




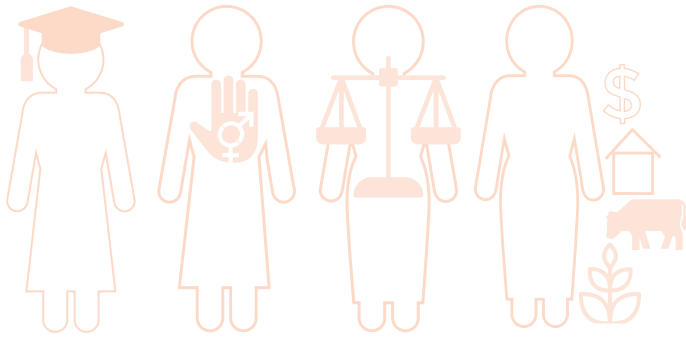
SOUTH SUDAN WOMEN'S CHARTER

A Charter of Women's Demands in the
Permanent Constitution





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Permanent Constitution



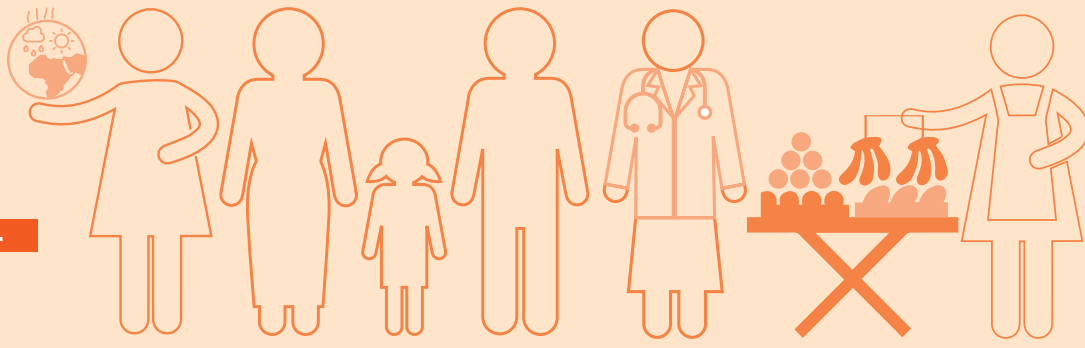


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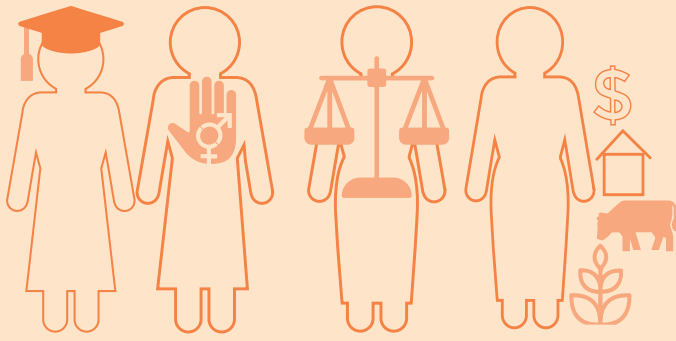
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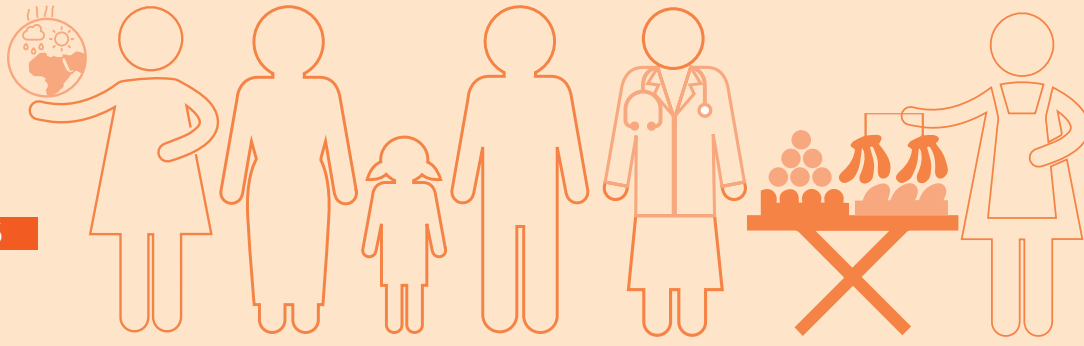
The South Sudan Women's Charter is a result of a collaborative effort between the Ministry of Gender, Child, and Social Welfare (MGCSW), Ministry of Justice and Constitutional Affairs and UN Women, South Sudan Country Office, aimed at facilitating the active involvement of women and girls in the Permanent Constitution making process in the Republic of South Sudan. The Charter concretizes the demands and priorities of women and girls, advocating for their inclusion in the Permanent Constitution and calling for legislative, policy, and programmatic interventions across the twelve (12) thematic areas.

I would like to express my sincere appreciation to all stakeholders who contributed to the national and state level consultations, including the Ministry of Peace Building, women's groups, human rights organizations, women-led civil society organizations, women signatories to the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), women lawyers, women in business and the private sector, youth groups, school girls, persons with disabilities, elderly women, women's associations, government officials, academia, faith-based organizations, media, UNDP, UNMISS, UNFPA and other international organizations.

I acknowledge, especially the following individuals for their invaluable contributions: Jackson Ambrose Ogeno, UN Women Gender Justice Specialist, for leading the development process, as well as the members of the Steering Committee, comprising Jane Rebecca Modong (Program Officer, Women, Peace, and Security - UN Women), Betty Achan Victor (Access to Justice Officer - UN Women), Monalisa Zatjirua (EVAW Specialist - UN Women), Gar Adel Gar (Former Senior Gender Advisor - UN Women), Wol Athuai (Former National Programme Officer (EVAW) - UN Women), Esther Ikere Eluzai (MGCSW), Regina Ossa Lullo (MGCSW), Celina Grace Peter (MGCSW), Jane Kiden Jackson (MGCSW), Emmanuel Ladu Laku (MGCSW), Ludiana Joseph Musa (MGCSW), Edema James Peter (MGCSW), Jane Tumalu Erasto (MGCSW), and all the staff of MGCSW for their valuable contributions.

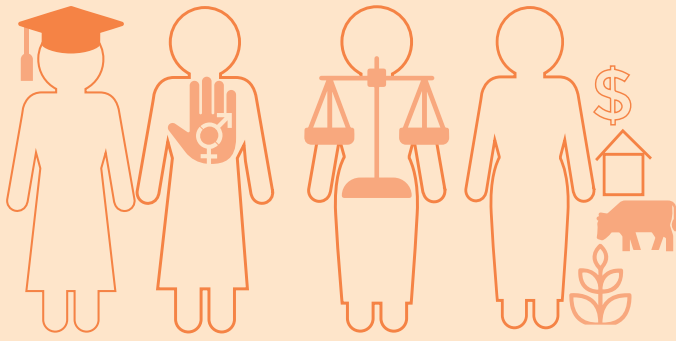
The MGCSW is grateful to Hon. Esther Ikere Eluzai, Undersecretary, and Regina Ossa Lullo Director General for Gender and Child Welfare - MGCSW for their guidance and direction throughout the development process.

I extend our appreciation to the senior management of UN Women South Sudan, Peterson Magoola, Country Representative, Paulina Chiwangu, Current Acting Country Representative, and Rukaya Mohammed, Deputy Country Representative for their leadership and guidance.



Lastly, my gratitude goes to the UN Peacebuilding Fund, Government of the Netherlands and Government of Norway for their financial support in the production of this Charter and their commitment to promoting gender equality and the meaningful participation of women and girls in the peacebuilding and reconstruction efforts in South Sudan.

Aya Benjamin Libo Warille
Minister,
Ministry of Gender, Child, and Social Welfare,
THE REPUBLIC OF SOUTH SUDAN



FOREWORD

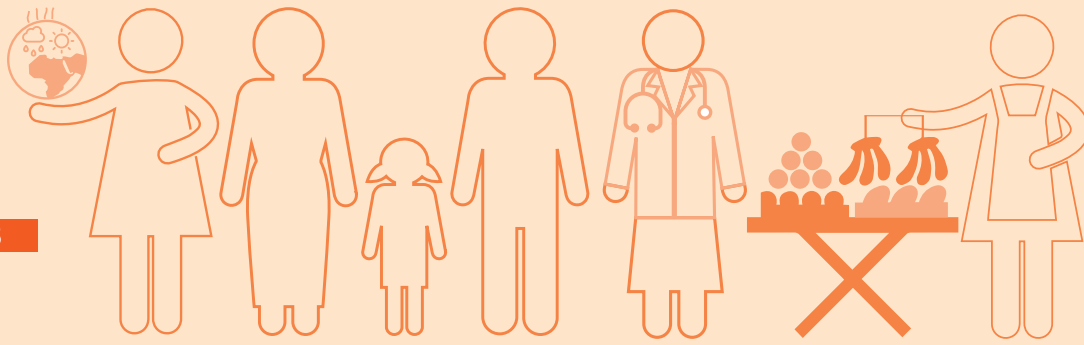
I and the entire UN Women Team are delighted to have supported this great effort by the Government of the Republic of South Sudan in advancing a gender-responsive, people-centered, and inclusive Permanent Constitution making process, with a focus on fostering gender equality and sustainable peace in the Republic of South Sudan.

UN Women, as part of the UN Country Team (UNCT), under the leadership of the Office of the Resident Coordinator (RC), is pleased to have collaborated with the Ministry of Gender, Child, and Social Welfare, Ministry of Peace Building, State Governments along with women leaders at both national and subnational levels, UNDP, UNMISS, and other international organizations, in the development of the South Sudan Women's Charter.

The Charter consolidates the demands, priorities, and concerns of women and girls, aimed at potential inclusion in the Permanent Constitution of the Republic of South Sudan, as well as for informing legislative, policy, and programmatic interventions across twelve (12) thematic areas. The document serves as a crucial opportunity to enshrine gender equality, eliminate discrimination against women and girls, ensure a 50% gender quota for women's participation across all governmental bodies and levels, and lay the groundwork for gender-responsive legislation that will genuinely benefit women and girls in South Sudan. The Charter further strengthens the resolve of the South Sudan's Government to commit to the obligations outlined in Article 2 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Maputo Protocol, which mandate State Parties to embody the principle of gender equality into their national constitutions or other appropriate legislation.

This Charter is a testament of the dedication of the Government of the Republic of South Sudan (particularly the Ministry of Gender, Child, and Social Welfare under the leadership of the Minister, Hon. Aya Benjamin Libo Warille), to promoting a gender-responsive, people-centered, participatory, and inclusive Permanent Constitution making process to achieve gender equality and sustainable peace in South Sudan.

Paulina Chiwangu, PhD
**UN Women Country Representative,
SOUTH SUDAN**



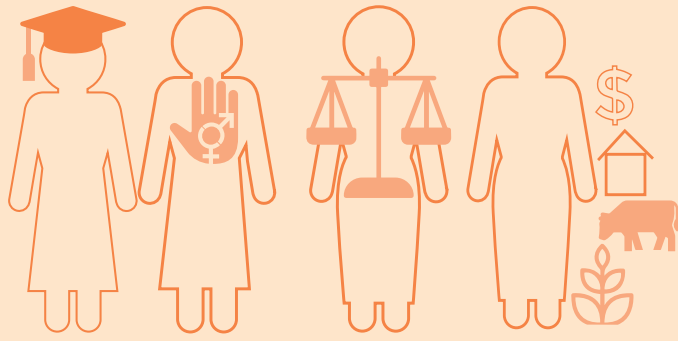
PREFACE

The Constitution Making Process provides an important entry point to address some of the critical issues of concern to women and girls in South Sudan. This South Sudan Women's Charter ("the Charter") has been developed to articulate a common set of priorities and demands of the women and girls of South Sudan to be addressed in the Permanent Constitution and to facilitate their active participation in the Constitution Making Process. The Charter will serve all women and girls in South Sudan as a tool to advocate for the Permanent Constitution to address their common priorities and demands and for the implementation of legal, policy and/or programmatic interventions to address these priorities and demands under the twelve (12) themes of the Charter.

Noting that there are critical issues of concern to women and girls in South Sudan and the Constitution Making Process provides an important entry point to address some of the issues, it is important to put in place a Charter that draws attention to their concerns and enables them to participate actively in the Constitution Making Process, to articulate their concerns and aspirations for inclusion in the Permanent Constitution and to call for legislative, policy and/or programmatic interventions. This Charter will be used by women and girls as an advocacy tool to call for the inclusion of a common set of demands in the Permanent Constitution and for legislative, policy, and/or programmatic interventions.

The process of developing this Charter learned from and built on the experiences of women from selected African countries who developed Charters or Manifestos to enhance their participation in the public affairs of their respective countries. In particular, lessons were drawn from a comparative analysis of the women's charters or manifestos of six (6) African countries, namely, Ghana, Kenya, Nigeria, Zimbabwe, South Africa, and Libya. These guided the formulation of the thematic areas of this Charter.

This Charter is the result of broad consultations at the national and state levels. A two (2) day conference was organized in Juba, from 01st – 02nd December 2021, to seek a mandate from and solicit the views of different groups on the critical issues of concern to women and girls and to use these to formulate the thematic areas of the Charter. Participants included representatives of women's groups, human rights organizations, women-led civil society organizations, women signatories to the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), women lawyers, women in business and the private sector, youth groups, persons with disabilities, elderly women, women's associations, government officials, academia, faith-based organizations, media, and representatives from the ten (10) States and three (3) Administrative Areas of South Sudan.







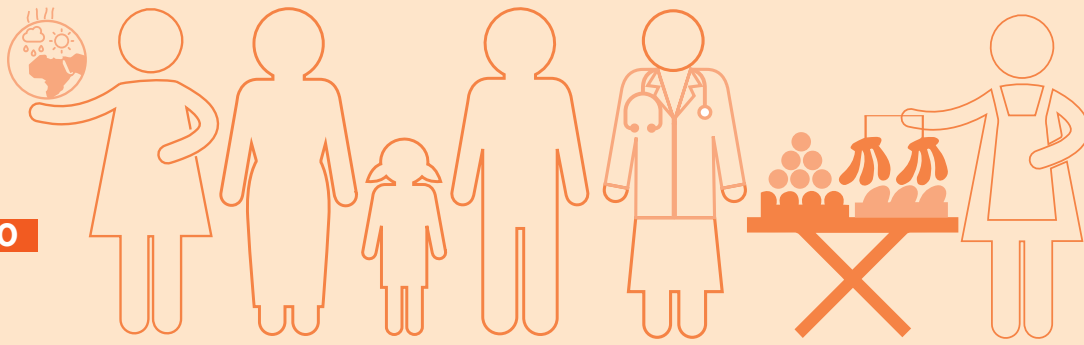
Following the formulation of the thematic areas of the Charter, a Steering Committee was established to carry out a qualitative analysis to understand the current situation of women and girls with respect to the thematic areas of the Charter, establish data collection tools, and conduct consultations in the States and Administrative Areas. Consultations to collect the critical views of different groups were conducted in nine (9) States and one (1) Administrative Area. Among these were consultations with women's groups civil society organizations, state parliamentarians, school girls, chiefs, persons with disabilities, elderly women, women in business and the private sector, and government officials, held from June to August 2022, in Central Equatoria State (Juba), Jonglei State (Bor), Unity State (Bentiu), Upper Nile State (Malakal), Western Bahr El Ghazal State (Wau), Northern Bahr El Ghazal State (Aweil), Eastern Equatoria State (Torit), Lakes State (Rumbek), Western Equatoria State (Yambio), and Pibor Administrative Area. The consultations were undertaken by way of focus group discussions, questionnaires, and key informant interviews.

The Charter also benefited from stakeholder consultations with returnees and internally displaced persons (IDPs) on the Constitution-Making and Elections Processes, jointly undertaken by UN Women, UNHCR, UNDP, UNMISS, and the Relief and Rehabilitation Commission (RRC) from March - July 2023, in Bentiu, Malakal, Bor, Mangala, Yambio, Torit, Magwi, Yei, Wau, Raja, and Juba. Through these consultations, the IDPs and Returnees issued a Communique that outlines their concerns and priorities in the Constitution Making Process.

The information collected through the various consultations was analyzed and formed the basis for drafting this Charter. An initial draft of the Charter has been used to engage in broader consultations with different stakeholders in the country, region and beyond for additional comments and suggestions on how the draft Charter could be improved and finalized for publication and wider dissemination. Finally, the Charter was submitted for further review, deliberations, and validation by different stakeholder groups from all the 10 States and 3 Administrative Areas of South Sudan, at a national validation workshop held in Juba from the 27th - 28th September 2023.

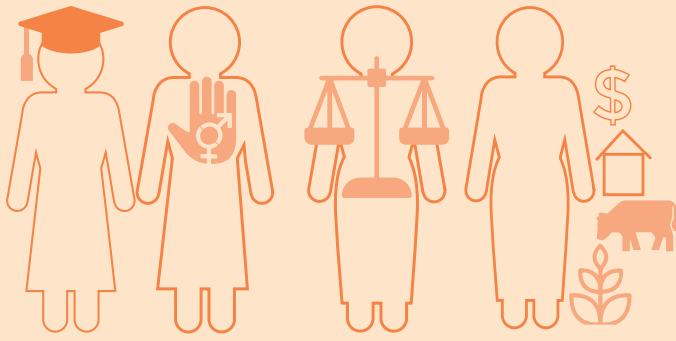
The thematic areas of this Charter are:

-  Women's Participation in Politics and Public Life
-  Education and Training
-  Marriage and Family
-  Property Ownership and Inheritance



- 💡 Health and Reproductive Rights
- 💡 Economic and Social Welfare Rights
- 💡 Equality and Freedom from Discrimination
- 💡 Special Protection of the Elderly and Persons with Disabilities
- 💡 Protection against Gender-Based Violence
- 💡 Access to Justice
- 💡 Environment, Natural Resources, and Climate Security, and
- 💡 Public Finance Management Reforms.

Under each of the thematic areas of the Charter, concrete demands are made for inclusion in the Permanent Constitution. References are made to the national, regional, and international legal instruments and other standards as the basis for these demands. In framing the demands in the form of constitutional provisions, the language used is based on language used in the Transitional Constitution of the Republic of South Sudan, 2011 (as amended) (“The Transitional Constitution”) as well as in the Constitutions of other countries on similar issues. These include the Constitution of Kenya, 2010; Constitution of the Republic of South Africa, 1996 (as amended); and the Constitution of the Republic of Uganda, 1995 (as amended). Besides the demands to be addressed in the Permanent Constitution, there are calls for legal, policy or programmatic interventions to address women’s concerns under each of the thematic areas of the Charter.



PREAMBLE

WE, the women and girls of South Sudan, as full citizens, making up half of the South Sudanese people;

GUIDED by our common intention and purpose as equal members of the society;

RECOGNIZING our history of oppression and discrimination under patriarchal practices, customs and traditions which excluded women from decision making in the political, economic, social, and cultural spheres and limited women's enjoyment of human rights and fundamental freedoms;

ACKNOWLEDGING that the Transitional Constitution guarantees a wide range of human rights, including equality before the law and equal protection of the law without discrimination, including that based on sex;

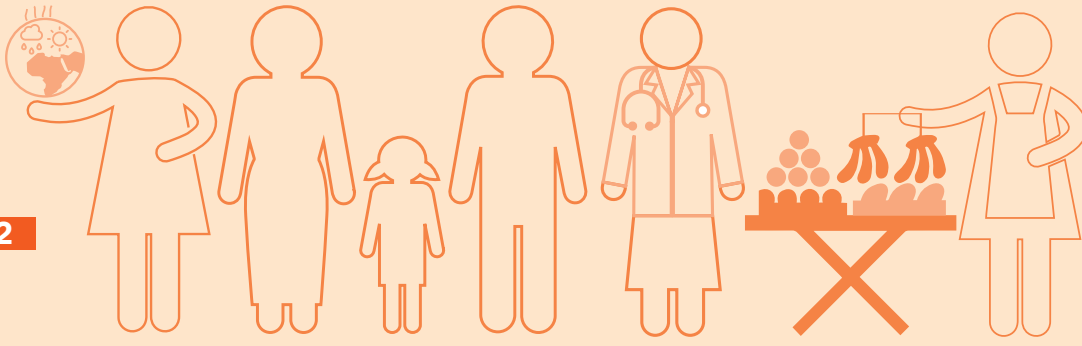
RECALLING that South Sudan has acceded to international and regional human rights instruments which guarantee the rights of women and girls, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention of the Rights of the Child (CRC), International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Rights of Persons with Disabilities (CRPD), the African Charter on Human and People's Rights (ACHPR), and the Protocol to the African Charter on Women's Rights (Maputo Protocol);

CONCERNED that despite the constitutional guarantee of equality and South Sudan's commitment to respect, protect and fulfill the human rights and fundamental freedoms enshrined under the international and regional human rights instruments, women and girls still face discrimination in law and practice in the spheres of political, economic, social, and cultural life;

CONCERNED FURTHER that the inequalities suffered by women and girls in all spheres of human endeavor have continued to hamper women's development and hinder the achievement of gender equality;

CONSIDERING that Constitution Making is a sovereign process, more likely to be successful when it is nationally owned and led, inclusive, participatory, and transparent, based on applicable international norms, standards, and good practices, and tailored to the specific country context;

DETERMINED to participate in the Constitution Making Process on an equal basis with men;

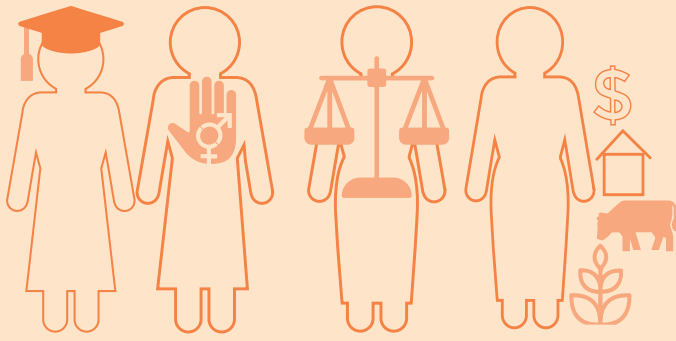


GRATEFUL to the Revitalized Transitional Government of National Unity (R-TGoNU) of South Sudan for enacting a gender-responsive Constitution Making Process Act, 2022 which ensures that the process is based on and guided by gender equity and affirmative action principles, at least thirty five (35) percent of the members of the Constitution Making Mechanisms are women, and the Chairperson and Deputy Chairperson of the Reconstituted National Constitution Review Commission (R-NCRC) are of opposite genders;

CONVINCED that the Constitution Making Process provides an important entry point to position our concerns, priorities, and aspirations in the Permanent Constitution;

RECOGNIZING that women are not a homogeneous category, and that their diversities and multiple identities are a strength to be tapped by South Sudan and hence the need to nurture unity in diversity as a strategy to advance women's concerns and demands collectively;

WE HEREBY developed and adopted this Charter that sets out our demands to be addressed in the Permanent Constitution and calls for legal, policy and programmatic interventions in the areas of political participation, education, marriage, property ownership and inheritance, health and reproductive rights, economic and social welfare rights, equality and freedom from discrimination, protection of the elderly and persons with disabilities, protection against gender-based violence (GBV), access to justice, environment, natural resources, climate security, and public finance management reforms.



DEFINITIONS

ACHPR

Means the African Charter on Human and People's Rights

CEDAW

Means the Convention on the Elimination of All Forms of Discrimination Against Women

Constitution Making Process Act, 2022

Is the legislation that governs the process of the Permanent Constitution Making. It outlines the design, procedures, form, powers, and functions of the mechanisms to be involved in the Permanent Constitution Making Process.

CRC

Means the Convention on the Rights of the Child.

CRPD

Means the Convention on the Rights of Persons with Disabilities.

CRSV

Means Conflict-Related Sexual Violence.

CSOs

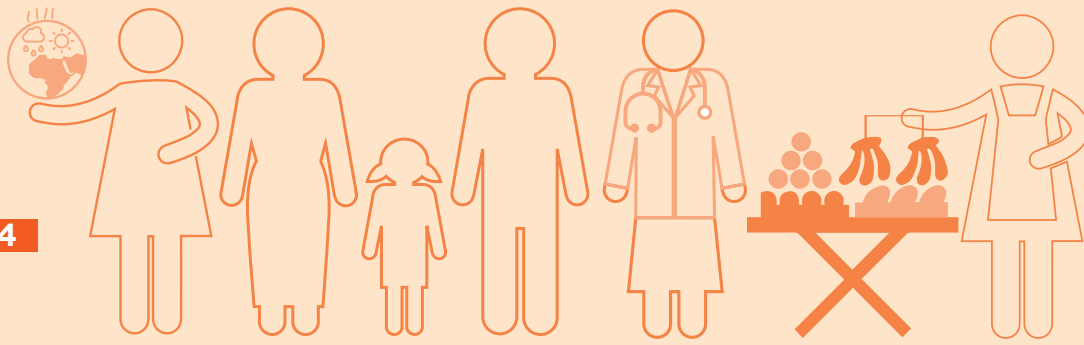
Means Civil Society Organizations.

CSW

Means the Commission on the Status of Women.

GBV

Means gender-based violence.

**ICCPR**

Means the International Covenant on Civil and Political Rights

ICESCR

Means the International Covenant on Economic, Social and Cultural Rights

Maputo Protocol

Means the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

MGCSW

Means the Ministry of Gender, Child, and Social Welfare

Permanent Constitution

Means the Constitution to be made in line with Chapter VI of the R-ARCSS and the Constitution Making Process Act, 2022.

OP-CEDAW

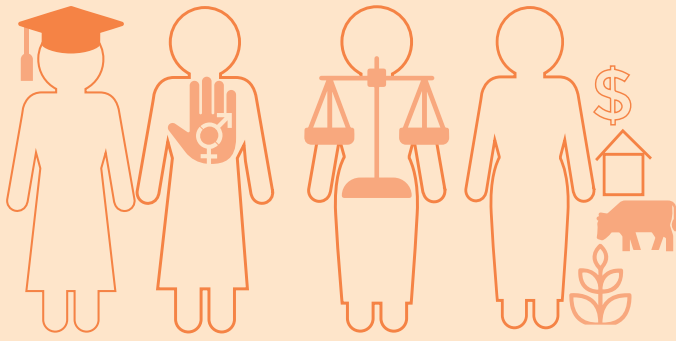
Means the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW)

R-ARCSS

Means the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, 2018

R-NCRC

Means the Reconstituted National Constitutional Review Commission.



R-TGoNU

Means the Revitalized Transitional Government of National Unity

SDG

Means Sustainable Development Goal(s).

Thematic Areas

Means the agreed core subject areas where women's issues and concerns fall.

Women

Means persons of female gender, including girls.

Women's Charter

Means the South Sudanese Women's Charter.

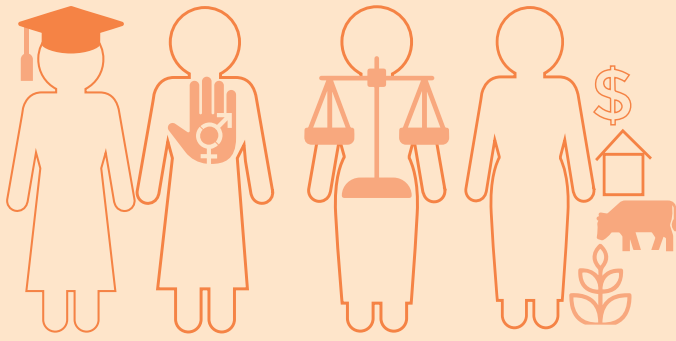
VAWG

Means Violence Against Women and Girls

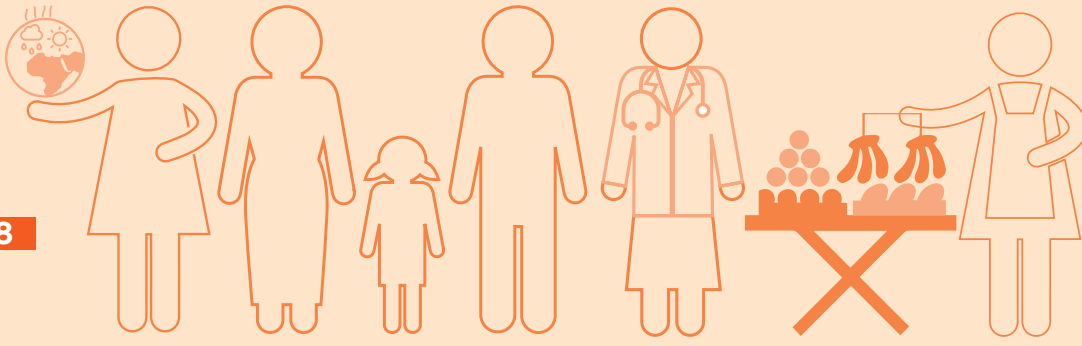


WOMEN'S PARTICIPATION IN POLITICS AND PUBLIC LIFE

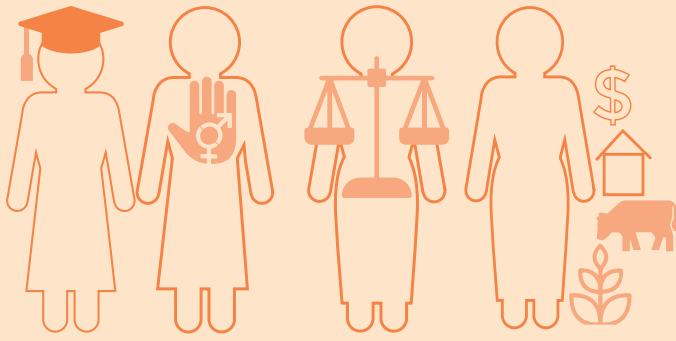
- i. A participatory and inclusive Constitution Making Process ensures that the process benefits from the full contribution of all citizens, including women and girls. Grateful to the Revitalized Transitional Government of National Unity (R-TGoNU) of the Republic of South Sudan for enacting a gender-responsive Constitution Making Process Act, 2022, we call upon the R-TGoNU to diligently ensure that at least thirty five (35) percent of the members of the Constitution Making Mechanisms are women, the Chairperson and Deputy Chairperson of the Reconstituted National Constitution Review Commission (R-NCRC) are of opposite genders, and to ensure that the process is based and guided by gender equity and affirmative action principles as provided for in the Constitution Making Process Act, 2022.
 - ii. Women and girls laud and commend Article 1.4.4 of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), 2018 for requiring that at least thirty-five (35) percent of the membership of the Council of Ministers are women. Although this minimum thirty-five (35) percent quota for women has not been fully met in the context of the implementation of the R-ARCSS, we demand that the Permanent Constitution increase affirmative action and guarantee 50/50 gender representation in all organs and levels of Government. It should guarantee that *'not more than fifty (50) percent of the members of elected or appointed positions in all organs and decision-making at all levels of government shall be of the same gender'*. This will advance the representation of women in all organs of the Government, Independent Commissions and Government entities, and all levels of decision-making structures at the National, State, County, Payam, and Bomas in elected and appointed positions to redress the imbalances created by history, customs, traditions, and lack of political will. The 50/50 gender balance will close the gender gap in politics and public life in line with the agreed conclusions of the Commission on the Status of Women.¹
 - iii. Women have learnt from the implementation of the R-ARCSS that even when the minimum affirmative action for women's participation and representation is provided for, its' implementation depends on the political will of the appointing authorities. In this respect, we demand that the Permanent Constitution mandates the enactment of affirmative action legislation as a legal measure to enforce compliance for women's equal representation and participation in all structures, organs, institutions, and levels of Government. It should provide that *'all levels of Government shall take legislative and other measures to implement the principle that not more than fifty (50) percent of the members of elected or appointed positions in all organs and decision-making at all levels of government shall be of same gender.'*
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- iv. In order to ensure that elected or appointed leaders will cause positive change to improve the welfare of the people, minimum educational, moral, and ethical requirements for different elected and appointed positions in the National, State, and Local Governments should be spelt out in the Permanent Constitution and State Constitutions. We propose that it be a condition of appointment to serve in any position at the Local and State Governments, that one must be literate, have the relevant experience and be of high moral character and integrity, and that in addition, at the National Government level one *should have at least a diploma qualification*.
 - v. In accordance with Article 1.20.6 of the R-ARCSS, which calls for the amendment of the National Elections Act, 2012 to conform to the provisions of the Permanent Constitution, which Act has indeed been amended by the National Elections (Amendment) Act, 2023, we demand that the National Elections (Amendment) Act, 2023 be reviewed to ensure that it is gender responsive and that it be amended to ensure that:
 - (a) Women have at least fifty (50) percent representation in the National Elections Commission and electoral processes.
 - (b) Violence against women and girls before, during and after elections is addressed and perpetrators are prosecuted.
 - (c) Of the five (5) percent of the members to be appointed to the National Legislative Assembly by an elected President in line with the National Elections (Amendment) Act, 2023, at least fifty (50) percent should be women.
 - (d) The closed party list system is replaced with the proportional representation system where seats in the national legislature are reserved for women in marked constituencies throughout the country.
 - (e) Electoral legislation and rules be reformed in line with regional and international standards that require, among others, voting in one day and posting of election results outside polling stations.
 - (f) Electoral legislation and rules should guarantee the right of women to participate in and contest public leadership and constituency politics regardless of where her father or husband comes from.
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- vi. Determined to ensure that women's right to representation and participation in political and public life is achieved, we call for:
- (a) The reconstitution of the Political Party Council, with at least thirty-five (35) percent women's representation in line with the Political Parties (Amendment) Act, 2023.
 - (b) Political parties to implement affirmative action in their party structures to ensure fifty (50) percent women's representation in top party leadership by the next general election at the national and sub-national levels.
 - (c) Political parties to mainstream gender in their constitutions, rules, and procedures.
 - (d) Political parties to include gender issues in their political agendas, manifestos, and party programmes before the next general elections.
 - (e) The Political Party Council to require affirmative action as a criterion for registration of political parties.
 - (f) The National Government to reform all laws that negatively impact on media freedoms and freedom of assembly to allow for unhindered political activities and campaigns.
 - (g) Women and girls to organize and form strong women coalitions and networks at national and subnational levels to lobby and advocate for women's equal involvement and engagement in decision making at all levels of Government.
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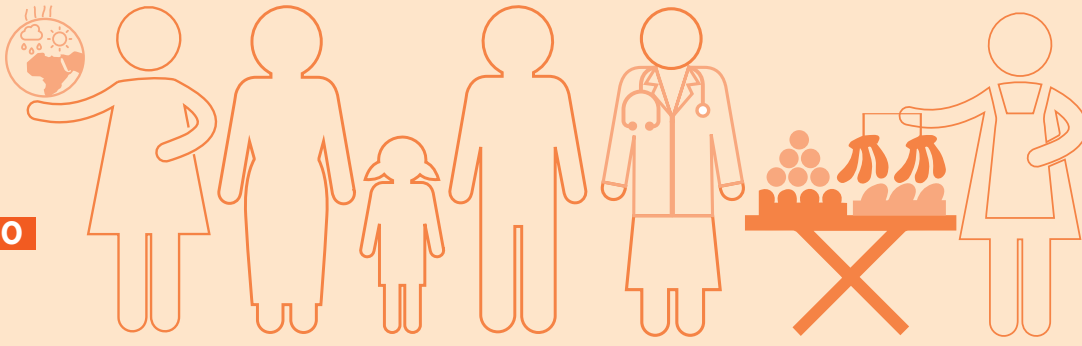


SUMMARY OF DEMANDS

Women's participation in politics and public life



- I. R-TGoNU should diligently ensure that at least thirty five (35) percent of the members of the Constitution Making Mechanisms are women in line with the Constitution Making Process Act, 2022.
- II. The Permanent Constitution should guarantee 50/50 gender representation in all organs and levels of Government.
- III. The Permanent Constitution should mandate the enactment of affirmative action legislation as a legal measure to enforce compliance for women's equal representation and participation in all structures, organs, institutions, and levels of Government.
- IV. The Permanent Constitution should establish the minimum educational, moral, and ethical requirements for all elected and appointed positions in the National, State, and Local Governments.
- V. To conform to the terms of the Permanent Constitution, the National Elections (Amendment) Act, 2023 be reviewed to ensure that it is gender responsive and that it be amended to ensure that:
 - (a) Women have at least fifty (50) percent representation in the National Elections Commission and electoral processes.
 - (b) Violence against women and girls before, during and after elections is addressed and perpetrators are prosecuted.
 - (c) Of the five (5) percent of the members to be appointed to the National Legislative Assembly by an elected President in line with the National Elections (Amendment) Act, 2023, at least fifty (50) percent should be women.
 - (d) The closed party list system is replaced with the proportional representation system where seats in the national legislature are reserved for women from constituencies throughout the country.



- (e) Electoral legislation and rules be reformed in line with regional and international standards that require, among others, voting in one day and posting of election results outside polling stations.
- (f) Electoral legislation and rules should guarantee the right of women to participate in and contest public leadership and constituency politics regardless of where her father or husband comes from.

VI. To achieve women's right to equal representation and participation in political and public life:

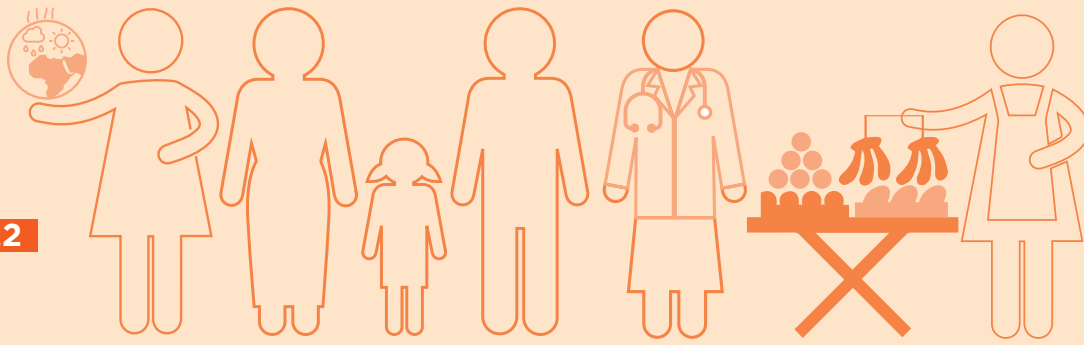
- (a) The Political Party Council should be reconstituted, with women having at least thirty-five (35) percent representation in line with the Political Parties (Amendment) Act, 2023.
- (b) Political parties should implement affirmative action in their party structures to ensure fifty (50) percent women's representation in top party leadership by the next general election at the national and sub-national levels.
- (c) Political parties should mainstream gender in their constitutions, rules, and procedures.
- (d) Political parties should include gender issues in their political agenda, manifestos, and party programmes before the next general elections.
- (e) The Political Party Council should require affirmative action for women as a criterion for registration of political parties.
- (f) The National Government should reform all laws that negatively impact on media freedoms and freedom of assembly to allow for unhindered political activities and campaigns.
- (g) Women and girls should organize and form strong women's coalitions and networks at national and subnational levels to lobby and advocate for women's equal involvement and engagement in decision making at all levels of Government.





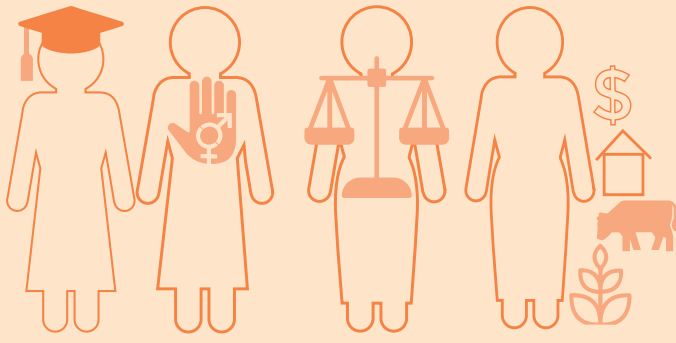
EDUCATION AND TRAINING

- i. Noting that Article 29 (1) of the Transitional Constitution provides for the right to education for every citizen without discrimination, we reiterate that the Permanent Constitution should *guarantee equal access and opportunities to education and training without discrimination on any basis, including sex, gender, and other status, in compliance with Article 10 of CEDAW.*²
 - ii. Women and girls commend Article 29 (2) of the Transitional Constitution for guaranteeing free and compulsory primary education and free illiteracy eradication programmes. We also welcome the R-TGoNU's February 2023 directive to ensure free primary and secondary education throughout the country. Free primary and secondary education will ensure children realize their right to education without the worry of paying school tuition and fees. To maintain and strengthen these positive efforts, the Permanent Constitution should *guarantee the right to free, compulsory, and quality primary education, illiteracy eradication programs, and secondary education, in line with Article 13 (2) (a) and (b) of the CESCR.*³
 - iii. Women and girls note that private schools and institutions play a pivotal role in the development of the human personality and increase the availability of school institutions throughout the country, making education more accessible and available. To protect private schools and institutions, the Permanent Constitution should *recognize and guarantee the freedom to establish private schools and other private educational institutions provided that the education provided in such institutions shall conform to such minimum standards as may, from time to time, be laid down by the Government.* This will make education more available and accessible, including in remote and rural areas, and will guarantee to parents and legal guardians in conformity with their own convictions, the liberty to choose their children's schools, other than those established by the public authorities. Such constitutional guarantee will be in conformity with the obligation under Article 13 (3) of the CESCR.⁴
 - iv. Women and girls note that there is a gender gap in accessing and attaining education in the country which disproportionately affects women's right to education. The gender gap is exacerbated by factors including cultural norms which value the education of boys more than girls, poverty, forced or early marriage, abuse including sexual harassment at schools, lack of access to commodities such as dignity kits, and an inadequate number of female teachers to act as role models to female students. We urge all levels of Government to take legislative, policy, and programmatic interventions to mitigate these
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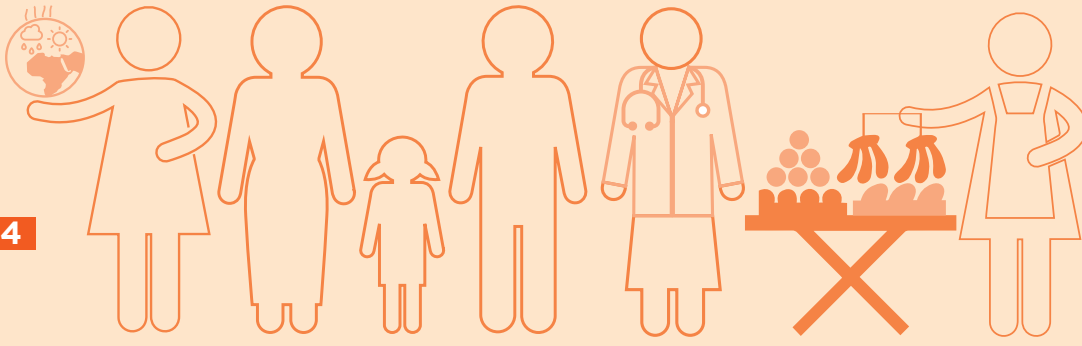


factors which impede access to education and training on an equal basis. Mitigating the impeding factors will promote the enrolment and retention of girls in schools and other training institutions.

- v. Notwithstanding section 30 (6) of the General Education Act, 2012 that prohibits sexual harassment and sexual relationships between teachers or staff members and learners, schoolgirls continue to suffer abuse, including sexual harassment in schools and other educational institutions, which discourage female learners from accessing, remaining in, or gaining re-entry to schools. In some cases, schoolgirls are impregnated by teachers and as a result drop out of school and other educational institutions. We call for strengthened protection of women and girls from all forms of abuse, including sexual abuse, in schools and other educational institutions and for sanctions to be imposed against perpetrators. This can be done by amending the General Education Act, 2012 to prescribe sanctions against teachers and teaching staff for engaging in sexual harassment of learners and sexual relationships between teachers, staff members, and learners, and requiring schools to provide access to counselling and rehabilitation services to learners who suffer abuse and sexual harassment in accordance with the provisions of Article 12 (1)(c) and (d) of the Maputo Protocol.
 - vi. To ensure greater access to education institutions of higher learning, the National Council for Higher Education, as the policy-making body for higher education, should implement affirmative action with targets to be achieved for increasing the enrolment of women and girls in tertiary institutions to improve opportunities for women to achieve higher education in all disciplines, including science, technology, and law. The R-TGoNU should also ensure tertiary education bursaries and scholarships for women and girls.
 - vii. Failure to pay teachers' salaries on time is one of the most common barriers to accessing quality education in South Sudan. This demotivates qualified teachers or forces them to abandon the teaching profession, which negatively affects access to education. To eliminate this obstacle, all levels of Government should establish and diligently implement a mechanism for paying adequate salaries to teachers on time, to restore the dignity and status of the teaching profession.
 - viii. To improve access to and the quality of education, the National Government should increase the allocation of national budget to the education sector yearly to above the ten (10) percent threshold set by the General Education Strategic Plan.
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- ix. Despite the protection of the right of pregnant learners to remain in school or gain re-entry to school after delivery under section 30 (8) of the General Education Act, 2012, pregnant learners continue to be expelled by some school administrations on the basis that their continued presence at schools sets a bad example for other learners. We call for the review of the General Education Act to prescribe administrative sanctions against schools for failing to enforce the right of pregnant learners to remain in school or gain re-entry to school after delivery. This will encourage schools to respect the rights of pregnant learners to remain in schools.
 - x. To help achieve gender equality in education, we demand that the National Government ensure the equal participation of women in the design and content determination of education curricula and related policies and programs and call for the incorporation of gender sensitization and human rights in primary and secondary school curricula, including teacher training. Gender mainstreaming interventions in school curricula shall ensure gender-responsive education programs in line with the provisions of Article 12 (e) of the Maputo Protocol, which requires States to integrate gender sensitization and human rights education at all levels of education curricula, including teacher training.
 - xi. Recognizing that people with disabilities are not homogenous and have different needs, we demand that all levels of Government ensure that learners with special needs, including female learners with learning disabilities, have access to education on an equal basis in line with the provisions of Article 11 (3) (e) of the African Charter on the Rights and Welfare of the Child (ACRWC), which requires States to take special measures in respect of female, gifted and disadvantaged children to ensure equal access to education for all sections of the communities.. Schools should ensure equal access to education for learners with disabilities through the provision of facilities that are accessible for learners with disabilities, teaching staff who are trained to meet the needs of learners with disabilities, including learning disabilities, extracurricular athletics, and accessible technology to help them build self-confidence and succeed at schools.
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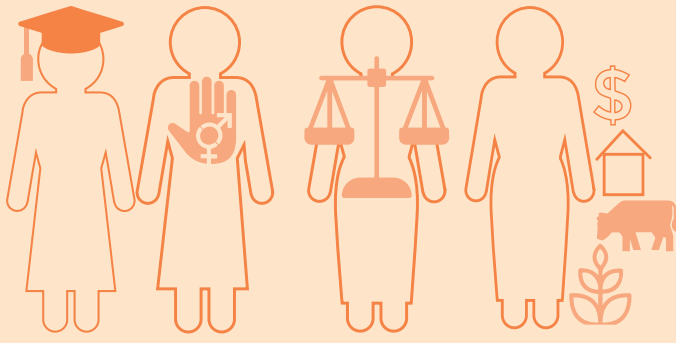


SUMMARY OF DEMANDS

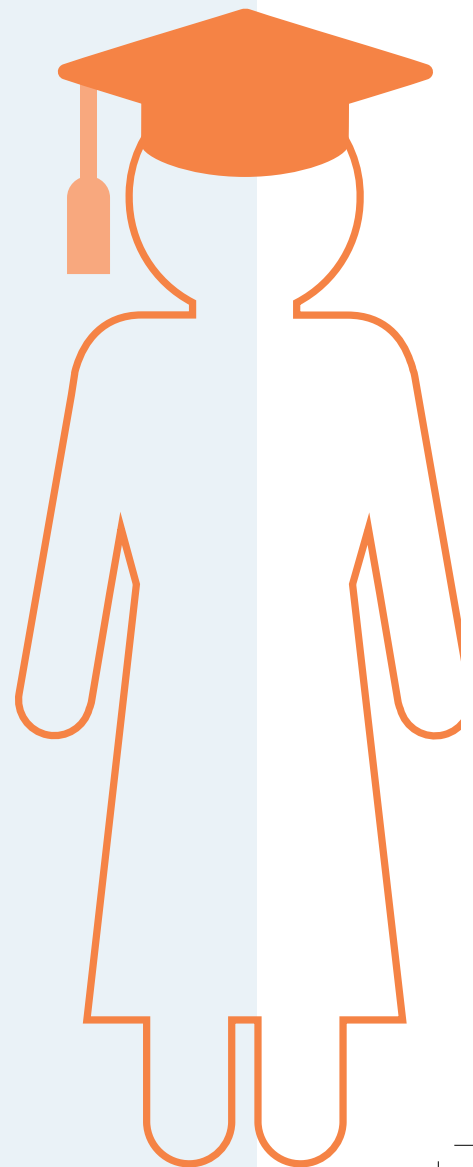
Education and training

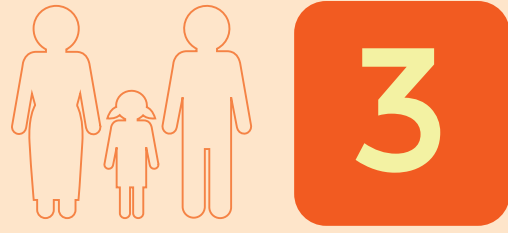


- I. The Permanent Constitution should guarantee equal access and opportunities to education and training without discrimination on any basis, including sex, gender, and other status.
- II. The Permanent Constitution should guarantee the right to free, compulsory, and quality primary education, illiteracy eradication programs, and secondary education.
- III. The Permanent Constitution should recognize and guarantee the freedom to establish private schools and other private educational institutions provided that the education provided in such institutions shall conform to such minimum standards as may be laid down from time to time by the Government.
- IV. All levels of Government should take legislative, policy, and programmatic interventions to mitigate factors which impede access to education and training for women and girls on an equal basis.
- V. Strengthen the protection of women and girls against all forms of abuse, including sexual abuse, in schools and other educational institutions and provide sanctions for perpetrators.
- VI. The National Council for Higher Education should implement affirmative action for increasing the enrolment of women and girls in tertiary institutions.
- VII. National and State Governments should establish and diligently implement a mechanism for paying teachers adequately and timeously to restore the dignity and status of the teaching profession.
- VIII. The National Government should increase the allocation of national budget to the education sector yearly, to above the 10% threshold set by the General Education Strategic Plan.
- IX. Review of the General Education Act, 2012 to prescribe administrative sanctions against schools for failing to enforce the right of pregnant learners to remain in school or gain re-entry to school after delivery.



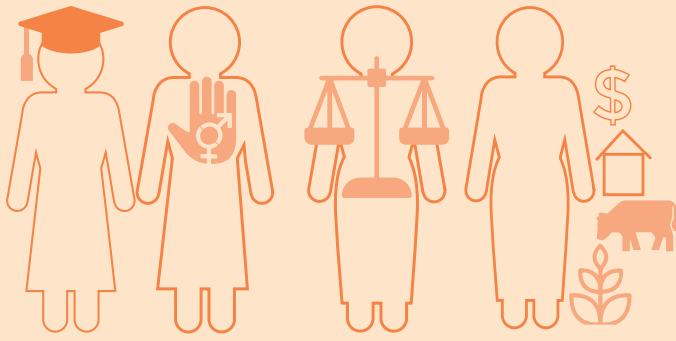
- X. The National Government should ensure the equal participation of women in the design and content determination of education curricula and related policies and programs and incorporate gender sensitization and human rights in primary and secondary school curricula, including teacher training.
- XI. All levels of Government should ensure learners with special needs, including learners with learning disabilities, have access to education without discrimination.



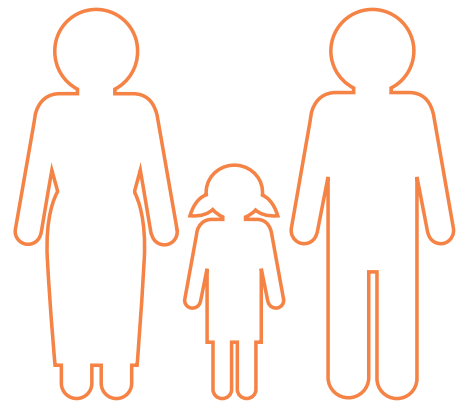


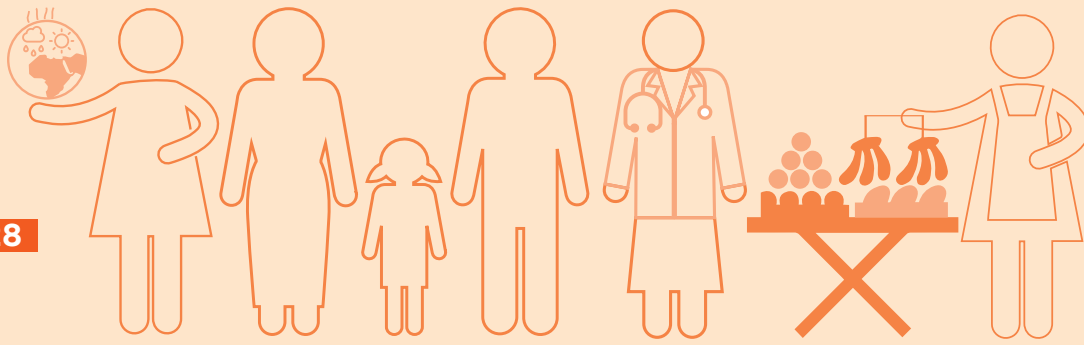
MARRIAGE AND FAMILY

- i. Women and girls note that child marriage is rampant. Young girls are being married off before they reach 18 years in most communities in South Sudan. Customary norms, poverty, viewing of young girls as sources of wealth, and failure of the Transitional Constitution to expressly establish the minimum age of marriage are some of the main enablers of child marriage. Child marriage causes grave harms, including maternal mortality, perpetuation of poverty, denial of education, and domestic violence. To provide legal protection against child marriage, we demand that *the Permanent Constitution should set the minimum age of marriage to be 18, for both women/girls and men/boys*. We believe that at the age of 18, a girl can make her own decision, will be able to endure child labour and have a safe childbirth. Establishing the minimum age of marriage to be 18 will conform to the provisions of Article 6 (b) of the Maputo Protocol⁵ Article 16 (2) of CEDAW, and General Comment No.4 of the Committee on the Rights of the Child.
 - ii. Women and girls experience forced marriage and forced widow inheritance under the customary practices of most of our communities in South Sudan. The Permanent Constitution should outlaw forced marriages by guaranteeing that *'no marriage shall take place without the free and full consent of both parties intending to marry'* in line with the provisions of Article 16 (1) (b) of CEDAW and Article 6 (a) of the Maputo Protocol.⁷
 - iii. Payment of bride price has led to the objectification of women and girls as purchased property in the family. This has caused inequality between men and women in marriage and at its dissolution. We demand that the Permanent Constitution guarantees equality in marriage and divorce by: (a) outlawing the practice of refunding bride price on divorce; and (b) establishing that *notwithstanding payment of bride price, both parties in marriage are entitled to equal rights during marriage and at its dissolution*. These will guarantee equality in marriage and at dissolution in accordance with the provisions of Article 16 (1) (c) of CEDAW.⁸
 - iv. The absence of a national statutory law to govern marriage and divorce has enabled the application of customary laws and norms which rarely allow women to enjoy equal rights in matters of marriage, dissolution of marriage, and succession. To address this gap, the *Permanent Constitution should require the enactment of gender-responsive national legislation to regulate marriage and divorce* in accordance with Article 16 of CEDAW, Article 6 of the Maputo Protocol, and Article 23(4) of the ICCPR, which requires State Parties to take appropriate steps to ensure equality of rights and responsibilities of spouses during the marriage, and on its dissolution.⁹
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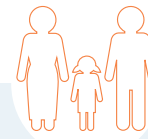
- v. Women take pride in the family and believe that the family is a fundamental basis of society and the family's prosperity is critical to the development, advancement, and continuation of society. We, therefore, demand that *the Permanent Constitution should require all levels of the Government and Society to protect the family as the natural unit and basis of society* as provided for in Article 18 (1) of the African Charter on Human and People's Rights (ACHPR).¹⁰
- vi. To protect each member of the family from all forms of violence, including domestic and gender-based violence, *the Permanent Constitution should guarantee that each member of the family shall enjoy full and equal respect and should be protected against all forms of violence or exploitation* in line with the CEDAW Committee General Recommendation 35 on gender-based violence against women and Article 19 of the Convention on the Rights of the Child.¹¹
- vii. While we acknowledge that Article 45 (1) of the Transitional Constitution enables a South Sudanese mother or father to confer nationality to their children on an equal basis, we note with great concern that in practice, women are limited from being witnesses to their children or close relatives in the acquisition of nationality documents such as nationality certificates and passports. This practice prevents women from conferring nationality to their children, especially children born out of sexual violence. Thus, we demand that:
- a) The Permanent Constitution should provide equal rights for women and men to pass on their nationality to their children or spouses.
 - b) The Ministry responsible for nationality should reform its practice to enable women and men to confer nationality to their children and be witnesses in the acquisition of nationality documents on an equal basis.



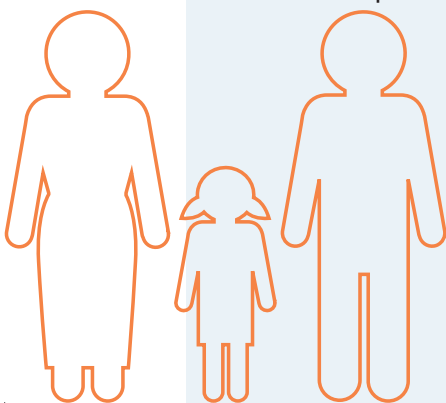


SUMMARY OF DEMANDS

Marriage and family



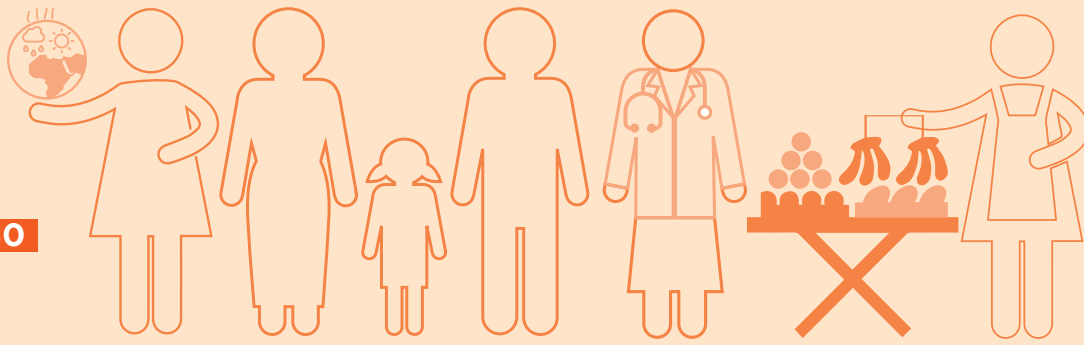
- I. The Permanent Constitution should set the minimum age of marriage to be 18, for both women and girls and men and boys.
- II. The Permanent Constitution should outlaw forced marriages by guaranteeing that 'no marriage shall take place without the free and full consent of both parties intending to marry.
- III. The Permanent Constitution should guarantee equality in marriage and on divorce by: (a) outlawing the practice of refunding bride price at divorce; and (b) establishing that notwithstanding payment of bride price, both parties in marriage are entitled to equal rights during marriage and at its dissolution.
- IV. The Permanent Constitution should require an enactment of gender-responsive national legislation to regulate marriage and divorce.
- V. The Permanent Constitution should require all levels of the Government and Society to protect the family as the natural unit and basis of the society.
- VI. The Permanent Constitution should protect each member of the family from all forms of violence, including domestic violence, by guaranteeing that each member of the family shall enjoy full and equal respect and be protected against all forms of violence or exploitation.
- VII. The Permanent Constitution should provide for equal rights for both women and men to pass on nationality to their children or spouses.
- VIII. The Ministry of Interior should reform its nationality practice to enable women and men to confer nationality and be witnesses in the acquisition of nationality documents on an equal basis.



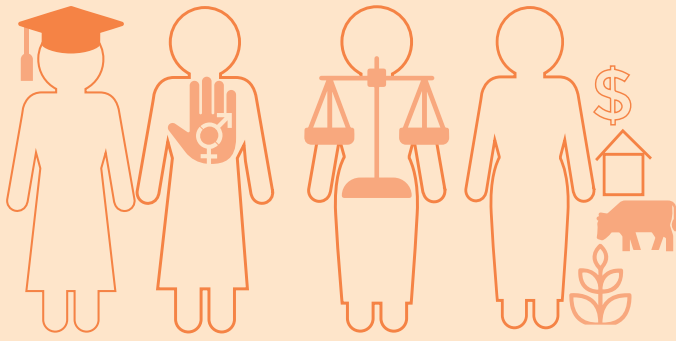


PROPERTY OWNERSHIP AND INHERITANCE

- i. Women and girls applaud Article 28 (1) of the Transitional Constitution which provides that every person has the right to acquire and own property. In the same spirit, we demand that the Permanent Constitution should guarantee that *'every person has the right, either individually or in association with others, to acquire and own property of any description in any part of'* ¹²South Sudan as regulated by law. This will enable women to acquire and own land and other property on an equal basis with men in accordance with the provisions of Articles 14 and 19 (c) of the ACHPR¹³ and Maputo Protocol¹⁴ respectively.
 - ii. Notwithstanding the provisions of Article 28(1) of the Transitional Constitution in terms of which every person has the right to acquire or own property, women and girls are troubled that the application of customary laws in South Sudan hinders the realization of this right because in terms of customary norms the right to acquire or own property vests only in men. To outlaw such inherently discriminatory customary practices, women and girls urge that the Permanent Constitution should *guarantee that customs, traditions, or practices of any ethnic community which undermine the right of any person to acquire and own property shall be null and void* in line with Article 5 of the Maputo Protocol that obliges States to take all necessary legislative and other measures to eliminate all forms of harmful practices which negatively affect the human rights of women and which are contrary to recognized international standards.¹⁵
 - iii. Women and girls are convinced that to realize the right to acquire and own land on an equal basis with men, they must be involved in the land governance structures at all levels of the government. Therefore, the Permanent Constitution should require all levels of government to ensure at least fifty (50) percent representation by women in land governance structures, including in the valuation of land and payment of compensation for the use of indigenous land for investments.
 - iv. IV. Women and girls are perturbed that the Land Act 2009 does not provide adequate protection to women regarding land rights. The Ministry of Justice & Constitutional Affairs, in collaboration with the Law Review Commission and the National Assembly, should review, harmonize, and update the Land Act, 2009 to reflect women's land rights. The Land Act should be amended to, inter alia, require spousal consent to protect a spouse's interest in marital property against arbitrary land transactions and should also guarantee security of occupancy on family land to protect the right to have access to and live on family property in cases of divorce, separation, or death of a spouse.
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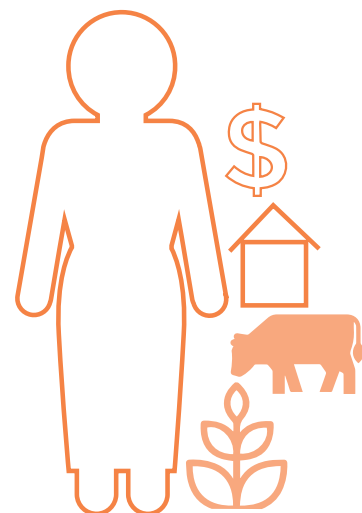


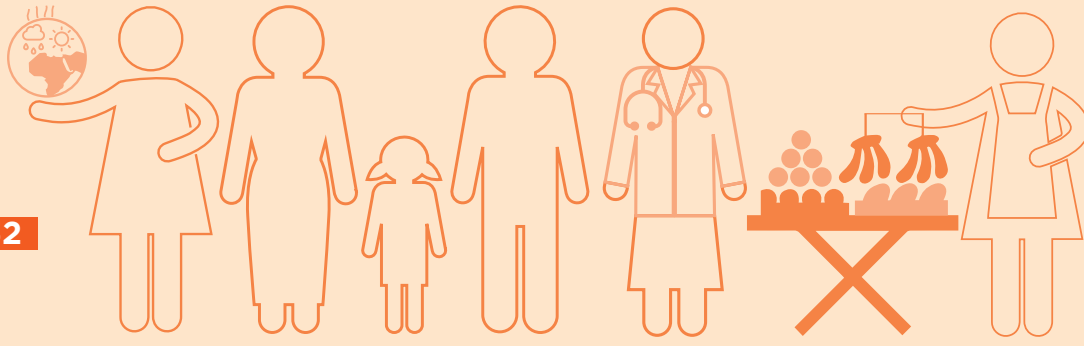
- v. Women and girls acknowledge that there are no women's land rights defenders to support women's land rights. Consequently, women and girls across South Sudan should create networks of women's land rights defenders at the national, state, payam and boma levels, to popularize and demand full respect for women's land rights.
- vi. Neither local leaders nor women have adequate information about land law and policies to enable the promotion of women's land rights. All levels of Government together with CSOs, and development partners should carry out sustained civic education on land laws and policies so that women and local leaders understand land law and policies to ensure the realization of women's land rights.
- vii. Women and girls note with concern that there have been persistent farmers – pastoralists conflicts over the use of land for farming and grazing areas. Such conflicts disproportionately affect women and girls who end up in internally displaced camps as internally displaced persons. We call upon all levels of government to work collaboratively to identify and protect farming and grazing areas and to stop conflicts between pastoralists and farmers.
- viii. Women's right to inherit land and other property has been suppressed. Women do not have the right to inherit land and other property from their deceased husbands' estates except if they have children or surviving legal heirs. To protect the right of women and girls to inheritance whether they have children/surviving legal heirs or not, the Permanent Constitution should *establish women's rights to inheritance. It should explicitly provide that: (a) a widow shall have the right to an equitable share in the inheritance of the property of her husband, (b) women and men shall have the right to inherit, in equitable shares, their parents' properties* in accordance with Article 21 of the Maputo Protocol.¹⁶
- ix. Widows are disappointed by the practice of illegal eviction from their family or matrimonial property upon the death of their spouses. To protect the right of women to occupy the family or matrimonial property and the right to have access to and live on the family property after the death of their spouse, we demand that the Permanent Constitution should provide that *a widow shall have the right to continue to live in the family or matrimonial land, home, or house after the death of her spouse* in accordance with Article 21 of the Maputo Protocol.¹⁷
- x. Widespread application of customary laws in South Sudan effectively prevents many women and girls from inheriting land and other property. If a husband or husband's family has paid dowry to his wife's family, the wife is not entitled to inherit land and other



property upon the demise of the husband. To address this, the Permanent Constitution should *guarantee that customs, traditions, and practices of any ethnic community which deny women the right to inherit land and other property shall be null and void* in line with Article 5 of the Maputo Protocol which obliges State parties to take all necessary legislative and other measures to eliminate all forms of harmful practices which negatively affect the human rights of women and which are contrary to recognized international standards¹⁸

- xi. Women and girls note that South Sudan lacks succession legislation to govern inheritance matters in the absence of a written will. This has enabled the widespread application of customary norms which deny women the right to inherit land and other property on an equal basis with men. To remedy this gap, the Permanent Constitution should *mandate the enactment of succession or inheritance legislation to regulate and ensure equal treatment of women and men in inheritance matters* in line with Article 16 (1) (h) of CEDAW which requires States Parties to take all appropriate measures *in particular, to ensure, on a basis of equality of men and women, the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment, and disposition of property, whether free of charge or for a valuable consideration.*¹⁹
- xii. Women and girls further believe that to enable the full realization of the right to inheritance, the Ministry of Gender, Child, and Social Welfare (MGCSW) in collaboration with development partners and civil society organizations (CSOs), carry out nationwide awareness on women's right to inheritance to empower women to understand succession rights and demand their realization.



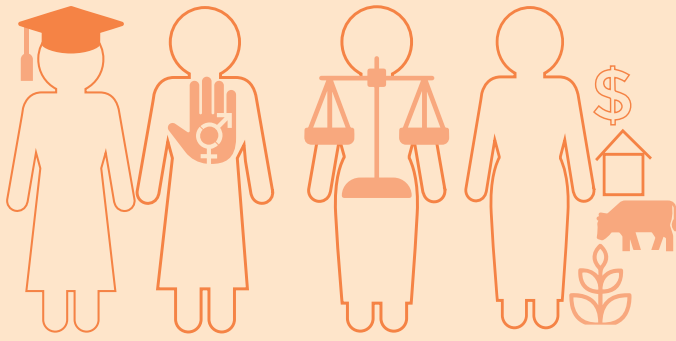


SUMMARY OF DEMANDS

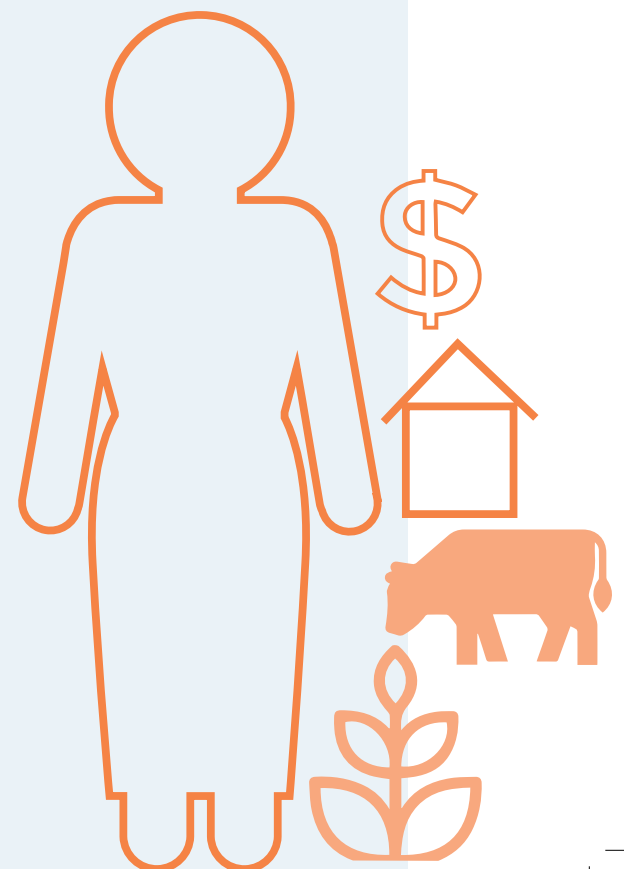
Property ownership and inheritance



- I. The Permanent Constitution should guarantee that every person has the right, either individually or in association with others, to acquire and own property of any description in any part of South Sudan as regulated by law.
- II. The Permanent Constitution should outlaw customary practices which undermine the right of women and girls to own property by guaranteeing that customs, traditions, or practices of any ethnic community which undermine the right of any person to acquire and own property shall be null and void.
- III. The Permanent Constitution should require all levels of Government to ensure at least fifty (50) percent representation by women in land governance structures, including in the valuation of land and payment of compensation for the use of indigenous land for investments.
- IV. National Government should review and amend the Land Act, 2009 to reflect women's land rights to, inter alia, to, inter alia, require spousal consent to protect a spouse's interest in marital property against arbitrary land transactions and should also guarantee security of occupancy on family land to protect the right to have access to and live on family property in cases of divorce, separation, or death of a spouse.
- V. Women and girls should create coalitions/networks of women's land rights defenders at the national, state, payam and boma levels, to popularize and demand full respect for women's land rights.
- VI. All levels of Government should carry out sustained civic education on land laws and policies so that women and local leaders understand land law and policies to ensure the realization of women's land rights.
- VII. All levels of Government should work collaboratively to identify and protect farming and grazing areas to stop conflicts between pastoralists and farmers.
- VIII. The Permanent Constitution should guarantee women's rights to inheritance, by providing that: (a) a widow shall have the right to an equitable share in the inheritance of the property of her husband, (b) women and men shall have the right to inherit, in equitable shares, their parents' properties.



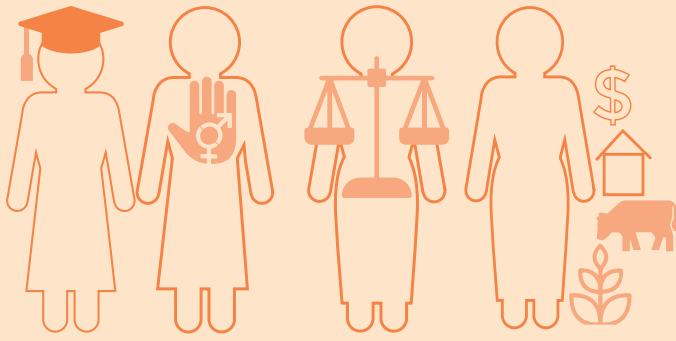
- IX. The Permanent Constitution should protect the widow's right to occupy the family or matrimonial property and the right to have access to and live on the family property, by providing that: *'A widow shall have the right to continue to live in the family or matrimonial land, home, or house on the death of her spouse.'*
- X. The Permanent Constitution should guarantee that customs, traditions, and practices of any ethnic community which deny women the right to inherit land and other property shall be null and void.
- XI. The Permanent Constitution should mandate the enactment of succession or inheritance legislation to regulate and ensure equal treatment of women and men in inheritance matters.
- XII. All levels of Government should carry out nationwide awareness on women's right to inheritance to empower women to understand succession rights and demand their realization.





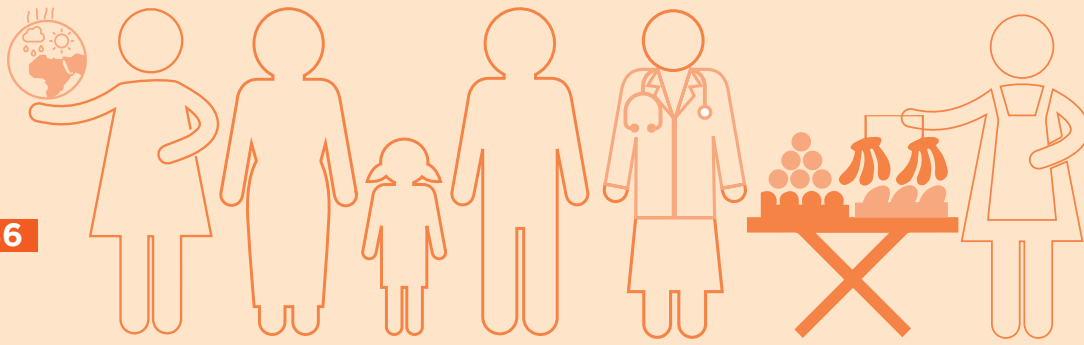
HEALTH AND REPRODUCTIVE RIGHTS

- i. Reproductive health is dependent on the realization of various human rights, including the right to dignity, the right to life, the right to be free from torture, the right to health, the right to education, the right to privacy, and the right to be free from discrimination.²⁰ Women and girls face challenges in achieving reproductive health and rights due to cultural or religious beliefs. Women are often valued according to their ability to reproduce. This impedes the freedom to decide if, when and how often to reproduce. To safeguard women's right to the highest attainable standard of health and reproductive health rights, we require the Permanent Constitution to expressly guarantee that *every person has the right to the highest attainable standard of health, which includes the right to health care services, including reproductive health care*²¹ in line with SDG Target 3.7 which requires ensuring universal access to sexual and reproductive health-care services.²²
 - ii. Achieving reproductive health and rights requires access to reproductive health information, counselling and services that are available, accessible, affordable and of good quality. To this end, the Permanent Constitution should *obligate all levels of Government to take legislative or other measures to ensure access to affordable, good quality reproductive health care services to realize the reproductive health and rights of women and girls* in accordance with SDG Target 3.7 which requires ensuring universal access to sexual and reproductive health care services²³ and Article 14 of the Maputo Protocol which require States to take appropriate measures to protect the reproductive rights of women.²⁴
 - iii. Women are concerned that a significant number of women and girls suffer from complications during pregnancies and sexual violence injuries without access to medical care across the States. Due to financial inabilities and inaccessible medical facilities, they are excluded from timely health care which sometimes results in death. Women and girls believe that a constitutional guarantee of emergency care without requirement for payment prior to care will have the potential to empower all levels of Government to respect, protect, and promote the right to emergency care as key component of the health service delivery to save lives. Accordingly, the Permanent Constitution should provide that *'no person shall be denied emergency medical treatment due to an inability to pay or for any other reason.'*²⁵ in line with the World Health Assembly's Resolution 72.16 which urges States to promote emergency care as a key component of Universal Health Coverage (UHC).²⁶
 - iv. Health care facilities and health workers are inadequate and inaccessible, especially in rural areas. Many people walk several hours or days to reach medical facilities situated mostly in the County towns. The National and State Governments should allocate adequate
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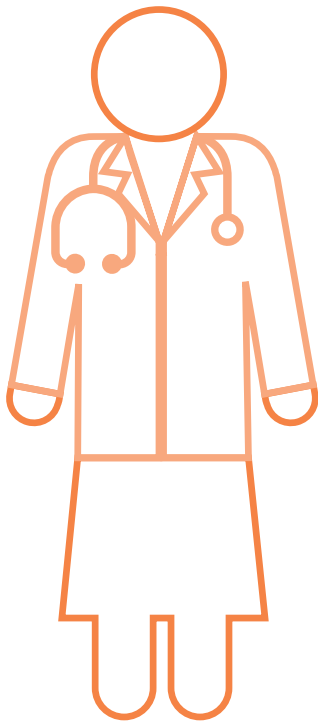


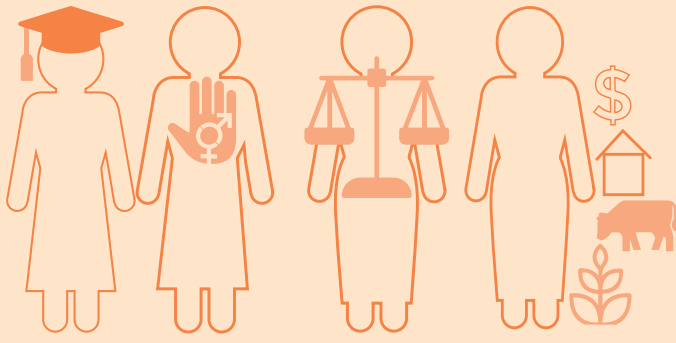
resources to improve the health system and increase the number of health care facilities and health workers in all counties to provide accessible and affordable health care services and prioritize the reproductive health care needs of women and girls by providing such services free of charge or at a subsidized cost in accordance with women-specific health needs and ability to pay.

- v. Early and unwanted pregnancies are prevalent among adolescents due to limited information about their sexual and reproductive health and rights. This forces many young girls to drop out of school. The Ministry of Health, Ministry of General Education, and Ministry of Gender, Child and Social Welfare should collaboratively design and implement age-appropriate education on sexual and reproductive health to ensure that adolescents have access to accurate information about their sexual and reproductive health and rights, including responsible sexual behaviour, prevention of early pregnancies and sexually transmitted diseases.
 - vi. The National Government should also prioritize the provision of family planning services in all the States and Administrative Areas, and eliminate barriers to access to safe and legal abortion by either repealing section 216 of the Penal Code Act, 2008 which restricts abortion, or in the alternative, amend section 216 of the Penal Code Act to expand the acceptable circumstances for abortion to include cases of rape, incest, voluntary choice, serious foetal anomaly, social or economic reasons, and risk to physical or mental health to ensure the provision of legal abortion to safeguard women's rights to life, health, and to be free from violence and discrimination.
 - vii. To ensure that health services respect the human rights of women, including the rights to autonomy, privacy, confidentiality, informed consent, and choice, we call upon the National Ministry of Health and State Ministries of Health to place a gender perspective at the centre of all policies and programmes affecting women's health and involve women in the planning, implementation, and monitoring of such policies and programmes and in the provision of health services to women and girls. We also call upon the National Ministry of Health and State Ministries of Health to ensure that the training curricula of health workers include comprehensive, mandatory, gender-sensitive courses on women's health and human rights, including gender-based violence (GBV).
 - viii. To ensure equal access to and quality of health care services for women and girls, the National and State Ministries of Health should implement a policy to frequently monitor the provision of health services to women by public and private medical facilities.
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- ix. All levels of Government should implement a policy that prohibits stigma and discrimination against people, including women, living with HIV/AIDS by health workers, service providers, employers, or any other person.
- x. Recognizing the necessity of menstrual hygiene for women who make up majority of population of South Sudan, we demand that the National Government exempt menstrual hygiene products from all forms of taxes to make menstrual hygiene products affordable.



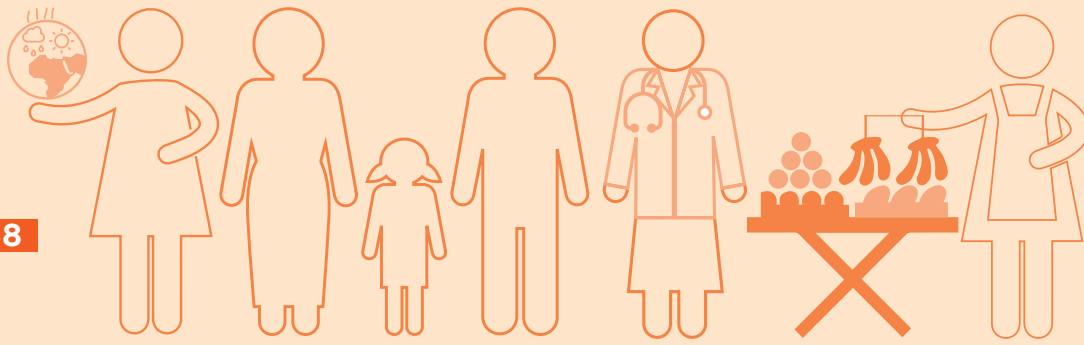


SUMMARY OF DEMANDS

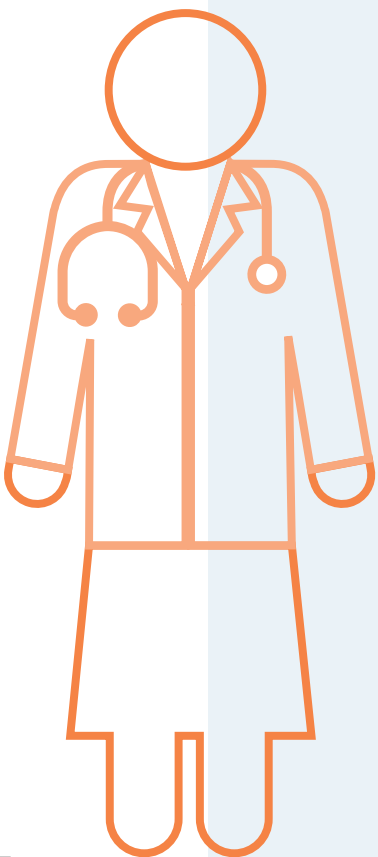
Health and reproductive rights



- I. The Permanent Constitution should guarantee that 'every person has the right to the highest attainable standard of health, which includes the right to health care services, including reproductive health care.
- II. The Permanent Constitution should obligate the government to take legislative or other measures to ensure access to affordable, good quality reproductive health care services to realize the reproductive health and rights of women and girls.
- III. The Permanent Constitution should guarantee the right to emergency medical treatment by providing that *'no person shall be denied emergency medical treatment due to an inability to pay or for any other reason.'*
- IV. The National and State Governments should allocate adequate resources to improve the health system and increase the number of health care facilities and health workers in all counties to provide accessible and affordable health care services and prioritize the reproductive health care needs of women.
- V. The Ministry of Health, Ministry of General Education, and the Ministry of Gender should collaboratively design and implement age-appropriate education on sexual and reproductive health to ensure that adolescents have access to accurate information about their sexual and reproductive health and rights, including responsible sexual behaviour, prevention of early pregnancies and sexually transmitted diseases.
- VI. The National Government should prioritize the provision of family planning services and eliminate barriers to access to safe and legal abortion.
- VII. The National Ministry of Health and State Ministries of Health should place a gender perspective at the centre of all policies and programmes affecting women's health and involve women in the planning, implementation, and monitoring of such policies and programmes and in the provision of health services to women and girls.
- VIII. The National Government should ensure equal access and quality health care services to women and girls, by implementing a policy to frequently monitor the provision of health services by public and private medical facilities.



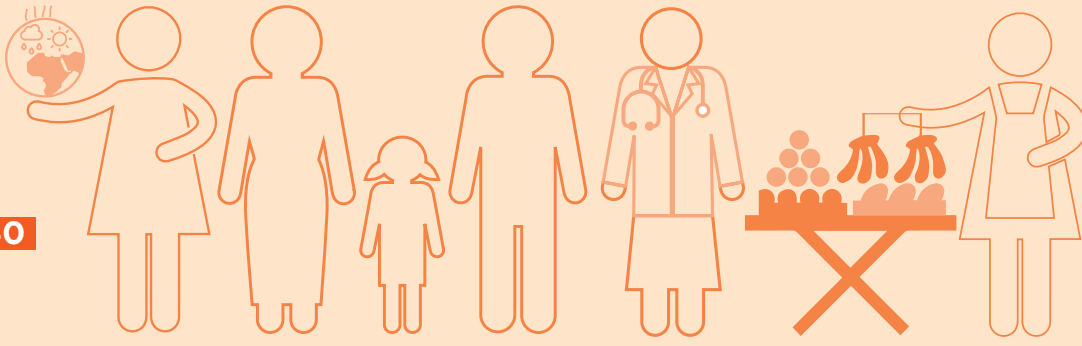
- IX. All levels of Government should implement a policy that prohibits stigma and discrimination against people, including women, living with HIV/AIDS across all sectors and in all settings.
- X. The National Government should exempt menstrual hygiene products from all kinds of taxes to make the hygiene products affordable.





ECONOMIC AND SOCIAL WELFARE RIGHTS

- i. Women and girls face marginalization in accessing equal gainful employment opportunities in the private and public sectors. The majority of women and girls are confined to unpaid family and domestic labour. Women and girls believe that as equal members of the society, they should equally have the right to work and freely choose the type of work that they engage in without discrimination. The right to work is fundamental for the realization of other human rights and to have a dignified life. To this end women and girls demand that the Permanent Constitution should guarantee that every person has a right to:
 - (a) *'choose their trade, occupation or profession freely.'*²⁷
 - (b) *'fair wages and equal remuneration for work of equal value without distinction of any kind.'*²⁸
 - (c) *'safe and healthy working conditions.'*²⁹
 - (d) *'equal opportunity to be promoted in his or her employment to an appropriate higher level, subject to no considerations other than those of seniority and competence.'*³⁰
 - (e) *'form or join a trade union of his or her choice for the promotion and protection of his or her economic and social interests.'*³¹
 - (f) *'withdraw his or her labour according to law.'*³²
 - (g) *'rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.'*³³
 - ii. Women are alarmed by the practice of some employers of denying employment to or terminating the employment of an employee because she may become or she is pregnant, or she is away on maternity leave. The Permanent Constitution should protect women against such discriminatory acts and practices by guaranteeing that *the employer of every woman worker shall accord her protection during pregnancy and after birth*, in accordance with the law³⁴ in line with Article 10 (2) of the CESCR which requires States to *accord special protection to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.*³⁵
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iii. Lack of resource ownership and limited access to job opportunities prevent women from obtaining work-related income, affording healthcare, and supporting their families. There is no social security for people in cases of retirement, unemployment, sickness, invalidity, old age, and other incapability to work. Consequently, women and girls demand that the Permanent Constitution should:

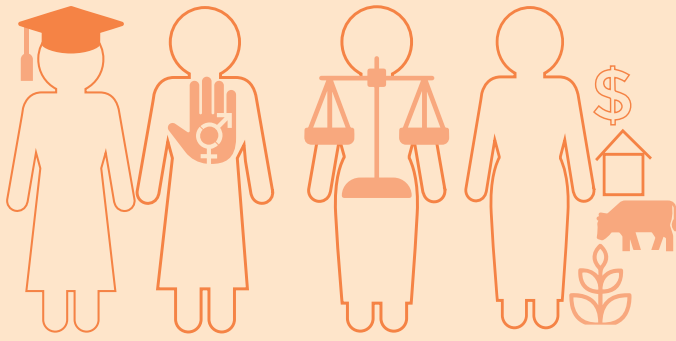
- (a) guarantee the right to *'social security, including, if they are unable to support themselves and their dependants, appropriate social assistance.'*³⁶
- (b) mandate all levels of government to *'take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of the right'*³⁷ to social security, including social insurance.
- (c) guarantee the right for women to access and benefit from pension funds.

This is in line with Article 14 (2) (c) of CEDAW which requires States *to ensure to women the right to benefit directly from social security programmes*³⁸ and Article 9 of the CESCR which recognizes *'the right of everyone to social security, including social insurance.'*³⁹

iv. Many South Sudanese experience hunger and malnutrition due to floods, drought, and conflict. Hunger and malnutrition mostly affect women and children. It is a fundamental right for all people to be free from hunger and have the capacity to feed themselves. The Permanent Constitution should thus, in line with the provisions of Article 11 (1) and (2) of the CESCR:

- (a) provide for the right *'to be free from hunger, and to have adequate food of acceptable quality.'*⁴⁰
- (b) mandate the Government to *take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of this right.*

v. To help the women who are engaged in agricultural activities to excel, all levels of Government should adopt and implement policies to increase women's access to agricultural and/or farming land and also to provide for the improvement of methods of food production, conservation, and distribution.



vi. Women and girls believe that clean water is indispensable to sustaining healthy livelihoods and maintaining people's dignity, yet most women lack access to this basic human need. In line with SDG 6.1, which provides for the right to equitable access to safe and affordable drinking water for all, the Permanent Constitution should:

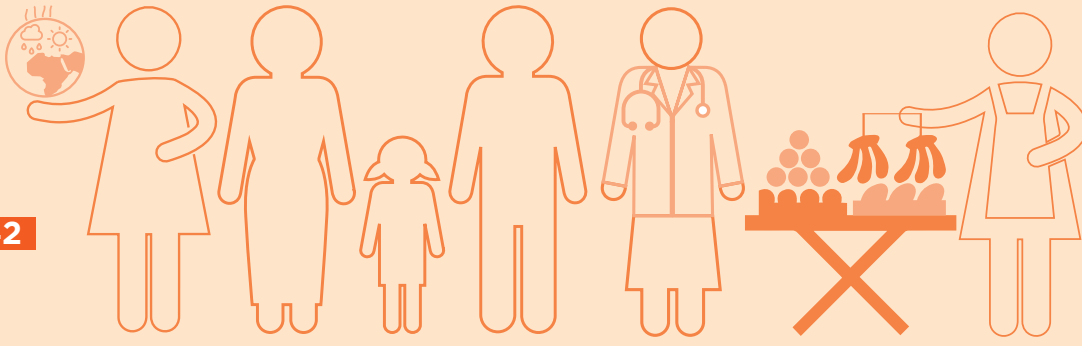
- (a) guarantee the right *'to clean and safe water in adequate quantities.'*⁴¹
- (b) obligate all levels of government to *take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of this right.*

vii. Women and girls applaud and embrace Article 34 of the Transitional Constitution for providing for the right to access to decent housing. In the same spirit, the Permanent Constitution should:

- (a) provide for the right to *'have access to adequate housing.'*⁴²
- (b) mandate all levels of government to *'formulate policies and take reasonable legislative measures within its available resources to achieve the progressive realization of this right.'*⁴³
- (c) safeguard that *'no one shall be evicted from his or her lawfully acquired home or have his or her home demolished save in accordance with the law.'*⁴⁴ This will protect everyone, including women against arbitrary eviction from their homes, or demolition of their home, without an order of court made after considering all the relevant circumstances.

A constitutional guarantee of the right to accessible and adequate housing shall be in accordance with Article 11 (1) of the CESCRC which recognizes the right of everyone to an adequate standard of living, including adequate food, clothing, and housing, and to the continuous improvement of living conditions.

viii. To ensure the justiciability and enforcement of these economic and social rights, the Permanent Constitution should establish a mechanism for the enforcement of these rights through the courts and obligate all organs and levels of Government to respect, protect, promote, and fulfil these rights.



ix. To facilitate the realization of women's economic empowerment and livelihoods, women and girls call upon:

(a) The Bank of South Sudan to develop gender-sensitive lending policies to (i) ensure and increase women's access to credit and capital from financial institutions to enable women to implement livelihood activities; and (ii) prohibit discrimination based on gender, in accessing credit/finance;

(b) The National Government to:

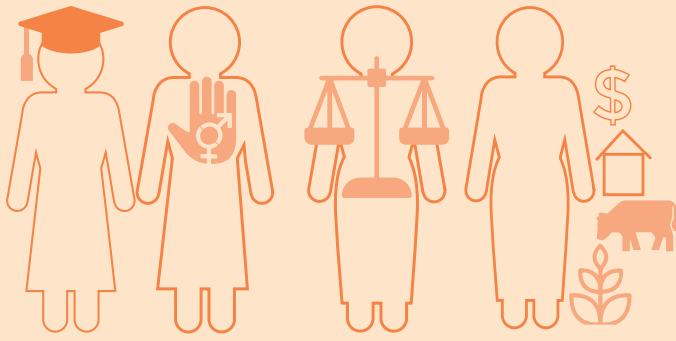
(i) provide microfinance to women and girls in each State and Administrative Area each year;

(ii) implement measures to reduce unemployment among women and girls;

(iii) promote women's leadership in agriculture to enhance the role of women farmers and facilitate their access to land, funding, technology, and markets; and

(iv) institute and implement a policy of providing childcare in all workplaces.



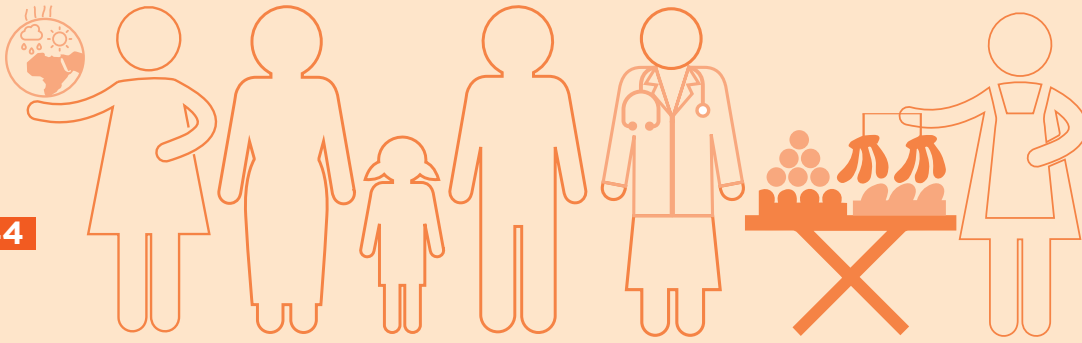


SUMMARY OF DEMANDS

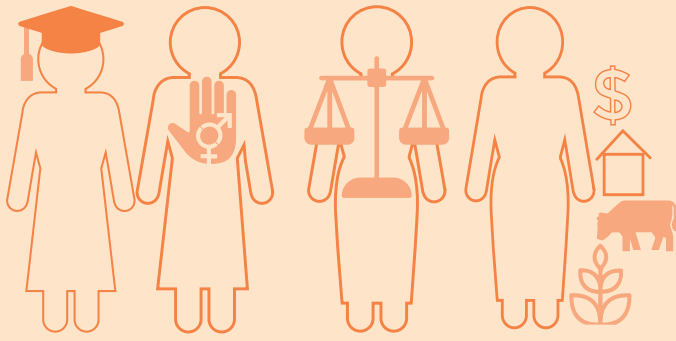
Economic and social welfare rights



- I. The Permanent Constitution should secure that every person has a right to:
 - (a) choose their trade, occupation, or profession freely.
 - (b) fair wages and equal remuneration for work of equal value without distinction of any kind.
 - (c) safe and healthy working conditions.
 - (d) equal opportunity to be promoted in his or her employment to an appropriate higher level, subject to no considerations other than those of seniority and competence.
 - (e) form or join a trade union of his or her choice for the promotion and protection of his or her economic and social interests.
 - (f) withdraw his or her labour according to law.
 - (g) rest, leisure, and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.
- II. The Permanent Constitution should accord special protection to mothers during, before, and after childbirth by guaranteeing that the *'employer of every woman worker shall accord her protection during pregnancy and after birth.'*
- III. The Permanent Constitution should provide for social security, by:
 - (a) guaranteeing the right to *'social security, including, if they are unable to support themselves and their dependants, appropriate social assistance.'*
 - (b) mandating all levels of government to *'take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of the right to social security, including social insurance.'*
 - (c) guaranteeing the right *for women to access and benefit from pension funds.*



- IV. The Permanent Constitution should provide for the fundamental right for all people to be free from hunger and have the capacity to feed themselves, by specifically:
- (a) providing for the right *'to be free from hunger, and to have adequate food of acceptable quality.'*
 - (b) mandating the Government to *take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of this right.*
- V. All levels of Government should adopt and implement policies to increase women's access to agricultural and/or farming land as well as to improve the methods of food production, conservation, and distribution.
- VI. The Permanent Constitution should protect the right to clean water, by:
- (a) guaranteeing the right *'to clean and safe water in adequate quantities.'*
 - (b) obligating all levels of government to *take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of this right.*
- VII. The Permanent Constitution should protect the right to housing, by:
- (a) providing for the right to *'have access to adequate housing.'*
 - (b) mandating all levels of government to *'formulate policies and take reasonable legislative measures within its available resources to achieve the progressive realization of this right.'*
 - (c) safeguarding that *'no one shall be evicted from his or her lawfully acquired home or have his or her home demolished save in accordance with the law.'*
- VIII. The Permanent Constitution should establish a mechanism for enforcement of the economic and social rights through the courts and obligate all organs and levels of Government to respect, protect, promote, and fulfil these rights.



IX. To facilitate the realization of women's economic empowerment and livelihoods;

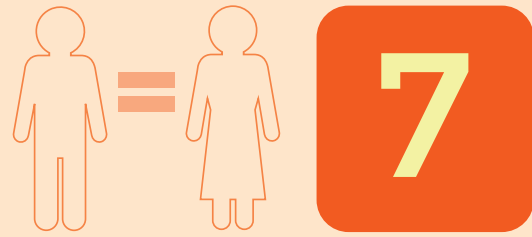
(a) The Bank of South Sudan to develop gender-sensitive lending policies to:

- (i) ensure and increase women's access to credit and capital from financial institutions to enable women to implement livelihood activities; and
- (ii) prohibit discrimination based on gender, in accessing credit/finance.

(b) The National Government to:

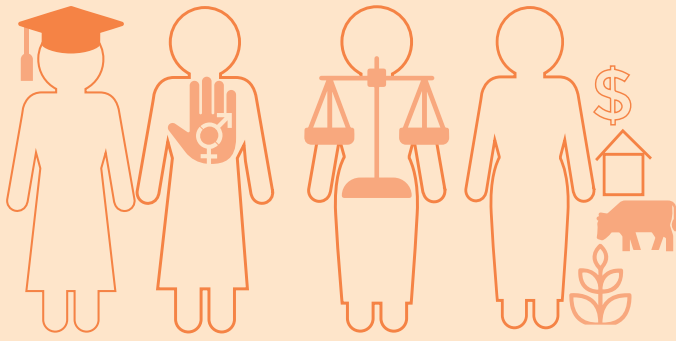
- (i) provide microfinance to women and girls in each State and Administrative Area each year;
- (ii) implement measures to reduce unemployment among women and girls;;
- (iii) promote women's leadership in agriculture to enhance the role of women farmers and facilitate their access to land, funding, technology, and markets; and
- (iv) institute and implement a policy of providing childcare in all workplaces.





EQUALITY AND FREEDOM FROM DISCRIMINATION

- i. Women and girls note and applaud Article 14 of the Transitional Constitution, 2011 (as amended) which provides for equality before the law and equal protection of the law without discrimination, including that based on sex and disability. It is a fundamental protection that ensures the equal application of laws and policies, equal treatment of all people by public entities as well as courts and tribunals and requires that laws provide equal protection for everyone. In this regard, women and girls demand that the Permanent Constitution specifically provides that:
 - (a) everyone is *'equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law.'*⁴⁵
 - (b) *'equality includes the full and equal enjoyment of all rights and fundamental freedoms.'*⁴⁶
- ii. As women and girls disproportionately suffer inequality in the enjoyment of human rights and fundamental freedoms especially in employment, education, marriage, property ownership, inheritance, and decision-making, we demand that the Permanent Constitution should further provide that:
 - (a) *'women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.'*⁴⁷
- iii. Women and girls are concerned that South Sudan has practices and laws which directly or indirectly discriminate against or fail to provide for equal protection for women and girls. Examples of these include sections of the Penal Code Act, 2008 relating to marital rape, restriction of abortion, and criminalization of adultery. Therefore, the Permanent Constitution should outlaw direct and indirect discrimination by the Government or any person on any basis including that based on gender, sex, pregnancy, marital status, or other status by expressly providing that:
 - (a) all levels of government *'shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.'*⁴⁸
 - (b) a person *'shall not discriminate directly or indirectly against another person on any of the grounds specified or contemplated'* in the above clause.⁴⁹
- iv. Women and girls have realized that the right to equality and non-discrimination is often rendered ineffective by the application of customary norms, laws, and traditional practices



in addressing matters relating to marriage and family, inheritance, child custody, property ownership, citizenship, and divorce. Thus, the Permanent Constitution should pronounce its supremacy over any custom or law which is inconsistent with the Constitution. The Permanent Constitution should provide that:

(a) *'If any custom or law is inconsistent with any provision of the Permanent Constitution, the Permanent Constitution shall prevail, and that other custom or law shall be void to the extent of the inconsistency.'*

(b) *'customs, cultures, traditions or laws which are against the dignity, welfare or interest of women or which undermine their status are prohibited by the Permanent Constitution.'*

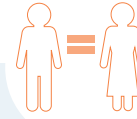
This will prevent the use of harmful customs or laws which undermine women's right to non-discrimination protected under Articles 2(1) of the CRC, 2(2) of the ICESCR, 2(2) and 26 of the ICCPR, 2 and 3 of the ACHPR, 2(a) of CEDAW and 2(1) (a) of Maputo Protocol.

- v. Women's experiences have shown that without having legislative and institutional mechanisms to enforce the right to equality and non-discrimination, the realization of this right is difficult. Women and girls thus demand that the Permanent Constitution should:
 - (a) mandate the government to *enact national legislation to define, prevent and prohibit all forms of discrimination.*
 - (b) provide for the establishment of a national Gender and Equality Commission to champion the promotion of gender equality and freedom from all forms of discrimination.
 - vi. National Government should also take all appropriate measures, including legislation, to amend, repeal or abolish all existing laws, regulations, customs, and practices which discriminate against women and girls.
 - vii. All levels of Government, in collaboration with development partners and CSOs, should implement harmonized and coordinated public awareness campaigns to reform and/or eliminate discriminatory cultural and traditional practices that promote discrimination against women and girls.
 - viii. The National Government should ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW), which establishes complaint and inquiry mechanisms to allow the Committee on the Elimination of Discrimination against Women to hear complaints from individuals or inquire into grave or systematic violations of CEDAW.
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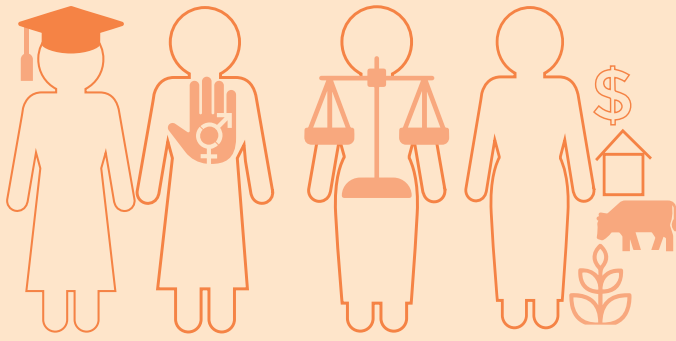


SUMMARY OF DEMANDS

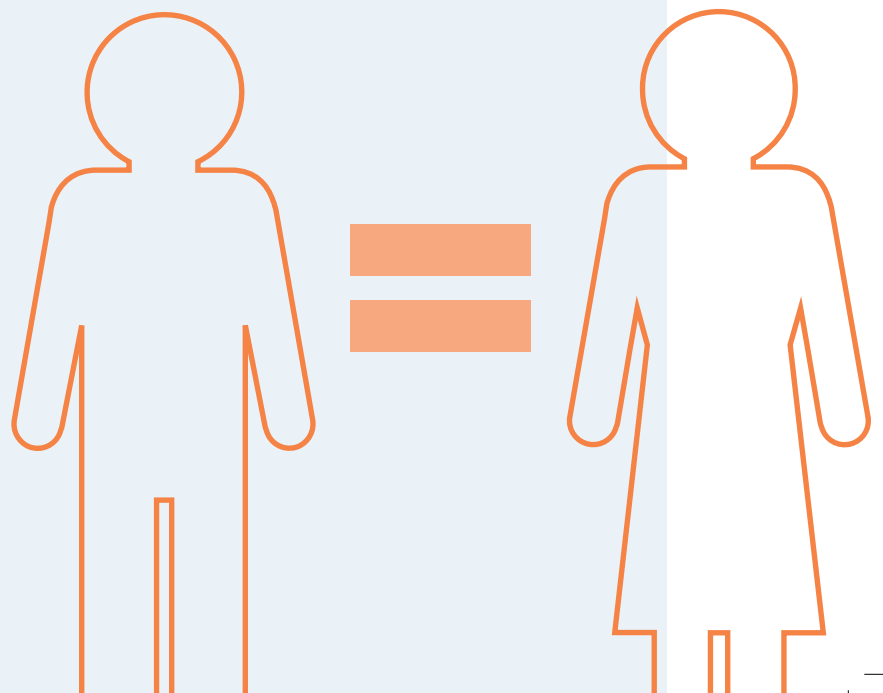
Equality and freedom from discrimination

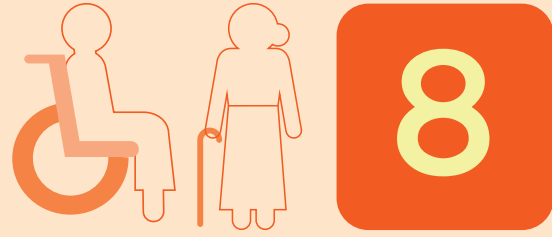


- I. The Permanent Constitution should specifically provide that:
 - (a) everyone is *'equal before and under the law in all spheres of political, economic, social, and cultural life and in every other respect and shall enjoy equal protection of the law.'*
 - (b) equality includes the full and equal enjoyment of all rights and fundamental freedoms.
- II. The Permanent Constitution should provide that women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural, and social sphere.
- III. The Permanent Constitution should outlaw direct and indirect discrimination on any basis including that based on gender, sex, disability, pregnancy, marital status, or other status by expressly providing that:
 - (a) all levels of government *'shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language, birth, or other status.'*
 - (b) a person shall not discriminate directly or indirectly against another person on any of the grounds specified or contemplated in the above clause.
- IV. The Permanent Constitution should pronounce its supremacy over any custom or law which is inconsistent with the Constitution, by providing that:
 - (a) *'If any custom or law is inconsistent with any provisions of the Permanent Constitution, the Permanent Constitution shall prevail, and that other custom or law shall be void to the extent of the inconsistency.'*
 - (b) *'Customs, cultures, traditions or laws which are against the dignity, welfare or interest of women or which undermine their status are prohibited by the Permanent Constitution.'*



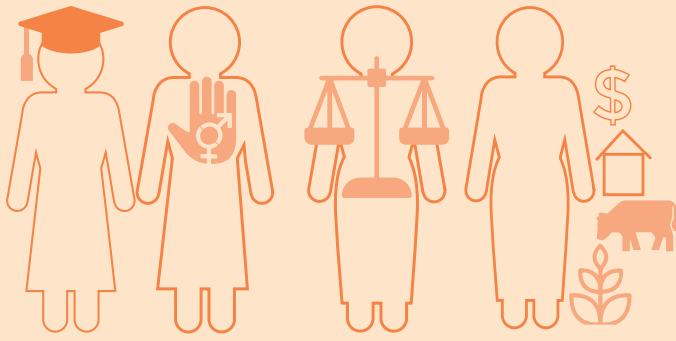
- V. The Permanent Constitution should provide for legislative and institutional mechanisms to implement the right to equality and non-discrimination, by:
- (a) mandating the National Government to enact national legislation to define, prevent or prohibit all forms of discrimination.
 - (b) providing for the establishment of a national Gender and Equality Commission to champion the promotion of gender equality and freedom from all forms of discrimination.
- VI. The National Government should take all appropriate measures, including legislation, to amend and repeal or abolish existing laws, regulations, customs, and practices which discriminate against women and girls.
- VII. All levels of Government, in collaboration with development partners and CSOs, should implement harmonized and coordinated public awareness campaigns to reform and/or eliminate discriminatory cultural and traditional practices that promote discrimination against women and girls.
- VIII. The National Government should ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against CEDAW (OP-CEDAW).



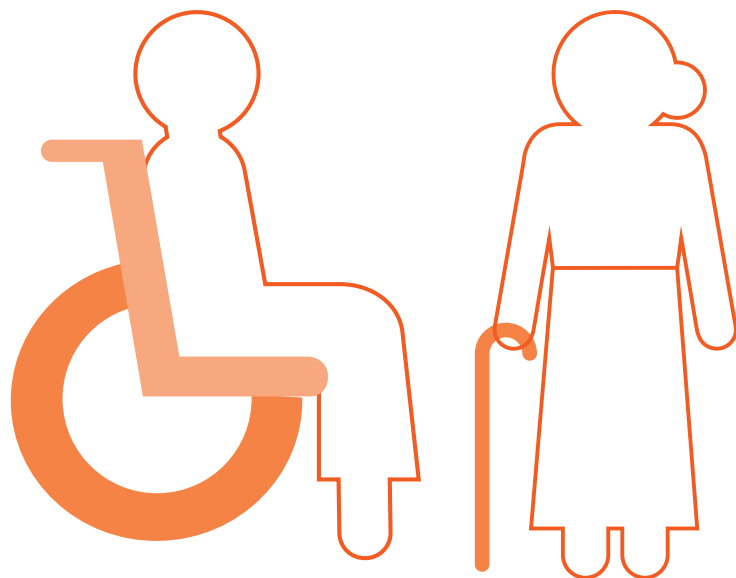


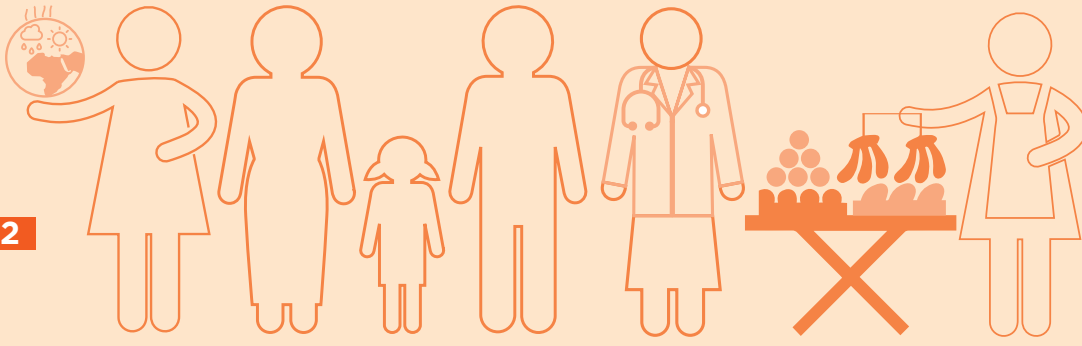
SPECIAL PROTECTION OF ELDERLY AND PERSONS WITH DISABILITIES

- i. Women and girls note that South Sudan has neither a provision in the Transitional Constitution, 2011 (as amended) nor specific national legislation to protect and promote the rights and welfare of older people. As a result, older people face challenges in accessing basic services, including housing, clean water, food, education, health, sanitation, and opportunities to earn a livelihood. Therefore, women and girls demand that the Permanent Constitution should *provide for the rights of the elderly or older persons to, among others:*
 - (a) *receive reasonable care and assistance from their family and government;*⁵⁰
 - (b) *live in dignity, respect and be free from abuse;*⁵¹
 - (c) *participate in the affairs of society;*⁵²
 - (d) *pursue their personal development;*⁵³
 - (e) *access opportunities to earn livelihood.*
 - ii. The Permanent Constitution should obligate the National Government to take measures, including establishing policies and enacting national legislation, to protect the rights of older persons.
 - iii. Women and girls applaud the National Government for acceding to the United Nations Convention on the Rights of Persons with Disabilities (CRPD). However, we believe that to fully protect the rights of persons with disabilities, the Permanent Constitution should expressly provide for the rights of persons with disabilities in line with the provisions of Article 4 of the CPRD.⁵⁴ Such rights should include the rights to:⁵⁵
 - (a) *be treated with dignity and respect and to be addressed and referred to in a manner that is not demeaning;*
 - (b) *access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person;*
 - (c) *reasonable access to all places, public transport, and information;*
 - (d) *use sign language, Braille or other appropriate means of communication;*
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- (e) *access materials and devices to overcome constraints arising from the person's disability.*
- iv. To address past imbalances and improve access to opportunities in political and public life for persons with disabilities, the Permanent Constitution should provide for affirmative action for persons with disabilities and should stipulate that at *'least 5% of the members of the public in elected and appointed positions in all levels of the government shall be persons with disabilities.'*⁵⁶
- v. To enhance legal protection, the Permanent Constitution should mandate the Government to enact national legislation to protect the rights of persons with disabilities.



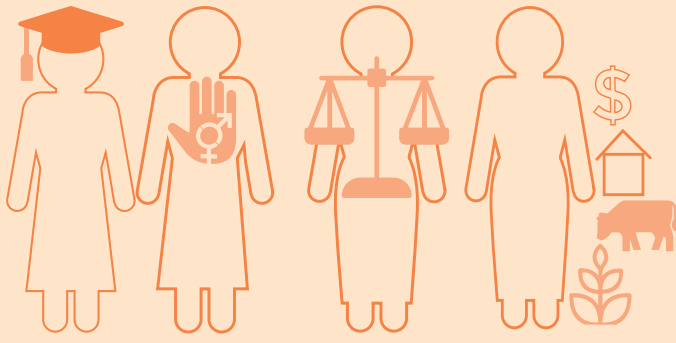


SUMMARY OF DEMANDS

Special protection of the elderly and persons with disabilities



- I. The Permanent Constitution should provide for the rights of the elderly or older persons to, among others:
 - (a) *receive reasonable care and assistance from their family and government.*
 - (b) *live in dignity, respect and be free from abuse.*
 - (c) *participate in the affairs of society.*
 - (d) *pursue their personal development.*
 - (e) *access opportunities to earn a livelihood.*
- II. The Permanent Constitution should obligate National Government to take measures including establishing policies and enacting national legislation to protect the rights of older persons.
- III. The Permanent Constitution should provide for the rights of persons with disabilities. Such rights should include the rights to:
 - (a) *be treated with dignity and respect and to be addressed and referred to in a manner that is not demeaning.*
 - (b) *access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person.*
 - (c) *reasonable access to all places, public transport, and information.*
 - (d) *use sign language, Braille or other appropriate means of communication.*
 - (e) *access materials and devices to overcome constraints arising from the person's disability.*



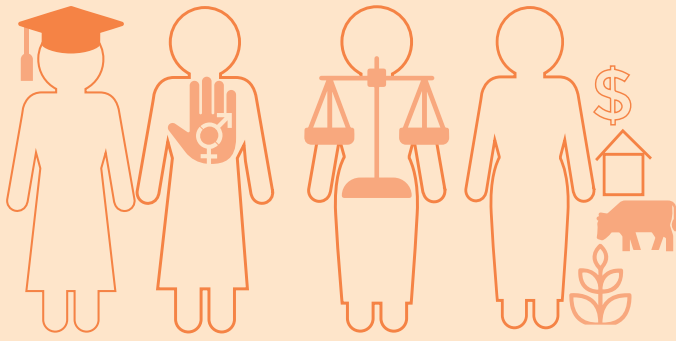
- IV. The Permanent Constitution should address past imbalances and improve access to opportunities in political and public life for persons with disabilities, by guaranteeing that *'at least 5% of the members of public in elected and appointed positions in all levels of the government shall be persons with disabilities.'*
- V. The Permanent Constitution should enhance the legal protection of persons with disabilities by mandating the National Government to enact national legislation to protect the rights of persons with disabilities.





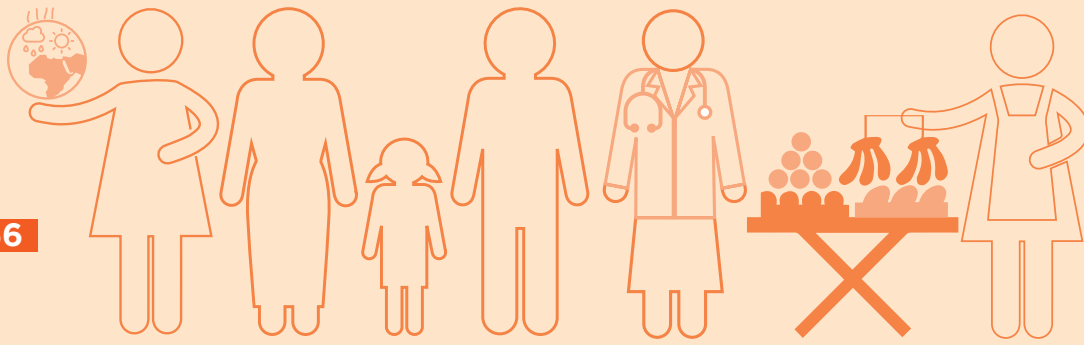
PROTECTION AGAINST GBV

- i. Women and girls in South Sudan face high levels of Gender-Based Violence (GBV), including rape, conflict-related sexual violence (CRSV), forced marriage, domestic violence, proxy detention, forceful widow inheritance, and child marriage. GBV impairs women's ability to enjoy their human rights and fundamental freedoms, including the right to life, freedom from torture, freedom from arbitrary arrest and detention, freedom from degrading treatment, and freedom from discrimination. To protect women and girls against all forms of GBV, the Permanent Constitution should guarantee the right to '*freedom and security of person*,' by specifically providing that - 'everyone has the right to freedom and security of the person, which includes the right⁵⁷ - (a) *to be free from all forms of violence from either family, public or private sources*; (b) *not to be deprived of freedom arbitrarily or without just cause*; (c) *not to be detained without trial*; (d) *not to be tortured in any way*; and (e) *not to be treated or punished in a cruel, inhuman or degrading way*.'
- ii. Women and girls acknowledge that South Sudan has in place a number of legal and policy frameworks to address GBV, including the Penal Code Act, 2008 and the Child Act, 2008. However, there are gaps in the existing laws which fail to comprehensively address all forms of GBV, there is poor implementation of the existing legislation, and there are discriminatory legal provisions in some of the existing laws. To strengthen legal protection against GBV, women and girls call upon National Government to:
 - (a) review and enact into law the Anti-Gender Based Violence Bill, 2019 to comprehensively address all forms of GBV.
 - (b) implement the recommendations of the audit of select national laws and policies from a gender perspective, entitled "*Mapping and Analysis of the National Laws of South Sudan from a Gender Perspective: A Step Towards Eliminating Discrimination in Law*", 2021 and audit all remaining laws and policies and amend all discriminatory provisions in laws and policies in line with international and regional human rights instruments, including the CEDAW, CRC, ICCPR, ACHPR, and recommendations of human rights treaty bodies and other standards relating to the elimination of all forms of GBV.
 - (c) diligently implement all national legislation that criminalizes all forms of GBV and provide for the punishment of the perpetrators, including the Geneva Conventions Act, 2012 which provides for the punishment of war crimes, including CRSV committed during international or non-international armed conflicts.
- iii. Women and girls applaud the R-TGoNU for establishing the Police Special Protection Units (SPU) at police stations at the National and State levels. However, lack of adequate support



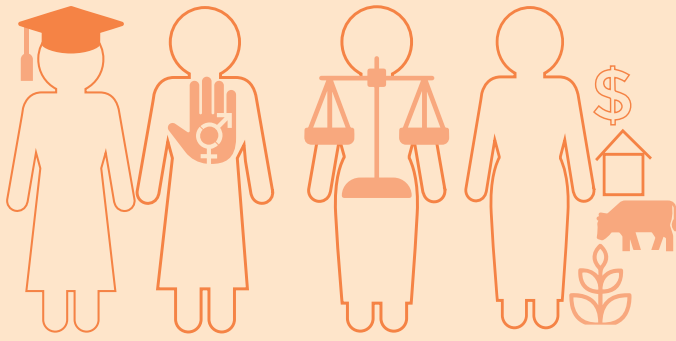
for the SPU and an inadequate number of female police officers negatively affects their ability to effectively respond to GBV cases. Women and girls urge the National Government, in collaboration with development partners, *to allocate and avail appropriate equipment, and human and financial resources to the SPUs at the National and State levels to effectively implement laws and policies for the prevention of all forms of violence against women and girls, the provision of protection and support to survivors of GBV and CRSV, investigation of cases, prosecution of perpetrators and provision of reparations to survivors, including support to women's organizations.*

- iv. Women and girls recognize that the pervasive high prevalence of GBV in South Sudan is driven by many factors, including patriarchal society, and deeply rooted customary norms and social attitudes towards women and girls. Customary norms and practices dominate all aspects of lives in most communities. They position men as superior, aggressive, and dominant humans who have the ultimate authority and right to discipline women and girls through beating, restrict their movements, restrict the kind of jobs women perform, marry off young girls at an early age (sometimes as soon as the young girl has experienced her first menstrual cycle), force widows to be inherited by the husband's close relative, and deny women and girls property ownership and inheritance. To ensure the elimination of these harmful customary norms and practices:
 - (a) National and State Governments, in collaboration with CSOs and development partners, should carry out gender sensitization and public awareness campaigns in all private and public spheres of the society regarding harmful customary norms and practices;
 - (b) National and State Governments should partner with the media, to encourage the creation of content on GBV and dissemination of information in local languages on the elimination of all forms of GBV against women and girls in communities and families and in all private and public spheres;
 - (c) The national Ministry of Gender, Child and Social Welfare in collaboration with State Governments, especially State Gender Ministries, and CSOs should establish community watch committees at grassroots, comprising men and women to champion awareness on harmful customary norms and practices within the community.
- v. Women and girls who suffer violence in rural areas rarely report cases of violence because there are no Government institutions to report to nearby or they do not have the financial ability to travel to locations where they can report cases. Women and girls demand that Government institutions such as the South Sudan National Police Service, Public



Prosecution Attorneys, and Courts, and their personnel should be available in rural and remote areas to protect rural people against acts of violence. In the alternative, Mobile Courts to address GBV cases should be operated in all remote areas where Government these Government Institutions are absent.

- vi. Women and girls are alarmed that there are no publicly available national statistics on the prevalence, forms, and drivers of violence against women and girls (VAWG) in South Sudan. Such data are essential to help determine the nature and extent of VAWG in South Sudan, and thus to inform policies and design programmes based on evidence. We call upon the National and State Governments to:
 - (a) undertake or support surveys, research programmes and studies on GBV against women and girls in order, among other things, to assess the prevalence of GBV, including CSRV against women and the social or cultural beliefs and practices that drive this violence and shape gender relations.
 - (b) establish a system to regularly collect, analyse, and publish statistical data on the number of complaints of all forms of GBV,⁵⁸ the number and type of orders of protection issued, the rates of dismissal and withdrawal of complaints, prosecution, and conviction and the amount of time taken for the disposal of cases. The system should include information on the sentences imposed on perpetrators and the reparations, including compensation, provided to survivors of GBV and CRSV.
- vii. Women and girls applaud the National and State Governments for setting-up one-stop-centres at the national and state level to provide medical treatment and care and clinical management of rape, psycho-social counselling, and referrals for legal assistance and prosecution. However, the inadequate number and coverage of these one-stop centres, especially in rural and remote areas, prevent survivors of GBV and CRSV in rural locations from accessing these support services. We call upon the National and State Governments to:
 - (a) ensure that the “one-stop centres”, which provide a range of legal and social services are made accessible to all women and girls, including those living in poverty and/or in rural and remote areas.
 - (b) implement an effective legal-aid scheme for women and girls who are survivors of violence.
 - (c) establish adequate safe homes for the protection of women and girls who have been or are at risk of being subject to violence.

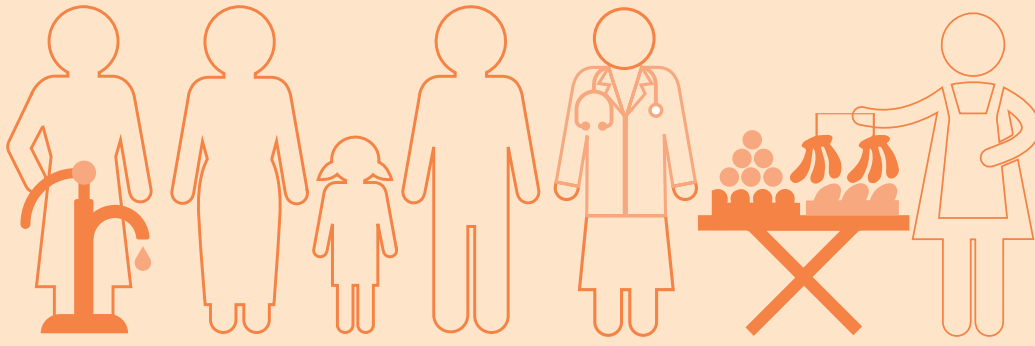


SUMMARY OF DEMANDS

Protection against GBV



- I. The Permanent Constitution should protect women and girls against all forms of GBV, by providing for that - *'everyone has the right to freedom and security of the person, which includes the right -*
 - (a) *to be free from all forms of violence from either family, public or private sources.*
 - (b) *not to be deprived of freedom arbitrarily or without just cause.*
 - (c) *not to be detained without trial.*
 - (d) *not to be tortured in any way.*
 - (e) *not to be treated or punished in a cruel, inhuman, or degrading way.'*
- II. National Government should strengthen legal protection against GBV, by:
 - (a) reviewing and enacting into law the Anti-Gender-Based Violence Bill, to comprehensively address all forms of GBV.
 - (b) amending discriminatory provisions in national laws and policies in line with international and regional human rights instruments.
 - (c) diligently implementing all national legislation that criminalize all forms of GBV and provide for the punishment of the perpetrators, including the Geneva Conventions Act, 2012 which provides for the punishment of war crimes, including CRSV committed during international or non-international armed conflicts.
- III. All levels of Government should allocate and avail appropriate equipment, human and financial resources to the Police Special Protection Units (SPUs) at the national and state levels to effectively implement laws and policies for the prevention of and protection against all forms of violence against women and girls.
- IV. All levels of Government should eliminate harmful customary norms and practices that are drivers of GBV, by:

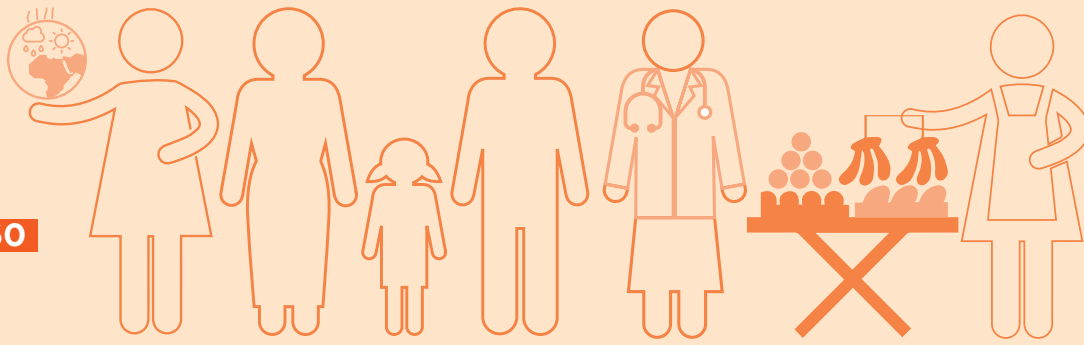


- (a) carrying out gender sensitization and public awareness campaigns in all private and public spheres of the society regarding harmful customary norms and practices;
 - (b) partnering with the media, to create content on GBV and disseminate information in local languages on the elimination of GBV against women and girls in communities and families and in all private and public spheres; and
 - (c) establishing community watch committees at grassroots, comprising men and women to champion awareness about harmful customary norms and practices within the community.
- V. Government institutions such as the National South Sudan Police Service, Public Prosecution Attorneys, and Courts, and their personnel should be available in rural and remote areas to protect rural people against acts of violence. In the alternative, Mobile Courts to address GBV cases should be operated in all remote areas where Government Institutions are absent.
- VI. National and State Governments should establish national statistics on the prevalence, forms, and drivers of violence against women and girls (VAWG) in South Sudan to help determine the nature and extent of VAWG in South Sudan, inform policies, and design programmes on elimination of VAWG, based on evidence.
- VII. All levels of the Government should:
- (a) ensure that the “one-stop centers”, at the national and state levels that provide a range of legal and social services, are made accessible to all women including those living in poverty and/or in rural and remote areas.
 - (b) implement an effective legal-aid scheme for women and girls who are victims/ survivors of violence.
 - (c) establish adequate safe homes for the protection of women and girls who are at risk of being subject to violence.

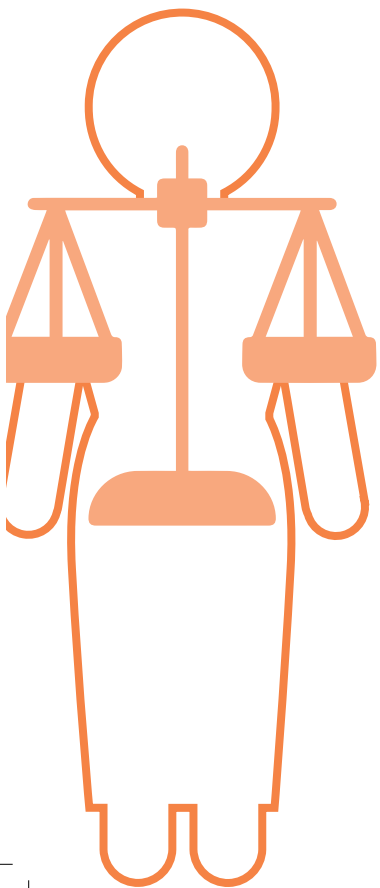


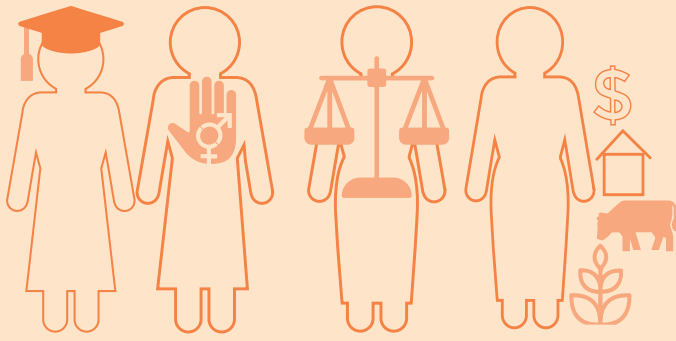
ACCESS TO JUSTICE

- i. Women and girls applaud and embrace Part Seven of the Transitional Constitution, 2011 (as amended) for establishing an independent judiciary and Article 20 of the Transitional Constitution for guaranteeing to every person, the right to resort to courts of law to redress grievances whether against the government or any individual or organization. Women and girls believe that access to justice is essential to the realization of the rights of women and girls protected under the national laws and regional and international human rights treaties and standards. In the same spirit, the Permanent Constitution should establish an independent judiciary of South Sudan and should also guarantee that:
 - (a) every person shall have access to any court of law or any other tribunal with jurisdiction for the final settlement of legal issues in a gender-sensitive manner;
 - (b) every person shall have the right to an effective remedy by a court of law or tribunal for acts violating the rights and freedoms granted by the Constitution or any other law; and
 - (c) if any fee is required, it shall be reasonable and shall not impede access to justice.
 - ii. Women and girls are convinced that a Constitutional Court is essential for the protection of constitutional rights because of its exclusive jurisdiction and power to determine cases that raise questions about the interpretation, protection, and enforcement of the Constitution. Women and girls thus demand that the Permanent Constitution provides for the establishment of a Constitutional Court and should vest the Court with the power to hear petitions for a declaration that any law or anything done under the authority of any law or any act or omission by any person or authority is inconsistent with or in contravention of a provision of the Constitution.
 - iii. The Permanent Constitution should recognise the essential role of public interest litigation in the enforcement of constitutional rights and should guarantee that *'any person or organization may bring an action against the violation of another person's or group's human rights.'*⁵⁹
 - IV. To ensure the availability, accessibility, good-quality and accountability of justice systems, the Government should take the following steps:
 - (a) ensure the establishment and maintenance of judicial courts in all parts of the country, including in remote, rural, and isolated areas;
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- (b) establish specific specialized Courts within the Judiciary to address CRSV, family, and land cases;
- (c) establish and fund a legal aid network for women and girls to enable them to claim their rights through the justice system by engaging qualified lawyers to provide legal assistance;
- (d) develop the capacity of the law enforcement agencies and judicial and customary courts to handle cases in a gender-sensitive manner;
- (e) take steps, including temporary special measures, to ensure that women are equally represented in all structures of the judiciary, customary courts, and other law implementation mechanisms as magistrates, judges, and justices, prosecutors, law enforcement officials, chiefs, as well as in other legal professional capacities; and
- (f) establish an independent oversight mechanism with Court Inspectors to ensure the proper functioning of the justice system.



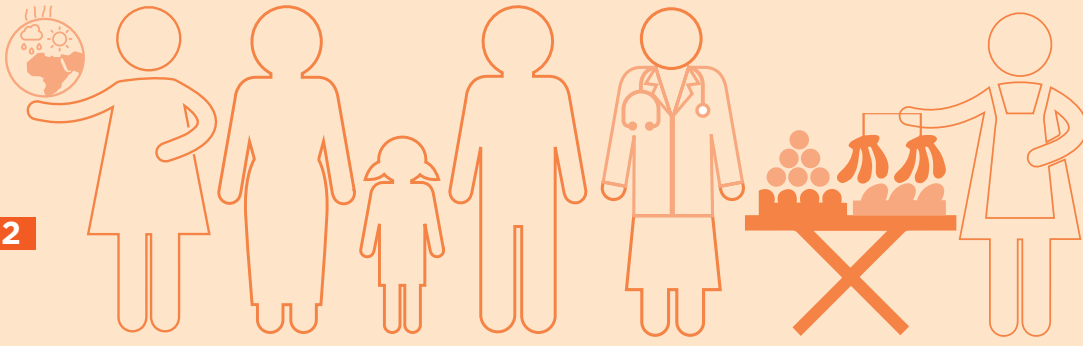


SUMMARY OF DEMANDS

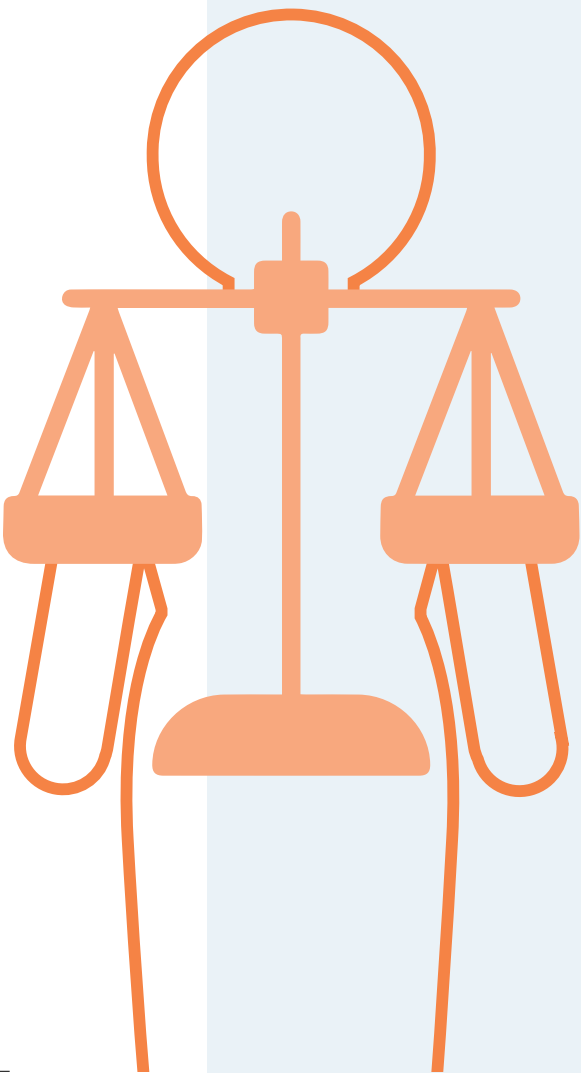
Access to justice



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- II. The Permanent Constitution should provide for the establishment of an independent Constitutional Court and should vest the Court with the power to hear petitions for a declaration that any law, custom, or anything done under the authority of any law or any act or omission by any person or authority is inconsistent with or in contravention of a provision of the Constitution.
- III. The Permanent Constitution should recognise the essential role of public interest litigation in the enforcement of constitutional rights and should guarantee that *'any person or organization may bring an action against the violation of another person's or group's human rights.'*
- IV. To ensure the availability, accessibility, good-quality, and accountability of justice systems, the National and State Governments should take the following steps:
 - (a) ensure the establishment and maintenance of judicial courts in all parts of the country, including in remote, rural, and isolated areas; establish specialized Courts within the Judiciary to address CRSV, family, and land cases;
 - (b) establish and fund a legal aid scheme for women and girls to enable them to claim their rights within the justice system by engaging qualified lawyers to provide legal assistance;



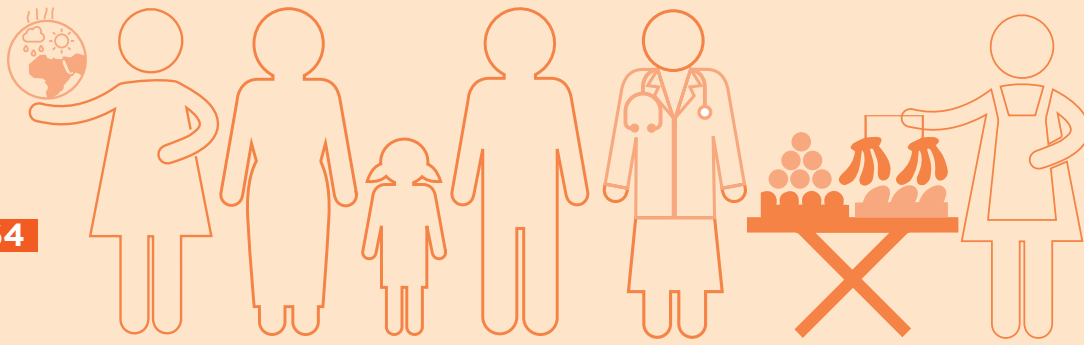
- (c) develop the capacity of the law enforcement agencies and judicial and customary courts to handle cases in a gender-sensitive manner;
- (d) take steps, including temporary special measures, to ensure that women are equally represented in all structures of the judiciary and other law implementation mechanisms as magistrates, judges, and justices, prosecutors, law enforcement officials, as well as in other legal professional capacities.
- (e) establish an independent oversight mechanism with Court Inspectors to ensure the proper functioning of the justice system.



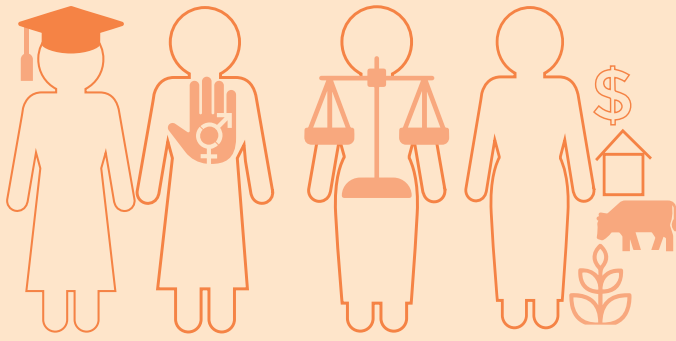


ENVIRONMENT, NATURAL RESOURCES, AND CLIMATE SECURITY

- i. South Sudan faces the challenges of climate change, environmental damage, loss of biodiversity, poor waste management, and toxic pollution which pose negative consequences for the effective enjoyment of all human rights, especially for the vulnerable groups including indigenous people, older persons, persons with disabilities, and women and girls. All levels of Government have the obligation to protect the environment. We demand that the Permanent Constitution should: (a) *guarantee the right to a safe, clean, healthy, and sustainable environment*; and (b) *mandate the establishment of gender-responsive laws and policies to regulate, promote and protect the right to safe, clean, healthy, and sustainable environment, and for effective individual access to justice and effective remedies for environment-related concerns*. This shall be in line with the United Nations General Assembly Resolution adopted on 26 July 2022⁶⁰ which recognizes the right to a clean, healthy, and sustainable environment as a human right and calls upon States, international organizations, businesses, and other stakeholders to scale up efforts to ensure a clean, healthy, and sustainable environment for all.
 - ii. Natural resources are sources of sustainable livelihood and human development. However, the women of South Sudan are excluded from participation in the planning, management, and distribution of natural resources such as land, oil, and minerals, which has perpetrated inequalities related to access to natural resources. The Permanent Constitution should mandate all levels of government to include women on an equal basis with men to participate in the planning, management, and sustainable use of natural resources so that they can benefit from the resources in their communities in line with Article 18 (2) (1) of the Maputo Protocol⁶¹ which obligates States to ensure greater participation of women in the planning, management and preservation of the environment and the sustainable use of natural resources at all levels.
 - iii. Women and girls note the increasing challenges in South Sudan posed by long-term shifts in temperatures and weather patterns, including drought spells, flooding, disease, hot temperatures, and landslides in some parts of the country. This wreaks havoc on people's lives and livelihoods. The impacts of climate change are especially felt by rural women, as they rely more on agricultural crops, wood and other forest resources for their livelihoods and energy needs. Women and girls note, however, that South Sudan lacks mechanisms to address climate change. We thus require the National and State Governments to (a) establish and implement early warning systems to mitigate the risk produced by climate change; and (b) establish and implement legislative measures that guide the sustainable utilization of natural resources and management of the environment.
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- iv. As part of interventions to address climate change both National and State Governments, in collaboration with development partners and CSOs, should:
 - (a) implement community climate change programmes such as tree planting to improve environmental conservation;
 - (b) fund women's organizations to provide emergency support, and build climate resilience skills to meet the specific needs of women and girls;
 - (c) empower women small-scale farmers to improve their productive capacity and thus food security during environmental shocks through, inter alia, strengthening their capacity to utilise sustainable agricultural practices and climate-resilient crops;
 - (d) implement awareness campaigns on climate change effects and adaptation to manage the impacts of climate change, enhancing adaptive capacity, and reducing overall vulnerability; and
 - (e) carry out or support a study to determine the extent to which climate security risks contribute to amplifying GBV, including CRSV, in South Suda, to identify appropriate measures to protect women and girls.
 - v. The Permanent Constitution should establish a mechanism for effective environmental governance, including the creation of an Environmental Agency to protect and improve the environment by engaging in research, and developing and enforcing environmental laws, regulations, and policies.
 - vi. All levels of Government should promote environmental education and awareness programs among citizens to foster a culture and practice of maintaining a clean environment.
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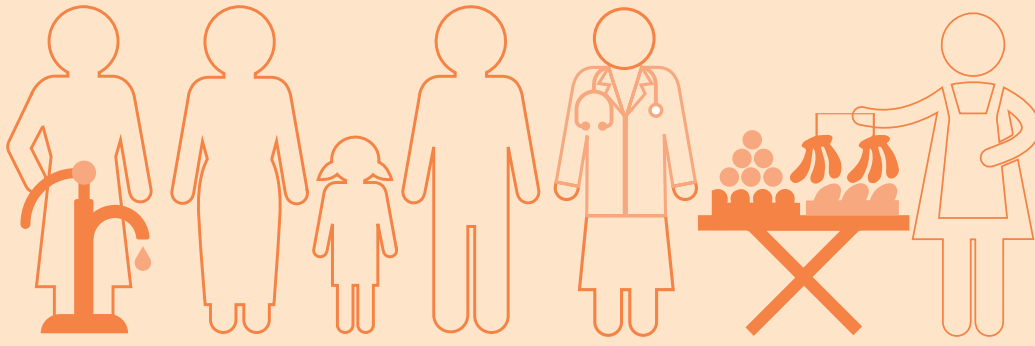


SUMMARY OF DEMANDS

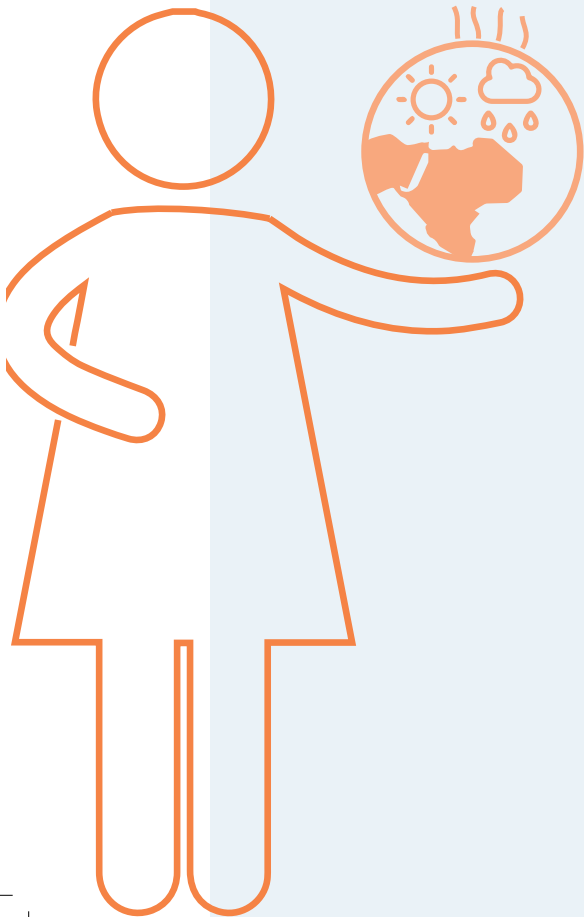
Environment, natural resources, and climate security



- I. The Permanent Constitution should:
 - (a) guarantee the right to a safe, clean, healthy, and sustainable environment.
 - (b) mandate the development and implementation of legislation and policy to regulate and promote the right to a safe, clean, healthy, and sustainable environment, and for effective individual access to justice and effective remedies for environment-related concerns.
- II. The Permanent Constitution should mandate all levels of government to include women on an equal basis with men to participate in the planning, management, and sustainable use of natural resources so that they can benefit from the natural resources in their communities.
- III. National and State Governments should:
 - (a) establish and implement early warning systems to mitigate the risk produced by climate change; and
 - (b) establish and implement legislative measures that guide the sustainable utilization of natural resources and management of the environment.
- IV. As part of interventions to address climate change National and State Governments, in collaboration with development partners and CSOs, should:
 - (a) implement community climate change programmes such as tree planting to improve environmental conservation;
 - (b) fund women's organizations to provide emergency support, and to build climate resilience skills to meet the specific needs of women and girls.
 - (c) empower women small-scale farmers to improve their productive capacity and thus food security during environmental shocks through, inter alia, the strengthening of their capacity to use sustainable agricultural practices and climate-resilient crops;



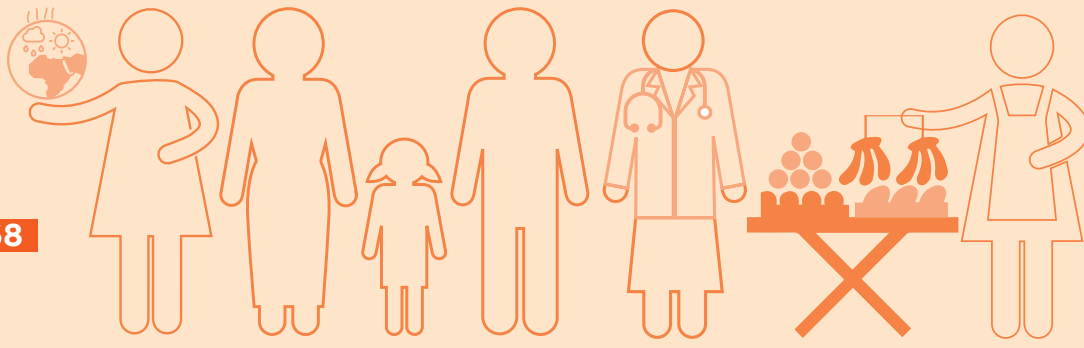
- d) implement awareness campaigns on climate change effects and adaptation to manage the impacts of climate change, enhancing adaptive capacity, and reducing overall vulnerability; and
 - e) carry out or support a study to determine the extent to which climate security risks contribute to amplifying GBV, including CRSV in South Sudan, to identify appropriate measures to protect women and girls.
- V. The Permanent Constitution should establish a mechanism for effective environmental governance, including the creation of an Environmental Agency to protect the environment.
- VI. All levels of Government should promote environmental education and awareness programs among citizens to foster a culture and practice of maintaining a clean environment.





PUBLIC FINANCE MANAGEMENT REFORMS

- i. The Permanent Constitution should provide for gender-responsive budgeting by requiring that all levels of Government are 'to strive for the effective equality of men and women, including persons with disabilities in their annual budgeting processes and management.' This will ensure gender mainstreaming in the budgetary processes of all levels of Government.
 - ii. The National Government should restructure the Public Procurement and Disposal of Public Assets Authority to be gender-sensitive by ensuring that of the nine members of the Authority, at least four are women and that women are adequately represented in the leadership and management bodies of the Authority.
 - iii. The Public Procurement and Disposal of Public Assets Authority should establish and implement gender-responsive procurement regulations and a system which provides for equal allocation to men and women in terms of the awarding of tenders to ensure that women benefit equally from public procurement.
 - iv. The National Government should conduct a gender analysis of and mainstream gender in the structures of economic institutions such as the Ministry of Finance, Ministry of Trade, Ministry of Investment, National Revenue Authority, and Bank of South Sudan.
 - v. To ensure transparency and accountability in managing public finances, the Government should ensure that accounts of public institutions should be available for public inspection at the county, state, and national levels.
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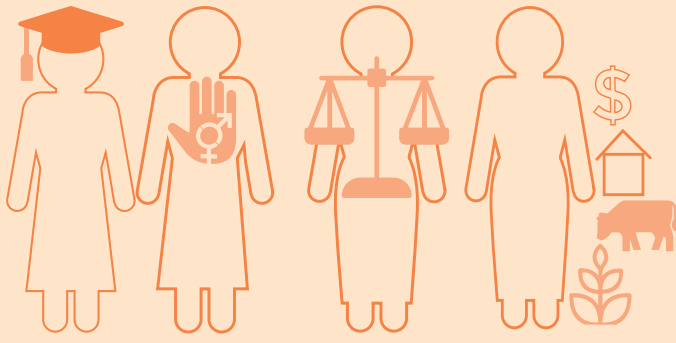
SUMMARY OF DEMANDS

Public finance management reforms



- I. The Permanent Constitution should provide for gender-responsive budgeting by requiring that all levels of Government are *'to strive for the effective equality of men and women in their budgeting process and management.'*
- II. The National Government should restructure the Public Procurement and Disposal of Public Assets Authority to be gender-sensitive by ensuring that at least four of the nine members of the Authority are women and that women are adequately represented in the leadership and management bodies of the Authority.
- III. The Public Procurement and Disposal of Public Assets Authority should establish and implement gender-responsive procurement regulations and a system which provides for equal allocation to men and women in terms of the awarding tenders to ensure that women benefit equally from public procurement.
- IV. The National Government should mainstream gender in the structures of economic institutions such as the Ministry of Finance, Ministry of Trade, Ministry of Investment, National Revenue Authority, and Bank of South Sudan.
- V. To ensure transparency and accountability in managing public finances, the Government should ensure that the accounts of public institutions should be available for public inspection at the county, state, and national level.





REFERENCES

We acknowledge the following sources that have influenced the content of this Charter:

- 📖 Agreed Conclusions of the Commission on the Status of Women (CSW65) 2021.
 - 📖 African Charter on Human and People's Rights.
 - 📖 African Union's Gender and Development Initiative for Africa (GADIA).
 - 📖 Charter of Libyan Women's Constitutional Rights.
 - 📖 Committee on Economic, Social and Cultural Rights, General Comment No: 16 (2016).
 - 📖 Constitution of Kenya, 2010.
 - 📖 Constitution of the Republic of South Africa, 1996 (as amended).
 - 📖 Constitution of the Republic of Uganda, 1995 (as amended).
 - 📖 Convention on the Elimination of All Forms of Discrimination against Women, 1979.
 - 📖 International Covenant on Economic, Social and Cultural Rights, 1966.
 - 📖 Kenya Women's National Charter.
 - 📖 Nigerian Women Charter of Demand.
 - 📖 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).
 - 📖 United Nations Sustainable Development Goals.
 - 📖 Transitional Constitution of the Republic of South Sudan, 2011 (as amended).
 - 📖 United Nations General Assembly Resolutions A/76/L.75, adopted on 26 July 2022.
 - 📖 World Health Assembly Resolution 17.16, adopted on 28 May 2019.
 - 📖 Zimbabwean Women's Charter.
 - 📖 Mapping and Analysis of the National Laws of South Sudan from a Gender Perspective: A Step Towards Eliminating Discrimination in Law, 2021.
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END NOTES

- ¹Agreed Conclusions of the Commission on the Status of Women (CSW65) 2021, E/CN.6/2021/L.3
- ²Convention on the Elimination of All Forms of Discrimination against Women, 1979, Article 10.
- ³International Covenant on Economic, Social and Cultural Rights, 1966, Article 13 (2) (a) and (b).
- ⁴International Covenant on Economic, Social and Cultural Rights, 1966, Article 13 (3).
- ⁵The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), Article 6 (b).
- ⁶The Convention on the Elimination of All Forms of Discrimination against Women, 1979, Article 16 (1) (b).
- ⁷The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Article 6(a).
- ⁸Convention on the Elimination of All Forms of Discrimination against Women, 1979, Article 16 (1) (c).
- ⁹The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Article 6.
- ¹⁰African Charter on Human and People's Rights, Article 18 (1).
- ¹¹Committee on the Elimination of Discrimination against Women, General Recommendation 35 on gender-based violence against women, CEDAW/C/GC/35, 2017
- ¹²Extract of the language used in the Constitution of Kenya, 2010, Article 40 (1).
- ¹³African Charter on Human and People's Rights, Article 14.
- ¹⁴Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), Article 19 (c).
- ¹⁵Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), Article 5.
- ¹⁶The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Article 21.
- ¹⁷The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Article 21 (1).
- ¹⁸The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Article 5.
- ¹⁹Convention on the Elimination of All Forms of Discrimination against Women, 1979, Article 16 (1) (h).
- ²⁰Committee on Economic, Social and Cultural Rights, General Comment No: 16 (2016), para. 10.
- ²¹Extract of the language used in the Constitution of Kenya, 2010, Article 43 (1).
- ²²SDG Target 3.7.
- ²³SDG Target 3.7.
- ²⁴Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Art. 14.
- ²⁵Extract of the language used in the Constitution of Kenya, 2010, Article 43 (2).
- ²⁶World Health Assembly Resolution 17.16, adopted on 28 May 2019.
- ²⁷Extract of the language used in the Constitution of the Republic of South Africa, 1996 (as amended), Article 22.
- ²⁸International Covenant on Economic, Social and Cultural Rights, 1996, Article 7 (a) (i).
- ²⁹International Covenant on Economic, Social and Cultural Rights, 1996, Article 7 (b).
- ³⁰International Covenant on Economic, Social and Cultural Rights, 1996, Article 7 (c).
- ³¹Extract of the language used in the Constitution of the Republic of Uganda, 1995 (as amended), Article 40 (3) (a).
- ³²Extract of the language used in the Constitution of the Republic of Uganda, 1995 (as amended), Article 40 (3) (c).
- ³³International Covenant on Economic, Social and Cultural Rights, 1996, Article 7 (d).
- ³⁴Extract of the language used in the Constitution of the Republic of Uganda, 1995 (as amended), Article 40 (4) .
- ³⁵International Covenant on Economic, Social and Cultural Rights, 1996, Article 10 (2).
- ³⁶Extract of the language used in the Constitution of the Republic of South Africa, 1996 (as amended), Article 27 (c).
- ³⁷Extract of the language used in the Constitution of the Republic of South Africa, 1996 (as amended), Article 27 (2).
- ³⁸Convention on the Elimination of All Forms of Discrimination against Women, 1979, Article 14 (2) (c).
- ³⁹International Covenant on Economic, Social and Cultural Rights, 1996, Article 9.
- ⁴⁰Extract of the language used in the Constitution of Kenya, 2010, Article 43 (1) (c).
- ⁴¹Extract of the language used in the Constitution of Kenya, 2010, Article 43 (1) (d).
- ⁴²Extract of the language used in the Transitional Constitution of the Republic of South Sudan, 2011 (as amended), Article 34 (1).
- ⁴³Extract of the language used in the Transitional Constitution of the Republic of South Sudan, 2011 (as amended), Article 34 (2).
- ⁴⁴Extract of the language used in the Transitional Constitution of the Republic of South Sudan, 2011 (as amended), Article 34 (3).
- ⁴⁵Extract of the language used in the Constitution of the Republic of Uganda, 1995 (as amended), Art. 21 (1).
- ⁴⁶Extract of the language used in the Constitution of Kenya, 2010, Article 27 (2).
- ⁴⁷Extract of the language used in the Constitution of Kenya, 2010, Article 27 (3).
- ⁴⁸Extract of the language used in the Constitution of Kenya, 2010, Article 27 (4).
- ⁴⁹Extract of the language used in the Constitution of Kenya, 2010, Article 27 (5).
- ⁵⁰Extract of the language used in the Constitution of Kenya, 2010, Article 57.
- ⁵¹Ibid.
- ⁵²Ibid.
- ⁵³Ibid.
- ⁵⁴In terms of Article 4 of the CRPD, States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:
- To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;
 - To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
 - To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;
 - To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;
 - To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;
- ⁵⁵Extract of the language used in the Constitution of Kenya, 2010, Article 54 (1).
- ⁵⁶Extract of the language used in the Constitution of Kenya, 2010, Article 54 (2).
- ⁵⁷Extract of the language of the Constitution of the Republic of South Africa, 1996 (as amended), Article 12.
- ⁵⁸Technology-facilitated gender-based violence takes many forms, including sextortion (blackmail by threatening to publish sexual information, photos or videos); image-based abuse (sharing intimate photos without consent); doxxing (publishing private personal information); cyberbullying; online gender and sexual harassment; cyberstalking; online grooming for sexual assault; hacking; hate speech; online impersonation; and using technology to locate survivors of abuse in order to inflict further violence, among many others. See <https://www.unfpa.org/TFGBV#:~:text=Technology%2Dfacilitated%20gender%2Dbased%20violence%20takes%20many%20forms%2C%20including,cyberbullying%3B%20online%20gender%20and%20sexual.>
- ⁵⁹Extract of the language used in the Constitution of the Republic of Uganda, 1995 (as amended), Article 50 (2).
- ⁶⁰United Nations General Assembly Resolution A/76/L.75, adopted on 26 July 2022.
- ⁶¹Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Article 28 (2) (a).





Kingdom of the Netherlands

