



South Sudan UPR 2026 Submission (4th Cycle)

Preventing Conflict-Related Sexual Violence, Protecting Children Born of CRSV, and Strengthening Transitional Justice

54th Session of the United Nations UPR Working Group

Submitted by:

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and

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A. Background

Rights for Peace (RfP) is a UK-based non-governmental organisation working on the prevention of mass atrocity crimes in fragile states through strengthening communities' rights and resilience to counter identity-based violence, including violence against women. It has experience in conducting specialised research on conflict-related sexual violence (CRSV) and its intergenerational impact, as well as deep technical and contextual knowledge on gender justice, survivor-centred approaches and accountability mechanisms.

Survivors Network South Sudan (SUNS) is a network of 3188 survivors of CRSV.¹ It is a survivor-led, non-profit organisation supporting victims of conflict-related sexual and gender-based violence (CRSV/GBV) across South Sudan. With a focus on healing, leadership, and advocacy, SUNS provides vital support, including psychosocial counselling, legal referrals, trauma healing, and livelihood assistance, while creating safe spaces for survivors to rebuild their lives and demand justice.

B. Executive Summary

1. This stakeholder submission is prepared for the fourth cycle of the Universal Periodic Review (UPR) of the Republic of South Sudan. The submission focuses on the State's implementation of existing legal, institutional, and policy commitments in relation to:
 - The prevention of conflict-related sexual violence (CRSV):
 - International Legal Framework
 - Action Plans including the NAP
 - Demobilisation and the role of UNMISS
 - Domestic Laws: Penal Code Act, Anti-GBV and Family Law Bills, Legislation to Counter Hate Speech
 - Children born of CRSV
 - Transitional Justice mechanisms and Victims' Rights
2. The report is based on consultations in May 2026 with local civil society actors and providers working directly with survivors and conflict-affected communities, as well as workshops conducted since 2022 by RfP and SUNS with survivors and local communities in South Sudan,

¹ Survivors Network South Sudan (SUNS) web page, www.rightsforpeace.org/suns, accessed 1 July 2026. SUNS Facebook page: <https://www.facebook.com/profile.php?id=61573330073865>

and survivor testimonies.² In addition, a small pilot survey and a participatory workshop were held with mothers of children born as a result of CRSV in July 2025.³

3. This submission will review the law and policy areas laid out above to identify treaty implementation gaps, as well as limitations to its domestic provisions. It will draw out the complexities of South Sudan's hybrid legal system, with overlapping layers of statutory and customary law creating a "postcode lottery" for survivors of CRSV. In addition, it will provide survivor-centred recommendations around these four areas that prioritise the needs of victims and survivors.
4. While South Sudan purported to accept the majority of state-made recommendations in the third cycle of UPR in 2022,⁴ in fact, there remain significant gaps in the prevention of CRSV, protection of women and girls, and the establishment of key Transitional Justice mechanisms, which are expanded on in detail in the following sections. As put by the Director General for Gender in Central Equatoria State, "the increase in the level of violence against women and girls at the community level is forcing them to choose between their life and dignity; women have reached a level where they are forced to negotiate with their rapist to take their dignity and spare their life."⁵

C. The Prevention of Conflict-Related Sexual Violence

International Framework

5. In South Sudan, "survivors are living in fear" of CRSV and other gendered violence against them, particularly because key prevention strategies and comprehensive accountability and justice mechanisms do not yet exist.⁶ RfP and SUNS have gathered numerous first-hand accounts of CRSV committed against survivors, in the majority of cases by uniformed individuals. One survivor said that "during all my pregnancy period they continued to rape me until the day of my delivery".⁷ Away from her family, she was forced to marry a captain in the military and raise her child in a "difficult situation" before fleeing to seek refuge in Kakuma Refugee Camp, where she was reunited with her relatives, including her mother.⁸

² Rights for Peace, 'South Sudan: Our Invisible Children' (YouTube, 11 July 2023) <www.youtube.com/watch?v=zhcd7ShpyYk> accessed 1 December 2025.

³ Rights for Peace, 'Children born of CRSV are direct victims and survivors in South Sudan' (August 19 2025) <www.rightsforpeace.org/post/survivors-children-born-of-crsv-are-direct-victims-south-sudan> accessed 1 December 2025.

⁴ Third-cycle UPR recommendations on transitional justice for South Sudan, A/HRC/40/11, adopted at the 40th session of the Human Rights Council, Jan-Feb 2022.

⁵ Director General for Gender, Central Equatoria State during an event in Juba to commemorate International Day of Elimination of CRSV, 19 June 2026.

⁶ National Survivors Network South Sudan, 'Statement' <https://44f19619-9596-42c0-857e-238ff26bc650.filesusr.com/ugd/33dd6b_256507fbc9794e33b75d554f5b466cfe.pdf> (14 June 2022).

⁷ Survivor testimonial, Juba (4 February 2026).

⁸ Survivor testimonial, Juba (4 February 2026).

6. Widespread impunity for sexual violence, including CRSV and domestic violence, is fuelled by a culture of tolerance for sexual violence and violence against women in South Sudan. A representative from Women, Justice and Equality (WOJE) reported that the “government and the opposition use sexual abuse as a weapon of war”.⁹
7. While South Sudan ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 2015, and noting that, according to Article 9 of the Transitional Constitution, the Convention constitutes an integral part of South Sudan’s Bill of Rights, South Sudan’s domestic laws and customs are still in many critical instances inconsistent with the international standards set out therein.
8. CEDAW General Comment 35 provides an interpretation of rape, and Article 2 of the Convention implores States to ‘adopt appropriate legislative and other measures ... prohibiting all discrimination against women’.¹⁰ This must include the prevention of CRSV, which disproportionately affects women and girls in this setting, but can also affect men and boys. Although the Ministry of Gender, Child and Social Welfare tracks and reports periodically on CEDAW’s implementation, and the treaty has been domesticated through constitutional provisions and legal protection, it remains not fully implemented in South Sudan. The biggest challenge to CEDAW’s proper implementation is the conflict between statutory and customary laws in South Sudan. This is particularly of note in relation to CEDAW because when it comes to the adjudication of protection issues, customary law takes precedence. The South Sudanese government has itself admitted that the definition of discrimination as laid out in CEDAW, and articulated in Article 9(3) of the Transitional Constitution (2011) conflicts with the “recognition accorded to the customs and traditions of the people as a major source of law alongside other written laws”.¹¹ This creates uneven implementation of CEDAW on the ground, as different customs in different states or administrative areas apply, meaning that not all women can access the same level of legal protection.
9. Article 5 of CEDAW states that States ‘shall take all appropriate measures ... to achiev[e] the elimination of prejudices’ which are gendered.¹² This includes different customary laws or practices that exist in different communities in South Sudan. In South Sudan, communal stigma and ‘othering’ surrounding CRSV is prevalent. For example, “one survivor expressed that when she became pregnant [through rape], she feared going to the health services due to the risk of

⁹ Civil society consultation, 22 May 2026.

¹⁰ Convention on the Elimination of All Forms of Discrimination Against Women, Article 2(b) (3 September 1981) <www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women> accessed 14 July 2026.

¹¹ Convention on the Elimination of All Forms of Discrimination against Women, ‘Initial report submitted by South Sudan under article 18 of the Convention, due in 2016’ CEDAW/C/SSD/1 (19 February 2020) <<https://digitallibrary.un.org/record/3873770?v=pdf>> accessed 13 July 2026.

¹² Convention on the Elimination of All Forms of Discrimination Against Women, Article 5 (3 September 1981) <www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women> accessed 14 July 2026.

being blamed by the community, who would say ‘she looked for it’”.¹³ The Executive Director of Women for Justice and Equality (WOJE) commented in a civil society consultation in May 2026 that there is a “lack of accountability for perpetrators of violence against women and girls”.¹⁴

10. In order to also protect against sexual violence in places of detention, as well as numerous forms of conflict-related sexual violence, we would urge South Sudan ratify the Optional Protocol to the UN Convention against Torture (OPCAT) as numerous forms of sexual violence are reported in sites of detention that also amount to torture despite Article 18 of South Sudan’s Constitution on Freedom from Torture providing that: “No person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”, and Article 190 of the Constitution further establishing an absolute and non-derogable right.¹⁵

Action Plans

11. South Sudan has sought to implement UN Security Council Resolution (UNSCR) 1325 on women, peace and security by developing a **National Action Plan on Women, Peace and Security (NAP)** from 2015 to 2020. This was an important sign of the State’s intention to ingrain women in peace and governance, alongside its commitment to ensuring at least 35% of decision-makers are women. However, its implementation faced political and financial challenges as civil society organisations and development partners largely drove it. In 2022, South Sudan drafted its second NAP (2023-27), validated by the Ministry of Gender, Child and Social Welfare and civil society stakeholders. However, the NAP has been stalled at the review stage for more than three years; there is no effective framework for women, peace and security currently in force.
12. Similarly, in 2021 the **Joint Defence Board** launched its **Action Plan for the Armed Forces on addressing Conflict-Related Sexual Violence in South Sudan**, intended to “ensure that no member of the national army commits, commands and/or condones CRSV”.¹⁶ As a result of the Plan, “increased awareness and training of security personnel on international humanitarian law and the prohibition of CRSV” has taken place.¹⁷ However, civil society experts consulted expressed that the Plan “has not been implemented in any way and crimes continue to happen in the communities.”¹⁸
13. This may be attributed to the fact that the Action Plan focuses on senior leadership in a context where no comprehensive disarmament, demobilisation and reintegration (DDR) has taken place.

¹³ Rights for Peace, ‘South Sudan Study on the Status of and Opportunities for Reparations for Survivors of Conflict-Related Sexual Violence’ (March 2022) 15.

¹⁴ Civil society consultation, 22 May 2026.

¹⁵ Article 190 of the Transitional Constitution of the Republic of South Sudan (2011, as amended 2013), states that in an emergency, the President cannot derogate from the prohibition against torture (among other fundamental rights). See: https://www.constituteproject.org/constitution/South_Sudan_2013

¹⁶ The Republic of South Sudan Joint Defence Board, ‘Action Plan for the Armed Forces on addressing Conflict-Related Sexual Violence in South Sudan’ (January 2021) 11 <<https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2022/10/joint-communicue/auto-draft/UNMISS-Joint-Action-Plan-of-the-Armed-Forces-2021-2023-Annex-1-and-2.pdf>> accessed 13 July 2026.

¹⁷ Civil society consultation, 22 May 2026.

¹⁸ Civil society consultation, 22 May 2026.

The Action Plan has involved sensitisation workshops designed to educate military personnel about the legal frameworks preventing CRSV and the causes and consequences of CRSV, where typically one representative per unit (approximately five senior officers) is invited. There is no evidence of cascading training down to rank-and-file soldiers. Despite militia groups and non-state actors being largely responsible for acts of CRSV against women and girls, they are excluded from training. Moreover, training reportedly only occurs at national level; state-level dissemination is absent despite atrocities occurring at state and county levels. Real “accountability for perpetrators remains limited”.¹⁹

Demobilisation and military accountability

14. The lack of a DDR process has left a large, poorly-sustained national army that is routinely billeted among civilian populations rather than in dedicated barracks.²⁰ This intermixing of forces with communities heightens the risk of CRSV, as soldiers operate in close proximity to women and girls without adequate oversight or accountability mechanisms.²¹ The absence of a structured DDR programme also means that former combatants are not provided with livelihood alternatives, further entrenching the military’s dependence on informal, often exploitative, arrangements within villages and towns. Consequently, the lack of proper cantonment, combined with an oversized and under-resourced force, creates an environment where CRSV can flourish unchecked, undermining both civilian protection and the prospects for lasting peace in South Sudan.
15. Domestic justice mechanisms around CRSV remain limited in South Sudan, with the Gender-Based Violence Court existing for around 4-5 years, but operating as a reactive, rather than proactive body. Case numbers are low due to cultural barriers and family-level decision-making, with families often suppressing rape cases or settling with perpetrators through a dowry rather than pursuing legal action, fearing that the victim cannot marry. Police officers often discourage reporting, frame GBV as “family affairs”, or defer to perpetrators if they hold higher rank or military status. While ‘Gender Desks’, which receive complaints, provide initial support for survivors of CRSV and refer survivors to any health, psychosocial, legal or protection services in the area, have been established at some police stations, they function “on very small scales” and “their accessibility is not uniform across the country”.²² Strengthening the capacity, presence and frequency of Gender Desks may go some way to ensuring that all survivors can have ready access to support services in their local area.

Penal Code Act

¹⁹ Civil society consultation, 22 May 2026.

²⁰ Security Council Report, ‘South Sudan Sanctions: Vote on a Draft Resolution’ (May 2024) <www.securitycouncilreport.org/whatsinblue/2024/05/south-sudan-sanctions-vote-on-a-draft-resolution.php> accessed 13 July 2026.

²¹ ISS Africa, ‘South Sudan’s sexual violence crisis: more than a wartime phenomenon’ (2025) <<https://issafrica.org/iss-today/south-sudan-s-sexual-violence-crisis-more-than-a-wartime-phenomenon>> accessed 13 July 2026.

²² Civil society consultation, 22 May 2026.

16. Domestically, the 2008 Penal Code Act of South Sudan purports to protect individuals against rape. However, the definition of rape in the Act falls below international standards of protecting civilians against sexual violence. Article 247 provides a definition which excludes marital rape, thereby failing to protect married women from domestic sexual violence.²³ Further, it does not recognise penetration by objects, restricts the definition to “intercourse”, and fails to specifically acknowledge coercive circumstances existing in armed conflict or detention.²⁴ This severely impacts the law’s ability to protect survivors in the first instance, also denying them access to a remedy or reparation. The definition is also ambiguous around whether it covers male rape; although it appears to be a gender-neutral article, “male survivors fear being classified as homosexuals and liable to prosecution”²⁵ because Article 248 criminalises ‘carnal intercourse against the order of nature’.²⁶ This increases stigma for male survivors of CRSV, who already face additional discrimination due to their gender in crimes of sexual violence. Importantly, crimes of torture, crimes against humanity and genocide remain undefined in South Sudanese domestic law. This means that CRSV can currently only be prosecuted as an ordinary offence or, in limited circumstances, as a war crime.

Anti-GBV and Family Law Bills

17. In 2019, efforts to develop both an anti-GBV Bill and a Family Law Bill, which would partly address the protection of women and girls, as well as harmonise customary and statutory law in South Sudan, began. However, no legislation has yet emerged. The review processes of these two bills have stalled at various stages due to an oscillating consultative process between the government and civil society for over five years. These laws would be a critical chance to develop tangible, legal protections for women against violence at a time when CRSV is prevalent in South Sudan, and conflict perpetuates cycles of sexual violence. In the words of the victims themselves: “We call on the government to protect all survivors.”²⁷

Lack of laws to counter Hate-Speech fuelling violence

18. Given continued inter-communal violence in South Sudan,²⁸ and its intersectionality with CRSV,²⁹ further efforts are urgently needed to strengthen social cohesion and counter hate narratives that are also reported to fuel conflict. In this respect, we would urge South Sudan also to sign and ratify the International Convention on the Elimination of All Forms of Racial

²³ Article 247(3), Penal Code Act (2008): ‘Sexual intercourse by a married couple is not rape, within the meaning of this section.’

²⁴ Article 247, Penal Code Act (2008).

²⁵ Rights for Peace, ‘South Sudan Study on the Status of and Opportunities for Reparations for Survivors of Conflict-Related Sexual Violence’ (30 March 2022) 13 <www.rightsforpeace.org/reparations-southsudan> accessed 14 July 2026.

²⁶ Article 248(1), Penal Code Act (2008)

²⁷ National Survivors Network South Sudan, ‘Statement’ https://44f19619-9596-42c0-857e-238ff26bc650.filesusr.com/ugd/33dd6b_256507fbc9794e33b75d554f5b4466cfe.pdf, (14 June 2022), accessed 15 July 2026.

²⁸ Al Jazeera News, ‘South Sudan launches offensive against opposition forces: What to know.’ (28 January 2026) <www.aljazeera.com/news/2026/1/28/south-sudan-launches-offensive-against-opposition-forces-what-to-know> accessed 13 July 2026.

²⁹ UN OCHA, ‘Flash Update 13’ (19 March 2026) <www.unocha.org/publications/report/south-sudan/south-sudan-conflict-jonglei-state-flash-update-no13-19-march-2026> accessed 13 July 2026.

Discrimination (ICERD). By becoming a party to the International Covenant on Civil and Political Rights (ICCPR), the State undertook the obligation under Article 20(2) to “prohibit by law any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.” The UN Human Rights Committee has repeatedly stressed that Article 20(2) creates a binding duty to adopt legislation that protects against dangerous hate-speech while safeguarding freedom of expression.

19. Equally, the role of UNMISS in safeguarding human rights, ensuring civilian protection and supporting political transition has been critically undermined by the recent downsizing of its mandate in SC Resolution 2820 (2026), which reduced the troop ceiling from 17,000 to 12,500 military personnel (the police component remains at 2,101).³⁰
20. While the resolution reaffirms UNMISS’s core tasks—protection of civilians, facilitation of humanitarian assistance, monitoring and reporting on human rights, and support for the implementation of the Revitalised Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS), the reduction of UNMISS’s authorized troop size raises serious operational and protection concerns.
21. In detail, concerns include:
 - Diminished protection-of-civilians (PoC) capacity: a smaller footprint limits the mission’s ability to establish and maintain protection sites, conduct patrols, and respond rapidly to outbreaks of violence, especially given that hostilities were recently reported in eight of South Sudan’s ten states.
 - Weakened early-warning and rapid-response: the reduced uniformed and civilian personnel and lower operational funding, constrain UNMISS’s geographical reach and its capacity to gather and act on early-warning information.
 - Limited human-rights monitoring and reporting: cuts to staff curtail the mission’s ability to monitor, investigate and report on alleged violations, a core mandate element.
 - Safety of peacekeepers: Pakistan’s representative warned that a lower troop ceiling, combined with the wide area the mission must cover, increases the risk to peacekeepers and could undermine their ability to fulfil the mandates.
 - Potential impact on election-related tasks: while the resolution adds a reference to monitoring election preparations, the reduced force limits UNMISS’s ability to provide adequate security and logistical support for credible, inclusive elections.
22. To safeguard the human-rights role of UNMISS, South Sudan should guarantee unhindered freedom of movement for UN personnel, refrain from demanding base closures or further

³⁰ The United Nations Security Council renewed the mandate of the United Nations Mission in South Sudan (UNMISS) through Resolution 2820 (2026), adopted on 30 April 2026, extending the mission’s authority until 30 April 2027.

restrictions, and cooperate fully with the mission so that the reduced troop levels do not compromise civilian protection, human-rights monitoring, or accountability.

23. *The Government of South Sudan should:*

- a. *Take steps to integrate CEDAW into domestic statutory law. A key first step would be to bring customary law in line with international standards on non-discrimination. A second step would be to pass into law the anti-GBV bill, which has been proposed but not confirmed.*
- b. *Align the definition of rape in the Penal Code Act (2008) with international standards by amending the law to exclude the notion of consent where a coercive environment can be established, include the criminalisation of marital rape, recognise penetration by object, add the crime of rape against children and underage girls as a specific offence, thereby integrating the principles of CEDAW into its domestic law. It is also necessary to reduce evidential barriers in line with international best practice.*
- c. *Harmonise all of its statutory laws, as well as harmonise statutory and customary laws on protection, in order to make sure that they all align with CEDAW, as well as with each other.*
- d. *South Sudan should accede to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) and its Optional Protocol (OPCAT) without reservations, and promptly adopt domestic legislation that criminalises torture in line with UNCAT Article 4.*
- e. *In view of acceding to OPCAT, the Government should establish an independent National Preventive Mechanism (NPM) with a clear mandate to conduct regular, unannounced visits to all places of deprivation of liberty—including prisons, police stations, military detention centres and informal holding facilities—make public findings, and recommend concrete measures to prevent torture and ill-treatment.*
- f. *Set out a process in which every tribe can define and document what customary laws exist in their own culture, and collect these customary laws at state-level. Encourage the conduct of workshops at the community, grassroots level to identify customary practices and align them with statutory laws.*
- g. *Fast-track and follow up on the approval process of the second NAP to ensure its effective implementation. The Ministry of Gender, Child and Social Welfare should take ownership of this process and allocate sufficient resources for the holistic implementation of NAP.*
- h. *Revise and fully implement the Joint Defence Board Action Plan on Conflict-Related Sexual Violence for the Armed Forces by aligning it with the binding standards set out*

in the United Nations Security Council's Women, Peace and Security framework – notably SCRs 1325 (2000), 1820 (2008), 1888 (2009), 1960 (2010), 2106 (2013), 2467 (2019) and 2493 (2019) and mainstreaming the UN Handbook for Field Missions on Preventing and Responding to Conflict-Related Sexual Violence into the curriculum of the training college of the armed forces and institute an yearly outreach campaign in which the Plan is explained in practical terms. The outreach campaign should target the community level, where junior officers are deployed.

- i. *Establish a comprehensive, gender-sensitive DDR programme that includes the cantonment of all armed forces in designated barracks, rigorous vetting and human-rights screening, and clear accountability mechanisms for CRSV, accompanied by mandatory training on international humanitarian law and the prevention of sexual violence, regular monitoring by UNMISS and independent human-rights bodies, ensuring livelihood alternatives for ex-combatants to reduce the military's reliance on informal, exploitative arrangements within civilian communities.*

C. Children born of CRSV

24. South Sudan's domestic legal framework, such as the Nationality Act (2012), the Child Act (2008), and the Civil Registry Act (2018), in theory protects the rights of all children, regardless of their birth status. However, children born of CRSV face significant challenges in practice, which the current laws do not protect them against. The challenge is the non-implementation of domestic provisions on non-discrimination and the right to birth registration, as well as stigma in the community and a lack of awareness among citizens about the provisions of this law.
25. A key example of a legal provision failing to translate to an in-practice protection in this area centres around the registration of the birth of a child born of CRSV. This registration is essential in order for the child to access education, health care services and other key rights-based entitlements. Article 11(1) of the Child Act (2008) provides for the "right to free birth registration" for "every child". In South Sudan, the form for notification of births, designed by the Ministry of Health, requires the name of the father, as well as his State, County, Payam and Boma, to be entered on the form.³¹ This excludes mothers born of children of CRSV because they are often unaware of, or do not wish to share, who their child's father is. Requiring mothers to have to write down the identity of the man who raped her not only causes psychological trauma but also excludes her child's birth from being registered, which only serves to perpetuate discrimination against the mother and her child. Out of ten mothers who responded to a SUNS survey, only half of the children born of CRSV had officially registered

³¹ See Rights for Peace, Alternative Report submitted to the Committee on the Rights of the Child, on issues facing children born of CRSV in South Sudan (1 December 2025) <https://www.rightsforpeace.org/reports/alt-report-crsv-children-southsudan>

births.³² SUNS have reported that there are 200 children born of CRSV among their network of approximately 3188 survivors of CRSV, however it is likely that the number of children born of CRSV is in fact much higher due to community stigma around the birth of children from rape.

26. Mothers of children born of CRSV, as well as the children themselves, face violence and discrimination. When children born of CRSV are rejected, often mothers are rejected with them. For example, a survivor living in a refugee camp in Northern Uganda explained to Rights for Peace that most of those left in the camp in Adjumani are women and children: ***“My husband and first children all migrated back to Juba, but I was left in the camp with my child because of this same issue.”***³³ This “same issue” refers to a mother’s child born of CRSV being rejected by her spouse.
27. When women give birth to a child born of CRSV, they are generally rejected by their family and community and blamed, causing violence within the family. Husbands choose to abandon their wives rather than accept these children, leaving mothers in camps, while taking the children who were born through their marriage away. This has numerous harmful effects on mothers: displacement leads to a risk of re-victimisation, economic destitution and a vulnerability to further violence.
28. Mothers report judgmental treatment from health workers aware of their history.³⁴ One survivor explained that: ***“They discriminate even at the health centre. When you are taking that child for treatment, they will ask ‘where is the father of that child?’ They will tell the mother, you get out of here, you are a prostitute. If you want to get a birth certificate, they will ask for the father. They may not give you a birth certificate.”***³⁵ In this way, ***“health services stigmatise mothers and are not holistic”***.³⁶ These survivor testimonies are symptomatic of a culture of stigma and *de facto* discrimination in South Sudan against children born of CRSV and their mothers, which the government has failed to tackle.
29. *The Government of South Sudan should:*
 - a. *Adopt and implement a comprehensive national policy to eliminate stigma and discrimination against mothers and children born of conflict-related sexual violence, including: enacting legislation that prohibits discrimination on the basis of parentage and guarantees the right to birth registration, education, health care and livelihood support for these mothers and children.*
 - b. *Harmonise the Nationality Act (2012), the Child Act (2008), and the Civil Registry Act (2018) to guarantee non-discrimination. The Ministry of Gender, Child and Social Welfare and Ministry of the Interior should work together to develop guidelines on non-*

³² SUNS members have 1000 children born of CRSV reported amongst their members in just 6 locations to date.

³³ Survivor testimonial, Juba (18 July 2025).

³⁴ Workshop with Survivors in Juba (18 July 2025).

³⁵ Survivor interview, Juba (30 November 2025).

³⁶ SUNS, ‘Statement on the Rights of Children born of CRSV, including in the Transitional Justice Process’ (20 July 2025).

discrimination which are dispersed at the community level to eliminate discrimination in practice and sensitise government officials on these laws.

- c. *Ensure that children born of CRSV are explicitly recognised as an “eligible category of victims of CRSV” under the CTRH and CRA.³⁷*
- d. *Revise the birth registration form, so that rather than requiring the father’s name, tribe, boma and clan to be recorded on the Notification of Birth form, instead the phrase ‘if known’ is added to acknowledge the situation of the child’s parentage without attributing blame or discrimination. SUNS have specifically called for domestic law reform to be modelled on Uganda’s Registration of Persons Act 2015, which permits registration with only one parent listed and does not require the disclosure of tribe or clan origin, thereby lifting a barrier for survivors and encouraging confidential and community-based registration.³⁸*
- e. *Provide resources to the Ministry of Gender, Child, and Social Welfare to enable it to lead in the discussed harmonisation of these statutory laws and codification of customary laws to counter cultural stigma and rejection of children born of CRSV.*

F. Transitional Justice Mechanisms and Victims’ Rights

30. Despite the signing of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) in 2018, and multiple 3rd cycle recommendations that the Hybrid Court for South Sudan (HCSS), the Commission for Truth, Reconciliation and Healing (CTRH) and the Compensation and Reparation Authority (CRA) be “fully establish[ed]”, none of the three Transitional Justice (TJ) mechanisms are yet operational.³⁹ R-ARCSS states that the CRA would be established “within six (6) months from the commencement of the Transitional Period”,⁴⁰ while the legislation setting up the CTRH would be enacted no “later than three (3) months after the formation of the RTGoNU and commence its activities not later than a month thereafter”.⁴¹

31. While the Commission for Truth, Reconciliation and Reparation Act, and the Compensation and Reparation Authority Act were signed into law by the President on 11 November 2024,⁴² these

³⁷ SUNS, ‘Survivors’ Checklist on Reparations and the Compensation and Reparation Authority’ (Juba, 26 June 2023) <www.rightsforpeace.org/post/survivors-of-conflict-related-sexual-violence-present-check-list-on-reparation> accessed 14 July 2026.

³⁸ SUNS, ‘Statement on the Rights of Children born of CRSV, including in the Transitional Justice Process’ (20 July 2025).

³⁹ Human Rights Council, Fiftieth session, ‘Report of the Working Group on the Universal Periodic Review: South Sudan’ 113.107 <<https://docs.un.org/en/A/HRC/50/14>> (28 March 2022).

⁴⁰ Intergovernmental Authority on Development, ‘Revitalised Agreement on the Resolution of Conflict in the Republic of South Sudan (R-ARCSS)’, Chapter 5.4.1 ‘Compensation and Reparation Authority (CRA)’ (12 September 2018) <www.peaceagreements.org/media/documents/ag2112_5be57be98faf9.pdf> accessed 14 July 2026.

⁴¹ Intergovernmental Authority on Development, ‘Revitalised Agreement on the Resolution of Conflict in the Republic of South Sudan (R-ARCSS)’, Chapter 5.2.1.2 ‘Commission for Truth, Reconciliation and Healing’ (12 September 2018) <www.peaceagreements.org/media/documents/ag2112_5be57be98faf9.pdf> accessed 14 July 2026.

⁴² The two laws can be downloaded from the Rights for Peace website at the bottom of this news post: *A glimmer of progress on transitional justice despite fragile peace in South Sudan, 30 April 2025*,

were never gazetted and do not appear on the MoJCA laws page,⁴³ and public awareness around the Transitional Justice process remains limited, frustrating victims' right to be informed of transitional justice mechanisms that affect their rights.⁴⁴

32. In September and October 2025, RfP conducted training workshops and community meetings in Torit, Yambio, Wau, Malakal and Juba, focused on public awareness-raising of Transitional Justice.⁴⁵ In Wau, participants commented that they had never heard of the CTRH or CRA Acts before.⁴⁶ One female participant stated that the workshop was her "first time learning" about the laws.⁴⁷ In Juba, chiefs from the ten states and three administrative areas of South Sudan expressed that they do not know their rights and need more sensitisation.⁴⁸ It is clear that, in contrast to the recommendations made in the 3rd cycle,⁴⁹ South Sudan has neither committed to public awareness-raising campaigns nor implemented any of the three mechanisms it agreed to as part of R-ARCSS. And yet, following the sensitisation workshop, in Malakal, over 80% of participant-leaders committed to actively raising awareness within their.⁵⁰
33. The government has not carried out a nationwide awareness-raising programme around TJ, despite its legal commitment to "publicly and regularly inform and involve the people of South Sudan in its tasks and activities".⁵¹ "We had no idea about the ongoing TJ process because nobody consults with us anymore and we don't have information about what is happening in the country."⁵² Survivors and community leaders lack the key information they need to access the justice and accountability which they deserve. This inhibits the potential success of the Transitional Justice mechanisms before they have even been established.⁵³
34. Survivors harbour significant concerns around protection for them if they come forward to the CTRH or CRA to claim compensation and seek truth and justice, particularly as many perpetrators may live in the same communities as victims. Survivors demand that "UNMISS should be mandated to protect the CTRH, including victims and witnesses, men and

<https://www.rightsforpeace.org/post/a-glimmer-of-progress-on-transitional-justice-despite-fragile-peace-in-south-sudan>

⁴³ Ministry of Justice and Constitutional Affairs, web page: <https://mojca.gov.ss/laws-of-the-republic-of-south-sudan/>

⁴⁴ United Nations, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, GA Res 60/147, UN Doc A/RES/60/147 (16 December 2005), available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation>

⁴⁵ Rights for Peace, 'Sensitising survivors and communities about Transitional Justice processes in South Sudan' (16 December 2025), www.rightsforpeace.org/post/sensitising-survivors-and-communities-to-transitional-justice-processes-in-south-sudan , accessed 14 July 2026.

⁴⁶ Training of trainers workshop (Wau, 15 October 2025).

⁴⁷ Training of trainers workshop (Wau, 15 October 2025).

⁴⁸ Community awareness meeting (Juba, 31 October 2025).

⁴⁹ Third-cycle UPR recommendations on transitional justice for South Sudan, *A/HRC/40/11, adopted at the 40th session of the Human Rights Council, Jan-Feb 2022*

⁵⁰ Community awareness meeting on TJ processes (Malakal, 23 October 2025).

⁵¹ Commission for Truth, Reconciliation and Healing Act (2024), Article 8(17).

⁵² Participant, meeting with community leaders on TJ processes (Juba, 10 November 2025).

⁵³ Rights for Peace received limited funding from UNDP to undertake a sensitisation project in 5 locations, see: <https://www.rightsforpeace.org/post/sensitising-survivors-and-communities-to-transitional-justice-processes-in-south-sudan> , and also curated a radio programme with UNMISS Radio Miraya on transitional justice, see: <https://www.rightsforpeace.org/radio-miraya-special>

women.”⁵⁴ Therefore, victim and witness protection guidelines should be developed before the CTRH becomes operational, as outlined in R-ARCSS.⁵⁵

35. While the selection of the CTRH Commissioners is complete but not publicly announced,⁵⁶ no steps have been taken towards the establishment of the HCSS. While a piece of legislation was enacted for both the CTRH and CRA in 2024, no such Act has been legislated for the formation of the HCSS. Key obstacles in progress towards the creation of the HCSS have included “limited political will, delays in finalising the legal framework, inadequate funding, and challenges in implementing” R-ARCSS, according to South Sudan Women United (SSWU).⁵⁷ These delays have “hindered accountability and access to justice” for survivors of CRSV.⁵⁸

36. *The Government of South Sudan should:*

- a. *Operationalise the CTRH. The four South Sudanese Commissioners were selected in January 2026, and nominations were completed at the African Union for the three non-South Sudanese Commissioners. However, no names of these Commissioners have yet been announced; they are yet to be approved by the Council of Ministers and must go through Parliamentary vetting before final endorsement by the President.*
- b. *Ensure adequate funding for the CTRH and CRA, dedicating specific funding towards their implementation as survivor-centred Transitional Justice mechanisms. It is essential that before anything else, the CRA’s board is established, “composed of the Seventeen (17) members nominated by their respective stakeholder groups”.⁵⁹*
- c. *Guarantee protection for survivors and witnesses testifying in transitional justice or judicial processes, including through UNMISS’ Women’s Protection Unit.*
- d. *Prioritise domestic justice mechanisms to tackle impunity by allocating an additional budget to the Ministry of Justice which is dedicated to developing localised accountability structures such as mobile courts throughout South Sudan, rather than relying on UNMISS’ support.*

⁵⁴ SUNS, ‘Statement on the next steps to establish the CTRH and CRA’

<www.rightsforpeace.org/files/ugd/b476a0_d608561506f648679f04f4733a52f6b6.pdf> (Juba, 8 February 2025).

⁵⁵ Intergovernmental Authority on Development, ‘Revitalised Agreement on the Resolution of Conflict in the Republic of South Sudan (R-ARCSS)’, Chapter 5.2.4 ‘Rights of Victims and Witnesses’ (12 September 2018)

<www.peaceagreements.org/media/documents/ag2112_5be57be98faf9.pdf> accessed 14 July 2026.

⁵⁶ See: Rights for Peace, The Selection Panel Shortlists South Sudanese CTRH Commissioners, <https://www.rightsforpeace.org/post/selection-panel-shortlists-south-sudanese-ctrh-commissioner-candidates-according-to-the-law>, accessed 16 July 2026.

⁵⁷ Civil society consultation call, 22 May 2026.

⁵⁸ Civil society consultation call, 22 May 2026.

⁵⁹ Compensation and Reparation Authority Act (2024), Article 11(1).

- e. *Establish the Hybrid Court for South Sudan without further delay. The first step should be to finalise and sign the memorandum of understanding with the African Union by the end of 2026.*