



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

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the Convention, due in 2016\***

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\* The present document is being issued without formal editing.



**Acronyms**

|        |   |
|--------|---|
| AIDS   | Acquired Immune Deficiency Syndrome   |
| AES    | Alternative Education Systems   |
| CEDAW  | Convention on the Elimination of All Forms of Discrimination against Women          |
| CCC    | Confident Children Out of Conflict  |
| CDC    | Centre for Disease Control  |
| CMR    | Clinical Management of Rape   |
| CPU    | Child Protection Unit   |
| CSSO   | Civil Service Support Officers  |
| DDR    | Demobilization, Disarmament and Re-integration                                      |
| DFID   | Department for International Development  |
| DNPI   | Directorate of Nationality, Passport and Immigration                                |
| GBV    | Gender Based Violence   |
| GESS   | Girls' Education South Sudan  |
| GOSS   | Government of South Sudan   |
| GSDP   | Gender Support and Development Project  |
| GPE    | Global Partnership for Education  |
| HIV    | Human Immune Virus  |
| IFAD   | International Fund for Agricultural Development                                     |
| IGAD   | Inter-governmental Authority on Development   |
| IRNN   | Integrated Regional Networks (Humanitarian News Agency Covering Sub-Saharan Africa) |
| JICA   | Japanese International Cooperation Agency   |
| MCH    | Maternal and Child Health   |
| MDAs   | Ministries, Departments and Agencies  |
| M & E  | Monitoring and Evaluation   |
| MoGCSW | Ministry of Gender, Child and Social Welfare  |
| MOGEI  | Ministry of General Education and Instruction                                       |
| NGO    | Non-Governmental Organisations  |
| OVC    | Orphans and Vulnerable Children   |
| PLHIV  | People Living with HIV  |
| PMTCT  | Prevention of Mother to Child Transmission  |

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|          |  |
|----------|--|
| POC      | Protection of Civilians Sites  |
| RH       | Reproductive Health  |
| RMNCAH   | Reproductive, Maternal, Newborn, Child and Adolescent Health           |
| RSS      | Republic of South Sudan  |
| RSSDDRC  | South Sudan Disarmament, Demobilization and Reintegration Commission   |
| SGBV     | Sexual Gender Based Violence   |
| SPLA     | Sudan People's Liberation Army   |
| SRH      | Sexual and Reproductive Health   |
| SRHS     | Sexual and Reproductive Health Services                                |
| SSAC     | South Sudan AIDS Commission  |
| SSCDP    | South Sudan Capacity Development Strategy                              |
| SSDP     | South Sudan Development Plan   |
| SSNPS    | South Sudan National Police Service                                    |
| STIs     | Sexually Transmitted Infections  |
| TIP      | Trafficking In Person  |
| TVET     | Technical and Vocational Education and Training                        |
| USAID    | United State Agency for International Development                      |
| NBS      | National Bureau of Statistics  |
| UCW      | Understanding Children's Work  |
| UN       | United Nations   |
| UNAIDS   | Joint United Nations Programme on HIV and AIDS                         |
| UNCT     | United Nations Country Team  |
| UNDAF    | United Nations Development Assistance Framework                        |
| UNDP     | United Nations Development Programme                                   |
| UNESCO   | United Nations Educational, Scientific and Cultural Organization       |
| UNFPA    | United Nations Population Fund   |
| UNICEF   | United Nations Children's Fund   |
| UNMISS   | United Nations Mission in South Sudan                                  |
| UNSCR    | United Nations Security Council Resolution                             |
| UN Women | United Nations Entity for Gender Equality and the Empowerment of Women |
| USD      | United States Dollars  |

|      |                                       |
|------|---------------------------------------|
| VAWG | Violence Against Women and Girls      |
| VSLA | Village Savings and Loan Associations |
| VT   | Vocational Training                   |
| WFP  | World Food Programme                  |
| WHO  | World Health Organization             |

## **Article 1**

### **Definition of discrimination against women under the law of South Sudan**

1. Article 9(3) of the Transitional Constitution, 2011 (as amended) provides for definition of discrimination as articulated in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The article also affirms, “All rights and freedoms enshrined in international human rights treaties, covenants and instruments ratified or acceded to by the Republic of South Sudan shall be an integral part the Bill of Rights.
2. Article 14 of the Constitution further affirms the principle of non-discrimination by stating that “All persons are equal before the law and are entitled to the equal protection of the law without discrimination as to race, ethnic origin, colour, sex, language, religious creed, political opinion, birth, locality or social status.”
3. Article 16 of the Constitution provides that women shall enjoy rights equal to that of the men, especially in relation to human dignity, equal pay for equal work and participation in public life.
4. Furthermore Article 122(5) (a) of the Constitution ensure access to justice to all without discrimination which is to be applied by the courts in adjudicating cases of both civil and criminal nature. One of such principles is that “justice shall be done to all irrespective of their social, political or economic status, gender, religion or beliefs”.
5. However, the challenge is that there remains a conflict, the definition of discrimination where in Articles 5 and 33 of the Constitution and the recognition accorded to the customs and traditions of the people as a major source of law alongside other written laws.
6. The Constitution (Article 33) guarantees ethnic, cultural and religious rights and makes it legal for communities to observe their religions and raise their children within the context of their respective cultures and customs in accordance with the Constitution and the law.
7. Another challenge is the recognition of customary law and wide application of it in adjudication bringing about conflict in access to justice, especially for women making it difficult to follow principle of equality, especially for women and girls within the family setting and other real-life experiences.
8. However, Article 3 of the Constitution provides for supremacy of the Constitution over any law as follows:
  - (1) “This Constitution derives its authority from the will of the people and shall be the supreme law of the land. It shall have a binding force on all persons, institutions, organs and agencies of government throughout the Country.
  - (2) The authority of government at all levels shall derive from this Constitution and the law.
  - (3) The states’ constitutions and all laws shall conform to this Constitution”.
9. In essence, no law is expected to contradict the constitutional understanding of discrimination and equality of human persons. Furthermore, Article 16 (4b) of the Constitution enjoins the government at all levels to enact laws to combat harmful customs and traditions which undermine the dignity and status of women.
10. In articulating the definition of Discrimination with respect to fundamental rights at the work place, Section 6 (1) of the Labour Act, 2017 is line with the definition provided by CEDAW. Section 6 (1) of the Labour Act states that

discrimination, include any distinction, exclusion or preference with the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation, based on any of the following grounds: (a) race; (b) tribe or place of origin; (c) national extraction; (d) colour; (e) sex; (f) pregnancy or childbirth; (g) marital status; (h) family responsibilities; (i) age; (j) religion; (k) political opinion; (l) disability or persons with special needs; (m) health and HIV/AIDS; or (n) membership in a trade union or participation in trade union activities.

11. Although the laws referred to here have very rich provisions and meet international standards and good practice, some of them have not been tested in the courts of law. The prolonged period of conflict that the country was plunged into over the years has had untold impact on institutions and governance generally. However, this has not deterred the Government in its effort at ensuring that discriminatory practices are not permitted to thrive in the country.

## **Article 2**

### **Eliminating discrimination against women**

#### **To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation;**

12. As stated above the Transitional Constitution embodies the principle of equality of men and women (Article 16). The Government of South Sudan has expressed commitments to the right of equality between women and men and had taken major steps at ensuring that the Transitional Constitution even before its ratification of CEDAW guarantees this very important right. In order to ensure implementation that the constitutional principle of equality to be a reality in the lives of the ordinary citizens, other laws have been enacted with similar provisions. For instance, Section 110 of the Local Government Act, 2007 provides that Local Government level shall be close and that the same provision requires that all local government councils is to implement the constitutional provisions including the passage of necessary laws.

13. Section 26 (2) (a) and (b) of the Child Act, 2008 also guarantees the equal participation rights for girls and boys in social, political, economic activities as well as equal rights to inherit from a deceased parent without discrimination. Also, section 26 sub-section (c) guarantees the right of boys and girls to develop their full potentials and skills through equal access to education and training.

#### **To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;**

14. As stated above, Article 16 (4) (b) of the Constitution enjoins government at all levels to enact laws for combat of harmful customs and traditions which undermine the dignity and status of women.

15. Similarly, Article 16 sub-section (5) of the Constitution guarantees women rights to own property and share in the estates of their deceased husbands together with any surviving (male and female) legal heirs of the deceased.

16. Section 247 (1) of the Penal Code, 2008 deals with offence of rape and prescribe for its punishment on equal basis. Rape attracts a punishment of 14 years' imprisonment plus the possibility of a fine. Sub-section (2) of Section 247 of the Penal Code provides that a person under the age of 18 years is not capable of giving his or her consent for sex and therefore makes it an offence to have sexual intercourse with a boy or girl below the age of 18 years.

17. Article 15 of the Constitution also guarantees the rights of men and women who are of marriageable age to marry a person of the opposite sex and to form a family of their own with their free and full consent.

18. The Government with support from international partners have in 2019 established in Juba, a specialized court with trained personnel to try GBV cases. This will help to speed up trial of such offences.

**To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;**

19. As one of the challenge faced by the Government and some parts of the country manifestation of discrimination against women remains highly visible including issues of violence against women e.g. rape and child forced marriage, literacy, formal employment, property rights, access to justice and marital relationships.

20. To overcome GBV and speed up trial sexual related offences in the country, the Government in 2016 established a military special court to try SSPDF personnel accused of commission of sexual offence at Terrain Hotel Juba. The ten soldiers were found guilty and sentenced to various terms of imprisonment.

21. GBV Special Protection Units (SPUs) have been created in some police stations in the country to promote effective response to women's experiences of GBV related crimes.

22. In 2013, the SPUs received 2,403 cases out of which 2,140 were effectively investigated and passed to court for redress. A total of 423 women and 178 juveniles were released from detention centers through the involvement of the SPUs.<sup>1</sup> More centers have been created over the years; for instance, there are 6 SPUs within Juba. Recent assessment, however, reveal that some of these centers are not functioning due to mostly logistic issues such as lack of operational funds and weak human capacity for effective response to GBV issues. Data on the cases of GBV handled by some of these centers are also not properly documented.

**To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;**

23. The Ministry of Labour Public Service and Human Resources has the power to intervene in employment related disputes, including those relating to abuse of rights of workers in the private sectors. For disputes arising between employees of the government institutions and their employer, the Employee Justice Chambers shall have the power to intervenes. These mechanisms are in place to address all employee and employer disputes including reports of abuse of women's reproductive rights.

**To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices, which constitute discrimination against women;**

24. One very important aspect of women's security in the county is access to land, and incidentally, it is one of the areas where women often experience high level of discrimination partly because of patriarchal cultural laws and practices associated with land ownership and usage. Section 13 of the Land Act, 2009 forbids government at all levels from denying anyone the right to land based on sex, ethnicity or religion. Sub-section 4 of section 13 further empowers women to own and inherit property.

<sup>1</sup> Republic of South Sudan National Evaluation Report on the Implementation of the Beijing Declaration and Platform for Action. Pg. 28.

**To repeal all national penal provisions which constitute discrimination against women.**

25. Although section 266 of the Penal Code establishes offence and sets the punishment for adultery committed by both male and female offenders, however, under this provision women are reported to have been discriminated against. Advocates on rights of the women have called for review of section 266 of the Penal code.

**Article 3**

**Appropriate measures, including legislation, to ensure the full development and advancement of women**

26. Several gender sensitive national laws, policies and operational plans have been passed/developed to promote and protect rights of the women. Below are lists of legislation, policies and special measures with implication for the advancement of the rights of women and the girl child in South Sudan.

Table 1

**Legislations, Policies and Operational documents with implications for the rights of women and girls in South Sudan**

| <i>Laws</i>   | <i>Policies</i>  | <i>Operational documents (plans/tools)</i>  |
|---|--|---|
| The Transitional Constitution, 2011. (as amended). Civil Registry Act, 2018 | National Policy on the Protection and Care of Children without appropriate Parental Care, 2017 | South Sudan Capacity Development Strategy   |
| South Sudan Procurement Act, 2018   | Social Protection Policy, 2015   | National Gender Policy Strategic Implementation Framework   |
| Labour Act, 2017  | National Disability and Inclusion Policy 2013  | National Action Plan for the Implementation of the UN Security Council Resolution 1325 on Women, Peace and Security |
| Non-Governmental Organization Act, 2015                                     | National Gender Policy, 2011   | South Sudan Development Plan 2014–2016  |
| National Elections Act, 2012  | National AIDS Policy, 2008   | Guidelines on Women and Child Rights for the South Sudan National Police Personnel, 2015                            |
| General Education Act, 2012   | National Reproductive Health Strategic Plan, 2013  | South Sudan National Development strategy   |
| Political Parties Act, 2012   |  |   |
| Nationality, Passport and Immigration Act, 2011                             |  |   |
| Nationality Regulations, 2011   |  |   |
| Prisons Service Regulations, 2013   |  |   |
| Local Government Act, 2009  |  |   |
| Land Act, 2009  |  |   |
| South Sudan National Police Regulations, 2009                               |  |   |
| Child Act, 2008   |  |   |
| Contract Act, 2008  |  |   |
| Penal Code Act, 2008  |  |   |
| Criminal Code of Procedure, 2008  |  |   |
| South Sudan National Police Service Code of Conduct, 2008                   |  |   |
| South Sudan Evidence Act, 2006  |  |   |

| <i>Laws required</i>  | <i>Laws in the process of development</i> | <i>Plans/tools awaiting approval</i>   |
|---|---|--|
| National Family Law<br>Affirmative Action Law<br>Protection of Survivors of Trafficking-in Persons<br>HIV Anti-Stigma and Anti-Discrimination Law<br>Inheritance and Succession law   | Gender Based Violence Bill, 2018          | Guidelines for Establishment and Management of a Safe Home/Shelter for Survivors of GBV in South Sudan<br><br><b>Plans/tools required</b><br>Gender Mainstreaming Tools/<br>Guidelines for developing National budgets |
| <i>International Treaties that Government needs to accede to</i>  |   |  |
| <ul style="list-style-type: none"> <li>• Transnational Organized Crime, and its supplementing Protocols to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and Smuggling of Migrants by Land, Sea and Air</li> <li>• African Youth Charter.</li> <li>• African Charter on Democracy, Elections and Governance</li> <li>• International Convention on Elimination of All Forms of Racial Discrimination.</li> </ul> |   |  |

27. The Government has enacted laws and developed policies for advancement of the rights of women in the country, however, there still remains evidence of discrimination against women, especially in the rural parts of the country where institutional framework are weak to enforce the law. The dominant and diverse patriarchal customs and traditions of the various ethnic groups, which constantly undermine the strength of existing written laws and policies. The following are some administrative policies and framework put in place by the Government for promotion and protection of women and girls rights in the county.

Table 2  
**Institutional/Administrative Mechanisms**

| <i>Mechanisms</i>  | <i>Strategic focus</i>  |
|--|---|
| Minister of Gender, Child and Social Welfare   | Head of the national gender machinery in the country. The Minister is in the National Cabinet.  |
| Gender Advisor in the Office of the President  | Provide strategic policy advice to the President and the office of the President on human rights and gender equality. This office supports government's commitment to gender equality and provides leadership for gender mainstreaming.   |
| Gender Focal Persons in all Government Institutions  | The Gender Focal Persons support efforts of their individual institution at mainstreaming gender in their areas of focus. They meet regularly and support inter-ministerial actions.  |
| Special Committee for Gender, Child, Social Welfare, Youth and Sports. (Parliamentary committee) | The Committee has the mandate to monitor and promote measures designed to enhance equal opportunities and improvement in the quality of life and status of women, and including marginalized groups on the basis of gender, age (elderly, youth, and children) disability or any other reason created by history, tradition or custom for the purpose of redressing imbalances. |

*Mechanisms**Strategic focus*

The National Women  
Parliamentarian Caucus

The Caucus plays a key role at ensuring that female legislators have a voice in the parliament and advocate as well promote gender responsive legislations in all the committees of the Parliament.

28. Some of the challenges affecting the effectiveness of some of these institutional/administrative structures include weak capacity for effective and efficient gender mainstreaming and the absence of quality and timely data to aid evidenced-based planning.

29. The peculiar security challenges in the country also means that there is limited and unavailability of financial resources for development programmes. Most of the programmes of the Ministry are funded by development partners. Below is the federal allocation to the Ministry of Gender compared to the total annual government budgets in the last five years.

Table 3

**Budget of the MGCSW as a percentage of total annual budget of Government**

|  | 2015/16                   | 2016/17                   | 2017/18                   | 2018/19                   |
|--|---------------------------|---------------------------|---------------------------|---------------------------|
|  | <i>Enacted<br/>Budget</i> | <i>Enacted<br/>Budget</i> | <i>Enacted<br/>Budget</i> | <i>Enacted<br/>Budget</i> |
| MGCSW  | 17,586,171                | 31,242,153                | 28,589,042                | 49,033,897                |
| Overall FY Total<br>(Plus External Loans & Grants) | 10,642,138,993            | 38,074,035,039            | 1,862,205,015             | 81,590,170,609            |
| Proportion of overall budget                       | 0.1%                      | 0.08%                     | 1.5%                      | 0.06%                     |

*Note:* Aside low budgetary allocations, actual release of allocation is also a challenge.

#### **Article 4**

#### **Special measures aimed at accelerating de facto equality between men and women**

30. One of the special measures adopted towards accelerating de facto equality between men and women is the constitutional guarantee for the promotion of women's participation in public life and their representation in the legislative and executive organs at all levels of the government, by at least twenty-five per cent affirmative action in order to redress imbalances created by history, customs, and traditions (Article 16 (4) of the Constitution; Section 63 of the Elections Act, 2012). This participation level has been further increased to 35% in the newly signed Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), 2018.

31. Article 16(4) (c) of the Constitution for the rights of women for maternity and childcare and medical care for pregnant and lactating women.

32. One of the special measures put in place to make this constitutional and legal provision real in the lives of women, is the entitlement of 90-day maternity leave, 45 days for breastfeeding while working for half day and the guarantee of retaining a job position after returning from leave (Section 64 of the Labour Act 2017).

33. The General Education Act, 2012 (section 35) provides for affirmative action throughout the country to redress the past and present discriminatory practices, harmful beliefs and cultures which impede female learners from attending schools.

By this law, pregnant learners have the right to remain in school or gain re-entry to school after delivery (Section 30 (8) of the General Education Act, 2012).

34. There is an ongoing programme of the Ministry of General Education and Instruction, funded by the United Kingdom Government – Girls Education South Sudan (GESS) that is aimed at increasing access to quality education for girls and bridging gender gap in education in the country. Further details of these special measures are discussed under the relevant articles e.g. Articles 7, 10 and 11.

## **Article 5**

### **Appropriate measures to eliminate prejudices, customary and other practices based on the idea of stereotyped roles for men and women**

35. In seeking to change gender stereotypes in the society, the government, international development partners and civil society organizations are implementing various programmes and campaigns, including organizing gender training for government officials and community women and men at different levels. For instance, various trainings have been organized on gender mainstreaming for senior and mid-level government officials (Undersecretaries, Director Generals and Directors from various government institutions).

36. In January 2019, the Government with support from African Development Bank, organized a gender training for the Undersecretaries of the various ministries and institutions in the country, as a part of its Institutional Capacity Building Project.

37. These trainings are beginning to yield positive results. For instance, the Ministry of Interior for the first time promoted four (4) women to the rank of Major Generals in 2018 (2 within the Police Service, one in the Prisons Service and another in the Civil Defence Corps).

38. One of the components of the Girls' Education South Sudan (GESS) is a radio show called 'Our School'. The show amplifies issues and barriers to girls' education in country. The programmes is changing public perception about education with more girls who have initially dropped out returning to school.

39. The government, with support from international partners mark the different international days of action relating to the rights of women and the girl child, by engaging in different advocacy activities aimed at raising awareness on the rights of the women and girls.

40. During the 2017 16 Days of Activism against Gender Based Violence, a group of local and international organisations led a campaign tagged *Ma Mara Sakit* meaning 'Not Just a woman'. This campaign challenged the widely held notion of women's low status and the popular derogatory term used in shutting women up and reinforcing women's low status – *Mara Sakit* (just a woman). Billboards were mounted with strategic messages; radio talk shows and social media discussions were held to stimulate conversations on negative societal perceptions on women and to advocate for societal changes. Such activities across the country are changing public perception about women's role. For instance, there are female chiefs in Aweil, Kapoeta and Yirol. In Aweil, there are 5 paramount chiefs currently serving. Chiefs play an important role in community life across South Sudan. They provide an array of vital services including adjudicating disputes and administering customary law. The position is largely seen as the preserve of men.

## Article 6

### Appropriate measures to suppress trafficking in persons and exploitation of prostitution of women

41. South Sudan is both a source and destination country for men, women, and children that are caught in the web of forced labour and sex trafficking.<sup>2</sup> With the displacement of close to 1,900,000 people due to conflict, many women and children are vulnerable to forced labour and sexual exploitation.

42. The International Labour Organization estimates that the different Military groups sometimes recruit children as young as age 12 as soldiers.<sup>3</sup> In 2017, the Government and UNICEF verified 140 incidents of recruitment and use of children, affecting at least 1,221 children (1,057 boys and 164 girls). Because of the pockets of conflict zones around the country, an estimated 2.2 million (72 percent) of the school-age population were out of school as at 2017.<sup>4</sup>

43. Trafficking in Persons is unlawful under the law of South Sudan. Section 282 of the Penal Code, 2008 criminalizes trafficking in persons and sets for punishment of seven years, fine or both.

44. The Labour Act, 2017 provides for the forms of human trafficking, which are criminalized in South Sudan. Apart from seeking to protect workers' rights and employment opportunities for South Sudanese, Section 11 of the Labour Act, 2017 prohibits the all illegal movement of any other persons, into or out of South Sudan for purposes of getting work in South Sudan, through the support by illicit organizations. Sub-section (2) of section 11 of the Act also prohibits an employer from employing or engaging an employee whom the employer knows to be illegally present in South Sudan.

45. The Child Act, 2008 also empowers all levels of the government to recognize, respect, promote and protect rights of the child enshrined in the Child Act (Article 36 (1)). The Act goes further in sub-section (2) of Section 36 to mandates all levels of the government, to engage all sectors of the society and undertake all necessary legislative, administrative and other measures to protect child rights enshrined in the Act which include, among other things, taking concrete measures to prevent the sale, trafficking and abduction of children and to abolish slavery and servitude.

46. Section 253 of the Penal Code, 2008, make it an offence, any prostitution activities soliciting for sex, procuring or facilitating any sex activity. In South Sudan prostitution is stigmatized by the society, however, this cultural belief discourages victims of sexual offence from reporting to law enforcement authorities such offences.

47. There are government institutions with mandate to respond to issues relating to trafficking and exploitation of prostitution. Table 4 highlights such agencies.

<sup>2</sup> United States Department of State, 2018 Trafficking in Persons Report – South Sudan, 27 June 2017, available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282749.htm>.

<sup>3</sup> U.S. Embassy- Juba. Reporting, January 16, 2018. 7. –. Reporting, February 12, 2018. 8. Human Rights Watch. South Sudan: Warring Parties Break Promises on Child Soldiers. February 5, 2018 as reported in ILO (2017) No Advancement- Efforts made but complicit in Forced Labor, <https://www.dol.gov/sites/default/files/documents/ilab/SouthSudan.pdf>.

<sup>4</sup> UNICEF Press Centre. Six years after independence: South Sudan's children wait for peace and prosperity. July 8, 2017. [https://www.unicef.org/media/media\\_96614.html](https://www.unicef.org/media/media_96614.html).

Table 4  
**Agencies responsible for anti-trafficking and exploitation of prostitution**

| <i>Organization/Agency</i>   | <i>Role</i>   |
|--|---|
| Ministry of Labor, Public Service and Human Resource Development (MOL) | Develop labor policies, enforce child labor laws, conduct workplace inspections and oversee the operation of vocational training centers (4, 46, 55) Through its Child Labor Unit, investigate cases of child labor, however the Unit was inactive throughout 2016(4)t  |
| Ministry of Gender, Child and Social Welfare                           | Coordinate activities on children's rights and act as the focal ministry for child protection (56)  |
| Sudan People's Liberation Army (SPLA) Child Protection Unit            | Headed by a Brigadier General. Prevent the recruitment of children into the army, monitor barracks, identify and assist with the release of child soldiers, investigate allegations of child soldiering and provide training on children's rights to child protection officers and members of the SPLA (17, 57, 58) Serve as liaison between the SPLA and the international community. (57) |
| Ministry of interior   | Enforce criminal laws to combat human trafficking and maintain a database on crime statistics.(59)  |
| Ministry of Justice  | Protect citizens' rights and enforce the Comprehensive Peace Agreement and the Constitutions, including child protection provisions in those laws. (60)   |
| South Sudan Police Services  | Enforce criminal laws related to the worst forms of child labor (53)  |

*Source:* Bureau of International Labor Affairs – South Sudan N Advancement – Efforts Made but Complicit in Forced Child Labor, 2016 Findings on the Worst Forms of Child Labor.

48. The Ministry of Gender, Child and Social Welfare developed a National Policy on the Protection and Care of Children without appropriate Parental Care in 2017. This policy addresses among several other issues and challenges, the vulnerability of children to trafficking and sexual exploitation by seeking to promote the protection of children. Through this policy, the Ministry of Gender seeks to work to ensure that anti-trafficking laws do not have negative effects and impacts on children on the move.

49. Other programmes include the 'Children, Not Soldiers' Campaign. This is a Ministry of Defense programme aimed at raising awareness of members of the SSPDF on international child protection principles and how to prosecute perpetrators responsible for recruitment of child soldiers.

50. The in 2014 to 2017, the Government with support from international partners such as UNICEF implemented a programme (Emergency Education Programme) aimed at supporting children at risk for being recruited as child soldiers.

51. The Government with support from international development partners opened an Interim Care Centre, which is a temporary shelter for released child soldiers and rescued mothers in Yambio in former Western Equatoria State.

52. The Government in collaboration with the United Nations Office on Drugs and Crime (UNODC) are currently implementing a project to strengthen the legal environment for effective response to trafficking in women and girls.

53. The first anti-human trafficking workshop on identifying and investigating cases of trafficking in persons was successfully delivered in Juba between the 4th and 6th of September 2018.

54. The Government also with support from UNICEF established a child protection units and trained personnel for their management. These units are tasked to rehabilitate children formerly used by armed groups.

55. The Government is further working closely with international development partners working in the country on issues of children with view of addressing issue of children associated with armed forces by identification, verification and registration of such children.

56. The Government and the international development partners are currently working to secure the release of child soldiers from different armed groups. The table below presents data on boys and girls whose release and re-integrated in some parts of the country over a period of four years.

Table 5

**List of children whose release were secured from different armed groups**

| <i>Date</i> | <i>State/location</i>                    | <i>Boys</i> | <i>Girls</i> |
|-------------|--|-------------|--------------|
| Dec 2015    | Greater Pibor Administrative Area (GPAA) | 1,750       | 5            |
| Oct 2016    | Greater Pibor Administrative Area (GPAA) | 145         |              |
| May 2018    | Pibor, Boma State                        | 207         | 3            |
| Feb 2018    | Yambio, Western Equatoria State          | 248         | 100          |
| Jan 2019    | Yambio                                   | 71          | 34           |
| Feb 2019    | Yambio                                   | 72          | 49           |
| April 2018  | Bakiwiri                                 | 137         | 111          |
| AUG 2018    | Asanza                                   | 98          | 51           |
| 2016–2017   | Pibor and Bentiu                         | 99          | 2            |

*Source:* UNICEF, 2018.

57. The organization Confident Children out of Crisis also contributes to prevention efforts by providing support for young children including a safe space to sleep, eat, learn and play, in order that they can develop into young adults, fulfilling their potential. It also supports households to develop a protective environment for safe reintegration of these children into their communities.

58. Some of the challenges impeding effective response include weak capacity of the justice sector to provide effective response resulting in low scale enforcement of existing laws.

## **Article 7**

### **Women's participation in political and public life**

59. The Transitional Constitution of South Sudan, 2011 (as amended) contains the internationally recognized Bill of Rights and makes provision for gender equality and gender mainstreaming, including elements of affirmative action to ensure representation of women in decision making positions in the public spheres which include the executive, the legislative and judicial arms of government at the national, state and local government levels.

60. The right of equal participation in political and public life by women and men is guaranteed by Article 16 (3). Article 16 (4) places a duty on the government at all levels, to promote women's participation in public life and their representation in the legislative and executive organs by at least twenty-five per cent, as an affirmative action to redress imbalances created by history, customs, and traditions.

61. One of the achievements of women who participated in the peace negotiations that led to the signing of the Revitalized Peace Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) is the successful negotiation for inclusion in the Agreement and in the Constitution a 35% affirmative action. To realize this the Government is endeavoring to work with the political parties and other parties to the peace Agreement, towards strengthening intra party democracy in the country.

62. Article 25 of the Constitution guarantees freedom of assembly and association, the right to form or join political parties, associations and trade, or professional unions for the protection of the individual interests of women and men. Whereas Article 25 (3) of the Constitution specifically provides for equal participation of all regardless of their gender in any political party in the country. Currently, 2 out of the 28 registered political parties in the country, two parties are headed by a woman – (SANU and (National Congress Party).

63. The right to participate in governance at all levels either by appointment or by election and the right to vote and be voted for are also guaranteed by Article 26 (1) and (2) of the Constitution.

64. Furthermore, section 33 of the National Elections Act, 2012 provides that every South Sudanese (male and female) is eligible to vote if he or she meets laid down conditions such as the age of 18 years old, being of sound mind and registered as a voter. Also, Section 45 of the National Elections Act equally allows women and men to aspire to be the president or the governor of a state.

65. The Political Parties Act of 2012 further seeks to secure women the right to equal participation with men in political and public life. In highlighting the obligations of political parties, Finally, section 16 (2) (c) of the National Elections Act provides that party leaders must be democratically elected at all levels and parties must make provision for the proportionate representation of women on a basis to be determined by each party.

66. One of the conditions for getting a political association registered as a political party as spelt out in section 16 (2) (f) (ii) and (v) of the (Political Parties Act, 1012) is that the registered members and members of the governing body must have a gender balance among other conditions.

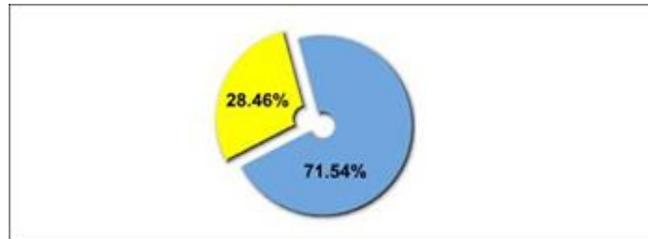
67. Objective 4 of the National Gender Policy developed by the Government is to promote equal and effective participation of all citizens in the social and political affairs of the nation. One of the strategies adopted by the policy for redressing gender gaps in the participation of women and girls in political and public life.

68. Other strategic Plans developed by the Government are aimed at promoting gender equality policy in the responsive recruitment, retention and promotion processes in the public service, capacity building, leadership training and mentoring. The Government with support from international development partners have made an intensive campaign to create awareness on the centrality of gender equality as a prerequisite for achieving sustainable development.

69. The Government with support from the international development partners is conducting a research into customary and traditional beliefs and practices as well as engaging with traditional, religious and other community opinion leaders in the

promotion of gender equality and the elimination of practices that reinforce inequalities and discrimination against women.

70. No election has been held in South Sudan following independence in 2011; as such, all representatives and office holders at different levels of governance are currently appointed. On legislative positions gender representation, the constitutional provision on affirmative action of allocation of least 25% female members is been achieved and implemented at the national level and in many states. As of August 2018, 109 (28.46%) of the 383 members of the national parliament were females. Also, at the level of principal officers of the national parliament, there are two Deputy Speakers, – of which one is a female.



71. The current situation is quite similar to that of the previous parliament (2011) where out of 332 members, there were 95 females representing 29%. Although the Government has established the affirmative action of 25% to improve women participation in the governance of the country, yet the lower level of women literacy among women remains a challenge to meet qualify for equal participation as recommended by CEDAW.

Table 6  
**Representation in governance by sex**

| S/N | Position                      | 2011 |     |       |    |     | February 2019 |     |       |    |     |
|-----|-------------------------------|------|-----|-------|----|-----|---------------|-----|-------|----|-----|
|     |                               | F    | M   | Total | %F | %M  | F             | M   | Total | %F | %M  |
| 1   | National Legislative Assembly | 95   | 237 | 332   | 29 | 71  | 111           | 289 | 400   | 28 | 72  |
| 2   | Council of States             | 5    | 45  | 50    | 10 | 90  | 5             | 45  | 40    | 10 | 90  |
| 3   | Speaker                       | 0    | 1   | 1     | 0  | 100 | 0             | 1   | 1     | 0  | 100 |
| 4   | Deputy Speakers               | 1    | 1   | 2     | 50 | 50  | 1             | 1   | 2     | 50 | 50  |
| 5   | Ministers                     | 5    | 25  | 29    | 17 | 83  | 6             | 24  | 30    | 20 | 80  |
| 6   | Deputy Ministers              | 10   | 17  | 27    | 37 | 63  | 1             | 5   | 6     | 17 | 83  |
| 7   | Head of Commissions           | 2    | 18  | 20    | 10 | 90  | 2             | 14  | 16    | 16 | 88  |
| 8   | Deputy Heads of Commissions   | 4    | 16  | 20    | 20 | 80  |               |     |       |    |     |
| 9   | Presidential Advisors         | 1    | 6   | 7     | 14 | 86  |               |     |       |    |     |
| 10  | Undersecretaries              | 4    | 28  | 32    | 12 | 88  | 4             | 28  | 32    | 13 | 87  |

Source: Ministry of Parliamentary Affairs.

72. With regards to executive positions, in 2011, women were highly under-represented. For most of the positions, female representation was between 10 and 20%. Only the position of Deputy Ministers was filled by women up to 37% of the available slots. However, due to the current political situation and the signing of the peace Agreement, in 2019, women representation at national executive level has dropped to 17%. Generally, between 2011 to 2019, percentages of female Ministers moved up by 3% from 17% and Undersecretaries positions by 1% from 12%.

73. At the level of the states, some have achieved equal participation of women and men in their legislative assemblies. For instance, Lake State has equal number of female and male legislators.

Table 7

**Women and men in State Assemblies of the former Ten States**

| <i>States</i>       | <i>Female</i> | <i>Male</i> | <i>Total</i> | <i>Female %</i> | <i>Male %</i> |
|---------------------|---------------|-------------|--------------|-----------------|---------------|
| Central Equatoria   | 9             | 14          | <b>23</b>    | 39              | 60.9          |
| Eastern Equatoria   | 5             | 14          | <b>19</b>    | 26.3            | 73.7          |
| Jonglei             | 8             | 20          | <b>18</b>    | 28.6            | 71.4          |
| Lake                | 7             | 7           | <b>14</b>    | 50              | 50            |
| North Bhar El-Gazel | 14            | 11          | <b>25</b>    | 56              | 44            |
| Unity               | 4             | 8           | <b>12</b>    | 33.2            | 66.6          |
| Upper Nile          | 7             | 13          | <b>20</b>    | 35              | 63            |
| Warrap              | 8             | 12          | <b>20</b>    | 40              | 60            |
| Western Equatoria   | 1             | 5           | <b>6</b>     | 16              | 84            |
| Bahr-El Gazel       | 4             | 9           | <b>13</b>    | 30.8            | 69.2          |

74. The state of Northern Bahr El Ghazal has surpassed the constitutional requirement of equal participation with 56% female representatives. All the former ten states, except Eastern Equatoria with only 16% female members have met the minimum requirement of at least 25% female members of parliament.

75. Due to the low level of literacy among women, to pursue a career like their male counterparts, huge gaps still exist at the leadership levels of most government institutions. For instance, as presented in Table 8, most heads of directorates in different ministries and other institutions of the Government are men (37.5%), mainly headed by male. Exception the Ministry of Gender, Child and Social Welfare that have more female directors of 62.5%.

Table 8

**Sex disaggregated data on leadership positions in different Government institutions**

| <i>S/N</i> | <i>Ministry</i>  | <i>Director Generals</i> |          |          |          | <i>Directors</i> |          |          |          |
|------------|--|--------------------------|----------|----------|----------|------------------|----------|----------|----------|
|            |  | <i>M</i>                 | <i>%</i> | <i>F</i> | <i>%</i> | <i>M</i>         | <i>%</i> | <i>F</i> | <i>%</i> |
| 1.         | Ministry of Gender, Child and Social Affairs                       | 2                        | 66.6     | 1        | 33.3     | 3                | 37.5     | 5        | 62.5     |
| 2.         | Ministry of Cabinet Affairs  | 3                        | 75       | 1        | 25       | 8                | 61.5     | 5        | 38.5     |
| 3.         | Ministry of General Education and Instruction                      | 6                        | 85.7     | 1        | 14.3     | 15               | 88.2     | 2        | 11.76    |
| 4.         | Ministry of foreign Affairs and International Cooperation          | 7                        | 87.5     | 1        | 12.5     |                  |          |          |          |
| 5.         | Ministry of Labour, Public Services and Human Resource Development | 9                        | 81.8     | 2        | 18.2     | 10               | 90.9     | 1        | 9        |
| 6.         | Ministry of Justice and Constitutional Affairs                     | 9                        | 90       | 1        | 10       |                  |          |          |          |

76. As of the current Government records, there are about 2,155 registered national and international non-governmental organizations (NGOs) in South Sudan, some of which are headed by women. Women are also involved in trade union activities. The

South Sudan Trade Union was established in 2010 and currently has leadership of 27 males and 7 females at the national level.

77. Women are also organized in various women's associations at the national, state, county and Payam levels. There is a registered South Sudan Women General Association which is a non-partisan, non-political and non-governmental. Its primary aims include the promotion of gender equity at all levels of the society, peace building, women's economic empowerment, prevention of gender-based violence and all forms of discrimination against women.

78. The Government of South Sudan demonstrates its commitment to promoting women's equal participation with men in political and public life by articulating this desire in all its strategic Plans.

79. The Government Development Plan – Vision 2040<sup>5</sup> recognizes the centrality of gender equality to the development of the country. Among others, the nine cross-cutting issues which all government institutions should implement in all their policies, plans and programmes.

80. Objective 4.4 (h) of the Development Plan is “to mainstream gender equality in all institutions of the government and public life, including adhering to the constitutional provision for women representation at all levels of government”.

81. Between 2014 to 2016, in promoting effectiveness of female leadership, the Government with support from international partners, conducted a series of trainings for women on transformational leadership, peacebuilding and reconciliation. Among the trained women are forty-five women leaders from the executive at national and state levels; 150 young female leaders; 150 women within the South Sudan Council of Churches; 100 women from the peace movement; 60 men and women from Protection of Civilians Sites (POC sites); and 120 women selected from rural communities.

82. The Government enjoys enormous support from international development partners in promoting women's participation in public life. Between 2014 and 2016, the Government with support from UN-Women, and the University of Juba, began the process of institutionalizing transformational leadership training for women by developing and validating a draft of the training curriculum. These initiatives constitute an important starting point and steps towards building technical and organizational capacity for Government staff and CSOs in providing strategic oversight and leadership and advocacy in gender sensitive policies and programmes.

83. In 2015 the Government in collaboration with the NDP trained citizens of effective' participation in the governance, in Yei River County. The meeting was particularly unique because women in the locality (Tore Payam of Yei County) were also invited to participate.<sup>6</sup>

84. The Government in collaboration with South Sudan Democratic Engagement, Monitoring and Observation Programme (SSuDEMOP) facilitated the development of the South Sudan Women's Strategy,<sup>7</sup> which is aimed at enhancing women's participation in decision-making. The strategy document is designed to serve as a comprehensive blueprint to support women to share their views on different issues.

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<sup>5</sup> Government of South Sudan (2011) South Sudan Vision 2040, Available online: [https://www.southsudanhealth.info/PublicData/Library/Policy\\_Documents/South%20Sudan%20Vision%202040.pdf](https://www.southsudanhealth.info/PublicData/Library/Policy_Documents/South%20Sudan%20Vision%202040.pdf).

<sup>6</sup> UNDP (2015) Gender and Democratic Governance and Stabilization, available online [http://www.ss.undp.org/content/south\\_sudan/en/home/ourwork/womenempowerment/Gender-Democratic-Governance-and-Stabilization.html](http://www.ss.undp.org/content/south_sudan/en/home/ourwork/womenempowerment/Gender-Democratic-Governance-and-Stabilization.html).

<sup>7</sup> South Sudan Democratic Engagement, Monitoring and Observation Programme (SSuDEMOP) (2016) South Sudan Women's Strategy, available online: [http://www.kas.de/wf/doc/kas\\_46318-1522-2-30.pdf?160909102210/](http://www.kas.de/wf/doc/kas_46318-1522-2-30.pdf?160909102210/).

85. In spite of the Government political will and constitutional guarantees and due to some cultural beliefs, public perception of gender equality is skewed in favour of men, resulting in women's limited decision-making power at both the household and community levels. This in turn affects negatively on women's participation in political and public life.

## Article 8

### Equal opportunity to represent their Governments at the international level and to participate in the work of international organizations

86. The Government is guided by the country's laws and policies such as the Constitution and the national gender policy, responsible for the country's external relations and therefore oversees the appointment and postings of diplomats and foreign attachés.

87. Article 16 (4) of the Constitution mandates the government at all levels to promote women's participation in public life and their representation in the legislative and executive organs by at least twenty-five per cent, as an affirmative action to redress imbalances created by history, customs, and traditions.

Table 9

#### Women and men representing the Government at the international level

| <i>S/no</i>        | <i>Title</i>               | <i>Grade</i> | <i>Total</i> | <i>Male</i> | <i>%</i> | <i>Female</i> | <i>%</i> |
|--------------------|----------------------------|--------------|--------------|-------------|----------|---------------|----------|
| 1                  | Ambassadors                | 1            | 57           | 53          | 95       | 4             | 5        |
| 2                  | Ambassadors                | 2            | 43           | 37          | 84       | 6             | 16       |
| 3                  | Ambassadors                | 3            | 41           | 34          | 85       | 7             | 15       |
| 4                  | Minister Plenipotentiaries | 4            | 41           | 34          | 85       | 7             | 15       |
| 5                  | Counselors                 | 5            | 27           | 12          | 59       | 15            | 41       |
| 6                  | First Secretary            | 7            | 70           | 45          | 64       | 40            | 36       |
| 7                  | Second Secretary           | 8            | 41           | 16          | 39       | 25            | 61       |
| 8                  | Third Secretary            | 9            | 53           | 33          | 67       | 11            | 33       |
| 9                  | Administrators             | Mixed        | 31           | 19          | 61       | 12            | 39       |
| 10                 | Finance Inspectors         | Mixed        | 15           | 10          | 67       | 5             | 33       |
| 11                 | Establishment officers     | Mixed        | 6            | 2           | 33       | 4             | 67       |
| <b>Grand Total</b> |                            |              | <b>405</b>   | <b>290</b>  |          | <b>115</b>    |          |

Source: Ministry of Foreign Affairs and International Cooperation, South Sudan.

88. As presented in table 7, only 5% of the 57 Ambassadors in the highest cadre are women. Women are more visible in the lower and administrative cadre within the Foreign Service operations. The constitutional provision on 25% affirmative action has been surpassed at these levels. Women also outnumber men at the levels of Establishment Officers (67%) and Second Secretaries (over 60%).

89. Low literacy rate among women is a major issue. The socialization of women in a highly patriarchal environment also limits women's confidence even when they are educated, making it difficult for them to socialize and seek recognition.

90. Women are encouraged to work in international Organizations. The major limiting factor for women in this area is illiteracy; however, the table below gives an idea of South Sudanese women who are currently working in international organizations.

Table 10  
**Number of South Sudanese in the employment of UN Agencies**

| S/N          | Agency    | National Officers<br>(NOAs, NOBs, NOCs, NODs) |            | General services<br>(G1s, G2s, G3s, G4s, G5s, G6s, GS7) |            |
|--------------|-----------|---|------------|---|------------|
|              |           | M   | F          | M   | F          |
| 1            | UNDP      | 8   | 1          | 16  | 13         |
| 2            | UNICEF    | 83  | 38         | 107   | 43         |
| 3            | UN WOMEN  | 0   | 2          | 7   | 3          |
| 4            | UNMISS    | 117   | 42         | 1072  | 156        |
| 5            | UNESCO    | 2   | 2          | 8   | 2          |
| 6            | UNHCR     | 118   | 36         | 101   | 8          |
| 7            | WFP       | 42  | 16         | 721   | 157        |
| 8            | FAO       | 7   | 0          | 1   | 1          |
| 9            | IOM       | 3   | 2          | 369   | 103        |
| 10           | UNOCHA    | 15  | 3          | 30  | 4          |
| 11           | UNEP      | 1   | –          | 2   | –          |
| 11           | UNOPS     | 22  | 2          | 358   | 229        |
| 12           | UNMAS     | 3   | 0          | 24  | 3          |
| 13           | UNFPA     | 5   | 3          | 17  | 6          |
| 14           | UNIDO     | 6   | 3          | 5   | 1          |
| 15           | UNHABITAT | 1   | –          | 3   | –          |
| <b>Total</b> |           | <b>433</b>                                    | <b>150</b> | <b>2,840</b>  | <b>729</b> |

91. Table 9 reveals that at the levels of National Officers and General Services, women constitute 34% and 26% respectively of south Sudanese in the employment of some international organizations whose employment data were accessible during the development of this report.

92. The Government with UN Women has compiled a database on South Sudanese women who are qualified to occupy high level positions. This resource has been generated painstakingly to support different selection processes in the country. Government is making efforts to support women to mobilize themselves and form high level lobbying and advocacy groups who will be ready to engage in high-level negotiations on behalf of women at different strategic levels.

## Article 9 Nationality

93. The laws of South Sudan do not discriminate against any sex regarding who qualifies to be a citizen of South Sudan. Men and women have equal rights to acquire, change and retain their citizenship and nationality. In fact, South Sudan is one of the African countries whose nationality laws are in conformity with international laws especially as it relates to the rights of women.

94. Issues related to nationality and citizenship of South Sudan are regulated by the Transitional Constitution, 2011, the Nationality Act 2011 and the Nationality Regulations of 2011. Article 45 of the Constitution specifically defines who qualifies to be a citizen of South Sudan. Every person born to a South Sudanese mother or father’.

95. Article 8 of the Nationality Act, 2011 sets conditions for eligibility for acquisition of South Sudanese nationality and citizenship. Sub-section (1)(a) of Section 8 of the Nationality Act provides that a person born before and after the entry into force of the Act, shall be a South Sudanese national by birth if any of such person's paternal or maternal parents, grandparents or great-grandparents, were born in South Sudan. The Act goes further in Sub-section (3) of the same section to declare children of naturalized by South Sudanese parents are citizens of South Sudan.

96. Under the Nationality Act, persons married to either male or female South Sudanese national can, as a right, acquire South Sudanese nationality if the minimal conditions attached to the process as spelt out in the Nationality Regulations are fulfilled.

97. Section 20 of the Nationality Regulations also reaffirms Government commitment to respect the fundamental human rights of individuals. It enjoins issuing authorities of the nationality department of the Government to abide by international standards.

98. Section 21 also prohibits officers implementing provisions of the Nationality Act not to base their actions or decisions on arbitrary or discriminatory grounds such as race, colour, ethnic affiliation, sex, religion, political or other opinion, property, disability, health status, geographical origin, or belonging to a particular social group.

99. The Government has charged the Directorate of Nationality, Passports and Immigration (DNPI) with the responsibility of registration of and issuance of nationality documents to citizens. By law, each citizen of South Sudan is expected to have: a nationality certificate and a national identity card which confirms the identity of the holder.

100. The Government is currently, issuing nationality certificate in the major cities in the Country, including the capital Juba and is endeavoring to extend such services to other parts of the Country.

## **Article 10**

### **Equal rights of women and men in the field of education**

101. The Government has made the primary education free and compulsory; however, illiteracy remains a huge challenge in the country. In 2012, the National Bureau of Statistics (NBS) reported that that only 27% of the adult population is literate and 70 per cent of children aged 6–17 years have never set foot in a classroom.

102. A gender analysis of the adult literacy rate reveals a worse status for women and girls. While literacy rate among boys is 60%, it is 40% for girls.<sup>8</sup> As of 2012, only 36% of pupils enrolled in upper primary education and less than one-third of secondary students are girls. In 2013, only 38.9% of the 1,311,467 pupils enrolled in primary schools were females.

103. Similarly, in the year 2013, the Government only recorded 31.9% of the 46,567 students enrolled in secondary schools were females. Drop-out rates across the education system are also high. In the same year (2013), only 500 girls were in the last grade of secondary school in the whole country and in 2016, 128,000 girls started primary school, but only 2,700 completed secondary school.

104. The same pattern is the case at the level of instructors. As at 2012, only 12% of teachers were females. These abysmal data highlight huge gender gaps in educational attainment and has spurred the government and strategic partners into action over the years.

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<sup>8</sup> UNESCO, 2017, South Sudan Education Sector Analysis 2016 Planning for Resilience.

105. The Government's efforts committed to addressing the huge gaps have yielded positive results. Between 2008 and 2015, enrolment in pre-primary and secondary education increased at an annual growth rate of 19% and 15%, respectively.<sup>9</sup> Unfortunately, the experience of violence in recent times has triggered some level of setback in different parts of the country.

Table 11  
**Basic data in the education sector**

| <i>S/N</i> | <i>Category</i>  | <i>Male</i> | <i>Female</i> |
|------------|--|-------------|---------------|
| 1          | Average Dropout Rate at primary school level (2015)      | 6%          | 8%            |
| 2          | Average Dropout Rate at secondary school level (2015)    | 7%          | 12%           |
| 3          | Average Repetition Rate at primary school level (2015)   | 10%         | 14%           |
| 4          | Average Repetition Rate at secondary school level (2015) | 4%          | 6%            |

*Source:* NBS, 2015.

106. The right to education is guaranteed by the Constitution in Article 29 "...access to education for all citizens without discrimination as to religion, race, and ethnicity, health status including HIV/AIDS, gender or disability". By the provision of this article, all levels of government are duty bound to provide access to education for all.

107. Apart from the constitutional guarantees, section 6 (a) of the General Education Act, 2012 provides for free and compulsory primary education to all citizens without discrimination on the basis of sex, race, and ethnicity, health status including HIV/AIDS, gender or disability. Section 6 (c) of the Act also states that "education shall promote gender equity throughout the primary, secondary and other institutions of learning" and section 6 (d) provides that "education shall inculcate in the individual awareness and respect for life, human dignity in general and human rights in particular, especially the child rights".

108. Section 7 (c) of the Act also states that one of the goals of education is the achievement of equity, the promotion of gender equality and the advancement of the status of women.

109. Section 18 of the General Education Act addresses the challenge of access to education by children as a fundamental right issue and makes it an offence for a parent to refuse to enroll a child that is of school age in school.

110. Article 9 (2) of the Act also states that the goal of Alternative Education Systems (AES) is to "provide learning opportunities for learners who have missed their formal education in the basic education system and those who never joined basic education". The Act has a specific goal for adult and lifelong learning to "eradicate illiteracy, improve employability of young people and adults and promote lifelong learning for all citizens".

111. The Government seeking to redress the huge gap in educational attainment between men and women by laying a plan of affirmative action throughout the country and introduction of policies to redress the past and present discriminatory practices, harmful beliefs and cultures which impede the women and girls attending schools.

112. The desire of the Government to achieving gender equality in the provision of access to quality education is further provided in the National Gender Policy 2013. One of the objectives of this policy is to promote equal access and opportunities for girls and boys, women and men, at all levels of education.

<sup>9</sup> Ibid.

113. The Government has also introduced policies through which it seeks to achieve the gender equality related objectives. One of such policies is the development of an action plan for the implementation of the Child Act of 2008.

114. The Government with support from United Kingdom is implementing a Girls' Education South Sudan (GESS) Project in ten former states of the country. Some of the schools currently benefiting from GESS capitation grants are about 4,000 not-for-profit schools, which include government, community, and faith-based schools to help reduce running cost and improve learning environment, thereby encouraging parents to send their children to school.

115. GESS works to increase the number of educated girls in South Sudan by giving more girls access to quality education. To improve the quality of education, teachers and education managers have been trained to enhance their skills in and out of the classroom.

116. Currently GESS programme is benefiting approximately 200,000 girls registered in the primary and secondary education.

117. The Government Alternative Education System provided for in the General Education Act seeks to address the disadvantaged situation of women and girls in the area of literacy. This creates learning opportunity for women and girls (including pregnant girls) who are unable to access formal education. Approximately 70,000 girls and women utilized this program in 2011.

118. One alternative education programme developed by the Government is specifically for girls is called Community Girls' Schools, which compresses material from years one through four into three years at the primary level. This programme is designed to empower young girls from poor backgrounds.

119. The Government and Global Partnership for Education (GPE) supports the removal of barriers to girls' education in South Sudan. Between 2013 and 2016, the Government in collaboration with USAID provided a financial support of \$66 million to the education sector Major focus of this funding is aimed at eliminating gender-based violence. 25 girl-friendly centers" was established aimed at benefiting 3,000 girls were built. Gender sensitivity programmes within the schools include separate washroom facilities for girls and teacher training on gender-based violence.

120. With support from the European Union (IMPACT programme) (2015–2020) the Government aimed at increasing access to quality education by increasing teacher attendance, paid incentives (US\$40 per month) to teachers in primary schools for 18 months. This has greatly improved teacher welfare.

121. In 2017, the Government also with support from UNICEF drafted a comprehensive National Girls' Education Strategy for 2018–2022; the National Youth Strategy; and South Sudan National Action Plan with aim to End Child Marriage. The Government with support from UNICEF is exerting efforts to model good practices in school construction and capacity strengthening of teachers, administrators and community members to deliver quality education:

(a) A total of 13,007 teachers, Parents Teachers Association (PTA) members and other education personnel (3,956 women; 9,051 men) were trained to effectively deliver integrated education services in 556 temporary learning spaces classrooms and 133 rehabilitated classrooms;

(b) The PTA and School Management Committee members were specifically oriented to improve girls' participation in schools. Over 461,000 textbooks and teacher guidebooks were distributed;

(c) In partnership with 18 international and 14 national NGOs, UNICEF South Sudan worked with other actors for refugee education (UNHCR); life skills and youth

(the United Nations Educational, Scientific and Cultural Organization [UNESCO]); and girls' education (Girls' Education South Sudan);

(d) Partial educational scholarships are offered to citizens of South Sudan by the governments of Ethiopia, Sudan, South Africa etc., but many girls and women are unable to take up such opportunities because of poverty and lack of access to financial services.

122. Section 15 (b) of the General Education Act, 2012 provides that 10% of total budget will be allocated to the education sector. Table 12 is a presentation of the education sector budget over a period of six years. Only in 2019, budget allocation for the Ministry of General Education has reached the expected target.

Table 12

**Education budget as a percentage of total annual budget of Government**

|  | 2013/14               | 2014/15               | 2015/16               | 2016/17               | 2017/18               | 2018/19               |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
|  | <i>Enacted Budget</i> |
| General Education and Instruction  | 463,505,919           | 388,040,987           | 388,040,987           | 962,884,759           | 1,408,671,502         | 6,844,545,069         |
| Higher Education, Science and Technology   | 156,435,725           | 288,873,359           | 288,873,359           | 442,917,916           | 1,408,671,502         | 657,812,876           |
| South Sudan Examination Secretariat  | –                     | –                     | –                     | –                     | 453,533,513           | 126,647,410           |
| The Education Sector   | 619,941,644           | 676,914,346           | 676,914,346           | 1,405,802,675         | –                     | 7,629,005,355         |
| Overall FY Total (Plus External Loans & Grands)                                    | 10,403,498,304        | 10,642,138,993        | 10,642,138,993        | 38,074,035,039        | 1,862,205,015         | 81,590,170,609        |
| Proportion of Education Sector of overall budget                                   | 6%                    | 6%                    | 6%                    | 3.7%                  | 46,276,830,967        | 9.4%                  |
| Proportion of General Education (Plus Examination Council) of overall Gov't budget | 4%                    | 4%                    | 4%                    | 2.5%                  | 4.0%                  | 8.5%                  |

Source: Ministry of General Education, 2019.

123. Although much progress has been made in the education sector, but because of the peculiar security challenges of the country, service delivery in some parts of the country remain a challenge.

124. Another key challenge of the education sector is lack of qualified teachers, however, the Government is currently investing in teaches training institutions especially for female teachers.

125. The Same Opportunities to Participate Actively in Sports and Physical Education; See Article 13 for status of women's participation in sport activities.

## **Article 11**

### **Women's right to employment**

126. The lingering of security challenges in the country continues to negatively impact on the labour market. With a high level of non-literate population, 'unemployment rate in the country remains higher at 11.50 percent in 2017 compared to unemployment rate in 2016 which was lower.

127. An estimated 11.6% male population and 13% female population are unemployed in the country.<sup>10</sup> In all, 84% of those employed are in non-wage work either for their family (43%), for others (five percent) or on their own account (37%). At the same time, the agriculture sector accounts for 63% of all employment. Those in non-wage employment in the agriculture sector (i.e., the overlapping group) account for 61 percent of the employed.

128. Only a minority of workers enjoys formal salaried employment (13%) or employment in the tertiary sector (19%). These patterns are especially pronounced for rural dwellers (90% are in non-wage work, 69% are in agriculture and 67% are in both) and the poor (93% are in non-wage work and 75% in agriculture).<sup>11</sup>

129. The legal and policy environment for the protection of the right of equal opportunities for women and men in the world of work is progressive.

### **The right to work and enjoy associated benefits**

130. The right to equal opportunities in the field of employment for women and men is guaranteed by the Constitution specifically, Article 16 which guarantees women the right to enjoy equal dignity of their person with the men, the right to equal pay for equal work and other related benefits with the men as well as the right to participate equally with men in public life. Article 16 (4) (c) also places a responsibility on all levels of government to provide maternity and child care and medical care for pregnant and lactating women.

131. The right to equal remuneration for work of equal value that is guaranteed by the Constitution is further protected by Section 8 of the Labour Act. The Civil Service Act (Section 19 (b)) also provides for equal rights for women and men in recruitment, promotion and remuneration.

132. Section 70 of the Labour Act also enjoins the Minister of Labour to make regulations that can offer protection to apprentices, and employees with special needs. The provision applies to both male and female citizens.

### **Freedom from gender discrimination in the world of work**

133. Apart from CEDAW, the Government also ratified the International Discrimination (Employment and Occupation) Convention, 1958 (No. 111) in 2015. As presented earlier in this report, there is a gender machinery in place leading government response to the promotion of gender equality in the country.

134. Section 68 (3) of the Labour Act prohibits an employer from requiring or permitting a female employee who is pregnant or who has recently given birth, to perform night work during the eight weeks leading up to the anticipated date of childbirth and the eight weeks immediately following childbirth or any other period specified by a medical certificate from a government hospital or clinic or private clinic stating that night work may endanger the health of the employee or her child.

135. Due to high level of illiteracy and youth unemployment, the Government with support from international development partners, developed vocational training programme opportunities in the country. There is a South Sudan Vocational Training Policy aimed at giving direction for implementation of vocational training programme. There are Twelve (12) government owned vocational centers in the country and other private vocational training centres.

<sup>10</sup> L. Guarcello S., Lyon F. C. and Rosati (2011) Labour market in South Sudan Country Report December 2011, Understanding Children's Work (UCW) Programme, [http://www.ucw-project.org/attachment/30052016798Labour\\_market\\_in\\_South\\_Sudan.pdf](http://www.ucw-project.org/attachment/30052016798Labour_market_in_South_Sudan.pdf).

<sup>11</sup> Ibid.

136. In promoting inclusiveness, the Government has developed National Disability and Inclusion Policy (NDIP) (2013) which seeks, among other things, to address and respond to multiple vulnerabilities faced by Persons with Disabilities (PWDs) and promote and protect their rights and dignity in an inclusive manner. One of the key priority areas of the policy is economic empowerment and improved livelihood for PWDs. Some of the strategies for achieving this include the implementation of ‘a range of safety net programmes; Promotion of affirmative action for employment of people with disabilities and development, scale-up and implementation of vocational skills training and development programme for PWDs.

**Special Measures to guarantee women’s enjoyment of equal rights in the field of employment and to safeguard the work of reproduction**

137. One of the special measures put in place by the Government through Labour Act provisions, is the entitlement of 90-day maternity leave for women and the guarantee of retaining a job position after returning from such leave. These are provided for in Section 64 of the Labour Act, sub-Section (1). By this law, a female employee is currently entitled to a 90-day maternity leave with full pay on each occasion she is pregnant; and 45 days for breastfeeding while working for half day as stipulated in Sub-section 7.

138. Other entitlements for a nursing mother, within six months upon return from maternity leave are: (a) two breaks of thirty minutes each during working day; (b) a reduction of sixty minutes from her daily hours of work or (c) provision of a clean space for baby-sitters in workplace for lactating mothers to breastfeed their babies regularly.

139. In addition, Sub-section (8) of Section 64 of the Labour Act, also allows all periods of rest that a nursing mother may enjoy being considered as working time with pay accordingly. By virtue of Sub-section (9) of section 64 of the Labour Act, an employee who is pregnant or nursing a child is protected from being told to perform work that is hazardous to her health or the health of her child. An employee, who has a miscarriage or a stillborn child, is also entitled to leave for six weeks after the miscarriage or stillbirth.

140. The Act in section 65 also provides for two weeks of paternity leave and full pay for men whose wife is pregnant, following the birth of the child or immediately following miscarriage by his wife and without losing the position that he was, before going on leave. The Government with support from international development partners has established a non-formal employment opportunity for the citizens. The Gender Support and Development Project (GSDP), which was implemented by the Ministry of Gender, Child and Social Welfare to promotes employment and economic empowerment of women. There are three main components to the project including: the economic empowerment of women through the provision of start-up assistance grants of up to \$50,000 to 108 local organizations and associations benefiting female beneficiaries.

141. Between 2006 and 2017, the Government in collaboration with Japan Organization for International Cooperation (JICA) has committed over twelve million USD to the training of over 6,000 youths (male and female) in various skills such as automotive, electrical, building and concrete practice, plumbing and pipe work, carpentry, computer, cooking, tailoring and metal fabrication. The trainings were conducted in Juba, Wau, Malakal and Aluakluak in South Sudan.<sup>12</sup> The Government also with support from United Nations Industrial Development Organization (UNIDO) and the Government of Japan are supporting f South Sudan through an initiative aimed at restoring livelihoods through small-scale business development. Beneficiaries are being trained on food processing, entrepreneurship and business

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<sup>12</sup> The Project for Improvement of Basic Skills in South Sudan, Phase 2 (SAVOT 2) [https://www.jica.go.jp/project/english/south\\_sudan/002/](https://www.jica.go.jp/project/english/south_sudan/002/).

management, thereby helping to set up small-scale enterprises that can be replicated in other regions of the country, including communities hosting IDPs, and create business points for customers.

## Article 12

### Elimination of discrimination in the field of health

#### Maternal health

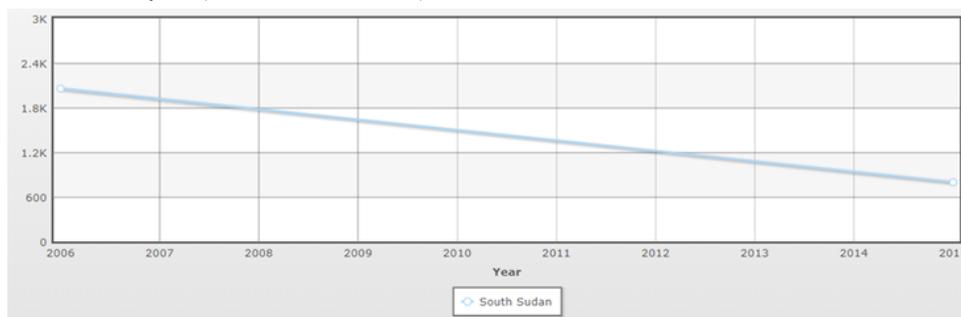
142. Maternal mortality ratio stands at 789 per 100,000 live births, with regional variations ranging between 523–1,150.<sup>13</sup> Antenatal care coverage is low at 17% and the age at first sex debut is extremely low at 14 years. The number of births attended by skilled health personnel, which stood at 19.8% between 2008 and 2010, was also very low. This figure masks the huge difference in access by state. For instance, the household Health Survey of 2010 revealed that access to skilled care at birth was highest in Central Equatoria State (72%), and lowest in Warap (18 percent) and Jonglei (22%).<sup>14</sup>

143. Although the maternal mortality rate is high, a downward trend is being recorded over the years. From the chart below, whereas in 2006, the rate was as high as 2,054,<sup>15</sup> over the years this rate has reduced tremendously to a present figure of 789.

Figure 1

#### Maternal mortality rates

Maternal mortality rate (deaths/100,000 live births)



MMR in 2006 – 2,054; MMR in 2016 – 789 (*Source: CIA World Fact Book presented index mundi*).

144. Government is mindful of the fact that these figures are unacceptably high and will, therefore, continue to do everything within its means to support the delivery of life saving services in order to bring these figures down. In addressing the challenges associated with maternal and reproductive health response, the government in collaboration with international development partners, continues to pay attention to improved enabling environment for effective response, development of human resources, quality service delivery, awareness creation, monitoring and evaluation and conduct of surveys so that planning can be based on evidence.<sup>16</sup>

145. Article 11 of the Constitution guarantees the right to life and human dignity. The duty to provide ‘maternity, child and medical care’ as well as free primary health care and emergency services (which invariable is an affirmation of the right of women to

<sup>13</sup> WHO (2017) Global Health Observatory, available at: <http://apps.who.int/gho/data/node.cco>.

<sup>14</sup> World Bank (2010) <http://microdata.worldbank.org/index.php/catalog/2588>.

<sup>15</sup> South Sudan House Hold Survey, 2006.

<sup>16</sup> Reproductive and Maternal Child Health Services – South Sudan National Health Summit 2017, Dr. Alexander Dimiti, Director General, Reproductive Health.

access medical services) is imposed by the Constitution on the Government at all levels by Articles 16 (c) and Article 31 respectively. Maternity health care is free of charge.

146. One major challenge, however, is the inaccessibility to some remote areas especially because of the pockets of violence such as Grazing Land, Water Points, Communal Conflict and Cattle Rustling occurring in different parts of the country. Most women in South Sudan live in rural areas with limited access such health services.

147. The right to health and the duty of local government authorities to provide free health services has also been backed by many local laws including Section 110 (4) (c) of the Local Government Act, 2009. One of the principles of local governance as elucidated in Section 13 (7) of the Act is the equality – the provision of ‘equal services and opportunities to all members of a local community.

148. The Government National Health Policy (NHP) 2016–2026 is designed to provide the overall vision and strategic direction for health sector response. The Policy is being implemented through two steps p of five-year period from 2016–2021 and 2021–2026.

149. The overall goal of the NHP is to strengthen national health system and partnerships that overcome barriers to effective delivery of the Basic Package of Health and Nutrition Services (BPHNS). The Government National Gender Policy on the other hand, prioritized the issue of maternal mortality and called for the review of all health-related legislation, policies and programmes to integrate and mainstream gender equality.

150. The Government with the support from UNFPA developed the following policy document that are being used to guide maternal health response across the country: Road Map for Maternal Deaths Surveillance & Response; Standard & Minimal Package and the Training Kit for Provision of Youth Friendly SRH; Family planning Policy and Training Handbook; Comprehensive Emergency Obstetrics & Neonatal Standards, Protocols and Guidelines; Gender Mainstreaming Strategy for Health Sector (RH); Comprehensive Sexuality Education Curriculum and Comprehensive Reproductive Health Policy and Strategy among others.

151. Currently the Government with support from Global Affairs Canada (GAC) and the Government of Sweden is at the second phase of implementation of the Strengthening Midwifery Services (SMS) Project (2016–2020). The project, among other things focuses on scaling up midwifery education and practice as well as increased capacity for delivery of emergency obstetric care services. In recognition of the need for effective development and management of human resources for health towards achieving adequate performance of the health system, hence reduction in maternal mortality rates among other health indicators, the following are some of the Government efforts in this regard: Due to cultural beliefs, there remains a stiff resistance to contraceptive usage among South Sudanese women. Rumors and misconceptions about contraceptives are widespread, and many men are opposed to family planning. Contraceptive prevalence rate is very low at 4.7% (all methods; 1.7% for modern contraceptives) and percentage of women with an unmet need for a modern method of contraception (married/in-union) is 30.8%.<sup>17</sup>

- (a) Pre-service training of MCH skilled personnel – domestic & regional courses;
- (b) In-service training conducted for health workers on various SRH topics;
- (c) Supportive supervision/on-job mentoring;
- (d) Establishment of South Sudan Nursing & midwifery association;

<sup>17</sup> South Sudan FP 2020 Core Indicator Summary Sheet: 2017–2018 Annual Progress Report, available online: <https://www.familyplanning2020.org/sites/default/files/South%20Sudan%202018%20CI%20Handout.pdf>.

- (e) Training of health services providers on provision of youth friendly sexual and reproductive health services (SRHS);
- (f) Training of teachers on comprehensive sexuality education;
- (g) Capacity building of young people to deliver SRH information & Services effectively;
- (h) Training of health personnel (120) to deliver Clinical management of rape (CMR);
- (i) Delivery of SRH & GBV services, including humanitarian hubs e.g. Mingkaman, Bor, Malakal, Bentiu, Maban, Wau, Juba POCs;
- (j) Provision of adolescent & Youth Friendly SRH information & Services;
- (k) 3 Public referral Hospitals (Juba, Bor, Yambio) provide holistic care for GBV survivors;
- (l) 92 Health facilities equipped with capacity to deliver CMR services.

### **Family planning**

152. In 2017 Global Family Planning Summit, the Government has made a commitment (FP2020 Actions for Acceleration (2018–2019)) to reposition family planning as a critical strategy for improving maternal health and enhancing newborn survival by developing a specific strategy and revising existing technical guidelines on family planning for an accelerated implementation at all levels of the health system throughout the country.<sup>18</sup>

153. The Government commits to removing institutional and social-cultural barriers to sexual and reproductive health for all and improve availability and access to family planning information and services; to increase modern contraceptive prevalence rate among married women from 5% (2016 FPET estimate) to 10% by 2020; and to reduce maternal mortality ratio by 10% by 2020.

### **HIV and AIDS**

154. The adult (15-49 years) prevalence rate of HIV infection in in the country is 2.4%<sup>19</sup> with concentration of high prevalence in some key populations and geographic sites. For instance, HIV prevalence among female sex workers is estimated to be 37%.<sup>20</sup>

155. Within the general population, men and women engaged in casual sexual relationships and those in stable polygamous relationships contributed 27% (17% and 10% respectively), of all new infections. The probability of being infected is about five times higher for partners in polygamous but stable relationships than for the monogamous.

156. There are clear gender differences in the HIV epidemic: More females are being infected and are more at risk of dying than males. HIV prevalence is higher among women in the reproductive age bracket of 15–49 compared to their male counterparts at a prevalence rate of 2.0%. Young people (15–24 years) constituted 11.3% of the people living with HIV in South Sudan in 2016, and 29.4% of the new infections. The majority of new infections among young people (15–24 years) in the country were among adolescent girls and young women with 3000 (1200–5900) estimated new

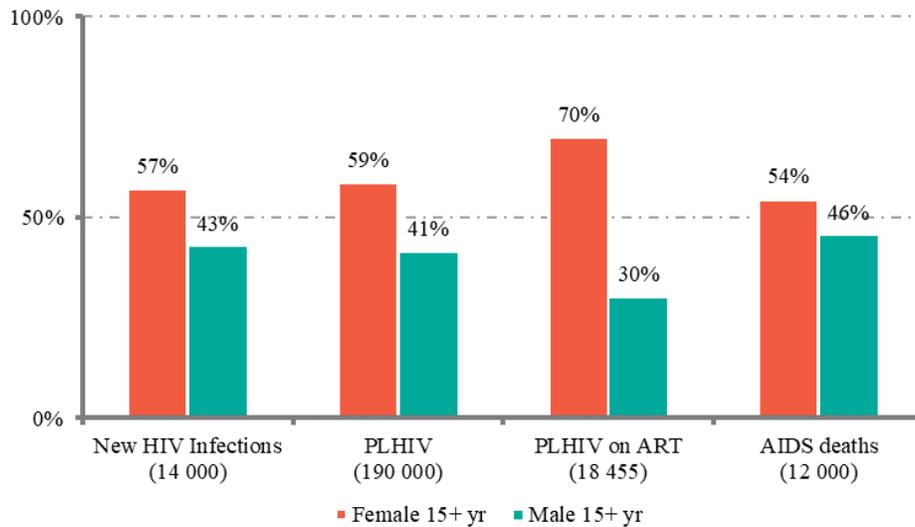
<sup>18</sup> 2017 Family Planning Highlights, available online: <http://summit2017.familyplanning2020.org/new-commitments.html>.

<sup>19</sup> UNAIDS, 2017.

<sup>20</sup> UNAIDS, 2018 South Sudan Joint UN Plan on AIDS, 2018–19 Ending AIDS.

infections, which was more than the estimated 1700 (<500–3500) among adolescent boys and young men.

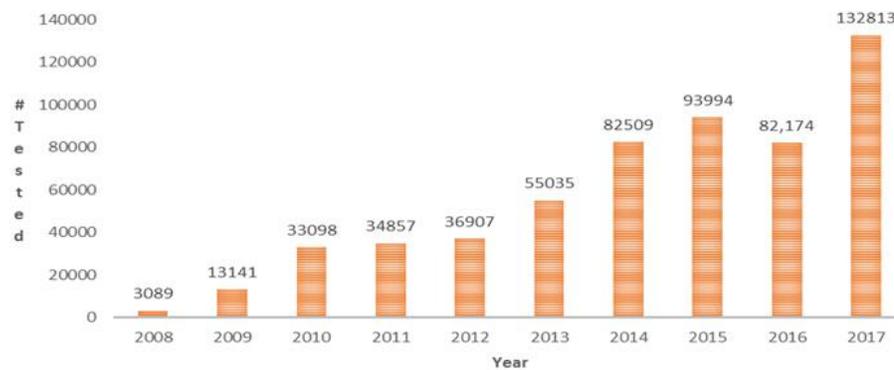
Figure 2  
**Gender differences in HIV estimates among adults 15+ in South Sudan, 2016**



Source: UNAIDS Estimates, 2017.

157. The UNAIDS estimates reveal that at the end of 2016, only 10% (5%–14%) of the 200,000 (130 000–290 000) people living with HIV were accessing antiretroviral therapy and 7 in 10 adults on antiretroviral therapy are female. Among pregnant women living with HIV, 29% (17%–42%) were accessing treatment or prophylaxis to prevent transmission of HIV to their children. An estimated 2,400 (1200–3900) children were newly infected with HIV due to mother-to-child transmission. The graph below shows the growth in the number of women counselled and tested at the Antenatal (ANC) care services during the period 2008–2017.

Figure 3  
**Number of women counselled and tested at ANC, Maternity and Post-natal Care, South Sudan, 2008–2017**



158. Modes of transmission study released in 2014 suggested that the main at-risk populations in South Sudan are clients of sex workers, including uniformed services (military, police, fire, and wildlife personnel). Analysis of data from neighboring countries and the antenatal clinic data suggests that clients of sex workers are the primary population newly infected with HIV.

159. Despite these, much progress has been made in the scale-up of antiretroviral therapy (ART), with an increase in the number of people on treatment between 2010 and 2016 from 1% to 10%. Government continues to invest in HIV response. Although huge gaps still exist, available data indicate that US\$18.1 million was spent by South Sudan from domestic public sources on HIV-related services (UNAIDS, 2017), accounting for 100% of total AIDS spending.

160. There is a National HIV and AIDS Strategic Plan (2018–2022) launched by the Government and supported by UNAIDS to halt new infections and death linked to HIV, however, there is no HIV anti-stigma and anti-discrimination law.

161. The Government in collaboration with the American Centre for Disease Control (CDC) hosted provided resources and technical assistance in adult and pediatric HIV treatment, HIV/tuberculosis (TB) activities, prevention of mother-to-child transmission (PMTCT) for all HIV-positive pregnant and lactating women. There are a total of 142 PMTCT centers in South Sudan but with the current conflict since 2013, only 76 centers are functional), targeted prevention programming, laboratory strengthening, blood safety, and strategic information.

### **Nutrition**

162. Pregnant and breastfeeding women are vulnerable to malnutrition in the country. They make up 12 percent of all those on supplementary feeding programmes.<sup>21</sup> Apart from the fact that women need high nutritional foods during pregnancy, because household and productive labour are divided along gender lines, women do more physical labour than men and may not get as much food as men and children do.

163. Due to cultural beliefs, pregnant women may not eat certain high-nutrition foods, such as eggs and liver, for (misplaced) fear they could cause birth defects. There is no nutritional policy, but WFP supported issues of nutrition through the ministry of agriculture and food security. The nutritional care and support policy on HIV/AIDS. There are also agencies that collaborate with certain NGOs that have food assistance programmes for women.

### **Obstetric Fistula**

164. With a high level of teenage pregnancy and child marriage, *Obstetric Fistula* is also a major health challenge with 3% women of reproductive age affected (89,000 cases). The Government receives enormous support from UNFPA to address this critical health challenge. Fistula repair services are provided, and 650 cases of fistula have been successfully repaired. Registration of fistula cases has also been introduced. UNFPA facilitates visits of surgical experts from around Africa to come to South Sudan to carry out repair surgeries and also train South Sudanese staff to carry out the procedure themselves.

165. Some of the challenges bedeviling the health sector include the following:

- Incessant conflict with the resultant effect of ever-increasing number of internally displaced persons has continued to exacerbate women's health challenges as more women move out of their communities into where they are unable to access health care services. Weak infrastructure, lack of adequate skilled manpower to provide necessary care including HIV services such as laboratory services, logistics and supply chain management are some of the debilitating factors for poor maternal health status and high prevalence of HIV among of South Sudanese women;

<sup>21</sup> INRIN (2015) Women and Malnutrition the case of South Sudan, <https://reliefweb.int/report/south-sudan/women-and-malnutrition-case-south-sudan>.

- Development partners and NGOs majorly support the health sector financing. Government budgetary allocation to the sector has remained low, leaving a huge gap in what is needed and what is available. The table below shows decrease in government health sector funding, which is a major challenge in the operations of the health sector.

Table 13  
**Gaps in health sector budget**

| S/NO | Fiscal Year | Total Annual Budget (SSP) | Health Sector Budget Allocation | Percentage of Total Budget | GAP |
|------|-------------|---------------------------|---------------------------------|----------------------------|-----|
| 1    | 2011/2012   | –                         | –                               | 4%                         |     |
| 2    | 2012/2013   | 6.7 billion               | 469 million                     | 7%                         |     |
| 3    | 2013/2014   | 17.3 billion              | 415.2 million                   | 2.4%                       |     |
| 4    | 2014/2015   | 11.3 billion              | 452 million                     | 4%                         |     |
| 5    | 2015/2016   | –                         | 301,280,278                     |                            |     |
| 6    | 2016/2017   | –                         | –                               | 1%                         |     |

Source: Ref: UNDP SOUTH SUDAN DISCUSSION PAPER: An analysis of Government Budgets in South Sudan from a Human Development Perspective.

## Article 13 Economic and social benefits

### The right to family benefit

166. The Government is endeavoring in collaboration with the international development partners to provide social protection for the poor and vulnerable women and men on in line with provisions of different international instruments which South Sudan has acceded to the aspirations of CEDAW and other related international conventions have been embodied in different national legislation. Article 16 (4) (c) of the Constitution affirms that all levels of government shall provide maternity care and medical care for pregnant and lactating women.

167. The Government has also passed the Child Act, 2008 which mandates the Government at the county levels (Article 116 (1) (b)), the responsibility to promote the good upbringing of children by their families through the establishment of suitable family-oriented programmes. In recognition of the high levels of poverty across the country, the Government developed a social protection policy framework in 2015.

### The right to bank loans, mortgages and other forms of financial credit

168. The National Gender Policy, Agriculture Strategy, National Cooperative Strategy and South Sudan Development Plan have several programme priorities that are instrumental to ensuring women's economic empowerment. One of the strategies proposed for advancing women's economic opportunities gender policy is the establishment of Women's Bank and a Women's Empowerment Trust Fund and the strengthening of other financial services such as Village Savings and Loan Associations schemes (VSLAs) with a view of eliminating gender inequalities in access to capital, credit and other financial services.

169. Although not realized yet, Article 4.15 of the newly signed Revitalized peace Agreement (September 2018) mandates the Government to create an enterprise development funds including a Women Enterprise Development Fund (Article 4.15.1.5). In response to some of the financial credit issues, in the year 2015, a Youth

Business Start-up Programme, was established by the Government and supported by the World Bank. The programme is aimed at offering new opportunities for selected youth beneficiaries in the country. The programme offered a local currency equivalent grant of USD 1,000 to about 1,200 youths (60 percent of whom were women).

170. Women are also organizing by forming business-related associations. A pioneering example is the South Sudan Entrepreneurs Association (SSWEA), which perceives women entrepreneurs as catalyst to the development process in the country. The Association supports women entrepreneurs through capacity building, Village Savings and loans schemes etc.

171. There are 427 registered cooperative societies in the country with most of them engaged in diary, poultry and vegetable production. Several local NGOs, some with the supported by UN Agencies and other international organizations are also providing opportunities for women to access finance especially for small businesses. In 2016, the Government in collaboration with international development partners trained more than 400 women in Wau on how to start Savings and Loans Associations. 859 persons (835 women, 24 men) were trained on record keeping and financial literacy in 2018.

**The right to participate in recreational activities, sports and all aspects of cultural life.**

172. There is no law in South Sudan that denies women the right to participate in recreational, sports and other aspects of cultural life. The right to participate actively in sports is guaranteed under article 40 of the Constitution which directs all levels of government to “...promote recreational facilities and sports for all the citizens and empower the youth to develop their potentials”.

173. Although South Sudan’s level of participation in local and international sports is still remarkably low, both women and men are encouraged to be actively involved in sports. South Sudan became a member of the Confederation of African Football (CAF) in February 2012 and attained full membership of International Federation of Association Football (FIFA) in May 2012 by the women’s football team.

174. The country’s national female basketball team was established in May 2011 and became a member of International Basketball Federation (FIBA) in December 2013. South Sudan joined the International Olympic Committee in 2015 and hosted its first ever World Cup qualifying match. The government considers sports to be a veritable tool for promoting peace. For instance, female and male football tournaments are held annually to mark the annual national Unity Day. In January 2018, over 450 young girls and boys from different teams located in different parts of the country participated in the annual event.<sup>22</sup>

175. The Japanese International Cooperation Agency (JICA) and UNMISS provided huge support to the Government towards achieving this very important obligation under the convention. In commemoration of the 2018 Annual Unity Day, a volleyball tournament was held among other sporting activities, which brought together four teams of girls that were selected from around the country to participate in the tournament. Although non-justiciable, Article 40 (b) and (c) of the Constitution enjoins all levels of government to “promote recreational facilities and sports for all citizens and empower the youth to develop their potentials; and establish, protect, support popular sports institutions, indigenous games and their sustainability”.

176. The Ministry of Culture, Youth and Sports organized a national workshop on June 7, 2018 with the support of UNESCO to review the National Youth and Culture

<sup>22</sup> <https://www.voanews.com/a/south-sudan-hopes-sports-can-promote-peace/4202117.html>.

Policy. The aim was to promote the diversity of cultural expressions through policies and measures to foster creativity, intercultural dialogue and social cohesion for peaceful co-existence among the diverse ethnic communities of South Sudan. A two-day training workshop of local stakeholders on how to develop project proposals and apply for funding from the UNESCO International Fund for Cultural Diversity (IFCD) under the 2005 Convention for the Protection and Promotion of the Diversity of Cultural Expressions was held from June 8–9, 2018. A prolonged period of war has led to the destruction of assets and facilities. South Sudan has limited number of sports facilities, playgrounds and recreational centres where young men and women can develop their talents and realize their full potential (UNICEF, 2015).

## **Article 14**

### **Rights of rural women**

177. The data from the National Bureau of Statistics (2010), indicates that 51% of the population of South Sudan live below the poverty line, and women make up 51.6% of the poor. The SSDP (2011–2013) acknowledges the high prevalence of female-headed households (57%), which make up a big number of the rural poor.<sup>23</sup>

178. The role of the rural women in the country cannot be overemphasized, women work extra hours in a day tending for their families (children, elderly, husband, the sick and vulnerable) and livestock, with very little expectations. Rural women work very hard in order to put food on the table. These duties involve drudgery, are emotionally draining and time consuming. They are left with no time to take care of themselves, or actively engage in community politics/leadership - a role reserved only for men in most communities, as it is considered a taboo for a woman to address a group of men.<sup>24</sup>

179. The South Sudan Development Plan provides a medium-term framework for achieving security, development, economic growth and poverty reduction. It is a pro-poor and gender sensitive plan that has meaningful impact on the poor and vulnerable people especially women and children; and to ensures that public policies, programmes and resource allocations are gender responsive. Other legal frameworks and national strategies adopted to empower women economically are; the Land Act 2008, Agriculture Strategy, and the National Cooperative Strategy. These frameworks are very instrumental in promoting the economic empowerment of women.

180. The National Gender Policy and the South Sudan Development Plan advocate for a pro-poor approach in delivery of basic services to meet the need of the most vulnerable group including the women. The Transitional Constitution and the Land Act singles out very clearly, the right of women to acquire property and land for economic development and right to equal opportunity by women and men, girls and boys.<sup>25</sup>

181. To economically empower women in various sectors, the government of South Sudan through the Ministry of Gender, and a loan secured from the World Bank, implemented the Safety Nets and Skills Development Project (SNDP). Grants were given to 109 women, who started small businesses. Through the project, a women's vocational training institute was launched, the first of its kind in South Sudan.<sup>26</sup>

182. CARE International supported rural women in South Sudan to boost food production. The programme was a 15-month project that reached 43,000 rural women.

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<sup>23</sup> The Republic of South Sudan; National Gender Policy 2013.

<sup>24</sup> The unspoken resilience of rural women in South Sudan, Report by ACTED, October 2017.

<sup>25</sup> Republic of South Sudan National Evaluation Report on the Implementation of the Beijing Declaration and Platform for Action. Pg. 21–22.

<sup>26</sup> United States Institute of Peace Special Report; Gender and State Building in South Sudan. Pg. 6.

The women received cereal and vegetable seed, tools, training, small livestock and nutrition interventions to boost food production at household level. The programme economically empowered rural women, some of the beneficiaries were from the Upper Nile state counties and proceeds from their farms were used to feed their families, send their children to school, and meet other basic needs.<sup>27</sup>

183. The South Sudan Livelihood Development Project was a six-year government project with the Ministry of Agriculture, Forestry, Cooperatives and Rural Development as the lead implementing agency. The project had a total budget of about USD 25.9 million; an IFAD grant of about USD 13.5 million, a grant from the Government of the Netherlands of about USD 9.0 million, a contribution of USD 2.8 million by the Government of South Sudan and USD 0.6 million by the beneficiaries. The project became effective in February 2009. The project goal is to reduce poverty and hunger in project areas consisting of six counties. Project activities focus on the poorest and most vulnerable rural populations, including households headed by women and households that were displaced by conflict and have returned to their home counties. A total of 302 interest groups were formed and facilitated with grants and training, 51 functional boreholes were drilled, 52km roads were rehabilitated in the rural areas and 15 residential buildings built. Rural women formed 55% of the beneficiaries of the project.<sup>28</sup>

184. The government launched the Go to school program, which is being implemented by the different state ministries. Result has shown an increase in the school enrolment in South Sudan by 20% from 2006 to 2009; with women's 30% increase in literacy rate.<sup>29</sup> UN Women supported the government of South Sudan by training of hundreds of women farmers and members of women-run cooperatives located in several counties. A total of 1,000 internally displaced persons, women and girls, benefitted from UN Women supported vocational and literacy skills training and it is reported that the beneficiaries have used their new skills to produce a variety of marketable products, in the process improving their livelihoods.

185. The Government supported by UN Women supported established two empowerment centres in the Juba 'Protection of Civilian Sites' also provided safe spaces for women and girls to meet and support capacity strengthening for prevention of violence and referral for sexual and reproductive health services. This improved quality of life of the beneficiaries, against the background of widespread challenges related to VAWG.<sup>30</sup> The Government also with support from DFID funded a project on building resilience to climate extremes and disasters in rural communities for women and girls to develop new skills and resources to adapt, anticipate and absorb climate change related shocks and stresses through improved agriculture and diversified livelihoods, social protection mechanisms (rural level microfinance), adaptation and disaster management planning etc. The programme was designed to reach 204,967 beneficiaries by year 2018. Rural women have produced enough crops for consumption and sale – facilitating savings, credit access and business. New vegetables and crop varieties introduced have brought nutrition and food security benefits.<sup>31</sup>

186. Through the Multi Donor Trust Fund, the Ministry of Gender in 2009, supported rural women in ten states in agriculture and income generating activities that created

<sup>27</sup> CARE supporting rural women in South Sudan to boost food production, October 2018. <https://www.care-international.org>.

<sup>28</sup> South Sudan Livelihoods Development Project supervision report, April 2015.

<sup>29</sup> Republic of South Sudan National Evaluation Report on the Implementation of the Beijing Declaration and Platform for Action. Pg. 21.

<sup>30</sup> UN Women South Sudan Country Office Mid-Term Programme Evaluation Report by Stephen Chipika & Agnes Bayoa, July 2016.

<sup>31</sup> Progress Overview of BRACED: Building Resilience and Adaptation to Climate Extremes and Disasters – Improving resilience in South Sudan, 2018.

employment and services for women in small and medium enterprises, particularly in the informal sector. Through the Ministry of Agriculture, the government also initiated projects geared towards the development and implementation of gender responsive agricultural policies and enhancement of economic livelihoods, which targeted one thousand women (1,000). In order to increase employment opportunities and income to rural women, the government, extended credit facilities to 4,000 poor rural women in South Sudan with a cumulative disbursement of close to \$0.8 million; this also covers over 500 benefiting from skills training, agriculture inputs and credit facility.<sup>32</sup>

187. The Government intensified investment in essential health care services; reduction of child mortality rate, immunization programs, family planning and primary health care, to improve the health of women and children in South Sudan.

188. In spite of the demonstrated political will and constitutional guarantees, attitudes to gender equality, the rights of women are still predominantly steeped in a patriarchal social system, which entrenches gender based discrimination and exposes women and vulnerable groups to marginalization, violation of rights and violence.<sup>33</sup> Structural causes of SGBV (prevalent forms include; domestic violence and wife battery, abduction of women and children during cattle raids, rape and sexual assault, wife inheritance, forced and child marriages and the practice of giving a girl child in compensation for a crime or a wrong committed by her family) and lack of access to justice are also manifested in the denial of inheritance rights and ownership of productive assets, lack of voice and decision making in family and community matters, denial of the right of choice to found a family (choice to get married), all of which persists especially in rural settings.<sup>34</sup>

## **Article 15**

### **Equality before the law**

189. The principle of equality before the law is enshrined in the Transitional Constitution, 2011 (Article 14). Article 5 of the Constitution also recognizes ‘customs and traditions of the people’ as a major source of law. The usage of customary law in adjudicating civil as well as criminal matters is quite high. A ‘Study of Customary Law in Contemporary Southern Sudan’ conducted by World Vision International (2004) revealed that over 90% of day-to-day criminal and civil cases are executed under customary law. This brings about conflict of laws in legal matters, often to the detriment of women.

190. Although, Article 3 of the Constitution establishes the supremacy of the constitution over any law by stating in clause 3 that all states’ constitutions and all laws shall conform to the Transitional Constitution, in practice, many women are often unable to enjoy the constitutional guarantee of equality before the law. Partly responsible for this is the fact that about 64 ethnic groups (MoGCSW, 2017) make up South Sudan and the customary practices that regulate their social co-existence often differ. Customary practices are also unwritten, as such the possibility of varying outcomes of court cases with similar issues, is high. The personal disposition and discretion of a judge will mostly likely influence the ruling of specific cases depending on the circumstances surrounding them.

191. Some of the areas where women and girls have different treatment from that of men before the law include issues around rape, wife inheritance, forced and child

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<sup>32</sup> Republic of South Sudan National Evaluation Report on the Implementation of the Beijing Declaration and Platform for Action. Pg. 18.

<sup>33</sup> The Republic of South Sudan; National Gender Policy 2013. Pg. 16.

<sup>34</sup> The Republic of South Sudan; National Gender Policy 2013. Pg. 18.

marriage, divorce, adultery, domestic violence and property inheritance. Article 16 of the Child Act protects a girl child from sexual abuse, exploitation and gender based violence such as rape, incest, early and forced marriage, female circumcision etc., however, the Ministry of Gender, Child and Social Welfare (2017) reports that rapists are sometimes made to marry their victims as a way of overcoming stigma or a way of ensuring that the family of the girl victim is compensated. Girls often have no choice regarding the decision of who to marry. In some cultures, the family decides who and when to be married.

### **Equal legal capacity in civil matters and in administering properties**

192. As stated earlier and going by the provisions of the Constitution, women and men have equal legal capacity in South Sudan. Article 31 of the Contract Act (2008) guarantees every individual equal capacity to contract in so far as he or she is 18 years and above, of sound mind and not disqualified to contract by any law that he or she is subjected to. A contract is voidable under the Act if it “lacks the free consent of a contracting party because his or her field of choice is curtailed by pressure or influence” (Article 44 (2)). The rights of vulnerable women are well secured under the Contract Act.

193. Article 53 of the Constitution defines undue influence to mean a situation “where the relationship subsisting between the parties to the contract is such that one of the parties is in a position to dominate the will of the other party and uses that position to obtain an unfair advantage over the other party”. Such contracts according to Article 55 (5) can be set aside completely, where “the party who was entitled to avoid it received any benefit under the contract, upon such terms and conditions as may seem just to the/a court”.

194. Further legal backing to the right of equal capacity to contract is provided in Article 20 of the Constitution, which guarantees every South Sudanese has the right to litigation without discrimination. Furthermore, Article 28 of the Constitution guarantees every citizen the right to acquire or own property. The owner of a piece of property can manage it the way he or she deems fit. The area of conflict with women’s rights is where customary laws of some ethnic groups make clear distinctions between women and men’s entitlements. The rules often created by the male heads of the family/households also often limit women’s enjoyment of this right. Contrary to what obtains under statutory laws, landed properties are owned by families and male heads of family/households take decisions on management of such properties. When women opt out of marriages, whatever assets they were able to acquire during the life of the marriage remains with the former husband under customary law (UN WOMEN, 2013).

### **Equal right of movement and right to choose place of residence**

195. Article 27 of the Constitution guarantees every citizen the right to freedom of movement and the liberty to choose his or her residence except for reasons of public health and safety. Sub-Section 2 of Article 27 also guarantees the right of every citizen to leave and/or return to South Sudan. In recognition of the close link between livelihood, survival and access to land, which invariably has implications for the enjoyment of the right of movement and the choice of place of residence, the Section 13 of the Land Act, 2009 provides as follows:

(a) Right to land shall not be denied by the Government of South Sudan, state government or community on the basis of sex, ethnicity or religion;

(b) Every person shall have access to land for housing, cultivation, pasture, grazing, or fishing as shared resources as shall be regulated by this Act, rules and regulations;

(c) Any person may have access to land for investment purposes under this Act and the investment law;

(d) Women shall have the right to own and inherit land together with any surviving legal heir or heirs of the deceased as stipulated in Article 20 (5) of the Constitution.

196. Despite these legal provisions, women's right to freedom of movement may sometimes be impaired because of the current security challenges in the country. In recognition of the challenges that women face concerning the right of equality before the law, the government, through the leadership of the Ministry of Gender, Child and Social Welfare developed a national gender policy, which outlines a series of progressive strategies to guide effective response nationwide. One of such strategies is the harmonization of statutory and customary laws towards eliminating contradictions that lead to injustice, and practices that foster violence and discrimination. Others include:

(a) The establishment and strengthening of informal justice mechanisms through training of providers such as community paralegals and village mediators for easier and affordable access to justice for vulnerable groups;

(b) The development of interventions to increase awareness of human rights and women's rights including the simplification and dissemination of laws that protect women's rights to the population;

(c) development of a comprehensive Gender Training Program for the security, legal and judicial sectors to increase access to justice and enhance rule of law.

197. The Government, with the support from the international development partners, implemented several rule of law projects with the goal of promoting good governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws of South Sudan and to ensure respect for the human rights of every individual, including women and marginalized groups.

198. The Government through the of Ministry of Justice and Constitutional Affairs, initiated a comprehensive rule of law programme covering institutional capacity building in the rule of law sector, including the Judiciary, police and corrections and harmonization of customary law with statutory law and protection of human rights. The government also opened National Customary Law Centre and completed ascertainment study of Customary Law in 14 Communities in South Sudan, established six Justice and Confidence Centers to increase citizens' access to justice and construction of the Juba University College of Law (UNFPA and DPK, 2008 as referred to in UN WOMEN, 2013).

199. The Government, with support from UNMISS and other development partners created programmes that addressed capacity development by creating a special protection unit within the South Sudan Police service and trained several personnel to be deployed to that unit. In 2013 the special protection unit received 2,403 cases, 2,140 cases were effectively investigated and passed to court for redress. 423 women and 178 juveniles were released from places of detention through the involvement of the Special Protection Units.

200. The Government supported by UN Women established a desk review of the dual legal system in South Sudan and the assessment of impact on women and girls. Through the partnership of UNDP, the assessment formed the basis for developing a training manual for Customary Court Officials. Some of the Customary Court Chiefs have been trained and have acquired some knowledge about the Bill of Rights. Their judgments have become more respectful of the rights of women as demonstrated in

increased punishment for gender-based violence and the granting of divorce in cases of domestic violence (UN WOMEN, 2013).

201. The Government also with support from UN Women established an advocacy followed by training of women to participate in Customary Courts led to women being nominated to the local community legal structures, which are central in executing justice at community level. This has set the stage to reduce gender biases in the Community Courts; with institutional capacity strengthening of the SSNPS leading to improved timeliness of response by the Police to reports on VAWG. The Ministry of Gender, Child and Social Welfare with the support of the international development partners, developed the “End Child Marriage in South Sudan: Strategic National Action Plan (SNAP) 2017–2030” which is currently being used to address the problem of child marriage across the country.

## **Article 16**

### **Equality in marriage and family law**

202. The Child Act, 2008 protects children under 18 from early and forced marriages (Section 23) and provides protection of the right to life, survival and development (Section 12). It seeks to protect the right to education (Section 14) and protection from torture, degrading treatment, and abuse (Section 21). Article 15 of the Transitional Constitution guarantees the right of every individual to marry and found a family. It states that “every person of marriageable age shall have the right to marry a person of the opposite sex and to found 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”.

203. The term ‘marriageable age’ seems to create some form of ambiguity for there are tribes and communities who consider age 11 or 12 as marriageable ages. However, reading the second part of the section of the law reveals the intention of its drafters. The law states that ‘no marriage shall be entered into without the free and full consent of the man and woman intending to marry’. In other words, it is only a man and a woman that can give valid consent to a contract of marriage not a child as the law seems to suggest by not specifically mentioning the age of marriage. Section 108 (5) of the Local Government Act, 2009 aligns with Article 15 of the Constitution by also stating that a marriage cannot be contracted without the free will and consent of the man and woman intending to marry guidance of their respective parents.” The provisions of Section 108 (5) of the Local Government Act and Article 15 of the Transitional Constitution clarify the role of the parents. The parents are only to advise and guide their children and cannot take a decision on their behalf of whom to marry and when to marry.

204. Apart from the issue of marriageable age, another section of the Constitution which poses some form of controversy around freedom from forced marriage and other harmful traditional practices is Article 33 which articulates the rights of ethnic and cultural communities to ‘raise their children within the context of their respective cultures and customs in accordance with the Constitution and the law’. The Government with support from international development partners established a national task force to end child marriage. There is a road map to guide the implementation of this initiative. UNICEF and UNFPA provided technical and financial contribution to the MoGCSW to develop and launch the Strategic National Action Plan (SNAP) to address Child Marriage in the Country. The Government is committed to ending Child Marriage by 2030.

**Equal rights during marriage and its dissolution**

205. In South Sudan, issues of marriage are largely regulated by customary law, which is patriarchal. In essence, the rights and responsibilities are often not equal. Customary law permits a man to ‘discipline’ his wife and this often promotes domestic violence. This is not in line with the intent of the Constitution, which seeks to promote women’s full and equal dignity of women with men (Article 16). Either party to a marriage can seek divorce in the Country. Divorce proceedings differ from place to place, whereas some couples must appear before the customary courts, others can divorce by agreement and without a court process (UN WOMEN, 2013).

**The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children**

206. South Sudan laws promote equality of responsibilities as well as rights for women and men in matters relating to children. Specifically, Article 39 of the Constitution and Section 108 (7) of the Local Government Act provide that it is the right and duty of parents to care for and bring up their children. Also, Section 109 of the Local Government adds that the burden of family care within the community shall be that of both parents. The Child Act, 2008 regulates issues of custody, guardianship, fostering and adoption in the Country. Individuals (male or female) can be legally appointed as guardians (Sections 60–69) and can adopt a child (Section 83). The only part of the law that may impact women’s right to custody of a child is section 97 (f) which allows a Judge to consider the issue of ‘custom and religion of the community to which a child belongs’.

207. In reality, whenever divorce occurs, customary law courts often place children with their fathers or their father’s family as they are considered part of the male lineage. However, young children are permitted to remain with their mothers until they turn between the ages of three and seven years old. Article 31 of the Transitional Constitution, 2011, guarantees the right to health. It however does not protect the rights of women to decide freely the number and spacing of children as well as access to information on same.

**Equal personal rights including choice of family name, profession and occupation**

208. The South Sudan laws guarantee equality of personal rights of husband and wife. There is no law that makes it mandatory for women to change their names after marriage neither are there laws that deny women the right to choose a profession or occupation. Article 16 (3) of the Transitional Constitution and Section 110 (3) of the Local Government Act both guarantee the right of women to participate equally with men in public life. Furthermore, the Civil Service Act of South Sudan (Section 19 (b)) also provides for equal rights of women and men in recruitment, promotion and remuneration. Article 6 of the Labour Act, 2017 also prohibits discrimination of any sort in the world of work.

**Property rights**

209. There is no written law in the country, which discriminates against women regarding ownership of properties. Article 28 of the Transitional Constitution guarantees the right of every citizen to acquire or own property, while Section 110 (5) of the Local Government Act of 2009 specifically states that “women shall have the right to own property and share in the Estate of their deceased husbands together with any surviving legal heir, is both male and female of the deceased.” Section 13 (4) of the Land Act, 2009, specifically highlights the rights of women in relation to land by stating that “women shall have the right to own and inherit land together with any surviving legal heir or heirs of the deceased as stipulated in Article 16 (5) of the Constitution”.

210. The legal environment for women to access and own land asset is very progressive and favorable in some parts of the Country. However, the security challenges of the country may sometime mean that women get displaced and lose access to this very important source of livelihood. Patriarchy, which is the predominant culture in most communities also often mean that women derive access to land through male members of their families thereby limiting their enjoyment of this very important right. In safeguarding the rights of women in this and other matters amenable to the control of cultural norms, Section 16 (4) (b) enjoins all levels of government to enact laws to combat harmful customs and traditions which undermine the dignity and status of women.

### **Implementation of the United Nations Security Council Resolution 1325 on Women and Peace and Security**

211. In 2011, South Sudan became the newest country in the world, but soon went into civil war and this has caused massive displacements, loss of livelihoods, widespread food insecurity, high levels of violence, and human rights violations including Gender Based Violence (GBV). It is estimated that 4.2 million people have fled their homes in search of safety with nearly 2 million of them within and 2.2 million outside the country. As a country emerging out of conflict, South Sudan is still grappling with the task of consolidating peace and security throughout the country. Different security concerns have specific gender dimensions that call for targeted, well thought-out and sustainable solutions. Good opportunities for managing this post-conflict security situation in a gender-responsive manner is demonstrated in government's commitment and the considerable good will and support from various actors and development partners. Below are some of the major steps that have been taken in implementing the UN Resolution 1325.

212. In 2015, the Government launched the South Sudan National Action Plan 2015–2020 on UN Resolution (UNSCR) 1325 and Related Resolutions. The overall goal of the National Action Plan is to reduce the impact of conflict on woman and girls and increase women's representation and participation in decision-making. It seeks to promote the protection of women and girls, including those with disabilities, against any form of sexual and gender-based violence (SGBV) among other things. A National Steering Committee, chaired by the MoGCSW and the Ministry of Defense and Veterans Affairs, was established to monitor progress in implementation of the plan. Women in the country are involved in peacebuilding efforts and processes and are raising their voices from time to time in advocating peace as well as calling for recognition and opportunities for better involvement in peace processes.

213. Women are actively involved and recording tremendous achievement in peace processes at different levels. In Yei River State the Women Parliamentary Caucus formed a Grass Root Peace Initiative and the Yei Community Forum in former Central Equatoria State to enable them engage with the community people in finding solutions to the crisis that engulfed their communities. The grassroots peace initiative yielded positive results as women and men came out of the bush, surrendered and embraced peace. They are currently being trained. Testimonies such as these abound in South Sudan.

214. During the 2015 peace process, women comprised 15 percent of negotiators. While women were absent from the government's delegation, three women served as part of the opposition's ten-person delegation, including one woman who had fought on the frontlines. The Women's Bloc of South Sudan – a network of civil society leaders – also served as formal observers and signatories of the 2015 agreement and as members of the Joint Monitoring and Evaluation Commission, charged with tracking implementation of the agreement. As a build up to the renewed peace efforts, 43 South Sudanese women organizations and other local NGOs working on women empowerment and peace signed

a Memorandum of Understanding (MoU) on October 21, 2018 to collaborate and work together towards the achievement of lasting peace in the country.

215. Women's participation in peace processes has gotten better over the years. In the renewed 2018-peace effort, one of the mediators was a woman and female leaders of civil society groups served as official observers. Women make up 25 percent of official delegates, and members of the Women's Coalition. Protection issues have been highly challenging since the crisis started in 2013. On 11th October 2014, a Joint Communiqué on the Prevention of Conflict-Related Sexual Violence was signed by the President of the Republic, affirming Government commitment to combat CRSV and address impunity for such crimes.

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