

Women Leaders at the Protection of Civilians Camp in Bentiu –WLPoC- South Sudan-
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This submission has been prepared by 25 female community leaders who live and work at the Protection of Civilians Camp in Bentiu.

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I. Summary

II. Introduction

1. This submission was prepared by 25 female community leaders who live and work at the Protection of Civilians Camp –PoC- in Bentiu town. The community leaders come from different counties of the former Unity State, and live and work in different sectors at the PoC.
2. The Women Leaders at the Protection of Civilians Camp in Bentiu –WLPoC- strongly believe that the South Sudanese Government should be focusing on achieving greater equality between men. Political efforts need to be made to ensure that women have equal participation in public and political life, at both the local and national level. Women should be able to live free from fear of violence, and chose the person they want to marry, and to enjoy the same economic opportunities.
3. The WLPoC believes that equality will only be achieved if the Government ensures that all women are treated with dignity and respect. As a basic step, we call upon the Government to amend all parts of customary law to ensure its compliance with CEDAW and South Sudan’s Transitional Constitution, whilst ensuring that all members of the judiciary, in particular chiefs in traditional courts, develop and apply customary law that is complaint with international human rights law and the Transitional Constitution.
4. Additionally, the WLPoC calls upon the Government to ensure that as part of the peace and reconciliation process perpetrators of past human rights and international humanitarian law violations who committed crimes against women are suspended from their positions, if they are part of the national army or are serving in government, and are judged by an impartial court.
5. Finally, the WLPoC strongly advocates for greater access to education, to enable women to participate in society and the economy in equal terms as men.

III. Promotion and protection of human rights on the ground

Rape and other forms of sexual violence

6. Women and girls living in the former Unity State are at heightened risk of experiencing rape, and other forms of sexual violence, a situation that has been further exacerbated by the recent conflict.

7. The real extent of the problem is unknown, but the widespread use of rape and sexual violence during the conflict, as well as the abduction of women in particular in Rubkona, Guit and Koch counties have been documented by several reliable organizations, including Human Rights Watch, Amnesty International and UNMISS.¹
8. Rape and sexual violence not related to the conflict is likely to be more prominent than conflict related sexual violence, however, it has been less documented. Nonetheless, anecdotal evidence suggest that sexual violence is an endemic problem, for instance, every woman submitting this paper has either been the victim of rape, or knows someone who has been.
9. Statutory law in South Sudan prohibits sexual violence, but the law is hardly ever enforced. In the case of the former Unity State, there are not statutory courts since the conflict erupted in December 2013, as all judges and prosecutors left fearing they would be killed. Moreover, women are reluctant to report sexual crimes and take the cases to court. Women are afraid of being expelled from their families if the rape is known, and they have little or no trust in the justice system.
10. Traditional courts, and traditional law, which are the only enforceable laws in the former Unity State, fail to protect women against sexual violence. Marital rape is not punishable in traditional law, and if sexual violence cases are taken to court, the chances of a conviction are extremely low.
11. Perpetuators of rape are usually asked to marry the woman they have raped –in exchange of cows to be paid to the woman’s family. It is worth noting that in these cases the number of cows men are asked to pay is usually lower than if the woman had not being raped. Moreover, the WLPoC is not aware of any cases of imprisonment for cases of rape. ²
12. Recommendations: we call upon the Government of South Sudan to
 - Enact stricter legislation and enshrine in the Constitution a prohibition against rape
 - Amend all parts of customary law to ensure its compliance with CEDAW and South Sudan Transitional Constitution

¹ See for example:

http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&cad=rja&uact=8&ved=0ahUKewjlwom_u8_LAhVJxRQKHf-1AQAQFggwMAM&url=http%3A%2F%2Fwww.carefrance.org%2Fressources%2Fthemas%2F1%2F3958%2CCARE_The-Girl-Has-No-Rights_GBv-in-.pdf&usg=AFQjCNGeijVZHi8GRCwi-cjBF-bxeuCX-A&sig2=CRiImbacARy-mKrMq1AXkg&bvm=bv.117218890,d.bGs, <http://www.un.org/sexualviolenceinconflict/countries/south-sudan/>, <https://www.hrw.org/africa/south-sudan>

² <http://www.smallarmssurveysudan.org/fileadmin/docs/facts-figures/south-sudan/womens-security/HSBA-women-security-law.pdf>

- Ensure that the forthcoming permanent Constitution recognizes and protects the rights of women and girls –and prohibits any form of gender-based violence, including those that have been traditionally accepted
- Develop and implement capacity building programs to ensure that all members of the judiciary, in particular chiefs in traditional courts, develop and apply customary law compliant with CEDAW and South Sudan’s Transitional Constitution
- Ensure that services for victims of rape are available
- Enact legislation to grant women’s access to abortion in cases of rape
- Enact legislation to protect women in case they are expelled out from their own family because of being raped
- Set up orphanages to look after children whose parents are unable to look after them, in particular those who are born as a result of rape

Early and forced marriage

13. Although the legal age for marriage in South Sudan is 18, girls in the former Unity State tend to marry much earlier –a phenomenon that continues to occur within the Protection of Civilian Camp.

14. Marriages in South Sudan are usually arranged and the payment of cattle as dowry is fundamental to the Nuers –the main tribe living in the former Unity State, and the wider South Sudanese culture. Cattle are usually given to the woman’s men relatives –their father, brothers or cousins. Moreover, whoever is considered to be a “suitable husband” can make a dowry payment of one cow when a girl is as young as 12. In this way, she is effectively engaged to him.³

15. Recommendations: we call upon the Government to:

- Develop and implement sensitization campaigns to eliminate the practice of forced and early marriage and to ensure the women are able to choose the person with whom they want to spend their life
- Amend all parts of customary law to ensure its compliance with CEDAW and South Sudan Transitional Constitution
- Develop and implement capacity building programs to ensure that all members of the judiciary, in particular chiefs in traditional courts, develop and apply customary law compliant with CEDAW and South Sudan’s Transitional Constitution

³ <http://www.smallarmssurveysudan.org/fileadmin/docs/facts-figures/south-sudan/womens-security/HSBA-threats-in-the-Home.pdf>

Equal participation in public and political life

16. Women's representation at the national and local government remains extremely low. According to the Transitional Constitution at least 25% of people in the legislative and executive organs should be women, however, the government has continuously failed to fulfil its constitutional commitment.
17. Although President Salva Kiir had several opportunities to appoint women in public appointments, he has failed to do it. For instance, in December 2015 he appointed 28 new governors, none of which were women.
18. Recommendations: we call upon the Government to:
 - Ensure that at least 50% of those writing the new constitution are women
 - Make a Constitutional provision to ensure that either the President or vice-President of the Republic is a woman
 - The new Constitution enshrines CEDAW in the bill of rights
 - Put policies and programs in place to ensure that more women enroll in the armed forces and the police

Land and inheritance rights

19. South Sudan Transitional Constitution states that women have the right to own property and to inherit from their husbands; however, according to customary law property should remain within the family and it is own and managed by the men, as head of the household. Although there are slight differences between tribes, in the former Unity State where Nuer is the dominant culture, property is both managed and own by the men.
20. Recommendations: the Government of South Sudan needs to:
 - Amend the law to ensure that women have the same inheritance rights than men
 - Amend traditional law to make it compliant with South Sudan's Transitional Constitution and CEDAW, ensuring that women have the same property rights as men

Right to Education

21. There are not statistics regarding children's school enrolment and completion rates in the former Unity State. However, according to UNICEF, South Sudan's school system is among the worst in the world, despite increases in school enrolment over the past few years. UNICEF notes that 7 out of 10 children between 7 and 16 years of age have never attended school, whilst the completion rate in primary school is only 10%.⁴ Meanwhile, less than 2% of pre-

⁴ <http://www.unicef.org/southsudan/education.html>

school aged children are attending development programs, and a mere 44,000 young people are attending secondary school.⁵

22. Recommendations: to fulfil its human rights obligations we call upon the Government to:

- Develop and implement policies to promote children's access to education, with a particular focus on girls
- Provide economic assistance to families to enable them to send their children to school
- Put in place special measures for girls/women, to attend school and to get at least a minimum level of literacy

⁵ <http://www.unicef.org/southsudan/education.html>