



# UNDP SOUTH SUDAN KNOWLEDGE PRODUCTS



## UNDP ANNUAL MEETING ON STRENGTHENING THE RULE OF LAW IN CRISIS-AFFECTED AND FRAGILE SITUATIONS

27-29 MAY 2014, NEW YORK

Empowered lives.  
Resilient nations.



### ACCESS TO JUSTICE PERCEPTION SURVEY EXECUTIVE SUMMARY

#### INTRODUCTION

After two decades of civil war, South Sudan became independent on 9 July 2011. However, the country is still faced with numerous challenges that include low literacy levels, high poverty levels, border disputes, ethnic violence and poor infrastructure. Nevertheless, in the 2 years since independence, the Government of the Republic of South Sudan (GRSS) has made strides in strengthening its justice sector institutions. The United Nations Development Programme (UNDP) is among the development partners supporting GRSS to strengthen these institutions through its Access to Justice and Rule of Law Programme.

In this context, UNDP commissioned a nationwide survey on access to justice and rule of law. The survey sought to gather statistically reliable quantitative information directly from the people of South Sudan on their knowledge, understanding, demand, perceptions, and use of justice system services. Specifically, the survey sought:

- To obtain statistically reliable data on the perceptions and levels of awareness of the availability and function of different service providers;
- To obtain statistically reliable data on current accessibility of justice services to end users and to identify the primary barriers to accessibility;
- To obtain statistically reliable data on the needs and priorities of end users of justice services to enable more efficient and targeted programming and resource allocation;
- To establish a baseline to enable the monitoring and evaluation of the impact of rule of law interventions with greater accuracy.

The survey findings will help in consolidating existing and planned interventions into individual rule of law institutions and community level interventions into a coherent and holistic programme designed to increase the availability, affordability, accessibility and acceptability of statutory and

customary justice services to the people of South Sudan. The survey findings will further guide and facilitate policy decision-makers to deploy resources efficiently and effectively. This report presents the main findings of the survey and provides recommendations for key interventions needed to improve access to justice services in South Sudan.

**APPROACH AND METHODOLOGY**  
The survey adopted a three-phased approach, which entailed a literature review, quantitative household interviews in the 10 states of South Sudan, and qualitative in-depth interviews with opinion leaders and key informants in the justice sector. In addition, focus group discussions were conducted with members of the public in five selected states of South Sudan.

The desk review entailed a review of all relevant documents, publications, laws and reports of relevant surveys conducted previously in South Sudan. In total, 5,280 household interviews were conducted in all 10 states. In-depth interviews (IDT) in total were conducted with representatives of key justice sector institutions as well as with opinion leaders (administrative and religious) at the state level. These provided data in the form of opinions, experiences and recommendations.

The 10 focus group discussions (the groups composed exclusively of males and the few of females) were conducted with members of the public in five selected states of South Sudan in order to qualify the quantitative data gathered from the household interviews.

**KEY SURVEY FINDINGS**  
The survey sought to establish public awareness of the existence, perceptions of, and confidence levels in key justice sector institutions i.e. the Judiciary of South Sudan (JSS), Ministry of Justice (MOJ), South Sudan National Police Service (SSNPS), National Prison Services of South Sudan (NPPSS), Customary Law Courts (CLCs), South Sudan Human Rights Commission (SSHRC), South Sudan Public

<http://tinyurl.com/ncpn2aj>

### Customary Law in South Sudan



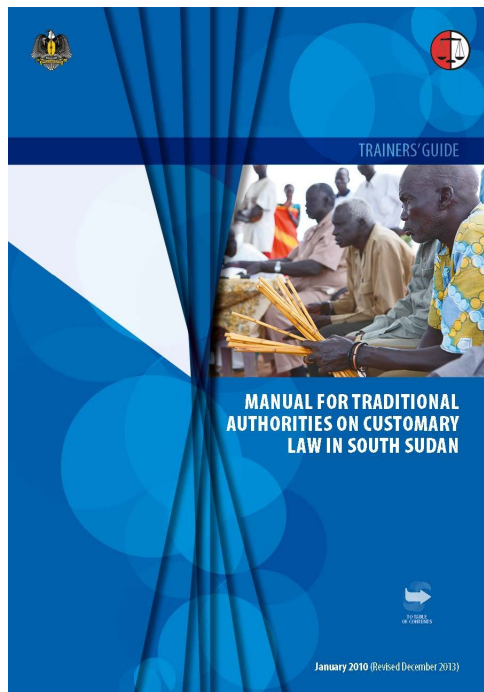
Constitutional Development (CDD) Act of 2008 and the Statute of Civil and Criminal Procedure Act and a framework for the appointment of customary courts and how they complement the statutory justice system.

Customary courts, often referred to as "shari'a" courts, are responsible for adjudicating the overwhelming majority of civil and criminal cases in South Sudan. Little is known about the customary and statutory courts of South Sudan as official institutions as a matter of official practice. At the same time, there is a need to understand, among both statutory and customary actors on the distinction between the two bodies of law. Moreover, there is a sufficient capacity to administer and oversee the functioning of customary courts in line with the Constitution and law of South Sudan.

#### Establishing a Customary Law Centre

There is a demonstrable need for a comprehensive reform of the legal framework governing customary law in South Sudan. This reform process aims to clarify the structural framework of the customary law system, its jurisdiction and how it complements the statutory legal framework. The process of reform and reform should include comprehensive dialogue and training processes with both statutory and customary actors responsible for the administration and oversight of the customary legal system. The reform agenda is a complex one. The importance of customary law in South Sudan and its place in the Constitutional Framework of South Sudan (CFSS), in addition, several customary laws, including the Local Customary Act of 2005, the Judiciary of Southern Sudan (JSS) Act of 2005, the Ministry of Legal Affairs and

<http://tinyurl.com/p49blbh>



### MANUAL FOR TRADITIONAL AUTHORITIES ON CUSTOMARY LAW IN SOUTH SUDAN

January 2010 (Revised December 2013)

<http://tinyurl.com/ns9shct>

### Promoting the rule of law

**APPROACHES TO DEVELOPMENT**

During the recent period of the Commission and the rule of law in South Sudan, the UNDP has been instrumental in promoting the rule of law in South Sudan. The UNDP has been instrumental in promoting the rule of law in South Sudan. The UNDP has been instrumental in promoting the rule of law in South Sudan.

The UNDP has been instrumental in promoting the rule of law in South Sudan. The UNDP has been instrumental in promoting the rule of law in South Sudan. The UNDP has been instrumental in promoting the rule of law in South Sudan.

<http://tinyurl.com/oac72pz>

### South Sudan Update

UNDP in South Sudan has been instrumental in promoting the rule of law in South Sudan. The UNDP has been instrumental in promoting the rule of law in South Sudan. The UNDP has been instrumental in promoting the rule of law in South Sudan.

<https://tinyurl.com/op7zql9>

UNITED NATIONS DEVELOPMENT PROGRAMME  
 MINISTRIES ROAD, P.O. BOX 410, JUBA, SOUTH SUDAN  
 Website: [www.ss.undp.org](http://www.ss.undp.org)  
 Face book: [www.facebook.com/UNDPSouthSudan](http://www.facebook.com/UNDPSouthSudan)  
 Twitter: <http://twitter.com/undpsouthsudan>



# UNDP SOUTH SUDAN KNOWLEDGE PRODUCTS

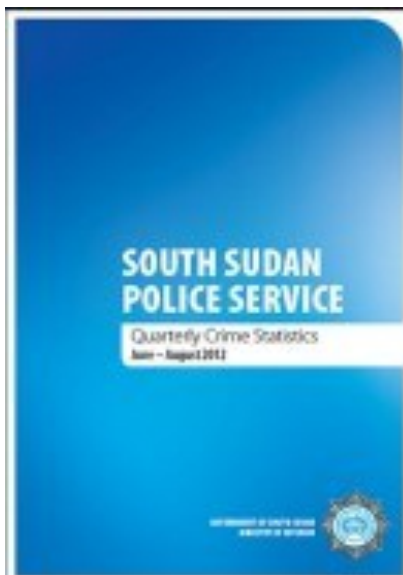
## UNDP ANNUAL MEETING ON STRENGTHENING THE RULE OF LAW IN CRISIS-AFFECTED AND FRAGILE SITUATIONS

27-29 MAY 2014, NEW YORK

Empowered lives.  
Resilient nations.



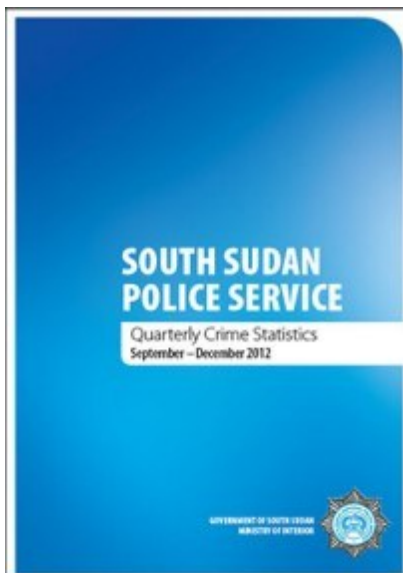
<http://tinyurl.com/o6h96b>



<http://tinyurl.com/o6pujh9>



<http://tinyurl.com/qz5yl74>



<http://tinyurl.com/q45a2ul>

UNITED NATIONS DEVELOPMENT PROGRAMME  
MINISTRIES ROAD, P.O. BOX 410, JUBA, SOUTH SUDAN

Website: [www.ss.undp.org](http://www.ss.undp.org)

Face book: [www.facebook.com/UNDPSouthSudan](http://www.facebook.com/UNDPSouthSudan)

Twitter: <https://twitter.com/undpsouthsudan>