

**Security Council**

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Letter dated 5 April 2023 from the Permanent Representatives of Switzerland, the United Arab Emirates and the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

Switzerland and the United Arab Emirates, as Co-Chairs of the Informal Expert Group on Women and Peace and Security of the Security Council and in close cooperation with the United Kingdom, would like to share the summary note of the meeting of the Group on the situation in South Sudan (see annex).

We would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

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to the United Nations

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Informal Expert Group on Women and Peace and Security of the Security Council: summary of the meeting on the situation in South Sudan, held on 20 February 2023

On 20 February 2023, the Informal Expert Group on Women and Peace and Security convened a meeting on the situation in South Sudan. The members received a briefing from the Deputy Special Representative of the Secretary-General for South Sudan, Sara Beysolow Nyanti, accompanied by representatives of the United Nations Mission in South Sudan (UNMISS) and the United Nations country team. The meeting concluded with an overview of key recommendations provided by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and additional observations made by the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict.

Questions from Security Council members

Security Council members asked about women's meaningful participation in public decision-making, including in the constitutional review process and upcoming elections; reprisals against women peacebuilders, women human rights defenders and women-led organizations; violence against women as voters and candidates in the electoral process; and the capacity of the Mission and the country team to address all those issues effectively. Other questions were focused on conflict-related sexual violence and its worrisome increase over the past year, on the implementation of the action plans adopted by the armed forces and the police to address conflict-related sexual violence, on accountability for perpetrators and on the status of current or pending legislation, such as that relating to the protection of victims and witnesses. In addition, Council members asked about specific ways to increase the percentage of women in security sector institutions and peacekeeping mission patrols and whether a gender perspective was being integrated into assessments and interventions to address climate-related shocks, such as flooding.

Main points raised at the meeting

- Since the last meeting of the Informal Expert Group two years ago, the Security Council has strengthened the language on women and peace and security in its decisions on South Sudan, with regard to both the mandate of the peacekeeping mission and the sanctions committee. The Council has also received briefings on six separate occasions since February 2021 from South Sudanese women from civil society, who have repeatedly expressed concern over unmet quotas for women due to a lack of political will, the slow pace of implementation of the gender-related provisions of the peace agreement, and high levels of conflict-related sexual violence.
- In August 2022, the signatories of the peace agreement agreed on a new road map to extend the transition by 24 months in order to enable the implementation of key outstanding tasks, such as the unification of the Necessary Unified Forces, the holding of elections and the drafting of the new Constitution. Some women's groups expressed regret about the low level of women's participation in the decisions about the road map.

- Following the resolution of the political impasse, the reconstituted Transitional National Legislative Assembly adopted important legislation at the end of 2022. However, other priority bills concerning the implementation of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan remain pending, such as the family law bill and draft legislation against gender-based violence, which have not yet been scheduled for debate. Conflict-related sexual violence, for example, is still not a stand-alone war crime in South Sudanese legislation.
- The 35 per cent quota for women included in the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan has still not been met. Generally, women's representation at the expert meetings and consultations held by the reconstituted National Constitutional Amendment Committee is limited. One of the five Vice-Presidents of the country, the Speaker of the reconstituted Transitional National Legislative Assembly and the Deputy Speaker of the Council of States are women. There are also several women ministers, but only 1 of the 10 states and 2 administrative areas is led by a woman. In spite of significant legal, customary and sociocultural barriers, many South Sudanese women are ready to take on decision-making positions. Therefore, the use of temporary special measures and quotas, as proposed in the Revitalized Agreement, provides an opportunity for promoting greater representation of women in the mechanisms and institutions of the Agreement and the upcoming elections.
- Efforts to bring on board groups that have not signed the Revitalized Agreement continue, in particular through the Rome peace process facilitated by the Community of Sant' Egidio, although no information was provided about women's participation or gender issues in relation to the process. Recently, the President of South Sudan, Salva Kiir Mayardit, granted pardons to 71 prisoners, including 7 women.
- The unification of the armed forces continues but is being hampered by a lack of funding and logistical capability, including for women former combatants and women associated with the armed groups who remain in cantonment sites for a long time, putting up with difficult conditions, such as flooding in some sites.
- UNMISS, UN-Women and the United Nations Development Programme are implementing a project to mainstream gender into security sector reform, with the support of the Peacebuilding Fund. The project has included the establishment and operationalization of several women's networks and the creation of women-friendly spaces in security sector institutions, among other deliverables. UNMISS, under the leadership of the Police Commissioner, has collaborated with the South Sudan National Police Service to build the capacity to preventing and responding to cases of gender-based violence across the country, including through training and co-location.
- Other recent interventions led by UN-Women and the United Nations Theme Group on Gender include supporting the Government in the development and adoption of the second phase of the national action plan on women and peace and security; submitting to the Ministry of Justice a comprehensive gender analysis of 27 laws to inform legislative reforms and the constitution-making process and contribute to eliminating gender-based discrimination; enhancing the capacity of special protection units of the police to monitor and respond to gender-based violence; and providing access to economic opportunities for more than 1,100 women to start up small business enterprises through more than

120 village savings and loan associations and the scaling up of five women's economic empowerment centres.

- In February 2022, the United Nations and the Revitalized Transitional Government of National Unity organized a three-day high-level conference on women's leadership. Several participants demanded gender parity, although the 35 per cent quota has not been met. Approximately 500 women, as well as the President, Vice-Presidents, several ministers, members of the parliament, governors and former Presidents from other African countries, participated in the conference. Prior to the event, Pope Francis, the Archbishop of Canterbury and the Moderator of the Church of Scotland visited South Sudan as part of their ecumenical missions to Africa and underscored the need for women to be involved in political and decision-making processes.
- The security situation has deteriorated in several locations, especially in Warrap, Central and Eastern Equatoria, Unity, Upper Nile and Jonglei. The clashes have led to mass displacement and a significant number of abductions and incidents of conflict-related sexual violence.
- In October 2022, the Special Representative of the Secretary-General on Sexual Violence in Conflict visited South Sudan to call for expedited implementation of the action plans of the armed forces and the police on addressing conflict-related sexual violence, comprehensive training and vetting of the unified forces, and the removal from power of individuals credibly suspected of patterns of conflict-related sexual violence. Progress on the action plans is an indicator of the consolidation of peace and a benchmark for sanctions relief and delisting from the annex to the annual report of the Secretary-General on conflict-related sexual violence. The United Nations works closely with the Joint Implementation Committee of the Joint Action Plan for the Armed Forces on addressing conflict-related sexual violence in South Sudan, and the Ministry of Foreign Affairs leads a monthly meeting during which the implementation of the Joint Action Plan is reviewed. The implementation of the action plan for the police has advanced at a slower pace.
- The United Nations verified 299 incidents of conflict-related sexual violence in 2022, compared with 194 in 2021. Lack of services, a lack of protection of victims and witnesses, and intimidation of, and reprisals against women's organizations and human rights defenders inhibit the reporting of human rights violations. The majority of cases are attributed to non-State armed groups, including civil defence forces and community-based militias, but 38 per cent are still attributed to the armed forces and 5 per cent to the police. Women and girls are especially at risk when conducting essential livelihood activities, travelling to and from school and fleeing hostilities.
- The United Nations is also assisting women released from abduction by the Sudan People's Liberation Army in Opposition in Western Equatoria, noting the presence of 93 children born of conflict-related sexual violence among that group, who are at risk of being stigmatized and ostracized.
- Impunity for serious crimes, including sexual violence, remains pervasive. To assist women and girls in accessing justice and seeking accountability, UNMISS supported civilian and military justice actors in deploying mobile civilian and military courts across South Sudan. UNMISS supported the Military Justice Directorate of the South Sudan People's Defence Forces for deploying 11 general court martials in promoting accountability for serious crimes, including sexual violence and conflict-related sexual violence. UNMISS also provided technical assistance and capacity-building support to the Directorate for investigating and prosecuting sexual violence and ensuring a victim-centred

approach throughout the process. In addition, UNMISS supported deployments of a joint special mobile court to address serious crimes, including sexual violence, related to cattle migration in the border areas of Warrap and Western Bahr el-Ghazal States. Community members and local officials have stated that the mobile court has contributed to peace and stability, increased the numbers of returnees and built trust in the formal justice system.

- The United Nations continues to document cases of reprisals against and intimidation of women human rights defenders and is working to expand networks of women human rights defenders to all states, as well as to finalize guidance on how to support individuals seeking protection on UNMISS premises.
- Some 9.4 million people, more than three quarters of the population of South Sudan, are expected to need humanitarian assistance in 2023, and the humanitarian response plan has received only 1 per cent of its funding requirements so far this year. Women and girls are disproportionately affected.
- Climate-related shocks, including extensive flooding, are behind much of the increase in humanitarian needs, and the United Nations will ensure that a gender perspective is central to its work on climate adaptation and mitigation.
- Giving attention and resources to gender equality issues will be crucial to respond to increasing demands for support. These include the upcoming elections and constitutional review process, the need to deliver on both policy reform at the national level and change at the community level, and the significant investment by the World Bank and the African Development Bank to promote women's economic empowerment, peacebuilding, and services for survivors of gender-based violence.

Recommendations

The following recommendations were made by UN-Women, as the secretariat of the Informal Expert Group.¹

In the upcoming negotiations on the renewal of the UNMISS mandate, the Security Council should retain the references in its resolution [2625 \(2022\)](#) to women and peace and security, including those references relating to accountability and transitional justice, and consider the following additions:

- The language in paragraph 14 of the resolution could be updated to include an expression of regret at the low level of women's participation in the transition road map and demand women's meaningful participation in its implementation, as well as in the drafting of the Constitution, the unification of the armed forces, the establishment and operationalization of transitional justice mechanisms and the preparations for the elections, with due consideration for displaced and refugee women.
- In the same paragraph, the Security Council called upon parties to "recognize the need to protect women-led organizations and women peacebuilders from threats and reprisals and provide a safe environment to enable them to carry out their work safely and freely". This could be expanded to include a request for the Mission to enhance its reporting to the Council on those issues.

¹ The recommendations are suggestions from United Nations participants at the meeting, or from the background note prepared by the secretariat of the Informal Expert Group ahead of the meeting, and are not recommendations from the Informal Expert Group as a whole or from Council members.

- In paragraphs on humanitarian aid and on security conditions conducive to its delivery, a reference could be included on the need for adequate consultation and involvement of women in humanitarian delivery and planning and for due consideration of their leadership in camp management.
- Given the alarming surge in conflict-related sexual violence in 2022, the Security Council should call upon the Government to prioritize and focus on the full and expedited implementation of the 2014 joint communiqué of South Sudan and the United Nations on the prevention of conflict-related sexual violence, the Joint Action Plan for the Armed Forces on addressing conflict-related sexual violence in South Sudan and the action plan for the police on the same subject. The Council should urge the Government to update the country's legal framework, including by formulating, adopting and implementing a stand-alone law on victim and witness protection, adopting legislation on conflict-related sexual violence as an international crime in line with international standards, and fast-tracking the adoption of a law against gender-based violence. In addition, the Council should call upon the Government to facilitate unhindered access to multisectoral services for survivors and prioritize justice and reparations.
- The language in paragraph 16 could be strengthened by including a call upon the Government to implement the Comprehensive Action Plan to End and Prevent All Grave Violations against Children, including rape and other forms of sexual violence, signed in 2020 with the United Nations, and to strengthen the overall legal framework to safeguard children's rights in South Sudan.
- The Security Council could request enhanced gender analysis in the reports of the Secretary-General, with special attention to the reasons for the persistent underrepresentation of women in decision-making and the continued high levels of sexual violence. The Council could encourage the reconstituted Joint Monitoring and Evaluation Commission to publish the percentage of women's representation in each of the transitional institutions of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan in its quarterly reports.
- The Security Council could commend the investment of the World Bank in women's economic empowerment and encourage other international partners to scale up their support to survivors of gender-based violence.
- The Security Council could also commend efforts to adopt a second national action plan on women and peace and security and encourage the allocation of resources for its adequate implementation.

The Co-Chairs expressed thanks to all participants and committed to following up on the important issues raised at the meeting.