



Update on women, peace and security in South Sudan October 17th 2019

The Informal Expert Group of the Security Council on Women, Peace and Security reviewed the situation in South Sudan in February of this year ([S/2019/232](#)). This update summarizes relevant developments since then.

Developments in the Security Council

In March, the Security Council adopted **resolution 2459 (2019)** extending the mandate of UNMISS for one year. Apart from extensive references to women, peace and security issues in the mandate (see Annex), the Security Council requested the Secretary-General to submit reports every three months, and to ensure that these include information and analysis on the participation of women in peace processes, steps taken to deter and prevent sexual and gender-based violence, and the consideration of gender as cross cutting throughout the mandate. In May, the Security Council adopted resolution 2471 (2019) renewing the arms embargo and sanctions put in place in 2015.

Between March and June, **three South Sudanese women from civil society briefed the Security Council** in different meetings. In her statement, Ms. Angelina Nyajima Simon Jial focused on the needs of local women's organizations and noted that "by far the smallest portion of funding goes to women-led organizations." She shared the example of her own organization receiving a grant, opening a space in Leer for gender-based violence survivors, being flooded with demand, and having to close in less than six months because they lost their funding. She welcomed the Emergency Relief Coordinator's recent announcement that he will review the United Nations pooled funds to make sure that more money is allocated to women-led local organizations. Finally, she called for the Security Council's backing of efforts to fulfill the R-ARCSS quota of women's representation in decision-making bodies: *Women must be involved in discussions about our country's future. We have talented, determined, visionary women in South Sudan. We are ready to fill the 35 per cent quota in the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, but in order to do so we need the backing of the international community and the Council.*

The Council was also briefed by Ms. Lorna Merekaje, one of the two women participating at the time in the fifteen-member National Constitution Amendment Committee, and Ms. Lydia Minagano, a member of the a member of the Strategic Defence and Security Review Board of the Reconstituted Joint Monitoring and Evaluation Commission, and also speaking in her capacity as a manager of the of the Peace Implementation Monitoring Initiative and a member of the South Sudan Women's Coalition for Peace, which participated in the peace talks in 2018. An excerpt from Ms. Minagano's statement: *Resolution 2459 (2019), which calls on all parties to ensure the full and meaningful participation of women in the peace process, is an important step forward. However, that call must be backed by regular follow-up and specific monitoring measures to ensure it is adhered to and that there is accountability for the lack of its implementation (...). In March, the Security Council responded to our call for the United Nations Mission in South Sudan (UNMISS) to work more closely with us by giving it a mandate to engage with women-led non-governmental organizations and with civil society more generally. We now expect the Council to fulfil that mandate.*

During informal consultations in August, the **sanctions committee** on South Sudan was briefed by Ms. Pramila Patten, Special Representative of the Secretary-General on Sexual Violence in Conflict, who noted that despite the adoption of clear provisions in the Revitalized Agreement calling for an end to all forms of sexual and gender-based violence, **2018 had seen the highest number of recorded sexual violence incidents in recent years**. Allegations of sexual and gender-based violence are part of the justification for the listing of seven out of eight individuals sanctioned by this committee. The Panel of Experts of the sanctions committee released a report in April that highlighted widespread incidents of conflict-related sexual violence and limited political will to hold perpetrators accountable.

Women's participation in the implementation of the Revitalized Agreement

- Following talks between President Salva Kiir and Dr. Rick Machar in mid-September 2019, the two leaders recommitted to forming a Transitional Government of National Unity by November 12th. Against this backdrop, South Sudanese women continue to call on parties to realize the 35 per cent quota for women, as provided for in the Revitalized Agreement, with serious concerns that the quota is not being reached.
- The **35 percent quota** has not been complied with by most the pre-transitional institutions or mechanisms. For example, the National Pre-Transitional Committee, which is tasked with overseeing the implementation of the Revitalized Agreement, is non-compliant with the 35 per cent quota with only one woman among its ten members, the former Minister of Gender and new Minister of Foreign Affairs, Ms. Awut Deng Achuil. However, **there has been some improvement since earlier this year**.
 - Reconstituted National Constitutional Amendment Committee: 2 out of 15 members are women (13 percent).
 - Independent Boundaries Commission: 3 of 14 (21 percent), including the Chairperson from South Africa and the two Sudanese members, while all representatives of the government and the opposition are men.
 - Technical Boundaries Commission: 1 out of 8 (12 percent)
 - Joint Transitional Security Committee: No women
 - Joint Defense Board: No women
 - Strategic Defense and Security Review Board: 3 out of 20 (15 percent), including the Chairperson.
 - Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism: 9 out of 22 members are women (41 percent).
 - Reconstituted Joint Monitoring and Evaluation Commission: 8 women out of 24 members are women (34.8 percent).
- South Sudanese women have taken action to change this. With the support of international partners, they have briefed some of the pre-transition commissions; collaborated with women in the commissions to influence the reviews of legislation on the security sector; launched national campaigns and conducted national conferences engaging the police and the military; monitored compliance with the gender-related provisions of the Revitalized Agreement; disseminated a database of hundreds of South Sudanese women with leadership training and suitable profiles for nominations to the government and various commissions of the transition; and engaged hundreds of women at the grassroots level in community peace dialogues, as well as dialogues with senior leaders of the UN, AU and IGAD during high-level visits. UN Women has placed gender advisors in IGAD and the JMEC and is seconding a gender advisor in the Strategic Defense and Security Review Board.

- Over the last few months, UNMISS conducted multiple workshops, community dialogues, and peace campaigns to address local communal conflicts and reconciliation and promote the role of women and young people in peacebuilding, reaching thousands of participants. Some of these initiatives have contributed to the appointment of more women to leadership positions at the state level, and provided platforms for advocacy vis-à-vis state-level governments with regards to the gender provisions of the Revitalized Agreement.

Conflict-related sexual violence

- In March, the South Sudan People Defense Force launched an **action plan to address conflict-related sexual violence**. The South Sudan National Police Service (SSNPS) Action Plan, which aims to strengthen internal discipline and accountability and enhance police capacity to handle sexual violence cases in line with safety and ethical standards, was finalized in August 2019 and is pending clearance by the Inspector General.
- In June, Dr. Riek Machar endorsed the SPLA-IO's plan, pursuant to the unilateral communiqué of December 2014. The action plan outlines concrete measures that will be implemented between June 2019 and May 2020 (e.g. mandatory trainings, enhanced coordination with civilian justice systems). In addition, Dr. Machar issued **orders to commanders in Western and Central Equatoria to investigate the alleged violations** reported by UNMISS, and a further order in late July instructing three SPLA-IO commanders in Western Equatoria to release all girls present on their bases and all women held against their will. This was a result of UNMISS' engagement with the leadership of the SPLA-IO (RM) to encourage accountability measures for those implicated in crimes, particularly in relation to the Western Equatoria operations conducted between April and August 2018, during which 43 cases of rape and gang rape were reported, and 505 women and 63 girls were abducted by members of the SPLA-IO (RM). In the coming weeks, a newly-reconstituted National Disarmament, Demobilization and Reintegration Committee will join an informal verification committee established to facilitate their release. Internal discussions are taking place on how best to tackle the operational complexities related to access, shelter, preventing stigmatization, and other issues.
- Another non-State armed group implicated in patterns of conflict-related sexual violence in Central Equatoria is the **National Salvation Front (NAS)**. The Office of the SRSG on Sexual Violence and Conflict and UNMISS have begun to engage with the leader of this group, Lieutenant General Thomas Cirillo Swaka, to ensure the cessation and non-repetition of sexual violence crimes.
- In their third report to the Human Rights Council in March 2019, the **Commission on Human Rights in South Sudan** found that continuing violence and human rights violations, including rape and sexual violence, may amount to war crimes. The Commission noted that sexual and gender-based violence, including rape, gang rape, sexual mutilation, forced marriage, and abduction, remains a central characteristic of the conflict, used as a tactic of warfare by all parties to sow terror; and, that young men were often specifically targeted, killed, beaten and detained under suspicion of being actual or potential members of armed groups, while women and girls were raped, beaten and sometimes also killed.
- Following the allegations of mass rape in **Bentiu** in late 2018, reported on by MSF, and the publication of a joint report by UNMISS and the Office of the United Nations High Commissioner for Human Rights on conflict-related sexual violence in northern Unity in February 2019, the Minister for Foreign Affairs reported to the Human Rights Council on 27 February that a Government investigative committee had documented 16 incidents of rape.
- While the **hybrid court** has not yet been established, mobile courts staffed by South Sudanese judiciary personnel have expanded beyond Bentiu and Malakal, and are expected to try hundreds of serious cases, including many of SGBV.

- A **special court** in Juba to process sexual and gender-based crimes, violations against children and other serious violations is due to be inaugurated by the end of 2019. Inclusion of conflict-related sexual violence crimes under this court could be considered when it becomes operational.

Other relevant updates

- Between December 2018 and May 2019, IOM interviewed 1,400 IDPs returning from or embarking on journeys outside the **POC sites** and found that **67 percent of the travelers were women**. Issues of gender-based violence (especially intimate partner violence and sexual assault) within the POC sites continue to be reported frequently.
- The percentage of **female-headed households**, especially among displaced communities, is very high. An especially high proportion is reported in Northern Bahr el Ghazal, for example, due to forced recruitment of men.
- The international community has reached more than four million people with aid and protection, representing 72 percent of all people targeted for assistance in 2019. This included the provision of emergency nutritional assistance to more than 623,000 children and pregnant and breastfeeding women. Only one in five childbirths involves a skilled health care worker and the **maternal mortality ratio** is estimated at 789 per 100,000 live births.
- UNMISS supported the Committee on Land and Physical Infrastructure on the draft national land policy to strengthen the land rights of communities and women, promote transparent land governance and peacefully resolve land-related disputes, including with a three-day workshop on **women's land rights**. Adoption of this reform is a key point of the Revitalized Agreement. Widespread destruction and looting of houses and properties, degradation of housing due to displacement, secondary occupation, forced eviction, loss of documentation and title deeds, and disputes over customary land tenure are all features of the conflict in South Sudan.
- Both shortage of water in some areas and flooding in others is resulting in local communities, especially women and children, resorting to negative coping mechanisms, such as traveling longer distances and putting their security and safety at risk in order to access water for their family.
- The **bride price** paid for wives in the context of economic and physical insecurity linked to the conflict, as well as misconceptions of physical protection offered by marriage, has led to an increase in child marriage. It is estimated that **52 per cent of girls in South Sudan are married before they turn 18**.
- UNMISS has 900 international staff (27 percent women), almost 1,200 national staff (14 percent women) and 390 UN Volunteers (38 percent women) in the civilian component. **The percentage of women in the police component is now relatively high compared to previous years and other missions**: 31 percent of individual police officers and 19 percent in formed police units. Women are 4 percent of the military contingent personnel, but 16 percent of military officers and military liaison officers.

Recommendations for the Security Council and the Informal Experts Group

Council Members should consider asking some of the following questions during the upcoming Security Council visit to South Sudan, as well as during the IEG meeting and the regular meetings of the Council on South Sudan:

For the Government of South Sudan and/or the UN:

We are aware of significant efforts made by women's organizations to help the government reach the 35 percent quota for women set in the Revitalized Agreement. How are you planning to enforce this quota, given the current arrangements for the pre-transitional committees have not reached it?

Beyond the 35 percent quota, what is the status of implementation of the other gender-related provisions of the Revitalized Agreement? How are you working with women leaders and women's organizations to fulfill these?

What mechanisms are in place to ensure a coordinated approach -with other international as well as national and sub-national actors- to creating a protective environment for women and girls?

What progress has been made to implement the action plans issued by government forces and the SPLA-IO (RM) to address conflict-related sexual violence, including the release of abducted women and girls? What is needed to accelerate their implementation? What are the outcomes of government-led investigations into specific instances of widespread sexual violence, including in Bentiu in 2018?

What are the most salient challenges and opportunities regarding the expansion of mobile courts and their prosecution of sexual and gender-based violence cases?

How are you addressing the concerns raised by women's organizations and leaders regarding the cantonment of troops and steps needed to mitigate the adverse impact that this can have in communities? Is there a strategy in place to meaningfully incorporate the needs and priorities of women associated with armed groups in these cantonment sites, including their protection?

What is the status of implementation of the National Action Plan on Women, Peace and Security? Will it be used as an accountability tool to monitor implementation of WPS commitments in the new context?

How can the UN and the Security Council support efforts to ensure that women leaders and human rights defenders, journalists, community activists, and civil society in general are protected, and that restrictions to freedom of expression or attacks against their safety are reported in real time?

To the UN:

Do you possess sufficient gender data and analysis to address the specific needs of women and girls in humanitarian planning and programming? Is the humanitarian sector responding adequately to these, and does it include women's organizations or leaders in its planning and decision-making regarding aid?

What is currently being done to improve gender parity across the entire humanitarian and peacekeeping operation, from senior leadership positions to translators and community engagement officers? What barriers have you encountered and how have you overcome them?

Does the UN pay sufficient attention to addressing the gender norms that reinforce the conflict and fuel violence against women and girls related to cattle-raiding and the dowry system, or other forms of gender-based violence, such as child marriage?

As mandated by previous Security Council resolutions for all visits, the upcoming visit to South Sudan should include a meeting with women's organizations, preferably towards the beginning of the agenda so that it can inform other meetings with the government and international partners.

In addition, the Security Council should use every opportunity to:

- Commend the role of women's civil society organizations in South Sudan and urge the government and the United Nations to ensure that they are regularly consulted on all matters related to peace and security and that mechanisms and protocols for their protection are in place.

- Stress the critical importance of investing in local level women-led peacebuilding and mediation efforts towards the consolidation of peace and security, including through intercommunal dialogue, community violence reduction, social norms change, livelihood support, and funding for NGO-run services for women and girls, many of which require urgent resources to survive and more flexible, multi-year funding channeled directly to local and grassroots organizations to build peace at the community level.
- Stress the importance of mainstreaming a gender perspective in the cantonment process and urge the Government to ensure that all uniformed personnel are screened and vetted.
- Urge the Government of South Sudan and parties to the conflict to rigorously and expeditiously investigate all incidents of sexual violence and hold perpetrators accountable regardless of rank or seniority, to ensure that crimes of sexual violence are not amnestied, to provide comprehensive services to survivors, especially medical and psychosocial care, grant unhindered access to humanitarian organizations assisting victims and displaced civilians, ensure that victims receive reparations and livelihood support, and establish the transitional justice mechanisms outlined in the Revitalized Agreement, including the Hybrid Court, truth commission, and reparations programme, without delay.
- Urge the full and effective implementation of the SSPDF and SPLA-IO implementation plans on prevention and response to conflict-related sexual violence and call for the adoption of the SSNPS action plan.
- Call for the immediate release of the women and girls abducted by SPLA-IO forces during military operations in Western Equatoria, and further call for the Government and SPLA-IO (RM) to continue working closely with the Office of the SRSG on Sexual Violence in Conflict to ensure compliance with the Security Council resolutions on conflict-related sexual violence (1820, 1888, 1960, 2106 and 2467).

ANNEX: Relevant excerpts of Security Council resolution 2459 (2019)

Underlining that the 2018 “Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan” (the Revitalised Agreement) is an important step forward in the peace process that provides a window of opportunity to achieve sustainable peace and stability in South Sudan (...), and *calling on* parties to ensure full and meaningful participation of women in the peace process and fulfill the commitments set out on inclusivity, including in respect of national diversity, gender, youth and regional representation in the Revitalised Agreement,

Recalling that individuals or entities responsible for or complicit in, or having engaged in, directly or indirectly, actions or policies that threaten the peace, security or stability of South Sudan, may be designated for targeted sanctions (...), including individuals who plan, direct, or commit acts involving sexual and gender -based violence in South Sudan,

Recognizing that unarmed civilian protection can often complement efforts to build a protective environment, particularly in the deterrence of sexual and gender-based violence against civilians, and *encouraging* UNMISS, as appropriate and when possible, to explore how it can use civilian protection techniques, including through community engagement and the mission communication strategy, to enhance its ability to protect civilians, and to train UNMISS staff accordingly,

Recalling its strong condemnation of all instances of attacks against civilians, including those involving violence against women (...)

Expressing grave concern at ongoing reports of sexual and gender-based violence, particularly against women and girls, including the findings of the report of the Secretary-General on Sexual Violence in Conflict to the Security Council (S/2018/250) of the use of sexual violence as a tactic by parties to the conflict against the civilian population, in South Sudan, including use of rape and gang -rape of women and girls, and abduction, forced marriage and sexual slavery, and where persistent levels of conflict-related sexual violence and other forms of violence against women and girls has become normalized and continued after the signing of the Revitalised Agreement and despite the suspension of most military offensives, as documented in the February 2019 UNMISS and Office of the United Nations High Commissioner for Human Rights (OHCHR) report on conflict -related sexual violence in Northern Unity between September and December 2018, underlining the urgency and importance of timely investigations and the provision of assistance and protection to victims of sexual and gender-based violence,

Strongly condemning all human rights violations and abuses and violations of international humanitarian law, including (...) rape and other forms of sexual and gender-based violence (...), targeting of members of civil society (...), as well as the incitement to commit such abuses and violations (...), and *expressing concern* that despite the signing of the Revitalised Agreement, violations including rape and sexual violence continue to occur which may amount to international crimes, including war crimes and crimes against humanity,

Welcoming the commitment of the Secretary-General to enforce strictly his zero-tolerance policy on sexual exploitation and abuse, *noting* the various measures taken by UNMISS and Troop- and Police-contributing countries to combat sexual exploitation and abuse, but still *expressing grave concern* over allegations of sexual exploitation and abuse reportedly committed by peacekeepers in South Sudan, *stressing* the urgent need for Troop- and Police-contributing countries and, as appropriate, UNMISS, to promptly investigate those allegations in a credible and transparent manner and for those responsible for such criminal offences or misconduct to be held to account, and *further*

stressing the need to prevent such exploitation and abuse and to improve how these allegations are addressed in line with resolution 2272 (2016),

Emphasizing that persistent barriers to full implementation of resolution 1325 (2000), and subsequent resolutions on women, peace, and security including 2242 (2015), will only be dismantled through dedicated commitment to women's empowerment, participation, and human rights, concerted leadership, consistent information and action, and support, to build women's engagement in all levels of decision-making, and through ensuring that the full and meaningful participation and involvement of women in all spheres and levels of political leadership, the peace process, and pre-transitional and transitional government, *welcoming* the commitment to the inclusion of women in the Revitalised Agreement, including the 35% minimum for women's representation, and *calling on* all parties to do more to ensure that these minimum commitments are achieved,

4. *Commends* the 22 January 2019 report by RJMEC Interim Chairperson Augustino S.K. Njoroge on the status of implementation of the Revitalised Agreement for the period October 2018 to December 2018 (...), *condemns* violations of the ACOH by all parties, including continuing use of sexual and gender-based violence in attacks (...), and *calls upon* all parties to ensure full and meaningful participation of youth, women, diverse communities, faith groups, and civil society in all conflict resolution and peacebuilding efforts;

7. *Decides* that the mandate of UNMISS shall be as follows, and authorizes UNMISS to use all necessary means to perform the following tasks:

(a) *Protection of civilians*:

(i) To protect civilians under threat of physical violence, irrespective of the source of such violence, within its capacity and areas of deployment, with specific protection for women and children, including through the continued use of the Mission's Child Protection and Women Protection Advisers, the positions for which should be filled expeditiously;

(v) To deter and prevent sexual and gender-based violence within its capacity and areas of deployment, as highlighted in paragraph 41 of the Special Report of the Secretary-General of 10 November 2016 (S/2016/951);

(vi) To exercise good offices, confidence -building, and facilitation in support of the mission's protection strategy, especially in regard to women and children, including to facilitate the prevention, mitigation, and resolution of intercommunal conflict through, inter alia, mediation and community engagement in order to foster sustainable local and national reconciliation as an essential part of preventing violence and long - term state-building activity, as well as to provide support, within existing resources, for the relevant authorities and civil society organizations in developing and implementing gender-sensitive community violence reduction (CVR) programs, in cooperation and coordination with development partners and community representatives, especially women and youth;

(vii) To foster a secure environment for the safe, informed, voluntary, and dignified, return or relocation of IDPs and refugees including through (...) coordination with police services, security and government institutions, and civil society actors in relevant and protection-focused activities, such as sensitization to issues of sexual and gender-based violence (...) investigation and prosecution of sexual and gender-based violence and conflict-related sexual violence (...),

(c) *Monitoring, and investigating human rights* :

(ii) To monitor, investigate, verify and report specifically and publicly on violations and abuses committed against children and women, including those involving all forms of sexual and gender-based violence in armed conflict by accelerating the implementation of monitoring, analysis and reporting arrangements on conflict-related sexual violence (...),

8. *Stresses* that the peace process only remains viable with the full commitment by all parties and inclusion of civil society, women, and youth (...)

17. *Requests* UNMISS to strengthen its sexual and gender-based violence prevention and response activities, including by ensuring that risks of sexual and gender-based violence is included in the Mission's data collection, threat analysis and early warning systems, by engaging with victims of sexual violence, and women's organizations, *further requests* UNMISS to take fully into account gender considerations as a crosscutting issue throughout its mandate, *reaffirms* the importance of gender advisors, gender expertise and capacity strengthening in executing the mission mandate in a gender-responsive manner, and *encourages* Troop- and Police-contributing Countries to take measures to increase the deployment of women in the military, police, and civilian components of the Mission;

18. *Requests* UNMISS to continue to intensify its presence and active patrolling in areas of high risk of conflict, high concentrations of IDPs and refugees, with particular attention to women and children, including as guided by its early warning strategy, in all areas (...),

20. *Recalls* its Presidential Statement S/PRST/2015/22 and its resolution 2272 (2016) and *requests* the Secretary-General to take all necessary measures to ensure full compliance of UNMISS with the United Nations zero tolerance policy on sexual exploitation and abuse and to ensure that all personnel of the mission are vetted for history of sexual misconduct in the service with the United Nations and *requests* the Secretary-General to include in his regular reporting to the Security Council on UNMISS information in this regard, including any reviews of UNMISS troop – and police-contributing countries according to the operational guidance for resolution 2272 (2016), and *urges* troop- and police-contributing countries to take appropriate preventive and disciplinary action to ensure that such acts are properly investigated and punished in cases involving their personnel;

26. *Further demands* that all parties immediately cease all forms of violence, human rights violations and abuses, and violations of international humanitarian law, including rape and other forms of sexual and gender-based violence, and hold those responsible accountable, in order to break the prevailing cycle of impunity;

29. *Strongly urges* the SSPDF, SPLA-IO, and other armed groups to prevent further commission of sexual violence, *urges* the GoSS and the SPLA-IO to implement the joint and unilateral commitments and action plans they have made on preventing conflict-related sexual violence with focus on prevention, accountability, and enhancing assistance to victims, and *strongly urges* SSPDF leadership to issue specific command orders regarding prevention of conflict-related sexual violence, and *demand*s the GoSS show concrete steps to hold those responsible within its ranks accountable for crimes of sexual violence;

35. *Calls upon* the GoSS, while taking note of paragraph 3.2.2 of Chapter V of the Revitalised Agreement, to hold to account all those responsible for violations and abuses of human rights and violations of international humanitarian law, and to ensure that all victims of sexual violence have equal protection under the law and equal access to justice, and to safeguard equal respect for the rights of women and girls in these processes, and *notes* that implementing holistic transitional justice measures,

including accountability, truth-seeking and reparations, are key to healing and reconciliation, and *underscoring* the importance of the rule of law to advancing the peace process, *urges* the GoSS to prioritize restoration and reform of the rule of law and justice sector, *welcomes* in this regard the initial steps the GoSS has taken with the deployment of mobile courts facilitated by UNMISS, and *further urges* the GoSS to take further steps in this regard;

38. *Requests* the Secretary-General to report to the Security Council on implementation of the UNMISS mandate and the obstructions UNMISS encounters in doing so in a comprehensive written report to be submitted within 90 days of the date of adoption of this resolution, every 90 days thereafter, and *underscores* that such reporting should include:

- the consideration of gender as cross cutting throughout the mandate,
- steps taken to deter and prevent sexual and gender-based violence,
- the participation of women in peace processes,