

Gender and Conflict Note

SOUTH SUDAN

February 2012

I. Overview

This background note is intended to inform the World Bank's Interim Strategy Note for South Sudan to ensure gender considerations are incorporated into any operational and analytical priorities identified. The aim of this analysis is to provide a brief delineation of gender disparities in South Sudan through a review of existing literature and interviews with select stakeholders and development partners. Findings of this analysis and the proposed recommendations reflect consideration for the development priorities outlined within the South Sudan Development Plan, the South Sudan Policy Notes, the World Bank's Operational Policy on Gender and Development (OP/BP 4.2),¹ the Africa Regional Strategy, the WDR 2011 and WDR 2012, as well as ongoing internal discussions regarding strategic engagement with the nascent government. This note is also intended to complement the ongoing analytical work of the Ministry of Gender, Child and Social Welfare, and more specifically the findings of the comprehensive Country Gender Assessment.

Following a brief introduction, this note includes a summary of (i) the institutional framework, (ii) the legal framework, (iii) key gender issues related to human development, economic and livelihood development and sexual and gender based violence, and (iv) current World Bank involvement related to gender.

South Sudan's development challenges are immense. The legacy of conflict includes widespread poverty, ravaged physical capital and infrastructure, incapacitated state institutions and millions of lives lost and displaced. Despite apparent improvements since the signing of the CPA, socio-economic indicators in South Sudan are still extremely poor and gender dis-



parities are dramatic. Education and health indicators, though improving, remain among the worst in the world, particularly for girls and women. Despite statutory provisions protecting against discrimination on the basis of sex, enforcement of human rights is a challenge, especially in light of customary practices that predominantly favor men over women and persistent cultural norms such as bride wealth and early marriage. Economic barriers for men and women, and particularly for male and female youth, are enormous and without targeted attention, threaten to undermine efforts for inclusive growth and broader internal stability. Gender-based violence is widespread, and pervasive domestic violence renders the home of many South Sudanese unsafe. Affirmative action quotas stipulating 25 percent of government positions be occupied by women is a positive step toward equitable political participation, but these quotas have yet to be reached and there is still a significant divide between presence in government and active, effective participation.

Integration of gender-specific considerations into World Bank programming will be essential for promotion of recovery, development and stability in South Sudan.

¹ The World Bank's Operational Policy on Gender and Development (OP/BP 4.2) is to assist member countries to reduce poverty and enhance economic growth, human well-being and development effectiveness by addressing the gender disparities and inequalities that are barriers to development, and by assisting member countries in formulating and implementing their gender and development goals.

In the context of this report, gender refers to the socially constructed roles of and relationships between women and men. These roles are influenced by variables such as age, race, class and ethnicity, and are mutable over time, subject to learning and evolving contexts. Diagnosis and analysis of gender-based differences has important implications for poverty reduction and sustainable development particularly in the context of persistent instability. Identifying and understanding the unique barriers and opportunities men, women, boys and girls confront, helps to ensure that interventions, project activities and analytical work promote equitable realization of economic, political and social gains.

Recognizing the importance of incorporating gender considerations into poverty reduction and development programming, the Government of the Republic of South Sudan specifically highlights gender as a cross-cutting issue in the government's national development strategy, the South Sudan Development Plan (SSDP). The four key pillars for the Development Plan include:

- Improving governance: institutional strengthening and improving transparency and accountability
- Economic development: Achieving rapid rural transformation (through infrastructure) to improve livelihoods and expand employment opportunities
- Social and human development: Improving access to basic services (education and health in particular, but also includes a component for social protection including the proposed and controversial cash transfer program)
- Conflict prevention and security: Deepening peace building and improving security

Gender considerations are identified particularly as a priority within the social and human development pillar, with emphasis on improving education and health indicators, and also within the economic development pillar by ensuring access of women and youth to economic opportunities through mechanisms such as access to land or the provision of extension services. Gender-related provisions are articulated for the governance and peace building pillars as well as in the context of DDR programming and political participation and leadership.

Drawing from these priorities, this analysis attempts to expand the conversation further, investigating factors influencing gender disparities across legal, political, social, economic and cultural categories. The analysis is not comprehensive, as a larger Country Gender Assessment has been developed, but highlights instead persistent barriers to gender equity as a tool to inform future policy and programming initiatives.

II. Institutional Framework

The Ministry of Gender, Child and Social Welfare (MoGC-SW) is the focal institution at the national level addressing gender equality and mainstreaming for the Government of the Republic of South Sudan. Previously entitled the Ministry of Gender, Social Welfare and Religious Affairs, the Ministry is tasked with the articulation and promotion of government policies and priorities related to gender equity, child protection and social welfare. Among other responsibilities, the MoGC-SW is co-chair of the Gender-Based Violence Sub-cluster and the South Sudan Gender Coordination Forum, intended to replace the near defunct Gender Working Group. Beyond gender, the Ministry is also responsible for the formulation and promotion of policies related to children without parental care, social security and disabilities. At the national level, in line with the Ministry's mandate to develop and promote approaches to mainstream gender considerations into policies, programs, projects, monitoring and evaluation and budgetary processes across all sectors and levels of government, the Ministry has identified and engaged gender focal points within targeted line ministries. At the State level, associated directorates within State Ministries of Social Development are responsible for implementing gender policies, guidelines, programs and projects at the local level, and for reporting results back to the MoGCSW. Gender desks have also been established at the county level, however communication and information sharing between county and state bodies is extremely limited and rarely are resources allocated to fund activities at the county level. A report examining gender-based violence and women's rights violations in Central Equatoria found that gender initiatives are not prioritized in budget allocations because they are viewed as the domain of international NGOs (CEPO 2011).

Following the signing of the CPA, the Ministry developed a Policy Framework and Work Plan for 2007-2009 outlining its primary duties and activities. A Draft Gender Policy was also developed in 2008. A formal national Gender Policy, however, has yet to be finalized. To this end, the MoGCSW, with support from the MDTF-funded Gender Support and Development Project (GSDP), hired a consulting firm to conduct a comprehensive Country Gender Assessment (CGA), which is currently underway. It is anticipated that the final output of the CGA will provide the foundation for a national policy for effective gender mainstreaming and a gender strategy enabling reductions in poverty, redressing gender imbalances across political, social and economic indicators, and improvements in the quality of life for the wider population of South Sudan. A draft report of the CGA is anticipated in early December, 2011 with a final report to following in January, 2012.

Limited institutional capacity within the MoGCSW, as well as among the gender focal points in line ministries and the State Ministries for Social Development, presents a significant barrier to the realization of the Ministry's mandate and strategic priorities. A number of development partners have attempted to address this gap through the provision of technical assistance and institutional development trainings.²

Despite this training, however, and the technical support provided by other development partners, capacity in the Ministry is still extremely low. Institutional development remains imperative and will likely require consistent engagement over an extended time horizon. Several development partners have recommended that gender advisors be assigned to work full-time at multiple levels within the MoGCSW and also to be assigned to gender focal points to provide mentoring within each line ministry. Partners have also recommended the development of sector-specific resource materials and toolkits to guide mainstreaming at all levels of government, e.g. a context-specific guidance notes on gender mainstreaming in water and sanitation activities.

There is also a strong call for improved coordination and dialogue between government, civil society and stakeholders (including development partners). The MoGCSW, with support from UN Women, the World Bank and other partners, started a Gender Coordination Forum, intended to convene gender-oriented practitioners in South Sudan on a monthly basis. The Ministry's capacity to organize and lead such a forum, however, is extremely weak and the World Bank currently serves as the key host for meetings. A critical component of any capacity development activities should therefore include improving the Ministry's ability to organize and lead coordination meetings with all relevant partners.

III. Legal Framework

A. National

The primary statutory texts that explicitly address gender in South Sudan include the Transitional Constitution of South Sudan and its attendant Bill of Rights, the 2008 Penal Code and the 2008 Child Act (UNHCR 2011). The Bill of Rights of the Transitional Constitution of South Sudan, as well as the preceding 2005 Comprehensive Peace Agreement and the Interim Constitution of South Sudan, all articulate provisions prohibiting discrimination on the basis of gender. More specifically, Article 16 (Rights of Women) in the the Transitional

Constitution states that:

1. Women shall be accorded full and equal dignity of the person with men;
2. Women shall have the right to equal pay for equal work and other related benefits with men;
3. Women shall have the right to participate equally with men in public life; and
4. All levels of government shall:
 - a. Promote women's participation in public life and their representation in the legislative and executive organs by at least twenty-five percent as an affirmative action to redress imbalances created by history, customs, and traditions;
 - b. Enact laws to combat harmful customs and traditions which undermine the dignity and status of women; and
 - c. Provide maternity and child care, and medical care for pregnant and lactating women
5. Women shall have the right to own property and share in the estates of their deceased husbands together with any surviving legal heir of the deceased.

Accordingly, the constitution governing South Sudan provides for several important protections against gender-based discrimination including quotas for political representation at all levels of government, access to land and the right to inherit property, provisions for maternity and child care, and economic equity. A selection of articles within the Bill of Rights that provide for equality and the preservation of human, economic, social and cultural rights include rights to life, Right to found a family (Article 15), right to personal liberty (Article 12), equality under the law (Article 14), rights of the child (Article 17), rights to education (Article 29), rights to public health care (Article 31), rights to ethnic and cultural communities (Article 33) and rights to own property (Article 28)

Realization and enforcement of these rights, however, remain a challenge. While the 25 percent quota for women in national and legislative assemblies signals an important step toward gender equity in decision-making, presence in the political system does not necessarily translate into active participation and legislation. Despite significant gains, particularly at the highest ministerial levels,³ meeting the minimum 25 percent threshold

² See Annex 1 for more detail on current training and TA provided to the MoGCSW, including by UNFPA, UN Women, and the Gender Support and Development Project.

³ As of this report at least 6 women serve as Ministers of the national government, while at least 10 women have been appointed Deputy Minister positions.

for political participation has yet to be achieved across all sectors in the new government, particularly at the state and lower levels. Few women have the financial resources to pay election fees (to enter as a candidate) and run local or national election campaigns. For those who do campaign, female candidates must confront deeply entrenched patriarchal norms that do not support women's assumption of leadership positions in public life. Attracting and maintaining the confidence and trust of voters, therefore, can be extremely difficult. Women who do succeed in being elected to political positions may still not possess the formal education or technical experience to carry out effectively the mandate and duties of their office. Alternatively, women leaders may possess the requisite experience, but still face prejudice and intimidation from male peers attempting to discourage/minimize their contributions in a public forum.

There are a number of institutions and organizations working in South Sudan to address gender disparities in governance structures, specifically working to empower and strengthen the capacity of women to engage meaningfully in political discourse. See annex 2 for more detail.

B. Customary Law

Another significant barrier to gender equity in South Sudan is the primacy of customary law, which in many cases has a more significant impact on women's legal status than the statutory framework outlined in the constitution. Legal pluralism is a defining characteristic of South Sudan's legal framework, whereby customary laws exist in parallel to statutory systems. Numerous articles in the Transitional Constitution specifically enshrine the legitimacy of customary courts in South Sudanese society,⁴ and customary courts are overwhelmingly responsible for administration of justice throughout the 10 states (UNFPA 2008). Customary laws vary across regions, communities and ethnic groups and are not codified such that they adjust over time to changing conditions. Reconciliation and community harmony are principle features of customary law, with an emphasis on preserving balance in the family unit and community. (UNFPA 2008) These priorities often come at the expense of protection of individuals or provision of mechanisms for punishment or redress. (D'Awol 2011)

Legal issues affecting women in South Sudan, such as marriage, inheritance of land, property rights and domestic disputes are frequently referred to customary courts for adjudication. Customary traditions in South Sudan, however, are

often in conflict with international human rights principles and the rights of women and children under the Constitution. Customary courts are led by tribal chiefs who are men and who hold conservative views on the rights and roles of women in South Sudanese society. As a result, court determinations often reflect and uphold deeply entrenched patriarchal norms that ultimately disfavor women. For example, the 2008 Penal Code contains several provisions that criminalize a variety of forms of gender-based violence including assault, incest, rape, female circumcision, abduction, adultery and acts of gross indecency.⁵ Among the provisions, sexual intercourse with someone under the age of 18 is forbidden and considered rape (D'Awol 2011). The 2008 Child Act similarly prohibits marriage with anyone under the age of 18 and articulates the need for mutual consent. Early, often forced marriage, however, remains a common, generally accepted traditional practice and is unlikely to be punished under customary law (UNFPA 2008). Although physical assault is illegal under the Penal Code, traditional practices often regard domestic violence against women as permissible as a husband has the right to "discipline" or teach his wife a lesson (UNHCR 2011). According to a 2008 UNFPA report examining the role of customary courts in addressing gender-based violence, "A priority is often placed on averting divorce and preserving the marriage even if there has been a pattern of abuse and the women will likely continue to suffer." (UNFPA 2008)

IV. Key gender issues

A. Human Development

South Sudan has an estimated population of 8.3 million people, with 1.4 million living in urban areas as compared to 6.9 million (83 percent) in rural environments. Of that total, nearly 4 million are female, constituting 48.1 percent of the population. South Sudan is a young country with 51 percent of the population under the age of eighteen and 72 percent under the age of thirty (NBHS 2009). Currently, 50.6 percent of the population survives below the poverty line. Poverty is considerably higher in rural areas (55 percent), than in urban (24 percent), and it is in rural areas that the overwhelming majority live. Female-headed households, which account for almost 29 percent of the population, are among the poorest, with 56.9 percent falling below the poverty line as compared with 48.1 percent of male-headed households.

5 Notably, the 2008 Penal Code does not contain specific provisions on domestic violence between husband and wife and does not criminalize marital rape. Quite the opposite: section 247(3) states that "sexual intercourse within marriage is not rape, within the meaning of this section." (UNHCR 2011).

4 For example, Article 166 states, "the institutions, status and role of Traditional Authority, according to customary law, are recognized under this Constitution." See http://www.sudantribune.com/IMG/pdf/The_Draft_Transitional_Constitution_of_the_ROSS2-2.pdf.

South Sudan's socio-economic indicators remain among the lowest in the world.⁶ Estimates for maternal mortality rates in 2006 were 2,054 per 100,000, among the highest in the world and indicative of poor women's health coverage combined with high fertility rates (Government of Sudan SHHS 2006). As of 2006, young women between the ages of 15 and 19 were more likely to die during childbirth than finish primary school. Contraceptive prevalence among females between the ages of 15 and 49 reached only 3.6 percent and teenage pregnancy is common as 40.7 percent of girls under the age of 18 are married (DFID 2011).⁷ Preliminary data across select indicators from the forthcoming 2010 Household Health Survey demonstrate limited gains in the health sector since the signing of the CPA. In 2006, 26.2 percent of women pregnant in the last two years had access to antenatal care while preliminary estimates from the 2010 survey demonstrate an increase to 30.2 percent, a difference of only 4 percentage points. (World Bank 2011d) In 2006, only 10 percent of women gave birth in the presence of skilled attendants, a statistic which increased modestly to 17.8 percent in 2010 (World Bank 2011d). Decades of instability and violence weakened South Sudan's health systems, with severe shortages in health workers and a veritable absence of functional facilities. Since the formal cessation of conflict, health interventions during the post-CPA period may be categorized by weak stewardship by the Ministry of Health and chaotic engagement of a diversity of well-intentioned NGOs, resulting in fragmented coverage and limited progress.

As of 2010, the prevalence rates for HIV/AIDS in South Sudan were estimated at 3 percent, with particularly high rates reported in certain areas such as Western Equatoria (7.2 percent) (SSAC 2011). Although decades of civil war, restricted trade, travel and labor migration have insulated South Sudan from the spread of the virus, conditions enabling the rapid spread of the virus are present and growing. Factors contributing to the transmission of the virus and other STIs include the early age of sexual encounters, low levels of contraception use, traditional practices such as polygamy, lack of knowledge regarding prevention and treatment, and the generally inadequate health care infrastructure (including voluntary counseling and treatment centers) (SSAC 2011).

Gains in the education sector since the signing of the CPA have been significant, but severe gender disparities still exist in literacy, enrollment and educational attainment among men,

women, girls and boys. Only 16 percent of the female population over the age of 15 is literate as compared with males at 40 percent (the rate of literacy for the total population is only 27 percent). For female youth between the ages of 15 and 24 the literacy rate is higher at 28 percent. However, the gap between male and female youth is still pronounced with a 55 percent literacy rate among male youth.⁸

School enrollment rates have risen dramatically over the course of the last decade, with primary school enrollments rising from .3 million to 1.4 million between 2000 and 2009. (World Bank 2011c). During this period, primary school Gross Enrollment Rates (GER) increased from roughly 21 percent to 72 percent. Despite these important gains and despite evidence that gender gaps are narrowing, significant disparities between male and females still exist. Out of total net primary enrollment rates in 2010, only 37 percent were female. (MoEST-EMIS 2009) The primary completion rate for girls for a full 8 years of schooling is only 17 percent as compared with 30 percent of boys. (MoEST-EMIS 2009) These rates are generally even lower for females in rural environments, where girls are 44 percentage points less likely than urban boys to enroll in primary school and 43 percentage points less likely to finish (World Bank 2011d). The gender gap is most severe in secondary and higher education, where enrollment share for girls drops from 37 percent in primary schools (63 percent for boys), to 27 percent in secondary schools (73 percent for boys) to 24 percent (76 percent for boys) in higher education (World Bank 2011c). Notably, gender bias is least pronounced in Alternative Education programs where females constitute 42 percent of enrollments (World Bank 2011c).

Importantly, there are indications that barriers in access to schooling have improved somewhat for girls. Previously, parents' reasons for girls not going to school related to more traditional barriers such as domestic chores whereas reasons for boys not attending related to distance to school or high school fees. According to the National Baseline Household Survey in 2009, however, reasons for non-attendance in recent years are more similar between boys and girls, as related to expense and distance to schools. (World Bank 2011c) This data suggests a potential positive shift in perceptions about the value of educating girls as well as boys or at the very least the increasing similarity of out-of-school characteristics for boys and girls.

Despite rapid expansion of enrollment rates, a high percentage of male and female youth still remain outside the formal schooling system, and a significant proportion of adults have never (or barely) attended some form of schooling. As a result, high illiteracy rates and the lack of education continue to

6 The statistical evidence base in South Sudan is quite poor. Statistics cited in this note are believed to be the most recent and reliable at the time of writing.

7 The SSDP mentions a contraceptive prevalence rate of 8 percent and 36 percent for teenage pregnancy

8 Statistical Year book for Southern Sudan, 2010

present a significant barrier to improvements in South Sudan's human capital and more broadly limit access to opportunities across a broad range of political, social, and economic activities.

Interviews with a variety of development partners identified illiteracy as a key constraint to any development intervention across every sectors, whether related to health, gender-based violence, rule of law, economic empowerment, or other fields. In order to address this challenge, interviewed development partners repeatedly recommended the incorporation of adult/functional literacy components into any projects under preparation.⁹ Investing in strategies to improve retention at secondary and higher levels of education is also a priority.

B. Economic Development/Livelihoods Development

Income generation and livelihood opportunities are extremely limited in South Sudan. While oil and the public sector dominate the formal economy, agricultural production constitutes the dominant livelihood activity for 80 percent of the population. Despite an abundance of natural resources, however, food insecurity persists and presents a major challenge to communities in South Sudan. Only 2 percent of arable land in South Sudan is cultivated (Abbute 2009).

Decades of sustained conflict destroyed rural infrastructure networks, including roads, markets and storage facilities and impeded transfers of knowledge and technology. A culture of dependence, fostered by years of reliance on humanitarian relief, persists while continuing insecurity and problematic administration and distribution of land restrict the expansion of agriculture beyond subsistence levels. As a result, South Sudan continues to rely heavily on humanitarian food and relief aid, as well as imports from neighboring countries such as Uganda and Kenya. Development priorities for South Sudan, therefore, include the diversification of the non-oil economy with particular emphasis on rapid expansion of agricultural production. This is to be achieved in part through improvements in infrastructure networks (roads, storage facilities, etc), technology transfer, extension services and improved access to land. Increasing access to financial services and improving the policy and regulatory climate for businesses are also key priorities.

To improve the economic well-being of communities in South Sudan, livelihood and employment interventions must take into consideration the specific needs of men and women,

with particular attention also to the needs of women and male youth.

Female gender constraints for livelihood development. Despite traditional divisions of labor in which women are conferred responsibility for attending to household duties, women conduct a significant proportion of agricultural production activities, although predominantly at the subsistence level. Women are also engaged in private sector trade, constituting roughly 50 percent of sellers in local markets, although sometimes reaching 70 to 80 percent (World Bank 2011d). A recent study highlights also the essential role women play facilitating cross-border trade with neighboring countries such as Uganda (World Bank 2011d). Semi-skilled and unskilled work opportunities in more urban environments include clothes and dish washing, stone breaking, charcoal making and sale, firewood collection, alcohol brewing, grass cutting and baking bread (Pantuliano et al 2008). As with agricultural production, however, trade activities are generally small-scale with a limited range of products, while casual labor activities offer little room for skills development and advancement.

Barriers to women's increased participation in income generating activities are significant. They include a heavy domestic burden with insufficient options for childcare and support, illiteracy and lack of formal education, insufficient opportunities for technical training and business skills development, lack of access to financial services, and lack of access to factors of production including land, markets and inputs such as seeds and tools.

With respect to land ownership, section 13(1) of the 2009 Land Act explicitly states that the "right to land shall not be denied by the Government of Southern Sudan, State Government or community on the basis of sex, ethnicity, or religion." Section 13(4) further articulates women's rights to own and inherit land as stipulated in the constitution. Issues related to inheritance, acquisition and ownership of land, however, are most commonly referred to customary courts for determination.¹⁰ Given the apparent gender bias in customary courts toward men, women often find themselves with limited to no access to land or property (UNHCR 2011). Denied such property rights, women lack access to productive resources necessary for subsistence and livelihood activities. Lack of access to land can also impact access to financial services since land often serves as collateral for micro-lending.

Development partners have instituted a number of interven-

⁹ As mentioned during interviews with UN Women, Joint Donor Team, South Sudan Women Empowerment Network, Norwegian People's Aid, and others.

¹⁰ Section 15(1) specifically notes, "Notwithstanding the provisions of section 26 of this Act, Traditional Authority within a specific community may allocate customary land rights for residential, agricultural, forestry and grazing purposes."

tions targeting some of these barriers. Financial services are increasingly being provided through micro-finance institutions (MFIs) that have established operations in a number of States, with several, such as BRAC South Sudan, specifically targeting women. The United Nations Development Programme (UNDP), the U.N. Capital Development Fund (UNCDF), USAID and the MDTF have all provided financial and technical support to these institutions. As discussed in greater detail below, support from the World Bank's Gender Action Plan (GAP), in collaboration with the Bank of South Sudan and the Ministry of Commerce and Industry, has enabled MFIs to provide loans to women to improve their economic and entrepreneurial development in South Sudan. The GAP and MDTF have also provided grants to women to start businesses as well as increase their agricultural productivity. However, this support has largely been directed toward beneficiaries in the urban areas while specific targeting of women the rural areas is still minimal. (World Bank 2011b)

Agriculture and food security interventions are supported by organizations such as Food and Agriculture Organization (FAO), World Food Programme (WFP), the MDTF, USAID, the European Union (EU), the Sudan Recovery Fund (SRF) and INGOs such as Norwegian People's Aid (NPA). The Bank and MDTF interventions have included gender-sensitive interventions with short and medium-term plans for the development of agricultural research (including forestry, livestock and natural resource management) and for technology transfer through collaborative programs with other national, regional and international institutions. (World Bank 2011b) UN Women intends to target women farmers and entrepreneurs as part of the economic rights and security pillar of strategic plan, while CIDA is also investigating the feasibility of programs to increase and improve the agricultural potential of female producers.

Male (youth) gender constraints for livelihood development. Interventions targeting youth will also be essential for ensuring inclusive growth, particularly given the high youth cohort (70% are under 30, and 47% under 18). Youth alienation has been highlighted as a significant trigger for instability in South Sudan. Disaffection is entrenched and feared to be growing, resulting from such factors as intensifying tensions with traditional authorities, an absence of outlets for public expression or decision-making, and limited viable opportunities to earn a living. A recent multi-donor evaluation of peace-building initiatives underscores in particular the risks presented by the absence of livelihood or employment options, especially when combined with social and cultural expectations of men as providers. The report also describes a knowledge and operational gap in programming supporting livelihoods generation among Sudanese youth (Bennett et al 2011). One of the few exam-

ples of youth targeted livelihoods programming includes the USAID-funded Community Stabilization Initiative underway in Akobo County. Implemented by AECOM, the project empowers local unemployed youth through skills and livelihood training in soil-compressed block making, construction, river transport, fisheries and trade enterprises. USAID is looking to replicate and adapt its model in Akobo to PiBOR and other potential locations

Additional research is required to examine in detail the cultural, social and economic dimensions of youth exclusion in South Sudan and associated implications for local-level violence (e.g. intensification of cattle rustling). Analytical work should investigate challenges to livelihoods and skills generation for Sudanese youth with a particular emphasis on the social, psychological and behavioral factors influencing or inhibiting entrepreneurial activity, earning an income or finding meaningful employment.

C. Sexual and Gender Based Violence

The incidence of gender-based violence (SGBV) is extremely high in South Sudan, although as in many other sectors, there is still an absence of sufficient data measuring extent and prevalence. Patriarchal cultural practices persist including polygamy, wife inheritance, early and forced marriages, abduction, high bride wealth, and ghost marriages.¹¹ The continuing militarization of South Sudan and of Sudanese masculinities, combined with war-related trauma, the absence of viable income generating opportunities and high rates of alcohol abuse, have negatively influenced the treatment of women, particularly in the home. Domestic violence is widespread and generally treated as an accepted practice for disciplining one's wife.¹² As mentioned earlier, the 2008 Penal Code explicitly denies the existence of marital rape and has no provision protecting against spousal abuse. Divorce, although permitted, is rare and

11 Ghost marriages are a form of levirate marriage practiced by the Nuer and other Nilotic tribes. These marriages take place in the name of a man who died without marrying or without producing any children. A male relative will stand in for the deceased and marry a woman in order to produce a (male) heir for the "ghost" and to carry on the deceased's bloodline.

12 There are exceptions: a 2008 UNFPA report investigating the intersection of GBV and customary law observed several customary court cases in select locations during which wives were granted divorces from husbands when physical violence was conducted without sufficient justification or so egregious such that the life of the wife was in danger. The courts also ruled against husbands who had beaten their pregnant wives. While this might provide encouraging evidence that perceptions regarding the acceptability of physical violence in the home might be changing, there were still a number of cases in which women who had been beaten by their husband were fined and punished by the courts for not carrying out their proper duties as wives (UNFPA 2008).

often necessitates the return of bride wealth paid, a significant barrier to separation. Conditions under which divorce might be granted under customary law, however, include alcoholism, egregious abuse, transmission of STIs, laziness, inadequate contributions to food supply, adultery, miscarriages and infertility. (UNFPA 2008 and UNHCR 2011)

Rape also occurs in South Sudan, used in part as a mechanism to initiate marriage while circumventing high requirements for bride wealth: survivors of rape are frequently regarded as less eligible for marriage, and are therefore often forced to marry their perpetrators in order to avoid social stigma and to secure some form of bride wealth (as compensation) for the family (UNIFEM 2009). Rape and abductions constitute two of the more common forms of reported child abuse (UNHCR 2011). Despite prohibitions against sex or marriage with anyone under the age of 18, rape is not considered as such if it results in marriage between the two parties regardless of the age of the girl involved (UNHCR 2011). Continuing physical insecurity, combined with the widespread prevalence of small arms, also contribute to the high incidence of SGBV. Cattle raiding, in particular, has become more lethal in recent years, with perceived increases in the intentional targeting of women and children during raids (Schomerus and Allen 2010). LRA incursions, though less frequent in recent months, raise the risk of abductions and sexual assault in targeted states such as Western Equatoria. While the majority of reports and available statistics revolve around GBV perpetrated against women and girls, boys and men are also victims of gender-based violence (UNIFEM 2009). The evidence base, however, is limited.

Survivors of GBV face a number of impediments in access to services or mechanisms for redress. These include, among others, (i) prevailing cultural attitudes, shame and fear often preventing survivors from reporting GBV or care, (ii) high costs associated with medical care and limited availability, (iii) lack of trained social workers and psychosocial services, and (iv) limited availability of appropriate legal services (See Annex 3 for more detail).

Programming by development partners to address these challenges is loosely coordinated primarily through the GBV sub-cluster, with UNFPA designated the lead UN agency and American Refugee Council (ARC) as the lead NGO coordinator. GBV actors include UNFPA, International Committee of the Red Cross (ICRC), the U.N. Mission in the Republic of South Sudan (UNMISS), UNDP, U.N. Police (UNPOL), ARC, CHF International, Intersos, Catholic Medical Mission Board (CMMB), International Rescue Committee (IRC) and the Nile Hope Development Forum (NHDF). Despite the number of actors, however, coverage of SGBV programs is inadequate, covering only 13 out of 79 counties, with a focus

primarily in the capital cities within 9 of the 10 states.¹³ Outreach to more rural communities, therefore is extremely limited. Programming across these actors has largely addressed capacity limitations within medical and rule of law structures, and prevention and awareness raising activities within local communities (See Annex 3 for more detail).¹⁴ An interview with ARC and UNHCR revealed, however, that several GBV actors may shift from capacity building activities to emergency response programming—which is currently lacking—in anticipation of increased local conflicts and the influx of resettling IDPs and refugees resettling in South Sudan.

Despite achievements to date in GBV programming, interviews with multiple actors and organizations all underscored the dire need for enhanced coordination among GBV actors, as well as broader attention to and increased resources for addressing GBV challenges in South Sudan. As mentioned, geographic coverage of GBV interventions is largely limited to state capitals, leaving the majority of rural communities underserved. The capacity of existing GBV actors is severely constrained in light of the enormous level of need for multi-sectoral responses to GBV and limited financial resources. Financial support has largely been provided through humanitarian channels with very short funding cycles, which limit the opportunity for larger projects or scale-up of existing activities and outreach.

There is also still significant need for credible, gender disaggregated data on incidence and prevalence of GBV, as well as on the legal, social, economic, cultural issues underpinning GBV. UNFPA is coordinating the establishment of a GBV Information Management System (GBV-IMS), which is an initiative to allow GBV actors to collect, store and analyze reported GBV incident data. UNHCR and a consortium of other agencies recently released what was intended to be a comprehensive report on GBV in South Sudan. A forthcoming study commissioned by the Joint Donor Team investigates the implementation of U.N. Security Council Resolution 1325 in South Sudan.¹⁵ Among other activities, the report attempts to map available data sources and gaps and provide initial baseline of UNSCR 1325 indicators. The report also undertakes two rapid assessments on SGBV and on women's economic

13 Notably, there is a gap in multi-sectoral response services in Juba.

14 For a summary of activities conducted by GBV actors across sectors in South Sudan, please see <http://southsudanprotectioncluster.org/gbv-subcluster/links-to-gbv-resources/>

15 Adopted in 2000, UNSCR 1325 calls for the integration of gender perspectives in peacemaking and peacebuilding initiatives. The Resolution requires parties to conflict to respect women's rights and to support their participation in peace negotiations and recovery and development activities.

security and rights in order to provide baseline data missing in these areas. While this report will likely provide a valuable contribution to the existing body of knowledge, the need for additional in-depth analytical work remains extremely high.

V. Current World Bank involvement

During the interim period of governance following the signing of the CPA, the World Bank served as administrator for the Multi-Donor Trust Fund, pooling contributions from fourteen donors including the World Bank. Programs administered by the MDTF-SS addressed numerous sectoral priorities including health, education, infrastructure development, water and sanitation, private sector development, and agriculture and livelihoods generation. Gender-related interventions during this time consisted of operational gender mainstreaming within these projects—with particular emphasis on economic empowerment of women—, a stand-alone MDTF-funded Gender Support and Development Project, and then a selection of separate trust funded interventions focused primarily on economic empowerment of women.

Regarding operational mainstreaming, a gender analysis was undertaken to assess the degree to which gender considerations have been integrated into MDTF-funded projects. The analysis reviewed components of 5 select projects including the HIV/AIDS Project, the Livestock and Fisheries Development Project, the Private Sector Development Project, the Agriculture and Forestry Development Project and the Gender Support and Development Project. The analysis attempted to identify gaps in gender-responsive activities and recommendations for how best to remediate those gaps. The gender analysis also helped to inform the development of a Gender Guidance Note intended to assist task teams with the incorporation of gender considerations across the varying stages of the project cycle including project identification, preparation and design, implementation and the eventual monitoring and evaluation of these projects.

The Gender Support and Development Project (GSDP) is a \$10 million MDTF-funded project implemented by the Ministry of Gender, Child and Social Welfare. The objectives of the GSDP include: (a) improvements in access to existing economic opportunities and (b) support to the Ministry of Gender, Child and Social Welfare to develop and implement gender policies and strategies. There are three main components to the project including: the economic empowerment of women through the provision of start-up assistance grants of up to \$50,000 to 108 local organizations and associations benefiting female beneficiaries; the construction of the new Ministry of Gender, Child and Social Welfare; and institution-

al development including capacity building for national and state-level ministry staff, as well as for appointed gender focal points in relevant line ministries, and the execution of the comprehensive Country Gender Assessment to inform the development of formal gender strategies and policies within the Ministry.

While construction of the new ministry building has faced significant delays,¹⁶ the other two components have generally progressed well. Implementation activities of sub-projects are moving forward despite such challenges as lack of affordable transportation, lack of access to water, financing delays and ongoing insecurity. Current estimates for the total number of sub-project beneficiaries stand roughly at 7,000. Sub-project grants are funding income generating activities in all ten states, covering a broad range of industries including agriculture, poultry, tailoring, brick making, restaurant and hotel services, and microcredit. The Country Gender Assessment is currently underway and a draft report of findings is anticipated before the close of December. Institutional development training for over 50 national and state ministry staff took place in January 2011 (details available in Annex 1).

GAP financing also provided \$1 million to the MDTF-funded Private Sector Development Project (PSDP) for components catalyzing entrepreneurship and increasing access to finance for female beneficiaries. \$500,000 was directed toward the Business Plan Competition, which provided 25 women (out of 45 total winners) \$20,000 grants as seed funding for business start-ups. The grants were provided through local commercial banks for use as collateral. A second GAP award of \$500,000 was channeled to local microfinance services providers (MFIs) to extend loans specifically to women. PSDP funds have been used to provide technical assistance and for project monitoring and evaluation, including tracking gender-disaggregated data.

Notably, the Business Plan Competition led to the formation of the South Sudan Women Entrepreneurs Association (SSWEA). To date, the group has grown to more than 15 members and has gained recognition and support from public institutions like the MoGCSW, the Ministry of Commerce and Industry, the Chamber of Commerce and the wider Southern Sudanese community. The group received \$100,000 in 2010 from the GAP trust fund as institutional support for the association's activities and skills development.

Another initiative supported by separate trust funding includes the Adolescent Girls Initiative (AGI) pilot. The AGI in South Sudan is a project financed and executed by the World

16 Construction had not yet begun at the time of this report.

Bank for the amount of \$1.9 million. The project development objective is the social and economic empowerment of adolescent girls and young women ages 15-24 to enable them to conduct themselves in their communities with confidence and independence and to lead dignified lives. The World Bank selected BRAC Southern Sudan as implementing partner for the AGI project. The project was launched in November 2009 and is currently under implementation until December 2012. Implementation will be followed by rigorous impact evaluation.

To achieve the development objective, BRAC has targeted 3,000 girls and young women to participate in the project. The project includes the following six components: establishment of 100 Adolescent Clubs in four states to serve as a safe space for beneficiaries to socialize and interact with peers and mentors; life skills training to raise awareness of critical

social issues including sexual and reproductive health, early marriage, gender-based violence, drug abuse and other topics; livelihoods trainings offering wage and self-employment trainings across a variety of sectors including computer training, tailoring, agricultural production, hair dressing and driving instruction; financial literacy training addressing aspects of personal and small business finance; access to savings and credit facilities as provided through BRAC South Sudan's microcredit program; and community sensitization activities consisting of regular meetings with parents and community leaders to raise awareness and build community support for the program. Although the project is still under implementation and impact evaluation results are not yet available, anecdotal evidence suggest progress thus far, as evidenced by continuously high participation rates, high levels of community support and positive informal interviews conducted with beneficiaries.

ANNEX 1

Details on training and TA provided to the MoGCSW

Limited institutional capacity within the MoGCSW, as well as among the gender focal points in line ministries and the State Ministries for Social Development, presents a significant barrier to the realization of the Ministry's mandate and strategic priorities. A number of development partners have attempted to address this gap through the provision of technical assistance and institutional development trainings. However, the capacity in the Ministry remains low. UNFPA provided initial support for the establishment and training of the gender focal points at the national and state levels. They also supported training on gender mainstreaming within line ministries (although this training is incomplete and has been regarded by some as superficial). UN Women has seconded a gender advisor to serve part-time within the MoGCSW to mentor and guide ministry staff. Several organizations have attempted to build knowledge and understanding for the need for gender responsive budgeting and increasing allocations for gender-oriented programming (Interviews with UN Women, SSWEA, and NPA). As part of the MDTF-funded Gender Support and Development Project, training on gender concepts, principles and mainstreaming, project management, financial management and budgeting, among others, was provided in January 2011 to 40 officials and staff of the State Ministries of Social Development and other Sector Ministries from all 10 states. Twelve other executives and staff of the MoGCSW attended the pilot module as well. Interviews with those who attended indicate a high appreciation for the training, although results from a forthcoming validation report will provide more information on whether attendees retained the information and benefitted from the exercise.

Despite this training, however, and the technical support provided by other development partners, capacity in the Ministry is still limited. Institutional development remains imperative and will likely require consistent engagement over an extended time horizon. Several development partners have recommended that gender advisors be assigned to work full-time at multiple levels within the MoGCSW and also to be assigned to gender focal points to provide mentoring within each line ministry. Partners have also recommended the development of sector-specific resource materials and toolkits to guide mainstreaming at all levels of government, e.g. a context-specific guidance notes on gender mainstreaming in water and sanitation activities.

ANNEX 2

ADDRESSING GENDER DISPARITIES ON GOVERNANCE STRUCTURES

There are a number of institutions and organizations working in South Sudan to address gender disparities in governance structures, specifically working to empower and strengthen the capacity of women to engage meaningfully in political discourse. Within the government itself, the SSDP notably promotes a quota for minimum representation of women of 30 percent in decision-making positions, while also advocating for improved participation and leadership at all levels. Leadership and governance constitute one of the proposed pillars of UN Women's strategic plan for engagement in South Sudan, through programming to enhance the technical capacity of female parliamentarians. The gender unit in UNMISS has been providing support for women's groups to prepare them for elections in 2014 in an effort to meet the 25 percent threshold. Trainings include development of qualities of leadership, public speaking, campaign issues, and fundraising. UNMISS also advocates for the inclusion of women in the constitutional review committee to convene next January, and is promoting the ratification of CEDAW and other AU protocols on gender. A number of international NGOs such as Norwegian People's Aid (NPA), International Republican Institute (IRI), and National Democratic Institute (NDI) have all conducted workshops and trainings to develop the capacity of female politicians to govern more effectively, including trainings on drafting legislation, developing leadership skills, formulating strategies for resource mobilization, and networking across government, civil society and international groups. There are several local organizations that address leadership and governance as well, including the South Sudan Women Empowerment Network (SSWEA), the South Sudan Women Lawyers Association and the Women General Association. While some of these organizations are relatively new and require capacity building, they present important civil society mechanisms for partnership, advocacy and information dissemination.

ANNEX 3

SEXUAL AND GENDER BASED VIOLENCE

Survivors of GBV face a number of impediments in access to services or mechanisms for redress. Prevailing cultural attitudes, shame and fear often prevent survivors from reporting GBV or seeking medical care when needed. (UNHCR 2011). For those who do seek treatment, many lack access to or awareness of the medical services available to them. Misconceptions regarding use of Police Investigation Form 8—a police and medical form used in cases of GBV—further discourage reporting GBV and block survivors from accessing medical resources. High costs associated with medical care constitute another significant barrier. There are few trained social workers in South Sudan and opportunities for psychosocial services are scarce. Access to justice challenges are frequently rooted in the poor capacity of authorities involved. Police often arrest survivors of GBV to keep them “safe” in prison while they await trials, often exposing survivors to further trauma and abuse. There is a dearth of trained legal practitioners available to help survivors navigate their options for accessing justice. As discussed above, GBV cases are generally referred to community structures and customary courts for resolution and these systems rarely decide in favor of female survivors.

Programming by development partners to address these challenges is loosely coordinated primarily through the GBV sub-cluster, with UNFPA designated the lead UN agency and American Refugee Council (ARC) as the lead NGO coordinator. GBV actors include UNFPA, ICRC, UNMISS, UNDP, UNPOL, ARC, CHF International, Intersos, CMMB, IRC and NHDF. Despite the number of actors, however, coverage of SGBV programs is inadequate, covering only 13 out of 79 counties, with a focus primarily in the capital cities within 9 of the 10 states. Outreach to more rural communities, therefore is extremely limited. Programming across these actors has largely addressed capacity limitations within medical and rule of law structures, and prevention and awareness raising activities within local communities. For example, National GBV Standard Operating Procedures (SOPs) for the Prevention and Response to GBV were finalized in 2009 and have been rolled out to select state counties in 2010 and 2011. This process, however, is incomplete and again has not yet reached more remote communities. In 2008, Special Protection Units (SPUs) were established as part of the South Sudan Police Service as a dedicated unit to address child protection and GBV cases at the local level. In most states, however, SPUs are not yet functioning. Charged with building SPUs offices in states capitals, UNDP has not yet completed construction in most states. UNMISS police and UNHCR have supported training for SPUs but the training is still incomplete.

In 2010, the Ministry of Health, ARC, IRC and UNFPA held consultations to develop guidelines on the clinical management of rape (CMR) to streamline and improve care for victims of sexual violence. GBV actors also participate in advocacy and information dissemination activities at the state and county levels targeting government officials, medical services providers, military and police actors, local chiefs and other communities leaders all to raise awareness and understanding of prevention and response priorities, as well as to inform them of women’s rights in general. An interview with ARC and UNHCR revealed, however, that several GBV actors may shift from capacity building activities to emergency response programming—which is currently lacking—in anticipation of increased local conflicts and the influx of resettling IDPs and refugees resettling in South Sudan. Such services may include the training of emergency responder teams to be dispatched as required.

Despite achievements to date in GBV programming, interviews with multiple actors and organizations all underscored the need for enhanced coordination among GBV actors, as well as broader attention to and increased resources for addressing GBV challenges in South Sudan. As mentioned, geographic coverage of GBV interventions is largely limited to state capitals, leaving the majority of rural communities underserved. The capacity of existing GBV actors is severely constrained in light of the enormous level of need for multi-sectoral responses to GBV and limited financial resources. Financial support has largely been provided through humanitarian channels with very short funding cycles, which limit the opportunity for larger projects or scale-up of existing activities and outreach.

There is also still significant need for credible, gender disaggregated data on incidence and prevalence of GBV, as well as on the legal, social, economic, cultural issues underpinning GBV. UNFPA is coordinating the establishment of a GBV Information Management System (GBV-IMS), which is an initiative to allow GBV actors to collect, store and analyze reported GBV incident data. UNHCR and a consortium of other agencies recently released what was intended to be a comprehensive report on GBV in South Sudan. While generally esteemed for its validation of key GBV-related challenges in South Sudan, the report has been critiqued for its lack of depth, limited coverage (only covers 5 states) and for the focus on urban environments where socio-economic indicators tend to be higher than in rural environments. A forthcoming study commissioned by the Joint Donor Team

will investigate the implementation of UN Security Council Resolution 1325 in South Sudan. Among other activities, the report will attempt to map available data sources and gaps and provide initial baseline of UNSCR 1325 indicators. The report will also undertake two rapid assessments on SGBV and on women's economic security and rights in order to provide baseline data missing in these areas. While this report will likely provide a valuable contribution to the existing body of knowledge, the need for additional in-depth analytical work remains extremely high.

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