



General Assembly

Distr.: General
7 February 2023

Original: English

Human Rights Council

Fifty-second session

27 February–31 March 2023

Agenda item 10

Technical assistance and capacity-building

Technical assistance and capacity-building for South Sudan

Report of the Office of the United Nations High Commissioner for Human Rights*

Summary

The present report is submitted pursuant to Human Rights Council resolution 49/35, in which the Council requested the Office of the United Nations High Commissioner for Human Rights to prepare a comprehensive written report on technical assistance and capacity-building for South Sudan. The report, which covers the period from January to December 2022, is based on information received through the direct engagement of the Office of the High Commissioner with the Government of South Sudan and other national stakeholders, including civil society organizations.

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 49/35 on technical assistance and capacity-building for South Sudan. In that resolution, the Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR), in cooperation with the Government of South Sudan and relevant mechanisms of the African Union, to urgently assist South Sudan to address human rights challenges in the post-conflict transition by providing the Government with the necessary technical and capacity-building support, in accordance with the terms of the resolution. The Council also requested OHCHR to present a comprehensive report to the Council at its fifty-second session on the support provided to the Government, to be followed by an interactive dialogue.

2. The report, which covers the period from January to December 2022, presents an overview of the human rights situation in South Sudan and the main human rights challenges in the country and outlines the technical assistance and capacity-building support provided to the Government of South Sudan by OHCHR through the Human Rights Division of the United Nations Mission in South Sudan (UNMISS). It also contains recommendations for the Government and other stakeholders aimed at strengthening the promotion and protection of human rights in the country.

II. Methodology

3. The report is based on information on human rights violations and abuses and violations of international humanitarian law gathered and verified by the Human Rights Division of UNMISS through its headquarters in the capital, Juba, 12 field offices in 10 States and a number of investigation missions. Sources of information include victim and eyewitness accounts and observations by human rights officers, as well as secondary sources, including service providers, local and national authorities, community leaders and civil society organizations. The findings are based on information that has been documented and corroborated in accordance with OHCHR methodology. The overview of the human rights situation should not be considered as exhaustive, given the challenges encountered in monitoring and reporting on violations of international human rights law and international humanitarian law, including limited access to various locations owing to security considerations, denials of access and the inaccessibility of some locations due to road conditions.

4. Information on technical assistance is based on direct engagement with the Government of South Sudan and other stakeholders at the national and State level and on projects implemented by the Human Rights Division, in cooperation with other UNMISS components,¹ as well as United Nations agencies, including the United Nations Development Programme (UNDP). These activities were undertaken based on identified capacity gaps articulated in the 2021 needs assessment for capacity-building and technical assistance of the Government and the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, as well as the human rights challenges.

III. Main human rights challenges

A. Protection of civilians

5. The human rights situation in South Sudan remained of grave concern, despite an observed decrease in the number of civilians affected by violence, largely attributed to a decline in major incidents of localized violence. Attacks and targeting of civilians by the parties to the conflict and intercommunal clashes persisted in various locations across South

¹ Rule of Law Advisory Section, Women's Protection Advisory Unit, Protection, Transition and Reintegration Section, Child Protection Unit, Political Affairs Division, Civil Affairs Division, Gender Affairs Unit, Electoral Affairs Division, United Nations Police and Communications and Public Information Section.

Sudan, resulting in human rights violations and abuses and violations of international humanitarian law. Despite widespread adherence to the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, incidents involving parties were recorded in: Central Equatoria State, primarily involving South Sudan People's Defence Forces and the National Salvation Front; Unity State, where incidents involved the South Sudan People's Defence Forces and the Sudan People's Liberation Movement-Army in Opposition; Upper Nile State, where incidents involved Sudan People's Liberation Movement-Army in Opposition and its splinter groups; and Warrap State, where incidents in Tonj North county involved the South Sudan People's Defence Forces and civilians.

6. In 2022, the Human Rights Division documented 3,469 civilian casualties (2,334 men, 644 women and 491 children): 1,600 killed, 988 injured, 501 abducted and 380 victims of conflict-related sexual violence. This represents an increase of 2 per cent in the number of victims compared to 2021, when 3,414 civilian victims were recorded. In total, 47 per cent of civilian casualties (1,642) were attributed to community-based militias and self-defence groups; parties to the conflict were responsible for 48 per cent (1,674) of all casualties; and the remaining 5 per cent (153) were attributed to opportunistic violence (see table).

South Sudan: Overall casualty figures from January to December 2022

<i>Type of violence</i>	<i>Men</i>	<i>Women</i>	<i>Boys</i>	<i>Girls</i>
Killed	1 261	159	110	70
Injured	886	57	35	10
Abducted	185	156	115	45
Conflict-related sexual violence	2	272	1	105
Total	2 334	644	261	230

7. In Central Equatoria State, civilians continued to suffer violations and abuses, including killings, abductions, sexual violence, looting and the destruction of civilian property, arising primarily from the activities of the National Salvation Front and the South Sudan People's Defence Forces. In late July, in order to boost troop strength, elements of the National Salvation Front resumed and intensified the abduction of civilians in the southern part of the State for purposes of recruitment. Between January and December, forces of the National Salvation Front operating in the Otego and Lasu Payams of Yei River county abducted at least 145 civilians from those areas, and civilians were subjected to further harassment and displacement when the South Sudan People's Defence Forces launched military operations against the National Salvation Front in Yei River county. In July, operations of the South Sudan People's Defence Forces aimed at driving out the National Salvation Front in the rebel-controlled area of Tore Payam along the Yei-Maridi road led to increased tensions and the displacement of some civilians to remote areas and into the Democratic Republic of Congo, potentially placing them at risk of further abuses and violations, including by armed elements present along the border.

8. In southern Unity State, the outbreak of violence between the Government and opposition forces from February to May resulted in gross human rights violations and abuses and serious violations of international humanitarian law, including killings, injuries, abductions, sexual violence, forced displacement, looting and the wanton destruction of civilian property, as well as attacks on humanitarian workers and facilities. At least 173 civilians were killed (100 men, 24 women and 49 children) and over 44,000 people were forcibly displaced from their homes during the clashes between joint Government forces² and affiliated armed militias/groups and elements of Sudan People's Liberation Movement-Army in Opposition. Joint government forces and affiliated armed militias/groups indiscriminately attacked unarmed local populations and demolished and set ablaze homes, public buildings, shops and other civilian structures and objects, including markets and health facilities.

² Joint government forces in this context include the South Sudan People's Defence Forces and the South Sudan National Police Service involved in the fighting in southern Unity State.

Abducted women and girls, considered as spoils of war as a way to incentivize armed elements, were brutally raped or gang raped.³

9. In Upper Nile State, armed confrontations that erupted in August between splinter groups of the Sudan People's Liberation Movement-Army in Opposition, Agwelek forces and Kitwang forces spread into neighbouring areas, including Jonglei State, resulting in human rights abuses, which had a severe impact on civilians as the parties continued to reinforce, mobilize and fight to gain and/or regain control of territories. By December, at least 325 civilians had been killed and 278 had been injured, and 72 women and girls had become victims of conflict-related sexual violence. In addition, parties to the conflict abducted an estimated 150 civilians. The armed conflict also resulted in a large number of civilian displacements, with at least 15,000 seeking refuge at the United Nations protection of civilians site in Malakal and more than 7,000 seeking safety near the UNMISS operating base in Kodok, Upper Nile State, while others moved to Pigi and Fangak counties in Jonglei State.

10. In July, in Warrap State, joint government forces, including the South Sudan People's Defence Forces, the National Security Service and the South Sudan National Police Service were deployed to Rualbet Payam, Tonj North county, to conduct a disarmament exercise in response to armed clashes that had taken place on 25 June between the South Sudan People's Defence Forces and a group of armed Rualbet youth. These clashes resulted in the killing of 165 personnel of the South Sudan People's Defence Forces and 67 Rualbet youth when the armed forces reportedly attempted to recover cattle that the group of armed youth had allegedly seized during a raid in Awul Payam on 20 June. During the operation, the South Sudan People's Defence Forces killed at least 42 civilians (37 men, 3 women, and 2 children), injured 6 others and raped 41 women and 12 girls. The Government forces arbitrarily arrested, detained and subjected 325 civilians (310 men and 15 women) to ill-treatment. The Human Rights Division also received reports of the destruction and looting of civilian property as well as the displacement of civilians into neighbouring locations in Warrap State. In response to the violence, on 2 August, the President of South Sudan established an investigations committee for a period of four months to investigate the causes of the violence. The committee visited the affected areas and intervened in some situations, including by ordering the release of 17 detainees who were held in proxy detention for offences allegedly committed by their relatives. As of December, the committee had not yet published its findings. Separately, between January and December, persistent cattle raiding and revenge attacks in Warrap State between Dinka sub-clans and long-standing intercommunal fighting between the Dinka Twic Mayardit and Dinka Ngok communities in the Abyei Administrative Area over the border dispute resulted in 340 civilian casualties (228 killed, 105 injured, 6 abducted and 1 case of conflict-related sexual violence).

11. In Eastern Equatoria State, Jonglei State and the Greater Pibor Administrative Area, localized violence involving community-based armed elements and so-called civil defence groups, exacerbated by the proliferation of weapons, continued to pose persistent risks to civilians.

B. Rule of law, accountability and transitional justice

12. Rule of law mechanisms, as well as accountability mechanisms for human rights violations and abuses and violations of international humanitarian law committed across the country, continue to be weak or non-existent, thus perpetuating widespread impunity and leaving victims without redress or effective remedies.

13. Civilians continued to be subjected to arbitrary arrests and detention, in violation of the right to a fair trial and due process. In Warrap State, for instance, joint government forces arbitrarily arrested and detained at least 325 civilians (310 men and 15 women) following the above-mentioned clash between the South Sudan People's Defence Forces and Rualbet youth

³ UNMISS and OHCHR, Attacks against civilians in southern Unity State, South Sudan (February–May 2022), available at <https://www.ohchr.org/en/documents/country-reports/attacks-against-civilians-southern-unity-state-south-sudan-february-may>.

in June. Of the arrested individuals, 28 were reportedly tried on 10 and 11 July in Rualbet by a committee comprising the South Sudan People's Defence Forces, the South Sudan National Police Service and the National Security Service and were sentenced to death for killing personnel of the South Sudan People's Defence Forces. The committee conducting the trial was not a judicial body established in law, nor was it competent, impartial or independent. The defendants were tried after reportedly being subjected to severe beatings and were not allowed access to or provided with legal counsel. According to reports, the defendants remain in prison at great risk of imminent execution following a death sentence imposed following legal proceedings that failed to meet due process requirements and fair trial guarantees, rendering the sentence arbitrary in nature and in violation of the right to life.

14. In a related circumstance, State government officials, especially in Warrap and Lakes States, continued to justify the use of extrajudicial executions as a response to localized violence despite concerted advocacy by UNMISS on due process and adherence to the rule of law. Between January and November, 43 individuals (19 in Lakes State, 18 in Warrap State, 5 in Unity State and 1 in Western Equatoria State) were executed by Government security forces (South Sudan People's Defence Forces and National Security Service). A majority of the individuals executed, including two women, were civilians accused of various offences such as murder and participation in intercommunal violence. The individuals executed were not accorded due process through investigation, prosecution and having their sentences determined by a court of law.

15. The lack of accountability for gross human rights violations and abuses and serious violations of international humanitarian law remained persistent and State authorities have taken minimal steps to hold the perpetrators to account. Following investigations and documentation of serious human rights violations, the Human Rights Division advocated that the Government conduct independent investigations of reported incidents and hold perpetrators accountable.

16. The transitional justice mechanisms outlined in chapter V of the Revitalized Agreement are key to addressing impunity, promoting accountability and providing victims of past human rights violations with redress. Chapter V of the Revitalized Agreement calls for the establishment of the Commission on Truth, Reconciliation and Healing, a Hybrid Court for South Sudan and a Compensation and Reparation Authority to support South Sudan in dealing with the impact of protracted conflict and massive violations that hinder its progress towards reconciliation and nationhood. Under the stewardship of the Ministry of Justice and Constitutional Affairs, nationwide public consultations on the establishment of the Commission on Truth, Reconciliation and Healing were conducted by a technical committee in May and June, with technical and logistical support from the Human Rights Division and UNDP. The various stakeholders consulted expressed full support for the establishment of the Commission, underscoring that they expect the report of the Commission to reflect the rampant human rights violations in the country and recommendations for an accountable governance that will guarantee respect for human rights, the rule of law and political stability. They called for an inclusive and participatory process and a dependable witness and victim's protection and support mechanism. Following the submission of the committee's report, the Minister of Justice directed a task force to draft the Commission on Truth, Reconciliation and Healing bill and the Compensation and Reparation Authority bill. In addition, officials of the Ministry of Justice and Constitutional Affairs conducted a visit to the Gambia in November with the aim of learning from its transitional justice experience and best practices. However, despite high-level advocacy by the Human Rights Division and the African Union for the establishment of the Hybrid Court for South Sudan, there has been no tangible progress.

C. Civic space and participation

17. Legitimate exercise of the rights to freedom of opinion and expression and effective civic participation in public life remain a challenge in South Sudan. During the reporting period, the Human Rights Division continued to observe undue restrictions to civic and political space and documented incidents of the closure of media outlets, killings, injuries, abductions, harassment, threats, arbitrary arrests, the detention of journalists, activists and

individuals expressing views critical of the Government, censorship and the prevention of some political parties from conducting public meetings and disseminating information,⁴ as well as the exclusion of members of civil society organizations and ordinary citizens from governance processes. These incidents affected a total of 94 individuals (88 men and 6 women) and two media outlets.

18. In Jonglei State, on 17 May, a local radio station was suspended by the State Ministry of Information and Communication, allegedly for “intentionally supplanting and superseding the Government protocols and undermining State leadership” owing to its failure to broadcast remarks made by the Governor of Jonglei State during the celebrations held by the Sudan People’s Liberation Movement on 16 May. The suspension was eventually lifted on 23 May after the radio station was compelled to issue an apology to the Jonglei State authorities.

19. In Lakes State, six teachers were arbitrarily arrested, detained and prosecuted in June for staging a protest over their unpaid salaries and allowances. The Rumbek county court eventually acquitted them. On 2 November, the South Sudan People’s Defence Forces arbitrarily arrested and detained 14 teachers following their endorsement of a letter protesting malfeasance and financial improprieties in the management and disbursement of education funds. Three of the teachers were subsequently suspended while three others were dismissed by the Ministry of Education.

20. In Upper Nile State, on 5 September, the South Sudan People’s Defence Forces shot and killed one woman and injured seven other protesters (one woman and six men) in Malakal town during a peaceful demonstration against the restructuring of and nominations to the local city council. Fifteen protesters were also arrested and detained in relation to the demonstration.

21. In Warrap State, on 15 October, officers of the Criminal Investigation Department of the South Sudan National Police Service arbitrarily arrested and detained 20 members of the local football association, allegedly for publicly criticizing the leadership of the local football association for lack of transparency and corrupt practices.

22. In Western Bahr el-Ghazal State, on 9 November, a university lecturer was arbitrarily arrested and detained by the National Security Service for the planning of a strike by university lecturers to push for better remuneration and terms of employment.

23. In Yei, Central Equatoria State, on 31 October, Government security forces vandalized the office of a human rights defender on allegations that he had published disreputable content on social media platforms against the Government of South Sudan and its officials. Similar incidents targeting individuals perceived to be critical of the Government were recorded in Unity, Warrap and Lakes States.

D. Conflict-related sexual violence

24. Conflict-related sexual violence continued to be committed in various locations in South Sudan. The information gathered by the Human Rights Division indicates that acts of sexual violence in the form of rape and gang rape of women and girls were used as a method/strategy of warfare. The Human Rights Division documented 380 victims of conflict-related sexual violence (2 men, 272 women, 105 girls and 1 boy), a sharp increase in comparison to the number of victims in 2021 (194 victims). Parties to the conflict and their affiliated armed groups were responsible for the majority of documented cases.

25. In southern Unity State, between February and May, 131 civilians (113 women and 18 girls) were subjected to rape or gang rape during clashes between joint Government forces and affiliated armed militias/groups and elements of the Sudan People’s Liberation Movement-Army in Opposition.

⁴ Political parties other than the Sudan People’s Liberation Army-Movement and the Sudan People’s Liberation Movement-Army in Opposition are often prevented from conducting public meetings or rallies in the States and are not allowed to disseminate information on Government-owned media outlets such as South Sudan Broadcasting Corporation.

26. In Upper Nile State, between August and December, at least 72 civilians (including 40 women and 32 girls) were subjected to rape during the fighting between factions of the Sudan People's Liberation Movement-Army in Opposition. At least 100 women were abducted by the parties to the conflict, putting them at risk of sexual violence, including rape, gang rape and sexual slavery.

27. In Warrap State, members of the South Sudan People's Defence Forces raped 53 civilians (41 women and 12 girls) between July and November in retaliatory attacks in Rualbet Payam, following the above-mentioned armed confrontation between the South Sudan People's Defence Forces and Rualbet youth. Most of the women were attacked and raped while tending to their farms and were subsequently unable to access medical attention because of the heavy deployment of South Sudan People's Defence Forces in the area.

28. The Human Rights Division considers that cases and incidents of sexual violence are underreported owing to various factors, including stigma, limited access to support services and judicial structures and fear of retaliation, which prevent victims and families from reporting. Women and girls who are abducted also face restrictions of their movement, hindering their ability to report incidents of sexual violence.

29. Victims of sexual violence across South Sudan face major obstacles in accessing justice. Lack of or weak judicial infrastructure, especially in remote locations, and fear of stigma and/or reprisals are some of the factors that continue to hamper survivors' access to justice. Entrenched intersectional vulnerabilities, including limited economic capacities, often compel victims to turn to informal or traditional mechanisms for redress, which are not gender-sensitive, lack capacity and are ill-suited to adjudicate over serious crimes.

IV. Main achievements in capacity-building and technical cooperation

30. Following a request from the Government of South Sudan on the identified needs for technical assistance and capacity-building of the Revitalized Transitional Government of National Unity of the Republic of South Sudan, submitted to OHCHR and the Human Rights Council in November 2021, the Human Rights Division, in collaboration with other components of UNMISS, undertook a mapping exercise to ascertain the technical assistance and capacity-building support to address those needs. The identified areas of intervention included: capacity-building on international human rights law and international humanitarian law, criminal investigation and professional ethics; training on prison services; and technical assistance on legislative reform, including on drafting of the bill to establish the Commission on Truth, Reconciliation and Healing. Other areas identified included: training on child protection and gender mainstreaming for national security forces; and technical assistance for Government ministries and agencies, national human rights institutions and civil society organizations.

31. To address some of the identified needs, the Human Rights Division provided capacity-building support, including training sessions and workshops on human rights and transitional justice, to the South Sudan Human Rights Commission and the State-level human rights commissions to assist them in the execution of their constitutional mandate to protect and promote human rights in South Sudan; and to rule of law institutions to promote access to justice and accountability. Technical and logistical support was also provided to the Ministry of Justice and Constitutional Affairs, including by facilitating transportation of the technical committee of the Commission on Truth, Reconciliation and Healing to all 10 States in order to conduct nationwide public consultations.

32. During the reporting period, the Human Rights Division, in collaboration with relevant UNMISS components and external partners,⁵ conducted a total of 312 capacity-development and sensitization programmes for 11,055 individuals (7,105 men and 3,950 women). Participants were drawn from the national and State line ministries, national human

⁵ Trainers from South Sudan People's Defence Forces, the South Sudan Human Rights Commission and the South Sudan Human Rights Defender's Network.

rights institutions, civil society organizations and national security forces, including the South Sudan People's Defence Forces, the South Sudan National Police Service and the National Prison Service of South Sudan. Such countrywide interactions have increased the knowledge and abilities of participants in the field of human rights, as well as the national capacity and that of the States in the promotion and protection of human rights. The initiatives also contributed to the strengthening and expansion of local alert networks of the Human Rights Division, resulting in a greater and more timely dissemination of early warning and human-rights-related information.

33. In addition, 31 public awareness-raising segments, moderated by panels of experts from civil society organizations and Government partners, were aired on Radio Miraya as part of the "Know Your Rights" talk show. The radio segments addressed a range of themes, such as: the role of civil society organizations in advocating the protection and prevention of violence against women and girls in South Sudan; the role of the Government and civil society organizations in the implementation of transitional justice initiatives in South Sudan; the protection of victims and survivors of human rights violations; accountability for perpetrators of human rights violations; and the role of the necessary unified forces in the protection and promotion of human rights. The programming has had a substantial impact, enhancing the awareness of South Sudanese communities of human rights issues and their capacity to participate constructively in the protection and promotion of human rights, as well as promoting the exchange of early warning information with UNMISS to aid in the prevention of human rights violations.

A. Rule of law, accountability and transitional justice

34. The Human Rights Division, in cooperation with other UNMISS components, continued to support efforts to strengthen the rule of law and accountability institutions in South Sudan. For example, to help create a protective environment for civilians, it provided training to justice actors (83 men and 9 women) on international human rights standards and international humanitarian law, including through the programme of the South Sudan reconciliation, stabilization and resilience multi-partner trust fund to mitigate livestock-related violence in the border areas of Western Bahr el-Ghazal and Warrap States.

35. To advance accountability in South Sudan, among other initiatives, UNMISS established an accountability working group tasked to roll out its accountability strategy on support to rule of law institutions, the promotion of accountability and access to justice. The strategy aims to enhance coordination with all actors in the justice system and to provide strategic guidance to the United Nations and national and State-level counterparts on strengthening accountability mechanisms. Similar coordination mechanisms were established at the State level in Jonglei, Upper Nile and Western Bahr el-Ghazal States.

36. In Jonglei, the Human Rights Division served as the secretariat of an accountability working group, established in July, responsible for coordinating strategies to strengthen the rule of law institutions, promoting access to justice and accountability and ending the cycle of violence through mapping key justice actors, technical assistance and capacity-building, joint advocacy and information-sharing on progress and areas of concern in administration of justice.

37. In Malakal, Upper Nile State, the Human Rights Division coordinated the establishment of the Malakal Justice Team in January, in cooperation with Rule of Law Advisory Section and United Nations Police, to streamline and harmonize the detention of suspects and responses in compliance with the standard operating procedure on the handling of detention in United Nations peacekeeping operations and special political missions. The team collects monthly data on detainees and cases handled and provides regular updates to the justice mechanisms in the State. The team has also created an information-sharing platform on the administration of justice, including joint technical advice, reporting and advocacy with stakeholders and duty-bearers on accountability and enhancing victim-centred access to justice in the State.

38. In Western Bahr el-Ghazal State, in March, the Human Rights Division, in collaboration with Rule of Law Advisory Section, coordinated the establishment of a High-

level Justice Sector Actors Committee,⁶ which galvanized support from key duty-bearers to address structural challenges faced in the administration of justice. As a result of this initiative, between 27 June and 1 July, UNMISS supported the redeployment of the justice institutions to Raja county after a lack of a judiciary presence in the area for a period of six years. UNMISS also supported the establishment of a customary court in the county and the Human Rights Division provided training to the newly appointed chiefs on their jurisdiction.

39. To address the lack of functional judicial systems in some States, the UNMISS accountability working group in Juba, in coordination with UNDP and other partners, continued to advocate and support the deployment of mobile courts, joint special mobile courts and court martials in different locations, including Bentiu, Malakal, Yambio and Yei. The deployment of the courts has enabled justice to be administered to some victims of human rights violations and abuses, including survivors of conflict-related sexual violence. For instance, at the general court martial held in Yei during the reporting period, 22 individuals were convicted for serious crimes, including murder and rape committed in 2021 and 2022. Five members of the South Sudan People's Defence Forces accused of rape were convicted, dismissed and stripped of their rank, sentenced to up to 10 years of imprisonment and required to pay compensation to victims. On 15 September, the Government paid compensation to five victims. While the payment of compensation by the Government was a positive step, it was nevertheless limited as seven victims received no compensation. Furthermore, compensation awarded to five victims by the district court martial in Yei in 2020 remains pending. The Human Rights Division, in cooperation with the Rule of Law Advisory Section, also supported the safe participation of victims and witnesses in judicial proceedings. For instance, during the deployment of the general court martial in Yei, the Human Rights Division tracked and monitored the cases before the court martial, identifying and addressing protection concerns of the victims, survivors and witnesses along with the State authorities. This resulted in the establishment of a task force by the gender-based violence subcluster⁷ to provide further support to women and survivors associated with military court martials and to address their concerns about protection.

40. The Human Rights Division leveraged six quick impact projects⁸ to improve the state of infrastructure and enhance administration of justice in various locations. With UNMISS support, the Rumbek Public Prosecutor's Office in Lakes State was renovated and the Rumbek High Court premises were provided with furniture, solar panels, power-storing batteries and ventilation fans, thereby improving working conditions.

41. Similarly, in Juba, the Human Rights Division sponsored the construction of two quick impact projects in Lainya county, Central Equatoria State: a magistrate court building in Lainya centre, and a police station in Kupera Payam. In Yambio, the Division sponsored the construction of a prison in Ibba county and the rehabilitation of the Maridi county court.

42. To support the implementation of transitional justice mechanisms, the Human Rights Division, in collaboration with OHCHR headquarters, UNDP and the Office of the United Nations High Commissioner for Refugees (UNHCR) is implementing a joint project entitled "Building peace through promoting inclusive and participatory transitional justice processes and mechanisms in South Sudan", funded by the Peacebuilding Fund. The project aims to strengthen accountability for current and past human rights violations through interventions that promote truth, healing and reconciliation and address the legacies of massive human rights violations through the implementation of inclusive, transparent, gender-sensitive and victim-centred solutions.⁹

⁶ The Committee was made up of United Nations Police, the Child Protection Unit, UNDP and State actors (the judiciary, the police, the Office of Legal Administration and Public Prosecution and the prison services).

⁷ A coordinating mechanism for gender-based violence in humanitarian action and programming, with representation from the United Nations country team, UNMISS, civil society organizations and Government officials.

⁸ Small-scale projects supported by United Nations peacekeeping operations to establish and build confidence in UNMISS, its mandate and the peace process, thereby improving the environment for effective mandate implementation.

⁹ The project was initiated on 31 December 2021 for a period of 24 months.

43. Specifically, the project supports the establishment and operationalization of the Commission on Truth, Reconciliation and Healing in accordance with the provisions of chapter V of the Revitalized Agreement, sensitizes interlocutors and beneficiaries on the importance of a holistic transitional justice approach and advocates the timely creation of the complimentary institutions, particularly the Hybrid Court and the Compensation and Reparations Authority, thus contributing to the priority of building peace and strengthening governance outlined in the United Nations sustainable development cooperation framework. The project also seeks to contribute to the implementation of key recommendations made within the framework of the universal periodic review process, particularly those relating to the need for the establishment of transitional justice institutions.

44. To advance a victim-centred approach to transitional justice mechanisms, the Human Rights Division conceived the “Breaking the Circle of Violence” programme to empower local stakeholders to participate effectively in transitional justice mechanisms.¹⁰ The Division also provided financial and technical support to the Dialogue and Research Institute, a local civil society organization, to implement the programme in Jonglei and Unity States. Since its inception, engagements have been held with, and training provided to, a total of 3,000 (1,531 female and 1,469 male) victims, survivors and witnesses of human rights violations and abuses on the truth telling process set out by the Commission for Truth, Reconciliation and Healing and the content and significance of chapter V of the Revitalized Agreement to the achievement of peace in South Sudan. Direct victims¹¹ were specifically identified as recipients of targeted relief and healing activities.

45. In preparation for the nation-wide public consultations on the Commission for Truth, Reconciliation and Healing conducted in May, the Human Rights Division provided training and technical advice to the Transitional Justice Working Group¹² to streamline its activities and identify priorities for advocacy and engagement on chapter V of the Revitalized Agreement, including review of its transitional justice strategic plan.

46. From 6 to 30 May, with technical, financial, and logistical support from UNDP and Human Rights Division through the project supported through the Peacebuilding Fund, the members of the technical committee appointed by the Ministry of Justice and Constitutional Affairs conducted public consultations in all 10 States. Prior to the State-level consultations, the Human Rights Division and UNDP, through the Ministry of Justice and Constitutional Affairs, conducted preparatory activities with the technical committee, including coordination meetings and training sessions on human rights, international criminal justice, the Revitalized Peace Agreement, the transitional justice mechanisms of chapter V of the Revitalized Agreement and consultation skills. UNDP supported the production of questionnaires and promotional materials, as well as the hiring venues and vehicles, while the Human Rights Division, through UNMISS flights, facilitated transportation of technical committee teams to their respective States.

47. Participants in the consultations included State-level Government officials, representatives of State legislative assemblies, political parties, county authorities, civil society organizations, faith-based organizations, the media and the business community, persons with disabilities, traditional leaders, elders, women, youth, internally displaced persons and members of the armed forces and armed groups. They were conducted through focus group discussions and town hall meetings, as well as individual interviews.

48. To ensure the participation of survivors of human rights violations and abuses in the consultations, the technical committee specifically sought the participation of survivor groups¹³ in Bor (Jonglei State) and Yei (Central Equatoria State). The survivor groups were

¹⁰ The programme was initiated in October 2019 for a period of 24 months, with an additional six-month extension.

¹¹ Direct victims include but are not limited to individuals who suffered injuries, particularly resulting from armed and sexual violence. It also includes women who got unwanted pregnancy and children through conflict-related sexual violence.

¹² The Transitional Justice Working Group is a coalition of 86 civil society organizations founded in 2015 to promote transitional justice in South Sudan.

¹³ Eleven survivor groups were established between 2019–2021 through the project on “Breaking the Circle of Violence” (see para. 44).

sensitized and trained by the Dialogue and Research Institute on the substance and importance of the Technical Committee and were encouraged to participate in the consultations.

49. While, overall, the consultations progressed well in most target locations and were conducted in a free and conducive environment, coordination, logistics, security and environmental constraints hindered progress in key counties. Due to insecurity, consultations could not be held in parts of the Abyei Administrative Area, Eastern Equatoria State and Western Bahr El-Ghazal State. The technical committee did not gain access to the areas controlled by Sudan People's Liberation Movement-Army in Opposition in the Greater Baggari region of Western Bahr El-Ghazal and hostilities between the Dinka Bor and the local community in Magwi county did not permit consultations in the Magwi county headquarters and Nimule town. Furthermore, the technical committee team was limited in number to cover the large cities of Central Equatoria State, and ongoing conflict between the Twic Dinka and Dinka Ngok hindered consultations in the Abyei Administrative Area.

B. Civic space and participation

50. In July, UNMISS adopted the strategy and general guidelines on mission-wide interventions for the protection of civic space and non-state actors at risk (strategy for civic space and protection) in accordance with its strategic vision 2021–2024 and Security Council resolution 2625 (2022). The Human Rights Division engaged relevant UNMISS components and established a coordination structure to provide a holistic approach and effective action throughout the mission.

51. At the national level, the Human Rights Division advocated accountability for human rights violations and abuses committed against human rights defenders, journalists and media practitioners with the Government of South Sudan, including the Ministry of Information, Communication Technology and Postal Services and the Media Authority. The Division also engaged with civil society organizations, the South Sudan Human Rights Commission, human rights defenders and media practitioners to promote and protect civic space and participation and provide technical support to initiatives encouraging civic space and participation.

52. The Human Rights Division provided technical assistance to the South Sudan Human Rights Defenders Network to strengthen its work on civic space and protection. In addition, it aided the Union of Journalists in South Sudan in conducting awareness-raising seminars on fundamental human rights norms and principles, including pertinent legislative frameworks protecting press freedom, reaching 220 media professionals (155 men and 65 women) from five States (Northern Bahr el-Ghazal, Eastern Equatoria, Unity, Upper Nile and Western Equatoria).

C. Conflict-related sexual violence

53. As part of continued efforts to promote the rights of women and girls in South Sudan, UNMISS continued to hold meetings with the Joint Implementation Committee¹⁴ for the Joint Action Plan for the Armed Forces on addressing conflict-related sexual violence in South Sudan. On 9 June, the Women's Protection Advisory Unit facilitated a meeting between the Minister of Defence and the Joint Implementation Committee to discuss progress in benchmark 5 set out in Security Council resolution 2577 (2021) relating to the measures to be taken for a review of the arms embargo, namely, implementation of the Joint Action Plan, the outcome of which was incorporated into the report of the Government submitted to the

¹⁴ The Joint Implementation Committee, which comprises 11 senior officials from the South Sudan People's Defence Forces, the Sudan People's Liberation Army in Opposition, the South Sudan Opposition Alliance and the Ministry of Defence, was established with a mandate to oversee the overall implementation of the Action Plan of the Armed Forces to Address Conflict Related Sexual Violence, to track and report on progress and gaps and to generate data on the implementation of its various components.

Security Council. Furthermore, the Women's Protection Advisory Unit assisted the Joint Implementation Committee in conducting five visits to military training facilities to transmit messages of "zero tolerance" for conflict-related sexual violence before the graduation of the necessary unified forces.¹⁵ In addition, the Joint Implementation Committee conducted outreach to training centres and radio outreach programmes to commemorate the first anniversary of the launch of the Joint Action Plan, highlighting its goals and achievements.

54. In addition, the Human Rights Division conducted a series of activities at the national and State level to raise awareness and engage various stakeholders in activities related to the prevention and response to conflict-related sexual violence in commemoration of the International Day for the Elimination of Sexual Violence in Conflict. In Juba, the Women's Protection Advisory Unit and Rule of Law Advisory Section conducted a retreat on 17 June to discuss the establishment and modalities of a specialized team on conflict-related sexual violence within the Military Justice Directorate of the South Sudan People's Defence Forces. On 21 June, the Directorate established a specialized team on conflict-related sexual violence, comprising three women and three men, which is responsible for investigating and prosecuting sexual violence crimes.

55. The Human Rights Division, together with Rule of Law Advisory Section, also facilitated a workshop in Juba on 23 and 24 June for civil society organizations, lawyers and other stakeholders on the domestication of the model legislative provisions on conflict-related sexual violence, which was launched by the Special Representative of the Secretary General on Sexual Violence in Conflict during the commemoration of the International Day on Elimination of Sexual Violence in Conflict in 2021. In an outcome statement from the workshop submitted to the Minister of Gender, Child and Social Welfare, participants requested the relevant ministries to support the inclusion of a selected number of provisions in the model legislative provisions on conflict-related sexual violence in the criminal and civil justice framework of South Sudan. Furthermore, the Women's Protection Advisory Unit provided technical support to the South Sudan Council of Churches and the Islamic Council of South Sudan to disseminate messages about conflict-related sexual violence.

56. The Women's Protection Advisory Unit conducted other outreach and capacity-building initiatives to foster national ownership of the conflict-related sexual violence agenda and the importance of the "survivor-centred approach" of all activities in the prevention and response to sexual violence in conflict. These activities included: a training for 30 senior officers, including 9 women, of the South Sudan National Police Service in Juba to take stock of the progress and the gaps in the implementation of the South Sudan National Police Service action plan to address conflict-related sexual violence since its launch in 2019; a consultative dialogue on "Access to Health for Survivors of Conflict-Related Sexual Violence in South Sudan" attended by 33 participants, including 22 women representatives from Government ministries, civil society organizations, lawyers, academics and social workers; a workshop on survivor-centred monitoring, investigation and reporting skills for 20 participants, including 11 women, members of the Joint Consultation Forum on conflict-related sexual violence, drawn from national non-governmental organizations and civil society organizations; and an interactive session on conflict-related sexual violence at the University of Juba attended by 60 students and faculty members, including 26 women, to discuss support to survivors of conflict-related sexual violence.

57. The Human Rights Division and the Gender Affairs Unit sponsored a campaign on a "survivor-centred approach" to prevent and respond to conflict-related sexual violence in South Sudan, with a focus on women and girls who become pregnant as a result of sexual violence in conflict and children born of sexual violence in conflict, following the release of the report of the Secretary General on the issue in January 2022.¹⁶

58. Complementary initiatives were undertaken by the United Nations Commission on Human Rights in South Sudan, which released a conference room paper in March 2022 on conflict-related sexual violence, urging the Government to commit publicly to a "zero tolerance policy" towards sexual and gender-based violence perpetrated within and outside

¹⁵ The necessary unified forces are made up of the army, police and other security personnel.

¹⁶ See [S/2022/77](#).

of conflict and to remove senior officials implicated in sexual violence, as well as ensure that perpetrators are held accountable and that victims are assisted, including with legal representation, among other recommendations.¹⁷

D. National and State-level human rights commissions

59. The human rights architecture in South Sudan consists of the South Sudan Human Rights Commission,¹⁸ the State Human Rights Commissions,¹⁹ the national Human Rights Advisory Council²⁰ and the national Human Rights Forum.²¹ The Human Rights Division provided all of the human rights bodies with training and technical advice to enhance the protection and promotion of human rights.

60. In Juba, the Human Rights Division, in collaboration with the South Sudan Human Rights Commission, facilitated two meetings of the national Human Rights Forum, which brought together a wide range of stakeholders from the Government, the diplomatic corps and civil society in February and November, and focused on challenges in administration of justice and the realization of economic, social and cultural rights. The Division also provided technical support to the Human Rights Commissions in Central Equatoria and Lakes States in the organization of Human Rights Forums in those States, involving members of civil society and Government officials to discuss rule of law, human rights, transitional justice mechanisms and peacebuilding.

61. The Human Rights Division provided technical guidance to the South Sudan Human Rights Commission on human rights documentation and reporting, as well as logistical support to conduct independent human rights monitoring and investigations in Lakes and Warrap States in January, following reported allegations of human rights violations, including extrajudicial executions and enforced disappearances. The South Sudan Human Rights Commission subsequently published reports on the findings of its investigations that were used to advocate with national and State authorities to address human rights concerns and the protection of civilians. The technical guidance provided by the Division strengthened the capacity of the Commission to carry out its constitutional mandate, which includes monitoring, investigation and reporting of human rights violation across South Sudan.

62. The Human Rights Division also provided technical assistance and training to the Human Rights Commissions in Central Equatoria, Lakes, Western Bahr el-Ghazal and Upper Nile States on human rights monitoring, reporting, documentation and advocacy, including the human rights obligations of South Sudan under international, regional and national laws and mechanisms. The Division has also encouraged the State Human Rights Commissions to participate and contribute to national events and platforms where they could share best practices and regional experiences.

¹⁷ See [A/HRC/49/CRP.4](#).

¹⁸ Established under article 145 of the Transitional Constitution of South Sudan and mandated, *inter alia*, to monitor the application and enforcement of the rights enshrined in the Constitution and to investigate any violations of human rights and fundamental freedoms.

¹⁹ In February and March 2021, the President of the Republic of South Sudan reconstituted local transitional Government structures at the State level in compliance with the Revitalized Agreement and appointed, among others, State Human Rights Commissions and Governors' advisers on human rights. Each State Human Rights Commission has five members, including a Chairperson, a Deputy Chairperson and three members, representing various parties to the Revitalized Agreement. The State Human Rights Commissions are institutions for the promotion and protection of human rights, with a mandate similar to that of the South Sudan Human Rights Commission.

²⁰ Established through a presidential order made public through a statement on the South Sudan Broadcasting Corporation on 11 June 2022 and mandated to coordinate the implementation of the recommendations accepted by South Sudan in the universal periodic review process.

²¹ Co-chaired by the South Sudan Human Rights Commission and a coalition of civil society organizations, bringing together Government institutions, the United Nations country team, diplomatic corps and civil society organizations to address human rights concerns.

E. United Nations human rights mechanisms

63. The Human Rights Division facilitated a stakeholder reflection on the third cycle of the universal periodic review on South Sudan, which brought together a coalition of civil society organizations and an interministerial committee. Key recommendations advanced during the review²² included the need to: raise awareness of the universal periodic review process among communities and local-level duty-bearers; develop relevant tools for monitoring the implementation of the recommendations presented in the review; and engage the South Sudan Human Rights Commission in the review process. By December, the major recommendations presented in the review to the Government of South Sudan were still under deliberation by the Council of Ministers. The Government is also in the process of developing a monitoring tool to help in implementing the recommendations.

V. Conclusions and recommendations

Conclusions

64. Civilians in South Sudan continue to be subjected to various forms of violence. Conflict and attacks by other armed groups and community-based militias continue to constitute a major risk to the protection of civilians in various locations, resulting in human rights violations and abuses and violations of international humanitarian law, including killings, injuries, abductions, conflict-related sexual violence, pillaging and large-scale civilian displacements.

65. Women and girls continue to be the main victims of conflict-related sexual violence by both parties to the conflict and other armed groups. Access to judicial structures and support systems for victims of sexual violence remain limited, leaving many survivors without effective redress.

66. Accountability for gross human rights violations and serious violations of international humanitarian law remains a challenge. In the absence of a clear and determined commitment to bring those responsible for human rights violations, abuses and violations of international humanitarian law to justice, lasting peace remains elusive. The rule of law and the judicial infrastructure remain weak or non-existent in various locations, further impeding access to justice.

67. Undue restrictions to civic and political space, including harassment of journalists and activists by security forces, continuous censorship and restrictions of civic space and the exclusion of civil society and ordinary citizens from governance processes continue to be of concern, especially as the country begins preparations for a general election.

68. The capacity-building and technical assistance support provided by OHCHR through the Human Rights Division continued to strengthen the capacities of various stakeholders to contribute to a protective environment in South Sudan. The efforts of the Division have led to the establishment of joint advocacy and coordination mechanisms such as the accountability working groups in Juba, Western Bahr el-Ghazal, Jonglei and Upper Nile States, which continue to make efforts to strengthen the justice system. Additionally, the technical and logistical support provided to the Ministry of Justice and Constitutional Affairs facilitated the conduct of inclusive nation-wide consultations on the Commission on Truth, Reconciliation and Healing, enabling the public, including victims of human rights violations, to participate in this crucial process.

²² See [A/HRC/50/14](#).

Recommendations

69. Based on the findings contained in the present report and recalling recommendations from the previous report of OHCHR on technical assistance and capacity-building for South Sudan,²³ it is recommended that the Government of South Sudan:

- (a) Take effective measures to guarantee human rights protection and protect civilians from attacks, including from intercommunal violence;
- (b) Take steps to stem the pervasive impunity by conducting independent, impartial, prompt, effective, thorough, credible and transparent investigations into all allegations of human rights violations and abuses and violations of international humanitarian law and hold perpetrators to account, including those in positions of command and authority;
- (c) Take appropriate measures to provide timely, adequate, holistic and transformative gender-responsive reparations to victims of violations, including survivors/victims of conflict-related sexual violence;
- (d) Continue strengthening the rule of law and justice system, including by enhancing gender-sensitive investigatory and prosecutorial capacities as a means of strengthening access to justice across South Sudan;
- (e) Intensify efforts with regard to the implementation of the transitional justice mechanisms as outlined in chapter V of the Revitalized Agreement, including by signing the memorandum of understanding on the Hybrid Court for South Sudan with the African Union as a meaningful step towards its establishment;
- (f) Enhance and protect civic space, ensuring respect of fundamental freedoms, including to the rights to freedom of expression, association and peaceful assembly, and prevent arbitrary arrests, harassment and detention of journalists, human rights defenders, civil society actors and civilians expressing critical or dissenting views.

70. It is recommended that the African Union:

- (a) Support and encourage the timely implementation of the Revitalized Agreement and the “Road map to a Peaceful and Democratic end to the Transitional Period” (2022 Road map) extending the transitional period by 24 months;
- (b) Support implementation of the transitional justice mechanisms under chapter V of the Revitalized Agreement, including the establishment of the Commission for Truth, Reconciliation and Healing, the Hybrid Court for South Sudan and the Compensation and Reparation Authority;
- (c) Continue engaging with the Government of South Sudan on the signing of the memorandum of understanding for the establishment of the Hybrid Court for South Sudan.

71. It is recommended that the international community:

- (a) Continue supporting the Government of South Sudan through technical assistance and capacity-building and strengthen financial support in order to increase the beneficiaries of these programmes;
- (b) Strongly advocate that the Government of South Sudan ensure the protection of civilians and adherence to international human rights law and international humanitarian law;
- (c) Support the establishment and development of accountability mechanisms, including the Hybrid Court for South Sudan;

²³ See [A/HRC/49/91](#).

(d) **Support the strengthening of judicial system across South Sudan, including in remote locations;**

(e) **Continue supporting the Government and humanitarian organizations to provide medical and psychosocial assistance to survivors of sexual violence.**
