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COUNTRY GENDER EQUALITY PROFILE(CGEP) FOR SOUTH SUDAN

<u>BY</u>

MINISTRY OF GENDER, CHILD AND SOCIAL WELFARE AND

UN WOMEN SOUTH SUDAN

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ABBREVIATIONS AND ACRONYMS

ACHPR	African Charter on Human and Peoples Rights
ACRSS	Agreement on the Resolution of the Conflict in the Republic of South Sudan
AUC	African Union Commission
BPFA	Beijing Platform for Action
CBOs	Community-Based Organizations
CEDAW	Convention on Elimination of All Forms of Discrimination Against Women
CGEP	Country Gender Equality Profiles
CIGPJ	Centre for Inclusive Governance, Peace and Justice
СРА	Comprehensive Peace Agreement
CSOs	Civil Society Organizations
FGDs	Focus Group Discussions
GBV	Gender-Based Violence
GCF	Gender Coordination Forum
GESS	Girls Education South Sudan
GRB	Gender Responsive Budgeting
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immuno Deficiency Syndrome
HLRF	High Level Revitalization Forum
IGAD	Inter-Governmental Authority of Development
INGO	International Non-Governmental Organization
JOSS	Judiciary of South Sudan
Klls	Key Informant Interviews
LEA	Law Enforcement Agents
MGCSW	Ministry of Gender, Child and Social Welfare
мој	Ministry for Justice
МОЈСА	Ministry of Justice and Constitutional Affairs
NAP	National Action Plan
NDS	National Development Strategy
NGP	National Gender Policy
NSS	National Security Services
R-ACRSS	Revitalized Agreement on the Resolution of the Conflict in the
	Republic of South Sudan
SSDRB	Strategic Security Defense and Review Board
SSPDF	South Sudan People's Defense Forces
UDHR	Universal Declaration on Human Rights

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EXECUTIVE SUMMARY

In 2022, the National Ministry of Gender, Child and Social Welfare (MGCSW), in collaboration with the UN Women South Sudan Country Office, undertook a Study to develop the Country Gender Equality Profile (CGEP) for the Republic of South Sudan. The study was built on several initiatives by the two institutions working closely with relevant line ministries in the government, civil society organisations, women groups, academia, and other development partners to promote gender equality and women's empowerment and governance.¹

The Country Gender Equality Profile for South Sudan examined the current status of gender equality, leadership and political participation, women's rights, social justice and civic space, and customs and traditions. It also assessed human and capital development and several social, economic and development sectors, including education, health, agriculture, and environment. It also assessed how the country complies with national, regional, and international policies and normative standards on women's rights and gender equality.

The study employed qualitative methods, including interviews and focus group discussions (FGDs) across three locations, targeting women's groups, youth and persons with disabilities. A total of 102 (78 females: 24 males) respondents were reached from diverse backgrounds representing local chiefs, Members of Parliament, educators, activists, bankers, private sectors, policymakers from key ministries and national and international organizations.

Findings show South Sudan has made significant strides in domesticating and implementing gender equality policies and programmes. The Country is currently in the Transition period, implementing the peace agreement (R-ARCSS), and citizens are aware of the gender rights provided and participate in implementing peace. Yet, women remained restrained by structural and institutional hurdles in various sectors. Illiteracy, limited access to information and reproductive health and right services, violence against women, constricting civic space, resource constraint, and displacement largely contributed by communal conflicts and climate change exacerbate gender inequalities.

The report assesses, analyses and concludes with a call for action to continue supporting the promotion of gender equality and women's rights by allocating sufficient funding to implement gender-responsive policies, programmes and plans to improve the lives of women, girls, men, and boys. The report provides key recommendations and areas of intervention to be addressed by various government sectors, development partners, UN agencies, and civic groups, focusing on the legal framework, institutional structures, and socio-economic development. These are essential ingredients for creating a meaningful change, promoting cultural shifts and building a safe and supportive environment for women and girls.

¹JICA. 2017. "Country Gender Profile Republic of South Sudan Final Report." Accessed on 17 April 2022. <u>https://www.jica.go.jp/english/our_work/thematic_issues/gender/background/c8h0vm0000anjqj6-att/south_sudan_2017.pdf</u>

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KEY FINDINGS

Legal and Policy Frameworks on Women's Rights

- South Sudan has ratified and domesticated various international and regional normative standards, including CEDAW, Maputo Protocol, BPfA, AU Gender Policy, IGAD Gender Policy, UNSCR 1325 and the National Action Plan on Women, Peace and Security (2023- 2027). The Transitional Constitution of South Sudan 2011 (TCSS) (as amended) has a Bill of rights promoting gender equality. The National Gender Policy (2013) requires gender mainstreaming in all sector policies, programs, plans and budgets. All Ministries and Commissions have established gender units and gender focal persons.
- ▶ The R-ARCSS has adopted 35 per cent gender quotas and other key gender provisions promoting women's rights and representation at all levels. In line with that, Bills and laws amended during the Transitional Period have integrated 35 per cent gender quotas. These include SPLA Act, 2009 (Amendment) Bill, 2019; National Security Service Act, 2014 (Amendment) Bill, 2019; The Southern Sudan Police Service Act, 2009 (Amendment) Bill, 2019; The Southern Sudan Prison Service Act, 2011(Amendment) Bill, 2019; The Southern Sudan Wildlife Service Act, 2011, (Amendment) Bill, 2019; The National Fire Brigade Service Bill, 2019; The Constitution Making Process Act, 2022:
- Other laws are the Public Financial Management and Accountability Act, 2011; Southern Sudan National Audit Chamber Act, 2011; Petroleum Act, 2012; Petroleum Revenue Management Act, 2013; Southern Sudan Anti-Corruption Commission Act, 2009; National Elections Act, 2012; Political Part Act 2022; National Revenue Act, 2016; The Bank of South Sudan Act, 2010 and Banking Act, 2010.

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Human Capital Development, Education

- The illiteracy level among women stands at 64 per cent, and 38 per cent among men.² There is a decline in girls' school enrollment. Only 48 per cent of girls ended their education at the secondary school level, and only 22 per cent were enrolled at the University level (MoGEI 2017-2022), attributed mainly to early or forced marriages, poverty and lack of school fees for boys. School dropouts have increased due to many years of conflict, which destroyed schools and centers or made them non-functional or closed. Girls are particularly affected by displacement, insecurity, poverty and forced marriages.
- Maternal Mortality Rate stands at 789 deaths per 100,000 live births (UNFPA 2019);³
- HIV among adolescents and adults aged 15 years old and above is 3 per cent for female and 2.1 per cent for male. There is limited knowledge and access to information and protective gear;
- The impact of COVID-19 continues to be felt as it had a detrimental effect on the lives of the community, and women and girls. More cases of mental health, unwanted pregnancies, school drop-out and poverty were recorded;
- There is limited access to credit. Only 3 per cent of business firms were able to get loans from the banks between 2018 and 2021 years, making the Village Saving Loans (VSL) or sanduk sanduk popular among grassroots;
- Climate change has resulted in more than 8.3 million people being food insecure, including 1.3 million children under five years and 676,000 pregnant and lactating mothers.⁴ The flood has affected people's livelihoods, with crops being submerged in water, livestock drowned, and homes and schools washed by water, resulting in increased displacement and greater risk of waterborne diseases.⁵

² World Bank Report South Sudan 2019 which World Bank report? Fuller details

³ XINHUANET. 2019. "UNFPA Says South Sudan's Maternal Death Rate Highest in the World." <u>http://www.xinhuanet.com/english/201907/12/c_138221812.htm#:~:text=Juba%2C%20July%2012%20(Xinhua).deaths%20per%20</u> <u>100%2C000%20live%20births.</u> World Health Organisation. 2015. "Trends in Maternal Mortality: 1990 to 2015."; estimates by WHO, UNICEF, UNFPA, World Bank Group and the United Nations Population Division. Geneva: World Health Organisation.

Prevention and Protection of women's rights

- There is a Gender Based Violence and Juvenile Court established in Juba to try perpetrators of violence. At least 100 survivors received legal justice in 2021. The court builds the capacity of health workers, police, community leaders and social workers to professionally assist the survivors of GBV;
- South Sudan Peoples Defense Forces (SSPDF) has established Gender Desks to handle GBV perpetrated on civilians at the community level by the military and paramilitary groups;
- There is a military court martial established to try Conflict Related Sexual Violence (CRSV).

Key challenges

- Parallel running of the Constitution and Customary laws and case logs restrain access to justice among women, especially on family matters, divorce and ownership of resources, including land. The men's lineage usually defines customary norms. Over 90 per cent of traditional leaders are men with the power to make decisions;
- There is limited budgetary allocation to the MGCSW, gender units in different sectors, and SPUs, thus undermining the gender mainstreaming and protection against SGBV initiatives;
- The court martial tried perpetrators of CRSV in Yei River County and Wau. Still, survivors in other regions, including Bentiu, Upper Nile, Magwi and Warrap State, have not received justice. The Gender Desks established at the County courts lack logistics and communication with the State headquarters or institutions;
- Limited access to information about women's rights. Key bills protecting and preventing gender-based violence – Anti-GBV and Family Law are yet to be enacted, and those reviewed and passed during the Transitional Period are not yet disseminated widely;

Insecurity exists in different parts of the country, causing fear and minimal engagement in farming, market and businesses. In areas affected by conflict, there has been an increase in the number of children dropping out of school due to displacement and poverty.

Key Recommendations

- Allocate specific funding to the MGCSW, Law Enforcement Agents, SSPDF and County Authorities to support survivors of violence and streamline the referral pathways;
- Expedite the establishment of the Women Enterprise Fund and other economic laws necessary for improving women's economic empowerment;
- Review the Girl Child Act to engender the security sector laws and involve women in the permanent constitution making process to safeguard their interests and rights in line with UNSRC 1325 and SDG goals by 2030;
- The Government should lift the ban on online social media platforms and online news to allow more women access to information on education, the economy, politics and development;
- The MGCSW at national and state levels creates the space and platform for women to speak freely and hold round table meetings regarding law reforms;
- The Ministry of Justice and TNLA should expedite the review and passing of the Anti-Gender Based Violence Bill, Women's Empowerment Bill and other Economic Laws necessary for relief and recovery as provided in the R-ARCSS;
- MGCSW should expedite the dissemination of the Maputo Protocol and clearly define the minimum age for marriage as 18 years in drafting the Permanent Constitution;
- MGCSW and the Ministry of Justice to ensure the inclusion of women in all Permanent Constitutions Committees, including the Constitution Drafting Committee, to safeguard gender provisions.

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⁴ UNOCHA. 2022.

⁵ OCHA. 2021. "South Sudan Humanitarian Snapshot."; UNICEF. 2022. "United Nations Calls for Greater Efforts to Tackle Food Insecurity and Malnutrition in South Sudan." <u>https://www.unicef.org/southsudan/press-releases/united-nations-calls-great-</u> <u>er-efforts-tackle-food-insecurity-and-malnutrition-south.</u> UNOCHA. 2022. "Studies conducted by UN Office for Coordination of Humanitarian Affairs (UNOCHA). UNOCHA. 2022. "South Sudan Humanitarian Needs Overview 2022 (February 2022)." <u>https://</u> <u>reliefweb.int/report/south-sudan/south-sudan-humanitarian-needs-overview-2022-february 2022#:~:text=In%202022%2C%20</u> <u>the%20humanitarian%20community,increase%20of%20600%2C000%20</u>

CHAPTER ONE: INTRODUCTION

As of 2023, South Sudan continues to face significant challenges in achieving gender equality, marked by persistent cultural norms, ongoing conflict, and limited access to education and economic opportunities for women and girls. Despite the introduction of legal frameworks aimed at promoting gender equality, such as the Revitalized Peace Agreement and the National Gender Policy, implementation remains inconsistent due to instability and lack of resources (UN Women, 2022). Reports indicate that women are underrepresented in decision-making positions, with only about 27 per cent of parliamentary seats held by women as of the latest elections (Inter-Parliamentary Union, 2023). Furthermore, gender-based violence remains alarmingly high, exacerbated by the ongoing humanitarian crisis, with over 65 per cent of women experiencing some form of violence in their lifetime (UNFPA, 2023). Addressing these issues requires comprehensive strategies that empower women and engage men and boys in promoting gender equality in South Sudan.

1.1 Institutional, Legal and Policy Frameworks on Women's Rights

The South Sudan National Gender Policy 2013 requires all government Ministries, sectors, agencies and commissions to establish gender units or committees to ensure that gender is mainstreamed in all sector policies, programs, plans and budget. Various Ministries have established units and appointed gender focal persons. Still, there is a limited or lack of resources for the focal persons to implement their activities, and they are not often included in the national planning and budgeting processes.

South Sudan has ratified and domesticated various international and regional normative standards, including CEDAW, Maputo Protocol, BPfA, AU Gender Policy, IGAD Gender Policy and UNSCR 1325 on Women, Peace and Security. Despite that, the implementation and enforcement of these laws remain low. The R-ARCSS has adopted key gender provisions promoting women's rights and representation at all levels by at least 35 per cent gender quotas, but implementation lags (R-JMEC December 2023; GEPA 2023). Similarly, the Transitional Constitution of South Sudan 2011 (as amended) (TCSS) continues recognising customary laws and traditions that have not always favoured women and girls. This concerns family welfare, marriage, inheritance, property rights, and domestic disputes. Harmonization of traditional practices and laws requires more time and resources due to diverse cultures. Additionally, there is insecurity, lack of political will, poverty, limited knowledge on women's rights, shrinkage of civic space and accessibility to information.

The Country Profile recommends continued support to improve gender equality through raising awareness, implementing gender quotas and gender budgeting, and instituting reform in the justice, security, and legal sectors. This can be done by strengthening the Law Reform Commission, GBV and Juvenile Court, Military Court Martial trial and National Constitutional Amendment Committee (NCAC) to develop gender-sensitive laws and inclusive civil services.⁶ The Transitional National Legislature should prioritise and advocate for disseminating and implementing key bills reviewed by NCAC, which have all integrated 35 per cent gender guotas. These include SPLA Act, 2009 (Amendment) Bill, 2019; National Security Service Act, 2014 (Amendment) Bill, 2019; The Southern Sudan Police Service Act, 2009 (Amendment) Bill, 2019; The Southern Sudan Prison Service Act, 2011(Amendment) Bill, 2019; The Southern Sudan Wildlife Service Act, 2011, (Amendment) Bill, 2019; The National Fire Brigade Service Bill, 2019; The Constitution Making Process Act, 2022. Others are the Public Financial Management

⁶ https://www.jmecsouthsudan.com/index.php/institutions-and-boards/ncac

and Accountability Act, 2011; Southern Sudan National Audit Chamber Act, 2011; Petroleum Act, 2012; Petroleum Revenue Management Act, 2013; Southern Sudan Anti-Corruption Commission Act, 2009; National Elections Act, 2012; Political Part Act 2022; National Revenue Act, 2016; The Bank of South Sudan Act, 2010 and Banking Act, 2010.

Alongside these, the government should expedite the dissemination of the Maputo Protocol and finalization and passing of Anti-Gender Based Violence Bill, Women's Empowerment Bill and other Economic Laws necessary for relief and recovery. The respondents emphasized the need to clearly define the minimum age for marriage as 18 years in drafting the Permanent Constitution, implement the Girl Child Education Policy and the National Action Plan on UNSC Resolution 1325.⁷ This could be through training and capacity building, advocacy and awareness raising on women's rights, peace and political processes and providing access to justice to women, girls and boys.

1.2 Human Capital Development, Education, Skills Development and Training, Health and Diseases

Regarding education, South Sudan's conflict has affected the development of infrastructures and key institutions vital for human development. In areas affected by conflict, there has been an increase in the number of children dropping out of school due to displacement, insecurity and poverty. Specifically, women and girls are the most affected because they are regularly subjected to forced marriages against their will due to poverty or adopted as wives. The call for peace remains critical to increase school enrolment and protect women and girls against gender-based violence.

The Ministry of Education, Science and Technology (MEST) adopted the General Education Policy Framework 2017-2027 and the General Education Act 2012. The Act aims at building and enhancing the capacity of staff and an educated and informed nation through accessible, relevant quality education through Technical and Vocational Education and Training (TVET), aiming to achieve greater employment for all without discrimination.⁸ Although improvements are being made, the progress is slow. There is a great disparity among the genders in their levels of education.

Adult Literacy 34.52%

According to a report by UNESCO (2018), the adult literacy rate in South Sudan is the lowest compared to other countries, with a percentage of 34.52 per cent.



Of these, 40.26 per cent were male and only 28.86 per cent female.⁹ The 2017-2022 MoGEI Strategic Plan indicated a decline in girls' enrolment.

22%

For instance, 48 per cent of girls stopped at the secondary level, and only 22 per cent could enroll at the university level.



A study of 490 people recorded that 64 per cent of women and 38 per cent of men have never attended school.¹⁰ The study found that the leading causes for the lack of girls' education were mainly early and forced marriages, while for boys, it was the high cost of school fees. Many schools and centers were closed, destroyed or non-functional due to the years of conflict.

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⁷ National Action Plan (2015-2020).

⁸ UNESCO. 2016. "South Sudan Education Sector Analysis 2016: Planning for Resilience." <u>https://unesdoc.unesco.org/ark:/48223/</u> pf0000259247.

 ⁹ UNESCO. n.d. "Adult Literacy Rate for South Sudan." <u>https://countryeconomy.com/demography/literacy-rate/south-sudan#:~:text=According%20to%20UNESCO%20South%20Sudan,South%20Sudan%20is%20very%20low.</u>
 ¹⁰ World Bank. 2019. "World Bank Report South Sudan."

Therefore, it is important that the policies towards education and skills building are improved and that the focus be placed on the Girl Child Education strategy. The campaigns targeting the retention of girls in school should be intensified, as well as raising awareness on the importance of girls' education and women's rights. Respondent calls for a scholarship program that targets women and girls. Increasing the budget for health and education remains key to reducing the gender gaps. There is a great need to increase the capacity of TVET to provide opportunities for out-of-school children and youth and meet skills development needs in the country.

Regarding health and well-being, South Sudan was rated with the worst health indicators globally due to severe shortages of health workers and poor functioning health facilities.¹¹ The Human Development Report of 2015 ranked South Sudan as number 169 out of 188 countries and territories for human development.¹² South Sudan has a maternal mortality ratio of 789 deaths per 100,000 live births (UNFPA Xinhua Report 2019).¹³ According to the National Health Cluster, these indicators have worsened following the crisis with the looting and destruction of most health facilities and the displacement of populations into congested PoC sites and IDP settlements. Those who lived among host communities face further strains on already limited WASH facilities and expose the affected populations to greater health risks.

The current data from UNAIDS South Sudan reports of 2019 estimates about 190,000 adults and children live with HIV. Of this, 180,000 adults aged 15 and above live with HIV. Women aged 15 and over living with HIV are estimated at 110, 000 making 3 per cent, and men aged 15 and over living with HIV make 73, 000 making 2.1 per cent, putting women and girls at high risk of contracting the virus.¹⁴ This prevalence can be attributed to early and forced marriages, sexual violence, especially conflict related sexual violence, as indicated in the report of the UN Human Rights Commission of 21 March 2022.¹⁵

South Sudan, like any country, suffered from the shocks of the COVID-19 pandemic, with the first case reported on the 7 April 2020.¹⁶ The first response management faced challenges that included conspiracies, stigma, isolation and trauma among communities and families of those infected. Women shouldered the responsibility as care takers of the affected persons in the family.¹⁷ All respondents were aware of the virus due to rigorous awareness raising and information sharing by governments, civil society, UN, INGOs, family and friends. The partial lockdown came in the middle of increased insecurity, floods, famine, conflicts, localized communal violence and displacement. This had a detrimental effect on the lives of the community, and women and girls, in which more cases of mental health, unwanted pregnancies and school drop-out were recorded (UoJ 2020,¹⁸ Women International Peace Centre; Centre for Inclusive Governance, Peace and Justice in 2020). Despite these sufferings, there were limited health facilities for women in the communities, as verified by respondents.²⁰ These facilities included primary health units, private clinics, military health centers and maternity health units run by INGOs.²⁰ Although the UNOCHA report (2020) shows that there were 1,900 medical centers in 2017, at the

¹¹ South Sudan Ministry of Health. 2012. "Health Sector Development Plan 2012–2016."

¹⁴ UNAIDS. 2019. "UNAID HIV/AIDS Report." <u>https://www.unaids.org/en/regionscountries/countries/southsudan</u>

¹⁵ <u>https://news.un.org/en/story/2022/03/1114312</u>

- ¹⁶ Ministry of Gender Child and Social Welfare. 2020. "A Rapid Gender Analysis on COVID-19 in South Sudan."
- ¹⁷ WIPC and CIGPJ. 2021. "Impact of COVID-19 Pandemic on Women Peace and Security in South Sudan."

¹⁹ Interviews with Medical Officers; Gender Focal Points- Ministries of Health – National and State levels 25 May 2022.
 ²⁰ Kiir opens new women's maternity ward in Wau. <u>https://sudantribune.com/article50484/</u>

¹² UNDP. 2015. "Human Development Report: Country Note for South Sudan." <u>http://hdr.undp.org/sites/all/themes/hdr_theme/</u> <u>country-notes/SSD.pdf</u>

¹³ XINHUANET. 2019. "UNFPA Says South Sudan's Maternal Death Rate Highest in the World." <u>https://www.xinhuanet.com/english/201907/12/c_138221812.htm#:~:text=Juba%2C%20July%2012%20(Xinhua),deaths%20per%20100%2C000%20live%20births.</u> World Health Organisation. 2015. "Trends in Maternal Mortality: 1990 to 2015."; estimates by WHO, UNICEF, UNFPA, World Bank Group and the United Nations Population Division. Geneva: World Health Organisation.

¹⁸ UNDP. 2020. "Gender and Socio-Economic Impact Assessments of COVID-19 in Juba Municipality." <u>https://www.undp.org/</u> <u>south-sudan/publications/gender-and-socio-economic-impact-assessments-covid-19-juba-municipality</u>

time of this study, there was insufficient data on their number, status and functionality.

The government needs to prioritize health, especially women's health, by improving accessible and affordable reproductive health facilities for women and children. Increasing the health budget is important, but making the health budget gender is a key priority.

1.3 Gender, Food Security and Entrepreneurship, Private Sector and Banking



Oil

South Sudan is one of the most oil-dependent countries in the world, with oil accounting for almost the totality of exports by 90 per cent of revenue and more than one-third of its gross domestic product (GDP).

The South Sudan Economic Monitor Towards a Job Agenda, 5th Edition 2022, indicated some improvement in the private sector investment as the country recovers from the shocks of Covid 19 and some relative peace.



GDP

There was also an improvement in the country's GDP compared to previous years, which created poverty in the community, with a projected growth of 1.2 per cent for 2021/22.

Women were involved in business, with 50 per cent to 80 per cent being sellers in local markets.²¹ Nonetheless, traditional divisions of labour had conferred the responsibility of women to attend to household chores and childcare caregivers to the elderly and the sick.

Much as women predominantly carry out agricultural activities at the subsistence level, agriculture and livestock remain affected as people are displaced from violent conflicts, communal violence and floods, with seven out of 10 States affected by the conflict and more than 7.6 per cent living under floods.²²

60.2%

Labour

Women account for 60.2 per cent of agricultural labour and continue to play an important role. Still, their access to productive assets is limited due to low literacy and the lack of female agricultural extension workers.

Despite the country's abundant natural resources, immense agricultural potential and fertile lands, South Sudan produces only about half its cereal requirements. It depends on food aid and imported foodstuffs due to the prevalence of violence, mainly at the sub-national level and the floods caused by climate change.²³

To resolve the food crisis and avert famine, it is prudent that violence ends, and more resources be allocated to support food production, targeting mainly women at the grassroots level. The WFP Acting Country Director, Adeyinka Badejo, called for creating conditions necessary for peace and stability to increase food production, curb hunger and build resilience to climatic shocks.²⁴

If the economy is to improve, support should be directed to women in business and agriculture. The national budget should prioritize increasing the budget for agriculture and allocate some shares from the oil revenue for establishing and operationalising the Women Enterprise Fund, Youth Enterprise Fund, and Reconstruction Fund outlined in the Revitalized Peace Agreement.

About 35 per cent of the respondents pointed to reforms in the banking sector to address the economic challenges facing women and to support loans and credit schemes that are gender-sensitive and women friendly without many requirements, including high interest rates and preconditions for collateral securities, which most women lack.

 $^{^{\}mbox{\tiny 2l}}$ Gender and Conflict Note- South Sudan.

²² OCHA. 2022.

 ²³ UNICEF. 2022. "United Nations Calls for Greater Efforts to Tackle Food Insecurity and Malnutrition in South." <u>https://www.unicef.</u>
 <u>org/southsudan/press-releases/united-nations-calls-greater-efforts-tackle-food-insecurity-and-malnutrition-south</u>
 ²⁴ Ibid., 21

1.4 Gender, Disaster Risk Reduction, Climate Change and Humanitarian Assistance

2013 - 2016 2 million refugees 3.5 million internally displaced

South Sudan experienced violent conflicts from 2013 to 2016 and pockets of inter-communal violence throughout most of the States, resulting in a humanitarian crisis displacing more than 2 million refugees; 3.5 million internally displaced persons; widespread famine; and allegations of human rights abuses, including sexual and gender-based violations by armed combatants.

2013 - 2018



380,000 killed

An estimated number of 380,000 were reportedly killed during the conflict between 2013-2018.

8.9 Million

The South Sudan Humanitarian Needs Overview 2022²⁵ indicated that two-thirds of South Sudan's population, about 8.9 million, need humanitarian assistance. This was due to an increase of 600,000 people from the 2021 survey.²⁶

The UNOCHA 2021 study shows that 2 million people were internally displaced, of which 55 per cent were women, while 2.3 per cent remain refugees in neighboring countries. Climate Change has created floods since 2020, with an estimated 835 people severely affected in Jonglei, Unity Upper Nile and Warrap, Northern Bahrl El, Ghazal and Pibor Administrative area. 2022, UNOCHA humanitarian overview 2021 estimated about 8.3 million people to experience severe food insecurity from May to June, with 33 Counties extremely affected with 2 million people, including 1.3 million children under the age of five years and 676,000 pregnant and lactating mothers, expected to suffer acute malnutrition in 2022.²⁷ These three States account for more than 75 per cent of the people affected. The flood affected people's livelihood, with crops being submerged in water, livestock drowning, and homes and schools being affected, causing further displacement of the already displaced population from conflict and putting them at greater risk of water borne diseases.²⁸ About 84 per cent of the respondents indicated they had experienced disasters, with more than 63 per cent being affected by floods and 20 per cent having experienced drought. When asked if they got support, 85 per cent of respondents indicated they had received humanitarian support from the UN and NGOs, while only 25 per cent indicated they had received support from the government.

South Sudan needs to develop a gender-sensitive national disaster response policy given the level of disaster in the country, the increasing climate change and worsening inter-communal violence. Women must be put before humanitarian responses and decision-making regarding disaster management.²⁹

²⁵ UNOCHA. 2022. "Studies conducted by UN Office for Coordination of Humanitarian Affairs (UNOCHA).

²⁶ OCHA. 2022. "South Sudan Humanitarian Needs Overview 2022 (February 2022)." <u>https://reliefweb.int/report/south-su-dan/south-sudan-humanitarian-needs-overview-2022-february-2022#:~:text=In%202022%2C%20the%20humanitarian%20 community,increase%20of%20600%2C000%20since%202021.</u>

²⁷ OCHA. 2022. "South Sudan Humanitarian Needs Overview 2022 (February 2022)." <u>https://reliefweb.int/report/south-su-dan/south-sudan-humanitarian-needs-overview-2022-february-2022#:~:text=In%202022%2C%20the%20humanitarian%20 community,increase%20of%20600%2C000%20since%202021.</u>

²⁸ OCHA. 2021. "South Sudan Humanitarian Snapshot."; UNICEF. 2022. "United Nations Calls for Greater Efforts to Tackle Food Insecurity and Malnutrition in South Sudan." <u>https://www.unicef.org/southsudan/press-releases/</u><u>united-nations-calls-greater-efforts-tackle-food-insecurity-and-malnutrition-south.</u>

²⁸ OCHA. 2022. "South Sudan Humanitarian Needs Overview 2022 (February 2022)." <u>https://reliefweb.int/report/south-su-dan/south-sudan-humanitarian-needs-overview-2022-february-2022#:~:text=In%202022%2C%20the%20humanitarian%20 community,increase%20of%20600%2C000%20since%202021.</u>

²⁹ Inter-Agency Standing Committee. 2014. "Humanitarian Crisis in South Sudan Gender Alert 2". <u>https://www.unwomen.org/sites/</u> default/files/Headquarters/Attachments/Sections/Library/Publications/2014/IASC%20Gender%20Reference%20Group%20%20 Gender%20Alert%20South%20Sudan%20May%2013%202014%20Refo%20%20%20%20pdf.pdf

1.5 Civic Space, Media and Access to Information and Digitization

South Sudan is rated the lowest country in East Africa in terms of access to the internet. With COVID-19, the world is shifting to online and virtual approaches to education, markets, and employment, yet South Sudan is still struggling with poor network connections.

💮 1.25M Internet Users

According to Digital 2022, South Sudan had 1.25 million internet users from January 2022, with an internet penetration rate of 10.9 per cent of the total population.

💮 +184,000 in 2021-2022

The Kepios analysis indicates that internet users in South Sudan increased by 184,000, about 17.3 per cent between 2021 and 2022. Social media have grown in popularity in South Sudan, particularly Facebook, Twitter and WhatsApp.

Although social media platforms provide space for South Sudanese to share news and information and for interaction and engagement on emerging issues, they were also reported to have played a significant role in escalating and de-escalating conflicts.

A survey by Internews 2015 indicated a higher number of internet users in Juba, the capital, with 23 per cent. According to the survey, 53 per cent accessed the Internet at home, and 47 per cent accessed it from the offices. Gender aggregated data shows only 5 per cent of women in five States have access to digital media compared to 14 per cent of men. About 17 per cent of male youth, compared with female youth, have access to digital media.

Limited Internet access across South Sudan means that only a few people living in Juba, major towns, and the diaspora can access digital media. Some media organisations have a presence online, but government censorship has hindered them as

6

a source of news and information for the population. South Sudan has imposed restrictions on civic space by putting restrictive measures such as security clearance for any activity or meeting. Access to the various vibrant online news sites and blogs has been blocked in South Sudan. Sudan Tribune, Gurtong Trust and Radio Tamazuj are digital outlets that broadcast and publish news and information. Still, their reporting, which provides a critical balance of news, is only accessible to the South Sudanese of the diaspora.

Excessive government control and a violent approach in dealing with journalists and media institutions have not only discouraged critical digital reporting but also restricted journalism. The study found that women's activities and programs are also affected, creating fear of speaking up on some of the issues, such as politics, governance, human rights and sexual and gender-based violence. There is a need to allow for civic space so that women can advocate for reforms and promote their rights. Freedom of association is critical for women to group and offer learning, support and experience sharing platforms.

About 60 per cent of the 102 respondents indicated frustration with telecommunication across the country with internet blackouts and telecommunication interruption. There are few telecommunication companies following the closure of Vivacell following the 2013 crisis.³⁰

It is important to invest in accessible and affordable digitization that is women friendly. The more women access digital services, the more they get employment, become economically empowered, do online business, use credit schemes and baking, get education and opportunities, and act from informed points of view on decisions that affect them.³¹

 ³⁰ Dumo Denis. "South Sudan Suspends Vivacell's Mobile Network Over Unpaid Licence Fee." Reuters. <u>https://www.reuters.com/article/southsudan-telecoms/update-1-south-sudan-suspends-vivacells-mobile-network-over-unpaid-licence-fee-idUSL8N1RA2X0</u>
 ³¹ M., Dhanamalar; S., Preethi; and S., Yuvashree. 2020. "Impact of Digitization on Women's Empowerment: A Study of Rural and Urban Regions in India." Journal of International Women's Studies: Vol. 21 (5), Pp. 107-12

CHAPTER TWO: METHODOLOGY

2.1 Data Collection Techniques

This study involved consultations with various stakeholders and community groups across eight states of South Sudan, along with a representative sample from the remaining states and three administrative areas. 27 laws, policies, and articles were reviewed at national, regional, and international levels (refer to Appendix 1). Additionally, approximately 59 reports, online articles, and research journals were examined, including notable documents such as the (UoJ-UNDP 2020 Gender and Socio-Economic Impact of COVID-19, Rapid Gender Analysis on COVID-19 in South Sudan (Ministry of Gender, Child and Social Welfare, 2020), South Sudan Economic Overview 2022, South Sudan General Education Strategic Plan 2017-2022, Humanitarian Needs Overview 2022 (February 2022), and the OCHA South Sudan Humanitarian Snapshot (September 2021). The analysis also encompassed online publications from institutions such as RJMEC, IGAD, UNSC, AU Commission, Office of the Human Rights Council, UNDP, UNMISS, UN Women, UNOCHA, and the World Bank.

The data collected were systematically reviewed and analyzed to inform the study's comprehensive analysis, recommendations, and conclusions. The assessment utilized primary and secondary data, including a desktop review of primary quantitative and qualitative data obtained through questionnaires and interviews. Key Informant Interviews (KIIs) and Focus Group Discussions (FGDs) were conducted with various stakeholders. Consent forms were signed by respondents participating in KIIs, whereas verbal consent was obtained for FGDs. See a list of respondents in Appendix 2.

2.2 Participant Demographics

The research engaged 102 respondents, comprising 78 females and 24 males. 76 participants granted consent for name citation, while 26 opted out. The research included five Focus Group Discussions (FGDs) across three locations, targeting distinct groups such as women, youth, and persons with disabilities (Mbirimi & Tubbs, 2021). Participants hailed from various backgrounds, including local chiefs, Members of Parliament (MPs), educators, social workers, legal professionals, medical staff, students, activists, and women's rights defenders. Additionally, interviews were conducted with 11 government officials from relevant ministries, including Education, Agriculture, Roads and Bridges, Media, Commerce and Industry, and Gender. Notably, the largest number of MPs interviewed were from CES, reflecting representation at both national and state levels.

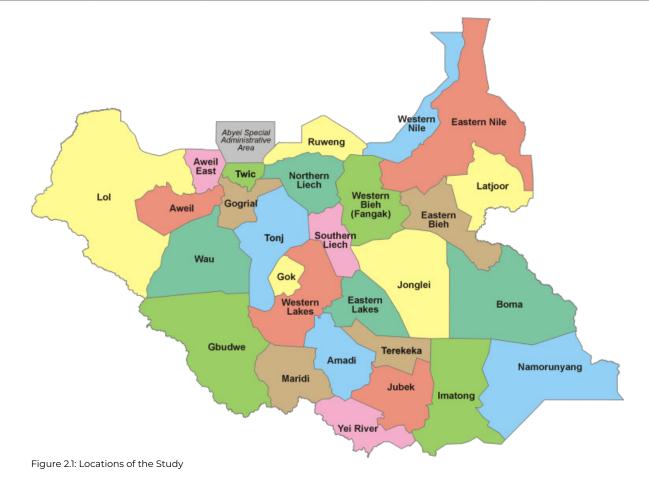
Although questionnaires were distributed, continuous follow up were made as respondents had different schedules while others were reluctant to participate, stating that the topic was predominantly women's affairs and deferring inquiries to their female counterparts in Parliament (Almeida and Tubbs 2021).

The draft report was reviewed and validated by 37 stakeholders (22 females and 15 males), including representatives from various government ministries, MPs, civil society organizations (CSOs), international NGOs (INGOs), the National Bureau of Statistics, local government entities, and UN agencies. Feedback was also obtained from institutions such as the World Bank and African Development Banks and governmental representatives from the Netherlands and Germany.

Female	Male	Total	Female%	Male%	Total%
1	1	2	1	1	3
15	14	29	2	2	4
31	7	38	3	3	5
5	2	7	4	4	6
18	8	26	5	5	7
70	32	102	68	32	100

Table 1: Demographic Information

Female	Male	Total	Female%	Male%	Total%
73	29	102	72	28	100
0	0	0	0	0	0
73	29	102	72	28	100
Female	Male	Total	Female%	Male%	Total%
6	1	7	6	1	7
16	3	19	16	3	19
21	10	31	21	10	30
28	15	43	27	15	42
1	1	2	1	1	2
0	0	0	0	0	0
0	0	0	0	0	0
72	30	102	71	29	100
Female	Male	Total	Female%	Male%	Total%
24	2	26	24	2	25
0	0	0	0	0	0
28	22	50	27	22	49
16	10	26	16	10	25
68	34	102	67	33	100



2.3 Study Locations

Central Equatoria State (CES), which houses the national capital of South Sudan (Juba), is characterized by its diversity, hosting citizens and foreign nationals from across the country. This state is also the main operational base for most UN agencies, international NGOs, and donor organizations. Notably, CES benefits from female leadership, with Deputy Governor Hon. Sarah Nene Redento and a state assembly comprising 39 per cent women.³² The local government includes five female ministers and one female advisor to the governor.

Upper Nile State (UNS), rich in oil resources, has been severely impacted by climatic shocks, particularly floods, which have isolated the region. Despite its natural wealth, the state has faced ongoing conflicts and communal violence. Although attempts were made to distribute questionnaires to key informants in inaccessible areas, poor communication infrastructure hindered responses.³³ Consequently, connections with local women leaders were difficult, especially via email. Currently, Upper Nile has three female ministers, representing 18 per cent of its ministerial positions.

Eastern Equatoria State (EES) holds historical significance as the birthplace of the Anya Nya movement in 1955, which sought self-determination for the South Sudanese people (Deng, 2014). This state also boasts female leadership, including Deputy Governor Hon. Mary Lodira Alfonse and two female Director Generals for local government and finance. EES has four female ministers, accounting for 24 per cent of its council. However, the region faces challenges related to deep-rooted traditions, such as girl child compensation and various forms of gender-based violence, including early and forced marriages (Warner, 2020).

Western Equatoria State (WES) is known for its rich cultural heritage, particularly among the Azande people. Unfortunately, this state has also witnessed significant violence, including conflict-related sexual violence involving the Lord's Resistance Army (United Nations Office for the Coordination of Humanitarian Affairs, 2021). WES had a female Governor from 2008 to 2010, who subsequently became the Speaker of the National Transitional Legislative Assembly. The current governmental structure includes a female commissioner for Mundri West County.

Jonglei State (JS) is historically noted for the Bor Mutiny, which helped establish the Sudanese People's Liberation Movement/Army in 1983 (Johnson, 2016). Despite its historical significance, Jonglei experiences ongoing inter-communal violence and displacement caused by conflict and floods, with a notably high percentage of the population residing in protection camps (Jonglei State Council, 2022). The state has a female speaker, Rt. Hon. Amer Ateny and four female ministers constitute 24 per cent of the ministerial positions.

2.4 Context Analysis

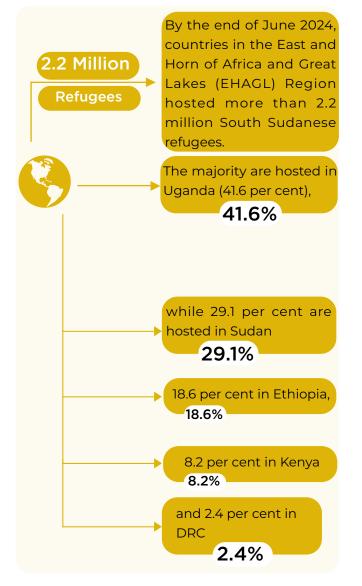
Context analysis involves examining external factors and surroundings that influence the success or failure of a business, project, or situation. It encompasses identifying key stakeholders, assessing political, economic, social, technological, legal, and environmental factors, understanding cultural and societal influences, analyzing the competitive landscape, and evaluating internal organizational dynamics.

South Sudanese underwent a series of civil wars throughout the history of the liberation struggle till 2005 when the Comprehensive Peace Agreement (CPA)was signed between the Sudanese Peoples Liberation Movement/Army and the Sudan Government. Conflict erupted between the country's political leaders, plunking the country into conflict in 2013. The conflicts created serious humanitarian crises and allegations of violations of International Humanitarian Law and conflict related sexual violence.³⁴

³² State Government of Central Equatoria. 2023.

³³ United Nations Environment Programme. 2021.

³⁴ https://www.ohchr.org/en/press-releases/2022/03/south-sudan-un-report-highlights-widespread-sexual-violence-against-women



In addition, over 31,000 South Sudan refugees were recorded as new arrivals by the end of the second quarter.³⁵ Widespread inter and intra-ethnic fights intensified in Tonj of Warrap State, Unity State, Pibor, Twic, Magwi, and Bor, and new estranged groups emerged,³⁶ resulting in more displacement, loss of lives and property and sexual violence, rape and abduction of women and girls.³⁷ The impact of the abuses includes unintended pregnancy, diseases, stigma and trauma. International Organizations, the UN, and CSOs have documented human rights violations against women and children, including sexual violence and rape.



In 2021, the United Nations Mission in South Sudan (UNMISS) documented 193 cases of conflict-related sexual violence incidences that happened between 2014 and 2019.



Of this, 142 were women, 46 girls, and five men.³⁸



In 2020, 25 cases were documented, 14 of which were women, eight girls, and three men.

A recent report by Yasmin Sooka (2022), the Chair of the UN Commission, stated that it was unacceptable to use women's bodies as the spoils of war. She called for urgent and demonstrable action by authorities and for the perpetrators to stop regarding the female body as 'territory' to be owned, controlled and exploited.³⁹ Other reports from health authorities documented at least 330 SGBV cases by 2021.40 In December 2022, 29 reported cases at the One Stop Center in Juba alone showed increased GBSV incidences.⁴¹ The African Union Commission of Inquiry investigated the 2013 crisis, and the report was submitted to the African Union Peace and Security detailing the causes and nature of violations, including sexual violence and abuses, killing, displacement and torture of women, girls, men and boys.42

³⁵ UNHCR. 2024. "UNHCR EHAGL Operational Update April – June 2024." Accessed on 31 August 2024 <u>Document - UNHCR EHAGL</u> <u>Operational Update April – June 2024.</u>

⁴² AU. 2014. "Final Report of the African Union Commission of Inquiry on South Sudan." <u>https://www.peaceau.org/uploads/auciss.</u> <u>final.report.pdf</u>

10 Country Gender Equality Profile (CGEP) for South Sudan By Ministry

³⁶ Equatoria that was peaceful witness more rebellions lead by General Thomas Cirilo; Col. Joseph Bakosoro and SPLM-IO under Dr. Riek Machar; Dr. Lam Akol Ajawin in Upper Nile and Abdul Bagi Ayii in Bahr El Ghazal.

³⁷ Julie Gregory. 2020. "Data Overview: Violence against Civilians in South Sudan." <u>https://www.stimson.org/2020/</u> <u>data-overview-violence-against-civilians-in-south-sudan/</u>

³⁸ <u>https://www.un.org/sexualviolenceinconflict/countries/south-sudan/</u>

³⁹ <u>https://news.un.org/en/story/2022/03/1114312</u>

⁴⁰ <u>https://www.aa.com.tr/en/africa/south-sudan-reports-over-300-cases-of-gender-based-violence-in-2021/2483745#:~:text=-</u> <u>Juba%2C%20South%20Sudan,violence%20(GBV)%20in%202021</u>

⁴¹ <u>https://www.eyeradio.org/Juba-records-29-cases-of-sexual-violence-in-december/</u>

Women participated as delegates and observers in the IGAD-led inclusive High-Level Revitalization Forum resulting in the signing of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS 2018).⁴³ Women advocated and held lobby meetings, workshops, dialogues, peaceful matches and processions, and prayers.⁴⁴ Women leaders held campaigns such as 'Ma Mara Sakit', meaning not just a woman 'Born to Lead' 'WhenWomenRise' 'Nuswan Gidam' (women ahead), aiming at creating awareness about women's leadership in public life and peace processes. Women issued press releases, open communiques and media briefings on the peace process to amplify women's voices.⁴⁵

Donors and implementing partners provided technical and financial support to facilitate these activities. As a result, women gained opportunities to participate as delegates and observers throughout the negotiations, including at the High-Level Revitalization Forum (HLRF). The 35 per cent gender quota was adopted in the R-ARCSS, which required one of the vice presidencies to be a woman. To reinforce it, IGAD's Communique of May 2018 directed parties to the Revitalized Peace Agreement to appoint at least one woman as Vice President.⁴⁶ Furthermore, the Communique directed the parties to nominate at least one woman out of the three delegates to participate as delegates to the peace talks.⁴⁷

This resulted in the appointment of H.E. Rebecca Nyandeng De Mabior as the Vice President. Other female leaders appointed in key positions in the Transitional Government include the Speaker of the R-TNLA, the First Deputy Speaker of the Council of State and Minister of Defence, Minister of Foreign Affairs, Agriculture, Environment, Health, Gender, Child and Social Welfare, Sports and Culture and Parliamentary Affairs. More women were also appointed to commissions and mechanisms. Women Bloc and the Women Coalition were represented in the transitional mechanisms such as the Revitalized Joint Monitoring and Evaluation Commission (RJMEC), Ceasefire and Transitional Security Arrangements, Monitoring and Verification Mechanisms (CTSAMVM), Strategic Security Defence and Review Board (SSDRB), Joint Defence Board (JDB) and National Constitutional Amendment Committee (NCAC). While it could be argued that progress was made in the inclusion of women, the representation of women fell short of the minimum threshold of 35 per cent quotas in the implementation of power sharing in the governance structures.⁴⁸ Women's effective and full participation remains challenging due to negative customs and practices and political parties' non-adherence to 35 per cent quotas during appointments.49

The fifth population Census of South, 2006, shows that the population density of South Sudan is 15.8.⁵⁰ According to the National Bureau of Statistics report on the South Sudan Population Estimation Survey of 2021, the population of South Sudan was 14,234,977 (about 14.2M).⁵¹ However, some statistics put the estimated population at around 11.5M.⁵²

⁴⁷ IGAD communiqué of May 24, 2018, to the parties to the conflict

⁴⁹ https://www.eyeradio.org/kiir-relieves-foreign-minister-replaces-her-with-former-presidency-minister/

⁴³ Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS 2018) mediated by IGAD and signed by the Incumbent Government.

⁴⁴ Donors, UN Agencies and implementations partners provided support to facilitate these activities.

⁴⁵ UNMISS. 2015. "South Sudanese Women Call Leadership to Recommit to Peace." <u>https://www.flickr.com/photos/</u> <u>unmissmultimedia/16387227584</u>

⁴⁶ Radio Tamazuj. 2018. "IGAD wants Female Appointed as Vice-President in South Sudan." <u>https://radiotamazuj.org/en/news/article/</u> igad-wants-female-appointed-as-vice-president-in-south-sudan

⁴⁸ Women make up to 33 at the R-TNLA, 25% at the Council of States, 22% at the Council of Ministers with only 1 female governor out 10 States and 3 Administrative areas.

⁵⁰ NBS 5th Housing and Population Census 2008.

⁵¹<u>https://mobile.twitter.com/nbs_statistics</u>

⁵² World Population Review. 2022.

The Bureau's Statistics estimated men to be 7,268,273 and women to be 6,966,704. A population growth projection indicated an increase of up to 27,450,711 by 2040. The population has been progressively increasing over the years.⁵³

This review also indicated that South Sudan had a fertility rate of 4.543 births per woman in 2020, a drop from the previous year of 4.619 and a further drop from six per birth per woman in 2008.⁵⁴ This increasing population is, however, faced with challenges, including insecurity, poor service delivery, and inadequate and inhabitable land for settlement caused by the impact of climate change. Based on the 2006 data, the maternal mortality ratio in South Sudan is 789 per 100,000 live births, arguably the highest in the world. This means that a South Sudanese woman has one in seven chances of dying during pregnancy or childbirth.⁵⁵

On reproductive health, one in five women of reproductive age (15-49 years) has unmet needs for spacing or limiting childbirth due to lack of access to family planning services.⁵⁶ This has been majorly due to cultures that view women's role as childbearing, and therefore, any family planning is against the cultures. Girls are often reminded when on their first menstrual period on the importance of getting married or giving birth. This contributed to increasing child marriages, with an estimated

52 per cent of girls getting married by the age of 18 years.

The Education Needs Assessment Report 2021 showed that 92 per cent of schools were functioning, while government schools comprised 68 per cent. 61.3 per cent were in rural areas compared to 38.7 per cent in urban locations. Between 2019 and 2020, most schools closed due to flooding, looting and insecurity in or around schools. The report by UNESCO shows that the adult literacy rate in South Sudan was the lowest compared to other countries, with a percentage of 34.52 per cent. Of these, 40.26 per cent of male were literate while only 28.86 per cent of female were literate, yet women were half the population.⁵⁷

Although improvements were being made, the progress remains slow. There is a great gender disparity in the levels of education, with the majority of women not attaining formal education or not reaching the secondary school level.⁵⁸ The Ministry of General Education and Instruction (MoGEI) Strategic Plan 2017-2022 indicated that post-primary Technical and Vocational Education and Training (TVET) becomes an attractive system for curbing illiteracy rate, offering education for school dropouts and the youth, the majority of whom were women. A study of 490 people recorded that 64 per cent of women and 38 per cent of men have never attended school.⁵⁹

⁵³Statista. 2022. "South Sudan: Total Population From 2013 to 2023." <u>https://www.statista.com/statistics/967974/</u> total-population-of-south-sudan-by-gender/

⁵⁴<u>https://www.google.com/search?q=south+sudan+burea+of+statistics+fertility+rate&rlz=1C5CHFA_enSS969SS969&oq=south+su-dan+burea+of+statistics+fertility+rate&aqs=chrome.69i57.14808j0j7&sourceid=chrome&ie=UTF-8</u>

⁵⁵ South Sudan. org/wp-content/uploads/2019/07/South-Sudan-MOH-FP-Policy.pdf

⁵⁶ OCHA. 2014. "The Girl Has No Rights: Gender-Based Violence in South Sudan." <u>https://reliefweb.int/report/south-sudan/</u> <u>girl-has-no-rights-gender-based-violence-south-sudan</u>

⁵⁷ UNESCO. n.d. "Adult Literacy Rate for South Sudan." <u>https://countryeconomy.com/demography/literacy-rate/</u> <u>south-sudan#:~:text=According%20to%20UNESCO%20South%20Sudan,South%20Sudan%20is%20very%20low</u>

 ⁵⁸ Country Fact Sheet, South Sudan. 2016. <u>http://haliaccess.org/wp-content/uploads/2018/05/SOUTH-SUDAN-EDUCATION-1.pdf</u>
 ⁵⁹ World Bank Report South Sudan 2019 which World Bank report? Fuller details

3.1 Institutional, Legal and Policy Framework

3.1.1 Institutional Framework

The Ministry of Gender Child and Social Welfare: The National Gender Policy and Strategic Plan 2013-2018 was adopted to contribute towards attaining a just, peaceful, inclusive and equitable society. The strategy highlights the Ministry of Gender, Child and Social Welfare's shared vision, mission, core values, objectives, strategies, activities and organization structure in line with the Revised National Development Plan 2021-2024 that makes gender mainstreaming vital in all development policies and programmes, and empower women and youth as drivers of growth and nation-building; and requires the permanent Constitution to adequately reflects the protection and empowerment of women and youth in all spheres of influence - economic, political and cultural. Similarly, the Gender Policy aligns with South Sudan Vision 2040 in realizing freedom, equality, justice, peace and prosperity through women's empowerment as the engine of social and economic development growth.⁶⁰

The MGCSW goal is to empower women and men to live a quality life in an inclusive society, create a conducive environment and opportunities for persons with disabilities and other vulnerable groups and protect children from all forms of violence, exploitation, discrimination, neglect and abuse. This National Strategy, on the other hand, is meant to invest in strategic initiatives that will focus on policies and legal frameworks, gender equality and women empowerment, social protection and rehabilitation, protection of children and their rights, human and institutional capacity development, partnerships and collaborations, effective support services and other cross-cutting issues, such as HIV and AIDS, counseling and drug and substance abuse.

The MGCSW and other key Ministries and Government agencies have established gender units or gender committees to promote gender budgeting and gender equality. The MGCWS is leading the drafting of a Women's Empowerment Bill expected to safeguard 35 per cent gender quotas at various levels as provided in the R-ARCSS and Constitution⁶¹ and advocate for the finalization and passing of the Anti-Gender-Based Violence Bill 2022 pending in the Ministry of Justice.⁶² Other Policies adopted by the MGCSW included the Strategic National Action Plan to End Child Marriage 2017-2030; The United Nations Joint Programme on Gender-Based Violence; The Standard Operating Procedures (SOP) for Prevention, Protection and Response to Gender-Based Violence (GBV) in Republic of South Sudan (2014).

Gender-Based Violence and Juvenile Court and Other Special Courts: UNFPA reported more than 50,000 men and boys were aware of suffering inequality and violence against women. As a result, a fast-track court, the Gender-Based Violence and Juvenile Court, was established in Juba on 26 April 2021 to bring perpetrators to Justice. UNFPA reported that more than 100 survivors received legal justice in this Court,⁶³ which built the capacity of health workers, police, community leaders and social workers to provide professional assistance to the survivors of GBV.The country's⁶⁴ 'One Stop Centers' increased from nine to 13.

⁶⁰ Ministry of Gender, Child and Social Welfare (MGCSW). 2013. "Strategic Plan 2013-2018."

⁶¹ UNDP. 2022. "An Opportune Moment, South Sudan's Draft Gender Affirmative Action Bill is Reviewed Weeks Ahead of International Women's Day." <u>https://www.undp.org/south-sudan/press-releases/opportune-moment-south-sudans-draft-gender-affirmative-ac-tion-bill-reviewed-weeks-ahead-international-womens-day</u>

 ⁶² https://www.accord.org.za/blog/call-for-action-to-end-gender-based-violence-and-impunity-for-gbv-perpetrators-in-south-sudan/
 ⁶³ CBN. 2021. "Gender-Based Violence and Juvenile Court Launched in Juba as a Separate Entity." https://crossbordernet.org/
 ⁶⁹ CBN. 2021. "Gender-Based Violence and Juvenile Court Launched in Juba as a Separate Entity." https://crossbordernet.org/

⁶⁴ UNFA. 2021. "Call for Action to End Gender-Based Violence and Impunity for GBV Perpetrators in South Sudan." <u>https://southsu-dan.unfpa.org/en/news/call-action-end-gender-based-violence-and-impunity-gbv-perpetrators-south-sudan</u>

These centers offered psycho-social counselling, legal aid and advise, medical referral and support to survivors and victims of SGBV. There were four 'Safe Houses' in Torit, Wau, Bor, and Juba meant to offer temporary shelter and protection to victims and survivors of SGBV.⁶⁶

South Sudan Peoples Defense Forces (SSPDF) and Law Enforcement Agents: The SSPDF has taken the initiative to establish Gender Desks to handle GBV perpetrated at the community level against civilians by the military and paramilitary groups. The SSPDF has established the Joint Oversight Committee on Conflict Related Sexual Violence, comprising commanders of the Joint Defence Board, Women Groups and CSOs with the mandate to monitor the implementation of the Joint Action for the Armed Forces on Addressing CRSV in South Sudan, 2021-2023. With support from UNDP, UNMISS and partners, the judiciary carried out mobile courts whose mandate included delivering long-awaited justice to victims without statutory courts and judges.⁶⁷ In Juba, the capital, there were nine Special Protection Units (SPUs) established in nine Police Stations for reporting rape cases and violence against women/men who would otherwise be frightened or threatened and require immediate safety and protection.68 The UNFPA, through Crown The Woman, supports a Toll Free Mobile Help Line (toll-free 623). Toll-Free Mobile Helplines by the South Sudan Council of Churches (toll-free 2222) are available in Juba for girls, women, boys and men who need help for support and psycho-social support.69

3.1.2 Legal and Policy Framework

National Framework: The Transitional Constitution of South Sudan (2011), as amended, incorporated the R-ARCSS provisions on the 35 per cent quota for women's representation at all levels of government, potentially strong support for the implementation of women's rights promotion. The TCSS contains the bill of rights under Part Two. Article 9, the cornerstone for social justice, equality and democracy, further calls on the government at all levels to commit to respecting, upholding and promoting human rights and fundamental freedoms enshrined in the Constitution. Articles 14 and 16 provide equality before the law regardless of sex, religion, race and social background. It accords women equal and full dignity with that of men, the right to equal pay and other related benefits and equal representation in public life at the executive and legislature by at least 35 per cent gender quota, the right to maternity and medical care for children and pregnant women. The Child Act 2008, in the preamble, defines a child as a person below the age of 18 years. The Child Act,⁷⁰ the TCSS,⁷¹ and the Local Government Act 2009⁷² provide for women's right to own property, calling on State parties to enact laws that combat negative customs and traditions that undermine the dignity and status of women.

The National Gender Policy and Strategic Plan 2013, National Action Plan on Women Peace and Security (WPS) of 2015-2020 was adopted to strengthen the participation of women in peace and security, facilitate an enabling environment for women leadership, political participation, conflict resolution, just and sustainable peace and recovery programs as well as rehabilitation and reconstruction considering gender considerations. The South Sudan People's Defense Forces (SSPDF) adopted an SGBV Policy. Now, the Joint Action Plan for the Armed Forces on Addressing Conflict Related Sexual Violence in South Sudan January 2021-December 2023 provides for six pillars such,

⁷¹ Part 2 and Article 9, 15-17.

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⁶⁵ <u>https://www.international.gc.ca/world-monde/stories-histoires/2022/gender-based-violence-south-sudan_violences-genre-sou-dan-sud.aspx?lang=eng</u>

⁶⁶ <u>https://reliefweb.int/report/south-sudan/unmiss-hands-over-survivor-safe-house-central-equatoria</u>

⁶⁷ United Nations Peace Keeping. 2019. "Mobile Courts Delivers Long Waited Justice Western Lakes." <u>https://peacekeeping.un.org/en/mobile-court-delivers-long-awaited-justice-western-lakes</u>; UNMISS. 2019. "Mobile Court Opens Yambio Handle Serious Cases." <u>https://unmiss.unmissions.org/mobile-court-opens-Yambio-handle-serious-cases; https://www.s.undp.org/content/south_sudan/en/home-library/democratic_governance/mobile-courts-in-south-sudan.html</u> ⁶⁸ Ibid.

⁶⁹ Conversation with Executive Director of Crown the Woman Riya Williams in Juba in March 2022.

⁷⁰ 9, 14-16.

⁷² Section 108(4), 109, 110.

as 1) Mainstreaming sexual violence considerations in security arrangements under the R-ARCSS, 2) External Communications and Outreach, 3) Training, awareness raising and Sensitization 4) Accountability and Oversight, 5) Protection of Witness, Victims and Judicial Advisors and 6) Monitoring, evaluation and reporting. The government adopted the South Sudan National Development Plan and the Strategic Action Plan (2013-2018).

The African Union Continental and International Framework: South Sudan adopted and ratified regional and International normative standards to promote gender equality and protect women against violence. These include the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979) and the Optional Protocol (2015);⁷³ the African Charter on Human and Peoples' Rights on the Rights and the Maputo Protocol-ACHPR;74 and Universal Declaration on Human Rights-UDHR.75 Other laws and policies, including the African Charter on Democracy; Elections and Governance (2007); AU Continental Results Framework on Monitoring and Implementation of Women Peace and Security Agenda in Africa (2018-2028), AU Roadmap on Ending Child Marriage by 2030; International Conference on the Great Lakes Region (ICGLR) Impact on Security; Stability and Development in the Great Lakes Region of 2006; AU Solemn Declaration on Gender Equality in Africa (SDGEA); the Goma Declaration on Eradicating Sexual Violence and Ending Impunity in the Great Lakes Region (2008); Kampala Declaration on Sexual and Gender-Based Violence (2011) and IGAD Regional Action Plan and the Great Lakes Region Action Plan, 2018-2023.

At the international level, South Sudan is bound by the International Covenant on Economic, Social and Cultural Rights, 2015; Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT) and its Optional Protocol, 2015, International Covenant on Civil and Political Rights (ICCPR) and its Second Optional Protocol, 2015, International Convention on the Elimination of All Forms of Racial Discrimination (CERD), 2015; Convention on the Rights of the Child (CRC) in and its Optional Protocols on the involvement of children in armed conflict and child prostitution 2018, Convention on the Rights of Persons with Disabilities 2018; Sustainable Development Goal 2030, 2015,⁷⁶ and The Beijing Platform for Action 1995.

These instruments call upon States to recognize women's equal right and their participation in public life, elimination of discriminatory laws, policies and practices in the national legal framework, taking measures to uphold women's equality regardless of sex, political, social, economic and cultural affiliations and to implement temporary special measures to accelerate women's equality. The laws further provide women's rights to equal access to schools, vocational training, scholarship opportunities, employment, affordable health care services, family benefits, financial credit, and recreational activities. Rural women have the right to adequate living conditions, including participation in development planning and access to health care and education services. The laws recognize that women are equal to men before the law, prohibit torture and degrading treatment against women, provide the right to enter contracts, own property, and choose their place of residence and have equal rights with men in matters related to marriage and family relations.

The UNSCR 1325 provides four pillars: participation, protection, prevention, relief and recovery. The resolution calls for increased representation of women in decision-making levels in national, regional and international institutions and mechanisms for the prevention, management and resolution of conflict and peace processes, and calls on consultations of women and mainstreaming of gender in peace keeping and UN field operations.⁷⁷

⁷³Article 2-5, 10-12.

⁷⁴Articles 3, 13, 15, 16,18.

⁷⁵UN. 1948. "Universal Declaration of Human Rights." Article 7, 16, 17, 23, 25, 26, 27 <u>https://www.un.org/en/about-us/</u> <u>universal-declaration-of-human-rights</u>

⁷⁶UNDP. 2022. "What are the Sustainable Development Goals?" <u>https://www.undp.org/south-sudan/sustainable-development-goals</u> <u>http://unscr.com/en/resolutions/doc/1325</u>

The majority of the respondents, about 93 per cent, knew of the existence of legal frameworks and policies adopted by South Sudan, but when prompted for the specificity of the policy and laws they were not aware of, about 83 per cent of the respondents stated they only knew the National Gender Policy and few others had heard of the Joint Action Plan for the Armed Forces on Addressing Conflict Related Sexual Violence in South Sudan 2021-2023 and National Action Plan 2015-2020 respectively. Regarding their knowledge of the laws, about 36 per cent of respondents had knowledge of the Transitional Constitution 2011, 20 per cent knew of CEDAW, and 17 per cent were aware of R-ACRSS. On the regional and international frameworks, 60 per cent of respondents knew the UN Security Council Resolution 1325, while others were aware of the International Conference on the Great Lakes Region on Pact on Security, Stability and Development in Great Lakes Region of 2006, the African Union Declaration on Gender Equality in Africa, Security, Stability and Development in Great Lakes Region, 2006 and Beijing Platform for Action respectively.

The Peace Agreement offers an opportunity to review and reform the national laws through the National Constitutional Amendment Committee (NCAC). The NCAC is mandated to review governance laws (political parties and electoral laws) and security laws (Police, Prison Services, Wildlife, National Security Services and South Sudan Peoples Defense Forces). Other laws reviewed by the NCAC include the National Elections Bill 2022, ⁷⁸ the Anti-Corruption Bill 2022, the Political Parties Act 2022,⁷⁹ the Constitution Making Process Bill 2022 and the Security Act 2022.⁸⁰ The Peace Agreement further calls for reforms of the financial institutions, including non-oil revenues for the people's benefits and service delivery. Women groups from the South Sudan Women's Coalition, CSO forum, the Centre for Inclusive Governance, Peace and Justice, Women Rights Organizations and the South Sudanese Domestic Election and Monitoring Program (SSUDEMOP) reviewed these draft bills. They made submissions that ensured these laws were gender sensitive and confirmed human rights principles.⁸¹

3.1.3 Customary Laws and Traditions

The South Sudan Customary laws vary across regions, communities, and ethnic groups. They are unwritten and remain uncodified, and as such, they evolve to changing conditions and vary from one community to the other. The principal features of customary law and traditional justice systems are reconciliation and community harmony. The aim is to preserve harmony in the family unit and community. South Sudan's legal system recognises customary legislation as a source of legislation that blends with statutory laws.⁸² Article 5 of TCSS, as amended, recognizes Customary Laws, Traditions and Practices as sources of legislation. Article 38 urges all levels of government to recognize cultural diversity, encourage diverse cultures in education and media, and protect cultural heritage. Most South Sudanese cases are handled through the chiefs under the customary courts, functioning as the lowest tier of the court system.⁸³ The Local Government Act 2009 spells out the competence of customary court jurisdiction, such as adjudicating customary disputes and making judgments according to each community's customs, traditions, norms, and ethics, except for criminal cases or where criminal cases interface with customary norms.⁸⁴ The men's lineage usually defines customary norms. Most traditional leaders are men with the power to make decisions on women. Participants pointed out that about 90 per cent of traditional chiefs were men, and 99 per cent were of paramount chiefs.

⁸⁴ Local Government Act (2009) Section 98 (1) and (2).

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⁷⁸ NCAC. 2018. "Civil Society Officials in S. Sudan Present Proposals to NCAC." <u>https://www.jmecsouthsudan.com/index.php/</u><u>ncac-news/item/341-civil-society-officials-in-s-sudan-present-proposals-to-ncac</u>

⁷⁹ NCAC. 2018. "National Constitution Amendment Committee (NCAC) Stakeholders Meeting." <u>https://www.jmecsouthsudan.com/</u> <u>index.php/ncac-news/item/330-national-constitution-amendment-committee-ncac-stakeholders-meeting</u>

⁸⁰ NCAC. 2017. "NCAC Meets Lobby Groups, Receives Proposal on Law Amendments." <u>https://www.jmecsouthsudan.com/index.</u> php/ncac-news/item/179-ncac-meets-lobby-groups-receives-proposal-on-law-amendments

⁸¹ https://www.jmecsouthsudan.com/index.php/institutions-and-boards/ncac

 ⁸² Leonardi, Chei. 2019 "Making Order Out of Disorder: Customary Authority in South Sudan." Rift Valley Institute. https://riftvalley.
 <u>net/wp-content/uploads/2020/02/Making-Order-Out-of-Disorder-by-Cherry-Leonardi-RVI-SSCA-Project-2019.pdf</u>
 ⁸³ Ibid.

3.1.4 Women's Rights and Equal Participation

Human rights are defined as fundamental freedoms and entitlement that every person has simply because they are human beings. They are inherent, universal, indivisible and inalienable. Human rights initiatives and activists refer to gender equality as the same rights and opportunities for women and men in all areas of life.⁸⁵ Every person is free to develop his or her abilities and to make choices without limitations imposed by strict gender roles. The chart below in figure 3.1 shows respondents' definition of human rights.

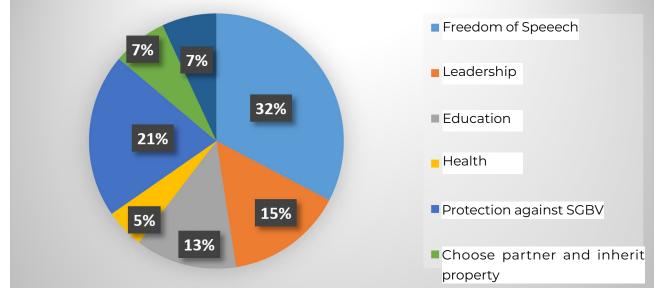


Figure 2: Showing Respondents Definition of Human Rights

Equality implies that the interests, needs and priorities of both women and men are taken into consideration. Gender equality requires active measures to improve the position of women through empowerment. Former UN Secretary General Kofi Annan noted, 'Gender equality is a precondition for meeting the challenge of reducing poverty, promoting sustainable development and building good governance.' Gender equality is based on the premise that women and men (including girls and boys) should be treated similarly. Figure 3.2 shows the respondents' definition of gender equality.

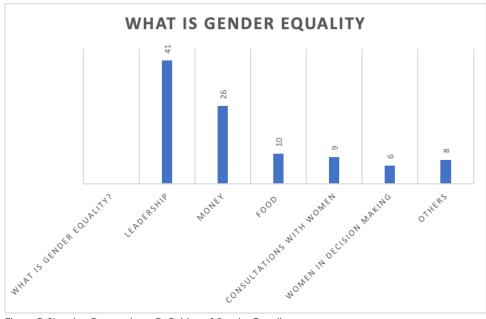


Figure 3: Showing Respondents Definition of Gender Equality

⁸⁵ https://medicamondiale.org/en/violence-against-women/womens-rights-are-human-rights

Country Gender Equality Profile (CGEP) for South Sudan By Ministry of Gender, Child and Social Welfare and UN Women South Sudan

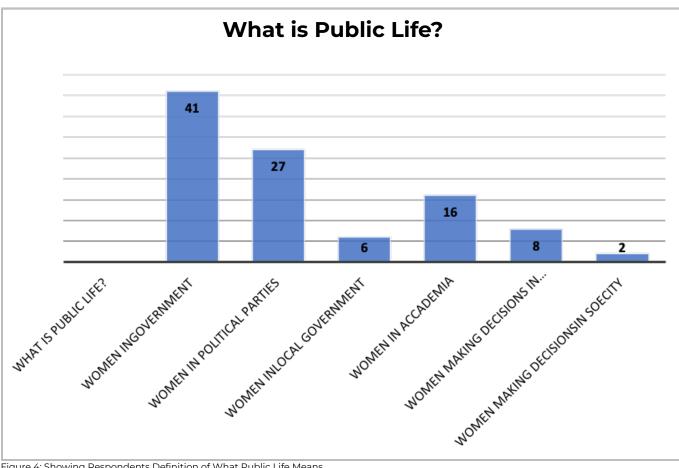


Figure 3.3 shows the Chart showing responses to what public life means.

The UNSCR 1325 calls for inclusive peace negotiations, implementation, protection and prevention of violence against women as well as recovery and rehabilitation programs putting women at every stage of peace building processes. The R-ACRSS provides an excellent opportunity for women to demand increased women participation in leadership and decision-making by 35 per cent quota. During the negotiation, each party nominated at least one woman out of the three delegates to the peace talks, increasing women's gains in representation and leadership of peace implementation.⁸⁶ For instance, seven women leaders and 10 civil society participated in the peace negotiation. Women also gained the position of Vice President and the chair of the Cluster for Gender and Youth headed by H.E Rebecca Nyandeng De Mabior.

Article 14⁸⁷ guarantees equal rights and protection by the law without discrimination based on race, ethnic origin, color, sex, language, religious creed, political opinion, birth, locality or social status. Article 16 of TCSS accords women full and equal dignity of the person with men. It further provides for women's equal pay for equal work and other benefits with men, underscoring the right to equally participate in public life. Although the peace agreement is incorporated in the TCSS and allows for women's representation at all levels, the wording of the peace agreement limits the participation of women to only parties who were signatories to the agreement. This has resulted in few women at the local level, as it is unclear how the power sharing ratio is divided at the local government level.

⁸⁶ IGAD communiqué of May 24, 2018, to the parties to the conflict ⁸⁷ 2011 as amended.

Figure 4: Showing Respondents Definition of What Public Life Means

Chart showing women's representative at the National Government

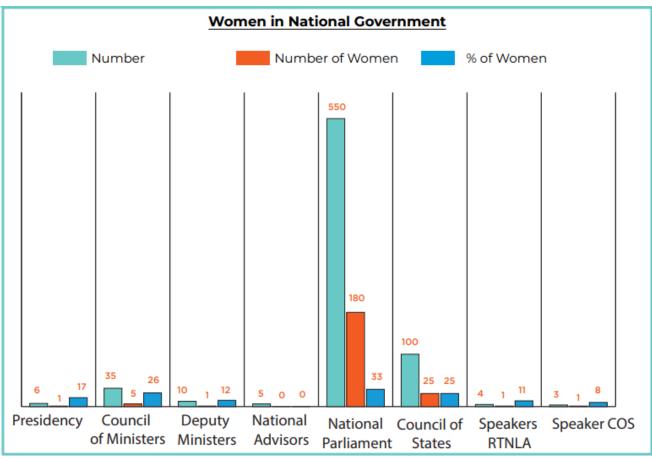


Figure 5: Chart showing women's representative at the National Government

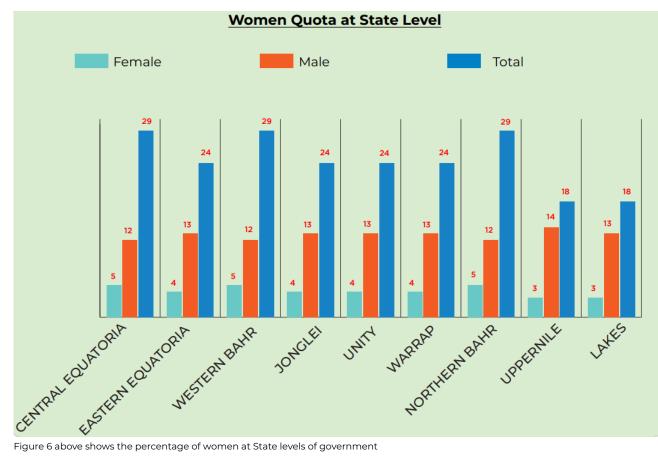
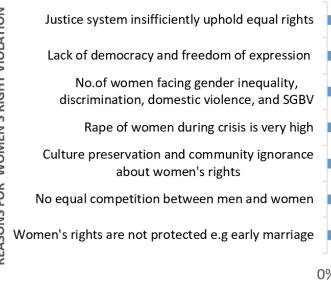


Figure 6 above shows the percentage of women at State levels of government



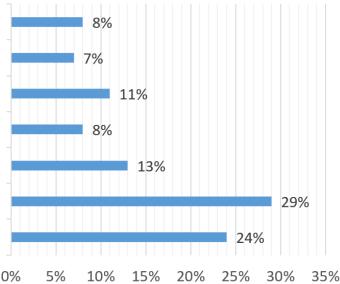


Figure 7: Chart showing reasons why these rights were violated

Despite the formation of the Revitalized Transitional Government of National Unity (RTGONU), women's participation is below the promise of 5 per cent affirmative action. Women occupied senior positions, including Vice President, H.E. Rebecca Nyandeng De Mabior,⁸⁸ Hon Jemma Nunu Kumba, Speaker of the RTNLA, Mary Aya Mijok, 1st Deputy % RATE OF VIOLATION

of Speaker of Council of States and Hon Angelina Teny Minister of Defence and Veterans Affairs. At the time of the research, although all States and administrative areas had formed the State government, women's representation had fallen short of the 35 per cent affirmative action

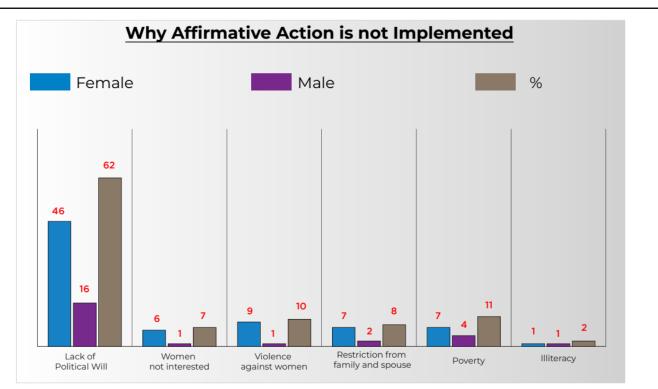


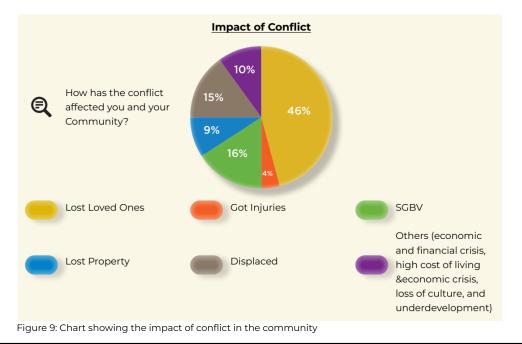
Figure 8: Chart Responses on why affirmative action is not implemented

⁸⁸ Sudan Post. 2021. "Vice-President Rebecca Garang Moves to New Office Near Juba Airport." https://www.sudanspost.com/ vice-president-rebecca-garang-moves-to-new-office-near-Juba-airport/

3.1.5 Armed Conflict and Violence Against Women and Access to Justice

The Chief of Staff of SSPDF, General Johnson Juma, affirmed the SSPDF's commitment to fighting criminality in the army, noting that rape of girls stating that sexual violence was something that could never be tolerated anymore and that the SSPDF would work to get rid of it (sic sexual violence) in our society.⁸⁹ In Bor of Jonglei, a Military Court Martial Trial was initiated in 2021 and tried soldiers for gross human rights violations.⁹⁰ In July 2020 and June 2022 in Yei, the SSPDF initiated a Military Court Martial for a period of one month to try soldiers accused of having committed gross human rights abuses and crimes from 2016 to 2020, including rape, looting, killings, and harassment. The UNMISS human rights division supported this trial.⁹¹ The court sentenced and dismissed 24 SSPDF soldiers to prison for committing various crimes during the 2020 trial, whereas in the 2022 trial, there were 21 cases brought forward, of which five CRSV (three rape cases and two gang rape cases.⁹² A relative of a rape victim in the Yei Military of 2022 raised concern about the lack of protection of victims for victims after the trial stating that perpetrators were known in the community. He also decried the court's lack of compensation for the victim.⁹³

Although Chapter 2 of the R-ACRSS provides for security arrangements and silencing of the gun within 72 hours, sustaining peace, unifying and building a professional standard national army, demobilization and disarmament of the forces and reintegrating former combatants into the communities through the DDR process remains a challenge. Despite calls for National Dialogue (ND) by the President, observers called for a more inclusive ND with clear objectives,⁹⁴ and results remain unimplemented and controversial as it calls for the two principals of the R-ACRSS to step down from government.⁹⁵



⁸⁹ <u>http://www.news.cn</u>

⁹⁰ Radio Miraya. 2021. "A Mobile Military Court Martial has been Launched in Bor, Jonglei State."

https://cs-cz.facebook.com/radiomiraya/posts/a-mobile-military-court-martial-has-been-launched-in-bor-Jonglei-Statethecourt-/4464245720267005/

⁹¹ UNMISS. 2022. "UNMISS Statement Welcoming Justice Delivered Through a General Court Martial in Yei." <u>https://peacekeeping.</u> <u>un.org/en/unmiss-Statement-welcoming-justice-delivered-through-general-court-martial-Yei</u>

⁹² CIGPJ observatory report on the Yei Military Trial, 2022.

⁹³ Radio Tamazuj. 2020. "Yei Victims' Families Ask Government for War Reparations." <u>https://radiotamazuj.org/en/news/article/</u> <u>Yei-victims-families-ask-government-for-war-reparations</u>

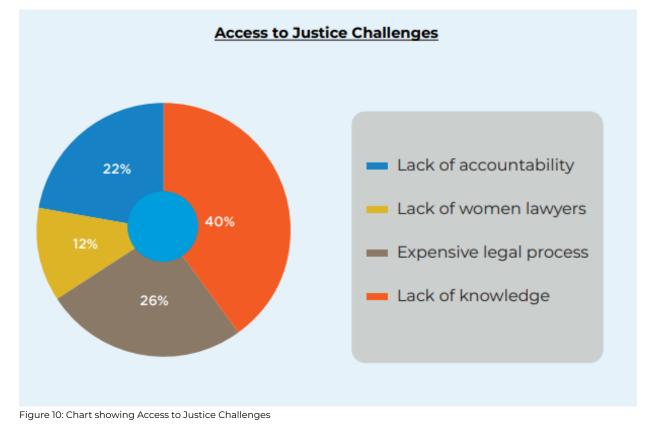
⁹⁴ Major opposition groups including the SPLM-IO and other hold groups did not participate in the ND.

⁹⁵ National Dialogue report of 2020 called for key principals to the R-ARCSS H.E. President Salva Kiir and Deputy Reik Machar to resign.

Chapter 5 of the R-ACRSS has seen slow progress in its implementation and is least funded yet critical towards sustainable peace rule of law and to. Chapter 5 of the R-ARCSS on Transitional justice provides the establishment of the Commission for Truth, Reconciliation and Healing (CTRH) to investigate and establish the truth of what happened and foster healing and reconciliation; the Hybrid Court for South Sudan (HCSS) for accountability and the Compensation and Reparations Authorities (CRA) for redress and compensation, the process had been slow. The Technical Committee conducted a nationwide public consultation to collect citizens' views and inform them of the CTRH law. The report was submitted to the Ministry of Justice and Constitutional Affairs for further deliberations by the Council of Ministers.⁹⁶ The AU initiated processes to establish the HCSS, but this has stalled.⁹⁷ The Minister, First Vice President and the President respectively launched a 'Technical Committee on the Establishment of the Commission for Truth, Reconciliation and Healing' and the Public Sensitization and Consultations with a mandate to

conduct within one month public sensitization and consultations on the law establishing the CTRH.⁹⁸

In December 2020, the Judiciary of South Sudan, with the support of The Netherlands Government and UNDP, launched the Gender-Based Violence and Juvenile Court in Juba to handle cases of violence against women and children.⁹⁹ Chief Justice Chan Reec Madut remarked that 'gender-based violence is a result of ignorance of some men who think that they are superior to women.Such men need medical attention.' Hon. Aya Benjamin Warrille, the national Ministry of Gender, Child and Social Welfare showed solidarity in the fights against GBV and her Ministry support to the functioning of the Court 'We have teamed up to fight this vice and make sure South Sudan is safe for all of us... We will use it to champion the course of protection and promotion of the rights of women and girls... victims and survivors of gender-based violence are entitled to lawyers free of charge.' The Minister noted.



⁹⁶ https://www.jmecsouthsudan.com/index.php/press-release/item/618-the-launch-of-public-consultations-on-the-establishmentof-ctrh-in-south-sudan-is-a-great-milestone; https://www.voaafrica.com/a/6517730.html

⁹⁷ The Extended Road Map on the R-ACRSS 2022 has shifted responsibility of the HCSS from the government to the AU
 ⁹⁸ R-TGONU launched the Technical Committee on June 30, 2021, and public consultations on April 8, 2022 respectively in Juba.
 ⁹⁹ https://radiotamazuj.org/en/news/article/special-court-launched-to-try-gender-based-violence-cases.

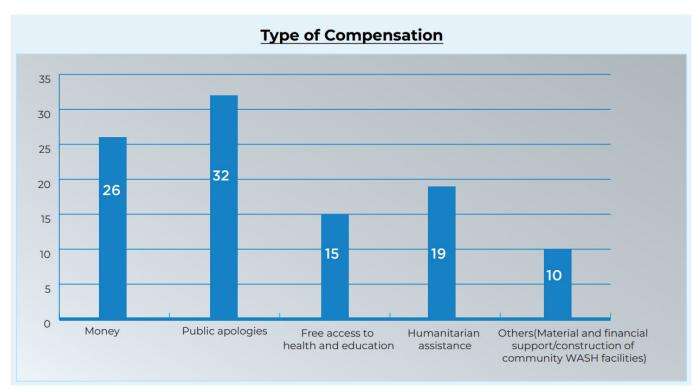


Figure 11: Chart showing the percentage of respondents' preference on the kind of compensation

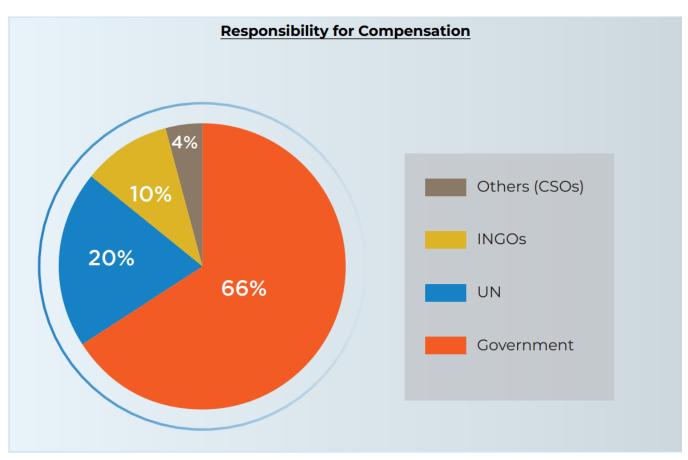


Figure 12: Chart Showing Responsible Body for Compensating Victims

3.1.6 Sexual and Gender-Based Violence (SGBV) and Access to Justice

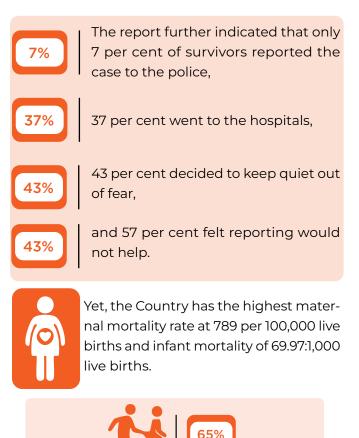
Article 15 of the as amended Stated that 'Every person of marriageable age shall have the right to marry a person of the opposite sex and to find a family according to their respective family laws, and no marriage shall be entered into without the free and full consent of the man and woman intending to marry.' This act has allowed for the marriage of under-age girls, given some of the cultures and traditions allow for early marriage or forced marriage. Article 17 defines a child as a person below the age of 18 and prohibits any harmful cultural practice, exploitation, inhuman treatment, discrimination, punishment, abduction or trafficking. Section 247 (2) of the Penal Code Act 2008 prohibits consent given by a child. Section 247 (1) defines rape as unlawful and un-consented sex. However, section 247(3) States that sexual intercourse between a man and his wife is not rape, even where there is lack of consent. This inconsistency in the provisions of the laws and contradiction in the application of customary law has allowed for the abuse of the rights of women and girls. South Sudan has adopted the AU Solemn Declaration on Ending Child Marriage by 2030. This declaration aims to accelerate at the continental and country levels towards the end of child marriage in Africa through continental awareness, legal reforms and policy actions on the protection and promotion of human rights and awareness of the negative socio-economic impact of child marriage. The campaign aims at building social movement and social mobilization at the grassroots and national levels and increasing the capacity of non-State actors to undertake evidence-based policy advocacy by youth leadership through new media technology, monitoring and evaluation, among others.

There is a significant increase in early and forced marriages in most parts of society, moreover with impunity. The Covid-19 pandemic has worsened the SGBV and rape situation for women and girls.



UNFPA reported about 6000 SGBV, including domestic violence.

SGBV in South Sudan is both a cultural norm and a historical injustice for women and girls. CARE International South Sudan's report on 'The Girl Has No Right on SGBV' stated that in South Sudan, the vast majority of the women and girls who survived at least one form of GBV, including rape, sexual assault, physical assault, forced marriage, denial of resources, opportunities or services, psychological/ emotional abuse.¹⁰⁰



A recent study by UNICEF (2029) in South Sudan indicates that 65 per cent of women and girls experience physical and sexual violence in their lifetime,

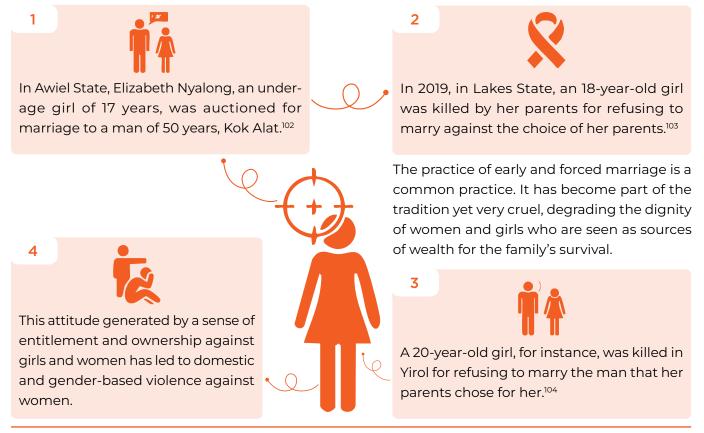


51 per cent from intimate partner violence,

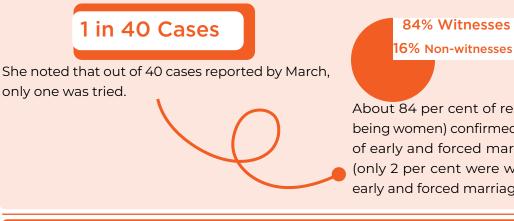
and 33 per cent from non-partner during attacks and raiding.

Most women and girls experience this violence for the first time below the age of 18 years.¹⁰¹

¹⁰⁰ 'The Girl Has No Right' Gender Based Violence in South Sudan May 2014.
 ¹⁰¹ GBV- Briefing December 2019.



In her remarks in marking the International Woman's Day in Juba on March 8, Hon Aya Benjamin Warrile, Minister of Gender Child and Social Welfare,¹⁰⁵ shared the Ministry's assessment of access to Justice for SGBV survivors at the GBV and Juvenile Court.



About 84 per cent of respondents (62 per cent being women) confirmed having witnessed cases of early and forced marriage, while 16 per cent (only 2 per cent were women) did not witness early and forced marriages.

The Centre for Inclusive Governance, Peace and Justice (CIGPJ), a national women's rights organization, conducted an assessment of the Juba Central Prison in December 2021 and found that out of 80 female inmates, only three had legal representation, three were charged while the rest were not brought before the competent court for the last two months or more.¹⁰⁶ The number of women in Juba Central Prison increased in March 2022 to 100, and almost 3/4 were related to gender-based violence.

¹⁰² https://www.dw.com/en/ssudan-auction-of-child-bride-sparks-outrage/a-46457117

- ¹⁰³ https://www.independent.co.uk/news/world/africa/south-sudan-girl-killed-forced-marriage-cows-nyaluk-magorok-a8891166.html
- ¹⁰⁴ https://www.amnesty.org/en/latest/news/2019/04/south-sudan-provide-justice-for-girl-killed-for-refusing-to-marry/
- ¹⁰⁵ Hon Aya Benjamin Warrille remarked at Nyakuron Cultural Centre in Juba on March 8, 2022.
- ¹⁰⁶ https://www.Jubamonitor.com/advocacy-group-calls-for-access-to-justice-for-prison-inmates/

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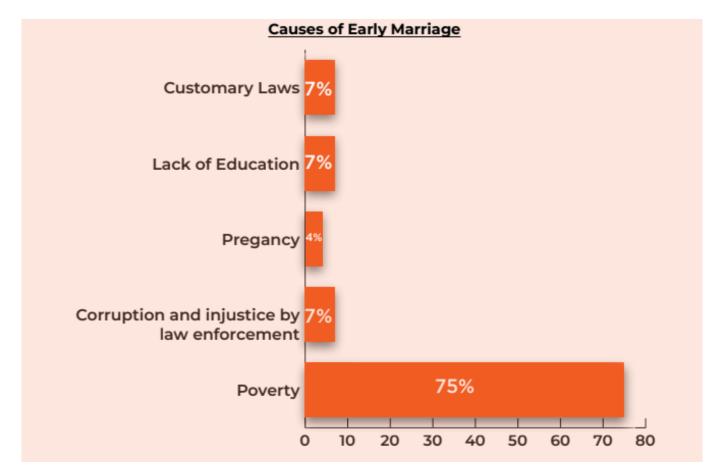


Figure 13: Chart showing the causes of early marriage in the community

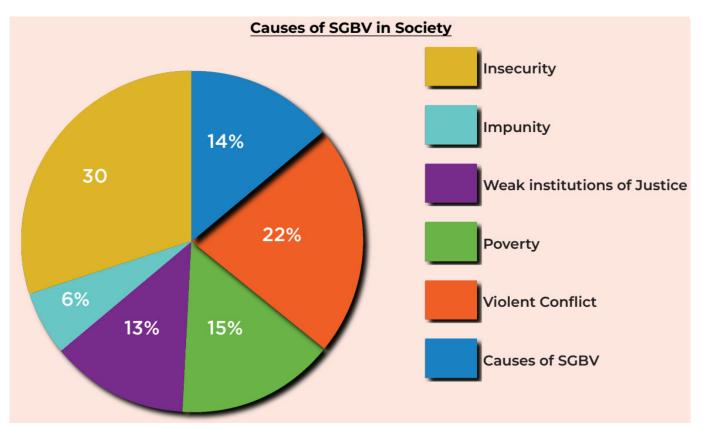


Figure 14: Chart showing percentages of respondents on causes of SGBV in society



Figure 15: Chart showing the role of the Government in ending early marriages

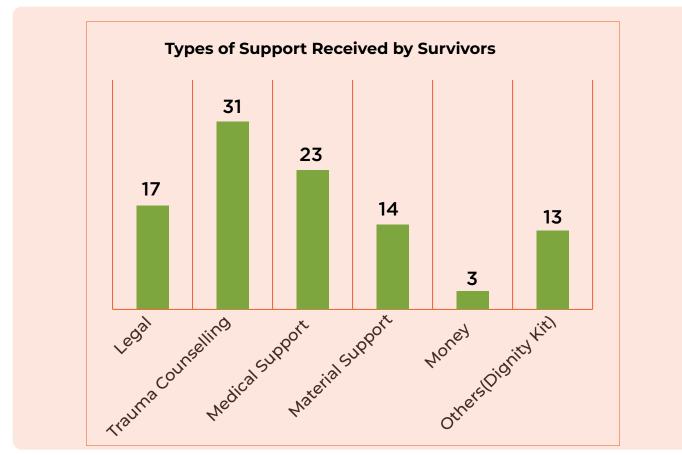
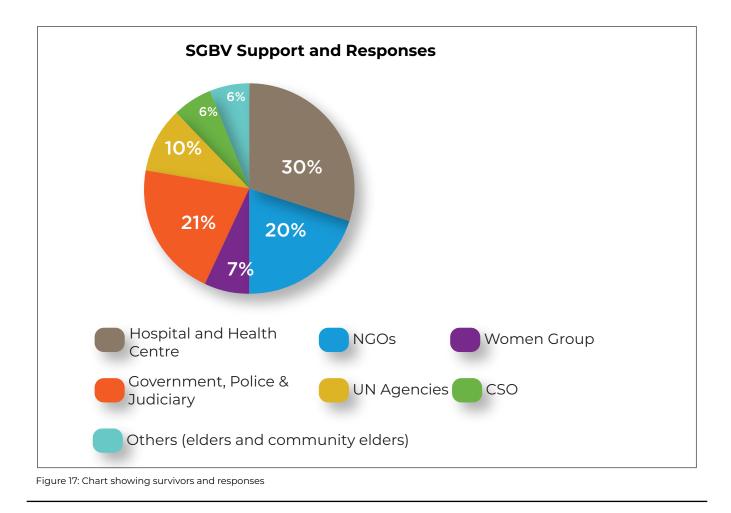


Figure 16: Chart showing types of support received by survivors



3.2 Human and Capital Development, Education, Skills Development and Training, Health and Diseases

3.2.1 Women, Education and Literacy

Education is recognized as a fundamental right to all without discrimination. Article 29 (1) of the Transitional Constitution of the Republic of South Sudan provides that Education is a right for every citizen, and all levels of government shall provide access to education without discrimination based on religion, race, ethnicity, health status, including HIV/AIDS, gender or disability. South Sudan General Education Act 2012 further provides access to education without discrimination on gender. Section 35 of the General Education Act demands that the government lay a plan of affirmative action throughout the country to redress the past and present discriminatory practices, harmful beliefs, and cultures that impede female learners from attending schools. According to the report by UNESCO, the adult literacy rate in South Sudan is the lowest compared to another country, with a percentage of 34.52 per cent. Of these, 40.26 per cent of male were literate while only 28.86 per cent of female were literate, yet women were half of the population.¹⁰⁷ This study established that only 40 per cent of respondents were aware of the government's strategy and programs; of this, 60 per cent mentioned the USAID South Sudan Teach Education Program, 30 per cent cited the General Education Act and 10 per cent noted the adoption of CEDAW.

¹⁰⁷ Adult Literacy Rate for South Sudan. <u>https://countryeconomy.com/demography/literacy-rate/south-sudan#:~:text=According%20</u> <u>to%20UNESCO%20South%20Sudan,South%20Sudan%20is%20very%20low.</u>

Education expenditure accounts for 1.8 per cent of GDP, which is 28th globally (2016). Such low levels result from the difficult conditions characterizing South Sudan following its independence, such as the oil pipeline shutdown following a disagreement with Sudan.¹⁰⁸ The cost and financing capital spending is very low at less than 4 per cent of total education expenditure, resulting in inadequate resources to make badly needed improvements to school infrastructure. Development aid is vital in supporting education efforts, providing onethird of total education expenditures in 2014/2015. The donor community contributes 12 per cent of the development aid.¹⁰⁹ The government budget for 2012-2022 shows a significant increase in the education budget from 24.5 billion to 49.2 billion,

Table 2: Students' Enrolment in Different Courses

Course Name	Sex		
	Female	Male	
Tailoring and embroidery	412	41	
Automobile	57	381	
Computer	122	174	
Electrical	46	186	
Hairdressing	142	23	
Road construction	32	152	
Woodwork / furniture	4	143	
Water Technology	1	42	
Wielding	0	42	
Printing and Publishing	0	0	

representing 100.8 per cent.¹¹⁰ Many schools and centers were closed, destroyed or non-functional due to the years of conflict.

The Ministry of Education, Science and Technology adopted the General Education Policy Framework, which aims at building an educated and informed nation through accessible, relevant quality education that is equitable and of good quality without any discrimination.¹¹¹ Although improvements are being made, the progress is slow. There is a great disparity among the genders in their levels of education. Moreover, most women never received formal education. While enrollment rates for primary schools have steadily increased, enrollment in secondary schools registered a minimal increase.¹¹²

Table 3: Level of Education and Gender

Level of Education	Female	Male
Upper Nile/Primary equals	6.4	6.4
Upper Nile Secondary equals	8.5	10.7
Unity: Unity Primary	1.5	1.6
Unity Secondary	0.9	1.2

Table 4: Showing challenges facing enrol-ment of students by gender

Challenges at Primary	Boys	Girls
Economic factors	24	22
Family issues	30	35
School issues	13	15
Other reason	19	13
	• •	
	▼	

¹⁰⁸ Country Fact Sheet. 2016. "South Sudan Education." <u>http://haliaccess.org/wp-content/uploads/2018/05/SOUTH-SUDAN-EDUCATION-1.pdf</u>

¹⁰⁹ Ibid.

¹¹⁰ <u>https://211check.org.data-story-south-sudans-fiscal-year-2021-22-budget</u>

^{III} UNESCO. 2016. "South Sudan Education Sector Analysis: Planning Resilience." <u>https://unesdoc.unesco.org/ark:/48223/pf0000259247</u> ^{II2} Country Fact Sheet. 2016. "South Sudan Education." <u>http://haliaccess.org/wp-content/uploads/2018/05/SOUTH-SUDAN-EDUCATION-1.pdf</u>

Challenges at Secondary	Boys	Girls
Economic factors	23	22
Family issues	23	16
School issues	38	52
Other reason	19	13

Proposed Policy and Program for Girls' Education

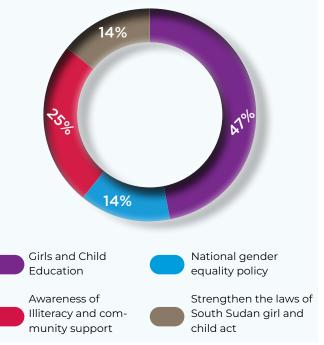
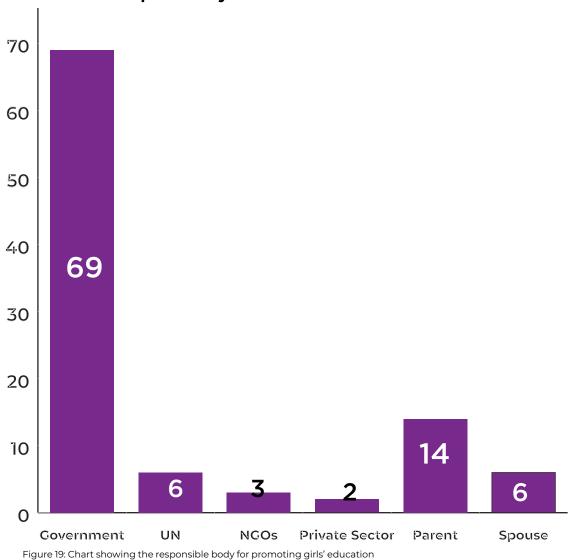


Figure 18: Chart showing programs and policies on Education



Responsibility for Girls' Education

3.2.2 Health, Diseases and Covid-19 Pandemic

The protracted crisis which began in 2012 in South Sudan and the continued sporadic insecurity incidences in many parts of the country have weakened the national health system and have left the country with some of the worst health indicators globally, with severe shortages of health workers and poorly functioning health facilities.¹¹³



According to the Human Development Report of 2015, South Sudan is ranked 169 out of 188 countries and territories for human development.¹¹⁴

According to the national health cluster, these indicators have worsened following the crisis, with the looting and destruction of most health facilities and the displacement of populations into congested PoC sites and IDP settlements or living within host communities, imposing further strains on already limited WASH facilities and exposing the affected populations to greater health risks. Upon attaining independence, the Republic of South Sudan is ultimately responsible for providing leadership for strengthening the health system and improving the effective delivery of health services, especially for sexual and reproductive health. Strengthening the national health system necessitates reforms in the health sector, as well as health policies, institutional structures, and capacities for better health service delivery.

Article 31 of the Transitional Constitution of the Republic of South Sudan, 2011, as amended, provides for health rights.¹¹⁵ In 2019, South Sudan developed and adopted a National Health Policy 2016-2026 that defines new paradigms for health service delivery, health financing, strategic information, leadership and governance, human resources for health, and access to essential medicines to ensure improved health services.

South Sudan has a maternal mortality ratio of 789 deaths per 100,000 live births.¹¹⁶ 4.77% A contraceptive prevalence rate of just 4.7 per cent, 344.5% and a teenage pregnancy rate of 34.5 per cent.¹¹⁷

These indicators highlight the gravity of the SRH situation in South Sudan. However, reliable data dis-aggregated by State and ethnic group are not available. The SRH situation is relatively similar throughout the country and across all ethnic groups.



27.7 Billion

The 2022 National health budget increased from 4.1 billion to 27.7 billion SDG from 2021.

However, continued sporadic insecurity incidences in many parts of the country have weakened the national health system and have left the country with some of the worst health indicators.

¹¹⁵ Transitional Constitution of the Republic of South Sudan 2011, as amended.

¹¹³ Ministry of Health, Republic of South Sudan. 2012. "Health Sector Development Plan 2012–2016."

¹¹⁴ UNDP. 2015. "Human Development Report: Country Note for South Sudan." <u>http://hdr.undp.org/sites/all/themes/hdr_theme/</u> <u>country-notes/SSD.pdf</u>

¹¹⁶ World Health Organisation. 2015. Trends in maternal mortality: 1990 to 2015: estimates by WHO, UNICEF, UNFPA, World Bank Group and the United Nations Population Division. Geneva: World Health Organisation.

¹¹⁷ Ministry of Health, Republic of South Sudan. 2012. "Health Sector Development Plan 2012–2016."

789 deaths



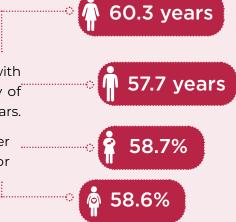
The health system is weak, with severe shortages of health workers, poorly functioning health facilities, and low or no pay for health workers¹¹⁸ sit down strikes are often carried out by medical workers and staff, including at Juba Teaching Hospital.¹¹⁹ There are increasing infant mortality rates of new born babies and under five years in South Sudan, with a maternal mortality ratio increased by 789 deaths per 100,000 live births.¹²⁰

58.6 years



The **mortality rate** is 58.6 years,¹²¹ with female having a life expectancy of[…] 60.3 years while male have 57.7 years.

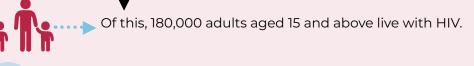
The **infant mortality** rate of under five-year death is 58.7, while for death at live birth is 58.6.



There is also a contraceptive prevalence rate of 4.7 per cent and a teenage pregnancy rate of 34.5 per cent.¹²²



The current data from UNAIDS South Sudan reports of 2019 estimates that adults and children living with HIV are about 190,000.



---- Women aged 15 and over living with HIV are estimated at 110, 000 making 3 per cent,

, and men aged 15 and over living with HIV make 73, 000 making 2.1 per cent.

The HIV Prevalence of women and girls shows women and girls are more at risk of contracting the virus,¹²³ and this can be attributed to early and forced marriages, sexual violence, especially conflict related sexual violence, as indicated in the report of the UN Human Rights Commission of March 21, 2022.¹²⁴

¹¹⁸ Ibid.

¹²⁰ World Health Organisation. 2015. Trends in maternal mortality: 1990 to 2015: estimates by WHO, UNICEF, UNFPA, World Bank Group and the United Nations Population Division. Geneva: World Health Organisation.

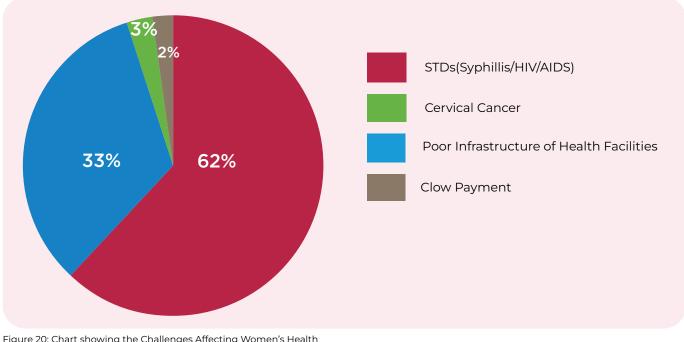
¹²¹ <u>https://www.worldometers.info/world-population/south-sudan-population/</u>

¹²² Ministry of Health, Republic of South Sudan. 2011. "South Sudan National Reproductive Health Strategic Plan, 2011–2015."
 ¹²³ UNAID HIV/AIDS Report. 2019. <u>https://www.unaids.org/en/regionscountries/countries/southsudan</u>
 ¹²⁴ <u>https://news.un.org/en/story/2022/03/1114312</u>

¹¹⁹ https://eyeradio.org/over-100-medical-personnel-go-on-strike-at-Juba-teaching-hospital/#:~:text=Over%20100%20medical%20 personnel%20go%20on%20strike%20at%20Juba%20Teaching%20Hospital,Author%3A%20Obaj%20Okuj&text=Doctors%20and%20 health%20workers%20have,incentives%20and%20other%20unpaid%20arears.

South Sudan is one of the countries affected by the COVID-19 (Coronavirus) pandemic; the first case was reported 7 April 2020.¹²⁵ The pandemic is amid increasing insecurity, slow peace agreement implementation and reconstitution of the R-TGONU, outbreak of the worst flooding in the Upper Nile region and locust invasion. This has increased insecurity, famine, displacement and more localized communal violence. With a weak and deteriorating healthcare system, South Sudan faced challenges managing the pandemic. According to research by the Women International Peace Centre and the Centre for Inclusive Governance, Peace and Justice, the first responses to COVID-19 management faced challenges including stigma, isolation and trauma among communities and families of those infected with the virus. There was much conspiracy around COVID-19 infections as families shoulder management of COVID-19 cases at home. This responsibility had to be carried by the women who were caretakers in the family settings throughout the country.¹²⁶

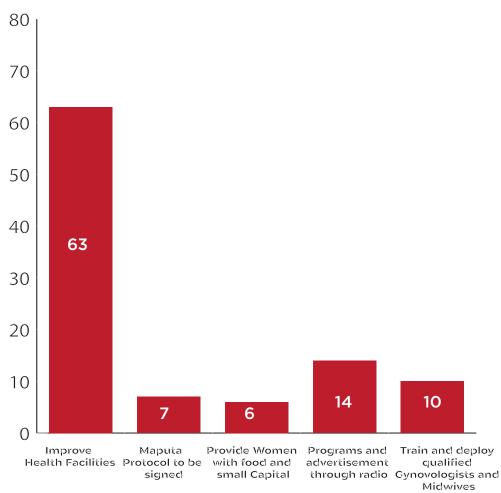
Regarding knowledge about the Covid-19 pandemic, 100 per cent of respondents are aware of the virus. Further inquiries are needed regarding where information about the coronavirus is necessary. About 50 per cent indicated they got the information from social media, 46 per cent of the respondents indicated the government provided the information, 41 per cent mentioned civil society, 38 per cent indicated the UN, 37 per cent pointed to INGOs and 27 per cent were informed by family members and friends. On the question of what support was provided to women during the COVID-19 pandemic? About 40 per cent indicated receipt of material support such as masks, soap, jerrycans, and buckets. 17 per cent received medical treatment while 15 per cent received trauma counseling, 59 per cent attended awareness raising sessions, and only 9 per cent indicated receiving money or food, respectively.



Challenges Affecting Women's Health

Figure 20: Chart showing the Challenges Affecting Women's Health

¹²⁵ Ministry of Gender Child and Social Welfare. 2020. "A Rapid Gender Analysis on Covid 19 in South Sudan." ¹²⁶ Ibid., 72.



Role of Government in Improving Health

Figure 21: Role of Government in Improving Health

3.3 Livelihood, Agriculture and Food Security, Economic empowerment and Entrepreneurship, Private Sector and Banking

3.3.1 Livelihood, Agriculture and Food Security

Agriculture remains, and South Sudan remains in a serious humanitarian crisis. Some two-thirds of South Sudan's population, 8.9 million people, are estimated to need humanitarian assistance in 2022, an increase of 600,000 since 2021. UN reports put South Sudan at high risk of famine. It is estimated that the country and an estimated 8.3 million people, including refugees, are expected to experience severe food insecurity during rainy seasons.

Although the country has abundant natural resources, immense agricultural potential, and abundant fertile lands, South Sudan produces only

about half its cereal requirements. It depends on food aid and imported foodstuffs. Women account for 60.2 per cent of agricultural labour and play an important role, but their access to productive assets is limited. Because of their low literacy and the lack of female agricultural extension workers, women have limited opportunities for technical extension. The traditional divisions of labour often conferred women the responsibility of being caregivers, attending to household chores, and caring for children, the elderly, and the sick. Despite this role, women predominantly conduct a significant proportion of agricultural activities at the subsistence level. At the 'Gender Is My Agenda' (GIMA),¹²⁷ conflicts and displacement make it impossible for women to cultivate the land. According to the Agency for Technical Corporation and Development (ACTED) article on 'Unspoken Resilience of Rural Women,' the widespread conflict, very high levels of insecurity and derailed economy have affected development in South Sudan, resulting in significant displacements of populations from both urban and rural areas hence hindering livestock production.¹²⁸

Section 13(1) of the Land Act States prohibits any form of discrimination towards land ownership, including discrimination based on sex, race, ethnicity, or religion. Accordingly, women have equal rights to men to access land for housing, cultivation, pasture, grazing, or fishing.

3.3.2 Economic Empowerment and Entrepreneurship

South Sudan is one of the most oil-dependent countries in the world, with oil accounting for almost the totality of exports, 90 per cent of revenue, and more than one-third of its gross domestic product (GDP). The country's GDP per capita in 2014 was \$1,111, dropping to less than \$200 in 2017. Agriculture, the second most important industry in South Sudan, following oil production, accounts for 15 per cent of the GDP and provides 78 per cent of the country's employment. According to the South Sudan Economic Monitor 2022, 6 per cent of the total population is employed in the NGO and private sector by 2020, and 15 per cent are casual workers earning between 600SSP (2 USD) daily. The largest employer are private security companies, companies and NGOs.

In 2020, the GDP projection for South Sudan is 5.4 per cent, depicting a growth of 1.2 from the previous years of 4.07 billion US dollars and projecting an increase for 2021 by 6.7 per cent of GDP in 2020/21.¹²⁹ According to the Economic Index 2020/201, the improvement is due to an increase in the private sector following peace and lifting of the COVID-19 pandemic partial lockdown and restrictions. Women are also engaged in the private sector, constituting approximately 50 per cent of sellers in local markets, although sometimes they reach 70-80 per cent.¹³⁰ The majority of the market vendors and road sellers are women. They sell produce ranging from fresh fruits, vegetables and other consumable goods. However, the drop in oil prices, floods, and insecurity continue to cause economic crises. For instance, the floods have affected 7 out of the 10 States with over 850000 people, making 7.5 per cent of the population, destroying about 38000 tons of grains, making 4.3 per cent and 8000 livestock.¹³¹

Chapter 4 of R-ARCSS provided for the Women Enterprise Development Fund¹³² and the Youth Enterprise Fund.¹³³ These funds are part of the recovery plan that comes within the context of the peace agreement as a package for women's and youth's economic empowerment. The Youth Fund aims to bring youth into economic growth and development, while the Women Fund provides subsidized credit for women-based enterprise development and capacity building for women entrepreneurs. The agreements provide a board for each funding body to oversee and manage the fund. The R-TGONU has yet to establish these bodies and allocate the funds to meet its purpose.

35

¹²⁷ Lusaka in July 2022 GIMA Summit Ms Jackline Nasiwa raised the challenges facing farmers emphasis conflicts causes displacement and, hence affecting farming.

¹²⁸ <u>https://www.acted.org/en/the-unspoken-resilience-of-rural-women-in-south-sudan/</u>

¹²⁹ <u>https://www.afdb.org/en/countries/east-africa/south-sudan/south-sudan-economic-outlook</u>

¹³⁰ Gender and Conflict Note- South Sudan- which reference is this...please write all the details so it is easier for the reader to get to the documents we have referenced.

¹³¹ World Bank Overview. 2022. <u>https://www.worldbank.org/en/country/southsudan/overview</u>

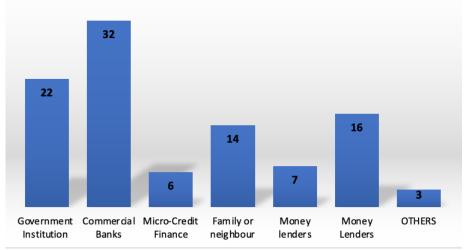
¹³² Article 4.15.1.5.

¹³³ Article 4.15.1.4.

3.3.3 Entrepreneurship, Private Sector and Banking

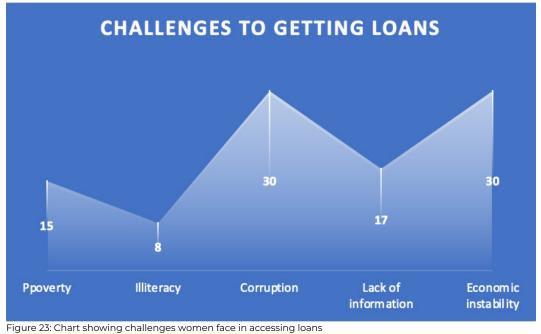
The South Sudan Economic Monitor February 2022 indicated that only 3 per cent of business firms could get loans from the banks for the past three years. Large businesses increased loans by 6 per cent, while 67 per cent could access loans from friends and families. By 2021, the loans for real estate increased to 103 per cent.¹³⁴ The International Finance Corporation (IFC) has trained banks to establish and expand their Medium and Small Micro-credit Enterprise SME banking services while maintaining or improving the quality of their portfolio. Implementing partners and donors are slowly

integrating the economic empowerment activities for women. The Village Saving Loans (VSL) village banking is popular among grassroots women. Although it remains a viable option for generating income for women, the amount of money received can empower women as investors. Still, it can also become a survivor's fund that brings food to the table and meets family needs. Banks also fear giving loans because of fragility in the country and ongoing insecurity due to conflicts.



Sources of Loan for Women

Figure 22: Chart showing women's access to loans



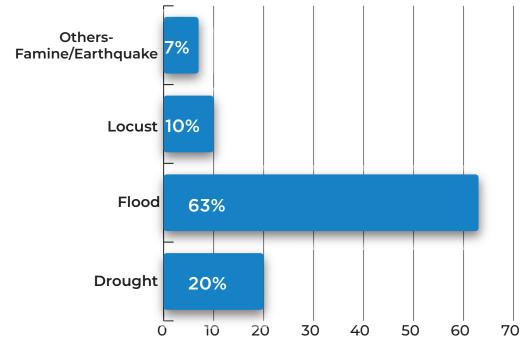
rigure 25. Chart showing chancinges women lace in accessing for

¹³⁴ South Sudan Economic Monitor 5th Edition February 2022.

3.4 Gender, Disaster Risk Reduction, Climate Change and Humanitarian Assistance

The South Sudan Humanitarian Needs Overview (2022) indicated that two-thirds of South Sudan's population, about 8.9 million, need humanitarian assistance.¹³⁵ This was due to an increase of some 474,000 refugees, 220,000 returnees and around 11,000 asylum seekers. Another 2 million South Sudanese are internally displaced.¹³⁶

Some parts of South Sudan have continued to experience serious floods since 2020, with an estimated 835 people severely affected in Jonglei, Unity Upper Nile and Warrap, Northern Bahrl El, Ghazal and Pibor Administrative area. In 2022 UNOCHA humanitarian overview 2021, an estimated 8.3 million people are expected to experience severe food insecurity from May to June, with 13 Counties highly affected. The report further noted that 2 million, including 1.3 million children under the age of 5 years and 676,000 pregnant and lactating mothers, are expected to suffer acute malnutrition in 2022.¹³⁷



Types of Disasters

Figure 24: Chart showing types of disasters

The UNOCHA South Sudan Hotspot Report 2021 estimated that about 809,000 people in 33 counties in eight States were affected by floods since May 2021. Specifically, Jonglei, Unity and Upper Nile States had more than 75 per cent of the people most affected by floods. The floods affected livelihood with crops being submerged in water, livestock drowning, and homes and schools being affected, causing further displacement of already displaced population from conflict and putting them at greater risk of waterborne diseases.¹³⁸ When respondents were asked if they ever experienced natural disasters, 85 per cent confirmed having experienced them.

¹³⁵ OCHA. 2022. "South Sudan Humanitarian Needs Overview 2022 (February 2022)."

https://reliefweb.int/report/south-sudan/south-sudan-humanitarian-needs-overview-2022-february-2022#:~:text=In%202022%2C%20 the%20humanitarian%20community,increase%20of%20600%2C000%20since%202021.

 ¹³⁶ UHNCR. 2024. "Refugees and Asylum Seekers from South Sudan." Accesson on 21 August 2024 Situation South Sudan (<u>unhcr.org</u>)
 ¹³⁷ OCHA. 2022. "South Sudan Humanitarian Needs Overview 2022 (February 2022)."

https://reliefweb.int/report/south-sudan/south-sudan-humanitarian-needs-overview-2022-february-2022#:~:text=In%202022%2C%20 the%20humanitarian%20community,increase%20of%20600%2C000%20since%202021. ¹³⁸ OCHA. 2021. "South Sudan Humanitarian Snapshot."

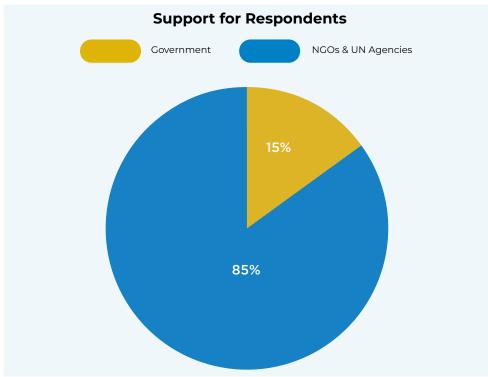


Figure 25: Chart showing support for respondents during the disaster

3.5 Civic Space and Media, Access to Information and Digitization

3.5.1 Civic Space and Media

Civic Space can be defined as a set of conditions enabling the active participation of an individual or group physically or online through organizing, protesting and speaking out on issues of governance in their community or society.¹³⁹ The UDHR¹⁴⁰ and African Charter on Human and Peoples Rights¹⁴¹ allow an individual the right to receive information, freedom to expression and opinion, freedom of association and peaceful assembly without being compelled or restricted through any media.

As amended, The TCSS provides the right to the freedom of expression, reception and dissemination of information, publication, and access to the press without prejudice to public order, safety or morals. It further calls for the different levels of government to guarantee the freedom of the press and media,¹⁴² the right to peaceful assembly and freedom of association, and the right to form or join political parties, associations, and professional unions that protect their interests.¹⁴³ The Local Government Act (2009) encourages the involvement of CBOs and communities in local governance on matters of interest to them, promoting civic education, socio-economic development and self-reliance.¹⁴⁴ About 53 per cent of the respondents, of whom 68 per cent were women, had freedom of speech. Civil society and women's groups have been actively advocating and speaking out on peace-building and political processes and participating in humanitarian interventions. However, there is limited data on the number of women lead organizations operating in the country. Gender disaggregated data is important not only for planning but also for ensuring that there are inter-sectional, inclusive, and evidence-based interventions, as noted by Alinane Kamlongera.145

¹⁴⁴ The Local Government Act (2009), Section 12.

¹⁴⁵ UN Women. 2022. "UN Women expands its work in gender statistics in South Sudan." <u>https://africa.UNWomen.org/en/stories/</u> <u>feature-story/2022/02/un-women-expands-its-work-in-gender-statistics-in-south-sudan</u>

¹³⁹ Global Human Rights <u>https://globalhumanrights.org/commentary/fund-101-what-is-civic-space/</u>

¹⁴⁰ UDHR Article 19-20.

¹⁴¹ ACHPR Article 9, 10 and 11.

¹⁴² Article 24 (1).

¹⁴³ Article 25.

Social media have grown in popularity in South Sudan, particularly Facebook, Twitter, WhatsApp and Instagram, which remain accessible mostly in major towns. Between 2018 and 2019, there was a significant increase in Facebook users, while Instagram users dropped by 3.8 per cent, and LinkedIn users increased by 7.4 per cent. By April 2019, Facebook had 214,201 users, making it the most popular social media. Instagram had 10.9 per cent, LinkedIn had 12.6 per cent, and Twitter and Snapchat had few users. A survey by Sudan Tribune in 2015 indicated the number of South Sudanese who used online media for access to information with a percentage ratio of 42 per cent using Sudan Tribune, 31 per cent using Eye radio, and 23 per cent using the BBC website. In 2018, Eye Radio, HotinJuba, Voice of America (VOA) and SBS Dinka were the most popular digital media services. Through Facebook, users can share videos, photos and updates within groups. For instance, the closed Facebook group Junubin was popular among South Sudanese, who shared and discussed news updates and developments in the country.¹⁴⁶

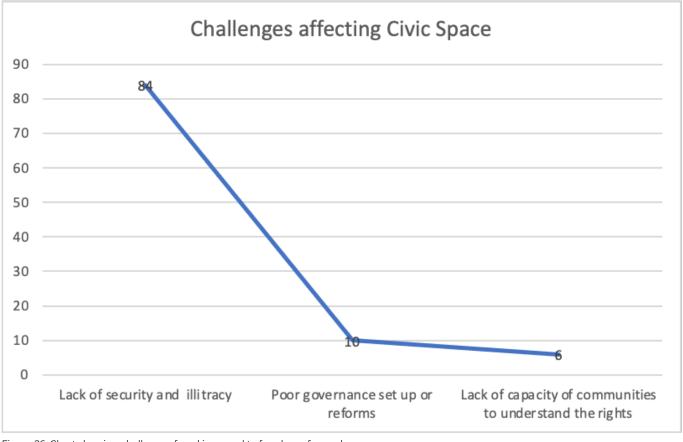


Figure 26: Chart showing challenges faced in regard to freedom of speech

3.5.2 Access to Information and Digitization

The International Telecommunication Unit (ITU) data estimated a 12 per cent Internet penetration in South Sudan in 2017, a drop from 17 per cent users in 2015. The survey indicated that Internet usage in the former Central Equatorial State was 23 per cent, while the national average was only 9 per cent of the population in 2015. The survey further indicated that among those with access, 53 per cent accessed the Internet at home, and 47 per cent accessed from the offices. The gender aggregated data of the study indicated that only 5 per cent of females, compared to 14 per cent of males, had internet access in five states. About 17 per cent of male youths used the Internet compared to female youth, at only 3 per cent.

¹⁴⁶ <u>https://medialandscapes.org/country/south-sudan/media/social-networks</u>

According to Data Portal (2019), the Internet penetration rate in South Sudan had grown by 0.5 per cent year on year between 2018 and 2019, with about 2.23 million users making about 17 per cent. According to Internet World Stats (2019), active social media users in South Sudan have grown by 21 per cent year on year between 2018 and 2019 and currently stand at 230,000, representing 1.8 per cent of the total population. Slightly more than 220,000 social media users access the networks from their mobile devices. These low levels of internet usage are attributed to low levels of education. Most users live in the capital, Juba, major towns and the diaspora. The Internews survey indicated that only 1 per cent of those with no education have ever used the Internet compared to 16 per cent of those with some level of education.

By January 2022, there were 1.25 million internet users in South Sudan, with a penetration of 10.9 per cent of the total population. Mobile Internet users represent 16 per cent of the population or 2.13 million users, meaning roughly 95 per cent of Internet users access it through mobile phones. An analysis by Kepios in 2021 showed an increase in internet users by 184,000, totaling 17.3 per cent between 2021-2022. However, this increase does not change the fact that South Sudan has the lowest access to the Internet.

3.6 Opportunities for Women's Equal Rights and Empowerment

- i. R-ACRSS and the 35 per cent quota: the provision of the 35 per cent affirmative action under the R-ACRSS as incorporated is an opportunity for women to lobby and advocate for gender equality.
- ii. The current efforts by the Ministry of Gender to develop the Affirmative Action bill provide more opportunity and assurance on regulating and enforcing the 35 per cent. South Sudan is committed to respecting women's rights and promoting gender equality by adopting the affirmative action quote of 35 per cent for women in public life and levels of government, initiating the Women Enterprise Fund and other economic recovery and empowerment programs, such as the Youth Enterprise Fund, Reconstruction Fund and the Compensation and Reparation Authority fund that are also beneficial to women. South Sudan also ratified international and regional policies and laws. It adopted gender-sensitive national laws, including the amended Bill of Rights in the Transitional Constitution of the Republic of South Sudan (2011).
- iii. Although South Sudan's domestic legislation is inconsistent, adopting international and regional legal instruments such as CEDAW, UDHR, UNSCR 1325, and ACHPR are important legislation promoting gender equality and the women peace and security agenda. The draft Anti-Gender Violence Bill and the Gender Equality and Affirmative Action Bill are processes that need to be supported to guarantee accountability and promote gender equity.
- iv. The current support to promoting the WPS agenda and the growth of women rights organizations and women lead organizations are vehicles for fostering gender equality and empowering women leaders. The current support by partners and donors in support of the Ministry of Gender, Child and Social Welfare to adopt a policy on mainstreaming gender and promoting women's participation at all institutions and levels of government offers an opportunity for policy and institutional reforms.
- v. Current legal and institutional reforms undertaken by the NCAC, MOJCA, and the R-TNLA to incorporate gender-sensitive approaches to reforms are opportunities to adopt gender-sensitive laws and reform institutions to comply with the affirmative action quota.
- vi. Existing awareness and advocacy efforts by UN, INGO, CSOs, and WLOs organizations, as well as networks of women rights activists and defenders, are some of the opportunities for mentoring young women and pushing for gender equity and women's protection.

3.7 Gaps and Challenges

3.7.1 Institutional Framework Gaps and Challenges

- There are two functional Safe Houses/shelters i. in Wau and Torit.¹⁴⁷ Leaving most survivors without protection, safety, stigma and trauma counseling, medical treatment and access to justice, especially at the grassroots with the increasing prevalence of SGBV.148 The Gender Units by the MGCSW lacks resources for effective implementation as the Ministry is underfunded. 'While allocating the national budget, the MGCSW receives the least funding.' decried the minister during the 2022 International Women's Day (IWD) in Juba. A report examining gender-based violence and women's rights abuses in Central Equatoria found that gender initiatives were not prioritized in budget allocations because they were viewed as the domain of international NGOs.¹⁴⁹
- ii. The GBV court is only accessible to women in the capital Juba. There is no support for referral pathways of cases from the local or county levels to this court, leaving most victims without access to justice. This court currently does not take cases of conflict related sexual violence (CRSV). The military court martial trial was conducted in Yei River County, yet there were CRSV cases in Bentiu, Upper Nile, Magwi, and Warrap State, where victims still yawned for justice. The Gender Desks established at the County courts lack logistics and communication with the State headquarters or institutions. For instance, in Terekeka County, in April 2022, the Gender Focal Point person had no transport to send an under-age survivor of 14 years to Juba for medical referral. As a result, this child got pregnant from the rape.

3.7.2 Legal and Policy Framework Gaps and Challenges

- i. The study established that South Sudan has progressed in domesticating international and regional/African Union instruments, but there is generally a lack of dissemination, implementation and enforcement. Speaking during the validation workshop, Dr. Angelina Bazugba from the National Transformational Leadership Institute at the University of Juba emphasized that 'the country has made some greater strides compared to other countries in the region, but the problem is the lack of implementation of these laws...if these laws are inaccessible then they cannot be implemented'.
- ii. CSOs, activists, and human rights defenders continue to advocate for adopting a family law and passing the Anti-GGV Bill for protection against SGBV,¹⁵¹ which has been in the Ministry of Justice for some years. South Sudanese women leaders and groups decry the lack of family law and Women's Empowerment to protect gender gains in the R-ARCSS and Constitution.¹⁵² For example, Mrs. Amer Manyok, a woman leader and peace activist, remarked that 'customary laws do not respect us (sic women)... our husbands put us in the corner, and we have no say ... our relatives also do not like it when we seek for divorce because of the heads of cattle paid.'153 Most women rights issues, such as the right to marry or found a family, wife inheritance, property ownership and divorce and child custody, were often treated as a private matter and referred to the jurisdiction of the customary courts under the traditional authorities that often discriminate against women and girls.

¹⁴⁷ Hon Aya Benjamin Minister of Gender Child and Social Welfare declared during International Women's Day in Juba, Nyakuron Cultural Centre (8th March 2022).

¹⁴⁸ UN. 2022. "UN News Global Perpective Human Stories." <u>https://news.un.org/en/story/2022/03/1114312</u>; UN. 2022. "South Sudan: Human Rights Violations in Unity State Committed With 'Impunity.'" <u>https://news.un.org/en/story/2022/09/1126091</u>

¹⁴⁹ Community Empowerment for Progress Organizatio (CEPO). 2011.

¹⁵⁰ UN Women. 2022. "Validation Workshop on the CGEP at Crown Hotel in Juba."

¹⁵¹ Women leaders and Consultant for the research met with the Speaker of the RTNLA on April 24, 2022, and questioned why the Maputo Protocol was not signed by the President.

 ¹⁵² <u>https://cityreviewss.com/parliament-to-retable-lost-maputo-protocol/</u>
 ¹⁵³ Ibid.

iii. This study found certain provisions in the laws contradicting women's rights and gender equality. For instance, Article 15 of the TCSS provides the right to find a family without defining the marriageable age. The word marriageable age is vague as most South Sudanese traditions allow for forced and early marriage. A participant at the validation workshop noted that 'much as customary courts are accessible and provide timely access to justice, the laws do not favour women.'¹⁵⁴ Although the NCAC has completed reviewing these laws and incorporated gender sensitive provisions, including the 35 per cent quota for women, the right to equal pay, the right to protections against SGBV and Sexual Harassment, equal opportunity in recruitment and substantiated with women's submission, these laws are yet to be adopted by the R-TNLA.

3.7.3 Customary Laws and Traditions Gaps and Challenges

- Although the TCSS provides for the protection i. of women against harmful customs and traditions; and the Local Government Act outlines the guiding principles for customary laws and non-discrimination on grounds of gender, race, age, creed or belief; or political, social economic, access to justice and adequate compensation to victims;155 in practice; the application of customary laws has proven discriminatory towards protection of the rights of women especially on matters of marriage, family, divorce, inheritance of land, property rights. Domestic disputes are frequently referred to customary courts for adjudication. A young man who paid heads of cattle during his marriage proudly stated, 'I paid lots of cows to my wife, and she must obey my orders as the husband without questioning my authority... she needs to serve me food when I want and bring my water for bathing.¹⁵⁶
- Rape in marriage is not considered an offense, although the penal code defines marriage as the consent between a man and a woman.

The TCSS is silent on the marriageable age and deferred the age of marriage to be defined within the context of each family practice. The customs and traditions of South Sudan require payment of the bride price before cementing or legalizing any marriage. Although the size and form vary from one community to the other, the practice has become commercial as poverty rages the communities, with relatives and families taking advantage of the girl child as a source of income. The high cost of bride price has impacted and promoted a drive towards early and forced marriage in most societies, especially among cattle-keeping communities.

- iii. Cultures also do not allow for family planning, and often, women hide while taking family planning contraceptives. In Torit, one of the FGD participants noted that once a teenage girl gets pregnant, she is sent to the boy's home for marriage. It is important to note that family planning methods are seen as taboo and against culture. At the same time, safe abortion remains illegal because a woman is to be giving birth based on tradition. Fainess Mwenechanya of UNFPA noted that men could decide when to have sex, when to have kids, and how many kids to have, but the women have no say in that decision. She further pointed out the misconception, stiff resistance and widespread rumors about contraceptives by most men who opposed family planning.¹⁵⁷
- iv. Women's rights to land and property are also limited because, in most traditions and practices, the heirs are male as women are considered married off to another clan, and the fear of them taking family wealth outside could not allow them to own property at their paternal homes. Yet also in their matrimonial homes, women are considered alien with fewer rights to own or inherit property, have custody of their children and make decisions in the family or the community.
- v. Customary law significantly impacts women's legal status and is often inconsistent with the statutory law's provisions in the Constitution.¹⁵⁸

¹⁵⁷ https://www.unfpa.org/news/south-sudan-opposition-family-planning-exacerbates-reproductive-health-needs
 ¹⁵⁸ http://documents1.worldbank.org/curated/en/894771468302992425/pdf/862930BRI0Box30a0DissNoteSouthSudan.pdf

¹⁵⁴ Ibid.

¹⁵⁵ Ibid 24 Section 98(3).

 $^{^{\}rm 156}$ April 2022 Key Interview with youth in Langbar ECS church in Bor Town

The ambiguity in defining customary laws in relation to women's rights has significantly resulted in early and forced marriage, and perpetrators or abusers remain free. Most women and girls experienced this violence for the first time below the age of 18 years.¹⁵⁹ The majority of the SGBV cases also happen in rural communities where awareness raising has not been reached, and cultural practices and norms are strong, especially the culture of girl compensation for crimes committed by male relatives. Society tends to overlook the protection of women against sexual violence perpetrated under customary practice, hence promoting impunity towards early or forced marriages. For instance, cases of early and forced marriages have been reported in Aweil, where an underage girl of 17 years was auctioned for marriage to a man of 50 years, and the government took no action to condemn such marriage of an underage child.¹⁶⁰ In 2019, in Lakes State, an 18 year old girl was killed by her brothers for refusing to marry against the choice of the family,¹⁶¹ while in Eastern, more cases of forced marriages of school-going girls were reported in Kapoeta in Eastern Equatoria State, where parents were reported to have picked their girls off from school and marry them away.¹⁶²

3.7.4 Women's Rights and Equal Participation Gaps and Challenges

Although most respondents, about 87 per cent, had knowledge or heard of the 35 per cent affirmative action quota for women, 71 per cent noted there was no proper representation of the affirmative action quota. In an FGD Torit, participants noted women are not participating in politics and governance because most women do not inherit or own property, lack adequate skills in advocacy lobbying, lack strong collective voices and lack self-esteem and confidence among women to pursue leadership and rights.

3.7.5 Armed Conflict and Violence Against Women and Access to Justice Gaps and Challenges

- i. The 2022 Court had 55 cases for trial, but only 21 showed up, and 15 were discharged.¹⁶³ The court did not meet the expected number of cases because the accused person either failed to appear or could not be traced, the victim lacked medical evidence, form 8 and was sick and could not stand before the trial. One of the victims died, but the relatives had no death certificate to be produced before the court as evidence.¹⁶⁴ Some of the victims refused to appear before the trial, citing the reprisal attached by the perpetrators.
- The protection of women and access to justice ii. remains a challenge due to the lack of policy or mechanism for protecting victims and witnesses against perpetrators. Domestic violence is often treated as a private and family issue that requires family intervention, yet women do not have a say in society and the family. The head of Prison in Juba in an August fourth event on 'Multi-stakeholder Dialogue on Conflict Related Sexual Violence Against Women and Girls in South Sudan: 'What Next on The Report of the Human Rights Council for South Sudan Recommendations: The South Sudan Action Plan for Armed Forces in Addressing CRSV in South Sudan'¹⁶⁵ highlighted challenges facing in holding sentencing of perpetrators such, as interference by military and relatives who often demand that the accused be released before complete jail term and also before paying compensation for victims.

¹⁵⁹ Ibid.

¹⁶⁰ <u>https://www.dw.com/en/ssudan-auction-of-child-bride-sparks-outrage/a-46457117</u> .

¹⁶¹ https://www.independent.co.uk/news/world/africa/south-sudan-girl-killed-forced-marriage-cows-nyaluk-magorok-a8891166.html ¹⁶² https://radiotamazuj.org/en/news/article/several-parents-in-south-sudan-s-kapoeta-State-admit-early-and-forced-marriagesare-obstacles-to-girls-education

 ¹⁶³ <u>https://onecitizendaily.com/index.php/2022/05/11/over-40-to-appear-before-military-court-martial/</u>
 ¹⁶⁴ Ibid., 73.

¹⁶⁵ UNCHR. 2022. "UN Experts Conclude Discussions in South Sudan on Conflict-related Sexual Violence." On 4 August 2022 in Juba, human rights commission for South Sudan, Yesmin Sooka presented report of conflict related sexual violence in panel discussion with South Sudanese key institutions,UN and government officials: CSOS; <u>https://www.ohchr.org/en/press-releases/2022/08/</u> un-experts-conclude-discussions-south-sudan-conflict-related-sexual-violence

Other challenges impacting women's access to justice included the prevalence of conflict and communal violence, causing displacement and increasing risk of sexual violence and poverty, fear of reporting by victims due to fear of reprisal, stigma, lack of referral pathways, and accountability against perpetrators. For instance, the victims of Terraine had appealed to the Supreme Court since then but have not yet heard¹⁶⁶ unjust compensation,¹⁶⁷ while the Kubi case on rape victims in Juba has not gone further.¹⁶⁸ Victims demanded assurance that such acts wouldn't happen again and that perpetrators were held accountable.¹⁶⁹ The study found that SGBV victims face challenges at the community level, with 49 per cent pointing at insecurity, 27 per cent fearing lack of protection, and the rest noted inadequate support, impunity and trauma as problems facing victims. The research also found other forms of SGBV faced by communities. 47 per cent of respondents cited physical violence, 39 per cent mentioned early and forced marriages, 8 per cent indicated psycho-social and emotional violence, and 6 per cent indicated restriction of freedom of speech as challenges affecting women.

3.7.6 Sexual and Gender-Based Violence and Access to Justice Gaps and Challenges

 Women's roles are largely domesticated around taking care of the family's needs and childcare, and they are unpaid. During this study, a community leader from Bor noted that 'I can't allow my family to die of hunger when their sister can be married, and we get food on our table... I don't have any source of income as my cows were stolen during cattle raiding'.¹⁷⁰ Another participant noted that they had no source of income as his cows were stolen during cattle raiding, so we had to marry our daughters to survive.¹⁷¹ This attitude generates a sense of entitlement and ownership against girls and women bodies, leading to domestic and gender-based violence against women since women could not have a say for fear of the return of the bride price and shaming or shaming the family. In Ganyiel, young boys expressed that 'We can only marry when we have cows... when our sisters are married, then we can marry... we use our sisters' bride price to pay a dowry for our wives.'172 This practice can no longer be seen as a source of pride to the family but can be termed as abusive and forcing force young girls into marriage or abusive relations against their will.

- Patriarchy is deeply rooted in that the South Sudanese society excludes women in the decision-making of the family. This practice has defined and shaped politics, governance, and social relations, where women's decisions are often undermined.¹⁷³
- iii. Hold violators of women's rights accountable. Strengthen the SGBV and review the mandate to include conflict related sexual violence. Streamline access to justice for women and girls at all levels through free legal aid provision and legal representation.

¹⁶⁶ <u>https://ss.usembassy.gov/statement-by-u-s-embassy-juba-spokesperson-terrain-hotel-verdict/</u>

 ¹⁶⁷ BBC Africa. 2018. "South Sudan Soldiers Jailed for Rape and Murder." <u>https://www.bbc.com/news/world-africa-45432454</u>
 ¹⁶⁸ <u>https://www.eyeradio.org/victims-rape-juba-identify-suspects-domic/</u>

¹⁶⁹ Associated Press. 2021. "Rare South Sudan Soldiers' Rape Conviction Raises Hopes for Justice." Michael Machar head of miliatry-civilian relations in Central Equatoria apologized for rape of women in Yei by the military.<u>https://www.voanews.com/a/</u> <u>africa_rare-south-sudan-soldiers-rape-conviction-raises-hopes-justice/6200763.html</u>

¹⁷⁰ Key informant interview with local chief at Ariop-Bor town in May 2022.

¹⁷¹ Ibid., 33.

 $^{^{\}scriptscriptstyle 172}$ Key Interview with teachers and students in Ganyiel town in September 2021

http://documentsl.worldbank.org/curated/en/894771468302992425/pdf/862930BRI0Box30a0DissNoteSouthSudan.pdf Accessed on 15/09/2022.

¹⁷³ http://documents1.worldbank.org/curated/en/894771468302992425/pdf/862930BRI0Box30a0DissNoteSouthSudan.pdf Accessed on 15/09/2022.

3.7.7 Women, Education and Literacy Gaps and Challenges

- i. According to the Ministry of General Education and Instruction (MoGEI) Strategic Plan 2017-2022 report, post-primary Technical and Vocational Education and Training (TVET) had proven an option for curbing illiteracy rate, offering education for school dropouts and the youth. However, this training often does not meet the requirements of the business market and the needs of the young people.
- ii. The MoGEI report indicates the lack of coordination between relevant Ministries in building synergies around TVET and a strong, cohesive policy and programming approach. The MoGEI report 2015 stated that there were 26 centers and six secondary TVET schools (public and private) that enrolled a total of 4,722 students. However, this data was not aggregated on gender.¹⁷⁴ The school enrolment for girls to boys is only 28 girls to 100 boys.
- iii. There is more enrolment in government-funded schools than in Private schools, with about 67 per cent of which 43 per cent were girls. Female enrollment accounted for 22 per cent of total enrollment in public universities and 48 per cent in private institutions in 2015. The Ministry also introduced the Girls' Education South Sudan (GESS) to support girls' education through school bursaries. The EU Impact project supplemented the monthly salaries of USD 40/month for up to 30,000 primary teachers and head teachers and DFID cash transfer to support girls from Primary five to senior four through S4 and regularly attending school, reaching approximately 127,000 girls in 2015.175 However, the 2022/2023 national budget shows a great shift with an increase in the budget for education. The 2022/2023 indicated that out of the proposed budget of 1.3 trillion

SSP, 107.8 billion was allocated for education, a substantive increase for the sector for the first time. $^{176}\,$

iv. It should be noted that although progress is made on girls' enrolment in schools, girls remain under-represented. The 2017-2022 MoGEI Strategic Plan indicated a decline in girls' enrolment. For instance, about 48 per cent of girls stop at the secondary level, while only 22 per cent enroll at the university level. In 2015, most students enrolled in public universities (41 per cent) registered in social sciences and related studies, while 14 per cent of students registered for courses in agriculture and 11 per cent registered in health and social welfare. Science and technology courses attracted a limited number of students, with only 11 per cent of those who enrolled 688 participating.

Female students tended to enroll in humanities, art, social sciences, and health and welfare courses. The 2016 South Sudan Education Sector Analysis, Planning Resilience indicated the ratio of girls to boys enrolment per course as follows:

- v. The enrollment rates for girls are lower than for boys at all grades. There is also a gap between the urban and the rural. A study of 490 people recorded that 64 per cent of women and 38 per cent of men have never attended school.¹⁷⁷ The leading cause of lack of education for girls is early marriage, while for boys, it is the high cost of school fees. In 2013, about 45 per cent of girls were married before age 18.¹⁷⁸ In 2015, education courses attracted barely 380 students, a low number given the high teacher demand.¹⁷⁹
- vi. Respondents were asked if, in their view, more women were educated than men in their communities. About 80 per cent agreed that women were less educated than men. Respondents cited poverty, early and forced marriages, insecurity, negative cultures,

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¹⁷⁴ General Education Strategic Plan (2017-2022).

¹⁷⁵ https://www.sssams.org/

¹⁷⁶ ROSS, Ministry of Education and General Instruction. 2022. "Education Sector Gets Increased Budget for the First Time." <u>https://</u> www.eyeradio.org/education-sector-gets-increased-budget-for-the-first-time/

¹⁷⁷ World Bank Report South Sudan 2019 which World Bank report? Fuller details

¹⁷⁸ South Sudan General Education Strategic Plan (2017-2022).

¹⁷⁹ Country Fact Sheet. 2016. "South Sudan Education." <u>http://haliaccess.org/wp-content/uploads/2018/05/SOUTH-SUDAN-EDUCATION-1.pdf</u>

discrimination, lack of support and far distance to schools as factors hindering women and girls from accessing education. This confirms the analysis of the South Sudan Education Sector Analysis 2016, Planning Resilience.

3.7.8 Health, Diseases and Covid-19 Pandemic Gaps and Challenges

- i. 61 per cent of the respondents lack knowledge about government programs, policies, and laws regarding women's access to health, while 39 per cent are aware of policies, programs, and laws. Of the 81 per cent of those knowledgeable of the policies, programs, and laws on family planning policy, 12 per cent mentioned the national health policy 2016-2025, while 8 per cent know of the government policy on immunization or vaccination.
- ii. Respondents were asked about health facilities for women in their communities. About 76 per cent noted a lack of health facilities for women in their community, while only 24 per cent indicated the presence of health facilities. According to respondents, these facilities include private clinics, military health centres and maternity health units run by INGOs in order of ranking primary health units. The UNOCHA report for 2020 shows that there were 1,900 medical centers as of 2017. At the time of the study, there was only one women's hospital in Juba.
- iii. The COVID-19 pandemic also impacted negatively on women's access to sexual and reproductive health and rights (SRHR) services. According to an African Union (AU)-led assessment¹⁸⁰ on the impact of Covid-19 on Sexual and Reproductive Health and Rights (SRHR) indicated that nearly 50 per cent of respondents who needed care missed or delayed accessing health services, another 50 per cent indicated difficulty accessing medication, while a quarter attributed missed services to worrying about catching COVID-19 as a result of traveling to their destinations, or directly from the health facility. The chart shows women's health challenges.

3.7.9 Livelihood, Agriculture and Food Security Gaps and Challenges

- i. Although the Bill of Rights under TCSS article 16 (5) and the Land Act (2009)¹⁸¹ provide for equal rights to acquire or own land and allow women the right to own or inherit property, women still face challenges at the family and society level to own land. Customary laws that do not recognize women's rights to land ownership and inheritance make it hard for them to access productive assets and knowledge.¹⁸²
- Most rural women face challenges registering their land as the majority do not have the required legal documents such, as national ID for registration or marriage certificate in case of matrimonial property. In practice, customary law focuses on ensuring property remains within families.¹⁸³
- iii. Women often risk losing everything, including land, in the event of divorce or the death of a spouse, according to FGDs in Juba. Women noted that the deceased's property remains within the deceased husband's family and is generally dispersed among his male relatives. Many South Sudanese cultures favour the male child, and a girl or women is treated as an alien in the birth home or her marriage place.
- iv. Respondents noted that VSL does not grow as they struggled between family needs and savings. The respondents indicated the contributions had not improved the economic status of women.

3.7.10 Economic Empowerment and Entrepreneurship Gaps and Challenges

i. Most women face economic challenges and could not fight for their rights. Pursuing access to justice requires money for transport, court fees and legal representation, yet most women cannot afford it. Women run most market vendors and small-scale businesses, and their priority is to bring food to the table, care for their children, and attend free meetings or workshops in politics and governance. Women prefer to be doing things for daily survival and see forums that speak about leadership, politics

¹⁸⁰ PERC. 2020. "Responding to COVID-19 in Africa: Using Data to Find a Balance."

¹⁸¹ Section 5(b).

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¹⁸² JICA South Sudan country Profile please write the full details.¹⁸³ Validation of IOM research 202.

and human rights as less priority. One respondent from Bor asked, 'How can I talk about my rights when I am hungry? We need food.'¹⁸⁴ Poverty has affected women's rights advocacy, promotion, and protection. For instance, in Juba, one respondent who was the father of an underage survivor of rape opted for the marriage of the daughter to the accused, who was also a minor, to avoid taking responsibility for another person's baby.¹⁸⁵

ii. The study indicated that 58 per cent of the respondents are unaware of the Women Enterprise Fund, Youth Enterprise Fund, and the Reconstruction Fund, and only 42 per cent are aware of these existing opportunities for women's economic empowerment. 66 per cent of respondents are aware of other policies, while 34 per cent do not know any other policies. Respondents indicated that other policies that empower women include gender quotas (54 per cent), the Child Act (30 per cent), and the rest (16 per cent), which are aware of UNSCR 1325.

3.7.11 Gender, Disaster Risk Reduction, Climate Change and Humanitarian Assistance Gaps and Challenges

- i. Limited Access to Resources and Support for Women: Despite women constituting a significant portion of the displaced population, systemic barriers are preventing them from accessing necessary resources, such as financial assistance and healthcare. As illustrated in the chart, the challenges they face in accessing loans reflect a broader issue of gender inequality that hampers women's ability to recover and rebuild their livelihoods post-disaster.
- ii. Inadequate Disaster Preparedness and Response Mechanisms: The recurring flooding and its impact on livelihoods highlight a serious gap in disaster preparedness and response strategies. Current measures may not adequately address communities' specific vulnerabilities the specific vulnerabilities faced by

communities, particularly those most affected in Jonglei, Unity, and Upper Nile, resulting in repeated cycles of displacement and food insecurity.

- iii. Insufficient Health and Nutritional Support: With projections indicating a high number of individuals, particularly children and pregnant or lactating women, facing acute malnutrition, there is a critical challenge in ensuring sufficient healthcare and nutritional support is available in the wake of climate-induced disasters. This underscores the need to prioritize health services and nutritional programs in disaster-stricken areas.
- iv. Long Distances to Access Water: Mothers, pregnant women, and children are often required to walk long distances to fetch water, which poses significant health risks, including dehydration and fatigue. This burden disproportionately affects women, who already face numerous responsibilities in caring for their families, and can lead to increased vulnerability and stress, particularly during crises.
- v. Pollution of Water Sources Due to Flooding: The severe flooding in South Sudan has led to the contamination of vital water sources, exacerbating public health concerns and increasing the risk of waterborne diseases. The pollution of these water resources directly affects the availability of safe drinking water for mothers, pregnant women, and young children, compounding the challenges they face in ensuring their families' health and well-being.
- vi. Limited Data and Understanding of Gendered Impact: The data presented reflects the overall humanitarian crisis but lacks a nuanced understanding of the specific gendered impacts of climate change and disasters on affected populations. This gap limits the ability to tailor interventions that address the unique needs of different demographic groups, hindering the effectiveness of disaster risk reduction strategies and humanitarian assistance programs.

¹⁸⁴ Key Informant Interview-19, Bor 16 May 2022.

¹⁸⁵ Key Informant Interview-15, Juba 20 June 2022.

3.7.12 Civic Space and Media Gaps and Challenges

- Since the 2013 crisis, the civic space in South i. Sudan has become restricted by National Security, SSRC, and other government agents requiring approval and security clearance for any activity that brings more than 10 people. Women's activities and programs are also affected.¹⁸⁶ The shrinking civic space affects the ability of WLOs to advocate on issues that affect them, including politics, governance, human rights and sexual and gender-based violence. Respondents cited as less risky, speaking about women's rights, the 35 per cent affirmative action, illiteracy and personal decisions. About 37 per cent of respondents indicated their freedom of speech was restricted.
- ii. Most women led organizations (WLOs) face challenges during registration because of the required amount and the legal requirements before registering as a local CBO or NGO. WLOs face sustainability challenges due to a lack of capacity and sustained sources of fund-raising strategies.

3.7.13 Access to Information and Digitization Gaps and Challenges

- i. Although social media platforms remain information for sharing news, interactions and civic engagement, during the 2013 crisis, social media tools were used to escalate or de-escalate conflicts. A 2016 UN report on freedom of opinion and expression in South Sudan indicated the negative role of media in fueling conflicts.
- ii. The government censored the most popular online media, which could only be accessed outside the country, making it hard for digital reporting and restricting access to balanced information and effective journalism. These censored media included Sudan Tribune, Gurtong Trust and Radio Tamazuj.
- iii. Despite being rated as the country with the lowest Internet in the East African Region, South Sudan's internet connection faces the challenge of interruption, which officials describe as technical problems. These interruptions often affect access to Facebook, WhatsApp, Twitter and other online applications and sites. Many users said they could only access those sites after using virtual private networks (VPNs), which only a few know.

¹⁸⁶ SRRC order of April 7, 2022, calling all NGOs and CSOs to share training plans and have SRRC staff attend such training.

CHAPTER FOUR: CONCLUSIONS

This Country Gender Equality Profile has brought out respondents' views on key gender issues and offers recommendations that inform policymakers, activists, humanitarian workers and the government. It is important that at every stage of programming, gender considerations must be made, and the inclusion of women in project implementation remains key. Leaving out women does not affect women's rights, but it is bound to fail because women are the first respondents and actors in society. The Ministry of Gender, Child and Social Welfare remains a critical institution in mainstreaming gender, promoting women's leadership and building capacities, and it needs to be supported to meet these goals and aspirations of respondents, as seen in the suggestions moving forward. The following are conclusions for specific themes covered in this document.

4.1 Institutional, Legal and Policy Framework

4.1.1 Institutional Framework

The Ministry of Gender, Child and Social Welfare (MGCSW) in South Sudan is vital for advancing gender equality and women's empowerment by spearheading initiatives outlined in key policies such as the National Gender Policy and Strategic Plan 2013-2018. These initiatives aim to create an equitable society where both men and women can thrive, particularly focusing on vulnerable populations, including persons with disabilities and children at risk of violence and abuse. To bolster these efforts, the MGCSW is drafting essential legislation, such as the Women's Empowerment Bill and the Anti-Gender-Based Violence Bill 2022, which seek to ensure women's representation and safeguard against violence. The establishment of gender units across various government agencies signifies a commitment to integrating gender considerations into policymaking and resource allocation.

4.1.2 Legal and Policy Framework

South Sudan's legal landscape, anchored by the Transitional Constitution (TCSS), promotes gender equality and women's rights, particularly through enshrining a 35 per cent gender quota for women's representation in governance. The Constitution, alongside other critical legislation like the Child Act 2008, aims to eradicate discriminatory customs and reinforce women's property rights. Furthermore, various national and regional initiatives such as the National Gender Policy, the National Action Plan on Women, Peace, and Security, and the adoption of international frameworks like CEDAW illustrate a robust legal commitment to fostering gender equity. Despite this framework, public awareness of these laws is insufficient, as survey results indicate limited knowledge among citizens about pertinent legal instruments and their implications for women's rights.

4.1.3 Customary Laws and Traditions

Customary laws in South Sudan play a critical role in the country's judicial landscape, often overshadowing statutory laws due to their unwritten and adaptable nature across various ethnic groups. Recognized in the Transitional Constitution, these laws function alongside formal legal systems, primarily administered by traditional chiefs who, predominantly male, influence decisions that affect women's rights. While these laws aim to maintain reconciliation and community harmony, they often perpetuate gender inequalities, particularly affecting women's autonomy in family and societal matters. The intersection of customary and statutory law facilitates a complex legal environment where women frequently face systemic barriers due to the patriarchal structures inherent in traditional leadership.

4.1.4 Women's Rights and Equal Participation

Women in South Sudan continue to navigate a fragile legal environment regarding human rights and gender equality, where national frameworks like the Transitional Constitution provide theoretical protections yet often fall short in practice. The inclusion of a 35 per cent quota for women's representation in governance marks a significant stride. Still, participation rates frequently lag, particularly at local levels where power-sharing arrangements remain ambiguous. Notably, women have occupied significant positions of influence, such as vice president and senior leadership roles in the national assembly. Yet, persistent barriers related to cultural and customary practices hinder broader engagement and effective representation of women's interests across the governance spectrum.

4.1.5 Armed Conflict and Violence Against Women and Access to Justice

The persistent violence against women in South Sudan, exacerbated by armed conflict, remains a pressing issue, attracting both national and international attention. Despite the establishment of military courts for prosecuting human rights abuses, including sexual violence against women, challenges such as lack of victim protection and inadequate compensation mechanisms significantly undermine justice. The Revitalized Agreement on the Resolution of Conflict (R-ACRSS) aims to address these concerns; however, its implementation has been sluggish, and ongoing conflict continues to thwart efforts toward reconciliation. Enhancements in judicial efficiency and accountability, alongside community support systems, are essential for restoring trust in legal frameworks and ensuring meaningful access to justice for survivors of gender-based violence.

4.1.6 Sexual and Gender-Based Violence and Access to Justice

Sexual and gender-based violence (SGBV) is embedded in the sociocultural fabric of South Sudan, manifesting through practices such as early and forced marriages. Despite legal prohibitions, gaps in enforcement and cultural acceptance of such practices contribute to a high prevalence of violence against women and girls. The COVID-19 Pandemic further exacerbated these issues, revealing systemic shortcomings in response mechanisms and highlighting the urgent need for comprehensive legal reforms. Access to justice remains obstructed, with many victims reluctant to report due to fear, perceived ineffectiveness of the legal system, or cultural stigma. Enhanced government commitment, community awareness, and empowerment efforts are crucial to combatting SGBV and ensuring the rights of women and girls in South Sudan.

4.2 Human and Capital Development, Education, Skills Development and Training, Health and Diseases

4.2.1 Women, Education and Literacy

Education in South Sudan is enshrined as a fundamental right in the Transitional Constitution, emphasizing the government's obligation to provide access to education without discrimination. Despite this, the country faces significant educational challenges, as evidenced by the low adult literacy rate of just 34.52 per cent, with women being particularly disadvantaged—only 28.86 per cent of females are literate compared to 40.26 per cent of males. The South Sudan General Education Act of 2012 aims to remedy past discriminatory practices through affirmative action, yet practical implementation has been slow, with many girls never receiving formal education. While enrolment in primary education has somewhat increased, the progress in secondary school enrolment remains minimal, highlighting ongoing gender disparities and the need for stronger government commitment and adequate resources to improve educational access for women.

4.2.2 Health, Diseases and Covid-19 Pandemic

The health crisis in South Sudan has worsened due to ongoing conflict and insecurity, leading to some of the poorest health outcomes globally, including high maternal and infant mortality rates. The Transitional Constitution establishes the right to health, and the National Health Policy 2016-2026 aims to reconfigure the health service delivery system; however, the reality is marred by severe shortages of healthcare professionals and resources, compounded by low pay and frequent strikes among medical staff. The ongoing COVID-19 pandemic has further strained the fragile health system, as various crises have limited effective management of the virus and increased the burden on women, who often serve as primary caregivers. Despite widespread awareness of COVID-19, support for affected populations has been insufficient. This underscores the need for a more robust response from the government and international partners to improve health outcomes and services nationwide.

4.3.1 Livelihood, Agriculture and Food Security

South Sudan remains entrenched in a severe humanitarian crisis, with approximately 8.9 million people-two-thirds of the population-requiring humanitarian assistance as of 2022. Despite its rich natural resources and fertile lands, South Sudan produces only about half of its cereal requirements, relying heavily on food aid and imports to meet the needs of its population. Women, who constitute 60.2 per cent of the agricultural labor force, face significant barriers to accessing productive resources and technical support, primarily due to low literacy rates and cultural norms that limit their roles. Ongoing conflict and displacement further exacerbate the challenges faced by women in agriculture, impeding their ability to cultivate land and contribute to food security effectively. Although the Land Act prohibits discrimination in land ownership, practical challenges persist, hindering women's access to land and agricultural opportunities.

4.3.2 Economic Empowerment and Entrepreneurship

South Sudan's economy heavily depends on oil, which accounts for 90 per cent of government revenue and a significant portion of GDP. However, the drop in oil prices, coupled with ongoing insecurity and natural disasters like flooding, has contributed to a dire economic situation. Agriculture plays a crucial role, representing 15 per cent of GDP and providing 78 per cent of employment; nevertheless, economic opportunities remain limited. Women significantly contribute to the informal economy, often being the primary vendors in local markets. The introduction of the Women Enterprise Development Fund and Youth Enterprise Fund, as outlined in the Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS), aims to enhance economic empowerment for women and youth. However, the government's failure to establish management structures for these funds has hindered their intended impact on economic growth and empowerment.

4.3.3 Entrepreneurship, Private Sector and Banking

Access to finance remains a significant barrier for entrepreneurs in South Sudan, with only 3 per cent of businesses able to secure bank loans over the past three years. While many entrepreneurs rely on informal loans from family and friends, the banking sector has seen a gradual uptick in real estate loans. The International Finance Corporation (IFC) has initiated measures to improve banking services for small and medium enterprises; however, challenges persist in effectively integrating women into entrepreneurship programs. Although Village Savings and Loans (VSL) schemes have gained popularity among grassroots women as a source of income, they often serve as survival funds rather than empowering investments. The fragility of the economic environment and ongoing security issues deter banks from extending loans, further restricting women's economic mobility and entrepreneurship.

4.4 Gender, Disaster Risk Reduction, Climate Change, and Humanitarian Assistance

The 2022 Humanitarian Needs Overview for South Sudan reveals a critical situation affecting about 8.9 million people, an increase of 600,000 from the previous year, driven by ongoing conflict and the internal displacement of nearly 2 million individuals, 55 per cent of whom are women. Severe flooding since 2020 has had a devastating impact on communities in Jonglei, Unity, and Upper Nile, worsening food insecurity projected to affect 8.3 million people, particularly harming children and pregnant or lactating women who are highly vulnerable to acute malnutrition. The flooding has destroyed livelihoods, inundated crops, drowned livestock, and damaged infrastructure, thus compounding health risks, including waterborne diseases. With most individuals reporting experiences with natural disasters, the situation highlights the urgent need for disaster risk reduction strategies that specifically address the needs of women and other vulnerable groups to enhance resilience and facilitate recovery.

4.5 Civic Space and Media

Civic space in South Sudan is characterized by legal frameworks that endorse the rights to freedom of expression, access to information, and peaceful assembly, as outlined by international agreements such as the Universal Declaration of Human Rights and the African Charter. The Transitional Constitution of South Sudan (TCSS) reaffirms these rights, emphasizing the role of various levels of government in facilitating civic engagement and supporting civil society organizations. Despite this legal backing, the active participation of citizens remains limited, particularly among women, as evidenced by only 53 per cent of respondents reporting freedom of speech. Additionally, while civil society and women's groups engage in advocacy and humanitarian interventions, there is a notable lack of comprehensive data on women-led organizations. This hampers evidence-based interventions and highlights the need for gender-disaggregated data in civic engagement efforts. Social media platforms, especially Facebook and WhatsApp, have become crucial for information sharing and discussions among South Sudanese, indicating a growing, albeit constrained, digital civic space.

4.5.1 Access to Information and Digitization

Access to information and digitization in South Sudan remains limited, with internet penetration rates significantly low compared to international standards. Data from the International Telecommunication Union revealed only a 12 per cent internet penetration rate in 2017, reflecting a drop from previous years. The gender gap in internet access is stark, with only 5 per cent of women compared to 14 per cent of men having internet access in several states. While internet users have gradually increased, reaching approximately 1.25 million by January 2022, access primarily occurs in urban areas and among educated individuals. The predominant use of mobile devices for internet connectivity highlights both the potential for growth and the challenges that arise from low educational attainment, as evidenced by the Internews survey, which shows vast disparities in internet usage based on educational background. Despite improvements in social media engagement, South Sudan continues to grapple with some of the lowest internet access rates globally, underscoring the need for initiatives to enhance digital literacy and infrastructure.

4.6 Opportunities for Women's Equal Rights and Empowerment

The conclusion highlights several key opportunities for advancing women's equal rights and empowerment in South Sudan. The inclusion of a 35 per cent affirmative action provision under the Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ACRSS), alongside the Ministry of Gender's efforts to develop an Affirmative Action bill, demonstrates a commitment to promoting gender equality and women's rights. The government's initiation of various economic recovery programs, such as the Women Enterprise Fund, indicates further support for female empowerment. While challenges remain due to inconsistencies in domestic legislation, international and regional legal frameworks, including CEDAW and UNSCR 1325, provide a foundation for accountability and gender equity. Additional support for women's rights organizations and active partnerships with donors and civil society are crucial for fostering the Women, Peace and Security (WPS) agenda and driving institutional reforms. By leveraging existing awareness and advocacy networks, South Sudan can create an environment conducive to mentoring young women and strengthening their roles in leadership and governance.

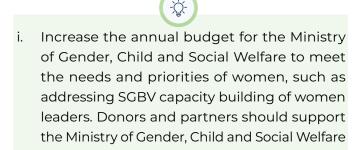
5.1 Institutional, Legal and Policy Framework

5.1.1 Institutional Framework



- i. Engender the national budget with special funds to support the SGBV responses and support survivors. Specific funding should be allocated to the MGCSW, Law Enforcement Agents, SSPDF and County Authorities to support survivors and streamline the referral pathways.
- ii. Expand the services of the SGBV to the States and local levels through training, institutional and capacity strengthening of the judiciary and judges as the first responders; and provide economic empowerment programmes to survivors. The GBV and Juvenile Court should be open for trials of CRSV perpetrators instead of referring these cases to one-off trials, normally lasting for a month with no limited or no appeal process.
- iii. Increase the number of One Stop Centers at each County level; the Special Protection Units in each local police Station at the Payam and County levels and have regional Safe Houses in each State with strong communication support and referral pathways for effective preventive and response measures against GBV.

5.1.2 Legal and Policy Framework



on joint projects towards women's economic empowerment, awareness raising, and mainstreaming gender.

- ii. It was recommended that the Ministry of Justice and Constitutional Affairs and the R-TNLA Expedite the adoption, enactment and dissemination of the laws, including the Anti GBV Bill, Women's Empowerment Bill, and security laws. Judge Francis Amum of the Gender-Based Violence and Juvenile Court noted that most people do not understand these laws and their rights, calling for the dissemination of the international legal instruments that protect women, including the Maputo Protocol.¹⁸⁷ Dr. Angelina called for the dissemination and deposition of this instrument with the African Union Commission.¹⁸⁸
- iii. Engendering the security sector laws, governance and economic laws, as well as Constitution making process bills, remain critical towards sustaining peace, protection of women, implementation of the UNSRC 1325, the SDG goal 2030 and for South Sudan to meet its human rights obligation under regional and international legal instruments. A participant also recommended a review of the Child Act and Girl Child Education policy.¹⁸⁹ A study by the Stockholm International Peace and Research Institute shows that the participation of women in post-conflict security services is crucial to creating structures that are representative, trusted and legitimate and can meet the security needs of both men and women. Security sector reforms have much to gain by integrating gender.¹⁹⁰
- iv. UN Women and Partners should support women leaders in creating community

¹⁸⁷ Judge Francis Amum- March 15, 2022- UNFPA event in Juba-We need to be specific, which event.
 ¹⁸⁸ Ibid.

¹⁸⁹ Ibid.

¹⁹⁰ SIPRI Yearbook 2008. "Integrating Gender in Post-Conflict Security Sector Reform." <u>https://www.sipri.org/yearbook/2008/04</u>

awareness on negative customs, cultures and traditions that affect women's rights are eradicated negative. More nationwide civic education and awareness of women's rights, gender equality, and negative customs and traditions are important. They can be achieved through a TOT model and by supporting community dialogues and outreach activities.

v. Documentation and harmonization of customs and traditions inconsistent with human rights principles and the Bill of Rights. Such customs and traditions include early and forced marriages, property ownership, and inheritance denial.

5.1.3: Customary Laws and Traditions

- Harmonize the customary laws to confirm i. the principles of human rights and natural justice, enact laws that combat harmful traditional cultures and practices through the adoption of the Maputo Protocol, Anti Gender Based Violence Bill, 2022, the Family Law Bill, the Affirm Action and Gender Equality bill initiated by the Ministry of Gender, Child and Social Welfare to improve protection of women women's rights, prevent abuse, promote gender equality and regulate matters of marriage, divorce, child custody and property ownership. Legal Action Worldwide, in its written Statement on South Sudan's implementation of CEDAW, called for proactive efforts by South Sudan to eliminate and abolish harmful customary practices and customary laws that contravene the Constitution.¹⁹¹
- ii. Respondents called on UN Women and partners to support female MPs in visiting their constituencies and creating awareness of issues that affect women. Respondents also recommended that donors support women's projects and mainstream gender in programming, empower young women and girls who have dropped out of schools with life skills and develop activities that promote peace and security in South Sudan.

5.1.4: Women's Rights and Equal Participation

- i. About 81 per cent of the respondents agreed that women should be adequately represented or participate in peace processes. Respondents justified women's participation, noting that most women are peacemakers and human rights defenders, and women's views guarantee protection against SGBV. Respondents also pointed out that to achieve lasting peace, it is important to include women. South Sudan played an important role during the liberation struggle by providing food to the fighting forces and caring for families while their husbands and sons were fighting the war.
- ii. Women still face challenges to achieving gender equality due to cultural biases and stereotypes against women, such as 'Mara Sakit' meaning 'just a woman', high illiteracy rate and lack of political will.¹⁹² The majority of society prefers to support the boy child in school than the girls because of the belief that girls can be married off and cared for by their husbands in the future.¹⁹³
- iii. On the question of who is responsible for violating these rights, 50 per cent of respondents pointed to the family level as the major violator of these rights because of negative customs and traditions, 18 per cent indicated violations at the local government levels (county, payam and boma), 13 per cent indicated national level violations while 12 per cent noted violations at international level but could not mention which violations were carried out at national and international level respectively while 8 per cent indicated violations by the State levels.
- iv. The government should enact laws that combat harmful customs and traditions that undermine the dignity and status of women.¹⁹⁴ In a patriarchal society like South Sudan, where women's roles are set and defined by societal norms, it is important that women are empowered to choose their roles, make decisions

¹⁹³ https://www.unicef.org/southsudan/stories/what-affecting-girl-child-south-sudan

¹⁹¹ Legal Action Worldwide submission of June 15, 2020, to CEDAW Pre-Sessional Working Group - 13-17 July 2020.

¹⁹² https://www.britishcouncil.org/voices-magazine/empowering-women-south-sudan

of their own lives, including on family and marriage issues and be made aware of their fundamental rights and freedoms. Including men who support these rights through advocacy and awareness-raising sessions is also important.

v. For gender equality to be realized in South Sudan, there is a need to take deliberate actions towards the fair treatment of women, demonstrate political will and high leadership support in ensuring equal and fair treatment of women, promote free education for women, empower women to be able to make decisions, pursue justice and meaningfully lead the 35 per cent affirmation at all levels.

5.1.5: Armed Conflict and Violence Against Women and Access to Justice

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- i. The study also highlighted the significance of involving women in security sector reforms through gender mainstreaming and assessing the impact of policies and activities on women, men, boys and girls at every stage to ensure that both men and women are represented and participate in security sector reform processes. In Liberia, for instance, security sector reform measures to recruit and retain women and to make security institutions more responsive to gender issues presented challenges but also yielded positive results; in Rwanda, women MPs united across ethnic divides in addressing women's security issues and in South Africa, women CSOs linked security sector issues with local security and justice actors.
- ii. Respondents overwhelmingly recommended that the enforcement agents and the justice institutions be empowered to respond and address SGBV challenges in the community. They suggested that the State should fight corruption, insecurity, negative cultures and traditions and improve infrastructure for GBV prevention in the community.
- iii. About 73 per cent of the respondents were aware of the Compensation and Reparations Authority. An overwhelming majority of 92 per cent of the respondents believe victims need to be compensated and defined compensation

as public apologies, money, humanitarian assistance, health and education.

5.1.6 Sexual and Gender-Based Violence (SGBV) and Access to Justice

- Regarding the recommendations to improve i. the representation of women under the 35 per cent affirmative action, respondents recommended training and capacity-building programs for women. About 39 per cent called for advocacy and awareness raising on women's rights, 29 per cent suggested women join political parties, 18 per cent recommended capacity building and training, while the rest called for access to justice. The majority of respondents, about 31 per cent respondents, urged the government to review the laws, including the Constitution and Child Act with a clearly defined marriage age suggesting 18 years and above; 21 per cent called for girl child education policy, including at the local level, 18 per cent recommended for implementation of National Action plan on UNSC Resolution 1325, 17 per cent recommended for girl child protection law. Respondents further mentioned a review of laws and policies on gender equality and SGBV prevention.
- ii. The Ministry of Gender, Child and Social Welfare and Ministry of Justice and Constitutional Affairs to expedite the adoption of the Anti-Gender-Based Violence Bill and the Gender Equality and Affirmative Action Bill for greater protection and inclusion in decision making. The respondents called on the government, UN and INGOs, community leaders, faith-based leaders, donors and banking institutions to address the barriers that hinder the full representation of women and the protection of women's rights. These include economic empowerment through micro-finance credit schemes for women training in business skills.
- iii. R-ARCSS and power sharing, legislative and institutional reforms, a growing number of women rights organizations and defenders, supportive line ministries, such as Ministry of Gender, Child and Social Welfare, SGBV and Juvenile Court and Military Court Martial trial;

and suggested recommendations including campaigns and awareness raising on women's rights, gender equality and protection of women and girls; documentation and harmonization of customs and tradition, free education programs and scholarship for women and girls.

5.2 Human and Capital Development, Education, Skills Development and Training, Health and Diseases

5.2.1 Women, Education and Literacy



- i. The Ministry of General Education and Instruction is responsible for implementing government plans and policies concerning general education and training. At the same time, the Ministry of Gender, Child and Social Welfare is responsible for monitoring the implementation of the Gender provisions pertaining to the implementation of the education and training policies, programs and plans. This low level of education resources and the recent and rapid deterioration in the macroeconomic and social situation jeopardize past investments in the education sector and represent a major threat to its future development, not to mention the country's future development. This situation calls for the urgent mobilization of additional resources from both domestic and international sources.
- ii. Recruitment and training of female teachers ensures all teachers are paid decent remunerations. The respondents suggested the development of a curriculum on women's rights, child rights and SGBV in schools and high institutions of learning.
- iii. There is a great need to increase the capacity of TVET to provide opportunities for out-of-school children and youth and meet skills development needs in the country. The government of South Sudan has further shown commitment to addressing gender inequality in education, manifested in developing a girl education

strategy for South Sudan in 2017. The girl education strategy has been developed to remove barriers preventing girls in South Sudan from obtaining education.

- iv. In a question on what UN Women and other partners can do moving forward, respondents recommended that UN Women establish a women's training center for women for civic education, awareness raising, and experience sharing. When asked for recommendations on improving education for women and girls, 57 per cent of the respondents called on the government to create awareness of the importance of education and campaigns against early marriages, 21 per cent called on the government to embark on free training workshops for women and girls at the community level, 14 per cent called for funding opportunities for women and girls while 9 per cent recommended for scholarship programs for bright girls.
- Free education programs and scholarships for V. women and girls. Respondents recommended deliberate education programs that target recruitment and retention of women and girls in schools and tertiary level; ensure affirmative action of 35 per cent for women in recruitment of teachers and school enrollment; revise the education curriculum to incorporate human rights principles and gender sensitivity, free provision of sanitary/dignity kits, sex education in schools and promotion of dialogues on sexual and gender-based violence at the community level. Mrs. Tazita Anna, the Executive Director of Women for Change, decried the limited number of vocational schools and recommended separate boarding schools for girls in each of the 10 States, the three Administrative Areas, and more vocational centres that build young people's capacities to the job market.¹⁹⁵ She decried the need to build more girls' schools, discount fees for girls and women, retention of school drop-outs, and provision of scholastic materials such as uniforms, books, and dignity kits.

¹⁹⁵ UN Women. 2022. "Validation Workshop on the CGEP at Crown Hotel in Juba."

Respondents called for the imprisonment of any person who forced or married an underage girl. They recommended that the MPs and the constitutional drafting bodies increase the marriageable age to at least 18 years of age and define the education age for boys and girls to be 21 years to allow them to complete high school. One participant from the validation workshop cited Tanzania's policy towards the prevention of early marriage of schoolgirls, suggesting that anyone who made a schoolgirl pregnant should be imprisoned for 30 years.

5.2.2 Health, Diseases and Covid-19 Pandemic

- Increase the national health budget and ensure sufficient coverage for women's maternal health needs. This budget should be used to construct maternal health units for mothers and national women's referral hospitals.
- ii. Increase the recruitment and training of:
 - a. Female medical staff include gynecologists, midwives, and nurses.
 - Support grassroots health awareness campaigns on communicable diseases and other diseases, including COVID-19 and the vaccine, HIV/AIDs prevention, and family planning services.

5.3 Livelihood, Agriculture and Food Security, Economic empowerment and Entrepreneurship, Private Sector and Banking

5.3.1 Livelihood, Agriculture and Food Security

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i. Expedite the establishment of the Women Enterprise Fund and the Youth Enterprise Fund and their policies to support women's economic activities, including business and agriculture. The government should allocate 5 per cent of the oil towards supporting women in agriculture and business and meeting the health and education needs of women and girls. About 75 per cent of the respondents were unaware of any government contribution to women's economic empowerment. Respondents demanded the establishment of micro-finance institutions and encouraged women to engage in income-generating activities, with the majority (80 per cent) calling for 5 per cent of the oil revenue.

- ii. Economic empowerment of women through affordable and accessible small grants and micro-credit schemes. Have tax holidays or reductions for small businesses owned by women. For example, there are tax-free options for market vendors and women entrepreneurs, women's banks, and micro-credit schemes offering women soft loans.
- iii. Other recommendations by respondents included deliberate government policy and programs on women's economic empowerment, capacity building, training on business skills and income-generating activities, free education and health services.

5.3.2: Economic Empowerment and Entrepreneurship

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i. The RTGONU should establish the Women Enterprise Development Board and allocate Women's Enterprise Development Funds under Article 4.15.1.5 R-ARCSS to build the capacities of women entrepreneurs. This Enterprise Development Fund should be factored into the annual national budget. 2022-23 moving forward.

5.3.3 Entrepreneurship, Private Sector and Banking

i. Respondents call for loan schemes and credit facilities for women in business. A question about where women could access these loans, 34 per cent of the respondents mentioned commercial banks, 22 per cent indicated loans from the government, 16 per cent from Money Lenders, indicated acquiring loans through group savings or village banking, while another 14 per cent acquired loans from neighbors or family and another 7 per cent from money lenders and 5 per cent from Micro credit

banks and 5 per cent respondents access loans through other sources. However, these loans must be women friendly and responsive to challenges women face regarding economic empowerment.

- ii. ii) About 35 per cent of the respondents believe it is the role of government to improve women's economic status. None of the respondents pointed to the banking sector as an institution that addresses women's economic challenges. One respondent cited the example of Women's Banks in Kenya and Uganda, such as FINCA Uganda, which is meant to support women in business. They recommended civic education and awareness for women on the banking institutions, banking policies and their roles in improving the economy through loans and credit schemes.
- iii. iii) In one FGDs in Juba, women indicated the lack of collateral security to accessing banking services and high interest rates. The respondents call for reduced interest rates for women in Agriculture and business review policies that address women's challenges in accessing loans, including high collateral securities requirements.
- iv. iv) Support VSLs groups with adequate funding that shall improve the quality of business and production by women. The women call for capacity building on business, saving, and exposure visits to Kenya and Uganda to learn from women farmers and entrepreneurs in the East African region.

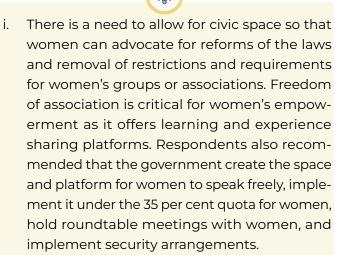
5.3.4 Gender, Disaster Risk Reduction, Climate Change and Humanitarian Assistance

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- The government should develop a gender-sensitive long-term disaster and flood response policy and funds to curb climate change shocks. Women must be put at the center of disaster response decisions and management. These policies and programs should include relocation plans, temporary shelters and improved access roads to affected communities.
- Develop early warning and resilient programs in communities affected by floods and develop alternate means of survival and farming.

5.4 Civic Space and Media, Access to Information and Digitization

5.4.1 Civic Space and Media



ii. Advocate for freedom of speech, access to information and freedom of media. These fundamental rights and freedoms shall encourage women to raise issues that affect them and work on addressing barriers jointly through networks or as institutions and individual activists.

5.4.2 Access to Information and Digitization

- i. The government should subsidize taxes on telecommunications and make them accessible and affordable to the people so they can trade online, learn, and network.
- Lift the ban on social media platforms and online news to allow more women access to education, economy, politics, and development information.
- iii. Encourage flexible online learning for women, especially targeting mothers and rural communities who could not otherwise afford formal in-house learning. Distant learning requires information sharing with learners, which can be done with accessible and affordable Internet, access to information in country and online literature

4.5 Opportunities for Women Equal Rights and Empowerment

South Sudan presents a critical juncture for advancing women's rights and empowerment through various promising avenues. Implementing the 35 per cent affirmative action provision under the Revitalized Agreement and ongoing legislative efforts such as the Affirmative Action bill underscores the government's commitment to gender equality. Economic initiatives like the Women

Enterprise Fund further signify proactive steps toward women empowerment and economic independence. Despite existing challenges in domestic legislation, international frameworks and growing support from civil society, donors, and women's rights organizations enhance opportunities for meaningful reform.

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APPENDICES

APPENDIX 1: LOCATIONS OF STUDIES

- 1. Central Equatoria State (CES): Covering six Counties of Juba, Lainya, Kajo Keji, Terekeka Yei and 17 Payams (Juba, Lobonok, Muniki, Tombek, Luri, Liria, Rajaf, Liwolo, Rokon, Nyor, Tore, Tali, Mukaya, Kangapo, Wotogo, Yei and Lasu). At the local level, 22 Bomas were covered in Central Equatoria State. Central Equatoria hosts the capital of the Republic of South Sudan as well as its state capital. Diverse nationalities from all over the country and foreign nationals are residents of CES and Juba for this matter. Most UN Agencies, INGOs, international partners and donors, and CSOs have their head offices or significant activities in Juba, where policy decisions are made. CES has 39 per cent women's representation in its State Assembly, six out of 17 female ministers, and one female advisor to the governor.
- 2. Eastern Equatoria State (EES): five Counties were covered, including Magwi, Kapoeta South, Ikwotos, Torit, Budi and 10 Payams of Parajok, Pwato, Obbo, Ckalari, Himpdonge, Loudo, Bur, Ifwodu, Pagari and Magwi. Eastern Equatoria is historical for the first South Sudanese liberation struggle of the Anya Anya movement of 1955. The State has a female Deputy Governor and three Director Generals.¹⁹⁶ However, EES is one of the States with a deep-rooted tradition of using girl's children for compensating crimes, such as murder in the community and is also known for early and forced marriages. EES has a female Deputy Governor, two Director Generals (Local Government and Ministry of Finance), five Female Ministers and one female Advisor.
- 3. Western Equatoria State (WES): five Counties of Mundri West, Ezo, Nzara, Tombura, and Yambio were covered; five Payams of Madoro, Nzara, Tombura, Yambio and Ezo and Bomas were covered for the research purposes. Western Equatoria State is home to the Azande Kingdom with a crowned King. Traditional and cultural practices are strong among the Azande people. The State experienced the security incursion caused by the Uganda rebel group, the Lord's Resistance Army (LRA) of Northern Uganda, which witnessed conflict related sexual violence in the form of abduction and slavery of women and girls.¹⁹⁷ WES has a female commissioner for Mundri West County.
- 4. Upper Nile State (UNS): two Counties of Melut and Panyikan, two Payams of Panyikan and Tounge and three Bomas were covered. Malakal is the regional capital of Upper Nile and hosts the Chollo Kingdom, the Dinka Padang and a section of Nuer. It is one of the rich oil-producing states but worse affected by conflict and communal violence. UNS has a female Speaker at the State Assembly.
- 5. Jonglei State (JS): three Counties of Ayod, Bor and Duk, two Payams of Duk Payam and Dorok Boma were studied for the research. Jonglei State is famous for the liberation war, the 'Bor Mutiny' that resulted in the Sudanese People's Liberation Movement/Army of 1983, a movement that gave birth to an independent South Sudan nation. However, Jonglei is an epicenter of inter-communal fight-ing and cattle raids, often with its neighbors, the Murle from the Greater Pibor Administrative Area and a section of Lou Nuer. The State has a large part of its population displaced to the Protection of Civilian Cite (POC) and Internally Displaced Persons (IDPs) camps caused by conflicts and floods due to climate change. Jonglei has deep-rooted cultures, mainly the Dinka culture and traditions, and a strong local administration under the authority of the chiefs or elders. JS has a female Speaker at its State Assembly.

¹⁹⁶ KII with Director General of Local Government in East Equatoria State confirms that 3 Director Generals for Ministry of Local Government and law Enforcement, Ministry of Gender and Social Welfare and State Ministry of Finance.
¹⁹⁷ Insert UN Report

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- 6. Unity State (US): Only one County of Robukona, one Payam of Drabour and one Boma of Drabour Boma were covered during the research. The State is one of the largest oil-producing states bordering AbYei and Warrap. The State experienced one of the worst conflicts related to sexual violence, according to the reports of UNMISS of February 2019¹⁹⁸ and MSF Doctors without Borders report of November 2018, displacement of civilians with one of the largest Protection of Civilians sites (POC).¹⁹⁹ The State has the least number of women in government.
- 7. Warrap State (WS): two Counties of Tonj North and Twic, four Payams of Aweng, Wunrok, Twic and Alabek and three Bomas were covered for the research. Warrap State is the first state in the country's history to have elected a female governor through democracy in the 2010 general elections. Warrap has a female Deputy Governor.
- 8. Western Bahr El Ghazal State (WBS): two Counties of Wau and Jur River, two Payams of Wau North and Sopo and two Bomas were covered for the research. Wau, the capital of WBS, is the second largest metropolitan town after Juba, hosting different ethnic nationalities. WBS is the only State under the R-TGONU with a female Governor. Despite having a female governor, the State has not yet realized the 35 per cent quota for women. See data on women and participation.

¹⁹⁸ UNMISS. 2022. "Conflict Related Sexual Violence in Northern Unity State September to December 2018:" <u>https://www.ohchr.org/sites/default/files/Documents/Countries/SS/UNMISS_OHCHR_report_CRSV_northern_Unity_SouthSudan.pdf</u>
¹⁹⁹ <u>https://unmiss.unmissions.org/breaking-silence-about-sexual-gender-based-violence-unity-region</u>

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APPENDIX 2: LIST OF RESPONDENTS

SN	Name	Sex	Designation	Institution/Org
1.	Roselyn Mikaya	F	Policy Officer- Gender	NL Embassy
2.	Mary Benjamin	F	D/G	MAFS
3.	Rejoice Itua	F	Gender and Protection Programmer	WFP
4.	Esther Ikere	F	U/S	MGCSW
5.	Basilica Paul	F	Protection	UNHCR
6.	Dr. Elizabeth	F	Position	GVP
7.	Onen Charles	М	Focal Person	CLN
8.	Amer Deng	F	Chairperson	WBSS
9.	Sarah Ajith	F	ED	SWITO
10.	Santa Auma	F	ED	St. Monica
11.	Kuol Akok	М	Gender Specialist	JSWA
12.	Chuol Samuel	F	Program Manager	HASS
13.	Majuime Aziza	F	GBV Coordinator	VFC
14.	James Bol	М	Director	MHADM
15.	Santo Loku	М	AG/Director	RRC
16.	Kungcien Akecc	М	Director	RRC
17.	Abuk Wal	М	Member	Women Bloc
18.	Douglas Elia	М	Gender Officer	UNFAO
19.	Gordon Wani	М	Statistician –Juba/NBS	NBS
20	Elizabeth Henry	М	LOG	DC
21	Harriet Fouzia	М	SSPDF	
22	Jackson Ukello	М	D/Chief DSS	NBS
23.	Atimaku D	F	UN-WOMEN	PSA
24.	Sadek Ahmed Deng	М	Program officer	RRC
25.	Lawrence Akila	М	MHADM	MHADM
26.	Jenni Sepain	F	Program Officer	UN Women South Sudan
27.	James Kath	М	Dev. Officer	Embassy of Canada
28.	Bri. James Dak	М	Director SPU	МОІ
29.	Anna Tazita	F	ED	Women for Change
30.	Jackline Bage	F	Program Manager	Care International
31.	Novello Elizabeth	F	ED	JWEP
32.	Dr. Angelina Bazugba	F	Director	NTLI, UOJ
33.	Hellen Alobo	F	Gender Advisor	Plan International
34.	Gabriel	М	Program Coordinator	SSGID
35.	Daniel	М	Driver	Ministry
36.	Bage Jackline	F	РМ	Care International
37.	Akuein Mawien	F	Mawien	Women CSCCA

S/N	Name of Respondents	Gender	Position	State
1	Ishag Elias Ibrahim	М	Chief	WBG
2	Fatima Ibrahim	F		WBG
3	Viola Nancy	F		WBG
4	Saider Abaker	F	Officer	WBG
5	Radina Eshak	F	Housewife	WBG
6	Toma Luis	F	Housewife	WBG
7	Erina Abas	F	Social Worker	WBG
8	Mariam Hassan Peter	F	Nurse	WBG
9	Grace William Bakita	F	Women Leader	WES/ Yambio
10	Bernado Kpasira Martin	М	MP	WES/ Yambio
11	Victoria	F	MP	WES/ Yambio
12	Susan Thomas	F	MP	WES/ Yambio
13	Jackline Mathew	F	MP	WES/ Yambio
14	Amigunde Cicilia	F	MOGCSW	WES/ Yambio
15	Julliana Kubana	F	Nurse	WES/ Yambio
16	Natika Marina James	F	Teacher	WES/ Yambio
17	Anida Adam	М	Teacher	WES/ Yambio
18	Ann Tuna Richard	F	Mor&B	WES/ Yambio
19	Charles Bakumba	М	Teacher	WES/ Yambio
20	Alison Barnaba	М	Моа	WES/ Yambio
21	Anna Felix Bago	F	Moar & Fisheries	WES/ Yambio
22	Grace Apollo Mosa	F	Мое	WES/ Yambio
23	Gertrude Okenykene	F	Social Worker	EES
24	Auwas Simon	М	Administrator	EES
25	John Loku Ireneo	М	Secretary General	EES
26	Paul Neperon Yonae	М	Officer	EES
27	Melania Celestino	F	Activist	EES
28	Ochol Michong	М	Social Worker	EES
29	Clementina Itwari Francis	F	Ed/Eeg	EES
30	Oryema Emmanuel	М	Activist	EES
31	Buluk Philip	М	GBV Officer	EES
32	Apollo Alfred	М	MP	EES
33	Esther Tabu Natalino	F	Social Worker	CES/Yei
34	Cecilia Fatima	F	MP	CES/Yei
35	Fikir Harriet	F	Volunteer	CES/Yei
36	Rahma Juma	F	Social Worker	CES/Yei
37	Mariata Takowa	F	Social Worker	CES/Yei
38	Ashek David Lado	М	Chief	CES/Terekeka
39	Monica Juan Lino	F	MP	CES/Terekeka
40	Yanga William Loku	М	Field Officer	CES/Juba
41	Joice Hadia Lino	F	MP	CES/Juba

42	Awate Eeliwa Moses	F	Program Officer	CES/Juba
43	Alice Kiden	F	Midwife	CES/Juba
44	Zaib Musa Loro	F	Ed/Org	CES/Juba
45	Joice Kiden Eluza	F	MP	CES/Juba
46	Josephine Malia Wani	F	Activist	CES/Kajo-Keji
47	Florence Ide Moka	F	Midwife	CES/Kajo-Keji
48	Lily Kiden Eluza	F	MP	CES/Kajo-Keji
49	Joy Keji Raphael Soro	F	MP	CES/LAINYA
50	Erwau Emmanuel	М	Social Worker	CES/Juba
51	Elizabeth Enoka	F	Legislator	CES/Juba
52	Mary Matoyo Kenyi	F	Midwife	CES/Juba
53	Susan Gabriel Louis	F	S/Inspector for Child	CES/Juba
54	Lilian Moriss Ladu	F	MP	CES/Juba
55	Lily Nelson	F	MP	CES/Juba
56	Emmanuela Niyoka	F	Project Officer	CES/Juba
57	Mary Sadia Elipaza	F	State MP	CES/Terekeka
58	Nadia James Hakim	F	MP	CES/Terekeka
59	Hellen Ayozu Morris	F	Student	CES/Yei
60	Robert Lotigo Omar	М	Receptionist	CES/Yei
61	Modo Rose Mary	F	Women Leader	CES/Yei
62	Jackline Dusman Morris	F	Student	CES/Yei
63	Mary Apai	F	Women Leader	CES/Yei
64	Lujung Isaac	М	Social Worker	CES/Yei
65	Paul Mabe	М	Social Worker	CES/Yei
66	Muzamil Ojowk Ajak	М	Teacher	Upper Nile
67	Padony Oyloch	М	Reporter	Upper Nile
68	Tina James Bol	F	Midwife	Upper Nile
69	Asha Abdu Salam	F	MP	Upper Nile
70	Anne Lino Abyei	F	MP	Jonglei
71	Adeng Leek Deng	F	MP	Jonglei
72	John Deng	М	Student	Warrap State
73	Kuany Chol Deng	М	Legal Asst/Director	Warrap State
74	Deng Mangeny Aguek	М	Student	Warrap State
75	Chol Deng	М	MP	Warrap State
76	Teresa Gabriel Gatkuoth	F	MP	Bentiu





