**SOUTH SUDAN CIVIL SOCIETY COALITION ON THE UNIVERSAL PERIODIC REVIEW**

2ND CYCLE UNIVERSAL PERIODIC REVIEW MID-TERM REPORT 2019

SUBMITTED TO THE UN OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS ON

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***Members of South Sudan Civil Society Coalition on the UPR***

  

 





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**ACRONYMS**

R-ARCSS - The Revitalized Agreement on the resolution of the Conflict in the Republic of South Sudan.

AUC - African Union Commission

SSCSC-UPR - South Sudan Civil Society Coalition on the UPR

MOJCA - Ministry of Justice & Constitutional Affairs

MOGEI - Ministry of General Education & Instruction

MOGCSW - Ministry of Gender, Child & Social Welfare

CTHR - Commission for truth, Reconciliation and Healing

TGoNU - Transitional Government of National Unity

UN - United Nations

JMEC - Joint Monitoring & Evaluation Commission

TNLA - Transitional National Legislative Assembly

CSO - Civil Society Organization

NDDC - National Disarmament and Demobilization Commission

CAAFG - Children Associated with Armed Forces and Groups

UNMISS - United Nations Mission in South Sudan

UNICEF - United Nations International Children’s Emergency Fund

IDP - Internally Displaced Persons

SSHRC - South Sudan Human Rights Commission

SGBV - Sexual and Gender Based Violence

SPU - Special Protection Units

SPLA - South Sudan People’s liberation Army

SSPDF - South Sudan Peoples Defense Forces

GESS - Girls Education South Sudan

1. **INTRODUCTION**

South Sudan became the 193rd member of the United Nations upon gaining independence from Sudan in 2011. By virtue of this membership, the country joined the United Nations Human Rights Council- A body established by resolution 60/251 with responsibility to promote universal respect and protection of all human rights and fundamental freedoms for all. In 2016, South Sudan through the human rights council’s led mechanism known as the Universal Periodic Review (UPR) had its human rights situation reviewed for the first time at the 26th Session of the UPR working Group. The UPR process is a peer review and examination of the state of human rights in each of the 193 UN member states every five years. It is considered a best practice for reviewed member states and civil society to provide a mid-term report to the Human Rights Council detailing the progress with implementation of the accepted human rights recommendations.

During the UPR working group session, South Sudan received a total of 233 recommendations to improve the human rights situation in the country. Out of these recommendations the government accepted 203 and noted 30. As a process that is legally non-binding, its success fully depends on the participation and the cooperation of the member states. It should also be noted that through this process countries have managed to improve on their human rights and has continuously and interdependently benefited from each other’s human rights experiences.

In an effort to ensure the implementation of the accepted recommendations by the Government of South Sudan, the civil society coalition on the UPR in collaboration with faith based groups, the South Sudan Human Rights Commission and relevant government ministries developed and adopted a four themed implementation matrix covering recommendations that address issues of peace and reconciliation, women and girls, children and education and development and humanitarian access. The matrix with its tracking indicators was validated and unanimously adopted as a roadmap to measure progress and follow up on the implementation of the accepted recommendations by the Government of South Sudan.

In order to gauge progress and challenges with the UPR implementation process, the South Sudan civil society coalition on the UPR has developed this mid-term report as per the agreed implementation matrix and as part of a UPR best practice. This report should be viewed in parallel with the South Sudan Government’s UPR mid-report also documenting progress that was submitted to the UN Office of the High Commissioner for Human Rights in June 2019.

**1.1 METHODOLOGY**

This mid-term report provides a picture on the progress of the implementation of the 203 recommendations accepted by the government of South Sudan in its first review held at the human rights council in November 2016. The report has been developed by the South Sudan Civil Society Coalition on the Universal Period Review (SSCSC-UPR) in collaboration with key informants such as members of the academia, professionals, faith based groups, government officials and members from civil society organizations The information contained in this report was gathered based on a UPR implementation matrix developed by the civil society and launched with support from the ministry of Justice and Constitutional Affairs of the republic of South Sudan in 2017. The matrix clustered into four thematic areas of Peace and Reconciliation, women and girls, children and Education and Development and Humanitarian Access is intended to identify and grouped all recommendations that require similar action into the various themes; each of the recommendations under the four themes are then assigned a tracking indicator (s) to help both the civil society and the government track progress of the implementation.

Through a secretariat of 12 civil society organizations, the coalition members were dispatched to various field locations and offices to gather information, access archives and conduct interviews. In addition to the above different reports covering information that is deemed relevant were also accessed. Finally, the report underwent a validation to ensure accuracy and authenticity of the information gathered.

**1.2THE GUIDING THEMATIC AREAS**

1. Peace and Reconciliation
2. Women and Girls
3. Children and Education
4. Development and Humanitarian Access.

**1.3 COLOUR CODE:**

|  |  |
| --- | --- |
| **IMPLEMENTED** |  |
| **IN PROGRESS** |  |
| **NOT IMPLEMENTED** |  |

**1.4 CONTRIBUTORS**

Foundation for Democracy and Accountable Governance – **FODAG**

South Sudan Women Empowerment Network – **SSWEN**

Solidarity for Women’s rights Association - **SOWA**

Forum for Peace and Unity – **FOPU**

United Nations Youth South Sudan- **UNYSS**

Peoples Demand Organization – **PEDO**

Peace and Development Collaborative Organization – **PDCO**

Youth Vision South Sudan – **YVSS**

Centre for Human Rights, Governance and Peace – **CHRGP**

Junior Chamber International South Sudan **– JCI**

Mother and Child Development Aid **– MaCDA**

South Sudanese Network for Democracy & Elections **– SSUNDE**

United Nations Association in South Sudan **– UNASS**

Resilience Organization – **RO**

South Sudan Civil Society Alliance – **SSCSA**

South Sudan Association for the Visually Impaired **– SSAVI**

Equatoria State Union of Visually Impaired **-ESUVI**

1. **MID-TERM ASSESSMENT FRAMEWORK**

**2.1 Theme 1: PEACE AND RECONCILIATTION**

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| **Recommendation 126.8: Take action to implement the 2015 peace agreement envisaging a range of transitional justice, accountability and reconciliation institutions which are essential for long-term peace in South Sudan** |
| ***Tracking indicators*** | ***Status of implementation by Government and other stakeholders*** |  |
| Commission for Truth, Reconciliation and Healing (CTRH) established. | * The government through the Ministry of Justice & Constitutional Affairs (MOJCA) established a technical committee for the establishment of the CTRH.
* Consultation on the nature of legislation for the formation of the CTRH conducted in 17 government controlled areas with a total of 4,610 respondents consulted. These consultations however exclude areas previously under Opposition control.
* The report on the consultations related to the CTRH legislation is yet to be made public.
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|  Members of the Commission for Truth Reconciliation and Healing (CTRH) appointed. | * The appointment of the commissioners has not been done as the commission has not been established.
* Despite approval of funding by the cabinet, the technical committee is yet to receive funds to support the CTRH process.
* The appointment of the CTRH commissioners would have happened within six months from the formation of the then Transitional Government of National Unity(TGoNU) however this has not happened.
 |  |
| Evidence on human rights violations collected. | * There has been little evidence to suggest collection of evidence on human rights violations from the side of the government. Example: Given allegation of sexual violence in former unity state, a Government lead investigation team was constituted. However, results of the investigation is yet to be made public.
* The environment for collection and documentation of human rights issues has shrunk during the five years of violence with victims unable to speak freely and seek justice for fear of reprisals.
* The annual report 2017 of the South Sudan Human Right Commission was tabled since 2018 before the Transitional National Legislative Assembly (TNLA) to date has not been debated upon and its recommendations adopted.
* Human rights documentation initiatives have been going on supported by a number of International and Human Rights Organizations.
* The UN Commission on Human Rights in South Sudan and other human rights organizations have continuously collected and released reports on the state of human rights in South Sudan. Despite these reports, evidence of Human Rights violations continued.
* Civil Society has not been able to continuously publish their own independent human rights reports and the number of those engaged in documentation is relatively low due to the sensitivities surrounding human rights issues in South Sudan .
 |  |
|  |
| Number of copies of the peace agreement disseminated to the civil population. | * With the signing of the Revitalized peace agreement, the government undertook high-level dissemination of the provision of the agreement through a country tour. However, despite the dissemination, Human Rights violations continue to be reported as the country continue to experience intermittent violations of the cessation of the hostilities agreement.
* UN agencies and JMEC supported the printing of thousands of copies of the peace agreement for dissemination.
* Civil Society both at government as well as Opposition-controlled areas were able to support dissemination of the Revitalized Peace Agreement to areas accessible to them.
* Efforts have been made to simplify the Revitalized Peace Agreement and basic translations to local languages including Arabic.
* Media houses across the country provided space and air time for civil society to speak and disseminate the Revitalized Peace Agreement.
 |  |
| Citizens at the grassroots provide feedback on the knowledge and understanding of the peace agreement. | * The National Dialogue process remains the only available avenue through which citizens could interact and give feedback to the various committees on their perception and recommendation on the peace process.
* Peace Monitoring reports by civil society groups indicate citizen’s feedback on the slow pace of the peace implementation, limited access to the copies of the peace agreement and language barriers to understanding the content of the peace agreement.
 |  |
| **Recommendation 126.11: Develop a comprehensive strategy to strengthen social cohesion and respect for racial, religious, tribal and ethnic diversity, to strengthen the national peace plan.** |
| ***Tracking indicators*** | ***Status of implementation by government and other stakeholders*** |  |
| Reconciliation and peace – building committees formed and empowered.  | * The Transitional National Legislative Assembly (TNLA) established a Committee on Peace and Reconciliation within the TNLA to spearhead peace efforts.
* The South Sudan Peace Commission remains formally recognized as the entity responsible for coordinating national peace effort despite challenges with capacity, funding and representations at the sub-national level.
* Delay in the establishment of the Commission for Truth, Reconciliation and Healing (CTRH) as per provisions of Chapter 5 of the R-ARCISS has had an impact on the process of truth, reconciliation and healing.

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| **Recommendation 126.13: Continue its efforts towards peace and national reconciliation** |
| Number of trainings and consultations on peace and reconciliation conducted. | * State based Peace Commissions have been created in the former 10 states of South Sudan.
* Funding to peace and reconciliation initiatives have been very low compared to other government’s sectors.
* Training on peace and reconciliation has mostly been done by international and local Civil Society Organizations but the government led process has faced challenges on inclusivity.
* The TGONU efforts to enhance peace and reconciliation prior to the 2018 peace agreement has been limited to areas under government control.
 |  |
| Peace and reconciliation activities taking place across the country.  | * Number of community led peace and reconciliation initiatives increased countrywide
* Space to discuss issues of peace and reconciliation activities have relatively been provided for by the national and state government.
* Government has mostly encouraged citizens to forget the past and reconcile among themselves.
* There has been close collaboration between government, traditional and religious entities to encourage peace and reconciliation in South Sudan.
* Despite the above efforts, reports on abduction of women and children, raiding of cattle, looting and killings, in the context of inter-communal conflict and intolerance continues in some parts of the country.
 |  |
|  |
| **Recommendation 126.14: Continue efforts to strengthen national reconciliation and fight against insecurity** |
| Hate speech is minimized and deterred.  | * H.E the President of the Republic of South Sudan and other senior government officials have called on the public not to abuse the right to freedom of expression and desist from online hate speech and incitement to violence through online media platforms.
* Despite these pronouncements incidences of hate speech remain visible with key government officials, opposition and members of the public continuing to engage in hate speech.
* There are ongoing trainings on combatting hate speech being conducted by partners and National CSO’s.
 |  |
| Calm returns and guns silenced.  | * Number of violence incidences have relatively reduced especially after signing of the 2018 Revitalized Peace Agreement.
* Despite efforts towards peace, there are some reports on Cessation of Hostilities violations including violence perpetrated by both the SSPDF and the non-signatory to peace agreement resulting into displacement of civilians in Yei River State.
 |  |
| Death and fear among civilians minimised.  | * The ratification of the International Covenant on Civil and Political Right (ICCPR) and the first optional protocol could be seen as an opportunity for citizens’ engagement in the peace process, however, this only comes into force three months after accession by the president.
* Incidences of attacks against civilians have reduced though cases of rape and displacement of civilians in some areas of South Sudan are still being reported.
* Some civilians have started returning either back to South Sudan from the refugee camps or from the IDP camps to their communities although some of the returnees have expressed concern over grabbing of their land and property.
 |  |
| Humanitarian assistance reached by the most affected areas.  | * The government has reduced the number of illegal road blocks previously hampering free movement of humanitarian assistances to vulnerable communities.
* Incidences of obstruction of humanitarian assistances have reduced though cases of extortion and bribes are still being reported across the country.
 |  |
| IDPs’ and refugees are reintegrated into their communities.  | * The number of refugees and IDPs returning to their communities has remained very minimal from the start of the 2018 Revitalized Peace Agreement.
* Majority of displaced civilians are still being hosted under the protection of UNMISS with little sign of leaving the protection sites back to their homes.
* Returnees complained of their property being occupied by soldiers and or being sold by local authorities and chiefs countrywide.
 |  |
| **Recommendation 126.15 Take the necessary steps to ensure the consolidation of peace, justice and reconciliation in the country.** |
|  Hybrid court for South Sudan established and operational. | * The Revitalized Peace Agreement mandates the AUC to establish the Hybrid Court, however, little progress has been done.
* Debates around issues of accountability and particularly the court has been remote due to fear of reprisal.
* The recent alleged contract involving the government of the Republic of South Sudan and Gainful Solutions to prevent the court from being established signifies an attempt to obstruct justice.
* Reports of a Memorandum of Understanding (MoU) between the government and the AUC and a draft statute on the hybrid court has not been shared with the public.
* The recruitment of staff to support the process of the Hybrid Court at the AU level has stalled.
* The Government is prioritizing peace and reconciliation to pave way for accountability.
 |  |
| **Recommendation 126.16: Implement the 2012 Peace and Reconciliation Commission Act in order to appease the climate of national instability and ensure effectively the promotion and protection of human rights.**  |
| The 2012 peace and reconciliation Act is implemented.  | * The 2012 peace and reconciliation act, has become dysfunctional due to changes as per the Revitalized Peace Agreement.
 |  |
| Number of reports on human rights violations published by SSHRC. | * The South Sudan Human Rights Commission (SSHRC) continues to produce Annual Human Rights reports.
* The SSHRC struggles to run its activities due to limited funding.
* Issues of capacity involving some SSHRC staff have compromised the ability of the SSHRC to discharge on its duties.
* The chair of the South Sudan Human Rights Commission has occupied the position on acting capacity for more than four years.
 |  |
|  |
|  Number of states reached with the simplified version of the 2012 peace and reconciliation act and understood its provision.  | * Most of the state based peace commissions have shut down due to funding and/or the creation of the 32 states in South Sudan.
* The 2012 act has neither been simplified nor has it been widely shared with the state peace commissions.
 |  |
| **Recommendation 126.17: Continue to support the Peace and Reconciliation Commission to implement the comprehensive national reconciliation and healing program** |
| Number of trainings and consultations on peace and reconciliation conducted in all states in the country.  | * The failure to implement the 2015 Peace Agreement including the resurgence of violence in July 2016 created an environment of violence and insecurity hampering training and consultation on peace and reconciliation in the country.
 |  |
| Increased support for peace and reconciliation activities across the country. | * State governments in three regions of Upper Nile, Bahr el Ghazel and Equatoria have supported peace conferences to enhance inter-communal relations and peaceful co-existence.
* The church, traditional leaders and civil society have increasingly engaged communities and various armed groups on issues of reconciliation and healing.
* While local communities and faith based groups have shown commitment to promoting peace, the overall reduction in funding for peace and reconciliation has kept these initiatives within limited areas.
 |  |
| Reduced psychological distress. | * Funding to support trauma management including pycho-social support has remained relatively very low as a priority with many donors in South Sudan.
* Expert organizations such as the Centre for Study of Violence and Reconciliations (CSVR) have supported intermittent trainings to improve trauma management skills.
* Civil Society Organizations have continued to support trauma healing through counseling and training across the country.
* The faith-based groups have provided counseling through preaching and hosting people to share experiences through religious preaching and/or radio stations in the country.
 |  |
| **Recommendation 126.18: Continue its efforts to promote domestic peace and reconciliation processes in order to foster an enabling environment for human rights development.** |
| Local communities enlightened on peace and reconciliation.  | * In 2015, several peace dissemination activities were conducted by both the civil society organizations, faith based groups and the media.
* Some progress in the implementation of the 2018 revitalized peace agreement include the involvement of government officials in educating their communities on the peace agreement.
 |  |
|  | * Government requirements for civil society to seek approval from the National Security prior to conducting peace related activities impacts on efforts to disseminate the peace agreement.
* CSO’s and International Organizations have done trainings on peace and national reconciliation though limitation of funding has been visibly a problem to the work of civil society.
 |  |
| **Recommendation 126.19: Further strengthen the commitment to the peace and reconciliation process, also in order to guarantee a more effective protection of human rights and respect for the rule of law.** |
| Peace and stability realized.  | * Although the 2015 Peace Agreement failed to deliver peace and stability to South Sudan, citizens are cautiously optimistic that the 2018 peace would deliver final peace to the country.
 |  |
| CTRH commissioners independently vetted and appointed without any manipulation.  | * The provision guiding the appointment of commissioners in the 2015 and 2018 peace agreements do not support independent vetting process.
* Both the *agreements* empower H.E President to appoint Commissioners before they are vetted by the National Legislative Assembly; a process that may be subject to political manipulation.
 |  |
| Judicial reforms and improved access to justice. | * Vocation schools for inmates have been constructed in Juba and Wau. More than 30 inmates graduated in Juba vocational school with skills in carpentry, masonry and mechanic among others.
* Renovation of prison facilities including in Juba, Wau and Torit have been recorded since 2016 review.
* In effort to separate Juveniles from adult prisoners, a reformatory school has been annexed to the main prison in Juba.
* The SSHRC, ICRC and prosecutors have been allowed to visit prisons in South Sudan.
 |  |
| * The 2018 dismissal of judges has increased a backload of cases leading to continued detention of inmates without trials and due process.
* Cases of children being incarcerated alongside their convicted mothers continue to occur despite the health consequences of this confinement to the children.
* Failure to expedite trials have worsened prison conditions as the number of prisoners exceed the capacity of the prison to accommodate prisoners.
 |  |
| Independence of the judiciary and other justice sectors.  | * The chief justice who is the appointee of the president is also the president of Judicial Service Commission.
* Military deployment during the trial of Mr. Kerbino Wol, activist Peter Biar and others may be seen as an act of interference with the independence of the national judiciary.
* Trials and hearing of several cases have been stalled due to lack of judges.
 |  |
| **Recommendation 126.20: Continue efforts to build the national human rights institutions and provide the necessary resources to execute their mandate.** |
|  Independence of human rights institutions. | * The 5 members of the South Sudan Human Rights Commission are appointed by Presidential decree which may compromise their independence.
* Most funding to the South Sudan Human Rights Commission comes from limited government sources.
 |  |
| Increased capacity and speedy reporting of human rights violations across the country. | * The security situation in South Sudan remains an obstacle to independent human rights documentation and reporting.
* Limited funding and capacity issues continue to hamper human rights bodies and civil society to document and report on human rights issues.
* Victims of human rights have remained silent due to fear of reprisal.
* The 2017 South Sudan Human Rights report is pending debate at the National Transitional Legislative Assembly.
* International human rights organizations such as Amnesty International, The Enough Project and the UN Commission for Human Rights in South Sudan have produced reports highlighting the human rights situation in the country.
 |  |

* 1. **Theme 2: WOMEN AND GIRLS**

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| **Recommendation 126.2: Remove from its law and practice all civil and criminal provisions constituting discrimination against women and girls.** |
| ***Tracking indicators*** | ***Status of implementation by government and other stakeholders*** |  |
| Reform customary laws to exclude harmful practices like handing over a raped girl to the perpetrator.  | * The provision for respect of human rights as stipulated in part II bills of rights in the Transitional constitution 2011, the local government 2009 and child act 2008 remains in paper and have not been harmonized with customary laws as there are still several cases of child and forced marriages. However, it is worth mentioning the fact that traditional leaders have undergone training with the aim of harmonizing customary laws and formal law to increase legislative compliance.
* Despite efforts encouraging women to report SGBV cases, women continue to live in fear of reporting due to stigma and cultural norms.
 |  |
| Prison Act Reviewed (Section on female prisoners staying with children less than two years).  | * The prison act is under review by the national law makers as women with children in prisons remain present.
 |  |
| **Recommendation 126.36: Reinforce its efforts to eradicate harmful customs and practices that are discriminatory against women.****Recommendation 126.47 Strengthen efforts to prevent discrimination and violence against women and girls, including by eradicating harmful practices such as child, early and forced marriage** |  |
| **Tracking indicator** | **Status of implementation by government and other stakeholders.** |  |
| Train chiefs and judicial officials on gender equity and equality. | * With support from UN related agencies, a training manual for training traditional leaders was developed and 300 traditional leaders in 5 states were trained in application of the rule of law, human rights & gender and principles of customary law.[[1]](#footnote-1) With less effect witnessed.
* Traditional leaders of Jubek state held a workshop that sought to harmonize customary and formal law, increase compliance of customary law and put into consideration human rights standards.[[2]](#footnote-2)
 |  |
| Women included in the customary law system.  | * Few women have been elected into the customary courts including holding senior position such as paramount chief- notable examples are in Eastern Equatoria[[3]](#footnote-3) and Upper Nile.
 |  |
|  Policies/By laws enacted to stop arranged, child and forced marriage.  | * A strategic national action plan to end child marriage was launched by ministry of gender and social welfare and ministry of health with support from UNFPA.[[4]](#footnote-4)
* National leaders such as the vice president and the governor of Western Equatoria state have started speaking out on the need to end child marriage including elimination of dowry.[[5]](#footnote-5)However, South Sudan still has the 5th highest rate of child marriage in the world. Its estimated that 52% of children get married before they are 18 years.[[6]](#footnote-6)
* Cases of auctioning girls for cattle continue to happen across the country; of recent a 17-year-old girl was auctioned for marriage[[7]](#footnote-7) and a 20-year-old girl was beaten to death by her brothers for refusing to marry a 40-year-old man.[[8]](#footnote-8)
 |  |
|  |
| Number of women counselors trained on SGBV.  | * No women counselors in South Sudan, however, female police officers, have been trained on SGBV.
 |  |
| **Recommendation 126.44: Strengthen efforts to combat sexual violence against women and children, including through the development and strengthening of relevant laws.** |  |
| **Tracking indicator** | **Status of implementation by government and other stakeholders.** |  |
| Ratification of relevant national and international human rights treaties. | * The government has ratified the Convention on the Elimination of all Forms of Discrimination against women (CEDAW) in 2015, however, the government has not been able to submit its national report.
 |  |
| Advocacy and civic education on sexual violence enhanced. | * On 14th of June 2019, the South Sudan People’s Defense Forces (SSPDF) launched the South Sudan Action Plan for Elimination of conflict related sexual violence against women and girls as an important step towards curbing impunity, including on SGBV against women and girls.
* The government and other non-state actors continue to raise awareness on SGBV through different platforms such as radio, print media.
 |  |
| Training on issues of sexual violence against women conducted to media houses.  | * Media institutions have taken steps towards building the capacity of female journalists on how to report on SGBV cases. A case in point is eye radio network that has a female journalist responsible for reporting on SGBV. This has improved freedom of expression in reporting on SGBV by media houses.
 |  |
|  Gender representation in police to handle cases of reports on sexual violence realized. | * The government and other partners have established Special Protection Units (SPU) for women to file Sexual and Gender Based Violence (SGBV) cases.
* Much is needed to enhance effective gender representation assignments specifically on handling sexual violence issues.
 |  |
| **Recommendation 127.20: Continue to make efforts to promote women’s empowerment.** |  |
| **Tracking indicator** | **Status of implementation by government and other stakeholders** |  |
|  Scholarships to support disadvantaged children provided for. | * Scholarship schemes such as ASHINAGA Africa initiative supported by the government of Japan has benefited orphaned children on a yearly basis in South Sudan.
 |  |
| Affirmative action for girls joining the universities introduced. | * There is no affirmative action for girls joining the universities in place. There is need to initiate such to encourage and enhance women empowerment.
 |  |
| The 25% quota system for women in public service operational. | * The 25% quota system for women in public service operations is in existence, however, the recruitment of competent women in senior position remains very low.
 |  |
| **Recommendation 127.21: Continue implementing affirmative measures aimed at eliminating every kind of discrimination against women and girls.** |  |
| **Tracking indicators** | **Status of implementation by government and other stakeholders** |  |
|  Zero unemployment rate for educated women in South Sudan realized. | * The labor act South Sudan chapter ii (1) (3) (e) stipulates that *no person shall be discriminated directly or indirectly against an employee or job applicant in any work policy or practice* including on the basis of sex. This has not been translated in reality as women are deprived of education as a result of child, early/ forced marriages and effect of recurring conflicts. It is believed 90% of women in South Sudan are illiterate.
* However, women are always encouraged to apply for jobs as it is reflected in many job advertisements that go through the ministry of labor and public service.
 |  |
| Number of women in high level decision making positions enhanced including the peace negotiations. | * From 2015 to 2019 women inclusion in higher levels of decision making including peace negotiation has significantly been enhanced, but much remains to be desired.
 |  |
| **Recommendation 127.32: Take measures to end impunity for acts of sexual violence against women and girls.** |  |
| **Tracking indicators** | **Status of implementation by government and other stakeholders** |  |
| Number of rape cases tried by the military courts. | * South Sudan Peoples Defense Forces established a military court aimed at fighting rape and SGBV impunity within the army.
* The military court tried several rape cases including the terrain case which involved rape of foreign nationals and killing of a South Sudanese national.
 |  |
| Established inter-ministerial committee involving police, doctors and lawyers to handle SGBV.  | * Despite establishment of this committee there is need for sufficient and efficient justice modalities to handle sexual violence issues including protection of the abused from additional abuses.
 |  |
| Institutional reforms of the judiciary realized. | * South Sudan Judiciary remains one of the most underfunded institution in South Sudan.
* In 2018, 9 judges were dismissed due to complains regarding facilities for work and poor pay.
* The chief justice of South Sudan- an appointee of the president chairs the judicial service commission which could undermine independence of the commission.
 |  |
| Number of rape cases handled beyond customary level.  | * Traditional courts continue to preside over rape cases in South Sudan and yet judgments emanating from such institutions are mostly geared towards compensation than prosecution of such crimes in a formal court.
 |  |
| **Recommendation 127.37: Establish a strategy to improve the existing mechanisms for reporting cases of sexual and gender-based violence against women and girls and to ensure access to justice for victims.** |  |
| **Tracking indicators** | **Status of implementation by government and other stakeholders.** |  |
|  Number of SGBV cases handled by specialized units within the police and judicial institutions.  | * Despite the establishment of a specialized protection units by the SSPS to handle sexual violence within police and judicial institutions there are reports of continued mismanagement of cases as well as inadequate protection measures of both the abused and none abused is being witnessed.
 |  |
| Parliamentary committee on SGBV established at all levels. | * The parliamentary committee on SGBV only exists at the national level but not at the sub-national level.
 |  |
| **Recommendation 127.39: Increase the representation and participation of women in the public sector.** |  |
| **Tracking indicators** | **Status of implementation by government and other stakeholders** |  |
| Number of women in high level decision making bodies. | * The national policies encouraging women recruitment in all sectors, comprises of the previous implemented 25% and proposed 35% of women representation in all public sectors.
 |  |
| **Recommendation 127.40: Appoint more women to positions of responsibility within the army and the police as a first step towards ending gender-based violence.** |  |
| **Tracking indicators** | **Status of implementation by government and other stakeholders** |  |
| Availability of segregated data/record from the bureau of statistics. | * Development of a database by SSPDF is in progress.
* Men in organized forces undermine high ranked women.
 |  |
| Policy on employment, promotion and equal treatment of men and women in the army developed. | * SPLA (SSPDF) established a directorate of Women affairs headed by a female Major General.
* The above mentioned department currently has 10 female brigadiers, 15 female colonels and 20 lieutenant colonels.
 |  |

**2.3 Theme 3: CHILDREN AND EDUCATION**

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| ***Recommendation 126.55: Ensure safe return of demobilized child soldiers to their families and ensure their access to education.*** |
| **Tracking indicator** | ***Status of implementation by government and other stakeholders*** |  |
| Number of children demobilized. | * The National Disarmament, Demobilization and Reintegration (NDDR) with support from UNMISS and UNICEF released and integrated more than 1,000 child soldiers associated with South Sudan National Liberation Movement, National Salvation Front and South Sudan People’s Liberation Army-In Opposition as from February 2018 to January 2019.[[9]](#footnote-9)
* Between February 2018 to January 2019, the NDDR with support from the UN demobilized, disarmed and reintegrated 1182 (833 Boys and 349 girls) child soldiers from armed groups.
* However, an unverified number of children remain to be released from armed groups. The Government has plans for further screening, verification and demobilization of all pending children associated with armed groups.
* The Government of South Sudan acceded to the first Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Forces.[[10]](#footnote-10)
 |  |
| Number of children re-united with their families. | * The total number of 1182 children have been released from armed groups and re-united with their families.
 |  |
| Database of children in organized armed forces established. | * The NDDRC has established a database of children associated with armed forces and groups (CAAFG).
 |  |
| Number of surveys and research on children in organized armed forces.  | * The Government with support from Child DDR partners regularly conduct surveys at SSPDF Division and Battalion levels to feed into the NDDRC database on CAAFG.
 |  |
| Adherence of army leaders to the child act. | * Need for awareness raising to armed forces and group commanders about the provisions of the Child Act (2008) on the prohibition of child recruitment.
 |  |
| **Recommendation 126.72: Take further steps to provide access to education for all citizens, in particular in rural areas.****Recommendation 126.74: Take all appropriate measures to protect children’s rights, especially by ensuring their access to primary education.** |
| Increase in the annual education budget. | * There has been an increase in the education budget from 5% to 10% and the MOGEI is advocating for 15%. The school budget facility has also increased to 1.9 billion SSP.
 |  |
| Number of functional teachers Training Institutes. | * Currently there are 13 teachers training institutes working since 2016 across the country.
* Since the year 2016, teachers training has been on-going. The Norwegian government funded this project which ends in 2019.
* There is limited funding allocated for teacher training program by the government.
 |  |
| Number of Vocational Training Institutes | * There are 7 vocational Training institutes established in different parts of Republic of South Sudan.
 |  |
| Number of community schools established and functional. | * Community schools represent 40 % (823) of the total 1234 Government schools.
* The government with support from partners is in the process of evicting soldiers from occupied schools and health Centers.
 |  |
| Improved facilities within existing schools (toilets, water facilities, sanitary facilities for boys & girls, textbooks, salaries, desks).  | * The government has allocated a total of $40 per month per teacher in its schools.
* School feeding programs currently being implemented in government aided schools only, excluding other private and or faith based schools.
 |  |
| **Recommendation 127.11: Take the necessary measures for the inclusion of human rights in educational programs.** |
| Human rights included in the curriculum.  | * At the moment the ministry of Education has not yet included human rights topics into the curriculum. However, the provision of cross-cutting issues considered to be part of human rights is reflected in the new curriculum to cover environmental awareness and sustainability, peace education and life skills. This applies to pupils/students from primary 1 – senior 4.[[11]](#footnote-11)
 |  |
| Number of MOGEI staff, policy makers, PTA/SMCs[[12]](#footnote-12) and teachers on Human Rights. | * Human rights training conducted to relevant stakeholders in the MOGEI mainly by development partners.
 |  |
| **Recommendation 127.41: Effectively implement the General Education Act, in particular by taking measures to improve school enrolment rates** |
| Increased school enrollment and retention realized. | * UNICEF’s back to learn campaign was launched in Renk Upper Nile in February 2019 with the aim of enrolling 729,000 children back to school, train 5500 education personnel, 600 PTA’s and establish 460 learning spaces. The main focus is on vulnerable groups such as the disabled, pastoralists and girls.[[13]](#footnote-13)
* Education in emergencies another of UNICEF’s program with support from USAID, Norway and the EU was launched in Awiel to ensure all children affected by the humanitarian crises have access to quality education in safe and protective environments. In the previous year 559,450 children were enrolled out of which 227, 247 were girls.[[14]](#footnote-14)
* In March 2019, the EU funded joint UNICEF-WFP project was launched with the aim of reaching 75,000 children in the former Northern Bahr-Ghazal, Western Bahr Ghazal , Warrap state and Eastern Equatoria state.[[15]](#footnote-15)
 |  |
|  |
| **Recommendation 127.42:Take measures to further reduce women’s illiteracy rate and increase girls’ school enrolment rate** |  |
| Number of girls reached through the GESS program. | * The Girls Education South Sudan (GESS) program led by Ministry of General Education has supported primary schools in Upper Nile and secondary schools in the former 10 states of South Sudan.
* GESS has seen an increase of girl’s enrolment from 46.1% to 48.5 % as from June, 2018.[[16]](#footnote-16)
 |  |
| **Recommendation 128.81: Implement an effective birth registration policy for the whole country in order to consolidate the rights of children** |  |
| Number of functional health centers with the ability to register births.  | * Health centers are available in most parts of the country, however, many of them are not functional due to shortage of staff, medical supplies as a result of the recent conflict. It is worth mentioning that some Non-State Actors have supported the government, particularly the Ministry of Health in registering births.
 |  |
|  Children registered by local authorities in the community (Schools, church). | * The president of the Republic of South Sudan launched the civil registry in April 2019 which will ensure the registration of children by local authorities across the country.
 |  |
| **Recommendation 128.82: Ensure that birth registration is stepped up through an ongoing campaign and the efficient use of resources and that the right to sustainable nutrition, public health and basic education is secured for all children** |  |
|  |  |  |
|  Number of children registered. | * Birth registration is in progress in most health centers and all new born babies are issued birth certificates. With support from UNICEF, more than 100,000 new born were registered in two out of the 10 former states of South Sudan.[[17]](#footnote-17)
* The government ensures that birth certificates are always requested in schools at the higher levels i.e. primary 7, primary 8, Senior 3, and Senior 4 during the periods of national exams.
 |  |
| **2.4 Theme 4: DEVELOPMENT AND HUMANITARIAN ACCESS** |
| **Recommendation 126.69: Continue its efforts to consolidate social policies in favor of the most vulnerable sectors of its people, counting on the assistance and cooperation of the community of nations, as requested by the country.**  |  |
| Number of consultations and enactment of social policies that favor most vulnerable. | * The government established a national policy named The National Disability and Inclusive Policy (2015), however, with less efforts towards implementation due to limited funds.
* The International Convention on the Rights of Persons with Disability (UNCRPD) has been tabled to the parliament for ratification. With this at hand, the government has put less efforts towards delivery of services to persons with disabilities. Furthermore, the article on the domestic laws protecting and promoting the rights of persons with disabilities are not implemented.
* Most of the government facilities including government buildings are not accessible by persons with disability.
* There is no representation of persons with disability in all government sectors.
 |  |
| **Recommendation 126.68: Focus on economic, social and cultural rights as a first step to lifting the country out of the cycle of poverty and underdevelopment according to the Agenda 2030 on Sustainable Development of the United Nations.** |  |
| Ratification of relevant human rights instruments. | * The government has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR)and its Optional Protocol on Monday 10th of June, 2019, which shall enter into force three months after the date of accession by the President.
 |  |
| Persons with disabilities informed on the Policy of Persons with Disabilities. | * The Government developed and launched the Policy of Persons with Disability but have not done awareness raising.
* Awareness raising activities have mostly been done by partners and Disabled People Organizations (DPO).
 |  |
| **Recommendation 126.70: Promptly address the impact of the conflict on civilians’ access to food, including through concrete steps in technical assistance and capacity- building, as requested in the national report.**  |  |
| Relative peace- gun silence. | * Despite the ceasefire, there are still gunshots in some areas.
* Communities are also taking initiatives to silence the guns in collaboration with the police (community policing programmes).
 |  |
| IDP’s access to Food and Non-Food Items.  | * A few IDP’s are able to provide for themselves Food and Non-Food Items and food items.
* Food and Non-Food Items provided by the development partners are not sufficient.
 |  |
| Communities are able to cultivate and have surplus of food. | * Despite the ceasefire, there is still gunshots in some areas
* Communities are also taking initiatives to silence the guns in collaboration with the police (community policing programmes)
 |  |
| **Recommendation 126.71: Guarantee the human rights to water and sanitation by increasing access to drinking water and sanitation facilities.**  |  |
| Access to safe drinking water particularly to persons with disabilities. | * Most boreholes are accessible to persons with disability both in towns and few in rural areas and there are plans to dig more boreholes in the rural areas by the international NGOs especially ICRC which has been supportive in providing clean water.
* The government has also build massive water supply called the municipal boreholes in Yei and Yambio through the help of GIZ, the drilling started in 2014 and was handed over to the government in 2016-2017 and there is provision of clean tap water accessible by all persons with disability.
 |  |
| Availability of disability friendly latrines | * The government has provided portable latrines in most government schools which is accessible to all PWDs in primary school pupils and there are plans to extend this services to the rural areas.
 |  |
| **Recommendation 128.48: Guarantee immediate and unhindered humanitarian access to populations in need throughout the country and ensure the protection of the civilian population, including of persons in vulnerable situations.** **Recommendation 128.50: Permit unimpeded humanitarian access for civil society, NGOs and United Nations agencies, without threat of harassment or violence, to ensure the provision of vital supplies and assistance to populations in need** |  |
| Incidences of humanitarian obstruction reduced. | * Though incidences of humanitarian obstruction have been reduced, there are still some illegal roadblocks.
* Civil society activities are being affected due to National Security law that requires prior approval for every activities and or event of civil society.
 |  |
| **Recommendation 128.51: Create care mechanisms for the communities affected by the conflict, including psychiatric care.**  |  |
| Availability of health facilities providing psychiatric care.Number of people accessing psychosocial Support-Trauma healing. | * Few people have access to psychosocial support - trauma healing.
* People who were disabled during the conflict are more traumatized and not cared for in terms of accessing psychosocial support and trauma healing than those who were born disabled.
* Pregnant disabled women are not cared for during labor.
 |  |
| **Recommendation 128.96: Ensure the inclusion in all humanitarian and post-conflict reconstruction efforts of policies to protect the rights of persons with disabilities who belong to the most vulnerable groups in society.**  |  |
| Availability of disaggregated data and studies on the situation of persons with disabilities.  | * There is no clear data and statistics on the situation and number of persons with disability, however, there is an advocacy plan underway to ensure such data and statistics exist, especially on the situation and number of PWDs enrolled in schools at all levels.
 |  |
|  National Action Plan for the rights of persons with disabilities and their inclusion in post-conflict reconstruction efforts developed and implemented. | * National Disability Inclusion Policy (NDIP) was developed in 2015 and passed in December 2016.
* National Action Plan for the union of persons with disability is developed between March – May supported by partners to be presented to the parliament.
* United Nations Convention on the Rights of Persons with Disability (CRPDs) is still in the process of being ratified.
 |  |

1. **Recommendations**
* The Revitalized Peace Agreement provides the only opportunity for stability and improved human rights in South Sudan. Since it was signed on 12th of September, 2018, the UPR coalition have noted some positive steps and commitment from the parties to the agreement. However, the failure to implement some important milestones on security arrangement including the cantonment of forces and the subsequent extension of the pre-transitional period to November 2019, exposed some lapses in the peace process. The UPR coalition urges the parties and particularly the transitional government to commit to its obligations and expedite the release of funds to accomplish the pending activities of the pre-transitional period and beyond.
* The acceptance of the 203 recommendations by the government of South Sudan during the 2016 review demonstrates commitment to improving the human rights situation. While some achievements have been registered since then, most of these achievements have mostly been confined within the national capital. The UPR coalition believes that the greatest need to improve human rights spans across the country. We therefore call upon the Government of South Sudan to ensure that the sub-national governments are made aware about their human rights obligation and supported to implement the accepted UPR recommendations in order to improve human rights on the ground at the states, counties, Bomas and the villages levels.
* The coalition commends the transitional government of national Unity for ratifying some of the international human rights treaties including the ICCPR and the ICESCR. But we call upon the Government to expedite the accession process as required by laws of South Sudan in order to accelerate the process of domesticating these important international human rights instruments. We further urge the government to ratify pending international and regional human rights instruments such as the Convention on the Rights of Persons with Disabilities and the Maputo protocol.
* Similarly, the South Sudan coalition on the UPR takes note that since ratification of the convention against torture and the convention on the rights of the child, the government of the republic of South Sudan has not provided its national reports despite the requirement for its submission to not exceed a year after ratification. We call upon the Government to immediately submit its national report to the Committee on the Convention of the Rights of the Child and constructively engage with the review process by this Committee.
* The UPR coalition would like to commend the South Sudan Peoples’ Defense Forces for launching the South Sudan Action Plan to Eliminate Conflict related Sexual Violence Against Women and Girls. But we urge the Government to make available the national action plan and to widely disseminate it to relevant military institutions, the civil society and the general public.
* On the same note the creation of a directorate for military justice and the subsequent trials of military officers involved in the terrain hotel rape case sets a precedence to ending impunity in South Sudan. The coalition undoubtedly believes holding human rights perpetrators to account symbolizes zero tolerance of impunity, provides deterrence for future crimes of this nature and heal the wounds inflicted by the five years of violence. We urge the government to investigate all pending cases and bring the culprits to book.
1. **Conclusion**

This midterm report has been produced by the South Sudan Civil Society Coalition on the UPR through a consultative process involving relevant government ministries, civil society organizations and international partners. The information contained in this report may not be comprehensive enough but sufficient in providing a picture of the human rights situation at half point as from the time South Sudan was reviewed in 2016. As the first of its kind, this process has provided a learning opportunity for the civil society and the government amidst a challenging environment of conflict. This collaboration could pave the way for constructive engagement and further work towards improving the human rights situation in South Sudan.

The coalition would like to thank our partners particularly the Lutheran World Federation (LWF) and the United Nations Mission in South Sudan (UNMISS) for their technical and financial support that has enabled the coalition to produce this first report.

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