



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the initial report of South Sudan\*

#### I. Introduction

1. The Committee considered the initial report of South Sudan<sup>1</sup> at its 2638th and 2639th meetings,<sup>2</sup> held on 1 and 2 September 2022, and adopted the present concluding observations at its 2668th meeting, held on 23 September 2022.

2. The Committee welcomes the submission of the initial report of the State party and the written replies to the list of issues,<sup>3</sup> which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses its appreciation for the constructive dialogue held with the high-level delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the various legislative, institutional and policy measures taken by the State party to implement the Convention, including the Child Act (2008), the Transitional Constitution (2011) and the General Education Act (2012). It also welcomes the progress achieved by the State party in various areas, including the development of a National Action Plan for Children (2020–2024), the South Sudan Development Plan (2011) and the National Strategic Plan aligned with the Sustainable Development Goals (2018–2020). Furthermore, the Committee notes with appreciation the State party's ratification in 2018 of the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, and in 2015 of the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and their respective Optional Protocols.

#### III. Factors and difficulties impeding the implementation of the Convention

4. The Committee is gravely concerned that, despite the signing in 2018 of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, intercommunal violence and armed militias continue to operate with impunity. Climatic shocks, including floods and droughts, economic downturn, mass displacement and disrupted

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\* Adopted by the Committee at its ninety-first session (29 August–23 September 2022).

<sup>1</sup> [CRC/C/SSD/1](#).

<sup>2</sup> See [CRC/C/SR.2638](#) and [CRC/C/SR.2639](#).

<sup>3</sup> [CRC/C/SSD/RQ/1](#).



livelihoods have resulted in severe food insecurity and reduced access to critical services, creating a dire humanitarian situation. The Committee reminds the State party of the continuity of international human rights obligations and that the rights under the Convention apply to all children at all times. The Committee also reminds the State party that it bears the primary responsibility to protect its population and should therefore take immediate measures to ensure children's right to education, health, food, sanitation and to prevent further violence against and abuse of children, urgently releasing children associated with its security forces and providing gender-sensitive and survivor-centred reintegration and assistance programmes to all children affected by armed conflict.

#### **IV. Main areas of concern and recommendations**

5. **The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.**

##### **A. General measures of implementation (arts. 4, 42 and 44 (6))**

###### **Legislation**

6. The Committee notes that the State party referred extensively in its initial report to its Constitutional and statutory framework, including the Child Rights Act and the Bill of Rights set out in the Transitional Constitution, in which the principles and standards set out in the Convention are incorporated into national law, especially with regard to the definition of the child, the principles of non-discrimination and the best interests of the child, and the need to outlaw harmful practices and prohibit the recruitment and use of children by the armed forces and armed groups. However, the Committee is concerned about:

(a) The low level of awareness of the child rights framework among the public, children, parents, teachers and professionals working with and for children;

(b) The continued application of customary laws and traditions that contradict the standards set out in the child rights framework.

7. **The Committee recommends that the State party strengthen community-level awareness of children, parents, the general public, relevant professionals and community, traditional and religious leaders concerning the rights of children, as set out in the Constitutional and statutory framework and clarify that customary law may be applied to children only when it is compatible with the Convention.**

###### **Comprehensive policy and strategy**

8. The Committee notes that, although the State party has developed a National Action Plan for Children (2020–2024), the Plan has not yet been operationalized. It regrets the lack of information on the objectives, targets, timelines and resources allocated for the effective implementation of the Plan.

9. **The Committee recommends that the State party ensure that the National Action Plan for Children (2020–2024) is applicable at the national, state and local levels and that it encompasses all areas covered by the Convention and is supported by mechanisms and sufficient human, technical and financial resources for its effective implementation and coordination with other sectoral plans, particularly in the areas of health, nutrition, education, justice and social protection.**

### Coordination

10. The Committee notes that the Ministry of Gender, Child and Social Welfare is responsible for the implementation of children's rights at the national level and is the lead agency to coordinate implementation of the Convention throughout the State party. Nevertheless, the Committee is concerned that the Ministry lacks the financial and human resources and the capacity to fulfil its mandate, including to ensure effective and systematized coordination with key line ministries at both the national and state levels.

**11. The Committee urges the State party to provide the Ministry of Gender, Child and Social Welfare with the necessary human, technical and financial resources to implement its mandate and to ensure its ability to coordinate all activities relating to the implementation of the Convention at the national, state and local levels and across all sectors.**

### Allocation of resources

12. The Committee is seriously concerned about:

(a) The disproportionate and extremely low percentage of the national budget that is allocated to sectors and institutions relevant to children, particularly when compared with the budget allocated to national security and defence;

(b) Reports of corruption that is diverting oil revenues from spending on public programmes that affect children and depriving them of access to health services, education, proper nutrition and adequate sanitation;

(c) The State party's almost exclusive dependence on international donors and non-governmental organizations to maintain basic services for children such as health, education and social protection in the country.

**13. Recalling its general comment No. 19 (2016) on public budgeting for the realization of children's rights and taking note of target 16.5 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Conduct a comprehensive assessment of the budget needs for the implementation of children's rights and, in particular, allocate sufficient budgetary resources, in accordance with article 4 of the Convention, for the implementation of children's rights, in particular the rights to health, education and a minimum standard of living, and progressively increase the proportion of national resources allocated to these budget lines instead of donor funding;**

(b) **Define budget lines for all children, paying special attention to those in disadvantaged or vulnerable situations that may require affirmative social measures, particularly girls, those in nomadic and pastoral communities, children with disabilities and children without parental care, and make sure that those budget lines are protected even in situations of economic crisis, natural disasters or other emergencies;**

(c) **Uphold the provisions of the Transitional Constitution, which sets out guiding principles for the management of gas and petroleum in the interests of future generations by combating corruption resulting in the diversion of oil revenues from child rights programming, which is also in line with the commitments made by the State party during the third cycle of the universal periodic review.<sup>4</sup>**

### Data collection

14. The Committee acknowledges that the current context of political instability and insecurity presents a challenge to the systematic collection of comprehensive and updated data on the enjoyment of children's rights in the State party. Nevertheless, it regrets that the last comprehensive collection of data on child-focused indicators took place in 2010, as part of the multiple indicator cluster survey.

<sup>4</sup> [A/HRC/50/14](#), paras. 113.96 and 113.98; and [A/HRC/50/14/Add.1](#).

15. **Recalling its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee recommends that the State party:**

(a) **Establish and adequately resource a national platform led by the National Bureau of Statistics to collect comprehensive data on children's rights covering all areas of the Convention, with data disaggregated by age, sex, disability, geographical location, ethnic origin and socioeconomic background, in order to support the monitoring of child-related indicators under the National Development Strategy (2018–2021), seeking technical assistance, as necessary, from development partners such as the United Nations Children's Fund (UNICEF);**

(b) **Ensure that data on children's rights are regularly updated and shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention and its Optional Protocols;**

(c) **Consider the conceptual and methodological framework set out in the guidelines of the Office of the United Nations High Commissioner for Human Rights entitled "Human Rights Indicators: A Guide to Measurement and Implementation" when defining, collecting and disseminating statistical information.**

#### **Independent monitoring**

16. The Committee regrets that:

(a) The Children's Desk established within the South Sudan Human Rights Commission is operational only in Juba;

(b) The independent children's commission provided for in article 193 of the Child Act has not yet been established.

17. **The Committee recommends that the State party:**

(a) **Allocate adequate resources to operationalize Children's Desks within the South Sudan Human Rights Commission throughout the country, ensuring that adequate human and technical resources are dedicated to monitoring children's rights;**

(b) **Expediently establish the independent children's commission, ensuring that it is in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and that it can receive, investigate and address complaints by children in a child-friendly manner, raise awareness among children of their right to file a complaint and ensure that the procedures are accessible, confidential and child-friendly.**

#### **Dissemination, awareness-raising and training**

18. The Committee notes the efforts made by the State party to raise awareness of the Convention. Nevertheless, it is concerned about the low level of knowledge of children's rights, particularly in remote areas and among parents, community leaders and all professionals working with and for children, as well as children themselves.

19. **The Committee recommends that the State party:**

(a) **Strengthen its awareness-raising programmes, including campaigns, in cooperation with civil society organizations, to ensure that the Convention and the Child Act are widely known by the general public, targeting parents, community leaders and prioritizing communities in remote areas;**

(b) **Ensure that all professionals working with and for children, in particular social workers, law enforcement officials, health-care personnel, professionals and staff working with children deprived of a family environment, as well as the media, receive mandatory training on the rights of the child under the Convention;**

(c) **Ensure that human rights education and the principles of the Convention are integrated into the mandatory school curriculum.**

## **B. Definition of the child (art. 1)**

20. The Committee notes that the statutory framework establishing a child as any person under the age of 18 years is contradicted by customary law, which defines a child based on a subjective understanding of physical maturity. The Committee is concerned that this subjective interpretation perpetuates the high rates of child marriage in the country.

21. **The Committee recommends that the State party:**

(a) **Raise awareness about the statutory minimum ages relating to child rights, particularly in remote areas of the country, targeting traditional and religious leaders, community elders, parents and children;**

(b) **Remove all exceptions that allow children under 18 years of age to marry, including under customary law.**

## **C. General principles (arts. 2–3, 6 and 12)**

### **Non-discrimination**

22. The Committee welcomes the statutory equality and non-discrimination provisions for all children. However, it notes with serious concern:

(a) The structural discrimination experienced by girls owing to restrictive social and cultural norms and practices based on patriarchal attitudes and resulting in education and health indicators for girls that are the lowest in the world;

(b) The persistence of discrimination against children in marginalized and disadvantaged situations, including children with disabilities, children living in nomadic and pastoralist communities, children deprived of a family environment, former child recruits and internally displaced children.

23. **Taking note of targets 5.1 and 10.3 of the Sustainable Development Goals, the Committee urges the State party to:**

(a) **End discrimination against girls in all areas of life by ensuring that they are provided with rights and opportunities on an equal basis as boys, paying specific attention to their enrolment and retention in school for the duration of compulsory education;**

(b) **Adequately resource and implement the National Gender Policy (2012) as a road map for gender mainstreaming in all public and private sector policies and programmes;**

(c) **Address disparities in access to all public services for girls, children with disabilities, children living in nomadic and pastoralist communities, children deprived of a family environment, former child recruits and internally displaced children and regularly evaluate these children's enjoyment of their rights.**

### **Best interests of the child**

24. While taking note of the provisions in the Transitional Constitution and the Child Act setting out the principle of the best interests of the child, the Committee is concerned that professionals engaged in determining this principle in legislative, administrative and judicial proceedings, as well as those administering customary law, lack the capacity to implement the principle in practice.

25. **Recalling its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party:**

(a) **Develop guidance on implementing the principle of the right of the child to have his or her best interests taken as a primary consideration in all administrative and judicial proceedings and decisions, as well as in all legislation, policies, programmes and projects that are relevant to, and have an impact on, children;**

(b) **Build the capacity of all relevant persons in authority, particularly judges, educators, social workers and traditional and community leaders, to determine the best interests of the child in every area and to give them due weight as a primary consideration.**

#### **Right to life, survival and development**

26. The Committee is seriously concerned that children are subjected to:

- (a) The death penalty, despite its prohibition by law;
- (b) Death or injury caused by mines and the explosive remnants of war;
- (c) High rates of malnutrition owing to acute food insecurity resulting from climate change-induced extreme weather patterns and exacerbated by armed conflict, noting that starvation has been reported as a method of warfare, including by blocking the delivery of humanitarian aid;
- (d) High rates of infant and child mortality, including from malaria, pneumonia and vaccine-preventable diseases.

27. **The Committee urges the State party to:**

- (a) **Raise awareness about the absolute prohibition of the death penalty in law and sanction any actor responsible for ordering or carrying out the punishment;**
- (b) **Extend the National Strategic Plan for Mine Action (2018–2021), ensuring that it provides for allocation of resources to support: (i) advocacy efforts with all military groups to stop laying mines; (ii) the clearance of mines and explosive remnants of war; and (iii) the provision of care to child victims;**
- (c) **Negotiate safe corridors with all parties to the conflict to allow the unhindered and rapid delivery of humanitarian aid, notably food and medicines, to all children as a matter of priority;**
- (d) **Apply the technical guidance of the Office of the United Nations High Commissioner for Human Rights on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age.<sup>5</sup>**

#### **Respect for the views of the child**

28. The Committee is concerned that little progress has been made to implement the provisions of the Child Act on the right of the child to be heard, to meaningfully participate and express views on matters affecting children and to participate in political or development processes. It notes with particular concern the deep-rooted cultural barriers that prevent children's voices from being heard in families, communities, within broader society, in courts and during administrative proceedings.

29. **In accordance with article 12 of the Convention and recalling its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:**

- (a) **Develop procedures and guidelines for social services and justice professionals to ensure in practice the application of children's right to be heard in all administrative and judicial proceedings concerning them;**
- (b) **Strengthen measures to promote the meaningful and empowered participation of children, particularly children in disadvantaged situations, in the family, community and schools, including by allocating sufficient resources for the implementation of the national guidelines on child participation and developing toolkits for consulting children on national policy issues.**

<sup>5</sup> [A/HRC/27/31](#).

## D. Civil rights and freedoms (arts. 7–8 and 13–17)

### Birth registration and nationality

30. The Committee welcomes the provisions for free and compulsory birth registration set out in the Child Act and the Civil Registration Act (2018). It is, however, seriously concerned that birth registration coverage and issuance of birth certificates in the State party remains extremely low, thereby hindering age verification efforts as a protection measure from risks such as child marriage and recruitment by armed forces and groups and subjecting children to the criminal justice system while they are below the minimum age of criminal responsibility. The Committee is also concerned that children who are unable to prove their identity with a birth certificate have an increased risk of statelessness.

31. **Taking note of target 16.9 of the Sustainable Development Goals, the Committee urges the State party to:**

(a) **Promptly operationalize the Civil Registration Act (2018), including by developing a policy framework establishing responsibility for civil registration at the ministerial level, and clarifying the modalities of registration, paying particular attention to births outside of health facilities;**

(b) **Immediately institute birth registration for newborns and progressively phase out the issuance of age assessments as a substitute for birth certificates;**

(c) **Consider adopting temporary measures, such as mobile birth registration teams, to issue certificates in communities in remote areas;**

(d) **Promote and raise the awareness of parents about the importance of registering children's births;**

(e) **Consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.**

### Access to information

32. The Committee is concerned that children are not informed about issues that affect their rights, including assistance and protection services available to them.

33. **The Committee recommends that the State party ensure that children have access to information and the media by increasing the number of radio stations, Internet facilities and other media outlets throughout the country, including in remote areas.**

## E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

### Corporal punishment

34. The Committee commends the State party for prohibiting corporal punishment in the Child Act. It is, however, deeply concerned that the practice remains socially acceptable and widespread in the State party, despite its explicit prohibition in law.

35. **Recalling its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to implement the legal prohibition of corporal punishment and conduct awareness-raising campaigns for parents, teachers and other professionals working with and for children to promote an attitudinal change within the family and the community about corporal punishment in all settings, and to promote positive, non-violent and participatory forms of child-rearing and discipline.**

### Abuse and neglect

36. The Committee is concerned that child abuse and neglect continue to be committed wilfully and with impunity owing to the low level of knowledge of children's rights among the general population, including parents, community members, justice sector officials and other authorities, and owing to stigma and reprisals if child victims seek help from authorities.

The Committee regrets the low availability of reporting mechanisms, referral services and remedies available to child victims of abuse and neglect, and the absence of any national information management system to systematically collect data on incidents of, or trends in, violence against and abuse, exploitation and neglect of children.

**37. In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and targets 5.2, 16.1 and 16.2 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Raise public awareness of the impact of abuse and neglect of children and strengthen integrated services and referral mechanisms for child survivors of abuse and neglect;**

(b) **Incorporate the management of cases of child abuse and neglect into the workload of social workers and strengthen the information management system to systematically collect data on incidents of, or trends in, violence against and abuse, exploitation and neglect of children in South Sudan;**

(c) **Establish accessible, confidential and child-friendly mechanisms to facilitate and promote the reporting of abuse and neglect of children, including by making reporting mandatory by professionals working with and for children and the general public, and providing protection against retaliation for victims.**

#### **Child sexual abuse and gender-based violence**

38. The Committee is seriously concerned that:

(a) Children continue to experience sexual abuse in the home and in their communities, and sexual violence perpetrated by military and humanitarian actors and government officials providing public services;

(b) Violence against women and girls is normalized and the parties to the conflict target women and children as a form of revenge;

(c) Children living in street situations are exposed to a high risk of abuse;

(d) The insufficient presence of child protection officers and the lack of availability of complaint mechanisms and assistance services, as well as the stigma and discrimination experienced by child victims of sexual violence, has resulted in limited referrals, reporting and documentation of such cases and consequently, limited redress for victims;

(e) Cases decided under customary law often result in compensation for the victim's family or in the victim's forced marriage to the perpetrator;

(f) Boys are deterred from reporting acts of sexual violence perpetrated against them for fear of prosecution under section 248 of the Penal Code (2008) prohibiting same-sex relations;

(g) The State party has not yet operationalized a national 24-hour toll-free children's helpline.

**39. Recalling its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and taking note of targets 5.2, 16.1 and 16.2 of the Sustainable Development Goals, the Committee urges the State party to:**

(a) **Ensure: (i) the multisectoral investigation of and intervention in all cases of sexual violence and abuse of both boys and girls in and outside the home; (ii) the prosecution and punishment of the perpetrators of such acts, including government officials and armed groups, through statutory, not customary courts, and in accordance with international human rights standards; and (iii) the provision of comprehensive reparations for child victims of sexual abuse and gender-based violence;**

(b) **Strengthen the gender-based violence sub-cluster, which aims to coordinate efforts to prevent and respond to cases of gender-based violence, and make accessible integrated services and referral mechanisms for children who are victims of all types of violence, also providing legal aid, medical and psychological support;**



- (c) **Protect children who are victims of all types of violence and their families from reprisals;**
- (d) **Increase awareness among the public about sexual exploitation and abuse and combat the stigmatization of child victims;**
- (e) **Seek technical cooperation from development partners to operationalize a national children's helpline with a view to ensuring its accessibility and availability for all children in the State party.**

#### **Harmful practices**

40. Despite the existence of legal provisions prohibiting harmful customs and traditions, the Committee notes the persistence of:

- (a) Child marriage, a commonly accepted practice, exacerbated by conflict and the coronavirus disease (COVID-19) pandemic as a negative coping mechanism to deal with situations of instability and poverty;
- (b) Female genital mutilation, which is prevalent in the northern border regions;
- (c) Physical marking for tribe identification, including scarring and the removal of teeth;
- (d) Giving girls away as compensation in the settlement of disputes.

41. **Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices and taking note of target 5.3 of the Sustainable Development Goals, the Committee urges the State party to take immediate active measures to:**

- (a) **Adopt an explicit legal provision to prohibit the marriage of all girls and boys below the age of 18 years, ensuring that all adults complicit in arranging or officiating child marriages are prosecuted;**
- (b) **Provide adequate resources to implement the Strategic National Action Plan (2017–2030) to end child marriage;**
- (c) **Provide financial assistance to families in poverty in order to discourage the sale of children in marriage as a form of generating revenue for the family;**
- (d) **Cease the practice of giving away daughters as a form of compensation, and ensure the investigation, prosecution and punishment of perpetrators;**
- (e) **Develop awareness-raising campaigns and programmes on the harmful effects of female genital mutilation and physical markings on the physical and mental health and well-being of girls and boys, targeting households, local authorities, religious and traditional leaders, judges and prosecutors, and bring those who carry out such harmful practices to justice, ensuring commensurate punishment;**
- (f) **Establish protection schemes for victims of female genital mutilation and other harmful practices, encourage reporting of such practices to the relevant authorities and ensure victims' access to social, medical, psychological and rehabilitative services free of charge and to redress, including through international cooperation and assistance.**

#### **F. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))**

##### **Children deprived of a family environment**

42. The Committee is seriously concerned that:

(a) Abuse within the family and poverty have driven many children away from their families, and parental deaths owing to armed conflict, drought and floods have left a considerable number of children orphaned;

(b) The National Policy on the Protection and Care of Children without Appropriate Parental Care is not implemented and there is no support provided to most children without parental care;

(c) There are still very few government-funded social workers in the country, most of whom possess limited education and training, are very poorly paid and lack the resources required to carry out their jobs effectively.

**43. Drawing the State party's attention to the Guidelines for the Alternative Care of Children, the Committee recommends that the State party:**

(a) **Ensure the 1 per cent national budget allocation to social protection programmes, in accordance with the National Social Protection Policy and the National Development Strategy, to support the realization of key social protection initiatives, including a national child allowance programme to enable families living in poverty to take care of their children;**

(b) **Strengthen family tracing and reunification, and family and community-based alternative care mechanisms and finalize the guidelines on foster care;**

(c) **Allocate sufficient human, technical and financial resources to ensure the sustainability of existing measures aimed at supporting children deprived of a family environment, including the Policy on the Protection and Care of Children without Appropriate Parental Care;**

(d) **Increase the number and the salaries of social workers across the State party;**

(e) **Establish appropriate professional education mechanisms for social workers and provide continuous capacity-building to ensure quality social work for child protection cases.**

**G. Children with disabilities (art. 23)**

44. The Committee is deeply concerned that:

(a) Violence against children during the protracted conflict has left many with physical disabilities, psychological stress, trauma and without access to appropriate care and essential services;

(b) Children with disabilities are subjected to discrimination, stigma, abuse and torture, and children with intellectual disabilities are reportedly restrained in the home;

(c) Resource and personnel constraints are persistent barriers to providing inclusive education as provided for in the General Education Act.

**45. Recalling its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to:**

(a) **Implement the National Disability and Inclusion Policy (2013) and allocate adequate resources to ensure that children with disabilities are provided with specialized services, adequate support and assistive devices and that transportation, buildings and facilities are accessible throughout the State party;**

(b) **Conduct awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of, and prejudice against, children with disabilities and promote a positive image of children with disabilities as rights holders;**

(c) **Finalize the strategy for the implementation of the National Inclusive Education Policy, ensuring that adequate resources are allocated to it and that it includes building the capacity of teachers and community representatives in inclusive education methodologies and skills;**

- (d) **Strengthen early detection and intervention programmes and improve specialized health care and age-appropriate rehabilitation;**
- (e) **Consider ratifying the Convention on the Rights of Persons with Disabilities.**

## **H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)**

### **Health and health services**

46. The Committee is seriously concerned that the fragile health system in the country, given the insufficient number of qualified health workers and the lack of availability of medical supplies, presents a significant obstacle to children's access to essential health services. It notes that this situation is compounded, among other factors, by attacks on health facilities by armed groups. The Committee is also concerned about the limited government financing of the health sector, noting the withholding of health workers' salaries and overreliance on non-governmental organizations, which reportedly provide 70 per cent of health services.

47. **Recalling its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and taking note of targets 2.2, 3.1, 3.2 and 3.8 of the Sustainable Development Goals, the Committee urges the State party to increase government spending on health to 15 per cent in accordance with the target established in the Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases, ensuring that health workers are paid on time and funds are allocated to the implementation of health strategies, including the National Health Policy (2016–2026), the National Health Strategic Plan (2017–22) and the Boma Health Initiative to increase access to essential health services in the country.**

### **Adolescent health**

48. In the light of the high number of child marriages, almost one in three (31 per cent) of adolescent girls have already begun childbearing, which is of great concern to the Committee. The Committee is also concerned about the increasingly detrimental effect that drug and alcohol abuse are having on the health of adolescents.

49. **Recalling its general comments No. 4 (2003) on adolescent health and development in the context of the Convention and No. 20 (2016) on the implementation of the rights of the child during adolescence and taking note of targets 3.7 and 5.6 of the Sustainable Development Goals, the Committee recommends that the State party:**

- (a) **Allocate adequate resources to implement the “Ending Unintended Pregnancy” campaign, the reproductive, maternal, newborn and child health and nutrition strategy 2018–2022 and the Every Newborn Action Plan 2019–2023;**
- (b) **Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum;**
- (c) **Ensure that all girls and boys, including those who are out of school and those in remote areas, receive confidential and child-friendly sexual and reproductive health information and services, including access to contraceptives;**
- (d) **Decriminalize abortion and adopt guidelines for comprehensive safe abortion and post-abortion care services for adolescent girls, ensuring that their views are always heard and given due consideration as a part of the decision-making process;**
- (e) **Provide obstetric care for pregnant adolescents to prevent maternal mortality and obstetric fistula;**
- (f) **Take preventive and other measures, including treatment, for children who are exposed to drug and alcohol abuse.**

**Impact of climate change on the rights of the child**

50. The Committee is concerned that the livelihoods and food security of the population of South Sudan are particularly vulnerable to the effects of climate change, given the country's heavy dependence on rain-fed agriculture and its incapacity to cope with extreme weather events, such as floodings and droughts. The Committee notes that decreased crop yields have a particularly negative impact on the nutrition of children, pregnant women and nursing mothers. Furthermore, given the State party's heavy reliance on the exploration and production of oil and gas, the Committee is concerned about the potentially negative effects of those pursuits on the rights of the child.

**51. Taking note of target 1.5 and Goal 13 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Initiate dialogue with communities and local governments on the effects of climate change and build their resilience to those effects, ensuring that children's particular vulnerabilities, needs and views are considered in developing policies and programmes to address climate change and disaster risk management, including in operationalizing the National Environmental Policy (2015–2025);**

(b) **Encourage the use of more efficient irrigation systems and planting of drought-resistant crops, also as a means of addressing conflict among communities over natural resources, including reducing competition over scarce water resources;**

(c) **Increase children's awareness of climate change and environmental degradation by incorporating environmental education into the school curriculum;**

(d) **Conduct environmental and climate change impact assessments of projects that involve exploration for and production of oil and gas to assess their impact on the rights of the child.**

**Nutrition and standard of living**

52. The Committee is seriously concerned about:

(a) The high rates of acute malnutrition and increased food insecurity, exacerbated by the protracted humanitarian emergency, environmental disasters, insecurity caused by armed conflict, poor infrastructure and poor road networks impeding access and delivery of health services, including nutrition;

(b) The limited access to potable water sources and adequate sanitation, noting that, in 2019, an estimated 63 per cent of the population practised open defecation.

**53. Taking note of targets 1.1, 1.2 and 1.3 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Take urgent measures to prioritize children who suffer from severe acute malnutrition and provide them with the necessary health treatment and nutrition services;**

(b) **Systematically collect data on food security and nutrition for children, develop a national multisectoral nutrition strategic plan and regularly monitor and assess the effectiveness of policies and programmes on security and nutrition among children;**

(c) **Prioritize access to clean drinking water, sanitation and shelter, as well as access to, and the availability and affordability of, food, in particular for populations living in remote areas.**

## I. Education, leisure and cultural activities (arts. 28–31)

### Education, including vocational training and guidance

54. The Committee welcomes the provisions made in the General Education Act on free and compulsory primary and secondary education in the State party. However, it is deeply concerned about the:

- (a) The extremely high number of out-of-school children, estimated at 2.8 million in 2022, of which 53 per cent are girls and a disproportionately high number are children from nomadic and pastoralist communities;
- (b) The extremely low enrolment and high dropout rates, particularly among girls owing to the risk of sexual abuse, teenage pregnancy, child marriage, discriminatory traditional and cultural practices, and poverty;
- (c) The very low transition rates from primary to secondary education;
- (d) The very low availability of early childhood education services;
- (e) The limited infrastructure and poor quality of education and the low level of basic literacy and numeracy skills, as well as the negative impact of having English as a language of instruction;
- (f) The COVID-19 and conflict-related closures of schools, which have been targeted, damaged or occupied for military purposes.

55. **Taking note of targets 4.1, 4.4, 4.5, 4.6, 4.a and 4.c of the Sustainable Development Goals, the Committee recommends that the State party:**

- (a) **Provide equal access, especially for children in vulnerable situations, to education regardless of the ability to pay for both direct and indirect expenses, including by stepping up school grants and feeding programmes;**
- (b) **In line with the recommendations made by the Committee on the Elimination of Discrimination against Women,<sup>6</sup> promote the importance of girls' education at all levels as a basis for their empowerment, including by allocating sufficient financial resources from the national budget for the effective implementation of the National Girls' Education Strategy 2018–2022 and the Alternative Education Systems Policy;**
- (c) **Take targeted measures to improve the transition rates from primary to secondary education;**
- (d) **Further strengthen the measures aimed at reducing the impact of having English as a language of instruction, among other factors, by making schoolbooks and materials available in local languages;**
- (e) **Investigate all cases of sexual abuse in schools, end impunity and sanction the perpetrators accordingly, ensure that children have accessible, confidential, child-friendly and effective reporting channels for such violations and that they do not face reprisals for reporting abuse;**
- (f) **Strengthen the quality of education, including by ensuring the availability of qualified teachers, that schools are fully and safely accessible to all and equipped with adequate learning materials, infrastructure and sanitation, especially in remote areas;**
- (g) **Develop and promote high-quality vocational training to enhance the skills of children and adolescents, especially those who drop out of school;**
- (h) **Take measures to improve the learning outcomes of children whose education was disrupted as a result of COVID-19 and conflict-related closures, including through catch-up programmes.**

<sup>6</sup> CEDAW/C/SSD/CO/1, para. 37.

## **J. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)**

### **Refugee and internally displaced children**

56. Noting that the displacement crisis in South Sudan is largest in Africa, with 2.2 million South Sudanese refugees and 1.6 million internally displaced persons, the Committee is seriously concerned about the high number of returning child refugees or displaced children who may be without parental care. It also notes with concern that approximately 8,000 children are registered as unaccompanied, separated or missing nationally and requiring family tracing and reunification.

57. **The Committee urges the State party to:**

(a) **Increase the presence of social workers at the state level to provide returning refugee and internally displaced children with adequate and appropriate assistance, including food, medical and psychological support, and access to education;**

(b) **Prioritize the immediate placement of unaccompanied children in foster care and invest the resources necessary to ensure that all reception facilities are child-friendly, ensuring they conform to minimum standards for reception conditions, psychosocial and integration support, health, welfare and education for children;**

(c) **Strengthen the registration of unaccompanied, separated and missing children in the national Child Protection Information Management System plus database to facilitate the tracing of their families.**

### **Children in street situations**

58. The Committee remains seriously concerned about the high number of children in street situations and the fact that:

(a) They lack access to food, education, health, housing and legal support;

(b) They are often detained for committing petty crimes, which are for them a means of survival;

(c) They are targeted for recruitment into armed forces and groups.

59. **In the light of its general comment No. 21 (2017) on children in street situations, the Committee urges the State party to:**

(a) **Regularly assess the number of children in street situations, update studies on the root causes of their situations, and establish a monitoring mechanism aimed at ensuring they can access food, education, health, housing, alternative care options and legal support;**

(b) **Intensify efforts to provide protection for the rights of children in street situations, including through increasing the number of qualified social workers attending to these children, as provided for in the Policy on the Protection and Care of Children without Appropriate Parental Care;**

(c) **Ensure that the rights of children in street situations are fully respected by law enforcement authorities and that they are not subjected to arbitrary detention or ill-treatment;**

(d) **Develop programmes that facilitate the reunification of children in street situations with their families when possible, considering the best interests of the child, and support their long-term education and developmental needs, including through the provision of psychological support.**

### **Economic exploitation, including child labour**

60. The Committee is seriously concerned about the extent of child labour throughout the country, notably in nomadic and pastoralist communities, noting that children work in farming activities, construction, restaurants, slaughterhouses and at food stands, and are also

engaged in the worst forms of child labour, including in armed conflict, gold mining, brickmaking and cattle herding.

**61. Taking note of target 8.7 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Develop a strategy for the elimination of the worst forms of child labour and the enforcement of child labour laws, provide sufficient resources for the implementation of those laws and provide training for labour inspectors to enforce child labour laws;**

(b) **Build the capacity of first responders to identify child victims of trafficking, including for labour exploitation, and refer them for assistance and protection;**

(c) **Consider ratifying the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Organized Crime Convention.**

#### **Administration of child justice**

62. The Committee welcomes the provisions set out in the Child Act on children in conflict with the law and the establishment of a specific Gender-based Violence and Juvenile Court in Juba. It is, however, concerned that:

(a) Children continue to be arbitrarily arrested;

(b) The minimum age of criminal responsibility, set at 12, is not respected and children are treated as adults in criminal proceedings;

(c) Children are held in pretrial detention for prolonged periods and subsequently imprisoned together with adults and in poor conditions;

(d) Children face justice delivered by professionals who have limited training on child rights and justice for children;

(e) Child defendants, witnesses and victims of a crime are not provided with effective procedural safeguards to protect their integrity.

**63. Recalling its general comment No. 24 (2019) on children's rights in the child justice system and with reference to the United Nations global study on children deprived of liberty, the Committee urges the State party to bring its child justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:**

(a) **Reform the child justice system, ensuring that it is based on restorative practices, including by revising and finalizing the Strategic Framework on Justice for Children and by making the system child-friendly, including by building the capacity of the judiciary and other relevant justice system officials working with children;**

(b) **Enforce the minimum age of criminal responsibility at the national and state levels, without exception;**

(c) **Put measures in place to ensure that children are not treated as adults in judicial proceedings, particularly in cases where they cannot present identity documents;**

(d) **End the overuse of detention in pretrial and post-trial procedures and replace detention with measures such as diversion, probation, counselling and community service, especially for minor offences;**

(e) **In the few situations where deprivation of liberty is used as a measure of last resort, ensure that children are not detained together with adults or in solitary confinement and that detention conditions are compliant with international standards, including with regard to access to education, vocational training and health services,**

**and ensure independent monitoring mechanisms for places where children are deprived of their liberty;**

(f) **Ensure that special protective conditions for hearing a child who is a defendant, witness or victim of crime, such as the mandatory presence of a psychologist, the holding of a single hearing and a hearing in a specially prepared room, are guaranteed for all such children, regardless of their age;**

(g) **Establish an independent children's commission and juvenile courts to hear and determine children's cases, pursuant to sections 192 and 193 of the Child Act.**

#### **Children in armed conflict**

64. The Committee notes the efforts of the State party to prevent all grave violations committed against children, including through implementation of the Child Act, the 2014 joint communiqué signed by the President of South Sudan and the United Nations on addressing conflict-related sexual violence, the Revitalized Agreement on the Resolution of the Conflict in South Sudan (2018) and the 2020 comprehensive action plan to halt and prevent all six grave violations against children in situations of armed conflict in South Sudan. However, the Committee is seriously concerned that:

(a) The practice of recruitment and use of children in armed conflict persists; the United Nations verified in 2021 the recruitment and use of 129 children, 30 per cent of whom had been recruited under the age of 15, by both government security forces and other signatories to the Revitalized Agreement;

(b) A high number of grave violations continues to be committed against children by all parties to the conflict, including killing, maiming, abduction, rape and other forms of sexual violence, torture and ill-treatment;

(c) Schools and hospitals have been targeted, damaged and occupied for military purposes;

(d) The denial of humanitarian access prevents provision of food, medicine and other basic needs to children;

(d) The ongoing armed conflict and presence of armed groups has a negative effect on children's immediate and long-term psychological well-being.

65. **Recalling the recommendations made by the Secretary-General of the United Nations<sup>7</sup> and the Working Group on Children on Armed Conflict of the Security Council,<sup>8</sup> and in line with the commitments made by the State party during the third cycle of the universal periodic review,<sup>9</sup> the Committee strongly urges the State party to:**

(a) **Immediately stop the recruitment of children and release all recruited children, in line with its obligations and responsibilities under international humanitarian and human rights law and the Comprehensive Action Plan to End and Prevent All Grave Violations against Children (2020), allocating sufficient financial resources to swiftly and fully implement the Plan;**

(b) **Ensure child-sensitive disarmament, demobilization and reintegration and, to that end, allocate adequate funding to the National Disarmament, Demobilization and Reintegration Commission as the government institution responsible for demobilization, rehabilitation and reintegration of children associated with armed forces and armed groups and coordinated demining action;**

(c) **Provide all children affected by armed conflict with gender-sensitive and survivor-centred reintegration and assistance programmes, including mental and other health-care services to address trauma experienced owing to armed conflict and violence and address its harmful impact into adulthood;**

<sup>7</sup> [A/76/871-S/2022/493](#) and [S/2020/1205](#).

<sup>8</sup> [S/AC.51/202/1](#).

<sup>9</sup> [A/HRC/50/14](#), paras. 113.101–113.102, 113.106–113.107, 113.192, 113.236–113.239, 113.241, 113.243–113.244 and 113.247; and [A/HRC/50/14/Add.1](#).



(d) **Endorse and implement the Safe Schools Declaration and prevent and condemn the use of schools and hospitals as military bases, which effectively denies children the right to education and to health;**

(e) **Continue to advocate with its security forces and other signatories to the Revitalized Agreement on the Resolution of the Conflict in South Sudan to allow and facilitate safe, timely and unhindered humanitarian access, including the delivery of humanitarian aid;**

(f) **Investigate all cases of child recruitment by the armed forces and armed groups and hold perpetrators accountable, ensuring that victims are provided with remedies, including through the designation of a focal point on children and armed conflict in the Ministry of Justice and through operationalizing the mechanisms provided for in the Revitalized Agreement on the Resolution of the Conflict in South Sudan, namely, the Commission for Truth, Healing and Reconciliation, the Hybrid Court for South Sudan and the Compensation and Reparation Authority.**

#### **K. Ratification of the Optional Protocol on a communications procedure**

66. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol on a communications procedure.**

#### **L. Ratification of international human rights instruments**

67. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments, to which it is not yet a party:**

(a) **The International Covenant on Civil and Political Rights;**

(b) **The International Covenant on Economic, Social and Cultural Rights;**

(c) **The International Convention on the Elimination of All Forms of Racial Discrimination;**

(d) **The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;**

(e) **The Convention on the Rights of Persons with Disabilities;**

(f) **The International Convention for the Protection of All Persons from Enforced Disappearance.**

68. **The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol on the sale of children, child prostitution and child pornography, given that the related report has been overdue since 27 October 2020.**

#### **M. Cooperation with regional bodies**

69. **The Committee recommends that the State party ratify the African Charter on the Rights and Welfare of the Child and cooperate with the African Committee of Experts on the Rights and Welfare of the Child of the African Union on the implementation of the Convention and other human rights instruments, both in the State party and in other States members of the African Union.**

## V. Implementation and reporting

### A. Follow-up and dissemination

70. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented and that a child-friendly version is disseminated to, and made widely accessible for, children, including those in the most disadvantaged situations. The Committee also recommends that the initial report, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

### B. National mechanism for reporting and follow-up

71. The Committee recommends that the State party establish a standing government structure to coordinate and prepare reports to and engage with international and regional human rights mechanisms and to coordinate and track national follow-up to, and implementation of, treaty obligations and the recommendations and decisions emanating from the mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the South Sudan Human Rights Commission and civil society.

### C. Next report

72. The Committee invites the State party to submit its combined second and third periodic reports by 22 February 2027 and to include therein information on the follow-up undertaken with regard to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines<sup>10</sup> and should not exceed 21,200 words.<sup>11</sup> In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the Committee cannot be guaranteed.

73. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents,<sup>12</sup> and paragraph 16 of General Assembly resolution 68/268.

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<sup>10</sup> [CRC/C/58/Rev.3](#).

<sup>11</sup> General Assembly resolution 68/268, para. 16.

<sup>12</sup> [HRI/GEN/2/Rev.6](#), chap. I.