

## Update on women, peace and security in South Sudan February 2<sup>nd</sup> 2021<sup>1</sup>

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The Informal Experts Group of the Security Council on Women, Peace and Security discussed the situation in South Sudan on 2 February 2019 and on 17 October 2019. This update summarizes relevant developments since then.

### Developments in the Security Council

The Security Council visited South Sudan in October 2019 and met with representatives of women's organizations. In addition, two South Sudanese women from civil society have briefed the Security Council since the last meeting of the IEG on South Sudan. Betty Sunday in March 2020 and Nyachanguoth Rambang Tai in September 2020 both highlighted the essential role of women-led organizations in peacebuilding and urged the Council to call on all parties to comply with the provisions in the Revitalized Agreement (R-ARCSS), including the 35 percent quota for women in government institutions and the establishment of the Hybrid Court and other transitional justice mechanisms.

On 12 March 2020, the Security Council adopted **resolution 2514 (2020)** extending UNMISS' mandate until 15 March 2021. The resolution maintains and expands the WPS provisions of the previous mandate. Relevant excerpts are included in the annex below. In May 2020, the Security Council adopted **resolution 2521 (2020)** renewing the arms embargo and sanctions put in place in 2015. The resolution retains a dedicated criterion on sexual and gender-based violence and requests the SRSG on Sexual Violence in Conflict to share relevant information with the Committee. The SRSG is expected to brief the Committee in February 2021.

The report on the **independent strategic review** of UNMISS submitted to the Security Council on 15 December 2020 concluded that there have been limited gains on the women, peace and security agenda. It noted a "marked lethargy" when it comes to implementation of the gender provisions of the peace agreement and that the meaningful participation of women in political life remains "extremely challenging." The review highlighted that the critical role that women leaders and networks play in conflict resolution, early warning and brokering peace at the local level, continues to go largely unrecognized and under-supported. The report recommended that UNMISS improve gender-mainstreaming throughout its areas of work and noted that additional expertise was required in a variety of areas, including the Mission's approaches to SSR, DDR, political and civil affairs engagement, and the meaningful participation of women in political life. It further noted that additional expertise on gender and CRSV is required in the Mission's military and police components, and that the limited presence -or the complete absence in some field locations- of women protection advisors and gender officers makes it difficult to apply a robust gender lens.

### Relevant developments in South Sudan

Women leaders in South Sudan continue to express concern regarding the lack of inclusion of diverse women in the peace process and their representation in the transitional institutions and in government. The 35 percent quota **of women's representation in the R-ARCSS institutions** has thus far only been met by

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<sup>1</sup> This background note, including the recommendations at the end of this document, is prepared by UN Women as the secretariat of the Informal Experts Group on Women, Peace and Security, in consultation with other UN entities.

the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism (41 percent of women) and the reconstituted Joint Monitoring and Evaluation Commission (35 percent of women). On 13 October 2020, the acting Secretary-General of the SPLM announced that the 35 percent quota for women would be implemented in the remaining positions allotted to the party. Improvements in women's representation have been the result of non-stop advocacy by women's organizations, with the support of the UN and several donor countries, including through the Women, Peace and Security Working Group led by Norway and Sweden with UN Women as the Secretariat. For example, to enhance transparency and accountability, the South Sudan Women Coalition developed a monitoring matrix tracking women's participation which is submitted to all parties and stakeholders.

Some improvements have been made with regards to **women's participation in government**. Of the five Vice President positions, one is held by a woman, which is a first for South Sudan. Women also occupy nine out of the 35 ministerial positions, including the Minister of Defense, which is also a first. However, there is only one woman among the 10 deputy ministers. In June 2020, nine State Governors were appointed and only one of these is a woman. However, continuous advocacy by women's groups and their international partners has contributed to the appointment of three women out of the six Deputy Governor posts that have been filled. Even though these appointments do not meet the 35 percent quota, they represent a significant increase in comparison with the representation of women under the previous government.

Furthermore, 50 percent of the more than 500 participants in the **National Dialogue Conference** held in Juba in November 2020 were women, though the independent strategic review noted that women were not represented in adequate numbers in the steering committee for the dialogue. The two main parties in the country, namely SPLM and SPLA-IO are now led by women as their Secretary Generals. At **community level**, steps continue to be taken by civil society organizations and local governance actors to improve women's representation. For example, in 10 villages in Yambio, there were no women holding community leadership positions in January 2019. A year later, and following a series of training courses, there were 45 women (34 percent) out of 132 persons in leadership positions, including five women with disabilities.

Increased pressures on livelihoods and food security owing to the COVID-19 pandemic and floods in several States have contributed to a surge in **sexual and gender-based violence, including forced child marriage**. Rates of child marriage (45 percent) and teenage pregnancy (30 percent) act both as impediments to women's and girls' empowerment and access to education, and as a source of **inter-communal conflicts**, which accounted for most of the reported civilian victims last year. Women are sometimes abducted during cattle raids or they are raped by youths to avoid having to pay a dowry, because in such circumstances it is common practice for families to negotiate a marriage between the rapist and the survivor at a lower bride price or even without one. Women leaders have expressed concern about the **proliferation of small arms** and its impact on women's security and have called for special attention to their priorities and needs in the current process of re-designation of the POC sites into IDP camps. In addition, the independent strategic review reported that women leaders and networks that have tried to raise awareness of CRSV or advocate for compliance with the 35 percent quota have been harassed and targeted.

The **Panel of Experts of the sanctions committee** has reported specific alleged incidents of conflict-related sexual violence: soldiers of the South Sudan's People's Defense Forces (SSPDF) committing SGBV when they recaptured the town of Lasu; Major General Ochan's militia committing retaliatory acts of SGBV against the civilian population accused of supporting the SPLM/A-IO in Maiwut; and higher levels of violence and sexual harassment against women and girls in connection with the cantonment of SPLA-IO soldiers in Dingding. Following sustained UN advocacy, on 30 January 2020, the SPLM/A-IO **released 78 women and 50 children** that had been abducted in 2018. However, after the release members of the SPLM/A-IO threatened and harassed those who had facilitated the release and coerced all released women and children back to their base in Lirangu.

In October 2020, the **SSPDF and SPLA-IO formed a joint committee** to work together on their respective action plans on preventing CRSV. The unified action plan is anticipated to be launched on 2 February 2021. UNMISS continued to support the implementation of the existing SSPDF action plan, including through training for the SSPDF Military Justice Directorate to investigate and adjudicate CRSV, the development and distribution of key messages for all SSPDF personnel, and support for the implementation of mobile General Court Martials. In November 2019, the **South Sudan National Police Service (SSNPS)** launched an **action plan** committing to targeted measures over a three-year period **to eliminate CRSV** within its ranks, and UNMISS has been working closely with them through trainings and co-location. In September 2020, the **National Salvation Front (NAS)**, a non-signatory group to the peace agreement, issued a **unilateral communiqué** with commitments to addressing CRSV and working closely with the UN to prevent such violence, including investigating allegations of sexual violence attributed to the group in previous reports by UNMISS.

The Commission on Human Rights in South Sudan expressed concern that survivors of SGBV continue to face **significant challenges in seeking justice**. South Sudan remains a fragile state with weakened rule of law institutions including the judiciary and police presence across the country. Major obstacles in the justice chain include inadequate judicial and prosecution staff, limited resources, destroyed infrastructure (court buildings, police stations) and equipment. Many SGBV cases continue to be heard by traditional customary courts, which do not meet international fair trial and due process standards. Furthermore, many SGBV victims who are able to access formal justice lack adequate representation and information, leading to numerous cases being dismissed. The **GBV and Juvenile Court** was inaugurated in Juba in December 2020 but is hampered by operational issues and a significant backlog of cases. The **transitional justice mechanisms** provided for in the R-ARCSS, namely the Commission for Truth, Reconciliation and Healing, the Hybrid Court, and the Compensation and Reparation Authority have yet to be established. The Transitional Legislative Assembly has not been reconstituted, hindering progress on the constitution and the passing of necessary laws, including the **Anti-GBV Bill**. Still, in September 2020, a district court martial in Yei convicted 13 members of the SSPDF for rape. Earlier that year, courts in Kuajok, Yambio, and Wau had convicted a handful of people from the armed forces, the police, and the SPLA-IO for rape.

Availability and access to **GBV services** remains limited especially in the regions, with only two one-stop centers in the country and not a single safe house for survivors. Services for clinical management of rape are available only in 34 percent of 253 health facilities. There have also been incidents of threats for women and girls accessing sexual and reproductive health services, in particular family planning. An UNMISS report on the **right to health care for CRSV survivors** in South Sudan identified the inadequate and unequal distribution of health facilities, the low ratio of skilled health workers and limited operational capacity of health facilities, and social barriers as the three major challenges preventing survivors of sexual violence from accessing and receiving health care. The report also found that capacity to provide mental health care is nearly non-existent.

In a report on starvation as a method of warfare, the Commission on Human Rights in South Sudan highlighted the **gendered effect of the acute malnutrition and food shortages** in South Sudan. Gender norms in households and social relationships result in women prioritising feeding their children and the men over themselves, thereby exacerbating their own malnutrition. Food insecurity and limited access to income and livelihoods also fuel domestic violence as women may be blamed and physically assaulted by their spouses for not serving meals. Food insecurity also puts women at risk of turning to transactional sex in exchange for food or money and leads to an increase in early marriages as young girls are married in exchange for cattle. In addition, the COVID-19 pandemic and accompanying movement restrictions have particularly affected women's small business initiatives and informal employment and increased their care burden at home. This compounds the situation for women and girls, which already contend with some of the worst levels of literacy, life expectancy, and maternal mortality in the world.

## **Recommendations**

In view of the upcoming negotiations on the mandate of UNMISS, the Security Council should retain all existing references to women, peace and security in both the preamble and operational paragraphs of resolution 2514 (2020). In addition, in a new mandate of UNMISS the Security Council should consider adding the following to its operational paragraphs:

- Urge the Government of South Sudan to ensure women's equal and meaningful participation in the constitution-making process.
- Request UNMISS to use good offices to advocate for women's participation at every stage of the process to implement the peace agreement.
- Urge the Government of South Sudan to establish, in cooperation with the AU and IGAD, the transitional justice mechanisms of Chapter V of the R-ARCSS and to ensure that gender considerations and the meaningful participation of women, including survivors of sexual violence, are central to their design and implementation, and to strengthen national accountability mechanisms that would be complementary to the Hybrid Court.
- Recognize the critical role of women leaders and networks and women-led organizations in conflict prevention, early warning, brokering peace, conflict resolution and peacebuilding on the national and the local level and to request UNMISS to support and engage with a wide range of diverse women's civil society organizations as equal partners in all areas of its work.
- Recognize and support women's leadership role in mitigating the effects of the COVID-19 crisis and the disproportionate impact that the pandemic has on women and girls, and call for a gender-responsive approach to pandemic response and post-pandemic recovery.
- Following the preambular recognition of the need to protect women's rights organizations and women peacebuilders from threats and reprisals, the operational paragraphs of the resolutions should encourage the Government and its international partners, including the UN, to enhance their monitoring and reporting on these incidents, take adequate measures to prevent them and respond to the multifaceted physical, social, economic and psychological impact of such incidents.
- Call for the immediate and safe release of all women and children abducted during the course of hostilities, ensuring access to services, protection, justice, and reparations.

In addition, the co-chairs and other Council members should:

- Engage in strategic high-level political diplomacy and advocacy in support of women's meaningful participation in all government institutions at the national and local level, and in particular the 35 percent quota for women's participation in the Executive and in the transitional justice institutions, and to ensure that appointed women represent their constituencies and their needs at the grassroots level and that no individual targeted with international sanctions and no alleged perpetrator of CRSV is or becomes part of the government.
- Closely monitor the implementation of the R-ARCSS and ensure a consistent follow-up of the implementation of all parts of the agreement, including the gender provisions.
- Support, in close cooperation with civil society, a comprehensive review of activities, outcomes and impact under the National Action Plan on WPS 2015-20 and the development, resourcing and implementation of a new National Action Plan.
- Support the Government of South Sudan to strengthen and build the capacity of the judiciary to ensure that cases of CRSV are investigated and prosecuted in a consistent manner by adhering to international fair trial standards and that services, reparations and redress are provided to survivors ensuring their rights and meaningful participation;

- Consider increasing the levels of financial assistance for SGBV services and providing more long-term and flexible funding for women-led civil society organizations engaged in peacebuilding and SGBV work.
- Strengthen women's economic empowerment, vocational, business, and financial management skills, including literacy and second chance education, in order to improve women's access to incomes and livelihoods and women's food security.
- Encourage UNMISS to implement the gender-related recommendations of the 2020 independent strategic review, including improving gender-mainstreaming throughout its areas of work and strengthening its capacity and expertise on gender equality and women's protection.

**ANNEX: Relevant excerpts in resolution 2514 (2020) extending UNMISS' mandate until 15 March 2021**

*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, effective, and meaningful participation of women in the peace process, to recognize the need to protect women’s rights organizations and women peacebuilders from threats and reprisals, and fulfil the commitments set out on inclusivity, including in respect of national diversity, gender, youth and regional representation in the Revitalised Agreement,*

*Recalling its strong condemnation of all instances of attacks against civilians, including those involving violence against women, children, and persons in vulnerable situations, ethnically targeted violence, hate speech, and incitements to violence (...)*

*Expressing grave concern at ongoing reports of sexual and gender-based violence, including the findings of the report of the Secretary-General on Sexual Violence in Conflict to the Security Council (S/2019/280) 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,*

*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 that violate applicable international human rights law or international humanitarian law, acts that constitute human rights abuses or acts involving sexual and gender-based violence (SGBV) 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 (...),*

*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,*

*5. Condemns violations of the ACOH by all parties, including the continuing use of sexual and gender-based violence in attacks (...), calls upon all parties to ensure full, effective, and meaningful participation of youth, women, diverse communities, faith groups, and civil society in all conflict resolution and peacebuilding efforts, and further calls upon UNMISS to assist all parties in these efforts;*

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

*Women Protection Advisers, and uniformed and civilian Gender Advisers, the positions for which should be filled expeditiously (...); 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); 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; To foster a secure environment for the safe, informed, voluntary, and dignified, return, relocation, resettlement or integration into host communities for IDPs and refugees including through monitoring of, ensuring respect for human rights by, where compatible and in strict compliance with the United Nations Human Rights Due Diligence Policy (HRDDP), 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 and children and armed conflict as well as technical assistance or advice on international humanitarian law, investigation and prosecution of sexual and gender-based violence and conflict-related sexual violence, as well as other human rights violations and abuses (...); 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, and accelerate implementation of monitoring, analysis and reporting arrangements on conflict-related sexual violence and by strengthening the monitoring and reporting mechanism for violations and abuses against children;*

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

*18. 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, and reaffirms the importance of uniformed and civilian gender advisors, gender focal points in all mission components, gender expertise and capacity strengthening in executing the mission mandate in a gender-responsive manner;*

*19. Requests UNMISS to continue to intensify and extend its presence and active patrolling in areas of high risk of conflict, or where there are emerging protection risks or threats such as high rates of sexual and gender-based violence, and including areas which include high concentrations of IDPs and refugees, with particular attention to women and children, including as guided by its early warning strategy (...),*

*21. Welcomes the initiatives undertaken by the Secretary-General to standardize a culture of performance in UN peacekeeping (...) and requests the Secretary-General and the troop- and police-contributing countries to seek to increase the number of women in UNMISS, as well as to ensure the full, effective and meaningful participation of women in all aspects of operations;*

*22. Requests the Secretary-General to implement a zero-tolerance policy on serious misconduct, sexual exploitation and abuse, and sexual harassment (...), requests the Secretary-General to continue to take all necessary measures to ensure full compliance of all personnel in UNMISS, civilian and uniformed, including mission leadership and mission support personnel with the United Nations zero-tolerance policy on sexual exploitation and abuse, to conduct investigations of all allegations of sexual exploitation*

*and abuse, and to keep the Council fully informed through his reports to the Council about the Mission's progress in this regard, including by reporting on the start, agreed deadlines, and outcomes of reviews, stresses the need to prevent such exploitation and abuse and to improve how these allegations are addressed in line with resolution 2272 (2016), and urges troop- and police-contributing countries to continue taking appropriate preventive action, including vetting of all personnel, pre-deployment and in-mission awareness training, to ensure full accountability in cases of such conduct involving their personnel, including through timely investigations of allegations of sexual exploitation and abuse by troop- and police-contributing countries, as appropriate, to hold perpetrators accountable, and to repatriate units when there is credible evidence of widespread or systemic sexual exploitation and abuse by those units;*

*28. 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;*

*31. Welcomes the commitment to the inclusion of women in the Revitalised Agreement, including the 35% minimum for women's representation, and calls on all parties to do more to ensure that these minimum commitments are achieved and to ensure the full, effective, and meaningful participation and involvement of women in all spheres and levels of political leadership, the peace process, and the transitional government, and requests UNMISS to assist in these efforts;*

*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 (...);*

*41. Requests the Secretary-General to report to the Security Council on implementation of the UNMISS mandate (...) and underscores that such reporting should include attention to the below listed issues and that perspectives should be gathered from all relevant actors (...): 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, and an analysis of the mission's political engagement on this issue (...).*