# HUMAN RIGHTS BODIES AND PROMOTION OF HUMAN RIGHTS IN SOUTH SUDAN:

# A CASE STUDY OF HUMAN RIGHTS DEFENDERS NETWORK

# BY

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# DECLARATION

**I, Ngor Peter Arol,** declare that the work presented in this dissertation has not been presented anywhere elsewhere before, and where the work of others used due acknowledgement has been done.

**Signed**

**…………………………….. Date……………………**

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**Candidate**

# APPROVAL

This dissertation titled, “ASSESSING THE EFFECTIVENESS OF HUMAN RIGHTS BODIES IN PROMOTION OF HUMAN RIGHTS IN SOUTH SUDAN: A CASE STUDY OF SOUTH SUDAN HUMAN RIDGTS DEFENDERS NETWORK”, has been developed under my supervision and I recommend that the student can proceed and collect data.

Signed

**………………………………….. Date ……………………………………**

**MR. SEBUYA ROBERT**

**SUPERVISOR**

# DEDICATION

This work is dedicated to parents for the psychological, financial support and advice.

# ACKNOWLEDGEMENTS

First and foremost, I want to thank the Almighty God for the breadth of life. Mum and Dad for putting me in this world to adventure new ideas and making me who I am today, my lovely husband for his words of encouragement.

I wish to thank my supervisor Mr. Sebunya Robert for his professional, academic and parental guidance given to me to successfully complete this work.

**God bless you all**

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# LIST OF ACRONYMS

CDF Children’s Defense Fund

CEDAW Convention on the Elimination of All Forms of Discrimination against Women

CRC Convention on the Rights of the Child

HR Human Rights

HRC Human Rights Council

HRDN Human Rights Defenders Network

ICMW International Convention on Migrant Workers

LGBTI Lesbian, gay, bisexual, transgender and intersex

NGOs Non Governmental Organizations

NHRIs National Human Rights Institutions

OHCHR Office of United Nations High Commissioner for Human Rights

SS. South Sudan

SSHRDN South Sudan Human Rights Defenders Network

UN United Nations

UNFPA United Nations Population Fund

VDPA Vienna Declaration and Programme of Action

# ABSTRACT

The study was about human rights bodies and promotion of human rights in South Sudan: a case study of human rights defenders network. The study was based on three objectives: To establish the nature of human rights abuses in SS being addressed by SSHRDN, To analyze the factors that influence SSHRDN effort in promoting human rights in South Sudan and To examine the challenges facing SSHRDN’s effort to promote human rights in South Sudan. The study design comprised of a combination of both descriptive research designs and employing both qualitative and quantitative approaches. A sample size of 112 was used. Data was collected using self administer questionnaires, interviews and review of related literature.

Results of findings from the field revealed that 32(88.9%) of the respondents were in agreement that significant human rights issues relate to government-perpetrated extrajudicial killings. However the 1(2.8%) respondents who disagreed and 3(8.3%) were neutral. it was revealed that 60(61.8%) of the total respondents were in agreement that human rights legal framework in place fosters promotion of human rights. Findings revealed that 78(80.5%) of the respondents revealed that the government has put in place laws and policies to protect human rights. This implied that the government of South Sudan has made some progress in putting in place laws and policies to protect human rights. Findings revealed that 57(58.7%) of the total respondents were in agreement that South Sudan has yet to ratify some of the international and regional human rights treaties.

From the findings, the study concluded that it is important to note that, after the independence of South Sudan, the only human rights legal framework lies in the Constitutional Bill of rights. The Government has not yet ratified any single international human rights instrument and only very few laws have been adopted by the Parliament which contain human rights provisions, with the exception of the Child Act. Executive and Legislative human rights units exist, but there remain a strong need to build the capacity of their holders despite the important efforts undertaken by the international community.

The study recommends that Government of South Sudan should produce more systematic reports on thematic issues and situations of serious human rights violations, and to provide the Constitutional Review Commission with position papers on the conformity of the Permanent Constitution and laws with human rights standards.

# CHAPTER ONE

# BACKGROUND TO THE STUDY

# 1.0 Introduction

# This introductory chapter contains the background to the study, problem statement, purpose of the study, study objectives, research questions, scope of the study, significance of the study, justification for the study, conceptual framework and definition of operational terms.

# 1.1 Background to the study

The study was about assessing the effectiveness of human rights bodies in promotion of human rights in South Sudan focusing on Human Rights Defenders Network. The study is important because the researcher will be able to establish the effectiveness of Human Rights Defenders Network in promotion of human rights not only in South Sudan but even outside of South Sudan because the scope of operation of Human Rights Defenders Network extends to the International human rights and justice system.

As defined by Tierney (1997), human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination.

# 1.1.1 Historical background

The principal UN Charter Body responsible for human rights is the Human Rights Council (HRC). The General Assembly established the HRC in 2006, in the hope that it would be more efficient and effective than its predecessor, the Human Rights Commission. Forty-seven UN member states sit on the HRC. One of its main purposes is to review the human rights record of every UN member state once every four years and to make recommendations for improvement. In 2017, Australia was elected as a member of the Human Rights Council from 2018-2020.

The Office of United Nations High Commissioner for Human Rights (OHCHR), a department of the United Nations Secretariat was established following the World Conference on Human Rights in 1993. Its role is to prevent human rights violations and secure respect for human rights by promoting international cooperation and coordinating the United Nations’ human rights activities. The OHCHR conducts a very broad range of activities from its headquarters in Geneva. It also works directly in areas where there are severe human rights violations though field offices and as part of UN peace missions.

Article 33 (1) of the 1951 Convention relating to the Status of Refugees, states that non-refoulement is universally acknowledged as a human right. Freedom of movement, however, is also a key right for refugees within their host country, for example International Covenant on Civil and Political Rights, art. 12. Article 26 of the 1951 Convention provides that States shall afford refugees the right to choose their place of residence within the territory and to move freely within the State. Meanwhile, Article 28 of the 1951 Convention obliges States parties to issue refugees travel documents permitting them to travel outside the State “unless compelling reasons of national security or public order otherwise require.

Since the adoption of the Vienna Declaration and Programme of Action (VDPA) over 20 years ago, the United Nations human rights system has significantly evolved towards meeting its objective: ensuring universal respect for human rights and fundamental freedoms for all. The work of the United Nations human rights mechanisms in monitoring human rights globally and translating universal norms into guidance and practical measures to achieve social justice impacts upon all stakeholders from rights-holders and victims of human rights violations to States as duty-bearers and other actors, including the private sector. The expansion of UN human rights mechanisms bears testimony to the global recognition of their primary importance. At the same time, this rapid growth has put significant strains on the system and created challenges for their work (Human Rights Council meeting in Vienna, 2013) and the Vienna Declaration and Programme of Action (2013).

The core international human rights treaties form the cornerstone of all efforts to promote and protect human rights at the national and international levels. The increased ratification of these treaties provides a firm ground for human rights protection. Furthermore, the entry into force of individual complaints procedures related to the treaties has opened new avenues for individuals to pursue remedies and justice for violations of their rights (Vienna Declaration and Programme of Action, 2013). Nevertheless, ratification rates remain relatively low in regions such as Asia, the Caribbean and the Pacific or in relation to some treaties, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW) in Europe. The acceptance rate of the individual communication and inquiry procedures of several treaties remains modest. Moreover, the full implementation of treaties continues to be hindered by reservations made by States Parties regarding key articles, in particular under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1989) and the Convention on the Rights of the Child (CRC).

A key component of UNODC’s work on the rule of law is its specific mandate to guard and protect the United Nations standards and norms in crime prevention and criminal justice. Bearing in mind the centrality of human rights to the aims of the United Nations organization and to the work of UNODC, the Office should maximize the positive human rights impact of its work, and always take the human rights perspective into account while planning our programmes. As expressed in the purpose of this guidance, this Note aims to describe how a human rights based approach can be applied in the work of UNODC, including in UNODC regional programmes.

Schmitz and Sikkink (2002) emphasize that the initial recognition of a norm or even binding conventions have often highlighted, rather than immediately narrowed, the gap between rhetoric and practice. Young (1992) notes that regime effects variably understood in the literature in terms of regime consequences, impact and effectiveness are difficult to separate from broader questions concerned with regime origins and evolution. In other words, although questions of regime effectiveness focus on the role of institutions in shaping human rights behavior (institutions as independent variables), the importance of thinking about these institutions as dependent variables whose character is shaped by a variety of factors is frequently emphasized in the literature.

Levy et al., (1995) argue that the nature and course of the evolution of international institutions can indicate the extent of autonomy, robustness, and authority these entities develop over time; factors that are commonly considered to shape institutional impact. Also, in a recent review of the literature Hafner-Burton and Ron (2009) argue that scholarly assessments of the role of law and institutions in protecting human rights tend to be significantly shaped by choice of research method. Whilst statistically inclined research generally attributes very little impact, if any, to international human rights institutions, qualitative case studies tend to find often significant influence of international law and institutions on political behavior. Such divergent assessments may, they note, be grounded in often-irreconcilable epistemological positions with many qualitative scholars rejecting the utilitarian groundings of research into questions of effectiveness. These methodological divisions are partly reflected in the IR literature in relation to understandings of human rights compliance, enforcement and regime effectiveness.

Generally skeptical of the impact of international human rights institutions, these statistical analyses of specific human rights treaties (drawing on standardized measures of the International Covenant for Political and Civil Rights and the Torture Convention in particular) have highlighted the limits of international law in ensuring the protection of human rights. In a recent review, Landman (2008) summarizes the general findings of the statistical studies on the impact of states’ human rights treaty commitments on rights protection

# 1.1 2 Conceptual background

The Human Rights Council (2006) noted that there was a milestone in the reform of the UN human rights system. As the main intergovernmental body dedicated to human rights, the Council addresses crises, country situations and thematic issues and is responsible for the mainstreaming of human rights in the UN system. The Council has continued to improve its practices and find innovative ways to respond to human rights challenges, including by establishing new mandates on commissions of inquiry and fact-finding missions, exchanging views and strengthening institutional links with its subsidiary bodies and mechanisms and ensuring the increased participation of all stakeholders, including civil society and national human rights institutions (NHRIs).

Human rights treaty bodies play an important role in guiding States and other stakeholders towards the full implementation of the treaties through the monitoring process. Following the growth in the treaty body system over the past several years, there are now 10 human rights treaty bodies. Nine of these treaty bodies monitor implementation of the core international human rights treaties while the tenth treaty body, the Subcommittee on Prevention of Torture, established under the Optional Protocol to the Convention against Torture, monitors places of detention in States Parties to the Optional Protocol. In the past biennium, these treaty bodies reviewed an average of 120 State Party reports each year and adopted a similar number of decisions under the individual complaints procedures. Also during this period, the Subcommittee on the Prevention of Torture conducted 11 country visits, including follow-up and advisory visits. The chronic deficiency of resources faced by the treaty body system and OHCHR as its Secretariat has exacerbated the already unacceptable backlog of reports awaiting consideration and resulted in an excessive waiting time for individuals submitting complaints.

Without a coherent, sustainable and periodically reassessed financing system, the work of the treaty bodies and the level of protection they offer will be significantly undermined. Four years after the High Commissioner launched a consultative process of reflection on strengthening the treaty body system, in April 2014, the General Assembly concluded its intergovernmental process in this regard and adopted a substantial outcome which significantly improves the system.

# 1.1.3 Theoretical Background

OHCHR (2017) expects to have contributed to the achievement of the results outlined on the table above. OHCHR will pursue these behavioral, institutional and legislative changes in cooperation with relevant partners and using the different strategic tools at its disposal (see Chapter 1 on OHCHR’s Theory of Change). It is expected that if achieved, these results will contribute to strengthening the international human rights mechanisms. To illustrate the interrelated nature of the Thematic Strategies, the table shows all the results to which OHCHR is planning to contribute in this area, including relevant results from other strategies.

Due to its expertise, OHCHR is in a privileged position to identify the challenges faced by the human rights mechanisms and propose potential solutions. For instance, OHCHR assists the Council to address emerging issues, such as freedom of expression on the internet, human rights and the environment and human rights and corruption. In its work with the Chairs of the human rights treaty bodies and the Coordination Committee of the Special Procedures, the Office shares its accumulated experience to encourage cross-fertilization and cooperation within and between the different human rights mechanisms to improve their working methods, strengthen their coherence and effectiveness and promote comprehensive approaches to the implementation of their recommendations. Furthermore, the Office supported the ongoing intergovernmental process on treaty body strengthening that was launched by the General Assembly (2012) report of the High Commissioner which outlined the outcome of three years of extensive consultations.

Human rights are at the core of all work of the UN system and together with peace and security and development, represent one of the three, interlinked and mutually reinforcing, pillars of the United Nations enshrined in the Charter. UNODC is in the unique position of working across all three pillars in its efforts against crime, drugs and terrorism and in supporting Member States to deliver a safe society founded on the rule of law.

. According to Landman (2008), there is statistical evidence to suggest that international human rights treaties have at least a limited impact on actual state human rights behavior (Camp Keith 1999; Hathaway 2002); domestic regime type matters; the gap between treaty ratification and human rights protection narrows over time; and membership in international governmental organizations and presence of international NGOs lead to higher state participation in human rights regimes. The positive and significant statistical relationship between treaty ratification and rights protection disappears however, Landman (2008) notes, when studies control for the other independent effects of democracy, wealth, conflict, and population.

As the density and complexity of international institutions grow, and as new channels of transnational political action open up, so the process of norm creation becomes more complex, more contested, and harder even for powerful states to control. Although non-state actors remain excluded from the formal negotiations of international human rights instruments and decision-making fora, a considerable body of research indicates that they have gained significant informal influence through their agenda-setting activities and expertise in the context of evolving and increasingly complex global governance structures (Price 2003). From this perspective, international human rights institutions have provided the platforms upon which the struggle over human rights between and among activists and states has played out.

Keck and Sikkink (1998) revealed that for some, this process has not only resulted in the construction of a normative framework but also a globalizing process that is driven by the struggles of transnational actors and social movements (Goodale and Engle Merry 2007). Hence, viewing international human rights institutions in transnational terms highlights a number of important ways in which these institutions affect domestic political actors. The role of civil society organizations in mobilizing domestically for reform and effective implementation of human rights legislation while linking their demands with the state’s international commitments has attracted growing scholarly attention.

Human rights treaty bodies and special procedures provide guidance on implementation and serve as early warning mechanisms for States and the international community. Neumayer (2005) states that they also constitute an advocacy platform for engagement by national human rights institutions and civil society and provide a strong substantive grounding for the UPR and the mainstreaming of human rights in the work of the United Nations system. The work of the human rights mechanisms demonstrates that the primary challenge for the realization of human rights continues to be closing the implementation gap. More systematic and creative ways are needed to further enhance the quality and coherence of recommendations issued by the UN human rights mechanisms and to ensure their dissemination and implementation in all countries.

Beyond civil society activism, a growing literature emphasizes the extent to which international human rights norms are incorporated into domestic legal systems and how these legal processes of internalization affect political actors (Koh, 1997). This perspective on the role of international human rights law in shaping domestic policies and legal developments highlights on the one hand the multiple linkages that exist between the domestic and the international, and the importance of disaggregating the state (Slaughter, 2004) on the other. On this view, the political costs of violating international rules are domestic as, for example, they provide focal points around which domestic opposition is able to mobilize. It is also important to consider how far interaction with international human rights institutions may affect the relative power of sections of the state bureaucracy dealing with human rights; or may lead to processes of socialization on the part of those state officials involved.

The High Commissioner for Human Rights is mandated to support and improve the efficiency and effectiveness of the United Nations machinery in the field of human rights. As the guardian of the international human rights norms, and as a result of its expertise on human rights issues and experience at the national level, OHCHR is well placed to provide support to the human rights mechanisms. In its work with the Human Rights Council, its UPR and special procedures mechanisms, and also the treaty bodies, OHCHR fosters the notion of the universality, indivisibility, interdependence and interrelatedness of all human rights and therefore implements its mandate to promote and protect the full and effective enjoyment by everyone of all of their civil, cultural, economic, political and social rights (Simmons, 2009).

The general accessibility of human rights institutions to individual complaint needs to be noted. Indeed, the general tendency observable in the 1990s evidenced in the former Yugoslavia and Rwanda tribunals, the establishment of a permanent International Criminal Court, the Pinochet case, and the various cases before national courts including tort cases in US federal courts, is toward the “individualization” of allegations involving violations of human rights. Clearly, the consolidation of a system of international criminal law has resulted in complex and interlocking processes of human rights enforcement (Broomhall 2003). However, within the broader universe of human rights institutions, adjudication still captures only a small part of how human rights regimes matter.

As with international institutions more generally, regional human rights regimes need to be understood in the context of the broader normative structures in which they are embedded (Shelton 2008). In other words, the impact of processes of regionalization on the development of international law lies in the ways in which they shape the interaction between “universal” human rights standards and regional diversity and traditions (Fawcett and Hurrell, 1995). Methodologically speaking, moreover, a regional perspective provides a more nuanced understanding of the relative impact of international human rights institutions more generally (Hafner-Burton and Ron, 2007) as it allows for a contextualized examination of the actual processes underpinning the interaction between national, regional, and global human rights.

The International Covenant on Civil and Political Rights, art. 23(1), in respect of this right, a number of countries provide for the granting of derivative status to dependent relatives. Thus, where an individual is granted asylum, his or her dependent relatives will also receive protection through him or her. The right to education, access to justice, employment, and other fundamental freedoms and privileges: The 1951 Convention also protects other rights of refugees, such as the rights to education, access to justice, employment, and other fundamental freedoms and privileges similarly enshrined in international and regional human rights treaties. In their enjoyment of some rights, such as access to the courts, refugees are to be afforded the same treatment as nationals while with others, such as wage-earning employment and property rights, refugees are to be afforded the same treatment as foreign nationals.

# 1.1.4 Contextual background

In 2013 a power struggle within the ruling Sudan People’s Liberation Movement party erupted into armed conflict. President Salva Kiir accused then first vice President Riek Machar Teny of plotting a coup. The two leaders appealed to their respective ethnic communities and the conflict spread. The parties signed several cease-fire agreements, culminating in the 2015 peace agreement. A cease-fire generally held from August 2015 to July 2016, when fighting broke out in Juba, eventually spreading to the rest of the country. The major warring factions signed a “revitalized” peace agreement in 2018, which continued to hold as of mid-September. Fighting between government forces and other groups not party to the peace agreement, referred to as the non signatories, continued in the Greater Equatoria region. Sub national violence, often labeled intercommunal but frequently reflecting political causes, also continued, particularly in Jonglei and Warrap States.

Significant human rights issues included government-perpetrated extrajudicial killings, including ethnically based, targeted killings of civilians; forced disappearances; torture and cases of cruel, inhuman, and degrading treatment or punishment; harsh and life-threatening prison conditions; arbitrary detention; political prisoners or detainees; politically motivated reprisal against individuals located outside the country; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; serious abuses in an internal conflict, including unlawful killing of civilians, enforced disappearances or abductions, torture and physical abuses or punishment, unlawful recruitment or use of child soldiers, mass forced displacement, widespread sexual and gender-based violence, and use of food as a weapon of war; serious restrictions on free expression, the press, and the internet, including violence against and intimidation and detention of journalists; closure of media houses, censorship, and site blocking; substantial interference with the rights of peaceful assembly and freedom of association, such as overly restrictive nongovernmental organization laws; significant restrictions on freedom of movement; inability of citizens to change their government peacefully through free and fair elections; restrictions on political participation; serious acts of corruption; lack of investigation and accountability for violence against women; trafficking in persons; crimes involving violence targeting lesbian, gay, bisexual, transgender, or intersex persons; the use of laws criminalizing consensual same-sex sexual conduct between adults; and existence of the worst forms of child labor. SSHRR (2013)

The SSHRDN is a network whose aim is to promote collective advocacy by South Sudanese HRDs for the recognition of their rights as human rights defenders, ensure the enactment of legislation that provides an enabling environment for HRDs to engage in their work and promote the wider recognition of individual rights and freedoms as recognized under international law.

SSHRDN is involved in a number of programs which include advocacy, Research and Information Exchange Program: Under this program area, SSHRDN aims to facilitate collective advocacy and action of human rights defenders and pro-democracy activists in influencing and shaping the human rights agenda in Uganda.

Capacity Building and Network Development Program: Under this program area, SSHRDN aims to grow and strengthen a fellowship of human rights defenders in SS that are well grounded in the norms and best practices in human rights protection and promotion, rule of law and good governance and ensure integration in the regional and international human rights movement.

# 1.2 Problem statement

As the African Commission on Human and Peoples’ Rights holds its 69th ordinary session, Defend Defenders and the South Sudan Human Rights Defenders Network (SSHRDN), call on the government of the Republic of South Sudan to respect the rights of its citizens to peacefully assemble, associate, and express opinions and views, strengthen the legal framework that allows citizens and civil society organizations to form and operate without any hindrances. According to South Sudan Human Rights report 2017, the a number of HR abuse such as conflict-related, ethnically based targeted killings of civilians; extrajudicial killings, abuse, and mass forced displacement of approximately four million civilians, displaced internally and as refugees; and intimidation and inhuman treatment of civilians such as arbitrary arrest and detention, abductions and kidnapping, recruitment and use of an estimated 17,000 child soldiers; and widespread sexual violence. Attacks on military and civilian targets often resulted in rape, destruction of villages, theft, looting, and revenge attacks on civilians. Human rights abuses also included torture, intimidation, and unlawful detention of civilians; harassment, intimidation, and violence against journalists, civil society organizations, and human rights defenders; government restriction of freedoms of privacy, speech, press, and association; and abductions related to intercommunal and interethnic conflict. Officials reportedly arrested, detained, and mistreated several persons affiliated with the LGBTI community SSHRR (2017)

The issue of HR in South Sudan is accreted by the physical conditions where men and women are generally, but not always, held in separate areas, but male and female inmates often mixed freely during the day due to space constraints. Due to overcrowding, authorities did not always hold juveniles separately from adults and rarely separated pretrial detainees from convicted prisoners. Children, especially infants, often lived with their mothers in prison. The current study thus assessed the effectiveness of human rights bodies in promotion of human rights in South Sudan focusing on SSHRDN.

# 1.3 Purpose of the study

The purpose of the study was to assess the effectiveness of human rights bodies in promotion of human rights in South Sudan focusing on SSHRDN.

# 1.4 Study objectives

The following objectives guided the study;

i. To establish the nature of human rights abuses in SS being addressed by SSHRDN

ii. To analyze the factors that influence SSHRDN effort in promoting human rights in South Sudan.

iii. To examine the challenges facing SSHRDN’s effort to promote human rights in South Sudan

# 1.5 Research Questions

The following research questions guided the study;

i. What is the nature of human rights abuses in SS being addressed by SSHRDN?

ii. What are the factors that influence SSHRDN’s effort to promote human rights in SS?

iii. What are the challenges facing SSHRDN’s effort to promote human rights in SS?

# 1.6 Scope of the study

This section comprises the geographical scope, the subject/content scope and time scope;

# 1.6.1 Geographical scope

South Sudan Human Rights Defenders Network- Juba branch is located Juba, town, capital of South Sudan. It is a river port on the west bank of the Baḥr Al-Jabal (Mountain Nile), about 87 miles (140 km) south of Bor

# 1.6.2 Subject/content scope

The study keenly takes interest in assessing the effectiveness of human rights bodies in promotion of human rights in South Sudan focusing on SSHRDN Uganda. The researcher will collect data on the nature of human rights abuses in South Sudan being addressed by SSHRDN, the factors that influence SSHRDN’s effort to promote human rights in SS and the challenges facing SSHRDN’s effort to promote human rights in Uganda.

# 1.6.3 Time scope

The study was accomplished within a period of four months between May 2021 and August 2021 during which period; there was completion of the proposal, data collection, analysis and writing of the dissertation.

# 1.7 Significance of the study

The study shall be of great significance to a number of stakeholders such as policy makers, literature and researchers in the following ways;

**i. Literature:** The findings will ensure availability of a reliable source of literature from which other researchers can draw reference work.

**ii. Researchers:** When the study is accomplished, it will enable other researchers to obtain a reliable source of information as reference during their own research sessions.

# 1.8 Justification of the study

The consolidation of human rights institutions raises questions regarding the legitimate form and scope of international intervention in the domestic affairs of sovereign states. The establishment of supranational jurisdiction over fundamental political choices and decisions underscores the extent to which current trends in global governance have led to the emergence of a transnational political space in the field of human rights and emphasizes the depth of interaction between international human rights developments and national-level political and legal debates. Hence, on this account, the expansion and institutionalization of human rights highlights the reality of constant renegotiations of state sovereignty in matters of human rights, and the extent to which sovereignty in the sense of power of the state over its nationals has been eroded by human rights law, the increased use of international human rights norms in national courts, and the increased availability of a variety of international tribunals. These trends also invoke understandings of sovereignty not as entitlement but as status, understandings of what it means to be a legitimate member of an international society, and the capacity to engage in increasingly complex transactions with other members of the system.

The current study will assess the effectiveness of human rights bodies in promotion of human rights in SSHRDN under the following sub-themes, that is the nature of human rights abuses in Uganda being addressed by SSHRDN, the factors that influence SSHRDN’s effort to promote human rights in SS and the challenges facing SSHRDN effort to promote human rights in SS. And when completed, the researcher shall be able to obtain a Master’s degree in International Relations and Diplomacy.

# 1.9 Conceptual framework

**Independent variable Dependent variable**

**Nature of human rights**

* Rights to descent livelihood
* Rights of women and girls
* Rights of all humans regardless of race, tribe or creed

**Role of Human rights network in promoting human rights**

* Carry out lobbying and advocacy for better human rights legislation
* Promoting legal representation of people
* Advocating for equal rights for all people

**Moderate variable**

* Human rights laws
* Role of the other human rights advocates
* Role of the legislature in Uganda

**Source: Model developed by the Researcher, 2021**

# 1.10 Ethical considerations

The current study is subject to certain ethical issues. All participants were contacted by the researcher to explain to them the purpose for the research.

a) The researcher tried to obtain acceptance from the respondents through their written acceptance regarding their participation in the research.

b) Next to this, participants were fully informed regarding the objectives of the study, while they will be reassured that their answers were treated as confidential and used only for academic purposes and only for the purposes of the particular research.

c) Except from the above, participants were not harmed or abused, both physically and psychologically, during the conduction of the research.

d) In contrast, the researcher attempted to create and maintain a climate of comfort.

# 1.11 Research limitations

As it is for every study, this study anticipates the following limitations:

i. The size of the sample was relatively small, yet a bigger sample would probably enhance the reliability of the research

ii. Qualitative research may not allow the measurement of the examined problems

iii. The analysis may be influenced by factors which were not mentioned in this project

iv. In some cases participants may refuse to speak against their ministry.

# CHAPTER TWO

# LITERATURE REVIEW

# 2.0 Introduction

This chapter focuses on the review of literature related to the effectiveness of human rights bodies in promotion and protection of human rights. The literature is based on the subthemes derived from the study objectives;

# 2.1 The nature of human rights abuses being addressed by Human Rights organizations

This section of the review shows the literature on the nature of human rights abuses being addressed by Human Rights organizations;

Many organizations around the world dedicate their efforts to protecting human rights and ending human rights abuses. Tunick (2006) states that major human rights organizations maintain extensive websites documenting violations and calling for remedial action, both at a governmental and grass-roots level. Public support and condemnation of abuses is important to their success, as human rights organizations are most effective when their calls for reform are backed by strong public advocacy.

Amnesty International Press Release of (December 21st 2017) titled, “Uganda: Stop clampdown on supporters of presidential age limit” revealed that the Ugandan authorities needed to end their absurd attempts to silence people opposed to scrapping the presidential age limit. Among the victims was the mayor of the country’s capital, Kampala, who was arrested by the police and bundled into a pick-up truck outside his home on suspicion that he was headed to a protest against the proposed change. Some opposition MPs were blocked from accessing parliament to participate in the debate, which had now been postponed. Demonstrations against the change were also banned. It was ironic and absurd that as the bill was tabled in parliament, the government was blocking citizens from debating the issue (Michelle Kagari, 2017).

Children’s Defense Fund (CDF, 2011) contains that the Children’s Defense Fund is a child advocacy organization that works to ensure a level playing field for all children. Children’s Defense Fund champions policies and programs that lift children out of poverty protect them from abuse and neglect and ensure their right to equal care and education.

The Human Rights Action Center is a nonprofit organization based in Washington, DC, headed by Jack Healey, world-renowned human rights activist and pioneer. The Center works on issues of the Universal Declaration of Human Rights (1948) and uses the arts and technologies to innovate, create and develop new strategies to stop human rights abuses. They also support growing human rights groups all over the world.

Human Rights Watch (Human Rights Watch, 2010) is dedicated to protecting the human rights of people around the world. They investigate and expose human rights violations, hold abusers accountable, and challenge governments and those who hold power to end abusive practices and respect international human rights law. By focusing international attention where human rights are violated, they give voice to the oppressed and hold oppressors accountable for their crimes. Their rigorous, objective investigations and strategic, targeted advocacy build intense pressure for action and raise the cost of human rights abuse. For 30 years, Human Rights Watch has worked tenaciously to lay the legal and moral groundwork for deep-rooted change and has fought to bring greater justice and security to people around the world. Their staff consists of human rights professionals including country experts, lawyers, journalists, and academics of diverse backgrounds and nationalities.

Convention on the Rights of Persons with Disabilities (2004) publication states that each year, Human Rights Watch publishes more than 100 reports and briefings on human rights conditions in some 90 countries, generating extensive coverage in local and international media. With the leverage this brings, Human Rights Watch meets with governments, the United Nations, regional groups like the African Union and the European Union, financial institutions, and corporations to press for changes in policy and practice that promote human rights and justice around the world. Their on-the-ground researchers constantly monitor human rights conditions in some 80 countries around the world. These researchers create the foundations of their work by talking with people who were either abused or who witnessed abuse. Human Rights Watch also speaks with local human rights advocates, journalists, country experts, and government officials.

We publish our findings in more than 100 reports and hundreds of news releases each year. In times of crisis, they're at the forefront, releasing up-to-the-minute information and advocating for action. They are a fully independent non-governmental organization, supported by contributions from private individuals and foundations worldwide. In order to maintain our independence, they accept no money from any government, directly or indirectly.

The mandate of Office of the High Commissioner for Human Rights (OHCHR: Ramcharan, Bertrand G., 2004), derives from Articles 1, 13 and 55 of the Charter of the United Nations, the Vienna Declaration and Programme of Action and General Assembly resolution 48/141 of 20 December 1993, by which the Assembly established the post of United Nations High Commissioner for Human Rights. In connection with the programme for reform of the United Nations (A/51/950, para. 79), the Office of the High Commissioner for Human Rights and the Centre for Human Rights were consolidated into a single Office of the High Commissioner for Human Rights on 15 September 1997. The objectives of Office of the High Commissioner for Human Rights are to promote universal enjoyment of all human rights by giving practical effect to the will and resolve of the world community as expressed by the United Nations, play the leading role on human rights issues and emphasizes the importance of human rights at the international and national levels, promote international cooperation for human rights, stimulate and coordinates action for human rights throughout the United Nations system, promote universal ratification and implementation of international standards, assist in the development of new norms, support human rights organs and treaty monitoring bodies, respond to serious violations of human rights, undertakes preventive human rights action, promote the establishment of national human rights infrastructures, undertake human rights field activities and operations and provide education, information advisory services and technical assistance in the field of human rights.

In review of the literature in this section, rights-holders meaningfully participate in the design and monitoring of public policies, budgets and development projects particularly affecting their human rights, especially their rights to food, housing, water and sanitation, and their access to natural resources such as land. Civil society, in particular youth and women, increasingly advocate for and claim their rights; and protect themselves more effectively from reprisals. Increased use of national protection system by rights-holders, especially through strategic litigation on economic, social and cultural rights.

# 2.2 The factors that influence Human Rights organizations’ effort to promote human rights

United Nations Population Fund (UNFPA, 2011) report examined efforts to prevent violence against women, including research on women with disabilities in Latin America and the Caribbean that found that there was a need for increased accessibility for persons with disabilities to basic services for sexually transmitted infections, pregnancy, and gender-based violence.

Office of the United Nations High Commissioner for Human Rights (OHCHR, 2015) has developed considerable experience in highlighting the human rights dimensions and impact of economic activities and policies, including austerity measures, both globally and in specific country settings. In this context, the Office clarifies and increases awareness of the human rights responsibilities of business actors, the human rights implications of national budget planning and implementation and the obligation to devote maximum available resources to the realization of economic, social and cultural rights.

Office of the United Nations High Commissioner for Human Rights (OHCHR, 2015) is better prepared and well placed to advocate for rights-based reforms related to financial regulation and economic policies and to galvanize political will for meaningful changes that will prevent future crises. A stronger global partnership for development founded on the right to development and greater human rights policy coherence in the economic, trade, investment and financial sectors could have prevented or mitigated the crisis and must be points of emphasis in Office of the United Nations High Commissioner for Human Rights’ future work, including with regards to the post-2015 development agenda.

Human rights have been significantly elevated and are now advanced as a foundational part of USAID’s development analysis and programming. The USAID Democracy, Human Rights and Governance (2013) strategy includes human rights as a stand-alone development objective and organizes the work into two overarching streams, that is asserting access to basic services for everyone and countering discrimination that may prohibit access to those services and advancing civil and political rights, particularly in closed or closing spaces, through DRG sector programming. Individual rights are essential for free markets: Protecting individual rights such as the right to own private property and the right to judicial remedy are prerequisites for fostering entrepreneurship, investment, and economic growth. Exclusion stifles productivity, and the economic costs of exclusion are profound when huge segments of society are denied the right to contribute to the work force.

Human rights law offers a normative baseline mandating non-regression and a principle of ‘do no harm’, and uses this baseline to strengthen and improve development practice (The World Bank's Country Policy and Institutional Assessment. <http://web.worldbank.org>). The incorporation of human rights legal standards mitigates human rights harms by providing a binding legal standard against which development policies, processes and outcomes can be assessed to determine risk to human rights and whether development activities are likely to, or in fact, result in harm, ensure that development activities in fact promote human rights or create the conditions for the realization of human rights (World Bank, 1998), prevent and redress unintended negative impacts on human rights in development processes and outcomes, better understand the claim that development advances human rights; and foster a deeper understanding of the relationship between the two fields.

Human Rights and aid effectiveness framework should inform each other, rather than progressing on separate, disconnected tracks. Its principles of ‘do no harm’ and ensuring that the scaling up of aid is conducive to human rights, highlight two complementary dimensions of a key contribution that human rights can offer the aid effectiveness agenda (OECD DAC HRTT Human Rights and Aid Effectiveness, 2007).

According to the UN Report of the Working Group on Harmonization of Working Methods of Treaty Bodies (2007), in concrete terms, the challenge presented by an absence of legally established normative baselines in development is potentially answered by human rights law. This might imply the incorporation of the relevant human rights legal standards in development policies and instruments, whether they address the level of country strategies or institutional assessment at a project level, or analyze the likely effects and distributional impacts of certain interventions or policy reforms on various groups or stakeholders. Reliance on human rights treaties in such assessments (rather than principles, or other sources of international law) might provide the missing normative element but also provide a natural limitation on the range of permitted considerations and a legitimate source for standards. In practical terms, consideration of the reports and recommendations of treaty monitoring bodies, or the work of holders of special procedure mandates could help broaden the remit of considerations open to development processes in particular instances

From the Rome Declaration (2003: paragraph 3) and Paris Declaration (2005), policy coherence fosters the sustainability of policies by preventing duplication and avoiding contradiction through promoting coherence across related subject matters and assessing the impacts of diverse areas of international policy on one another. It highlights complementarities between frameworks designed and participated in by the same states, including the most widely ratified international human rights instruments. Policy coherence is also indispensable to the realization of human rights.

In practice, Rome Declaration (2003: paragraph 3) and Paris Declaration (2005), add that policy coherence supports a focus on existing obligations, and applies to the institutional structures within which states, as traditional duty-bearers, operate so that the actions of states in various institutional structures and processes do not undermine human rights enjoyment. This may call for coherence across policies governing different issues, as well as coordination of a state's positions and participation in a number of international organizations and processes. It may also require that states assess the impact of policies in one area on other policy areas, including how actions in various fora impact human rights, requiring that states act with consistency and at a minimum, ‘do no harm’.

# 2.3 The challenges facing Human Rights organizations’ effort to promote human rights

The following literature is about the challenges facing Human Rights organizations’ effort to promote human rights;

# 2.3.1 Poverty reduction constraints

Unaccompanied by links to specific international human rights instruments, may result in human rights being incorporated only implicitly with little specific operational relevance. Some commentators have remarked on the broader role potentially fulfilled by Poverty reduction strategies. As comprehensive policy documents in many developing countries, poverty reduction strategies may play an important role as vehicles for furthering the realization of human rights obligations of those countries (Tostensen 2008). Under this view, poverty reduction strategies, and the tools, documents, frameworks and results tables associated with them, could usefully include explicit references to relevant human rights treaties in an effort to support developing countries realize their human rights obligations as they pursue development.

# 2.3.2 Disciplines and approaches

The practice and policy that has evolved around development and human rights is governed by divergent discourses at least in part due to the predominance in each of different disciplines and methodologies (Seymour and Pincus, 2008). At some fundamental level therefore, there is a perceived incompatibility between the approaches and language of each, making cohesion between them very challenging. Development has traditionally been the purview of economists, social scientists and sectoral or technical experts, while the human rights framework is predicated towards legal norms and rules, which have been largely drafted and interpreted by lawyers.

# 2.3.3 Difference in conceptual approaches

Development institutions tend to rely on evidence-based approaches, while human rights organs operate from normative precepts. These may be difficult to reconcile, just as the ‘empirical’ case for respecting and protecting human rights may be difficult to prove and whatever empirical evidence exists is arguably equivocal or supportive of far narrower links (Banerji and Ghanem, 1997; Barro, 1997; Isham et al., 1997). This has resulted in different discourses based on distinct disciplines, traditions and institutional cultures which enjoy no obvious affinity. Thus, development practitioners may approach issues in programmatic, forward-looking terms, predicated towards practical solutions, trade-offs and the rendering of technical assistance, whether at a country, sector or project level. Human rights practitioners likely start from a more explicitly normative baseline driven by principles like indivisibility and universality. They possibly adopt a retrospective outlook, from which responsibility for non-realization of human rights may be assigned and where poverty is viewed as a denial, or even violation of human rights.

# 2.3.4 Legal or mandate constraints

For many development agencies human rights are understood to lie outside the legally established mandates of development institutions. The views are often based on particular interpretations of provisions on political prohibition in the constitutive instruments of development agencies (Shihata, 2000). They assert that human rights are inherently political, and therefore, outside the permitted realm of considerations for such institutions, as well as outside their established mandate and competence. These views will sometimes be coupled with arguments that human rights are properly the purview of more openly political entities whose mandates provide explicitly for human rights. The narrow definition of institutional mandates may also rest on a vision of the specificity of tasks in a global context and the correct distribution of responsibility between international institutions

# 2.3.5 Political resistance and value-based objections

According to Barry and Reddy (2006), beyond the formal legal constraints, or particular definitions of mandates, human rights is not a concept around which there can be said to be consensus, and at an international level it is one of inescapable political sensitivity, with states fiercely protective of their human rights records and resistant to rankings, assessments and censure. For these reasons, human rights is widely perceived as a controversial subject in development agencies and IFIs, and viewed cautiously because of its divisive potential, including at the level of governing bodies. There may be widely differing viewpoints between members from the North and the South, or between donors and partners; but there may equally be variances between donors, and between partners.

Barry and Reddy, added that some resist a current broadened understanding of human rights (possibly favouring particular domestic definitions or regional understandings, or an emphasis on one or other category of right). Others resist being dictated to on human rights through the lending instruments or development assistance generally, and many oppose what they perceive as double standards and hypocrisy when the dictates come from countries with economic power rather than exemplary human rights records. It is also worth acknowledging the disproportionate impact human rights-related conditionalities might have on certain member countries – that is, beyond the disproportionate impacts on borrowing countries (with no concomitant pressure on lenders), certain countries may be able to resist such human rights oversight by refusing to borrow from institutions that consider or impose human rights standards, while others, usually the poorest and least powerful, may not have that freedom

In analyzing this literature in this section, it is stated that practical problems of bridging arise in the absence of a solid evidence base demonstrating how rights-based approaches have succeeded, and where or how they have been successful in generating more sustainable development. This may link to practical difficulties of assessing, measuring and mainstreaming human rights, or to slight forms of skepticism based on cultural relativism and the difficulties of identifying and promoting human rights norms in international contexts. Some human rights development institutions may simply not have clear operational entry points in their policies and instruments to mainstream or integrate human rights considerations. This is compounded by the absence of operational entry points in their policies and instruments, and the existence of certain ingrained institutional imperatives and internal incentive structures.

# 2.3.6 Absence of a link between legal obligations and accountability

An outcome, related to the absence of a link between legal obligations and accountability is the absence of an explicit normative standard against which to assess development, as such human rights represent agreed legal and moral standards against which development strategies, processes and results should be measured (OECD DAC HRTT, 2008). A legal approach draws human rights beyond the narrative of development policy, into the realm of practical application in development instruments and to concrete standards, rules, tools and indicators. However, without anchorage in specific, binding legal obligations such an application would appear difficult to undertake and a normative assessment improbably upheld.

# CHAPTER THREE

# METHODOLOGY

# 3.0 Introduction

This chapter covers the research design, the study population, the sample size and selection, sampling techniques, methods of data collection, procedure of data collection, data management and analysis, reliability and validity of the research instruments as well as data processing, analysis and interpretation.

# 3.1 Research Design and approaches

The research was carried out through a descriptive and case study design. According to Oso and Onen (2009), a descriptive and case study research design is undertaken where the phenomenon is described and explained by the events as they were and how they are and anticipated to be while focusing on the events in a particular case or area of study. In this study, qualitative research approaches were used since it attaches explanations/ narratives easily to the numerical values from respondents. The researcher used more the qualitative approach because much of the data was on opinions, views and descriptions of the phenomena as it was observed by the respondents when it occurred.

# 3.1.1 Research Approach

According to Saunders et al., (2012), research approach can be divided into three types that is deductive research approach, inductive research approach and adductive research approach. The current study used the inductive approach. And according to Doyle (2018), inductive reasoning is a type of logical thinking that involves forming generalizations based on specific incidents you have experienced, observations you have made, or facts you know to be true or false. Inductive reasoning is different from deductive reasoning, in which you start with a generalization or theory, and then test it by applying it to specific incidents. Inductive reasoning was applied in ensuring that the phenomenon under study is well understood part by part.

# 3.1.2 Research classification/methods

The quantitative and qualitative research methods were used since they attach numerical values to respondents’ views/ narratives. But the researcher used more the qualitative approach because much of the data was through opinions, views and descriptions of the study variables by the respondents. In this study, quantitative and qualitative research approaches were used since they attach numerical values to respondents’ views/ narratives. But the researcher used both approaches in equal measure, and more of the qualitative approach enabled expression of opinions, views and descriptions of the phenomena as it was observed by the respondents when it occurred.

# 3.1.3 Research strategy

Research strategy is a methodology that helps the researcher to investigate the research issue. According to Saunders (2003), research strategy is a general plan that helps researcher in answering the research questions in a systematic way. The strategy for this research contains the clear objectives on assessing the effectiveness of human rights bodies in promotion of human rights in South Sudan by SSHRDN, research questions, data collection resources and various constraints that affect the research in different ways such as access limitations, time limitations, location and money limitations, ethical issue constraints and so as they are contained in this proposal.

# 3.2 Population of Study

Polit and Hungler (1999) refer to the study population as an aggregate or totality of all the objects, subjects or members that conform to a set of specifications. The study population for this study was chosen from among the Executive Director (1) Deputy executive Director (1) Heads of departments (9) Staff (32) and Community members (60). Kothari (2000) explains that the sample selected should be optimum to represent the entire population. He further asserts that an optimum sample is one that fulfills the requirement of efficiency, representativeness, reliability and flexibility. In selecting a sample, the population was divided into two strata, one stratum is composed of 42 respondents and another stratum was composed of 70 respondents. Given that the accessible population of 112 respondents was relatively small, the researcher took the whole universe; therefore, this was a census survey.

**3.3 Sample Size Determination**

This sample size for this study was selected using a Census method.

**Table 1: The study population and sample size**

|  |  |  |  |
| --- | --- | --- | --- |
| **Category** | **Number** | **Sample** | **Techquies** |
| Executrive Director | 01 | 01 | Census |
| Deputy Executrive Director | 01 | 01 | Census |
| Heads of departments (Selected) | 09 | 09 | Census |
| Staff (Selected) | 32 | 32 | Census |
| Community Members | 69 | 69 | Census |
| **Total** | **112** | **112** |  |

# 3.4 Sampling Techniques

Baker, (1999) explains that there are two types of sampling techniques that is probability sampling and non-probability sampling. Probability sampling is where the researcher can determine the chance of an element being included in the sample. This technique gives each member in the population an equal chance of being selected to be in the sample. On the other hand non-probability sampling the researcher uses personal judgment to determine the sample size. This does not provide assurance of representativeness. Given that the accessible population of 112 respondents was relatively small, the researcher took the whole universe; therefore, this was a census survey.

# 3.5 Data Collection Methods

Polit and Hungler (1999) define data as information obtained in a course of a study. In this study data was collected by using structured interview schedules. A structured interview schedule was used in order to capture data relevant to the study’s objectives and research questions. The research study applied the following data collection methods;

# 3.5.1 Secondary data sources

According to Burns & Grove (2001), secondary data was collected from previous studies and some publications such as magazines, internet, among others. Obtainable documents such as reports, existing literature, and any publications were used to get relevant information for the study. The secondary method of research involved the use of library sources, published and unpublished literature, official reports and other important policy documents and position papers were sought from the resource center at Human Rights Defenders Network Head Offices in Kampala.

# 3.5.2 Interview

Another method that was used by the researcher was the interview method involving face-to face interview which has a distinguished advantage of enabling the researcher to establish rapport with potential participants and therefore gain their cooperation. The interview method is hoped may yield high response rates in survey research since structured interview was used when all the questions are drafted and a respondent were asked to clarify incase an ambiguous answer is given and sought for follow up information hence the researcher obtained the best information.

It was a very good technique for getting the information about the complex, emotionally laden subjects. For the method, the researcher got to know the exact information. By this method, the respondent gave the information confidently since there was eye contact between the researcher and the respondents thus yielding more information. The respondent adapted to the ability to be interviewed, this was achieved through conversation with the respondent and there was frequent response from the respondent. The data collected by this method was more correct compared to the other methods that were used for the data collection. The interview method was good to use since the researcher got to the field himself and asked the respondents for more information that was necessary for the research thus yielding more information from the field compared to other methods.

# 3.6 Data Collection Tools/ Instruments

This was the first hand information from the people concerned. A number of tools were used for data collection and these include; self-administered questionnaires and interview guides.

# 3.6.1 Self-administered questionnaire

The researcher used the questionnaire technique or tool for collecting data that was constructed with open ended and close ended questions. The researcher could opt to use the questionnaires because they could be used to collect large amounts of information from a large number of people in a short period of time, and it was a relatively cost effective, quick and easily quantifiable by the researcher to analyze the data and to compare the findings for clarity. Furthermore, the researcher used open ended questions. Open ended questions enabled the researcher to obtain in-depth opinions of respondents. The open ended questionnaires involved questions that require the respondent to give an opinion.

The researcher chose questionnaires because the research contains variables that could not provide data through direct observation. Such data requires the respondents to express their feelings, opinions about the effectiveness of diplomacy in conflict resolution thus questionnaires being the most appropriate tool to be used. The questionnaires are hoped to reach the respondents in time. The respondents’ interpreted questions in the right way since the researcher was present to interpret the questions. Questionnaires were expensive to carry out in terms of transport to reach the respondents, printing them and in reaching out people of the targeted population sample.

# 3.6.2 Interview guide

According to Burns & Grove (2001), the researcher set questions to guide the oral/ mouth to mouth interactions between the researcher and the respondents. The data collected by this method was more correct compared to the other methods that were used for data collection. The interview method was good to use since the researcher was able to go to the field himself and asked the respondents more information that was necessary for the research thus yielding more information from the field compared to other methods. Interview method was time consuming and it has little tie with language barrier. But getting the appropriate respondents was quite hard as many of them may skip appointments.

# 3.7 Data Quality Control

The following criteria which were applied to this qualitative and quantitative study in order to make the research credible that is reliability and validity. Respondents’ checking was undertaken to give credibility to the analysis. It was quality piece of research.

# 3.7.1 Reliability

Donald and Pamela (2006) defined reliability as the characteristics of measurement concerning precision, accuracy and consistency. For the data to be reliable, it should yield the same results if the data is repeated for a number of times. Usually reliability is ensured through minimizing errors in the research tools. The researcher ensured reliability through a test- retest-strategy. This involved piloting about 07 questionnaires to the students of education at post graduate levels outside the population of study. The questionnaires were re-piloted and then compared with items in the two pilot studies. The data was collected by the researcher thereby avoiding the potential of bias. The internal consistency of data coding and analysis was enhanced as the researcher himself did all the coding and analysis.

# 3.7.2 Validity

According to Wangusa (2004), validity is the extent to which a test measures what it claims to measure. For the data to be valid, it should measure what it purports to measure and correlate with the other results. It is vital for test to be valid in order for the results to be accurately applied and interpreted. The researcher ensured validity through the use of experts with guidance of the researcher's supervisor to advice on items in the questionnaires before they were employed for the actual study. This advice to the researcher on which items that was relevant to the study and those that were not important to the study helped to streamline the study.

# 3.8 Data Collection and Processing

The researcher obtained an introduction letter from the university authority that is the Dean of the School of Social Sciences. The questionnaires were collected after one week after the respondents have filled them. Data analysis was done immediately after collection of questionnaires from the field. In order to shift the power of the researcher/participant relationship to the study participants, the research was undertaken in an environment that was selected by and comfortable for study respondents. Data editing coding the data and cleaning was done after data has been collected to ensure that all mistakes made by respondents were cleared then entering the data into the computer for analysis and summarizing the data. Also in this process a number of questionnaires were administered to several respondents.

# 3.9 Data Analysis

Data was analyzed using some computer program mainly Micro Soft Excel which was used so as to give a clear presentation of the various responses and the significance of each response depending on the magnitude of the corresponding number and frequency percentage of total responses and conclusions was drawn on the basis of those frequencies. Analysis was based on both descriptive and inferential statistics techniques.

# CHAPTER FOUR

# DATA ANALYSIS, PRESENTATION AND INTERPRETATION OF FINDINGS

# 4.0. Introduction

This chapter presents and analyzes data collected from the field of the study. The study was carried out on human rights bodies and promotion of human rights in South Sudan focusing human rights defenders network as a case study. This data was mainly collected from primary sources, using self-administered questionnaires and data analyzed using Statistical Package for Social Sciences (SPSS) program for descriptive statistics.

# 4.1 Demographic characteristics of the respondents

The purpose of this part was to analyze the background information of the respondents in relation to their age, gender, current marital status, and religious affiliation, highest level of education attained. However, it should be noted that out of the 112 respondents who were given questionnaires 97 respondents filled and returned the questionnaires representing 86.6% response. Kothari (2006) opines that a response rate of 50% or more is adequate for a study to make inferences. The information was presented by the use of tabulation.

# 4.1.1 Gender of the respondents

Respondents were requested to reflect their gender and their responses are as summarized in the table below.

**Table 4. 1: Gender of the respondents**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **Frequency** | **Percent** |
| Valid | Male | 59 | 60.8 |
|  | Female | 38 | 39.2 |
|  | **Total** | **97** | **100.0** |

**Source: Primary data, 2022**

Table 3.1 shows the gender ratio of the respondents. The table reveals that out of 97 respondents, who were randomly selected to answer the questionnaires, 59 of the respondents were males and 38 of them were females. This means that on this basis, 60.8% of the respondents were males while 39.2% of the respondents were females.

# 4.1.2 Age bracket of the respondents

Respondents were asked to reflect on their age and the responses are reflected in table below;

**Table 4.2: Age bracket of the respondents**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **Frequency** | **Percent** |
| Valid | 18 – 30 | 22 | 22.7 |
|  | 31 – 40 | 28 | 28.9 |
|  | 41-50 | 17 | 17.5 |
|  | 51-60 | 18 | 18.6 |
|  | 61+ | 12 | 12.4 |
|  | **Total** | **97** | **100.0** |

**Source: Primary data, 2022**

According to the table 3.2, the data reveals that the majority of the respondents were aged 31 years to 40 years, who made the total of 28.9% of the total respondents. Other age group individuals comprised of 22(22.7%) were between 18 – 30 years, 17(17.5%) were between 41 – 50 years, 18(18.6%) between 51 - 60 years. This implies that the majority of respondents were mature enough to provide relevant information on human rights bodies and promotion of human rights in South Sudan.

# **4.1.3 Marital status of respondents**

Respondents were requested to reflect their marital status and their responses are as summarized in the table below.

**Table 2.3: Current marital status of the respondents**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **Frequency** | **Percent** |
| Valid | Married | 52 | 53.6 |
|  | Single | 31 | 32.0 |
|  | Divorced | 10 | 10.3 |
|  | Widowed | 4 | 4.1 |
|  | **Total** | **97** | **100.0** |

**Source: Primary data, 2022**

According to the table 3.3, 52(53.6%) of the respondents were married, 31(32%) were single, 10(10.3%) were divorced and 4(4.1%) were widowed. This implies that the majority of the respondents were technically responsible for providing accurate and reliable information.

# **4.1.4 Highest education level attained.**

Respondents were requested to reflect their highest education levels attained and their responses are as summarized in the table below.

**Table 4.4: Highest education attained by the respondents**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **Frequency** | **Percent** |
| Valid | Certificate | 18 | 18.6 |
|  | Diploma | 18 | 18.6 |
|  | Bachelors | 46 | 47.4 |
|  | Masters | 12 | 12.4 |
|  | Doctorate | 3 | 3.1 |
|  | **Total** | **97** | **100.0** |

**Source: Primary data, 2022**

Basing on the table 3.4 below describes the qualification of the respondents. Out of 97 respondents involved in this study, 18(18.6%) acquired certificates, 18(18.6%) acquired diplomas, 46(47.4%) possess bachelor’s degree and 12(12.4%) possess master's degree in different courses and 3(3.1%) had doctorates. Given that all respondents had basic education it means that they could read and understand the questions in the questionnaire and thus the answers provided could be relied on to draw appropriate conclusions.

# 4.1.5 Position of the respondents

Respondents were requested to reflect their departmental work and their responses are as summarized in the table below

**Table 4.5: Position of the respondents**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **Frequency** | **Percent** |
| Valid | Management | 5 | 5.2 |
|  | Enforcement officers | 10 | 10.3 |
|  | Field officers | 7 | 7.2 |
|  | Government officials | 4 | 4.1 |
|  | Human rights activists | 10 | 10.3 |
|  | Human rights victims | 61 | 62.9 |
|  | **Total** | **97** | **100.0** |

**Source: Primary data, 2022**

The table 3.5 reveals the occupation/Designation of the respondents. Out of 97 respondents, 5(5.2%) were managers, 10(10.3%) were Enforcement officers, 7(7.2%) were field officers, 4(4.1%) were Government officials 10(10.3%) were Human rights activists, and 61(62.9%) were Human rights victims. This means information was obtained from all categories of respondents and therefore the results can be relied on.

# 4.1.6 How long have you served in the business

Respondents were requested to reflect their longevity in the business and their responses are as summarized in the table below

**Table 4.6: Longevity in the business**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **Frequency** | **Percent** |
| Valid | 0-4 years | 26 | 26.8 |
|  | 5-9 years | 35 | 36.1 |
|  | 10-14 years | 14 | 14.4 |
|  | 15-19 years | 10 | 10.3 |
|  | 20+ years | 12 | 12.4 |
|  | **Total** | **97** | **100.0** |

**Source: Primary data, 2022**

Table 3.6, 26(26.8%) of respondents had been in the business for the period 0-4 years, 35(36.1%) had been in the business between 5-9 years, 14(14.4%) had been in the business for the period between 10-14 years, 10(10.3%) had been in the business between 15-19 years and 12(12.4%) had been in the business for the period for over 20 years. The majority of the respondents were technically capable of providing accurate and reliable information on the current study.

# 4.2 To establish the nature of human rights abuses in SS being addressed by SSHRDN

This section presents analysis on the nature of human rights abuses in SS being addressed by SSHRDN. Descriptive statistics such as frequency tables were used to analyze the data. Out of the 112 questionnaires distributed 97 were filled and retuned by the respondents indicating 86.6% response rate. This is in agreement with Kothari (2006) that points out that a response rate of 50% or more is adequate to be a basis for inferences.

**Significant human rights issues relate to government-perpetrated extrajudicial killings**

Respondents were asked whether significant human rights issues relate to government-perpetrated extrajudicial killings and their responses were presented in table 4.1

**Table 4.1: Significant human rights issues relate to government-perpetrated extrajudicial killings**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **Frequency** | **Percent** |
| Valid | Disagree | 1 | 2.8 |
|  | Neutral | 3 | 8.3 |
|  | Agree | 13 | 36.1 |
|  | Strongly Agree | 19 | 52.8 |
|  | **Total** | **36** | **100.0** |

**Source: Primary data, 2022**

Result of findings in table 4.1 indicates that 32(88.9%) of the total respondents were in agreement that significant human rights issues relate to government-perpetrated extrajudicial killings. This implies that significant human rights issues related to government-perpetrated extrajudicial killings, including ethnically based, targeted killings of civilians; forced disappearances; torture and cases of cruel, inhuman, and degrading treatment or punishment; harsh and life-threatening prison conditions; arbitrary detention; political prisoners or detainees; politically motivated reprisal against individuals located outside the country. However the 1(2.8%) respondents who disagreed and 3(8.3%) were neutral. Therefore security force abuses occurred throughout the country. Despite isolated examples of prosecution for these crimes, impunity was widespread and remained a major problem. Nongovernment armed groups, including the forces of peace agreement signatories and other opposition armed groups alike, also perpetrated serious human rights abuses, which, according to the United Nations, included unlawful killings, abduction, rape, sexual slavery, and forced recruitment of children and adults into combat and noncombat roles. The findings above are in line with Tunick (2006) who states that major human rights organizations maintain extensive websites documenting violations and calling for remedial action, both at a governmental and grass-roots level. Public support and condemnation of abuses is important to their success, as human rights organizations are most effective when their calls for reform are backed by strong public advocacy.

**Arbitrary deprivation of life and other unlawful or politically motivated killings**

When respondents were asked whether arbitrary deprivation of life and other unlawful or politically motivated killings have happened and their responses were summarized in table 4.2.

**Table 4.2: Arbitrary deprivation of life and other unlawful or politically motivated killings**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **Frequency** | **Percent** |
| Valid | Disagree | 2 | 5.6 |
|  | Agree | 14 | 38.9 |
|  | Strongly Agree | 20 | 55.5 |
|  | **Total** | **36** | **100.0** |

**Source: Primary data, 2022**

Basing on findings in the table 4.2, the majority 34(94.4%) of the total respondents generally agreed that there has been arbitrary deprivation of life and other unlawful or politically motivated killings. This reveals that security forces, opposition forces, armed militias affiliated with the government and the opposition, and ethnically based groups were also responsible for widespread extrajudicial killings. A human rights organization reported the June 14 killing of businessman and former NSS detainee Kerbino Wol Agok. Wol was captured and executed by a group of NSS members, army officers, and gang members in Rumbek, Lakes State, alongside another former NSS detainee. A respondent from the Human Rights Watch revealed that, on July 11, a force including the NSS, military intelligence, army, and local armed youth killed Monydiar Maker, a youth leader in Amongpiny, Lakes State. The joint force surrounded Monydiar’s house in the early morning and opened fire, killing Monydiar and his family while they slept.

**Consistent abduction of an unknown number of persons, including women and children**

When respondents were asked whether there has been consistent abduction of an unknown number of persons, including women and children and their responses were indicated below.

**Table 4.3: Consistent abduction of an unknown persons, including women and children**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **Frequency** | **Percent** |
| Valid | Neutral | 1 | 2.8 |
|  | Agree | 10 | 27.8 |
|  | Strongly Agree | 25 | 69.4 |
|  | **Total** | **36** | **100.0** |

**Source: Primary data, 2022**

According to findings in the table 4.3, the majority 35(97.2%) of the total respondents were in agreement that there has been consistent abduction of an unknown number of persons, including women and children. However, 1(2.8%) was not sure. The UN Commission on Human Rights in South Sudan issued a report in February 2019 that alleged a continuing practice of unlawful or arbitrary detention followed by extrajudicial killings in secret, but the report did not publish details on specific cases. The local nongovernmental organization (NGO) Remembering the Ones We Lost documented the names of 280 persons missing since the conflict began in 2013, many of whom were abducted or detained by security forces. In 2019 the International Committee of the Red Cross reported that 4,000 persons were missing and their whereabouts unknown since the conflict began. The government did not comply with measures to ensure accountability for disappearances.

**Security forces torture and harass political opponents and human rights workers**

Respondents were asked whether security forces torture and harass political opponents and human rights workers, their responses were presented in table 4.4.

**Table 4.4: Security forces torture and harass political opponents and human rights workers**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **Frequency** | **Percent** |
| Valid | Neutral | 3 | 8.3 |
|  | Agree | 33 | 86.7 |
|  | **Total** | **36** | **100.0** |

**Source: Primary data, 2022**

Findings in table 4.4, indicates that 33(86.7%) of the total respondents were in agreement that security forces torture and harass political opponents and human rights workers. This is a clear indication that although prohibited under law, security forces mutilated, tortured, beat, and harassed political opponents, journalists, and human rights workers. Government and opposition forces, armed militia groups affiliated with both, and warring ethnic groups committed torture and abuses in conflict zones. However, 3(8.3%) of the respondents were not sure, this implies that impunity of the security services was a serious problem. Although the NSS created an internal disciplinary tribunal to conduct internal investigations of alleged abuses by its officers, the results of such investigations and any disciplinary actions taken were not made public. The army and police also launched investigations into misconduct, including a court-martial of more than 20 soldiers accused of a variety of crimes against civilians in and around Yei, Central Equatoria. Investigations into security-sector abuse continued to focus on low-level offenders, avoided delving into command responsibility for abuses, and generally did not refer offenders to civilian courts for trial. In line with argument of Human Rights Watch (Human Rights Watch, 2010), there were numerous additional reported abuses at NSS-run sites, including sexual and gender-based violence, beating and torture of detainees, and harassment and intimidation of human rights defenders and humanitarian workers

**The government arrests and detains individuals arbitrarily**

When respondents were asked whether the government arrests and detains individuals arbitrarily and their responses were summarized in table 4.5.

**Table 34.5: The government arrests and detains individuals arbitrarily**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **Frequency** | **Percent** |
| Valid | Disagree | 2 | 5.5 |
|  | Neutral | 5 | 13.9 |
|  | Agree | 10 | 27.8 |
|  | Strongly Agree | 21 | 58.3 |
|  | **Total** | **36** | **100.0** |

**Source: Primary data, 2021**

Basing on findings in table 4.5, the majority 31(86.1%) of the total respondents were in agreement that the government arrests and detains individuals arbitrarily. This implies that the transitional constitution prohibits arbitrary arrest and detention without charge. The government, however, arrested and detained individuals arbitrarily. The law provides for the right of any person to challenge the lawfulness of his or her arrest or detention, but there were no known cases where an appellant successfully sought compensation for wrongful detention. However, 5(13.9%) were not sure and 2(5.5%) of the respondents disagreed. Interview guide responses from the human rights organizations in South Sudan revealed that since the beginning of the crisis in 2013, there were regular reports that security forces conducted arbitrary arrests, including of journalists, civil society actors, and supposed political opponents. While not legally vested with the authority, the SSPDF often arrested or detained civilians. The NSS also routinely detained civilians without warrants or court orders and held detainees for long periods without charge or access to legal counsel or visitors. Security services rarely reported such arrests to police, other civilian authorities, or, in the case of foreigners arrested, diplomatic missions. NSS detainees were rarely brought before a court to be charged. Police also routinely arrested civilians based on little or no evidence prior to conducting investigations and often held them for weeks or months without charge or trial.

**Qualitative analysis and presentation of findings: (Personal Interviews)**

The in-depth interviews were personally conducted at the different areas with the key purposive selected respondents and at the different organizations that play key oversight roles in fighting for the rights of people. Participants read the introductory statement and brief research statement to inform them of the purpose of the study and their rights as respondents. They were also informed that the voice recordings were done to allow the researcher to go back to review, if necessary. Prior to questioning, participants were asked if the researcher has consent to proceed with the questions. All participants agreed. Interviews ranged between 45 minutes and 1 hour. The findings were presented in thematic form to allow the researcher put across all the opinions and views given by the participants. The first section of the interview asked the respondents questions concerning their particulars like name, department, position, age, marital status and the level of education. The purpose of these questions was to provide a basic background of the participant to help understand responses. However, most of the participants declined to mention their names, position and department as to conceal their identities. A total number of 61 respondents were interviewed of which they were all married, 37 were males while 24 were females

**In what ways does South Sudan Human Rights Defenders Network dedicate their efforts to protecting human rights?**

# According to the testimonies of the 14 refugee HRDs interviewed for this research, the NSS is the agency most often and most directly linked with harassment, threats and intimidation of HRDs, journalists, civil society and opposition members, both inside and outside South Sudan. The NSS’ repressive methods and operations inside the country are widely known, and reports of censorship, harassment and arbitrary arrest and detention by the National Security Service of journalists, activists and other civilians expressing critical or dissenting views from those of the Government are documented

# Eighteen human rights defenders representing thirteen organizations and in their own capacities met on 17th August 2012 in Juba and formed the South Sudan Human Rights Defenders Network. Human rights defenders in South Sudan have faced numerous challenges in carrying out their work, in part as a result of the long history of civil wars and political unrest in the vast and newly independent country. It was found out that there are ongoing efforts to ensure that legislation incorporates human rights provisions and those human rights organizations are consulted and involved in the process. The formation of the Network was aimed at ensuring effective collective efforts to address the particular concerns and challenges that HRDs in South Sudan face. Respondents from the Human Rights Defenders Network aim at promoting collective advocacy by South Sudanese HRDs for the recognition of their rights as human rights defenders, ensure the enactment of legislation that provides an enabling environment for HRDs to engage in their work and promote the wider recognition of individual rights and freedoms as recognized under international law.

# Findings revealed that EHAHRDP continues to work with human rights organizations to empower and support them to lead the efforts to address the concerns that they have at the national level. National coalitions and networks of human rights defenders have been formed in Burundi, Kenya, Rwanda, Somalia, Sudan and Tanzania. EHAHRDP commits to support the national coalitions and networks in the areas of protection, advocacy and capacity building to ensure that they have the skills and tools to engage in their work.

# Respondents further revealed that although civil society organizations and NGOs are not legally required to get approval from the NSS to hold events, it has become the norm. In an effort to control the discourse around the violations that resulted from the outbreak of violence in 2016, the prerequisite to get approval from the NSS intensified. As part of this arbitrary and unofficial rule demanding that NGOs request approval from the NSS to hold events, the NSS has been known send officers to HRD forums, spaces and trainings for surveillance purposes. They have also arrested HRDs for attending such events. Since the arbitrary implementation of this unofficial rule, the NSS has assumed the ability to regulate not only HRD space in South Sudan, but also to harass defenders who attend international trainings

# In 2000 Edmund Yakani founded the Community Empowerment for Progress Organization (CEPO), an NGO focusing on good governance and development. After the outbreak of violence in 2013, CEPO began advocating for the rights of the victims of violence and working on peace building. In May 2014, CEPO received an order from the NSS that CEPO be deregistered as an NGO and re-register as a political party. Edmund as the director of CEPO engaged in a dialogue with the NSS to discuss the status of the NGO. After the NSS failed to provide any evidence that CEPO was a political party, and after the NGO threatened to take the case to court, the NSS withdrew the order to deregister. In June 2021, Edmund received word from a trusted whistle blower that the NSS’ efforts to deregister CEPO were still ongoing.

# Interviewed respondents further revealed that since the outbreak of violence in July 2016, the Women's Monthly Forum on Peace and Political Processes in South Sudan (WMF), coordinated by WHRD Betty Sunday, has been vocal in calling for the government to end violence against women. After attending a meeting with visiting representatives of the UN Security Council, she started receiving threats. While the meeting was supposed to be confidential, a breach occurred and the identity of the civil society members in attendance was disclosed to the NSS. She received numerous threatening visits and calls from NSS officers. She was unable to return to her house out of fear for her, and her family’s safety and neighbours reported visits from officials in the late evening. Ultimately, she was forced to relocate.

# From the interviews conducted, findings above revealed that the ultimate consequence of the climate of fear and harassment that HRDs face at the hands of the South Sudanese government outside the country is the reduction of their work. This has terrible consequences for the wider South Sudanese community, which is increasingly left without advocates, and further marginalized.

**In what ways does South Sudan Human Rights Defenders Network attempt to end human rights abuses in SS?**

South Sudanese human rights defenders (HRDs) face a challenging environment at home, with threats, intimidation and harassment being common practice in a country where political, as well as ethnic, violence remains common. HRDs have been detained, silenced and killed for engaging in human rights work. Anyone who is perceived to be challenging the government or any of the political groups wielding political, economic or social power is considered a threat, and becomes a potential target.

Respondents revealed that there has been intimidation; fear and self-censorship mounting, in particular for those who monitor, work, and report on issues deemed sensitive, which include human rights, lack of accountability, governance, and implementation of the provisions of the peace agreement, including transitional security arrangements and transitional justice institutions.

However, HRDs continue their work, often in difficult conditions, because they know that no lasting peace can be achieved without justice. Without accountability for the grave violations committed in the country since its independence, respect for the human rights of its citizens, and strong institutions based on the rule of law, South Sudan will risk falling back into conflict.

As in other countries, especially in conflict and post-conflict situations, WHRDs in South Sudan face intersectional threats and challenges in relation to their human rights activities. WHRDs consulted for this research reported facing sexual harassment in the course of their work, including online harassment and bullying, difficulties in accessing government officials’ for meetings, and patterns of gender-specific threats and intimidation. Others noted how women often had their families threatened, as a way of specifically targeting female activists. Thus far, the peace agreement has not contributed to alleviating these barriers, despite a growing number of women-led peace initiatives and peaceful public demonstrations

Women documenting human rights abuses, especially CRSV and SGBV, face significant challenges and threats in relation to their work. Given societal attitudes and the prevalence of gender stereotypes in South Sudan, WHRDs play a critical role in documenting these violations, as they may have better access to survivors. WHRDs consulted for this report lamented that while some police stations did have an SGBV-specific desk for reporting, these were often staffed by men. This goes against best investigative, gender-sensitive practice and makes survivors reticent to recount abuse and seek justice, all the more since the risk of being re-traumatized is high. One WHRD highlighted how: Women don’t report because of stigma, or maybe they’ve just lost hope in the system. Lawyers can also be reluctant to take on these sensitive cases. An overall lack of access to justice contributed to ongoing violations and an overall lack of accountability at both the local and national levels.

Respondents alluded that several international and local CSOs have attempted to alleviate constraints on the justice system by training and empowering paralegal professionals from local communities, who are often well placed to follow up on cases and interact with informal justice mechanisms. This has been especially useful in remote parts of the country, where paralegals are better able to navigate justice in their own communities and are often the only legal professionals operating in their vicinity. However, given the unstable economic situation, many paralegals have quit their profession or reduced their capacity without adequate funding from clients or CSOs

When respondents were asked to propose away forward they revealed that violence and human rights violations and abuses must not be part of the new South Sudan. If these tenets are met, HRDs and civil society, with the right training and resources, can be an active player in building a lasting peace, which must be cemented by effective justice and accountability and respect for human rights. In the meantime, HRDs and CSOs operating in this space are targeted but not deterred. They continue to face challenges and restrictions to their legitimate work, with few avenues for remedy, but they are steadfast in their fight for justice and dignity.

**In what ways does South Sudan Human Rights Defenders Network maintain extensive websites for promotion of human rights?**

Human rights defender is a term used to describe people who, individually or with others, act to promote or protect human rights in a peaceful manner. Human rights defenders are identified above all by what they do and it is through a description of their actions and of some of the contexts in which they work that the term can best be explained

Human rights defenders have addressed many human rights concerns, which can be as varied as, for example, summary executions, torture, arbitrary arrest and detention, female genital mutilation, discrimination, employment issues, forced evictions, access to health care, and toxic waste and its impact on the environment. It was revealed by the respondents Defenders are active in support of human rights as diverse as the rights to life, to food and water, to the highest attainable standard of health, to adequate housing, to a name and a nationality, to education, to freedom of movement and to non-discrimination. They sometimes address the rights of categories of persons, for example women’s rights, children’s rights, the rights of indigenous persons, the rights of refugees and internally displaced persons, the rights of lesbian, gay, bisexual, transgender and intersexual people, the rights of persons with disabilities and the rights of national of linguistic.

From the interviews conducted it was revealed that the human rights situation in South Sudan remains dire and continues to worsen. Civic space is closed, with restrictions on freedom of speech, expression, peaceful assembly, and association. Independent and critical voices are targeted with arbitrary arrest and detention, sexual violence, torture and other cruel, inhuman or degrading treatment.

With pervasive surveillance of journalists, activists, and human rights defenders by security operatives, these amount to attempts to deliberately and systematically terrorize such voices into ceasing their work.

**How does South Sudan Human Rights Defenders Network act as a child advocacy organization to ensure a level playing field for all children?**

Defenders have focused their lobbying and advocacy efforts at the national, regional and international levels. They have done so by engaging with the national legislature and judicial systems, taking national advocacy objectives/campaigns to regional forums and international human rights mechanisms such as the UN Human Rights Council and the UN Special Procedures and Treaty Bodies.

Defenders explained that ultimately, their skills, financial capacity and the anticipated potential for impact on advancing their advocacy objective informed the level where advocacy was emphasized. As such, some defenders had only lobbied at the national level, while others at all three. Defenders have used the human rights mechanisms and instruments to provide impetus for holding their States to account. Many defenders see being able to interact in national political developments as part of their role. As a result, defenders have actively contributed towards legal and legislative reforms and processes. They have also been interacting with their electoral commissions, made presentations to parliamentary committees and actively engaged with NHRIs to ensure that the views of civil society are understood and presented.

Regional lobbying and advocacy takes place in spaces such as the African Commission. Defenders have submitted NGO reports during the State Periodic Reviews and galvanized support from defenders, Commissioners and CSOs at the NGO Forum, which proceeds sessions of the African Commission.

**In what ways does South Sudan Human Rights Defenders Network promote universal ratification and implementation of international standards?**

Almost all interviewees were suspicious of surveillance, avoided talking about sensitive topics over the phone, and expressed preference to meet in private spaces in Juba. This chilling effect a reflection of the widespread fear of the NSS’s surveillance capacity and practices causes people who have yet to have any action taken against them to refrain from expressing legal views for fear of harassment, arrest or prolonged detention. Living with this constant fear of surveillance impedes human rights defenders’ work contributing to shrinking space for civil society to operate.

Two interviewees recall a youth conference in South Sudan that brought together different South Sudanese youth organizations, including the youth wings of political parties, in June 2018 where a civil society member had expressed himself critically about the government. The discussions resulted in a communiqué signed by the participants. The civil society member recalls: We discovered later, there were security personnel amongst them (SPLM youth) to monitor. They approached me in the middle of the night. Amnesty International that the NSS agents threatened him with abduction at the airport were he to travel back to Juba. He then flew to Uganda and travelled back to South Sudan by road and, after more warnings, fled to Uganda, where he felt he was still being monitored by a South Sudanese man whose identity was unknown to him who followed him on the streets of Kampala and would stop when he stopped and continue walking when Malual did too. While international law does not prohibit the practice of undercover investigation per se, the breadth and depth of the network of NSS informants, and its unlawful use to monitor HRDs and deter people from exercising their human rights, unquestionably violates human rights law and standards, including freedom of opinion and expression as well as the right to privacy. In addition, the NSS uses the information gathered through human surveillance to arbitrarily arrest and detain individuals critical of the government. In 2019, the CoHRSS noted that the subsequent arrest of those identified occurred reportedly because of surveillance undertaken across different sectors, including in hospitals, government agencies, airports, banks, media houses, oilfields and civil society organizations.

Other interviewees also said that NSS has resident officers in all hotels to monitor activities in the hotels and ensure that any activities have been approved. A former Court of Appeal justice, who had moved to a hotel after he was attacked at home, told Amnesty International that he had encountered NSS officers in the hotel who said that they were monitoring him. It’s normal, he said. A civil society member recalled getting into an argument with an NSS officer at the hotel where he was staying after the officer said that he was there to monitor hotel guests. A journalist told Amnesty International: In hotels all over, they have people. There is no safe hotel in South Sudan. A human rights defender told Amnesty International she overheard NSS officers asking a hotel for the list of “who is there

# 4.3 To analyze the factors that influence SSHRDN effort in promoting human rights in South Sudan.

The study findings relate to objective two which is on analyzing the factors that influence SSHRDN effort in promoting human rights in South Sudan are presented, analyzed and interpreted in this section;

# 4.3.1 Human Rights Legal framework in place fosters promotion of human rights

When respondents were asked whether all human rights legal framework in place fosters promotion of human rights and their responses were summarized in table 4.6.

**Table 4.6: Human Rights Legal framework in place fosters promotion of human rights**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **Frequency** | **Percent** |
| Valid | Strongly Disagree | 19 | 19.6 |
|  | Disagree | 8 | 8.2 |
|  | Neutral | 10 | 10.3 |
|  | Agree | 39 | 40.2 |
|  | Strongly Agree | 21 | 21.6 |
|  | **Total** | **97** | **100.0** |

**Source: Primary data, 2022**

Basing on findings in table 4.6 indicated that 60(61.8%) of the total respondents were in agreement that human rights legal framework in place fosters promotion of human rights. This implies that its supreme law is the Transitional Constitution of the Republic of South Sudan, 2011, adopted by its National Legislative Assembly on 7th July 2011, as an amendment to the Interim Constitution of Southern Sudan, of 2005, and came into force on 9th July 2011. The Constitution constitutes the bill of rights containing the following rights and freedoms, right to Life and Human Dignity; Personal Liberty; Freedom from Slavery, Servitude and Forced; Right to found a Family; Rights of Women; Rights of the Child Freedom from Torture; Right to a fair trial; Right to Litigation; Restriction on Death Penalty; Right to Privacy; Religious Rights; Freedom of Assembly and Association; Right to Participation and Voting; Freedom of Movement and Residence; Right to Own Property; Right to Education; Rights of Persons with Special Needs and the Elderly; Right to Public Health Care; Right of Access to Information; Rights of Ethnic and Cultural Communities; and the Right to Housing. Some of these rights are reflected further in a few enactments of the National Legislative Assembly such as, The Child Act, 2008; The Code of Criminal Procedure Act, 2008. Article 9 (3) of The Transitional Constitution of the Republic of South Sudan, 2011, (T.C.S.S.) provides that; all rights and freedoms enshrined in international human rights treaties, covenants and instruments ratified or acceded to by the Republic of South Sudan shall be an integral part of this Bill. All the above enabling legal frameworks are what foster promotion of human rights in South Sudan. However, 10(10.3%) were not sure and 27(27.8%) of the respondents were in disagreement. Therefore, **the increased appeal of human rights in South Sudan is mainly attributable to the benefits brought by a human rights framework in countries that promote human rights. More specifically, human rights have the potential to remove unfreedoms4 and empower citizens, thereby uplifting their standards of living**

# 4.3.2 The government has put in place laws and policies to protect human rights

Respondents were asked whether the government has put in place laws and policies to protect human rights and their responses were presented in table 4.7.

**Table 4.7: The government has put in place laws and policies to protect human rights**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **Frequency** | **Percent** |
| Valid | Strongly Disagree | 11 | 11.3 |
|  | Disagree | 8 | 8.2 |
|  | Agree | 59 | 60.9 |
|  | Strongly Agree | 19 | 19.6 |
|  | **Total** | **97** | **100.0** |

**Source: Primary data, 2022**

Findings in table 4.7 revealed that 78(80.5%) of the respondents revealed that the government has put in place laws and policies to protect human rights. This implies that the government of South Sudan has made some progress in putting in place laws and policies to protect human rights. It joined the Mine Ban treaty in November 2011. In June 2012, the president signed into force a Refugee Provisional Order that incorporates international standards on refugee rights and a Provisional Order implementing the Geneva Conventions. However, 19(19.5%) of the respondents disagreed. From the interview held it was revealed that South Sudan has yet to ratify international and regional human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic Social and Cultural Rights (ICESCR), and the African Charter on Human and Peoples' Rights (ACHPR).

# 4.3.3 Presence of SS Human Rights Commission established by article 145 of the Constitution

On the question whether the South Sudan Human Rights Commission established by article 145 of the Constitution promotes human rights and their responses were summarized in table 4.8.

**Table 4.8: Presence of South Sudan Human Rights Commission established by article 145**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **Frequency** | **Percent** |
| Valid | Strongly Disagree | 10 | 10.3 |
|  | Disagree | 8 | 8.2 |
|  | Agree | 49 | 50.6 |
|  | Strongly Agree | 30 | 30.9 |
|  | **Total** | **97** | **100.0** |

**Source: Primary data, 2022**

According to table 4.8, the majority 79(81.5%) of the total respondents were in agreement that the presence of South Sudan Human Rights Commission; established by article 145 of the Transitional Constitution fosters the promotion of human rights in the country. This was a clear indication that the South Sudan Human Rights Commission; established by article 145 of the Transitional Constitution of the Republic of South Sudan, 2011 (T.C.S.S.) and one of its duties is to 'monitor the Bill of Rights' and its ‘application’ and 10. However, 18(18.5%) of the total respondents were in disagreement. Interviewed respondents revealed that among its specific functions is to investigate, on its own initiative, or on a complaint made by any person or group of persons, against any violation of human rights and fundamental freedoms; visiting police jails, prisons and related facilities with a view to assessing and inspecting conditions of the inmates and make recommendations to the relevant authority; establishing a continuing programme of research, education and information, and so on

**4.3.4 The Police service has an obligation to promote the rights and freedoms of individuals**

When respondents were asked whether the Police service has an obligation to promote the rights and freedoms of individuals and their responses were summarized in table 4.9.

**Table 4.9: The Police has an obligation to promote the rights and freedoms of individuals**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **Frequency** | **Percent** |
| Valid | Strongly Disagree | 10 | 10.3 |
|  | Disagree | 17 | 17.5 |
|  | Agree | 52 | 53.6 |
|  | Strongly Agree | 18 | 18.6 |
|  | **Total** | **97** | **100.0** |

**Source: Primary data, 2022**

Result of findings in the table 4.9 above indicated that 70(72.2%) of the total respondents were in agreement that the Police service has an obligation to promote the rights and freedoms of individuals. This implies that the Police and Prison Services; established by article 155 and 156 respectively of the T.C.S.S. have the obligation to respect, uphold and promote the rights and freedoms of individuals and groups enshrined in the Bill of Rights by virtue of being organs and agencies of Government. However, 27(27.8%) of the respondents were in disagreement. The South Sudan National Police Service (SSNPS), under the Ministry of Interior, is responsible for law enforcement and maintenance of order. However, Security and opposition forces, armed militias affiliated with the government or the opposition, and ethnically based groups abducted an unknown number of persons, including women and children. For example Since the beginning of the crisis in 2013, there were regular reports that security forces conducted arbitrary arrests, including of journalists, civil society actors, and supposed political opponents. Police also routinely arrested civilians based on little or no evidence prior to conducting investigations and often held them for weeks or months without charge or trial.

**4.3.5 Universal Declaration of Human Rights upholds the right to freedom of expression**

Respondents were asked whether the Universal Declaration of Human Rights upholds the right to freedom of expression and their responses were summarized in table 4.10.

**Table 4.10: Universal Declaration of Human Rights upholds the right to freedom of expression**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **Frequency** | **Percent** |
| Valid | Strongly Disagree | 11 | 11.3 |
|  | Disagree | 15 | 15.5 |
|  | Neutral | 13 | 13.4 |
|  | Agree | 44 | 45.4 |
|  | Strongly Agree | 14 | 14.4 |
|  | **Total** | **97** | **100.0** |

**Source: Primary data, 2022**

Basing on findings in the table 4.10, the majority 58(59.8%) of the total respondents were in agreement that the Universal Declaration of Human Rights upholds the right to freedom of expression. This means that International Human Rights Law upholds the right of everyone to freedom of opinion and expression, which includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. However, 13(13.4%) were not sure and 26(26.8%) of the respondents were in disagreement. While South Sudan has not acceded to the main international treaties that enshrine the right to freedom of expression, specifically the International Covenant on Civil and Political Rights and the Convention on the Elimination of Racial Discrimination. A respondent when asked to give their opinions on the same issue, it was revealed that the provisions of these instruments reflect generally-accepted State practice which has become part of customary international human rights law

**4.3.6 South Sudan is a state party to the regional African Charter on Human Rights**

Respondents were asked whether South Sudan is a state party to the regional African Charter on Human Rights and their responses were presented in table 4.11

**Table 4.11: South Sudan is a state party to the regional African Charter on Human Rights**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **Frequency** | **Percent** |
| Valid | Strongly Disagree | 19 | 19.6 |
|  | Disagree | 13 | 13.4 |
|  | Neutral | 17 | 17.5 |
|  | Agree | 31 | 32.0 |
|  | Strongly Agree | 17 | 17.5 |
|  | **Total** | **97** | **100.0** |

**Source: Primary data, 2022**

Findings in the table 4.11 reveals that the majority 48(49.5%) of the total respondents were in agreement that South Sudan is a state party to the regional African Charter on Human Rights. This reveals that in addition to provisions related to the right to life and integrity of person, the prohibition on cruel and inhuman treatment and freedom from arbitrary arrest and detention, the Charter expressly recognizes the right to receive information and the right to express and disseminate opinions within the law. However, 17(17.5%) were neutral and 32(33%) of the respondents were in disagreement. The Convention against torture places an absolute prohibition on the torture or ill-treatment of individuals including journalists and, more generally, individuals exercising their freedom of expression. This discussion is in line with the African Commission on Human and Peoples’ Rights has identified the following actions as implicating a violation of the African Charter: arbitrarily arresting and detaining journalists; censoring articles merely because they are critical of a government; closing media houses; and establishing prohibitive registration requirements, for example through the imposition of high registration fees on news publications

**4.3.7 South Sudan accedes to the international humanitarian law in Geneva Conventions**

Respondents were asked whether South Sudan accedes to the international humanitarian law in Geneva Conventions and their responses were summarized in table 4.12

**Table 4.12: South Sudan accedes to the international humanitarian law in Geneva Conventions**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **Frequency** | **Percent** |
| Valid | Strongly Disagree | 14 | 14.4 |
|  | Disagree | 12 | 12.4 |
|  | Neutral | 10 | 10.3 |
|  | Agree | 46 | 47.4 |
|  | Strongly Agree | 15 | 15.5 |
|  | **Total** | **97** | **100.0** |

**Source: Primary data, 2022**

According to findings in the table 4.12, the majority 61(62.9%) of the total respondents were in agreement that South Sudan accedes to the international humanitarian law in Geneva Conventions. The parties to South Sudan’s non-international armed conflict are bound by international humanitarian law as codified in the four Geneva Conventions (1949) and their three additional protocols. South Sudan acceded to these treaties and is also bound by customary international humanitarian law. This implies that under international humanitarian law, journalists as well as other civilians are protected. As such, failing to take all precautions to protect civilians, or deliberately targeting civilians, including journalists, would violate international humanitarian law. However, 10(10.3%) were neutral and 26(26.8%) of the respondents disagreed. The findings are in conformity with article 79 of the Additional Protocol I to the Geneva Conventions which provides for a distinctive protection for journalists in international armed conflicts. By virtue of customary international humanitarian law, the same protection applies for journalists in non international armed conflicts.

# 4.3.8 Transitional Constitution of South Sudan (TCSS) governs the actions of State actors

On the question whether Transitional Constitution of South Sudan (TCSS) governs the actions of State actors and their responses were indicated in table 4.13.

**Table 4.13: Transitional Constitution of South Sudan (TCSS) governs the actions of State actors**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **Frequency** | **Percent** |
| Valid | Strongly Disagree | 12 | 12.4 |
|  | Disagree | 11 | 11.3 |
|  | Neutral | 10 | 10.3 |
|  | Agree | 56 | 57.7 |
|  | Strongly Agree | 8 | 8.2 |
|  | **Total** | **97** | **100.0** |

**Source: Primary data, 2022**

Result of findings in table 4.13 indicates that 64(65.9%) of the total respondents were in agreement that Transitional Constitution of South Sudan (TCSS) governs the actions of State actors. This is a clear indication that its provisions on the right to freedom of expression are generally in line with international norms. Part Two of TCSS contains a Bill of Rights, and clarifies that no derogations can be made from the rights and freedoms enshrined in that Bill, except as permitted under a valid declaration of a state of emergency. However, 10(10.3%) were neutral and 32(23.7%) were in disagreement. However, the national legislative framework, notably the Penal Code Act (2008), the Media Authority Act (2013) and National Security Service Act (2014), is not always in line with the Constitution’s protection of the freedoms of expression and media. Contrary to international human rights standards, the Penal Code Act criminalizes defamation, an offence punishable by a prison term not exceeding two years or a fine or both. Findings of the above are in line with article 75 criminalizes the publication of wholly or materially false information that adversely affects the interest of South Sudan, including economic interests, or reduction in public confidence in law enforcement

**Qualitative analysis and presentation of findings: (Personal Interviews)**

The in-depth interviews were personally conducted at the different areas with the key purposive selected respondents and at the different organizations that play key oversight roles in fighting for the rights of people. The findings from the Personal Interviews were analyzed and presented in thematic form. This was intended to generate meanings out of the discussions in relation to the factors that influence Human Rights organizations’ effort to promote human rights

**In what ways does the effort of South Sudan Human Rights Defenders Network promote the prevention violence against women?**

From the various interviews conducted it was revealed that the independence of South Sudan on the 9th of July 2011 marked both the end of a long history of struggle and the beginning of a period of extraordinary political and socio-cultural tumult. After two decades of war, the country has since December 2013 descended into civil war, characterized by brutal violence and large-scale displacement.

Over the past half-century, the women of South Sudan have carried the burden of violent conflict and the accompanying disintegration of their communities, as well as endured the agony of displacement and life in refugee camps. In such a context of prolonged war and militarization, the transformation of gender norms and the normalization of violence have translated into rising levels of sexual violence against women and girls, which remain a major threat to their wellbeing.

Respondents further revealed that in 2011 a Transitional Constitution was enforced, which highlighted the role of both, traditional law and customs. Customary law, relating to the inter-connected issues of dowry, domestic violence and divorce, and violence against women can in practice result to imprisonment and oppression of women’s rights. In January 2013 South Sudan signed the African Protocol on the Rights of Women, but has to date not yet ratified it. In 2014 South Sudan’s National Legislative Assembly ratified the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

Responses from the various respondents further revealed that in South Sudan SIHAs main focus is to strengthen youth and local civil society’s capacity to promote and protect human rights and aims to bolster protection and responses to human rights violations against women. Key activities have focused on women civil society capacity building and the engagement of paralegals and community mediators capable of extending support to women victims and connecting them to women empowerment groups in instances of potential rights violations. Further, SIHA organized a series of community sensitization trainings and activities with a view to not only responding to violations of women’s human rights but preventing them from occurring via education and broadening of the community understandings of the human rights framework.

Some respondents revealed that a National Gender Policy has been developed to guide the work of the Ministry of Gender, Child and Social Welfare (MOGCSW), as well as gender policy throughout the country. In the statuary legal code, IPV is not explicitly codified into the legal framework and the forms of violence that are acknowledged by the law are rarely prosecuted in courts. The Child Act sets a legal age of marriage and establishes the punishment for child rape. However, while the legal age of marriage is 18, this is typically not enforced. Legally, the Penal Code of 2008 sets a broad definition of rape and heavy punishments, including up to 14 years in prison. However, it denies rape within marriage and does not lay out punishments for domestic violence.

**In what ways does South Sudan Human Rights Defenders Network promote the right to development and greater human rights policy?**

The South Sudan Human Rights Defenders Network (SSHRDN) is a non-profit, non-political civil society network working to protect and promote human rights in South Sudan. It is a coalition of civil society organizations and individuals seeking to provide protection, build the capacity of and create operational space for HRDs in South Sudan as a means of promoting human rights and fundamental freedoms to safeguard democratic principles through concerted participation of all the populace.

From the interviews held with respondents it was revealed that the important work of HRDs has been repeatedly recognized at the international and national levels and their contributions have been vital to protecting the land and the environment, securing just and safe conditions of work, combating corruption, and respecting indigenous cultures and rights. Indeed, through the Declaration on the Right to Development, states agreed that development must be carried out in a manner in which all human rights and fundamental freedoms can be fully realized with the self-determination of peoples and the active, free and meaningful participation of individuals and populations. HRDs play a key role in enabling the realization of the right to development.

Respondents further revealed that SSHRDN works to provide rapid and emergency response support to HRDs within its membership. They also enable embattled HRDs to access legal, medical and psychosocial services. The overall objective of the program is to improve the protection, safety and security of HRDs at an Individual and organizational level.

Interview responses revealed that n South Sudan, the SSHRDN in collaboration with Civil Rights Defenders are working closely together with its local partners to provide support that improves their continued presence and the impact of their work. Conducting an Organizational Capacity Assessment is part of the SSHRDN and Civil Rights Defenders´ joint effort to understand the internal capacity of local partners and design tailored interventions.

Another respondent revealed that currently, the SSHRDN and Civil Rights Defenders are implementing a capacity support partnership with local CSOs working in the areas of human rights in South Sudan. The 10 local CSOs participating in this project show a keen interest in having their internal capacity assessed so that they can strategize to address the gaps and build on existing opportunities.

Women who were interviewed revealed that women’s International Peace Centre organized a series of webinars with Women Human Rights Defenders and young women leaders from South Sudan on promoting self-care and healing through rituals. The objective of the webinar was to help women to reconnect with each other and learn how to take care of themselves before they take care of others, especially for those that engage in defending human rights and advocating for young women’s representation and participation in peace processes in South Sudan.

One respondent was quick to respond on this matter and said that the State’s targeting of high-profile human rights defenders will have a chilling effect on civil society and will discourage public participation and corrode confidence in the important processes of transitional justice, constitution making and national elections, which are essential for the success of the transition envisaged by the 2018 Revitalized Peace Agreement, said Commissioner Andrew Clapham. The actions of the National Security Services (NSS) have included detentions, raids, a likely internet shutdown and an enhanced security presence on the streets of Juba, the panel said during the interview process.

**How does South Sudan Human Rights Defenders Network help in asserting access to basic services for everyone in the community?**

Civil society in South Sudan plays a critical role in human rights monitoring and reporting, peace building, advocacy for accountability, and transitional justice in all its dimensions (truth telling, reparations, the full rehabilitation of victims and survivors, building guarantees of non-recurrence, and ultimately reconciliation) and providing open forums where citizens can air grievances and forge a collective path forward. This is especially important given the ethnic dimension of South Sudan’s conflict and political economy.

HRDs interviewed for this research noted that they were working under increasing pressure from security forces to refrain from any activities that may be construed as pushing for accountability for violations (and identification of perpetrators), human rights, or criticism of the implementation of R-ARCSS provisions. This has significantly curtailed civil society’s ability to be active in the security and peace building process, including in monitoring transitional security arrangements (including cantonment of armed forces) and capacity building. These restrictions have sometimes strained relations with larger stakeholders in South Sudan, as CSOs need to implement donor-funded projects without compromising their own security.

Most respondents pointed to the NSS as the main, albeit not the only, source of restrictions to their ability to effectively promote and protect human rights, including the rights to freedom of association, peaceful assembly, expression, and participation in public affairs. Though mainly affecting CSOs and HRDs, this extends to virtually all independent voices, government critics, and political opponents, and continues with almost complete impunity for instances and patterns of surveillance, threats, harassment, attacks, arbitrary detention, torture, ill-treatment, and enforced disappearances. The NSS Act grants the agency broad powers of arrest, detention, search, seizure, and surveillance without adequate human rights safeguards. The Act includes provisions providing NSS immunity for human rights violations

HRDs interviewed for this report expressed worry that their phones were being monitored and their movements tracked, contributing to a general malaise and sense of fear and self censorship among activists. The NSS’ de facto prior authorization regime regarding civil society events, has effectively stiffed the ability of HRDs to conduct workshops, trainings, documentation efforts, and peace building endeavours. In practice, CSOs conducting any activity, from private meetings to public demonstrations, must first seek the approval of security forces, who may interfere with the event’s agenda, and often demand that an NSS representative attend. These undue interferences in the exercise of the rights to freedom of peaceful assembly and association have created an environment in which HRDs cannot hold meetings freely, especially as the NSS often demands to see participant lists in advance, including staff in the field.

One HRD working with a grassroots peace building programme in Wau State highlighted that we cannot go the media as we used to, as that will endanger the whole organization. Restrictions on their movement also limited journalists’ access to camps for internally displaced persons (IDPs) and protection of civilians (POC) sites, where they may be able to ascertain conditions and act as a liaison between displaced communities and national-level advocacy efforts. This has contributed to a widening information gap between journalists and CSOs, though their cooperation is as imperative as it is mutually beneficial in the current environment.

Several international and local CSOs have attempted to alleviate constraints on the justice system by training and empowering paralegal professionals from local communities, who are often well placed to follow up on cases and interact with informal justice mechanisms. This has been especially useful in remote parts of the country, where paralegals are better able to navigate justice in their own communities and are often the only legal professionals operating in their vicinity.62 However, given the unstable economic situation, many paralegals have quit their profession or reduced their capacity without adequate funding from clients or CSOs.

# 4.4 To examine the challenges facing SSHRDN’s effort to promote human rights in South Sudan

The study findings relate to objective three which examines the challenges facing SSHRDN’s effort to promote human rights in South Sudan, results are presented, analyzed and interpreted in this section;

After an interim period of five and a half years established by the 2005 Comprehensive Peace Agreement (CPA), that ended 22 years of civil war with northern Sudan, South Sudan became an independent nation on 9 July 2011. After the Peace Agreement and the subsequent referendum on self- determination leading to the secession of South Sudan, the political situation between the two countries remains tense. Disputes over oil and unresolved border issues with Sudan continue to strain ties and a resulting suspension of oil exports in the South has forced the new nation to operate on an austerity budget. Nevertheless, over the past eight years since the signing of the CPA the government in Juba has made significant progress in systematizing state functions such as revenue collection, setting up key institutions, including South Sudanese police, prison services, and courts, building necessary infrastructure, and passing new legislation

At independence the new nation of South Sudan made a firm commitment to uphold human rights. In 2011 President Salva Kiir also signed into force a new constitution, the Transitional Constitution of the Republic of South Sudan (TCSS) that proclaims the country to be 'founded on justice, equality, respect for human dignity and the advancement of human rights and fundamental freedoms

Yet, the legacy of two decades of armed conflict presents big challenges to the new country in its efforts to promote governance and the rule of law and to establish a functional legal and justice system. There are still persistent weaknesses in the rule of law in South Sudan, resulting in serious human rights concerns. The following discussion will explain some of the most pertinent challenges in the field of human rights protection that have been encountered and identified in in South Sudan in the area of capacity building to promote and protect human rights.

# 4.4.1 South Sudan has yet to ratify some of the international and regional human rights treaties

On the question whether South Sudan has yet to ratify some of the international and regional human rights treaties, their responses were presented in table 4.14.

**Table 4.14: South Sudan has yet to ratify some of the international human rights treaties**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **Frequency** | **Percent** |
| Valid | Strongly Disagree | 11 | 11.3 |
|  | Disagree | 13 | 13.4 |
|  | Neutral | 16 | 16.5 |
|  | Agree | 33 | 34.0 |
|  | Strongly Agree | 24 | 24.7 |
|  | **Total** | **97** | **100.0** |

**Source: Primary data, 2022**

Findings in the table 4.14 reveals that 57(58.7%) of the total respondents were in agreement that South Sudan has yet to ratify some of the international and regional human rights treaties. This implies that The country has yet to ratify some of the key international and regional human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic Social and Cultural Rights (ICESCR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of Persons with Disabilities (CRPD); the African Charter on the Rights and Welfare of the Child (ACRWC). Though 16(16.5%) were neutral and 24(24.7%) of the respondents were in disagreement. From the interview held it was revealed that with the secession from Sudan in 2011, South Sudan has opted to accede and not to succeed to international human rights treaties adhered to by Sudan.

# 4.4.2 Lack of knowledge of the constitutional and international human rights guarantees

Respondents were asked whether lack of knowledge of the constitutional and international human rights guarantees is a challenge to the promotion of human rights and their responses were summarized in table 4.15

**Table 4.15: Lack of knowledge of the constitutional and international human rights guarantees**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **Frequency** | **Percent** |
| Valid | Strongly Disagree | 8 | 8.2 |
|  | Disagree | 7 | 7.3 |
|  | Neutral | 15 | 15.5 |
|  | Agree | 45 | 46.4 |
|  | Strongly Agree | 22 | 22.7 |
|  | **Total** | **97** | **100.0** |

**Source: Primary data, 2022**

Findings in table 4.15 shows that 67(69.1%) of the total respondents agreed that lack of knowledge of the constitutional and international human rights guarantees is a challenge to the promotion of human rights. This is a clear indication that influenced by its predecessors, the Interim Constitution of Southern Sudan (ICSS) and the Interim National Constitution of 2005 (INC), Part Two of the Transitional Constitution of South Sudan incorporates a Bill of Rights that contains far-reaching guarantees pertaining to civil, political, economic and social rights. However, 15(15.5%) were not sure and 15(15.5%) were in disagreement. Moreover, the TCSS contains far reaching fair trial guarantees (Art. 19 TCSS), extensive religious rights (Art. 23 TCSS), and also wide ranging social rights, e.g. the right to education (Article 29 TCSS), public health care (Article 31 TCSS) and the right to housing (Article 34 TCSS). However, economic and social rights have so far remained largely unfulfilled in South Sudan, with low levels for the realization of the rights to food, health, access to clean and safe water and sanitation, education and suitable housing.

# 4.4.3 The legal framework does not provide for effective remedies for the rights violated

When respondent were asked whether the legal framework does not provide for effective remedies for the rights violated and their responses were indicated in table 4.16.

**Table 4.17: The legal framework does not provide for effective remedies for rights violated**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **Frequency** | **Percent** |
| Valid | Strongly Disagree | 8 | 8.2 |
|  | Disagree | 8 | 8.2 |
|  | Neutral | 10 | 10.4 |
|  | Agree | 47 | 48.5 |
|  | Strongly Agree | 24 | 24.7 |
|  | **Total** | **97** | **100.0** |

**Source: Primary data, 2022**

Findings in table 4.16 reveals that the majority 71(73.2%) of the total respondents were in agreement that the legal framework does not provide for effective remedies for the rights violated. This implies that despite the extensive catalogue of rights guaranteed by the constitution, there is no explicit provision under national law that all rights contained in the Bill of Rights can be enforced in a court of law. In fact, the legal framework does not provide for effective remedies for individuals whose rights were violated. Though 10(10.4%) were neutral and 16(16.4%) of the respondents disagreed. Therefore, there is very little knowledge not only among citizens but also among South Sudanese lawyers and judges on the substance of these laws. A respondent noted that access to printed legal materials, even current laws, remains severely limited. Furthermore, individuals have no or little public awareness of human rights standards.

# 4.4.4 Partly still inadequate legal framework to uphold human rights standards in South Sudan

Respondents were asked whether partly still inadequate legal framework to uphold human rights standards in South Sudan is a challenge, their responses were presented in table 4.17.

**Table 4.17: Partly still inadequate legal framework to uphold human rights in South Sudan**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **Frequency** | **Percent** |
| Valid | Strongly Disagree | 14 | 14.4 |
|  | Disagree | 14 | 14.4 |
|  | Agree | 44 | 45.4 |
|  | Strongly Agree | 25 | 25.8 |
|  | **Total** | **97** | **100.0** |

**Source: Primary data, 2022**

Result of findings in the table 4.17 indicates that 69(71.2%) of the total respondents generally agreed that partly still inadequate legal framework to uphold human rights standards in South Sudan. This implies that several laws still have to be adopted or amended in South Sudan in order to uphold human rights standards effectively. Moreover, existing national laws are often not in conformity with international and regional human rights treaties. One of the biggest concerns is that South Sudan still has no law regulating the National Security Service that defines or limits its powers of arrest and detention. However, 28(28.8%) of the respondents were in disagreement. This means that this is a major gap in the legal system and calls into question the lawfulness of any interference by the National Security Service with citizens' rights. In addition to that, weaknesses in the justice system and a lack of effective judicial oversight over the conduct of security forces give rise to serious human rights concerns.

# 4.4.5 The country still lacks an adequate legal framework governing the media

On the question whether the country still lacks an adequate legal framework governing the media and their responses were summarized in table 4.18.

**Table 4.18: The country still lacks an adequate legal framework governing the media**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **Frequency** | **Percent** |
| Valid | Strongly Disagree | 8 | 8.2 |
|  | Disagree | 9 | 9.3 |
|  | Neutral | 13 | 13.4 |
|  | Agree | 29 | 29.9 |
|  | Strongly Agree | 38 | 39.2 |
|  | **Total** | **97** | **100.0** |

**Source: Primary data, 2022**

Basing on findings in table 4.18, the majority 67(69.1%) of the total respondents were in agreement that the country still lacks an adequate legal framework governing the media. For example, the country lacks an adequate legal framework governing the media. In the absence of laws regulating the media, editors and journalists are especially vulnerable to harassment, intimidation, assaults, arbitrary arrest, and censorship in the conduct of their activities. However, 13(13.4%) were neutral and 17(17.5%) were in disagreement. The current Penal Code and Criminal Procedure Act are also in need of revision. Laws regulating criminal procedures have to be more precise in order to avoid giving rise to interpretation that infringes upon the right of every South Sudanese citizen to security, due process and a fair trial.

# 4.4.6 Insufficient implementation of existing human rights guarantees

On the question whether there is insufficient implementation of existing human rights guarantees and their responses were indicated in table 4.19.

**Table 4.19: Insufficient implementation of existing human rights guarantees in SS**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **Frequency** | **Percent** |
| Valid | Strongly Disagree | 8 | 8.2 |
|  | Disagree | 7 | 7.3 |
|  | Neutral | 16 | 16.5 |
|  | Agree | 52 | 53.6 |
|  | Strongly Agree | 14 | 14.4 |
|  | **Total** | **97** | **100.0** |

**Source: Primary data, 2022**

Table 4.19 above shows that 66(68%) of the total respondents were in agreement that there is insufficient implementation of existing human rights guarantees in South Sudan. This implies that even though the Transitional Constitution of South Sudan contains an extensive catalogue of human rights guarantees, these rights are often not fully implemented in practice. Laws are often misunderstood and lead to cases of misapplication. Furthermore, judges and prosecutors fail to ensure that legal processes take place in accordance with domestic law and in respect of the right to a fair trial. However, 16(16.5%) were neutral on the statement and 15(15.5%) of the respondents were in disagreement. Prisons and other detention centres are full of individuals arrested without a warrant, detained without being charged, and with no prospect of a trial.

# 4.4.7 The justice system remains weak and ineffective on human rights

Respondents were asked whether the justice system remains weak and ineffective on human rights and their responses were presented in table 20

**Table 4.20: The justice system remains weak and ineffective on human rights**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **Frequency** | **Percent** |
| Valid | Agree | 12 | 33.3 |
|  | Strongly Agree | 24 | 66.7 |
|  | **Total** | **36** | **100.0** |

**Source: Primary data, 2022**

Findings in the table 20, indicates that all 36(100%) of the respondents were in agreement that the justice system remains weak and ineffective on human rights. This implies that a strong and effective judiciary is not only crucial for the system of checks and balances, but also to achieve peace in South Sudan. Currently the justice system still remains weak and ineffective and is plagued by a shortage of qualified lawyers and judges, as well as professional police. Furthermore, apart from being under-staffed the judiciary suffers from a lack of basic training, infrastructure, transport and equipment, which severely affects the administration of justice in South Sudan. In addition, the scope of territorial coverage and jurisdiction of the formal justice system in South Sudan is narrow and access to justice remains severely limited. According to the Judiciary Act, there should be statutory courts in every county and payam. A respondent revealed that in reality, however, the court infrastructure is frequently absent in rural areas, and only some of South Sudan's counties have functioning statutory courts. Despite the court structure provided for in the Judiciary Act, so far there are no statutory courts at the payam level in South Sudan

# 4.4.8 Criminal jurisdiction and sentencing power of customary courts remains unclear

On the question whether criminal jurisdiction and sentencing power of customary courts remains unclear and their responses were summarized in table 21

**Table 4.21: Criminal jurisdiction and sentencing power of customary courts remains unclear**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | **Frequency** | **Percent** |
| Valid | Strongly Disagree | 2 | 5.5 |
|  | Disagree | 1 | 2.8 |
|  | Neutral | 1 | 2.8 |
|  | Agree | 12 | 33.3 |
|  | Strongly Agree | 20 | 55.6 |
|  | **Total** | **36** | **100.0** |

**Source: Primary data, 2022**

Basing on findings in table 21 reveals that 32(88.9%) of the total respondents were in agreement that criminal jurisdiction and sentencing power of customary courts remains unclear. This reveals that while South Sudan operates a plural judicial system with statutory and customary courts, the traditional justice system covers more than 80 per cent of the country. Customary courts are accepted forums of dispute resolution in South Sudan, which are generally more accessible and familiar to the population. 3(8.3%) of the respondents disagreed and 1(2.8%) remained neutral. However, the criminal jurisdiction and the sentencing power of customary courts remain unclear and their exercise of judicial powers is not sufficiently overseen by the formal justice system. Procedures and rulings of customary courts often raise serious human rights concerns, as they are frequently not in compliance with fair trial standards. Chiefs presiding over customary courts issue their rulings without any previous legal training.

**Qualitative analysis and presentation of findings: (Personal Interviews)**

The in-depth interviews were personally conducted at the different areas with the key purposive selected respondents and at the different organizations that play key oversight roles in fighting for the rights of people. The findings from the Personal Interviews were analyzed and presented in thematic form. This was intended to generate meanings out of the discussions in relation to the challenges facing SSHRDN’s effort to promote human rights in South Sudan

**What problems does South Sudan Human Rights Defenders Network face in her advocacy services?**

Civil society in South Sudan plays a critical role in human rights monitoring and reporting, peace building, advocacy for accountability, and transitional justice in all its dimensions (truth telling, reparations, the full rehabilitation of victims and survivors, building guarantees of non-recurrence, and ultimately reconciliation) and providing open forums where citizens can air grievances and forge a collective path forward. This is especially important given the ethnic dimension of South Sudan’s conflict and political economy.

HRDs interviewed for this research noted that they were working under increasing pressure from security forces to refrain from any activities that may be construed as pushing for accountability for violations (and identification of perpetrators), human rights, or criticism of the implementation of R-ARCSS provisions. This has significantly curtailed civil society’s ability to be active in the security and peace building process, including in monitoring transitional security arrangements (including cantonment of armed forces) and capacity building. These restrictions have sometimes strained relations with larger stakeholders in South Sudan, as CSOs need to implement donor-funded projects without compromising their own security.

# Most respondents pointed to the NSS as the main, albeit not the only, source of restrictions to their ability to effectively promote and protect human rights, including the rights to freedom of association, peaceful assembly, expression, and participation in public affairs. Though mainly affecting CSOs and HRDs, this extends to virtually all independent voices, government critics, and political opponents, and continues with almost complete impunity for instances and patterns of surveillance, threats, harassment, attacks, arbitrary detention, torture, ill-treatment, and enforced disappearances. The NSS Act grants the agency broad powers of arrest, detention, search, seizure, and surveillance without adequate human rights safeguards. The Act includes provisions providing NSS immunity for human rights violations.

# HRDs interviewed for this report expressed worry that their phones were being monitored and their movements tracked, contributing to a general malaise and sense of fear and self censorship among activists. The NSS’ de facto prior authorization regime regarding civil society events, has effectively stiffed the ability of HRDs to conduct workshops, trainings, documentation efforts, and peace building endeavours. In practice, CSOs conducting any activity, from private meetings to public demonstrations, must first seek the approval of security forces, who may interfere with the event’s agenda, and often demand that an NSS representative attend. These undue interferences in the exercise of the rights to freedom of peaceful assembly and association have created an environment in which HRDs cannot hold meetings freely, especially as the NSS often demands to see participant lists in advance, including staff in the field. This compromised their security and sends a chilling message to independent and critical voices. Several interviewees reported having to pay hefty bribes to security officials in order to get clearance for their events. One noted that most CSOs deal with this. We are forced to pay, and we don’t have a budget for that. This also severely curtails discussions and networking at events monitored by the NSS, feeding suspicion and self-censorship and stiffing the space for critical analysis.

# Intimidation, harassment, arrests, arbitrary detentions, enforced disappearances, and even extra-judicial killings were cited as other tactics used to silence HRDs. This climate has affected even those working on smaller, less political community projects focused on livelihoods and food security. General insecurity, especially in the Lakes and Yei River States, continues to contribute to a lack of visibility for human rights abuses committed in rural areas, where sexual and gender-based violence (SGBV) continues to be perpetrated with impunity and survivors’ lack of access to effective remedies.

# The South Sudan Media Authority was also cited by most respondents as being directly involved, or at least acquiescent, in the stiffing of independent voices in South Sudan. This authority, established in 2016, is meant to act as an independent body to oversee broadcast content and deal with complaints, as well as to protect the right of access to public information. However, in practice, it has increasingly been regarded as an official arm of the government’s efforts to silence independent coverage, and it has increasingly used its authority to suppress content deemed subversive. For instance, in March 2019, the Media Authority briefly suspended the UNMISS-operated radio station, Radio Miraya, for failing to comply with media laws. Soon after, one of the radio station’s reporters was arrested. In January 2019, the Media Authority ordered privately owned newspapers to refrain from covering protests in neighbouring Sudan so as not to upset the delicate political balance in South Sudan. As the Media Authority has the power to issue broadcast licenses and credentials for journalists, it can shut down communication channels with little chance of remedy. In regards to the NSS and the Media Authority, one journalist noted that “these two giants together are making our problems worse.

# Women documenting human rights abuses, especially CRSV and SGBV, face significant challenges and threats in relation to their work. Given societal attitudes and the prevalence of gender stereotypes in South Sudan, WHRDs play a critical role in documenting these violations, as they may have better access to survivors. WHRDs consulted for this report lamented that while some police stations did have an SGBV-specific desk for reporting, these were often staffed by men. This goes against best investigative, gender-sensitive practice and makes survivors reticent to recount abuse and seek justice, all the more since the risk of being re-traumatized is high. One WHRD highlighted how: Women don’t report because of stigma, or maybe they’ve just lost hope in the system. Lawyers can also be reluctant to take on these sensitive cases. An overall lack of access to justice contributed to ongoing violations and an overall lack of accountability at both the local and national levels.

# What challenges does South Sudan Human Rights Defenders Network face while protecting the rights of children?

# South Sudanese human rights defenders (HRDs) face a challenging environment at home, with threats, intimidation and harassment being common practice in a country where political, as well as ethnic, violence remains common. HRDs have been detained, silenced and killed for engaging in human rights work. Anyone who is perceived to be challenging the government or any of the political groups wielding political, economic or social power is considered a threat, and becomes a potential target.

# Of the 14 refugee HRDs who participated in this research, three are women HRDs (WHRDs) and one is a gender non-conforming HRD. The human rights work of refugee WHRDs is critical, life-sustaining, and severely undervalued and under visibilized. As a consequence, identifying and safely communicating with WHRDs in refugee contexts involves significantly more barriers than communicating with men. Women in refugee camps and shelters often have significantly less access to communication technology than men, and are usually the primary careers for their children and extended families, placing extreme demands on their time.

# HRDs in exile were already active in South Sudan, as part of civil society organizations or as individual activists. Often, their work and the threats they received because of it are the very reasons why they left South Sudan. Many of them continue to be active in neighbouring countries, engaging with colleagues both inside and outside the country to continue their human rights work. For this research, Front Line Defenders sought out those who continue to work while in exile; as such the full picture of the impact on the South Sudanese human rights movement may be somewhat skewed, as this report does not account for those who have ceased their work entirely.

# According to the testimonies of the 14 refugee HRDs interviewed for this research, the NSS is the agency most often and most directly linked with harassment, threats and intimidation of HRDs, journalists, civil society and opposition members, both inside and outside South Sudan. The NSS’ repressive methods and operations inside the country are widely known, and reports of censorship, harassment and arbitrary arrest and detention by the National Security Service of journalists, activists and other civilians expressing critical or dissenting views from those of the Government are documented.

Despite a slight reduction in conflict-related violence in the country over the past few years, the space for civil society continues to shrink, a trend which has especially accelerated in the time leading up to the formation of the transitional government, in February 2020.6 The UN Commission on Human Rights in South Sudan reports that inside South Sudan, members of civil society organizations in Juba expressed concerns over State monitoring of their private social media and digital communication accounts

Others, including in Juba and Wau, were unable to conduct workshops without the express consent of NSS, who interlocutors believed were infiltrating and attending their workshops. One interlocutor explained how State Security may determine the size of a workshop and the subject of discussion. The Commission also continued to document cases where NSS did not authorize workshops and meetings of civil society groups to be held, despite the civic nature of their purpose.

According to an expert interviewed for the research, the NSS amounts to an alternative army for President Kiir. It is possible to go so far as to say that the NSS is a direct tool for presidential control. In fact, the NSS works to keep Kiir in power. The NSS’ budget comes from the Office of the President and is large, unlimited and unaccounted for. While the budget of the Office of the President is public, there is no breakdown of its use, because it is considered a national security matter. There is therefore neither transparency nor oversight on the budget available to the NSS from the Office of the President. Additionally, the NSS has developed a business presence within South Sudan which encompasses almost all business areas. It can especially rely on funding sources connected to oil extraction.

One South Sudan observer interviewed for this report stated how the NSS is infiltrated in everything, from commercial to humanitarian systems. There are a number of people who are stationed outside the country and pose as students, for example, but are in reality NSS officers. The expert personally knows of at least one person who is a student in Kenya and whose school fees are paid for by the NSS

**What problems does South Sudan Human Rights Defenders Network face while following up human rights abuses by police and the army?**

South Sudanese refugee HRDs reported a wide range of surveillance tactics used by the NSS to monitor and intimidate them. This ranges from digital surveillance - tracking their movements and whereabouts through phishing and monitoring their social media accounts to physical surveillance when informers or alleged NSS agents are stationed outside South Sudan to keep track of HRDs who left the country.

According to the cases reported by refugee HRDs, the NSS has a direct connection with South Sudanese embassies, especially those in Kampala and Nairobi, and is able to use the embassies to target refugee HRDs. All South Sudanese embassies are believed to have NSS attachés. While this is not an illegal practice in itself and is in effect in line with how many intelligence agencies around the world operate it is not the mere presence of agents, but rather the activities they carry out, which poses a direct threat to HRDs in those countries. In the case of the NSS, reports of intimidation and threats of perceived dissidents, abductions and extrajudicial killings are a strong indication that their activities are outside the law.

The Red Card Movement (RCM) is a youth movement formed in 2019, openly calling for the removal of President Kiir from office. Many of its members are South Sudanese refugees. Since its start, RCM members and leaders, as well as those believed to be, have been targeted by the South Sudanese government and the NSS, inside and outside South Sudan. In 2019, the RCM mobilized South Sudanese youth all over the world through social media, calling for a protest on 16 May to show the extent of the dissatisfaction with the government of South Sudan. Protests were planned in several countries, including in South Sudan. A heavy police and military response in Juba before the planned protest led to the arrest and detention of many youth thought to be among the organizers of the RCM

In addition to facing potential risks from the South Sudanese NSS for their human rights work, South Sudanese refugee WHRDs are often seen as challenging the traditional roles they are expected to occupy in society. This challenge to patriarchal gender norms subject them to threats and harassment within their communities, leaving them exposed to further threats from the NSS if community members turn into informants.

WHRDs can be discriminated within their communities because what they are doing is seen as a threat to the traditional way of life. By being seen to disrupt family or community allegiances they were born into, they also potentially alienate themselves from people who could assist them in the event of threats. HRDs often rely on protection from their communities, and women are basically forced to choose between being silent about sexual and gender rights and keeping their community support, or speaking about women's rights and being more at risk from South Sudanese actors, which can include the NSS or those pressured or incentivized by the NSS.

# CHAPTER FIVE

# DISCUSSION OF FINDINGS

# 5.0. Introduction

This chapter presents the discussions and interpretations of findings on human rights bodies and promotion of human rights in South Sudan, basing on a case study of Human Rights Defenders Network.

# 5.1. To establish the nature of human rights abuses in SS being addressed by SSHRDN

Study findings revealed that 32(88.9%) of the total respondents were in agreement that significant human rights issues relate to government-perpetrated extrajudicial killings. This implied that significant human rights issues related to government-perpetrated extrajudicial killings, including ethnically based, targeted killings of civilians; forced disappearances; torture and cases of cruel, inhuman, and degrading treatment or punishment; harsh and life-threatening prison conditions; arbitrary detention; political prisoners or detainees; politically motivated reprisal against individuals located outside the country. However the 1(2.8%) respondents who disagreed and 3(8.3%) were neutral. Therefore security force abuses occurred throughout the country. Despite isolated examples of prosecution for these crimes, impunity was widespread and remained a major problem. Nongovernment armed groups, including the forces of peace agreement signatories and other opposition armed groups alike, also perpetrated serious human rights abuses, which, according to the United Nations, included unlawful killings, abduction, rape, sexual slavery, and forced recruitment of children and adults into combat and noncombat roles. The findings above are in line with Tunick (2006) who states that major human rights organizations maintain extensive websites documenting violations and calling for remedial action, both at a governmental and grass-roots level. Public support and condemnation of abuses is important to their success, as human rights organizations are most effective when their calls for reform are backed by strong public advocacy.

Basing on findings from the field it was revealed that majority 34(94.4%) of the total respondents generally agreed that there has been arbitrary deprivation of life and other unlawful or politically motivated killings. This revealed that security forces, opposition forces, armed militias affiliated with the government and the opposition, and ethnically based groups were also responsible for widespread extrajudicial killings. A human rights organization reported the June 14 killing of businessman and former NSS detainee Kerbino Wol Agok. Wol was captured and executed by a group of NSS members, army officers, and gang members in Rumbek, Lakes State, alongside another former NSS detainee. A respondent from the Human Rights Watch revealed that, on July 11, a force including the NSS, military intelligence, army, and local armed youth killed Monydiar Maker, a youth leader in Amongpiny, Lakes State. The joint force surrounded Monydiar’s house in the early morning and opened fire, killing Monydiar and his family while they slept.

According to findings, the majority 35(97.2%) of the total respondents were in agreement that there has been consistent abduction of an unknown number of persons, including women and children. However, 1(2.8%) was not sure. The UN Commission on Human Rights in South Sudan issued a report in February 2019 that alleged a continuing practice of unlawful or arbitrary detention followed by extrajudicial killings in secret, but the report did not publish details on specific cases. The local nongovernmental organization (NGO) Remembering the Ones We Lost documented the names of 280 persons missing since the conflict began in 2013, many of whom were abducted or detained by security forces. In 2019 the International Committee of the Red Cross reported that 4,000 persons were missing and their whereabouts unknown since the conflict began. The government did not comply with measures to ensure accountability for disappearances.

Findings from the field revealed that 33(86.7%) of the total respondents were in agreement that security forces torture and harass political opponents and human rights workers. This is a clear indication that although prohibited under law, security forces mutilated, tortured, beat, and harassed political opponents, journalists, and human rights workers. Government and opposition forces, armed militia groups affiliated with both, and warring ethnic groups committed torture and abuses in conflict zones. However, 3(8.3%) of the respondents were not sure, this implies that impunity of the security services was a serious problem. Although the NSS created an internal disciplinary tribunal to conduct internal investigations of alleged abuses by its officers, the results of such investigations and any disciplinary actions taken were not made public. The army and police also launched investigations into misconduct, including a court-martial of more than 20 soldiers accused of a variety of crimes against civilians in and around Yei, Central Equatoria. Investigations into security-sector abuse continued to focus on low-level offenders, avoided delving into command responsibility for abuses, and generally did not refer offenders to civilian courts for trial. In line with argument of Human Rights Watch (Human Rights Watch, 2010), there were numerous additional reported abuses at NSS-run sites, including sexual and gender-based violence, beating and torture of detainees, and harassment and intimidation of human rights defenders and humanitarian workers

Basing on findings from the field, the majority 31(86.1%) of the total respondents were in agreement that the government arrests and detains individuals arbitrarily. This implies that the transitional constitution prohibits arbitrary arrest and detention without charge. The government, however, arrested and detained individuals arbitrarily. The law provides for the right of any person to challenge the lawfulness of his or her arrest or detention, but there were no known cases where an appellant successfully sought compensation for wrongful detention. However, 5(13.9%) were not sure and 2(5.5%) of the respondents disagreed. Interview guide responses from the human rights organizations in South Sudan revealed that since the beginning of the crisis in 2013, there were regular reports that security forces conducted arbitrary arrests, including of journalists, civil society actors, and supposed political opponents. While not legally vested with the authority, the SSPDF often arrested or detained civilians. The NSS also routinely detained civilians without warrants or court orders and held detainees for long periods without charge or access to legal counsel or visitors. Security services rarely reported such arrests to police, other civilian authorities, or, in the case of foreigners arrested, diplomatic missions. NSS detainees were rarely brought before a court to be charged. Police also routinely arrested civilians based on little or no evidence prior to conducting investigations and often held them for weeks or months without charge or trial.

Findings from the interviews revealed that EHAHRDP continues to work with human rights organizations to empower and support them to lead the efforts to address the concerns that they have at the national level. National coalitions and networks of human rights defenders have been formed in Burundi, Kenya, Rwanda, Somalia, Sudan and Tanzania. EHAHRDP commits to support the national coalitions and networks in the areas of protection, advocacy and capacity building to ensure that they have the skills and tools to engage in their work. Respondents from the focus group discussion further revealed that although civil society organizations and NGOs are not legally required to get approval from the NSS to hold events, it has become the norm. In an effort to control the discourse around the violations that resulted from the outbreak of violence in 2016, the prerequisite to get approval from the NSS intensified.

# 5.2. Findings on the factors that influence SSHRDN effort in promoting human rights in South Sudan.

Basing on field results, it was revealed that 60(61.8%) of the total respondents were in agreement that human rights legal framework in place fosters promotion of human rights. This implied that its supreme law is the Transitional Constitution of the Republic of South Sudan, 2011, adopted by its National Legislative Assembly on 7th July 2011, as an amendment to the Interim Constitution of Southern Sudan, of 2005, and came into force on 9th July 2011. The Constitution constitutes the bill of rights containing the following rights and freedoms, right to Life and Human Dignity; Personal Liberty; Freedom from Slavery, Servitude and Forced; Right to found a Family; Rights of Women; Rights of the Child Freedom from Torture; Right to a fair trial; Right to Litigation; Restriction on Death Penalty; Right to Privacy; Religious Rights; Freedom of Assembly and Association; Right to Participation and Voting; Freedom of Movement and Residence; Right to Own Property; Right to Education; Rights of Persons with Special Needs and the Elderly; Right to Public Health Care; Right of Access to Information; Rights of Ethnic and Cultural Communities; and the Right to Housing. Some of these rights are reflected further in a few enactments of the National Legislative Assembly such as, The Child Act, 2008; The Code of Criminal Procedure Act, 2008. Article 9 (3) of The Transitional Constitution of the Republic of South Sudan, 2011, (T.C.S.S.) provides that; all rights and freedoms enshrined in international human rights treaties, covenants and instruments ratified or acceded to by the Republic of South Sudan shall be an integral part of this Bill. All the above enabling legal frameworks are what foster promotion of human rights in South Sudan. However, 10(10.3%) were not sure and 27(27.8%) of the respondents were in disagreement. Therefore, **the increased appeal of human rights in South Sudan is mainly attributable to the benefits brought by a human rights framework in countries that promote human rights. More specifically, human rights have the potential to remove unfreedoms4 and empower citizens, thereby uplifting their standards of living**

Findings revealed that 78(80.5%) of the respondents revealed that the government has put in place laws and policies to protect human rights. This implied that the government of South Sudan has made some progress in putting in place laws and policies to protect human rights. It joined the Mine Ban treaty in November 2011. In June 2012, the president signed into force a Refugee Provisional Order that incorporates international standards on refugee rights and a Provisional Order implementing the Geneva Conventions. However, 19(19.5%) of the respondents disagreed. From the interview held it was revealed that South Sudan has yet to ratify international and regional human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic Social and Cultural Rights (ICESCR), and the African Charter on Human and Peoples' Rights (ACHPR).

Accordingly, the majority 79(81.5%) of the total respondents were in agreement that the presence of South Sudan Human Rights Commission; established by article 145 of the Transitional Constitution fosters the promotion of human rights in the country. This was a clear indication that the South Sudan Human Rights Commission; established by article 145 of the Transitional Constitution of the Republic of South Sudan, 2011 (T.C.S.S.) and one of its duties is to 'monitor the Bill of Rights' and its ‘application’ and 10. However, 18(18.5%) of the total respondents were in disagreement. Interviewed respondents revealed that among its specific functions is to investigate, on its own initiative, or on a complaint made by any person or group of persons, against any violation of human rights and fundamental freedoms; visiting police jails, prisons and related facilities with a view to assessing and inspecting conditions of the inmates and make recommendations to the relevant authority; establishing a continuing programme of research, education and information, and so on

Result of findings from the field indicated that 70(72.2%) of the total respondents were in agreement that the Police service has an obligation to promote the rights and freedoms of individuals. This implies that the Police and Prison Services; established by article 155 and 156 respectively of the T.C.S.S. have the obligation to respect, uphold and promote the rights and freedoms of individuals and groups enshrined in the Bill of Rights by virtue of being organs and agencies of Government. However, 27(27.8%) of the respondents were in disagreement. The South Sudan National Police Service (SSNPS), under the Ministry of Interior, is responsible for law enforcement and maintenance of order. However, Security and opposition forces, armed militias affiliated with the government or the opposition, and ethnically based groups abducted an unknown number of persons, including women and children. For example Since the beginning of the crisis in 2013, there were regular reports that security forces conducted arbitrary arrests, including of journalists, civil society actors, and supposed political opponents. Police also routinely arrested civilians based on little or no evidence prior to conducting investigations and often held them for weeks or months without charge or trial.

Basing on findings, the majority 58(59.8%) of the total respondents were in agreement that the Universal Declaration of Human Rights upholds the right to freedom of expression. This means that International Human Rights Law upholds the right of everyone to freedom of opinion and expression, which includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. However, 13(13.4%) were not sure and 26(26.8%) of the respondents were in disagreement. While South Sudan has not acceded to the main international treaties that enshrine the right to freedom of expression, specifically the International Covenant on Civil and Political Rights and the Convention on the Elimination of Racial Discrimination. A respondent when asked to give their opinions on the same issue, it was revealed that the provisions of these instruments reflect generally-accepted State practice which has become part of customary international human rights law

Findings revealed that the majority 48(49.5%) of the total respondents were in agreement that South Sudan is a state party to the regional African Charter on Human Rights. This reveals that in addition to provisions related to the right to life and integrity of person, the prohibition on cruel and inhuman treatment and freedom from arbitrary arrest and detention, the Charter expressly recognizes the right to receive information and the right to express and disseminate opinions within the law. However, 17(17.5%) were neutral and 32(33%) of the respondents were in disagreement. The Convention against torture places an absolute prohibition on the torture or ill-treatment of individuals including journalists and, more generally, individuals exercising their freedom of expression. This discussion is in line with the African Commission on Human and Peoples’ Rights has identified the following actions as implicating a violation of the African Charter: arbitrarily arresting and detaining journalists; censoring articles merely because they are critical of a government; closing media houses; and establishing prohibitive registration requirements, for example through the imposition of high registration fees on news publications

From the various interviews conducted it was revealed that the independence of South Sudan on the 9th of July 2011 marked both the end of a long history of struggle and the beginning of a period of extraordinary political and socio-cultural tumult. After two decades of war, the country has since December 2013 descended into civil war, characterized by brutal violence and large-scale displacement.

Over the past half-century, the women of South Sudan have carried the burden of violent conflict and the accompanying disintegration of their communities, as well as endured the agony of displacement and life in refugee camps. In such a context of prolonged war and militarization, the transformation of gender norms and the normalization of violence have translated into rising levels of sexual violence against women and girls, which remain a major threat to their wellbeing.

Respondents further revealed that in 2011 a Transitional Constitution was enforced, which highlighted the role of both, traditional law and customs. Customary law, relating to the inter-connected issues of dowry, domestic violence and divorce, and violence against women can in practice result to imprisonment and oppression of women’s rights. In January 2013 South Sudan signed the African Protocol on the Rights of Women, but has to date not yet ratified it. In 2014 South Sudan’s National Legislative Assembly ratified the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

Responses from the various respondents further revealed that in South Sudan SIHAs main focus is to strengthen youth and local civil society’s capacity to promote and protect human rights and aims to bolster protection and responses to human rights violations against women. Key activities have focused on women civil society capacity building and the engagement of paralegals and community mediators capable of extending support to women victims and connecting them to women empowerment groups in instances of potential rights violations. Further, SIHA organized a series of community sensitization trainings and activities with a view to not only responding to violations of women’s human rights but preventing them from occurring via education and broadening of the community understandings of the human rights framework.

# 5.3. Findings on the challenges facing SSHRDN’s effort to promote human rights in South Sudan

Findings from the field revealed that 57(58.7%) of the total respondents were in agreement that South Sudan has yet to ratify some of the international and regional human rights treaties. This implied that The country has yet to ratify some of the key international and regional human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic Social and Cultural Rights (ICESCR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of Persons with Disabilities (CRPD); the African Charter on the Rights and Welfare of the Child (ACRWC). Though 16(16.5%) were neutral and 24(24.7%) of the respondents were in disagreement. From the interview held it was revealed that with the secession from Sudan in 2011, South Sudan has opted to accede and not to succeed to international human rights treaties adhered to by Sudan.

Findings further revealed that 67(69.1%) of the total respondents agreed that lack of knowledge of the constitutional and international human rights guarantees is a challenge to the promotion of human rights. This is a clear indication that influenced by its predecessors, the Interim Constitution of Southern Sudan (ICSS) and the Interim National Constitution of 2005 (INC), Part Two of the Transitional Constitution of South Sudan incorporates a Bill of Rights that contains far-reaching guarantees pertaining to civil, political, economic and social rights. However, 15(15.5%) were not sure and 15(15.5%) were in disagreement. Moreover, the TCSS contains far reaching fair trial guarantees (Art. 19 TCSS), extensive religious rights (Art. 23 TCSS), and also wide ranging social rights, e.g. the right to education (Article 29 TCSS), public health care (Article 31 TCSS) and the right to housing (Article 34 TCSS). However, economic and social rights have so far remained largely unfulfilled in South Sudan, with low levels for the realization of the rights to food, health, access to clean and safe water and sanitation, education and suitable housing.

Field results revealed that majority 71(73.2%) of the total respondents were in agreement that the legal framework does not provide for effective remedies for the rights violated. This implied that despite the extensive catalogue of rights guaranteed by the constitution, there is no explicit provision under national law that all rights contained in the Bill of Rights can be enforced in a court of law. In fact, the legal framework does not provide for effective remedies for individuals whose rights were violated. Though 10(10.4%) were neutral and 16(16.4%) of the respondents disagreed. Therefore, there is very little knowledge not only among citizens but also among South Sudanese lawyers and judges on the substance of these laws. A respondent noted that access to printed legal materials, even current laws, remains severely limited. Furthermore, individuals have no or little public awareness of human rights standards.

Result of findings indicates that 69(71.2%) of the total respondents generally agreed that partly still inadequate legal framework to uphold human rights standards in South Sudan. This implied that several laws still have to be adopted or amended in South Sudan in order to uphold human rights standards effectively. Moreover, existing national laws are often not in conformity with international and regional human rights treaties. One of the biggest concerns is that South Sudan still has no law regulating the National Security Service that defines or limits its powers of arrest and detention. However, 28(28.8%) of the respondents were in disagreement. This means that this is a major gap in the legal system and calls into question the lawfulness of any interference by the National Security Service with citizens' rights. In addition to that, weaknesses in the justice system and a lack of effective judicial oversight over the conduct of security forces give rise to serious human rights concerns.

Basing on findings, the majority 67(69.1%) of the total respondents were in agreement that the country still lacks an adequate legal framework governing the media. For example, the country lacks an adequate legal framework governing the media. In the absence of laws regulating the media, editors and journalists are especially vulnerable to harassment, intimidation, assaults, arbitrary arrest, and censorship in the conduct of their activities. However, 13(13.4%) were neutral and 17(17.5%) were in disagreement. The current Penal Code and Criminal Procedure Act are also in need of revision. Laws regulating criminal procedures have to be more precise in order to avoid giving rise to interpretation that infringes upon the right of every South Sudanese citizen to security, due process and a fair trial.

Findings, indicates that all 36(100%) of the respondents were in agreement that the justice system remains weak and ineffective on human rights. This implies that a strong and effective judiciary is not only crucial for the system of checks and balances, but also to achieve peace in South Sudan. Currently the justice system still remains weak and ineffective and is plagued by a shortage of qualified lawyers and judges, as well as professional police. Furthermore, apart from being under-staffed the judiciary suffers from a lack of basic training, infrastructure, transport and equipment, which severely affects the administration of justice in South Sudan. In addition, the scope of territorial coverage and jurisdiction of the formal justice system in South Sudan is narrow and access to justice remains severely limited. According to the Judiciary Act, there should be statutory courts in every county and payam. A respondent revealed that in reality, however, the court infrastructure is frequently absent in rural areas, and only some of South Sudan's counties have functioning statutory courts. Despite the court structure provided for in the Judiciary Act, so far there are no statutory courts at the payam level in South Sudan

Field results revealed that 32(88.9%) of the total respondents were in agreement that criminal jurisdiction and sentencing power of customary courts remains unclear. This reveals that while South Sudan operates a plural judicial system with statutory and customary courts, the traditional justice system covers more than 80 per cent of the country. Customary courts are accepted forums of dispute resolution in South Sudan, which are generally more accessible and familiar to the population. 3(8.3%) of the respondents disagreed and 1(2.8%) remained neutral. However, the criminal jurisdiction and the sentencing power of customary courts remain unclear and their exercise of judicial powers is not sufficiently overseen by the formal justice system. Procedures and rulings of customary courts often raise serious human rights concerns, as they are frequently not in compliance with fair trial standards. Chiefs presiding over customary courts issue their rulings without any previous legal training.

The in-depth interviews were personally conducted at the different areas with the key purposive selected respondents and at the different organizations that play key oversight roles in fighting for the rights of people. The findings from the Personal Interviews revealed that Civil society in South Sudan plays a critical role in human rights monitoring and reporting, peace building, advocacy for accountability, and transitional justice in all its dimensions (truth telling, reparations, the full rehabilitation of victims and survivors, building guarantees of non-recurrence, and ultimately reconciliation) and providing open forums where citizens can air grievances and forge a collective path forward. This is especially important given the ethnic dimension of South Sudan’s conflict and political economy.

HRDs interviewed for this research noted that they were working under increasing pressure from security forces to refrain from any activities that may be construed as pushing for accountability for violations (and identification of perpetrators), human rights, or criticism of the implementation of R-ARCSS provisions. This has significantly curtailed civil society’s ability to be active in the security and peace building process, including in monitoring transitional security arrangements (including cantonment of armed forces) and capacity building. These restrictions have sometimes strained relations with larger stakeholders in South Sudan, as CSOs need to implement donor-funded projects without compromising their own security.

# Most respondents pointed to the NSS as the main, albeit not the only, source of restrictions to their ability to effectively promote and protect human rights, including the rights to freedom of association, peaceful assembly, expression, and participation in public affairs. Though mainly affecting CSOs and HRDs, this extends to virtually all independent voices, government critics, and political opponents, and continues with almost complete impunity for instances and patterns of surveillance, threats, harassment, attacks, arbitrary detention, torture, ill-treatment, and enforced disappearances. The NSS Act grants the agency broad powers of arrest, detention, search, seizure, and surveillance without adequate human rights safeguards. The Act includes provisions providing NSS immunity for human rights violations.

# HRDs interviewed for this report expressed worry that their phones were being monitored and their movements tracked, contributing to a general malaise and sense of fear and self censorship among activists. The NSS’ de facto prior authorization regime regarding civil society events, has effectively stiffed the ability of HRDs to conduct workshops, trainings, documentation efforts, and peace building endeavours. In practice, CSOs conducting any activity, from private meetings to public demonstrations, must first seek the approval of security forces, who may interfere with the event’s agenda, and often demand that an NSS representative attend. These undue interferences in the exercise of the rights to freedom of peaceful assembly and association have created an environment in which HRDs cannot hold meetings freely, especially as the NSS often demands to see participant lists in advance, including staff in the field. This compromised their security and sends a chilling message to independent and critical voices. Several interviewees reported having to pay hefty bribes to security officials in order to get clearance for their events. One noted that most CSOs deal with this. We are forced to pay, and we don’t have a budget for that. This also severely curtails discussions and networking at events monitored by the NSS, feeding suspicion and self-censorship and stiffing the space for critical analysis.

# According to the testimonies of the 14 refugee HRDs interviewed for this research, the NSS is the agency most often and most directly linked with harassment, threats and intimidation of HRDs, journalists, civil society and opposition members, both inside and outside South Sudan. The NSS’ repressive methods and operations inside the country are widely known, and reports of censorship, harassment and arbitrary arrest and detention by the National Security Service of journalists, activists and other civilians expressing critical or dissenting views from those of the Government are documented.

Despite a slight reduction in conflict-related violence in the country over the past few years, the space for civil society continues to shrink, a trend which has especially accelerated in the time leading up to the formation of the transitional government, in February 2020.6 The UN Commission on Human Rights in South Sudan reports that inside South Sudan, members of civil society organizations in Juba expressed concerns over State monitoring of their private social media and digital communication accounts

# CHAPTER SIX

# SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

# 6.0. Introduction

This chapter presents the summary, conclusions and recommendations derived and drawn from the findings, analysis and interpretation of the study.

# 6.1. Summary of findings

The study focused on human rights bodies and promotion of human rights in South Sudan: a case study of human rights defenders network, a descriptive study design was used and both qualitative and quantitative techniques were used. The following summaries are drawn from the current study, and they are as follows:

# 6.1.1. Findings on the nature of human rights abuses in SS being addressed by SSHRDN

# Study findings revealed that 32(88.9%) of the total respondents were in agreement that significant human rights issues relate to government-perpetrated extrajudicial killings. This implied that significant human rights issues related to government-perpetrated extrajudicial killings, including ethnically based, targeted killings of civilians; forced disappearances; torture and cases of cruel, inhuman, and degrading treatment or punishment; harsh and life-threatening prison conditions; arbitrary detention; political prisoners or detainees; politically motivated reprisal against individuals located outside the country. However the 1(2.8%) respondents who disagreed and 3(8.3%) were neutral

# Findings revealed that EHAHRDP continues to work with human rights organizations to empower and support them to lead the efforts to address the concerns that they have at the national level. National coalitions and networks of human rights defenders have been formed in Burundi, Kenya, Rwanda, Somalia, Sudan and Tanzania. EHAHRDP commits to support the national coalitions and networks in the areas of protection, advocacy and capacity building to ensure that they have the skills and tools to engage in their work.

# Respondents further revealed that although civil society organizations and NGOs are not legally required to get approval from the NSS to hold events, it has become the norm. In an effort to control the discourse around the violations that resulted from the outbreak of violence in 2016, the prerequisite to get approval from the NSS intensified. As part of this arbitrary and unofficial rule demanding that NGOs request approval from the NSS to hold events, the NSS has been known send officers to HRD forums, spaces and trainings for surveillance purposes. They have also arrested HRDs for attending such events. Since the arbitrary implementation of this unofficial rule, the NSS has assumed the ability to regulate not only HRD space in South Sudan, but also to harass defenders who attend international trainings

# Respondents further revealed that although civil society organizations and NGOs are not legally required to get approval from the NSS to hold events, it has become the norm. In an effort to control the discourse around the violations that resulted from the outbreak of violence in 2016, the prerequisite to get approval from the NSS intensified. As part of this arbitrary and unofficial rule demanding that NGOs request approval from the NSS to hold events, the NSS has been known send officers to HRD forums, spaces and trainings for surveillance purposes. They have also arrested HRDs for attending such events. Since the arbitrary implementation of this unofficial rule, the NSS has assumed the ability to regulate not only HRD space in South Sudan, but also to harass defenders who attend international trainings

# 6.1.2. Findings on the factors that influence SSHRDN effort in promoting human rights in South Sudan

Basing on field results, it was revealed that 60(61.8%) of the total respondents were in agreement that human rights legal framework in place fosters promotion of human rights. This implied that its supreme law is the Transitional Constitution of the Republic of South Sudan, 2011, adopted by its National Legislative Assembly on 7th July 2011, as an amendment to the Interim Constitution of Southern Sudan, of 2005, and came into force on 9th July 2011. The Constitution constitutes the bill of rights containing the following rights and freedoms, right to Life and Human Dignity; Personal Liberty; Freedom from Slavery, Servitude and Forced; Right to found a Family; Rights of Women; Rights of the Child Freedom from Torture; Right to a fair trial; Right to Litigation; Restriction on Death Penalty; Right to Privacy; Religious Rights; Freedom of Assembly and Association; Right to Participation and Voting; Freedom of Movement and Residence; Right to Own Property; Right to Education; Rights of Persons with Special Needs and the Elderly; Right to Public Health Care; Right of Access to Information; Rights of Ethnic and Cultural Communities; and the Right to Housing. Some of these rights are reflected further in a few enactments of the National Legislative Assembly such as, The Child Act, 2008; The Code of Criminal Procedure Act, 2008. Article 9 (3) of The Transitional Constitution of the Republic of South Sudan, 2011, (T.C.S.S.) provides that; all rights and freedoms enshrined in international human rights treaties, covenants and instruments ratified or acceded to by the Republic of South Sudan shall be an integral part of this Bill. All the above enabling legal frameworks are what foster promotion of human rights in South Sudan. However, 10(10.3%) were not sure and 27(27.8%) of the respondents were in disagreement. Therefore, **the increased appeal of human rights in South Sudan is mainly attributable to the benefits brought by a human rights framework in countries that promote human rights. More specifically, human rights have the potential to remove unfreedoms4 and empower citizens, thereby uplifting their standards of living**

Findings revealed that 78(80.5%) of the respondents revealed that the government has put in place laws and policies to protect human rights. This implied that the government of South Sudan has made some progress in putting in place laws and policies to protect human rights. It joined the Mine Ban treaty in November 2011. In June 2012, the president signed into force a Refugee Provisional Order that incorporates international standards on refugee rights and a Provisional Order implementing the Geneva Conventions. However, 19(19.5%) of the respondents disagreed. From the interview held it was revealed that South Sudan has yet to ratify international and regional human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic Social and Cultural Rights (ICESCR), and the African Charter on Human and Peoples' Rights (ACHPR).

According results from the field majority 79(81.5%) of the total respondents were in agreement that the presence of South Sudan Human Rights Commission; established by article 145 of the Transitional Constitution fosters the promotion of human rights in the country. This was a clear indication that the South Sudan Human Rights Commission; established by article 145 of the Transitional Constitution of the Republic of South Sudan, 2011 (T.C.S.S.) and one of its duties is to 'monitor the Bill of Rights' and its ‘application’ and 10. However, 18(18.5%) of the total respondents were in disagreement. Interviewed respondents revealed that among its specific functions is to investigate, on its own initiative, or on a complaint made by any person or group of persons, against any violation of human rights and fundamental freedoms; visiting police jails, prisons and related facilities with a view to assessing and inspecting conditions of the inmates and make recommendations to the relevant authority

# 6.1.3. Findings on the challenges facing SSHRDN’s effort to promote human rights in South Sudan

Findings revealed that 57(58.7%) of the total respondents were in agreement that South Sudan has yet to ratify some of the international and regional human rights treaties. This implied that the country has yet to ratify some of the key international and regional human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic Social and Cultural Rights (ICESCR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of Persons with Disabilities (CRPD); the African Charter on the Rights and Welfare of the Child (ACRWC). Though 16(16.5%) were neutral and 24(24.7%) of the respondents were in disagreement. From the interview held it was revealed that with the secession from Sudan in 2011, South Sudan has opted to accede and not to succeed to international human rights treaties adhered to by Sudan.

Findings shows that 67(69.1%) of the total respondents agreed that lack of knowledge of the constitutional and international human rights guarantees is a challenge to the promotion of human rights. This is a clear indication that influenced by its predecessors, the Interim Constitution of Southern Sudan (ICSS) and the Interim National Constitution of 2005 (INC), Part Two of the Transitional Constitution of South Sudan incorporates a Bill of Rights that contains far-reaching guarantees pertaining to civil, political, economic and social rights. However, 15(15.5%) were not sure and 15(15.5%) were in disagreement. Moreover, the TCSS contains far reaching fair trial guarantees (Art. 19 TCSS), extensive religious rights (Art. 23 TCSS), and also wide ranging social rights, e.g. the right to education (Article 29 TCSS), public health care (Article 31 TCSS) and the right to housing (Article 34 TCSS).

# 6.2. Conclusions of the study

The key conclusions from the study are;

From the findings, the study concluded that it is important to note that, after the independence of South Sudan, the only human rights legal framework lies in the Constitutional Bill of rights. The Government has not yet ratified any single international human rights instrument and only very few laws have been adopted by the Parliament which contain human rights provisions, with the exception of the Child Act. Executive and Legislative human rights units exist, but there remain a strong need to build the capacity of their holders despite the important efforts undertaken by the international community.

The judiciary is still in its formative stages with limited or no capacity to carry out effective oversight over arrests and detentions. At the time of the mission the judiciary was trying to recruit over 125 judges and magistrates in order to get sufficient numbers to carry out its mandate effectively. The legal profession is also still weak and not self regulating. The Minister of Justice still controls the regulation of the legal profession. The South Sudan Law Society is a mere civil society, while a new Bar Association has been set up with the aim that it becomes the regulating body for the legal profession. The law establishing such a body has not yet been promulgated. With a weak judiciary and a legal profession that is not self-regulating, the country does not have an effective legal protection mechanism for human rights.

The South Sudan Human Rights Commission though established and showing strong willingness to implement its large mandate seems to have limited powers of enforcement. It is also heavily dependent on the government for funding its activities. At the time of the mission, its budget had been reduced by over 40%, limiting its capacity to offer any protective role for human rights violations. The mission did thus observe an interesting dynamic towards the establishment of a strong legal and institutional human rights framework, even though the need for capacity building and awareness on the matter is crucial and many efforts are needed show real political commitment in human rights protection. However, in the meantime, victims of human rights violations lack effective national, regional and international recourse. This is an unacceptable situation in light of the massive humanitarian and human rights violations arising from the Heglig war with Sudan, and the Jonglel inter-ethnic clashes, as well as, violations of fundamental rights and liberties, such as women’s rights, the right to security of the person, freedom of information and expression, and the right to human rights defending among others.

Other nations have gone through similar challenges that the government of South Sudan can learn from. What seems to be clear is that the governments that have quickly adopted their people-driven constitutions and established institutions for protection, have stabilized quickly and also experienced socio-economic and political growth, South Africa, which is seen as a model democracy in Africa, adopted a national constitution and established important institutions such as a constitutional court within two years of its freedom. The operating space for human rights defenders, media practitioners and other sectors of society is guided by its constitution and national laws. Namibia, which has also seen a reasonably stable democracy, did the same thing.

On the other hand, some countries, such as Kenya and Zimbabwe, took a long time before adopting people-driven national constitutions. Those countries experienced prolonged periods of instability and repression. Additionally, the judiciaries in those countries were seen as weak and executive driven. They lost the people’s confidence, as there was no effective oversight over arrests and detentions.

Their national institutions of protection and human rights did not inspire confidence, nor did their election management bodies, The long term result of this was that legitimate political opponents and human rights defenders ended up operating in constrained environments where the law became used as an instrument of repression and persecution. Ultimately systematic violence became accustomed to these nations and they both ended up with governments of national unity which were compromise arrangements after failure of institutions to give a democratic voice to the people. It is important for the government of Southern Sudan to learn from these experiences.

# 6.3 Recommendations of the study

Having successfully conducted the study on the human rights bodies and promotion of human rights in south Sudan, a case study of human rights defenders network, the following recommendations are drawn for the study.

The Government of South Sudan should encourage the implementation of UNSC Resolution 1325, urging Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management and resolution of conflict and protection of human rights in all aspects of life.

Regarding violations of fundamental rights; The Government of South Sudan should ratify the Convention on the Elimination of All Forms of Discrimination (CEDAW) against Women, and ensure that national laws respect its provisions

The Government of South Sudan should strengthen laws and policies to protect women from all forms of violence and provide support to victims, including during conflict, by: adopting a specific law to prohibit all forms of violence against women, including domestic violence and marital rape; ensuring access to justice for victims and the investigation and prosecution of offences; allocating financial resources to combating violence against women; and ensuring access to shelters for victims.

The Government of South Sudan should adopt all necessary measures to reform and eliminate discriminatory cultural practices and stereotypes, by disseminating simplified versions of legal texts to the general public and adopting awareness-raising programmes aimed at men and women, including government officials and religious, traditional and community leaders.

The Government of South Sudan should eliminate obstacles to the education of girls and women, in particular by: ensuring, Equal access to all levels of education; adopting measures to retain girls within the education system, including pregnant pupils; increasing the budget for education to improve educational infrastructure and teacher training; establishing courses for adults to reduce illiteracy.

The Government of South Sudan should include in the draft of the Permanent Constitution : a general non-discrimination provision, such as: Every individual shall be entitled i) to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status a provision abolishing the death penalty ii) the human rights protection as part of the Principles and Objectives of the Permanent iii) Constitution

The Government of South Sudan should present as soon as possible the Bill on procedures to accede/ratify international conventions before the Parliament

To Ratify International Human Rights Instruments, Such as: International Covenant on Civil and Political Rights, its Protocol and the Second i) Protocol aiming at the abolition of the death penalty 1966, International Covenant on Economic, Social and Cultural Rights and its Optional ii) Protocol 1966, International Convention on the Elimination of All Forms of Racial Discrimination iii) Convention on the Non-Applicability of Statutory Limitations to War Crimes and xiv) Crimes Against Humanity African Union Convention for the Protection and Assistance of Internally Displaced vii) Persons in Africa International Convention on the Elimination of All Forms of Racial Discrimination,

The Government of South Sudan should produce more systematic reports on thematic issues and situations of serious human rights violations, and to provide the Constitutional Review Commission with position papers on the conformity of the Permanent Constitution and laws with human rights standards

The Government of South Sudan and the Judiciary as the case may be should ensure that the Constitutional Review Commission develops a constitutional - framework that sets up the judiciary of South Sudan to be truly legally and practically independent, impartial from and accountable to the Constitution.

To come up with legislation that establishes a truly legally and practically independent - professional body to independently regulate the legal profession, to provide the judiciary with sufficient human and financial resources to recruit a sufficient number of judges and court support staff, to make the judiciary function more efficiently and independently, and to pass legislation that creates a basis for the judiciary to have effective oversight over all arrests and detentions in Southern Sudan.

The Government of South Sudan should urgently finalize the recruitment process of judicial officers to ensure that the judiciary is adequately staffed, to build courtrooms and other necessary infrastructure to make the courts accessible in the whole of Southern Sudan, and to develop and implement in collaboration with the legal profession a system of legal aid for the poor and most marginalized in South Sudan

# 6.4 Areas for further study

The following areas are vital for future research undertaking to compliment this study, and other studies in the future;

Besides the Human Rights Defenders Network, further research could be conducted to assess the contribution of Faith-Based Organizations and Community-Based Organizations in promoting democratic governance in South Sudan. Studies can also be conducted by other researchers to establish challenges facing CSOs and in their efforts to promote democratic governance in the country. Finally, other researchers can also conduct research studies to assess the activities of CSOs based in other towns and cities in South Sudan like Rumbek, Winejok, Malakal and Wau in promoting democratic governance.

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# APPENDICES

# Appendix 1: Questionnaire for the top administrators

# Date: May, 2021

**Dear respondent,**

My name is NGOR PETER AROL, a student of Nkumba University pursuing a Master’s degree in International relations and Diplomacy, conducting a research under the topic **“ASSESSING THE EFFECTIVENESS OF HUMAN RIGHTS BODIES IN PROMOTION OF HUMAN RIGHTS IN SOUTH SUDAN: A CASE STUDY OF SSHRDN”.** The information obtained here will strictly be confidential. The answers to these questions will be used for research purpose and may be an important input in prescribing policies to improve the mediation in Africa. This is to request you to kindly complete the attached questionnaire.

Thank you so much

Signed,

……………………………….

**NGOR PETER AROL**

**Student**

|  |  |  |
| --- | --- | --- |
| **Section A: Respondents’ personal variables**  Tick/ fill against the alternative you most agree with | | |
| A1. | What is your gender or sex? | Male …………….. Female……. |
| A2 | In which age bracket do you belong? | 1. 18-30…….. 2. 31-40……..  3. 41-50…….. 4. 51-60……..  5. 61+……….. |
| A3 | What is your current marital status? | 1. Married……… 2. Single……….  3. Divorced…….. 4. Widowed…… |
| A4 | Your highest education level attained | 1. Certificate……..2. Diploma………  3. Bachelors……. 4. Masters……….  5. Doctorate……..  6. Others. Specify …............................... |
| A5 | What is your occupation/Designation in the Organization? | …………………………………………… |
| A6. | What is your occupation/Designation outside of the Organization? | ………………………….………………... |
| A7 | How long have you served in the business | 0-4 years ……………..  5-9 years ……………..  10-14 years …………..  15 and above ………… |

**SECTION B: THE NATURE OF HUMAN RIGHTS ABUSES BEING ADDRESSED BY HUMAN RIGHTS ORGANIZATIONS**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **1.** Strongly Disagree **2.** Disagree **3.** Neutral **4.** Agree **5.** Strong Agree | | **1** | **2** | **3** | **4** | **5** |
| **1** | Significant human rights issues relate to government-perpetrated extrajudicial killings |  |  |  |  |  |
| **2** | Arbitrary deprivation of life and other unlawful or politically motivated killings |  |  |  |  |  |
| **3** | Consistent abduction of an unknown number of persons, including women and children |  |  |  |  |  |
| **4** | Security forces torture and harass political opponents and human rights workers |  |  |  |  |  |
| **5** | The government arrests and detains individuals arbitrarily |  |  |  |  |  |

1. In what ways does South Sudan Human Rights Defenders Network dedicate their efforts to protecting human rights?

………………………………………………………………………………………………………………………………………………………………………………………………

2. In what ways does South Sudan Human Rights Defenders Network attempt to end human rights abuses in SS?

………………………………………………………………………………………………………………………………………………………………………………………………

3. In what ways does South Sudan Human Rights Defenders Network maintain extensive websites for promotion of human rights?

………………………………………………………………………………………………………………………………………………………………………………………………

4. How does South Sudan Human Rights Defenders Network act as a child advocacy organization to ensure a level playing field for all children?

………………………………………………………………………………………………………………………………………………………………………………………………

5. In what ways does South Sudan Human Rights Defenders Network promote universal ratification and implementation of international standards?

………………………………………………………………………………………………

6. In what ways does South Sudan Human Rights Defenders Network support human rights organs and treaty monitoring bodies in SS in promoting human rights?

………………………………………………………………………………………………

**SECTION C: TO ANALYZE THE FACTORS THAT INFLUENCE SSHRDN EFFORT IN PROMOTING HUMAN RIGHTS IN SOUTH SUDAN.**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **1.** Strongly Disagree **2.** Disagree **3.** Neutral **4.** Agree **5.** Strong Agree | | **1** | **2** | **3** | **4** | **5** |
| **1** | Human Rights Legal framework in place fosters promotion of human rights |  |  |  |  |  |
| **2** | The government has put in place laws and policies to protect human rights |  |  |  |  |  |
| **3** | The South Sudan Human Rights Commission established by article 145 of the Constitution |  |  |  |  |  |
| **4** | The Police service has an obligation to promote the rights and freedoms of individuals |  |  |  |  |  |
| **5** | The Universal Declaration of Human Rights upholds the right to freedom of expression |  |  |  |  |  |
| **6** | South Sudan is a state party to the regional African Charter on Human and Peoples’ Rights |  |  |  |  |  |
| **7** | South Sudan accedes to the international humanitarian law as codified in Geneva Conventions |  |  |  |  |  |
| **8** | Transitional Constitution of South Sudan (TCSS) governs the actions of State actors |  |  |  |  |  |

1. In what ways does the effort of South Sudan Human Rights Defenders Network promote the prevention violence against women?

………………………………………………………………………………………………

1. In what ways does South Sudan Human Rights Defenders Network promote the right to development and greater human rights policy?

………………………………………………………………………………………………

1. How does South Sudan Human Rights Defenders Network help in asserting access to basic services for everyone in the community?

……………………………………………………………………………………………

**SECTION D: TO EXAMINE THE CHALLENGES FACING SSHRDN’S EFFORT TO PROMOTE HUMAN RIGHTS IN SOUTH SUDAN**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **1.** Strongly Disagree **2.** Disagree **3.** Neutral **4.** Agree **5.** Strong Agree | | **1** | **2** | **3** | **4** | **5** |
| **1** | South Sudan has yet to ratify some of the international and regional human rights treaties |  |  |  |  |  |
| **2** | Lack of knowledge of the constitutional and international human rights guarantees |  |  |  |  |  |
| **3** | The legal framework does not provide for effective remedies for rights violated |  |  |  |  |  |
| **4** | Partly still inadequate legal framework to uphold human rights standards in South Sudan |  |  |  |  |  |
| **5** | The country still lacks an adequate legal framework governing the media |  |  |  |  |  |
| **6** | Insufficient implementation of existing human rights guarantees |  |  |  |  |  |
| **7** | The justice system remains weak and ineffective on human rights |  |  |  |  |  |
| **8** | Criminal jurisdiction and sentencing power of customary courts remains unclear |  |  |  |  |  |

1. What problems does South Sudan Human Rights Defenders Network face in her advocacy services?

………………………………………………………………………………………………

2. What challenges does South Sudan Human Rights Defenders Network face while protecting the rights of children?

………………………………………………………………………………………………

3. What problems does South Sudan Human Rights Defenders Network face while following up human rights abuses by police and the army?

………………………………………………………………………………………………………………………………………………………………………………

**Thank you**

# Appendix 2: Questionnaire for the staff

**Date: May, 2021**

**Dear respondent,**

My name is NGOR PETER AROL, a student of Nkumba University pursuing a Master’s degree in International relations and Diplomacy, conducting a research under the topic **“ASSESSING THE EFFECTIVENESS OF HUMAN RIGHTS BODIES IN PROMOTION OF HUMAN RIGHTS IN SOUTH SUDAN: A CASE STUDY OF SSHRDN”.** The information obtained here will strictly be confidential. The answers to these questions will be used for research purpose and may be an important input in prescribing policies to improve the mediation in Africa. This is to request you to kindly complete the attached questionnaire.

Thank you so much

Signed,

……………………………….

**NGOR PETER AROL**

**Student**

|  |  |  |
| --- | --- | --- |
| **Section A: Respondents’ personal variables**  Tick/ fill against the alternative you most agree with | | |
| A1. | What is your gender or sex? | Male …………….. Female……. |
| A2 | In which age bracket do you belong? | 1. 18-30…….. 2. 31-40……..  3. 41-50…….. 4. 51-60……..  5. 61+……….. |
| A3 | What is your current marital status? | 1. Married……… 2. Single……….  3. Divorced…….. 4. Widowed…… |
| A4 | Your highest education level attained | 1. Certificate……..2. Diploma………  3. Bachelors……. 4. Masters……….  5. Doctorate……..  6. Others. Specify …............................... |
| A5 | How long have you served in the business | 0-4 years ……………..  5-9 years ……………..  10-14 years …………..  15 and above ………… |

**Section B: The nature of human rights abuses being addressed by Human Rights organizations**

1. In what ways does South Sudan Human Rights Defenders Network protect human rights?

………………………………………………………………………………………………………………………………………………………………………………………………

2. In what ways does South Sudan Human Rights Defenders Network attempt to end human rights abuses in SS?

………………………………………………………………………………………………………………………………………………………………………………………………

3. In what ways does South Sudan Human Rights Defenders Network maintain extensive communication about human rights situations?

………………………………………………………………………………………………………………………………………………………………………………………………

4. How does South Sudan Human Rights Defenders Network act as a child advocacy organization to ensure a level playing field for all children?

………………………………………………………………………………………………………………………………………………………………………………………………

5. In what ways does South Sudan Human Rights Defenders Network promote universal ratification and implementation of international standards?

………………………………………………………………………………………………………………………………………………………………………………………………

**Section C: The factors that influence Human Rights organizations’ effort to promote human rights**

1. In what ways does the effort of South Sudan Human Rights Defenders Network promote the prevention violence against children?

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2. In what ways does the effort of South Sudan Human Rights Defenders Network promote the prevention violence against women?

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2. In what ways does South Sudan Human Rights Defenders Network promote the right to development and greater human rights policy?

……………………………………………………………………………………………………………………………………………………

3. How does South Sudan Human Rights Defenders Network help in asserting access to basic services for everyone in the community?

…………………………………………………………………………………………………………………………………………………………………………

4. In what ways does South Sudan Human Rights Defenders Network help in incorporation of human rights legal standards to mitigate human rights abuses?

…………………………………………………………………………………………………………………………………………………………..

**Section D: The challenges facing Human Rights organizations’ effort to promote human rights**

1. What problems does South Sudan Human Rights Defenders Network face in her advocacy services?

………………………………………………………………………………………………………………………………………………………………………………

2. What challenges does South Sudan Human Rights Defenders Network face while protecting the rights of children?

………………………………………………………………………………………………………………………………………………………………………………

3.What problems does South Sudan Human Rights Defenders Network face while following up human rights abuses by police and the army?

………………………………………………………………………………………………………………………………………………………………………………

5. What general problems does South Sudan Human Rights Defenders Network face with the law in Uganda?

………………………………………………………………………………………………………………………………………………………………………………

**Thank you**

# Appendix 3: Interview guide

**Dear respondent,**

My name is NGOR PETER AROL, a student of Nkumba University pursuing a Master’s degree in International relations and Diplomacy, conducting a research under the topic **“ASSESSING THE EFFECTIVENESS OF HUMAN RIGHTS BODIES IN PROMOTION OF HUMAN RIGHTS IN SOUTH SUDAN: A CASE STUDY OF SSHRDN”.** The information obtained here will strictly be confidential. The answers to these questions will be used for research purpose and may be an important input in prescribing policies to improve the mediation in Africa. This is to request you to kindly respond to the questions in this interview guide.

Thank you so much

Signed,

……………………………….

**NGOR PETER AROL**

1. In what ways does South Sudan Human Rights Defenders Network attempt to end human rights abuses in SS?

2. In what ways does South Sudan Human Rights Defenders Network maintain extensive websites for promotion of human rights?

3. In what ways does South Sudan Human Rights Defenders Network promote universal ratification and implementation of international standards?

4. In what ways does the effort of South Sudan Human Rights Defenders Network promote the prevention violence against women?

5. In what ways does South Sudan Human Rights Defenders Network promote he right to development and greater human rights policy?

6. In what ways does South Sudan Human Rights Defenders Network counter discrimination that may prohibit access to those services and advancing civil and political rights?

7. What challenges does South Sudan Human Rights Defenders Network face while protecting the rights of children?

8. What problems does South Sudan Human Rights Defenders Network face while following up human rights abuses by police and the army?

9. In what ways does South Sudan Human Rights Defenders Network promote human rights education?

10. In what ways does South Sudan Human Rights Defenders Network promote the implementation of the Paris Principles on human rights?

**End**

# APPENDIX 4: WORK PLAN AND BUDGET LINE

**a) Research work plan**

|  |  |  |  |
| --- | --- | --- | --- |
| **Period** | **Activities** | **Resources** | **Persons involved** |
| **February 2021** | Submission of the research topic | **Scholastic materials** | Researcher and supervisor |
| **March-May, 2021** | Writing of the research proposal | **Scholastic materials** | Researcher and supervisor |
| **May , 2021** | Approval of the research proposal | **Scholastic materials** | The supervisor |
| **June, 2021** | Data collection | **Scholastic materials** | Researcher and Respondents |
| **June, 2021** | Submission of the research report for corrections | **Scholastic materials** | Researcher and supervisor |
| **June, 2021** | Submission of the research report for marking | **Scholastic materials** | The supervisor |

# b) Budget Estimates

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **No** | **Items** | **Quantity** | **Unit cost** | **Amount** |
| 1 | Transport to and from the field | 04 | 30,000 | 120,000 |
| 2 | Typing and printing | 08 copies | 10,000 | 80,000 |
| 3 | Stationery | 02 reams | 15,000 | 30,000 |
| 4 | Binding | 04 copies | 10,000 | 40,000 |
| 5 | Data collection | 02 research assistants | 50,000 | 100,000 |
| 6 | Up keep | 03 | 50,000 | 150,000 |
| 8 | Communication | Airtime and internet charges | - | 20,000 |
| 9 | Contingency |  |  | 50,000 |
|  | **Ground Total** |  |  | **590,000/=** |