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**Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21**

**South Sudan\***

The present report is a summary of 23 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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\* The present document was not edited before being sent to United Nations translation services.



## Information provided by stakeholders

### A. Background and framework

#### 1. Scope of international obligations

1. Amnesty International (AI) noted the pledge made by President Salva Kiir on 9 July 2011 that South Sudan would seek accession to human rights treaties as soon as possible. However, AI stated that South Sudan was a party to only five of the core international human rights treaties.<sup>2</sup>

2. A number of organizations recommended that South Sudan sign and ratify key international and regional human rights instruments.<sup>3</sup>

#### 2. Constitutional and legislative framework

3. Jubilee Campaign (JUBILEE) recommended that the language in the Transitional Constitution be changed to promote the concept of national rather than tribal identity for a citizen of South Sudan to deter the tendency toward inter-communal conflict and strife.<sup>4</sup>

4. Global Partnership for Peace in South Sudan (GaPPSS) recommended that South Sudan repeal sections (b) and (d) in Article (5) of the Transitional Constitution, which vaguely suggested that sources of legislation shall be customs, traditions, and other sources, in contradiction of Article 9, sections (2) and (3), calling for the respect of individual rights and freedoms.<sup>5</sup>

5. Human Rights Watch (HRW) stated that, while South Sudan had ratified, or was in the process of ratifying several key international human rights treaties, it had yet to implement them or harmonize domestic laws with them.<sup>6</sup> HRW stressed that a number of laws, including the National Security Service (NSS) bill, contravened human rights norms and should be reformed.<sup>7</sup>

#### 3. Institutional and human rights infrastructure and policy measures

6. GaPPSS noted that, during the previous UPR, South Sudan had accepted recommendations 84.1, 84.7, 84.8, and 85.1<sup>8</sup> to complete its transition from a militarized society to a democratic system based on the rule of law under civilian rule. However, GaPPSS regretted that South Sudan had failed to implement any of these recommendations. South Sudan continued to be highly militarized.<sup>9</sup>

7. Jonglei Development Agency (JODA) indicated that the South Sudan Human Rights Commission was not truly independent.<sup>10</sup> Joint Submission 3 (JS3) recommended that South Sudan adequately resource independent national human rights institutions, including the South Sudan Human Rights Commission and ensure its accreditation under the Paris Principles by 2018.<sup>11</sup> Edmund Rice International (ERI) recommended that South Sudan ensure the efficacy of the South Sudan Human Rights Commission through increased resource allocation.<sup>12</sup>

8. AI recommended that South Sudan ensure that the South Sudan Human Rights Commission is provided with all necessary financial, logistical and technical support in order to effectively monitor, document and publicly report on the human rights situation in the country, particularly violations related to the internal armed conflict.<sup>13</sup>

9. Joint Submission 1 (JS1) noted that an Independent Child Commission with the ability to investigate complaints made by any person on child rights violations and to

monitor compliance of the CRC had not been established, despite a provision to do so in the Child Act of 2008.<sup>14</sup>

10. JS1 stated that there was no birth registration policy or system in place. Instead, the Government issued age assessment certificates, which had many implications for the enjoyment of children's rights, including in the establishment of a minimum age for marriage, minimum age for criminal responsibility and access to essential services, including health, education and protection.<sup>15</sup>

## **B. Cooperation with human rights mechanisms**

### **1. Cooperation with treaty bodies**

11. Access Now recommended that South Sudan improve cooperation with the UN and AU treaty mechanisms.<sup>16</sup>

### **2. Cooperation with special procedures**

12. Joint Submission 5 (JS5) and Access Now recommended that South Sudan issue a standing invitation to the UN special procedures.<sup>17</sup>

13. ARTICLE 19 (Article 19) recommended that South Sudan extend an invitation to the UN Special Rapporteur on the promotion and protection of the right to freedom of expression to visit the country to allow for an independent review of its record of freedom of expression and to assist in guiding the reform process.<sup>18</sup>

## **C. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **1. Equality and non-discrimination**

14. Women Leaders PoC (WLPoC) indicated that the Transitional Constitution stated that women had the right to own property and inherit from their husbands, however, that, according to customary law, property should remain within the family and should be owned and managed by men, as heads of household.<sup>19</sup> WLPoC and Joint Submission 2 (JS2) called upon South Sudan to amend all parts of customary law to ensure its compliance with CEDAW and the Transitional Constitution.<sup>20</sup>

15. Warrap Women Union (South Sudan) (WWU) stated that, in Warrap, cultural practices had mostly been transformed into customary laws that affected women on a daily basis and caused gender-based and domestic violence in communities and homes. One major cultural barrier that caused a series of domestic violence was the payment of dowry. A suitor normally paid within the range of 50 to 200 cows for a bride in the Dinka culture and tradition. This dowry payment could easily result in the effective enslavement of the woman and make her a property of the husband.<sup>21</sup>

16. WWU continued that adultery was classified as a criminal offence in the Penal Code Act of 2008 and largely only affected wives. The law was being used by the husbands as they were mostly the ones who filed complaints against their wives. By cultural norms, the practice of dowry payment in cows, prevented wives from even attempting to file a complaint against their husbands for committing adultery.<sup>22</sup>

## 2. Right to life, liberty and security of the person

17. Joint Submission 7 (JS7) noted that, during the 2011 UPR, Italy and France had recommended that South Sudan abolish the death penalty. South Sudan had accepted the Italian recommendation<sup>23</sup>, but not the similarly worded recommendation from France.<sup>24</sup>

18. JS7 continued that South Sudan had not implemented the accepted recommendation for a moratorium on the death penalty, even though it had subsequently voted in the United Nations in its favor on two occasions. The death penalty remained in force, as South Sudan continued to carry out executions by hanging, including conducting two executions as recently as January 2016.<sup>25</sup> HRW made a similar observation.<sup>26</sup>

19. AI noted that the Transitional Constitution permitted the death penalty as punishment for “extremely serious offenses”. In 2015, South Sudan carried out at least five judicial executions, at least 17 people were sentenced to death, and by the end of the year, there were at least 305 people on death row.<sup>27</sup> JS7 and AI recommended that South Sudan place an immediate moratorium on the use of the death penalty with a view to its abolition and commute all death sentences.<sup>28</sup>

20. AI stated that, in the context of the internal armed conflict that erupted in December 2013, both government and opposition forces had committed crimes under international law that might amount to war crimes and crimes against humanity. They had attacked civilians sheltering in hospitals and places of worship, executed captured fighters, abducted and arbitrarily detained civilians, burned down homes, damaged and destroyed medical facilities, looted public and private property as well as food stores and humanitarian aid, and recruited children to serve in their armed forces. Parties to the conflict had also regularly attacked, detained, harassed and threatened humanitarian aid workers and UNMISS staff.<sup>29</sup>

21. Joint Submission 8 (JS8) stated that ethnic fights had often broken out in the sites for protection of civilians (PoC), such as Malakal, Bor and Juba resulting in multiple loss of life. Assassinations, enforced disappearance, murder, extra-judicial and revenge killings were also among the common human rights violations by both State and non-state actors.<sup>30</sup>

22. GaPPSS recommended that South Sudan ensure unfettered passage for the delivery of humanitarian relief to affected populations.<sup>31</sup>

23. AI stated that torture, enforced disappearance, genocide and crimes against humanity were not criminalized under South Sudanese law. A Penal Code Amendment Bill, currently under consideration by the National Legislative Assembly, sought to fill some of the legislative gaps by criminalizing genocide, war crimes and crimes against humanity; however, the definitions of these crimes did not conform to internationally agreed definitions. The Bill also did not include provisions for command responsibility, the irrelevance of official capacity, and the non-applicability of amnesties, pre-conviction pardons and immunities.<sup>32</sup>

24. Joint Submission 4 (JS4) stated that, during the conflicts in Wau in Western Bahr el Ghazal State in December 2012, 81 suspects had been arbitrarily arrested, detained and tortured by the Criminal Investigation Department during the investigation process. Since the war that had started in December 2013, SPLA and NSS had detained many people on the allegations of being supporters/sympathizers or members of the Sudan People’s Liberation Movement/Army in Opposition (SPLM/A-IO).<sup>33</sup>

25. A number of organizations expressed concern about conditions of detention throughout the country. According to them, prisons were overcrowded and dirty, and inmates were subject to ill-treatment and were not provided with adequate food, water, or access to health care.<sup>34</sup>

26. HRW recommended regular visits to all places of detention by independent and international experts as per CAT and OP-CAT ratified in 2015.<sup>35</sup>
27. Joint Submission 6 (JS6) recommended that, in the absence of a South Sudan Human Rights Commission presence in Western Equatoria State, access be granted to all human rights defenders to monitor and assess the condition of the detainees to ensure that it is in accordance with international human rights law.<sup>36</sup>
28. AI and GaPPSS stated that the NSS used excessive force and arbitrarily detained perceived government opponents, journalists, and members of civil society without charge or trial, sometimes for over a year. Detainees were reported to have been subjected to torture and other ill-treatment and denied access to legal counsel.<sup>37</sup>
29. AI noted a NSS Bill granted NSS sweeping powers to arrest, detain, conduct searches, and seize property, without adequate judicial oversight or safeguards against the abuse of such powers. The Bill did not specify that detainees might only be held in official places of detention nor did it guarantee basic due process rights. According to AI, in March 2015, the Minister of Justice announced that the NSS Bill had entered into effect and become an Act.<sup>38</sup>
30. JS6 noted that hundreds of residents, particularly young people, were held in arbitrary arrest and unlawful detentions without charges, as well as reports of possible death-related disappearances while in custody at various SPLA and other security detention facilities in Western Equatoria State.<sup>39</sup>
31. AI recommended that South Sudan immediately release from detention all human rights defenders, activists and political detainees or charge them with recognizable offences and present them before an ordinary and competent civilian judicial authority.<sup>40</sup>
32. According to AI, sexual and gender-based violence was widespread in the context of the conflict. There were cases of sexual slavery and gang-rape, including of girls as young as eight years old. There had also been cases of men and boys being castrated.<sup>41</sup>
33. WLPoC stated that women and girls living in Unity State were at heightened risk of experiencing rape, and other forms of sexual violence. Rape and sexual violence not related to the conflict were likely to be more prominent than conflict-related sexual violence, however, it had been less documented.<sup>42</sup>
34. JS8 indicated that gang-rape and killing, abduction and stripping, sexual assault, sexual slavery and forced abortion were the most documented heinous violations against women and girls in Unity State. SPLA and its affiliated militias were the perpetrators of the above violations.<sup>43</sup>
35. JS3 stated that there were no specific laws regarding violence against women and no accurate national data on rates of violence. The Penal Code Act excluded coerced marital sex from the definition of rape, and the law enforcement and justice systems were ill-equipped to effectively address cases of domestic abuse. This was further aggravated by existing harmful cultural practices that treated women as property.<sup>44</sup>
36. WLPoC reported that, if sexual violence cases were taken to court, the chances of a conviction were extremely low. Perpetrators of rape were usually asked to marry the woman they had raped in exchange of cows to be paid to the woman's family. In these cases, the number of cows men were asked to give was usually lower than if the woman had not been raped.<sup>45</sup>
37. JS1 stated that, in some communities, girls were given as compensation for anyone killed.<sup>46</sup>

38. JS4 indicated that women had no right to make decisions on the choice of their spouses. Girls continued to be subjected to early and forced marriages. On matters of inheritance, customary practices forbade a woman from inheriting the property of her deceased husband as well as those of her father. Furthermore, a woman was forbidden to initiate divorce proceedings even if she found herself in a violent domestic relationship.<sup>47</sup>

39. HRW noted that almost half of girls aged 15 to 19 were married, of which 17 per cent had been married before the age of 15. Proxy detentions, whereby the wives or children of the accused were detained until the suspect surrendered, had also been known to be frequently used. Domestic disputes were regularly resolved in traditional courts that often applied discriminatory customs against women.<sup>48</sup>

40. JS2 recommended that South Sudan increase the number of women in leadership positions in the army and the police as a basic step towards ending gender-based violence.<sup>49</sup>

41. JS8 stated that child abduction was common among some nomadic and pastoral communities, which remained one of the major reasons for inter-communal clashes.<sup>50</sup>

42. HRW indicated that, although South Sudan had signed an action plan with the United Nations in March 2012 to end the use of child soldiers and order their release from SPLA, forced recruitment and use of minors by the army continued. Since the beginning of the conflict in 2013, both government and opposition forces had forcibly recruited and used thousands of children. Despite promises by the government and rebel forces, thousands of children had yet to be demobilized.<sup>51</sup>

43. JS1 recommended that the Government immediately cease the recruitment and use of children in armed conflict in compliance with their obligations under international humanitarian law and international human rights law, immediately and unconditionally release all children associated with armed forces and groups, and ensure their safe return to their families and access to education and psychosocial well-being.<sup>52</sup> JS2 made a similar recommendation.<sup>53</sup>

### **3. Administration of justice, including impunity, and the rule of law**

44. WLPoC stated that there were no statutory courts in Unity State since the conflict erupted in December 2013, as all judges and prosecutors left, fearing they would be killed. Only customary law remained enforceable in Unity State.<sup>54</sup>

45. JS3 stated that formal courts were only available in towns, hosting only 15 per cent of the country population. The vast population of the country remained under the sway of customary courts.<sup>55</sup> Even in the towns, access to justice for civilians presented great challenges as the courts were not independent.<sup>56</sup> JS 2 made a similar observation.<sup>57</sup>

46. AI noted that a lack of capacity, inadequate training and lack of independence of police, prosecutors and judges gave rise to serious human rights violations in the administration of justice. South Sudan did not guarantee access to legal counsel for individuals accused of criminal offences, including those facing the death penalty.<sup>58</sup>

47. WWU noted that women's access to justice in Warrap had been an overwhelming problem in both the judiciary and traditional justice system. This was due to several factors: lack of female judges, prosecutors, lawyers and police investigators to assist women in addressing their issues; poverty; police corruption in extorting huge amounts of money from women; stigma in the traditional courts; and lack of female representation in the traditional courts to handle women's issues and advocate for their rights.<sup>59</sup>

48. HRW indicated that, while the government formed a presidential committee in January 2014 to investigate the December 2013 violence, its report had not yet been made public. The army and the police had also established two investigations into the

involvement of security forces in the December 2013 killings in Juba, but their reports had yet to be made public by President Kiir. Eleven alleged perpetrators who had been arrested in connection to the December 2013 crimes had escaped in March 2014 during a gun battle.<sup>60</sup> AI made similar observations.<sup>61</sup>

49. JS6 indicated that, in Western Equatoria State, so far, no case had been reported and no investigation established for the prosecution of military personnel who were directly involved in human rights violations. This gave little hope to the victims' families who were seeking to access justice.<sup>62</sup>

50. WLPoC called upon South Sudan to ensure that perpetrators of past human rights and international humanitarian law violations who had committed crimes against women were suspended from their positions.<sup>63</sup> JS2 made a similar recommendation.<sup>64</sup>

51. Reporters Without Borders International (RSF-RWB) noted an alarming increase in cases of arrest and torture of journalists by members of NSS. Impunity for murders of journalists was encouraged by the statements attributed to President Kiir, who, in his address in August 2015, had reportedly threatened to kill journalists who worked against their country.<sup>65</sup>

52. ARTICLE 19 recommended that South Sudan end impunity by ensuring impartial, speedy and effective investigations into human rights violations against journalists, to bring perpetrators to justice, and to ensure that victims and their families had access to appropriate remedies.<sup>66</sup>

53. International Service for Human Rights (ISHR) recommended that South Sudan combat impunity by ensuring the prompt, thorough and impartial investigation of all violations against human rights defenders, the prosecution of perpetrators, including members of NSS, and access to effective remedies for victims.<sup>67</sup>

54. ERI recommended that South Sudan intensify efforts to reduce civilian casualties by increasing the accountability of the armed forces through tougher legislation.<sup>68</sup> GaPPSS recommended that South Sudan immediately end all attacks directed at civilians and put mechanisms in place to bring the perpetrators to justice, including independent investigations, and the hybrid court for South Sudan.<sup>69</sup>

55. AI recommended that South Sudan ensure the establishment of the Commission for Truth, Reconciliation and Healing, the Compensation and Reparations Authority, and the Hybrid Court for South Sudan, as provided for in the Agreement on the Resolution of Conflict in South Sudan (ARCSS).<sup>70</sup>

56. JS3 recommended that South Sudan conduct consultations on transitional justice processes provided under ARCSS to ensure victim-centred transitional justice processes and fully cooperate with AU and the international community to expedite the formation of the hybrid court for South Sudan by 2017.<sup>71</sup>

57. JS4 stated that children were arrested without any warrant and then later transferred to the Juvenile Home on remand. Most of them were not informed of reasons for their arrest and self-incriminated whilst in detention. Their parents or legal guardians were often not informed of their arrest/detention due to logistical and administrative challenges faced by the authorities.<sup>72</sup>

58. JS1 stated that the Child Act 2008 contained the legal framework for the establishment of a specialized juvenile justice system, however, that no such system was in place. Only one specialized court could be found in Rumbek, Lakes State.<sup>73</sup>

59. JS4 noted that the State had only one reformatory centre for boys with a capacity for 45 inmates, but that it was currently accommodating more than 78 inmates, forcing some to

sleep in the toilets. Without any reformatory provision for them, girls were put together with adult women in the main prison.<sup>74</sup>

**4. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

60. JUBILEE noted that the burning down of a church in Yida during the conflict in January 2015 was a threat to religious freedom.<sup>75</sup>

61. ARTICLE 19 observed that little progress had been made to protect freedom of expression. NSS continued to harass, intimidate, and arbitrarily detain journalists. As a result, freedom of expression had been increasingly eroded since the independence in 2011, a situation which escalated following the outbreak of internal armed conflict in mid-December 2013.<sup>76</sup>

62. According to ARTICLE 19, President Kiir signed into law the Media Authority Bill, the Right of Access to Information Bill and Broadcasting Corporation Bill. ARTICLE 19 remained concerned over their implementation as provisions within these laws were not in conformity with international human rights law.<sup>77</sup> ISHR recommended that South Sudan review and implement these media laws in accordance with international human rights law, and protect independent media.<sup>78</sup>

63. ARTICLE 19 noted that many journalists and human rights defenders had resorted to self-censorship, carefully crafting articles and statements to avoid antagonising the Government and opting out of public appearances or television and radio interviews.<sup>79</sup>

64. RSF-RWB regretted that restrictions of freedom of expression and the right to information in the 2011 Constitution were vaguely worded so that the authorities could interpret them in an overly restrictive manner.<sup>80</sup>

65. JS5 stated that the NSS Bill that had come into effect in March 2015 provided broad powers to the security service to monitor wireless systems, publications, and broadcasting stations.<sup>81</sup>

66. According to RSF-RWB, the South Sudanese authorities often seized the entire issue of a newspaper as a way to prevent the publication of information and to inflict financial harm by depriving the newspaper of the income from retail sales.<sup>82</sup>

67. Furthermore, RSF-RWB stated that, in addition to persecuting independent and opposition media outlets, NSS also targeted community radio stations, often religious ones.<sup>83</sup>

68. JS3 continued that outdated laws imposed unwarranted restrictions on journalists and media houses on the grounds of defamation.<sup>84</sup>

69. Access Now noted the intention of South Sudan to increase national connections to major global telecommunications cables. It recommended that South Sudan commit to enhancing freedom of expression online and preventing violations by state and non-state actors; and refrain from slowing, blocking or shutting down internet and telecommunications services, particularly during elections and public assemblies.<sup>85</sup>

70. ISHR recommended that South Sudan cease impeding the right to freedom of expression, including through harassment and censorship of the media and civil society, detention of journalists, and the issuing of orders to suspend publications or seize newspapers.<sup>86</sup>

71. JS5 continued that several human rights defenders had been victims of failed assassination attempts, and continued to receive death threats from government representatives, NSS, SPLM, SPLA and unidentified sources. They regularly faced



harassment, intimidation and were routinely kidnapped, tortured and left abandoned in deserted areas. Their houses and property had been attacked and destroyed.<sup>87</sup>

72. JS5 indicated that, on 11 February 2016, President Kiir had signed the Non-Governmental Organisations (NGO) and the Relief and Rehabilitation Commissions bills into law. These Acts had restrictive provisions that provided broad powers to the authorities to monitor and control the activities of NGOs. The NGO Act required NGOs to seek permission in order to carry out any activities not listed in their certificates of registration.<sup>88</sup>

73. ISHR recommended that South Sudan ensure that the NGO Act is reviewed and amended, including through a process of public consultation to ensure its compliance with international human rights law.<sup>89</sup>

74. ISHR recommended that South Sudan guarantee the right of safe and unhindered access to international human rights mechanisms and condemn and punish acts of intimidation and reprisals against human rights defenders who engaged with the UN and regional human rights bodies.<sup>90</sup>

75. JS8 noted the provisions in the Transitional Constitution on the affirmative action of 25 per cent for women's participation in governance. According to JS3, the implementation of these provisions presented a great challenge due to the high illiteracy rate among women.<sup>91</sup> JS4 stated that women were grossly underrepresented in executive positions.<sup>92</sup> WLPoC and JS2 indicated that, among 28 new governors appointed in December 2015, not one was a woman.<sup>93</sup> JS4 continued that women were also under represented in civil services positions such as director-general of ministries and department heads.<sup>94</sup> WWU made similar observations.<sup>95</sup>

## **5. Right to social security and to an adequate standard of living**

76. JS3 stated that most South Sudanese depended on small-scale subsistence farming and cattle-herding. However, this pattern of livelihood had been disrupted by the war, leaving most of citizens at a risk of acute famine and poverty.<sup>96</sup>

77. Food & Agriculture Development Agency (FADA) stated that the whole of Warrap State was on the verge of starvation. In the last two years, there had been food shortages and skyrocketing market prices, leaving one in three households suffering from acute hunger.<sup>97</sup>

## **6. Right to health**

78. JS8 stated that the lack of trained qualified medical staff, health facilities and medicines; salary delays and levels; inaccessibility to health facilities for lack of transport and poor roads; and high illiteracy, especially in the rural areas, were some of the major impediments to the enjoyment of the right to health.<sup>98</sup>

79. ADF International indicated that several social and cultural factors contributed to poor maternal health.<sup>99</sup> WWU noted that the percentage of women was high in Warrap, however, that the provision of health care provided by the Government was inadequate, increasing risks to the health and lives of women. This was due to several factors: limited number of midwives to cater for expectant mothers; few government health centres; limited support from husbands and poverty.<sup>100</sup>

80. JS8 stated that the cholera outbreak further threatened the lives of children. Malaria had also been in an alarming increase for children during their displacement.<sup>101</sup>

81. JS8 stated that children suffering from acute malnutrition had doubled since the outbreak of the crisis in December 2013.<sup>102</sup>

82. AI stated that mental health services were almost non-existent. Only one public hospital in the country provided psychiatric care, in an in-patient ward with only 12 beds. People with serious mental health disabilities were routinely incarcerated in prisons. They were not provided adequate medical care, and were often held chained, naked or in solitary confinement.<sup>103</sup>

83. ADF, ERI and JS1 recommended that South Sudan increase financial investment in the health sector, including for the development of health care facilities, and the training of more specialized health care professionals.<sup>104</sup>

## **7. Right to education**

84. HRW stated that schools continued to be attacked and occupied throughout the country, by both parties to the conflict.<sup>105</sup>

85. According to JUBILEE, 40 per cent of men were literate, while only about 15 per cent of women were literate. Furthermore, many teachers had never completed primary school themselves.<sup>106</sup>

86. JS1 stated that lack of school structures and lack of school in some parts of the country continued to present major barriers in accessing education for the majority of children. Moreover, according to JS1, children had reported widespread abuse and mistreatment by their teachers, including sexual harassment.<sup>107</sup>

87. FADA indicated that primary schools charged some fees for pupils, which parents with low income level could not afford.<sup>108</sup> JS3 recommended that South Sudan provide free education for all children.<sup>109</sup>

88. WWU noted a high percentage of uneducated women in Warrap due to various reasons: early and forced marriage; removal of girls from school for fear of getting pregnant; and keeping girls at home as care givers. Only a few women were educated but in Arabic not English. Such women found it difficult to find employment in the various sectors.<sup>110</sup> WLPoC advocated for women's greater access to education, to enable them to participate in society and the economy on equal terms with men.<sup>111</sup>

## **8. Persons with disabilities**

89. Joint Submission 9 (JS9) indicated that persons with disabilities were widely seen as beggars and as people incapable of contributing to society. They were more likely to be illiterate and unemployed due to widespread exclusion. As a consequence, they were among the most marginalised in society, with limited or no opportunities for support. Their voices were hardly heard, so their concerns were barely taken into consideration in decision-making processes.<sup>112</sup>

90. JS9 continued that access to education for persons with disabilities depended on a range of factors, such as the type and/or degree of impairment, socio-economic status of a family, physical accessibility of schools, distance, and attitudes.<sup>113</sup>

91. JS9 recommended that inclusive education be reinforced and extended to all parts of South Sudan with education in Braille and sign language to be provided.<sup>114</sup>

92. JS9 also recommended that South Sudan promote affirmative action for the employment of persons with disabilities and make existing vocational skills training and development programmes to be inclusive of persons with disabilities<sup>115</sup>

## **9. Minorities**

93. GaPPSS noted that, on 2 October 2015, President Kiir had issued a controversial decree dividing South Sudan into 28 states, which further encouraged tribalism and ethnic

lands disputes.<sup>116</sup> GaPPSS recommended that South Sudan cancel the executive order that divided the country into 28 states and return to the 10 states as stipulated in ARCSS.<sup>117</sup>

94. ERI recommended that South Sudan provide fair representation of all ethnic groups in state and national government roles and commit to the protection of ethnic minorities through national education programmes that promoted respect, understanding and cooperation among various ethnic groups.<sup>118</sup>

#### **10. Internally displaced persons**

95. JS3 stated that less than 10 per cent of those displaced inside South Sudan—over 100,000 people—were residing in UN PoC sites. The vast majority of displaced people were living outside these sites, many of whom in remote areas where accessing basic services and assistance was much more difficult.<sup>119</sup>

96. JS3 continued that the humanitarian response had had a disproportionate focus on internally displaced persons (IDPs) sheltering in PoC sites and IDP camps, who were easier to reach. The vast majority of people outside bases and formal camps faced continued threats to their security, resulting in repeated displacement.<sup>120</sup>

97. JS6 noted the forced displacement of thousands of civilians, especially in Mundri West, Mundri East and Ezo counties in Western Equatoria State as a consequence of SPLA attacks. Displaced civilians had no access to basic services such as water, food, health and primary education.<sup>121</sup>

98. HRW stated that, on February 18 2016, a UN base hosting almost 50,000 IDPs in Malakal had come under attack. SPLA soldiers had reportedly penetrated into the camp, shooting indiscriminately and burning tents and shelters. At least 25 people had been killed and more than 120 IDPs wounded. The attack was not the first armed attack on UN PoC sites; an armed attack on Bor in April 2014 had killed more than 50 residents. To date, no one had been held accountable.<sup>122</sup>

#### **11. Right to development and environmental issues**

99. JS2 stated that oil contamination was a major source of water and soil pollution, resulting in the loss of traditional livelihoods, in particular of the Nuer community in Unity State. Most members of the Nuer community were pastoralists and their livelihood depended on cattle. However, oil pollution near the oil fields was resulting in the loss of grazing land for their cattle, as well as cattle deaths.<sup>123</sup> JS2 recommended that South Sudan strengthen the current governance framework by enacting appropriate legislation.<sup>124</sup>

## Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

*Civil society*

## Individual submissions:

Access Now	Access Now, New York, United States of America;
ADF International	ADF International, Geneva, Switzerland;
AI	Amnesty International, London, United Kingdom of Great Britain and Northern Ireland;
ARTICLE 19	ARTICLE 19, London, United Kingdom of Great Britain and Northern Ireland;
ERI	Edmund Rice International, Geneva, Switzerland;
FADA	Food & Agriculture Development Agency, South South, Kuajock, South Sudan;
GaPPSS	Global Partnership for Peace in South Sudan, Beverly, United States of America;
HRW	Human Rights Watch, Geneva, Switzerland;
ISHR	International Service for Human Rights, Geneva, Switzerland;
JODA	Jonglei Development Agency, Nairobi, Kenya;
JUBILEE	Jubilee Campaign, Fairfax, Virginia, United States of America;
RSF-RWB	Reporters Without Borders International, Paris, France;
WLPoC	Women leaders PoC, Bentiu, South Sudan;
WWU	Warrap Women Union (South Sudan), Kuajock, South Sudan.

## Joint submissions:

JS1	Joint submission 1 submitted by: CRCSC (Child Rights Civil Society Coalition), Juba South Sudan; Agency for Children's Development Foundation (ACDF); Advocate Coalition for Rights and Development (ADCORD); Community Agribusiness Development Agency (CADA); Community Advocacy Network (CAN); Child Rights Civil Society Coalition (CRCSC); Disabled Association for Rehabilitation (DARD); Foundation for Youth Initiative (FYI); Hold the Child (HC); Hope Restoration South Sudan (HRSS); Indigent Development Organization (IDO); Pita Women Association for Development (PWAD); Sudanese Christian Youth Ministry International (SCYMI); and The Organization for Children Harmony (TOCH);
JS2	Joint submission 2 submitted by: CSO BentiuPoC (Civil Society Organizations at Bentiu Protection of Civilians), Bentiu, South Sudan; Greater Upper Nile Organization; Women Vision; CAPRAS-Community Outreach Protection on Reproductive Health Awareness and Sanitation; Peace and Justice Commission; Women Empowerment Development Organization; Hope and Restoration Committee; Children Charity Organization and KALP-Koch Adult Literacy Program;
JS3	Joint submission 3 submitted by: LWF (Lutheran World Federation), Geneva Switzerland; Organization for Non-violence and Development (ONAD); African Mission Assistance (AMA); Mindri Relief and Development Association (MRDA); Basic Education Development Network (BEDN); South Sudan Youth for Peace and Development organization (SSYPADO); Institute for Promotion of Civil Society (IPCS); South Sudan Law Society (SSLS); Peace and Development Collaborative Organization (PDCO); Advocate Coalition for Rights and Development (ADCORD), Juba South Sudan; Foundation for Human Rights Initiative (FHRI); Institute for Economic Affairs (IEA); Foundation for Democracy and Accountable Governance; and Human Rights Development Organization (HURIDO);

JS4	Joint submission 4 submitted by: Coalition of CSOs in Western Bahr el Ghazal State (WBGs), Wau, South Sudan: Justice and Peace Commission; Women Training and Promotion; Community Empowerment for Progress Organization; St. Mary Association; Unity Cultural Development Center; and Women for Food Basket;
JS5	Joint submission 5 submitted by: CIVICUS: World Alliance for Citizen Participation, Johannesburg, South Africa; and the East and Horn of Africa Human Rights Defenders Project, Kampala, Uganda;
JS6	Joint submission 6 submitted by: Western Equatoria State Civil Society Coalition, Yambio, South Sudan: Justice and Peace Commission /Catholic Diocese of Tambura Yambio (CDTY); Civil Society Human Rights Forum (CSHRF); Faith Based Council (FBC); Hummingbird Action for Peace and Development; and Young Women Christian Association (YWCA); and Women General Union;
JS7	Joint submission 7 submitted by: The Advocates for Human Rights, Minneapolis, Minnesota, United States of America; and the World Coalition Against the Death Penalty;
JS8	Joint submission 8 submitted by: South Sudan Human Rights Commission, Juba, South Sudan; Community Empowerment in Progress Organisation (CEPO); South Sudan Women Empowerment Network (SSWEN); Organisation for Non-Violence and Development (ONAD); Confident Children Out of Conflict (CCC); Organization Community Initiative Support Program (OCISP); Angear Organisation (AODCC); and South Sudan Civil Society Alliance (SSCSA);
JS9	Joint submission 9 submitted by: SSAVI South Sudan Association of the Visually Impaired, Juba, South Sudan; Equatoria States Union of the Visually Impaired (ESUVI); Central Equatoria State Union of the Physically Disabled (UPD); Equatoria States Association of the Deaf and Dumb (ESADD); and South Sudan Women with Disabilities Network (SSWDN).

<sup>2</sup> AI, p. 1. Article 19, para. 21.i.

<sup>3</sup> See Access Now, para. 11. b. / AI, p. 5. / Article 19, para. 21.i. / ERI, pp. 2, 4, and 5. / GaPPSS, p. 5. / JS1, recommendation a), p. 3. / JS3, recommendation d., p. 7. / JS5, p. 11. / JS8, p. 8. / JS9, p. 3.

<sup>4</sup> JUBILEE, para. 21.

<sup>5</sup> GaPPSS, p. 5.

<sup>6</sup> See also GaPPS, p. 1.

<sup>7</sup> HRW, p. 1. See also AI, p. 2.

<sup>8</sup> See A/HRC/18/16 for these recommendations.

<sup>9</sup> GaPPSS, p. 1.

<sup>10</sup> JODA, p. 2.

<sup>11</sup> JS3, recommendation b., p. 4.

<sup>12</sup> ERI, p. 4.

<sup>13</sup> AI, p. 5. See also GaPPS, p. 1.

<sup>14</sup> JS1, para. 4.

<sup>15</sup> JS1, para. 5.

<sup>16</sup> Access Now, para. 11.e.

<sup>17</sup> Access Now, para. 11. e. / JS5, p. 11.

<sup>18</sup> Article 19, para. 21. ii.

<sup>19</sup> WLPoC, para. 19.

<sup>20</sup> WLPoC, para. 3. / JS2, para. 22. See also JS4, p. 8.

<sup>21</sup> WWU, p. 3.

<sup>22</sup> WWU, p. 4.

<sup>23</sup> Para. 85.4., A/HRC/18/16.

<sup>24</sup> 84.20., A/HRC/18/16. JS7, para. 4.

<sup>25</sup> JS7, para. 5.

- 26 HRW, p.1.  
27 AI, p. 2.  
28 JS7, para. 18. / AI, p. 5.  
29 AI, p. 4.  
30 JS8, p. 10.  
31 GaPPSS, p. 5.  
32 AI, p. 2.  
33 JS4, paras. 10-13.  
34 AI, p. 4. / JS6, para. 36./ JS7, para. 16. / JS8, p. 7.  
35 HRW, p.5.  
36 JS6, recommendation 7.  
37 AI, pp. 3-4. / GaPPSS, p. 1.  
38 AI, p. 2.  
39 JS6, para. 27.  
40 AI, p. 6.  
41 AI, p. 4.  
42 WLPoC, paras. 6 and 8.  
43 JS8, p. 5.  
44 JS3, para. 17.  
45 WLPoC, paras.10-11.  
46 JS1, para. 15.  
47 JS4, para. 22.  
48 HRW, p. 6.  
49 JS2, para. 5.  
50 JS8, p. 6.  
51 HRW, p. 3.  
52 JS1, recommendation a), p. 9.  
53 JS2, para. 6.  
54 WLPoC, paras. 9-10.  
55 JS3, para. 12.  
56 JS3, para. 13.  
57 JS2, para. 11.  
58 AI, p. 4.  
59 WWU, pp. 1-2.  
60 HRW, p. 6.  
61 AI, p. 4.  
62 JS6, para. 15.  
63 WLPoC, para. 4.  
64 JS2, para. 3.  
65 RSF-RWB, pp. 2-3. See also JS5, para. 3.2.  
66 Article 19, 21. iv.  
67 ISHR, p. 3.  
68 ERI, p. 4.  
69 GaPPSS, p. 5.  
70 AI, p. 6. See also JODA, p. 5.  
71 JS3, recommendations a. and b., p. 13.  
72 JS4, para. 28.  
73 JS1, para. 10.  
74 JS4, para. 24.  
75 JUBILEE, paras. 11 and 13.  
76 Article 19, para. 3.  
77 Article 19, para. 14.  
78 ISHR, p. 3.  
79 Article 19, para. 6.  
80 RSF-RWB, p. 1.  
81 JS5, para. 3.3.

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- 82 RSF-RWB, p. 3.  
83 RSF-RWB, p. 3.  
84 JS3, para. 25.  
85 Access Now, paras. 11. c and d.  
86 ISHR, p. 3.  
87 JS5, para. 1.4.  
88 JS5, para. 5.2.  
89 ISHR, p. 3.  
90 ISHR, p. 3.  
91 JS3, para. 16.  
92 JS4, paras. 19-20.  
93 WLPoC, para. 17. / JS2, para. 26.  
94 JS4, paras. 19-20.  
95 WWU, pp. 2-3.  
96 JS3, para. 35.  
97 FADA, p. 1.  
98 JS8, p. 6.  
99 ADF, para. 10.  
100 WWU, p. 2.  
101 JS8, p. 6.  
102 JS8, p. 8.  
103 AI, p. 5.  
104 ADF, para. 31. / ERI, p. 6. / JS1, recommendation b), p. 6.  
105 HRW, p. 3.  
106 JUBILEE, paras. 14-15.  
107 JS1, para. 9.  
108 FADA, para. 2.  
109 JS3, recommendation b., p. 7.  
110 WWU, p. 1.  
111 WLPoC, para. 5.  
112 JS9, p. 1.  
113 JS9, p. 4.  
114 JS9, p. 5.  
115 JS9, p. 6.  
116 GaPPSS, p. 4.  
117 GaPPSS, p. 5.  
118 ERI, p. 7.  
119 JS3, para. 30.  
120 JS3, para. 32.  
121 JS6, para. 41.  
122 HRW, p. 2.  
123 JS2, para. 37.  
124 JS2, para. 38.
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