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South Sudan

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

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Please recycle



I. Background and framework

A. Scope of international obligations¹

1. International human rights treaties²

<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	CEDAW (2015)	ICERD
	CAT (2015)	ICESCR
	OP-CAT (2015)	ICCPR
	CRC (2015)	ICCPR-OP 2
		OP-CRC-AC
		OP-CRC-SC
		ICRMW
		CRPD
		ICPPED
	<i>Reservations and/or declarations</i>	
<i>Complaints procedures, inquiries and urgent action³</i>	OP-CEDAW, art. 8 (2015)	ICERD
	CAT, art. 20 (2015)	OP-ICESCR
		ICCPR
		ICCPR-OP 1
		CAT, arts. 21 and 22
		OP-CRC-IC
		ICRMW
		OP-CRPD
		ICPPED

2. Other main relevant international instruments⁴

<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>		Convention on the Prevention and Punishment of the Crime of Genocide
		Rome Statute of the International Criminal Court
		Palermo Protocol ⁵
		Conventions on refugees and stateless persons ⁶

<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
	Geneva Conventions of 12 August 1949 and Additional Protocols I, II and III ⁷	
	ILO fundamental conventions except No. 87 ⁸	ILO Convention No. 87 ⁹
		ILO Conventions Nos. 169 and 189 ¹⁰
		Convention against Discrimination in Education

1. The United Nations High Commissioner for Human Rights recommended the ratification of the main international and regional human rights instruments, including ICCPR, ICESCR and the African Charter on Human and Peoples' Rights.¹¹

2. The United Nations country team recommended the completion of the ratification process of the two Optional Protocols to CRC, on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography,¹² and the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.¹³

3. The Office of the United Nations High Commissioner for Refugees (UNHCR), the country team and the Special Rapporteur on the human rights of internally displaced persons recommended the ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa.¹⁴

4. The country team and UNHCR also recommended the ratification of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, without reservations; the Organization of African Unity (OAU) Refugee Convention of 1969; the 1954 Convention relating to the Status of Stateless Persons; and the 1961 Convention on the Reduction of Statelessness.¹⁵

5. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that South Sudan be strongly encouraged to ratify the Convention against Discrimination in Education.¹⁶

B. Constitutional and legislative framework

6. The Secretary-General stated that the Transitional Government of National Unity must boldly spearhead the fundamental reforms outlined in the Agreement on the Resolution of the Conflict in the Republic of South Sudan, including drafting and ratifying a permanent constitution and establishing the requisite institutions for justice and reconciliation.¹⁷ He also urged the inclusion of civil society, women's groups and other key stakeholders, whose participation was necessary for the peace process to take root.¹⁸

7. The High Commissioner for Human Rights noted that existing laws needed to be reviewed and harmonized with the human rights clauses of the transitional Constitution and with international human rights standards.¹⁹ She recommended to South Sudan to ensure that national legislation, including the permanent constitution, was fully in line with international human rights standards, and to improve the application of customary law to ensure compliance with international human rights standards.²⁰

C. Institutional and human rights infrastructure and policy measures

8. The High Commissioner noted that the South Sudan Human Rights Commission had not been able to carry out its mandate effectively, due to budget cuts.²¹ She also stated that the Commission should make it a priority to be, and to be perceived to be, independent of the Government, and more proactive in investigating alleged violations and in public advocacy.²² Its operations had been interrupted in all 10 states, due to the conflict that erupted in December 2013.²³

9. The country team noted that the establishment of the independent children's commission, which should investigate violations of children's rights and monitor implementation of the Child Act, 2008, was still pending.²⁴

II. Cooperation with human rights mechanisms

10. In its resolution 31/20, the Human Rights Council decided to establish the Commission on Human Rights in South Sudan, composed of three members, for a period of one year, with the mandate of, inter alia, monitoring and reporting on the situation of human rights, assessing past reports on the situation of human rights since December 2013, and making recommendations on technical assistance to the Transitional Government of National Unity to support transitional justice, accountability, reconciliation and healing. In the same resolution, the Council acknowledged the commitment of the Government of South Sudan to cooperate with the Commission in fulfilment of the Commission's mandate.²⁵ The Commission began operations in July 2016.²⁶

11. In its resolution 29/13, the Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to urgently undertake a mission to engage with the Government of South Sudan, to monitor and report on the situation of human rights and to undertake a comprehensive assessment of alleged violations and abuses of human rights with a view to ensuring accountability.²⁷ Subsequently, the High Commissioner dispatched an assessment mission, from October 2015 to January 2016, which reported to the Council in March 2016.²⁸

12. In its resolution 26/31, the Human Rights Council decided to convene a panel discussion on the human rights situation in South Sudan, and requested the High Commissioner to submit an interim report for discussion by the panel.²⁹

A. Cooperation with treaty bodies

Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
Committee on the Elimination of Discrimination against Women				Initial report due in 2016
Committee against Torture				Initial report due in 2016
Committee on the Rights of the Child				Initial report due in 2017

B. Cooperation with special procedures³⁰

<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	No
<i>Visits undertaken</i>	Internally displaced persons
<i>Visits agreed to in principle</i>	Disappearances
<i>Visits requested</i>	Discrimination against women
<i>Responses to letters of allegation and urgent appeals</i>	During the period under review, nine communications were sent. The Government did not reply to the communications.

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

13. OHCHR is represented by the Human Rights Division of the United Nations Mission in South Sudan (UNMISS), which was established by the Security Council in July 2011.³¹ Under Security Council resolution 2155 (2014), the mandate of UNMISS was reprioritized to focus on protecting civilians, monitoring and investigating human rights, creating conditions conducive for the delivery of humanitarian assistance, and supporting the implementation of the Cessation of Hostilities Agreement of January 2014.³² This reprioritized mandate was reiterated in subsequent Security Council resolutions 2252 (2015) and 2304 (2016).³³ The Human Rights Division of UNMISS monitors human rights and investigates potential violations, and reports gross violations to the Security Council.³⁴

14. The High Commissioner visited South Sudan in May 2012, and in April 2014 after the mass killings in Bentiu and Bor.³⁵ The Assistant Secretary-General for Human Rights visited South Sudan in January 2014³⁶ and February 2015.³⁷

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

A. Equality and non-discrimination

15. The High Commissioner indicated that progress in eliminating discrimination and abuses against women and girls had been slow. Women continued to face discrimination regularly, including in relation to such fundamental matters as marriage, land and property ownership, inheritance and education. Harmful traditional practices also played a role in perpetuating women's unequal position within communities, particularly in rural areas.³⁸

16. The High Commissioner noted that the female illiteracy rate was as high as 86 per cent. Lack of education and of access to health services, combined with early marriage, had resulted in extremely high rates of infant mortality and maternal mortality. Sexual and

gender-based violence persisted, with perpetrators enjoying a high degree of impunity.³⁹ The country team made a similar observation.⁴⁰

17. The Panel of Experts established pursuant to Security Council resolution 2206 (2015) stated that the armed conflict, which had begun in December 2013 as a political conflict between elites, had evolved into a tribal war, reigniting historic grievances and encouraging military opportunism and revenge.⁴¹

18. The Special Adviser of the Secretary-General on the Prevention of Genocide stated that the perception that those supporting Riek Machar were predominantly Nuer and those supporting the President of South Sudan, Salva Kiir, were predominantly Dinka had heightened the risk that individuals could be systematically targeted on the basis of ethnicity. This polarization was compounded further by reports of exclusion and discrimination on the basis of ethnicity.⁴²

19. The Special Adviser on the Prevention of Genocide expressed concern about the reported use of radio in some areas to spread messages constituting incitement to violence. In Bentiu, fighters allied to Riek Machar had reportedly incited the civilian population to attack Dinka, even encouraging their supporters to commit acts of sexual violence against women.⁴³

20. The High Commissioner stated that forces affiliated with either side had singled out civilians on the basis of ethnicity — Nuer, Dinka or Shilluk — for violence or mistreatment.⁴⁴

21. The Special Rapporteur on internally displaced persons called upon the authorities at the national and local levels to ensure a demilitarized and depoliticized response to all internally displaced persons, irrespective of their ethnic background; he recalled that they were civilians, and for that reason must be protected.⁴⁵

22. According to the country team, stigma and discrimination against people living with HIV and key population groups at higher risk of HIV infection, that is, female sex workers and men who have sex with men, remained an impediment to access to and utilization of HIV services by those persons.⁴⁶

B. Right to life, liberty and security of person

23. The High Commissioner stated that even though South Sudan had voted in November 2012 at the General Assembly in favour of a global moratorium on the death penalty,⁴⁷ individuals reportedly continued to be sentenced to death.⁴⁸

24. On 10 July 2016, the Secretary-General, the Security Council and UNMISS condemned the renewed outbreak of violence and urged calm in the wake of fresh clashes in Juba between soldiers of the Sudan People's Liberation Army (SPLA) and the SPLA in Opposition. The Security Council reminded all parties to the conflict of the civilian character of the protection of civilians sites and stressed that attacks against civilians and United Nations premises and personnel might constitute war crimes.⁴⁹

25. The Special Representative of the Secretary-General for South Sudan called upon the parties to allow civilians to move freely to places of refuge. She also urged the Government to open up corridors to allow United Nations and humanitarian actors to provide vital supplies and other assistance to the civilians affected and to allow access for medical evacuations.⁵⁰

26. The Special Rapporteur on internally displaced persons called upon the authorities to respect the Agreement on the Resolution of the Conflict in the Republic of South Sudan and

reminded the parties to the conflict of their obligations under international humanitarian law to protect civilians in times of armed conflict.⁵¹

27. In August 2016, the High Commissioner stated that preliminary United Nations investigations into the recent fighting and its aftermath had revealed that government security forces had carried out killings and rapes and had looted and destroyed properties. Hundreds of fighters and civilians had been killed during the initial fighting. While some civilians had been killed in crossfire between the fighting forces, others had reportedly been summarily executed by government (SPLA) soldiers, who appeared to have specifically targeted people of Nuer origin. The High Commissioner called upon the Security Council to take stronger action.⁵²

28. UNMISS reported that violations and abuses of human rights, as well as violations of international humanitarian law, had been committed, possibly amounting to war crimes and crimes against humanity. Such violations had included extrajudicial and targeted killings, abductions and enforced disappearances, sexual and gender-based violence, including rape, the massive displacement of civilian populations, the destruction of means of livelihood through the deliberate burning and destruction of homes and crops as well as the looting of livestock, and forced recruitment, including of children. Additionally, there had been targeting of and attacks against United Nations personnel, premises and humanitarian assets since December 2013.⁵³

29. UNMISS stressed that gross violations and abuses of human rights and serious violations of international humanitarian law had been attributed to all parties to the conflict and had occurred in all areas where fighting had taken place. Entire towns, such as Malakal and Bentiu in the Greater Upper Nile region, had been destroyed. Very few places had been safe, as the parties had intentionally attacked traditional safe havens such as places of worship and hospitals. Several areas affected by the conflict had been experiencing alarming levels of food insecurity and deprivation.⁵⁴

30. UNMISS reported intercommunal violence among subclans and subdivisions in several areas. According to UNMISS, while the initial stages of fighting had largely pitted the Dinka and Nuer ethnic groups against each other, increasing numbers of armed groups and communities had become involved in the violence. Intercommunal violence had long been prevalent, especially in relation to disputes over resources and cattle-grazing, however there were indications that the scale and intensity of the intercommunal violence might have been influenced by the dynamics of the conflict.⁵⁵

31. The High Commissioner recommended that all parties to the conflict: (a) desist immediately from violations of international human rights law and international humanitarian law, and abuses of human rights, in particular those amounting to crimes under international law, and specifically attacks on civilians and killings, and acts of rape and sexual and gender-based violence, arbitrary detention, abduction and widespread looting; and (b) declare and ensure that violations of international human rights law and international humanitarian law and abuses of human rights will not be tolerated, and that those suspected of such acts will be removed from duties pending investigation or will not be appointed.⁵⁶

32. The High Commissioner expressed concern about arrests and detention by security agencies, especially by the National Security Service and the SPLA. Individuals were arrested and detained “on grounds of national security”. Besides going beyond the scope of its legal and constitutional authority, the National Security Service was found to have engaged in other violations involving arbitrary arrest, notably the arrest and detention of individuals without informing them of the reason, and the detention of individuals in non-gazetted places, where their family and lawyers were unable to gain access to them.⁵⁷

33. UNMISS indicated that a National Security Service bill, which accorded the National Security Service broad powers of arrest, the authority to search and seize private property without a judicial warrant, and expansive communication surveillance powers, with no independent oversight or due process guarantees, might have come into effect. There was no official gazette, and it remained unclear whether the text was in force.⁵⁸

34. UNMISS noted that, despite communiqués that both the Government and the Sudan People's Liberation Movement/Army (in Opposition) had signed in October 2014 under the auspices of UNMISS and the Special Representative of the Secretary-General on Sexual Violence in Conflict, the use of sexual violence by both parties to the conflict had not ceased.⁵⁹ In August 2016, after the renewed outbreak of violence, the Special Representative expressed her disappointment that such crimes were still being committed.⁶⁰

35. The Secretary-General stated that sexual violence continued to be used as a tactic of war with a brutality that pointed to its ethnic, as well as political, undertones. Sexual violence had been employed in a widespread and systematic manner by all parties in the course of military offensives and counteroffensives.⁶¹

36. According to the country team, the quality and coverage of services to deal with gender-based violence was limited before the crisis, due to low capacities within the health, legal and psychosocial sectors; these services had now been weakened further, and in some locations no longer even existed.⁶²

37. Since the start of the fighting in Juba on 8 July 2016, UNMISS had received disturbing reports of widespread sexual violence, including rape and gang rape of women and young girls by soldiers in uniform and also by unidentified armed groups of men in plain clothes.⁶³ The High Commissioner stated those affected the most were displaced Nuer women and girls and those responsible seemed to have been mostly from the SPLA.⁶⁴

38. The Special Rapporteur on internally displaced persons noted that family separations and child protection issues were arising constantly.⁶⁵ The country team made similar observations and added that displacement had led to high rates of psychosocial distress. It was likely that over 800,000 children were in need of psychosocial support.⁶⁶

39. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict indicated that all gains made by the SPLA in implementing the action plan signed with the United Nations to end the recruitment and use of children in conflict had been erased with the conflict that erupted in December 2013.⁶⁷

40. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict expressed deep concern at continuing violations committed against children by all parties to the conflict, particularly killing and maiming, recruiting and using them for the conflict, and sexual violence. It emphasized that the SPLA, government security forces and allied militias accounted for the vast majority of these violations in 2015.⁶⁸

41. The High Commissioner recommended that the Transitional Government of National Unity stop and prevent violations and abuses of children's rights, including by actively preventing and combatting the recruitment and use of children in hostilities by parties to the conflict.⁶⁹

C. Administration of justice, including impunity, and the rule of law

42. The High Commissioner stated that the outbreak of armed conflict in December 2013 had undermined the rule of law across the country, resulting in a marked absence of prosecutors and judges. As a result, serious cases, including murders, continued to be addressed through traditional customary courts, which were ill-equipped for the task and

did not meet international human rights standards. Customary courts often imposed unlawful detention or other sentences, without proper procedural safeguards.⁷⁰

43. The High Commissioner noted that women and girls continued to face significant discrimination in the administration of justice. Women were regularly detained on the basis of non-criminal, customary “offences”, such as adultery, with which women tended to be charged disproportionately.⁷¹

44. The High Commissioner indicated that special attention needed to be paid to vulnerable detainees, including women, juveniles and people with disabilities, who might spend weeks and months in detention awaiting trial as a result of delays in criminal investigations and trial processes, gaps in knowledge of the applicable criminal laws and procedures, a lack of coordination among criminal justice organs, the unavailability of victims and witnesses, a lack of adequate transport, infrastructure, record-keeping and case management, and a lack of awareness of rights and of legal aid services.⁷²

45. The High Commissioner stated that very few convicted individuals, including those sentenced to death, had enjoyed legal representation during their trials. Bureaucratic and unclear procedural requirements also hindered the exercise of the right of appeal.⁷³

46. The High Commissioner recommended that the Transitional Government of National Unity: (a) ensure that, over time, all individuals who have suffered violations or abuse of their rights are afforded an effective remedy; (b) ensure that all individuals responsible for orchestrating the violence, namely the political and military leadership of the parties to the conflict, do not enter the Government, and that those alleged to have committed violations and abuses are precluded from standing for election; and (c) institute, as a matter of priority, a comprehensive vetting programme compliant with standards of due process to remove from and prevent the recruitment into State services of individuals, in particular at senior levels, who there are reasonable grounds to believe have been involved in violations of international human rights law or international humanitarian law, or abuses of human rights.⁷⁴

47. The High Commissioner recommended that the Transitional Government of National Unity support genuine consultations so that there was informed participation by victims, women’s groups and all stakeholders, and needs assessment to inform the efforts aimed at achieving truth, reparations, reconciliation and guarantees of non-recurrence.⁷⁵

48. The High Commissioner recommended that South Sudan ensure prompt, credible, transparent, independent, impartial and comprehensive investigations into allegations of violations of international humanitarian law and international human rights law, including the alleged international crimes committed in Juba in the initial stages of the conflict in mid-December 2013 and in the April 2014 attacks on civilians in Bentiu and Bor.⁷⁶

49. The High Commissioner noted that while reconciliation processes might be an essential part of peace efforts, the failure to ensure accountability, including the failure to expeditiously establish the hybrid court and take the other measures under the Agreement on the Resolution of the Conflict in the Republic of South Sudan, would undoubtedly contribute to new cycles of violence.⁷⁷ The Deputy High Commissioner stressed that chapter V of the Agreement included provision for the creation of a Commission for Truth, Reconciliation and Healing to establish a record of violations of human rights and a hybrid court for South Sudan to try genocide, war crimes, crimes against humanity and other serious crimes that violated international and South Sudanese law.⁷⁸

50. The Assistant Secretary-General for Human Rights stated that, given the country’s weakened State institutions and justice system and the fact that the hybrid court would only investigate and try a limited number of senior military and political leaders,

a complementary mechanism would need to be developed to locally prosecute and try many more perpetrators of conflict-related crimes.⁷⁹

51. The High Commissioner recommended that the Transitional Government of National Unity: (a) extend full cooperation and support to the hybrid court by assisting its investigations and complying with its rulings; and (b) consider the establishment of a specialized judicial structure in South Sudanese courts focusing on violations and abuses amounting to international crimes, supported by specifically appointed judges, prosecutors, lawyers and law enforcement officials, with the possibility of embedding international legal actors to work with South Sudanese officials; its jurisdiction would be complementary to that of the hybrid court.⁸⁰

52. The High Commissioner noted that the judiciary, prosecutors and law enforcement officials needed to develop a comprehensive policy framework for vulnerable groups, that included juvenile justice provisions. There was a need for continuous capacity-building in the area of juvenile justice for such officials, as well as for the establishment of juvenile courts presided over by specialized judges.⁸¹

D. Freedom of expression, association and peaceful assembly, and the right to participate in public and political life

53. UNESCO noted that the Penal Code prescribed a sentence for defamation, varying from imprisonment not exceeding 20 years to a fine, or both.⁸² UNESCO recommended that South Sudan decriminalize defamation and place it within a civil code.⁸³

54. The High Commissioner noted the signing into law of three media bills: the Media Authority Act, the Right of Access to Information Act and the Broadcasting Cooperation Act. He was concerned that the Media Authority Act retained the criminalization of defamation from the Penal Code. With the power to appoint and remove members of the bodies established by those laws given to the executive, the High Commissioner indicated that the protection for journalists and media practitioners envisaged by the laws appeared to be nominal.⁸⁴

55. The country team stated that press freedom, access to information and the safety of journalists had deteriorated since the outbreak of the armed conflict in December 2013.⁸⁵ Repeated incidents of journalists being beaten, harassed, threatened, intimidated and detained without trial had been compounded by the confiscation of newspapers, the closure of media houses and the killing of journalists in 2015, leading to unprecedented levels of self-censorship by journalists and media houses.⁸⁶ The High Commissioner indicated that these acts were mainly perpetrated by the National Security Service.⁸⁷ He also noted that, in the wake of the violence that had erupted in July 2016, the Government had severely restricted the right to freedom of expression and clamped down on journalists.⁸⁸

56. The Deputy High Commissioner noted that at least seven journalists had been killed in 2015.⁸⁹ UNESCO stated that, by the end of 2015, the authorities had not responded to official UNESCO requests for information on judicial investigations into the killings of journalists.⁹⁰

57. In July 2016, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression urged the Government of South Sudan to immediately release Alfred Taban, a prominent journalist and the chief editor of the daily English-language newspaper *Juba Monitor*. He had been arrested on 16 July 2016 by National Security Service agents, one day after the publication of an editorial article in which he had called for the removal of the President and the first Vice-President, criticizing them for their

unsuccessful implementation of the August 2015 peace agreement. He was held without charges.⁹¹

58. The Deputy High Commissioner also stated that human rights defenders seeking to cooperate with the Human Rights Council had been subject to threats and reprisals.⁹²

59. The High Commissioner recommended that the Transitional Government of National Unity respect and promote the role of civil society, including by ensuring that freedoms of opinion and expression and of peaceful assembly were guaranteed, and that it ensure the protection of human rights defenders and journalists.⁹³

60. The Secretary-General noted the adoption in February 2016 of the Non-Governmental Organizations Act and the Relief and Rehabilitation Commission Act.⁹⁴ The Human Rights Council was concerned that these new laws could disrupt international and national non-governmental organizations, including those that provided ongoing humanitarian assistance.⁹⁵

61. The High Commissioner recommended that South Sudan strengthen advocacy efforts to increase representation and participation of women in decision-making at all levels through capacity-building and the involvement of women in peace and reconciliation processes.⁹⁶

E. Right to social security and to an adequate standard of living

62. The High Commissioner indicated that more than 90 per cent of the population was estimated to live below the poverty line.⁹⁷ The poverty and underdevelopment in which the majority of the population lived had not been conducive to the enjoyment of economic, social and cultural rights.⁹⁸

63. The High Commissioner stated that the numerous incidents of crop burning, cattle raiding, and looting and destruction of food supplies during the conflict had had a severe impact on civilians' access to food and on their health. He noted that in Unity State at least 30,000 people were reportedly living in extreme conditions and faced starvation and death.⁹⁹

64. In August 2016, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, after his visit to South Sudan, stated that some 4.8 million people across the country were facing severe food insecurity and some 250,000 children were severely malnourished.¹⁰⁰

F. Right to health

65. The country team noted that the expenditure on health as a percentage of general government expenditure — 4 per cent at the time of independence — had continued to decline dramatically, following austerity measures in 2012 and after the outbreak of the armed conflict in December 2013. Non-governmental organizations continued to be responsible for close to 80 per cent of health service delivery. Furthermore, insufficient investment in the training of health workers had resulted in a critical shortage of the staff needed in order to deliver basic health services.¹⁰¹

66. The country team indicated that many young women were at increased risk of maternal death due to early marriage. A significant number of women also had an increased risk of contracting sexually transmitted infections as they were in polygamous marriages. Access to family planning services remained limited.¹⁰²

67. The country team stated that South Sudan had an exceptionally high teenage pregnancy rate, attributable to the high rate of child and forced marriage (45 per cent of girls are married before the age of 18) and the limited access of young people to youth-friendly sexual and reproductive health services. Adolescents and youth were the age groups most affected by HIV, with 56.9 per cent of new infections occurring among persons between 10 and 34 years of age.¹⁰³

G. Right to education

68. The country team noted that schools continued to be used by parties to the conflict for military purposes in different parts of the country.¹⁰⁴

69. The High Commissioner noted that at least 50 per cent of all children did not attend school, and only 39 per cent of those who did were girls.¹⁰⁵

70. The High Commissioner indicated that the General Education Act, of 2012, provided for free basic instruction for all. Given the extremely low levels of literacy and the poor access to basic education, the implementation of this act was crucial.¹⁰⁶ The ILO Committee of Experts on the Application of Conventions and Recommendations made a similar recommendation and requested South Sudan to take the necessary measures to increase the school enrolment rates and decrease dropout rates at the primary level.¹⁰⁷

H. Migrants, refugees and asylum seekers

71. As at July 2016, South Sudan was hosting more than 272,000 refugees from neighbouring countries.¹⁰⁸

72. UNHCR indicated that the overall refugee protection context, particularly in Unity State and Upper Nile State and at the Yida settlement, continued to be compromised by the presence of armed elements and combatants. Their presence was associated with challenges in ensuring refugees' physical security, particularly child protection, in ensuring the maintenance of law and order, and in deterring voluntary and forced recruitment and sexual and gender-based violence.¹⁰⁹

73. UNHCR stated that South Sudanese law did not contain any disposition determining the status of stateless persons and addressing their specific protection needs. The risk of statelessness subsisted as a result of state succession, delayed or/and erroneous implementation of the Nationality Act, historical migration, populations living close to undetermined borders, a generalized lack of documentation, the lack of civil registration and lack of a census, and other factors.¹¹⁰

I. Internally displaced persons

74. In June 2016, the Secretary-General indicated that UNMISS had continued to protect some 170,000 internally displaced persons at its six sites nationwide.¹¹¹

75. UNMISS stated that the persistent fighting had destabilized large sections of the population. In some instances, communities had been forcibly displaced, possibly though not clearly as a deliberate strategy of warfare.¹¹²

76. According to UNMISS, the parties to the conflict frequently disregarded safe havens. As thousands of civilians left their homes and communities to seek safety, the parties to the conflict attacked hospitals, religious institutions and areas where internally

displaced persons had gathered. Schools and clinics had been occupied by military forces.¹¹³

77. UNHCR stated that the armed conflict was hindering millions of South Sudanese from accessing basic services, including health and education, and was causing major internal and external displacement. In addition to hundreds of thousands of internally displaced persons who had found relative safety in protection of civilians sites and among host communities in zones deemed more secure, there were many hundreds of thousands more who had been displaced multiple times and/or continued to be on the move as a result of direct security threats and the lack of basic support, such as food and medicine. Internally displaced persons in protection of civilians sites largely lacked freedom of movement and were reluctant to exit UNMISS bases.¹¹⁴

78. UNHCR recommended that South Sudan accord and guarantee to internally displaced persons the enjoyment of all their rights as citizens of South Sudan, such as unhindered access to services, including access to humanitarian assistance in the areas under the control of the Government, as reiterated in the Agreement on the Resolution of the Conflict in the Republic of South Sudan.¹¹⁵

79. Reconsidering the primary responsibility of the Government of South Sudan to assist and protect internally displaced persons, the Special Rapporteur on internally displaced persons strongly urged civilian authorities to plan and implement a process leading to the establishment of a comprehensive policy framework on internal displacement in accordance with regional and international standards.¹¹⁶

80. The Special Rapporteur on internally displaced persons noted that the Government, including its armed and police forces, and all other parties to the conflict, should refrain from creating conditions leading to internal displacement and violations of human rights and international humanitarian law under all circumstances and establish accountability for violations committed. They should also refrain from any military or other activity that arbitrarily displaced people and should spare civilians from all violence, abstain from indiscriminate attacks against them and not target them. They should not directly or indirectly incite communities against each other for political or other reasons.¹¹⁷

81. The Special Rapporteur on internally displaced persons stressed that internal displacement should not last longer than required by the circumstances prevailing in South Sudan and that durable solutions must be enabled.¹¹⁸

Notes

- ¹ Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.
- ² The following abbreviations have been used in the present document:
- | | |
|------------|---|
| ICERD | International Convention on the Elimination of All Forms of Racial Discrimination |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| OP-ICESCR | Optional Protocol to ICESCR |
| ICCPR | International Covenant on Civil and Political Rights |
| ICCPR-OP 1 | Optional Protocol to ICCPR |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| OP-CEDAW | Optional Protocol to CEDAW |
| CAT | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| OP-CAT | Optional Protocol to CAT |
| CRC | Convention on the Rights of the Child |
| OP-CRC-AC | Optional Protocol to CRC on the involvement of children in armed conflict |
| OP-CRC-SC | Optional Protocol to CRC on the sale of children, child prostitution and child pornography |
| OP-CRC-IC | Optional Protocol to CRC on a communications procedure |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD | Convention on the Rights of Persons with Disabilities |
| OP-CRPD | Optional Protocol to CRPD |
| ICPPED | International Convention for the Protection of All Persons from Enforced Disappearance |
- ³ Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and ICPPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; ICPPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; ICPPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: ICPPED, art. 30.
- ⁴ Information relating to other relevant international human rights instruments, including regional instruments, may be found in the pledges and commitments undertaken by South Sudan before the Human Rights Council, as contained in the note verbale dated 31 October 2013 sent by the Permanent Mission of South Sudan to the United Nations addressed to the President of the General Assembly.
- ⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁶ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons, and 1961 Convention on the Reduction of Statelessness.
- ⁷ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/ihl.

- ⁸ International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182).
- ⁹ ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).
- ¹⁰ ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), and Domestic Workers Convention, 2011 (No. 189).
- ¹¹ See A/HRC/23/31, para. 74 (i) and A/HRC/21/34, para. 64 (d) (i).
- ¹² See the United Nations country team submission for the universal periodic review of South Sudan, para. 40.
- ¹³ See country team submission for the universal periodic review of South Sudan, paras. 37 and 41.
- ¹⁴ See UNHCR submission for the universal periodic review of South Sudan, p. 7; and A/HRC/26/33/Add.3, para. 44.
- ¹⁵ See country team submission for the universal periodic review of South Sudan, para. 38; and UNHCR submission for the universal periodic review of South Sudan, p. 7.
- ¹⁶ See UNESCO submission for the universal periodic review of South Sudan, para. 39 (i).
- ¹⁷ See S/2016/552, para. 59.
- ¹⁸ See S/2016/341, para. 77.
- ¹⁹ See A/HRC/23/31, para. 39.
- ²⁰ *Ibid.*, para. 74 (e) (ii) and (iii); and A/HRC/21/34, para. 64 (d) (ii) and (iii).
- ²¹ See A/HRC/23/31, paras. 18, 47 and 61.
- ²² See A/HRC/21/34, para. 59.
- ²³ OHCHR, “OHCHR in the field: Africa” (2014), p. 173.
- ²⁴ See country team submission for the universal periodic review of South Sudan, para. 15.
- ²⁵ See Human Rights Council resolution 31/20, paras. 18 (a), (b) and (c) and 21.
- ²⁶ OHCHR, “HRC-mandated Commission on Human Rights in South Sudan begins operations”, news release, 22 July 2016, available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20296&LangID=E.
- ²⁷ See Human Rights Council resolution 29/13, para. 14 (a).
- ²⁸ See A/HRC/31/49.
- ²⁹ See Human Rights Council resolution 26/31, para. 9. For the report on the panel discussion, see A/HRC/28/53.
- ³⁰ For the titles of special procedure mandate holders, see www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx.
- ³¹ OHCHR Management Plan 2012-2013, “OHCHR in the field: Africa”, p. 147.
- ³² See Security Council resolution 2155 (2014).
- ³³ See Security Council resolutions 2252 (2015) and 2304 (2016).
- ³⁴ OHCHR Management Plan 2014-2017, Implementing at the country level, Africa, South Sudan, p. 148.
- ³⁵ OHCHR, “OHCHR in the field: Africa” (2014), p. 146.
- ³⁶ *Ibid.*
- ³⁷ OHCHR, “OHCHR in the field: Africa” (2015), p. 142.
- ³⁸ See A/HRC/23/31, para. 33.
- ³⁹ *Ibid.*, para. 69.
- ⁴⁰ See country team submission for the universal periodic review of South Sudan, para. 17.
- ⁴¹ See S/2016/70, p. 2.
- ⁴² Meeting of the Security Council on the situation in South Sudan, statement by the Special Adviser of the Secretary-General on the Prevention of Genocide, Adama Dieng, 2 May 2014, available from www.un.org/en/preventgenocide/adviser/pdf/2014-05-14%20Statement%20of%20USG%20Adama%20Dieng%20to%20the%20Security%20Council%20on%20South%20Sudan.pdf.
- ⁴³ *Ibid.*
- ⁴⁴ See A/HRC/31/49, para. 22.
- ⁴⁵ See A/HRC/26/33/Add.3, para. 47.
- ⁴⁶ See country team submission for the universal periodic review of South Sudan, para. 25.
- ⁴⁷ See General Assembly resolution 67/176.

- ⁴⁸ See A/HRC/23/31, para. 24.
- ⁴⁹ “Security Council condemns fighting in Juba, demands South Sudan’s leaders prevent spread of violence”, news release, 10 July 2016, available from www.un.org/apps/news/story.asp?NewsID=54426#.
- ⁵⁰ “South Sudan ceasefire ‘largely holding’; UN urges safe passage for fleeing civilians”, news release, 12 July 2016, available from www.un.org/apps/news/story.asp?NewsID=54440#.V4YV8o9OJdh.
- ⁵¹ “South Sudan: UN expert appalled by attacks on IDPs and civilians and urges for cessation of hostilities”, news release, 11 July 2016, available from <http://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20256&LangID=E>.
- ⁵² “SPLA committed widespread violations during and after July fighting in South Sudan — Zeid”, news release, 4 August 2016, available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20339&LangID=E.
- ⁵³ UNMISS, “The state of human rights in the protracted conflict in South Sudan”, 4 December 2015, p. 5.
- ⁵⁴ *Ibid.*, pp. 5 and 6.
- ⁵⁵ *Ibid.*, pp. 6, 25 and 26.
- ⁵⁶ See A/HRC/31/49, para. 73 (a) and (b).
- ⁵⁷ See A/HRC/28/49, para. 37.
- ⁵⁸ UNMISS, “The state of human rights in the protracted conflict in South Sudan”, 4 December 2015, p. 31.
- ⁵⁹ *Ibid.*, p. 21.
- ⁶⁰ “Perpetrators of sexual violence in South Sudan ‘will be held accountable’ — UN envoy”, news release, 8 August 2016, available from www.un.org/apps/news/story.asp?NewsID=54643#.V62SrE1f3cs.
- ⁶¹ See S/2016/361/Rev.1, para. 58.
- ⁶² See country team submission for the universal periodic review of South Sudan, para. 18.
- ⁶³ UNMISS statement on incidents of sexual violence in the July 2016 conflict in Juba, South Sudan, news release, 1 August 2016, available from <http://unmiss.unmissions.org/unmiss-statement-incidents-sexual-violence-july-2016-conflict-juba-south-sudan-0>.
- ⁶⁴ “SPLA committed widespread violations during and after July fighting in South Sudan — Zeid”, news release, 4 August 2016, available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20339&LangID=E.
- ⁶⁵ See A/HRC/26/33/Add.3, para. 24.
- ⁶⁶ See country team submission for the universal periodic review of South Sudan, para. 11.
- ⁶⁷ See submission from the Office of the Special Representative of the Secretary-General for Children and Armed Conflict for the universal periodic review of South Sudan, p. 1.
- ⁶⁸ *Ibid.*
- ⁶⁹ See A/HRC/31/49, para. 74 (d).
- ⁷⁰ See A/HRC/28/49, para. 36.
- ⁷¹ See A/HRC/23/31, para. 34.
- ⁷² *Ibid.*, para. 60.
- ⁷³ *Ibid.*, para. 24.
- ⁷⁴ See A/HRC/31/49, paras. 74 (a), (b) and (c).
- ⁷⁵ *Ibid.*, para. 74 (g).
- ⁷⁶ See A/HRC/28/49, para. 61; and A/HRC/28/53, para. 32 (c).
- ⁷⁷ See A/HRC/31/49, para. 70.
- ⁷⁸ Address by the United Nations Deputy High Commissioner for Human Rights, Kate Gilmore, to the Human Rights Council at its 32nd session, for the interactive dialogue on South Sudan, 22 June 2016, available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20155&LangID=E.
- ⁷⁹ Remarks by the Assistant Secretary-General for Human Rights, Ivan Šimonović, to the Human Rights Council, on the report of the High Commissioner for Human Rights pursuant to Human Rights Council resolution 29/13, Geneva, 22 March 2016, available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=18525&LangID=E.
- ⁸⁰ See A/HRC/31/49, paras. 75 (a) and (b).

- ⁸¹ See A/HRC/23/31, para. 56.
- ⁸² UNESCO submission for the universal periodic review of South Sudan, para. 32.
- ⁸³ *Ibid.*, para. 41.
- ⁸⁴ See A/HRC/28/49, para. 44.
- ⁸⁵ See country team submission for the universal periodic review of South Sudan, para. 28.
- ⁸⁶ *Ibid.*, para. 29.
- ⁸⁷ See A/HRC/31/49, para. 48; and A/HRC/28/49, para. 41.
- ⁸⁸ “SPLA committed widespread violations during and after July fighting in South Sudan — Zeid”, news release, 4 August 2016, available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20339&LangID=E.
- ⁸⁹ Address by the United Nations Deputy High Commissioner for Human Rights, Kate Gilmore, to the Human Rights Council at its 32nd session, for the interactive dialogue on South Sudan, 22 June 2016, available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20155&LangID=E.
- ⁹⁰ UNESCO submission for the universal periodic review of South Sudan, para. 36.
- ⁹¹ “South Sudan: UN expert on freedom of expression calls for the release of journalist Alfred Taban”, news release, 21 July 2016, available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20292&LangID=E.
- ⁹² Address by the United Nations Deputy High Commissioner for Human Rights, Kate Gilmore, to the Human Rights Council at its 32nd session, for the interactive dialogue on South Sudan, 22 June 2016, available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20155&LangID=E.
- ⁹³ See A/HRC/31/49, para. 74 (f).
- ⁹⁴ See S/2016/341, para. 11.
- ⁹⁵ See Human Rights Council resolution 31/20.
- ⁹⁶ See A/HRC/23/31, para. 74 (h).
- ⁹⁷ *Ibid.*, para. 10.
- ⁹⁸ *Ibid.*, para. 35.
- ⁹⁹ See A/HRC/31/49, para. 52.
- ¹⁰⁰ “South Sudan crisis deepens as once-stable areas fall into violence — UN relief chief”, news release, 10 August 2016, available from www.un.org/apps/news/story.asp?NewsID=54662#.V62TBU1f3cs.
- ¹⁰¹ See country team submission for the universal periodic review of South Sudan, paras. 19 and 20.
- ¹⁰² *Ibid.*, para. 21.
- ¹⁰³ *Ibid.*, para. 23.
- ¹⁰⁴ *Ibid.*, para. 14.
- ¹⁰⁵ See A/HRC/23/31, para. 10.
- ¹⁰⁶ *Ibid.*, para. 37.
- ¹⁰⁷ ILO Committee of Experts on the Application of Conventions and Recommendations, direct request concerning ILO Minimum Age Convention, 1973 (No. 138) – South Sudan, adopted in 2015, published 105th ILC session (2016), available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3237478:NO.
- ¹⁰⁸ UNHCR, “On eve of South Sudan fifth anniversary, forced displacement continues to rise”, briefing note, 8 July 2016.
- ¹⁰⁹ UNHCR submission for the universal periodic review of South Sudan, p. 5.
- ¹¹⁰ *Ibid.*, p. 5.
- ¹¹¹ See S/2016/552, para. 28.
- ¹¹² UNMISS, “The state of human rights in the protracted conflict in South Sudan”, 4 December 2015, p. 12.
- ¹¹³ *Ibid.*, p. 14.
- ¹¹⁴ UNHCR submission for the universal periodic review of South Sudan, p. 7.
- ¹¹⁵ *Ibid.*, p. 8.
- ¹¹⁶ See A/HRC/26/33/Add.3, para. 44.
- ¹¹⁷ *Ibid.*, para. 45 (a), (b) and (c).
- ¹¹⁸ *Ibid.*, para. 49.