PROTECTION BRIEF
South Sudan
JULY 2023
Operational Context & Analysis

Since the start of the fighting in Sudan on 15 April 2023, the influx of people fleeing to South Sudan has increased significantly. The UN and partners mobilized immediately to support the authorities of South Sudan in assisting people in hard-to-reach areas with very limited infrastructure, particularly in the most remote border areas, and in those locations where host communities are already extremely vulnerable. The authorities identified main border entry points along the Sudan-South Sudan border as areas expected to receive large number of cross-border movements. In these locations, UNHCR and IOM are supporting the Relief and Rehabilitation Commission (RRC) in collecting data at 27 points of entry, setting up transit facilities and supporting voluntary movement of individuals to various areas, including areas of origin.

Population movement from Sudan as of 31 July 2023.

**Points of entry:** where people first enter South Sudan. Border/flow monitoring led by RRC, UNHCR and IOM starts here. The response priority is to facilitate onward movement from the border areas which are extremely remote and with little infrastructure. UNHCR and partners are providing life-saving assistance and assisting the most vulnerable with transportation to the transit centre.

**Transit centres:** temporary sites in transit locations where the most vulnerable population are assisted with essential services while waiting for onward transportation. Refugees upon identification will be assisted and transported to the existing refugee settlements and camps. As the majority of the arrivals are South Sudanese refugees returnees, the focus of UNHCR and partners is to assist the most vulnerable while supporting the government to decongest the border/transit areas and expand options for onward movement.

This flow from points of entry to transit centres and camps is operational in Upper Nile State, Unity and Northern Bahr el Ghazal States, however with persistent challenges on security, logistics, and resource constrains.
The conflict in Sudan has severely impacted the economic outlook of South Sudan, particularly of northern states that are largely dependent on imports from Sudan and where the prices of basic commodities, such as food and fuel, have skyrocketed. Prior to the beginning of the conflict in the neighboring country, South Sudan was already in a protracted humanitarian crisis with nearly 8 million people lacking access to enough food. According to WFP, South Sudan is experiencing its hungriest year since gaining independence in 2011. This level of food insecurity is even higher than it was during the civil war. Additionally, 2 million children as well as pregnant or breastfeeding women are malnourished in South Sudan.\(^1\) South Sudanese are suffering from chronic vulnerabilities and ever diminishing resilience due to years of violence, displacement and natural disasters. The arrival of newly displaced populations from Sudan may further complicate the humanitarian and protection response by stretching the already limited resources.

Amidst the current emergency, South Sudan finds itself at a critical juncture in the implementation of the 2018 Revitalized Peace Agreement on the Resolution of the Conflict in the Republic of South Sudan. As part of the 2018 Revitalized Agreement, activities supporting constitution-making and elections are ongoing. To support these processes, consultations with IDPs, returnees, and refugees are taking place, with the aim to overcome barriers that hinder displaced populations’ participation in these processes, address their specific needs, and promote a sense of belonging. The active engagement of displaced populations is crucial for South Sudan’s transition towards stability and lasting peace. However, the UN Commission on Human Rights in South Sudan has expressed grave concern over the country’s dwindling civic and political space, as well as the erosion of freedom of expression and association in South Sudan. This has resulted in crackdowns, arrests, and a climate of fear, prompting individuals to flee and returnees, IDPs, and

\(^1\) World Food Programme, South Sudan, https://www.wfp.org/countries/south-sudan.
refugees to self-censor out of fear of retaliation. The Special Representative of the Secretary-General for South Sudan and Head of the United Nations Mission in South Sudan (UNMISS) has also warned of further challenges impeding the implementation of the 2018 Revitalized Peace Agreement, such as the influx of returnees from Sudan, escalating violence in the city of Malakal, and the need to create civic and political space prior to holding credible elections. Addressing these concerns is essential as a prerequisite for effective engagement of returnees, IDPs, refugees, civil society, and other stakeholders in South Sudan’s constitution-making and electoral processes.

Key Trends & Figures

As of 31 July, 200,906 individuals, comprising 46,068 households, have crossed into South Sudan’s border areas seeking safety and the number of arrivals is expected to keep rising as the conflict in Sudan continues. These figures include only those who have been identified by the humanitarian actors at the border and it is likely that real numbers of those seeking safety in South Sudan are higher than reported.

Data collection shows that 77% of those fleeing to South Sudan have entered the country through the Joda Border Crossing Point in Upper Nile State, which experienced a rise in arrivals on the 5th and 6th of July due to the spreading of fighting in various locations including Ondurman, Khartoum Soura, and Khartoum Bahare, with a daily average of 2,000 new arrivals.

A distinctive feature of the Sudan emergency in South Sudan is that the vast majority (91%) of the displaced population seeking safety and assistance are South Sudanese nationals, many of whom had fled the country in 2005 in what then southern Sudan was prior the Comprehensive Peace Agreement, or during the conflict within South Sudan between 2013 and 2018. Furthermore, 13,511 Sudanese refugees have sought international protection in South Sudan since April 2023, while Eritreans and other nationalities entered South Sudan in smaller numbers. Overall, women and girls make up nearly half of the new arrivals. Around 46% of the new arrivals are below the age of eighteen, while 4% of the new arrivals are over sixty. Over 380 unaccompanied and separated children have been identified at the border and transit centers.

New Arrivals by Nationalities

<table>
<thead>
<tr>
<th>Nationality</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Sudan</td>
<td>7%</td>
</tr>
<tr>
<td>Other Nationality</td>
<td>1%</td>
</tr>
<tr>
<td>Eritrea</td>
<td>1%</td>
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<tr>
<td>South Sudan</td>
<td>91%</td>
</tr>
</tbody>
</table>

Sex and Age breakdown

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-4 Years</td>
<td>9%</td>
<td></td>
</tr>
<tr>
<td>5-17 Years</td>
<td>13%</td>
<td>13%</td>
</tr>
<tr>
<td>18-59 Years</td>
<td>26%</td>
<td>24%</td>
</tr>
<tr>
<td>60+ Years</td>
<td>2%</td>
<td>2%</td>
</tr>
</tbody>
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Protection Risks

The Relief and Rehabilitation Commission together with UNHCR and IOM have jointly developed a Population Movement Dashboard and have deployed teams and resources to the border-crossing areas from the start of the Sudan crisis.

The majority of the border-crossing points in the northern states in South Sudan are located in remote and in under-developed areas. Although reception and transit centres have been established near the borders to receive new arrivals and provide them with emergency assistance to meet their most immediate needs and offer first-hand protection interventions, various challenges and protection risks have been observed and continue.

The lack of sufficient transportation options available for those wanting to proceed to areas of origin or other destinations of choice, further aggravated by the rainy season severely limiting or halting road transportation, is causing situations of overcrowding at the transit centres with consequent lack of privacy and heightened risk of gender-based violence, family separation and increased tensions, particularly in the Upper Nile State. In the Doro reception centre in Maban, clashes between Eritrean and Sudanese refugee new arrivals broke out, with several people being injured as a result. UNHCR and partners are expediting movement out of the reception site to individual plots to reduce tensions. In Paloich, the transit site is facing congestion and deteriorating conditions, with more than 50% of returnee households lacking proper shelter. Around 11,000 people are awaiting onward transportation support there.

The conflict in Sudan has profoundly impacted individuals fleeing violence, resulting in traumatic experiences both prior to and during their dangerous journey to South Sudan. Upon arrival, many recount having been subjected to violence, gender-based violence, extortion as well as having being requested to pay unauthorized charges to be able to cross the border. Testimonies from new arrivals cite different perpetrators, including organised armed groups, other militias and/or gangs. These issues are being reported throughout all entry points and transit centers in South Sudan. In Unity State and Ruveng Administrative Area, arrivals at the Panakuach border are facing longer journeys and incidents of looting along the way. In Bentiu, many new arrivals have reported targeted thefts and robberies of essential items, allegedly by the host community but also other new arrivals. In the Greater Bahr El Ghazal region, the Wedwell transit centre registered an increasing number of male youth refugees fleeing forced recruitment by armed groups/forces in Sudan.

Many witnessed death, physical violence, property destruction and involuntary family separation. It has been reported that eight South Sudanese returnees, including seven children and one woman, died en route to Unity State on 20 June, due to lack of adequate food and water. Reports indicate that those who fled Sudan immediately after the outbreak of fighting in Khartoum tend to have relatively greater access to financial resources than those who fled at a later stage. As the conflict persists, new arrivals have become increasingly more vulnerable. Many forcibly displaced individuals have reported that their journey to seek safety in South Sudan have cost them more than 1 million Sudanese pounds, equivalent to over 1,660USD.5

People reach the border exhausted and without enough resources to support them to proceed further to their areas of origin or destinations of choice. Médecins Sans Frontières (MSF) has reported that thousands of individuals who sought refuge in South Sudan are currently grappling with severe survival challenges within transit centers situated in Upper Nile and Northern Bahr El Ghazal states. South Sudanese returnees, particularly women

and children, sheltering in and around the border-adjacent transit camps are confronted with dire circumstances, including limited access to shelter, food, drinking water, and inadequate sanitation facilities. MSF has warned that if the current needs are not promptly addressed, the upcoming rainy season could lead to disease outbreaks and a catastrophic health situation that could put thousands of lives at risk.6

Return in adverse circumstances and exacerbated vulnerabilities. The majority of South Sudanese nationals fleeing to South Sudan, while generally expressing a wish to return to their areas of origin, may not have a comprehensive and up to date knowledge on the challenging conditions in the areas of return and possible risks of going back to extremely fragile northern regions affected by conflict, climate change, and food insecurity, particularly in Unity, Upper Nile and Northern and Western Bahr el Ghazal States.

South Sudan's already weak social and welfare support capacity is under further significant strain. Over 184,000 individuals have returned to South Sudan from Sudan since mid-April, aggravating the latter’s already precarious economic situation. Renk Town in Renk County stands out as one of the areas where a large number of South Sudanese returnees (41,776 returnees7) are currently staying- besides thousands in the overcrowded transit center in which conditions have become extremely dire, with people stranded whilst awaiting onward movement.8 Considering that Renk County has an estimated population of 193,787, arrivals there may represent as much as a 21% increase in the county’s population.9 Several accounts have already reported tensions over already scarce resources between communities in areas of return, leaving the new arrivals vulnerable and negatively impacted.

There have also been incidents of confrontations and violence between returnees and host communities in South Sudan, with some returnees’ homes having been reportedly burned or occupied. This issue is especially severe in Malakal, capital of Upper Nile State and a primary destination for South Sudanese returnees fleeing the Sudan conflict.10 On 8 June, deadly clashes erupted among displaced communities at the UN Protection of Civilians (PoC) site in Malakal, escalating further on 20 June. These clashes were initially triggered by a stabbing incident involving a young boy, following a killing in the site the previous week. Large-scale displacement from the Malakal site ensued, with some individuals temporarily relocating to the surrounding areas and others seeking refuge in Malakal town. During a Security Council meeting on 20 June 2023, the need to restore peace and security both inside and outside the camp was called upon.11 These outbursts of violence have worsened Malakal’s already fragile humanitarian situation and negatively impacted some of the socio-economic activities in the PoC site, resulting in a noticeable decrease in the availability of food and essential goods.12 With 21,042 individuals who fled Sudan expressing their intention to stay in Malakal town as a primary destination,13 there has been

an immense strain placed on its host community and infrastructure, further exacerbating existing vulnerabilities.

**Housing, Land, and Property (HLP) rights** remain a pressing concern for South Sudanese returnees, an issue that predates the outbreak of the conflict in Sudan. The effective implementation of these rights in South Sudan faces numerous challenges, such as weak land administration which hinders the acquisition of land documentation and the resolution of land disputes. Discriminatory dispute resolution mechanisms are also prevalent in South Sudan, leading to unfair rulings and limited opportunities for contestation. The financial burden of proving land ownership, such as having to pay for expensive land surveys, further jeopardizes returnees' access to HLP rights and the lack of implementation of HLP legislation increases the risk of their rights being breached. The destruction or occupation of homes and lands belonging to IDPs and returnees, coupled with the lack of established dispute resolution mechanisms, further heightens the risk of HLP disputes escalating into violent outbreaks. Finally, barriers to women's land rights are prevalent in South Sudan as cultural norms prohibit them from owning or inheriting land, impacting particularly widows and separated or divorced women, who often lack documentation as heads of households. Addressing these challenges is crucial to promoting equitable HLP rights and pursuing durable solutions in South Sudan. 

**Specific Protection Risks of New Arrivals.** The large-scale arrival of vulnerable, traumatized individuals to remote and under-developed border areas present severe protection risks. Mental health disorders such as depression, anxiety disorders and post-traumatic stress disorder were already prevalent among South Sudanese before the

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conflict in Sudan. Persons with specific needs and vulnerabilities, as well as families who arrived with no or limited financial means or assets, experience much more adverse circumstances and consequently may resort to harmful coping mechanisms, such as child marriage or transactional sex. Between 20% and 30% of arrivals at Joda/Wunthow border crossing point reported one or more vulnerabilities under UNHCR's protection vulnerability criteria. At the border-crossing areas as well as transit locations, specialized services, including protection, are insufficient to match the ever-growing needs of the new arrivals.

UNHCR and protection partners have completed five GBV safety audits in the main locations of the emergency response, namely Renk, Maban and Malakal in Upper Nile State, Gorom and Aweil, in Northern Bahr-el-Ghazal State to identify specific GBV risks and gaps in access to services for GBV survivors. Key findings include lack of sufficient capacity to receive disclosures of GBV and safely refer survivors to GBV services. Limited availability of specialized quality and survivor centered GBV services including a lack of women and girls’ safe spaces is a grave concern. This contributes to the under-reporting of GBV incidents further compounded by fear of stigma and retaliation but also by cultural norms. In South Sudan, UNHCR is working together with GBV partners to address GBV and to implement quality programming to prevent, mitigate and respond to the Sudan situation. The risk of violence, exploitation of abuse is heightened especially for women and girls in this emergency. 95% of the reported cases were of women and girls while 5% of men and boys and include physical assault, psychological/emotional abuse, denial of resources, sexual assault, forced/early marriages and intimate partner violence.

Key Elements of Protection Response

Within the first 48 hours of the eruption of the conflict in Sudan, the Government, IOM and UNHCR set up joint border monitoring for new arrivals including vulnerability profiling and have operationalised a robust digitized system – the Joint Dashboard on Population Movements from Sudan to South Sudan where information on arrivals is available in real time.

Protection assessments are also systematically conducted in all reception and transit centres hosting new arrivals to understand the protection needs of the individuals fleeing to South Sudan in order to inform the emergency response. Focus Group Discussions (FGDs) are conducted separately for male and female returnees as well as refugees and asylum seekers. Limited access to services such as food, NFIs and onward movement, death of loved ones, family separation and lack of job opportunities were cited as major causes of psychological distress among the returnees and refugees.

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16 REACH, Emergency Situation Overview: Sudan-South Sudan Cross Border Displacement, June 2023 | Renk County | Upper Nile State | South Sudan.
The protection vulnerability profiling tool, jointly developed by IOM and UNHCR and deployed at reception centres near the border, enables partners to immediately identify the most vulnerable people for targeted assistance or referrals at transit centres and areas of return.

At transit centres, people who have been identified as being in need of specialized assistance, varying from medical to protection services, are guided to relevant service providers, including from the government were present. However, as noted above, services are insufficient and overstretched, limiting the ability of referral.

Amongst the arrivals, refugees are identified and, depending on their circumstances, they are supported with transport to existing refugee camps or may choose to temporarily settle in communities. Registration of refugees and asylum-seekers arriving from Sudan takes place on an ongoing basis through the UNHCR proGres database. Registration enables identification of vulnerabilities and access to protection services and assistance.

Non-Sudanese refugees and South Sudanese returnees who are in the resettlement pipeline are being identified and are further processed in South Sudan in line with the commitments made by several resettlement countries.

At border points, unaccompanied and separated children identified using the protection vulnerability profiling tool, are provided with immediate assistance and referred to child protection partners at transit centres, where they are supported with family tracing and provided with more comprehensive support. Child friendly spaces have been set up in Renk transit centre and equipped with play items and child friendly activities.

In relation to GBV, UNHCR and partners are implementing the findings and recommendations of the safety audit A to provide timely services and required support to GBV reported cases. Interventions include: adding/improving lighting in reception and transit centres, creation of safe spaces, establishing protection desks with information on available GBV services and safe referrals of GBV reported cases. Some 9,863 refugees and returnees (6,978 women/girls and 2,885 men/boys) were reached during awareness sessions. 95% of the survivors received psychosocial support, medical and protection services as well as material assistance through referrals to GBV partners. The GBV sub-sector has been activated under the Protection Coordination Working Group and is currently operationalised in Renk, Upper Nile State, where most arrivals are located.
Similar coordination fora are being put in place in other major arrival areas to harmonize and strengthen the GBV response. Women and Girl Safe Spaces managed by partners have been set up in some sites and are planned in additional locations. Referral pathways have been updated across the operation with translation into Arabic and shared with partners and stakeholders engaged in the GBV response.

Challenges & Opportunities

UNHCR is working closely with Government and partners to respond to the needs of the new arrivals under the Regional Refugee Response for the Sudan emergency (hereinafter the Response Plan). UNHCR has rapidly scaled up its operational response, including in areas where it had traditionally not been present, to assist people seeking safety in South Sudan following the outbreak of violence in Sudan. The large presence of different government bodies, UN agencies, and NGOs presents an opportunity to join resources and capacities to plan and respond to the short-, medium- and long-term impact of the situation. UNHCR remains however extremely concerned about the humanitarian impact of a large influx of returnees in adverse circumstances, as well as a refugee influx, on an already dire humanitarian situation in South Sudan. Access to new arrivals and support of their onward movement may be curtailed during the long rainy season.

The initially released Response Plan is currently being updated to run until 31 December 2023. The revision was prompted by situational developments, notably the persistence of conflict in Sudan and consistent influx of people across the border. The revised plan takes into consideration operational realities related to the response in Sudan, the overall increase in vulnerabilities of arriving populations and their impact on hosting communities, and the developing conflict dynamics in Sudan. On this basis, it is projected that by the end of December, an total of 520,000 South Sudanese returnees, along with 70,000 refugees and asylum-seekers, could arrive in South Sudan with a worst case scenario of 830,000 returnees, 80,000 refugees and asylum-seekers, and 10,000 individuals from third countries.17

Under-funding is severely hampering the delivery of protection services in South Sudan. Currently, Protection is only funded at 28% under the South Sudan chapter of the Refugee Response Plan for the Sudan Situation, and at 42% under the Humanitarian Response Plan for South Sudan. GBV prevention and response interventions for refugees are particularly under-funded – out of the 5.2 million USD needed under the RRP only 2.8% was received so far severely impacting refugee women and girls.

It has been agreed in the Response Plan that once returnees reach their community, the response will be provided through the cluster system as part of the existing 2023 South Sudan Humanitarian Response Plan (HRP). With 75% of the country’s population in need of humanitarian assistance before the crisis, the 2023 HRP is still less than 25% funded. This lack of funding is all the more worrying since the impact of the crisis on South Sudan goes beyond new arrivals, with local communities impacted by the loss of supplies including food, basic goods and fuel from Sudan.

Key Messages/Key asks

- The Government of South Sudan to maintain its open-door policy and the civilian character of asylum and sites.

- The Government to formalize their progressive approach on asylum procedures and status determination of the newly arrived refugees and asylum seekers including those who had been registered in Sudan. In addition, the Government Policy shall consider the status of the Sudanese nationals, as well as claims of stateless persons who were habitual residents of Sudan, who arrived in South Sudan before the start of the conflict.

- The Government to prioritize and uphold freedom of movement for South Sudanese returnees and refugees who have fled the Sudan conflict, while also taking robust measures to protect civilians, particularly in conflict-affected areas, to ensure their safety and well-being.

- The Government to step up on their onward movement transportation options to reduce the time spent by new arrivals in sub-standard transit locations to reduce consequent heightened protection risks and ensure voluntariness of onward movements.

- Under the government leadership, all actors to collaborate to ensure that the centrality of protection is upheld during the emergency response and integration into solutions strategies for South Sudanese returnees, incorporating key protection considerations such as voluntariness of movement, proper information on areas of return, safety and dignity, and mid- to longer term investment to support sustainable reintegration, including HLP considerations. Government, humanitarian and development actors to promote the implementation of the humanitarian, development and peace (HDP) nexus from the onset of the emergency response.

- The donor community to support partners in the emergency response with sufficient, timely and predictable financial resources without which some of the basic protection responses and services cannot be provided either during transit or at final destination, with an immediate focus on Renk.

- The Government to formally adopt at the highest level the draft national durable solution strategy for refugees, IDPs and South Sudanese returnees, including those affected by the Sudan crisis.