



Convention on the Rights of the Child

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Agenda item 4

Consideration of reports of States parties

Replies of South Sudan to the list of issues in relation to its initial report*

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Part one

Reply to paragraph 2 of the list of issues in relation to the initial report of South Sudan (CRC/C/SSD/Q/1)

Ministry of Gender, Child & Social Welfare (MoGCSW)

1. Responsible for the implementation of the Child Act 2008 & Policy making, at national level and through state Ministries at the grass roots in conjunction with the implementing partners.
2. During the launch of the Child Act, 2008, state Ministers and Director Generals were present and awareness was raised, copies were given to them for dissemination in their various states, counties and payams.
3. Social workers were trained & deployed to disseminate the child Act in the states, counties, payams including the hard-to-reach areas.
4. Police officers were trained on human rights of children and women, more copies of the Child Act 2008 were printed and distributed to the trained police officers deployed at the Special Protection Units (SPUs) at Police stations to use as a way of ensuring that institutions use the law for child protection.
5. Resources, both human and program activities for implementation were both from the government's budget and partners' support.
6. No translation done for the Child Act 2008 in any national language, but at county and payam level during the dissemination sessions, local languages are used to enable communities and community leaders understand the content of the law. In Juba, English and Juba Arabic as well as other local languages are used to disseminate and raise awareness on the Child Act, 2008 and the other relevant laws.

Ministry of Defense & Veterans Affairs (MDVA)

7. The Ministry used the Child Act, 2008 to establish Child Protection Units at the army as well as for developing SPLA Act, 2008 and Punitive Order.
8. In the legal framework, the SPLA Act & Punitive Order supplement the Child Act 2008 as there are provisions on recruitment and other grave forms of violations against children as well as occupation of Schools by the army.
9. The Action Plan Covers all the Forces to the R-ARCSS among others; the SSPDF, SPLA-IO & SOA.
10. There have been established mobile courts at the divisional level and across the country to try such cases relating to children's issues. The courts are guided by the Child Act 2008, Code of criminal procedure Act and the principles therein.
11. At the state level, county and payams levels, panel discussions were conducted with the support of the partners. Awareness raising through radio talk shows by the local actors in either Arabic or other local languages relevant to the local context.
12. Established mobile courts that move/travel to many areas of the country not limited to; Yei, Bentiu, Maridi, Malakal and Bor in the past and of recent.
13. The jurisdiction of this courts is not limited to criminal cases only but child labour related matters once identified and referred to it with an aim of eradicating harmful practices and norms.
14. The states with the implementing partners conduct panel discussions and awareness sessions at the grass roots, on air; radio talk shows in local languages either Arabic or other local languages used by the actors in their local context.

Demobilization, Disarmament & Re-integration Commission (DDRC)

15. The DDRC established a task force that too sought permission from the national Covid-19 task force so as to be allowed to move around the country, educating army officers through awareness raising on grave violations and verification of Children associated with armed-forces and armed groups (CAAFAG).

16. Sensitized forces at the cantonment, Barracks and unified training centers in Eastern Equatoria, Central Equatoria, Upper Nile, Jonglei, Western Equatoria and Western, Bhar el Ghazal.

17. Constituted a Joint verification team, comprising of DDRC, Military and CTFMR / UNMISS with other agencies, and thereafter developed a DDR Policy paper in the year 2011, the DDRC Act, 2011, and DDRC Strategic Plan (2011–2020).

18. The translation is done in the local language (s) during court proceedings and awareness raising in the areas where partners are implementing the activities with the state line ministries like the Ministry of Gender and the Education.

19. The Ministry of Defense established Directorate of Military Justice that handles the (6) Grave Violations of the Child Rights & the Directorate of Child Protection that Conducts awareness to Soldiers in Arabic and other national languages across the country.

Ministry of General Education: (MGE & I)

20. The ministry disseminates and conducts awareness raising & Advocacy of the Child Act, 2008 at the grass roots with the support or in partnership with BBC Action Media to broadcast it in Nine (9) national Languages.

21. The Monitoring of school enrolment is done at the county level by the head teachers.

22. A study was conducted in 2019 to 2020 and the findings revealed a total of 2.8 M being out of School, now plans are underway to reduce this number.

23. On resources and budget, the Ministry did and does Present budgeted activities including children related programmes, despite these financial challenges, most programmes are being supported by partners.

24. There is an established Child Protection units under the directorate of Gender, equity and inclusive education in the Ministry of General Education.

25. There is a need to harmonize the laws, the statutory and customary laws to be precise.

South Sudan Human Rights Commission (SHRC)

26. The Commission has established Child Desks but only at the national level-Juba due to financial resources constraints, this could not be replicated at the state level for the implementation of the planned activities. Hence most of the times, the activities are supported by partners like UNMISS are to *ensure that customary laws and traditions are brought into compliance with the Convention, in particular with regard to the definition of a child as a person under the age of 18, and that customary courts that handle children's issues comply with them and uphold children's rights.*

Ministry of Gender, Child and Social Welfare

27. South Sudan legal framework (statutes & policies) are clear and unanimous on the definition of a child as a person below the age of 18 years. Transitional Constitution of the Republic of South Sudan as amended and the Child Act, 2008 all define child to mean a person below 18 years of age. In furtherance of this and to end child marriage by 2030, there were about thirty-two (32) Chiefs brought and trained in Juba on the laws (legal framework), the Child Act, 2008, Strategic National Action Plan (SNAP) 2017–2030 to end child marriage by 2030. This was conducted in the years 2018 & 2019:

- In the year 2018, the chiefs who came from various states came up with a communique signed as a commitment to end child marriage in their respective states;

- The second conference of the chief brought 10 Chiefs and 10 Director Generals from state ministries of Gender, Child & Social Welfare and 3 Administrative as per the R-ARCSS, and they were trained on the Child Rights and child protection under the legal framework. They thereafter signed a declaration of commitment;
- A civil registry Act 2018 was passed and plans are now under way to roll it out and have it operationalized;
- At the Health facilities, birth notifications and age assessment certificate are issued and recognized at courts;
- No Single national child protection Policy but a child rights national action plan is in place;
- State MOGCSW with partners conduct awareness raising on child rights with reminder on who the child is under the written laws and this is the case even in the courts of law;
- Trainings for legal duty bearers and radio discussions on the rights of a child and whether a child below 18 years can be married is always discussed;
- Capacity building & awareness on the provisions of the Child Act, 2008, justice for children and procedures are always raised and brought to the attention of the participants.

Ministry of General Education (MoE)

28. The definition of a child is in written laws like the child Act, 2008 & the TCSS, 2011 but in some situations, the customs override the written laws and at times, maturity is still defined by a rite of passage/initiation and as a result, girls below 18 years are married off based on the respective customs of their communities.

Ministry of Defence and Veterans Affairs

29. The Military Justice in handling any child related issue takes into account the statutory definition of a child as a person below 18 years in criminal cases, and those referred to juvenile court once they are reported with an administrative action thereafter:

- Any marriage involving a person below the age of 18 is treated as a crime but the major issue is a proof of age in most of the cases where children lack proper documentary proof of age;
- At community level, a child becomes adult once he/she reaches a puberty period and at some points, age assessed can either be reduced or raised depending on the case the child is involved in, therefore, there is a need to have birth registration system and birth certificates issued;
- Developed an action plan- 2009, the revised action plan 2012 with a Recommitment activity in 2016;
- Now a comprehensive Action Plan for all the signatories to the R. ARCSS;
- encompassing the six (6) grave violations as a result of the ratified CRC 1989;
- An Action plan for conflict related sexual violence developed and, in the process, to merge them with the ones of the other forces to the agreement.

Ministry of General Education (MoE)

30. There is a need to harmonize both the statutory and customary laws in the country:

- DDR Policy guided by 2007 Paris Principle, SPLA action Plan, 2009, 2012, 2014 & 2020 under the SCR. 1627 all observe the conventional definition of a child as a person below the age of 18 years;
- This therefore informs the demobilization process as both the Child Act & SPLA Act similarly put the age for recruitment as 18 years and above. It therefore forms the basis for the release of children associated with Arm forces and arm groups.

Ministry of Gender, Child and Social Welfare (MGC&SW)

31. National Action Plan for Children developed but now at the cluster level.
32. Despite budget allocation for these activities, the political crisis and the budget realization becomes a little challenging, most of the activities including the policy funding comes from partners.
33. At the eve of peace implementation, there is an established joint donor and government financial oversight committee with mandate to undertake financial reforms – Public financial Management and accountability per the R-RCSS.

Ministry of General Education (MoE)

34. The ministry used to conduct an Annual Census/Education Information Management System (EMIS) which has not been done this year due to Covid-19 pandemic.
35. EMIS 2018 report captures the data of Children with Disability among others. The EMIS is therefore established at national level but with the plans of decentralization.

Ministry of Finance and Planning (MOF)

36. There is a great need to have a data consolidated in the system.
37. Now data in some institutions is being kept in a raw form, not in an organized system - some have no computers for data entry.
38. In in some institutions and at various levels, a data is manually kept.

Ministry of Health (MoH)

39. At the Ministry, there is established Health Information Management Systems (HMIS) and DHIS2.

Reply to paragraph 3 of the list of issues

40. School closure and a task force got formed to ensure that guidelines & Covid-19 protocols are developed and enforced.
41. There were series and still some awareness raising and washing facilities & protection equipment like face-masks distributions done. There were on air programmes.
42. There was education on air sessions and online programmes with recorded lessons delivered in hard- to-reach areas like Fangak & Mawut.
43. Awareness raising via media houses like BBC Media action on GESS.
44. IEC - Materials developed translated into national languages and disseminated.

Ministry of Gender, Child and Social Welfare (MGC&SW)

45. Children sensitized and made aware, though school attendance has reduced.
46. Now the national Ministry of Education (MoE) has embarked on back-to-school campaigns.
47. MoE - on 19th April 2021 with State Stakeholders adopted the Guidelines for the re-opening of the schools.
48. Survey/school assessment conducted, children and school's management sensitized and disinfected with some preventive Equipment distributed.
49. Books distribution done, initially it was 1-3 & 1-19 for children but now 2.7M BOOKS (a copy to each child, 1:1) printed and transported for the distribution in the states.
50. The books are freely distributed and law enforcement agencies instructed to prosecute those who may be selling them.

51. School Monitoring System (ANA FI) reports daily attendant by the head teachers then to the Ministry.
52. Campaign against the early pregnancy being conducted and carried on across the country.
53. EUP - An early and Un-intended pregnancy (Programme) launched and planned to be rolled out in June to other parts of the country.
54. A total of about Seventeen (17) juveniles Released from the prison, those who were on remand to decongest the detention facility and avoid the spread and effects of Corona-Pandemic.
55. Schools as of now, don't allow kids without face masks on, a preventive measure in place.
56. Street kids (increased) - IDPs & POCs kids were given the masks.
57. There are not established child care centers and the enrolment age is 4 years instead of stipulated 3 in the General Education Act, 2012 for ECD and 6 for primary school (per Education Policy framework 2017–2027) and the General Education Act, 2012 - county officials can fine or sue the parent who refuses a child to go to school. Orphanage assessment Prison (Covid-19) Prevention was conducted and materials were distributed.
58. Increase human, technical and financial resources for the establishment of the Children's Desk within the South Sudan Human Rights Commission.
59. Child Right's desk established but only at national level not in the states due to financial constraints though with some donors or partners support like UNDP inter alia.
60. State Human Rights commissions established and coordinate with the national commission in Juba.

Reply to paragraph 4 (a) of the list of issues

HIV/Aids Commission

61. The statutory laws prohibit any discrimination on any basis or grounds stated above, neither age nor health status can any distinction be made, the TCSS, 2011 & the Child Act, 2008.
62. Machines for testing are available in the country even for dual rapid test & viral load with available ARVs & Family support for all regardless of age and any other distinctive status. There were studies/Stigma index conducted in 2015 and a subsequent National/High level & local advocacy and awareness raising were conducted.
63. The HIV/AIDs Services are available, accessible and free for all the persons living with the virus. The Data collectors have been trained and stigma reduction ensured with assistance across states.
64. IEC & On-air programmes in translated languages (17) in total, short messages which are age appropriate are played on air.
65. Developed a consolidated HIV/AIDs Guidelines to ensure access to such services for children without any distinction.

MoE - Awareness raising on the child's rights to education for all children

66. Ratio distribution by Humanitarian Affairs, all children with disability or any medical conditions get prioritized.
67. HIV/AIDS Clubs established in schools to conduct awareness HIV/AIDs and its effect.
68. Inclusive education Policy developed.
69. Sign Language Dictionary developed in 2015.

70. Now training of teachers on Sign Language is ongoing.

Reply to paragraph 4 (b) of the list of issues

71. Chiefs trained at national level, from various states, 2018 & 2019.
72. Trained on child rights in the Child Act 2008 and the key principles like the best interest of the child in decision making process like in Divorce matters and other varying matters per customs (best interest, age and gender) to be taken into account.
73. Participation of the child and the right to appeal, children access to justice under the law and procedure.
74. Customary courts administrators are sensitized on the child justice system & the jurisdiction of such courts.
75. The issues of early marriage not being in the best interest of the child than education.
76. Translation and amendment of the relevant laws is in plan.
77. Need to have Legal aid services increased in the country.

Reply to paragraph 4 (c) of the list of issues

78. The TCSS, 2011 being the supreme law of the land Prohibits death penalty in article 21, however, there is an observed lack of specialized courts of the first instances across the country.
79. There was a case in 2019 in Nimule where such a judgment was handed down on a male child but appealed against, reversed/set aside and quashed by the court of appeal.
80. Now there is No death sentence in practice but changed to life imprisonment.

Reply to paragraph 5 of the list of issues

81. Ministry of Interior (MoI) with the support of UNICEF, plans to roll out and have the Act operationalized.
82. Now the Birth Notification and age assessments are considered in lieu of the birth certificates.

Reply to paragraph 6 (a) of the list of issues

83. The acts are prohibited within South Sudan legal frameworks.
84. Social workers conduct awareness with partners on child rights and ensure a proper case management system is in place.
85. Awareness raising & training of chiefs on children rights and Genders Based Courses and Effects.
86. Economic related issues identified are referred to other agencies for redress.
87. One-stop center established in Juba.
88. Police- Special Protection Unit (SPU) established across the country.
89. No labour inspection yet but in plans to be scaled up.
90. MoGCSW at State Level. Radio talk shows and community awareness raising are in place to avert the violence against Children.
91. Statutory laws prohibit any forms of violence and GBV against either a child or any person in South Sudan, Policies developed, & Prosecution (SSPDF) & Judiciary doing their work despite some administrative & political challenges.

Reply to paragraph 6 (b) of the list of issues

92. As of last year 2020, a GBV & Juvenile Court established.
93. Establishment of both the Directorate of Child Protection & Military Justice.
94. General Court Martial handled juvenile related matters, where personnel is a perpetrator and now the juvenile matters are referred to the Juvenile court (in the context of Juba).

Reply to paragraph 6 (c) of the list of issues

95. Child Protection working Group formed at the State Level Working Group.
96. GBV Forums in existence.
97. Referral pathway developed and case management related interventions indicated for survivors to be referred to for services.
98. Ministry of Health & MoI, in conjunction with other line ministries and institutions ensures that medical and legal aid services are provided through partners.

Reply to paragraph 6 (d) of the list of issues

99. MoGCSW: although there are no safe homes, some care centers & families serve the same purpose.
100. Established centers in juba for GBV survivors - CCC & Orphanage.
101. Relocation are ensured in line with kinship & families situations.
102. CAAFAG Working Group - Chaired by DDR & Co. chaired by UNICEF (Organizations as members).
103. Prosecution and imprisonment of the perpetrators are ongoing in practice.

Reply to paragraph 7 (a) of the list of issues

104. MoGCSW: developed Strategic National Action Plan (Ending Child Marriage) - state officials brought on the launch.
105. Almost 32 Chiefs trained and educated on the Policy in 2019 & 2020. The team came up and have a communique, a list of action plans to be acted upon and upheld (list of what they are going to do on the Child marriage issues as per the then signed communique (action plans).

Reply to paragraph 7 (b) of the list of issues

106. Strategic National Action Plan & the training of chiefs across the country and the communique.

Reply to paragraph 7 (c) of the list of issues

107. KAP & SNAP (on ending child marriage) conducted and developed.
108. Awareness raising & radio panel talk shows/discussions by the state and partners.
109. Trainings of chiefs carried out.
110. Birth notification & age assessment in absence of the birth certificate are taken into account and considered where there is no birth certificate.

Reply to paragraph 7 (d) of the list of issues

- 111. FGM outlawed under the Southern Sudan Penal Code Act, 2008 & Child Act 2008.
- 112. MoGCSW: Awareness raising & Dissemination of the laws & the Strategic National Action plan (SNAP) on child marriage.
- 113. Some earlier developed By-laws like the 1988 by laws in some regions like Warrap now are still binding.

Reply to paragraph 8 (a) of the list of issues

- 114. MoGCSW: Policy developed but plans to have guidelines developed are in place.
- 115. Families are encouraged to offer foster care.
- 116. Children on the street situation assessment conducted in 2013 & 2014 both in Juba & Wau, this was to know where they are and the categories or courses.
- 117. Placement in the Juba Orphanage after following procedures & other private centers.
- 118. The draft guidelines in the process.
- 119. Institutional assessments in the former six states.

Reply to paragraph 8 (b) of the list of issues

- 120. The National Policy Framework - Taskforce formed.
- 121. Child Support Grant & the Child Foster Families grant yet to be implemented.
- 122. Line ministries and in coordination of humanitarian affairs, Save the Children and other implementing partners to offer support programmes to vulnerable.
- 123. Like in other parts of the country, Wau, Torit there are social protection programmes for Children under 5, Ministry of Education (MoE) and Sustainable Children Aid Support Street Children & Families in the market place.
- 124. There are about 20 Institutions in Juba taking care of children though they are not meeting the Minimum standards.

Reply to paragraph 8 (c) of the list of issues

- 125. There are family and re-unification (FTR) coordinated by the state and other concerned agencies for UASC & Orphans as well as street children.
- 126. While conducting tracing issues of interim care centers like Confident Children out of Conflict (CCC) is still an issue but with the existence of some like CCC, interim care services are provided.
- 127. Staff recruitment & training has been ensured.
- 128. Demobilization by DDR for CAAFAG encompasses children's role, where they themselves do assist sometimes in the identification and tracking of their caregivers.
- 129. DDR: observed and uses now transit facility (FTC) as some children may opt to remain in the Interim care center for the want of services, the Process is speeded up and the family or relatives are traced.
- 130. The community based alternative care is encouraged, then comes application & legal advice, then the assessment by the social workers, in this context, a family-based care is prioritized over institutionalization.
- 131. Where conflict related separation & Orphanage issues arise, an orphanage care & School programme are being offered in Juba.

Reply to paragraph 8 (d) of the list of issues

- 132. There are draft guidelines for the orphanage and care centers - to meet the standards.
- 133. Centers identified and assessed.

Reply to paragraph 8 (e) of the list of issues

- 134. The family support (relatives) for the identified vulnerable children.
- 135. The aged, the disabled, under 5 Children & Female headed Households are identified and supported.

Reply to paragraph 9 (a) of the list of issues

- 136. Boma Health Initiatives (the least administrative unit after payam) are set up and community mobilization regardless of the status is taking place.
- 137. Expansion of the Health (Strategy) Community Health communities & Health Promoters in the communities.

Reply to paragraph 9 (b) of the list of issues

- 138. Expectant mothers/Women are encouraged to attend the anti-natal care centers almost 9 times during the pregnancy period.
- 139. There are grants for the under 5 children programmes with the support of the partners.
- 140. Nutritional support and care are offered.
- 141. HIV/AIDS - people are encouraged to be attended for general checkups (Status checkup) 4x times & treated when diagnosed positive.

Reply to paragraph 9 (c) of the list of issues

- 142. Immunization centers & Anti-natal care centers setup and they are the entry points for the HIV & AIDs testing including rapid test programmes.
- 143. Now testing machines are available in Juba for the HIV tests and at no cost.
- 144. Other care and support measures like PSS and ARVs are in the hospital for free.
- 145. Viral load is for all free of charge.
- 146. Prevention measures - awareness & distribution.

Reply to paragraph 9 (d) of the list of issues

- 147. The Preventive measures include but not limited to awareness raising.
- 148. Counselling and provision of protective and preventive measures like Condoms inter alia.
- 149. MoE: EUP: Curriculum integration.
- 150. Trainings are now on going for Teachers on Comprehensive Sexuality Education) (CSE) Programme.

Reply to paragraph 9 (e) of the list of issues

- 151. Urban water installation in progress.

152. Hand pumps installation in schools is being carried out to address the issue of lack of access to water and the uses of clean and safe drinking water.

153. MoE: Borehole's installation in schools, Procurement is in progress however the Covid-19 issue hindered the progress.

154. Cost & distance for collection remain the issues. MoE advocating to partners to provide.

155. Access still an issue in most of the remote areas, reaching water levels is a challenge where an installation of the water pumps is recommended.

156. Filters distributed in Reformatory School by the MoGCSW.

Reply to paragraph 9 (f) of the list of issues

157. Campaigns for trees planting are ongoing on air and through Juba radio programmes so as to change the environment and avoid deforestation.

158. Stove usage meant for reducing the charcoal usage.

159. Garbage collection & waste recycling encouraged.

Reply to paragraph 10 (a) of the list of issues

160. MoE: Gen Education Act, 2012 stipulates that education is Free & Compulsory.

161. Curriculum, printed & distributed, previously 1-19 but now 1-1 text book per a child or student.

162. Girls: Gender thematic Working Group meetings are conducted weekly but once in a month with the partners, some are from the states.

163. Stressed the need to have strong gender directors in the state & they should replicate at the state with the report to the national ministry.

164. The 7th July is an advocacy day on education, issues of non-discrimination and education being a right of all are emphasized.

165. There is a developed Curriculum for pastoralists, Alternative Education developed and teachers trained.

166. Policy developed, to be launched in June on Children with disabilities.

167. Support grant for girl's child, Primary & Senior Students Conditional cash programme with the partners is in progress.

168. African Development Bank supported the re-construction of the then destructed classes.

169. Improved schools' environment and training of teachers on the new curriculum, and the need/necessity of having a school facility with washrooms.

170. Girls Education Policy: in place however, reliance is on the General Education Act, 2012.

171. Pregnancy, not a ground for discrimination or dismissal: Policy on Girl Child education.

172. However, the general annual review meeting passed last year 2020. There were about 11 school going girls who became pregnant during the pandemic lock-down but were assisted to sit for their final exams.

Reply to paragraph 10 (b) of the list of issues

173. Awareness and advocacy programmes for the child right to education.

174. Grant support to girls and the most vulnerable children are being offered.

Reply to paragraph 10 (c) of the list of issues

175. Reconstruction initiatives with the support of the donors are ongoing.

176. Building with partners though more support is needed.

Reply to paragraph 11 (a) of the list of issues

177. The legal framework, Laws enacted and ratified (Refugee Act 2012 & Child Act, 2008) are protective and progressive on the issues of Children and refugees as those in a vulnerability category with the need for support.

178. Activities relating to Refugees and IDPs are coordinated by the state with the partners. Example: UNHCR, IOM & CRA with the support of the National Ministry of Humanitarian Affairs and Relief & Rehabilitation Commission (RRC) in particular.

179. IDP draft laws in progress and the Great Lakes Protocol on the IDPs signed.

180. HIV/AIDS COMMISSION: Lab services available and accessible for all regales of nationality and other distinctive status.

181. Refugee facilities are using national guidelines even for services they receive.

182. Supplementary foods are given to support the identified vulnerable children regardless of nationality.

183. Health education on reproductive health system for all.

MoE: Collaborate with UNHCR

184. The Declaration signed in Djibouti on equal access to services.

185. Now refugee children are enrolled in EIMS and they are too offered PSS, Teachers are absorbed into the systems with the support of UNHCR.

186. Taught the same curriculum.

Reply to paragraph 11 (b) of the list of issues

187. There are now established Child Help desks.

188. Assessment in 2013 & 2019 on the situation children on the streets by MOGCSW.

189. MoL. ILO convention (182 & 138) on Minimum age & Worst forms of Child Labour are ratified, inspection, regulations not yet in place but considered to be of great importance.

Reply to paragraph 11 (c) of the list of issues

190. Laws prohibiting such acts enacted, the Labour Act 2017, Child Act 2008.

191. SPLA Act, 2009 (18) prohibits and punishes such acts and the Ministry of Defence has established the Directorate of Child Protection & Military Justice (Mobile Courts) to prosecute and try perpetrators.

192. The Punitive order of 2013 supplements the SPLA Act, 2009 & the Child Act for the prevention and prosecution of any grave violation of the child rights.

193. Mobile Courts established and, in most cases, punishment passed on Sexual Violence (GBV) in total about Six (6) cases heard and determined.

194. Orders to be issued to the Military Courts as per the (Court) - responding to all forms of crimes against children.

195. Mobile Court launching to be conducted soon (Military Justice) Directorate for Military Justice while adherence to command responsibility is ensured for accountability with the jurisdictional matters considered.

196. Safety and accommodation for the GBV Survivors is offered by some institutions like the Confident Children out of Conflict (CCC).

197. There are now established almost 17 -SPUs across the country.

198. There are about 10–11 Stop centers for Case management services like Medication, PSS & access.

199. GBV & Juvenile court established and operational though only in Juba, cases delay & lack of legal aid still observed.

Reply to paragraph 12 (a) of the list of issues

200. Ministry of Interior (MoI), Ministry of Justice (MoJ) & Ministry of Health (MoH) coordinate and hence, age assessment certificate is acceptable in the absence of the birth certificate as is the common case in South Sudan.

201. There are other acceptable modes of age determination, both the empirical and social & political events like wars and other calamities.

Reply to paragraph 12 (b) of the list of issues

202. The statutes like the Penal Code Act, 2008 & the Child Act 2008 both put the minimum age for criminal liability to be 12 years.

203. Efforts have been made to have the customary courts actors know and adhere to the statutes.

Reply to paragraph 12 (c) of the list of issues

204. The Child Act & the Prison service Act provide for non-detention of minors with adults in the detention facilities, however, this practice is still in place in the state prisons where there are no enough facilities among other factors.

205. Social workers have been deployed to monitor at the police stations.

206. Detention Monitoring in Juba, conducted by partners and Ministry of Justice, department of Women and Juvenile Justice (DW& JJ) with the support of UNICEF.

207. Prison wardens trained and supported as child protection officers where there are no reformatory schools established, now there are only 2 reformatory schools in Juba & Wau that are operational.

208. Special Protection Units (SPU) established across the country.

Reply to paragraph 12 (d) of the list of issues

209. Penal Code & Child Act 2008 all stipulate that; detention or denial of liberty can only be a measure of the last resort and on serious crime only where alternatives to arrest are not practical.

210. Diversion programme not yet in practice though tried out in Malakal & Wau but ended due to several factors like crisis among others.

211. Family Conferencing & Mediation for minor offences are encouraged and preferred to Pre-trial detention. The right to legal representation and right to bail are being communicated and advocated for in the country through justice for children forums.

- 212. Mobile Court established and detention monitoring being by Ministry of Justice and others with the support of UNICEF in Juba.
- 213. Special Protection Units (SPU) established in the country and across the states.
- 214. Legal Aid support for the survivors and juveniles, South Sudan Law Society (SSLS) and other international and local agencies are offering these services and community is encouraged to explore the existed services.

Reply to paragraph 13 (a) of the list of issues

- 215. Legal awareness of the forces is ongoing across in the barracks and the cantonment sites across the country.
- 216. Ministry of Defence through Chief of SSPDF issued Punitive measures & Order to curtail the criminal acts committed by its forces.
- 217. The Unnecessary check points have been removed.
- 218. Escorts are provided along the roads where the delivery of the humanitarian services are meant to be in the country.
- 219. Accountability and prosecution for the breach of laws and orders are enforced by the court Martial.
- 220. Standing Orders on the check points stresses more on liability on Command chains or orders, especially where there are illegal check points.
- 221. SSPDF - Comprehensive action Plan (On six grave offences/violations) covered; implementation started but hindered by Covid-19.
- 222. NDDR - Commission chairing the technical committee, National & 9 State Technical Committees - to oversee the action plan.
- 223. Directorate of Child & Military Justice established and operational.

Reply to paragraph 13 (b) of the list of issues

- 224. The legal framework prohibits and the forces are sensitized on the laws and the punitive measures.
- 225. Directorate of Child Protection established in the Ministry of Defence.
- 226. In every Division, there is a head of Child Protection.
- 227. DDR & agencies work in hand with the state level authorities.
- 228. Revised Action Plan, Awareness raising & Punitive Oder are being carried out and in place.

Reply to paragraph 13 (c) of the list of issues

- 229. SPLA Act, 2009 & the Revised Action Plan Prohibits the grave violations against children.
- 230. DDR with partners on the course and coordinate the identification and release of the demobilized children across the country.
- 231. The SSPDF treats these issues/of children/CAAFAG as matters of urgency once identified.
- 232. Country task force, comprising of UNMISS & UNICEF established and Supports Movement of the DDR Members in the country.
- 233. Re-integration processes with the Partners (FTR & PSS) with non-discrimination in access to services.

234. MoE: Accelerated Learning Programme (ALP) for the demobilized children is in place and accessible.
235. Trainers have been trained and support is given.
236. Vocational training Manual developed.
237. DDR: Release but never re-integrated as the issue of accessible educational services till an issue in some places across the country, no boarding schools or some have no places of accommodation when they are re-integrated.

Reply to paragraph 13 (d) of the list of issues

238. SSPDF: National legal framework including the Transitional Constitution, 2011 as amended prohibit and outlaw any act of a violent and exploitative form against a child, hence.
239. The Punitive order developed and shared in the Divisions across the country.
240. All these laws and the orders are therefore, explained to the forces at the states level (prevention and they are warned on their perpetration).
241. There has been no observed or reported recruitment since 2016 and after the signing of the R-ARCSS.
242. Military Justice & Mobile courts established to coordinate and prosecute those involved in the commissioning of the children related offences.
243. End the use for military purposes, and the destruction of, hospitals and schools. SPLA Act 2009 and the Punitive Oder prohibit the acts not limited to school and hospital destruction but also occupation. The 4 Command Orders cover the issues of the occupation inter alia R-JMEC the Monitoring Mechanisms is observant on these concerns.

Part two

Reply to paragraph 14 (a) of the list of issues

244. The Civil Registry Act for registration of birth, deaths, divorce and marriages.

Reply to paragraph 14 (b) of the list of issues

245. Introduced by the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, 2018 (R-ARCSS). Example:
- Ministry of Federal Affairs;
 - Ministry of Peacebuilding;
 - Commissions.

Reply to paragraph 14 (c) of the list of issues

246. NDS (National Development Strategy).
247. Guidelines for Orphanages in progress.

Reply to paragraph 14 (d) of the list of issues

248. Convention of Persons with Disabilities.
249. Convention on Stateless Persons.

250. Optional Protocol of the Women in Africa of the African Charter on Peoples and Human Rights.

Part three

Data, statistics and other information

Reply to paragraph 15 of the list of issues

251. Record and data are not available but will be provided at a later date on the following.

Reply to paragraph 16 (a) to (j) of the list of issues

252. Note: The requested data will be provided on questions(a) to (j) after the Ministry of Gender and Social Welfare assessment report is completed released, later or early next year, 2022.

Reply to paragraph 17 (a) of the list of issues

253. Military Justice & SSPDF (6) on sexual related offences prosecuted and sentenced both in Yei (4) and Juba (2) for 7–10 years imprisonment and awards for damages and other related costs incurred.

Reply to paragraph 17 (b) of the list of issues

254. Following the joint verification in 2018 (955), the year 2019 (240) and late May 2020 (41), a total of 1,236 children got identified through DDR & Partners, they were therefore identified to have been associating with the Armed Forces & Armed Groups at many places of the country; Giada, Yambio, Mirmir (Unity State), Wunaliet Contentment site (NBeG) and Rejaf Training Center.

Reply to paragraph 18 (a) of the list of issues

255. No unified data in place - there is still an existing information gap - the little that is there is not comprehensive and does not reflect the country's data.

Reply to paragraph 18 (b) of the list of issues

256. Juba Orphanage & only other (17) Care centers.

Reply to paragraph 18 (c) of the list of issues

257. No central/data - maybe the court may avail.

258. MoGCW is sometimes the last on foster care and adoption with CCC after the legal process have been completed.

259. There is observed issues with a filling system - at the institutional level, there is a need of unifying and recording any relevant information of every child in contact with the said institution.

Reply to paragraph 19 (a) of the list of issues

260. No Unified national data on children with disabilities.

261. Since 2008–2009 Census, there are no statistics but Associations/UNION can be contacted- other institutions like Sartuna among others.

Reply to paragraph 19 (b) of the list of issues

262. Per the 2018 EMIS assessment report by the Ministry of Education (MoE), there were reported 12,931 (M 7471 & F5460) disabled pupils enrolled and attending primary schools in South Sudan, therefore, there were no other reports for 2018 & 2020 due to Covid Pandemic.

263. The same report, EMIS 2018 indicates that a total of 702 Students with disabilities across the country; Central Equatoria (98), Lakes State (117), Western Bhar El Ghazal (122), Western Equatoria; (73), Upper Nile (4) & Warrap State (97) among others.

Reply to paragraph 19 (c) of the list of issues

264. MoE: the 2018 Assessment report.

Reply to paragraph 19 (d) of the list of issues

265. No record available.

266. Can too be extracted from Sartuna & SVC.

267. JTH (one stop center).

Reply to paragraph 20 (a) of the list of issues

268. No unified data available at this time.

269. UNICEF is now Supporting Ministry of Justice on data collection.

Reply to paragraph 20 (b) of the list of issues

270. No Diversion programmes in place or MoGCSW & UNICEF.

271. But there is an ongoing pilot programme in Malakal & Wau.

Reply to paragraph 20 (c) of the list of issues

272. There is no unified data available at the time.

Reply to paragraph 20 (d) of the list of issues

273. There is no unified national data available at the time serving a sentence in detention.

Reply to paragraph 21 of the list of issues

274. All actors have programmes in line with the SGD & Monitored thereto.

275. Programmes aligned to nation building agenda.

276. All actors: Eg. Right to Birth Registration in line with SGD: 16 and monitoring.

277. DDR is doing much on the child release programmes (CAAFAG) based on the laws and ratified relevant treaties.

278. MoGCSW: Observing Children Day like African Child Day where children's Participation is ensured.

279. MoD: Establishment of Directorates of Child Protection & Military Justice, Mobile Court.

HIV/AIDS Com: 19,000, Children with HIV aids detected and supported

280. Machines that detect (one) Machine in Juba for easy access and timely testing.

281. Provisions of Scholastic Materials.

282. Drugs (ARVS) provision for all including the children.

283. DDR: has been advocating for school enrolment & Vocational activities for the demobilized children and the employment placement subsequently.

Reply to paragraph 22 of the list of issues

284. DDR on the released children as of May 2020 has identified and released a total of about 1,236 children associated with the armed forces and the armed groups.

285. Enactments, e.g. The Civil registry act & Birth Registration roll out programme.

286. Foster care issues not reflected in the earlier.

287. Street Children Situation report to be availed.

288. There has been establishment of the GBV & Juvenile Court in Juba in 2020.

289. Detention Monitoring programme by DW & JJ (MoJ) now on going with the support of UNICEF.

290. Formation or Re-constriction of the R-TNLA.

291. DDR: assessment of the cantonment sites; Awareness raising.

292. Joint verification and assessment conducted where about 1,236 children were identified and released.

Reply to paragraph 23 of the list of issues

293. Peace & Security so as to ensure a meaningful access to services.

294. Economic Situation/ Financial and human resources (labour inspectors and social workforce) to be increased and working conditions improved.

295. Despite the legal prohibition, there are still harmful cultural practices & Child Labour (inspection) still not in force - the need to increase and support a reasonable No. of labor inspectors.

296. Infrastructure & facilities like reformatory schools & GBV & Juvenile Courts, schools and detention facilities needed in the states.

297. Skilled Human Resources (Social workers and specialized Judges).

298. Child Marriage & other harmful cultural practices still in practice.

299. Food Security & Peace, Conflict & displacement affect the wellbeing of children across the country.

300. Lack of day care centers (MoE & MoGCW) - Age of enrolment is 3 years under the Gen. Education Act 2012 but not the case in practice.

301. Water supply and Power Supply still remains a challenge.