**UN SRVAW THEMATIC REPORT ON RAPE AS A GRAVE AND SYSTEMATIC HUMAN RIGHTS VIOLATION AND GENDRE BASED VIOLENCE AGAINST WOMEN**

**Questionnaire on criminalization and prosecution of rape**

**Question 1**

(I have attached the full text of the Penal Code 2008 and the Criminal Procedure Act 2008, ***Rape*** is defined in section 247 of the Penal Code)

**Question 2**

1. No
2. Yes
3. Yes
4. No
5. No
6. No
7. Yes, Carnal intercourse
8. No
9. No
10. No
11. Yes

**Question 3**

There is no such provision in the Penal Code 2008

**Question 4**

18 years

**Question 5**

There are no such provisions

**Question 6**

Under section 247 if the person is convicted he/she shall be sanctioned for a period not less than fourteen years and may be liable to pay fine.

**Question 7**

Section 247 of the Penal Act speak of the possibility of fine, section 290 of the criminal procedure act 2008 gave criminal courts civil powers in consideration of compensations

**Question 8**

Yes it does but it is not explicitly mention in the penal act

1. Yes
2. Yes
3. No , Marital rape is not considered rape under section 247

**Question 9**

Yes, it does but it is not explicitly mention in the penal act

**Question 10**

No, reconciliation is permitted as a practice not as legal response

**Question 11**

No

**Question 12**

Yes

**Question 13**

Yes

**Question 14**

Not a practice in South Sudan

**Question 15**

Not a practice in South Sudan

**Question 16**

See Section 47/2(a) of the Criminal Procedure Act 2008 (ten years)

**Question 17**

No clear provision

**Question 18**

Yes, there is medical form known as form (8) it is always presented by the prosecution as part of prosecution evidence

**Question 19**

No

**Question 20**

No clear provision but rather a practice of the court

**Question 21**

Not covered under the current penal code (Section 247 covers rape in normal settings)

**Question 22**

Not covered under the current Penal code

**Question 23**

Not covered under the current penal code

**Question 24**

Yes

 **Question 26**

The barriers in the non-desire of victims especially women to report sexual violence cases out of fear form stereotype and stigma.

Investigators and prosecutors lack proper training in ways in which they can investigate sexual violence cases.