South Sudan
Mid-term
Implementation Assessment

Promoting and strengthening
the Universal Periodic Review
http://www.upr-info.org
1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and one half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created a follow-up process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, UPR Info seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, UPR Info invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, UPR Info publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on and to implement their commitments. States should implement the recommendations that they have accepted and civil society should monitor that implementation.

While the follow-up’s importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, UPR Info is willing to share good practices as soon as possible and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR’s follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate the index is described at the end of this document.

Geneva, 13 August 2014
Follow-up Outcomes

1. Sources and results

All data are available at the following address:

http://followup.upr-info.org/index/country/south_sudan

We invite the reader to consult this webpage since all recommendations, all stakeholders’ reports, as well as the unedited comments can be found at the same internet address.

Please note that South Sudan became independent on 9 July 2011. South Sudan received the recommendations referenced below during the review of Sudan on 10 May 2011; as a result, recommendations made to South Sudan are included in Sudan’s Report of the Working Group A/HRC/18/16.

25 stakeholders’ reports (on Sudan and South Sudan) were submitted for the UPR. 7 NGOs working on South Sudan were contacted. 6 UN agencies were contacted. The Permanent Mission to the UN was contacted. The National Human Rights Institution (NHRI) was contacted as well.

1 NGO responded to our enquiry. 1 UN agency responded. The State under Review did not respond to our enquiry. The NHRI did not respond to our enquiry either.

The following stakeholders took part in the report:

1. **UN Agency**: United Nations Children's Fund (UNICEF)
2. **NGOs**: Anonymous

*IRI*: 9 recommendations are not implemented, 3 recommendations are partially implemented, and 0 recommendations are fully implemented. No answer was received for 17 out of 33 recommendations and voluntary pledges (full list of unanswered recommendations is available at the end of this document).
2. Index

Hereby the issues that the MIA covers:

<table>
<thead>
<tr>
<th>rec. n°</th>
<th>Rec. State</th>
<th>Issue</th>
<th>IRI</th>
<th>page</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>Austria</td>
<td>Civil society,Freedom of association and peaceful assembly,Freedom of opinion and expression,Freedom of religion and belief,Minorities,Women's rights</td>
<td>not impl.</td>
<td>5</td>
</tr>
<tr>
<td>16</td>
<td>Austria</td>
<td>International instruments,Women's rights</td>
<td>not impl.</td>
<td>7</td>
</tr>
<tr>
<td>19</td>
<td>Austria</td>
<td>Racial discrimination</td>
<td>not impl.</td>
<td>6</td>
</tr>
<tr>
<td>1</td>
<td>Djibouti</td>
<td>Other</td>
<td>-</td>
<td>8</td>
</tr>
<tr>
<td>31</td>
<td>Djibouti</td>
<td>Development</td>
<td>-</td>
<td>6</td>
</tr>
<tr>
<td>2</td>
<td>Ethiopia</td>
<td>Elections</td>
<td>not impl.</td>
<td>5</td>
</tr>
<tr>
<td>21</td>
<td>France</td>
<td>Detention conditions,Enforced disappearances,International instruments,Torture and other CID treatment</td>
<td>not impl.</td>
<td>7</td>
</tr>
<tr>
<td>32</td>
<td>France</td>
<td>International instruments,Rights of the Child</td>
<td>not impl.</td>
<td>7</td>
</tr>
<tr>
<td>15</td>
<td>India</td>
<td>NHRI</td>
<td>partially impl.</td>
<td>9</td>
</tr>
<tr>
<td>10</td>
<td>Norway</td>
<td>Other</td>
<td>-</td>
<td>8</td>
</tr>
<tr>
<td>23</td>
<td>Norway</td>
<td>Human rights education and training</td>
<td>not impl.</td>
<td>6</td>
</tr>
<tr>
<td>24</td>
<td>Norway</td>
<td>Detention conditions,Freedom of the press,Human rights defenders</td>
<td>not impl.</td>
<td>8</td>
</tr>
<tr>
<td>6</td>
<td>Somalia</td>
<td>Other</td>
<td>-</td>
<td>9</td>
</tr>
<tr>
<td>3</td>
<td>Syria</td>
<td>Other</td>
<td>partially impl.</td>
<td>8</td>
</tr>
<tr>
<td>8</td>
<td>United Kingdom</td>
<td>Freedom of association and peaceful assembly,Freedom of opinion and expression,Freedom of the press,Human rights defenders</td>
<td>partially impl.</td>
<td>9</td>
</tr>
<tr>
<td>22</td>
<td>United Kingdom</td>
<td>Freedom of association and peaceful assembly,Freedom of opinion and expression,Freedom of the press,Human rights defenders</td>
<td>not impl.</td>
<td>5</td>
</tr>
</tbody>
</table>
3. Feedback on recommendations

CP Rights

Recommendation nº2: Continue to work with regional and international partners to ensure amicable solutions to remaining post-referendum issues (Recommended by Ethiopia)

IRI: not implemented

Anonymous response:
Civil Societies, Minorities group and women are not involved in constitution process in South Sudan, and the freedom of speech is restricted. E.g. the transitional constitution of South Sudan was adopted by SPLM the dominant in parliamentarian, but Civil Societies and minorities group were not consulted.

Recommendation nº9: Draft their Constitutions in an inclusive process with the participation of civil society, women and minorities. Also, ensure that the new Constitutions include a catalogue of human rights, in particular the freedom of speech and assembly, and take the multiethnic and multireligious background of their population into account (Recommended by Austria)

IRI: not implemented

United Nations Children's Fund (UNICEF) response:
Commission to review the Constitution was established in 2012 and the review process begun.

Although the Constitutional Review process was initiated in 2012, there has been no tangible progress to date. Since the conflict broke out in December 2013, the Commission has not been active; yet its term will run out in December 2014.

Recommendation nº22: Respect the rights to freedom of expression, association and assembly by allowing human rights defenders, political dissidents and journalists to express their views freely in line with international human rights law (Recommended by United Kingdom)

IRI: not implemented

Anonymous response:
South Sudan has a big problem with freedom of expression whether civil society or minority groups. On 6 of January 2013, Rabha Elis Bandas, the
human rights defender, was arrested by CID for 6 days in Western Bahr El ghazal - Wau, just because she has interviewed as a CSOs coordinator, by miraia UN radio on the incident occurred in 9 December 2012, where 9 people were killed in Wau in peaceful demonstration over transfer of Wau county to Bagari payam. More than 25 people are in the prison and 11 among them are sentenced to death, the court was not fair, the judges were intimidated, up to date no investigation or action taken by the government against the force who shot the people dead and about 27 are wounded in peaceful demonstration in Wau. Amnesty International has published comprehensive report about the incident in Wau [...].

ESC Rights

Recommendation nº19: Ensure that after independence, no one will be discriminated against because of their origin from the other State, respectively (Recommended by Austria)

IRI: not implemented

Anonymous response:
Discrimination, nepotism, and tribalism and negligence are still continuing in South Sudan; e.g. the country is leading by one ethnic group.

Recommendation nº23: Strengthen awareness of and respect for human rights within the armed forces, police and judiciary (Recommended by Norway)

IRI: not implemented

Anonymous response:
There has been continuing violation of Human Rights by organizing forces e.g. Police, CID and soldiers. Beating and looting of the properties from the civilians. Women and girls experience rape by SPLA and police, more than the period before CPA and referendum. No accountability, survivors [do not have] access to justice. Judiciary are not independent. [Those who are] non affiliated to the system are intimidated.

Recommendation nº31: In light of exceptional circumstances, appeal to the international community for its consent to cancelling Sudan’s debt, which would constitute remarkable progress towards achievement of the Millennium Development Goals, ensure conditions of an equitable economic development and have a positive impact on the enjoyment of human rights for millions of Sudanese (Recommended by Djibouti)

IRI: -
Anonymous response:
Misusing of the resources of the country; e.g. public fund is used for individual purpose; corruption is very high, no socio-economic accountability.

**International Instruments**

**Recommendation nº16:** Ratify, without limiting reservations, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol (Recommended by Austria)

IRI: **not implemented**

**Recommendation nº21:** Adhere to the Convention against Torture and its Optional Protocol and to the International Convention for the Protection of All Persons from Enforced Disappearance (Recommended by France)

IRI: **not implemented**

**Recommendation nº32:** Adhere to the Convention on the Rights of the Child and its two Optional Protocols and endorse the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups (Recommended by France)

IRI: **not implemented**

**UNICEF response:**
In April 2013 the Council of Ministers passed a resolution to accede/ratify 9 Human Rights Treaties including the CRC and the
1. South Sudan passed the bill to ratify the Convention on the Rights of the Children on 20 Nov 2013.
2. Bill to ratify the Convention on the Elimination of all Forms of Discrimination against Women.
3. The Government is considering the ratification of ICCPR.
4. South Sudan has ratified the Ottawa Treaty – the Convention to Ban Mines

Advocacy continues to get the President to sign off on the bill on the ratification of the CRC so that the ratification process can be completed.

Advocacy to get the Parliament to pass the bill on the ratification of CEDAW continues.
# Justice

**Recommendation nº10:** *Bring all constitutional provisions and relevant laws into line with the CPA and international obligations* (Recommended by Norway)

**UNICEF response:**
The CPA ceased the moment that South Sudan became independent.

**Recommendation nº24:** *Take concrete steps to ensure freedom of the media and investigate any intimidation and arbitrary detention of journalists and human rights defenders with a view to bringing such practices to an end* (Recommended by Norway)

**Anonymous response:**
Arbitrary detention, impunity, arrest without warrant are still under practice in South Sudan, e.g. during Wau incident in 2012, CID arrested and detained numbers of people in the community of Wau county, because they express their view with disagreement with governmental decision to transfer Wau to Bagari by force, which is a violation to constitution of South Sudan. Nine of them were killed, and some flee to neighboring state to secure their life and others are still in the prison. Some politician from Wau County were also arrested and detained because they respect the right of the community not transferred Wau County Head Quarter to Baggari.

# Other

**Recommendation nº1:** *Make every effort to preserve the climate of peace achieved by the Comprehensive Peace Agreement during the six years of transition* (Recommended by Djibouti)

**UNICEF response:**
The CPA ceased the moment that South Sudan became independent.

**Recommendation nº3:** *Remain committed to negotiations to resolve pending areas of disagreement* (Recommended by Syria)

**IRI:** *partially implemented*
Anonymous response:
The pending issues, commitment for negotiation and willingness to accept the views of others and resolved disagreement/dispute is still challenges. E.g. recent crises between SPLM leaders President of South Sudan and Former Vice President, in principle they agreed on inclusive peace process which is good, unfortunately there is no political will by the government for reform the 4 thematic areas of peace process, 1 transitional government, 2 Constitutional development, since the current constitution give more power to president, 3 permanent security 4 Justice reconciliation and healing, the president Salva Kiir insisted that there is no transitional government without him [...]

Recommendation nº6: Continue negotiations with a view to peacefully settling the remaining stipulations of the CPA, particularly with regard to issues like border demarcation, foreign debts, oil and water sharing and citizenship, with the understanding that nobody will be stateless (Recommended by Somalia)

IRI: -

UNICEF response:
The CPA ceased the moment that South Sudan became independent.

Recommendation nº8: Guarantee the human rights of citizens under the new Constitutions and establish effective mechanisms to ensure these are respected, including through the establishment of a national human rights institution in line with the Paris Principles (Recommended by United Kingdom)

IRI: partially implemented +

Recommendation nº15: Consider establishing national human rights institutions in compliance with the Paris Principles (Recommended by India)

IRI: partially implemented

UNICEF response:
By the time of the consideration of the Sudan report by the UPR Working Group the South Sudan Human Rights Commission had been established but it needed to be strengthened.

The Independent Child Commission is yet to be established.
The South Sudan Human Rights Commission is functional although sometimes it comes up with controversial statements and sometimes its independence is marred.

Advocacy for the establishment of the Independent Child Commission continues and there was a real chance with the current Minister of Gender,
Child and Social Welfare as before the December conflict, she had put children as her number one priority.
Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we apply the same procedure for data collection about all States:

1. We contact the Permanent Mission to the UN either in Geneva or New York;
2. We contact all NGOs that took part in the process. Whenever NGOs were part of coalitions, each NGO is contacted individually;
3. The National Institution for Human Rights is contacted, whenever one exists.
4. UN Agencies, which sent information for the UPR, are also contacted.

We post our requests to the States and send e-mails to NHRIs, NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation are not contacted and those stakeholders’ submissions are not taken into account.

However, since the UPR is meant to be a process that aims to share best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing recommendations and voluntary pledges

The stakeholders that we contact are encouraged to use an Excel sheet, which we provide, that includes all recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split among recommendations to which we think it belongs. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention whether the recommendation was “fully implemented” or “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

UPR Info retains the right to edit comments that are considered to not directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the
recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The Implementation Recommendation Index (IRI) is an individual recommendation index. Its purpose is to show an average of stakeholders’ responses.

The IRI is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the IRI score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

<table>
<thead>
<tr>
<th>Percentage:</th>
<th>Implementation level:</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 0.32</td>
<td>Not implemented</td>
</tr>
<tr>
<td>0.33 – 0.65</td>
<td>Partially implemented</td>
</tr>
<tr>
<td>0.66 – 1</td>
<td>Fully implemented</td>
</tr>
</tbody>
</table>

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation is given an IRI score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.
Hereby the recommendations which the MIA does not address:

<table>
<thead>
<tr>
<th>rec. n°</th>
<th>Recommendation</th>
<th>SMR</th>
<th>Response</th>
<th>A</th>
<th>Issue</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Continue negotiations with a view to a peaceful resolution of pending questions</td>
<td>Djibouti</td>
<td>Noted</td>
<td>2</td>
<td>Other</td>
</tr>
<tr>
<td>5</td>
<td>Continue negotiations to reach agreement on pending issues such as border and natural resources</td>
<td>Lebanon</td>
<td>Noted</td>
<td>2</td>
<td>Other</td>
</tr>
<tr>
<td>7</td>
<td>Maintain the peaceful atmosphere that was created by the Comprehensive Peace Agreement throughout the six years of the transitional period, by taking measures to reduce tension and all parties should refrain from taking any unilateral steps that would undermine the purpose of the Agreement</td>
<td>Somalia</td>
<td>Noted</td>
<td>4</td>
<td>Other</td>
</tr>
<tr>
<td>11</td>
<td>Strengthen cooperation with all the mechanisms of this Council</td>
<td>Austria</td>
<td>Noted</td>
<td>4</td>
<td>Special procedures</td>
</tr>
<tr>
<td>12</td>
<td>Cooperate in the follow-up to this review</td>
<td>Austria</td>
<td>Noted</td>
<td>4</td>
<td>UPR process</td>
</tr>
<tr>
<td>13</td>
<td>Continue to fully cooperate with the Independent Expert on the situation of human rights in Sudan</td>
<td>France</td>
<td>Noted</td>
<td>2</td>
<td>Special procedures</td>
</tr>
<tr>
<td>14</td>
<td>Strengthen the capacity to adequately protect and promote human rights in cooperation with OHCHR</td>
<td>Norway</td>
<td>Noted</td>
<td>4</td>
<td>General</td>
</tr>
<tr>
<td>17</td>
<td>Ratify the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa</td>
<td>Austria</td>
<td>Noted</td>
<td>5</td>
<td>Women’s rights</td>
</tr>
<tr>
<td>18</td>
<td>Repeal all laws that discriminate against women</td>
<td>Austria</td>
<td>Noted</td>
<td>5</td>
<td>Women’s rights</td>
</tr>
<tr>
<td>20</td>
<td>Establish a moratorium on executions with a view to the definitive abolition of the death penalty</td>
<td>France</td>
<td>Noted</td>
<td>5</td>
<td>Death penalty</td>
</tr>
<tr>
<td>25</td>
<td>Complete its transition from a militarized society to a democratic system based on the rule of law under civilian rule</td>
<td>Norway</td>
<td>Accepted</td>
<td>4</td>
<td>Justice</td>
</tr>
<tr>
<td>26</td>
<td>Increase the efforts in the field of civil protection in the transition period</td>
<td>Norway</td>
<td>Accepted</td>
<td>4</td>
<td>International humanitarian law</td>
</tr>
<tr>
<td>27</td>
<td>Adopt legislation and measures to allow the free practice of religions in Sudan and in South Sudan</td>
<td>Lebanon</td>
<td>Noted</td>
<td>5</td>
<td>Freedom of religion and belief</td>
</tr>
<tr>
<td>28</td>
<td>Foresee measures that would guarantee the right to their religions to groups that will become minorities in both countries after the birth of the new State, namely Muslims in South Sudan and non-Muslims in (north) Sudan</td>
<td>Somalia</td>
<td>Noted</td>
<td>3</td>
<td>Freedom of religion and belief, Minorities</td>
</tr>
<tr>
<td>29</td>
<td>Appeal to the international community to take individual and collective initiatives to exempt the debts of Sudan</td>
<td>Somalia</td>
<td>Noted</td>
<td>1</td>
<td>Other</td>
</tr>
<tr>
<td>rec. n°</td>
<td>Recommendation</td>
<td>SMR</td>
<td>Response</td>
<td>A</td>
<td>Issue</td>
</tr>
<tr>
<td>--------</td>
<td>----------------</td>
<td>-----------</td>
<td>----------</td>
<td>---</td>
<td>------------------------------</td>
</tr>
<tr>
<td>30</td>
<td>Consider measures aimed at ensuring freedom of religion for groups which will become minorities in the two countries after the emergence of the new State</td>
<td>Djibouti</td>
<td>Noted</td>
<td>3</td>
<td>Freedom of religion and belief, Minorities</td>
</tr>
<tr>
<td>33</td>
<td>To South Sudan to establish a moratorium on executions with a view to abolishing the death penalty</td>
<td>Italy</td>
<td>Accepted</td>
<td>5</td>
<td>Death penalty</td>
</tr>
</tbody>
</table>

A= Action Category (see on [our website](http://www.upr-info.org))
SMR = State making recommendation
Mid-term Implementation Assessment: **South Sudan**

---

**Contact**

---

**UPR Info**
Rue de Varembé 3
CH - 1202 Geneva
Switzerland

Website: [http://www.upr-info.org](http://www.upr-info.org)

Phone: + 41 (0) 22 321 77 70

**General enquiries** info@upr-info.org

[http://twitter.com/UPRinfo](http://twitter.com/UPRinfo)

[http://www.facebook.com/UPRInfo](http://www.facebook.com/UPRInfo)