

Access Now submission to the United Nations Human Rights Council, on the Universal Periodic Review 2016 Cycle for South Sudan

About Access Now

1. Access Now (www.accessnow.org) is an international organisation that works to defend and extend digital rights of users globally. Through representation in 10 countries around the world – including presence in the African Union - Access Now provides thought leadership and policy recommendations to the public and private sectors to ensure the internet’s continued openness and the protection of fundamental rights. We engage with an action focused global community, and our Technology Arm operates a 24/7 digital security helpline that provides real time direct technical assistance to users around the world.
2. Access Now advocates an approach to digital security that promotes good security policies that protect user rights, including privacy and freedom of expression. Access Now has worked extensively in Africa on digital rights including commenting on the establishment of the African Union Convention on Cyber Security and Personal Data Protection (“the Convention”). We now welcome the opportunity to provide feedback on the Universal Periodic Review 2016 Cycle for South Sudan.
3. This is the first review for South Sudan, as it became an independent state on 9 July 2011, following a referendum that passed with 98.83% of the vote.

Domestic and international human rights obligations

4. While some progress has been made, South Sudan has failed to sign or ratify a number of international human rights instruments. South Sudan has yet to take action on: the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and Convention on the Elimination of All Forms of Racial Discrimination (CERD), among others. An inadequate legal framework for the protection of human rights makes it difficult for State actors and corporations to be held accountable.
5. Article 24 of the Transitional Constitution of the Republic of South Sudan, 2011, provides protections for freedom of expression and the media, but is not comprehensive enough to provide adequate safeguards against violations.

Situation of digital rights in South Sudan

7. South Sudan citizens lack robust access to the global internet. Since becoming a democracy in 2011, the country’s leaders have declared their intention of increasing national connections to major global telecommunications cables.¹ These efforts should be encouraged, as connecting to submarine and terrestrial fibre-optic cables will provide faster and more reliable connections than satellite-based communications networks, for example.

¹ Radio Tamazuj, “South Sudan government says planning for better internet”
<<https://radiotamazuj.org/en/article/south-sudan-government-says-planning-better-internet>>

8. As more connections are made, and more citizens come online, these new internet users would benefit from education, training, and capacity-building opportunities to learn how to securely and effectively exercise their human rights via information and communications technologies.
9. For its part, the government must ensure human rights are protected online, and implement open, transparent, and accountable internet governance processes. All stakeholders must be given a meaningful opportunity to input into regulatory and policy decisions that impact human rights online.
10. In particular, South Sudan must reject the trend of governments slowing, blocking, or shutting down the internet and mobile communications services, particularly during elections or public assemblies.²

Recommendations

11. South Sudan should improve its human rights record and treatment of digital rights in several areas. We accordingly recommend that the government of South Sudan:
 - a. Commit to acting upon the resolution on democracy in the digital era of October 21, 2015, which took place during the 133rd Assembly of the Inter-Parliamentary Union (IPU). South Sudan was among the 167 national governments that unanimously adopted the resolution;
 - b. Sign and ratify core international human rights instruments including the ICCPR, ICESCR, & CERD, and the Optional Protocols thereto;
 - c. Commit to enhancing freedom of expression online and preventing violations by state and non-state actors, such as companies;
 - d. Commit to refrain from slowing, blocking, or shutting down internet and telecommunications services, particularly during elections and public assemblies;
 - e. Improve cooperation with United Nations and African Union treaty mechanisms and issue standing invitations to UN special procedures such as the UN special rapporteurs on freedom of expression and privacy; and
 - f. Consult international human rights experts to improve Article 24 of the Transitional Constitution, and to enact laws protecting privacy and freedom of expression online.
12. The UPR is an important U.N. process aimed at addressing human rights issues all across the globe. It is a rare mechanism through which citizens around the world get to work with governments to improve human rights and hold them accountable to international law. Access Now is grateful to make this submission.
13. For additional information, please contact Access Now staff Ephraim Percy Kenyanito (ephraim@accessnow.org) and Peter Micek (peter@accessnow.org).

² "Fighting Internet Shutdowns" (Access Now) <<https://www.accessnow.org/internet-shutdowns>>