



Convention on the Rights of the Child

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Committee on the Rights of the Child

Report submitted by South Sudan under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, due in 2020*

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* The present document is being issued without formal editing.



Abbreviations

ACoH	Agreement on the Cessation of Hostilities
CAAFAG	Children Associated with Armed Forces and Armed Groups
CCCM	Camp Coordination, Camp Management
CTFMR	Country Task Force on Monitoring and Reporting
CTSAVM	Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism
CTSAMM	Ceasefire and Transitional Security Arrangements Monitoring Mechanism
CRC	UN Convention on the Rights of the Child
FD	Former Detainees
FGD	Focus Group Discussion
GCPEA	Global Coalition to Protect Education from Attack
ICRC	International Committee of the Red Cross
IDP	Internally displaced person
IGAD	Intergovernmental Authority on Development
IHL	International Humanitarian Law
IHRL	International Human Rights Law
JDB	Joint Defense Board
MGCSW	Ministry of Gender, Child and Social Welfare
MHPSS	Mental Health and Psychosocial Support
MoH	Ministry of Health
MoFA	Ministry of Foreign Affairs and International Cooperation
MoJCA	Ministry of Justice and Constitutional Affairs
MRE	Mine Risk Education
EORE	Explosive ordnance risk education
NDDRC	National Disarmament, Demobilization, and Reintegration Commission
NFI	Non-Food Item
NGO	Non-governmental Organization
NLA	National Legislative Assembly
OPs	Optional Protocols
OPAC	The Optional Protocol to the Convention on the Rights of the Child (CRC) on the involvement of children in armed conflict (OPAC)
OPSC	Optional Protocol on the sale of children, child prostitution and child pornography
PCTSA	Permanent Ceasefire and Transitional Security Arrangements
PoC	Protection of Civilian Sites
PoW	Prisoners of War

R-ARCSS	Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan
RJMEC	Reconstituted Joint Monitoring and Evaluation Commission
SSNDDRC	The Republic of South Sudan Disarmament, Demobilization and Reintegration Commission
R-TGONU	Revitalised Transitional Government of National Unity
SWOT	Strength, Weaknesses, Opportunities, Threats
SPLM/ A-IO	Sudan People's Liberation Movement/ Army-In Opposition
SSNDS	South Sudan National Development Strategy
SSOA	The South Sudan Opposition Alliance
SSOMA	South Sudan Opposition Movements Alliance
SWOT	Strength, Weaknesses, Opportunities and Threats
UN	United Nations
UNHCR	The United Nations High Commissioner for Refugees
UNICEF	United Nations Children Fund
UNMISS	United Nations Mission in South Sudan
UNMAS	United Nations Mine Action Service
WASH	Water, Sanitation and Hygiene

Introduction

1. This is the Initial Report of the Government of South Sudan submitted under Article 8 Paragraph 1 of the Optional Protocol to the Convention on the Rights of the Child (CRC) on the Involvement of Children in Armed Conflict (OPAC). The CRC with two Optional Protocols (Ops), the OPAC and the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC) were acceded to by the Government of South Sudan in November 2013, respectively.
2. The purpose of this report is to provide to the Committee on the Rights of the Child comprehensive information on South Sudan's legal foundations, structures and commitments to the OPAC, the developments within the reporting period since accession and the preventive and protective measures the State has taken to end the involvement of children in armed conflict.
3. The report is structured into five sections. The first section provides an overview on the general measures of implementation related to the involvement of children in armed conflict. The second section provides for prevention measures implemented in regard to the recruitment and use of children in armed conflict. The third section deals with prohibition and related matters, such as the criminal regulations and legislation in force. The fourth section describes the protection, recovery and reintegration measures implemented by the Government for children formerly associated with armed forces and armed groups, undergoing disarmament, demobilization and reintegration programmes as well as any other children in contact with the law who have been victims of the practices prohibited under the OPAC. The fifth section includes information on international assistance and cooperation.

I. General measures of implementation

A. Preparation of the report

4. The Government of South Sudan has developed an inclusive national reporting process in order to facilitate the adequate implementation of its obligations under the CRC and its Optional Protocols. The Government also has established a permanent, national coordination mechanism, the High-level Inter-Ministerial Committee and Technical Committee for the implementation of the Comprehensive Action Plan for the Protection of Children in Armed Conflict, with responsibility for treaty body reporting. Ministry of Justice and Constitutional Affairs, Ministry of Defence and Veterans Affairs, Ministry of Interior, Ministry of Health (MoH), Ministry of Gender, Child and Social Welfare (MGCSW), Ministry of General Education and Instruction (MoEGI), Ministry of Labour and Human Resource Development (MoLAHRD), the National Mine Action Authority (NMAA), the National Disarmament, Demobilization, and Reintegration Commission (NDDRC). The Inter-Ministerial Committee brings together high and mid-level officials from the executive, the judiciary and the legislatures.
5. An inception meeting was organized with representatives of the High level Inter-Ministerial Committee to plan the OPAC Initial Report process, with support from UNICEF. A one-day face-to-face orientation workshop was organized for the High-level Inter-Ministerial National Committee members to introduce the reporting guidelines, to conduct a comprehensive literature review and to collect data as a basis for this report. The comprehensive literature review encompasses a total number of 221 documents (207 document sources; 14 other and data base sources).
6. An additional half-day online orientation and stakeholder workshop was organized for United Nations (UN) agencies and national and international Non-Governmental Organizations (NGOs) as well as other stakeholders, to exchange information and consult on OPAC data collection, programme activities and results, literature review and situation analysis. Furthermore, key informant interviews with relevant human rights and child protection institutions were held for a comprehensive inclusion of all relevant stakeholders working on the implementation of the OPAC. The Government also with other stakeholders

participated in a survey and Strength, Weaknesses, Opportunities and Threats (SWOT) analysis.

7. The Government values and respects the voices, experiences and suggestions of children. The Government with support from UNICEF organised four separate trainings and orientation meetings for official and national NGOs staff. The content of the meetings focused on child participation under OPAC and safety measures during COVID-19.

8. After the training and orientation meetings a total of 12 FGDs with 89 children (25 girls; 64 boys) between the ages of 6–17 years were carried out in 6 locations in Central and Western Equatoria and Jongolei (greater Pibor administrative area). Out of the 70 children, 14 were girls; 56 were boys. The children identified were associated with armed forces and armed groups (CAAFAG) from Central and Western Equatoria. In Jongolei; out of 19 children, 11 were girls and 8 were boys.

9. The Government with support from international development partners organized three FGDs in Juba with the above-mentioned 19 vulnerable children in a school setting and in two communities in Western Equatoria with 26 children associated with armed forces and armed groups (CAAFAG), (12 were girls and 14 were boys). In Jongolei, the Government with support of international development partners, organized 1 Focused Group Discussion (FGD) in one school 20 CAAFAG (2 were girls and 18 were boys).

10. In spite of the COVID-19 measures, the Government with support from relevant international partners is making every effort to reunify the children with their families. Some of the children are frustrated with slow reunification process and that their release from the army and armed groups will not be beneficial to their interest. In regard to school attendance, the Government noted that the CAAFAG children were not able to attend school due to their parents' inability to pay for school needs. In general, the elevated poverty level was mentioned as a great concern for the involvement in the armed conflict. The FGDs allowed to surface this important challenge of frustration and ambiguity about the benefits of release for the consulted CAAFAG in the transit centre and to harness the current lessons learnt during COVID to boost the reunification process for these children.

11. Mental health and psychosocial support (MHPSS) measures are of prime importance to ensure and support a smoother navigation of feelings of uncertainty. This challenge is generally encountered during the Family Tracing and Reunification (FTR) process. All procedures relating to MHPSS, FTR and FGDs will be harmonized and consolidated through active collaboration between all relevant parts of the Government and international partners in the future. The Government in collaboration with international partners informed vulnerable school children during the FGDs of the overall situation of armed conflict. Some of the children main concern was recruitment, abduction and sexual and gender-based violence in their family environment and the ability to attend school gave them support and some sort of emotional stability.

12. During the MHPSS, FTR and FGDs the Government received some recommendations from the children which include the following: (1) need for enactment of additional laws for protection of children from armed conflict, (2) provision of additional schools and free access to education, (3) more awareness raising in communities to stop child involvement in armed conflict, (4) continuation of DDR process, (5) provision of better overall infrastructure and economic opportunities. On release, demobilization, disarmament and Family Tracing and Re-union, the children recommended that (1) improved empathetic communication with children and explanation of the process, (2) involvement of local chiefs, parents and establishment of contact with children, (3) improved connection to child protection actors and services, (4) provision of MHPSS and recreational opportunities, (5) faster FTR processes for reintegration (6) Provision of vocational training,

B. Legal status of the OPAC in the law of South Sudan

13. Following the ratification and accession, the provisions of OPAC have been integrated in domestic legislation. OPAC's stipulations are embedded in Transitional Constitution of the Republic of South Sudan, 2011(as amended) in various articles. The Revitalized

Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) has also cemented the constitutional provisions which constitute the legal foundation for the implementation of the OPAC.

14. The Transitional Constitution further recognizes the supremacy of international treaties over domestic laws, corroborating that they are an integral part of the Constitution's Bill of Rights as well as part of its obligations and accountability mechanisms. Article 9 sub-article (3) provides that an international treaty signed, ratified and acceded to by the Government shall precede over domestic legislation, and hence has direct legal effect for stipulations of OPAC to be directly invoked before South Sudan courts. The judiciary, public attorneys and legal advisors have the duty under Part Eight, Article 135 sub-article (5) of the Constitution to examine and recommend for ratification of regional or international treaties before their accession by the Government.

15. Further, the South Sudan Human Rights Commission has the mandate to monitor, promote, protect and to ensure proper implementation of programmes, policies, ratified regional and international conventions, national laws relating to human rights.

II. Reservations and declarations

16. The Republic of South Sudan has made the following Declaration to OPAC (Original: English) in regards to application of Article 3 of the Optional Protocol, which states that the minimum age at which it permits recruitment of volunteers in Armed Forces is eighteen years and in accordance with section 22 of the Sudan Peoples' Liberation Army Act, 2009; the Republic of South Sudan also states that the safeguards provided in Article 3(2) of the Optional Protocol on Involvement of Children in the Armed Conflicts and in the Sudan Peoples' Liberation Army Act, 2009 shall be observed and bound by to ensure that all recruitment is made in public places and not done under force or duress, advertised in the press and national media for young people, the recruits undergo medical examination and the record consist of recruitment as appropriate, among others, a birth certificate, certificate of education or apprenticeship".

III. Revitalised agreement on the resolution of the conflict in the Republic of South Sudan (R-ARCSS)

17. On 12 September 2018 the R-ARCSS was signed in Addis Ababa, Ethiopia under the auspices of the Inter-Governmental Authority for Development's (IGAD) Assembly of Heads of State and Government 31st Extra-Ordinary Summit in 2017. The Agreement was concluded between the SPLM in the Government (IG) on one hand and the Sudan People's Liberation Movement/Army-In Opposition (SPLM/A-IO), the South Sudan Opposition Alliance (SSOA), the Former Detainees (FDs), and other Political Parties (OPP) constituting the Revitalized Transitional Government of National Unity (R-TGoNU). This has been a major milestone in the implementation of the OPAC.

18. The slow but steady reconciliation and convergence towards one united government has led to spontaneous return of both refugees and internally displaced persons (IDPs). The return of the opposition leaders to the country and the presence of local authorities in the communities become a landmark for a new form of collaboration contributing to overall improved security environment and thus resulted in a reduction of political violence. As a consequence, humanitarian action was able to broaden its programming and support services to the population, including IDPs.

19. The steady implementation of the R-ARCSS progressed throughout 2019 to date, with important advancements in fulfillment of pre-transition tasks, such as the drafting of key legislation, inter alia, the National Security Service (amendment Bill), the Political Parties Act (Amendment Bill), National Civil Defence Service Act (Amendment Bill), South Sudan Peoples' Defence Forces (Amendment Bill), South Sudan National Police Service Act (Amendment Bill), National Prison Service Act (Amendment Bill) and Wild Life Service Act (Amendment Bill). The Government with support from regional and international

partners has started the training of unified forces in 124 cantonment areas monitors from the South Sudan People's Defense Forces (SSPDF), SPLA-IO and the SSOA, have been tasked to monitor, verify and screen the forces under training in the respective training sites. The ceasefire continued to be mostly upheld throughout 2019 to date apart from some parts in the greater Equatoria region and reported challenges around the cantonment sites in Upper Nile, Western and Central Equatoria.

The Ceasefire and transitional security arrangements monitoring and verification mechanism (CTSAMVM)

20. The mandate of the CTSAMVM (between 2015–2017 called Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM)) is to monitor and verify the implementation of the Agreement on the Cessation of Hostilities (ACoH) as agreed by the Parties to the Agreement help bringing an end to the conflict and its devastating consequences: great loss of life, the displacement of millions of people and destruction of property and livelihoods.

21. The R-ARCSS contains in Chapter II, Article 2.4 Mechanisms for Security Arrangements, paragraph 2.4.7. that the CTSAMVM, including the national monitors, is responsible for monitoring, verification, compliance with the Permanent Ceasefire and Transitional Security Arrangements (PCTSA) and reports directly to the IGAD Council of Ministers as well as the reconstituted JMEC on the progress of the implementation of the PCTSA.

22. Through a system of on-site monitoring, patrols and investigations, the CTSAMVM oversees commitments by the Parties to: (a) Cease military confrontations and withdraw forces in close proximity, (b) refrain from attacks on civilian populations and respect human rights, (c) ensure humanitarian access, especially to displaced people, (d) stop dissemination of hostile propaganda, (e) declare the disposition of all forces to CTSAMVM, (f) declare and seek authorization from CTSAMVM for all military movements.

23. To combat rape of girls by members of the security forces, the Government has recorded cases in Yei in June and July 2020 and established a court martial to try 17 SSPDF personnel for commission of 11 rape cases. The perpetrators against those 11 girls were convicted and sentenced to fine and imprisonment in accordance to the South Sudan national laws. The screening of children in the cantonment sites has been completed and what is remaining is the reintegration of the children in to their communities. However, there is an ongoing challenge to differentiate between children of soldier's families and children associated with armed forces and armed groups. With the delayed reintegration of families and children in the training centres, children of soldiers are often not attending school as the training camps are far from communities.

IV. National action plan of the government of the Republic of South Sudan regarding children associated with armed conflict

24. The Government in Article 6 of the Transitional Constitution of the Republic of South Sudan, 2011 (as amended) underline its commitment to reconciliation, accountability, healing and combating of impunity. In the same spirit, the R-ARCSS, provides for unification of SPLA-IO, SSOA and SSPDF to form a national army and the signing of the comprehensive "Action Plan of the Government of the Republic of South Sudan Regarding Children Associated with Armed Conflict in South Sudan" in 2020 is another significant step toward consolidating the peace efforts.

25. The Action Plan states in its preamble provides for obligations to observe by the Government under national legislation, including the Transitional Constitution (2011); Southern Sudan Child Act (2008); the SPLA Act (2009); the Joint Communiqué of the Republic of South Sudan and the UN on addressing conflict-related sexual violence (2014); the Geneva Convention; Convention on the Rights of the Child (CRC) and its Optional

Protocols; relevant United Nations Security Council resolutions, including 1539 (2004) and 1612 (2005), as well as subsequent resolutions on Children and Armed Conflict and other commitments including the Safe School Declaration.”

26. The Government in collaboration with international partners (CTFMR) supported Government effort in the development of Comprehensive Action Plan to end and prevent all grave violations against children affected by armed conflict. The CTFMR supported the national process of the establishment of the Action Plan, however as the preamble corroborates the Government holds national ownership of the Action Plan and is responsible for its execution. The Action Plan is not only a declaration and signing of the willingness to end all violations against children but also puts forward a detailed workplan to implement the revised Action Plan. The challenge for its sustainable implementation is to secure sufficient funds to cover all necessary activities and the administrative structures that are currently being established.

27. The comprehensive Action Plan is a significant milestone for the children of South Sudan, the Government and the humanitarian community. The Action Plan allows for a systematic process in building solid child protection structures of accountability, quality and effective legislation with the vision to end and prevent further violations against children in armed conflict.

V. South Sudan human rights commission

28. The South Sudan Human Rights Commission (SSHRC) is an independent and impartial body, exercise its powers and perform its functions without fear or favour. The Commission was established with the signing of The Southern Sudan Human Rights Commission Act 2009 with purpose to, inter alia, “monitor the application and enforcement of rights and freedoms and to ensure ratification of regional and international human rights instruments, to investigate complaints against violations of human rights, to offer advice to government organs on any matters relating to human rights and to formulate, implement and oversee programmes of research, education and conduct public awareness on rights and obligations to enhance respect to human rights. The budget of the Commission in the 2019–2020 is 12,211,629 SSP.

VI. Prevention

29. The Government recognizes the need for continued efforts to improve the situation for children involved in armed conflict. In 2018 the CTFMR verified 102 incidents of recruitment or use of children. Out of 453 children, 365 were boys and 88 were girls. 14% percent of those children were under 15 years of age at the time of their recruitment. In 2019 the CTFMR verified 270 grave violations against 250 children associated with armed groups who signed peace agreement with the Government. Out of 250 children, 188 were boys and 62 were girls, which is a 45 percent decrease from the previous year. Also, the Government recorded some of violations by members of armed forces and armed groups on schools and hospitals. Out of 30 violations 18 were on schools and 12 were on hospitals.

30. A substantial change and improvement happened in 2018 within the ranks of the SSPDF. Child protection focal points were appointed within its divisions and got trained in child protection and humanitarian principles. The SSPDF granted access for the CTFMR to perform monitoring screenings in its military barracks in Bentiu. Also, in the same year (2018) after the visit of the Special Representative of the Secretary General in September, the Government signed the R-RACSS in which contains provisions for protection of children, as a result 955 children were released by the armed groups in Yambio, Western Equatoria. Those released include 317 girls. These steps taken by the Government with support of the international development partners has been an important progressive to end child recruitment and use of children.

31. Additional change and improvement have happened in 2019 and 2020 on protection of children in South Sudan with the signing of the comprehensive Action Plan in February 2020, to end and prevent all six grave violations. Another action taken by the Government is

the maintenance of peace in the country and that by integration of SPLA-IO and SSOA child protection officers into the SSPDF Child Protection Unit, as envisioned in the R-ARCSS. Further the Government, SPLA-IO and SSOA have made a binding commitment with this unification. This commitment by the Government have trickled down in the ranks of the army and various armed groups who are signatories to the Agreement.

32. Continued dialogue and fruitful engagement among the parties to the Agreement, especially on children protection has led to the establishment of a Joint Verification Committee in May 2019. This new collaboration between the parties to the Agreement has proven substantial success and enhancement of transparency through conducted joint monitoring screening missions with the goal to identify and release children associated with armed forces and armed groups and to raise awareness on the six grave violations. The verification committee undertook a site-visits to 24 barracks of the SSPDF, SPLA-IO and SSOA cantonments. This joined verification missions have sent a strong message to various commanders in the field. Also, the Government with support from international partners released and reintegrated 280 children out of which 76 were girls.

33. With the signing of the Agreement and National Action Plan to end and prevent recruitment and use of children, the Government is exerting additional efforts in combating child abduction and sexual violence against children, through institutional framework, improved engagement and dialogue with all parties to the Agreement by continued training of child protection within the army and organized forces. Similar training was also carried out for staff from various line ministries and institutions, students, youth, judicial and legal advisors dealing with children.

34. The Government with support from international partners is working towards disarmament of armed civilian, especially youth who are considered to be a major concern. The Government is also undertaken dialogue with armed children.

VII. Safeguards for recruitment

35. The Government has several legislation in place which provides safeguards and protection against recruitment and use of children by establishing a Child Protection Code of Conduct within the army which consist of provision of protection of civilian and payment of special attention to vulnerable groups, especially women and children; prohibition of attack on schools, hospitals and religious centres; respect to basic needs of children (clean water, food, shelter and health care). The National police Service Code of Conduct also mandates that all police personnel will uphold human rights of all persons in accordance with regional and international law; identify protection of human rights and torture.

36. The Government directed the issuance of eight (8) Command orders by the Sudan People's Liberation Army (SPLA), among others, is the signing of Action Plan; screening and registration of all children associated with SPLA; permit access to all military barracks; allow monitoring by national and international partners of SPLA units; prohibition of school occupation and prevention of redeployment of child protection officer to other units.

37. The Transitional Constitution of the Republic of South Sudan, 2011 (as amended), Labour Act, 2017, Penal Code Act, 2008 and the Child Act, 2008 prohibits recruitment and use of children. Under the current laws, it is no longer compulsory to serve in the military service. Sentences for recruitment and use of children in armed conflict may reach 5 to 10 years imprisonment.

38. The Government various policies and programmes stipulates concrete rules and regulations for voluntary recruitment into the national armed forces and organised forces. The age for recruitment is 18 years. Voluntary recruits have to present themselves with the following documentation and receive due attention through: valid national identification card; the recruits are fully informed of their duties in the military service and possible impact. The SPLA Act (2009) states under Section 22 on the eligibility for enrolment that a person can only be enrolled into the forces from age 18 onwards, has no criminal record and has attained basic education and not be less than secondary education in the case of officer cadets.

39. The Government with support from international partners established standards for respect of children and protection matters at all levels, especially conflict-related sexual violence; occupation of schools; respect IHL, especially in regards to child protection, recruitment and use of children; family tracing for unaccompanied minors; access to education with the Ministry of Education; juvenile detention and access to education by juveniles in detention. The Government with international partners set standards to be followed by the judiciary to ensure that prisons are decongested and ensuring that traditional customary law does not contradict child rights and protection principles.

40. The Government with support from international partners responded to most urgent needs of communities affected by natural calamities to build resilience by providing through South Sudan Red Cross services which include vaccinations, food rations, household kits items, farming seeds and tools, community based economic resilience projects and access to safe drinking water. These programmes improved access to health and the provision of surgical care through outpatient consultations, evacuations of wounded people, health renovation, antenatal consultations and assistance of people with disabilities.

41. In 2018 the Government with support from international partners provided services to improve conditions for detainees by visiting 3,779 detainees; improved living conditions for 3,388 detainees in 13 places of detention; access to health care implementing preventive and curative measures against malnutrition for more than 2,239 detainees in 6 central prisons in the country. The Government also with support from international partners reunified 4,409 children separated with their families through phone calls.

42. In 2019 the Government with support from international partners improved conditions for detainees by visiting 5,794 detainees; improved living conditions for 16,027; treating 125 cases of severe acute malnutrition and 1,488 cases of moderate acute malnutrition among detainees; provision of nutritional support to more than 5,119 detainees. Further, the Government with support from international partners reunified 3,371 children separated with their families; reunion of 57 vulnerable persons, including children and their families; collected new tracing requests for 1,624 missing persons and supported the clarification of the fate of 397 children who were unaccounted for. The Government and ICRC started to support the access to education and trained 81 primary school teachers.

43. In 2020 the Government with support from international partners improved conditions for detainees by visiting 5,095 detainees; improved living conditions for 4,067 detainees; access to health care by implementation of preventive and curative measures against malnutrition for more than 3,500 and improved water, sanitation and better hygiene to over 1,500. Moreover, the Government with support from international partners and facilitated reunion of family members with children, especially children, separated by the conflict through phone calls. The Government with support from ICRC provided detention places with phone lines to over 2912 detainees to enable them maintain contact with their families during the COVID-19 pandemic measures.

VIII. Training and public awareness raising on child protection principles

44. The Government with support from international partners carried out training for its established child protection unit personnel. Child protection training was provided for 1043 officers and non-commission officers of the child protection unit within the national armed forces and 300 SPLA-IO commanders were trained on child protection.

45. Between the period of 2018 and 2020 the Government with support from international partners carried out various trainings and public awareness on child protection principles and the effects of children involved in armed conflict. UNMISS has provided several trainings, supporting the implementation of South Sudan's Comprehensive Action Plan by training a total of 4,386 security personnel out of which 494 were female and 3,892 were male. The total breakdown of the trained personnel are as follows: 3,209 were government security forces out of which 398 were female; 2,811 were male; 1,100 were from SPLA-IO out of which 88 were female; 1,012 were male and 77 from SSOA out of which 8 were female and 69 were male.

46. The Government with support from international partners has undertaken several trainings, specifically on child protection principles, how to report grave violations against children in a safe manner and the best interest of the child and public awareness on the impact and the negative consequences of armed conflict on children with a variety of stakeholders. Through these trainings a total of 269 out of which 113 were female and 156 were male. The training includes child protection, health, nutrition, MHPSS, social and case workers, GBV, rapid response teams, education, NFI, CCCM, WASH, humanitarian media, assessment and evaluation, food security, security operations). In the field of justice for children, a training was provided in 2019 in Malakal, Upper Nile state, with 35 participants out of which 7 were female and 28 were male.

47. The Government in collaboration with Dallaire Institute for Children, Peace and Security has trained a substantive number of security sector actors out of trained staff, 1,426 were female and 4,330 were male. The trained personnel come from the Army, Police, Fire Brigade, National Prisons Service, Wildlife Services comprised of forces including personnel from SPLA-IO and SSOA.

48. The Government in collaboration with UNICEF provided to 110 EORE/MRE staff out of which 45 were female and 65 were male). The trained staff are to implement activities in various project locations in the country. Among the trained staff 594 were teachers out of which 129 were female and 465 were male.

49. In 2018 the Government in collaboration with ICRC trained over 2,500 military officers and 1,400 police personnel on IHL and raised awareness to 1,000 military personnel on weapon handling and access to health care. In 2019 the Government trained 4,472 military 1,050 police personnel in IHL. The Government with ICRC further raised awareness to over 20,198 people affected by armed conflict.

IX. Peace education in national curriculum

50. Peace education is included as part of the country curriculum as it is a cross-cutting issue in primary school curriculum from primary 4- primary to 8. Children learn how to identify acts that can lead to conflicts in their own environment, know how to avoid them and how to resist peers' pressure. Children learn how to recognize that respect for human rights and gender equality strengthen peaceful co-existence, including dealing with gender stereotypes as well as the dangers and consequences of the spread of HIV/AIDS and STIs. In 2019, children study to recognize the importance of promoting human rights and the systems that protect them, including the consequences of issues such as forced marriage. They also examine causes, effects and how to prevent HIV/ AIDS and STIs. A new curriculum framework was launched where peace education was introduced as a new focus area. Peace education falls as well under the strategic objective for 2016–2025 and is part of the child's enabling environment. The Government has peace education anchored in its policy reform as the objective to develop strong coordination and partnership on peace education with line ministries, commissions and development partners. In the General Education Strategic Plan 2017–2022 of the Ministry of General Education and Instruction promoted peace education and conflict prevention and resolution as part of the national curriculum.

X. Prohibition and related matters

Penal legislation and regulations in force

51. The Transitional Constitution of South Sudan, 2011(as amended) lays foundation for criminal legislation and regulations. Above all, the Constitution also stipulates in Article 17 sub-article (1), that " Every child has the right: to life, survival and development; to a name and nationality; to know and be cared for by his or her parents or legal guardian; not to be subjected to exploitative practices or abuse, nor be required to perform work which may be hazardous or harmful to his or her education, health or well-being; to be free from any form of discrimination; to be free from corporal punishment, cruel or inhuman treatment by any

person, including parents, school administration or other institutions; not be subjected to negative and harmful cultural practices which affect his or her health, welfare or dignity and to be protected from abduction and trafficking. The Constitution further in Article 17 sub-article (2) states that "in all actions concerning children undertaken by public or private welfare institutions, courts of law, administrative authorities or legislative bodies, shall take the best interest of the child as a paramount consideration". Throughout the executive, legislature, and the judiciary and all levels of government, special emphasis to protection and risk mitigation should be given to orphans and any other vulnerable children. Article 122(1) of the Constitution further provides that the Judiciary shall be responsible for maintenance of professional standards, and training of judicial officials and it will independent institution and have power to adjudicate on disputes and render judgments in accordance with the Constitution and the law. Further, the Constitution in Article 39 sub-article (4) states that children shall not be separated from their parents or persons legally entitled to care for them against the will of such parents or persons, except accordance with the law. The Constitution in Article 21 sub-article (2) provides that "no death penalty shall be imposed on a person under the age of eighteen (18)".

52. The Child Act (2008) states that in section 36, (3) that "relevant sectoral laws, budgets and policies, including education, health and justice, shall reflect the Government's commitment to a child's right". Section 30 of the Child Act in provides that "notwithstanding penalties contained in any other law, anyone who wilfully or as a result of culpable negligence infringes any right of a child commits an offence and shall, on conviction, be sentenced to imprisonment for a term not exceeding seven years or with a fine or both and may be liable to pay such compensation to the child as the court deems fit. Further, section 31 of the Act in subsections (1), (2), (3), and (4) provides that: The minimum age for conscription or voluntary recruitment into armed forces or groups shall be eighteen years; the Government shall ensure that no child shall be used or recruited to engage in any military or paramilitary activities, whether armed or un-armed, including, but not limited to work as sentries, informants, agents or spies, cooks, in transport, as labourers, for sexual purposes, or any other forms of work that do not serve the interests of the child; the Government shall provide protection, rehabilitation, care, recovery and reintegration into normal social life for children formerly associated with armed conflict including children from regular and other armed groups and children victims of armed conflict, having due regard to the special needs of girls and their dependents and that where armed conflict occurs, the Government shall ensure that children's rights are protected in accordance with the provisions of this Act and International Humanitarian Law. The Child Act, 2008 in section 32 prohibits recruitment of children into army or organised forces and imposes a sentence of imprisonment for a period up to 10 years.

53. Section 10 of the Labour Act (2017) prohibits forced labour and provides that "No person shall engage in the recruitment or use of forced labour or assist any other person to engage in such activities" and that "the recruitment of children for use in armed conflict shall be deemed to be forced labour". Further Section 13 of the Labour Act provides that "No person shall engage or permit the engagement of a child under the age of eighteen years in any hazardous work, which constitutes the worst forms of child labour and that "all forms of slavery or practices similar to slavery, such as sale and trafficking of children, debt bondage and serfdom, forced or compulsory labour, and forced or compulsory recruitment of children for use in armed conflict" and work, which by its nature or circumstances in which it is carried out, is likely to harm the health, safety or morals of the child".

54. The Penal Code, 2008 has provisions for the protection of children rights in its section 30, 31, 242 and 243. These provisions stipulate that children under 12 years of age are not criminally liable and shall not be tried for or convicted of any offence, which he or she is alleged to have committed. Section 31 also provides children of 12 and under 14 years are presumed at the time of his or her not criminally liable, unless the contrary is proved beyond reasonable. Further, section 242 on the exposure and abandonment of a child under 12 years by a parent or a legal caregiver sets out sentences of imprisonment for a period up to seven (7) years or fine or with both. Section 243 on cruelty to children provides that a caretaker of a child who wilfully maltreats and neglects their child causing unnecessary suffering can be sentence to imprisonment for a period of 3 years, or fine or both.

55. The Government with support from international partners developed a series of strategic frameworks and policies which lay foundation for child protection involvement in armed conflict and Strategic Framework on Justice for Children of the Republic of South Sudan. The Government through the Minister of Gender, Child and Social Welfare, the Ministry of Humanitarian Affairs and Disaster Management also developed South Sudan's National Disability and Inclusion Policy, 2013; the National Social Protection Policy Framework, 2012. The legal and institutional framework that was developed within the Social Protection Policy evolves around the ecosystem of the child building and to secure resilient family and community environment. The main focus to revitalize and build functional capacity of social protection actors, structures in the country. Further, the Ministry of Gender, Child and Social Welfare developed the South Sudan National Policy on the Protection and Care of Children Without Appropriate Parental Care, 2017. This policy is the foundation for all the work with unaccompanied and separated children and any other vulnerable children that live without appropriate parental protection and care. Moreover, the Government developed the South Sudan National Development Strategy (SSNDS) to consolidate peace and stabilize the economy with a focus on peace, security and the rule of law, democracy and good governance, socio-economic development and international compact partnerships to overcome conflict and security concerns. The Government also developed the South Sudan National Action Plan 2015–2020 on UNSCR 1325; Women, Peace and Security and Related Resolutions in order to address hardship of girls and women during conflict and in a post-conflict context. The National DDR Strategic Plan 2012–2020 by the NNDRC and the newly developed and signed Action Plan of the Government of the Republic of South Sudan Regarding Children Associated with Armed Conflict in South Sudan, 2020. These policies and frameworks are important guiding documents which build foundation for implementation of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS).

XI. Relevant international treaties

56. The Government has acceded to various regional and international treaties which promote and protect children rights in armed conflict. Accession to OPAC by the Government has consolidated efforts to improve the situation for children experiencing hardship in the country. Currently, the Government has acceded to the following regional and international treaties: the Geneva Conventions of 1949 and its Optional Protocols (I, II, III, IV); date and year of ratification/ 25.01.2012; Convention on the Rights of the Child, 1989 (ratification/ date and year 23.01.2015); Optional Protocol on the involvement of children in armed conflict, 2002 (ratification date and year 27.09.2018); Optional Protocol on the sale of children, child prostitution and child pornography (OPSC), 2002 (ratification date and year 27.09.2018); Anti-Personnel Mine Ban Convention, 1997 (ratification date and year 11.11.2011); Convention on the Elimination of All Forms of Discrimination against Women, 1981 and its Optional Protocol (ratification year 2015); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1987 and its Optional Protocol (ratification 2015); ILO Minimum Age Convention, 1973 (date and year of ratification 29.04.2012); ILO Worst Forms of Labour, 1999 date and year of ratification 29.04.2012) and Safe School Declaration, May 2015 (endorsement June 2015).

XII. Protection, recovery and reintegration

57. The Government with support from international partners established a National Disarmament, Demobilization and Reintegration Commission (NDDRC) with mandate to implement and manage South Sudan's Disarmament, Demobilization and Reintegration programme. The R-ARCSS (2018) also mandated the Commission to support the design and implementation of the DDR programme. The Commission is responsible for coordinating and implementing capacity building for its staff, other line ministries, national NGOs, civil society and community-based organizations in the DDR programme.

58. The Commission is to ensure that adequate assistance is provided to the children formerly associated with armed forces and armed groups. This programme is to enable

children building physical and psychological recovery from their experiences in the hostilities. For that matter the Commission collaborates with appropriate child protection, education and other development partners to facilitate psychological, social, educational, and cultural reintegration in their families and communities.

59. The Commission developed the 2012–2020 Strategic National DDR Plan in order to operationalize the National DDR policy which gives a clear direction to the Commission’s programming and provide guiding principles as well as an operational approach to appropriate, effective and efficient processes.

60. The 2020 validated budget for the planned DDR programme 2020–2024 has five thematic areas as follows: disarmament in the amount of \$1,314,000 USD, of which 60% will be covered by the Government; demobilization in the amount of \$473,497,933, of which 93% will be covered by the Government; reintegration \$ 180,000,000 USD; special needs group in the amount of \$ 21,473,333 of which 25% will be covered by the Government and institutions and Systems in the amount of \$ 189,625,395 of which 85% will be covered by the Government.

61. In 2018 to October 2020, the Government with support from international partners has supported the formal reintegration of 1276 children out of which 342 were girls and 934 were boys. In 2018 the Government identified, registered and release 955 children out of which 265 were girls and 690 were boys. In Yambio in Western Equatoria 745 children were released and reintegrated of which 210 children were in Pibor. In 2019, 280 children were formally released and reintegrated out of which 76 were girls and 204 were boys. In the same year in Yambio 227 children were released and reintegrated; 32 in Bentiu and 21 in Aweil. 14 children escaped from an armed group and were informally reintegrated in Yei. In 2020, 42 children were formally released in Giada in Juba, Rajef and Lologo training centres, out of which 2 were girls and 40 were boys. Among the children released from Giada in Juba, Rajef and Lologo training centres, 15 boys were reunified with their families while currently, 29 children are in two interim care centres in Juba. One centre is housing two (2) girls while one (1) of the boys is receiving case management services. The other centre is housing 26 boys who are currently receiving MHPSS and FTR with aim of registering them in vocational training centre in 2021.

62. On the Government follow up programme to the status of the children released in 2018 377 were reported to have enrolled in primary education out of which 10.5% were dropped out; 378 received vocational training of which 10% dropped out. The rest of the children released did not enrol in any formal education. In 2019, 252 children enrolled in primary education and the rest enrolled in secondary education while 173 children enrolled in vocational training. No drop out was recorded.

XIII. Right of the child to education

63. The Transitional Constitution of the Republic of South Sudan, 2011 (as amended) and the General Education Act, 2012, education is free and compulsory for all. Children access education without discrimination and hence access quality education. The Child Act (2008) stipulates, inter alia, in section 14 (Right to Education and Well-Being) provides that in sub-section (1) and (2) confirms that all children have the right to free education at primary and secondary levels, regardless of severity of the child status disability.

64. The Transitional Constitution also provides under Article 29 (1) and (2) that “Education is a right for every citizen and all levels of the government shall provide access to education without discrimination as to religion, race, ethnicity, health status including HIV/AIDS, gender or disability. All levels of the government shall promote education at all levels and shall ensure free and compulsory education at the primary level; they shall also provide free illiteracy eradication programmes.” Further, the Constitution in Article 38 (2) (b) provides that the Government shall “endeavour to avail the necessary financial resources to make education affordable at secondary and higher levels, including technical and vocational training, in order to bridge the educational gap caused by the challenges faced by educational services during the years of conflict”.

65. The Government follows the Lucens Guidelines which prohibits, any attack or use of schools or universities by the military during armed conflict. The Government, through the Ministry of Education is making every effort to identify schools that are being used, or is at risk of being collateral target in the armed conflict.

66. The Government with support from international partners is working towards reopening of such schools by clearing such schools from all threats of landmines, unexploded ordnance and any other hazardous objects that can put children at risk during their education. UNMAS supported substantially with their programmes, especially in keeping 291 schools safe. Other provisions enshrined in the Southern Sudan Child Act, 2008, especially sections 9 and 29 provides for non-discrimination and promote the rights of refugee or displaced persons children the right to free education at public schools.

67. Following the Oslo Conference in May 2015, the Government endorsed the Safe School Declaration and made a profound effort to use the guidelines and the Security Council resolution 1998 (2011), and 2143 (2014) by including the Conference principles and Resolutions into national policies, legislation, administrative procedures and South Sudan's operational framework and national action plan. The Government is making every effort at national and state level to ensure reliable and relevant data collection on attacks on educational facilities, victims of attacks and on the military use of schools, which is reflected in the collaborative work with the CTFMR and the reports of the Secretary General. Further, the Government is supporting investigation of allegations of violations of its applicable national law and the international law which it ratified. The Government prosecute perpetrators of such violations and is engaged in several initiatives to develop and promote peace education and conflict-sensitive approaches to education in schools and informal educational and recreational activities. The Government also with support from international partners seeks to uphold the continuation of education in areas affected by the conflict through regular and accelerated learning programme.

68. The Government recognizes its responsibilities of ensuring continued efforts and improvements of educational services for children affected by armed conflict. Practical example is the Safe School Declaration where the Global Coalition to Protect Education from Attack (GCPEA) noted a downward trend in incidents of military use of schools between 2015 and 2018. Also, the Government has been in dialogue with military groups and military commanders, regarding protection of schools.

XIV. International assistance and cooperation

69. Transitional Constitution of the Republic of South Sudan, 2011 (as amended) in Article 43 (a) states that "Foreign policy of the Republic of South Sudan shall serve the national interest and shall be conducted independently and transparently with the view to achieving the following: promotion of international cooperation, specially within the United Nations family, African Union and other international and regional organizations, for the purposes of consolidating universal peace and security, respect for international law, treaty obligations and fostering a just world economic order".

70. The Government has a comprehensive mechanism in place to collaborate with the international community on development and humanitarian assistance. This is reflected in the ratification of the various international treaties mentioned under point III.II Relevant International Treaties, which comprise the foundation for the entire work with national and international institutions and the ability to respond to the protection of children in armed conflict.

71. The Government has cooperated with the Office of the Special Representative of the Secretary-General for Children in Armed Conflict. It has hosted every visit that was carried out and facilitated an open dialogue and fruitful collaboration between the CTFMR (co-led by UNICEF and UNMISS), UN agencies, the Government and the Special Representative of the Secretary-General taking into account the recommendations and suggestions made during the visit. This has led to the signing of the Optional Protocol on the Involvement of Children in Armed Conflict and finalization of the National Action Plan promoted cooperation between the Government and international partners which resulted into visits in 2018, 2019

and 2020 by the Special Representative of the Secretary-General and United Nations Security Council members to the country, to continue discussions and dialogues to achieve sustainable peace for the children and people of South Sudan.

72. The Government is in close collaboration with international partners, especially UNICEF on all programmes related to protection of children in compliance with the provisions of OPAC. Also, the NDDR Commission and UNICEF are cooperating on issues related CTFMR, joint verification missions, trainings and CAAFAG programmes from identification, release and reintegration.

73. The Government with support from international partners has destroyed 1,048,000 items of explosive devices and more than 5.2 million bullets, including 39,726 mines, 74,106 cluster munitions, and 934,612 of other items of unexploded ordnance (UXO), to ensure the safety of 1,561 water points, 291 schools, and 269 health centres. The Government also cleared 4,232 km of roads in the country which has enabled the Government and the UN to provide life-saving support to children and their families.
