

REPUBLIC OF SOUTH SUDAN



South Sudan Core Document

Introduction

This Common Core Document is prepared in line with the harmonised guidelines of the Human Rights Committee regarding the form and content of periodic reports to be submitted by State Parties.

This document provides information on the legal frameworks aimed at the protection and promotion of human rights in the country and measures taken to eliminate any form of discrimination in the enjoyment of civil, political, economic, social and cultural rights.

In accordance with the standard guidelines for preparation of common core document, this document is divided into three parts: general information about South Sudan; institutional framework for the protection and promotion of human rights; and measures taken to eliminate all forms of discrimination in the enjoyment of civil, political, social, economic and cultural rights.

A. General information on the Republic of South Sudan

1. Geographical Information

South Sudan lies between latitudes 3° and 13° North and longitudes 24° and 36° East, with a surface area 239,285 square miles. South Sudan is bordered by the Sudan to the North, Ethiopia to the East, Uganda to the South and Kenya to the Southeast, Democratic Republic of Congo to the Southwest and Central African Republic to the West. South Sudan is located near the Equator and has a landscape which is mainly tropical forest, swamps and grassland.

The Country's tropical climate is characterized by rain seasons of high humidity and large amounts of rainfall mostly during the months of April to October, with an average yearly total of approximately 953-mm. South Sudan is one of the eleven countries that the White Nile flows through. Its rainforests are home to many species of wildlife presenting an interesting mix of Central and East African forest and savannah species. The country also has its share of extreme weather conditions with the experience of floods and droughts in some years and in different parts of the country.

Map of South Sudan and Its Bordering Countries¹



2. Brief history of the Country

South Sudan was invaded as part of the Sudan in 1820 by Muhammad Ali Pasha, the Viceroy of Egypt under the Ottoman Empire for the purpose of slave trade and by the end of the 19th century, Sudan was already under the Anglo -Egyptian rule while the British colonial authorities continued to govern the Southern part of the Sudan as a protectorate until 1956.

In 1956, Sudan got its independence from Anglo- Egyptian rule, however, after the independence of the Sudan, conflict ensued between the Northern and Southern part of the Sudan on grounds of inequitable distribution of resources, discrimination by the then rulers in Sudan of the country which ended with signing of an agreement in Addis Ababa in 1972, which resulted into the establishment of a self-autonomous government in Southern Sudan. Unfortunately, this agreement lasted until 1983 when Islamic Law (Sharia law) was declared in Sudan which resulted in the second rebellion by Southern Sudanese against the North. However this civil war was again ended by signing of the Comprehensive Peace Agreement in 2005 followed by a referendum in January 2011 which paved way for the independence of South Sudan on July 9, 2011.

¹

<https://www.google.com/search?q=map+of+south+sudan+and+surrounding+countries&tbm=isch&source=iu&ictx=1&fir=3qy3ymD->

B. Demographic, economic, social and cultural characteristics of South Sudan

3. Demographic,

As at the last population census held in South Sudan as part of the Sudan in 2008, its population was said to be 8.26 million (Male - 4.29 million, Female - 3.97 million). With a growth rate of 3.83%. However, the recent projections by the United Nations agencies put the country's population at 13,026,129 million² with women accounting for over 49.6%.

South Sudan has a large population of young people with 51% under the age of 18 and 72% under the age of 30. Only 2.1% of the population are aged 65 years and above. Its total dependency ratio is estimated to be 83.7 with the youth constituting 77.3 and the elderly being 6.4.

| Age Range (Years) | % of Total Population | Male | % Male | Female | % Female |
|-------------------|-----------------------|-----------|--------|-----------|----------|
| 0 -14 | 44.37 | 2,947,277 | 51.00 | 2,831,822 | 49.00 |
| 15-24 | 20.56 | 1,402,746 | 52.38 | 1,275,276 | 47.62 |
| 25-54 | 29.58 | 1,869,480 | 48.52 | 1,983,504 | 51.48 |
| 55-64 | 3.39 | 2,35,546 | 53.31 | 206,304 | 46.69 |
| 65 and over | 2.1 | 151,166 | 55.14 | 123,008 | 44.86 |

Other demographic data

| S/N | Indicator | % |
|-----|-----------------|---|
| 1 | Birth Rate | 35.5 per 1,000 people (2017 est) ³ |
| 2 | Death Rate | 7.7 per 1,000 people (2017 est) ⁴ |
| 3 | Life Expectancy | 42 years ⁵ |

² South Sudan Demographics Profile 2018, https://www.indexmundi.com/south_sudan/demographics_profile.html

³ Ibid

⁴ Ibid

⁵ South Sudan 2010 Household Health Survey, 2010

4. Languages

There are several linguistic groupings in South Sudan including the Nilotics, Nilohamites and the Sudan. The Nilotes speak various languages of the Eastern Sudanic sub-branch of the Nilo-Saharan language family and other groups speak various languages belonging to the Adamawa-Ubangi branch of the Niger-Congo languages. Under the Transitional Constitution, 2011(as amended) English is the official working language in the country, although Arabic and other local languages are also used as a means of communication.

5. Economy

The main source of revenue in the country is oil which accounts for almost 90% of its Growth Domestic Products. Other sources of revenue include agriculture, trade, fisheries, forestry, tourism, hydro-electric power, and mining. However, most of these resources are not fully exploited.

South Sudan is among the least-developed countries in the world. The population mainly depend on subsistent agriculture including crop & animal husbandry, fisheries and forestry for their livelihoods.

The farmers mainly depend on rainfall for farming although mechanized farming techniques are increasingly utilized in some areas, such as in Renk the northern part of the country. The main crops include sorghum, maize, coffee, cow peas, sesame and peanuts (groundnuts), millet, rice, cassava sweet potatoes, fruits and vegetables. There are considerable numbers of livestock and poultry raised in the country, including goats, sheep, cattle and chicken. The forest in the country has potential to produce hard and soft woods for timber, medicinal, fruits and gum Arabic. River Nile is the main source of fish but mainly for local consumption.

C. Constitutional and Political Structure

6. Governance of the Country

Juba is the capital city of South Sudan. The country operates a decentralised system of governance with its executive arm headed by a President. The ground norm in the country is the Transitional Constitution, 2011(as amended) which recognises the country's ethnic and cultural diversity (Article 1{4}). South Sudan system of government is structured into three levels of governance; the national; state and the local government. For administrative purpose, currently South Sudan is divided into 32 states and 180 counties respectively in addition to the Abyei Administrative area.

The legislative arm of the government is a bicameral parliament comprising of the national legislative assembly and the council of States. The Council of States consists of 50 members drawn from 50 constituencies while the national legislative assembly is currently made up of 450 members. In addition to law making, the Legislature has an oversight function over the functioning of the national government. It approves executive policies and budget, ratifies international treaties and agreements and can pass a vote of no confidence against the vice- presidents and any cabinet minister.

7. Legal System

South Sudan legal system is based on common law tradition, with judiciary headed by chief justice. The judiciary budget is charged directly from the country-consolidated funds. The Supreme Court is the highest court of the land. All other courts in the State have both civil and criminal jurisdictions. The courts of appeal and the high courts are considered as second-tier courts. The chief justice may, by warrant, establish special court to try specific cases as the needs may arise.

8. Sources of Law

South Sudan has a pluralistic legal system with five sources of law: The Transitional Constitution; written laws; customs and traditions of the people; the will of the people and any other relevant source.⁶

⁶ Article 5 of the South Sudan Transitional Constitution, 2011

Customary court system is recognised as a source of law under the Transitional Constitution and it operates alongside the statutory justice system. Although the customary laws of many ethnic groups in the country tend to have commonalities, each customary court has its own discrete customs to apply.

9. Electoral System

The National Elections Act, 2012 regulates the electoral system. Although, no election has been held since independence, there is a National Elections Commission of eight members, of which only one person is female.⁷ There are twenty-eight registered political parties of which only two are headed by women.

10. Non-Governmental Organizations (NGO)

Non-governmental organisations activities are regulated by the Non- Governmental Organisation Act, 2016. The Act is a direct implementation of Article 52 of the Transitional Constitution. It provides a regulatory framework for the registration, co-ordination and monitoring of operations of non-governmental organizations.

D. Country obligation to implement human rights Provisions

The Government has ratified or acceded to various regional and international human rights instruments with the aim of promoting and protecting the human rights of all citizens. In accordance with the Constitution, Government has accepted to be bound by the recognized the precedence of universally principles of international law and ensures its legislation is consistent with those principles.

The Transitional Constitution 2011(as amended) contains in Part Two, the Bill of Rights and fundamental freedoms derived from the international and regional human rights instruments ratified or acceded to by the country.

11. National human rights institutions.

South Sudan Human Rights Commission is established by the Transitional Constitution* Art.145 to promote and protect human rights and fundamental freedoms through education and research,

⁷ Sudan Tribune, Plural News and Views on Sudan, National Elections Commission (NEC) – South Sudan, <http://www.sudantribune.com/spip.php?mot1053>

⁸ Art 145; Transitional Constitution of the Republic of South Sudan 2011

monitoring and investigations. The South Sudan Human Rights Commission Act 2009 provides for the mandate and guide the operations of the institution.

Below are additional institutions that promote and protect human rights

| S/N | NAME OF INSTITUTION | MANDATE | COMPOSITION | FINANCIAL RESOURCES | ACTIVITIES | STATUS |
|-----|--|---|--|--|--|-------------|
| 1. | Ministry of Justice and Constitutional Affairs | Provision of legal services including legal aid | Each ministry at both national and state level is headed by a Minister | Governmental budget including seed fund of 5,000,000 SSP for legal aid | Prosecution of crimes. Provision of legal aid. | Established |
| 2 | National and States Ministries of Gender, Child and Social Welfare | Promotion and protection of the rights of women and children and other vulnerable persons | Each ministry at both national and state level is headed by a Minister | Government budget and enormous support from development partners | Promotion of gender equality Protection of vulnerable persons Public awareness on harmful customs. | Established |

E. Conventions and other human rights instruments ratified or acceded to by the country:

South Sudan is a party to the following international human rights instruments:

| No. | Treaty/ Convention |
|-----|--|
| | International Covenant on Civil and Political Rights (ICCPR) |
| | Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-1) |
| | International Covenant on Economic, Social and Cultural Rights (ICESCR) |
| | International Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) |
| | Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW-OP) |
| | Convention and Protocol Relating to the Status of Refugees |
| | Convention and Protocol Relating to the Status of Refugees, 1951 |
| | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the Optional (OPCAT) |
| | Convention on the Rights of the Child (CRC) |
| | Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (CRC-OP-SC) |
| | Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC) |

| | |
|--|--|
| | Convention Concerning Protection of the World Cultural and Natural Heritage |
| | Convention on the Rights of Persons with Disabilities (CRPD) |
| | Convention on the Safeguard of Cultural Heritage |
| | Convention on the Protection and Promotion of the Diversity of Cultural Expression |
| | Convention Governing the Specific Aspect of Refugees Problems in Africa |
| | African Charter on Human and Peoples' Rights (ACHPR) |
| | African Charter on the Rights and Welfare of the Child |
| | African Convention for the Protection and Assistance of Internally Displaced Persons with Disability |
| | Protocol of the African Charter on Human and Peoples' Rights on the Rights of Women in Africa |
| | The Geneva Conventions and their Protocols |
| | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1987. |
| | |

F. Raising human rights awareness among public officials and other professionals

12. Public Awareness

Several Commissioned and Non-Commissioned officials of the South Sudan Police Service, Prisons Service and South Sudan Peoples' Defence Forces (SSPDF) have been trained on handling cases of Sexual and Gender Based Violence (SGBV) and cases of human rights generally. As part of the training and awareness, these officials are also given copies of Guidelines on Women and Child Rights. Additional trainings are ongoing with the support of different partners.

In Maridi State alone 40 SSPDF personnel received human rights training in December 2017. Between 2014 and 2015, UNDP trained Police personnel and social workers in different parts of the country. The table below is a breakdown of the number of such trainings by sex and location.

| SGBV TRAINING 2014 - 2015 | | | | | | |
|---------------------------|------|--------|-------|------|--------|-------|
| LOCATION | 2014 | | | 2015 | | |
| | MALE | FEMALE | TOTAL | MALE | FEMALE | TOTAL |
| JUBA | 19 | 7 | 26 | 13 | 12 | 25 |
| YAMBIO | 14 | 16 | 30 | 19 | 13 | 32 |
| TORIT | 28 | 15 | 43 | 16 | 14 | 30 |
| WAU | 15 | 15 | 30 | 13 | 17 | 30 |
| AWEIL | 25 | 5 | 30 | 21 | 9 | 30 |
| MINGKAMAN | 15 | 19 | 34 | - | - | - |
| TOTAL | 116 | 77 | 193 | 82 | 65 | 147 |

13. Promotion of human rights awareness through educational programmes and Government-sponsored public information

The Ministry of Education through education Strategic Plan, 2017 - 2027 and National Curriculum introduced human rights programmes in the education institutions in the country. UNMISS supports the successful implementation of this plan by organising training workshops for school teachers on Basic Human Rights Education, Bill of Rights and Gender and Civic Duties.

14. Promotion of human rights awareness through the mass media.

Continuous awareness raising on human rights concerns are being conducted through both the electronic and print media including the Government media; South Sudan Broadcasting Cooperation (Radio & TV), UN Radio Miraya FM, Private radios namely; Eye Radio, Bakhita Radio and Radio One among others. The print media includes the Juba Monitor, Dawn and other newspapers all which play a critical role in the promotion of human rights awareness in the country.

15. Role of civil society, including non-governmental organizations.

Civil Society organisations (CSOs) are active in the promotion of human rights in the country. The Government represented by its Inter-Ministerial Committee in collaborations with CSOs

supported by international partners, including UNMISS Human Rights Division, UNDP, UNICEF, UNFPA, UN WOMEN and LWF among others have been working together to promote the protection of the human rights in the country.

15 Development cooperation and assistance

The Country receives support from the international partners in relation to the promotion and protection of fundamental human rights. Most of the UN Agencies working in Country have provided various trainings country-wide on gender strategies and action plans to guide response activities.

G. Challenges of a general nature affecting or Impeding the implementation of international human rights Instruments

16 Insecurity

Insecurity is one of the major challenges hindering promotion and protection of human rights in the country. The prolonged period of conflict has hampered effective implementation of many aspirations of the country and the implementation of human rights instruments acceded to by South Sudan as enshrined in several legal framework and policy documents.

H. Reporting processes

The government departments responsible for reporting are designated based on the focus areas of the report. However, a government ministries/departments Joint Inter-Ministerial Committee on International Mechanisms was established to coordinate with the respective lead ministries to draft the relevant country reports. This Common Core Document was drafted by the Joint Inter-Ministerial Committee with contributions from the relevant government ministries, departments and partners.

Amidst of the various challenges, the Government with support from different international and national partners was able to meet its treaty obligations by submitting national reports on the status of its implementation of the different international instruments including the following:

- (a) The Universal Periodic Review

- (b) The Initial National Report on Implementation of the Convention of the Rights of the Child (UNCRC).
 - (c) The Initial Report on Implementation of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW).
 - (d) Beijing Platform for Action
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