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STATE-SPONSORED HOMOPHOBIA

**A WORLD SURVEY OF SEXUAL ORIENTATION LAWS:
CRIMINALISATION, PROTECTION AND RECOGNITION**

12TH EDITION

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Penal Code Act No. 9 of 2008, § 248, 1(1) Acts Supplement to the Southern Sudan Gazette (Feb. 10, 2009).

Section 248. Unnatural Offences

[AGAINST THE ORDER OF NATURE]

"(1) Whoever, has carnal intercourse against the order of nature with any person and whoever allows any person to have such intercourse with him or her commits an offence, and upon conviction, shall be sentenced to imprisonment for a term not exceeding ten years and may also be liable to a fine. [...]"

Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section."

Section 151. Indecent Acts

[GROSS INDECENCY]

"Whoever commits an act of gross indecency upon the person of another person or any sexual act which does not amount to Zina or Sodomy shall be punished with not more than forty lashes and shall also be liable for imprisonment for a term which may not exceed one year or fine."

157 Qadhf (Casting Accusation of In chastity)

[QADHF]

- "(1) Whoever imputes to any honourable living or dead person by express words, implicitly, by writing or indicative signs accusation of Zina or Sodomy or illegitimacy is said to commit Qadhf.
(2) A person is said to be honourable (Chaste) if he has not been convicted for Zina, Sodomy, Rape, Incest or Practising Prostitution.
(3) Whoever commits Qadhf shall be punished with flogging eighty lashes."

South Sudan achieved its independence from Sudan on 9 July 2011, three months after Sudan's 1st cycle UPR. Therefore, South Sudan did not in fact get an independent first review. At the 2nd cycle UPR, South Sudan's first review was **reported** on in November 2016. It appears that no civil society organisations raised SOGI issues in their submissions to South Sudan, and only Uruguay made a recommendation (128.33) to decriminalise same sex sexual relations between consenting adults. In its **responses**, the State indicated that Uruguay's and other recommendations were "in conflict with the national laws, government structures, policies or customs".