

**MINISTRY OF GENDER, CHILD & SOCIAL WELFARE
GOVERNMENT OF THE REPUBLIC OF SOUTH SUDAN**

COMPREHENSIVE COUNTRY GENDER ASSESSMENT

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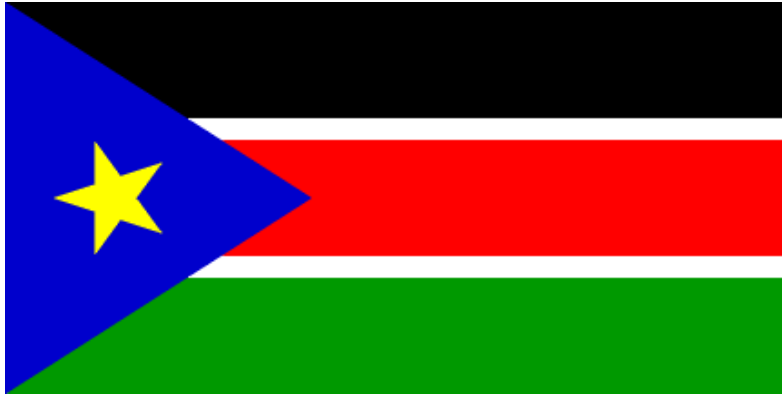
FINAL REPORT

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Gender Transformation and Empowerment

UGANDA WOMEN'S NETWORK

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LIST OF ABBREVIATIONS

ACTED	Agency for Technical Cooperation and Development
BCCs	Budget Call Circulars
BFPs	Budget Framework Papers
CBOs	Community Based Organizations
CE	Central Equatoria State
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CGA	Country Gender Assessment
CPA	Comprehensive Peace Agreement
CSOs	Civil Society Organizations
DDR	Disarmament, Demobilization and Reintegration
EE	Eastern Equatorial State
FBOs	Faith Based Organizations
FGD	focus group discussion
GDSP	The Gender Development Support Project
GEB	gender and equity budgeting
GER	Gross enrollment rate
GoSS	Government of the Republic of South Sudan
GoU	Government of Uganda
KWFT	Kenya Women Finance Trust
MDG	Millennium Development Goal
MFIs	Micro-finance Institutions
MFPED	Ministry of Finance, Planning and Economic Development, Uganda
MMR	Maternal Mortality Rate
MOFEP	Ministry of Finance and Economic Planning
MOGC&SW	Ministry of Gender, Child and Social Welfare
MOLACD	Ministry of Legal Affairs and Constitutional Development
MOSD	state Ministries of Gender and Social Development
MP	Member of Parliament
Mt	Metric Tonne
MWRI	Ministry of Water Resources and Irrigation
NALEP	National Agriculture and Livestock Extension Policy
NBS	National Bureau of Statistics
NGOs	Non-governmental organizations
PLE	Primary Leaving Examinations
PWDs	Persons with Disabilities
SACCOS	Savings and Credit Cooperative Societies
SDG	Sudanese pound

SGBV	Sexual and Gender Based Violence
SOP	Standard Operating Procedures
SPLA/ M	Sudanese Peoples Liberation Army/ Movement
SSCCSE	Southern Sudan Centre for Census, Statistics and Evaluation
SSDP	South Sudan Development Plan
SSIC	South Sudan Interim Constitution
SSP	South Sudanese pounds
SSUWC	Southern Sudan Urban Water Corporation
SSWEA	South Sudan Women Entrepreneurs Association
SSWLA	South Sudan Women Lawyers Association
TCSS	Transitional Constitution of the Republic of Southern Sudan
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations Children Fund
UN Women	United Nations Fund for Women
US\$	United States Dollars
VAT	Value Added Tax
WBG	Western Bahr El Ghazal State
WE	Western Equatorial State
WHO	World Health Organization

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EXECUTIVE SUMMARY

1. The South Sudan is noted to have the lowest development indicators in the world. There are presently overwhelming socio-economic and governance challenges which will require targeted interventions if equitable and pro-poor growth and development is to be achieved. It is noted that 51% of the population are poor¹. Fifty seven (57%) of the population living in female headed households is poor compared to forty eight (48%) in male headed households. Eighty percent (80%) of the poor households depend on agriculture for a livelihood. Unemployment and underemployment are very high with little formal sector employment.
2. The prolonged conflict is known to have further exacerbated and created new security risks especially for women and children including disruption of community and family structures, presence of arms and vigilantes, prevalent trauma, increased alcohol consumption, weak security institutions and poor law and order (Elia, 2007). Therefore severe gender disparity is manifested in access to education, health and differential life expectancy. Only 5% of births are attended by skilled health service provider and maternal mortality is high². In 2010, it was estimated that there were over 2 million children of primary school going age however only 900,000 were actually attending school. Forty (40%) of the population between 15-24 years is literate, this is varied between boys and girls in this age group; 55% for boys/male and 28% for girls/females. (EMIS, 2010: SSDP 2011-2013). This is a high literacy gap between girls and boys of up to 37%. The few reputable gender-based violence (GBV) studies carried out in South Sudan though limited in terms of sample, size and statistical analysis, also show evidence of extensive domestic violence, early/forced marriages, wife inheritance, denial of property ownership and child custody, arbitrary incarceration, female genital mutilation and sexual harassment and assault (Elia, 2007).
3. With the independence of South Sudan on the 9th of July 2011, came the promulgation of the Transitional Constitution of the Republic of South Sudan of 2011, as the supreme law of the land. This was followed closely by the first ever development plan – The South Sudan Development Plan of 2011- 2013. The South Sudan National Development Plan will be the *“nation’s response to core development and state- building challenges during the first three years of independence”*. Fortunately, the Constitution on the face of it and through its adoption of the Internationally

¹ It should be noted that poverty in South Sudan is estimated at the household level and one cannot make precise estimations of poverty at the individual level which would be affected by intra-household allocation of resources.

² New Sudan Centre for Statistics and Evaluation and UNICIEF, 2004

recognised Bill of Rights, makes provision for gender equality and gender mainstreaming including, elements of affirmative action to ensure representation of women in decision making positions in the public spheres which include cabinet, the legislatures at the national and state levels, the Judiciary and public commissions. The South Sudan Development Plan too among other pillars has provision for cross cutting issues which include gender equality, environment, youth employment, capacity building, human rights, HIV AIDS and corruption. This is envisaged to go a long way in addressing the gender disparities which underpin the underdevelopment of this new nation.

4. This Comprehensive Country Gender Assessment that evaluates the socio-economic and legal environment in the current context of South Sudan and highlights existing barriers that hinder women's empowerment is therefore purposed to lay basis for an evidence-based strategy for gender mainstreaming towards attainment of equality between women and men in all spheres and further propose concrete recommendations and possible strategies for gender mainstreaming, women's empowerment and poverty reduction.
5. A systematic consultative process was followed in undertaking this CGA and a good mix of methods including literature review; field consultations at various levels (focus group discussions and Key informant Interviews); secondary data analysis was employed to ensure collection of detailed information to support analysis and development of concrete strategic policy recommendations. Like with many other research processes there were challenges in undertaking this CGA nonetheless, they do not in whatever way minimize the quality of the findings of this report for instance, there was limited access to information and in other instances unavailability of data on certain critical aspects of the CGA however, an intense review of available documentation was done to fill up the gaps in the data collected.
6. The war affected South Sudan's development of governance structures which in turn affected its ability to meet acceptable standards of development for its people; the Government of South Sudan has however focused energies on creating a robust governance framework since the signing of the CPA and ending of hostilities with the North in 2005. A number of institutions have been revived and/ or established, and laws, policies and programs set up to create an enabling environment for post conflict development efforts to take place in the social, economic, political and legal spheres. Similarly efforts have been made to create an environment where all South Sudan citizens enjoy equal rights before the law and that basic human rights are observed and protected. Glaring gaps in law enforcement nonetheless still exist. These have very serious impact on rights and development opportunities for citizens, and particularly for vulnerable and disadvantaged groups, including women, children and persons with disabilities (PWDs). There are also significant

gaps in capacity for human rights protection and gender responsiveness on the part of police and prisons agents and enforcement of women's and children's rights remains particularly weak³. Other issues raised in interviews relate to the need to demilitarize the police, gap in number of female police, insufficient training of police officers in basic human rights standards and insufficient equipment to support effective law enforcement.

7. In addition, the incidence of poverty in South Sudan is 50.6%, meaning that one out of every two South Sudanese does not have the necessary means to purchase the value of minimum food and non-food bundle. The poverty incidence is higher among females (51.6%) than males (48.4%). The poverty incidence is also slightly higher among children and the elderly. Poverty in South Sudan therefore has a female face. The focus on improving the welfare of all South Sudanese should thus specifically target women, children and the elderly with economic development programmes that enhance their livelihoods to be at par with the rest of the population. Poverty is more concentrated in rural areas (55.4%) than urban areas (24.4%); the majority of the poor live in rural areas (92.5%) as opposed to urban areas (7.5%)⁴. This implies that improving livelihoods of the poor in South Sudan is almost synonymous with addressing the key barriers faced by women, men, girls and boys in rural areas that deny them access to economic rights and opportunities.
8. About 13 million people are food deprived in Sudan. The incidence of food deprivation was highest in southern states (47%) than the northern states (28 percent) according to the Food and Nutrition Security Assessment conducted in Sudan in 2009⁵. Undernourishment and the depth of hunger were highest among females (371 kcal) than males (324kcal). This attributed to the fact that the level of expenditure on food was found to be much lower (2.40SDG spent daily per person) among females because the higher poverty levels compared to their male counterparts (2.76 SDG). The RoSS needs to enhance the performance of the agriculture sector through targeted investments so that more food is produced for the population. Since females play a key role in food production and yet are the most undernourished, they should be enabled to have ease of access to agricultural inputs and implements, extension services and microfinance to enhance farm production and productivity.
9. The social inequalities in South Sudan are wide and this is to the disadvantage of the poor and marginalized but also to national development. The literacy rate for males

³ Interview with unnamed Police Officer, Jonglei State.

⁴ SSCSE, 2010

⁵ RoSS, 2011.

at all ages is twice that of females⁶ which implies that women are not able to effectively participate in socio-economic development. Equally the gross enrolment rate for females is far below that of males. For instance the gross enrolment rate (GER) for girls into primary education was 54.5% compared to 81.4% for boys in 2010. This implies that almost 45.5% of girls of school going age are never enrolled into primary schools. School dropout rates are also high and the number of students dropping out of school at Primary 1 is equally as high for both girls and boys. In lower classes (P1-P2), there is a higher drop-out rate for boys compared to girls. Girls' drop-out increases in upper classes especially in the northern part of the country i.e. Unity, Upper Nile, Warrap and Northern Bahr El Ghazel. This is attributable to the dominance of pastoralist activities, early marriages, as well as lack of facilities.

10. South Sudan is still lagging behind in terms of achieving adequate safe water and sanitation. The water coverage is still very low, with only 55% of the total population accessing clean water; the urban areas are better served (64%) compared to the rural areas with 52% accessing clean water.
11. Maternal mortality rate is the highest worldwide with 2054/100,000 live births (World Health Organization statistics 2010). Western Equatoria and Lakes have the highest maternal mortality rates of 2327/100,000 and 2243/100,000 respectively. This is considered to be one of the highest in Sub-Saharan Africa⁷. The country's child mortality rate is one of the highest too in the world with 102 per 1000 infant mortality and 135 per 1,000 for those under- five (South Sudan Household Health Survey 2008). This means that 1 out of 4 new born dies in Southern Sudan before reaching the age of five⁸. HIV prevalence is increasing and several factors account for this including low levels of HIV knowledge and existence of high risk behaviors.
12. There is political commitment to address and incorporate women and men related social issues into policies and programs. However, this commitment is generalized for all sex. Data reflected in these policies, particularly health, does not have clear gender related indicators to facilitate monitoring and assessing impact in terms of delivery on women's health. There is thus need to set up schools at Payam level as a measure of increasing access through reduced distances thus addressing the low enrolment and high dropout rates; design and implement a programme on boreholes construction by the government of the RoSS; Prioritise efficient health

⁶ 38% and 40% for males aged 6 years and 15+ respectively compared to 19% and 16% for females aged 6 years and 15+ respectively in 2010

⁷ Government of Southern Sudan household survey report, 2006.

⁸ Government of Southern Sudan health strategic plan (2010).

services, education and accessibility of services in general as well as capacity of the health system among others.

13. The historical antecedents of the Ministry of Gender, Child and Social Welfare (MoGCSW) dates to 1994 in the first SPLA Conference in Eastern Equatorial state, a Secretariat of Women and Child Welfare set up by SPLM in 2003, transformed to the Ministry of Gender, Child and Religious Affairs in 2005 and renamed to the current Ministry of Gender, Child and Social Welfare (MoGCSW) in 2009. Its mandate is to spearhead achievement of gender equality and women's empowerment, so as to reduce vulnerability and promote social inclusiveness and effectively mainstream gender in all national development processes, programs, policies and laws. This is done at national level through policy formulation and coordinating gender mainstreaming in government, and state level the Ministries of Gender and Social Development (MOSDs) monitor the actual implementation of policies, guidelines, programs and projects.
14. The key challenges however are; lack of a strategic plan to guide programmes and activities, resulting in rather *ad hoc* engagement; a limited budget therefore relaying substantially on donor funds to implement programmes; which is unsustainable and may limit defining its priorities. There is thus need for the Ministry to define its strategic priorities including these the role of state ministries for gender, develop a more institutionalized mechanism for engaging development partners and other stakeholders and advocate for higher budget allocation from the national budget for gender mainstreaming.
15. Summarily, Gender equality, in addition to being a human right, is core to development of a country without which many key development goals both of women and girls, but also the wider society, are not achievable⁹.

⁹ Asia Development Bank: 6 Gender Checklists by Sector <http://www.adb.org/Gender/checklists.asp>

CHAPTER ONE: OVERVIEW

Introduction

This is a final Comprehensive Country Gender Assessment (CGA) report of the Government of the Republic of South Sudan. It analyses the gender responsiveness of key government laws, policies and regulatory frameworks within the socio-economic and governance sectors. Key findings of the report are presented in four main chapters: Governance; Economic Development; Social Development and a chapter analysing the mandate of the Ministry of Gender, Child and Social Welfare (MoGC&SW) in advancing gender mainstreaming and women empowerment.

1.1. Background and Rationale for the CGA

The prolonged conflict in South Sudan has exacerbated and created new security risks especially for women and children. These include domestic violence, rape and defilement and abduction. In addition, they are equally vulnerable as other community members to insecurity arising from armed violence either between communities or external neighbours like Sudan. However, there is a general realisation that the relative peace brought after signing of the Comprehensive Peace Agreement (CPA) and now attainment of independence by the government of the Republic of South Sudan, presents new opportunities for the status and condition of women and thus requires appropriate policies and programs to ensure women's empowerment that will enable their full participation and equal benefit from broader development efforts across the economic, social and political spectrum.

To develop an evidence-based strategy for gender mainstreaming towards attainment of equality of women and men in all spheres, it is critical to acquire concrete information and data on women and men in South Sudan to develop appropriate legal and policy framework and government programs. The data is therefore envisaged to be attained through a comprehensive country gender assessment that assesses the socio-economic and legal environment in the current context of South Sudan and highlights existing barriers that hinder women's empowerment and propose concrete recommendations and possible strategies for gender mainstreaming, women's empowerment and poverty reduction. Such gender mainstreaming strategies will need to be complemented by targeted interventions promoting gender equity, equality and women's empowerment, particularly where there are glaring instances of persistent discrimination against women or significant gender gaps.

1.2. Objectives of the CGA

The CGA mainly sought to:

- Review and analyse the socio-economic situation and barriers to progress for women and men in the current context of the South Sudan and identify key gender concerns.
- Review and analyse gender sensitivity and responsiveness of key legal instruments, national and sectoral policies, plans and institutional structures.
- Propose concrete recommendations and possible strategies for gender mainstreaming, women empowerment and poverty reduction.
- Identify the mandate of the Ministry of Gender Child and Social Welfare vis-a-vis other sector ministries of GRSS

1.3. Country Context

Legal and Regulatory Framework

Since 2005 a number of laws have been enacted to reform obsolete laws and create an enabling environment for post war development efforts to take place in the social, economic and legal spheres. These include 12 laws mainly to do with business environment and investment climate improvements. Due to the nascent nature of development efforts in South Sudan, the approach has been to avoid legislating for positive discrimination but instead attempt to create a leveled playing field for both men and women especially in the area of business development. When one puts this consideration against a post conflict situation and the empirical knowledge that in situations of war the women and children suffer more, one would have expected an approach that minimizes rather than entrenches the gender inequalities already exacerbated by tradition and cultural norms. Therefore this analysis will examine the South Sudan context and come up with proposals which will create avenues for giving credence to the constitutional provisions, creating the foundation for recognizing that women and children need to be given special consideration if true gender equality is to be achieved and the immense potential for women to contribute to economic recovery and growth realized in the long term. Anecdotal information indicates that majority of the population of South Sudan became internally displaced or refugees. This affected several spheres of lives including agriculture, education, and health. Both women and men were affected, nonetheless, the assessment and many other studies clearly indicate that women and girls lag behind on most development indicators, showing the need for

developing legal frameworks to these vulnerable groups, while at the same time prioritizing social needs of the whole population.

1.4. Policy Environment

The Policy, Regulatory and Strategic Framework of South Sudan is dictated by the historical developments that pitted the North against the South in a war that ravaged the country for close to 40 years. Therefore South Sudan until its independence has been drawing its policy and legal framework from the Interim National Constitution of Sudan (INCS) and the Comprehensive Peace Agreement (CPA)¹⁰, and the Interim Constitution of Southern Sudan.

With the independence of South Sudan on the 9th of July 2011, came the promulgation of the Transitional Constitution of the Republic of South Sudan of 2011, as the supreme law of the land. This followed closely by the first ever development plan – The South Sudan Development Plan of 2011- 2013. The South Sudan National Development Plan will be the *“nation’s response to core development and state- building challenges during the first three years of independence”*.

These two key documents have been analyzed against the collective appreciation of all the preceding instruments listed above, all of which embody the framework that is guiding the people of South Sudan to achieve self determination and move onto the path of genuine social and economic development.

The Transitional Constitution of South Sudan stipulates that the overall goal of the South Sudan economic development strategy shall focus on:-

- a) Eradication of poverty;
- b) Attainment of the Millennium Development Goals;
- c) Guaranteeing the equitable distribution of wealth;
- d) Redressing imbalances of income; and
- e) Achieving a decent standard of life for the people of South Sudan.

Broadly the Constitution on the face of it and through its adoption of the Internationally recognised Bill of Rights, makes provision for gender equality and gender mainstreaming including, elements of affirmative action to ensure representation of women in decision making positions in the public spheres which include cabinet, the legislatures at the national and state levels, the Judiciary and public commissions.

¹⁰ See Part III of the CPA, Articles 3.4, 3.6.1, 3.6.2 and 3.6.5 at pages 47-48

The South Sudan Development Plan on the other hand has five pillars that are:-

- a) Governance, which entails institutional strengthening and improving transparency and accountability
- b) Economic Development, which includes rural development supported by infrastructure improvements
- c) Social and human development, which focuses on investing in people.
- d) Conflict prevention and security, which is looking at deepening peace and improving security.
- e) Cross cutting issues which include gender equality, environment, youth employment, capacity building, human rights, HIV AIDS and corruption. These must be addressed in the execution of government functions and domains.

In addition to the broad policy framework set out in the Transition Constitution and the Development plan there are a number of policies that have been developed at national , state and sector level to better guide the running of public affairs in support of private sector led growth and development. Many of them are reported to have gender considerations in-built in the letter and fabric of their objectives.

International Conventions, Agreements, Protocols and Treaties.

As a new country South Sudan has not yet acceded to or ratified some of the key international conventions on gender equality. The assessment therefore took into account what is on the ground in terms of level of preparedness for acceding, ratifying and domesticating these conventions and has made recommendations as to best practices based on lessons learnt especially from neighboring and post conflict countries.

The gender assessment analyzed the policy, legal and regulatory framework to establish how gender considerations have been taken on board. It also examined how far institutional and implementation arrangements support mainstreaming of gender concerns in the functioning and delivery of public services. The assessment further considered how these arrangements affect distribution of factors of production and resources as well as access and availability to social services such as education, health, water and shelter.

Current Governance Structure and Representation by Gender

The South Sudan Government has moved away from a two tier government with national and state governments. There is a Parliament or legislature, Executive represented by the Council of Ministers under whom are ministries, and the Judiciary at the national level; below the national government are the State governments which

have their own legislative, ministerial and judicial departments which mirror the national ministries and the judiciary. Within each state there are counties as administrative units.

The Constitution provides for quotas to be filled by women at the different levels but in practice these are not fully filled as yet.

1.5. Socio-cultural Context

Despite decades of marginalisation, neglect and civil war that have made South Sudan one of the most underdeveloped countries in the world, the country under the social and human development pillar of its current development plan (2011-2013) envisages progressively accelerating universal access to basic social services with the aim of building human capabilities and upholding the dignity of all people of South Sudan. It is important to note though that the entire social sector still faces a set of challenges if not addressed, greatly impede human development and may lead to resurgence of conflict. The single most difficult challenge continues to be human capacity, for instance, there is only one midwife per 30,000 people despite the fact that the country has one of the highest rates of maternal mortality. In addition, only 13% of teachers in the country currently are qualified and thus the qualified teacher-student ratio in primary is as low as 1:117. Similarly, all the other indicators are far below standard as evidenced below:

Education sector: In 2010, it was estimated that there were over 2 million children of primary school going age; only 900,000 were actually attending school. 40% of the population between 15-24 years is literate; this is varied between boys and girls in this age group; 55% for boys/male and 28% for girls/females. (EMIS, 2010: SSDP 2011-2013). This implies a high literacy gap between girls and boys of up to 37% that needs to be addressed with specific female/girl child education interventions if gender equality is to be achieved. Adult literacy is equally low at only 27%. In addition the net primary school enrolment by 2010 was 44%, the fourth lowest in the world hence still portraying a wide gender disparity between girls and boys of 51% at boys/males compared to 37% for girls/females.

Health sector: The infant mortality rate in South Sudan in 2006 was 102 per 1000 live births which is the ninth highest in the world. In the same year, the maternal mortality rate was 2054 per 100,000 live births and rated the highest in the world. Nutritional intake remains a challenge with 33% of the children under the age of five moderately or severely underweight and 34% suffering from moderate or severe stunting.

1.6. Economic Context

It is important to recognise that the RoSS seeks for sustainable growth and increasing prosperity of the people of South Sudan. However, there are presently overwhelming economic challenges and as other sectors, wide gender disparities exist. These will require targeted interventions if equitable and pro-poor growth and development is to be achieved. It is noted that 51% of the population are poor¹¹. Fifty seven (57%) of the population living in female headed households is poor compared to forty eight (48%) in male headed households. It is however important to note that fifty one (51%) of men fall under the poverty line compared to 50% of women. Eighty percent (80%) of the poor households depend on agriculture for a livelihood. Unemployment and underemployment are very high with little formal sector employment and it is likely that more women than men are affected.

At present, the oil sector is critical as a source of public revenue, and foreign exchange earnings, oil provides 98% of public sector revenue and almost all foreign exchange earnings but contributes little direct employment. It is however worth noting that over dependence on this sector creates major challenges for macroeconomic and fiscal management due to the notable changes in oil prices and oil production. This poses great challenges for sustainable growth and with forecast of sharp declines over the next ten years in oil production there is need to focus on building the government's non-oil revenues.

The development of the agriculture sector has been identified as the way forward to a broad based economic growth and food security in the short to medium term. However rural sector activity is currently focused on low input and low output subsistence agriculture. The country has abundant fertile land, water bodies including reliable rainfall and youthful labour although with highly constrained skills, productivity and investment levels. The challenge for the government thus is to translate its abundant youthful population into a useful work force for better development outcomes and ensuring that all segments of the population (children, youth, adults, women, men and older persons in both rural and urban areas) are enabled to participate in and to the benefit from a process of inclusive growth.

¹¹ It should be noted that poverty in South Sudan is estimated at the household level and one cannot make precise estimations of poverty at the individual level which would be affected by intra-household allocation of resources.

1.7. Methodology and Approaches Used

1.7.1. Process

The CGA started with a wide review of literature and development of draft data collection tools which fed into a detailed inception report. An initial meeting was organised in Juba where the research team then presented the inception report to key stakeholders purposely to review the proposed methodology. The meeting also sought to get the stakeholders' 'buy-in' right at the onset since they are central to the process both as contributors of relevant information and other technical input and as well prospective users of findings of the CGA in several gender equality and women empowerment efforts across the country.

The meeting was followed by refinement of data collection tools and the methodology as a whole, and then collection of data in the five selected states kick started. This involved use of several data collection methods to be discussed below. Sorting of data was subsequently done as well as analysis and report writing.

A mid-term progress report was prepared and shared with key stakeholders in Juba. Later a more detailed draft CGA report was circulated online for scrutiny followed by a presentation of the same report in an open meeting with national and state level participants and other identified stakeholders to validate the findings. The validation process has then informed a rigorous revision and completion of the final CGA report

1.7.2. Methods used

A good mix of methods was ensured to allow for wider collection of information from different sources for a comprehensive and evidence based country gender assessment:

a) Literature review

This entailed a comprehensive review of relevant documents/reports from government, international and national NGOs and other development actors for a deeper understanding of the key aspects of the assessment:-

Key reference was made to the South Sudan Development Plan (SSDP) 2011-2013 as the overarching development framework and where all interventions accruing to its achievement need to be made gender responsive.

Line ministry policy documents and strategic plans including the South Sudan Health Sector policy; South Sudan health sector development plan; the draft Water policy; Draft Environmental policy; draft Ministry of Agriculture and Forestry (MAF) Capacity Building and Training policy; draft Agricultural Research policy; draft South Sudan Seed policy amongst others were analysed.

Other key documents received included sector progress/performance reports both at national and state level; national legal instruments including, the Comprehensive Peace Agreement and the Transitional Constitution of the Republic of South, among others

Previous assessments/surveys conducted in the country-including the poverty assessment 2008; South Sudan Household Health Survey 2006; South Sudan Educational Statistical booklet 2009; South Sudan Food security assessment Gender assessment reports; Statistical Year books for South Sudan 2009 and 2010 among others were further widely reviewed.

Stakeholder reports; UN agencies' studies in the relevant sectors, other international and national NGO studies/reports were reviewed. Other Africa country gender assessments especially those in post conflict recovery like Liberia and particularly the East Africa regional gender assessments were reviewed to draw bench marks but also best practices.

b) Consultations

In addition to review of literature, consultations were widely made to triangulate information gathered during literature review. The consultations were made at 4 levels: national, state, county and community level.

National and State level consultations were undertaken with government officials at these administrative levels and in regard to the identified critical sectors including:

Besides the government ministerial offices consultations were also made with the Parliamentary Committee on Gender, Youth and Sports; the respective state coordination offices within Juba; national and international NGOs, working around issues relating to the critical sectors; the Joint Donor Team and UN agencies.

County level Consultations: Similarly at County level, consultations were made with the Commissioners and relevant technical officers within the respective County departments related to the sectors in the study.

Payam/Community level consultations: Selected persons within the identified communities/Payams were consulted. These covered mainly women; men and youth and within each of the groups representation of the elderly; persons with disabilities (PWDs); returnees; opinion leaders among others were ensured.

All the consultations were conducted mainly through:

i) Key informant interviews

Information was gathered through Key Informants Interviews (KII) with selected individuals who have in-depth knowledge and experience on aspects of the assessment for instance at Community level interviews were held with traditional/cultural leaders, religious leaders, opinion leaders and CSO representatives among others. Interview guides were prepared to this purpose.

ii) Focus group discussions

Focus Group Discussions (FGDs) were conducted with grass root communities as a strategy to validate information as well as to collect related information originally not anticipated by the assessment. A set of questions were prepared to guide this process. The FGDs were conducted either by community or single sex or by special interest groups, as per the need arose for a given thematic area of study; efforts were made to reach specific categories of women, men and youth. The FGDs generated general views, opinions and perceptions about the gender situation in the communities as well as general suggestions on how this can be dealt with. Similarly an interview guide was prepared for the discussions

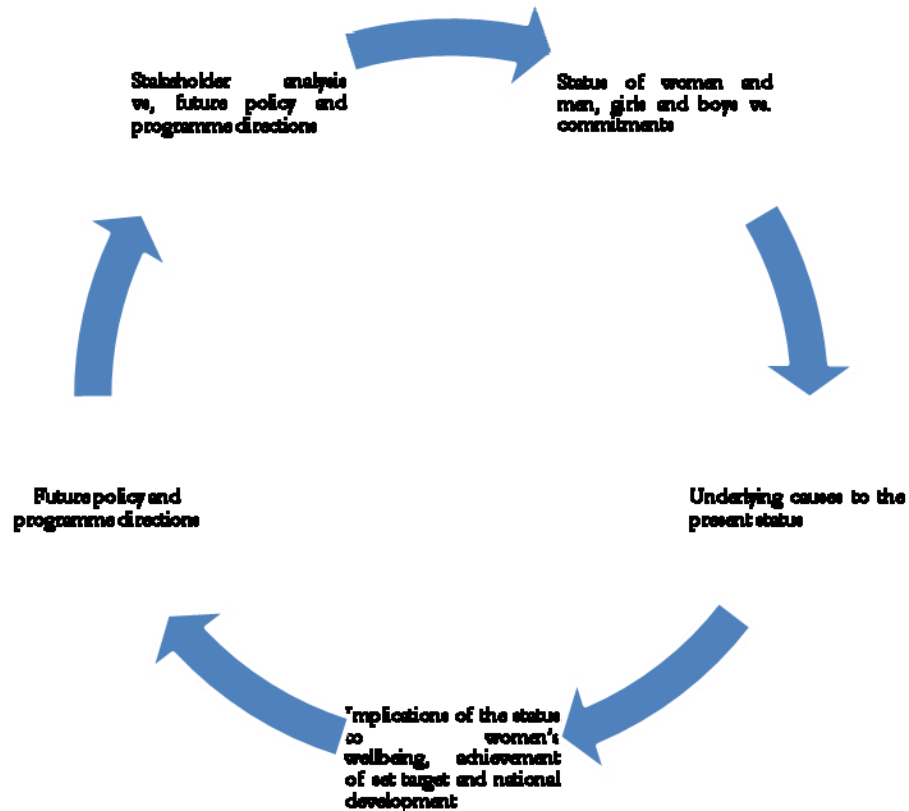
c) Secondary Statistical data analysis

To compliment the largely qualitative field findings, secondary data from already undertaken surveys within the country were analysed to generate statistical evidence. Some of these surveys include the South Sudan Poverty assessment, Census, household health survey, education and food security assessments as well as a gender based violence and protection study among others.

Over all, an in-depth gender analysis was undertaken. Particular attention was paid to the following key aspects

- Status of women and men, girls and boys vs. the international, regional and national commitments government of South Sudan has made. Examples of programs to promote gender equality were cited from countries within and beyond the region including post-conflict states. These included Uganda, Rwanda, Democratic Republic of Congo and Burundi, Senegal, and Nepal. .
- Underlying causes of the lower status of women were also analyzed as well as .implications of the current status of women and men, girls and boys to women's wellbeing, achievement of the national development targets and overall country sustainable development.
- The findings from the above gender analysis will inform future policy and programme direction.
- For policy options particularly on gender mainstreaming, an attempt was made to analyse donor drive vis-à-vis national interests, priorities and commitment.
- A mapping of stakeholders' strengths and mandate (stakeholder analysis) in light of the proposed future policy and programme directions were made.

- A discussion of the future mandate for the Ministry of gender, child and social welfare as well as a possible funding mechanism for the ministry (resource mapping) is also included.



d) Sampling

Samples were drawn out according to various determinant factors; by sector/sector ministries, by administrative levels and by number of persons and categories of persons to be reached:

By sector

Six (6) sectors¹² identified as key to gender equality and women empowerment efforts were sampled out/selected. These covered about ten (10) sector ministries¹³ of the government of the Republic of South Sudan.

¹² Education; Health; Agriculture; Finance and Economic empowerment; Law, order and Justice; and the peace building and recovery sectors

By administrative level:

State Level please append details of all states, counties and payams visited i.e. give names in matrix form

Five (5) of the ten states of the Republic of South Sudan were sampled (Central Equatoria, Western Bahr el Ghazal, Northern Bahr el Ghazal, Upper Nile and Jonglei).

County level

One (1) county was sampled from each of the selected states.

Payam (village) level

Two (2) Payams (1 urban and 1 rural) were sampled in each of the selected Counties.

*By number and category of persons-*within each of the Payams, three (3) separate FGDs were conducted with women, men and youth as the key categorisations (1 FGD with women; 1 FGD with men and 1 FGD with the youth). Therefore, for each state there were six (6) focus group discussions of about 12 participants, totaling to at least 72 participants for each state and 360 participants in all the five selected states. This being a qualitative study approach, this number of discussants provided reliable in-depth information to inform the study to validate the available national gender information.

Scope

The country gender assessment focused on selected sectors that are key for gender equality, women empowerment and poverty reduction. These include:

- Health
- Education
- Agriculture
- Finance and Economic empowerment

¹³Ministry of Gender, Child and Social Welfare; Ministry of Education; Ministry of Health; Ministry of Agriculture and Forestry; Ministry of Animal Resources and Fisheries; Ministry of Finance and Economic Planning; Ministry of Commerce, Trade and Investment; Ministry of Justice and Constitutional Development; The Local Government Board and Ministry of Labour, Public Service, Labour and Human Resource Development

- Law, Order and Justice
- Governance and political administration and
- Peace building

Geographically the assessment covered 5 states in three greater regions; *Central Equatoria* state from the Greater Equatoria Region; Northern *Bahr el Ghazal* and Western *Bahr el Ghazal* states from the Greater Bahr el Ghazal region and *Upper Nile* and *Jonglei* states from the Upper Nile region.

Justification for selection of the states

The states were selected in consultation with the project staff consideration was based on poverty indices by gender, proportion of the female population, cultural diversity, literacy levels, and maternal mortality among other socio-economic indicators relevant for gender analysis.

The South Sudan statistical abstract (2010) quotes the South Sudan Census (2008) estimate the population of South Sudan to be 8,260,490 in the year 2008. The population in the selected states represent about 55 percent of this population and 54 percent of the women in the whole country. In terms of area, the five states represent about 1,413,307 Square Kilometers (84%) of the total area of 1,693,121 Square Kilometers.

Furthermore, the five states include the Northern Bahr Al Ghazal state that has the highest incidence of poverty (75.6%) in the country according to the publication by the South Sudan Bureau of Statistics, Poverty in South Sudan, Estimates from NBHS 2009 (March 2010). The average incidence rate of poverty is 47.3 percent for the five selected states which is an approximate figure for the country that has an average poverty that stands at about 50.9 percent. Further analysis show that the poverty incidence for the female population (51.0%) is higher than that for the male population (50.1%) in the whole country. Other information in support of the selected states is shown in the table below:

Table 1: KEY SOCIO -ECONOMIC CHARACTERISTICS/ INDICATORS

SOME KEY SOCIO -ECONOMIC CHARACTERISTICS/ INDICATORS ON THE SELECTED STATES							
State	State Capital	Population No.	Female No.	Area (km²)	Poverty incidence (%)	Distribution of the poor (%)	Number of Counties
Upper Nile	Malakal	964353	438923	77283.4	25.7	6.4	12
Jonglei	Bor	1358602	624275	122581	48.3	13.7	11
Central Equatoria	Juba	1103557	521835	1103557	43.5	11.3	6
Western Bahr El Ghazal	Wau	333431	156536	79343	43.2	3.2	3
Northern Bahr El Ghazal	Aweil	720898	372608	30543.3	75.6	14.5	5
Total		4480841	2114177	1413308	47.3	9.8	37
South Sudan	Juba	8260490	3973335	1693122	50.97	10	79
Percentage of the five states		54%	53%	84%			47%

Further analysis of the education sector shows a significant difference between the male who have never attended school (53%) and the female who reported never to have attended school (72%), the overall average rate of 62.5 percent is well represented by 59.4 percent of the respondents who have never attended school in the five states selected. Similarly, the South Sudan under-five mortality rate (U5MR) and the maternal mortality rate (MMR) are 135 per 1000 births and 2054 per 100,000 live births respectively. The corresponding figures for U5MR and MMR of the five states in the sample show 132 per 1000 births and 2044 per 100,000 live births respectively that are closely representative of the country's health indicators. Thus the available statistics show that the selected states for the project are representative of the entire country characteristics.

1.8. Limitations of the Study

The study team was faced with several challenges as they undertook the assessment:

Limited access to information and in other instances *unavailability of data* on certain critical aspects of the CGA. This had implications on the in depth gender analysis of the situation in the country. However concerted effort was made to consult with as many parties (government, development partners, individuals, institutions, networks and many non government actors) as much as possible the consultants carried intense review of available documentation to fill up gaps. This report can thus be used to lay a basis for policy formulation and draw specific strategies and actions for gender mainstreaming and women empowerment.

Inadequacy of institutions, systems and structures: Just recovering from decades of war, the country has not fully rebuilt its overall governance and administrative systems and structures thus smooth flow of communication and acquisition of information among other processes towards successful completion of different phases of the CGA became quite difficult. For example, there was no proper procedure in some instances of calling meetings, acquiring information from given sectors. Nonetheless, an advance team approach in each phase of the CGA was adopted and these (advance team) helped to pave way at the different stages before the actual engagements. They played a role in initial consultations (ground laying) to try and understand the structures, systems and how they operate; mapping out power centers and thus dealing with non systematised and institutional barriers for the smoothness of the CGA process; the evidence on ground is that the structures are continuously being revised; it will be important to indicate here in that consideration has been made to appreciate and understand key structures and changing environments and proposals made to ensure the CGA develops a strategy that will deliver in these circumstances..... a hopeful recommendation is made that a short term (three year) strategy be developed and then gradually develop long term as the country stabilises.

CHAPTER TWO: GOVERNANCE

2.0 Introduction

Governance is a central issue with significant implications for gender mainstreaming. It has been described as ‘*the delivery of a number of critical public goods to citizens: security, rule of law, political freedoms, an enabling framework for economic performance, education, health, and so on*’¹⁴. Broadly, governance relates to a range of connected matters that relate to managing the state, including political governance structures and capacity, the processes and performance of public sector management, organization and capacity of the judiciary, accountability and transparency of government, and corruption¹⁵. The chapter makes reference to these issues and also gives consideration to the following pillars of democratic governance¹⁶: citizenship, law and rights; representation and accountability; civil society and popular participation; and international dimensions of democracy, in the gender assessment of South Sudan with respect to governance.

2.1. Key Governance Issues for South Sudan

RoSS is a country emerging from decades of war. The war affected South Sudan’s development of governance structures which in turn affected its ability to meet acceptable standards of development for its people. Since the signing of the CPA and ending of hostilities with the North in 2005, the Government of South Sudan has focused energies on creating a robust governance framework. A number of institutions have been revived and/ or established, and laws, policies and programs set up to create an enabling environment for post war development efforts to take place in the social, economic, political and legal spheres. Similarly efforts have been made to create an environment where all South Sudan citizens enjoy equal rights before the law and that basic human rights are observed and protected.

¹⁴ Marie Besançon’s *Good Governance Rankings: The Art of Measurement*, WPF Report 36.

¹⁵ CGA Bangladesh report.

¹⁶ Main pillars of democracy assessment (Handbook on Democratic Governance Indicators: Method, Process and Lessons Learned from Mongolia).

Governance is concerned with the relationship between those who govern and the governed. Against the background and context, the key governance issues considered by the assessment as pertinent to South Sudan as a post-conflict state beginning to engage in nation-building and development are: Conflict and Security; Political Governance; Public Sector Management; and Citizenship, Law and Rights. These are discussed in relation to the general situation and progress made, gender situation, government commitments as seen in policies and programs, comparative best practices and standards, and challenges and recommendations.

2.2. Conflict and Security

2.2.1 Conflict and Security Context

The RoSS has made great strides in consolidating its authority in different parts of the country since attaining full independence. This task however remains very much a work in progress as some remote areas within different states remain inaccessible and fraught with insurgents' activities.¹⁷ In other areas poor physical and social infrastructure undermines provision of much needed programs that would support development and equity. This also undermines the legitimacy and authority of the state.¹⁸ The legacy of the past conflicts has left a country deeply hurt which requires a comprehensive transitional justice and reconciliation mechanisms to address the grievance and reconcile the nation. This also calls for conflict sensitivity in governance, even while taking steps to restore the rule of law, achieve justice and ensure accountability for gender based and other related crimes.

Law Enforcement

The establishment of effective and professional law enforcement agencies, including the police and prisons force is a precondition for the maintenance of public order and protection of civilians¹⁹. In general, the Southern Sudan Police Services (SSPS) operate under severe challenges which constrain effectiveness and professionalism²⁰. Police services are limited to urban and peri-urban settings as the *bomas* and remote parts of the states lack police infrastructure; additionally many agents are insufficiently trained

¹⁷ Interview with Speaker of the Jonglei State Legislative Assembly November 10, 2011.

¹⁸ Interview with Representative of Pibor County, Jonglei State Legislative Assembly. November 9, 2011.

¹⁹ See Alfred Sebit Lokuj, Abraham Sewonet Abatneh and Chaplain Kenyi Wan, Police Reform in Southern Sudan, *NSI and CPDS Policy Document*, 2006 at <http://www.nsi-ins.ca/content/download/SSR%20Sudan.pdf>.

²⁰ MDTF, *op.cit.*

due to the limited scope of the existing program²¹. It was pointed out that the majority of the recruits into the SSPS were former SPLA and other combatants with little previous opportunity to have training in basic international human rights standards and especially on women rights²². There is little data to support planning and crime prevention, including statistics on SGBV despite its high incidence²³. Gaps in law enforcement have very serious impact on rights and development opportunities for citizens, and particularly for vulnerable and disadvantaged groups, including women, children and persons with disabilities (PWDs). There are significant gaps in so far as capacity for human rights protection and gender responsiveness on the part of police and prisons agents and enforcement of women's and children's rights remains particularly weak²⁴. Other issues raised in interviews relate to the need to demilitarize the police, gap in number of female police, insufficient training of police officers in basic human rights standards and insufficient equipment to support effective law enforcement. Some steps have been taken by RoSS with support of donors to address these issues. Since 2005, the RoSS and its development partners have embarked on a series of reform programmes to promote law enforcement targeting police and prisons. The project implemented by UNDP on behalf of the MDTF from 2007 addresses rehabilitation and construction to establish physical structures for the agencies. A second component relates to standards, policies and capacity development²⁵ covered training and related activities, curricula development and law reforms²⁶.

2.2.2 Gender Dimension to Conflict and Security

Conflict resolution and security remain challenges to promoting gender equality, access to justice and development in southern Sudan. The key security related issues include the following;

Consolidation of State Authority and Effectiveness of Government:

The RoSS has declared its top priority as consolidating its authority and restoring sustainable peace in all parts of southern Sudan. The state however still lacks full presence in different parts of the country. Key state institutions like police, prisons and

²¹ Training completed by April 2010 had reached 1450 prisons officers, 13 non-commissioned police cadets, 16 police and prisons officers plus 30 prisons officers trained as trainers, MDTF, *supra*.

²² Interview with a member of a state Human Rights Commission.

²³ and cattle raids are common in Jonglei states where police services are basically confined to the Bor country and lacking in most parts of Pi Bor Country were cattle raids and child abduction rages on.

²⁴ Interview with unnamed Police Officer, Jonglei State.

²⁵ Multi-Donor Trust Fund-SS Pictorial Magazine Issue No. 2 April 2010.

²⁶ The Police and Prison Bill was drafted and the Police Code of conduct prepared.

other services are largely only accessible in town and urban centers, leaving rural areas under serviced. The rural population, majority of whom are underprivileged women, faces significant barriers to access these institutions due to insecurity, poor roads and inadequate transport system. The poor roads and insecurity also undercut the effectiveness of government and hampers government delivery of available services which undermines its legitimacy.

The prolonged past conflict has also left a legacy of violence and lawlessness which threatens the sustainability of the peace and stability²⁷, impacting on investment, mental health and food security especially for vulnerable groups like women and children. In some states there are fears of outbreaks of inter-ethnic and tribal conflicts due to the physical absence of the government and state institutions.²⁸ The growing conflicts are attributed to ethnic division, revenge killings, cattle raiding, corruption and competition over resources and power struggle.²⁹

Delays in full Implementation of the CPA

The CPA led to cessation of direct military confrontation between the Khartoum government and Juba governments, but tensions continue, causing fear of renewed hostility. During the data collection process the Khartoum government allegedly conducted air bombing raids into refugee camps within the southern Sudanese territories which killed many women and children and also displaced many civilians from their homestead. This renewed hostility is threatening the relative peace and gender gains made so far.

Disarmament, Demobilization and Reintegration (DDR)

There are a large number of ex-combatants who fought for the liberation of southern Sudan. The majority of these former fighters, including women, now require a transformation and support to live peaceful and prosperous civilian lives. Estimates put the number of southern Sudanese requiring DDR programmes at anything between 100,000-200,000.³⁰ The South Sudan Government has developed a comprehensive DDR Program which is designed to incorporate gender consideration. While this program is credited to be unusually inclusive to women combatants and or women associated with the Armed Forces and child soldiers, actual implementation has not been without

²⁷ allegations of rebellion, ongoing recruitments by breakaway factions in Nuer and Pibor communities, and abduction of travelers FGD with adult men in Jonglei state on November 9, 2011.

²⁸ FGD with Speaker of Jonglei State Legislative Assembly November 10, 2011.

²⁹ FGD with youth in Jonglei state on November 9, 2011.

³⁰ The South Sudan Disarmament, Demobilisation and Reintegration Commission (RSSDDRC), a national initiative that has been implemented under the CPA, over the past few years in both northern and southern Sudan, had intended to demobilize 150,000 former combatants from both North and south Sudan see <http://www.RoSS-online.org/magnoliaPublic/en/Independant-Commissions-and-Chambers/Demobilization--Disarmament-and-Reintegration.html>.

challenges.³¹ The majority of former combatants have been integrated within the Police forces and new national armed forces without proper needs assessment and screening. The Hakamas, a group of women singers who used to sing liberation songs to encourage combatants in the Nuba Mountains have been supported to promote peace education in communities across the Southern Kordofan region but this success has not been replicated in other states like Jonglei.³² The women, especially those who accompanied the men fighting as the Batima Battalion, still complain of being unrecognized and say they are struggling to resume prosperous civilian lives.³³ The DDR intervention in Jonglei was alleged to be highly militarized, affected by corruption, and caused great suffering to women and children and did not succeed in ridding demobilizing and reintegrating ex-combatants.³⁴

Prevalence of unregistered light weapons and arms trafficking

An estimated two-thirds of small arms in Sudan as a whole are in private hands.³⁵ Further, many conflicts are settled violently because the communities have guns; many former combatants are still armed and some are implicated in violence against women.³⁶ The prolonged armed conflicts killed, maimed and displaced several civilians inflicting large scale victimization and psycho-social effects. It breached the social fabric and planted seeds of enmity and lawlessness within different communities and groups. Many survivors demanded for accountability and justice including comprehensive reparations.³⁷

2.3. RoSS Policies and Commitments on Conflict and Security

The Comprehensive Peace Agreement (CPA) between the Sudan People's Liberation Army/Movement and the Government of Sudan in January 2005 led to the January 2011 referendum and independence celebrated on July 10 2011. The CPA provided for a complete DDR program for former combatants, withdrawal of Sudanese Armed Forces units from the South, and the establishment of the United Nations Mission in Sudan to

³¹ See *Failures and Opportunities – Re-Thinking DDR in South Sudan*; Sudan Issue Brief, Human Baseline Assessment; Issue No 17 May 2011.

³² See UNDP, Interim Disarmament, Demobilisation and Reintegration for Sudan at <http://www.sd.undp.org/projects/cp4.htm> accessed on February 18th 2012.

³³ Interview with Chairperson Women's Association of Jonglei State November 8th 2011.

³⁴ Interview with Speaker of Jonglei State Legislative Assembly November 10th 2011.

³⁵ See Henry Myrntinen and Kate McInturff, *Gender, Small Arms and Development: The Case of Southern Sudan* (April 2008).

³⁶ Various interviews with key informants, including senior government officials. This was corroborated by experience of the team while collecting data, reflected in a case study of forced marriage involving a very senior former combatant.

³⁷ FGD with adult women in Bor County, Jonglei on 9th November 2012.

oversee the implementation of the agreement. The SPLA became the official armed forces of southern Sudan with provision for disbanding and integration of other armed groups into it.

Promoting peace, conflict resolution and security are key commitments of the RoSS under Part III and Chapter I of the Transitional Constitution of the Republic of Southern Sudan (TCSS) as a fundamental political objective and guiding principles for all levels of government and their organs, institutions and citizens of southern Sudan³⁸. Article 36 (3) TCSS stipulates that the security and welfare of the people of South Sudan shall be the primary duty of all levels of government. The SSDP pillar on Conflict Prevention and Security - (Deepening Peace and Improving Security) further defines the commitments of the RoSS to address gender considerations on this issue. The South Sudan Government has developed a comprehensive Disarmament Demobilization and Reintegration (DDR) Program which is designed to incorporate gender consideration and is considered to be unusually inclusive to women combatants and or women associated with the Armed Forces and children soldiers.³⁹ UNDP and an INGO, Saferworld, are the two lead agencies supporting RoSS to implement its DDR program, which started under the UNDP Interim DDR program and SSDDR Program. Despite the gender responsive provisions in the CPA and SSDP the practice on the ground has not been as inclusive and has seen women ex-combatants forced to disarm or being ejected from the forces by their male counterparts.⁴⁰ The war changed the roles of women and men. Though most of the population suffered and contributed to the war effort, power shifts have led to decline in status and recognition of key groups like women, some ethnic groups, civil society and civilians in general, *vis a vis* groups dominant in politics and the military. Implementation of DDR is said to be gender-biased in favor of male ex-combatants negating the strong commitment to gender-responsiveness written into the policy.

2.4. International and Regional Standards on Conflict and Security

The international community has become increasingly aware of the inter-linkages between gender security and development, reflected in the adoption by the UN Security

³⁸ Specific commitments are to (a) promote and consolidate peace and create a secure and stable political environment for socio-economic development; (b) initiate a comprehensive process of national reconciliation and healing that shall promote national harmony, unity and peaceful co-existence among the people of South Sudan; (c) inculcate in the people a culture of peace, unity, cooperation, understanding, tolerance and respect for customs, traditions and beliefs of each other; and (d) mobilize popular energies and resources for reconstruction and development.

³⁹ See *Failures and Opportunities - Re -Thinking DDR in South Sudan*; Sudan Issue Brief, Human Baseline Assessment; Issue No 17 May 2011.

⁴⁰ Ibid; For example Women in Aweil were ejected by the Male Commanders.

Council Resolution 1325 on Women, Peace and Security⁴¹ and the Geneva Declaration on Armed Violence and Development. Resolution 1325 addresses the disproportionate and unique impact of armed conflicts on women, recognizes the under-valued and under-utilized contributions women make to conflict prevention, peacekeeping, conflict resolution and peace-building, and stresses the importance of their equal and full participation as active agents in peace and security. Regional mechanisms of the African Union to which South Sudan is a member have similar principles.

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa⁴² affirmed fundamental civil and political rights, economic, social and cultural rights, the rights to development and peace; and sexual and reproductive rights for all women. The Protocol sets standards for addressing public and private violence against women including governments to take appropriate measures to punish perpetrators of violence against women. The international and regional instruments give guidelines RoSS can use to address conflict and security particularly in implementing programs to eliminate the gap on the ground with commitments and plans.

2.5. Challenges and Recommendations Regarding Conflict and Security

Overall, the key challenges in South Sudan regarding conflict and security relate to the fragility of the peace due to external and internal unresolved differences, marginalization of some groups like women in DDR implementation and limitations of capacity and resources to support transition from conflict to security.

Important opportunities do exist, however. There is a positive constitutional and policy framework including the DDR program that is well designed and gender-responsive as drafted. There is also considerable support of various actors such as the international community, civil society and the goodwill of South Sudanese citizens themselves.

With strategic leadership, South Sudan can focus on building an inclusive, united society and managing post-conflict transition through investing in security, rule of law and transitional justice, productivity and food security. Inclusiveness should address gender, youth ethnicity, civilian, elderly and other groups concerns.

Recommendations:

⁴¹ 31 October 2000.

⁴² entered into force on 25 November 2005.

1. Full implementation of the CPA vision is important to consolidate state legitimacy and authority in all parts of South Sudan.
2. Political leadership of RoSS should ensure a credible and gender inclusive process of accountability and national reconciliation to promote healing, unity and peaceful co-existence.
3. RoSS should prioritize measures to restore security and integrate programs for return of SALW into the broader development and reconciliation initiatives by addressing security and livelihood concerns.
4. RoSS should prioritize implementation of international and regional (AU) human rights commitments⁴³ to translate gender equality and peace-building into concrete actions and programs.
5. Existing regional mechanisms like the AU and IGAD should be used to mediate relations between RoSS and Sudan.
6. The Gender Ministry should provide and resource a women's peace forum to facilitate inter-community dialogue. It should link women groups to community and cultural leaders, activists, security agencies, and others.
7. There is need to adopt measures to share knowledge on existing standards, practices and lessons on gender, SALW control and development at all levels in South Sudan.
8. In a society in transition from war and conflict to peace and reconciliation, support to peace building and conflict management is inseparable from building local democracy. This is discussed in more detail in the next section on Political Governance.

2.6. Political Governance

Political governance relates to establishing a practice of accountability to the people, and promoting a sense of nationhood⁴⁴ through representative, accountable, effective government. Two key dimensions of political governance are the relationship between governance structures on the one hand which provide the framework of political governance, and the relationship between government and citizens on the other as the environment enabling citizen's engagement in governance. Political governance impacts on women and men equally as citizens but in addition, women and girls are often impacted more due to vulnerabilities related to gender differences. Women and men are beneficiaries of accountable, democratic governance, and women are more vulnerable than men in the event of any governance failure.

⁴³ Such as under CEDAW, CEVAW, Beijing PFA, UN Resolution 1325 and the AU Maputo Protocol.

⁴⁴ AusAid: Pacific 2020 Background Paper: Political Governance.

In addition, strengthening political governance is very much dependant on building local democracy, as most challenges to gender equity start from local and household levels.

2.6.1 Key Political Governance Issues

Key political governance issues of concern in South Sudan include the following:

Democratic Space for Effective and Inclusive Participation

Effective participation is impacted by issues related to democratic space. As the main liberation army, the SPLA has emerged with considerable political capital. As a post-conflict state, building democracy and broader citizen participation in governance is related both to gradual ceding of power to civilian control and to building tolerance for pluralism. Concerns mentioned related to building a political culture of democratic dialogue in which, alternative political views are recognized and given space and transitioning to civilian control and meritocratic systems in the post-conflict era as foundations for development and productivity⁴⁵. This needs to be built from the bottom-up, that is, from household to community levels upwards.

Citizens' Political Participation

Political participation may be exercised by civic engagement through voting in elections, holding office and influencing public decision making for example, by advocacy on laws, policies and resources. Various elective offices exist at national and state levels in South Sudan. These include positions in national and state legislative assemblies and on local councils within each state. Besides participation in elective processes, citizens may also seek to influence public policy through civil society engagement or media.

In general, both men and women do not prioritize citizens' participation in government affairs except for some civil society actors. *'Political participation is for the educated and since most of us are not educated, how do we become leaders?'*⁴⁶ Most citizens' engagement stops at voting for members of parliament. Citizens' effective participation in governance is undermined by capacity issues including low education, literacy and civic awareness, poverty and socio-cultural beliefs. These affect majority of the population, and more so for women. Women feel their voices may not be heard as principally men are the decision makers. *'We have the laws in place but many decisions*

⁴⁵ ICA-Sudan report – distortions such as corruption or patronage have adverse implications for productivity.

⁴⁶ female respondent, Miniki Village, Central Equatoria State.

*made by the cultural leaders. Their decisions are highly respected and play a vital role in conflict resolution, community mobilization and development'*⁴⁷.

Table 2: Registered Voters by State and Sex

State	No of Registered Voters	Women %	Men %
Central Equatoria	537,054	56.9	43.1
Eastern Equatoria	636,774	56.3	43.7
Jonglei	556,980	51.4	48.6
Lakes	383,159	50.8	49.2
Northern Bar El Ghazal	457,789	49.1	50.9
Unity	522,196	64.9	35.1
Upper Nile	425,861	55.5	44.5
Warrap	636,741	50.2	49.8
Western Bar El Ghazal	213,151	57.3	42.7
Western Equatoria	321,183	54.5	45.5
Total	4,690,888	54.7	45.3

Source: Statistical Year Book for South Sudan 2010:2011

It is evident from the above statistics in table 2 that women are the majority (averaging 54.7%) of registered voters across south Sudan, and represent a higher percentage of voters in 7 of the 8 states, (the exception is Northern Bar el Ghazal where they are 49.1%⁴⁸).

2.6.2 Gender Gaps in Political Governance

Gaps in governance affect both women and men, but women suffer more. This is due to gender roles that place more responsibility for women in provision of basic services like water, health and food preparation in the household and community and due to women's role in care of vulnerable family members like children, the sick and elderly. Women's lower social status in South Sudan reduces their voice and influence in public decision making and makes them more dependent on decisions by existing structures,

⁴⁷ Interview Member of Parliament - Jonglei State

⁴⁸ *Statistical Year Book for Southern Sudan 2010*.

hence increasing the importance of effective governance institutions including for their wellbeing.

Low-Representation of Women in Decision making and Politics:

As a federal state leadership structures exist at national and state level, and below state level in counties and *payams*. Few women have been elected to leadership from local to federal positions, as illustrated in table 3, and majority of these only get through on reserved seats. For example, Upper Nile state has 10 women MPs out of 45 MPs, 9 of whom are on reserved seats and 1 elected directly.

Table 3: National Legislative Assembly by Sex

Legislative Assembly by Sex				
#	State	Male	Female	Percentage of female (%)
1	Central Equatorial	14	9	39.1
2	Eastern Equatorial	14	5	26.3
3	Jonglei	20	8	28.6
4	Lakes	7	7	50
5	Northern Bar El Ghazel	11	4	26.7
6	Unity	8	4	33.3
7	Upper Nile	13	7	35
8	Warrap	12	8	40
9	Western Bar El Ghazel	5	1	16.7
10	Western Equatorial	9	4	30.8
	South Sudan	113	57	33.5

At the national legislative assembly level women make up 33.5 % of the total number of legislators, this is 8.5 % above the 25% mark. This land mark was achieved because some states like the Lakes state elected women beyond the required constitutional

provision. Other states like Warrap, Upper Nile and Central Equatoria also recorded high representation of women in the NLA beyond the 25% mark.

At the governorship level, there is presently only 1 female governor out of the 10 governors in the entire country. Given that it is at the state level that development programs are designed and implemented, gender responsive programmes may not be implemented unless the MOGCSW designs adequate measures to monitor sector interventions. There is only one female County Commissioner against 81 male commissioners. At the cabinet level women make up 17% of cabinet ministers against their male counterparts who make up the majority 83%. It is at the Deputy ministerial level where women's representation is slightly higher at 37% against 63% males.

Clearly, despite women's higher representation in the voting population, they have not yet achieved parity in access, participation and influence in political spaces.

Socio-cultural and Economic Barriers to Women's Political Participation

While there is affirmative action for women in politics in the constitution, societal structures and socio-cultural norms prevail. *'Women and men have internalized that leadership is for men and not women'*⁴⁹. Females interested in leadership have to overcome gender bias at all levels of leadership (local to national) and from school to public office. Indeed, boys' negative attitudes towards girls' public speaking was observed as boys frequently interrupted them in group discussions during the study. *Concerning gender equity, the females see that the men are` leaders and women the supporters. A word which comes from a man is final'.*

Access to education is severely reduced by cultural practices like early and forced marriages. Many women have limited education and are not able to read and write which creates barriers to public spaces and leadership.

*'The girl child's role models are women political leaders and most of these were in the army during the war. We have few professional women in economic, social and health sectors and this is mainly because of the low literacy levels among women'*⁵⁰.

Women don't have adequate resources to support themselves during campaigns, including financial resources and social support. *'The men say, "When I married you, I married you with all your hands hence what you produce is mine"'*⁵¹. Entrenched gender roles and responsibilities remain barriers to women in political leadership.

'Our culture has not changed. There are duties for women and duties for men. In our culture women have to be at home, provide childcare and look after men, they also cook and these are still

⁴⁹ A key informant.

⁵⁰ Chairperson, Women's Association - Jonglei State.

⁵¹ a female FGD participant, Upper Nile State.

with us. Men's roles are to take all decisions and give orders. Women cannot make decisions and give out orders. Women do a lot of work as men just give instructions⁵².

Table 4: Obstacles to women's representation in councils

	REPRESENTATION BY;	
	Number	%
Illiteracy and low education	6	32%
Discrimination.	7	28%
Women's Labour Exploitation	4	16%
Childcare	2	8%
Women fear to participate	2	8%
Domestic work	1	4%
Other	1	4%
Total	25	100%

(South Sudan CGA, field research)

Lack of Enabling Environment for Gender Mainstreaming

For women who manage to break through into leadership, the environment in political structures limits their ability to participate effectively in political decision making process. Specific institutions cited are some state legislatures, the judiciary and the federal Ministry of Justice. *'There's little respect from many male legislators, some are still uncomfortable with the presence and view point of female legislators in the house'* (a female MP). There is limited awareness of women's rights/gender mainstreaming and strong resistance to prioritizing affirmative action in a post-conflict context – a commonly expressed view is *'Everyone suffered in the war, why only consider women?'* There is low capacity to mainstream gender through enacting gender sensitive laws and oversight of government policies and budgets among elected leaders. This includes women and in parliamentary structures like specialized committees responsible for gender. Legislators also lack sufficient technical support staff. There are not enough programs that support leadership skills building for women in elective office particularly at state level or to build capacity of existing structures (like parliamentary committees) to gender

⁵² Official, Ministry of Education, North Bar el Gazal State.

mainstream. Given the role of states in service delivery these are strategic area to prioritize.

2.6.3 RoSS Policy and Commitments For Political Governance

Women's Participation in Politics:

The RoSS has taken some steps to strengthen women's participation at the political level. Women have the constitutional right to participate equally with men in public life⁵³ at federal and state level in all government structures whether elective, appointive or judicial. Under the Transitional Constitution all levels of government are required to promote women's participation in public life and their representation in the legislative and executive organs by at least 25% as an affirmative action⁵⁴.

The Governance Pillar of SSDP underscores the need for a policy and regulatory framework that supports programs which include promoting women's participation in public decision making processes and encouraging youth participation through the Youth Parliament. A selection of key ministries and entities are mandated to ensure youth considerations in their programs.⁵⁵ SSDP states that political inclusion in which Southern Sudanese regardless of ethnicity or **gender** can meaningfully participate in the political process is essential. The SSDP thus, reinforces the Transitional Constitution and proposes the following important considerations:-

1. A minimum representation of 30% for women in decision-making positions at all levels.
2. Support programs to address negative customs and practices which continue to encourage women's marginalization and exclusion from all spheres of life.
3. Support for and enhancement of women's effective political participation and leadership at all levels.

There are various initiatives by different actors⁵⁶ to support gender equality in politics and decision making. Some structures have been created within legislatures like the Gender and Child Welfare of Committee of Parliament provide entry points for gender mainstreaming. This is a useful body that can facilitate the legislative process in concert with the Ministry of Gender and Child Welfare in identifying

⁵³ Article 16(3) of the Transitional Constitution.

⁵⁴ Article 16(4) supra.

⁵⁵ With regard to the Youth the SSDP proposes that the South Sudan Legislative Assembly (SSLA) the Ministry of Presidential Affairs (MoPA) are mandated to ensure youth visibility, empowerment and participation in national processes. Other Ministries and entities which are mandated to prioritize Youth issues into their development plans include:- Ministry of Labor and Public Service (MoLPS), Ministry of Human Resource Development (MoHRD) and the South Sudan Center for Census Statistics and Evaluation (SSCCSE).

⁵⁶ The actors include MoGCSW, political party women's leagues, women's councils, women NGOs and development partners exist

areas for legislative reform.

2.7. Comparative Best Practices in Political Governance

Many African states have experiences promoting engendering political governance. All EAC partner states have entrenched affirmative action provisions ranging from reserved seats for women⁵⁷ to mandatory women-only party lists⁵⁸ in national constitutions to promote women in leadership from local to national level positions⁵⁹. In Burundi, Rwanda, Uganda and Tanzania which have used affirmative action provisions for a number of election cycles, the constitutional provisions have led to increased women's representation in local and national elective structures to between 25- 52% and ensured at least one-third women's representation in the EAC legislative assembly⁶⁰. While there is a deliberate policy of affirmative action in constitutional bodies and cabinet posts in EAC states, only Rwanda has come close to achieve gender parity in political leadership.

Nigeria has had good examples of civic action to increase women's participation in politics since 1999 when democracy was restored. Women advocated for electoral and constitutional reform, greater transparency and accountability in government, and built capacity to prevent and manage conflicts among interest groups. In 1999, five women's coalitions worked with CEDPA⁶¹ to train women leaders and activists in the basic tenets of democracy and on issues affecting women. Issues covered in the "Transition to Democracy" workshops covered women's personal, human and legal rights; democratic principles and institutions; voters' ability to create change; elections; issues-based campaigns; women's practical interests versus strategic interests; campaign planning; mobilizing for advocacy; mediating conflict; and advocacy through the mass media. Workshop trainees then replicated them through a series of workshops at the regional, state and local levels. Voter education meetings were held in communities to discuss principles of democracy, public participation, women's political empowerment, electoral regulations and voting procedures, and transparency and accountability. Local women's groups assisted women to register to vote, distributing candidates and party lists, getting more than 750,000 people registered as voters.

In 2007, women voters were mobilized to increase their turnout and help put women's concerns on the election agenda by holding a

Using multiple approaches, the Women in Transition project in Rwanda has increased female empowerment and participation in community decision-making processes by supporting women's associations, meeting housing and other basic needs, income generation through women's communal funds, building inter-ethnic trust by bringing women from different ethnicities together and encouraging local political advocacy and participation. The project's impact on women and their families in Rwanda includes reduced tensions and better inter-community trust, opportunities for microenterprise initiatives, and women's increased participation in new political structures¹.

⁵⁷ Burundi, Kenya, Rwanda and Uganda.

⁵⁸ Kenya and Tanzania.

⁵⁹ EAC Occasional Papers, Let Us Talk About Political Federation.

⁶⁰ Kenya's affirmative action provisions, enacted in 2010, were introduced after the last elections in 2007.

⁶¹ An INGO which does women's leadership training.

Women's Summit for government officials, women leaders, grassroots groups with broad community reach, and key religious leaders from the Christian and Muslim faiths. After it, women's participation was mobilized through partnerships between women voters, community activists and women's organizations. In the 2011 elections, a coalition of 100 women's organizations worked with CEDPA building on the work in previous elections to do more mobilization of women.

In Nepal, preparing women to engage in political processes when peace was restored was done through a post-conflict workshop series that outlined possible post-conflict political processes and methods for women to engage in these processes to advance women's leadership and created an opportunity for comparative learning. Women experts on legal and constitutional issues from South Africa and Kenya shared women's experiences in the constitutional drafting process in their countries. After the workshops participants formed Women Act, a network of over 36 women's NGOs and NGO networks to mobilize and influence political processes. The network drafted a Woman's Charter for inclusion in political parties' manifestos and in the new constitution; they conducted training on the charter targeting the national constitution-making body as well as public sensitization and advocacy through radio and a website.

Some steps needed to support women candidates include:

- *Training women candidates in leadership, campaign skills, constituency-building, fundraising, public speaking and the requirements of office;*
- *Assisting women candidates to enlarge their base of support and understand their constituency's needs and priorities;*
- *Advocating that political parties support women candidates;*
- *Helping women candidates develop campaign themes relevant to women voters; and*
- *Encouraging elected women leaders to support each other through mentoring and public statements.*

CEDPA Handbook: Bringing Women into Governance, 2006⁶².

2.7.1 Challenges and Recommendations for Political Governance

Overall, challenges in RoSS in Political Governance emanate from changed gender roles, power shifts and relations to post-war affecting ethnic communities, interest groups like women, levels of government, and institutions. These increase the complexity of governance and nation-building. Key concerns exist about equity, accountability, openness and inclusiveness.

The existing national commitments at the highest policy levels (Constitution), and high level allies supportive of gender equality including political figures, (*Some male*

⁶² <http://www.cedpa.org/section/publications?topic=28>

legislators are sympathetic to the plight of women and give us space to talk⁶³) and significant interest from development partners and local women organizations all represent important opportunities to achieve gender goals in political governance.

2.8. Recommendations:

1. The government of RoSS and Gender Ministry should institutionalize programs to develop capacity in gender, leadership and management;
 - a) It should develop stand-alone programs to support legislators especially women politicians, parliamentary committees and commissions.
 - b) It should coordinate and build into existing trainings (e.g. for Cabinet) of other RoSS departments, development partners and civil society.
2. The Gender Ministry should support growth of autonomous women civic organizations and processes, and their participation in national processes to strengthen women's engagement in public policy making. For example, women organizations plan to form a network and improve coordination.
3. The Ministry of Gender should coordinate with NGOs and other civic organizations to support women's political participation by:
 - a) Mobilizing women to increase their political influence and activism through membership of associations, civic organizations and political parties;
 - b) Providing leadership training and networking platforms for potential women leaders interested in competing in national, state and lower level structures;
 - c) Engendering the electoral process through reform of election laws and encouraging women's participation in election administration and monitoring; and
 - d) Regular, systematic civic and voter education from local to national levels.

2.9. Public Sector Management

2.9.1 Key Public Sector Management issues in RoSS

Establishment of key Public Sector institutions on-going

The Public Service which is the executive arm of government is globally acknowledged as the tool available to African governments for the implementation of developmental goals and objectives. Since the CPA and independence, the RoSS has had remarkable progress in establishing institutions under the three branches of government, executive, legislature and judiciary at both national and state levels. The Executive arm of the RoSS currently comprises a total of 29 ministries. At state level there are approximately

⁶³ Female legislator, key informant interviews.

an equal number of corresponding ministries. RoSS has established all basic ministries and some key specialized agencies, many of whose mandates are relevant gender equality. A number of these agencies like the Human Rights Commission, Law Reform Commission and South Sudan Public Grievances Chamber are just being established or not yet functional.

While the public sector in South Sudan is still nascent it is affected by issues related to accountability, inefficiency, patronage, corruption and institutional capacity, undermining effectiveness. The capacity of RoSS to deliver services and achieve any national policy goal, including to mainstream gender depends on institutional capacity of government – financial, managerial and technical.

Analytical and Technical Capacity:

There are indeed highly qualified civil servants at federal and state levels committed to building South Sudan. On a positive note, competitive terms and conditions of service for civil servants upstate are sufficient to attract qualified professionals. Many highly qualified and experienced South Sudanese returned from the *Diaspora* to contribute to national development, and a few states are tapping this resource. However, there are significant managerial and technical skills gaps which may be partly influenced by levels of education and recruitment patterns. There are allegations of patronage and complaints that the DDR, which is meant to achieve social equity for demobilized veterans, has resulted in job placements that do not match qualifications or technical capacity⁶⁴.

Quality of Public Sector Management:

The effectiveness of public sector management processes and performance appears to be uneven across sectors and levels of government. Some departments are viewed as well performing and highly professional, but others are not. There are challenges in transparency and openness to ordinary citizens. Engagement with independent CSOs is less supportive than required to enable participation in public processes, including accessing official information⁶⁵. There are also complaints about corruption linked to lack of adequate delivery of services. The upcoming planned constitutional review process is an opportunity for government to engage civil society and citizens in a key national process.

⁶⁴ Article in the Economist 3rd Feb 2011: *South Sudan Future; Now for the hard part.* ‘ “A few educated technocrats have been drafted in and some Ministers are impressive. But the talent pool is shallow, and many of the hardened generals resent outsiders. “Did you fight?” they ask. “No blood, no job.” ’. The Economist further claimed that half of the civil servants lacked primary education.

⁶⁵ Examples given by NGOs were getting access to the government draft gender policy, the new law on NGO management, and activities related to women. The CGA team faced similar challenges in accessing information in some departments.

2.9.2 Gender Issues in Public Sector Management

Low Representation of Women in Public Service:

There have been attempts, boosted by the 25% constitutional provision, to increase the number of women in public service. Still the number of women in the civil service remains low compared to men especially in mid-top management positions (except in the Ministry of Gender Child and Social Welfare which has a number of women in senior positions). As the civil service is the largest employer in South Sudan, low representation of female civil servants impacts on employment opportunities for women, and given its central role in service delivery and existing gender bias among some male civil servants, this also can potentially affect gender mainstreaming in public service delivery. Although generally lower standard of education and lack of technical experience continues to undermine female employment and promotion 'To deploy and promote someone they should have the necessary levels of education standard most women don't have the required standards⁶⁶', bias does exist and affects even those who are qualified.

Low Institutional Support for Gender Equality:

Institutional practices and perceptions of gender have has an effect on conditions in the civil service. While some senior officials or political leaders support gender equality there is also pervasive gender bias for example in one department allocation of motor vehicles discriminated against female civil servants at the same professional level. Other concerns about unequal treatment relate to access to training opportunities and condescending attitudes towards women. This is contrary to the Transitional Constitution⁶⁷ which stipulates that women shall have the right to equal treatment and equal pay for equal work and other related benefits with men. Female staff also indirectly lose out on training and other opportunities that target senior staff, because most of these are male⁶⁸. Thus, lack of gender parity at senior levels may have the added effect of widening gender gaps in qualifications without affirmative action applied to the training strategy. There also is insufficient gender training for civil service, including for the key sectors of Gender and Social Welfare, Health, Finance, Education, Legal Affairs, and in law enforcement agencies like the police and academic institutions.

Consequently, but also due to socio-cultural perceptions, there is very limited appreciation of gender-responsive planning based on different needs of females and males including in key sector ministries. There is a general misconception that gender

⁶⁶ Interviews in Juba.

⁶⁷ Article 20, thereof.

⁶⁸ For example, the Ministry of Legal Affairs had only two women out of sixty staff trained in 2011 because there are currently only two at the senior level at which initial training was done.

is only about women's issues resulting in gender issues getting dismissed as not being relevant. The impact of this is that efforts in mainstreaming gender are thwarted right from the inception and planning stages. This has the effect of denying women equitable access to services and resources and also to reduce effectiveness of government programs to achieve national development targets.

Capacity of Government institutions to Mainstream Gender:

There are very strong policy commitments by RoSS to mainstream gender. Various legal and policy instruments recognize the relevance of gender equality to achieve national development targets. However, there is inadequate analytical or technical capacity to translate commitments into gender-responsive policies, plans, programs and budgets and actual service delivery including in critical sectors. Gender disaggregated data from majority of key sectors like agriculture, productivity and labor, health, education, infrastructure, security, commerce, and trade), quality analysis and resources (human, financial, technical) is insufficient to enable gender-responsive planning.

2.9.3 *RoSS Policy and Commitments For Gender Responsive Public Sector Management*

SSDP expresses commitments relating to public sector management. The Public Administration Sector under the Governance Pillar attempts to address all cross cutting issues including gender equality and proposes as a way of enhancing inclusion establishment of a Gender Equality Policy for the Public Service.⁶⁹

The government has set up an institutional framework to support gender-responsive public sector management. This includes the Ministry responsible for Gender (MoGCSW) and state ministries with similar mandate to promote gender mainstreaming. The MoGCSW is in the process of establishing gender focal points in all Ministries as a strategy to achieve commitments on gender equality.

2.9.4 *Best Public Sector Management Practices*

Example can be drawn from a post-conflict country of how coordination between

⁶⁹ Ibid Table 16 at page 60 .

government, development partners, and CSOs can help build capacity of government agencies. In Nepal, an INGO CEDPA with local women organizations has trained and sensitized on gender inclusion in post-conflict situations. This training has been done for key government bodies like the national constitution-making body, the Ministry of Peace and Reconstruction, the Peace and Gender Focal Points in all of Nepal's national-level ministries, and local government. Training is tailored, for example, training for the Ministry of Peace was on gender and social inclusion, and for the constitution-making body was on the women's charter developed by a national women's network. The Nepal Government Citizenship Partnership Project supported by USAID/ARD trains local governments, organizations and groups to enhance governance, small infrastructure and peace building. The training included capacity building and training of trainers workshops for district level leaders and built local level advocacy skills from the village to district government levels to ensure sustainability⁷⁰.

2.9.5 Challenges and Recommendations for Public Sector Management

Overall gender imbalance in the public sector remains a barrier to gender mainstreaming in Public Sector Management. Challenges in resource management, performance and capacity, ethics and corruption, also present barriers. Important opportunities lie in existing positive commitments in the SSDP and CPA vision on gender equality and public service delivery, and structures such as the Ministry for Gender to work towards a professional and knowledgeable civil service with capacity to deliver public services. Global principles for public sector reform can also give guidance.

Public sector reforms in South Sudan should be anchored on the globally accepted principles of efficiency, representation, participation and accountability⁷¹. The four broad elements of good governance elaborated by the World Bank⁷² below, should be promoted in bringing about public sector reforms that directly address gender inequalities and injustices within the civil service as well as in the outcomes and impact of government programs. These elements include the following;

- ✚ Public sector management emphasizing the need for effective financial and human resource management through improved budgeting, accounting and reporting, and rooting out inefficiency particularly in public enterprises;
- ✚ Accountability in public services, including effective accounting, auditing and decentralization, and generally making public officials responsible for their actions and responsive to consumers;

⁷⁰ CEDPA Handbook: Bringing Women into Governance, 2006
<http://www.cedpa.org/section/publications?topic=28>

⁷¹ This is the vision of public sector reforms being pursued by World Bank and other donors in Africa.

⁷² 1989, 1992.

- ✚ A predictable legal framework with rules known in advance; a reliable and independent judiciary and law enforcement mechanisms;
- ✚ Availability of information and transparency in order to enhance policy analysis, promote public debate and reduce the risk of corruption.

Recommendations:

1. The capacity of Ministry of Gender should be strengthened to spearhead gender mainstreaming in terms of human and financial resources and structurally through rolling out gender focal points to all ministries.
2. The Government and particularly Public Service Ministry should institute standardized, merit-based recruitment policies while bearing in mind the constitutional provisions on affirmative action for women.
3. Public Service Ministry should expressly seek gender parity in civil service in numbers and rank through deliberate recruitment. It should also prioritize training and coaching/ mentoring of all women staff in leadership, management and technical skills.
4. Public Service Ministry should address merit and gender equity in management of DDR-related recruitment into public service. Training could be incorporated into DDR to equip those to be recruited prior to entry and subject them to standardized process and requirements as other candidates to civil service.
5. Ministry of Gender should prioritize engendering public service induction and training as a strategy to mainstream gender in all government bodies.
6. Specific quota provisions should be included in a National Gender Policy to strengthen the quota laws. This will reduce varied interpretation, reduce discretion and clarify implementation for example with regard to branches of government, ranks of civil service and so on.
7. Ministry of Gender, Public Service ministry and the statistics agency should create, make available and periodically update a data base of qualified women.

2.10. Accountability

Accountability has been defined as: accounting for services delivered by policymakers and providers to clients, and a stronger voice of poor men and women towards policymakers and providers in return for the delegation of tasks, power or resources to policymakers and providers⁷³. It is closely related to Political Governance and Public

⁷³ Lawson and Rakner: Understanding Patterns of Accountability in Tanzania. Final Synthesis Report. August 2005.

Sector Management. Accountability is a key element in post-conflict transition and has implications for protecting human rights and promoting development⁷⁴.

2.10.1 Key Accountability issues in RoSS

In South Sudan, the key issues concerning accountability relate to minimizing corruption, and building greater transparency and responsiveness of all arms of government especially the Executive and Judicial organs to ensure inclusive, equitable development for all citizens. As observed in the SSDP, governance matters in South Sudan because *'historically government has been perceived to be authoritarian, unjust, non-inclusive and non-accountable...'*. The second aspect of accountability relates to the demand side, which is about capacity of citizens to push for delivery by government, including through civil society organizations.

Government Capacity

There has been some progress in promoting accountability in government. Accountability agencies have been established. They include:- South Sudan Anti Corruption Commission (SSACC)⁷⁵; South Sudan Audit Chamber (SSAC)⁷⁶; South Sudan Centre for Census, Statistics and Evaluation (SSCCSE); Fiscal and Financial Allocation and Monitoring Commission (SSFFAMC)⁷⁷ and Ministry of Finance and Economic Planning (MoFEP). There has been a Public Grievances Chamber⁷⁸ (SSPGC) – the *Ombudsman* office - since 2006. In addition, broadly, all three arms of government are responsible for ensuring accountability and responsive governance. The Office of the President is expected to provide support and leadership to ensure establishment of proposed systems and structures and creating an enabling environment for sector objectives related to accountable government and fighting corruption.⁷⁹ The national and state assemblies' legislative, representative and oversight mandate gives them a significant role and power to ensure accountability. Agencies in the Rule of Law sector like the police and judiciary have roles that are supportive of accountability by delivering justice.

To minimize corruption, efforts are underway to ensure greater transparency in the formulation of just and effective policies and legal frameworks including constitutional

⁷⁴ World Development Report: Making Services work for poor people. World Bank/Oxford University Press, Washington: 2003. http://www-wds.worldbank.org/servlet/WDSCContentServer/WDSP/IB/2003/10/07/000090341_20031007150121/R/endered/PDF/268950PAPER0WDR02004.pdf.

⁷⁵ Article 143(1) of the Transitional Constitution.

⁷⁶ Article 184, *supra*.

⁷⁷ Article 179, *ibid*.

⁷⁸ Article 147(1), *ibid*.

⁷⁹ See SSDP on the Executive Functions of the President at page 57.

provisions, strengthening of public financial management, systems, structures and mechanisms for coordination of government through effective performance management procedures and strengthening capacity of oversight institutions which are currently very weak and lack adequate legal backing. Focus is on establishing and strengthening among other things the principles of transparency and accountability through the Southern Sudan Audit Chamber (SSAC) and other agencies, and transparency through the collection/dissemination of information and public disclosure of audit reports and budget execution reports in the operation of Government systems and administration.

Despite the above plans and strategies, lack of respect for systems introducing accountability measures by all levels of government remains a challenge. Areas cited include:- judicial resistance to legislative oversight and inadequate attention to making justice accessible to the people (discussed in more detail in section on Access to Justice); inadequate openness and transparency of governance institutions to citizens, as a result of which it is a challenge to access information for groups like civil society; and insufficient action to prevent corruption and patronage, including in political appointments which was termed 'liberators mentality' by a number of respondents⁸⁰. Accountability is linked to the issue of ensuring public service delivery and optimal public expenditure. *'There is much waste for example, buying huge vehicles when there is very low service provided'*⁸¹. Gaps in transparency, responsiveness to citizens and service delivery are viewed as inter-linked. *'How are citizens viewed by the state – youth, women etc – the majority are very poor. What development program is planned to help them get employment, income, other opportunities'*⁸²? While agencies to promote Accountability have been set up many like the SSPGC are still not fully functional, nor well known or accessible.

There is some concern expressed especially, but not only by state legislatures of imbalanced relationship between the federal and state levels of government. This was described in terms of states having insufficient budgetary allocation and public expenditure relative to the national level in view of their responsibility for service delivery, and also of inadequate checks and balances and separation of powers between the three arms of government. In particular, legislators expressed concerns about accountability of the Executive and Judicial arms of government⁸³. This is a significant challenge as parliaments are potentially a key accountability mechanism when they have a strong role in planning, budgeting and monitoring of public expenditure.

⁸⁰ Interviews in Central Equatoria, WBG, Jonglei and Juba.

⁸¹ Key informant, senior government official.

⁸² Key informant, senior government official.

⁸³ Various key informants, FGDs.

*Civil Society Engagement*⁸⁴

The MTDF-SS was designed to contribute to building administrative capacity but progress has been slow and international and national NGOS are finding it difficult to raise adequate funds, thus strengthening civil society is very important and critical especially to strengthen the lower levels of governance at *payam* and *Boma* levels.

There is a huge need for multiple stakeholder support to RoSS to address the high levels of poverty, marginalization, exclusion, weak governance systems and structures. There is therefore a need for a range of actors including civil society and development partners to participate in and contribute to national development. Civil Society Organisations (CSOs) in South Sudan include the Faith Based Organisations (FBOs), Community Based Organisations (CBOs), National and International Non-Governmental Organisations (NGOs), Professional Bodies, the Media and the Academia.

However in its current nascent state, civil society in south Sudan is still weak and fragmented and struggling to define its place and niche in the post conflict era. Many organizations and local institutions are characterized by unstable leadership and low capacity and their experience generally relates to humanitarian assistance and service delivery. At the height of the conflict civil society organizations like NGOs were mostly formed on the basis of the urgent need to provide humanitarian services as a way of complementing the UN and other international interventions. Post-war most of the focus has now shifted to post conflict recovery and long term development interventions. While RoSS and International organizations have made a shift in their programme priorities, many CSO's have not made this shift from humanitarian work. This is a challenge for advocacy and the demand for change and accountable governance. Few organizations clearly know the intricacies of long term programming and human rights approaches to development. A number of NGO's are also not autonomous nor independent enough to promote independent voice because of their intimate linkages with government.

Whereas civil society, and especially women organizations can be effective watchdogs to ensure gender accountability, the environment for civic engagement is not sufficiently enabling in terms of openness and responsiveness of public agencies, there are relatively few effective local CSOs demanding accountability and networking is not yet strongly developed. The need to support the development of a strong civil society has with a few exceptions been given low priority.

Given the few numbers of organized women-related local civil society actors like the SSWLA and SSWEA *vis a vis* the development challenges there is a move towards

⁸⁴ Civil society is described as the arena outside the family, the state and the market, where people associate to advance common interests. (Nkwachukwu Orji 2003)

forming networks and alliances. The RoSS therefore has few credible local development partners to complement its programmes and provide strong demand for accountability.

Responsiveness: Access to Information and Participation of CSO's

Civil Society groups like the women, youth and the poor in general continue to be largely voiceless and excluded in the country's poverty, development and governance dialogues yet these are the groups at the front lines of the recovery process. There is also some resistance to organizations focused explicitly on human rights advocacy and gender equality and relatively limited space and engagement with these by the Ministry. The significance of this unbalanced scenario is affirmed by development practitioners who acknowledge the negative impact of a weak civil society on development: *"The effectiveness of efforts in developing countries to achieve their human development goals hinges largely on the quality of governance in those countries and the extent to which their governments interact with civil society organizations to accomplish these goals"*⁸⁵.

Women's NGO's worldwide have been known to lead significant campaigns bringing attention to issues that undermine gender equality and equity. In this respect the civil society in South Sudan has an opportunity to draw lessons from within and outside the region. In addition to their traditional service provision role, CSOs are also seen as pivotal actors in contributing to policy development and in holding government to account for its actions, and act as a catalyst for democratic reform⁸⁶. However this catalytic role is limited by insufficient access to information on government policies for example up to date the constitution is not in the public domain, and a number of state actors neither have copies nor know the content of the constitution, making engagement challenging: *"how can one be expected to make demands without referring to the constitution"*⁸⁷ little can be achieved in gender mainstreaming if women do not know their rights.

⁸⁵ Cornelius Adablah, 2003.

⁸⁶ Howell 2000:12.

⁸⁷ CSO representative.

2.10.2 Gender Issues Related to Accountability

Studies have found that the cost of corruption is higher for people living in poverty: it penalizes them more than others as they have to pay bribes to access basic public services like health and education⁸⁸. Further, corruption disproportionately affects women living in poverty, who are affected both by dependence on public service delivery mechanisms for access to essential services as well as economic and political disempowerment which constrain women's ability to challenge policy makers and demand accountability⁸⁹.

Gender accountability is about ensuring government services equally benefit women and men, and that politicians and service providers have capacity and commitment to address the specific situation, position and demands of women⁹⁰. However, in RoSS besides challenges legislatures face providing oversight, there is low capacity for gender responsive policy making and

Challenges facing CSOs working for gender equality – compiled from various sources.

- a) Unsupportive legal framework with multiple, conflicting sources of law:
- b) How the new constitution will treat women's rights and gender equality is important, yet engaging on critical work like gender analysis of the constitution is considered very sensitive and even taboo.
- c) Engagement with CSOs is *ad hoc*, and very much activity driven e.g. 16 Days of Activism. It is not based on a strategic plan.
- d) There is limited access to information including policies and laws like the recently enacted Civic Engagement Act which is about how GOSS should engage CSOs. There is a culture of withholding information.
- e) Participation is low, with no consultation of CSOs on the gender policy.
- f) Working together requires trust which seems to be lacking between the Ministry and CSOs. There seems to be lack of transparency on financial issues like the budget of the Ministry for activities.
- g) Independence – CSOs should be independent of any political party this is not accepted by both the SPLM and communities which compromises their neutrality.
- h) 'There is fear in government to champion women's human rights because most SGBV is by the military due to failure of DDR because of corruption'
- i) Lack of funding especially for CBOs. Most funders and INGO look for organizations which are registered to support, yet many local women groups are unregistered. Registration of companies and association is very tedious - to get a certificate of incorporation takes up to two years, it is begun at state level and completed in Juba, which becomes expensive – state level fees start at about 550 SDG and in Juba at 300 SDG.

Many local women's group members do not know how to write proposals and many of their members are illiterate.

⁸⁸ World Bank: *op. cit.*

⁸⁹ UNDP-UNIFEM Corruption, Accountability and Gender: Primer no. 5.

⁹⁰ Gender Accountability Fact sheets: <http://gade-gender.nl/Gender%20accountability/Gender%20accountability%20-%20factsheet.htm>.

limited political empowerment of women as a constituency generally. These factors reduce the effectiveness of the RoSS parliamentary system to monitor public expenditure and ensure service delivery overall, and particularly to ensure gender budgeting. Organizing and alliance building by actors committed to gender equality such as women civic organizations and the Ministry of Gender is still nascent.

2.10.3 RoSS Policy and Commitments On Accountability

RoSS commitments on Accountability are reflected in the Transitional Constitution and SSDP, among other key instruments. The Transitional Constitution entrenches accountability through the doctrines of separation of powers, and of checks and balances between organs of government. It also establishes various bodies with mandates on accountability including the Anti-Corruption Commission and the Public Grievances Chamber which is the *Ombudsman* body⁹¹. These bodies are found at both national and state level.

The SSDP underscores the importance of accountability. The fourth objective of the Governance Pillar in the SSDP is to ensure accountability, transparency and zero tolerance to corruption. One of the sectors in the Pillar is the accountability sector. Indeed SSDP links good governance to reduced potential for corruption and equitable allocation of public resources. The SSDP also provides for establishment of a robust Monitoring and Evaluation (M&E) system as an essential part of accountability.

Under the Conflict Prevention and Security pillar the focus is on developing institutions that uphold principles of transparency and accountability in providing equitable access to justice, maintenance of law and order and respect for human rights and fundamental freedoms.

⁹¹ Article 147 of the Transitional Constitution and its enabling law, the Southern Sudan Public Grievances Chamber Act, 2011.

2.10.4 Comparative Best Practices in Accountability

In many countries the need for citizens' participation in budgetary processes is increasingly being realized to increase their influence and monitoring of public policy and services. Addressing lack of capacity to incentivize politicians and policy makers to respond to citizens' demand is key. Existing initiatives include:

Budget planning Initiatives from city municipalities in Brazil like Porto Alegre and Belo Horizonte bring citizen voice to budget allocations and implementation. Neighborhoods identify their spending needs at budget forums, and delegates then take the needs forward to assemblies (World Bank 2004). In Kenya, in some constituencies, community members in poor neighborhoods such as slums working with some CSOs⁹² organize meetings with their local area member of parliament to decide how the Constituency Development Fund allocated to each parliamentary constituency should be spent and monitor expenditure to ensure accountability.

Budget monitoring An independent public policy research and advocacy think tank in Uganda⁹³ critiques the national budget, makes it accessible and disseminates it to local councilors and communities and builds their capacity to analyze it and demand more equitable budgetary allocation to local government in view of decentralized responsibility for services. It also hosts regular dialogues between civic actors and policy makers and politicians on key national policies and programs. Its work has led to the formation of an independent local governments' advocacy association. Similarly, a research body in South Africa⁹⁴ informs citizens about provincial and national budget allocations and simplifies public budgets to make them accessible to the public. Special reports highlight budgetary allocations to specific sectors. It has contributed to strengthening parliamentarians' capacity to effectively engage in budget discussions (World Bank 2004).

Budget auditing a grassroots organization in the north Indian state of Rajasthan⁹⁵, uses *jan sunwai* or public hearings to enable citizens become financial auditors of government programs. Official records presented at open-air forums are vetted by citizens through testimony of intended beneficiaries of various anti-poverty schemes and other government programs (Jenkins and Goetz 1999). Protest and lobbying by MKSS contributed to enactment of a state right-to-information law in 2000 (World Bank 2004).

Sources: World Bank, CEDPA and CGA.

⁹² An example is in Kibera, Kenya involving local residents and ActionAid Kenya.

⁹³ Advocates Coalition for Development and Environment.

⁹⁴ The Institute for a Democratic South Africa (IDASA).

⁹⁵ Mazdoor Kisan Shakti Sanghathan (MKSS).

2.10.5 Challenges and Recommendations for Accountability

Accountability is critical as a basis for good governance and effective service delivery: gaps in transparency, responsiveness and openness undermine social inclusion and economic development. Given the relatively low empowerment of most citizens and women in particular, there is limited capacity to push for accountability. Therefore, ensuring socially inclusive, gender-responsive policies, programs and budgets by policy makers and service providers will depend on political will.

Recommendations:

1. There is need to strengthen the basic functioning of government and its capacity to address gender equality issues in national planning and monitoring processes, as a foundation for service reforms. This should include ensuring an independent, effective, accountable executive, judiciary and legislatures.
 - a) RoSS should address broad governance issues relating to accountability by and between all government branches and levels, and in particular follow up and implement proposals within the SSDP to enhance transparency, accountability and curb corruption⁹⁶.
2. The Ministry of Gender should support building of women politicians' and civil society capacity to monitor national policies, champion and give voice to women's concerns in plans and budgets.
4. The Ministry of Gender should promote gender auditing systems, and gender budgeting initiatives with periodic assessments and evaluations to measure outcomes and impact of service delivery as regards gender equality, and in particular enhance space for civic and especially women's engagement.
3. There is need for gender-disaggregated data in government documents such as research, planning reports, and evaluations to clarify existing gender discrimination and gaps.
4. The MoGCSW should support, and CSOs prioritize the development of well structured and supported coordination mechanisms among CSOs as this will reduce duplication and bring the much needed numbers required for effective advocacy.
5. RoSS should concentrate on building local democracy which denotes support to both formal structures and systems –local government institutions and to social capital formation in various forms. It also entails a balance between supply (targeting the capacity of duty bearers) and demand (targeting the capacity of the

⁹⁶ These include the enactment of the law for establishment of the South Sudan Audit Chamber (SSAC), institutionalizing the process of submitting audit reports to the SSLA; mechanisms for investigating and prosecution of violations of fiscal discipline and cases of corruption', and lastly, strengthening the South Sudan Anti Corruption Commission (SSACC) and its program on public education on corruption and ensure timely and regular audit reports of government by the SSAC.

rights holders and their advocates) and facilitation in the processes in the interface between duty bearers and rights holders.

6. Development partners should harmonize policies, procedures and practices around gender mainstreaming and gender accountability and strengthen coordination programs and funding with RoSS and civil society, including earmarking funds for women's empowerment activities.

2.11. Citizenship, Law and Rights

2.11.1 Key Issues relating to Citizenship, Law and Rights in RoSS

Human Rights

The decades of conflict in Sudan were driven by exclusion and discrimination based on ethnicity (apartheid) and religion, but essentially related to the sharing of resources and power. Building a sense of nationhood based on an inclusive, merit-based and transparent system in which all citizens and communities are treated as equal stakeholders in the nation's future, is central to South Sudan's moving forward as a viable state. Citizens in RoSS have been guaranteed significant rights under the Transitional Constitution of 2011, some of which reflect international standards in the protection and promotion of rights. The Transitional Constitution provides for respect and protection of women's human rights, draws on many international human rights

principles and incorporates them into its provisions in the Bill of Rights.

The Delhi Declaration of 1959 states as follows:

The rule of law implies that the functions of the government in a free society should be so exercised as to create conditions in which the dignity of man as an individual is upheld. This dignity requires not only the recognition of certain civil or political rights but also creation of certain political, social, economical, educational and cultural conditions which are essential to the full development of his personality.

However, it is felt that South Sudan is yet to effectively transition to post-conflict situation, opening up space for broader and equal citizen engagement. The duty of the state to protect human rights in all spheres, economic, social and political, is not yet effectively achieved and capacity to demand by citizens is low. Issues such as unemployment, poverty, low public services, food insecurity contrasted with corruption and impunity are cited as evidence of low achievement with respect to human rights protection.

The Rule of Law

The concept of Rule of Law reflects the legal

doctrine that decisions made by governmental bodies are based on known principles or laws that are uniformly applied⁹⁷ to ensure predictability or legal certainty in rules and procedures governing individuals and institutions. From the CPA until independence in July 2011, South Sudan has been operating under a legal system characterized by legal pluralism and more or less four policy and legal frameworks not to mention customary law and religious practices.⁹⁸ The advent of the South Sudan independence is geared to reducing these to three which are the residual parts of the CPA, the Transitional Constitution and the Constitutions of the federal states.

Conflict of Laws

The pluralistic nature of South Sudan's legal system leads to citizens and especially women having differing legal status and rights under the various legal regimes, especially written and customary law. Constitutionally, the sources of law in order of hierarchy are i) the Transitional Constitution, ii) written statutes, iii) customs and traditions of the people, iv) the collective will of the people and v) any relevant sources of law. In practice, customary law and traditional courts take precedent especially for matters of personal and family law and most cases involving females including violence. The formal legal system and Penal Code are more commonly applied in cases involving strangers. Traditional practices and customs are unwritten and vary across communities. There has also been a fusion of African customs with Islamic religious practices and Arabic culture, which further compounds the ascertainment of rights, particularly of females.

Law Reform

Although the Government of Southern Sudan with the support of development partners has embarked on revamping the legal framework, most of the laws (about 12) that have been passed since 2005, relate to the economy and commerce, with the primary focus on the business environment and investment climate improvements with none, apart from the Land Act, addressing socio-political issues, equally critical for development⁹⁹. The same is evident with pending bills¹⁰⁰. This points to a lack of prioritization of social sector issues yet these are equally vital to human development, citizens and their rights.

⁹⁷ *Black's Law Dictionary*, Fifth Edition, page 1196 (West Publishing Company 1979).

⁹⁸ These include the Comprehensive Peace Agreement (Supported by Regional and International Governments); The National Constitution of Sudan, The Interim Constitution of Southern Sudan (now the Transitional Constitution) and the State Level Constitutions (10 states).

⁹⁹ See Annex 2.

¹⁰⁰ See Annex 3.

Administration of Justice:

Institutional capacity is critical to enforce the rule of law, protect human rights and prevent corruption. It is particularly important for women's human rights that this includes gender sensitivity and responsiveness, and that capacity extends to grass roots levels as most violations against women occur at household and community levels. Agencies for administration of justice have been set up and are being made operational at both national and state level. Many still face challenges to become fully operational, with capacity gaps including in human, technical and financial resources. This includes key bodies like the Human Rights Commission, Law Reform Commission, *Ombudsman* office and police. However, they are already contributing to improve human rights and the rule of law:

- *The Chairman of South Sudan's Human Rights Commission, Hon Laurent Gurbandi, has championed the rights of women, calling on the revocation by law of negative practices at all levels of government, particularly the practice of early marriages (girls of 16 years and below) and forced marriage which causes disputes that result in the murder of young girls.*¹⁰¹
- *The South Sudan Public Grievances Chamber has responded to complaints involving closing down of businesses without legal justification, unlawful confinement, through improper administrative action raising cost of living to unbearable to the poor and unlawful demolition of citizens' property*¹⁰².

The effective functioning of an independent and autonomous judiciary is critical for the Rule of Law, requiring that the judiciary must observe due processes to ensure that all citizens receive legal protection on an equal basis and that legal processes and outcomes are equally fair and just to all. This reflects the principle of equality under the law, non - discrimination, and the right of persons to due process of the law. The Constitution recognises the equality of all persons before the law and their equal protection before the law¹⁰³. In the states, there are many observers who hold that "*the judiciary is corrupt and insensitive to local people and acts with impunity and total disregard for the law, shielded by their autonomy from state governments provided in the current Transitional Constitution of Southern Sudan*"¹⁰⁴ Justice in the legal system and both formal and traditional courts is largely seen as the preserve of the rich, powerful or male, especially in domestic or other violence cases.

¹⁰¹ The Chairman cited the killing by relatives of young girl in Jonglei and Rumbek who rejected marriage partners arranged by relatives in 2010. http://news.africanseer.com/general/100013-sudan_south_s_human_rights_commission_condemns_forced_marriages.html.

¹⁰² Speech by Chairman of SSPGC, *op.cit.*

¹⁰³ Article 14 of the Transitional Constitution for equality before the law and equal protection before the law regardless of gender, locality and social status among others.

¹⁰⁴ Interviews of key informants in Juba and states.

Related to this are concerns about limited oversight at state level over the Judicial branch of government (mentioned under Political governance), lack of accountability and judicial abuse of authority. *'If any political leader criticizes their approaches, they allege judicial independence and threaten to sue us'*¹⁰⁵.

Low Legal Literacy

There is very low knowledge or information about written laws and procedures of RoSS among most citizens and even among political leaders like legislators¹⁰⁶. Legal literacy is non-existent and there are complaints that judicial officers and lawyers intimidate rather than assist ordinary people within the legal process. Lack of popular legal literacy undermines the rule of law by reducing citizens' capacity of their rights.

Access to Justice

Access to justice essentially concerns the ability of citizens to claim rights and resolve disputes through the legal system and obtain legal, social and economic redress. Regarded as a basic human right¹⁰⁷, it goes beyond improving an individual's access to courts, or guaranteeing legal representation to include ensuring that legal and judicial outcomes are just and equitable. Responsibility for ensuring access to justice lies with institutions in the Rule of law Sector. Within it there are formal courts set up by the constitution and traditional courts.

Low Access to Legal Representation

There is a constitutional right¹⁰⁸ to justice enshrined in the Transitional Constitution. However, legal representation is inaccessible for majority of the population due to poverty and the high cost of legal services,¹⁰⁹ and lawyers' intimidating attitude *'rather than advocate for their clients'*¹¹⁰. Legal aid services are very limited. There are few lawyers in South Sudan with many concentrated in public sector employment. There are even fewer women lawyers, reportedly less than 100¹¹¹.

Inadequate Coordination of Justice System

Progress through the law enforcement system from police through to the courts is slow. The police and prosecution are understaffed, under-trained, and mostly male. They are not viewed as corrupt, but are regarded as gender-biased and sometimes even intolerant of women and non-citizens. UNDP has initiated a program to provide

¹⁰⁵ State legislator.

¹⁰⁶ Interview conducted with Speaker of Jonglei State Legislative Assembly on 9th November 2011.

¹⁰⁷ See: Access to Justice Practice Note UNDP 9/3/2004 at http://www.undp.org/governance/docs/Justice_PN_English.pdf.

¹⁰⁸ See Article 20 Transitional Constitution.

¹⁰⁹ Most lawyers are concentrated in Juba, state capitals and employed in public sector jobs.

¹¹⁰ Various key informants attributed this partly on the past philosophy behind their legal training.

¹¹¹ According to the vice chair of the South Sudan Women Lawyers Association, key informant interview.

support to the police to improve capacity that includes training for female and male police. Courts are already overwhelmed by the few existing cases, due to understaffing¹¹² and ineffective case management. The result is procedural bottlenecks, frequent adjournments and poor coordination between the different justice law and order sector institutions like police, public prosecution and prisons in terms of evidence and production of witnesses¹¹³.

Limited Access to Courts

Formal courts are inaccessible to most of the population, due to socio-economic factors, like poverty, illiteracy, and physical distance (courts are largely urban based). There are also psychological barriers like an intimidating courtroom atmosphere partially associated with the legacy of the past in which judges' are associated with pre-independent Sudan and partly due to lack of international human rights and gender justice training. In one state it was said '*All court users appearing before courts have to stand at "attention" as if in a military parade-the judges use this to gauge who is speaking the truth or lying...*'. There are often procedural hurdles including the judicial practice of first referring plaintiffs to traditional courts. It appears judicial officers do not observe the formal hierarchy of laws in the constitution where written law take precedence over customary, traditional law sources. The traditional courts have criminal jurisdiction over certain matters and in practice, almost unlimited civil jurisdiction; their popularity stems from the fact that they are accessible and their procedures are simple and fast.

2.11.2 Gender and Citizenship, Law and Rights

Citizenship and Nationality

Key provisions of the Nationality Act of 2003 which appears to be the current law in use are not in line with the constitutional provision on nationality and citizenship¹¹⁴ which support gender equality because it provides among the criteria for being a national that one must belong to one of the tribes of South Sudan. This implies that children born to South Sudanese women not married to South Sudan men by descent or naturalization cannot be nationals because their fathers cannot fulfill this criterion. A non-South Sudanese woman can only become a national if her father had been granted citizenship by naturalization or if she is married to a South Sudanese national and has denounced the citizenship of her mother country. Further, marriage to a South Sudan national does not confer automatic citizenship because one must specifically apply for it and the

¹¹² The judges are few and many counties have no magistrates or relevant support staff.

¹¹³ Various key informants from legal sector.

¹¹⁴ See Article 17 and 45(1).

decision of the Commissioner is final and cannot be contested in a court of law¹¹⁵. There are no provisions for South Sudanese women who may be married to non-South Sudanese nationals and who may have children born of non-South Sudanese nationals, yet the Constitution provides that all children have a right to a name and nationality¹¹⁶. The children born under these circumstances could become nationals if their fathers apply for and are granted citizenship by naturalization and this is not automatic as it can be rejected¹¹⁷.

The law is, therefore, not in line with the Constitution¹¹⁸ because it discriminates against children born to South Sudan women who are married to non-South Sudanese men or children born to Sudanese women but married to non-South Sudanese men.

Law Reform Agenda

Post-independence, South Sudan has a huge regulatory reform agenda to address. The focus on commercial, business and economic-related laws in the law reform program (see Annexes 2 & 3) and insufficient attention to social and political regulatory framework has implications for the entire population. Due to existing gender gaps in roles, resources and status in South Sudan which make women more vulnerable and less empowered than men in general, women are likely to be additionally impacted by this imbalance in law reform priorities if it fails to address the following issues:

- ✚ Impact on Women and Equity: Will regulatory reform improve women's access to services? Will it promote equitable treatment of women in all spheres?
- ✚ Impact on Women's Roles: Will regulatory reform promote increased participation of women in the economy, public life, and society generally?
- ✚ Participation of Women in Decision-making: Will the reform process engage women directly?¹¹⁹

Gaps In Laws Protecting Women:

- ✚ The Transitional Constitution is silent on the equality of all persons and on the prohibition of discrimination based on gender.
- ✚ Though the Transitional Constitution gives men and women of marriageable age freedom to consensual marriage, there is no Act of Parliament giving effect to this principle to guide marriage, separation, divorce and succession. This legal gap and the influence of Islamic and cultural practices that perpetuate lower

¹¹⁵ Section 11 a) and b).

¹¹⁶ Article 17.

¹¹⁷ Section 5 (2).

¹¹⁸ Articles 17 and 45.

¹¹⁹ Dr Jennifer Bremer: Introducing Gender Analysis Into Regulatory Frameworks: <http://www.oecd.org/dataoecd/54/62/43087600.pdf>.

social status of women and girls means they continue to face inequality in the right to marry and found a family.

- ✚ The Constitution obligates the Government to enact laws to combat harmful customs and traditions which undermine the dignity and status of women; however none have been enacted. Specific areas include property and inheritance rights, and generally, issues of equality of women and girls.
- ✚ Despite reportedly high SGBV there is no specific law on it, but only general Penal Code provisions on assault.

Gender Discriminatory Socio-Cultural Practices Undermine Positive Laws;

- ✚ Harmful and discriminatory socio-cultural beliefs and practices include early marriage for girls (according to key informants and FGDs this is prevalent between 12 – 16 years) associated with higher bride-wealth, forced marriage due to bride-wealth/ seeing girls as a source of wealth, perceived status of women as ‘minors’ to be controlled by male kin, low value of educating girls especially, betrothal of infant girls, widow inheritance, FGM, denial of maintenance, payment of very high bride-wealth and polygamy which increased during the war as a coping mechanism, male ownership and inheritance of property/ assets.
- ✚ Stigmatizing gender equality by association with negative issues like divorce, adultery, prostitution, denial of parentage, foreign (western) influence.
- ✚ Civil law is neutral on property ownership but customary courts and law is preferred in practice, and customary property law discriminates against women, for example Dinka females do not own cattle.

Inadequate Law Enforcement:

- ✚ The police largely have failed to enforce the Children’s Act provisions protecting girls. There are few criminal prosecutions for defilement¹²⁰. Often early pregnancies from consensual relations result only in the girls’ arrest as a mechanism of parents getting compensation, despite associated adverse impacts of early pregnancy and defilement¹²¹.
- ✚ Children, women and the elderly are vulnerable and lack social protection. Poor enforcement of maintenance provisions in the Children Act is evidenced by many fathers neglect of children without sanction.

¹²⁰ Defilement affects girls aged 10 - 17.

¹²¹ like high maternal mortality and school drop-out rates.

Culture and women's rights

*Although the Constitution recognises that women should be accorded equal and full dignity of the person as men, in many states and communities, several negative and harmful cultural practices have served to subordinate the status of women to that of men. Divorce is very difficult for women to attain, particularly before the traditional courts, and most women seeking divorce are viewed as 'obstinate' women. Partly due to high bride-wealth and a dominant patriarchal culture that is reflected in the decision making process of the traditional courts and authorities. Instances exist where women who attempt to initiate divorce before chiefs have been taken to prison for six months to nine months to get them to change their minds and usually the women's families are complicit in this.***

**** Information obtained in FGDs**

There is little
despite it being reportedly

data collected by the government on SGBV
widespread and systemic.

- ✚ The judicial practice of referring cases of female claimants in the formal court system to the customary authorities over personal law issues contravenes the constitutional provision of equal protection of the law.
- ✚ Traditional authorities encourage reconciliation rather than redress for wife beating which is not viewed as a criminal act or basis for divorce unless accompanied by serious bodily injury to the woman.
- ✚ Women victims of domestic violence face abuse like arbitrary arrest, incarceration even with young children and assault by connivance of police with husbands.

Ineffective Affirmative Action Measures;

- ✚ All children have a right to education but girls are disadvantaged in practice.¹²²
- ✚ The war and weak economic and social situation has left some groups vulnerable, with street children and female-headed households increasing, affecting groups like women, children, disabled and elderly women.
- ✚ Legally women and men have equal access to political leadership but in practice women are systematically disadvantaged.
- ✚ Gender neutral property and land laws enables continued marginalization of women's rights to own property and land especially in rural contexts.

¹²² See Children's Act Section.

In practice, the concept of formal equality of men and women is a challenge to the social and cultural norms of many societies in RoSS and systemic gender inequality persists.

Inheritance/ Succession

*If a husband dies, in most communities, the wife will not inherit property but if she has children holds it in trust for her male child. Women who are childless must accept marriage to an in-law in order to maintain the property or return the bride-wealth. In most societies, women do not inherit from their parents unless the parents lacked a male child. However, there are exceptions, for example, among the Yulu in Raga County if a woman is married legally and has had children, her in laws may leave the property with the wife in her husband's name. In some instances, women only manage to inherit when all their family members have died. In some cultures widows can be permitted to stay on in the late husband's land with her children but this scenario differs from one culture to another. Cases where women lose everything after their husbands pass on are numerous, and in some instances women even lose property that they owned in their own right.***

**** Information obtained from FGD in Wau**

Limited Awareness of Women's Human Rights In Justice system

Capacity gaps in both formal and informal agencies on legal and women's human rights issues and gender equality weakens the enforcement machinery. Gender bias removes effective legal remedies for women and girls, forcing many to accept abuse against them or seek extreme measures like adultery to cause divorce. Formal institutions like the police, courts collaborate with traditional structures to deny women legal redress.

Gaps in legal literacy and In Access to Legal Representation

Issues like corruption, delays, and costs of the legal system increase the barriers to bringing cases that already exist due to low legal awareness and representation especially for poor, uneducated or rural women – who form the majority. Weak coordination between the justice system and actors working on gender equality like the Gender Ministry or women NGOs affects gender justice, while existing collaboration between formal and informal institutions is a source of further denial of women's access to justice. Women NGOs and State structures like the Gender Ministries have low capacity to challenge power structures and institutions that contradict the formal constitutional rights of women.

The Rule of Law

Several factors relating to the rule of law undermine the rights of women in RoSS, like:-

Gender Bias in Administration of Justice

Matters of personal law and issues affecting females are considered by communities, police and judiciary to fall under customary law which being unwritten is often unpredictable. Though popular, traditional courts are gender biased, ignore

constitutionally recognized rights and reinforce inequality of women and undermine critical human rights and personal status issues like minimum age of marriage, consent to sex and marriage, access to education, property ownership, inheritance and divorce.

Weak Enforcement Machinery:

The police and the office of the public attorney are two key institutions responsible for addressing gender based crimes-in terms of protection, investigation, prosecution and enforcement.¹²³ Both institutions however are understaffed, poorly facilitated ill

prepared and mostly unaware of the magnitude and manifestations of gender based crimes implying that there is inadequate knowledge of gender based violence and gender justice. The result has been de-prioritization of SGBV offences like rape and concentration on cases like murder which the public attorney thought was more important.¹²⁴ Thus, few gender-related cases reach court or are prosecuted¹²⁵. For example those who kill girls especially foreigners engaging in

In terms of level of preparedness for acceding, ratifying and domesticating International conventions on gender equality, there is limited technical and other capacity to implement international standards in many sectors. South Sudan would do well to draw on best practices and lessons learned from other states especially in the region and post-conflict states like Rwanda on meeting the challenges in each sector in a gender-responsive way.

commercial sex go scot free. A man who beat his sister to death for refusing to marry an elderly man was released the same day without any charges. These incidents reveal serious justice gaps.

¹²³ The public attorney's roles inter alia include advice to all levels of government and representing them in public prosecutions, litigation and adjudication and also conduct pre-trial proceedings. They also recommend law reform, strive to protect public and private rights, advise on legal matters and render legal aid.

¹²⁴ The public attorney is the first point of contact when an offence has been committed. He decides whether the case should be investigated and prosecuted and has to go ahead and prosecute while at the same time defending government, drafting contracts and proposing legislative reforms. The result has been an obvious failure in most of these tasks.

¹²⁵ Interview with Office of High Public Attorney Jonglei State on November 8th 2011. Also see interview note with Police officer Jonglei on 9th November 2011.

The Human Rights Commission

The RoSS Human Rights Commission mandate and powers are directly relevant to promoting gender equality. It is obliged to monitor the application and enforcement of the rights and freedoms recognized in the Constitution including the recognition of gender equality. To promote gender equality the Commission created a Gender Committee to conduct gender and awareness throughout RoSS from a human rights perspective and mainstream gender in the Commission's work. The Committee operates in all 10 states. Its work is still at foundational level and currently largely consists of creating gender and human rights awareness through workshops that target Faith Based Organisations, Chiefs, Gender staff from the Ministry of Gender, Women association and groups, teachers, police and prisons at national and state level. The Committee is also in the process of creating Gender Mainstreaming Guidelines and a Matrix and incorporating these in the HRC Strategic Plan. Challenges include institutionalizing gender mainstreaming as a conceptual framework and approach within the Commission, low budget allocations by Ministry of Finance for training and capacity building in general for gender mainstreaming, and sustainability of the gender project.

2.11.3 RoSS Policy and Commitments On Citizenship, Law and Rights

Human Rights

As a newly formed state, RoSS is yet to sign, ratify and domesticate important treaties like the International Covenant on Civil and Political Rights, the international Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of all forms of Discrimination against Women, the Declaration on the Elimination of Violence Against Women and many other important core treaties with a bearing on the rights of women. The following section analyses the rights of women in South Sudan and the adequacy of institutional responses in ensuring that they enjoy their human rights. Some gaps in this regard are discussed in relation to the inadequate protection of victims of SGBV who are primarily women and girls, by the relevant enforcement agencies (see chapter 4).

The Rule of Law

The Constitution has progressive provisions that guarantee the independence of the judiciary. It also recognizes the need for training of judicial officers, and this is an entry point for the introduction of training on Gender Justice in order to have a gender sensitive bench. Further, the Constitution provides that justice shall be done to all irrespective of their gender.

Strengthening Institutions to Protect Women and Human Rights

The Constitution provides that there shall be a substantial representation of women in the Judiciary having regard to competence, integrity, credibility and impartiality. While this is a good provision, at present the highest level that a woman has attained in the Judiciary is in the High Court indicating a gap between the policy and practice. Having more women at all levels in the Judiciary would advance gender equality in terms of representation on the Judiciary. If coupled with gender and human rights training of judicial officers it would contribute to a more gender-responsive Judiciary.

A new Law Review Commission has been set up that will among other things undertake studies and activities with a view to reviewing, revising and reforming the law to facilitate improved efficiency in the administration of justice and service delivery in the Rule of Law Sector.¹²⁶ The effective resourcing and functioning of the Commission, coupled with an expeditious legislative process in Parliament can ensure that laws important to the rights of women are identified and passed as soon as possible. Much of the law reform agenda is supported by international agencies like the World Bank, with more focus on commercial, business-related laws and less on social/human rights and political legislation. The Law Review Commission has not yet become effectively operational to steer and set priorities for this program.

Access to Justice

In terms of access to court, the Transitional Constitution¹²⁷ explicitly guarantees the right to resort to courts of laws to redress grievances. Also the Constitution of South Sudan is founded on justice, equality and respect for human dignity and advancement of human rights and fundamental freedoms. It follows that both men and women are entitled to justice, equality and respect for their dignity and advancement of their rights in southern Sudan. These rights cannot lawfully be derogated or subjected to any authority at any levels. In adjudicating cases of both civil and criminal nature the courts shall, subject to the law, ensure that justice shall be done to all, irrespective of their social or economic status, gender, religion or belief; justice shall neither be delayed nor denied; adequate compensation shall be awarded to victims of wrongs; voluntary reconciliation agreement between parties shall be recognized and enforced and substantive justice shall be administered without undue regard to technicalities¹²⁸.

However, the practice within the judiciary and courts does not measure up: there are huge backlog of cases, corruption, intimidation and denial of women's rights in the

¹²⁶ <http://allafrica.com/stories/201109090600.html>

¹²⁷ Article 20.

¹²⁸ Article 123 (5) (a) – (e).

courts of law. The constitution also provides for substantial representation of women in the judiciary but in some states, there are no female judges or public attorneys.

2.11.4 Regional Practices Engendering Citizenship, Law and Rights

Citizenship and Nationality

Most countries allow children born of women nationals but with foreign fathers to adopt the nationality of their mothers if they so wish. This however is mostly in countries that allow dual citizenship. Similarly women married to nationals in some countries automatically take the citizenship of their spouse and vice versa although in some cases this requires an application and a vetting process. In Kenya until the recent passage of a new Constitution, children born of Kenyan women to non Kenyan men were not allowed to take up Kenyan citizenship or nationality. In Uganda both women and men with foreign spouses may pass on citizenship to their children.

Human Rights

There is constitutional protection of human rights and specifically gender equality, affirmative action, equal rights in marriage, equality under the law and the right of access to information in all EAC states. The Constitution of Uganda prohibits customs that undermine gender equality: women explicitly have equal rights to men. Cultural norms and practices that undermine gender equality are prohibited.

Access to Justice

To enhance coordination across various agencies in the justice system, various initiatives have been set up in Uganda using a sector-wide approach that groups together the key justice system institutions like the police, public prosecution, justice ministry, and judiciary into one sector. Planning and budgeting is done for the entire sector to ensure priorities are coordinated.

2.11.5 Challenges and Recommendations on Citizenship, Law and Rights

With respect to human rights, and citizenship the challenges can be summed up as coming from conflict of laws and arising from harmful practices rooted in gender bias. Low legal literacy and gaps in the existing legal provisions reduce effectiveness of protection of citizens' rights and especially affect women and girls. The opportunities can be found in supportive legal and institutional frameworks and programs and goodwill of actors committed to achieve gender equality.

Recommendations:

Citizenship and Nationality

1. Harmonize the Nationality Act with Article 17 and 45 of the Constitution to protect the right of South Sudanese women to pass on nationality to their children born to non-South Sudanese men. This would give equal protection to pass on the inalienable right of citizenship and nationality to children born of at least one South Sudanese parent under the enabling Act.
2. The right to citizenship and nationality of South Sudanese children born of South Sudanese mothers but non south Sudanese fathers should be automatic and not subject to the fathers naturalization.
3. There is need to revisit the issue of foreign women and men married to South Sudanese nationals so that it is very clear what their circumstances would be. At present there is a grey area which puts mostly women and children at a disadvantage.

Human rights

1. Strengthen women's human rights by enacting and implementing: -
 - a) Laws on minimum age of marriage to protect girls from early marriages;
 - b) Family laws to regulate marriage, separation and divorce;
 - c) Laws against gender based violence, including domestic violence and
 - d) Laws on land and Succession to promote and protect women's rights to own and inherit property.
2. Sensitize the population and implement government programs for child education systems that emphasize enrollment and retention of girls with an emphasis on the girl and boy child.
3. Strengthen law enforcement officers' capacity to effectively prevent forced or early marriages.
4. The Gender ministry should support the strengthening and independence of women organizations and CSOs. CSOs especially women NGOs and INGOs should play more proactive role in advocacy and IEC for gender equality.

The Rule of Law

CSOs and Government institutions in this sector face challenges of capacity and resources. In addition, patriarchal norms also influence these institutions in the absence of strong enabling gender policies and codes of conduct, and inadequate accountability mechanisms. There remain concerns and tensions related to perceived ethnic exclusion or dominance, corruption and ethics.

However, progress has been registered in establishing agencies for the sector. RoSS has new structures in the Executive and Legislative branches of government, like the Human Rights Commission, Law Review Commission and gender committees of parliament. CSOs that promote the rights of women are also actively involved in

service delivery and advocacy¹²⁹. Partnerships between government, CSOs and development partners in promoting rule of law will be useful in formulating relevant and responsive programs and policies.

Recommendations:

1. Prioritize the functional establishment of key bodies, ensuring gender balance.
2. The Law Review Commission and development partners supporting law reform should ensure a more balanced legislative reform giving sufficient priority to social inclusion. The law reform processes should be designed to be participatory and transparent to involve key stakeholders and bills drafted should be gender-responsive.
3. Government and CSOs should identify negative cultural practices and work with traditional and faith leaders to eliminate them systematically.
4. CSOs, government agencies and development partners should collaborate on achieving effective and popular legal literacy campaigns.
5. Bodies like the Human Rights commission should be involved in programs relating to human rights protection and promotion, including addressing concerns about inclusion and social justice.

Access to Justice

Challenges affecting Access to Justice relate to low capacity and accountability, and limited checks on powerful institutions that carry gender bias and insensitivity to human rights. Entry points for progress are support of key development partners such as UNDP and UNWomen that have prioritized gender mainstreaming with government. UNDP provides technical assistance through programs such as access to justice project, support to Judiciary, rule of law, support to police and prisons projects that can help build the capacity of institutions within the Rule of Law Sector. UNWomen provides continuous technical advice to the Ministry of Gender.

1. RoSS should apply affirmative action in the judiciary and other Rule of Law agencies like the police to increase female officers at all levels.
2. Include gender justice and human rights in induction, continuous training and orientation of Rule of Law institutions including judicial and law enforcement agencies as a core component.
3. Strengthen a sector-wide approach in Rule of Law sector for better coordination of planning and budgeting; participation of NGOs in the sector as key stakeholders encouraged. These would include women lawyers' associations, the bar association and women organizations working on rights.

¹²⁹ These include the South Sudan Women Lawyers Association, South Sudan Woman Association and others.

Excluding women from positions of leadership and from elected bodies hinders the development of democratic principles in public life and inhibits the economic development of a society. In summary the majority of governing institutions in South Sudan are dominated by men. Deliberate and monitored efforts are needed to build the current low capacity and strengthen commitment to socially inclusive, gender-responsive governance which is critical for post-conflict transition and sustainable development.

CHAPTER THREE: ECONOMIC DEVELOPMENT

3.1 Introduction

Economic development is a fundamental pre-requisite for South Sudan to prosper and for a large proportion of the population to be lifted out of poverty. In the African context, a country is presumed to have developed economically when it exhibits advancement in a number of parameters including: poverty reduction; food security and increased access by women and men to employment, credits, markets, productive assets and social services and improvement in the overall standard of living.

More than a half of the population in South Sudan is below the poverty line, the incidence being slightly higher among females than males. To improve the livelihoods of the population, economic development in South Sudan focuses on three priority sectors: natural resources, infrastructure and economic functions. Emphasis is placed on private sector-led investments and ensuring that growth is pro-poor, equitable and diversified. The core target for economic development as stated in the country's development plan is *"to sharply increase food security by lifting cereal production from 0.7 million Mt per year to 1.0 million M per year and increase meat, milk and fish production similarly"*. An integrated set of interventions have been prioritized to achieve economic prosperity (Box 3.1).

Box 3.1: Core investment areas for economic development in South Sudan

- Small scale agriculture and livestock sectors
- Employment generation and improved livelihoods, especially for ex-combatants and young men and women;
- Large scale infrastructure especially roads and energy;
- Community based infrastructure and development projects.
- Increasing access to land for returnees, former combatants, women and young people;
- Improving access to extension and veterinary services and markets and provision of basic farming tools and inputs to all, including women, returnees and former combatants.
- Putting in place a transparent and supportive policy and regulatory environment for private sector development.
- Deepening and broadening financial services.

The initial emphasis is on using oil wealth to achieve rural economic recovery and development. The inclusion of women among the special interest groups that require targeting in some of the planned investments is a sign of commitment by the RoSS to address gender inequalities.

3.2 Key Economic Development Issues for South Sudan

3.2.1 Consumption and Poverty

Consumption and poverty indicators are useful measures of gauging the status of economic development of the country. The reduction in poverty and hunger is an important indication of development in line with the first Millennium Development Goal (MDG) - "To Eradicate Extreme Poverty and Hunger".

The incidence of poverty in South Sudan is 50.6%, meaning that one out of two Southern Sudanese does not have the necessary means to purchase the value of a minimum food and non-food bundle. Women constitute a larger proportion of the poor (51.6%) than men (48.4%); the poverty incidence is higher among females than males (Table 3.1). The poverty incidence is slightly higher among children and the elderly. Poverty in South Sudan therefore has a female face. While focusing on improving the welfare of all Southern Sudanese, the RoSS should specifically target women, children and the elderly with economic development programmes that enhance their livelihoods to be at par with the rest of the population.

Box 3.2: Regional example: measures taken by Government of Uganda to reduce poverty

The incidence of poverty in Uganda has declined from 56% in 1992 to 21% in 2009/2010. The following were among the key measures undertaken:

- Political will by the Government to reduce poverty and commitment to implement the Poverty Eradication Action Plan (PEAP)
- Implementation of the PEAP for 10 years
- Maintenance of macroeconomic stability
- Ring fencing funds for poverty reduction in a Poverty Action Fund (PAF);
- PAF funds channeled to Agriculture, Water, Roads, Education and Health;
- Participation of the poor in identification of priority areas for investment to reduce poverty
- Involvement of the private sector in public service delivery through public private partnerships
- Prevalence of peace and security
- Mainstreaming poverty and gender concerns in planning and budgeting at all levels.

Source: Uganda Poverty Eradication Action Plans

Poverty is more concentrated in rural areas (55.4%) than urban areas (24.4%); the majority of the poor live in rural areas (92.5%) as opposed to urban areas (7.5%)¹³⁰. In South Sudan, improving livelihoods of the poor is almost synonymous with addressing the key barriers faced by women, men, girls and boys in rural areas that deny them access to economic rights and opportunities.

Lessons can also be drawn from the region on tested approaches that have enabled countries to reduce poverty at a fast rate. For example, South Sudan is currently at the same level of poverty incidence as Uganda was in 1992. Box 3.2 illustrates some of the measures that were undertaken by in the region to reduce poverty significantly¹³¹. Without adopting Uganda's approach wholesale the RoSS should first track some of the good practices in the region so that poverty is reduced at a faster rate.

Table 3.1: Poverty profile by age and gender

	% of the population			% of the poor			Poverty incidence (%)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Southern Sudan	48.9	51.1	100	48.4	51.6	100	50.1	51	50.6
Less than 15	24.2	23.6	47.8	25	24.3	49.2	52.3	51.9	52.1
15-24	8.3	9.4	17.7	8	9.1	17.1	48.9	49	48.9
25-34	5.7	7.5	13.2	5.1	7.3	12.3	44.9	49.4	47.5
35-44	4.2	5	9.1	3.8	5	8.9	46.7	51.1	49.1
45-60	4.8	4	8.8	4.8	4.1	8.9	50.6	51.8	51.2
More than 60	1.9	1.7	3.5	1.8	1.8	3.6	50	54.8	52.3

Source: National Baseline Household Survey 2009.

The Food and Nutrition Security Assessment conducted in Sudan in 2009¹³² showed that around 13 million people are food deprived in Sudan. The incidence of food deprivation was highest in southern states (47%) than the northern states (28 percent).

¹³⁰ SSCSE, 2010

¹³¹ UBOS, 2010.

¹³² RoSS, 2011.

Undernourishment and the depth of hunger were highest among females (371 kcal) than males (324kcal).

Because of the higher poverty levels among females, their level of expenditure on food was found to be much lower (2.40 SDG spent daily per person) compared to their male counterparts (2.76 SDG). At the national level, the daily expenditure per person was 2.71 SDG to consume 2180kcal per day.

A major challenge is that market prices of major food and non-food commodities have been persistently rising. According to the National Bureau of Statistics, the Inflation rate has increased by 57.1% in August 2011 when compared with August 2010. The North-South trade route blockade has contributed most for the high price increase, constraining movement of essential commodities such as wheat grain, wheat flour, sorghum and millet from North to South Sudan. The dramatic price increases have led to a deterioration of the food security situation of resource poor rural households and salary dependant urban households. In the short to medium term, the sustained trade blockade will continue to have serious food security implications especially in states that border and import from North Sudan, notably Upper Nile, Unity, Warrap and Northern Bahr el Ghazal¹³³.

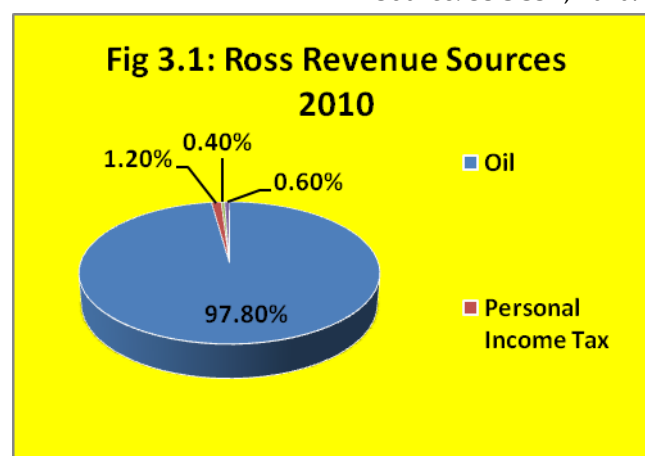
The RoSS needs to enhance the performance of the agriculture sector through targeted investments so that more food is produced for the population. Since females play a key role in food production, as discussed below, are among the most undernourished, they should be enabled to have ease of access to agricultural inputs and implements, extension services and microfinance to enhance farm production and productivity.

3.2.2 Government Finances

Revenues

The Republic of South Sudan is highly dependent on oil as the main source of revenue (Fig 3.1). Oil accounts for 98% of the 2011 budget. Current oil revenue forecasts show that oil production has picked and oil revenues are expected to decline by approximately 50% over the next five years. Since there are no buffer savings to cushion the economy against this volatility in oil production, it is

Source: SSCCSE, 2010.



¹³³NBS, 2011.

likely that the country may experience public expenditure cuts when oil production declines and ceases¹³⁴. Since 2008, non-oil revenue accounts for about 2.3% of the total GoSS revenue. The tax revenue base remains very small and fluctuating.

A recent World Bank report¹³⁵ notes that whereas the oil wealth has enabled the country to considerably expand its physical and social infrastructure, many challenges have emerged including macroeconomic deterioration, fluctuating export earnings, governance lapses and non-inclusive development. To improve the welfare of people in South Sudan, there is urgency to diversify the revenue base beyond oil production to sectors where the majority of the poor and especially women derive their livelihood, primarily agriculture.

Expenditures

Trends in total public expenditures and the proportion of funds earmarked to the social and humanitarian sector give an indication of the Government's commitment to addressing poverty and gender concerns in the country. The budget outturns for the past five years are summarized in Table 3.2. The RoSS expenditures have increased, albeit with fluctuations, from SDG 3.5 million in 2006 to an estimated SDG 5.7 million in 2011.

Table 3.2: Ross Budget Outturns and Estimates 2006-2010 – SDG

Year	Budget Outturn (SDG)	Transfers to States (SDG)	Percentage of Budget Transferred to states (SDG)
2006	3,581,548,512	525,546,238	14.6
2007	2,936,495,552	631,610,393	21.5
2008	5,712,662,066	637,602,757	11.16
2009	4,234,656,856	1,089,895,729	25.74
2010 (Estimate)	4,482,809,610	1,227,944,447	27.39
2011 (Estimate)	5.7 billion		

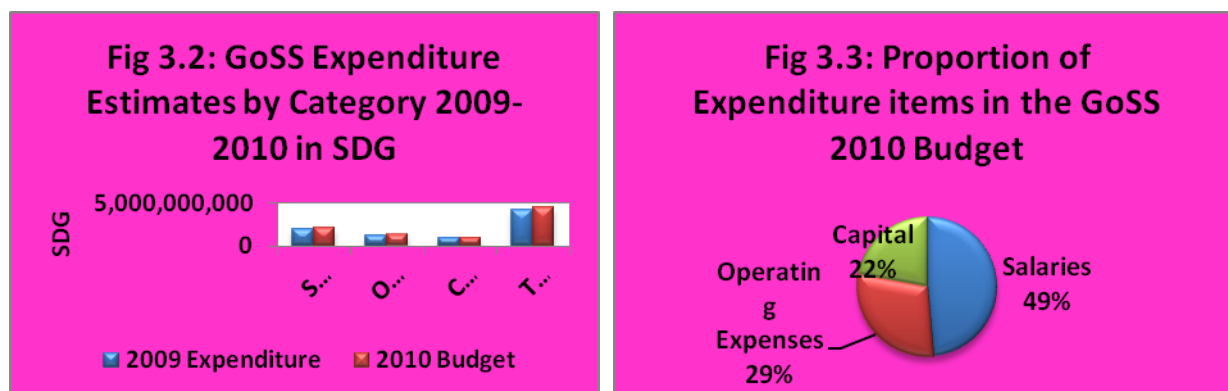
Source: Ministry of Finance and Economic Planning

Salaries and government operating expenses are the most important expenditure items for Government of South Sudan presently. Salary outlays increased from SDG 1,977,349,566 in 2009 to SDG 2,179,282,277 in 2010 (Fig 3.2). In 2010, salaries accounted for almost half of the budget (49%), leaving only 22% of the budget for capital

¹³⁴Data Source: SSCCSE, 2010.

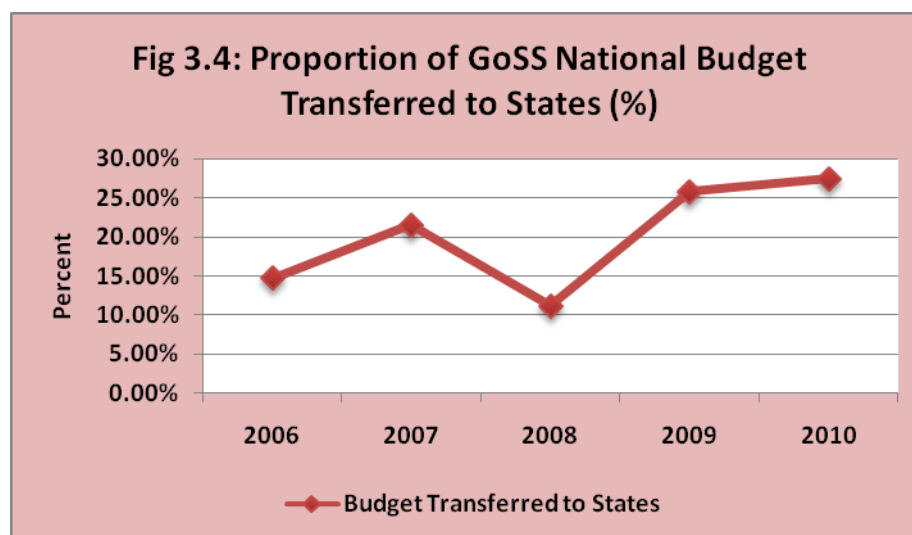
¹³⁵ World Bank, 2009.

investments (Figure 3.3). The trends indicate that, presently, small budgets are available to ministries and states for capital development programmes.



Data Source: SSCSE, 2010.

Although on an increasing trend, the proportion of budget transfers to the 10 states has remained small at 27% of the national budget (Fig 3.4). The immediate question then is ‘what proportion of the funds going to the states is earmarked specifically to the social and humanitarian ministries or departments to address poverty and gender related concerns?’ This issue is discussed in the next section.



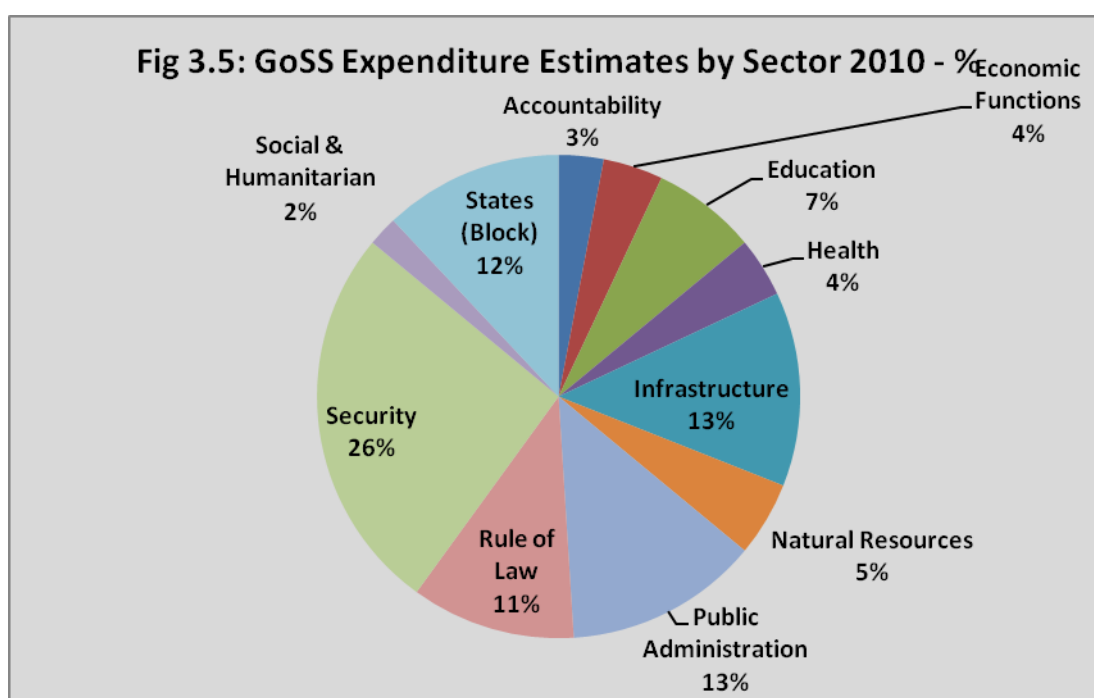
Data Source: SSCSE, 2010

Social and humanitarian sector expenditures

Expenditures that are specifically targeted to address gender related programmes in the RoSS are earmarked through the Social and Humanitarian sector. The Social sub-sector includes the Ministry of Gender, Children Social Welfare and Religious Affairs while the Humanitarian sub-sector is comprised of the Ministry of Culture, Youth and Sport.

The budget allocated to the two ministries has remained small and the actual releases are well below the planned expenditures¹³⁶. For example, for 2010, while planned budget for the Social and Humanitarian sector was SDG 311,221,767, actual expenditure was SDG 39,322,970 or 12.64%. Considering all sectors in aggregate, this sector attracted only 2% of the entire GoSS expenditures during 2010 (Fig 3.5). Although it is still small, the budget allocated to the Ministry of Gender, Children Social Welfare and Religious Affairs has more than doubled over the past 5 years from SDG 3,819,664 in 2006 to SDG 10,580,000 in 2010.

It is however worth noting that the health and education sectors that have high relevance for addressing gender concerns attract an additional 11% in aggregate. Also infrastructure and economic functions that focus on improving economic development for men and women in South Sudan attract 17% of the budget. Overall, the attainment of security for citizens and property remains the priority expenditure area for the country at the national level.

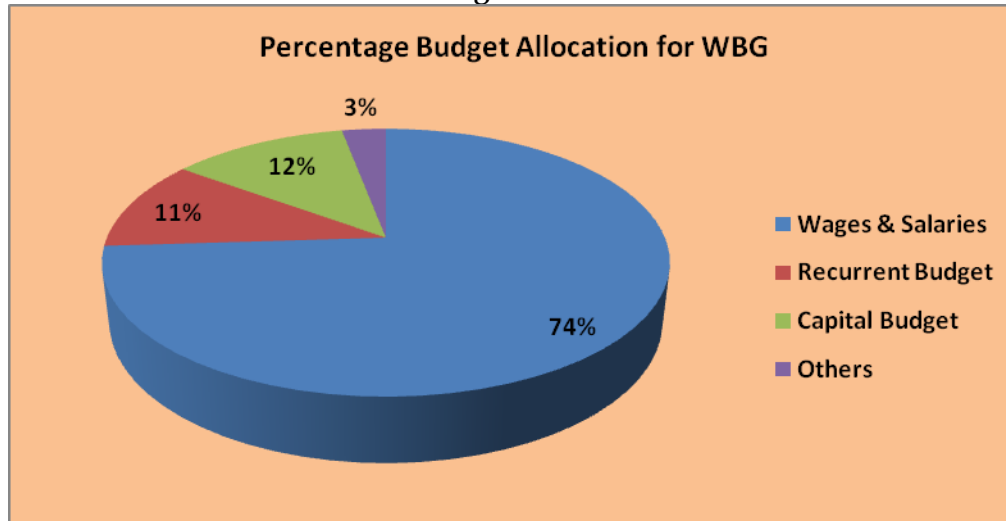


Data Source: SSCSE, 2010.

Using the State of Western Bahr El Ghazal (WBG) for illustrative purposes, limited funding is available for social development at state level as the bulk of the budget (74%) is allocated to wages and salaries and the Governor's recurrent expenses (Figure 3.6).

¹³⁶Ministry of Finance and Economic Planning; SSCSE, 2010.

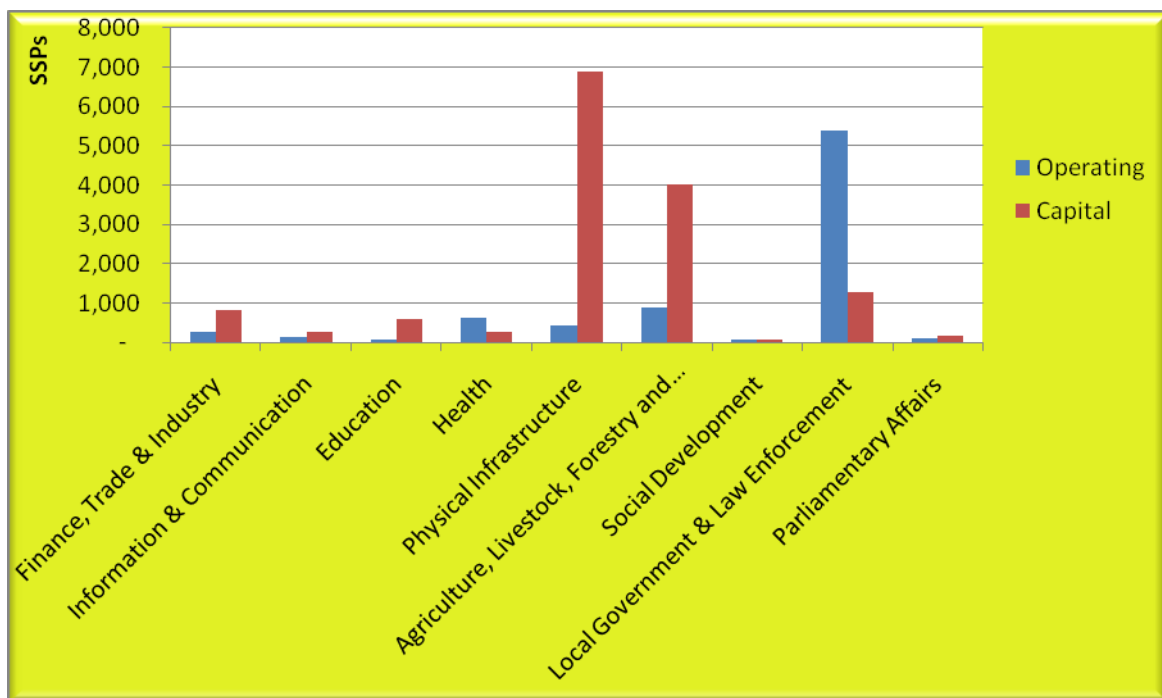
Figure 3.6



Source: Author's computations from WESTERN BAR EL GAZAL State Budget

The Ministry of Social Development operates the smallest budget in the state of WBG. In the year 2010, the Ministry of Social Development operated recurrent and development budgets of only SSP 65,552 and SSP 76,479, respectively as shown in Figure 3.7.

Figure 3.7: State Budget Allocations to Western Bahr El Ghazal Ministries (000's)



Source: 2011 State Draft Budget for Western Bar El Gazal.

Discussions held with officials from the Ministries of Social Development in Jonglei, Western Bar El Ghazal and Northern Bahr El Ghazal indicated that these institutions have limited funds and capacity to deal with the problems facing women and men at state level. Local collections were grossly insufficient and the transfers from Central Government were inadequate to implement meaningful social development programmes.

As security and peace is increasingly restored in South Sudan, the Government needs to gradually move resources away from salaries and wages and security related expenditures to the productive sectors and social development. More funds need to be allocated to the states for the social and humanitarian programmes that will enable the ministries to address the plight of women, children and the general population.

3.2.3 Donor Financing

The United States, Britain, Norway and the EU are among the largest donors in Sudan. The largest funding mechanism in Southern Sudan, introduced in 2005, is the Multi Donor Trust Fund (MDTF) administered by the World Bank. About 14 donors pledge to the fund with the main aim of building the capacity of RoSS at central level and promoting Government ownership of national programmes¹³⁷. By March 2010, donors had committed about US\$ 526 million to the fund. A review of the progress made under the trust fund after 4 years of implementation indicates considerable investments having been made in many economic sectors that would directly or indirectly impact positively on the wellbeing of women and men in South Sudan.

Donor financing to the Social and Humanitarian sector in general has fluctuated over the years from US\$ 35,130,588 in 2008, US\$ 72,669,185 in 2009 to US\$ 39,322,970 in 2010. Sector financing accounted for 11.3% of the total donor financing for RoSS in 2010. After the Health Sector, with 119 donor projects, the Social and Humanitarian Sector is second in having the largest number of donor projects (82); the sector accounts for 21% of the entire donor projects in the country. This is an indication of the goodwill of donors to work with RoSS to improve the social welfare of people in South Sudan (Ministry of Finance and Economic Planning data).

¹³⁷ USAID, 2010; MDTF-SS Pictorial Magazine Issue No. 2, April 2010.

However, looking beyond proportions of projects and at absolute amounts of money that were earmarked by sector, the largest proportion of donor funds has been channeled to health, infrastructure development, security, natural resources and education. These funds are mostly spent through discrete time bound projects.

The RoSS should be supported to build credible financial and accounting systems so that external aid is provided through basket funding rather than through discrete projects that are less sustainable. Using the basket funding modality would allow the RoSS to make the most appropriate choices on where and when to spend, increases the predictability of resource flow and enables the country invest in long term development programmes.

3.2.4 Agriculture

Agriculture is the main source of livelihood for more than 80% of the inhabitants in South Sudan. Most farmers practice traditional subsistence farming involving combinations of cattle rearing, crop production, fishing, wild food collection and trade¹³⁸. About 50% of the country's land has high potential for agriculture. The average subsistence family cultivates an average of two feddans (about 0.84 ha)¹³⁹. Overall, the key challenges in the sector relate to use of rudimentary technologies, low quality inputs and traditional/poor planting materials and a general lack of extension advice, all translating into low farm production and productivity.

In terms of gender, 80% of women employees in Ministry of Agriculture and Forestry (MAF)¹⁴⁰ are in the unclassified job category and a greater part of them have no formal education. Women mostly occupy unskilled positions and their contribution to service delivery is minimal. All unclassified staff have no or significant level of education (most being dropouts after 2-5 years of schooling). High illiteracy rates among rural women reduce the effectiveness of extension services and access to knowledge and skills provided by MAF and its partners. Budget allocations to MAF for institutional capacity development remain low.

Discussions held with officials in the five sampled states in South Sudan indicated that the main challenges faced in the sector included: low production and productivity associated with pest and disease outbreaks, lack of inputs and improved seeds and

¹³⁸ Bigirwa and DeVries, 2010.

¹³⁹ Kanisio John et al, 2010.

¹⁴⁰ RoSS, 2011c.

other breeding materials and deforestation and environmental degradation. Women, who form the bulk of the farming community, lack tools and equipment for opening up vast tracts of land and have limited access to extension services.

In Northern Bahr El Gazal, for example, it was noted that the state does not have an agricultural policy but makes reference to the national agricultural policy that was still in draft form. Extension services were not prevalent in the state due to lack of qualified extension workers to educate farmers. The Ministry of Agriculture was incapacitated by the limitation of few qualified officers and especially among the female cadres. Out of 148 employees working at the state headquarters, 141 were male and only 7 females. It was reported that there are very qualified women within the state. And due to the limited cars, motorcycles and bicycles in the state, women often decline to work as they have no means of transport to office. The salaries earned are too low to cover household needs since many husbands are not working.

Conversely, the West Bahr el Ghazel State has a plan in place for the Ministry of Agriculture, Animal Resources and Fisheries. Majority of households depend on subsistence farming although development of state farms has commenced to promote mechanized farming. However, although the state has ample grazing land and water resources favourable for livestock production, it is constrained by tsetse fly infestation. State interventions are needed to eradicate the presence of tsetse fly so that the livestock sector can be developed.

A number of policy issues that need to be addressed emerge from the above discussion: the need to build systems that provide improved seeds/breeding materials and inputs such as fertilizers and herbicides to the farmers; developing and expanding the agricultural extension service and ensuring that both men and women have access to affordable advisory services. Effective delivery of services will only occur if the country and states have concrete plans for developing the agricultural sector that are backed up with adequate resourcing and qualified manpower in the attendant ministries.

3.3 Key Gender Equality Issues Related to Economic Development in South Sudan

3.3.1 Involvement in economic and productive activities

Women and men in South Sudan are engaged in a wide range of economic and productive activities in agriculture and other sectors to improve their livelihoods. Women in particular are involved in cultivation and selling agricultural produce; making and selling several items in the market including beads, handkerchiefs, biscuits, tea, local alcohol, pots and mats. They are gradually venturing into businesses that have been formerly masculine including, charcoal and firewood selling, offering agricultural labor for wages, mason work and restaurants. As a consequence of the war, many women are now the household heads after having lost their spouses and thus are increasingly engaged in income generating activities that have traditionally been regarded as for men.

Box 3.3: Factors inhibiting women's participation in economic activities

- Insecurity
- Heavy domestic chores
- Illiteracy
- Denial to participate by husbands
- Cultural barriers
- Inferiority complex

However, despite the increased participation in economic activities, women are still fulfilling many reproductive and community assigned roles in line with the cultural norms. They are heavily involved in domestic chores including producing food and feeding the family, fetching water, looking after the sick, collecting firewood, washing and ironing clothes, cleaning the compound, fishing, cutting grass for making fences and roofing and gathering vegetables. At community level, the women participate in clearing grass in the village, cleaning churches, burying the dead, cooking for communal gatherings and making alcohol that is consumed at village events. These activities in aggregate limit the women's ability to participate substantially in the market. In undertaking these activities, they are helped mostly by the girl children.

The various roles played by women, men, boys, girls and the elderly are summarized in Table 3.3. Although women engage in independent economic activities, their labor is frequently deployed to support their husbands in unpaid tasks. Often, men are generally more engaged than women in income generating activities such as formal employment in Government and Non-Government Organizations (NGOs), construction

of houses, tailoring, cultivation, making bricks and other businesses such as restaurants, shops, butchery, saloons, brick making.

Discussions held with women in urban areas indicated that they considered working for Government as a preserve for men. This is attributed to the low levels of education of women and the fact that they are still considered to be inferior to men. This attitude and stereotype should be gradually changed so that qualified men and women equally benefit from earning salaried wages.

3.3.2 Access to and control of productive resources

Women in South Sudan generally have access to land but limited ownership and control over the key productive assets particularly land. Land is the primary factor of production in agriculture from which smallholder farmers get a livelihood through farming and accessing markets for their produce. In South Sudan, land is generally owned and controlled by men. Some women in urban areas, especially the well educated, can access, control and own any resource and asset of their choice through purchase due to the fact that they have the economic might. However, the situation is different for women in rural areas who mostly access land belonging to their husbands or male relatives (Table 3.4).

Although girls have access to assets such as land, hoes and food crops, traditionally they cannot own or control anything. The boys on the other hand were said to own everything their fathers possessed when they became of maturity. Men and women own, control and have access to labor. Women however, are more involved in providing family labor than their male counterparts and in activities that are unremunerated. This reduces women's chances of earning higher incomes as they are heavily engaged in non-paying activities.

While women are in charge of planting the food crops, it is their husbands or male relatives that make the decision on how much to plant and also provide the land for cultivation. Women have complete control over the produce that is earmarked for home feeding but limited control over the proceeds from sale of surplus produce. The gender disparities are more pronounced in rural than urban areas and among the poorer women.

Table 3.3: Summary of roles of Genders at Household & Community level in South Sudan

Category	Distribution of Roles		
	Reproductive Roles	Productive Roles	Community Roles
Men	• Heads of households	• Cultivation of cash crops	• Represent households at community meetings
	• Marry and look after wives and children	• Digging wells	• Contribute money for community development purposes
	• Fathering children	• Fishing	• Pay dowry for wife
	• Bread winners	• Hunting	
	• Inheriting wives of deceased siblings	• Grazing cattle	
Women	• Fetching water	• Cultivation of food crops and selling the surplus	• Lead cultural rites in some cultures
	• Cooking	• Tend to family businesses in urban areas	• Organize community gatherings but rarely participate.
	• Building houses.	• Cattle rearing	• Collect roofing materials
	• Giving birth and raising children	• Milking cows	• Groom girls
	• Cultivation		
Elderly	• Cut grass used in roofing.		
	• Counseling	• Some are bread winners	• Sit on customary court panels to resolve conflicts
	• Head households	• Graze cattle	• Advisory role in the community
			• Preside over cultural ceremonies and rites
			• Traditional birth attendants
Girls	• Imitate motherly roles as they grow	• Assist their mothers in markets and businesses.	• Not well defined but assist their mothers at times
	• Tending to younger siblings	• Cattle rearing	• Get married
	• Household chores	• Milking cows	
Boys	• Imitate fatherly roles as they grow;	• Assist their fathers	• Grazing cattle
	• Produce children	• Livestock keeping	• Fishing
		• Guarding gardens from pests	• Sent to school to graduate and help the community
		• Provide farm labour	

Source: Field consultations.

Table 3.4: Access to productive/economic assets by different genders in South Sudan

Resources	Access				Control				Ownership			
	Women	Men	Girls	Boys	Women	Men	Girls	Boys	Women	Men	Girls	Boys
Land	√√√	√√√√√	√	√	√	√√√√√	×	×	√	√√√√√	×	√√
Labour	√√√√√	√√√	×	×	√√√√√	√√√	×	×	√√√√√	√√√	×	×
Food crops	√√√√√	√√√√	√√	√√	√√√√√	√√√√	×	×	√√√√√	√√√√	×	×
Cash crops	√√	√√√√√	×	√	√	√√√√√	×	×	√	√√√√√	×	√
Cows	√√	√√√√√	×	√	√	√√√√√	×	×	√	√√√√√	×	√
Goats	√√	√√√√√	×	√	√	√√√√√	×	×	√	√√√√√	×	√
Houses	√√	√√√√√	×	√	√√√√	√√√√√	×	×	√	√√√√√	×	√
Vehicles	√√	√√√√√	√	√	√√	√√√√√	×	×	√√	√√√√√	×	×
Donkeys	√√√	√√√√√	√√√	√	√	√√√√√	×	×	√	√√√√√	×	√
Hoes	√√√√√	√√√√√	√√√	√√√	√√√√√	√√√√√	×	×	√√√√√	√√√√√	×	×

Source: Field Consultations: Key:

√ Have access, control or ownership of asset – scale of 1 to 5 indicating low to high.

× No access, control or ownership of asset

Other important economic assets like cattle, goats and houses are owned and controlled by men and boys as these are part of the wealth that is used to pay bride-wealth when marrying women. Women and girls have access to milk for the family. The boys control and own the assets after their fathers' demise. Similarly, women can own land and other assets when they are widowed.

The key barriers to women's control and ownership of productive assets include:

- Cultural norms that promote men and boys to control all productive assets and resources; fear of women and girls going off with the assets after divorce.
- Engagement in non-remunerated family activities and low paying jobs;
- Lack of income sources; when women apply for land, they fail to pay the application fees to the land office so that their applications are considered. Even when they have access to land, they lack resources to develop it.
- Limited power to make independent decisions. A woman who owns assets and makes independent decisions has in the past been looked at negatively in the society and is even punished.
- Lack of a voice in community events and activities
- High illiteracy – women have limited knowledge and skills to how to use the assets effectively to generate wealth and income. In the past, girl children were never allowed to attain an education but the situation has changed although access to post-primary education remains a key challenge. Girls tend to be married off at an early age.

It is critical that the cultural norms and barriers are challenged to pave way for women in South Sudan to participate and benefit from economic production. The regulatory framework should be reviewed/strengthened with a perspective to create more room for women's participation in the national and community level development activities. Enhancing the girl child's access to formal education would go a long way in addressing the issue of illiteracy among women as a key barrier to economic progress.

An important point to note is that land in some states is owned and under the direct control of the Government. Where people claimed ownership, it was mainly through leasehold. Also, a substantial number of families do not have productive assets because they have just returned from Khartoum and are settling following the creation of a new nation. This gives the Government an opportunity to strengthen its land laws and regulations to ensure that both women and men can have easy access to land for productive purposes.

3.3.3 Access to credit institutions

Access to credit markets is an important indicator of the level of economic empowerment of citizens in a developing country. Credit allows people to invest in

enterprises that can increase their welfare levels. Key informant interviews held in 5 states of Central Equatorial, Upper Nile, Northern Bahr el Ghazal, Jonglei and Western Bahr el Ghazal revealed some interesting findings on this indicator.

The majority of the 93 respondents (89%) are within the distance of 9 Km to the financial institutions (average = 4.08Km) and 11% are further than 9 Km, with a maximum distance of 20 km. Despite being within a reasonable distance, the majority of the respondents have never taken credit or loan from a financial institution, this being true for both women and men (Figure 3.8). Of those who have got credit or loans, they accessed them mainly from friends or microfinance institutions and used them mainly to start or expand a business and meeting domestic basic needs including paying medical bills or school fees, seeds and fuel. Repayment of loans was found to be generally good, although much higher among males (88%) than females (78%).

Figure 3.8: Credit access in selected households in South Sudan



Source: Field consultations.

Those who had never accessed any credit/loan advanced various reasons as indicated in Table 3.5. The majority did not access loans because they did not need to borrow (42%), 20% were discouraged by the high interest rates, 21% did not have the required collateral, and 20% did not know the procedures for borrowing.

Table 3.5: Reasons for not taking loans in selected areas of South Sudan

Reason	Number of respondents	% of respondents
Did not need to borrow	32	42%
High interest rates	15	20%
Financial institution is far	3	4%
Don't know procedures of borrowing	15	20%
Lack collateral	16	21%
Stringent procedures of borrowing	10	13%
Not aware of financial institution	6	8%
Can't borrow coz of low income	2	2%
Low education	1	1%
Recently employed	1	1%

Source: Field consultations.

The other hindering factors included the stringent procedures involved in borrowing (13%), unawareness of the financial institutions (8%), financial institution is far (4%), and low incomes levels making it hard to pay back. A number of remedial actions were suggested by the people in South Sudan for enabling them access credit (Table 3.6).

Table 3.6: Proposed remedial actions to accessing loans in South Sudan

Solutions to the barriers	No of respondents	% of respondents
Her income should increase to make her credit worthy/change in income levels	12	19%
"Employment/ source of income"	27	39%
Lending institution must be sensitized	15	20%
There should be projects which gives loans	4	5%
Need for agriculture bank	5	7%
To increase the assets	5	7%
Accessibility to information about borrowing loans	5	7%
Get a generator	2	3%
Financial institution should not consider collateral	1	1%
Women and men sensitized in order to have interest of borrowing the loan	2	3%

Source: Field consultations

Enabling women and men to have a stable source of income or gainful employment (39%) was the leading proposal followed by the need to sensitize lending institutions with regard to have a softer approach to handling resource poor clients and especially women (20%), and providing incentives that enable borrowers to increase their income levels (19%).

3.3.4 Access to markets

Access to input-output markets allows men and women to expand agricultural production and increase their incomes through purchase of inputs and household supplies and sale of surplus produce. Issues regarding access to markets were explored in the key informant interviews held in 5 states of Central Equatorial, Upper Nile, Northern Bahr el Ghazal, Jonglei and Western Bahr el Ghazal. Some interesting findings emerged as discussed below.

About 93% of the respondents moved a distance not more than 8 Km to the markets with 7% moving distances more than 10 Km. A significant proportion of the respondents (20.9%) did not go to markets while 36.3% were going there on a daily basis. The sample findings showed that females in South Sudan tend to go to the markets more frequently than the males (Table 3.7). Majority (78%) of those go to the markets go to buy domestic items such food and vegetables, 17% go there to sell items while 5% take their items (mainly food) for sale. The main barriers for not going to the markets included: lack of money to purchase items (34%), failure to identify need to go to the markets (34%), poor transport worsened by heavy rains, long distances and bad roads (32%).

Table 3.7: Access to markets

	Percentage of respondents who go to the market					Number
	I don't go to the market	Every day	Weekly	Monthly	Total	
Male	36.4	20.5	34.1	9.1	100	44
Female	6.4	51.1	34	8.5	100	47
Total	20.9	36.3	34.1	8.8	100	91
Pearson chi2(3) = 15.6633 Pr = 0.001						

3.4 Government Policies and Commitments on Economic Development

3.4.1 Macro-economic Policies

The RoSS has made binding commitments to improve the economic conditions of men and women in the medium to long-term, as stated in the National Development

Plan¹⁴¹. A stable macroeconomic environment is vital for rapid and sustainable economic growth. Hence, the RoSS has put in place measures to deliver macroeconomic stability entailing low inflation; a stable exchange rate; predictable Government taxes and spending; low and stable interest rates and a sound financial system. A stable economy is vital for preserving the purchasing power of the earnings of the poor in South Sudan. Volatility in the macro economy tends to undermine efforts for renewed economic growth, employment and improved livelihoods.

3.4.2 Aid Strategy

Presently, South Sudan does not receive any budget support from its development partners. The Government is working towards receiving aid in the form of budget support by the end of 2013, having recognized the fact that this aid modality can help build stronger government institutions for service delivery. As an interim step, the Ministry of Finance and Economic Planning and its partners are steadily designing the Local Services Support Aid Instrument (LSSAI) to channel donor funds through the states transfer system to provide additional funding at county and facility level. This instrument is expected to be operation in 2012/13.

In the meantime, the Government is focusing on gradually strengthening the financial management systems at all levels to ensure that funds reach the intended beneficiaries and are used in the most efficient and effective manner.

3.4.3 Natural Resources and Agricultural Development

The natural resource sector – including agriculture, livestock, fisheries, forests and wildlife – will play a vital role in enabling sustainable economic development of South Sudan. Presently, 78% of households depend on crop farming or animal husbandry for their primary source of livelihood.

Agricultural development policies

The RoSS has made commitment in the National Agriculture and Livestock Extension Policy (NALEP) to improve farmers' access to agricultural inputs and advisory services as a means of enhancing agricultural production and productivity. The NALEP gives direction for the management and organization of a pluralistic extension service that promotes public-private partnerships. Research, training and

¹⁴¹RoSS, 2011.

technology dissemination will be key instruments for sustainability of agricultural interventions.

Other national policy commitments are contained in the South Sudan Seed Policy¹⁴², Agricultural Research Policy¹⁴³ and Ministry of Agriculture and Forestry (MAF) Capacity Building and Training Policy¹⁴⁴. The overall goal of the Seed Policy is to “Improve agricultural productivity, household income generation and food security through adequate, timely and sustainable supplies of well-adapted high-quality seed at competitive prices”. The seed policy is a well prepared document but unfortunately, it does not address any gender issues. The South Sudan Seed Council (SSSC) which plays an oversight role of the seed sector does not include gender and/or women perspectives both in its functions and composition. This further means that gender issues are likely to be sidelined during meetings to discuss the performance of the seed industry. The provision that allows for consultations to occur between ministries provides room to bring on board the question of gender into the National Seed Policy.

The Agricultural Research Policy seeks to promote the generation, acquisition, adaptation and dissemination of new knowledge and improved technology necessary for transforming farming in South Sudan from subsistence to commercial. This is to be achieved through improvement of plant varieties and animal breeds; pest and disease control; soil fertility improvement; mitigating impacts of climatic variability, and reforming the institutional framework for agricultural research, among other interventions. Evidently, there’s a great need to mainstream gender in the agriculture research policy because it makes no mention of any such strategies. However, it should be noted that South Sudan hasn’t had agricultural research since the 1940’s. Therefore, while this implies great challenges, it also presents opportunities for gender to be mainstreamed right from the start as the country re-establishes its agricultural research.

The vision of the MAF Capacity Building and Training Policy is to improve human resource performance to enhance productivity in the agricultural and forestry sectors, food security, household income and sustainable development through targeted training programmes. The Government is committed to enhancing productivity in this sector by building human resource capacity at various levels and in specialization, enhancing institutional capacity to improve corporate governance, improve and create adequate capacity for short and long term training in various fields and levels

A number of recommendations emerge that need to be considered by the Government and its development partners for engendering agricultural sector policies and interventions:

¹⁴² RoSS, 2011.

¹⁴³ RoSS, 2011a.

¹⁴⁴RoSS, 2011c.

- Gender sensitive indicators need to be incorporated in agricultural sector interventions, project proposals and research reports. There is a need for an incentive mechanism for encouraging researchers, extension workers and other practitioners in the sector to incorporate use gender techniques in their work.
- Gender focal persons need to be assigned at both central and state research centres and agricultural ministries to create sustainable links with Ministry of Gender, Child and Social Welfare and also to ensure technical support, monitoring and evaluation for their respective centres.
- Gender training and analysis should be incorporated in the MAF capacity building and training programme. Manuals related to gender concepts, gender-mainstreaming techniques and gender-analysis tools need to be prepared and distributed to all ministries of agriculture and forestry and research and extension centers.
- There should be close monitoring and evaluation of gender-responsive research and extension to identify problems early and provide timely corrective measures.

Environmental policy

Since South Sudan is susceptible to environmental disasters, mechanisms will be put in place for improving preparedness for effective response to food and agricultural emergencies. The Government of South Sudan is in the process of finalizing the Environmental Policy¹⁴⁵ that prepared the country for response to emerging environmental management challenges for purposes of realization of sustainable development.

The Environmental Policy provides every citizen with the opportunity to participate in protection of the environment and the decision makers and resource users to make correct choices from among viable options for sustainable utilization of the resource base for both the present population and the future generations. The goal of the South Sudan National Environment Policy is *“to ensure protection and conservation of South Sudan’s environment and ensure sustainable management of its natural resources in order to meet the needs of its present and future generations”*. The Government aims to integrate environmental considerations into the development policies, plans, and programs at the community, government and private sector levels; build capacity for better environmental governance and encourage public participation in conservation measures.

The Environmental policy recognizes the important role played by women in providing water, fuel wood, practicing subsistence farming and other vital services to their households and the community at large. They are the most affected when the environment is degraded because of these traditional gender roles. The policy,

¹⁴⁵ RoSS, 2011b.

however, does not provide guidance on the gender aspects that will be addressed in the implementation process. It is critical that women and girls are empowered to be effective resource managers through capacity building and have access both to educational opportunities and information on environmental governance and to leadership roles in the community in management of the environment.

3.4.4 Economic Empowerment

The Government of South Sudan has committed itself in various policy documents at national and state level to improve the welfare of men and women through specially targeted economic empowerment programmes. Discussions held with the Director Generals of the Ministries of Social Development in the sampled states indicated some progress having been made in putting in place a semblance of economic empowerment programmes.

- ✚ Jonglei State has got a draft policy that is scheduled for approval by end 2012. The key areas for economic empowerment include: agriculture, training on gender based violence, poultry farming, girl education and child protection. The Ministry of Social Development has embarked on implementation of activities that are crucial in addressing barriers that may hinder women and girls from being empowered economically. These include: training in human resource management; adult literacy classes in English; provision of financial resources for income generating activities like poultry farming. With support from Norwegian People Aid (NPA), the Ministry has recently completed construction of a Women's Centre that is to be handed over to Jonglei Women's Association.
- ✚ The key areas of policy focus for economic empowerment in Northern Bahr El Gazal state focus on promoting women's education and participation in business, child protection and promotion of sports and culture. Women are equipped with skills for entrepreneurship in activities such as poultry, vegetable farming, and sewing.
- ✚ Economic empowerment programmes in Western Bahr El Ghazal State are jointly handled by the Ministry of Social Development, Ministry of Finance and Ministry of Agriculture, Animal Resources and Fisheries. Implementation so far was noted to be limited due to lack of resources and financial commitments to the programmes. Support has often taken the form of uncoordinated and random assistance to a handful of women mostly in the capital and its suburbs.

The main challenges to economic empowerment of women and men in South Sudan relate to limited implementation of the planned programmes due to low funding and understanding/information on who needs the support most. A loan scheme that was introduced in Western Bahr El Ghazal did not perform well in rural areas due to high defaulting rates. The rates of defaulting were higher for group loans than

individual loans due to poor group dynamics. Many women in rural areas worked hard to recover the loans instead of investing to make profits. The loans that were advanced under the Women Training and Promotion programme were too small (varying between SSP 300 and SSP 500) to enable the beneficiaries experience an improvement in their standard of living.

The Republic of South Sudan, as a way forward, needs to firm up its National and State Plans and programmes for Economic Empowerment of poor people and especially women in rural areas. The Government needs to identify sources of funding for implementing programmes that can lead to sustainable empowerment of women in South Sudan. Such programmes could focus on: increased availability and application of modern agricultural equipment and farm management practices; production of high value commodities; promotion of cottage industries; skilling women, youth and other vulnerable persons; and provision of affordable business loans.

3.4.5 Financial Sector Development

Inadequate access to finance is a problem across South Sudan. There are still relatively a small number of financial institutions offering services to individuals and businesses. Insecurity and a weak legal and regulatory framework are among the main barriers to increased outreach of financial services. The country is working on establishing a policy regime that encourages the expansion and growth in depth of the financial sector. The aim is to inculcate a banking culture within the population and increase outreach of financial services in the country. Initially, the focus is on reaching as many Sudanese as possible to make use of banking facilities, irrespective of their sex and gender. This is in light of the fact that a small proportion of the population uses banks or other financial services in the country.

Box 3.4: Recognition of women's contribution in economic development

There are indications of the Government of South Sudan paying closer attention to integrating women in the economic development process:

- The RoSS commits to enhancing women's access to microfinance as it embarks on financial sector development.
- In agriculture, the RoSS has committed to ensuring that women are not disadvantaged when seeds and tools are distributed or when extension services are being dispensed, as part of the community development initiatives.
- Young women will be targeted with economic empowerment programmes as a means of increasing their employment and consequently the livelihoods of their families. Activities include creating entrepreneurship opportunities for youth and especially the female youth in trade, agriculture, livestock and fisheries.

3.4.6 Infrastructure

Since 2005, the RoSS has made tremendous progress in constructing/rehabilitating state infrastructure including 5,000 km of roads, water treatment plants and bores, irrigation facilities, major ports and airports and maintaining feeder roads. However, poor infrastructure is still a major barrier to economic development in South Sudan. Roads, bridges, water and electricity remain generally insufficient. Some parts of the country are cut off by poor roads. The RoSS's infrastructure sector objective is "to maintain, rehabilitate, provide and operate infrastructure to enhance poverty reduction, economic growth and service delivery". The priorities are (i) roads and road transport development; and (ii) water resources, management, development, utilization and provision of sanitation services.

Improved infrastructure will integrate communities into the economic and political life of the country, connect regions within the country to each other and with South Sudan's neighbors, and improve security and the country's resilience to shocks such as in food supply. The Government intends to implement a transition from the emergency, post-conflict approach which has characterized most past investment in infrastructure. The RoSS is in advanced stages of setting up a Rapid Infrastructure Development Fund to quicken investments in this area¹⁴⁶. The Rapid Infrastructure Development Fund will be designed to channel funds from donors, multilateral banks, foundations and the government's own resources to Priority Investment Programmes in energy, water and transport infrastructure. The Fund could possibly also extend to other areas, such as health and education infrastructure, if Government and partners agreed and if the Fund achieves success.

3.4.7 Land Tenure

Land tenure is closely connected to issues of agriculture and economic development. The SSDP observes that one of the causes of conflict and insecurity in South Sudan at present is the unclear land tenure system. It also notes that the current system also affects and constrains investments and economic development. It further notes as that the Land Act of 2009 did not adequately address the issues of land rights for women and other vulnerable groups.¹⁴⁷ A process of reviewing the Land Act to address this and other issues it did not address was initiated and a draft Land policy was developed under the auspices of the South Sudan Land Commission and submitted to the Ministry of Legal Affairs and Constitutional Development (MoLACD) in February 2011 for review. It should be noted that women and girls are substantially marginalized with respect to land rights and generally lack ownership of land.

¹⁴⁶MOFEP, 2011.

¹⁴⁷ See *South Sudan Development Plan 2011-2013* on page 48.

3.4.8 Water Facilities and Management

As part of infrastructure development, the RoSS has made commitments to improve access to water for domestic use as well as for irrigation purposes. In regard to urban water provision, the RoSS objective is “*accelerated provision of safe water to urban areas*”. The target is to increase the percentage of the population with access to portable water from 34% in 2011 to 45% in 2013. This objective is to be implemented by the Southern Sudan Urban Water Corporation (SSUWC). The Government, through the Ministry of Water Resources and Irrigation (MWRI), has made a commitment to improve the percentage of rural communities with access to safe water from 34% to 40% and those with access to improved sanitation from 9.3% to 15% between 2011 and 2013, respectively. In the area of water for production, the Government has committed itself to increase the cultivable area covered with irrigation facilities from a baseline of 2,000 feddan to a target of 10,000 feddan by 2013.

3.4.9 Youth Employment

Recent research on urbanization in South Sudan¹⁴⁸ revealed that increasingly, men in Juba are experiencing difficulties in finding viable ways of making a living and that the burden was falling on women to both earn a livelihood and care for their children and families. Increasing youth employment and especially among young women will be critical if livelihoods in South Sudan are to improve considerably. The RoSS commits to increasing access to entrepreneurship skills for young men and women and also to increase opportunities for vocational and professional training.

3.5 Regional Experience In Integrating Gender Equality Approaches into Economic Development Analyses and Programming

There are many examples in the region of countries that have made advances in integrating gender concerns in the economic development process. Case studies of Kenya, Uganda and Rwanda are presented in this section to illustrate different dimensions of economic development that provide lessons for South Sudan.

¹⁴⁸Martin and Mosel, 2011.

3.5.1 Women's economic empowerment through microfinance in Kenya

Gender inequality is a serious economic issue in Kenya. The Government of Kenya appreciated that addressing gender equality will lead to improved outcomes not only for women themselves, but for families and the society as a whole. The national machinery for implementing gender and development goals in Kenya comprises two main institutions: the Department of Gender in the Ministry of Gender, Sports, Culture and Social Services and the National Commission on Gender and Development.

The Kenya National Commission of Human Rights has also been established through an Act of Parliament. One of its tasks is to observe the principle of impartiality and gender equity. In addition to its national machinery, Kenya has a vibrant women's movement, which has an important role in advancing the gender agenda and assisting the national machinery in facilitating the implementation of gender policies. Ensuring the women become economically empowered is one of the key agenda items of the civil society. However, although these organizations are active in addressing gender issues, interactions between them and public policy makers have traditionally been weak.

Box 3.5: United Women's Savings and Credit Cooperative Society (UWSACCO)

Created in 2000 by a team of professional women, UWSACCO's mission is to help women acquire financial assets that will give them economic power and financial freedom. Their vision is to transform UWSACCO into a women's savings bank. UWSACCO targets the upper end of women MSME business owners and NGO women executives with higher savings requirements (K Sh 100,000 minimum savings) and bigger loans (average of K Sh 250,000). Prospective members are interviewed and closely screened before being granted membership status. Most prospective members are introduced by current members. The committee prefers this approach because it transfers some of the screening requirements to the sponsoring members.

The success of the UWSACCO is well captured in its financial statements. As of May 2005, the share capital grew from K Sh 6,954,045 to K Sh 16,460,269, reflecting a growth of 137 percent. Total loans grew from K Sh 4.5 million to K Sh 10.5 million, reflecting a growth of 33 percent. As of November 2005, the default rate was zero. But UWSACCO's membership is small and exclusive. In interviews, UWSACCO's leadership indicated they believe that the lack of legal and regulatory framework governing the operations of the SACCOs is the biggest threat to the organization.

One of the success areas in mainstreaming gender in economic development has been in increasing women's access to microfinance. Various institutions in Kenya are geared specifically toward the needs of women, such as the Kenya Women Finance Trust (KWFT), the National Association of Self-Employed Women of Kenya, and the United Women's Savings and Credit Cooperative Society (Boxes 3.5 and 3.6).

But these are all in the microfinance or SACCO sectors. Informal enterprises are served by more than 5,000 microfinance institutions (MFIs) and SACCOs, the latter being the biggest provider of microfinance to MSMEs in the country (Coetzee, Kabbucho, and Minjama 2002). However, the microfinance sector is highly segmented and disconnected.

Box 3.6: Kenya Women Finance Trust

Started in 1981 and the first African affiliate of Women's World Banking, KWFT is today the largest provider of microfinance in Kenya targeting women. The organization had 78,786 active members at the end of 2005 and more than 300 staff servicing low-income women. KWFT has wide reach in seven of Kenya's eight provinces, and it provides both group-based and individual loans. The average loan size is K Sh 36,125, and the self-sufficiency rate is 119 percent.

3.5.2 Gender and Equity Budgeting in Uganda

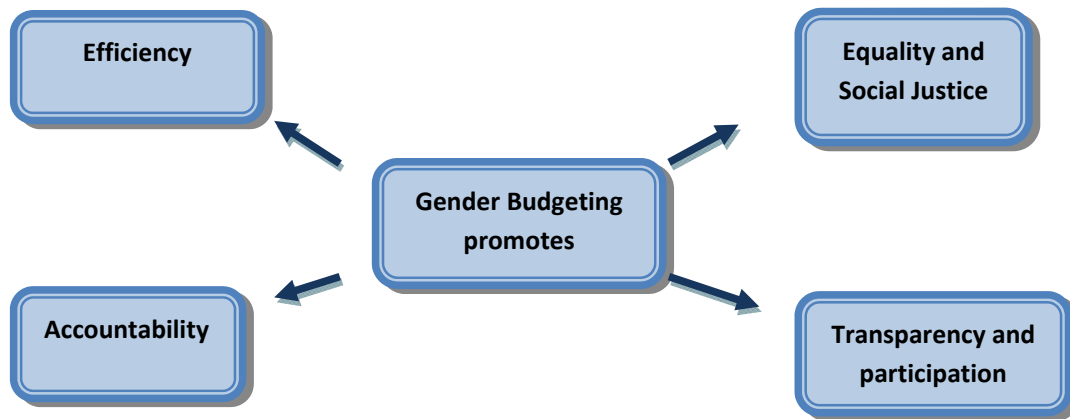
In spite of Uganda's economic recovery from the downturn of the 1970s and 1980s, the country's per capita income is still low compared to other economies in Africa and Asia (GoU, 2010). Further analysis of this growth indicates that per capita income for women is much less compared to that of men. As the case is in South Sudan, the majority of women are engaged in less paying activities leading to disparities in the income between men and women at all levels. A study in Uganda by the Ministry of Finance, Planning and Economic Development (MFPED)¹⁴⁹ revealed that while 25% of economically active men received a wage, it is only 12% of the women who were working in wage employment. Addressing gender inequality in education and formal sector employment would increase the GDP growth rate by 1.2 per cent annually.

These persistent gender inequalities influenced Government of Uganda (GoU)'s resolve to enhance gender mainstreaming efforts especially in financial and economic processes. Among the initiatives was gender and equity budgeting. The objective of gender and equity budgeting (GEB) is to mainstream gender issues and ensure that gender concerns are integrated into all national, sector and district policies, plans, programmes and budgets. By engaging in gender budgeting, the Government seeks to ensure that public resources are used to meet the needs of the

¹⁴⁹MFPED, 2009.

poorest and most vulnerable women, men, girls and boys, equally. The expected outcomes of gender budgeting are illustrated in Figure 3.9.

Fig 3.9: Benefits of Gender Budgeting in Uganda



Source: MFPED, 2007.

The MFPED, through the Budget Call Circulars (BCCs) of 2004/5 and 2005/6, mandated all sectors to integrate gender and equity issues in the Budget Framework Papers (BFPs). A User's Manual was attached to the BCCs. In 2005/06, capacity building of gender focal persons, planners and budget officers of five sectors of Health, Agriculture, Education, Justice Law and Order and Water and Sanitation was undertaken. However, the numbers remained too small to effectively inculcate a culture of gender and equity budgeting with all sectors. Hence, the Government has embarked on continuous capacity building and placing gender focal persons in the line ministries and agencies. Capacity building and empowerment of the Finance Ministry in Gender issues has been a major success factor in the gender mainstreaming processes.

A gender budget training manual has been developed for use in the decentralized units/local governments. Trainers of Trainers have been trained to spread the skills of gender and equity budgeting in all Government entities. A Gender Audit was recently conducted to assess the extent to which all these measures have been effective. It was found that many Government agencies have adopted gender and equity budgeting which has led to increased allocations to areas that matter for addressing gender inequalities. The welfare of women and children has improved as a result of these measures.

3.5.3 Donors contribution to Economic Empowerment in Rwanda

Being a post-conflict country, Rwanda shares many similarities with South Sudan in terms of the challenges that keep women and men locked up in poverty and economic disempowerment. Rwanda is predominantly rural, with 91 percent of the population engaged in agricultural activities. According the U.N. Food and Agriculture Organization and World Food Programme, 20-25 percent of all households lack sufficient food¹⁵⁰. With the establishment of the rule of the law, the country is on a steady rise in economic development and provides useful lessons for South Sudan in tackling its economic challenges.

The majority of women in Rwanda are subsistence farmers engaged in household food production. Women have limited access and control over economic resources such as cash from crop sales, land and credit that are mainly managed by males. Rwanda has since the mid-1990s undertaken a series of reforms to improve women's access to economic opportunities and resources. Inheritance laws were passed and are under enforcement to provide significant gains for females in land ownership and thus increasing their access to credit. Economic assistance has gradually been improving via mutual self-help schemes organized by women's groups and associations to provide low-interest loans and credit and often without collateral.

Donor assistance has been key to spurring economic empowerment of men and women in Rwanda. Many donors provide assistance through a variety of mechanisms that either target women specifically or mainstream gender into all development activities. Agriculture is one of the sectors where donor contributions are heavily concentrated for purposes of economic empowerment. For example, improvements in the lives of many women and girls have occurred as a result of USAID/Rwanda's development assistance. The Mission has provided critical food security to women through Food for Work programs (50 percent of beneficiaries are female) and has significantly improved women's decision-making roles through its Women in Transition (WIT) Projects. USAID/Rwanda's programs also have` provided female farmers with necessary inputs for improved agricultural production, promote women's participation in national and international training opportunities, and has supported girls' educational attainment through the funding of scholarship programs.

In order to make Government economic programmes that are donor supported more gender focused and effective, the following measures have been adopted in Rwanda by many donors:

- Adjusting budgets to ensure sufficient monies are set aside for gender-specific
- interventions;

¹⁵⁰ Morel-Seytoux S. and Lalonde H., 2002.

- Identifying Gender Action Committee members to monitor national plans of action, monitoring frameworks and surveys for gender content;
- Planning for sector and policy-level gender analysis research;
- Establishing systems for gender-specific data collection;
- Maintaining a roster of consultants with local and regional gender expertise and a gender library; and
- Collaborating with government ministries and other donors on the gender dimensions of development.

3.6 Recommendations For Achieving Gender Mainstreaming In Economic Development

Mainstreaming gender in economic development necessitates the Government of South Sudan to focus on a critical set of interventions that will reduce the inequalities between women and men from an economic perspective. A two-pronged approach is recommended for enhancing economic development from a gender perspective: 1) Strategies that are generic or macro in nature, focusing on transforming the structure of the economy from subsistence to modernization 2) Strategies that are micro and targeted in nature, focusing on narrowing the gender gap in the economic status of women and men in South Sudan. These strategies are presented below in a prioritized manner.

3.6.1 Macro level economy-wide strategies

Six key strategies are recommended:

- 1) Government to gradually diversify the country's revenue base beyond oil production to sectors where the majority of the poor and especially women derive their livelihood, primarily agriculture. The emphasis should be on supporting small holder farmers and especially poor female farmers in rural areas while also encouraging the emergence of commercial farming in the country.
- 2) Effective delivery of services will only occur if the national government and states have concrete plans for developing the agricultural sector that are backed up with adequate resourcing and qualified manpower in the attendant ministries. More resources need to be devolved to the agricultural sector institutions, especially at state level, to enable them roll out the planned programmes. The plans should be gender responsive with indicators that track progress towards gender equality in the agricultural sector.

- 3) Strengthening land laws and regulations to ensure that both women and men can have equitable access to land for productive purposes. Ownership of land encourages farmers to invest time and resources in long-term improvements and facilitates access to agricultural support services.
- 4) Firming up and implementing development plans at National and State level that focus on reducing poverty, promoting food security, developing agriculture and enhancing economic empowerment of women and men in South Sudan. The plans should be engendered, costed and adequately financed.
- 5) As peace and stability is restored, gradually shift resources away from salaries and wages and security related expenditures to the productive sectors and social development. More funds need to be allocated to the states for the social and humanitarian programmes that will enable the ministries to address the plight of women, children and the general population.
- 6) Government should work closely with the development partners to build credible financial and accounting systems at all levels so that external aid is provided through budget support rather than through discrete projects as planned. This should allow more fiscal decentralization so that States have more resources at their disposal to expand service delivery at the grassroots.

3.6.2 Micro level targeted interventions

Three recommendations are proposed:

- 1) The RoSS should focus its efforts on enhancing the performance of the agriculture sector at household level through targeted investments so that more food is produced for the population. Female farmers in particular should be enabled to access affordable agricultural inputs and implements and extension services enhance farm production and productivity. The following aspects should be integral to the strategy for agricultural development:
 - a. Provision of improved seeds, fertilizers, pesticides and animal feeds and drugs at subsidized prices;
 - b. Developing cooperatives as an effective means of bringing farmers together for purposes of accessing inputs and bulking produce for sale. Membership in cooperatives should be open to both women and men, and not necessarily to household heads who are mostly men.
 - c. Promoting labor-saving technologies at household and on-farm. The needs and priorities of women should be considered in the research and development of agricultural technology.

- 2) Extending short and long term development credit and microfinance to women for establishing or expanding income generating activities, with Government providing surety as most females lack collateral. The following measures should be considered in the strategy:
 - a. Establishing women's savings and loan groups that are accessible to all categories of women for purposes of economic empowerment.
 - b. Implementing policy or legal reforms to facilitate women's participation in savings and credit groups.
- 3) Promoting skilling of women, girls and youth in business and entrepreneurship, leadership and marketing. Vocational skills should be imparted in such areas as improved farming methods and technologies, cottage industries, value addition, production of high value commodities; and working in the service sectors within the East African and surrounding regional blocs.

CHAPTER FOUR: SOCIAL DEVELOPMENT

4.1. Introduction

Gender equality is a core development objective and a prerequisite for sustainable human development. The prolonged civil war in South Sudan coupled with minimal investments into social development, and the social inequalities that have widened to the disadvantage of the poor and marginalized but also to national development. Implementing interventions aimed at reducing social inequalities are critical to South Sudan's sustainable development.

Text box 1: Social Sector indicators adopted for the gender assessment

Education

- Literacy levels for women and men
- Total enrolment rates for boys and girls at different levels (primary, secondary and higher level education)
- Dropout rates at different levels (primary and secondary)
- Performance in final examinations
- Cultural practices that may undermine female education such as early marriages, male preference among others
- Government policies and programmes
- Other stakeholder contributions towards female education in South Sudan

Health

- Life expectancy
- Maternal health focusing on maternal mortality, births supervision, fertility rate, antenatal and postnatal attendance, HIV/AIDs prevalence among women under reproductive age, met or unmet need for family planning.
- Child health i.e. infant mortality, immunisation, breast feeding, nutrition status, disease burden among children and childcare practices that undermine child health.
- Reproductive health rights
- Access and availability to health services
- Disease burden
- HIV/AIDS prevalence rates
- Cultural practices that may undermine maternal health such as early marriage, female genital mutilation,

Sexual and Gender based violence (SGBV)

- Forms of gender based violence
- Perpetuators of GBV
- Driving factors of GBV
- Awareness and information, education and communication strategies
- Cultural practices, attitudes and perception that perpetuate GBV
- Government policies and programmes to address GBV
- Development partners and CSOs' interventions on GBV

Water and sanitation

- Access to water and distance to clean and safe water for domestic use
- Challenges associated with access to clean and safe water for domestic use
- Roles and responsibility in water collection
- Latrine coverage
- Health education programmes by government, development partners and CSOs among others

Gender equality can be considered from a number of perspectives but there are three key dimensions (World Bank, 2012) namely: the accumulation of endowments; the use of the endowments to take up economic opportunities and generate incomes; and the application of the endowments to take up actions or agency affecting individuals and household wellbeing.

This chapter focuses on the status of women and men, girls and boys in South Sudan with regards to the accumulation of endowments through education, health, water and sanitation. It also looks at social protection, specifically focusing on sexual and gender based violence (SGBV) as an issue affecting individual and household agency. Several indicators have been selected under each of the key areas (see text box 1).

The analysis focuses on five keys levels as illustrated below. First and foremost is the situational analysis; the status of women and men, girls and boys as per the sectors under consideration. An effort is made to analyse the underlying causes behind the socio-economic status of women and men girls and boys. Similarly an attempt is made to analyse implications of the current status for women and men, girls' and boys' wellbeing, as well as to the achievement of the national development targets. Recommendations are made on future policy and programmes directions including relevant key stakeholders in order to promote gender equality as illustrated below.

Figure: Levels of analysis for the social sector



4.2 Education

In order to assess the education status, the study selected key indicators including literacy, enrolment/access, efficiency indicators like persistence, drop out, repetition, performance and quality indicators like teacher: student ratio, student: textbook ratio, student: classroom ratio, access to clean and safe water and sanitation and availability of scholastic materials. Details are covered in the following sections.

4.2.1 Key Issues in Education and Gender Implications

Low Literacy rates

Table 4.1: Literacy rates

Literacy rates	2001[1]		2010[2]	
Age group	6	15+	6	15+
South Sudan	N/A	24		
Males	N/A	37	38	40
Females	N/A	12	19	16
Residence				
Rural	N/A		24	22
Urban	N/A		52	53

(N/A- data not available)

According to data in table 4.1, the literacy rate for males at all ages is twice that of females. This is the case in all the states of South Sudan. There are more people who can read and write in urban areas compared to rural areas. Although there was a slight improvement in the literacy rates for both males and females in 2010 compared to 2001, the literacy rate for females is still far behind that of males. Similarly, the young female generation is more literate compared to the old female generation. This is mainly due to an improvement in the school enrolment of girls.

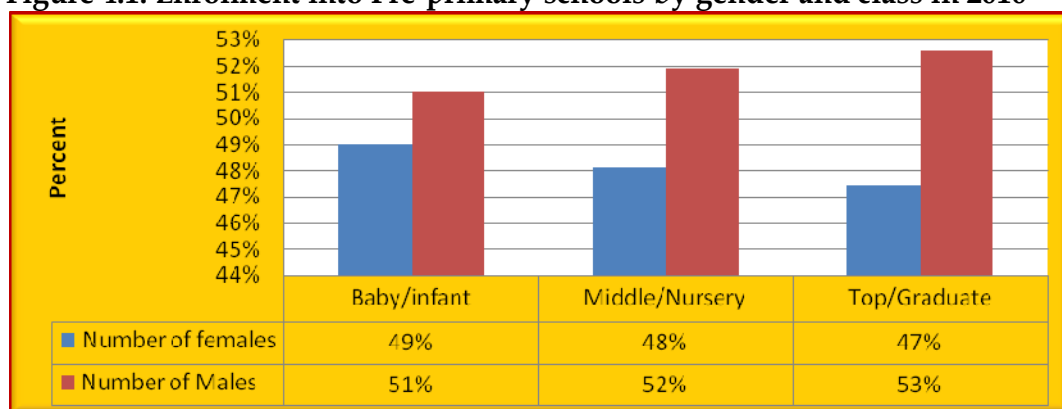
The low level of literacy among women implies that women are not able to effectively participate in socio-economic development. For instance they find it extremely hard to engage in income generating activities that require some economic literacy. It is therefore important that interventions aimed at promoting literacy and life skills pay special attention to the needs and interests of women and girls so that they can effectively participate in the development process.

Enrolment into the Education System

School enrolment is an important aspect in assessing access to education. Who is enrolled in school in a given society is a powerful indicator of who is valued in a family or household and how gender sensitive a given community is. Encouraging equal enrolment for both boys and girls is one of the basic strategies for addressing gender inequality.

The education system in South Sudan constitutes of pre-primary, primary, secondary, alternative education and higher education. Figure 4.1 and tables below present details on enrolment by gender.

Figure 4.1: Enrolment into Pre-primary schools by gender and class in 2010



Source: Education Statistics for Southern Sudan, 2010

Table 4.2: Primary School Enrolment by State and Gender (%) 2008-2010.

State	2008		2009		2010	
	Male	Female	Male	Female	Male	Female
Central Equatoria	56	44	54	46	54	46
Eastern Equatoria	62	38	60	40	60	40
Western Equatoria	56	44	56	44	56	44
Jonglei	64	36	62	38	61	39
Unity	66	34	67	33	66	34
Upper Nile	60	40	59	41	58	42
Lakes	68	32	69	31	69	31
Warrap	70	30	71	29	71	29
Northern Bahr El Ghazal	59	41	62	38	67	33

Western Bahr El Ghazal	67	33	68	32	61	39
Total	63	37	63	37	63	37

Source: Education Statistics for Southern Sudan, 2008, 2009, 2010

Table 4.3: Secondary School Enrolment by State and Gender (%) 2008-2010.

	2008		2009		2010	
State	Male	Female	Male	Female	Male	Female
Central Equatoria	56	44	65	35	62	38
Eastern Equatoria	61	39	75	25	73	27
Western Equatoria	56	44	72	28	73	27
Jonglei	64	36	74	26	86	14
Unity	66	34	91	9	83	17
Upper Nile	60	40	70	30	65	35
Lakes	68	32	94	6	90	10
Warrap	69	31	90	10	91	9
Northern Bahr el Ghazal	67	33	91	9	94	6
Western Bahr el Ghazal	59	41	77	23	70	30
Total	63	37	73	27	71	29

Source: Education Statistics for South Sudan, 2008, 2009, 2010

Table 4.4: Alternative Education System Enrolment by State and Gender (%) 2008-2010.

	2008		2009		2010	
State	Male	Female	Male	Female	Male	Female
Central Equatoria	40	60	60	40	52	48
Eastern Equatoria	68	32	63	37	52	48
Western Equatoria	43	57	46	54	47	53
Jonglei	60	40	55	45	55	45
Unity	61	39	57	43	56	44
Upper Nile	49	51	47	53	56	44
Lakes	60	40	55	45	62	38
Warrap	-	-	64	36	58	42

Northern Bahr El Ghazal	52	48	67	33	61	39
Western Bahr El Ghazal	64	36	59	41	58	42
Total	56	44	58	42	57	43

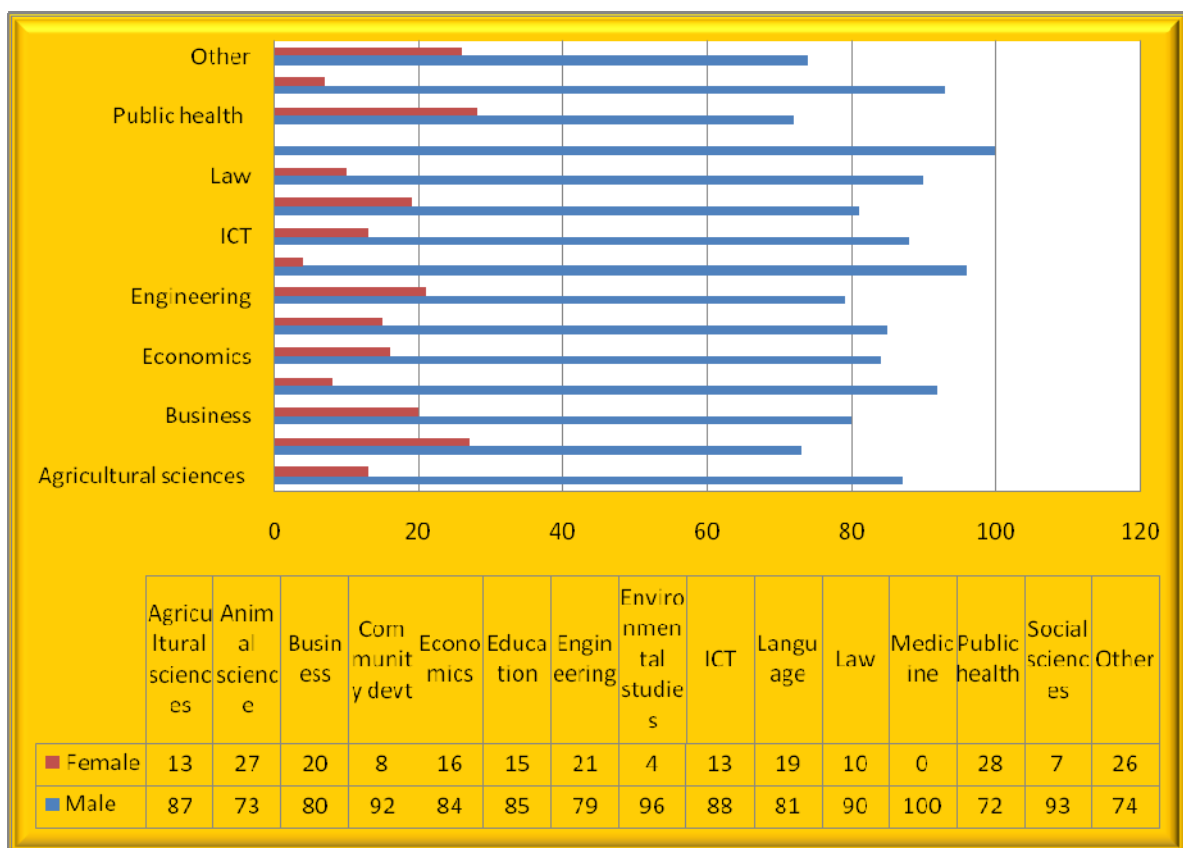
Source: Education Statistics for South Sudan, 2008, 2009, 2010

Table 4.5: Higher Institutions Enrolment by Gender (%) 2009-2010

	University		Teacher Training Institute		Technical & Vocational Education	
Year	Males	Female	Male	Female	Male	Female
2008	75	25	87	13	76	24
2009	78	22	76	24	73	27
2010	82	18	80	20	73	27

Source: Education Statistics for South Sudan, 2008, 2009, 2010

Figure 4.2: University Students by field of study and gender, 2010



Source: Education Statistics for South Sudan, 2010

Data in figure 4.1 and tables 4.2-4.5 indicates that there are gender gaps in favor of males at all levels of education in South Sudan. This is the case at pre-primary, primary, secondary, alternative education and higher education. The gender gaps are widest at higher and secondary education. For instance females' enrolment into Universities was only 18% compared to 82% for males in 2010. Similarly, female enrolment into secondary schools was only 29% compared to 71% for males in 2010. Lakes and Northern Bahr El Ghazal states have the lowest female enrolment rates at all levels of education.

Equally the gross enrolment rate for females is far below that of males. For instance the gross enrolment rate (GER) for girls into primary education was 54.5% compared to 81.4% for boys in 2010. This implies that almost 45.5% of girls of school going age are never enrolled into primary schools. At secondary education, the GER for girls was only 2.6% compared to 5.6% for boys. The gender disparities are more pronounced at higher education especially with regard to admission into the different disciplines /faculties. Figure 4.2 indicates that there is no female student taking medicine; while females constitute only 4% of the total number of students doing environmental studies and only 13% females taking agricultural sciences. The low levels of female enrollment into the education system implies that women's opportunities for capacity development is undermined and this gap is further

translated into low representation and participation in leadership positions and employment.

Reasons for not enrolling into the education system

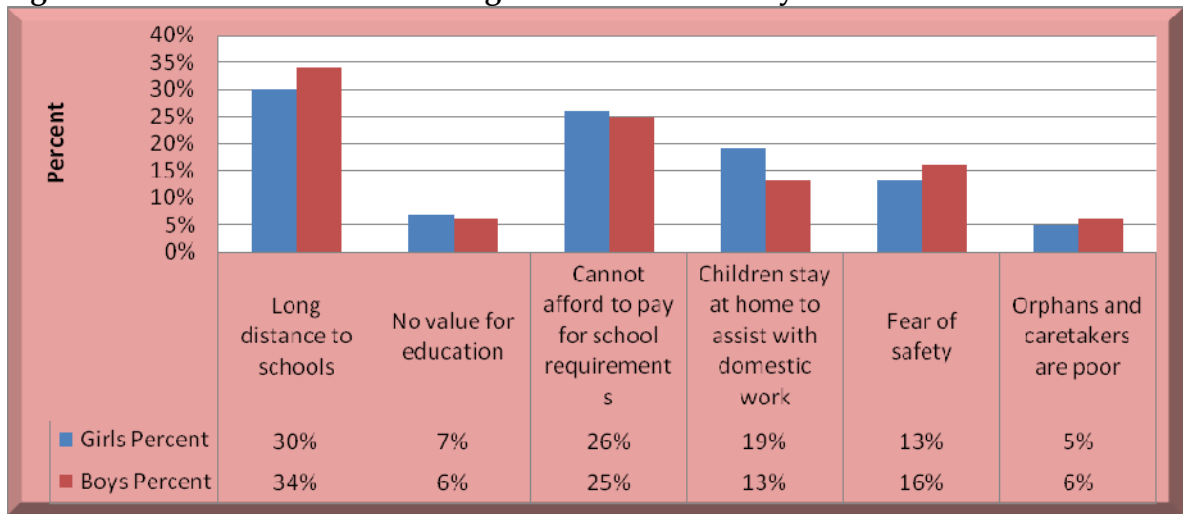
Figure 4.3 indicates that long distance to schools is a major hindering factor to school enrolment in South Sudan. It affects both boys and girls especially the young ones. Due to long distance, parents and caretakers prefer to keep their children at home. Field findings and available data indicate that most states have an inadequate number of schools. A sizeable proportion of people cannot afford to pay for education; this equally affects both girls and boys. Although the Child Act¹⁵¹ provides for right to free and compulsory education in South Sudan, the costs associated with education continue to deny a sizeable section of children this fundamental right and wellbeing, since those who cannot pay drop out or never get enrolled into the education system.

Parents also look at their children as a source of labour for household chores; 19% of girls and 13% of the boys are retained at home so that they can assist their parents with domestic work. This mainly affects girls compared to boys. It is also important to note that some guardians do not take children to school because they are not aware of the importance/value of education to development. A sizeable section of parents still think that keeping children in schools makes it difficult for them to acquire the kind of skills they need for survival and adulthood¹⁵². Boys for instance have to learn to keep/graze cattle while girls have to learn domestic chores such as cooking and cleaning. Thus, relevance of education is linked to social and economic systems. All these factors continue to deny children the right to education.

¹⁵¹ section 14.

¹⁵² Focus group discussions with community members in Muniki.

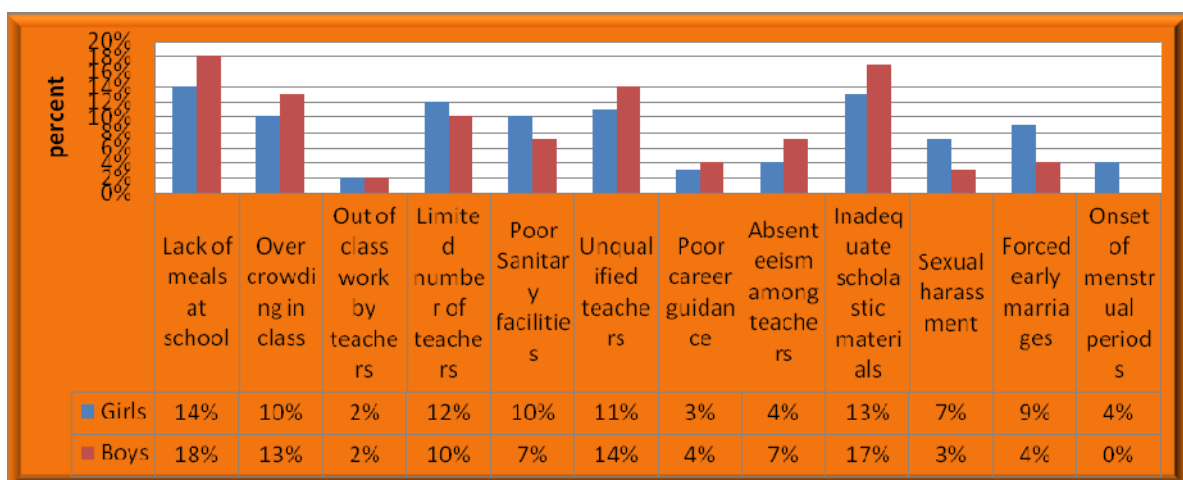
Figure 4.3: Reasons for not enrolling into the education system



In-school Factors contributing to low retention rates

Children at school also encounter a number of challenges. Schools do not provide meals yet most parents cannot afford to pack food for their school going children. Inadequate scholastic materials such as textbooks and other learning materials emerged as the second challenge children face while at school. There is overcrowding in classrooms. According to Education Statistics for Southern Sudan in 2008, 2009 and 2010 the average pupil- classroom ratios for primary schools were 194.2, 129.4 and 134.2 respectively. This is also characterised by wide state or regional imbalances. For instance, Unity state had the highest pupil-classroom ratio of 265.9 in 2010 compared to Central Equatoria with pupil-classroom ratio of 68.5 in 2010. Although, there is some improvement on the pupil-classroom ratio in Southern Sudan, it is still exceptionally high compared to the optimal pupil-classroom ratio of 50. Similarly, learners are challenged by limited and unqualified teachers.

Figure 4.4: Challenges children face at school



In addition, girls face more challenges in particular with forced marriages. Parents start to force their daughters into marriage at the age of 12 years; at an age when they cannot make informed decisions let alone having the ability to manage the roles and responsibilities of adulthood. Parents go ahead to arrange marriages without the consent of their daughters.

Majority of the population of South Sudan are pastoralists; where girls of 12 years are looked at or valued in terms of 200-300 heads of cattle. While pursuing education, parents feel that their daughters are being “brought” up in a manner that does not allow them to fetch 200-300 heads of cattle. So education makes them lose “value” since they cannot “fetch” the many heads cattle if they are above 17 years of age¹⁵³.

Sexual harassment by teachers and the community is another challenge to girls’ education. Cases of teenage pregnancies are common and parents go ahead to negotiate for marriage with the “harassers” in order to conceal such cases. Unfortunately, there is no law in place to stop sexual harassment in schools.

Poor sanitation ranks third in terms of undermining retention. Lack of water at school is a serious challenge. For instance in 2009, 51% of the Primary Schools lacked water while 51% had no toilet facilities¹⁵⁴. Onset of menstrual periods therefore presents serious challenges to girls particularly so due to poor sanitary facilities and lack of sanitary wear. All these challenges make the school environment unfriendly to learners especially girls. See details in figure 4.4.

School drop-out rates

Data in table 4.6 indicates that the number of students dropping out of school at Primary 1 is equally as high for both girls and boys. In lower classes (P1-P2), there is a higher drop-out rate for boys compared to girls. Girls’ drop-out increases in upper classes especially in the northern part of the country i.e. Unity, Upper Nile, Warrap

¹⁵³ Director, Ministry of Education, Science and Technology.

¹⁵⁴ Education Statistics for Southern Sudan 2009, Government of Southern Sudan

and Northern Bahr El Ghazel. In addition to having pastoralist communities dominating these states, there is lack of facilities.

Data in table 4.7 indicates a higher drop-out rate for boys compared to girls in secondary schools, except in Jonglei and Unity states where female drop-out rate is extremely high. For instance the average drop-out rate for boys at S.1 was 30.6% compared to 18.6% for girls. Similarly an average of 70.1% of boys dropped out at S.3 compared to 68.9% of girls that dropped out at S.3 in 2009 indicating a higher drop-out rate for boys. However, boys' enrolment is more than twice that of girls at all levels of the education system.

Table 4.6: Primary school drop-out rate state, gender and class (%), 2009-2010

State	Gender	P1	P2	P3	P4	P5	P6	P7
Central Equatoria	Male	31.8	13	9.7	18.9	30.4	27.7	58.8
	Female	31.3	9.9	8.9	21.8	29.7	30.8	53.6
East Equatoria	Male	30.5	16.6	17.2	24.1	33.7	32	50.7
	Female	28.8	22.5	13.4	23.5	35.8	39.2	51.5
Western Equatoria	Male	28.5	12.9	19.9	18.4	21.3	32.8	43.8
	Female	31	16.2	25.1	23.9	33.9	31.2	33.1
Jonglei	Male	25	12.4	20.2	35.4	37.2	42.6	54.8
	Female	23.8	11.5	22.5	29.3	38.7	52.6	48.6
Unity	Male	26.7	17.5	15.8	33.8	52	56.2	38.9
	Female	20.1	19.1	17.3	33.2	50	48.7	62.6
Upper Nile	Male	29.6	21.1	31.4	48.7	35.1	3.5	-14.3
	Female	19.9	20.6	32.1	40.6	31.2	15.8	14.2
Lakes	Male	24.1	11.3	16.9	25.9	30.2	33.8	26.1
	Female	30.4	19.2	17.5	30.7	35.2	38.7	42.8
Warrap	Male	26	10.3	17.1	23.5	35.2	28.7	41.9
	Female	28	12	26.9	31.9	37.4	40.1	70.9
Western BG	Male	11.2	1.7	2.3	10.6	7.9	-1.1	-13.8
	Female	4.4	7.9	-1.8	2.5	-9.9	-3.7	-22.2
Northern BG	Male	36.1	19.2	20.2	39.5	36	26.2	17.5
	Female	35.5	18.2	23.5	46.3	37.1	30.9	39.3
Total average	Male	27.8	14.6	19	31.7	34.3	29	31.4
	Female	26.1	15.9	20.9	30.4	33.7	32.1	38.2

Source: Education Statistics for Southern Sudan, 2010

Table 4.7: Secondary school drop-out rate state, gender and class (%), 2009-2010

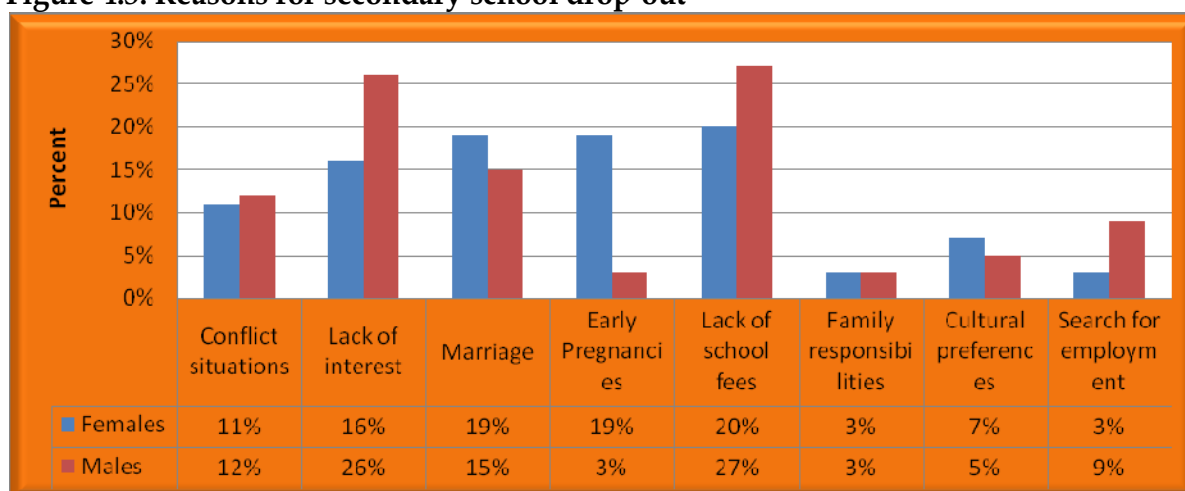
State	S1		S2		S3	
	Male	Female	Male	Female	Male	Female
Central Equatoria	22.7	13.4	10.3	7.1	63.9	62.1
East Equatoria	32.3	19.8	33.5	16.5	62.9	55.6
Western Equatoria	27.3	25.8	22.8	39.8	71.4	70.4
Jonglei	72.9	90.4	85.3	92.9	88.9	96.4
Unity	71.4	63.6	51.5	13.2	95.4	95
Upper Nile	21.6	15.1	-8.2	-21.1	66.4	82.2
Lakes	8	-66.7	26.4	-29.2	-8.8	47.6
Warrap	38.5	48.6	67.6	75.7	81.8	0
Western BG	55.9	6.3	6.1	-8	96.2	83.1
Northern BG	-20.3	48.1	-4.6	69.2	100	100
Total average	30.6	18.6	22.7	10.6	71.1	68.9

Source: Education Statistics for Southern Sudan, 2009, 2010

Reasons for drop-out in secondary education

Results in figure 4.5 indicates that lack of school fees accounts for most of the drop-out for both girls and boys in secondary schools. This is followed by lack of interest in education especially for boys. Although there is relative peace in Southern Sudan, there are still pockets of conflicts which accounts for over 11% of the drop-out rate. Although the search for employment accounts for 6% of the total drop-out rate, it mainly affects boys (9%) compared to girls (3%). See details in table 4.5.

Figure 4.5: Reasons for secondary school drop-out



Reasons for dropping out of alternative education

Unlike in secondary education where lack of school fees accounts for the majority of the drop-out rate, in alternative education the major challenge is associated with the desire to start-up families that is associated with pregnancies, marriage and family responsibilities. Pregnancies account for 50% of those dropping out of alternative Education, affecting both females and males. More males (23%) drop-out of alternative education compared to females (18%) due to family responsibilities. On the other hand, more females (18%) compared to males (12%) drop-out due to marriages. See table 4.8 with more details.

Table 4.8: Alternative education drop-out rate by reason and gender (%), 2008-2009

Reason	Male	Percent	Female	Percent	Total	Percent
Dismissed/disobedience	471	3	50	0	521	2
Family responsibilities	3,748	23	2,797	18	6,545	21
Fees(unable to pay)	186	1	186	1	372	1
Illness	1,404	9	1,264	8	2,668	8
Seeking employment	234	1	251	2	485	2
Lack of interest	100	1	389	2	489	2
Marriage	1,979	12	2,866	18	4,845	15
Pregnancy	8,127	50	7,810	50	15,937	50
Other reasons	5	0	7	0	12	0
Total average	16254	100	15620	100	31,874	100

Source: Education Statistics for Southern Sudan, 2008, 2009.

Completion and Performance in Primary Leaving Examinations in 2009-2010

Table 4.9: Primary completion rate by gender in 2009-2010

Gender	Completion rate (%)		Performance in PLE [1] (%)	
	2009	2010	2009	2010
Male	15	13.7	-	59
Female	9	6.2	-	23

Total	12	10.3		
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Source: Education Statistics for Southern Sudan, 2009, 2010

Results in table 4.9 indicate that the completion rate for primary education is very low, for instance, 12% and 10.3% for both girls and boys combined in 2009 and 2010, respectively. The completion rate for girls is much lower compared to that of boys indicating likely failure to achieve MDG 2 of having all children, boys and girls able to complete a full course of primary schooling by 2015 in South Sudan.

In terms of performance in primary schooling, a similar trend is also observed. In 2010, only 23% of the girls passed PLE compared to 59% of the boys that passed PLE. The lower performance of girls in PLE not only dictates the total number of girls that are able to enroll into secondary education and higher education but also limits women's development potential and opportunities such as access to employment, health and participation in decision-making.

In general lower status of women and girls reinforced by gender stereotypes, roles and resource allocation has translated into gender gaps in favour of males for all education-related indices such as literacy, school enrolment, completion rates, all with implications for development in many areas like income, employment, food security, health, nutrition, HIV/ AIDs, and political participation for girls and women and their families. Gender gaps in education thus ultimately undermine the ability to achieve national development targets in the SSDP. Specific issues like fewer women teachers and less safety for females due to issues like sexual harassment and SGBV directly impact on access of females to education.

4.2.2 RoSS Education Policies and Commitments

RoSS commitments on engendering education are found in the SSDP Pillar on Human and Social Development – (Investing in people). Overall the Government plans to implement a number of innovative social protection measures that will ensure acceleration of universal access to basic services. Therefore this pillar's gender focus is on addressing major disparities between women and men by issuing a Gender Policy to stem the tide of discrimination against women and girls.

The Ministry of Education, Science and Technology has a policy framework (2006-2007) in place whose vision is to provide education for all. The policy recognises basic education as a right; free and compulsory for kids of age 6-12 years. One of the goals of the policy is to promote gender equity and social change. It also goes ahead to define interventions that will ensure that gender equity is achieved.

Goals of the education, science and technology policy

- Increased access to general and higher education opportunities.
- Improved quality of education.
- To reduce the illiteracy rate and provide literacy skills to the people of Southern Sudan to enable them participate positively in social and economic development.
- Quality examination and certification system.
- Enhanced promotion of gender equity and social change.
- Increased professional institutional capacity.
- Increased access to science and technology and their use in everyday life.
- Restore English as the medium of instruction at all levels of education.
- Re-introduce mother tongue (National Languages) in lower primary education so as to increase learning achievements.

While the ROSS Education policy recognises basic education as a right-free and compulsory for children aged 6-12 years, as well as the promotion of access to general and higher education opportunities, the policy grounds education in local cultures and traditions some of which are responsible for undermining equitable access to education opportunities.

For instance the practice of early and forced marriages undermines girls' education and the policy is not addressing this challenge in a more proactive manner. While sensitizing the girls about the negative effects of early pregnancies and marriages is important, the policy misses out on strategies targeting the parents and the communities. Parents and communities

are the main decision-makers on issues of marriages. They also make early and forced marriages lucrative ventures in their communities; they therefore have a bigger role to play in eliminating the practice. There is, therefore, need for policy interventions that will bring about positive change in peoples' cultural values and practices.

The policy provides for a number of affirmative action in order to promote female education such as establishment of community girls' schools, girls' boarding schools and development of a policy paper on girl child education among others. While all these interventions are commendable in terms of long-term effects on the education system, there is also need for short and medium term interventions such as affirmative action in favor of females on admission to all levels of education. These will speed-up the process of narrowing the existing gender gaps at all levels.

In relation to education and gender, SSDP commits to address human and social development by implementing programs that increase girls' enrolment and retention at primary and secondary school levels, upgrading facilities and expansion of community and secondary schools for girls. ¹⁵⁵

¹⁵⁵ Figures shown in the Core Targets and Development Outcome Objectives of the SSDP Priorities which targets the achievement of universal access by 2013, show that while the girls fall behind the boys by a significant proportion in enrollment there is no indication for ensuring that the overall target of increasing gross enrollment from 78% to 92 % will ensure that the disparity between the current 88% (boys) and 61% (girls) enrollment would be removed and or minimized. The overall target should have been gender disaggregated.

Recommendations by FDG participants to promote gender equality in education are captured below:

Table 4.10: Recommended interventions for promoting gender equality in education	Percentage
Adult education/literacy for women	18%
After giving birth girls should be allowed back into the education system	3%
Increase number of girls in schools	19%
Government should provide scholastic materials	3%
They should pay school fees and employ leaders in schools	2%
Government should build schools and improve the school facilities i.e. water, latrines	8%
Free and compulsory education for all especially girls	4%
Peace education programmes	5%
Taking of girl away from cattle camps	1%
Introduction of boarding schools	9%
Training and employment of female teachers	8%
Laws to early marriage	4%
Giving equal opportunity to girls.	2%
By stopping early marriage	2%
Opening of feeding programmes in school	2%
Punishment of parents who do not take children at school.	4%
Opening schools for girls alone.	1%
Girls should be given less work in the community.	1%
There is need to sensitize the females on the importance of education.	4%
Total	100%

4.2.3 Recommendations

RoSS should target improving school enrolment by the following:

- 1) RoSS needs to set up more schools at *Payam* level as a measure for reducing the distances to school;
- 2) Government needs to implement the universal and compulsory education policy for all school going children;
- 3) Sensitize the community on the importance of education for both girls and boys personal and overall country development; and
- 4) Invest more in appropriate technology in order to reduce household/domestic work.

RoSS should focus on measures to improve retention of girls in school:

- 1) RoSS needs to develop and implement a policy against early and forced marriages, and sexual harassment in schools and communities.
- 2) Improve hygiene and sanitation not only in schools but also in the communities.
- 3) Provide sanitary wear for girls as part of the school materials.
- 4) Wave taxes on sanitary wear to make it more accessible and affordable for girls and women.

4.3. Water and Sanitation

World over, the MDG target on water and sanitation (MDG 7 on protecting the environment) looks forward to reducing by half the proportion of people without sustainable access to safe drinking water and basic sanitation. The Government of South Sudan is committed to improving access to safe and clean water. This section gives an overview of safe water coverage and related challenges.

4.3.1 Key Water and Sanitation Issues and Gender implications

Access to safe and clean water

Table 4.11: Population and access to safe water coverage for South Sudan

Water access in 2008	Percent
Population using improved drinking-water sources 2008, total	55
Population using improved drinking-water sources 2008, urban	64

Source: http://www.unicef.org/infobycountry/sudan_statistics.html

Results in table 4.11 indicate that South Sudan is still lagging behind in terms of achieving adequate safe water and sanitation. The water coverage was still very low, with only 55% of the total population accessing clean water; the urban areas are better served (64%) compared to the rural areas with 52% accessing clean water. There are also inter-state differences with regard to access to water. In Western Bar El Ghazel State, only 45% of the total population has access to improved sources of drinking water, which is lower than the national figure of 55%¹⁵⁶. In Upper Nile State, the coverage of clean and safe water was very limited with a small part of Malakal city receiving clean and safe water while the rest of the city depended on unsafe water from the banks of river Nile. Out of the 13 counties in the Upper Nile State, 4 relied on boreholes as source of water, with the rest surviving on Nile River whose water was considered unsafe by the various FGDs.

Indeed, most States depended on boreholes and hand pumps (manual or motorized)¹⁵⁷ in the urban as opposed to unprotected wells, rivers and water ponds in the rural areas. Water from boreholes was said to be salty and really not very palatable to the consumers. During an FGD in Northern Bar El Ghazal State, one female respondent observed that,

"The borehole which is located in the compound of Dr. Garang Primary school is the main source of water for drinking in this village. But not all people can get water from the boreholes as some are very far, so we rely on open unprotected wells for water for washing and boreholes for drinking water".

Distance to water sources in States

Data in table 4.12 shows that the distance to safe water ranges between 1.5 - 2 km in urban areas, and between 3-6 km in rural areas. The long distances to safe water sources especially in rural areas undermine domestic sanitation and hygiene as well as pose time and work burdens for the people who are responsible for collecting water.

Challenges associated with access to clean and safe water for domestic use

The northern part of South Sudan especially WBG is semi-arid; there are limited water sources. The degree to which boreholes could be sunk to consistently yield the required water capacity is limited. The water sector also short of advanced technology and transport means. Some States have no water drilling ridge (drilling truck) of their own; making the Directorate of Water dependant on contracting such ridges from the private sector players at a high cost. This makes the cost for

¹⁵⁶ http://ssnbs.org/storage/key-indicators-for-southern-sudan/Key%20Indicators_83.pdf

¹⁵⁷ Where water is collected into portable water containers, transported on the donkeys and sold by the youth water vendors to consumers for a fee.

accessing drilling ridge services high and thus further limiting the required expansion and availability of the water sources in WBG.

Table 4.12: Average distance to water sources in selected States

State	Jonglei	WBG	Upper Nile	NBG	CE
Total population (Census, 2008)	1,358,602	333,431	964,353	720,898	1,103,557
No. of people with access to tap water	5,000				
Average distance to nearest water source for domestic use in urban and peri-urban centres (in kilometres)	2	2	1.7	3	1.5
Average distance to nearest water source for domestic use in rural areas (in kilometres)	5	4	6	6	3
Sources of water	Hand pumps; boreholes; unprotected wells; tap water	Hand pumps; boreholes; unprotected wells;	Hand pumps (manual or motorized); River Nile; boreholes; unprotected wells	Hand pumps; boreholes; unprotected wells	Hand pumps; boreholes; unprotected wells; tap water

Due to financial constraints in the water sector, the number of pump mechanics is also limited. The continued consumption of unclean water at domestic levels accounts for the widespread prevalence of water borne diseases such as typhoid, diarrhea and dysentery among children, fever and chicken pox. Cholera was most rampant amongst the communities living along the rivers in Jonglei and Upper Nile States. The fact of rampant water borne diseases was essentially adding a burden to the women and girls' time constraints, as they are also culturally expected to care for the sick, over and above other domestic chores.

Roles and responsibility in water collection and associated challenges

According to field findings, it is mainly the womenfolk and girl child responsible for collecting water for domestic use. It is only in instances when the women and girls are not around that the boys would come in to collect water for domestic use. Men and boys rarely engage in water collection since this is culturally regarded a role of the females. Cases of sexual harassment and rape are common as women and girls go to collect water.

*'There are several cases of sexual harassment reported at the courts of chiefs and other elders in the process of water collection...it is unfortunate that the practice exposes the women and girls to HIV/AIDS infections and this increases its spread.'*¹⁵⁸

¹⁵⁸ Rabha Elis, Director of Women Development Group, a civil society organization working on areas of peace building and livelihoods in WBG.

Girls are at times forced to miss school or report to school late due to long hours of walking and waiting in queues for fetching water. In the urban and peri-urban centers, too, the role for water collection for domestic use was done by women, while the boys and men fetched the water for sale. The cost of water from a protected sources, thus presumed to be clean water varied between 1-7 South Sudanese Pound (SSP).

While the women and girls fetched water using their heads, the men and boys often used donkeys to draw for their business. The implication here is so that the men and boys did for economic motive, thus higher incomes and social status and power relations than the female folk. According to the FGDs, women wake up as early as 4.00 am in the rural areas to look for water.

Low Latrine coverage

Table 4.13: Toilet and latrine coverage in South Sudan, 2010

Sanitation- Indicators	2010 (%)
South Sudan – Pit Latrine	13.2
Shared Pit Latrine	5.4
Private Flush Toilet	0.7
Shared Flush Toilet	0.3
Bucket Toilet	0.2
No Toilet Facility	80.2

Source: http://www.unicef.org/infobycountry/sudan_statistics.html

Latrine and or toilet coverage remains very low; over 80.2% of the total population has no access to a toilet facility. Majority of the people resort to the “bush” as an alternative, a practice that poses serious health challenges especially in urban areas where the population density is high.

4.3.2 Government policies and programmes on Water and Sanitation

The RoSS has in place a water policy, as a guiding framework for water sector development and activities pertaining to the sector. The policy provides for implementation strategies through the following principles¹⁵⁹;

1. Water is an important natural resource, which is commonly owned by all riparian people.
2. The Government of Southern Sudan has a duty to ensure effective development and use of water resources for the benefit of all, including poor and vulnerable groups.

¹⁵⁹ ROSS, Water Policy, Summary Document, 2009

3. Access to sufficient water of acceptable quality to satisfy basic needs is considered a human right and shall be given highest priority in development of water resources.
4. Water is both an economic and social good. Optimal allocation of available resources shall be determined on the basis of social equity, economic efficiency, system reliability and environmental sustainability.
5. Effective water resources management requires an integrated approach, which takes account of hydrological processes and boundaries and recognises linkages with other sectors.
6. Water resources planning and development affects everyone and shall be undertaken at the lowest appropriate administrative level with active participation of water users and stakeholders from different sectors in all relevant aspects.
7. Water sector institutional arrangements shall be streamlined with clear separation of functions relating to resource management and services delivery, and efficient allocation of roles and responsibilities between government and nongovernment agencies.

There are also Government programmes aimed at improving safe water access and sanitation across States. In WBG the water, sanitation and hygiene education programmes, were being supplemented by development partners and CSOs. Apart from the Government, organizations that supported access to safe water and sanitation included UNICEF and Agency for Technical Cooperation and Development (ACTED) with about 400 proper pit latrines planned for 2011 in WBG, PSI with about 223 pit latrines planned for 2011 and JCOB that had constructed an approximate 600 pit latrines in the last three years including up to November 2011 when the study was undertaken. However, the water policy and programmes do not yet consciously respond to gender needs. The strategies under the policy, for instance, do not elaborate on how to respond to the gender issues in the water sector such as the time constraint on the women and the burden of fetching water.

4.3.3 Recommendations:

1. Design and implement a national programme on borehole construction to reduce the distance to water sources,
2. Design and implement a national campaign on household sanitation and hygiene in particular on the proper use of latrines, boiling of drinking water and personal hygiene.
3. Sensitize the community on the protection of water sources including encouraging them to the formation of water committees where both women and men are fairly represented.

4.4. Health

4.4.1 Key Health Issues in RoSS and Gender Implications

Access to quality health care is a basic human right. Women and men in South Sudan have the right to enjoy the highest attainable standard of physical and mental health. The enjoyment of this right is vital to their life and well-being. This section presents the health status of people in South Sudan based on data from five states of Upper Nile, Central Equatoria, Jonglei, Western Bar El Ghazel and Northern Bar El Ghazel. The section focuses on gender differences in health as determined by variations of life expectancy, maternal and child health, access and availability of health services, existence of policies and programs and healthy behaviors in use of services. Men and women's health needs in South Sudan include: the right to health information, the power to influence decisions, access to safe, effective, affordable and acceptable health services, prevention, care and treatment of communicable and non-communicable diseases.

According to the findings of this assessment, the health status of most people in South Sudan is still poor; characterized by high child and maternal mortality rates due to Anemia, malnutrition among children, expectant and lactating mothers, lack of qualified and specialized health workers, unequipped health facilities, lack of basic health facilities and information, lack of knowledge on the prevention of the communicable and non-communicable diseases and growing rates of alcoholism among men.

Child Health

The country's child mortality rate is one of the highest in the world with 102 per 1000 infant mortality and 135 per 1,000 under-five mortality (South Sudan Household Health Survey 2008). This means that 1 out of 4 new born dies in Southern Sudan before reaching the age of five¹⁶⁰. Child mortality rate is high among all states ranging from 82-192 deaths per 100,000. Major causes of infant and under-five mortality include malaria, pneumonia, diarrhea and malnutrition.

Whereas infant mortality is high, only 17.3% of children below one year old are fully immunized. This varies from State to State. While Central Equatoria has the highest level of immunisation at 43.6% WBG has the lowest at 5.5%.

'There are many children dying in villages due to pneumonia, malnutrition, diarrhea, malaria and measles. This is mainly due to the mothers' lack of knowledge on the prevention of communicable and non-communicable diseases. We need to sensitize the

¹⁶⁰ Government of Southern Sudan health strategic plan (2010).

*mothers about the importance of immunization and good nutrition in order to save the lives of the young infants*¹⁶¹.

Secondly children are breast fed for a short period of time and put on supplementary foods; mainly because mothers conceive from year to year. This practice adversely undermines child and maternal health. High child mortality rates are also linked to existing gender inequalities that have continued to undermine women's access to health, education, access to resources among others.

Maternal Health

Maternal mortality rate is among the highest worldwide with 2054/100,000 live births (World Health Organization statistics 2010). Western Equatoria and Lakes have the highest maternal mortality rates of 2327/100,000 and 2243/100,000 respectively. This is considered to be one of the highest in Sub-Saharan Africa¹⁶². The high maternal mortality rate is caused by a number of factors including widespread malaria, severe bleeding (hemorrhage), hypertension and obstructed labor because of early age at first birth, inadequate skilled workers, short birth intervals, inability of male partners to offer timely/required support to their partners. Maternal mortality has continued to rise in South Sudan. This is a concern and calls for strong and deliberate interventions that not only focus on availability of services but also male involvement and ability to offer services to the people¹⁶³

As is the case with high levels of child mortality, maternal mortality is also associated with women's low education level, inaccessibility of services, and lack of qualified health personnel, unequipped health centers, poverty and lack of services. Among the Dinka, Murule, Nuer and Baria, women are economically and socially dependent on men. For a woman to access medical services, permission has to be granted by the husband; this greatly affects their ability to access services and adhere to treatments.

¹⁶¹ Sister Grace, Coordinator of Maternal and Child Health Section, Jonglei.

¹⁶² Government of Southern Sudan household survey report, 2006.

¹⁶³ Chief Whip/ Member of Parliament.

Table 4.14: Selected health and demographic indicators, South Sudan 2008

INDICATORS	2008
CHILD HEALTH	
Infant mortality rate (deaths per 1,000 live births)	102
Under five mortality rate deaths per 1,000 live births	135
Infant immunisation rate(percent)	0.173
Underweight among children below 5 years (percent)	0.336
MATERNAL HEALTH	
Maternal mortality rate, deaths per 100,000 live births	2054
Births supervised by skilled health workers (percent)	0.492
Fertility rate	
Contraceptive prevalence	0.036
Antenatal care coverage	0.696

Source: South Sudan MDG Report, 2010; National Population Council

Low Contraceptive Prevalence Rate

The contraceptive prevalence rate is very low at 3.6% an indication that women conceive frequently which exposes them to high mortality rates. Fertility rate at 6 to 7 births per woman is one of the highest in Sub-Saharan Africa.

‘Women give birth every year and a woman’s pride is in the number of children she has produced. This doesn’t matter whether the children are spaced or not because the culture doesn’t encourage hormonal contraceptive methods and it is perceived as a method of in fertilizing women’¹⁶⁴.

This is due to non-use of contraceptive methods by the majority of women in South Sudan. Women’s access and utilization of contraceptive methods of family planning greatly lies on their partner’s financial and social support. However,

‘Family planning is not accepted. The reasons for no acceptance are cultural. For us we don’t tell you the number of children you are supposed to give birth to. You can give birth to as many children as you want. When others die, some survive’¹⁶⁵.

Antenatal care visits

It is estimated that 46.7% of pregnant women in towns attend one or two antenatal care visits with only 14.7% of deliveries attended to by trained health professionals. Institutional deliveries accounted for just 12.3% of births with the biggest number of deliveries (95%) done by traditional birth attendants and some few cases of personal deliveries¹⁶⁶. The failure of women to deliver from health care units is due to a number of factors including low access to health information and services, high levels of poverty and powerlessness among others.

¹⁶⁴ Focus group respondents, Jonglei.

¹⁶⁵ Focus group Respondents, Northern Bar EL Gazel.

¹⁶⁶ South Sudan health sector development plan (2011) (2011).

*'In most cases women give birth from home. The hospital is far and transportation is a problem. From here to town by a tri-cycle ("Racha") is 40 South Sudanese Pounds (about USD 11). Some places are far, are water logged and they are inaccessible. Some women with complications are brought on bicycles or on the head and in most cases these women die along the way'*¹⁶⁷.

*'We receive women living near town for antenatal care services at least twice or three times during pregnancies and these are the same people likely to give birth from the hospital'*¹⁶⁸.

Despite the wide gender gaps in the health sector, health interventions are not gender responsive to address the needs of women in rural and urban areas. It is also important to note that male involvement in antenatal care was not pointed out by any of the respondents, it is therefore important to design Antenatal care programs that target male involvement.

Life Expectancy

Life expectancy in south Sudan is at 49 years (South Sudan house hold health survey 2010). Men's life expectancy period is shorter than women's due to differences between their social/ cultural behavior. Men and women's life expectancy is associated with low education level, high poverty levels and limited accessibility of services. Several research finding clearly show that informed women and men stand a better chance of negotiating for safer sex, access health services and are knowledgeable about their health rights than those that are uninformed. This emphasizes the importance of investment increasing access to knowledge and information especially among the disadvantaged and marginalized populations; in particular the youths, women, disabled, and elderly. Stone, Lydia. 2011. *"We Were All Soldiers": Female Combatants in South Sudan*.

Access and Availability of health services

On average only 30% of the entire population is able to access health care¹⁶⁹. Health facility user rates are estimated to be as low as 0.2 which reflects that each medical worker registered to work in health facilities comes into contact with only 2 patients per year (*Health facility mapping of South Sudan May 2011*). The low user rate is compounded by problems like lack of qualified staff, poor infrastructure, inadequate supplies in county and state hospitals, long distance to health facilities, bad roads with limited/no ambulance service; dysfunctional referral system and cultural and financial barriers that mainly affect women.

"Limited access to health services is highlighted by the fact that there is one medical doctor for every 100,000 persons in South Sudan. In addition, there are no public

¹⁶⁷ Focus group respondents, Northern Bar El Ghazel.

¹⁶⁸ Director, Ministry of Health in Jonglei state.

¹⁶⁹ Statistical Year book for South Sudan, 2011.

sector social programs except Operational Lifeline Sudan which has registered successes in annual polio campaigns¹⁷⁰.

Service provision by qualified health workers

The number of doctors per population ranges from 1: 11,377 in Central Equatoria to 1: 195, 267 in Unity with a concentration of doctors in Central Equatorial State, Upper Nile and Western Bar el Ghazel. Equally, nurses and midwives are more likely to provide services in the three mentioned states than in the other seven. Pharmacists seem to be more equally distributed and the average ratio is 1: 25000, the highest one in Western Equatoria with 1 pharmacist: to 88,443 in habitants. All these indicate wide gaps in population to health workers which undermines access to health services. See details in table 4.15. The distribution of the medical health workers is also characterized by wide public/private, urban /rural disparities. Incidentally, gender- disaggregated data vis- a – vis staff establishment and new recruitment is not readily available.

¹⁷⁰ Key informant, Central Equatorial.

Table 4.15: Health Workers: Population ratio in South Sudan, May 2011.

STATE	Pop'n	Doctor	Nurse	M/wives	Clinic	Lab	Phar Mac	Pop'n/ Doctor	Pop'n Nurse	Pop'n/ M- wives	Pop'n/ Lab	Pop'n/ Pharm
Upper Nile	964,353	39	476	56	38	41	50	24,727	2,026	17,221	23,521	19,287
Jonglei	1,358,602	33	124	24	52	37	53	41,170	10,956	56,608	36,719	25,634
Unity	585,801	3	130	19	18	34	25	195,267	4,506	30,832	17,229	23,432
Warrap	972,928	6	65	9	35	28	41	162,155	14,968	108,103	34,747	23,730
NBG	720,898	10	66	8	25	17	32	72,090	10,923	90,112	42,406	22,528
WBG	333,431	13	343	73	38	35	20	25,649	972	4,568	9,527	16,672
Lakes	695,730	17	111	21	41	28	27	40,925	6,268	33,130	24,848	25,768
WE	619,029	25	217	64	36	36	7	24,761	2,853	9,672	17,195	88,433
Central Equatoria	1,103,592	97	557	179	75	150	33	11,377	1,981	6,165	7,357	33,442
Eastern Equatoria	906,126	5	133	65	20	30	16	181,225	6,813	13,940	30,204	56,633
Total	8,260,490	248	2,222	518	378	436	304	33,308	3,718	15,947	18,946	27,173

Source: *Health Facility Mapping of South Sudan* (May 2011)

Table 4.16: Availability of health services

STATE	HOSPITALS								
	T	S	C	P	Spec	Other	PHCC	PHCU	Total (*)
Upper Nile	1	0	4	2	4	2	36	72	121
Jonglei	0	1	3	1	0	0	29	87	121
Unity	0	0	0	1	0	0	20	54	75
NBG	0	1	1	0	2	2	15	77	98
WBG	1	0	1	0	1	1	19	64	87
Lakes	0	1	5	0	1	0	19	55	81
Warrap	0	0	3	0	1	0	26	56	86
CE	1	2	2	4	4	2	49	127	191
EE	0	1	3	0	1	2	34	92	133
WE	0	1	5	2	0	1	37	108	154
Total	3	7	27	10	14	10	#	792	1147

Source: Ministry of Health; Health facility mapping of south Sudan 2011

(*) includes private, specialized clinics and “other” hospitals – see text.

Table 4.17: Number and Categories of Functional Health Facilities in South Sudan according to other sources (Lead Agencies, NGOs, States MOH), 2011

STATE	HOSPITALS	PHCC	PHCU	Total
Upper Nile	9	27	71	107
Unity	0	19	47	66
NBG	6	8	42	56
WBG	3	18	60	81
Lakes	6	16	51	73
Warrap	4	25	55	84
Jonglei	7	41	165	213
CE	6	32	114	152
EE	5	22	82	109
WE	6	40	93	139
Total	52	248	780	1080

Source: Ministry of Health; Health facility mapping of South Sudan 2011.

According to the data presented in Table 4.17, South Sudan has a wide network of health care facilities. There are 71 hospitals, including 3 Teaching hospitals, 7 State hospitals and 27 County Hospitals. Other hospitals include specialized hospitals for the police and armed forces (10), for the treatment of specific diseases and conditions

(14), private clinics, and clinics managed by not-for-profit or faith based organizations (10).

All states, except Unity state has hospitals. However, the inpatients capacity of these hospitals and the level of service provided varies – in total there are 6330 beds for inpatient services (0.8 beds per 1,000 inhabitants as compared to Kenya with 1.62. In some hospital's inpatient services are greatly reduced due to deficiencies in equipment or human resources. All in all, most hospitals provide only outpatient services.

HIV/AIDS Prevalence

According to the provisional estimated HIV prevalence for South Sudan is slightly over 3% (3.04% in 2009) with the number of people living with HIV in South Sudan being approximately 150,000 (Adult 135,500 and Children 14,500) with approximately 16,000 new infections occurring per year. The rates vary from site to site. For instance Tambura had the highest (11.5%) HIV prevalence among expecting mothers compared to Cuiebet with 0.3% in 2009. See details in table 4.18 below.

Table 4.18: HIV Prevalence among expecting mothers, 2007 and 2009 by site

Site	Prevalence (%) 2007	Prevalence (%) 2009
Leer	0.8	2.2
Nimule	2.2	5.6
Tambura	7.6	11.5
Kajo Keiji	1.6	2.3
Bakhita	2.7	3.1
Akobo	0.9	0.6
Cuiebet	0.9	0.3
Boma	7.2	2.5
Maridi	5.7	2.4

The above data clearly shows that HIV prevalence is increasing and requires government interventions. Several factors account for the increasing HIV prevalence including low levels of HIV knowledge and existence of high risk behaviors. The number of HIV infections among mothers that go for antenatal care visits is on an increase which calls for an early HIV prevention intervention so that the epidemic does not escalate further.

Compared to international health standards, health conditions of females in South Sudan are poor with high child and maternal mortality rates, malnutrition deficiencies among children, expectant and lactating mothers and high birth rates with low child spacing. The latter is so, despite evidence that child spacing boasts a woman's' health status and exposes her to better opportunities of managing her life together with the children's' health.

Negative socio-cultural norms increase women's vulnerability to HIV/AIDs

The assessment noted that some socio- cultural norms have negative consequences to the women. Wide spread polygamy and multiple sexual partners for men expose more women to HIV/ AIDS infections. The construction of male and female sexuality among some communities still impact negatively on women's health. Cultural values and traditional gender roles increase vulnerability of women to HIV. Also the use of condoms is still very limited.

*'Women are more vulnerable to health problems because of biological, epidemiological and social reasons. Women are more susceptible to sexual infections because of their reproductive tract issues, the cultural and social issues also make women more likely to contract sexual infections since they cannot negotiate for safer sex and this is not the same case with the men in southern Sudan'*¹⁷¹.

4.4.2 RoSS Policies and Commitments in the Health Sector

Under the SSDP the Social and Human Development Pillar 's plan for the Health Sector focuses on reducing malnutrition among pregnant women and lactating mothers as part of the livelihood projects and reducing maternal mortality. The SSDP also needs to take concrete interventions on promoting reproductive health through birth control and child spacing, critical issues that women in South Sudan are still grappling with in light of the strong cultural practices and values.

The government has developed health policies, health sector development plan (2011- 2015) in fulfillment of its duty to address the health challenges that undermine women and men's rights.

*'We are undertaking many activities on promoting maternal health under public /community health. We have policies, guidelines and strategies on reproductive health. We also have a health policy in place. We have a strategic plan for the health sector- 2011-2015. We have done a Health Facilities Mapping and the report is ready. We are planning to undertake a Maternal Morality survey; we want to reduce MMR by 20%'*¹⁷².

Thus there is political commitment to address and incorporate women and men related health issues into health policies and programs. However, this commitment is generalized for all sex, data reflected in these policies does not have clear gender related indicators to facilitate monitoring and assessing impact in terms of delivery on women's health. Therefore, available data is not adequately disaggregated to inform decision-making. The Ministry of Health lacks adequate capacity to mainstream

¹⁷¹ Coordinator of Maternal and Child health section, Jonglei State.

¹⁷² Director – Research, Monitoring and Evaluation, Ministry of Health.

gender in the available health plans in order achieve gender equality in service distribution and utilization.

4.4.3 Comparative Regional Experiences

In Uganda, mobilizing support for persons with HIV/AIDs was done at the level of the head of state and Cabinet for many years. Ensuring that every cabinet minister included statements in support of the fight against HIV/AIDs demystified it and reduced the stigma against PLHAs. A similar campaign is needed for gender equality in South Sudan at the highest political level.

4.4.4 Challenges and Recommendations on Health

To achieve gender-responsive health policies, Ministry of Health should address health needs of the population taking into account gender differences. The following are recommended:

1. RoSS should prioritize efficient health services, education and accessibility of services in general and capacity of the health system with the goal to achieve equality in- service affordability, utilization and accessibility.
2. The Ministry of Gender should work in close collaboration with the Ministry of Health to mainstream gender into sector policies and programmes.
3. The Ministry of Gender should provide technical support in order to enhance capacity for gender mainstreaming.
4. The Ministry of Health should take steps to improve health indicators in specific areas; for example, to reduce the maternal and child mortality rates, set gender-sensitive targets, improve access to known, cost-effective, life-saving maternal and child health interventions like bed nets, water-guard, immunization, increase female medical providers, and recruit and train traditional birth attendants into the health system.
5. There is need to generate better statistical evidence in order to understand the needs of women, girls, boys and men, this will lead to appropriate interventions addressing the right needs of men and women.
6. Set up intensive Community sensitization programs to sensitize women, men and children on health issues for preventive health care. Also specifically empower women through strategic health information campaigns and have male-focused campaigns.

7. Political commitment is required in addressing health gaps including on HIV/ AIDs with women focused indicators and socio-cultural practices causing them.
8. Give priority to health initiatives which address gender-related problems, for example breast, cervical and prostate cancer screening; programs for vulnerable groups integrating health and social protection like refugee and crisis centers for victims of violence, sexual abuse and rape.

4.5. Social Protection

4.5.1 Violence against the Person and its Gender Dimensions

Violence is generally prevalent in South Sudan, as a legacy of the decades of armed conflict, from the household, community and between communities. The common and leading causes of violence included alcoholism (31%), culture (24%), poverty (24%) and conflicts (19%). The other causes of violence include polygamy, advancements in mobile technology including mobile phones messages and calls causing misunderstandings. There is a strong element of sexual and gender based violence (SGBV) at all levels including within the family. SGBV denotes to any harm perpetrated against a person resulting from unequal power relationships determined by the social roles ascribed to males and females. SGBV takes many forms, and globally disparately impacts women and girls, as indeed in South Sudan.

Cultural practices, attitudes and perception that perpetuate SGBV

Sexual and gender based violence is widely perceived as normal, beating girls and women is seen as corrective disciplinary measures, for example, to make them to accept forced marriage. SGBV is deeply anchored in cultural beliefs and so quite entrenched.

Sexual and Gender Based Violence (SGBV)

Sexual and gender-based violence has been an under-investigated problem in South Sudan. Publications on protection, security, and the rights of women and girls in South Sudan, however, highlight multiple forms of SGBV to which women and girls are exposed. Reconstruction efforts ensuing from the peace agreement offer a timely opportunity to apply international resources and local capacity in establishing SGBV prevention and response programming and policies.

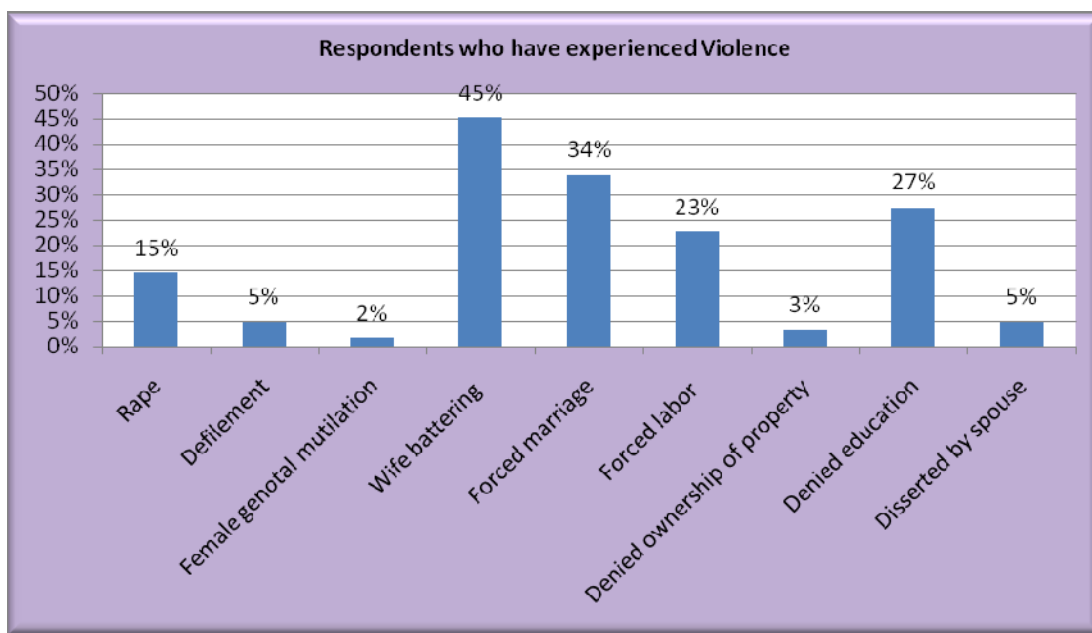
In virtually all aspects of their lives, women and girls in South Sudan are exposed to SGBV. The nature and scope of SGBV they face requires a much more thorough investigation than this assessment allowed, particularly in the area of sexual violence. Even so, evidence suggests that the violence to which women and girls are exposed puts them at on-going risk for many serious health and social problems. The especially high numbers of domestic violence cases reported to the police

and/or health centers as well as those that are processed through the courts, suggest that injuries are often serious enough to compel women to seek help even in when doing so may increase their vulnerability.

Forms of Sexual and Gender Based Violence

The common forms of violence include women battering (both men and women feel that wife battering is a way of disciplining women), forced marriages, denial of education, rape and defilement. Other common forms of gender based violence include desertion, denial of property especially land for married women and forced labour. According to cultural values, women belong to men (their husbands) and therefore do not control land and other resources and are viewed as a source of labour in the households and communities, which also contributes to denial of education for the girl child. SGBV is thus linked to gender identities, gender roles and gender division of labour and resources.

In all the five states visited SGBV was reported to be very high. Forced marriage was reported across the five states with the age of marriage being 14 years because girls are considered “ripe”/ ready for marriage on onset of puberty and that is when they can fetch many cows for their families and relatives. Women are raped as they go to fetch water and fire wood but never speak out because of the stigma associated with sexual violence victims. Worsening these problems is that the prolonged civil conflict in South Sudan. When respondents were asked whether they themselves had suffered from any forms of violence, findings showed that 54.8% had experienced gender based violence. More of the female respondents (65%) have experienced violence than the males (43%). More respondents from Jonglei, Upper Nile and Central Equatorial reported having experienced violence than their counterparts in the other regions/states.

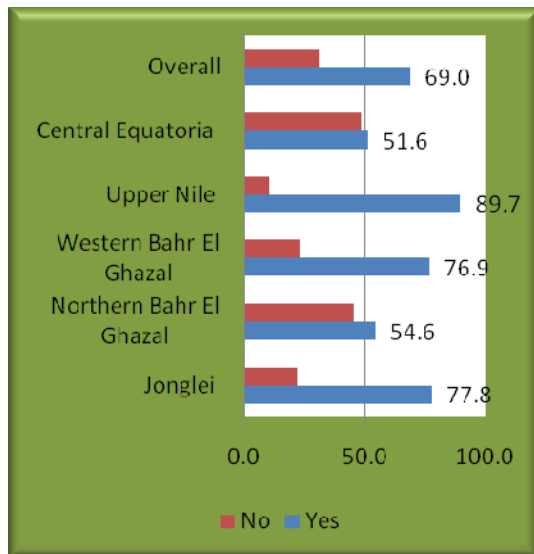


Perpetrators of SGBV

Research suggests that South Sudan security forces are responsible for the significant proportion of SGBV. The SPLA and SS Police services have been identified as prime perpetrators in physical assaults against women in South Sudan¹⁷³.

Driving factors of SGBV

Women are exchanged for various benefits at formation of marriages, to build



relationships between ethnic groups and clans. Young unmarried girls are viewed as economic assets, and where there is extreme poverty, bride wealth is critical to a family well-being. The bride wealth system also acts to prevent divorce even in abusive and/ or forced marriages since divorce requires the collection, return and redistribution of bride wealth which many cases no longer exists at the time of divorce.

The war legacy of trauma and high prevalence of alcoholism are contributing factors to the rise in domestic violence. Alcoholism and drugs were commonly

cited as a cause of the conflict between partners; polygamy was cited as leading to conflict between wives and failure of husbands to maintain wives and children.

Another cause of SGBV is the violent regional and inter-ethnic conflicts. Despite the end of the North-South Sudan civil war in 2005, sporadic clashes between Sudanese and South Sudanese forces have continued and severe inter-ethnic violence within the South has perpetuated a dangerous environment for civilians especially women. An example is the 2009 inter communal violence since the end of the 21 year civil war in 2005, where more than 1000 women and children were killed in Jonglei state¹⁷⁴ and unfortunately, another deadly outbreak occurred at the time of writing this report.

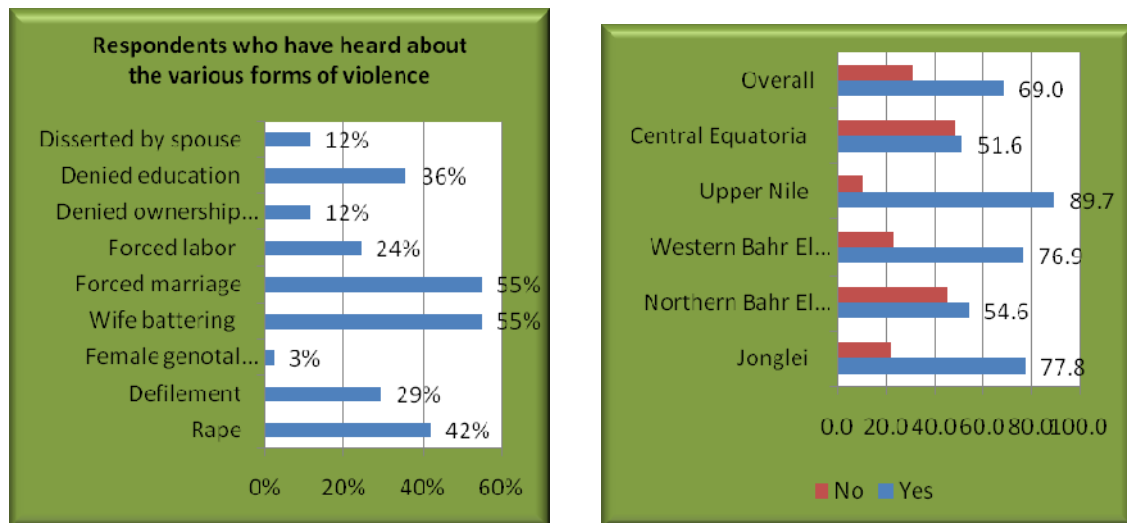
Awareness and Information, Education and Communication (IEC) Strategies

Statistics show that about 69% of the respondents were aware about women and girls who suffered from various forms of violence in their communities. Members in some states seemed to have had more cases of violence in their communities than their counterparts in others ($p=0.01$).

¹⁷³ U.S State Department 2008 Country report on human rights practices for South Sudan.

¹⁷⁴ Human Rights Watch report.

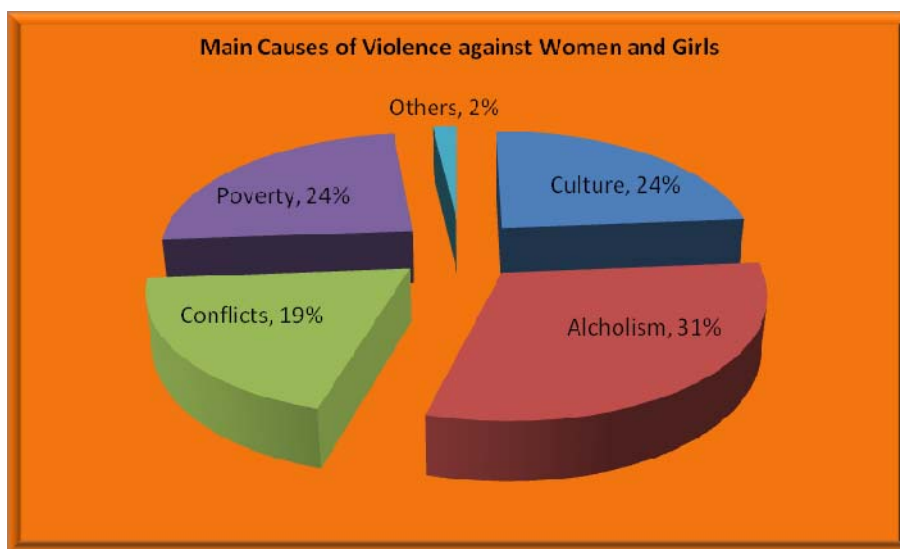
Figures showing various forms of violence and awareness



Impact of SGBV on women, communities and national development

Sexual and gender based violence inhibits women's participation in development efforts, yet women and girls constitute the majority of the population in South Sudan. Forced marriages are closely associated with the high school dropout rate for girls because according to focused groups discussions especially in the Upper Nile state, younger girls fetch more bride price, cattle compared to older ones.

Evidence suggests that the violence to which women and girls are exposed puts them at on-going risk for many serious health and social problems. The high numbers of domestic violence cases reported to the police and/or health centres as well as those that are processed through the courts, suggest that injuries are often serious enough to compel women to seek help even in when doing so may increase their vulnerability.



Findings from the assessment also reveal that women's empowerment has contributed to the increase in SGBV especially with exposure to public domains. Social norms discourage women's involvement in the public sphere but exposure to education and exile has created new expectations. Conflicting socio-cultural mores has increased SGBV.

Limited knowledge, awareness of the law and programs on SGBV

Very few have an idea about existing laws including the interim constitution; legal protection mechanisms are still weak. For example despite the rampant spread of the rape, defilement and forced marriage, no single person has been reprimanded for it as reported by key respondents and focused group discussion in Upper Nile state. Only 35% of respondents were aware about existing government programs aimed at stopping gender based violence in their communities. Similarly, only 27% knew about the existances of organisations addressing these issues in their communities. The respondents who knew about the government programs were more aware about the existance of organisations ($Pr = 0.000$).

The common government programs known by the respondents included South Sudan AIDS community, Sports, DDR commission and the judiciary.

4.5.2 RoSS Policies and Commitments on Social Protection

Key national provisions and programs that relate to social protection and specifically SGBV include the Interim Constitution and the Child Act. Indeed, the Constitution chapter 2 part 2 Article 19 prohibits forced marriage without the free and full consent of the man and women intending to marry. The Child Act section 23 also provides for the protection of children from early marriage while the Penal Code

section 237 makes forced marriages punishable by imprisonment up to 10 years, and/ or a fine.

Although these provisions would guarantee protection of children against early and forced marriages, their enforcement remains a challenge (as discussed under the Rule of Law). While the police and courts are the formal enforcement structures for social protection, the practice is different. Traditional justice mechanisms that are predominantly patriarchal are mainly used, contrary to the legal provisions relating to criminal justice. According to the Local Government Act, Customary courts are prohibited from handling criminal cases. Traditional methods are not supposed to be used in cases of forced marriage.

Development partners and CSOs' interventions on SGBV

There are several NGOs and CBOs working on SGBV in South Sudan. They include; the Norwegian Refugee Council, UNICEF (working through Child Protection Unit of MOSD), America Refugee Council, Care International, Goal, WHO, UNHCR and Save the Children. A wide range of programs are covered, for example:-

- ✚ Save the Children offers support towards promoting food security, rescuing abducted children, supporting children to go back to school and resettling children in their homes among others.
 - ✚ UNICEF on the other hand resettles children, offers food and medical support to mothers and children, takes children back to school, as well as encourages youth in cattle camps to go back to school.
 - ✚ World Health Organisation (WHO) provides support to mothers to access health services, immunizing children, building capacities of nurses to attend to mothers, constructing Bor Hospital to support maternal care.
 - ✚ UNHCR – training judiciary sector on legal awareness, providing support to reform laws, and building capacity of political leaders to understand laws and policies that govern the country.
-

4.5.3 Recommendations on Social Protection

To end sexual and gender based violence there is need to engender social protection. The following recommendations are made in this regard:

1. Government of South Sudan should provide support services to the victims and survivors of SGBV. In particular, the Ministry of Gender should be supported in its goal to improve services for SGBV survivors and women at risk by building reception centres in states.
2. Capacity of laws enforcement institutions or agencies should be built in handling of SGBV.
3. Strengthen the coordination mechanisms on SGBV in order to avoid duplication of non-state actors, including intergovernmental agencies and

NGOs. This would entail defining strategic priorities of the government, and mapping activities of each to better identify overlaps and gaps.

4. Design and implement programmes that will empower women economically since their vulnerability to abuse has a lot to do with the high levels of economic dependence on their husbands. RoSS should prioritize programmes and interventions providing livelihood activities for women and ensuring equal access to productive resources.
5. Create awareness on SGBV among law enforcement agents as well as encouraging survivor of SGBV to report such human rights violations.
6. An integrated approach of using Standard Operating Procedures (SOP) for the prevention and response to SGBV which started in 2008 should be used when assisting victims by bringing together and improving on the services provided and should be rolled out to all Rule of Law agencies.
7. There is need to sensitize opinion leaders including traditional and religious leaders in order to cause positive changes in customary laws especially those that are harmful to women and girls.
8. A critical study on harmful practices in order to harmonize them to the principles of the Constitution and then sensitize the communities on harmful cultural practices while advocacy on negative cultural practices and empowering women to speak against SGBV is needed.
9. Empowered champions, especially women and other political leaders should speak out against SGBV and champion the campaign against SGBV.

CHAPTER FIVE: NATIONAL MACHINERY FOR GENDER MAINSTREAMING

Ministry of Gender, Child and Social Welfare

5.1 Structure and Mandate

The historical antecedents of the Ministry of Gender, Child and Social Welfare (MoGCSW) dates to 1994 in the first SPLA Conference in Eastern Equatorial state, a Secretariat of Women and Child Welfare set up by SPLM in 2003, transformed to the Ministry of Gender, Child and Religious Affairs in 2005 and renamed to the current Ministry of Gender, Child and Social Welfare (MoGCSW) in 2009.

5.1.1. The National Machinery for the Advancement of Gender Equality

The key structures that form the Institutional framework for gender mainstreaming and women's empowerment include the MoGCSW; the State MOSDs; Office of the Advisor on Gender to the President; Directorates of Gender; Gender Focal Points; the Commission on Human Rights; and various international organisations and indigenous Civil Society Organisations (CSOs).

Mandate of the MoGCSW

The overall objective and vision of the Ministry is to: *Attain a society that is peaceful, inclusive and equitable*. Its mandate is to spearhead achievement of gender equality and women empowerment, so as to reduce vulnerability and promote social inclusiveness and effectively mainstream gender in all national development processes, programs and policies. This is done at national level through policy formulation and coordinating gender mainstreaming in government, and state level the Ministries of Gender and Social Development (MOSDs) monitor the actual implementation of policies, guidelines, programs and projects.

Structure of the MoGCSW

The MoGCSW is headed politically by a Minister with a Deputy and administratively by an Under Secretary. The Ministry has five directorates, for Gender and Child Welfare; Social Welfare; Finance, Administration, Planning, Research and Documentation. Each directorate is headed by a Director General. There are senior technical advisors to the political heads.

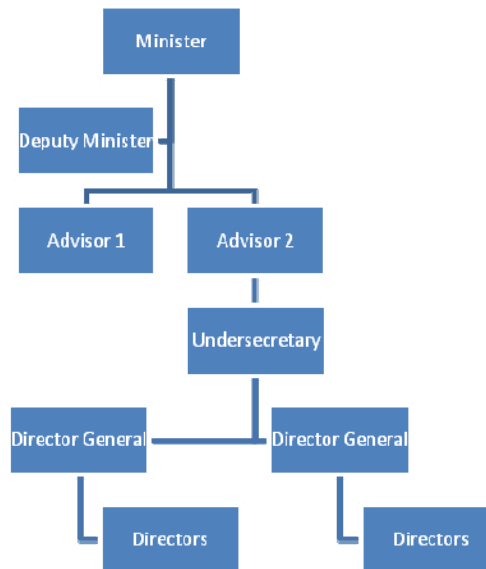


Figure 1: Structure of the Ministry of Gender Child and Social Welfare (MoGCSW) of RoSS developed in 2007

The Directorate of Gender

The stated mandate of the Directorate of Gender is to develop a National Gender policy for South Sudan; promote research and studies on traditional practices that impact negatively on the welfare of women, children and recommend remedial approaches including legislation; promote research and studies on gender-based violence and support the development of a national policy on SGBV; promote education and training of women and the girl child; develop approaches to mainstream gender in all the government and social sectors; promote programs to enhance women's effective participation in economic, social, political life and in peace building. Several areas for intervention by the Directorate have been identified. Its work includes capacity building, policy formulation, advocacy, research, and sensitization.

5.1.2. MoGCSW Relationship with Other Actors Working on Gender Equality

Linkages with other Government Sectors

The Ministry recognizes the importance of working with and through other government ministries in order to mainstream gender and the need to do this systematically. The Gender Directorate has identified gender focal points as the coordination mechanism for mainstreaming gender in RoSS. It is reported that where these have been set up there has been some progress in building capacity of the relevant sectors to have gender-responsive policies and programmes. However, as of December 2011 gender units have only been set up in the Ministries of Education, Agriculture, and Public Service. Additionally, there is insufficient

appreciation of the role of the Ministry in many government departments where the focal points are not yet established.

Linkages with Development Partners

Most bilateral and multilateral development partners in RoSS have prioritized gender mainstreaming within their programmes. The Ministry has a positive relationship with development partners, is accessible to them and has created space and structure for engaging with them. For example, UN Women has an advisor based in the Ministry. It receives funding support for various initiatives from various development partners, and has a regular forum for consultation, planning and joint advocacy activities like International Women's Day and 16 Days of Activism against SGBV. UNDP support to RoSS is two-pronged, one aspect involves mainstreaming gender through UNDP program support areas¹⁷⁵, not only to the Ministry of Gender but also to other RoSS institutions, and stand alone gender-related activities¹⁷⁶. Two key challenges in the Ministry's engagement with development partners is that it lacks a strategic plan to guide programmes and activities, resulting in rather *ad hoc* engagement. In addition, due to its limited budget it relies substantially on donor funds to implement programmes, which is unsustainable and may also limit it in defining its priorities. There is need for the Ministry to define its strategic priorities including within these the role of state ministries for gender, develop a more institutionalized mechanism for engaging development partners and advocate for higher budget allocation from the national budget for gender mainstreaming.

Linkages with Non-Governmental Organizations

There are a number of non-governmental organizations operating in South Sudan. These include national and international NGOs. The Ministry lacks an institutionalized mechanism to relate with non state actors, yet the task of advancing gender equality is too broad for it to achieve without their support. The national Directorate of Gender works with very few local NGOs, mainly the Women's Association which says it has received gender training by the Ministry¹⁷⁷. It has limited engagement with other local NGOs. Although local CSOs in particular have significant capacity challenges (as discussed under Accountability), their effectiveness in contributing to gender equality and women's empowerment is also constrained by the challenges they experience with regard to accessing information from many government institutions¹⁷⁸ and participating in Ministry-led processes relating to women. Their role as contributors and stakeholders in the mandate of the Ministry does not appear to be well understood, and this relates especially to the advocacy and watchdog role of CSOs.

¹⁷⁵ i.e. Access to the Judiciary, Control of Small Arms (CESAK), DDR and Economic Planning.

¹⁷⁶ such as 16 days of activism on SGBV, studies, capacity building through training for example of state women legislators, police and prisons, and support for gender policy formulation.

¹⁷⁷ some NGOs view the Women's Association as an extension of GoSS which funds it, many officials are from SPLM/A and it is not considered neutral.

¹⁷⁸ such as on the Civic Engagement Act recently passed despite it relating to engagement with CSOs, and the draft Gender Policy.

5.2

Challenges Affecting Achievement of MoGCSW Mandate

1. Lack of clarity about its broad mandate with no written staff job descriptions, no strategic plan and a Work Plan that is project oriented focused on events such as International Women's Day. There are limitations in technical capacity of staff. The Directorate of Gender has not yet clearly identified the priority gender issues for mainstreaming by other Government Ministries.
2. The structure, developed in 2007, is regarded as ambiguous, with overlapping mandates and insufficient role clarity, contributing to paralysis and conflict over responsibilities¹⁷⁹.
3. The Gender directorate is least staffed and facilitated of the Ministry directorates, with only five staff including the Director General Gender¹⁸⁰; the Directorate of Social Welfare has a staff of 50, while that of Finance, Administration, Planning, Research and Documentation has 47 staff. This has apparently been compounded by downsizing of ministries.
4. The entire Ministry is allocated ten million Sudanese Pounds, (approximately US \$ 2,702,700) from the national budget and out of this; the Directorate of Gender receives only 80,000 SSP (US \$ 21,622). Many project activities are supported by development partners. State Gender ministries are similarly underfinanced.
5. There are tensions over planning and resource allocation between the directorate and the directorate responsible for this function, including over the interest of several donors to directly fund activities of the Gender Directorate. The key conflict is about alleged marginalization in planning *vis a vis* alleged incapacity to implement plans.
6. There are issues of lack of technical capacity, recruitment and capacity building but also there is low support for the ministry's mandate even with government officials. Most people outside the state structures do not comprehend the MoGCSW mandate.
7. There is inadequate coordination and supervision of state ministries due to poor facilitation in terms of human, financial and technical resources, and lack of clear systems, procedures, structures for linkage of national and state programs. As a result there is duplication of programmes or lack of linkages in plans between state and national level¹⁸¹.

¹⁷⁹ Interviews of MoGCSW staff.

¹⁸⁰ the others are Acting Director Gender; Senior Inspector Gender; Inspector Gender; and the Officer in Charge of GBV.

¹⁸¹ In the recent National budget, for example, the grant that was in the past given by the Central Government to the MOSDs for their activities was severed without consultation which led to the submission of a supplementary budget by the MOSDs to their State governments requesting for financing and in effect removing the only functional linkage with the MoGCSW.

The Draft National Gender Policy Framework

In 2007 the MoGCSW initiated a process of developing a Gender Policy Framework. The Draft framework has been presented before the Council of Ministers and the Southern Sudan Legislative Assembly and approved with amendments in 2008, but is yet to be adopted by the parliament, though many stakeholders working in this sector allege insufficient consultation and awareness about it.

The proposed Framework draws on the Millennium Development Goals (MDGs), the Beijing Platform for Action 1995 and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). It emphasizes gender mainstreaming to pool efforts of all actors, government and non-government to eliminate gender and other discrimination, in law and practice and to guide resource allocation and safeguard constitutional rights of both men and women. The Gender Policy Framework proposes that the MoGCSW will be responsible for formulating policies; lobbying and advocating for funds; and handling all issues pertaining to gender, children and social welfare, while the MOSDs would carry out programme implementation, and lobby and advocate for funds in respect to the social needs of the people and in line with the priorities of their States. The policy further states that all MOSDs issues concerning gender, children and social welfare would be channeled through the MoGCSW that has the mandate to seek external support on their behalf.

8. The staff of the various ministries lack knowledge of gender; the general misconception that gender is only about women's issues is further accentuated by the fact that most senior positions within the MoGCSW are held by women.
9. The MoGCSW has no strong relationship with CSOs, as most CSO activities are done and monitored at state level. MoGCSW support for CSOs is limited to an introductory letter to start operations in the states.

5.2.1. RoSS Policy and Commitments on Gender Equality

The South Sudan Interim Constitution (SSIC) instituted 25% reserved representation as affirmative action for women's participation at all levels and requires the administrative government machinery to formulate and implement policies and programmes targeting the inclusion of marginalized persons in society, in particular women and PWDs in political and multi-party democratic processes of the country.

Article (20) of the Transitional Constitution of the government of Southern Sudan recognises women's full and equal dignity with men; right to equal pay for equal work and other related benefits with men; and right to participate equally with men in public life. The Constitution further affirms that GoSS shall promote women's participation in public life and their representation in the legislative and executive organs by at least twenty-five per cent at all levels, as an affirmative action to redress imbalances created by history, customs and traditions. The government is mandated to enact laws to combat harmful customs and traditions which undermine the dignity and status of women; provide maternity and child care and medical care for pregnant women and lactating women; and ensure that all women have the right

to own property and share in the estate of their deceased husbands together with any surviving legal heirs of the deceased.

RoSS adopted all international instruments Sudan was signatory to at independence, but Sudan excluded or had reservations on most international laws on women's rights.

5.3 Recommendations for Ministry of Gender, Child and Social Services

Policy and Legal Framework

1. The MoGCSW should take advantage of the up-coming Constitutional review process to lobby for inclusion of issues concerning gender, children and social welfare. It should provide a platform for participation of women leaders and CSOs working on gender equity and social welfare issues in the constitutional process.
2. RoSS should ratify all those International Conventions aimed at protecting the rights of women, to strengthen its support for women and human rights.
3. The Ministry should set up a strong mechanism for engagement and collaboration with stakeholders on key policies and laws especially the proposed National Gender Policy to increase awareness and ownership for better implementation.

Mandate and Structure of the Ministry

1. The MoGCSW needs to clearly internalize its mandate and develop appropriate strategies that will enable it to carry out its coordinating role and champion the gender policy and legal reforms within the different government institutions.
2. In order to deliver on its mandate and effectively play its coordinating role, the Ministry needs to revise its structure and reconcile the stated roles of each Directorate so as to avoid the overlaps in terms of programme implementation. There is also need for streamlined communication across the Directorates to avoid wastage of resources.
3. The linkage between the MoGCSW and the MOSDs should be clearly streamlined to ensure that their mandates are attained and funding to the MOSDs across the country should be prioritized to allow them carry out their mandate and ensure that gender is mainstreamed in all government institutions and departments.
4. There is need to obtain qualified staff to meet the challenge of implementing programmes in collaboration with other ministries.

Gender Mainstreaming

1. Strategies for gender training and mainstreaming should be developed and rolled out to the other line Ministries to ensure that all GoSS institutions and agencies are equipped with the capacity, knowledge and skills to mainstream gender into the development policies and programs, based on a training needs assessment (TNA) of the various sectors.
2. The Directorate of Gender should develop a strategic plan and focus on strategic interventions related to capacity building and policy reform in the sector.
3. It should develop a clear mechanism for engagement with CSOs and support NGOs to implement project related activities as independent actors whose work is complementary to the Ministry's role.
4. The Ministry of Gender has the mandate and responsibility to provide a platform for developing a strong South Sudan women's movement that brings together women organizations and leaders to critically engage on strategic priorities. In particular a women's caucus from across the spectrum should be facilitated by the Ministry to engage on the up-coming constitutional review process.

Role of the Ministry of Gender, Child and Social Welfare

Achieving gender equality calls for a strategic direction of financial, human resources, political commitment, transparent decision-making processes, gender disaggregated data, gender budgeting, training and the involvement of all stakeholders. In order to achieve all of this the ministry should:

1. Advocate for policies to empower women economically and support other actors addressing such programs especially CSOs.
2. Review existing national and customary laws and regulations that undermine gender equality and identify gender gaps for legislative reform that support elimination of gender discrimination.
3. Coordinate with relevant sectors on specialized programs that are priorities for gender mainstreaming like adult literacy, SGBV, and maternal and child health.
4. Conduct systematic training, capacity building and sensitization of ministries, state ministries, and key stakeholders including legislators and NGOs working on gender equality as envisaged by the draft National Gender Policy Framework.
5. Encourage Civil Society Organizations to initiate projects in Southern Sudan so as to complement the capacity of the government and establish a systematic way of engaging with CSOs on strategic issues like constitutional reform.

CHAPTER SIX: CONCLUSION

For a country emerging from conflict of over four decades and having newly gained independence, the Republic of South Sudan has an enormous task of meeting development goals of its people which is part of their fundamental human rights. While new, a nation is faced with the general challenge of meeting needs and rights of its citizenry, respect, protection and promotion of women's rights and gender equality are one of the outstanding gaps South Sudan faces. Gender equality, in addition to being a human right, is core to development of a country without which many key development goals both of women and girls, but also the wider society, are not achievable¹⁸².

The Ministry of Gender, Child & Social Welfare (MoGCSW), Republic of South Sudan (RoSS) is to be commended for undertaking this initial assessment as a basis for developing a comprehensive gender strategy. Though it faces significant challenges, there are also many opportunities to enhance its goal of gender mainstreaming.

To achieve gender equality, the Beijing Platform for Action 1995 enjoins states to promote *"an active and visible policy of mainstreaming gender perspectives in all policies and programs so that, before decisions are taken, an analysis is made of the effects on women and men respectively"*. Gender mainstreaming is intended to result in gender responsive laws, policies, programs and institutional practices that have the effect of change in attitudes, practices and patterns of behavior that subordinate women and girls in terms of gender identities, division of labor, roles and resources. The expected impact is real change in social relations from unequal power relations to equal status of females and males as a group. This result should be felt in all social, economic and political arenas where gender gaps and bias exist and impact on development. Gender inequality undermines development: conversely, gender equality has been linked to improved development outcomes both for women and girls and society collectively. Achieving gender equality calls for a strategic direction of financial, human resources, political commitment, transparency decision making processes, gender disaggregated data, gender budgeting, training and the involvement of all stakeholders.

Achievements by RoSS since independence are commendable, particularly measured against the decades of conflict and underdevelopment that the south suffered. Some measures have been taken at Institutional, policy, legislative and implementations

¹⁸² Asia Development Bank: 6 Gender Checklists by Sector
<http://www.adb.org/Gender/checklists.asp>

levels to address social development needs and in particular gender equality gaps. These gaps, however, are still far reaching and much remains to be done especially on women's rights. Serious gaps and deficiencies exist in most aspects of human rights and service delivery to attain gender equality at all levels. These need to be strategically and systematically addressed in real terms to ensure they do not undermine intended steps towards individual, family, community, state and national development.

Broadly, the assessment points towards three priority strategic objectives that the Ministry of Gender, Child and Social Welfare should consider, given the context, to position itself more strategically to deliver on its mandate:

1. Mobilizing Support and Accountability for Gender Equality Commitments

Many positive policies exist and the constitutional regime sets principles respecting gender equality. However, entrenched socio-cultural practices and customs continue to keep women and girls subordinate. There is strong gender bias and institutional resistance to prioritizing gender mainstreaming in the post-conflict context, including among agencies with mandates critical to achieving protection of women's human rights such as some Rule of Law institutions.

Even among policy makers and political leaders, there is low understanding of the importance of gender and the issue of equality is stigmatized or trivialized, though some important champions of gender equality have been mentioned among national and state leaders, these should be commended and others were evident among some respondents interviewed.

While gender mainstreaming is the mandate of the Ministry of Gender, Child and Social Welfare, gender gaps undermine broader national development goals including important social, economic and political targets. It is important to build awareness on the link between gender equality and development as a basis for generating commitment to gender mainstreaming in key RoSS agencies and other actors outside government. Commitment by stakeholders will have to be exercised in order to implement the strategy. Besides the Ministry of Gender, Child and Social Welfare, key actors working on issues relevant to gender mainstreaming include the relevant Ministries in the sectors assessed, UN agencies, World Bank, Joint Donor Team and other national and international NGOs.

'There are few champions for women's rights like the Deputy Speaker – Fatouma Nyawang who is very outspoken, or the current deputy Minister for Gender and Dr Zeituna Abdulahi – head of New Sudan Women Federation who is a role model for younger women'. (Woman activist).

...Women in SPLM itself need to become champions of gender equality'. (Another woman activist).

Building support and accountability will require systematic research and analysis, targeted gender training, and sensitization. Within RoSS the Public Service Ministry, Education sector agencies and Statistics department should be targeted at national and state levels through institutionalized mechanisms.

There is also need to collaborate with allies like champions of gender equality to advocate for gender equality and discourage negative practices.

Mobilizing support for gender equality requires the Ministry to reassess its relationship and reposition itself on the basis of openness and transparency *vis a vis* actors in civil society, particularly women organizations and media as partners in advocacy and awareness building. This means facilitating and enabling CSOs

participation as equal, *complementary* contributors to national development agendas.

Other non-governmental actors to bring on board are opinion leaders and traditional/religious authorities given their core role in shaping values and culture. The Ministry also should engage development partners more strategically based on defined strategic priorities related to this priority. An area to consider is coordinating to train and sensitize rule of law agencies, traditional courts and professionals in other key sectors on gender.

Finally, changing views about gender will also require addressing socio-cultural and economic factors that shape livelihoods and influence gender values such as bride-wealth. Reversing gender

equality will therefore need addressing structural causes of gender inequality through research and analysis to input to national policies and programs that create alternative livelihood options.

Priority Regulatory Reform Issues from a Gender Perspective

Regulations Generally Recognized as Affecting the Role of Women

- Education: access, discrimination, priority
- Health and health issues: access to healthcare, family healthcare access, gender-specific concerns
- Workplace issues: gender in the workplace, access to training, equity of pay, forced labor/trafficking
- Family issues: rights of women as wives and mothers, divorce, violence,
- The public sphere: limitations on appearance, behavior, or presence of women outside the home, access to courts of law, political participation, civil society

Regulations Needing Increased Attention with Respect to Impact on Women

- Property Rights
- Access to Capital
- Access to Non-Personal Government Services

Participation in the Regulatory Process

- Transparency: sufficient to create opportunities for participation
- Voice: public discussion sufficient to provide opportunities for input and raising of concerns, suggestions
- Accountability: reporting on outcomes sufficient to raise

2. Gender-Responsive Regulatory Reform

Sustainability will be affected if there are no laws, policies, programs and administrative steps taken to ensure the implementation of the outcome of this assessment or the eventual gender strategy. Establishing appropriate legal and policy reforms, that is, creating a gender responsive regulatory and institutional framework that respects gender equality and equity is critical. This assessment has identified the scope of reform required and current bias of regulatory reform priorities towards economic/ commercial areas with less attention to social and political aspects, as challenges. However, there is also opportunity for South Sudan in that most regulatory reform is still pending.

It is therefore, timely for MoGCSW to influence the regulatory reform process both through the RoSS institutions and development partner agencies providing support to law reform. Thus, engagement and coordination with these institutions to gender mainstream their programs is a strategic priority for the Ministry. RoSS institutions with mandates related to law reform include the Ministry of Legal Affairs and Constitutional Development responsible for rule of law, justice and legal issues, the Law Review Commission, Parliament as well as respective sector ministries for key sectors for law reform. Furthermore, the up-coming constitutional reform for South Sudan is a highly strategic process through which the Ministry working with allies should utilize to strengthen the legal regime for gender equality. The following have been cited as priority concern areas for the regulatory reform process and its outcomes:

Significantly, all these are among the gender gaps and concerns this assessment has found do exist in South Sudan. The relevant ministries for law reform for the sectors cited are: Education, Health, Public Service, Finance and Planning, and Agriculture. This gives high priority to the Ministry of Gender providing input to these ministries in gender mainstreaming during reform of laws affecting them.

3. Building Capacity To Deliver Services and Enforce Laws

As a new state affected by decades of war, South Sudan is affected by huge capacity gaps in close to every respect. Even with political will and commitment, achieving gender equality will require substantial building of capacity at all levels, from the Ministry responsible for gender itself down to the lowest *payam*, and in formal and informal structures. Institutional capacity is needed firstly for gender responsive planning, legislation, budgeting and implementation in both executive and legislative bodies at national and state levels. Secondly, capacity to enforce laws among Rule of law institutions and informal structures is important so that violations of rights of women and girls are sanctioned.

Given the scope of the task, coordination and collaboration is imperative and should be more systematic. Some existing mechanisms for coordination include the newly formulated Gender Stakeholders' Forum and gender focal points. The gender focal points should be rolled out speedily, starting with the sectors covered in this assessment.

Gender responsive budgeting is an important tool for mainstreaming gender in policies and programmes¹⁸³. Further, success of the gender mainstreaming strategy will be impacted by funding. Complete reliance on development agencies can affect this if donor funding cycles do not allow timely funding or if priorities differ. There is need for RoSS to reflect commitments in national policies and the Constitution to gender equality, through substantive amount of funds to the Ministry to implement the strategy.

In conclusion, the consultant enjoins the Ministry, the RoSS and other stakeholders to take into serious considerations all the specific recommendations in this report.

Overall, key actions it recommends as priorities are:

1. More focused action by RoSS through policy measures, strategies, legislation that must translate into concrete program and service delivery that are sufficiently resourced that empower, protect and promotes the rights of women and men in South Sudan.
2. The RoSS should ratify all those international Conventions aimed at protecting the rights of women, to strengthen its support for women and human rights in the attainment of gender equality and also address implementation capacity particularly within government agencies, and political commitment.
3. The MoGCSW should internalize its mandate, and develop strategies to enable it deliver it. These should include:
 - ✚ Setting up mechanisms for engagement and collaboration with stakeholders in government, civil society, and international agencies on key laws, policies and programs that promote gender equality.
 - ✚ A deliberate effort to monitor to ensure compliance with established laws and policies in order to ensure compliance with national and international human rights standards relating to gender equality and human rights, particularly of women.
 - ✚ Take advantage of opportunities to strengthen support for gender mainstreaming, a notable one being the upcoming Constitutional review process to lobby for inclusion of issues concerning gender, children and social welfare and the plan to form a network by some key women NGOs.

¹⁸³ UNIFEM, 2004: Guidelines for Mainstreaming Gender In Joint Assessment Mission For Sudan.

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ANNEXES:

Annex 1: LIST OF KEY INFORMANTS

1. Mr. Santino Abuoi, Senior Gender Inspector, Jonglei State.
2. Mr. Margret Achol, Secretary SPLM Women's League, Jonglei State.
3. Daniel Akau, Dean of Studies Catholic University, Western Bar El Gazal
4. Mr. Samuel Ajing, SMARF/NBG.
5. Mr. Stephen Ajok Mou, Director-General MARF.
6. Ms Mary Akech, Director Private Sector Development, Ministry of Commerce and Industry, GoSS.
7. Ms. Gemma Akilimali, UNWOMEN.
8. Mr. Abraham Aleu, Director, Water and Sanitation in the Ministry of Physical Infrastructure, Northern Bar El Ghazal.
9. Ms. Signe Allimadi, Joint Donor Group -Juba Office.
10. Mr. Kuot Alits, Executive Director State Ministry of Justice, Jonglei State.
11. Ms. Mary John Anok, Catholic Relief Services, (CRS), Jonglei State.
12. Michael Bataku Ark, Director Wau Central Prison, Western Bar El Gazal State.
13. Mr. James Awer, Clerk to Parliament, Jonglei State Legislative Assembly.
14. Ms. Elizabeth Ayun, Chairperson of Women's Association, Jonglei State.
15. H.E. Helen Mursal Boro, Minister of Gender and Social Development, Central Equatorial State.
16. Ms. Lina Elis Bunda, Logistics Officer Women Development Group (WDG) , Western Bar El Gazal State.
17. H.E Hon. Minister Ogato Cham, Minister for Gender, Child and Social Welfare, Jonglei State.
18. Mr. Peter Chol, PACT Sudan, Western Bar El Gazal State.
19. Mr. Deng Cyer, Ministry of Justice, Western Bar El Gazal State.
20. Ms. Dawa, Gender Officer- Gender Based Violence, Ministry of Gender, Child and Social Welfare, GoSS.

21. Mr. Agot Malual Deng, Senior Inspector for Gender and Women's Affairs, Jonglei State.
22. Ms. Charity Gabriel Duku, Senior Inspector, Special Needs Education, Ministry of General Education.
23. Ms. Juan Rose Edward, Southern Sudan Women General Association (SSWGA).
24. Ms. Regina Edward, Accountant Women Development Group, Western Bar El Gazal State.
25. Ms. Rabha Elis, Director of Women Development Group, Western Bar El Gazal State.
26. Lt. Poah Edward Epatura, Probation Officer Wau Central Prison, Western Bar El Gazal State.
27. Ms. Jane Tumulo Erasto, Inspector Gender, Ministry of Gender, Child and Social Welfare, GoSS.
28. Dr. Michael Evodio, Directorate of Water in Western Bar El Ghazel State.
29. Father Solomon Ewot, Chancellor Catholic University, Western Bar El Gazal State.
30. Ms. Martha Chunya Gogonya, Training and Planning Officer- Ministry of Parliamentary Affairs, GoSS.
31. Ms. Linda Ferdinand, former Director Women training and promotion (WOTAP), Western Bar El Gazal State.
32. Mr. Joseph Garang, SMOAF.
33. Sr Grace, Coordinator of Maternal and Child health section, Jonglei State.
34. Ms. Jackline, Acting Director Gender.
35. Mr. Charles Abyei Jok, President High Court , Western Bar El Gazal State.
36. Ms. Julia Joseph, Officer Manager, South Sudan Women Entrepreneur Association.
37. Mr. Ajak Kuol, Jonglei State.
38. Ms. Akur Ajoui Magot, Vice Chairperson, South Sudan Women Lawyers Association.

39. Mr. Gabriel Abuk Majok Kur, Acting Director Gender in Minister of Gender and Social Welfare, Jonglei State.
40. Mr. John Korto Dick, SMLS & HRD/NBG Nest.
41. Ms. Jean Lubega Kyazze, IFC/ In-Country Coordinator, World Bank Group/IFC - Juba.
42. Dr. Richard Lakol, Director, Research, Monitoring and Evaluation, Ministry of Health, GoSS.
43. Mr. Joseph Langa, UNDP DDR Wau, Western Bar El Gazal State.
44. Hon. Joyi James Longi Women's Representative of Pibor County in Jonglei Legislative Assembly.
45. Ms. Regina Ossa Lullo, Director General for Gender and Child Welfare, GoSS.
46. Mr. William Mabor, Human Rights Commissioner, Jonglei State Office.
47. Mr. Joseph Madut, SMSD/NBG.
48. Mr. Sabrino Majok, SMF/NBGS.
49. Mr. Stephen W. Majok, Director Planning, Research and Documentation, Ministry of Gender, Child and Social Welfare, GoSS.
50. Mr. Michael Busina Mangang.
51. Major General Abraham Manyut, Commissioner Police, Western Bar El Gazal
52. Mr. Benjamin George Mogga, Director Planning and Budgeting, Ministry of Education, GoSS.
53. Ms. Dorothy Matanda, Private Sector Development Specialist, World Bank Group - Juba.
54. Dr Catherine Masinde, Senior Private Sector Development Specialist, World Bank Group/IFC.
55. Ms. Elda Muga, Project Manager, Norwegian People's Aid, South Sudan Program.
56. Ms. Joy Mukanyange, UNWOMEN, Advisor to the Gender Directorate.
57. Ms. Munira, World Bank Group Juba Office.
58. Ms. Grace Kyeyune Ntale, Chief of Field Office, UNICEF Juba Office.
59. Ms. Deborah Ougewe, UNWOMEN.
60. Ms. Ida Wanendeya, Administrative Consultant - USAID Funded Capacity

Building Program, Ministry of Roads and Bridges, GoSS /Louis Berger Group Inc. Juba.

61. Mr. Nathan Wojia Pitia, Director General, Social Welfare, Ministry of Gender, Child and Social Welfare, GoSS.
62. Mr. Marko Majok Piol, Controller Acc, SMARF/NBG.
63. Hon. Isaac M. Pur, Judge High Court, Western Bar El Gazal State.
64. Ms. Lillian Riziq, Executive Director, South Sudan Women's Network.
65. Ms. Corleta Aku Satro, Gender Coordinator, Ministry of Local Government, Western Bar El Gazal State.
66. Mr. Jimmy Tabu, Gender Analyst, UNDP, Juba.
67. Mr. Edward Wade Ubal, Director Of Planning Ministry of Local Government, Western Bar El Gazal State.
68. Hon. Agostino Uger Utuel, Director General, SMARF/NBG, Ministry of Gender, Child and Social Welfare, GoSS.
69. Hon. Jeremia Swaka Moses Wani, Undersecretary, Ministry of Legal Affairs and Constitutional Development, GoSS.
70. Ms Veronica, Coordinator FAWE Sudan.
71. Rt Hon. Peter Chol Wal, Speaker, Jonglei State Legislative Assembly.
72. Ms. Viola Philip Yona, Director for Gender MoGSD, Western Bar El Gazal State.
73. Mr George Yeni, PACT Sudan, , Western Bar El Gazal State.
74. Dr Riag Yer, Faculty of Law, University of Juba, South Sudan.
75. High Public Attorney/State Attorney, (Name not provided), Jonglei State.

Annex 2: STATUS OF COMMERCIAL LAWS ALREADY ENACTED.**PRIVATE SECTOR DEVELOPMENT PROGRAM****SOUTH SUDAN BUSINESS FORUM (SSBF) SECRETARIAT****STATUS OF COMMERCIAL LAWS ALREADY ENACTED**

S/No	Type of Laws	Enacted
1	Investment Promotion Act 2009	✓
2	Partnership Act 2009	✓
	Partnership regulations 2009	
3	Limited Partnership Act 2009	✓
	Limited Partnership regulations 2009	
4	Registration of Business Names Act, 2009	✓
	Registration of Business Names Regulations, 2009	
5	Land Act	✓
6	Taxation Act	✓
7	Anti Corruption Act	✓
8	Agency Act 2009	
9	Contract Act 2009	✓
10	Companies Act 2010	✓
11	South Sudan Central Bank Provisional Order	✓
12	Audit Chamber Act	✓
13	Cooperative Societies Act	✓
14	Sales of Goods and Services Act	✓

**Annex 3: STATUS OF COMMERCIAL BILLS PENDING
ENACTMENT**

**PRIVATE SECTOR DEVELOPMENT PROGRAM
SOUTH SUDAN BUSINESS FORUM (SSBF) SECRETARIAT
STATUS OF COMMERCIAL RELATED BILLS PENDING ENACTMENT**

PENDING BILLS EXPECTED TO BE ENACTED BY END THE END OF 2011						
	Types of Bills	Location			Ministry Responsible	Remarks
		Ministry of Justice	Council of Ministers	National Legislative Assembly		
1	Central Tax Agency Bill				MOFEP	Not submitted to the Directorate Legislation
2	Consumer Protection Bill			√	MCI&I	Awaits enactment
3	Electricity Bill	√			MoED	At the office of the Undersecretary
4	Import and Export Bill			√	MCI&I	Awaits enactment
5	Insolvency Bill			√	MCI&I	Awaits enactment
6	Labour Bill	√			MoLPHRD	With the Directorate Legislation
7	Land Commission Bill	√			MoHPP	With office of H.E the Minister
8	Procurement Bill				MoFEP	Still with Ministry of Finance
9	Public Finance and Management Bill			√	MoFEP	Awaits enactment

	Types of Bills	Location			Ministry Responsible	Remarks
		Ministry of Justice	Council of Ministers	National Legislative Assembly		
10	Insurance Bill	√			MCI&I	With office of the Undersecretary
11	Microfinance Bill	√			MCI&I	With office of the Undersecretary
12	Competition Bill	√			MCI&I	Still at MoJ
13	Counterfeit Goods Bill	√			MCI&I	Still at MoJ
14	Weights and Measures Bill			√	MCI&I	Awaits enactment
15	Bureau of Standards Bill			√	MCI&I	Awaits enactment
16	Documents Bill 2010				MoJ	Proposed
17	Financial institutions Bill 2011 (Proposed)				CBSS	Proposed
18	Private sector Development Strategy (Draft)				MCI&I	Still in Draft

Annex 4: Study Team Composition

Being an enormous task the study team comprised of about 20 core Researchers and 15 Research Assistants/translators, all with varied expertise relevant to the key areas of assessment under the CGA:

Core Study Team for the Country Gender Assessment, GRSS

	Name	Position held on the Team	Area of Specialty
1.	Rita Aciro Lakor	Overall Team Leader	Gender and Social Development
2.	Richard Ssewakiryanga	Peer reviewer	Gender and social development
3	Irene Ovonji Odida	Team Leader-Governance and Legal sector	Gender and legal analysis
4.	Angella Nakafeero	Team Leader-Social sector	Gender and social development
5.	Roseti Nabbumba Nayenga	Team Leader- Economic sector	Gender and Economic analysis including gender budgeting
6.	Dr. Yer Rieng	Local (South Sudan) Legal Expert	Legal analysis
7.	Sheila Kawamara Mishambi	Team member-Social sector	Gender and Social Development
8.	Betty Ikanza Kasiko	Team member-Social sector	Gender and Social Development
9.	Sara Okwaare	Team member-Social sector	Gender and Social Development
10.	Sara Nakku	Team member-Social sector	Gender and Social Development
11.	Julius Kapwepwe	Team member-Social sector	Gender and Social Development
12.	Laura Nyirinkindi	Team member-Governance and Legal sector	Gender and legal analysis
13.	Debora Ossiya	Team member-Governance and Legal sector	Gender and legal analysis
14.	Stephen Oola	Team member-Governance and Legal	Gender and legal analysis

		sector	
15.	Lillian Owino Turiho	Team member-Economic sector	Gender and Economic analysis
16.	Emmanuel Keith Kisaame	Team member-Economic sector	Gender and Economic analysis
17.	Nicholas Kilimani	Team member-Economic sector	Gender and Economic analysis
18.	Patricia Amito	Team member-Economic sector	Gender and Economic analysis
19.	John Bosco Bampabwire	Team member-Economic sector	Gender and Economic analysis
20.	Ronald Wesonga	Team member-Statistics	Statistical analysis
21.	Joseph Ossiya	Team member-Secretariat	Document Formatting