



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
27 July 2020

Original: English
English, French and Spanish only

Committee on the Elimination of Discrimination against Women

List of issues and questions in relation to the initial report of South Sudan*

General context

1. Please indicate whether the State party envisages adopting or has adopted any strategy to address the impact of the continued political, economic, security and social instability on the lives of women and girls, including their protection from gender-based violence and the provision of humanitarian assistance and basic services, particularly for women and girls living in areas affected by localized armed conflict and those who are internally displaced. Please explain the concrete measures taken, and their impact, in addressing the loss of life among civilians, including women and girls, the high level of violence, particularly in the context of cattle raiding, arbitrary arrest and detention, acute food insecurity and starvation, the recruitment and use of children, including girls, by armed groups and how the lack of services, such as potable water, housing, infrastructure, health services and education, particularly in rural areas, continue to violate the rights of women and girls.

Conflict-related sexual violence against women

2. Please describe the measures taken to protect women and girls from conflict-related sexual violence, particularly in the context of raids, displacement, abductions and travel to/from urban centres, and to ensure the release of any women and girls abducted during hostilities. Please specify the steps taken to implement action plans adopted pursuant to both the 2014 joint communiqué, signed by the President, Salva Kiir Mayardit, and the United Nations, and the unilateral communiqué, signed by the leader of the pro-Riek Machar Sudan People's Liberation Army in Opposition (SPLA-IO/RM), Riek Machar, as well as the action plan of the South Sudan National Police Service for the period 2019–2022, including mechanisms to monitor progress and the issuance of command orders regarding conflict-related sexual violence. Please explain the measures taken to increase the number of women in the security sector and to ensure that perpetrators of conflict-related sexual violence are excluded from the military and police forces and the yet-to-be established necessary unified forces. Please also explain the progress made in establishing the Commission for Truth, Reconciliation and Healing and the Hybrid Court for South Sudan, pursuant to sections 5.2 and 5.3 of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan of 2018. Please provide information on efforts to

* Adopted by the pre-sessional working group on 17 July 2020.



strengthen the judicial system in order to implement article 2.1.10.2. of the Revitalized Agreement and article 3.2 of the Agreement on Cessation of Hostilities between the Government of the Republic of South Sudan and the Sudan People's Liberation Movement/Army (in Opposition) of 2014, to prevent sexual and gender-based violence against women and impunity for perpetrators of such violence, particularly among members of the military and security sector. Please describe the efforts made to provide access for victims to shelters and medical, psychosocial and legal assistance, particularly emergency contraception and post-exposure prophylaxis, as well as measures taken to raise awareness on conflict-related sexual violence, including the impact of past initiatives ([HRI/CORE/SSD/2020](#), paras. 24–26).

Impact of the pandemic on women's rights and gender equality

3. Please indicate measures implemented by the State party in the context of the coronavirus disease (COVID-19) pandemic to redress long-standing inequalities between women and men by placing women at the centre of the recovery as an economic diversification strategy; to meet the needs and uphold the rights of women and girls, including those belonging to disadvantaged and marginalized groups and women in conflict or other humanitarian situations; and to ensure that lockdown measures, whether partial or total, and post-crisis recovery plans do not see women and girls relegated to stereotyped gender roles. Please indicate measures in place to ensure that all COVID-19 crisis response and recovery efforts: (a) address and are aimed at effectively preventing gender-based violence against women and girls; (b) guarantee that women and girls have equal participation in political and public life, decision-making, economic empowerment and service delivery; and (c) seek to ensure that women and girls benefit equally from stimulus packages, including financial support for unpaid care roles, that are aimed at mitigating the socioeconomic impact of the pandemic. Please explain how the State party is ensuring that measures taken to contain the pandemic, such as restrictions on freedom of movement or physical distancing, do not limit access by women and girls, including those from disadvantaged and marginalized groups, to justice, shelters, education, employment and health care, including sexual and reproductive health services. Please also provide information about the measures taken to protect the lives and health of women health workers, who make up the majority in the health sector.

Women and peace and security

4. In line with the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, please provide data, disaggregated by age, ethnicity, religion, disability and rural or urban area, on the participation of women in peace processes, reconstruction efforts and transitional justice mechanisms, including in the implementation of the Revitalized Agreement and in the Revitalized Transitional Government of National Unity. Please also inform the Committee of the impact of the South Sudan national action plan for 2015–2020 on Security Council resolution [1325 \(2000\)](#) and related resolutions on the meaningful participation of women in peace processes, reconstruction efforts and transitional justice mechanisms. Please describe the mandate of the Senior Gender Adviser to the reconstituted Joint Monitoring and Evaluation Commission and the human, technical and financial resources allocated to effectively discharge that mandate and results achieved to date.

Visibility of the Convention and its Optional Protocol

5. Please specify the measures taken to raise awareness among women, particularly rural women, and to systematically build the capacity of judicial and law enforcement personnel on women's rights as enshrined in the Convention and on the

Committee's jurisprudence on individual cases and inquiries under the Optional Protocol to the Convention. Please describe the impact of the various measures elaborated in the initial report of the State party (CEDAW/C/SSD/1, paras. 196 (b) and (c) and 198).¹

Constitutional and legislative framework

6. Please provide information on the steps taken or envisaged to fully incorporate the provisions of the Convention into the national legal system to ensure that it is directly applicable in the national courts. Please indicate any measures taken to ensure the effective application of existing legislation on women's rights and whether there are adequate monitoring or enforcement mechanisms and accountability systems. Please provide an update on the status of the draft constitution and draft legislation to implement women's rights (para. 26), including legislation on gender-based violence, national family law, affirmative action, protection of survivors of trafficking in persons, HIV anti-stigma and anti-discrimination and inheritance and succession.

Harmonization of laws

7. In the report of the State party, it is acknowledged that "the usage of customary law in adjudicating civil as well as criminal matters is quite high" and that "this brings about conflict of laws in legal matters, often to the detriment of women" (para. 189). Please update the Committee on the harmonization of statutory and customary laws, including as a strategy under the national gender policy and other relevant initiatives (paras. 196, 198 and 200). Please also specify the measures taken to ensure that decisions of customary courts are consistent with the Convention and the Transitional Constitution of 2011. In this context, please describe the impact of the training on the Transitional Constitution and women's rights provided to Customary Court Chiefs and to women wishing to work in customary courts (paras. 200 and 201).

Definition of discrimination against women

8. Please provide information on specific measures taken to introduce a comprehensive definition of discrimination against women that encompasses direct and indirect discrimination in the public and private spheres, including intersecting forms of discrimination, in accordance with articles 1 and 2 of the Convention, that goes beyond the area of employment addressed in section 6 of the Labour Act of 2017. Please also provide information on how the principle of non-discrimination, enshrined in, for example, article 16 of the Transitional Constitution and section 26 (2) of the Child Act of 2008, has been implemented in practice.

Access to justice

9. Please provide information on relevant cases brought before the courts concerning discrimination against women, including on their outcomes, indicating whether the Convention was invoked, as well as any cases concerning women's rights that were addressed to the Ministry of Labour, Public Service and Human Resources Development, the Employee Justice Chambers or informal justice mechanisms (paras. 23 and 196 (a)). Please inform the Committee of measures taken to ensure that the necessary human, technical and financial resources are allocated to the judiciary and law enforcement bodies, in particular in rural areas. Please also indicate the availability of free legal aid to women in the State party, the number of women beneficiaries of such aid and any factors impeding their access, including the stigmatization of women who pursue criminal complaints, particularly against a spouse or relative, especially in cases of gender-based violence. Please provide details

¹ Unless otherwise indicated, paragraph numbers refer to the initial report of the State party.

of any provisions in place to ensure that women are able to opt out of proceedings before customary courts and to appeal to the ordinary courts against any decision taken by a customary court. Please also provide information about women who have been sentenced to death or executed since the ratification of the Convention, disaggregated by offence, sentence, age, location and number and age of dependent children.

National machinery for the advancement of women

10. Please provide information on the implementation of the national gender policy strategic implementation framework and the guidelines on the rights of women and children for the South Sudan national police and on their impact on the equality of women and men (para. 26). Please describe any measures taken to allocate sufficient human, technical and financial resources to the national and state ministries of gender, child and social welfare and to institutions and mechanisms established at the national and local levels to promote gender equality (para. 27), and to ensure that a gender-sensitive response is taken to the COVID-19 pandemic. Please also indicate the policies, strategies and programmes in place to ensure the effective mainstreaming of a gender perspective in all areas and sectors of the State party, gender-responsive national budgeting and anti-corruption measures, including the status of the Anti-Corruption Commission Act and investigations into the diversion of funds from the National Revenue Authority ([A/HRC/43/56](#), summary).

National human rights institution

11. Please provide information on the mandate of and the human, technical and financial resources allocated to the South Sudan Human Rights Commission as they specifically relate to women's rights. Please also inform the Committee about the measures taken to strengthen the Commission to enable it to effectively and independently discharge its mandate in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please explain any steps taken by the South Sudan Human Rights Commission to apply for accreditation by the Global Alliance of National Human Rights Institutions.

Temporary special measures

12. Please explain the measures taken to implement the minimum quota on women's participation in political and public life enshrined in article 16 (4) (a) of the Transitional Constitution and in section 1.4.4 of the Revitalized Agreement. Please indicate whether, beyond these quotas, any other temporary special measures have been adopted, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, to accelerate the achievement of substantive equality of women and men in all areas covered by the Convention, in particular in the areas of employment, education and family matters. Please also provide information on any positive actions taken to address the specific difficulties faced by the most disadvantaged groups of women.

Stereotypes and harmful practices

13. Please provide information about any measures taken to develop and implement a comprehensive strategy to eliminate discriminatory gender stereotypes and the concrete measures taken to implement sections 6 (c) and 7 (c) of the General Education Act of 2012 on the promotion of gender equality through education. Please also describe the steps taken to implement article 16 (4) (b) of the Transitional Constitution and article 23 (1) of the Child Act to combat harmful practices, particularly in view of article 33 of the Transitional Constitution in which the rights

of ethnic and cultural communities are defined. Please also inform the Committee about the measures taken to analyse and successfully address the root causes of child and/or forced marriage, to implement the strategic national action plan to end child marriage in South Sudan for the period 2017–2030 and the Civil Registry Act of 2018, and to strengthen civil registration.

Gender-based violence against women

14. Please provide statistical data on the scope and extent of all forms of gender-based violence against women, including domestic violence, disaggregated by age, ethnicity, race, nationality, disability, socioeconomic status, albinism and any other relevant factors, and on the impact of measures taken to prevent such violence, investigate incidents, prosecute and punish perpetrators and provide victims and their families with support, such as shelters, as well as protection, relief and remedies, including appropriate compensation, particularly in the context of the COVID-19 pandemic. Please indicate any steps taken to amend section 247 (3) of the Penal Code of 2008 to criminalize marital rape. Please specify the human, technical and financial resources allocated to the gender-based violence special protection units and to the specialized court for cases of gender-based violence, the number of cases tried by the court and their outcomes (paras. 18 and 21). Please also explain any steps taken to prohibit rulings by a customary court that a woman or girl who is a victim of sexual violence must marry the rapist (para. 191). Please describe the measures taken to raise awareness about the criminal nature of all forms of gender-based violence and the harmful effects of such violence on the health of women and girls and to encourage them to report acts of gender-based violence to enable the competent authorities to provide effective protective measures, shelters and reparation. Please explain the financial, technical and human resources allocated to data collection and coordinating the response to gender-based violence, particularly at the local level, in order to seamlessly address cases of gender-based violence.

Trafficking and exploitation of prostitution

15. Please provide information on the steps taken to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and to adopt national anti-trafficking legislation, in line with the Protocol. Please describe the measures taken to enforce section 282 of the Penal Code of 2008, section 11 of the Labour Act and section 36 (2) (1) of the Child Act. Please also explain any measures taken to adopt and implement a comprehensive and gender-sensitive national policy against trafficking and describe the human, technical and financial resources allocated to the coordination of anti-trafficking efforts, including the technical task force to combat human trafficking and smuggling of persons, and to assist victims. Please provide information on measures aimed at building the capacity of the judicial authorities and the police to conduct investigations into trafficking in a gender-sensitive manner, punish perpetrators with penalties commensurate with the gravity of the crime and strengthen bilateral cooperation with relevant States in order to identify and punish perpetrators. Please also provide data on trafficking and the exploitation of women in prostitution, disaggregated by age, gender, race, nationality, ethnicity, disability and socioeconomic status. Please inform the Committee on the enforcement of sections 252–258 of the Penal Code of 2008 and on exit, rehabilitation and reintegration programmes and other support services available to women in prostitution.

Participation in political and public life

16. Please inform the Committee of measures taken to substantially increase the representation of women in political and public life, particularly in the executive, the legislature and the judiciary and in traditional and community leadership. Please provide information on the impact of the national gender policy, the South Sudan women's strategy (para. 84) and other policies and programmes on increased gender equality in political and public life (paras. 67–69), as well as on mechanisms available for monitoring the impact of such measures. Please also indicate the steps taken to raise awareness on the importance of the participation of women in decision-making and leadership positions, and to protect the rights to freedom of expression, opinion and assembly of women active in politics and women human rights defenders.

Nationality

17. Please indicate the measures taken to fully implement the Nationality Act of 2011, without discrimination on the basis of sex, and to enforce section 21 of the Nationality Regulations of 2011, prohibiting any administrative or executive decision falling within the scope of the Regulations and the Act from being based on arbitrary or discriminatory grounds. Please provide updated information to the Committee on efforts made to issue nationality certificates outside urban areas. Please also provide information and statistical data on the situation of stateless women, disaggregated by age, ethnicity and disability, and any measures taken to prevent statelessness.

Education

18. Please describe the measures taken to implement sections 18 and 35 of the General Education Act and the national girls' education strategy for the period 2018–2022, and to analyse and address the root causes of the low enrolment and retention rates of girls. Please describe any measures taken to enforce section 26 (3) of the Child Act and section 30 (8) of the General Education Act on the right of pregnant girls and young mothers to attend school. Please specify the budgetary allocation to education and educational programmes benefiting women and girls. Please describe any steps taken to ensure safe educational environments that are free from gender-based violence, as well as safe transportation to and from schools. Please also describe any measures taken to prevent out-of-school girls from adopting negative coping mechanisms, such as child marriage and early childbearing, particularly in the context of the closure of schools as a result of the COVID-19 pandemic. Please provide updated information on the impact of the government alternative education system (para. 117) and other measures taken to address the high rate of illiteracy among women and girls and to provide continuing education programmes for women who are unable to complete primary, secondary or higher education. Please provide information on the measures taken to develop and introduce, using digital technologies to reach girls in all areas of the State party, age-appropriate, evidence-based, scientifically accurate mandatory curricula at all levels of education, covering comprehensive information on sexual and reproductive health and rights, responsible sexual behaviour and prevention of early pregnancy and sexually transmitted infections. Please also provide statistics on the enrolment rates of girls with disabilities and girls belonging to other marginalized groups in mainstream schools and indicate steps taken to ensure inclusive education.

Employment

19. The concept of equal pay for work of equal value is enshrined in article 16 (2) of the Transitional Constitution and section 8 of the Labour Act. Furthermore, non-discrimination in employment is defined in section 6 of the Labour Act. Please

provide information on the measures taken to implement these provisions and to ensure private sector compliance. Please specify any measures taken to promote access for women to formal employment and to eliminate horizontal and vertical segregation and traditional views that prevent women from gaining access to career development and professional training opportunities. Please inform the Committee about the prevalence of sexual harassment of women in the workplace and any systems in place to monitor and prevent such harassment and to encourage victims to file complaints against perpetrators.

Economic empowerment of women

20. Please inform the Committee about the impact of the gender support and development project (para. 140). Please also indicate the measures taken to increase the number of women who are beneficiaries of credits and loans granted by the women's bank and the women's empowerment trust fund and other financial programmes, such as schemes through village savings and loan associations and the youth business start-up programme, and provide information on any mechanisms in place to monitor and assess their effect on women's economic empowerment (paras. 168 and 169). Please explain the impact of the social protection policy framework of 2015 on the socioeconomic situation of women (para. 167) and provide information as to whether women in the informal economy are entitled to receive social security benefits. Please specify the measures taken to improve the socioeconomic situation of internally displaced women and of women who cannot undertake income-generating activities as a result of the COVID-19 pandemic or who have been prevented from carrying out such activities in the past because of floods and droughts in the State party.

Health

21. Please indicate the availability of health services, health workers and essential drugs for women and girls, including in the context of the COVID-19 pandemic, particularly for those living in rural areas and internally displaced women, and indicate the human, technical and financial resources allocated to the health sector and the impact of relevant policies and strategies on the health and well-being of women (paras. 150 and 151). Please specify any measures taken to continue to improve maternal health outcomes, including under the national strategic plan on reproductive health of 2013, as well as the availability and accessibility of sexual and reproductive health care, modern contraceptive methods and specialized treatment for women and girls following sexual and gender-based violence, including at one-stop centres. Please explain the procedures concerning police form 8, how women and girls in rural areas usually receive the form and the measures taken to facilitate access to health care for women and girls who are victims of sexual and gender-based violence. Please describe the strategies, policies and programmes in place to address cases of obstetric fistula, low rates of antenatal care coverage and births attended by skilled health personnel as well as malnutrition among pregnant and breastfeeding women.

22. Please explain the measures taken to address low rates of contraception use. Please also update the Committee on the impact of the national strategic plan on HIV/AIDS for the period 2018–2022 on the prevalence of HIV/AIDS among women, on access of women to antiretroviral treatment and on the prevention of mother-to-child transmission, particularly concerning women living in areas affected by localized armed conflict and instability and women in prostitution. Please also specify the measures taken to ensure the accessibility of health-care services for women with disabilities.

Rural women and women living in poverty

23. Please provide information and statistical data on the situation of rural women and women living in poverty, disaggregated by age, ethnicity and disability. Please describe the impact of the national gender policy, the South Sudan development plan and the South Sudan livelihood development project on poverty reduction and service delivery to women and girls in rural areas and/or living in poverty, particularly single mothers and single women heads of household. Specifically, please describe measures taken to protect rural women from gender-based violence and increase their access to justice and shelters, facilitate their access to land and other productive resources and promote their participation in decision-making at the local level.

Marriage and family relations

24. Please outline the measures taken to align customary laws and practices in the field of marriage and family relations, including child and forced marriage, child custody and distribution of property upon dissolution of marriage, with the Convention and the Transitional Constitution, particularly its article 16 (1) and (4) (b) on gender equality and protection from harmful practices, and other relevant national legislation. Please also provide information on any steps taken to enforce article 16 (5) of the Transitional Constitution, section 13 (4) of the Land Act of 2009 and section 110 (5) of the Local Government Act of 2009, in which the right of women to own and inherit property from their deceased husbands is recognized, particularly in the context of article 5 of the Transitional Constitution, in which customs are identified as a source of legislation. Furthermore, please specify the legislation in place concerning succession and inheritance, child maintenance and the economic rights of women upon dissolution of de facto unions, and any steps taken to adopt a legal minimum age of marriage for women and men and to address the customary practice of bride prices and other harmful practices that make women and girls more vulnerable to violence. Please also provide information on measures taken to raise awareness among family members, spouses and the public about the situation of women with disabilities with a view to avoiding the rejection of women who have acquired a disability or illness.
