



THEMATIC RESOLUTIONS ADOPTED AT THE NGOs FORUM PRECEDING THE 60TH ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS AND 34TH AFRICAN HUMAN RIGHTS BOOKFAIR
4-6 MAY, 2017 - PALAIS DES CONGRES – NIAMEY, NIGER

TRES/001/05/17 - Combatting sexual and gender-based violence in South Sudan

We, the participants at the Forum on the Participation of NGOs in the 60th Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR) held at the Palais des Congres in Niamey, Niger from 4th -6th May 2017;

Alarmed by the continuing deterioration of the security situation and human rights situation in South Sudan; Recalling that following the outbreak of the conflict in mid-December 2013, between government forces and opposition forces and armed militias in South Sudan, civilians have been the targets of serious crimes including murders, acts of torture and forced disappearances, forced recruitment of child soldiers, forced displacements, restriction of property, and other serious violations of international human rights and humanitarian law;

Alarmed in particular by the continuing rise of sexual and gender-based violence committed in all conflict-affected regions, by government forces, opposition forces and their affiliated militias against civilian populations, and noting that this violence includes inter alia, rape, gang-rape, sexual assault, abduction of women and girls, sexual slavery, which may amount to war crimes and crimes against humanity. Particularly preoccupied by the alerts formulated by experts from the UN Commission on Human Rights in South Sudan, indicating that gang rapes forms part of a "steady process of ethnic cleansing underway in several areas of South Sudan"

Concerned by the conclusions of the report of the Report of the United Nations Commission on Human Rights in South Sudan of 6th March 2017 referring to the increase of sexual and gender-based violence in South Sudan, with reports of sexual and gender-based violence rising by 61% between 2015 and 2016;

Recalling the Government of South Sudan's commitment to combat sexual and gender-based violence through the development of action plans within the army and the police aimed at ensuring accountability for sexual violence, the enhancement of the justice system, "including through strengthening the legal framework, bolstering the capacity of prosecutors and judges and improving access to justice for survivors of sexual violence", and the commitment to ensure "the provision of appropriate services for survivors of sexual violence, including medical, psycho-social, legal and other urgent needs"

Denouncing the fact that since these commitments have been made, there has been no meaningful action taken by the authorities to provide truth, justice and reparation to victims, and to curb this scourge. Denouncing in particular the fact that no perpetrator of sexual and gender-based violence has been prosecuted by the South-Sudanese judicial system, as indicated in the Report of the United Nations Commission on Human Rights in South Sudan of 6th March 2017;

Concerned by the lack of medical support including psychological support and of social support, and the lack of access to justice and redress for the victims of sexual and gender-based violence;

Recalling that the widespread and serious sexual and gender-based violence perpetrated by government forces, rebel forces and unidentified armed groups against civilian populations in South Sudan may amount to crimes against humanity and war crimes;

Noting the significance of effective redress for victims of human rights violations including sexual violence, not only at the domestic level, but also the regional and international level to end impunity;

Concerned by the lack of implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudan of August 2015, especially its commitment to “national reconciliation, accountability, healing and combating impunity”

Acknowledging and supporting the African Union Campaign to Restore the Dignity of Women and to Ensure Accountability in South Sudan launched in October 13th, 2016, which stresses the fundamental importance of fighting impunity for sexual violence in South Sudan;

Recalling the ACHPR resolution 111 of 2007 on the Right to a Remedy and Reparation for Women and Girls Victims of Sexual Violence which urges states to take all necessary measures to prevent and eradicate sexual violence, and to ensure that victims of sexual violence have access to medical assistance and psychological support and the ACHPR Resolution 283 of 2014 on the Resolution on the Situation of Women and Children in Armed Conflict, which calls on Member States to ensure that survivors receive adequate support, affordable and accessible health-care services, including sexual and reproductive health and to conduct independent and effective investigations into all crimes of sexual and gender-based violence, and prosecute and punish perpetrators to end impunity;

Stressing the need for South Sudan to cooperate with the African Union and the United Nations relevant organs to identify perpetrators of the atrocities and hold them accountable, in line with the African Union’s firm commitment to fight impunity;

Recalling the mandate of the ACHPR to promote and protect human and peoples' rights pursuant to the African Charter;

Recalling Article 3(f) and (h) of the Constitutive Act of the African Union (AU) which states that the objectives of the AU shall be to promote peace, security, and stability on the continent, as well as human and peoples' rights in accordance with the African Charter and other relevant human rights instruments, and Article 4 (o) relating to the condemnation and rejection of impunity;

Bearing in mind that South Sudan is a Member State of the African Union and a state party to the African Charter on Human and Peoples' Rights (the African Charter);

Also recalling the obligation of African countries to combat impunity for all human rights violations in accordance with international and regional instruments and national legislative frameworks, to hold perpetrators of these crimes accountable, including as expressed by Resolution 344 on the fight against impunity in Africa;

The NGOs Forum calls on the African Commission to:

1. Strongly condemn the sexual and gender-based attacks by government forces, rebel forces and unidentified armed groups against the civilian population in South Sudan,
2. Exhort the Government of South Sudan to ensure the full protection of the civilian population against sexual and gender-based violence;
3. Call on the Government of South Sudan to ensure that victims of sexual and gender-based violence are provided with comprehensive and adequate medical support,
4. Call on the Government of South Sudan to fight impunity by ensuring that perpetrators of sexual and gender-based violence are held accountable for their actions, whether they are governmental forces, rebel forces, or unidentified armed groups;
5. Specifically call on the Government of South Sudan to ensure that government forces responsible for sexual and gender-based violence against civilian populations are immediately prosecuted in respect of international norms of fair and transparent trials;
6. Call on the African Union Commission to ensure the prompt establishment of the Hybrid Court for South Sudan provided for in the ARCSS in compliance with international human rights and criminal law and calls on the Government of South Sudan to fully support this process;

7. Call on the African Union Commission to prioritize the prompt establishment of the investigative branch of the HCSS to ensure the preservation of evidence;
8. Call on the Government of South Sudan to ensure that the victims of sexual and gender-based violence are provided with reparations and compensation in both material and non-material elements, including restitution, compensation, rehabilitation and guarantees of non-repetition, and including through the establishment of the compensation and reparations authority as provided by the Chapter V of the Agreement on the Resolution of the Conflict in the Republic of South Sudan;
9. Call on the Government of South Sudan to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, as well as any other relevant international instruments.

Done in Niamey – 7th May, 2017