



**REPORT SUBMITTED BY: THE CHILD RIGHTS CIVIL SOCIETY COALITION –  
REPUBLIC OF SOUTH SUDAN**

**UNIVERSAL PERIODIC REVIEW OF THE REPUBLIC OF SOUTH SUDAN  
CIVIL SOCIETY ORGANIZATIONS' SUBMISSION TO HUMAN RIGHTS  
COUNCIL OF THE UNITED NATIONS 1<sup>st</sup> JULY 2021**

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STATE UNDER REVIEW: REPUBLIC OF SOUTH SUDAN**

**Member organizations of the Child Rights Civil Society Coalition – South Sudan**



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## **1. Introduction**

**1.1** . The child rights situations in South Sudan continues to lag behind despite of the government commitment to a number of international protocols and standards. In view of this, child rights coalition was founded in the year 2012 with 15 members and has since grown to 36 members. This report has been prepared by Child Rights Civil Society Coalition (CRCSC), a voluntary network of national Civil Society Organizations in South Sudan committed to ensuring that all children fully enjoy their rights as defined by the Convention on the Rights of the Child. The Child Rights Coalition provides a coordinated platform for CSOs action and plays a central role in key child rights developments in South Sudan. The Coalition forms an organized body, which is an independent leading voice for children's rights. The Coalition is a lobby group to garner support for the implementation of child rights instrument in the country including reporting on child rights situation. The coalition comprises of membership organizations devoted to working towards the advancement and promotion of the Rights of the Child. The support provided by Save the Children International enabled inclusive data collection on child rights situation at states and national level.

## **2.0 Methodology**

**2.1.** In preparation of this report, Child Rights Civil Society Coalition through support of member organizations held meetings in the 10 states and 3 Administrative areas of South Sudan and national level with different stakeholders in data collection through broad consultations which offered the most representative and balanced information, and this effect credibility and legitimacy of the report. Key informant interviews were conducted with Government line ministries, children, parliamentarians, media, resident diplomats, and UN agencies. This opened diverse flow of information to the success of this UPR report. The desk review done revisited the recommendations from the previous UPR report including information from UNCRC Supplementary and Children Own Report. A two-day validation workshop was organized and confirmed popular participation and correct information of people involved.

**2.2** The report focus on five selected key child rights issues in the areas of Legal and policy framework, Access to quality essential services including education, health and social protection services, Children in conflict with the law, Violence against children, including child marriage and harmful traditional practices and Children affected by armed conflict.

## **3.0 Key concerns on child rights situation in South Sudan in five years**

### **3.1. Legal and policy framework**

**3.1.1** South Sudan has ratified a number of international and regional human rights instruments including the United Nations Convention on the Rights of the Child (UNCRC), it has ratified the two Optional Protocols to the UNCRC on the sale of children, child prostitution and child pornography and has not ratified the third Optional Protocol on a Communications Procedure. The South Sudan Legislative Assembly has passed the African Charter on the Rights and Welfare of the Child (ACRWC), yet certain formalities are still outstanding for full ratification.

**3.1.2.** UNCRC provisions were incorporated into national law through the South Sudan Child Act, 2008 and Transitional Constitution of the Republic of South Sudan 2011 as amended. However, most stakeholders and rural population are not aware of child

rights instruments.

- 3.1.3.** The Child Act, 2008, provides a comprehensive legal framework for realizing child rights in line with international law, and sets out the rights and duties of all parties responsible for the care of children including rights and duties of child. In addition, the Government passed Labor law 2017 and need to pass the employment Bill, which sets out the minimum age for employment, the worst forms of child labor and the terms and conditions under which children over the age of 14 years are exposed to. It has also developed the Policy for Children Without Caregivers. Despite this progress towards building a robust legislative and policy framework for addressing child protection concerns, violence, abuse, exploitation and neglect continue to be a daily reality in the lives of most South Sudanese children.
- 3.1.4.** The South Sudan Child Act, 2008, section 193 sub-section (1) and (2) provides for the Establishment and Functions of an Independent Child Commission with the ability to investigate complaints made by any person on child rights violations, to express opinion or present advice to Government organs on any issue related to child's rights and to monitor compliance of the UNCRC. The Independent Child Commission has not been established yet.
- 3.1.5.** There is currently no birth registration system in place in South Sudan, the Government issues age assessment certificates instead. This has many implications on the enjoyment of child rights, including in the establishment of a minimum age for marriage, minimum age for criminal responsibility and access to essential services, including health, education and protection.

## **3.2. Recommendations.**

- 3.2.1** The government of South Sudan should Implement the Child Act, 2008, and other laws protecting the rights of the child, including the Labour Law 2017, Penal Code Act 2008, Rights to Access information Act and the Constitution, including the allocation of sufficient budgetary resources for children through government line ministries by 2023.
- 3.2.2** The government of South Sudan should ratify third Optional Protocol on a Communications Procedure to the UNCRC and the African Charter on the Right and Welfare of the Child by 2022.<sup>1</sup>
- 3.2.3** The government of South Sudan should establish and resource an Independent Child Commission in line with provisions of the Child Act, 2008, and the Paris Principles by 2022
- 3.2.4** The government of South Sudan should adopt and establish a comprehensive national birth registration system by 2022.
- 3.2.5** The government of South Sudan should create awareness on child rights instruments and carryout dissemination of the instruments including translation into local languages.
- 3.2.6** The government of South Sudan should legislate and pass employment bill by 2023.

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<sup>1</sup> South Sudan Stakeholders' Submission to the Human Rights Council -2016  
UNCRC, ACRWC and Child Act 2008, South Sudan.

#### **4.0. Access to quality essential services including education, health and social protection services.**

**4.1.0** The Republic of South Sudan's Transitional Constitution, 2011 as amended and the Child Act, 2008, provide for the right to education for all children in the country. In addition, the government passed the Education Act in 2012, which contains an ambitious legal framework for implementing the right to education, including provisions for: early childhood development services; primary, secondary and tertiary education services; an "alternative learning system" (for older children); technical and vocational training and special needs education.

**4.1.2.** The Education Act (2012) specifically identifies how all children have the right to access education regardless of gender, age, religion, clan or disability. The Education Act calls for education to be free and compulsory for all children.

**4.1.3.** Children have limited access to essential services specially children with disabilities in term of accessibility to public places such as schools (classrooms, latrines and sitting arrangements) in a discriminate manner since desks are not friendly. No special education materials and appliances provided for children with disabilities to study such as wheelchairs. Some schools have no segregated latrines for both boys and girls. Children with disabilities not prioritize in most household to enrol in school and there is no bill to protect children with special needs especially children with disabilities.

**4.1.4.** Due to the protracted conflict, donor funding cuts has reduced and limited essential services delivery by actors to the children more especially those with disabilities, most families cannot afford basic needs in regard to hard economic crisis South Sudan is facing and thus the children become more vulnerable and civil war in some parts of the country has disadvantaged many communities where access to protection, education and health services for children are very limited, Covid-19 pandemic and its effects limited access to basic services including gathering in schools and child friendly spaces.<sup>2</sup>

**4.1.5.** Lack of school structures and no access to school in some parts of the country continue to present major barriers in access to education for the majority of South Sudanese children. In addition, parents keep their children at home to take care of the cattle and perform domestic responsibilities. Girls are kept at home to protect their value as economic assets. The quality of education in South Sudan is poor: the majority of primary school teachers in South Sudan have received no relevant training of any sort, and many are illiterate. Moreover, children have reported widespread abuse and mistreatment by their teachers, including a high prevalence of sexual harassment.

#### **4.2.0. Recommendations**

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<sup>2</sup> Education Act in 2012.  
Transitional Constitution, 2011 as amended  
Child Act 2008, South Sudan.

- 4.2.1. Government of South Sudan should build schools and provide an inclusive, free, accessible and compulsory quality education for all children including children with special needs in urban and rural areas.
- 4.2.2. Government of South Sudan should establish national teachers training college and practice compulsory evaluation of qualification before a teacher is employed in government school and regulation of private schools.
- 4.2.3. Government of South Sudan should provide gender equity in national education curriculum
- 4.2.4. Government of South Sudan should implement the education Act 2012 and make classes adaptable to children with disabilities
- 4.2.5. The Government of South Sudan should consider inclusive education for children with disabilities in South Sudan education curriculum.
- 4.2.6. Government of South Sudan should legislate and pass a bill for children with special needs by 2023.

## **5.0. Children in conflict with the law**

- 5.1.0. The Child Act, 2008, contains the legal framework for the establishment of a specialized juvenile justice system, with provisions for diversionary measures, alternatives to detention and the fostering of linkages with social welfare systems. In December 2020, South Sudan government through it Judiciary with support from UNDP established gender based violence and juvenile court in a commitment to end impunity for gender based crimes and juvenile cases to hold perpetrators accountable. There is one specialized court constructed by Save the Children in Rumbek, Lakes state and it has remained a structure with no judge assigned to preside over the children cases.
- 5.1.1. In some cases, children who engage in criminal behavior have been used or coerced by adults. Most children in conflict with the law have committed minor crimes, some of which are not considered criminal when committed by adults. Children are arrested and detained by police and sent to institutions, including prisons under systems of justice which in many cases are set up for adults.<sup>3</sup>
- 5.1.2. Very often when a child comes into conflict with the law it represents a fundamental failure to fulfil that child's rights to adequate care and protection at an earlier point in their lives. Large numbers of children in conflict with the law are socio-economic victims, denied their rights to education, health, shelter, care and protection. Many of them have had little or no access to education. Many are working children and some have left their homes and taken to the streets to escape from violence and abuse at the hands of their families. Once having entered the justice system children are often held in detention for long periods awaiting trial without children's best interests at their core. This makes them vulnerable to further violence and abuse.

### **5.2.0 Recommendations**

- 5.2.1. Government of South Sudan should provide training, in particular legal and psychological training, for the persons who work for children in conflict with the law
- 5.2.2. The government of South Sudan should replicate the gender based violence and juvenile court in ten states of South Sudan to ensure all children's cases are tried in accordance with the Child Act, 2008, the Beijing Rules on Administration of Justice and other best practices pertaining to justice for children.

<sup>3</sup> South Sudan Stakeholders' Submission to the Human Rights Council -2016

- 5.2.3. Government of South Sudan should take into account and ensures that children have opportunities to fair treatment and meet the needs of children in custody disputes.
- 5.2.4. Government of South Sudan should establish reformatory and rehabilitation centres for children in conflict with the law in all ten states to enable children reformed and reintegrated into the society with certain levels of skills and knowledge that make them participants in economic growth and development

**6.0. Violence against children, including child marriage and harmful traditional practices:**

- 6.1.0 South Sudan laws and policies don't define marriageable age. The bridal wealth system in South Sudan imposes strong economic incentives, particularly on poorer households, to arrange marriages of girls at a young age due to poverty, ignorance, civil and family related conflicts, vulnerability caused factors such as (lack of basic needs), power abuse by parents or care givers, negative social norms, separation of families and parental irresponsibility. Parents and caretakers often believe that they are acting in their daughter's best interests by marrying their daughter off early. Child marriage is also complicated by customary laws which have taken precedence over statutory laws in some parts of South Sudan.
- 6.1.2. Customary marriage rites are linked to the wider problem of sexual abuse in South Sudan. The prevalence of child marriage amongst young girls presents a high risk (both cultural and economic). Such marriages are not reported including incidents of sexual violence and rape which are culturally discussed and sorted out sometimes resulting in perpetrators marring their victims. Many agencies and stakeholders estimate these rates to be significantly higher. <sup>4</sup>
- 6.1.3. In the Republic of South Sudan, a number of harmful traditional practices still persists in contradiction of the country's legal framework. For example, in some communities, girls are given as compensation for anyone killed. This is not only inhumane but unlawful practice under the Transitional Constitution of the Republic of South Sudan, 2011 as amended. Abduction of children is practiced amongst some ethnic groups. Removal of teeth, scarification and corporal punishment as way of discipline are part of the norms of some South Sudanese cultures.
- 6.1.4. In South Sudan, cases of the children being killed are not being taken seriously by both traditional authorities and the government institutions regardless of perpetrators being brought to book or not. Most of the communities consider the child compensation to be half of the adult compensation a clear indication that children are not of equal important to adults which is against Human rights principle that all human being are born free, equal in dignity and rights.

**6.2.0 Recommendations**

- 6.2.1. Government of South Sudan should make legislation that prohibits child marriage and set marriageable age 18 years in line with international practice such as UNCRC and South Sudan Child Act, 2008.
- 6.2.2. Government of South Sudan to ensure child protection survivors receive rehabilitation services at all cost, setting up adequate protection sites for child marriages/ inclusive counselling services
- 6.2.3. Government of South Sudan to continue awareness creation through national and state level Ministry of Gender Child and Social Welfare, and Education actors to prioritise

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<sup>4</sup> Report of the UN Secretary-General on children and armed conflict in South Sudan from 1 July 2018 to 30 June 2020.

- a learning curriculum on child rights
- 6.2.4. Government of South Sudan should enforce the penal law and penalties against offenders of child marriage
  - 6.2.5. Government of South Sudan should abolish harmful traditional practices that contradict national laws and international treaties in which South Sudan is a party.

## **7.0 Children affected by armed conflict**

- 7.1.0 The recruitment and use of children by all parties to the conflict persisted throughout the reporting period this is in accordance with the third report of the UN Secretary-General on children and armed conflict in South Sudan from 1 July 2018 to 30 June 2020. The United Nations verified a total of 321 children as victims of recruitment and use (302 boys and 19 girls), with 116 affected during the second half of 2018, 166 in 2019 and 39 in the first half of 2020.
- 7.2.1 Government security forces recruited and used 79 children (77 boys and 2 girls), including the South Sudan People's Defence Forces (62 boys), SSNPS (8 boys), NSS (2 boys and 2 girls), Allied to South Sudan People's Defence Forces (4 boys) and NPSSS (1 boy). With regard to armed groups, children were recruited and used by SPLA-IO (147 boys and 10 girls), SSUF/A (39 boys), NAS (28 boys and 7 girls), SSOA (10 boys) and NDM (1 boy). Children were recruited and used in Central Equatoria (101), Western Bahr el-Ghazal (50), Northern Bahr el-Ghazal (41), Western Equatoria (37), Unity (37), Jonglei (27), Eastern Equatoria (16), Warrap (10) and Upper Nile (2).
- 7.2.2 Some 52 per cent of the children recruited by and associated with armed forces and groups were used in support roles, including as cooks, porters, spies or bodyguards to senior commanders. In August 2018, the United Nations verified a 13 -year-old armed boy in military uniform on duty as part of the SPLA-IO county commissioner's bodyguards in Jonglei.
- 7.2.3 Some 48 per cent of recruited children were armed, trained and used in active combat. Many children were assigned or deployed to operate military checkpoints, particularly in areas controlled by SPLA-IO. For instance, in June 2020, the United Nations witnessed a 14-year-old armed boy, dressed in civilian attire, operating a SPLA-IO checkpoint in Western Equatoria.

## **8.0 Recommendations**

- 8.1.0 The government of South Sudan and armed groups should stop use of children as soldiers during the conflict.
  - 8.1.1 Government of South Sudan and other parties to the conflict must observe international humanitarian law, the Geneva convention on the protection of civilians specially children in war zones.
  - 8.1.2 Government of South Sudan should establish trauma healing centre with vocational trainings and counselling services for children affected by armed conflict.<sup>5</sup>
  - 8.1.3 Government of South Sudan should carryout disarmament, demobilisation and reintegration in accordance with Revitalized Agreement on the Resolution of Conflict in the Republic of South Sudan.

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<sup>5</sup> Report of the UN Secretary-General on children and armed conflict in South Sudan from 1 July 2018 to 30 June 2020.



