

**Universal Periodic Review**  
**(26<sup>th</sup> session, October-November 2016)**  
**Contribution of UNESCO to Compilation of UN information**  
**(to Part I. A. and to Part III - F, J, K, and P)**

**South Sudan**

**I. BACKGROUND AND FRAMEWORK**

**Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO**

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Not state party to this Convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	N/A	N/A	N/A	Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	N/A	N/A	N/A	Right to take part in cultural life
Convention on the Protection and				

Promotion of the Diversity of Cultural Expressions (2005)	N/A	N/A	N/A	Right to take part in cultural life
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## **II. INPUT TO PART III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS, TAKING INTO ACCOUNT APPLICABLE INTERNATIONAL HUMANITARIAN LAW TO ITEMS F, J, K, AND P**

### **Right to education**

#### **1. NORMATIVE FRAMEWORK**

##### **1.1. Constitutional Framework**

1. The **Bill of Rights of the Transitional Constitution of the Republic of South Sudan (2011)**<sup>1</sup> enshrines the right to education in **Article 29**:
  - i. “(1) Education is **a right for every citizen** and all levels of government shall provide access to education **without discrimination** as to religion, race, ethnicity, health status including HIV/AIDS, gender or disability.
  - ii. (2) All levels of government shall promote education at all levels and shall ensure **free and compulsory education at the primary level**; they shall also provide free illiteracy eradication programmes.”
2. **Article 6 (2)** establishes “English [...] as the language of instruction at all levels of education.”
3. On the **rights of the child**, **Article 17 (1)** states: “Every child has the right:
  - i. (c) to know and be cared for by his or her parents or legal guardian;
  - ii. (d) not to be subjected to exploitative practices or abuse, nor to be required to serve in the army nor permitted to perform work which may be hazardous or harmful to his or her education, health or well-being;
  - iii. (e) to be free from any form of discrimination;
  - iv. (f) to be free from corporal punishment and cruel and inhuman treatment by any person including parents, school administrations and other institutions; [...]”
4. Concerning the **rights of persons with special needs**, **Article 30 (1)** establishes that “All levels of government shall guarantee to persons with special needs participation in society and the enjoyment of rights and freedoms set out in this Constitution, especially access to [...] suitable education [...]”.

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<sup>1</sup> [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=250715](http://www.wipo.int/wipolex/en/text.jsp?file_id=250715)

<http://www.unesco.org/education/edurights/media/docs/737fd7f9f1be5bf96febeff84327d8283d0d1a02.pdf>

5. **Concerning education, science, art and culture, Article 38** provides:

- i. “(1) All levels of government shall:
  - a. promote education at their respective levels to create the necessary qualified cadres for development;
  - b. mobilize public, private and communal resources and capabilities for education and promotion of scientific research geared towards development; [...]
  - c. recognize cultural diversity and encourage such diverse cultures to harmoniously flourish and find expression through education and the media; [...]
- ii. (2) The National Government shall:
  - a. guarantee academic freedom in institutions of higher education and protect the freedom of scientific research within the ethical parameters of research and as shall be regulated by law; and
  - b. endeavour to avail the necessary financial resources to make education affordable at secondary and higher levels, including technical and vocational training, in order to bridge the educational gap caused by the collapse of educational services during the years of conflict.
- iii. (3) Every person or group of persons shall have the right to establish and maintain private schools and other educational institutions at all levels in accordance with the conditions and standards prescribed by law.”

6. Under **Article 146 (1)**, one of the **functions of the Human Rights Commission** is to: “[...] (d) establish a continuing programme of research, education and information to enhance respect for human rights and fundamental freedoms.”

7. Under **Article 165 (6)**, one of the objects of local government is to “(d) promote and facilitate civic education [...] (f) promote self-reliance amongst the people through mobilisation of local resources to ensure the provision of health and educational services to communities in a sustainable manner [...].”

8. The exclusive executive and legislative powers of a state include “pre-school, primary and secondary education” (**Schedule B, paragraph 19**). The National and state governments shall have legislative and executive competencies on, among others, “tertiary education and scientific research” (**Schedule C, paragraph 2**).

## **1.2. Legislative Framework**

9. **The Child Act 2008<sup>2</sup>** provides for the right to education in **Article 14**:

- i. “(1) Every child has the right to free education at primarily level which shall be compulsory.
- ii. (2) Every child has the right to education regardless of the type or severity of the disability he or she may have.”

10. **Article 9** states:

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<sup>2</sup> <http://www.unesco.org/education/edurights/media/docs/c6c91ea0b59c807506f49ea280174e144b2265e8.pdf>

- i. “(1) A child shall not be discriminated on the basis of his or her parent’s or guardian’s gender, race, age, religion, language, opinion, disability, HIV positive or health status, birth status, custom, ethnic origin, rural or urban background, socio-economic or political status, refugee status, criminal record or any other status.
- ii. (2) Any person who discriminates against a child or his or her parents or guardians in contravention of this section commits an offence, and upon conviction, shall be sentenced to imprisonment for a term not exceeding one year or with fine or with both.”

11. **Article 39 (1)** states “Parents have duties and responsibilities, whether imposed by law or customs to each of their children without discrimination which include the responsibility to—

- i. (b) protect their children from neglect, discrimination, violence, abuse, exploitation, exposure to physical and moral hazards and oppression;
- ii. (c) provide good guidance, care, assistance and maintenance to ensure survival and development;
- iii. (d) ensure that their children receive full time education suitable to their ages, ability and aptitude; and
- iv. (e) to any special education needs they may have by regular attendance at school, ensuring that during any absence, alternative care is to be provided by a competent person.”

12. **Article 18** provides “Every child has the right to religious education and instruction, subject to appropriate parental guidance.”

13. **Article 26** on the Rights of the Female Child states:

- i. “(1) Every female child has a right to be protected from sexual abuse and exploitation and gender-based violence, including rape, incest, early and forced marriage, female circumcision and female genital mutilation.
- ii. (2) Every female child has the following rights—
  - a. the right of equal participation on a non-discriminatory basis as partners with a male child in social, economic and political activities; [...]
  - b. the right to develop their full potential and skills through equal access to education and training
- iii. (3) No female child shall be expelled from school due to pregnancy or motherhood or hindered from continuing her education after one year of lactation.”

14. Regarding the Child and Armed Conflict, **Article 31** stipulates:

- i. “(1) The minimum age for conscription or voluntary recruitment into armed forces or groups shall be eighteen years.
- ii. (2) The Government shall ensure that no child shall be used or recruited to engage in any military or paramilitary activities, whether armed or un-armed, including, but not limited to work as sentries, informants, agents or spies, cooks, in transport, as labourers, for sexual purposes, or any other forms of work that do not serve the interests of the child.
- iii. (3) The Government shall provide protection, rehabilitation, care, recovery and reintegration into normal social life for children formerly associated with armed

- conflict including children from regular and other armed groups and children victims of armed conflict, having due regard to the special needs of girls and their dependents.
- iv. (4) Where armed conflict occurs, the Government shall ensure that children’s rights are protected in accordance with the provisions of this Act and international humanitarian law.”

### 1.3. Policy Framework

#### i) General information

15. Decades of war have affected every aspect life including educational opportunities. For instance, “school buildings were burned down; teachers and students became either freedom fighters or refugees; and teacher training institutes and universities were forced to close. Generations have been deprived of their basic human right to education”<sup>3</sup>.
16. The GRSS [the Government of the Republic of South Sudan] set out a ‘road map’ **7 Strategic Goals in** order to prioritize some of the many needs that the South Sudan education system faces were identified. The Strategic Goals are as follows:
- i. To increase access to general education and promote equity;
  - ii. To improve the quality of general education;
  - iii. To promote adult literacy to significantly reduce adult illiteracy in the country;
  - iv. To build institutional and human capacity at the three levels of the government to facilitate implementation of education reforms;
  - v. To increase funding for general education to support implementation of the Action Plan;
  - vi. To promote partnership working among stakeholders throughout the country and
  - vii. To monitor and evaluate the implementation of the GESP [General Education Strategic Plan 2012-2017]. These strategic goals aim to address the key challenges facing the education system in the Republic of South Sudan today”<sup>4</sup>.
17. “As the South Sudan Development Plan (SSDP) sets the framework for national development over the coming years, so **The General Education GESP, 2012-2017**, hereafter referred to as the **GESP**, sets the framework for the development of the education sector for the period up to 2017. The SSDP ensures that the four pillars of the development strategy – Governance, Economic Growth, Social and Human Development, Conflict Prevention and Security – lay the foundations for national development, and while these provide the unifying structure of government policy, the GESP, through its Strategic Goals to lay the foundation of a dynamic education sector, responding to the needs of the nation of South Sudan.”<sup>5</sup>
18. “The **GESP[General Education Strategic Plan]** for South Sudan is founded on international education goals and principles. Specifically, it is founded on the universal

<sup>3</sup> National EFA Review 2015 on South Sudan, <http://unesdoc.unesco.org/images/0023/002316/231645e.pdf>, p. 15

<sup>4</sup> National EFA Review 2015 on South Sudan, <http://unesdoc.unesco.org/images/0023/002316/231645e.pdf>, p. 12

<sup>5</sup> Ministry of General Education and Instruction, General Education Strategic Plan 2012-2017 – Promoting Learning for All”, Juba, 2012, [http://planipolis.iiep.unesco.org/upload/South%20Sudan/South\\_Sudan\\_General\\_Education\\_Plan\\_2012\\_2017.pdf](http://planipolis.iiep.unesco.org/upload/South%20Sudan/South_Sudan_General_Education_Plan_2012_2017.pdf), p. 13

human right to education, and, as such, the GESP embraces the goals and objectives of the EFA declaration, though acknowledging that because of South Sudan's inherent problems, **the goal of 2015 is not feasible**. The nation has set 2022 as the target for achieving the EFA and Millennium Development Goals (MDGs) and achieve a fully literate society by 2040. All of these rights are embedded in the Transitional Constitution of 2011, which guaranteed, 'free and compulsory education at the primary level'. A number of core priorities for education were identified during the national development planning process. These SSDP objectives form the foundation for determining a more focused GESP and objectives in each of the Strategic Goals. However the data to achieve these targets has been revised for the GESP due to institutional and human capacity challenges at all levels of the education system. A number of challenges have already been identified as having a significant effect on the Ministry's abilities to meet the public's demand for education services. To attain its strategic objective, "to ensure equitable participation in a rapidly expanding and quality education system, geared to promoting sustainable development throughout South Sudan," the MoEST has adopted seven Strategic Goals in the GESP for 2012 – 2017. The sections below identify how those challenges are addressed by specific strategies under each of the seven Strategic Goals outlined below"<sup>6</sup>.

19. "The **South Sudan Education Sector Review** revealed that there are 51,000 education staff working in the ten states, 20,000 of whom are not on the payroll. Staff members are not distributed across the states in line with enrolments. The report also states that there are weaknesses in school management practices in several areas; and that policies on recruitment are unclear or weak. Similarly, the SSDP [South Sudan Development Plan] notes that some officials would not be considered for the positions they now hold if relevant job selection criteria were applied"<sup>7</sup>.

20. "**5.4 Education prospects beyond 2015**

The future of education beyond 2015 in South Sudan is looking very promising. Many of the key strategies discussed above will be implemented, increasing both access and quality in the education sector. Over the past four years since independence, the GRSS has laid the policy groundwork for the next phase in developing a quality, equitable education system that has the capacity to provide education for all. The **General Education Strategic Plan (GESP) for 2012 – 2017** has set seven strategic goals. As discussed above, these were reviewed in the Joint Sector Review held in November 2014. The plan for moving forward post-2015 is largely based on the review of the GESP. The seven strategic goals are as follows:

1. To improve the quality of general education.
2. To increase access to general education and promoting equity.
3. To promote adult literacy.
4. To build institutional and human capacity.
5. To increase funding for general education.
6. To promote partnership working among the stakeholders.
7. To monitor and evaluate implementation of the Strategic Plan.

21. The achievement of these national goals will allow South Sudan to achieve the EFA goals. It was impossible for South Sudan to reach the EFA goals by the target date of 2015 for multiple reasons, including: the new government and infrastructure that needed to be set up since

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<sup>6</sup> [Education For All 2015 National Review South Sudan](#), p. 13

<sup>7</sup> [General Education Strategic Plan 2012-2017](#), p. 42

independence in 2011; lack of data on education and population prior to independence; and the conflict and instability which began in December 2013. The key strategies outlined from the JSR above will help in achieving the EFA goals by 2022 and having a fully literate society by 2040. In particular, national focus on teacher training will lead to a more qualified and larger teaching force. The resulting outcome will be increased access to quality education across ECDE, primary, secondary, TVET and AES programs targeting both youth and adults (EFA Goals 1, 2, 3, and 4). Policies already in place or in process will eliminate disparities in education based on gender, race, and ethnicity, health status including HIV/AIDS or disability (EFA Goal 5). In addition to the focus on improving teacher training, focus on textbook and other teaching and learning material distribution, assessment and integration of life skills into the curriculum at all levels will lead to meeting EFA Goal<sup>8</sup>

## ii) Inclusive Education

22. **“The General Education Bill, 2012**, sets out the right to free and compulsory basic primary education (p.8) that is equitable, **free from discrimination or indoctrination of all kinds**. The Bill covers the formal general education system in South Sudan, which comprises of two years pre-primary, eight years of formal primary (including a primary leaving examination) and four years of formal secondary education including a secondary leaving examination. It also includes provision of an alternative education system (AES) and vocational education. The Bill provides significant and visionary direction to the education sector. It states that education shall foster the development of Southern Sudan through integration, peace, self-reliance, patriotism and respect and tolerance for other cultures, traditions, opinions and beliefs. It further seeks to promote gender equity throughout the primary, secondary, alternative systems and all other institutions of learning, and seeks to empower people by grounding education in South Sudan’s local cultures, and traditions, **including the use of national languages in formal education**. The Bill also addresses **the needs for learners with special needs to have access to education** and promotes environmental awareness, balance and respect for the natural and human habitats. <sup>9</sup>

## iii) Quality education

23. “In addition the **South Sudan Development Plan (SSDP)** forms the ‘pillars’ on which the constitution can be implemented. The following SSDP objective for the sector provides the overarching framework within which the GESP has been developed: **“The Government of the Republic of South Sudan will work to ensure equitable participation in a rapidly expanding and quality education system, geared to promoting sustainable development throughout South Sudan.”**<sup>40</sup> These policy documents, the General Education Bill of 2012, when combined with the Child Act of 2008 provide the broad legal framework for a system of education and social protection.<sup>41</sup> The other document that guided the education sector throughout the time of the CPA period was the Ministry of Education Science and Technology, Policy Framework 2006-2007 (MoEST 2007), which was effectively the first strategic document that guided the education sector as a whole<sup>42</sup>.”<sup>10</sup>

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<sup>8</sup> [General Education Strategic Plan 2012-2017](#), p. 36

<sup>9</sup> [General Education Strategic Plan 2012-2017](#), p. 51

<sup>10</sup> [General Education Strategic Plan 2012-2017](#), p. 51

#### iv) Gender equality

24. “To increase the number of female teachers, the **Gender Equity through Education Programme** provided financial and material incentives to over 4,500 girls to complete secondary school and to train young women graduates to enter the teaching profession. Schools with no female teachers were encouraged to identify a mentor for girls, a local woman who could come to the school regularly to discuss questions, concerns and ideas with girls. Communications materials with positive messages about women teachers and their role in the newly independent country were developed to reach young women. The programme distributed kits containing sanitary pads, developed and distributed learning materials, and supported other government programmes aimed at increasing gender equity in education. [...]”<sup>[11]</sup>

## 2. COOPERATION

25. South Sudan is **not party** to the 1960 UNESCO Convention against Discrimination in Education.
26. South Sudan joined UNESCO on 27/10/2011. It did not take part to previous consultations on the implementation of the 1960 UNESCO Convention against Discrimination in Education<sup>11</sup>.
27. South Sudan did not report to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the **Fifth Consultation** of Member States (covering the period 2009-2012).
28. South Sudan is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

## Freedom of opinion and expression

### 1. Constitutional and Legislative Framework:

29. The constitution of South Sudan guarantees every citizen to have the right to the freedom of expression, reception and dissemination of information, publication, and access to the press, in which it explicitly mentions this is without prejudice to public order, safety or morals as prescribed by law (in Article 24).<sup>12</sup>

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<sup>11</sup> On July 9th 2011, the Declaration of Independence of South Sudan officially established the seceded territory from Sudan as the world’s 193rd Nation. According to its 2011 Draft Transitional Constitution, “South Sudan is a sovereign and independent Republic, and it shall be known as ‘The Republic of South Sudan’.” (Article 1).

<sup>12</sup> [https://www.constituteproject.org/constitution/South\\_Sudan\\_2013?lang=en](https://www.constituteproject.org/constitution/South_Sudan_2013?lang=en)



30. However, restrictions can be made through several laws, such as the Media Authority Act<sup>13</sup>, which provides for regulation and development of the media, and aims to establish an autonomous regulatory Authority. The Broadcasting Corporation Act<sup>14</sup> aims to promote the development of a public broadcasting service to ensure information flow in the public interest in South Sudan.
31. The right of access to information is mentioned in Article 32 of the Constitution<sup>15</sup>, except where the release of such information is likely to prejudice public security or the right to privacy of any other person. Additionally, the Right of Access to Information Act<sup>16</sup> was adopted in 2013, though the provisions in section 31 and 32 enable the government an exceptional status on disclosure of information.
32. The Penal Code Act 2008<sup>17</sup> sets up a sentence for defamation, varying from imprisonment for a term not exceeding twenty years to a fine or both (Article 75, 76 289, 290, 291, 292).

## 2. Media Self-Regulation:

33. There is no self-regulatory mechanism implemented yet in South Sudan. However, the legal foundation is laid down by aforementioned Media Authority Act, which guarantees the establishment of an independent and self-regulated Media Authority.
34. The Association of Media Development in South Sudan (AMDISS)<sup>18</sup>, which includes journalists, editors and owners of the leading media outlets in South Sudan represents media professionals in South Sudan. Other major journalists unions include the Union of Journalists of Southern Sudan (UJOSS), and the Association for Media Women in South Sudan (AMWISS).
35. A Code of Conduct for Journalists in South Sudan was developed in 2013 by professional organizations.

## 3. Safety of journalists:

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<sup>13</sup> <http://www.gurtong.net/LinkClick.aspx?fileticket=QMe9lPjCFps%3D&tabid=106>

<sup>14</sup> <http://www.gurtong.net/LinkClick.aspx?fileticket=u9YWaQ0cSP4%3d&tabid=106>

<sup>15</sup> [Ibid.](#)

<sup>16</sup> <http://www.gurtong.net/LinkClick.aspx?fileticket=4IBBVkCvcKA%3D&tabid=106>

<sup>17</sup> [http://www.sudantribune.com/IMG/pdf/penal\\_code\\_act\\_2008-2.pdf](http://www.sudantribune.com/IMG/pdf/penal_code_act_2008-2.pdf)

<sup>18</sup> Official website: <http://www.amdissonline.org/>

36. UNESCO has recorded the killing of 7 journalists in South Sudan since 2006. By end of 2015, the authorities had not responded yet to official UNESCO requests for information on judicial investigations into the killings.

### **III. RECOMMENDATIONS**

#### **Right to education**

37. **South Sudan was not part of the first cycle of the Working Group on the Universal Periodic Review**

38. **Analysis:**

**The Transitional Constitutional of the Republic of South Sudan (2011)** enshrines the free and compulsory education at the primary levels. Some policies have been implemented, such as the **South Sudan Development Plan and the General Education Bill 2012**, as part of the **General Education GESP 2012-2017**, which builds the framework for the development of the education sector. However, it appears, according to the available information, that the General Education GESP's goal for 2015 has not been implemented yet.

39. **Specific Recommendations:**

- i. South Sudan should be strongly encouraged to ratify the UNESCO Convention against Discrimination in Education.
- ii. South Sudan should be strongly encouraged to further submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.
- iii. South Sudan should be encouraged to continue to work toward achieving universal primary education and to improve the quality of the general education.
- iv. South Sudan could be encouraged to take additional steps to implement an inclusive education, especially for disadvantaged groups, such as women, children with disabilities and from lower income families.
- v. South Sudan could be encouraged to further address the issue of teacher shortage and infrastructure.

#### **Cultural Rights**

40. South Sudan is encouraged to ratify the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003), and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005). UNESCO's cultural conventions promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic,

Social and Cultural Rights. In doing so, South Sudan is encouraged to facilitate the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

### **Freedom of opinion and expression**

41. South-Sudan is recommended to decriminalize defamation and place it within a civil code that is in accordance with international standards. The harsh penalties of the Penal Code Act in particular need revision.
42. The Government is urged to investigate the cases of killed journalists, and to voluntarily report on the status judicial follow-up to UNESCO. The Government may also wish to consider taking further advantage of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity as a means to strengthen the protection of journalists and citizens' right to freedom of expression.

### **Freedom of scientific research and the right to benefit from scientific progress and its applications**

43. South Sudan, in the framework of the 2015-2017 consultations related to the revision and monitoring of the Recommendation on the Status of Scientific Researchers is encouraged to report to UNESCO on any legislative or other steps undertaken by it with the aim to implement this international standard-setting instrument, adopted by UNESCO in 1974. South Sudan did not submit its 2011-2012 report on the implementation of the 1974 Recommendation. In providing its report in 2015-2017 on this matter, South Sudan is kindly invited to pay a particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in the spirit of the principles enshrined in the 1974 Recommendation.