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# SPECIAL REPORT

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## ABOUT THE REPORT

Part of a series of U.S. Institute of Peace reports on state building in South Sudan, this report asserts that equality between women and men and among women—as well as women’s security, economic empowerment, and meaningful participation—should be central benchmarks to state building in South Sudan, not only as a matter of principle, but also as a means to overturn years of conflict and marginalization. Gender equality is essential to building a strong and equitable economy and to ensuring a functional state that maximizes the full potential of all South Sudanese. The report is based on field research in Juba in February 2011 as well as previous and follow-up research by the author. It examines the risks and opportunities associated with gender and state building in South Sudan, analyzes priorities that South Sudanese women interviewees identified, and recommends ways to make the new state responsive to and reflective of the needs of all South Sudanese women and men.

## ABOUT THE AUTHOR

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*Nada Mustafa Ali*

## Gender and Statebuilding in South Sudan

### Summary

- South Sudan’s independence ends decades of conflict as well as socioeconomic and political marginalization at the hands of successive governments in Khartoum, which affected women in gender-specific ways. Independence thus opens up opportunities for women’s economic and social empowerment, ensuring that the new country’s political and economic structures and institutions reflect commitments to women’s participation and human rights. In turn, empowering women will enable South Sudan to strengthen its economic and political structures and institutions.
- There is great potential for gender equality and respect for women’s rights in South Sudan. The government has expressed commitments to equality between women and men and to women’s participation. South Sudan is relatively egalitarian and lacking in religious extremism. International actors interested in South Sudan recognize that promoting gender equality and women’s empowerment and addressing gender-based violence (GBV) are key to maintaining peace and security and helping South Sudan’s economy grow.
- Challenges abound, however. South Sudan is severely lacking in infrastructure and has some of the worst human development indicators worldwide. Social and cultural practices harmful to women compound the effects of conflict and marginalization. There are constant internal and external security threats, a limited understanding of gender equality, and a tendency within communities to view gender as an alien and illegitimate concern, given the acute problems that South Sudan faces.
- The government of South Sudan, with the support of regional partners and the international community, should ensure that gender equality and women’s rights are fully integrated into and are outcomes of state building. National planning, developing the permanent constitution, and building the country’s new institutions and structures should reflect commitments to gender equality and input from women and women’s groups across South Sudan. The

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government should cost and meet the full budgetary needs of the Ministry of Gender, Child, and Welfare; ratify and implement the Convention on the Elimination of all Forms of Discrimination against Women and the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa; strengthen efforts to prevent GBV and address the needs of GBV victims and survivors; and invest more in quality and accessible health and education.

The Republic of South Sudan became Africa's fifty-fourth state on July 9, 2011, ending decades of conflict as well as socioeconomic and political marginalization at the hands of successive governments in Khartoum. Both conflict and marginalization affected women in South Sudan in gender-specific ways.<sup>1</sup> Likewise, the experience of women with South Sudan's independence will likely differ from that of men. This report argues that with political will, resources, and a clear gendered strategy, the process of state building<sup>2</sup> can open up opportunities for stronger support of women's human rights and gender equality in the long run, including through mainstreaming gender.<sup>3</sup> Such efforts are essential to successful state building and a strong economy.<sup>4</sup> Without them, South Sudan's new state may perpetuate existing inequalities and prevent the new nation from realizing the full potential of all its citizens, including women.

But how can women's human rights and economic and political empowerment be integral to and products of the state-building process in South Sudan? What are the challenges to gender equality? What are the opportunities in realizing it? What are the key priorities in accomplishing it? This report engages these questions and provides recommendations for the Republic of South Sudan and the international community. These recommendations should complement recent suggestions and recommendations by several South Sudanese women and women's organizations on the way forward in ensuring women's rights and participation in the new republic.<sup>5</sup>

## Risks and Opportunities for Gender Equality and Women's Human Rights

Independence brings multiple opportunities and risks to South Sudan and its women and men. Some of the opportunities result from changes in gender roles and norms brought about by years of conflict and forced displacement. Others include relative political support for gender equality within the government, egalitarianism and an absence of religious extremism in South Sudan compared with Sudan, increasing international commitment to gender equality, and the availability of good examples of women's political participation in other African countries. Hurdles include the presence of multiple, urgent priorities in postconflict South Sudan, including lack of security, a dearth of infrastructure and human resources, and a lack of basic services, such as education and health. These hurdles not only absorb limited resources, but also could be used by anyone opposing social change and equality between women and men to delegitimize concerns for gender equality and women's human rights.

Despite the devastating effects of conflict on women, experience in South Sudan and several postconflict African countries shows that women can make at least partial gains even during conflict, as women assume more nontraditional roles outside the household, as gender norms change, and as the war disrupts traditional local structures.<sup>6</sup> These gains can be strengthened during postconflict reconstruction.<sup>7</sup> For example, after the 1994 Rwandan genocide, women's political participation in Rwanda increased, and the country's parliament now has the highest level of female representation worldwide. Postwar Liberia elected Africa's first female president.<sup>8</sup> South Africa has one of the most gender-sensitive constitutions in the world, and constitutional reform after Kenya's postelection violence in

2008 enabled women to strengthen provisions safeguarding their rights in the constitution. Government action (or inaction) on gender equality in South Sudan will determine whether the new republic sets another positive example for the rest of the continent, or whether its women need to stage yet another fight for equality.

Political will is important to ensuring gender equality in postconflict settings. In South Sudan, the Sudan People's Liberation Movement (SPLM), the ruling party, has acknowledged the specific adverse effects of conflict and marginalization on women, reflected, for example, in the often-cited proclamation by the late Dr. John Garang, founder of the SPLM, that women are "the marginalized of the marginalized."<sup>9</sup> The majority of female and male politicians in South Sudan also acknowledge the roles that women played during the conflict as well as their roles as peacebuilders and in mobilizing voters for the referendum on independence in January 2011. Since the signing of the Comprehensive Peace Agreement (CPA) in 2005, South Sudan also has committed itself to ensuring women's participation, including through a quota system to ensure gender parity in government.

There is a general belief in South Sudan that women are in a better position to achieve gender equality due to the relative lack of religious extremism, compared with neighboring Sudan, for example<sup>10</sup>—an important point that women's groups can use to advocate for gender equality and women's rights. Increased global efforts in gender equality, women's political participation, and human rights constitute another enabling factor for equality in South Sudan. The Millennium Development Goals (MDGs), which many world leaders have endorsed, include commitments to women's empowerment and gender equality, which are now considered essential to achieving all MDGs.

Women's political participation and gender mainstreaming, including in postconflict societies, have also been on the global security agenda since 2000, with the adoption of Security Council Resolution 1325. The Security Council has since adopted several other resolutions that focus on sexual violence in conflict, set out institutional mechanisms to prevent sexual violence, ensure protection for women in conflict, and address impunity. It also has appointed a special representative on sexual and gender-based violence (GBV) in conflict situations; South Sudan is a priority country on the representative's agenda for 2011–12.

Global commitments to encouraging women's participation, gender mainstreaming, and combating GBV are evident in United Nations Security Council Resolution 1996 (2011), which established the UN Mission of the Republic of South Sudan (UNMISS). Drawing on its resolutions on women, peace, and security, the Security Council affirmed the importance of appropriate gender expertise in the mission.<sup>11</sup> The resolution also emphasized the need to address GBV as a tool of war and specifically demanded that "rebel militias" and the Lord's Resistance Army (LRA) "immediately cease all forms of violence and human rights abuses against the civilian population, in particular gender-based violence, including rape and other forms of sexual abuse."<sup>12</sup>

Key challenges can seriously limit women's social, economic, and political empowerment and commitments to gender equality, however. These challenges affect men and women differently, and affect women from different ethnic and socioeconomic backgrounds, and from different states of South Sudan, in distinct ways. Insecurity, which interviewees for this report identified as a major challenge, often arises from armed militia attacks within South Sudan, on-and-off conflict on the northern borders, and attacks from the LRA on the borders with Uganda, the Democratic Republic of the Congo, and the Central African Republic. The militarization of communities as a result of years of war, inadequate demobilization, disarmament, and reintegration of Sudan People's Liberation Army (SPLA) combatants, and the abundance of arms are also sources of insecurity. These have had devastating effects on communities at large, but especially on women. According to the Office of the Coordination

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of Humanitarian Affairs (OCHA), in March 2010, more than ten incidents of conflict occurred in South Sudan, resulting in the displacement of almost 16,000 people in Upper Nile and Jonglei states,<sup>13</sup> the majority of whom were women. One of the interviewees said,

I feel really concerned about women's security. People are dying. It looks like the war has stopped but it hasn't yet. In Jonglei, the militias are carrying arms. George Athor is provided for by the government in Khartoum. . . . In Western Equatoria you find the LRA. . . Women are losing their children. We endured this for twenty-one years during the war, and we voted for freedom in the referendum, but freedom is not here yet.<sup>14</sup>

In recent years, young men have also used small arms for cattle raiding to pay as bride wealth, further fueling community-level violence.<sup>15</sup>

The lack of infrastructure and human resources, extreme poverty and inequality of income distribution, and low access to health, education, and employment also affect women differently. Interviewees for this report identified education and health as key challenges and priority areas. South Sudan's literacy rate stands at 28 percent, but it is much lower among women and girls age six or older (19 percent) than among men and boys in the same age group (38 percent). The dominant division of roles within the household, along with entrenched practices such as early and forced marriage for girls, contribute to this disparity. Similarly, the weak health care system affects the health and well-being of everyone in South Sudan, but many women die in childbirth due to a lack of healthcare services and reluctance to use what services there are.<sup>16</sup> South Sudan's maternal mortality rate of 1,054 deaths per 100,000 live births is among the highest worldwide.

The government also must meet the needs of returnees, especially those returning from Sudan. Returnees started to arrive in South Sudan at the war's end in 2005, but their numbers increased in the run-up to the referendum. Returnees also came back for security reasons. OCHA indicates that out of 1.5 million to 2 million South Sudanese living in northern cities, 320,000 returned to the south between October 2010 and July 2011.<sup>17</sup> Mass displacement also often renders women vulnerable to GBV, and in a conference organized by the South Sudan Women's Empowerment Network (SSWEN) on integrating women's concerns into post-referendum negotiations, women from across Sudan and South Sudan warned of this danger.<sup>18</sup>

Several interviewees for this report were further concerned that in South Sudan, gender equality and respect for women's human rights are conflated with the 25 percent quota allocated to women in decision-making structures, which can cause neglect of other areas relevant to women's empowerment and participation. As in other developing countries, gender issues are at times perceived as alien and irrelevant in South Sudan. For example, a training course that the International Center for Transitional Justice (ICTJ) organized in Juba for a group of civil society organizations included a module on gender and justice. Participants initially responded to the UN trainers that gender was a Western concept and that concern for it meant promoting the domination of women over men.<sup>19</sup> The ICTJ organized a follow-up training session on gender, its definition, and its relevance to transitional justice concerns in South Sudan, resulting in consensus among most participants on the importance of gender in transitional justice.<sup>20</sup>

Finally, South Sudan's nation-building process, which involves addressing politicized ethnic difference, "promoting an inclusive sense of national belonging . . . [and] building a citizenry devoted to the concept of citizenship in the nation,"<sup>21</sup> can involve constraints on women, given their roles in replacing generations lost during the war, and in reproducing the new nation biologically and culturally.<sup>22</sup> The same process, however, can open up the political space for dialogue about citizenship and inclusion and about who South Sudanese are and what unites them as a nation.<sup>23</sup> Women's organizations and other stakeholders can use this as a platform for a dialogue that rethinks women's roles in reproducing the nation and that defines South Sudan as a nation committed to principles of gender equality and women's human rights.

***South Sudan's nation-building process . . . can open up the political space for dialogue about citizenship and inclusion.***

## Priorities

Following conflict, efforts are often directed toward establishing public order and security, and building or rebuilding state institutions and structures. Depending on how this process unfolds, it can result in maintenance of women's prewar status, improvement in commitments to women's rights, or deterioration in women's status.<sup>24</sup> Below is a discussion and recommendations on ways to ensure wider political and economic empowerment for women, a constitution that includes clear commitments to gender equality and women's human rights, and an enabling environment for gender equality and the rights of women.

### *Wider Political Participation*

Women's participation is a right enshrined in South Sudan's transitional constitution and essential to ensuring a viable economy. It can also lead to stronger and more inclusive state structures and institutions that improve relations between the state and local communities and enable women to take advantage of better governance.<sup>25</sup> In South Sudan, women have earned this right through their active participation in many capacities before independence. As Anne Itto stated in 2006, "Women were never simply guests at the negotiating table. The roles they play as combatants, supporters of fighting forces, and peacemakers qualify them to sit at the negotiating table and to assume an active role in implementation."<sup>26</sup>

South Sudan's 2011 transitional constitution provides for a quota system with 25 percent representation for women at executive and legislative levels. Women compete for the remaining 75 percent of the seats. Similar provisions in the interim constitution resulted in women constituting 33 percent of South Sudan's parliament at independence. The chair of the women's parliamentary caucus envisions an increase in the percentage of women members of parliament to 42 or 43 percent in the next elections and eventually to 51 percent.<sup>27</sup> Several articles by Southern Sudanese activists and writers, however, have described factors obstructing women's political participation.<sup>28</sup> Jane Edward discusses cultural practices, such as early and forced marriages, that limit women's access to education; perceptions that relegate women to the private sphere; the assigning of time-consuming household responsibilities, such as fetching water and preparing food, to women; and negative labeling of politically active women.<sup>29</sup> Focusing on cultural attitudes, a female former minister of information in one of the states said that during her tenure the governor often asked a male subordinate to deliver strong statements, but blamed anything that went wrong in her ministry on her being a woman.<sup>30</sup> Addressing the barriers and creating an enabling environment for women's participation should accompany quotas to ensure equal participation for women and men.<sup>31</sup>

### *Recommendations*

To promote women's participation at all levels, South Sudan should do the following:

- Set priorities for the new state through consultations and other democratic processes that involve wide participation by women.
- Ensure a quota of at least 30 percent of seats at all levels of government for women in South Sudan's permanent constitution.
- Collaborate with civil society and donors to promote women's grassroots participation, which could include training in leadership and other relevant skills; working to strengthen women's self-esteem; and identifying and eliminating socioeconomic, political, and cultural barriers to women's participation at the household, community, and state levels. Barriers include household responsibilities that limit women's participation and women's need for spousal permission to be able to attend meetings or other functions.

***Addressing the barriers and creating an enabling environment for women's participation should accompany quotas to ensure equal participation for women and men.***

In addition, the Ministry of Gender and the Ministry of Information, in collaboration with civil society, especially women's organizations, should

- plan and implement a campaign that raises awareness about gender equality, women's human rights, women's participation, and the importance of these in building the new state and nation and ensuring a viable economy. The campaign should model successful previous work, such as the National Democratic Institute community outreach program and the use of drama and radios, to facilitate participation during the 2010 elections and in the run-up to the referendum.

### ***Women's Economic Empowerment***

Interviewees identified women's economic empowerment as key to their effective participation at all levels and to reducing poverty. Suggestions included empowering women in the agricultural sector, given that women constitute the majority of farmers in South Sudan.<sup>32</sup> At present, 83 percent of the population lives in rural areas, and 78 percent of the households depend on crop farming, which is dominated by women.

The government of South Sudan so far has taken several steps to empower women economically in various sectors. The Ministry of Gender, with funding from the World Bank, disseminated grants to 109 women, who started small businesses in all ten states.<sup>33</sup> In April 2011, the government launched a women's vocational training institute in Aluakluak Payam (district), Yirol West County of Lakes state, the first of its kind in South Sudan.<sup>34</sup> These efforts are encouraging. But the government also must ensure women's access to decision making in the national economy and remove obstacles to their participation in it, in the public and private sectors and in the informal economy.<sup>35</sup> Recent empirical global research by the World Economic Forum shows that empowering women can contribute to economic growth and that there is a strong correlation between gender equality and per capita gross domestic product.<sup>36</sup>

Empowering women could provide greater payoff, given the postconflict environment in which economic structures are still emerging. Supporting women in agriculture can strengthen the economy by diversifying its sources of income. At the state level, training women and facilitating their access to employment will ensure the growth of human capital and state resources. Women in the informal economy can also contribute to maintaining families and households, reducing poverty, building skills, and increasing the chances for employment elsewhere.

### ***Recommendations***

The government of South Sudan and the international community should do the following:

- focus on empowering South Sudanese women through meeting their basic economic needs and ensuring their input into decision making in the economic sector;
- learn from best practices elsewhere in shaping economic policies that take the specific context of South Sudan into account;
- support South Sudanese women's accumulation and control of assets, such as titles to land or homes;
- strengthen South Sudanese women's economic participation through increased connectivity to active markets, including infrastructure projects such as building roads and transport;
- ensure women's equal access to economic opportunities, remove barriers to women's entry into the workforce, and support an expanded role for women in the agricultural sector.

## ***Gendering Constitution Making and Law Reform***

Civil society organizations, especially women's groups and networks, have worked tirelessly to influence constitution making in South Sudan. The Transitional Constitution of the Republic of South Sudan, which the president of South Sudan endorsed at independence, is an amended version of the 2005 interim constitution. It includes provisions that favor women's participation and gender equality. Article 16 in the bill of rights accords women full and equal dignity of the person with men, the right to equal pay for equal work, and the right to property and to share the estates of a deceased husband. In addition, it stipulates that all levels of government should "enact laws to combat harmful customs and traditions which undermine the dignity and status of women"<sup>37</sup> and "provide maternity and child care and medical care for pregnant and lactating women."<sup>38</sup> Finally, the constitution provides for a postindependence constitutional process to develop a permanent constitution. This process involves a national constitutional conference with wide participation, including by women's organizations.<sup>39</sup>

Nonetheless, the interim constitution also recognizes customary law,<sup>40</sup> which mainly facilitates access to property for women and girls through their fathers or husbands, and as such, often discriminates against widows and other groups of women. Practices that communities developed to maintain widows' access to land, such as wife inheritance by a brother in law, often compound this discrimination.<sup>41</sup> Widows can take their in-laws to court to retrieve their property, but it is very difficult to do so without economic resources or family support.<sup>42</sup> Such services are almost nonexistent in South Sudan—even as the United Nations Development Programme and the United Nations Population Fund are supporting limited paralegal assistance for women, the New Sudan Women's Federation has been running legal aid clinics since the 1990s, and South Sudan's Law Society established a center in Lakes state to promote legal rights for women.<sup>43</sup> Customary law also discriminates against women in claims of adultery.<sup>44</sup> Women can be imprisoned for eight to twelve months on circumstantial evidence. Conversely, women's adultery claims against men, if brought before customary courts, are rarely upheld.<sup>45</sup>

## ***Recommendations***

- Women should form at least 30 percent of the membership of the commission that develops the permanent constitution, and at least 30 percent of the delegations of different groups (identified in sub-article [1]) appointed to the national constitutional conference.
- The government of South Sudan and international partners should ensure that experts in gender and constitutional development advise the commission.
- Donors should support exchange visits for women's rights activists and representatives of women's organizations to countries such as South Africa and Kenya, which underwent constitutional processes resulting in documents with strong commitments to gender equality.
- The government of South Sudan should instigate a wide debate among elders, judges, communities, and civil society organizations (including women's organizations) to develop a common understanding of the local justice system and of the women's human rights enshrined in international human rights agreements, especially the African Women's Rights Protocol.
- South Sudan should ratify and implement the Convention on the Elimination of all Forms of Discrimination against Women and the African Women's Rights Protocol, and ensure that both documents inform the permanent constitution.
- The permanent constitution of South Sudan should reflect a strong commitment to women's rights and gender equality in all its relevant clauses.

## ***Gendering State Institutions and Structures***

The process of building and consolidating state structures and institutions offers a unique opportunity for South Sudanese women and men to create an inclusive and functional state, and to make gender equality a central component of state building. The government of South Sudan started to form state structures when it became autonomous in 2005. This state building included establishing a gender ministry with a mandate covering social welfare and, until recently, religious affairs. The government has committed to appointing gender focal points in all ministries to support gender mainstreaming, though this has not been fully implemented due to lack of financial resources. The government also established posts of gender advisers to the governor, with a mixed success record that needs further examination. Meanwhile, several development partners supported initiatives to strengthen the Ministry of Gender in recent years, including a \$10 million grant from the World Bank in 2010 for mainstreaming gender across ministries and sectors, building the ministry's institutional capacity, and sponsoring a grants program to empower women and girls economically. But the ministry continues to receive the smallest budget allocation of all South Sudan's ministries.<sup>46</sup>

There is no blueprint for gender mainstreaming that South Sudan can follow. There are, however, tools and methodologies that UN agencies and civil society organizations have developed since 1997 to meet their obligations of mainstreaming gender, including in programs in developing countries. There is also extensive literature documenting lessons learned and examples of good practice. A starting point is the UN Economic and Social Council definition. It maintains that gender mainstreaming involves assessing the implications of any process or action—including those connected to state building—on women and men, so that women's and men's concerns become integral to the design, implementation, monitoring, and evaluation of programs and policies in the social, economic, and political spheres. The Inter-Agency Standing Committee (IASC) has devised a tool for using a gender equality lens in developing policy for humanitarian and postconflict settings, which can be useful for South Sudan.<sup>47</sup>

Gender mainstreaming efforts in South Sudan will need to take into account the highly politicized ethnic diversity and great disparities between women in rural and urban areas of different social groups. The government must commit to gender mainstreaming at the highest level and allocate sufficient financial and human resources to its proper implementation, monitoring, and evaluation. The multiple challenges South Sudan is dealing with should not be used as an excuse to not act: Gender equality and women's participation can facilitate peace and security, as women can play key roles in warning against violence and addressing intercommunity strife.

***Gender mainstreaming efforts in South Sudan will need to take into account the highly politicized ethnic diversity and great disparities between women in rural and urban areas of different social groups.***

## ***Recommendations***

With the support of development partners, the government of South Sudan should fully integrate gender into all levels of state building. In particular, the government should do the following:

- conduct a gender audit across South Sudan immediately;
- revise its gender policy based on the audit's findings;
- use the audit to inform planning, program development, budgeting, and policymaking in all sectors;
- ensure gender parity in all government sectors and institutions;
- provide training in all government sectors on gender, gender mainstreaming, gender equality, and women's human rights;

- allocate sufficient resources to gender mainstreaming efforts and the Ministry of Gender;
- develop clear indicators to measure progress on gender mainstreaming, gender equality, and women’s human rights;
- strengthen the production of gender-disaggregated statistics and data across sectors and at national, state, and county levels.

### ***An Enabling Environment for Gender Equality and Women’s Human Rights***

An enabling environment is essential to achieve gender equality and women’s human rights. The government of South Sudan and development partners should identify and address factors that limit women’s potential, such as GBV, lack of access to health, education, and other services, and aspects of culture that limit women’s potential.

### ***Address Gender-Based Violence***

Security and GBV are key concerns for women and girls in South Sudan. Statistics on the prevalence and magnitude of GBV in South Sudan are unavailable, but it is believed to be high.<sup>48</sup> Widely recognized as a public health and human rights problem, GBV can seriously limit women’s ability to voice concerns and access state resources. The physical, psychological, and social harm can destroy women’s confidence, constrain their movement, and hamper their ability to reach their full potential. GBV also increases women’s vulnerability to HIV and other STDs.<sup>49</sup> It particularly affects communities that have experienced long-term conflict and can devastate postwar communities.<sup>50</sup>

The violence that women in South Sudan endured during the war, in conflict areas and as refugees and displaced persons, received little documentation or reporting worldwide;<sup>51</sup> only a few studies documented these experiences.<sup>52</sup> Among the factors fueling violence in South Sudan are a belief that domestic violence is a normal means to discipline a wife.<sup>53</sup> Women also often face violence outside their households at the hands of insurgent groups and government military.<sup>54</sup>

Female former combatants and sex workers are particularly vulnerable to GBV.<sup>55</sup> Out of 3,900 women associated with the armed forces in South Sudan, about 700 have been demobilized as of August 2010.<sup>56</sup> Some of the former combatants have joined government structures, but many are stigmatized as their communities consider them “loose women who bring disease to the community.”<sup>57</sup>

South Sudan does not have a specific GBV law yet, but the penal code criminalizes various forms of GBV. Domestic violence is an offense that can carry a sentence of between one to seven years and a fine, depending on the severity of the attack. Rape and statutory rape carry a prison sentence of up to fourteen years. Women, however, are often silent about and rarely report incidents of violence, especially sexual violence, because of the stigma that survivors of sexual violence face.<sup>58</sup> When women report sexual violence, they often first approach traditional judicial structures, which favor negotiated and restorative settlement rather than punitive action. Customary law often dictates that a girl who is raped should marry the perpetrator: It keeps her respectability while bride wealth provides redress to her family. Recent research indicates that women and their families continue to use the customary justice system, which consists of chiefs and heads of clans who implement traditional practices to restore justice as defined by communities because the police and the justice system are ill-equipped to meet community needs and because of the rigid legal framework.<sup>59</sup>

Interviewees for this report confirm the above findings, indicating that police officers often lack training to address the complex needs of survivors and victims of GBV, especially

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sexual violence.<sup>60</sup> Although the United Nations Missions in Sudan (UNMIS) and United Nations Population Fund (UNFPA) have established units within the police that address GBV and trained the police on women's rights and the needs of female survivors of GBV, it has been difficult to ensure sustainability for the programs because trained officers are often redeployed elsewhere and given other duties. There is also a need for psychosocial support services for GBV victims and survivors.<sup>61</sup> In a more positive development, South Sudan received a grant from the United Nations Trust Fund to End Violence against Women, which the American Refugee Committee will use to assist the government in developing guidelines for the clinical management of rape survivors and develop an information management system to facilitate collection of timely data on incidents of violence.

### ***Access to Services: Health and Education***

Women in South Sudan lack access to health care and education. Marginalization and unequal development—both key causes and outcomes of the conflict in Sudan—resulted in very low literacy rates for women and girls, and in devastating statistics in health:<sup>62</sup> All interviewees for this report identified health, especially maternal health, and illiteracy, particularly among women and girls, as key challenges and priorities that South Sudan faces. As the Honorable Elizabeth Mac, deputy chair of the Anti-Corruption Commission, Jonglei State, said,

Women's health is a real problem. In many villages, women have no access to medical or health services during pregnancy. There are no clinics, no medicines, and no nutrition, and if a woman moves to town [to access hospitals] she will be killed on the way because of [lack of] security. The government should build clinics and women's healthcare centers, especially in rural areas and provide medicines and equipment. . . . There should be trained nurses and clean hospitals, especially maternity wards.<sup>63</sup>

Education is another important concern. Despite women's contributions as peacebuilders, farmers, and owners of small-scale home industries,<sup>64</sup> lack of access to formal education limits their ability to participate effectively at various levels.<sup>65</sup> Illiteracy and lack of education can also translate into other risks, such as exposure to HIV. The Sudan Household Health Survey of 2006 found that only 45 percent of women ages fifteen to forty-five had heard of HIV and 70 percent did not know three key forms of HIV prevention.<sup>66</sup> High illiteracy also often obstructs communication through written material with women at the grassroots level.<sup>67</sup>

Since the signing of the CPA in 2005, however, the South Sudan Ministry of Education has achieved several milestones in education, including girls' education. Primary school enrollment increased from around 800,000 in 2006 to 1.3 million in 2009. The government also established ten national secondary schools, recruited teachers and head teachers, and established four teacher training institutes. To avoid barriers to schooling, such as lack of access to food, the ministry trained a core team to address acute malnutrition among children.<sup>68</sup> Several individuals and civil society organizations, such as My Sister's Keeper, have also established schools in South Sudan. Hurdles are still prevalent, however, especially among disadvantaged communities in rural and urban poor areas, where parents cannot send their children, especially girls, to school due to limited resources.<sup>69</sup> In addition, early marriage affects women's and girls' education and maternal health, as girls often have to drop out of school to get married and get pregnant before they are ready. The Transitional Constitution prohibits forced marriage, and the Child's Act (2008) criminalizes early marriage. The government should enforce both provisions.

Investing in health and education can catalyze women's economic and political participation and human rights in the long run, but these sectors receive a low proportion of the government's total budget compared with other sectors. For example, in 2010 the government allocated 26 percent of its budget of 4.48 billion SDG to security, followed by infrastructure (13 percent), public administration (13 percent), and rule of law (11 percent). Education

***Early marriage affects women's and girls' education and maternal health, as girls often have to drop out of school to get married and get pregnant before they are ready.***

received 7 percent of the budget, and only 4 percent of the budget went to health.

In addition to addressing security concerns, a key strategy to free resources for health and education is to ensure transparency in oil revenue and reduce corruption in state institutions. Research in about 100 developing countries between 1996 and 2001 revealed that corruption reduces the amount of real public spending, and alters it in favor of fuel, defense, and culture at the expense of education and health.<sup>70</sup> Women's participation can enhance attempts to fight corruption. Officials in South Sudan's Anti-Corruption Commission often highlight perceptions in South Sudanese cultures that women are noncorrupt,<sup>71</sup> and the commission supported women running for elections in 2010 to embrace anticorruption practices.<sup>72</sup>

## ***Recommendations***

The government of South Sudan should do the following:

- continue to prioritize health and education in its public statements and in practice, and remove access barriers for women and girls;
- enforce deterring measures to prevent corruption and free up resources for health, education, and other services;
- finalize and implement, with development partners, a strategy to address GBV, introducing specific legislation and addressing the needs of survivors, including those who experienced violence during the war;
- establish integrated programs, linked to special police units, to address the specific needs of women and girls who face GBV. The units should include female police officers, psychosocial support counselors, and healthcare workers who are trained in women's reproductive health and HIV/AIDS.

## ***State-Civil Society Relations: The Role of Women's Organizations***

Women's organizations voice the demands of women, girls, and communities within state-society negotiations.<sup>73</sup> South Sudanese women have developed remarkable peacebuilding skills and strategic thinking, emanating from their roles as spiritual and political leaders as well as their experiences of exile and displacement in war-affected areas.<sup>74</sup> As Madam Rebecca Nyandeng De Mabior, widow of Dr. John Garang and former chair of Widows, Orphans, and Disabled Rehabilitation Association for the New Sudan (WODRANS) put it,

We learned a lot from the first war [1955–72]. When this war started [in 1983], we [women] were able to organize ourselves, to identify . . . the role of women in the struggle, to raise the awareness of women and to [appreciate] the way the grassroots are suffering most.<sup>75</sup>

Rebecca Okwachi's account of her experience in Ethiopia, Kenya, and SPLM-held areas in Sudan also reveals how South Sudanese women organized amid social, economic, and political adversity.<sup>76</sup> Other accounts highlight the role of South Sudanese women in addressing the challenges of war and forced displacement.<sup>77</sup>

After the signing of the CPA in 2005, the majority of activists in women's organizations assumed leadership and senior positions in the government of Southern Sudan and within SPLM structures. These positions meant a greater voice and role in decision-making for women, but it also deprived the women's movement of most of its leadership, who became less active in civil society due to political and time constraints. Women's organizations, however, continue to carry out advocacy regarding peacebuilding, elections, and articulating women's priorities.<sup>78</sup> Various organizations also address women's practical needs and rural development, and advocate on HIV and peace.<sup>79</sup> Nonetheless, activists in women's organizations stress the need to further build the capacity of women's groups and obtain sustainable funding instead of working with their current project-based short-term funding regimes.<sup>80</sup>

***South Sudanese women have developed remarkable peacebuilding skills and strategic thinking, emanating from their roles as spiritual and political leaders as well as their experiences of exile and displacement.***

***Short-term funding prevents women's groups from developing, advocating for, or implementing their own agendas and priorities, or establishing sustainable programs.***

Short-term funding prevents women's groups from developing, advocating for, or implementing their own agendas and priorities, or establishing sustainable programs. Several activists also complained that government officials at times obstruct their work unless they develop a project in a village of the area of the official or pay a bribe.<sup>81</sup>

### **Recommendations**

Donors should

- commit core funding for women's organizations in South Sudan and in the diaspora and
- support exchange programs for women's organizations, depending on the area of focus, to sister organizations in Africa, especially in countries where civil society, including women's groups, have accumulated experience in areas of GBV, HIV/AIDS, reproductive health issues, women's human rights, and customary law.

The government of South Sudan, UN agencies, and partners including the United States should

- prioritize women's participation in all policy initiatives focusing on South Sudan;
- ensure freedom of expression and organization for all;
- ensure access to long-term funding so women's groups can set and implement their priorities.

Women's organizations should

- develop a clear vision (or visions) for the future of South Sudan that reflects the views and immediate- and long-term needs of diverse women across South Sudan and
- develop advocacy strategies that engage the support and collaboration of development partners and other relevant parties.

### **Conclusion**

Independent South Sudan has a rare opportunity to ensure that state structures, institutions, strategies, plans, budgets, and monitoring and evaluation all reflect and meet the aspirations, priorities, and needs of all South Sudanese, including women, and that these activities result in gender equality and women's human rights. The government of South Sudan, with the support of the international community and regional partners, should ensure a strong voice for and meaningful participation of women at all stages of state building. It should also create a conducive environment for women's participation, human rights, and gender equality by addressing women's immediate needs of access to quality health and education, and help them in their quest to live in a country free of all forms of violence.

The women's movement in South Sudan can integrate the demands and priorities of women and wider communities into the process of state building. It should be able to operate in an open and free environment and access resources that can facilitate the articulation and implementation of the visions and agendas of women and women's groups in South Sudan. With clear political will and action to ensure gender equality and women's human rights, the government of South Sudan will not only be meeting important obligations and political commitments; it will ensure a strong economy and a functional state, setting an example for other countries emerging from conflict in Africa and elsewhere.

## Notes

1. In this report, gender is defined as the social, historical, and cultural construction of differences between the sexes, including the roles, responsibilities, and value that communities allocate to men and women and the definitions they give to masculinity and femininity.
2. State building involves deliberate actions by national or international actors to establish, reform, or strengthen state institutions and build state capacity and legitimacy while negotiating mutual demands between state and citizens (Jones and Chandran, 2008). See B. Jones and R. Chandran with E. Cousens, J. Slotin, and J. Sherman, "From Fragility to Resilience: Concepts and Dilemmas of State-Building in Fragile States," research paper for the Fragile States Group of the Development Assistance Committee of the Organization for Economic Co-operation and Development (OECD DAC), Paris, 2008.
3. In 1997, the UN Economic and Social Council defined gender mainstreaming as the process of assessing the implications for women and men of any planned action, including legislation, policies, or programs, in all areas and at all levels. It makes women's as well as men's concerns integral to the design, implementation, monitoring, and evaluation of policies and programs so that women and men benefit equally.
4. There are two approaches to gender and state building: the instrumentalist and the normative. For details, see Kathleen M. Jennings, "Gender and Post-Conflict State-Building," Ralph Bunche Institute for International Studies Program on State and Security, City University of New York, undated, [http://www.statesandsecurity.org/\\_pdfs/Jennings.pdf](http://www.statesandsecurity.org/_pdfs/Jennings.pdf); see also Nada Mustafa Ali, "Gendering 'Asmara 1995': Women and the Sudanese Opposition in Exile," paper prepared for conference on The Aftermath: Women in Postconflict Situations in Africa, University of the Witwatersrand, Johannesburg, South Africa, July 20–23, 1999. An instrumentalist approach can help certain women avoid backlash after conflict; see Jennings, "Gender and Post Conflict State Building." However, it may not lead to lasting transformation of gender relations in a way that impact diverse women; see Ali, "Gendering 'Asmara 1995'"
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7. Patti Petesch, *Women's Empowerment Arising from Violent Conflict and Recovery: Life Stories from Four Middle-Income Countries* (Washington, DC: U.S. Agency for International Development, 2011); Ali, "Gendering 'Asmara 1995'."
8. This does not mean these countries have overcome gender inequality; see Amnesty International, *Liberia: A Flawed Post-War Process Discriminates against Women and Girls* (London: Amnesty International, 2008).
9. In-depth interviews with several SPLM male and female leaders and Union of Sudan African Parties leaders by the author in 1998–99 indicated an understanding of the specific effects of the conflict on women and an appreciation of women's contributions, including as peacebuilders. See Ali, "Gendering 'Asmara 1995'."
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11. See article 24 of United Nations Security Council Resolution 1996, adopted by the Security Council at its 6576th meeting on July 8, 2011.
12. UN Security Council Resolution 1996, article 9.
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