

The Universal Periodic Review Report on Women’s Human Rights Issues in Warrap

Report Written by: Warrap Women Union

Executive Summary

The women of Warrap State, like other women in other States of South Sudan, have long standing human rights issues that should appear during the forth-coming UPR of South Sudan. In Warrap, the women gathered and held discussions on the key human rights issues affecting them. The women decided to highlight the key human rights issues affecting them under the various categories of Education and Empowerment, Access to Justice, Health concerns, Political and Leadership, GBV and Cultural Barriers and the Effect of Conflict.

Objective

The objective of this report is to assess the human rights situation of women in Warrap, and afford women opportunity to raise their concerns in the UPR. Their participation will build their confidence and also enable them to raise their voices and speak out for themselves on their issues.

1 *Education and Empowerment of Women*

According to article 23 of the UDHR “Everyone has the right to education”. Also, article 29 (1) of the Transitional Constitution of South Sudan (TCSS) 2011 clearly states that “Education is a right for every citizen and all levels of government shall provide access to education without discrimination as to religion, race, ethnicity, health status including HIV/AIDS, gender or disability”. Under paragraph (2) “All levels of government shall promote education at all levels and shall ensure free and compulsory education at the primary levels; they shall also provide free illiteracy eradication programmes”. Despite the above provisions, there remains a high percentage of uneducated women in Warrap at both County and Boma levels due to various reasons: Early and forced marriage; removal of girls from school for fear of getting pregnant; and keeping girls at home as care givers, etc. This has made girls to end up in unstable and poverty stricken marriages. There is a high rate of early pregnancy and school dropout of girls. Few women are educated but in Arabic and not English and such women find it difficult to get employment in the various sectors and this has hampered their career. Due to poverty, women cannot afford to engage in small scale businesses to enable them support their families. Women are not allowed by the men to get involved in the affairs of their daughters especially regarding early and forced marriages and teenage pregnancies.

2 *Access to justice*

The denial of women’s access to justice contravenes Article 6 (1) of the UDHR, which says that “Everyone has the right to recognition everywhere as a person before the law. All are equal and are entitled without any discrimination to equal protection of the law”. (2) All are entitled to equal protection against any discrimination in violation of this Declaration and against incitement to such discrimination”. Article 20 of the TCSS equally provides for the right to access to justice. Women’s access to justice in Warrap has been an overwhelming problem in both the judiciary and traditional justice system. This is due to several reasons: lack of female

judges, prosecutors, lawyers and police investigators to assist women in addressing their issues; poverty which has caused most women to abandon cases; corrupt practices of the police in extorting huge amount of money from the women; stigma in the traditional courts and lack of female representation in the traditional courts to handle women's issues and advocate for their rights. Women are not treated on equal basis with the men and their complaints are not properly addressed in traditional courts. For instance, a woman can be denied the right to file a complaint in a traditional court unless the husband gives his approval. In the traditional courts, women are not allowed to express themselves freely instead they are intimidated, threatened and the case can even turn against them by chiefs who are all males. Some of these actions have made women either to withdraw their cases for family settlement or decide not to report. Even though Article 20 of the TCSS clearly provides for the right to access to justice, the situation with the women in Warrap remains the same.

3 *Health concerns*

Article 31 of the TCSS provides that “All levels of government shall promote public health, establish, rehabilitate and develop basic medical and diagnostic institutions and provide free primary health care and emergency services for all citizens”. In Warrap, the percentage of women is high and more health services should be provided to women. However, the provision of health services in the state by the government is inadequate and this has increased the percentage of health risk and death for women. This is due to several factors: limited number of midwives to cater for expectant mothers (though Article 16 (c) of the TCSS provides that “All levels of government shall provide maternity and child care and medical for pregnant and lactating women”); few government health centres; inaccessibility, limited support from husbands and poverty. In most of the counties and bomas there are very few midwives or even non to attend to pregnant women during emergencies and this has resulted in fatalities in several cases. Apparently, the only effective means to health services in such areas could be through private clinics which are mostly owned by foreigners (Ugandans/Kenyans). The private health care centers are normally well equipped with trained personnel but are very expensive and unaffordable for most women. In most homes for instance, the husbands fail to provide domestic support to pregnant wives either deliberately or due to poverty. Such women may either engage in small businesses that will enable them access health services or are sent to their parents by the husbands to seek financial support. Most pregnant women might also be fully engaged in household chores including cooking, attending to the children and even the husbands and many others things. In most cases such women are constrained with this domestic work to an extent that it affects the pregnancy and causes health risk. Lastly, Government's constant delays to pay salaries of health workers most times affect the provision of health services to the communities causing high health risks.

4 *Politics/ Leadership*

According to Article 21 of the UDHR, “Everyone has the right to take part in the government of his/her country, directly or through freely chosen representatives”. Article 16 of the TCSS also states that, “ All levels of government shall; (a) promote women participation in public life and their representation in legislative and executive organs by at least 20% as an affirmative action to redress imbalances created by history, customs and traditions”. In the area of politics, leadership and decision-making processes as per the 20% accorded women in South Sudan, the female

representation and full participation in government has not been fully achieved by the women in Warrap due to so many factors. There are few female politicians and looking at the recent political appointments there is only one female minister without any female County Commissioner out of thirteen County Commissioners. However, there are several female MPs at the State Legislative Assembly - including a female Speaker which demonstrates gender sensitivity and not gender equality. This is simply due to the high gender disparity in the numbers between male and female representation in governance as the wide gap remains opened.

Education might again be a major factor limiting women's full involvement in politics. The high illiteracy rate amongst Warrap women due to lack of education and empowerment cannot allow majority of the women to match up with their male counterparts in politics. The lack of education and fear of intimidation and humiliation from the males have caused women to shy away from making political strides. Another factor is financial resources needed to conduct political campaigns in lobbying for community support. Even educated women can be left out of the race without financial support. So poverty is a major hindrance against women's full participation in politics. Finally, in Warrap, there are very few competent women with political ambition and capability that can successfully participate in politics as compared to the many who lack trust in themselves, feeling incapable and shying away.

5 GBV/Cultural Practices

According to Article 16 of the TCSS "All levels of government shall (d) enact laws to combat harmful customs and traditions which undermine the dignity and status of women". In Warrap, cultural practices have mostly been transformed into customary laws that affect women on daily basis and cause gender based and domestic violence in communities and homes. One major cultural barrier that causes series of domestic violence is dowry (the payment of several heads of cattle for a girl/woman in a traditional marriage). A suitor normally pays within the range of fifty to two hundred cows for a bride in the Dinka culture and tradition. This dowry payment can easily enslave the woman and she becomes a property of the husband. This has eventually deprived women of enjoying their inheritance right to land and property and that of the husband upon his demise. This cultural practice is contrary to the Article 17 (1) of the UDHR which says, "Everyone has the right to own property alone as well as in association with others", and; (2) 'No one shall be arbitrarily deprived of his property'. Cultural practices have allowed widows including their children to be forcefully inherited by the husband's family.

The huge dowry payment of cattle has also left women voiceless, becoming subordinates/slaves to the husbands rather than equals though contrary to Article 1 of the UDHR on equality. The women have merely become *YES* partners never expected to say *NO* to husbands regarding full participation in decision-making processes in the affairs of the home. Whenever the women attempt to raise their issues, severe beating and economic deprivation ensue. This is also contrary to article 14 of the TCSS which provides for equality. Such actions have also led to emotional and psychological effects on the women. The dowry payment of so many cows has always had a negative effect in the homes as the husbands give out all the cows and cannot afford to adequately provide for the wife and children. Above all, heavy dowry payment promotes cattle raiding and conflict in communities as young men who cannot afford the high number of cows for marriage will decide to raid to get more. Women are deprived ownership of money they work

for by husbands. Whatever income the woman receives should be handed over to the husband. The dowry payment has resulted in impoverished homes and suffering women. Due to the culture of silence, women are afraid to speak out the violations they experience on daily basis instead they prefer to harbour these issues that are never resolved.

Another factor is the issue of adultery which is classified as a criminal offence in the South Sudan Penal Code Act of 2008 (see Section 266). The offence of adultery is tantamount to two or three years of imprisonment and has largely affected only wives and not husbands which does not demonstrate fairness in gender equality. This is contrary to Article 8 of the UDHR. In contravention of this article, the law is largely supporting the husbands as they are mostly the ones that file complaints against their wives in the police for prosecution whilst the women are denied this same right. The offence of adultery has no gender equality in the sense that the wives by culture and the virtue of the dowry payment of cows can never attempt to file a complaint in the police or local court against a husband for committing adultery. By culture the wife cannot file a complaint in court for fear of igniting conflict and the payment of cows by her husband. Instead the common revenge action is that of physically fighting with the woman found committing adultery with her husband. The prosecution of women for committing adultery has had negative effect on the children whenever the woman is convicted and the children are left without proper supervision. It also stigmatizes the girls affecting marriage proposals as suitors are informed about the mother having committed adultery before.

The practice of women with children who are abandoned by husbands has greatly increased in Warrap causing a huge number of street children. In the event of marrying another wife, the men always abandon the first wife with the children as culture accepts the marriage of more wives. This practice of abandonment has even led to most women committing adultery with a “Good Samaritan” man they come across to assist with their basic needs. In most cases, the abandoned women struggle alone with the children who might be affected with several social problems that can lead them to the street and market places.

6 *Effect of conflict on women*

For the past two years, Warrap has not been directly affected by the South Sudan conflict but there have been elements of indirect impact especially on women in the state. Most of the women have become widows and single parents with children as their husbands fought and died at the war front. Even though Warrap was not affected by the general conflict, yet still the state has been plagued with inter-communal violence resulting in the death of women and children in the communities as well as constant cattle raiding.

During conflict situations, women and children are the most vulnerable; they are raped and abducted, become sex slaves, bush wives, experience forced marriages and unwanted pregnancies/children. Also it is obvious that women lose their dignity and respect due to the violations they experience. They are plagued with diseases and experience displacement and destruction of properties; they go without education, skills and empowerment throughout the

conflict period. Most widows whose husbands are killed end up being household heads, stricken with poverty and hunger.

Warrap also experienced an influx of IDPs who made settlements in camps in different parts of the state. The huge number of IDPs also added to the social needs of the communities especially the women causing scarcity and high demands. Some of the social needs such as firewood, water, market and most needed goods became competitive.

Conclusion

The report has spelt out the views of women in Warrap on their human rights situation with key recommendations requesting the government's commitment to fulfil these demands with the support of the International partners. The Warrap women's participation in raising their voices on the key human rights issues highlighted above has demonstrated their full commitment and cooperation to the authenticity of the Warrap UPR report. The Warrap women strongly believe that this report will receive maximum attention and be critically analysed to bring about a positive change that will improve on the enjoyment of women's human rights in the mere future.

Recommendations

Women believe that with one voice their concerns will be heard and addressed by both Government and partners. So they decided to come up with a few recommendations as follows;

- Government and partners to repatriate IDPs and provide them with shelter;
- Government and partners to empower women through skills trainings to generate income and become self-reliance and able to support their families and contribute to development;
- Government and partners should support women with loans to start their own businesses;
- Government to ensure that women are given space to take part in politics, leadership and decision making;
- Government to establish technical schools to train more midwives and other health personnel and also ensure accessibility of all to health facilities;
- Government to increase effort in educating more women in English to measure up with the current education priorities;
- Women should be empowered with skills and given loans to engage in small scale businesses;
- Leadership trainings to empower and equip women for full political participation should regularly be conducted by government and partners;
- Government should consider reviewing the offence of adultery to ensure gender balance wherein women can also file complaints against their husbands committing adultery;
- Now that CEDAW has been ratified by South Sudan, Government must ensure its full implementation and to draft strong national laws to protect women and girls;
- Government should come up with stringent measures to ensure the full responsibilities of men to their wives in all areas.

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