Rights Division also continued to support the team of human rights trainers drawn from the South Sudan People's Defence Forces to carry out additional capacity-building on international human rights law and humanitarian law for senior and low-ranking officials from the military police, military intelligence, the Presidential Republican Guard (Tiger Battalion), the National Security Service and the South Sudan National Police Service. In the period from January to December 2021, the Human Rights Division provided technical support to the South Sudan People's Defence Forces team of facilitators, which carried out eight workshops in Juba, Wau and Torit, benefiting at least 1,519 members of the South Sudan People's Defence Forces (including 259 women), 1,495 members of the South Sudan National Police Service (including 535 women) and 2,809 government officials (including 850 women).

50. In the framework of a joint project of under the Global Focal Point for the Rule of Law, OHCHR, in partnership with UNMISS and the United Nations Development Programme (UNDP), provided technical support to the national Government and parties to the conflict in South Sudan towards the development and implementation of holistic plans, legal frameworks and other commitments to address conflict-related sexual violence. On the

basis of the initial desk research and gap analysis conducted, the next phase of the project is to include consultations on the legal framework governing the protection of victims, witnesses and other judicial actors. For example, from 13 to 17 December 2021, the Human Rights Division participated in a five-day consultative workshop organized by the Rule of Law Advisory Section of UNMISS for civil society organizations, independent legal practitioners and other stakeholders to discuss the implementation of witness- and victim-protection measures in South Sudan. A second workshop, for policymakers, will be held in 2022.

51. With a view to advancing the transitional justice agenda in South Sudan, the Human Rights Division continued to provide technical, financial, logistical and capacity-building support to civil society stakeholders across South Sudan. It continued to support the transitional justice resource centres established by the Community Empowerment for Progress Organization in Juba, Yei, Wau and Yambio.

52. The Human Rights Division continued to support the work of the Transitional Justice Working Group, a network of civil society organizations working on transitional justice. During the period under review, four training sessions on victim and witness protection and three dialogues on truth-telling and narratives of atrocities were conducted, in Juba, Bentiu, Bor and Pibor. In total, 140 participants were involved in these dialogues, including community leaders, women, men and youth. However, the Working Group's activities were hampered by the crackdown by government security forces on the alleged ringleaders of the aborted nationwide protests of 30 August 2021.

53. Furthermore, human rights forums, organized by the South Sudan Human Rights Commission with technical support of the Human Rights Division at national and state-levels, have been an important tool to build the capacity of civil society organizations and other stakeholders to raise the population's awareness of transitional justice issues and effectively promote and build a culture of accountability. By participating in the weekly *Know Your Rights* talk show on Radio Miraya, members of the human rights forums raised awareness among the population through targeted panel discussions. The Human Rights Division also assisted civil society organizations through the transitional justice forum in organizing a panel discussion, in June 2021, that made concrete recommendations to various duty bearers on enhancing institutional collaboration on truth, reconciliation and healing in South Sudan.

54. The Human Rights Division and UNDP are recruiting a national transitional justice consultant, seconded and co-located within the Ministry of Justice and Constitutional Affairs to provide technical advice to the technical committee on the establishment of the Commission for Truth, Reconciliation and Healing.

55. From 13 to 15 December 2021, the Commission on Human Rights in South Sudan, in cooperation with OHCHR and UNMISS, convened a three-day high-level conference in Nairobi on sustaining momentum for transitional justice in South Sudan. Comprising State and non-State actors, participants took stock of the progress achieved in the implementation of transitional justice measures and identified opportunities and concrete strategies to advance the transitional justice process in South Sudan.

56. A proposal was approved for a joint project under the Peacebuilding Fund, with the UNMISS, OHCHR, UNDP and other partners, on building peace through the promotion of inclusive and participatory transitional justice processes and mechanisms in South Sudan.⁸ The two-year project aims to promote inclusive and participatory transitional justice processes and mechanisms in South Sudan by supporting national stakeholders to enhance efforts towards addressing the legacy of conflicts and promoting peace, truth, accountability, reparations, national reconciliation, prevention and healing, including through the establishment of the Commission for Truth, Reconciliation and Healing.

57. The project will build on the transitional justice component of an ongoing project under Peacebuilding Fund, jointly implemented by UNDP, UNMISS, OHCHR and other

⁸ The project, which also contains a strong component on access to justice, was approved and signed by the Government on 22 December 2021.

partners, on breaking the cycle of violence and rehabilitating justice and accountability mechanisms for the transformation of survivors and perpetrators of violent conflict into change agents for peace. Within the framework of that ongoing project, the Human Rights Division supported the establishment of networks of victims and survivors in Leer, Bentiu and Bor, with the participation of state officials. These networks are a crucial tool to raise awareness among victims and survivors, empowering them to formulate their needs and advocate their own demands with regard to accountability and transitional justice. The project also has included capacity-building and training activities designed to empower victims and survivors – as well as the civil society organizations working with them – to promote peace, justice, reconciliation and healing. Under this project, OHCHR and UNMISS recruited a consultant to design a coordinated and cohesive methodology to support future transitional justice mechanisms.

B. Civic space and participation

58. In an effort to strengthen and protect civic space and democratic dialogue, the Human Rights Division facilitated six capacity-building and awareness-raising activities in 2021, for a total of 214 individuals, including 64 women. Participants included members of the armed forces, state government officials, the national media authority, the union of journalists, human rights defenders and civil society. In June 2021, a two-day round-table discussion on combating hate speech and incitement to violence was held in Rumbek with the participation of youth groups and human rights commissioners of Lakes State.

59. In the politically polarized context of South Sudan, characterized by inequality-driven mistrust between and among communities, an absence of democratic civic space, and harassment, intimidation and arbitrary arrest and detention of human rights defenders, journalists and civil society activists, it is critical to establish an environment that is conducive to the constitution-making process, the consultation process on transitional justice, and elections in which all South Sudanese citizens are able to freely express their views without fear of interference or persecution. The outcome of the recent high-level conference on sustaining momentum for transitional justice in South Sudan, and the ongoing United Nations system-wide approach to the above-mentioned concerns, provide opportunities to enhance advocacy of a widening of the democratic and civic space for greater inclusion and participation of victims, survivors and citizens in the constitution-making process and in the consultations on the implementation of chapter V of the Revitalized Agreement.

C. Rights of women and girls

60. In an effort to prevent and respond to conflict-related sexual violence, the Human Rights Division conducted a number of capacity-building activities targeting the armed forces, government agencies and the community at large. For instance, a two-day workshop on survivor-centred investigation and fact-finding techniques in the context of allegations of sexual violence was organized in collaboration with the Ministry of Gender, Child and Social Welfare, bringing together a total of 47 participants from the Ministry of Gender, Child and Social Welfare, the Ministry of Justice and Constitutional Affairs, the Ministry of Peacebuilding, the Ministry of Health and the South Sudan National Police Service. Furthermore, during the reporting period, at least 214 members of the South Sudan People's Defence Forces, the Sudan People's Liberation Movement-Army in Opposition and South Sudan National Police Service (including 102 women) benefited from awareness-raising activities on conflict-related sexual violence.

61. The Human Rights Division and the UNMISS Office of the Senior Women's Protection Adviser supported the launch by the Minister of Defence and Veteran Affairs and the senior leadership of the Joint Defence Board of the Joint Action Plan for the Armed Forces on addressing conflict-related sexual violence in South Sudan. The Joint Action Plan, which consolidates the respective action plans of the South Sudan People's Defence Forces and the Sudan People's Liberation Movement-Army in Opposition issued in 2019, was signed and endorsed by the Joint Defence Board in January 2021. Although the graduation and redeployment of the unified forces have been delayed, all elements of the unified forces,

irrespective of their former affiliation, will have to comply with the obligations stipulated in the Joint Action Plan.

62. It is noteworthy that the Security Council include the implementation of the Joint Action Plan in its resolution 2577 (2021) as one of the key benchmarks for review of arms embargo measures. The Government is expected to report on its progress with implementation by 15 April 2022, a process that will serve as an additional tool to advocate effective and timely implementation of the Joint Action Plan.

63. Further to the launch of the Joint Action Plan, the Chair and Co-Chairs of the Joint Defence Board issued an order establishing the Joint Implementation Committee consisting of senior officials from the South Sudan People's Defence Forces, the Sudan People's Liberation Movement-Army in Opposition, the South Sudan Opposition Alliance, and the Ministry of Defence and Veteran Affairs. The Committee, mandated to oversee the implementation of the Joint Action Plan, is expected to track and report on progress and gaps in the implementation process. With technical cooperation from the Human Rights Division, the Committee commenced a series of meetings to define the guiding principles, methods and work procedures for the delivery of its mandate.

D. United Nations human rights mechanisms and the South Sudan Human Rights Commission

64. Throughout 2021, the Human Rights Division provided technical support to the interministerial committee on international human rights mechanisms. For instance, in October 2021, the Human Rights Division assisted the interministerial committee in undertaking public consultations on, drafting and submitting the national report, which is due to be considered during the third cycle of the universal periodic review, in January 2022. The Human Rights Division also provided similar support to civil society organizations to submit the corresponding shadow report in July 2021.

65. Between August and October 2021, in conjunction with other members of the United Nations country team, the Human Rights Division supported the Government in its preparations to engage in a constructive dialogue with the Committee on the Elimination of Discrimination against Women, which was held in November.⁹ This was the first engagement by South Sudan with the United Nations human rights treaty body system since its independence. The Human Rights Division, in conjunction with the United Nations country team, will now strategize on how best to support the Government to implement the Committee's concluding observations.¹⁰ The Human Rights Division is providing a national consultant to assist the Government in the preparation of the initial report of South Sudan under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

66. In its resolution 46/23 of 24 March 2021, the Human Rights Council requested the Commission on Human Rights in South Sudan to make recommendations on technical assistance and capacity-building, including to law enforcement institutions, on the promotion and protection of human rights and fundamental freedoms, including on addressing sexual and gender-based violence. Since its creation, the Commission has supported the Government and other relevant stakeholders in efforts to further the enjoyment of human rights. OHCHR continued to provide assistance to the Commission's secretariat, in support of the Commission's mandate and its crucial contributions to the protection and promotion of human rights in the country, with the invaluable backing of the Government.

67. On engagement with national human rights institutions, the Human Rights Division continued to provide technical support to the South Sudan Human Rights Commission, human rights defenders and civil society organizations to undertake human rights field monitoring, investigations and reporting missions, including consolidating checklists and tools for human rights inspection of detention facilities in Yei, Rumbek and Malakal, which

⁹ The delegation of South Sudan was headed by the Minister of Gender, Child and Social Welfare, who was accompanied, among others, by the First Deputy Speaker of the Council of States.

¹⁰ [CEDAW/C/SSD/CO/1](#).

were carried out in June 2021. Similar support was provided to the South Sudan Human Rights Commission and civil society organizations to convene, both virtually and in person, human rights forums at the national and state levels to assess the situation of human rights in South Sudan and make relevant recommendations. Following the appointment of state-level human rights commissioners in February 2021, the Human Rights Division, in partnership with UNDP, provided technical support to the South Sudan Human Rights Commission to conduct capacity-building, in November, for the newly appointed officials. Similar support was provided for weekly radio outreach programmes, on which representatives of the Government, national human rights institutions and civil society organizations participated in panel discussions on various human rights topics, and which were broadcast both by Radio Miraya and by other, commercial radio stations.

V. Conclusion and recommendations

Conclusion

68. The Government's commitment to the promotion and protection of human rights and to the implementation of the Revitalized Agreement, amid the ongoing COVID-19 pandemic, and its continued cooperation with OHCHR are welcome.

69. During the reporting period, meaningful progress towards the full implementation of the Revitalized Agreement included the reconstitution of the Transitional National Legislative Assembly, with the appointment of the first female speaker in the country's history, and the launch of the technical committee on the establishment of the Commission for Truth, Reconciliation and Healing. Another positive development was the launch of the Joint Action Plan for the Armed Forces on addressing conflict-related sexual violence in South Sudan, which was developed with the support of the Human Rights Division.

70. However, the human rights situation in the country remains worrisome, characterized by killings, sexual violence, arbitrary arrest and detention, forced displacement, abduction, looting and destruction of civilian property, and threats to and restrictions on the rights to freedom of association, assembly and expression.

71. Localized violence perpetrated by community-based militias and civil defence groups had an adverse impact on the situation of human rights and threatened to destabilize the country further and endanger sustainable peace. Government forces and opposition groups in areas such as Central Equatoria were also responsible for human rights violations and abuses.

72. Violence was linked to the availability and abundance of firearms and the lack of control of State-owned weapons and ammunition, and their widespread use in the context of intercommunal violence in places such as Jonglei State and the Greater Pibor Administrative Area.

73. Localized violence, coupled with an inadequate judicial response, has bred a culture of impunity, which fuels new cycles of violence. Accountability for human rights violations is critical for the prevention of violations, conflict and violence, the building and sustaining of peace, and the achievement of inclusive development. Lack of accountability is among the primary barriers to safe and voluntary returns of internally and other displaced persons. It is therefore vital to support the Government of South Sudan in strengthening its rule of law institutions and its transitional justice mechanisms so that perpetrators are duly brought before courts of law.

Recommendations

74. It is recommended that the Government of South Sudan:

(a) Intensify efforts to address the systemic causes of violence and to protect civilians, and conduct prompt, impartial and effective investigations into all allegations

of human rights violations and abuses and all violations of international humanitarian law, hold perpetrators accountable and ensure that victims have access to redress;

(b) Disband and disarm all armed groups and militias and take measures to ensure the secure storage of State-owned weapons and ammunition to avoid their use by community-based militias and civil defence groups;

(c) Halt extrajudicial executions and ensure that such practices are thoroughly investigated, and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

(d) Engage in the promotion of truth, justice, reparations and guarantees of non-recurrence by taking concrete and effective measures to implement chapter V of the Revitalized Agreement, including the Commission for Truth, Reconciliation and Healing, the Hybrid Court for South Sudan and the Compensation and Reparation Authority;

(e) Take steps to prosecute sexual and gender-based crimes, including conflict-related sexual violence, while ensuring that survivors receive adequate reparations commensurate with the violations perpetrated against them;

(f) Take steps to address the pervasive climate of impunity by improving access to justice, promoting and mainstreaming human rights through its legislation, procedures and actions, and taking resolute steps to bring alleged perpetrators of past and current human rights violations to justice;

(g) Continue strengthening the capacity of rule of law institutions, especially in rural and remote areas;

(h) Respect and promote civic space and enhance the protection and independence of national human rights institutions, human rights defenders, journalists and the media, and ensure the inclusive participation of civil society organizations in the permanent constitution-making process;

(i) Restrict the powers of the National Security Service and establish an accountability mechanism to ensure that the security apparatus works within the law and respects all human rights;

(j) Encourage political dialogue, refrain from any undue action that may curtail the enjoyment by any individual of their fundamental rights and freedoms and uphold the right of everyone, in particular women, to express their views, as these rights are essential to maintaining an inclusive, peaceful and resilient society and creating the conditions necessary for a strong democracy;

(k) Prioritize progress with regard to the benchmark in paragraph 2 (e) of Security Council resolution 2577 (2021), on the implementation of the Joint Action Plan for the Armed Forces on addressing conflict-related sexual violence, with an emphasis on training, awareness-raising, accountability and oversight of the defence and security forces;

(l) Strengthen the participation of women at all levels of government, as detailed in the Revitalized Agreement;

(m) Ensure that women and youth are empowered to participate actively in civic engagement, constitution-making, transitional justice processes and governance;

(n) Nurture and sustain a culture of accountability and probity in the management of the economy and public finances at all levels and in all sectors of public administration, including by strengthening and supporting institutions and officials with oversight responsibilities, holding those implicated in economic crimes criminally accountable and ensuring that the stolen funds are returned;

(o) Realign spending priorities and commit resources towards fulfilling citizens' immediate needs, prioritizing and accelerating the fulfilment of the economic, social and cultural rights of all South Sudanese people;

(p) Prioritize the ratification of the core international human rights instruments to which South Sudan is not yet a party, and the related reporting obligations to human rights mechanisms;

(q) Incorporate legislative provisions for the prosecution of international crimes into the South Sudanese legislative framework, thus domesticating international crimes, promoting accountability and combating the pervasive climate of impunity in South Sudan.

75. It is recommended that the Sudan People's Liberation Movement-Army in Opposition and other armed elements:

(a) Resolve outstanding disputes and agree to a defined process and mechanism that forges a way forward in a spirit of compromise and peace;

(b) Cease the deliberate targeting and killing of civilians, take action to protect civilians and ensure that all those responsible for such violations are held accountable;

(c) Prevent and address conflict-related sexual violence and hold accountable all those responsible for violations and abuses of human rights and international humanitarian law.

76. It is recommended that the African Union and other regional actors:

(a) Strengthen support for transitional justice efforts and the realization of critical transitional justice mechanisms, such as the Commission for Truth, Reconciliation and Healing, the Hybrid Court for South Sudan and the Compensation and Reparation Authority;

(b) Ensure that the momentum generated by the signing of the Revitalized Agreement is maintained and that all its provisions are fully implemented;

(c) Engage with the Government of South Sudan on the signing of the memorandum of understanding for the establishment of the Hybrid Court for South Sudan;

(d) Support South Sudan to fully and swiftly implement the Revitalized Agreement and establish vital governance and security institutions in order to create mechanisms for accountability and transitional justice.

77. It is recommended that the international community:

(a) Use all available diplomatic means and channels of communication with relevant stakeholders to support the implementation of the foregoing recommendations;

(b) Continue to call on all parties to immediately cease fighting and all forms of violence, and to refrain from committing human rights abuses or violations of international humanitarian law or other international crimes;

(c) Continue to support the Government, in accordance with international norms and standards, to strengthen rule of law institutions, especially in rural and remote areas;

(d) Continue to work closely with local leaders with a view to attaining peaceful resolutions to localized conflicts, which fuel inter-ethnic violence and exacerbate localized grievances, and to bringing to account high-ranking politicians and commanders, from both government and opposition forces.