

COUNTRY PROFILE: SOUTH SUDAN

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SUMMARY TABLE: SOUTH SUDAN

FORMAL INSTITUTIONAL CONTEXT	<ul style="list-style-type: none"> • The Transitional Constitution of South Sudan (2011) formally recognizes women's rights and guarantees gender equality. • The Ministry of Gender, Social Welfare, and Religious Affairs is responsible for promoting gender equality.
REPRESENTATION	<ul style="list-style-type: none"> • The Transitional Constitution requires that at least 25% of seats in the national parliament be allocated to women. • Women currently hold 26.5% (88 out of 332) of seats.
ECONOMY	<ul style="list-style-type: none"> • South Sudan's GDP in 2011 was US\$19.17 billion. • The national government derives nearly 98% of its budget revenues and 60% of its GDP from oil. This high dependence on oil makes South Sudan's economy particularly vulnerable to external shocks.
EDUCATION	<ul style="list-style-type: none"> • Only 16% of women over the age of 15 are literate, compared to 40% of men. • Primary school completion rates are low for both sexes (6% for girls, 14% for boys). • Since 2005, primary school enrollments have grown by 20% per year on average.
LABOUR FORCE	<ul style="list-style-type: none"> • Unemployment rates are very high, with only 12% of women and 11% of men within the active population formally employed. • At all levels of income, women earn lower wages than men.
AGRICULTURE AND LAND TENURE	<ul style="list-style-type: none"> • The agricultural sector comprises between 15% and 33% of the national GDP and 76% of the labour force. • The Transitional Constitution recognizes women's right to own property and inherit their husbands' estates. In practice, this right is limited by patriarchal customary laws.
FAMILY	<ul style="list-style-type: none"> • The Transitional Constitution prohibits forced marriage, and the Child Act of 2008 criminalizes early marriage. However, 7% of girls are married before the age of 15, and 45% get married between the ages of 16 and 18. Customary law continues to perpetuate practices such as male polygamy and bride pricing.
POVERTY, INCOME INEQUALITY & FOOD SECURITY	<ul style="list-style-type: none"> • 51% of the population lives below the national poverty line. • Female-headed households have a poverty incidence that is 9% higher than male-headed households (57% vs. 48%).
HEALTH	<ul style="list-style-type: none"> • South Sudan has one of the highest maternal mortality rates in the world, at 2,054 deaths per 100,000 births. 90% of women give birth without the assistance of a skilled professional. • The fertility rate is 4 births per woman. • Prevalence of female genital mutilation is significantly lower than in neighbouring countries, at 1.3%. • The HIV prevalence rate is 3%; it is higher among women than men (59% vs. 41%).

<p>GENDER-BASED VIOLENCE</p>	<ul style="list-style-type: none"> • There are no specific laws regarding violence against women in South Sudan, and no accurate national data on rates of violence are currently available. • The Penal Code Act excludes coerced marital sex from the definition of rape. • Law enforcement and justice systems are ill-equipped to effectively address cases of domestic abuse.
<p>CLIMATE CHANGE</p>	<ul style="list-style-type: none"> • Livelihoods and food security are at considerable risk due to climate change related shifts in weather patterns. • Although women are disproportionately affected by the harmful effects of climate change, environmental policies and programs have been gender-blind thus far.
<p>CIVIL SOCIETY AND WOMEN'S MOVEMENTS</p>	<ul style="list-style-type: none"> • After the signing of the Comprehensive Peace Agreement in 2005, many activists within the South Sudanese women's movement assumed senior positions in the newly formed government. • South Sudanese women's organizations have been focusing their efforts on increasing women's participation in political processes, as well as promoting gender-sensitive legislation and policies.

INTRODUCTION

After decades of conflict between the northern and southern regions of Sudan – which engulfed the country in two phases of civil war from 1955 to 1972 and 1982 to 2005 and resulted in the loss of 2.5 million lives¹ – a Comprehensive Peace Agreement was signed in 2005 between the Sudanese government and the Sudan People’s Liberation Army (SPLA). One of the key clauses of the Peace Agreement was the recognition of South Sudan’s right to hold a referendum on whether to remain part of Sudan or secede to form a new nation. A referendum was held in January 2011 and resulted in a 98.8% approval of the option to secede². The Republic of South Sudan (population 8.26 million³) was established on July 9th 2011.

Even in the aftermath of South Sudan’s birth as an independent republic, large parts of the country are still plagued by violence and insecurity. According to UN estimates, 350,000 people were newly displaced in South Sudan in 2011 as a result of regional violence⁴, including fighting among the SPLA, new militia groups and the Sudan Armed Forces in contested regions; inter-tribal violence; and attacks by the Lord’s Resistance Army in western regions of the country. Such instability continues to threaten the people’s safety and livelihoods.

Shortly after gaining independence, the government of South Sudan approved a Transitional Constitution which formally guarantees human rights and equality for all. The national government has also expressed its commitment to achieving gender equality through the creation of the Ministry of Gender, Social Welfare and Religious Affairs, aimed at promoting gender equality and women’s empowerment. However, significant incompatibility exists within the Transitional Constitution, which contains gender equality clauses but which also legitimizes customary laws and practices that still prevail over the many tribal communities of South Sudan and that perpetuate patriarchal traditions⁵. This incompatibility has been so far unaddressed.

Additionally, South Sudan ranks near the bottom for most global health, economic, and social development indicators. A large portion of the population lacks access to basic services, with women and girls faring particularly poorly. The literacy rate and primary education completion rate for girls are significantly lower than those of boys, and women suffer from one of the highest maternal mortality rates in the world.

As the country is still in the midst of developing its public sector, its information systems and its infrastructure, the availability of up-to-date information and sex-disaggregated data for South Sudan is often limited.

FORMAL INSTITUTIONAL CONTEXT

The Transitional Constitution of South Sudan, ratified in 2011, guarantees human rights and equality for all. Section 16 recognizes women's right to equal pay for equal work, the right to own property, and the right to inherit their husbands' estates; it also requires that at least 25% of all seats in the legislative and executive branches of the state be allocated to women⁶. However, the Transitional Constitution contains passages that significantly contradict one another: while granting equal rights to men and women, it also recognizes and legitimizes the role of traditional authorities and customary laws which regulate the many tribes of South Sudan and often reinforce the subordinate status of women⁷. Customary courts are generally presided over by traditional chiefs, who have been shown to be easily influenced by men's interests and points of view, and to take into consideration crowd support and opinion which often works in favour of male litigants (as proceedings are mostly attended by men)⁸.

The Ministry of Gender, Social Welfare and Religious Affairs, established during the formation of the transitional government in 2011, receives the smallest budget allocation of all federal ministries⁹ - 8.7 million SDP (approximately US\$2 million) in the 2011 national budget¹⁰. Gender equality is incorporated as a cross-cutting theme in the government's 2011-2013 National Development Plan, with gender considerations addressed on issues such as governance, health, and education¹¹. Within the governance pillar, the plan includes programs to address negative customs and practices that perpetuate women's marginalization and exclusion in all spheres of life, as well as a proposal to implement a minimum representation of 30% for women in decision-making positions at all levels of government; the economic development pillar calls for gender-specific programming to create opportunities for skills development and growth for young women¹².

REPRESENTATION

During the civil war, large numbers of women joined the SPLA military forces and occupied various positions, including officers and administrators, although no comprehensive data exist on the exact figures. Despite their active involvement in the liberation movement, women were excluded from taking part in the negotiation process for the Comprehensive Peace Agreement; the two women who participated in the process were only allowed to act as observers¹³.

However, thanks to the affirmative action clause included in the Transitional Constitution, women currently hold 26.5% (88 out of 332) of the seats in South Sudan's national parliament¹⁴, which is slightly higher than neighboring Sudan¹⁵. As of March 2012, women are still under-represented in all other branches of federal government: only one of the six Presidential Advisors is a woman, and women represent only 4 out of 29 (15%) Cabinet Ministers, 4 out of 27 (14%) Undersecretaries, and 2 out of 20 (10%) heads of independent commissions (10%)¹⁶.

Many cultural and societal barriers continue to limit women's capacity to actively participate in the political sphere: practices such as early and forced marriages that limit women's access to education; patriarchal attitudes that relegate women to the private sphere; the gendered division of labour in which women are assigned time-consuming household and care responsibilities; negative perceptions of politically active women¹⁷; and gender-based violence, either within the household or in the context of attacks carried out in ongoing internal conflicts¹⁸. The 2011-2013 National Development Plan recognizes the need to improve women's participation rate in the public service and proposes greater support for policies and programs to address the harmful customs and practices that exclude women from participating in the political process in a meaningful manner, as well as capacity-building programs to enhance women's political leadership at all levels¹⁹.

ECONOMY

South Sudan holds promising economic growth potential; it is endowed with abundant natural resources including oil, fertile soil and abundant fresh water, while the youthful population provides great workforce potential. So far however the country has failed to diversify its economy and relies on oil production for nearly 98% of its budget revenues²⁰, 60% of its GDP²¹, and 99% of all foreign currency exchange earnings²². This overdependence on oil makes the economy particularly fragile and vulnerable to external shocks. In early 2012, production of oil was suspended due to the government's dispute with Sudan over transshipment fees²³. To cope with the shortfall in this significant source of revenue, the government has approved austerity measures including an average of 50% reduction in non-salary expenditure and the elimination of unconditional grants to state governments²⁴.

South Sudan's GDP in 2011 was US\$19.17 billion with a growth rate of 2%²⁵. The Gini coefficient for the country is 46, representing a relatively high rate of inequality (with a value of 0 representing absolute equality and 100 representing absolute inequality)²⁶. Although no accurate data exists on the subject, there is a large informal economy that is assumed to be a significant source of employment for the population²⁷. Major informal activities include small-scale construction of homes and lodging, retail trading and transportation services²⁸. Approximately 1% of households in South Sudan have a bank account²⁹.

EDUCATION

16% of women above the age of 15 are literate, compared to 40% of men in the same age range³⁰. Primary school attendance and completion rates are low for both sexes, with 37% of girls and 51% of boys aged 6 to 13 attending school, and 6% of girls and 14% of boys completing their primary education³¹ (compared to 55% of girls and 61% of boys in Sudan³²). There is also an urban-rural gap in education: 53% of the urban adult population is literate compared to only 22% of the rural adult population³³.

Among women above the age of 15, 10% have completed secondary education in comparison to 15% of men in the same age range³⁴. Post-secondary completion rates are low all around: only 2% of women and 3% of men above the age of 15 have completed post-secondary or higher education³⁵. Only 5% of the population 15 years and above reported having received vocational training³⁶.

There have however been improvements within the education sector in the last decade. Since 2005, school enrolment at all levels has been increasing, with primary school enrolments growing by 20% per year on average³⁷. Conversely, this has resulted in the additional issue of overcrowded schools that are unable to keep up with enrolment growth and increasing pupil-teacher ratio.

LABOUR FORCE

The country has a very high unemployment rate: only 12% (11% of men and 12% of women) of the active population is officially employed³⁸. At all levels of income, women earn lower wages than their male counterparts³⁹. For female-headed households, the main source of livelihood is crop farming (71%), followed by wages and salaries (10%)⁴⁰.

While the Child Act (2008) establishes the minimum age for paid child employment at 14, a lower minimum age of 12 is set for light work, defined as labour that is unlikely to be harmful to a child's health and development and be detrimental to their attendance at school⁴¹. Forty-six percent of children aged 10 to 14 participate in economic activity, 60% of whom work within the agricultural sector⁴².

AGRICULTURE AND LAND TENURE

Various government sources indicate that the agricultural sector makes up between 15%⁴³ and 33% of the national GDP⁴⁴, and 76% of the population derives their major source of livelihood from crop farming or animal husbandry⁴⁵. 53% of the food consumed in South Sudan comes from own household production, while market purchase accounts for another 32%; the remaining 15% consists of non-monetary exchanges, such as labour contributions for food⁴⁶.

Years of civil war and ongoing regional conflicts have greatly disturbed the country's agrarian-based livelihood systems, as they have led to large displacement of populations, the loss of assets, and reduced access to fields for cultivation and markets for the purchase of farming inputs and the sale of crops⁴⁷.

Although traditionally only 1 to 2% of the country's land has been cultivated⁴⁸, South Sudan holds tremendous agricultural potential⁴⁹. Since the signing of the Comprehensive Peace Agreement in 2005, South Sudan has become a particularly attractive setting for large-scale land investments by foreign investors, given the country's large size, low population density, and impressive natural resource wealth.

According to the Oakland Institute, between 2007 and 2010 foreign investors sought to secure or secured approximately 5.15 million hectares of land for agriculture, biofuel production, carbon credits, forestry and ecotourism or conservation projects, comprising nearly 8% of the country's total land area⁵⁰.

Such land acquisitions are regulated through the Land Act and the Investment Promotion Act. The Land Act (2009) explicitly recognizes customary land tenure, whereby tribal communities' rights to their communal land are recognized on equal footing as freehold and leasehold rights⁵¹. The Act also requires potential investors to consult with the community and receive approval of traditional leaders to acquire land for investment⁵². The Investment Promotion Act (2009) details the procedures for certifying and licensing foreign investors to operate in South Sudan, explicitly limiting foreign investments in agriculture and forestry to renewable terms of 30 and 60 years, respectively⁵³. Such existing laws, however, are poorly enforced: although no comprehensive, consistent data are available on the types or number of land acquisition applications that are made within each of the South Sudanese states, several cases have been reported by NGOs in which state governments granted foreign corporations 99-year leases on community-owned land or approved leases without consultation with traditional authorities, directly circumventing the conditions established in the Land Act and Investment Promotion Act⁵⁴.

Recognition and protection of women's property rights remains limited throughout the country, despite provisions in the Transitional Constitution that recognize women's right to own property and inherit their husbands' estates. Under the customary property laws that prevail in South Sudanese tribes, women's right to access and use land is tied to their husbands and male family members, and thus generally insecure. Although no comprehensive data is available, the government has stated that dispossession of widows, daughters, and divorced women is common⁵⁵.

The Southern Sudanese Land Commission developed a draft Land Policy in 2011 which aims to provide greater recognition of community land ownership, and emphasizes the need for government agencies and traditional authorities to recognize and protect equal land and property rights for men and women⁵⁶. Several strategies are incorporated to extend and protect women's land rights, including the development of programs to train, recruit and mentor women in land administration roles, and the establishment of rural paralegal organizations to provide legal advice and aid to women concerning inheritance and land issues⁵⁷. The draft policy additionally recognizes the issue of land grabs, and makes clear that communities own all land within the boundaries of their community and have the legal authority to enter into lease agreements with investors⁵⁸. As of January 2013, the Policy has not yet come into effect⁵⁹.

FAMILY

The Transitional Constitution prohibits forced marriage while the Child Act (2008) criminalizes early marriage, setting the legal age of marriage at 18⁶⁰. The enforcement of such provisions is questionable, as 7% of girls below the age of 15 and 45% of girls between the ages of 16 and 18 in South Sudan are married⁶¹; these rates are similar to those neighbouring Sudan⁶². Furthermore, customary law – recognized and legitimized by the Transitional Constitution – continues to perpetuate practices that entrench women’s subordinate status within the household and community, such as polygamy, forced and arranged marriages, forced wife inheritance and bride pricing⁶³. The government has thus far neglected to develop family laws or policies that clearly define women’s rights within the household.

There are no known LGBT organizations operating in South Sudan. Additionally, the Penal Code prohibits male homosexual activity, with a punishment of imprisonment of up to 10 years and/or a fine⁶⁴.

POVERTY, INCOME INEQUALITY & FOOD SECURITY

Over half of the population of South Sudan (51%) lives below the national poverty line, defined by the Southern Sudan Commission for Census Statistics and Evaluation as individual monthly expenditures of less than 73 SDG or approximately US\$17⁶⁵. Female-headed households have a higher poverty incidence than male-headed households (57% vs. 48%)⁶⁶. An urban-rural poverty gap also exists, with a 24% poverty incidence in urban areas as opposed to 55% in rural areas⁶⁷. The majority of rural households are headed by women, partly as a result of young men migrating to urban areas in search of employment⁶⁸.

Poverty and family income in South Sudan is directly correlated with the education level of the head of household. 55% of households whose head has received no schooling live under the poverty line, compared to 11% of households headed by those with post-secondary education⁶⁹.

Food insecurity and malnutrition are widespread in South Sudan. The malnourishment rate in South Sudan is 47%⁷⁰ (compared to 39% in Sudan⁷¹); 33% of children under the age of five are moderately or severely underweight and 34% suffer from moderate or severe stunting⁷².

Localized conflict and insecurity continue to exacerbate issues of food insecurity in many regions of South Sudan. In a World Food Programme Annual Needs and Livelihoods Assessment Survey conducted in 2011/12, 23% of households reported conflict as one of the major shocks that contributed to their food insecurity⁷³. Insecurity and fear of attacks severely restricts people’s mobility, preventing them from accessing food markets, potable water, health centres and more. Trade routes

are disrupted in interregional fighting, prompting greater food scarcity and rise in market prices, while cases of cattle raiding by armed groups have been reported⁷⁴.

Other major causes of food insecurity include delayed or erratic rainfall (41% of households) and high costs of food (70% of households)⁷⁵. Within urban areas, food accounts for 69% of total individual expenses, compared to 81% in rural areas.

HEALTH

The healthcare system in South Sudan suffers from poor infrastructure, inadequate equipment, insufficient number of trained medical staff, and severe underfunding; In 2011, only 2% of all government expenditures were allocated to health programs, in comparison with 29% for security and 7% for infrastructure⁷⁶. The Ministry of Health operates a decentralized health care structure, in which services are structured into community, primary, secondary and specialized care levels linked by a referral system.

South Sudan has one of the highest maternal mortality rates in the world, at 2,054 deaths per 100,000 births⁷⁷, almost double the rate in Sudan (1,100 deaths per 100,000⁷⁸). The infant mortality rate (102 out of 1,000) and under-5 mortality rate (135 out of 1,000) are also some of the highest in the world⁷⁹. The fertility rate in South Sudan is estimated at 6.7 births per woman⁸⁰, though statistics vary widely. Only 10% of births take place in the presence of skilled health personnel⁸¹.

Prevalence of female genital mutilation (FGM) for women aged 15 – 49 years is significantly lower than in neighbouring countries at 1%, in comparison to 90% in the Republic of Sudan, 80% in Ethiopia, and 32% in Kenya⁸². In addition to FGM being deemed to be a criminal offence under Section 259 of the Penal Code Act, 80% of the South Sudanese population disapprove of the practice according to the Southern Sudan Household Survey of 2010⁸³.

Use of contraception by women is very low: only 4% of women who are married or in union declared having used a contraceptive method in the 2011 Sudan Household Health Survey⁸⁴, compared to 8% of women in Sudan⁸⁵. According to this study, women are most likely to use the lactational amenorrhea method (in which regular breastfeeding within the first six months of childbirth induces infertility), with a very small proportion of women using other methods such as the contraceptive pill, condoms, and diaphragm⁸⁶.

The HIV prevalence rate in adults aged 15 to 49 is estimated to be approximately 3%, a slight drop from 4% in 2007⁸⁷, with around 77,000 women and 53,000 men aged 15 and above living with HIV⁸⁸. The prevalence rate is higher for women than men for a number of reasons including lack of education, lack of access to adequate health services, and the practice of polygamy and sexual and gender-based violence⁸⁹.

There is widespread lack of education concerning HIV/AIDS within the female population; the national Household Health Survey of 2006 revealed that only 45% of women aged 15 – 45 had heard of HIV, and 70% of them did not know the three key forms of HIV prevention⁹⁰.

HIV/AIDS prevalence among pregnant women is estimated to be 3%⁹¹. As of 2007, South Sudan had 8 sites providing prevention of mother-to-child transmission services including HIV education, HIV testing, counseling and referral. However, the provision of such services to those who need them has been hindered by a combination of women's lack of knowledge of HIV/AIDS (and in turn, lack of knowledge of the importance of such services) and lack of access to and utilization of health facilities⁹².

Abortion is punishable under the Penal Code Act for a term of imprisonment of up to 7 years and/or a fine. In the case of unmarried women who are found to have had an abortion to avoid shame, the term of imprisonment is maximum 3 years⁹³.

GENDER-BASED VIOLENCE

There are no specific laws regarding domestic violence or violence against women in South Sudan; instead, such acts are classified as general offences under the Penal Code Act (2008) which criminalizes physical assault⁹⁴. While the Act labels rape as a criminal offence, it excludes coerced or forced sex within a marriage from the formal definition of rape, in effect making marital rape lawful⁹⁵.

Although no accurate national data on gender-based violence or domestic violence is currently available, there have been several reports of such incidents occurring within the patriarchal community and household systems of South Sudanese tribes. A large number of women and their families continue to use the customary justice system rather than turn to the police to report cases of violence. The customary system, consisting of traditional chiefs and heads of clans, often tends to favour negotiated and restorative settlement rather than punitive action, resulting in many cases of domestic violence going unpunished and repeat offences⁹⁶.

Nationwide, police and justice systems are ill-equipped to meet community needs. Law enforcement services are weak, and police staff members are undertrained and under-resourced; there is particularly little training provided on how to handle cases of gender-based violence⁹⁷. Unsurprisingly, women have reported encountering unhelpful or uncooperative local police staff when attempting to report domestic violence⁹⁸.

Even after the signing of the Comprehensive Peace Agreement in 2005, lingering effects of the prolonged civil war have resulted in increased gender-based violence. Physical and sexual violence against women are reported to have grown more violent, due to the proliferation of small arms, increased alcohol consumption, and

the socialization of combatants to embrace hyper-masculinity⁹⁹. Additionally, women became increasingly independent during the war and often took on the role of head of the household with the departure of men for combat; reports have suggested that changes in gender roles led to feelings of insecurity and frustration for the returning male ex-combatants, which, in turn, led to increased incidences of abuse.¹⁰⁰

CLIMATE CHANGE

As the majority of the country's population is employed within the agricultural sector, effects of climate change must be mitigated to preserve South Sudan's key livelihoods. Changes in weather patterns are expected to cause increased water scarcity, accelerated desertification and soil erosion processes, irregular rainfall, damages caused by droughts or floods, and higher risk of pest and disease outbreaks¹⁰¹. This, in turn, has the potential to exacerbate existing household vulnerabilities and decrease agricultural productivity; these changes include

A National Environmental Policy and an Environmental Protection Bill were drafted in 2010 to address emerging environmental and natural resources management challenges. As of 2011, the policy and bill still have yet to be completed and endorsed by the Council of Ministers¹⁰². At the state and county level, environmental management frameworks are either non-existent or minimal, with only a few states having environmental directorates integrated within one of their ministries¹⁰³.

Women in rural areas disproportionately suffer from harmful effects of climate change due to their high dependence on natural resources as their main source of livelihood, and unequal access to coping mechanisms, alternative resources and decision-making processes¹⁰⁴. However, the Environmental Impacts, Risks and Opportunities Assessment carried out in 2011 by the Ministry of Environment and United Nations Development Program (UNDP) failed to take into consideration gender-specific issues relating to environmental management and climate change¹⁰⁵. It is apparent that the development of gender-sensitive policies, as well as the full inclusion of women in the development of environmental and livelihoods policies and strategies, have been neglected by the national government thus far.

CIVIL SOCIETY AND WOMEN'S MOVEMENTS

After the signing of the Comprehensive Peace Agreement in 2005, the majority of activists in South Sudanese women's organizations assumed senior positions in the newly formed government¹⁰⁶. While this meant a greater voice and role in decision-making for women, it also deprived the country's women's movement of most of its leadership¹⁰⁷.

Even with the loss of existing leadership and the still-ongoing development of an organized civil society sector in the post-conflict era, civil society organizations



continue to work at the national level to promote gender equality, with a particular focus on increasing women's participation in political processes, as well as promoting gender-sensitive legislation and policies. Such advocacy work has included the South Sudan Women Empowerment Network's calls for changes to the Transitional Constitution to make polygamy and underage marriages illegal¹⁰⁸, and the Sudanese Women Empowerment for Peace's advocacy for the adoption of stronger, enforceable laws against gender-based violence¹⁰⁹.

International NGOs are currently responsible for much of the essential service provision within the country, including health and infrastructure¹¹⁰. The national government has recognized the need to develop a better regulatory framework to help improve co-ordination among development partners and management of their operations. There are further concerns that there is an overdependence on INGOs to deliver priority services to the people; a gradual transfer of responsibilities over service delivery from INGOs to the government has been deemed necessary¹¹¹.

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