

SOUTH SUDAN

Since it was created, South Sudan has been implementing a genuine open-door policy for refugees and asylum-seekers. The refugee protection system is grounded in several robust refugee laws and policies. In 2019, South Sudan made pledges towards the [Global Compact on Refugees](#) in the areas of education, jobs and livelihoods, eradication of statelessness, energy, and environment and solutions, including the creation of enabling conditions for sustainable returns of South Sudanese refugees. The country has since made some progress, notably in reviewing refugee policies, providing arable land to refugees for cultivation, adopting the [civil registry act 2018](#), developing national action plans on education and statelessness, and also with the creation of the National Technical Committee (NTC) as part of a national strategy and an action plan on durable solutions.

As of 31 December 2021, while South Sudan continues to grapple with subnational violence, the effects of the Covid-19 pandemic, chronic food insecurity and the devastating impact of major flooding hosts, it remains a generous host to a large refugee population composed mainly of Sudanese nationals (92.4 per cent), followed by refugees from the Democratic Republic of Congo (5.4 per cent) Ethiopia (1.4 per cent) and other nationalities.

KEY POPULATION DATA

333 673

Refugees

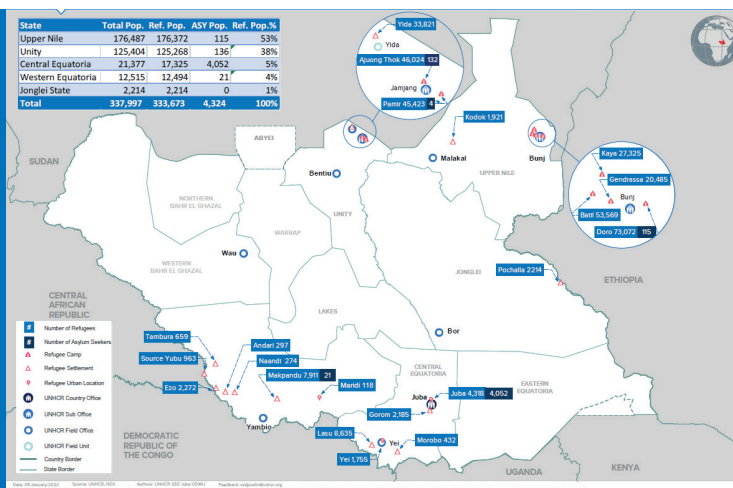
4,324

Asylum-seekers

3.14%

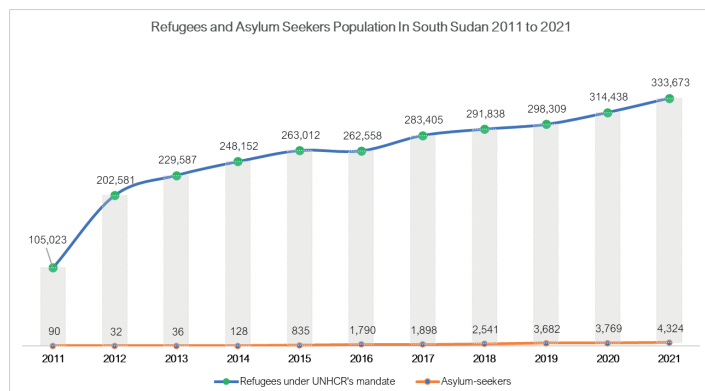
of the country 's population (10.75 million) are refugees and asylum-seekers

IDA ELIGIBILITY:
December 2021



Conflict and fragility have taken a costly toll on the economy of the country and have extracted a huge human price. Seven out of 10 South Sudanese live in absolute poverty and nearly 7 million people – more than 60 per cent of the population – face a food crisis. In the Human Development index 2022, South Sudan ranks 186th of 189 countries. Displacement remains one of the country's biggest challenges with 2.02 million internally displaced persons, 2.34 million South Sudanese residing in neighbouring countries as refugees, and some 10,000 individuals estimated to be at risk of statelessness.

Most of the refugees are hosted in Upper Nile (53 per cent) and the Ruweng Special Administrative Area (38 per cent) in the North of Unity. Other refugee-hosting areas are Central Equatoria (4 per cent), Western Equatoria (4 per cent), and Jonglei state (1 per cent). Ninety-eight per cent of the refugee population lives in settlements and camps in mud shelters and semi-permanent structures made of timber poles, timber and iron sheets, whereas the remainder reside in urban areas.^[2]



POLICY DIMENSIONS

As at 31 December 2021

1 Support for host communities

1.1 Support for communities in refugee-hosting countries

The National Disaster Management Strategic Plan, together with other laws and policy frameworks such as the [National Comprehensive Migration Policy \(2019\)](#), provide for the support and empowerment of refugees and host communities as well as enhanced access to services.

South Sudan continues to struggle in actualizing these policies on the ground and turning them into tangible outcomes to benefit refugees, returnees and host communities, among other populations. Challenges of personnel and financial resources, capacities of the institutions, as well as the deteriorating socioeconomic and political landscape resulting in security and violence, impede the implementation of these policies. Additional support and resources are needed to ensure the full implementation of the Plan for the benefit of the South Sudanese hosts and refugees, including developing more policies and regulations to enhance service delivery to the population and awareness-raising among policymakers to enable inclusive policy formulation.

The Revised National Development Strategy 2021–2024 and the South Sudan National Social Protection Policy Framework provide the basis for the social protection and economic empowerment of South Sudanese, including the refugee-hosting communities through social safety programmes. Through the support of the World Bank and other partners, social safety net programmes have been implemented in different parts of the country to support the vulnerable communities facing economic hardships and other challenges.

Major programmes implemented by non-government actors and the Government include the continuing Girls' Education South Sudan (GESS), co-funded by the EU (European Union), UKAID, USAID, and Global Affairs Canada, which provides school capitation grants, cash transfers to girls attending school coupled with behaviour changes, research and improvement of schools. Building Resilience through Asset Creation (BRACE) is another key programme funded by FCDO (Foreign, Commonwealth and Development Office), while the World Bank has been funding the South Sudan Safety Net Project (SSSNP), offering both cash transfers and conditional cash grants including labour-intensive support to infrastructural activities and income generation, among others. Recently established cash-based transfers have been used to target the elderly, women at risk, children at risk, and persons with disabilities, among others, and the conditional cash grant has been used for public work targeting vulnerable families. Moreover, the World Food Programme (WFP) has continued Food for Assets (FFA), Urban Safety Nets (USN) and the School Feeding Programme (SFP) which support vulnerable families and have contributed significantly to social protection and safety net programming. Most of these programmes are implemented in the cities, especially in Juba.

It is important to note that these programmes do not target refugees, who have been largely unable to benefit directly, except in special circumstances such as refugee children enrolled in the schools supported by the GESS programme. The National Development Strategy and social protection policies remain limited in their application and further action is required to include and reach more refugees and host communities.

1.2 Social cohesion

There are various national policies aimed at directly and indirectly identifying, preventing and mitigating potential social tensions and risks of conflicts in refugee-hosting areas. The Refugees Act 2012 and the 2017 Regulations set out refugee rights and protective measures.

The [Constitution of South Sudan 2011 \(rev.2013\)](#) grants protection from discrimination for all persons within the territory of South Sudan including refugees. This is reinforced in the 2012 Refugees Act which states

that “A recognized refugee and every member of his or her family in South Sudan shall: be entitled to the rights contained in the international conventions to which South Sudan is party and enjoy full legal protection, which includes the rights set out in Bill of rights”. Sections 64 & 65 of the Regulations require the Commissioner for Refugee Affairs (CRA) to ensure that a refugee is integrated in the communities where refugee camps are established, or refugees are settled and further to raise awareness in host communities on the presence of refugees and any other matters relating to their coexistence.

[The Bill of Rights in the Transitional Constitution 2011](#), as amended, [the Penal Code Act, 2008](#), and a large body of other national laws, applicable throughout the country, establish legal and policy frameworks supporting the prevention of tensions and strengthening social cohesion between refugees, other displaced persons and their hosts. The [Global Compact on Refugees](#) also provides a framework for social cohesion and the rule of law among refugees and host communities.

There are, however, gaps in early warning systems, intended to identify conflict risks and provide subsequent mitigation measures. While refugee and host communities in South Sudan typically coexist peacefully, tensions still exist. These tensions can be attributed to various factors, including competition for natural resources, land disputes, destruction of crops by animals belonging to the host or refugee communities and/or perceived inequities in access to livelihoods, services and international aid. In some locations, refugees are viewed as encroachers, leading to a sense of rivalry that can translate into conflict. Such tensions also exist within refugee communities and among South Sudanese nationals.

Within the host and refugee communities, there are functional informal and formal mechanisms in place that promote peaceful coexistence, dialogue, joint activities and civic engagement. The most important mechanisms within the host community are the local leaders/customary courts, which have social cohesion and dispute resolution responsibilities within their area of jurisdiction. The refugee community-based structures are the equivalent structures in the refugee community. As a matter of practice, local governments, and the Commission for Refugee Affairs (CRA), with the support of the United Nations High Commissioner for Refugees (UNHCR), facilitate interventions to promote peaceful coexistence and address any tensions between refugees and host communities using these structures. Established peace committees in refugee-hosting areas promote dialogue between the refugees and host members on a wide range of issues. These have a strong potential to address conflicts between the communities more comprehensively, including addressing environmental degradation, but policies at the Government level within the direction of sections 64 & 65 of the Refugees Eligibility Regulations aimed at bringing together both refugee and host community representatives, have not yet been established.

The Ministry of Peace Building charged with social cohesion, conflict resolution, and peacebuilding matters in the country has drafted a policy that will provide better guidance and direction on the matters. Pending the finalization of this policy, the state ministries responsible for peacebuilding addresses local conflict mitigation and peacebuilding matters in accordance with the overall guidance by the Constitution. In practice, refugees and asylum-seekers report to UNHCR protection desks and implementing partners incidents of discrimination, for instance in relation to gender, ethnicity, and disability.

There have been efforts by the authorities to include the refugees in peaceful co-existence activities with a view to promote social cohesion and harmony between the locals and the refugees in refugee-hosting areas. The host community has in turn benefited from support for peaceful existence activities undertaken by UNHCR and CRA embedded in livelihood activities, health care, etc. Deliberate efforts in social cohesion campaigns have been directed at the host community and refugee structures involved in the peaceful resolution of conflicts, anti-GBV (Gender-Based Violence) campaigns, sharing resources, and other services provided to refugees.

The host community relations with the refugees have improved despite a few spontaneous cases of violent incidents, mostly successfully settled amicably. The extent of tension varies per location but has reduced in 2021 thanks to concerted efforts by the authorities. However, the overall situation is still described as

fragile and there are tensions around land for cultivation and the harvesting of firewood/charcoal. Given the reduced resources and lack of social services, an increased number of host populations are seeking access to basic services available in refugee camps. While UNHCR has extended its services to vulnerable host populations, community-based interventions need to address the increasing medical, educational, social and infrastructure needs of host communities living in the same areas as refugees.

UNMISS (United Nations Mission in South Sudan) and UN agencies' investments in wider peaceful coexistence amongst South Sudanese have enhanced peacebuilding efforts in the country. However, such similar investments in refugee-host community peacebuilding are limited. In the limited development funding available to the Government, international organizations and NGOs, the transition to self-reliance and development activities, particularly to strengthen national institutions, remains challenging. This is critical in order to maintain a favourable protection environment, preserve the asylum space, and prevent the deterioration of refugee-host relations. The use of land and forests, and assigned areas for the collection of firewood, had to be discussed and agreed between the local authorities and host communities to avoid tensions over natural resources in the refugee-populated areas.

National policy frameworks such as the Constitution and the Refugee Act guarantee the enjoyment of all rights for refugees without discrimination on any grounds. This is, however, not uniformly applied by some administrative bodies, especially with sensitive cases contravening local cultures and norms. Same-sex acts are illegal in South Sudan in accordance with South Sudan's penal code.

UNHCR and partners continue to focus on the Age, Gender, and Diversity (AGD) approach as a central part of their activities to inform interventions for refugees. Different refugee groups comprising women and men with disabilities (including those with long-term physical, mental, intellectual and sensory impairment), elderly men and women, persons of diverse sexual orientation, national or ethnic, religious, and linguistic minorities and indigenous people, and other groups, have been set up and are consulted individually and in groups to identify their protection concerns and take decisions on the issues that affect them. Further sensitization and engagement are needed to enhance the understanding of diversity and participation among the refugee-hosting communities and the local authorities.

1.3 Environmental management

While there is no legislation that specifically provides access to energy and restricts deforestation, improves water and waste management and access to sanitation, the general laws and policies of South Sudan can be applied to protect the environment in the refugee-hosting areas. These include the [Transitional Constitution of South Sudan 2011](#) (as [amended in 2013](#) and [in 2015](#)); the [2018 Revitalized Agreement on the Resolution of Conflict in the Republic of South Sudan \(RARCSS\)](#); the [South Sudan National Environmental Policy 2015-2025](#); the [Land Act 2009](#); the [Local Government Act 2009](#); the [Wildlife Conservation & National Parks Act 2003 \(provisional order, Laws of New Sudan\)](#); and the [Timber Utilization & Management Act 2003 \(provisional order, Laws of New Sudan\)](#).

Article 41 of the Transitional Constitution grants the right of environmental protection to every person. The term "every person" should apply to a refugee person or a host community person. Furthermore, Article 41 (4) requires that "all levels of government" should "develop energy policies that will ensure that the basic needs of the people are met while protecting and preserving the environment." The Land Act 2009 requires that land allocation that has a potential to cause environmental and social impacts should be guided by the results of a credible environmental and social impact assessment (ESIA). This covers refugee-hosting areas as allocating land for refugee settlement would require an ESIA and applications of relevant environmental protection safeguards.

South Sudan has acceded to international environmental treaties and conventions such as the [Convention on International Trade in Endangered Species \(CITES\) 1973](#), [Biodiversity Convention 1992](#), [Convention to Combat Desertification](#), and [United Nations Framework Convention on Climate Change \(UNFCCC\)](#). On the

basis of these, the country has developed several plans to actualize the implementation and protection of the environment and ecosystem. Such plans include [National Adaptation Programmes of Action \(NAPA\)](#), [Nationally Determined Contributions \(NDC\)](#), [Initial National Communications to the UNFCCC](#), [National Adaptation Plan \(NAP\)](#), [Technology Needs Assessment \(TNA\)](#) under development, and [National Biodiversity Strategic Action Plan \(NBSAP\)](#).

As part of the 2019 Global Refugee Forum (GRF), South Sudan pledged to support access to sustainable and green energy solutions for refugees and host communities. The country is set to roll out the 100 million tree planting project funded by the [Green Climate Fund \(GCF\)](#) which will largely target the refugee-hosting areas with the expectation that refugees will participate and benefit. Portable lamps for lighting and fuel-efficient stoves have been provided to refugees as a way of mitigating the felling of trees for firewood and charcoal.

Despite these formal policy frameworks and initiatives, significant environmental degradation is observed across the country and in refugee-hosting areas due to weak institutions, inadequate technical capacity to provide backstopping to enact and execute the policies, insufficient financial resources, and low political will to prioritize, set and commit to the environmental agenda. Relevant regulations, such as Ministerial Order No 1/2017 banning the use and importation of plastic bags, remained largely unimplemented. The same applies to the provisions of the [South Sudan National Environmental Policy 2015-2025](#), which covers broad areas including waste management, climate change and sustainable energy.

1.4 Preparedness for refugee inflows

CRA takes the lead in preparedness and regulation of refugee reception mechanisms. CRA is, as per the Refugee Act, the Government refugee entity leading and responsible for the overall coordination and management of refugee and asylum matters. It facilitates regular engagement between host and refugee communities. In discharging its responsibility, the Commission undertakes a range of activities which aim to uphold principles of protection such as ensuring access to territory and preventing refoulement.

The period of 2020-2021 recorded a rising number of inflows, although relatively low, to South Sudan, due to conflict in neighbouring countries. CRA and UNHCR developed a contingency plan in 2021, especially in preparedness for the possible refugee influx from Ethiopia given the unrest in the country. CRA continues to work to strengthen border management and conducts regular monitoring of the border areas to provide guidance to border and immigration officials on the reception of persons fleeing into South Sudan. A key focus is placed on disseminating the principle of non-refoulement.

2 REGULATORY ENVIRONMENT AND GOVERNANCE

2.1 Normative framework

The Republic of South Sudan acceded to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol in September 2018, and to the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa in June 2016. The country is also a state party to other relevant core international and regional conventions and human rights instruments, as well as the 2009 African Union Convention on the Protection and Assistance of Internally Displaced Persons ratified in June 2019. Moreover, South Sudan endorsed the Global Compact on Refugees and made important pledges at the Global Refugee Forum in December 2019.

These instruments are implemented through the South Sudan Refugee Act of 2012 (No. 20). This Act is complemented by the Refugee Status Eligibility Regulations of 2017, as well as by the Standard Operating Procedures (SOPs) for Refugee Status Determination developed and updated in June 2021. In conjunction with this policy framework, decrees and orders issued by the Minister of Interior (such as Ministerial Order No. 03/2020 for the Establishment of the Refugee Appeals Board and Appointment of the Refugee Appeals Board Members; Ministerial Order No. 30/2019 for the Exclusion of Refugees from Aliens Registration Process in South Sudan) play a direct role in forming the refugee response and management in South Sudan.

The Refugee Act uses the definition of “refugee” as provided for under the 1951 and the 1969 Conventions. Chapter II (10) states that the provisions of the Act shall be interpreted in accordance with relevant international and regional refugee treaties and human rights instruments to which South Sudan is a party. The Refugee Act also provides for the institutional aspects of refugee management by outlining the roles and responsibilities of the Commission for Refugee Affairs (CRA), the Refugee Eligibility Committee (REC) and the Refugee Appeals Board (RAB). The Act also incorporates progressive provisions which recognize the rights of refugees, including socioeconomic rights such as access to employment and basic national services.

South Sudan consists of 10 States and 3 administrative areas. Each state has its own government and constitution but the linkages between the State and national institutions remain weak. Most of these institutions lack capacity to discharge their functions independently accountably. CRA faces serious challenges in discharging its functions and in providing adequate refugee protection responses in many aspects. It has limited country-wide operational capacity to manage the registration/documentation of asylum-seekers and refugees and to conduct the individual Refugee Status Determination (RSD) in different parts of the country. The Commission also faces challenges in maintaining the Humanitarian and Civilian Character of Asylum (CCA) due to the volatile and unstable situation of the country. The two key authorities in charge of asylum matters, REC and RAB, only operate in the capital, Juba. UNHCR plays an active role in providing advice and technical support to CRA, REC and RAB.

The same institutional, organizational, and operational capacity limitations prevent refugee management entities from efficiently addressing the integration of refugee matters in development plans. Much more regular and closer interaction with the national, local and regional planning authorities is required to ensure that refugee concerns and related matters are included in the initiation and formulation of sustainable development and environmental plans including in line ministry budget plans.

CRA also lacks sufficient capacity to disseminate and support the application of refugee policies to the relevant authorities in South Sudan. UNHCR observed a significant number of incidents where immigration authorities and/or law enforcement officials fail to recognize asylum-seekers’ and refugees’ documentation, which on some occasions results in detention. Quite a number of service providers still do not recognize refugees’ documentation for access to specific, which requires the intervention of CRA or UNHCR.

The 2012 Refugee Act mandates CRA, REC, and RAB with different roles in the Refugee Status Determination (RSD) process. The process is led by the Government, with UNHCR’s technical support. The Refugee Eligibility Regulations of 2017 are complemented by CRA’s own standard operating procedures on RSD. This framework mandates CRA with RSD case work and recommendations and REC with first instance adjudication of the RSD applications and the CRA recommendations. RAB reviews the appeals of asylum-seekers whose claim was rejected at first instance. The High Court also ultimately provides judicial review of further asylum appeals.

The South Sudanese Government uses both the *prima facie* and individual RSD approaches to process asylum claims. The *prima facie* approach, which is used for populations of certain countries of origin (Sudan, Congolese/DRC, Central African Republic and Ethiopian Anuaks), is decided by the Minister of Interior through a ministerial order.

The implementation of the RSD procedures faces a number of challenges. Generally, CRA, REC and RAB have their main presence in Juba, although CRA is present in the main refugee locations across the country. The RSD processes, conducted by CRA, are heavily centralized due to resource constraints, though individual RSD is meant to be applied in other urban areas. RSD field missions are generally coordinated between UNHCR and CRA whenever the need arises. Positive progress with CRA technical capacity has been observed, but further development is still required to uphold the efficiency and fairness of the process. However, CRA’s limited technical and processing capacity results in major processing delays and backlogs. CRA also faces challenges with data and physical file management and reporting.

Generally, CRA, REC and RAB face further challenges pertaining to the interpretation of certain international principles vis-à-vis the South Sudan laws. For instance, South Sudan Penal Code criminalizes “carnal intercourse against the order of nature” (Section 248 “Unnatural Offences”) and “any male person who dresses or is attired in the fashion of a woman” (Section 249 “Acts of Gross Indecency”). The interpretations of such provisions are often used as a basis for the rejection of asylum applications for individuals with diverse sexual orientations and/or gender identities. Such challenges hamper the fairness, efficiency, adaptability and integrity of the national asylum system in South Sudan.

2.2 Security of legal status

The Refugee Act stipulates a general prohibition on refusal of entry, expulsion, extradition or return to other countries where asylum-seekers and refugees might be subjected to persecution based on one or more of the grounds of the refugee definition within the Act. The refugee protection policy framework does not impose any explicit limitations on the legal stay for asylum-seekers and refugees in the country. Asylum-seekers and refugees are not required to be issued with any special residency permits for their stay. The asylum-seeker certificate and refugee ID cards grant them leave to remain in the South Sudanese territory. They are, however, required to approach CRA for registration upon their arrival in the country and periodic renewal of their documentation throughout their stay. UNHCR South Sudan provides technical and logistical support for document issuance and renewal to asylum-seekers and refugees. Challenges remain with the documentation processing capacity of CRA, which results in major delays and backlog of document renewal.

South Sudan has developed [a Comprehensive Migration Policy 2019](#), providing for border management and assistance to refugees and asylum-seekers at the borders of South Sudan, under the principles of non-refoulement and freedom of movement. Despite observing situations of delayed admission to the territory at the southern borders of South Sudan, UNHCR has not recorded cases of refoulement.

UNHCR regularly provides training to CRA officials, immigration officers, and border police/guards on international refugee law, including the principle of non-refoulement. UNHCR partners undertake border monitoring and UNHCR provides support to the Directorate of Border Police, border post guards, immigration officers and staff of the Relief and Rehabilitation Commission (RRC) which, through its presence at key border crossing points, monitors spontaneous returns. The prevalence of diseases such as COVID-19 and Ebola, among other pandemics, necessitates, according to the authorities, the total or partial restriction of borders to allow for better screening, especially in Yida, in the north of the country.

2.3 Institutional framework for refugee management and coordination

The Refugee Act outlines the institutional framework of refugee management by detailing the roles and responsibilities of CRA, REC and RAB. The CRA is appointed by the President on the recommendation of the Minister of Interior. The nine REC members are appointed from various Ministries and institutions while the RAB is composed of 5 members appointed by the Minister of Interior. The Refugee Act empowers CRA with responsibility for implementing national and regional development plans concerning refugees in South Sudan; fulfilling the secretariat and advisory role on refugee protection to the Government’s asylum-related institutions, mainly REC and RAB; coordinating refugee programmes; promoting South Sudan’s regional and international cooperation including with UNHCR; and ensuring the maintenance of law and order in refugee settlements.

The 2017 Refugee Status Eligibility Regulations, enacted into law by the Minister of Interior, further entrusted CRA with a key role in ensuring the implementation of the 2012 Refugee Act and Regulations. Furthermore, CRA liaises with the national, local and regional planning authorities for the purposes of ensuring that refugee concerns and related matters are addressed in the initiation and formulation of sustainable development and environmental plans.

The Refugee Act 2012 also mandated CRA to coordinate inter-ministerial and non-governmental activities and programmes relating to refugees. CRA's limited institutional and organizational capacity is an obstacle to it fully assuming its coordination roles and responsibilities at inter-ministerial national and subnational levels. CRA's reporting expertise also requires further enhancement and support.

Refugees have so far not been included in the national population census, although refugees and asylum-seekers have always been registered by the CRA. UNHCR manages and updates the refugee database on a regular basis and uses such figures for planning and advocacy for inclusion in national planning. While UNHCR supports the provision of basic health services, the mandatory national services such as tuberculosis treatment, HIV programming, vaccination antigens, are meant to include refugees in the national planning process for quantifying medicines and commodities. The inclusion of refugee data in the national statistics plans would improve the quality of the health service delivery at primary and referral levels available to them. Similarly, refugee data inclusion would be impactful in influencing the national sector development plans and related budgets and in facilitating the implementation of Government pledges. Refugee education needs and data have been captured in the national Education Plan (ESO) by the Ministry of Education but have not been translated into budgetary provisions.

2.4 Access to civil registration and documentation

Chapter V of the Refugee Act provides that refugees are issued with an identity document and shall be entitled to a travel document. Chapter IV states that asylum-seekers, further to their asylum application, shall be issued with a temporary document valid for not less than 90 days. In effect, the asylum-seeker certificate is valid for one year. The Eligibility Regulations 2017 stipulate that CRA shall issue to every person granted refugee status, and every member of his or her family aged sixteen and above, an individual identification document in the form of a refugee identity card. This card is valid for 3 years. The Regulations (Chapter VI, 52) set out the travel documentation application process. Most asylum-seekers and refugees in South Sudan routinely avail themselves of the right to documentation.

However, in practice, refugees and asylum-seekers face delays in document renewal, which results in situations where asylum-seekers and refugees are no longer holding valid documentation. This may lead to incidents or instances where individuals can be denied access to some services or benefits.

The identification and documentation process for refugees and asylum seekers takes place outside the national registration and documentation systems managed by the Department of Civil Registry, Nationality, Passports, and Immigration (DCRNPI), the national agency responsible for registration, identification and documentation.

The [South Sudanese Civil Registry Act 2018](#) allows the recording and registration of life events occurring in South Sudan relating to South Sudanese and alien residents. Provision 34 on Aliens grants everyone in South Sudan access to the civil registry system, including refugees and asylum-seekers. However, access to civil registry documentation for refugees and asylum-seekers, specifically birth registration, remains largely unavailable due to the lack of Civil Registry Regulations, which increases the risk of statelessness for refugee children born in South Sudan. The absence of regulations hampers the implementation of the Act and the roll-out of the civil registration of life events by the competent authority in South Sudan. In addition, key DCRNPI departments and officers and a large number of police forces are unaware of the Civil Registry Act.

In practice, UNHCR and partners support access to birth notifications for refugee children born in the health facilities in the camps. Birth notification serves to document a birth until a full birth registration system is implemented by DCRNPI. UNHCR and partners support the Government, particularly local authorities in refugee areas, with technical training and familiarization with the birth notification system. UNHCR further engages with the United Nations Children's Fund (UNICEF) and other UN organizations on this matter as members of a working group that aims to operationalize the roll-out of the national civil registry system.

2.5 Justice and security

Refugees in South Sudan enjoy relatively stable security and protection from the local authorities and host communities, with some reported issues of unwarranted arrests and/or detention, especially during movement in and out of the camps. There is no systematic discrimination faced by refugees in South Sudan. Both refugees and host communities face insecurity and problems of access to justice in the country, with poor judicial infrastructure for both refugees and host communities.

As identified by a Joint Assessment conducted by UNHCR, WFP and CRA in 2021, key physical protection concerns relate to movement beyond the camps in search of livelihoods as well as gender-based violence (GBV). Efforts have been made by UNHCR, with the support of CRA, to work closely with the police to ensure free and unhindered movement in and out of camps and to respond effectively to violations of rights, including gender-based violence issues. However, the limited presence of law enforcement officials and the increased activities of armed groups, particularly in the Maban area, have aggravated human rights abuses and increased risks for refugees. Furthermore, the risks sometimes come from the law enforcement officials themselves in the form of unwarranted or arbitrary arrest of refugees.

UNHCR provides support to facilitate the presence of formal justice structures in refugee-hosting areas, i.e., mobility, equipment, court houses, training, etc. UNHCR and partners also extend legal assistance and aid to refugees, asylum-seekers, and host communities.

Formal and statutory courts have exclusive jurisdiction over criminal matters such as acts of vandalism, theft, assault, GBV and murder. Access to the formal justice system is, however, considerably limited by institutional weakness and absence of judicial organs in many refugee-hosting areas of the country. There are also incidents in which refugees and asylum-seekers suspected of crimes are detained indefinitely without access to a fair trial or formal charges, thereby perpetuating a culture of impunity that begets further criminality, in particular for GBV perpetrators. Crime prevention and response capacity as well as limited access to justice are serious concerns for both refugees and nationals alike. Law enforcement officials have been unable to adequately address several worrying incidents affecting the most vulnerable refugees or asylum-seekers, particularly women and children.

Customary courts are authorized under South Sudanese law to adjudicate certain non-criminal disputes. However, the lack of formal judicial institutions results in customary courts adjudicating cases that are not within their jurisdiction. Limited access to formal justice is also hampered by understaffing, lack of resources and a lack of trained judges to effectively carry out their functions. The justice system is further derailed by prolonged investigation, negative attitudes towards the formal legal and due process, and fear of reprisal due to lack of witness protection.

UNHCR promotes the use of community-based structures, e.g. conflict resolution committees and customary courts as alternative ways for refugees and asylum-seekers to seek and obtain redress in non-criminal matters. Customary courts can be effective in addressing issues amongst communities of the same ethnic groups. For inter-communal conflicts, which are on the increase, UNHCR observes the limitations of the customary courts. Additionally, these courts are mostly dominated by males who tend to perpetuate discriminatory practices against women, notably on land and GBV issues.

GBV is the main risk to the safety and security of refugees and is similarly faced by many South Sudanese and host communities. The Bill of rights in the Constitution calling for the rights and protection of citizens and specific laws such as [the South Sudan Child Act 2016](#); [the Local Government Act 2011](#); [the Penal Code 2008](#); [the Labour Act 2017](#); [the National Plan of Action for Children \(NPAC\)](#) pave the way for accountability, and fulfilment of children's rights in South Sudan. Most of these Acts penalize and criminalize sexual and gender offences in the country for all inhabitants, hence also supporting refugees. Other policies such as the Gender Policy 2021-2026, and the Ministry of Gender, Child Social Welfare Gender Policy 2022, and strategic plans 2022-2027, aim to promote the implementation of the laws in the Constitution as well as coordination actions among the relevant entities in employing preventive and redress mechanisms.

The Government of South Sudan has ratified the relevant international conventions relating to human rights, women and children. South Sudan has a National Action Plan to improve the lives of women in South Sudan in line with United Nations Security Council (UNSC) Resolution 1325. However, impunity regarding GBV and other human rights violations, coupled with minimal livelihood options, negatively impact women and girls, as documented during [49th Human Rights Council session](#).

Perpetrators of conflict-related sexual violence include community-based militias, civil defence groups and other armed elements. Survivors of such forms of violence struggle to access adequate medical and mental health care. In December 2020, the Judiciary of South Sudan declared the operationalization of the country's first Gender-Based Violence and Juvenile Court in a commitment to ending impunity for GBV crimes. However, the court only exists in Juba and the mobile courts that used to cover other State locations have been discontinued due to funding shortages. In January 2021, the senior leadership of the Joint Defence Board signed an action plan for the armed forces on addressing conflict-related sexual violence in the country. The document aims to standardize efforts to prevent and respond to conflict-related sexual violence over a three-year period until December 2023.

About 81 per cent of the total refugee population is women and children, who generally face significantly heightened risks of GBV including underaged and forced marriages, and female genital mutilation (FGM). Both the Penal Code Act 2008 and the Child Act 2008 criminalize FGM and remain in force as per the Transitional Constitution. UNHCR and its protection partners support mechanisms that facilitate safe reporting, referral and specialized services to GBV survivors.

UNHCR seeks to strengthen the resilience and capacity of communities – such as the Refugee or Community Outreach Volunteers (ROVs), self-managed women and youth committees, peace committees, camp management groups – by reinforcing programmes and initiatives, as well as strategically engaging men and boys to enhance GBV prevention measures. These community-based interventions are instrumental in passing on information about services and programmes, providing insights into protection priorities and identifying community-based solutions when appropriate, or referrals to specialized service providers.

The proposed Independent Children's Commission has not yet been established, which results in rather inefficient accountability mechanisms for the monitoring of violations of children rights. The capacity of the civil society organizations to intervene and hold the Central Government accountable is weak, making it difficult for the authorities to take charge in promoting and defending the rights of children and other citizens. Many often face a lack of human and financial resources and weak capacity.

Ensuring the physical safety of refugees through adequate security infrastructure and maintaining the civilian and humanitarian character of asylum remain major protection challenges especially in refugee camps in the Upper Nile, Central Equatoria and Unity States. The ongoing conflict in Sudan between the Government and the Sudan People's Liberation Movement-North (SPLM-N) continues to shape the character of asylum in camps and explains the presence of combatants among refugees facilitated by the proximity of a porous border. Section 32 of the Regulations contains provisions on the screening of combatants and armed elements at designated entry points and their processing should some of them wish to seek asylum. UNHCR developed relevant Standard Operating Procedures that CRA adopted in September 2019. Senior officials of ministries, directorates and security entities in Juba have been made aware of their specific roles and responsibilities in that respect. Notwithstanding these efforts, the implementation of the SOPs remains a challenge influenced by geopolitical and security factors beyond humanitarian actors including HCR.

3 ECONOMIC OPPORTUNITIES

3.1 Freedom of movement

Whereas the Constitution only provides for citizens to enjoy freedom of movement and the Refugee Act fails to mention it, refugees do enjoy freedom of movement in practice. Neither the Act or any other law imposes any requirement or authorization for refugee movement and choice of place of residence.

The onset of the COVID-19 pandemic and its related restrictions had limited the movement of refugees in the same manner as other citizens but all the measures have now been lifted. In certain camps however, CRA provides travel passes for those who wish to move to another location. There is no uniform practice or protocol in the issuance of travel passes for refugees. This is mostly in camps far away from Juba, where the administrative structures are not well-established or are non-existent, and its aim is to prevent arrest, since most law enforcement personnel in these locations do not know about refugees' freedom of movement and the authenticity of refugee IDs. There are some reported incidents of detention of asylum-seekers by South Sudan immigration officers and Criminal Investigation Department (CID) officers mainly linked to non-possession of documentation. Most often CRA intervenes and facilitates their release. UNHCR and partners generally enjoy the right to visit detained asylum-seekers and refugees. The Government and its partners, including UNHCR, are implementing activities to strengthen the monitoring and response to detention and to the risks of refoulement, including by supporting the presence of CRA at the airport.

3.2 Right to work and rights at work

Section 33 (f) of the Refugee Act of 2012 provides that refugees have the right to seek employment. Refugees shall benefit from the most favourable treatment accorded to foreign residents under the applicable Passports and Immigration law. [Refugee Status Eligibility Regulations \(2017\)](#) Article 67 provides that any person granted refugee status, and in possession of valid identity card issued by the Commissioner, shall be entitled to seek employment.

Procedures and principles regulating the employment of refugees shall be governed by the Ministry of Labour in consultation with the Minister of Interior. [The South Sudan Labour Act 2017](#), Chapter 2, Section 6, Subsection 3, prohibits any work-related discrimination against any person in South Sudan on the basis of race, national extraction, tribe or place of origin, religion or political opinion, among other distinctions. Article 8 on Equal Remuneration for Work of Equal Value states that every employee shall be entitled to equal remuneration for work of equal value.

The Ministry of Labour noted in its five-year (2021-2025) [Policy and Strategic Plan](#) that there were challenges related to undeveloped policies. The fact that the Employment Act and the Labour Act Regulation are still in draft forms is a major setback to the regulation of work in South Sudan, which does impact refugees.

There is no specific legislation relating to work permits for refugees. The Labour Act (2017), Section 46, stipulates that any foreigner/alien shall not be employed unless they have been issued a valid work permit against payment of a fee by the Ministry of Labour. This provision is applicable by default to refugees. The possession of a valid passport is one of the administrative requirements for all aliens to legalize their work status. However, as per Section 67(1) and (2) of the Refugee Status Eligibility Regulations (2017), the refugee ID card should suffice. A refugee in possession of a valid identity card is entitled to seek employment as provided for in Section 33 (f) of the Refugee Act. The provisions of other applicable laws regarding jobs and professions prohibited to foreigners shall be applicable to refugees. There is, however, no data available on the refugees acquiring this document.

The labour market in South Sudan is characterized largely by unpaid work in subsistence agriculture and substantial engagement in the informal sector, and a lack of marketable skills, due to low levels of post-secondary opportunities in technical and vocational areas. There is no accurate data on refugees'

employment in the formal sector, despite jobs assessments and surveys having been conducted (Jobs and Labour Market Assessment by Relief International in Maban in 2021 and by Danish Refugee Council in Jamjang in 2019 and the 2021 World Bank-funded Jobs, Recovery and Peacebuilding in Urban South Sudan study). These assessments revealed that an overwhelming majority of refugee businesses take place informally across all sectors, largely driven by the lack of a functional county system for registration, a series of barriers affecting the establishment of businesses, and a lack of access to start-up capital and technical vocational or business skills, attributed in part to the unstable political-socio-economic environment.

The business registration procedures require the business person to register with the Ministry of Justice in order to obtain an incorporation, followed by registration with the Chamber of Commerce, the Ministry of Finance (National Revenue Authority) and the Ministry of Investment for Operational Licence among other offices. The [Registration of Business Names Act, 2008](#) allows anyone to register a business in South Sudan without any specificity in terms of nationality or status. However, the Registrar is entitled, as per section 5, subsection 2 of the Act, to obtain all the identity documents of the individuals intending to register a business in their name.

Article 12 of the Labour Act on Minimum Working Age states that a child aged 12 years may be engaged to perform light work and that a child under the age of 14 years cannot perform any work defined as the worst forms of work, which include all forms of slavery or practices similar to slavery, such as sale and trafficking of children, debt bondage and serfdom, forced or compulsory labour, and forced or compulsory recruitment of children for use in armed conflict; the use, procurement or offer of a child for prostitution, for the production of pornography or for pornographic performances; the use, procurement or offer of a child for illicit activities, in particular for the production and trafficking of drugs; and work, which by its nature is likely to harm the health, safety or morals of the child.

Notwithstanding these provisions, there are reports of child labour. Economic hardship, unemployment and high poverty levels, exacerbated by conflict and intercommunal violence, continue to expose children to significant risks of child labour. Save the Children, one of UNHCR's partners, undertook a child labour assessment in the Maban refugee camps and host community. The preliminary findings reveal that in one camp, three out of six children are out of school, engaging in either domestic or commercial work while in the host community, the figure is three out of five children are. Girls aged 7-11 years are regularly engaged in domestic chores, which include fetching water and caring for siblings, while boys of the same age are involved in planting crops, cutting grass, fishing, producing charcoal and quarrying stones which they sell in the market for income. Older girls sell tea, bread and work in local markets and restaurants as waitresses and cleaners for an average of seven hours to raise income in addition to domestic work. Boys from age 12 years rear animals and fish for the same average hours of work.

UNHCR and its partners promote interventions which aim to reduce school attrition and any form of child labour that is not considered light and to prevent the risks of engaging in transactional sex. These include raising awareness, providing safe spaces and recreational facilities with indoor/outdoor games, supporting free primary and secondary education and promoting school feeding in collaboration with WFP to ensure school retention, managing and supporting identified child protection cases, and providing cash and in-kind targeted assistance including hygiene kits

Certificates and diplomas held by refugees are recognized by South Sudan. Refugees holding driving licences from their country of origin can be employed as drivers of ambulances and heavy road equipment in field UNHCR operations. From the time of independence from Sudan in 2011, South Sudan has been using both the Sudan, Uganda, Kenya and Ethiopia education curricula respectively. The Ministry of General Education and Instruction (MOGEI) announced the phasing-out of the foreign education curriculums in schools, to be replaced with the country's national education curriculum. The decision is in line with [the General Education Act, 2012](#) Chapter IV, Article 12, which states that the Ministry shall establish a unified secular curriculum for public and private schools. The change is also part of a resolution taken by the South Sudan examination council – a body that manages and regulates exams in the country.

3.3 Land, housing and property rights

Land in South Sudan is mainly communally owned. The community leadership allocates land to the national Government, state Government and individuals. Access to land is regulated by [the Land Act, 2009](#), which provides for different land tenure categories. Schedule (C) (27) of the Constitution gives the States exclusive executive and legislative powers on regulation of land tenure, usage, and exercise of rights in land. According to Section 14, foreigners are prohibited from acquiring or holding freehold land in South Sudan but can lease it from individuals and communities. For any land sale or transfer of ownership, the Payam (second lowest administrative division), County and State Land offices require a South Sudan Nationality Certificate or Passport to prove citizenship. In addition to the freehold regime, the Land Act provides for customary and leasehold tenure systems that are inclusive for refugees. Section 68 of the Refugee Regulations stipulates that any refugee shall not acquire or hold freehold land in South Sudan.

Renting land for business and agriculture is quite common for nationals and foreigners. Due to limited resources, there are few refugees renting land for agriculture, businesses and or other livelihood purposes. Refugees' access to land to facilitate their self-reliance is promoted through agriculture. Tenancy and lease agreements in principle require identification documents such as nationality certificates or national passports, which is an issue for refugees. CRA has negotiated land for farming, mainly agriculture production and livestock grazing, by refugees from the local leaderships and communities of the refugee-hosting areas. The latter are in general willing to allocate additional land when needed. This land negotiation and advocacy takes place every year according to the needs of the different refugee-hosting locations. The land is not given under a tenancy or lease but in exchange for material support provided by UNHCR and partners to host communities.

The Transitional Constitution 2011 spells out, under Article 28 (1), the right for any person to acquire or own property. The Refugee Act 2012, Section 33 (c), states that “a refugee shall enjoy full legal protection”, which includes the rights set out in the Bill of Rights including the right to acquire or own property. In addition, any refugee residing outside a designated refugee camp, as a tenant, may legally acquire or dispose of his or her occupancy or leasehold interests in land, as generally provided for to aliens under applicable laws of South Sudan. No data is available on individual property owned by refugees

The Land Policy bill 2022 is awaiting final reviews and submission to the cabinet and subsequently to the parliament for enactment. The Land regulation is awaiting endorsement by the Ministry of Justice and Constitutional Affairs. The land policy the housing policy bills could be applied to refugees and asylum-seekers provided that they have the resources/finances to enable them to meet the expenses involved, especially in the category of non-citizens, which enables them to lease.

There are significant gaps in the policies and regulations governing land, property and housing issues that the Ministry of Justice and Constitutional Affairs is struggling to address as a result of limited operational capacity, aggravated by a high staff turnover due to remuneration issues. Consequently, the Ministry lacks capacity and expertise to work on policies and to guide the whole policy formulation. The lack of proper institutional linkages between the State ministries and the national ministry pose a challenge for the coordination of the land and housing issues and for the State to implement the policies that should be formulated at central level.

Most refugees who live in refugee camps and settlements rely on UNHCR and its partners for their shelter needs. Refugees in urban areas use their own resources to cater for their accommodation and shelter needs. Social housing started in Juba around 2012 but was ruined by the subsequent conflicts of 2013 and 2016. The conflicts led to encroachment by the community, which took over the land and destroyed the 19 units completed initially in Juba, hence returning the Ministry of Land, Housing and Urban Development to square one. The ministry has contracted another company to resume the construction in the same area in Juba with the low-cost housing units, but this is yet to be realized as access to the land has been made difficult by the community. One of the notable achievements of the ministry is the completion of a housing project funded by the United Nations Human Settlements Programme (UNHABITAT) in Wau for wounded veterans.

The ministry has a plan to construct 5,000 units of housing in the 10 states and 3 administrative areas mainly targeting returnees and vulnerable persons among others. The Ministry believes that refugees could also have access to these housing units, provided that they fulfil the requirements for access to the houses. The ministry has made a presentation of this project to the National Technical Committee on durable solutions for South Sudan entailing what is involved and encouraging partners to support the initiative.

3.4 Financial and administrative services

South Sudan's financial sector continues to suffer from the consequences of years of war and showed reverse trends in recovery, with negative real private sector credit growth, during the first three quarters of FY2020/21, reflecting acute market exchange rate depreciation and soaring inflation. There are no formal financial services available to refugees. Credit available to refugees is predominantly informal and obtained from village savings loan associations, friends, family and relatives. Due to the limited presence of financial services providers, refugees and host communities have poor access to formal financial services and predominantly rely on cash to conduct transactions. Only 13 per cent of the South Sudan population is reported to own a bank account according to the World Bank. National financial institutions and banks can restrict access to their services when presented with refugee identification documents that they are not familiar with or do not consider to be valid documents.

Mobile penetration is low at only 15 per cent across the country. Data from [Global System for Mobile Communications \(GSMA\)](#) Intelligence shows that there were 3.27 million cellular mobile connections in South Sudan at the start of 2022. SIM swapping is common, as there is no enforced ID requirement for obtaining a SIM. In 2019 South Sudan introduced two mobile money payment systems, [M-Gurush](#) and [NilePay](#), which allow refugees to access mobile money. Scaling up mobile money services is challenging because of the poor quality of the connectivity, limited access to mobile phone ownership, technology illiteracy and the preference of refugees for physical money.

Mobile network coverage is limited to the major towns in South Sudan, cutting out a large chunk of the population in far and hard-to-reach areas, thus leaving many refugees with limited connectivity coverage. Ongoing conflicts and limited access to parts of the country have made it extremely difficult to find accurate data on mobile coverage and accessibility. Although there has seemingly been a growth in the popularity of Internet services, population displacements, destruction of telecommunications infrastructure, inflation and economic spending cuts have discouraged investment in the telecommunications infrastructure, thus hampering its expansion.

4 ACCESS TO NATIONAL PUBLIC SERVICES

4.1 Education

The 2012 Refugee Act allows refugees to access basic services, including education, on the same terms as host communities. The Transitional Constitution (2011) includes the right to education for every citizen. Article 29 (2) says: "All levels of government shall promote education at all levels and shall ensure free and compulsory education at the primary level; they shall also provide free illiteracy eradication programmes."

[The General Education Act 2012](#), [the National General Education Policy, 2017-2027](#) and [the South Sudan Vision 2040](#) are the major enabling education policies. Despite the many obstacles likely to impede the implementation of the plan – effective implementation of Competency Based Curriculum, improvement of public examination, teacher management, digital learning and transformation, safe and healthy schools and financing education – the Ministry of General Education and Instruction (MoGEI) is committed to advancing the vision of quality education for all, regardless of sex, ethnicity or socioeconomic status, whose objective is to provide learners with opportunities for self- development and to contribute to an economically strong, peaceful South Sudan. This is in line with the goal set forward in [South Sudan Vision 2040](#), "to build an educated and informed nation" by providing quality education for all., which is accessible and equitable, of good quality, efficient and relevant and in line with the Sustainable Development Goal 4.

The Government of the Republic of South Sudan has taken several steps to include refugees in the national education system – key among them being South Sudan signing [the Djibouti Declaration on Refugee and Returnee Education in 2017](#). South Sudan committed to take collective responsibility to ensure that every refugee, returnee and member of host communities has access to quality education; to integrate refugees in national education policies, strategies, programmes and plans of action and systems; to establish a committee of education to oversee the implementation of all agreed standards, policy instruments and frameworks for education for refugees and returnees; and to adopt and implement a multi-year costed action plan on education of refugees, returnees and members of host communities. In 2019, South Sudan pledged to increase access to quality education for refugees and host communities and reduce the out-of-school children rate by 2024, reaffirming its global commitment on education

As of December 2021, 147,911 refugees (73,256 Female and 74,655 male) were enrolled in pre-primary to university education in South Sudan. There has been an improvement in the enrolment and retention of refugee learners in all levels of education over the last few years. However the enrolment rate for refugees remains below the national rates across the board (Early Childhood Development (ECD): 52 per cent for refugees versus 55 per cent for nationals; primary: 78 per cent versus 88 per cent; and secondary: 57 per cent versus 60 per cent). Access to and quality of education for refugees were enhanced from 2015 to 2021 through the construction of 41 schools (591 classrooms) and the employment of 877 teachers. However, the ratio of teachers to students remains well above international standards at 1:123. In some locations, refugees are required to pay more than local students (up to three time more per term in some schools) which should not be the case.

Whereas South Sudan has an enabling policy environment, the lack of resources and investment in refugee and host-community education means that the majority of refugees are served by a parallel system of education. UNHCR and the Lutheran World Federation are responsible for school governance and management, providing 100 per cent of the resources required for education services in the refugee camps. The MoGEI provides policy guidance and technical oversight.

[The 2014 National Inclusive Education Policy position paper](#) emphasizes the needs for schools to accommodate and provide specialized services to all children, regardless of their physical, intellectual, social, emotional, linguistic or other conditions. This includes disabled and gifted children, street and working children, children from remote or nomadic populations, children from linguistic, ethnic or cultural minorities and children from other disadvantaged or marginalized areas or groups. Refugees are not explicitly mentioned but may be considered under other disadvantaged or marginalized groups. [The 2012 General Education Act](#) recognizes that some learners have special education needs requiring specific provisions so that they can learn to the best of their abilities. However, in practice these learners have hardly any access to education due to lack of facilities and obstacles linked to poverty, language, gender or culture.

In accordance with the Higher Education Act 2012, the Ministry's mandate is to ensure that higher education is accessible, affordable and equitable, in order to build an informed and educated nation. This applies to all, including refugees. They are eligible to attend higher education, especially those who have completed secondary education in South Sudan. Despite the lack of consistent statistics, MoGEI believes that all refugee students who have completed their secondary studies in South Sudan are able to attend higher institutions though some conditions apply, such as a small payment. CRA facilitates the enrolment of refugees in South Sudan Universities by issuing letters of non-objection and in order to avoid rejected admission for those who possess education certificates issued in their country of origin. However, both refugee and host communities have difficulty accessing tertiary education because of the limited number of public universities in the country and because most of them are concentrated in Juba due to the prevailing insecurity in other parts of country.

Despite inclusion policies, children with intellectual or psychosocial disabilities or other impairments have very limited access to educational opportunities, Barriers to education for these children include the distance to the schools and their accessibility, negative attitudes of other learners and other persons they

interact with, and lack of teacher experience. Efforts are made by the Government and other actors to foster inclusive education. The school attendance rate is 24 per cent for disabled refugee children and 21 per cent for host community and the majority are enrolled in the mainstream education system. MoGEI plans to designate one functional Government school in each Payam, as a model school for inclusive education.

Priority actions in the education sector aim to increase access for refugees and returnees across the education spectrum, to recruit more teachers and support their development, to finalize the development of the Regional Qualification Framework, to improve the safety of the learning environments, and to establish facilities and the training of teachers for the delivery of special education services. Strengthening the institutional capacity of education-governing entities is equally critical.

The education-governing ministries, the MoGEI and the Ministry of Higher Education, Science and Technology (MoHEST), have limited capacity to plan, coordinate and provide oversight for effective management of the education system. This prevents these ministries from effectively addressing the systemic challenges, including attracting, preparing, and managing qualified teachers. These limitations, coupled with the high reliance of the education sector on non-governmental partners has led to fragmented interventions and inefficient use of resources. As the Government assumes a more prominent role in service delivery, investment in its capacity for planning and implementing education reform to ensure sustained improvements in education outcomes of the country's children is critical. The National Costed Action Plan for the Implementation of the Djibouti Declaration requires funding to support the progressive transition of the governance and management of refugee schools to the public system, the remuneration of teachers and other school running costs, and the coverage of examination and assessment fees.

4.2 Health care

The Transitional Constitution of the Republic of South Sudan (2005) recognizes health services as a basic human right to be respected (article 31). It emphasizes improved health-care delivery, an improved Health Information System (HIS), good governance and an increased health budget aligned to priorities. [The policy on health service delivery \(2016-2026\)](#) focuses on universal health services coverage for all communities through effective, affordable and comprehensive delivery of health service packages. However, the national public health policy does not disaggregate beneficiaries, including refugees, and asylum-seekers. Paragraph 33 (g) of the Refugee Act provides that refugees shall be entitled to the same basic health services as those received by nationals.

UNHCR and its partners are striving to provide comprehensive primary health-care services including outpatient consultation, emergency admission, referral, reproductive health, laboratory, mental and nutrition services, among others. UNHCR has also strengthened coordination with development agencies to address the funding gaps and expand primary health services including outreach preventive programmes, anti-malaria interventions, supply of essential and other related medicines. Refugees and asylum-seekers are able to access public health facilities, where these are available, including services such as extended immunization, TB/HIV programming and related initiatives. These services can be obtained by refugees and asylum seekers for free. However, there is a need for more advocacy to have Government policy revision and inclusion of refugees in the free services to which nationals are entitled

The Ministry of Health (MOH) policy outlines the strengthening of partnership and a collaborative approach for the delivery of health services aligned with national health programme development priorities. Though not specifically highlighted in the policy, refugee women and girls access sexual and reproductive health services at public health facilities for a fee, which is fully covered by UNHCR. These services include prenatal care, skilled delivery, postnatal care, vaccination for the mother and infants, family planning methods, and elective caesarean section support, among others.

The policy objective on health-care leadership, governance and financing requires adequate health-care financing to ensure universal coverage. However, the existing health-care policies do not specify enrolment

in the packages of the national public health insurance system for nationals or refugees. The national insurance scheme is not implemented in full even for nationals and the Government's spending on universal health care shows a decreasing trend over the years. As the funding support to MOH from [the Health Pooled Fund](#) (HPF) is decreasing, health services of the national facilities including at secondary and tertiary level are negatively impacted.

4.3 Social protection

The development of the South Sudan National Social Protection Policy Framework (NSPPF) in 2016 by the Government can be considered an important step in the country's social protection response. This Framework was developed by the Ministry of Gender, Child and Social Welfare (MoGCSW) which is the lead Ministry mandated with social protection, with technical and financial support from the World Bank and UNICEF.

The NSPPF envisages a national social protection system with strong coordination and a range of social protection programmes for the most vulnerable, putting the emphasis on reducing the risk for the "poor and vulnerable". However there is no clear definition on the level of poverty, no indication on how poverty is defined and no distinction between the geographical locations (rural or urban). The policy focuses on non-contributory, unconditional social protection aiming for a lifecycle approach to social protection (children, elderly, people with disabilities, ex-combatants); in-kind benefits (school feeding); fee waivers (scholarships for girls); subsidies (agricultural inputs); and conditional cash transfers (public works).

The Government's capacity to design, implement and coordinate an effective social protection programme in South Sudan remains limited. Following its launch in 2016, some technical work to assess the sector-wide provision was carried out and assistance to operationalize the NSPPF was provided, mostly through the support of the social protection partners. Key social protection programmes include the Safety Net and Skill Development Project, financed by the World Bank, and the South Sudan Safety Nets Project. The FCDO-financed Building Resilience through Asset Creation Programme Phase II and the WFP food for assets, school feeding and urban social safety net programmes.

In 2019 MoGCSW completed [the first-ever national mapping](#) of social protection initiatives which was prepared in partnership with UNICEF. Seven programmes were selected for inclusion in the mapping, all non-contributory social protection schemes. Among the seven selected programmes (Safety Net and Skills Development Project, South Sudan Safety Nets Project, Building Resilience through Asset Creation Phase II, Food for Assets, Urban Safety Nets, Girls' Education South Sudan and the School Feeding Programme), different eligibility criteria in determining the beneficiaries and target groups are observed. In all of the programmes, with the exception of the School Feeding Programme, while there is no clear emphasis on citizenship and nationality for eligibility, and asylum-seekers and refugees are not explicitly mentioned as target groups. Nevertheless in the absence of a clear reference to South Sudanese nationality as an eligibility criteria, it is considered that refugees and asylum-seeker are included in the national social protection response, when such interventions are provided.

In the Revised National Development Strategy 2021–2024, social protection and social safety nets have defined some of the priority areas. The document identified limited coverage and access to quality social services as issues to be addressed. The Strategy further listed the establishment of a hierarchy of social safety nets, disaster response for the vulnerable, multidimensional poverty index, social security, pension and future generation funds as actions to be prioritized. It also states that some social protection and social safety net programmes are to be delivered in partnership with South Sudan's development partners. In addition, it pledged to strengthen the Government-led National Social Protection Working Group (NSPWG). The Working Group is the primary body for government and non-government stakeholders to discuss technical and policy aspects of social protection, build consensus on policy and programmatic issues, and coordinate to avoid duplication of efforts. The revised Strategy acknowledged that, despite a policy and efforts in implementing social protection programmes, these programmes are still in their infancy. Therefore,

the Strategy tasked the Ministry of Labour to explore the feasibility of introducing contributory social protection and social security programmes.

As such, the implementation of the Government-led NSPPF of 2016 remains at an embryonic stage, as social protection activities are almost exclusively financed by [donors](#) and the operational context in South Sudan limits the scope of [social policy initiatives](#). The National Development Strategy similarly recognizes the lag in implementation of the policy and the fact that there is very little coordination among those providing social protection and social safety net programmes.

4.4 Protection for vulnerable groups

Paragraph 36 of the Refugee Act provides that unaccompanied children must be assisted in applying for asylum and that legally appointed guardians would ensure that their best interests are met. The Act urges CRA to expedite asylum procedures in the same way for persons with disabilities, detainees, victims of trauma and torture and all other vulnerable persons. The Act does not provide for any further specific protection measures.

Refugees falling under the vulnerable category and having special needs, in particular persons with disabilities, older persons, refugees living with chronic illnesses, women and children who have experienced abuse and traumas, are prioritized for support ranging from cash assistance, livelihood, shelter and others. Deliberate efforts by UNHCR and partners are directed to measures and safeguards for the protection of women and children in refugee settlements and camps, to improve the response to GBV, and the institutional capacity of responsible institutions is being strengthened. However, survivors are often unable to access essential services such as health, psychosocial support and justice due to poor infrastructure and lack of resources. Access to quality maternal health care is limited and compounded by the scarcity of water and sanitation services.

GBV is endemic in South Sudan and the country has some of the worst GBV records, with dire consequences for women, girls, and children, according to the UN Commission on Human Rights. Rape of women and girls is widespread and perpetrated with quasi-systemic impunity. GBV is a human rights violation which affects all segments of society including persons with specific needs. Government initiatives to address sexual violence in conflict, including establishing a special court and holding military justice proceedings, remains inadequate, as reported by [the UN Commission on Human Rights in South Sudan](#).

Human trafficking in South Sudan is also quite prevalent. Various forms of internal and transnational trafficking in persons (TiP) are perpetrated, including forced recruitment by armed forces and armed groups, forced marriage, domestic servitude, sexual and labour exploitation. Women are the key targets of traffickers, most often for sexually exploitation. Additionally, reports establish that unaccompanied or orphaned children are exposed to a heightened risk of trafficking and other forms of sexual exploitation. For example, unaccompanied children in refugee camps or internally displaced children are particularly in danger of traffickers abducting them.

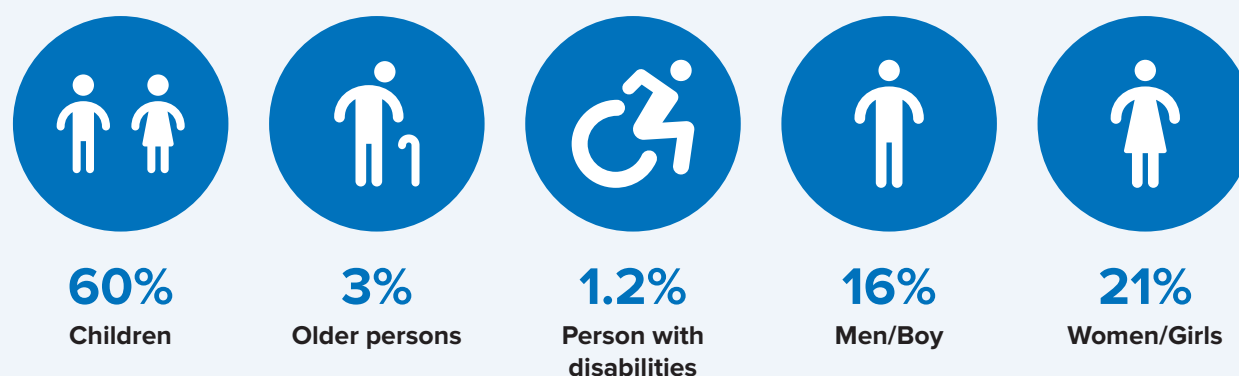
Children in South Sudan are exposed to serious protection risks including killing and maiming, child recruitment, attacks against schools, rape and other forms of sexual violence, abduction and denial of humanitarian access. Unaccompanied and separated children, child heads of households, children with disabilities with limited assistive support, are among the most at risk. The situation is compounded by limited access to education, lack of documentation, especially birth certificates, and food insecurity (food rations have been reduced by 50 per cent since the beginning of 2021), exposing children to severe malnutrition. Refugee children in South Sudan are also engaged in child labour, despite the prohibition prescribed in the Labour Act.

On 7 February 2020, all parties to [the Revitalized Peace Agreement for the Resolution of the Conflict in South Sudan \(R-ARCSS\)](#) signed a Comprehensive Action Plan to end and prevent all grave violations

against children. A Country Task Force on Monitoring and Reporting (CTFMR) works jointly with UNMISS in South Sudan. It is mandated to manage, report and verify all Monitoring and Reporting Mechanism (MRM) incident reports and grave violations, and to build monitoring and reporting capacity on through its MRM Specialist. The National Task Force supports advocacy, identifies and facilitates the release of children associated with armed groups, and enhances the knowledge and capacity and of parties to the conflict on international standards.

5 CROSS SECTORS

Demographics of total refugee population



5.1 Gender

There are inadequacies in terms of gender-related policies and their implementation in many aspects. The most significant, which affect South Sudanese women and girls, relate to the socioeconomic sphere and housing, land and property rights. Women and girls are entitled to inherit the acquired property of a deceased relative, including that of parents, pursuant to Article 13(4) of the Land Act 2009.

Although the land-related laws comply with the regional and international legal frameworks protecting women's rights, their implementation is weak. In addition, some customary laws applicable to specific communities often prevent women from actually accessing land. Despite legal provisions, women's rights to land remain largely conditional upon their marital or childbearing status. As the number of women-headed households has been increasing since December 2013, a growing number of women lack the security of tenure necessary to achieve sustainable livelihoods and durable solutions. There is inadequate access to justice for women due to inefficient land dispute resolution mechanisms.

Practical barriers to refugee girls' enrolment and traditional gender norms result in families prioritizing the education of boys over girls. In addition, women and girls have limited access to health services because of the domestic responsibilities that are overwhelmingly assigned to them. They often do not have the material time to walk long distances to health facilities or to wait in long queues. Access is even more problematic for pregnant women or those with young children. Women and girls face similar obstacles in access to justice and seeking redress.

5.2 Social inclusion

Under South Sudan's national legislative framework, refugees and asylum-seekers enjoy the right to access employment and essential services, such as health and education, through national systems. However, in practice, refugees and the communities that host them remain dependent on humanitarian assistance to meet their basic needs and have limited access to education, health, water, sanitation and hygiene

(WASH), livelihood opportunities, and other services. Local governance structures in refugee-hosting areas face a lack of funding, delayed salary payments, prolonged staff absences, poor infrastructure and capacity challenges, and remain largely reliant on UNHCR and other humanitarian partners for financial and technical inputs.

After years of refugee presence and due to a very dire socioeconomic situation resulting from prolonged conflict in the country, the refugee and host communities are competing over scarce resources and overburdened social sector services (health, education, and WASH).

Annex on Key International and Regional Instruments ratified or adhered to

- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol I\)](#)
- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol II\)](#)
- [Additional Protocol \(III\) to the Geneva Conventions, 2005](#)
- [African Charter on Human and Peoples' Rights, 1981](#)
- [African Charter on the Rights and Welfare of the Child, 1990¹](#)
- [African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa \(Kampala Convention\), 2009](#)
- [African Youth Charter, 2006²](#)
- [Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984](#)
- [Convention Governing Specific Aspects of Refugee Problems in Africa \(the OAU Convention\), 1969](#)
- [Convention on the Elimination of All Forms of Discrimination Against Women, 1979](#)
- [Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 1997](#)
- [Convention on the Rights of Persons with Disabilities, 2007³](#)
- [Convention on the Rights of the Child, 1989](#)
- [Convention Relating to the Status of Refugees, 1951](#)
- [Geneva Convention \(I\) on Wounded and Sick in Armed Forces in the Field, 1949](#)
- [Geneva Convention \(II\) on Wounded, Sick and Shipwrecked of Armed Forces at Sea, 1949](#)
- [Geneva Convention Relative to the Treatment of Prisoners of War \(Third Geneva Convention\)](#)
- [Geneva Convention Relative to the Protection of Civilian Persons in Time of War \(Fourth Geneva Convention\)](#)
- [ILO Abolition of Forced Labour Convention, 1957 \(No. 105\)](#)
- [ILO Discrimination \(Employment and Occupation\) Convention, 1958 \(No. 111\)](#)
- [ILO Equal Remuneration Convention, 1951 \(No. 100\)](#)
- [ILO Forced Labour Convention, 1930 \(No. 29\)](#)
- [ILO Minimum Age Convention, 1973 \(No. 138\)⁴](#)
- [ILO Right to Organize and Collective Bargaining Convention, 1949 \(No. 98\)](#)
- [ILO Worst Forms of Child Labour Convention, 1999 \(No. 182\)](#)
- [OAU Convention for the Elimination of Mercenarism in Africa. Libreville, 1977](#)
- [Optional Protocol to the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment, 2002](#)
- [Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, 1999](#)
- [Optional Protocol on the Involvement of Children in Armed Conflict, 2000](#)
- [Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#)
- [Protocol Relating to the Status of Refugees, 1967](#)
- [Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 2003⁵](#)
- [United Nations Convention against Corruption, 2005](#)

1 Signed but not ratified.

2 Signed but not ratified.

3 Signed but not ratified.

4 Minimum age specified: 14 years.

5 Signed but not ratified.