

## Table of Contents

- [\*South Sudan court annuls child marriage of 16-year-old in landmark case\*](#)
- [\*South Sudan conflict spawns horrific sexual violence\*](#)
- [\*South Sudan won't find peace as long as its women are excluded and silenced\*](#)

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## **South Sudan court annuls child marriage of 16-year-old in landmark case**

*South Sudan has one of the highest rates of child marriage in the world.*

By Hellen Toby

Global Citizen (09.07.2019) - <https://bit.ly/2NZbXIH> - A court in South Sudan has annulled a child marriage, in a rare legal case that activists say could signal a turning point for women's rights in the conservative country.

The marriage of a 16-year-old girl, the daughter of a cattle herdsman, to a 28-year-old man was deemed illegal by a court in Kapoeta late last month, the southern state's information minister Simon Karlo said this week.

Despite the legal age of marriage being 18, more than 50% of South Sudanese girls are wed before their 18th birthday, according to the United Nations children's agency UNICEF.

Poverty, climate change, low levels of literacy and gender inequality in education have fuelled child marriage in the country for years.

But activists said last month's ruling, the first of its kind in South Sudan's eight-year history, could set a precedent for other girls in the country wishing to end marriages entered into at a young age.

"Child marriage is common in Kapoeta because the communities are cattle keepers and so they use their daughters for wealth," Karlo told the Thomson Reuters Foundation by phone.

"It is indeed the first time for a court here [in South Sudan] to take on such a case."

The girl's father, uncle and groom were each sentenced to three years in prison after arranging the marriage.

It involved paying a dowry of 60 cows to the bride's family, according to Steward Women, the advocacy group that provided the girl with legal assistance.

The ruling against the three men was later overturned at the request of the girl and on the condition of a written "commitment" from the men pledging not to force her into marriage again.

"As a way of harmonizing the statutory law and customary law, the sentence was suspended and the girl was put under the protection of a guardian," said Josephine Chandiru, executive director of Steward Women which offers legal advice to victims of sexual and gender-based violence.

"This was a historical moment ... The judge opened a gateway for us to use it as a precedent in future child marriage cases."

South Sudan has the seventh highest prevalence of child marriage in the world, according to UNICEF's head of child protection, Jean Leiby.

"Already the fact that this issue came to court is a step forward in South Sudan," Leiby said.

He called for improvements in the education of children and their parents as a way to combat child marriage.

"In many places in the country, many people do not know the modern laws," he said. "So in line with that, sometimes you cannot blame the community for some actions because they don't know."

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## **South Sudan conflict spawns horrific sexual violence**

By Katharine Houreld

Reuters (02.12.2016) - <http://reut.rs/2hhkMrY> - South Sudanese soldiers brutally raped an elderly woman and a pregnant woman lost her baby after being gang-raped by seven soldiers, according to United Nations investigators.

The U.N. human rights investigators presented the testimonies on Friday, saying increasingly brutal attacks on women are an integral part of spreading ethnic cleansing. They said the violence could spill into genocide.

"The scale of gang rape of civilian women as well as the horrendous nature of the rapes by armed men belonging to all groups is utterly repugnant," said the chairwoman of the U.N. independent commission on human rights, Yasmin Sooka.

"Women are bearing the brunt of this war along with their children ... rape is one of the tools being used for ethnic cleansing."

South Sudan became independent from Sudan in 2011 and had a brief period of celebration before ethnic tensions erupted amid allegations of widespread corruption.

In December 2013, fighting broke out months after President Salva Kiir, from the Dinka ethnic group, sacked vice president Riek Machar, a Nuer.

The sporadic fighting has increasingly taken on ethnic dimensions. Many of the smaller tribes accuse the Dinka of targeting them. Rebels have also targeted Dinka.

Women across the country were being subjected to sexual slavery, tied to trees and gang-raped or passed from house to house by soldiers, said Sooka, who said rebels were also committing atrocities.

Three in five women in U.N.-administered "protection of civilian" sites around the capital Juba experienced rape or sexual assault, according to a 2016 report by the U.N. Population Fund. The sites are meant to offer safe shelter for civilians.

Government officials and commanders on all sides had a legal duty to prevent their soldiers from preying on civilians, said Sooka's colleague Kenneth Scott, a former prosecutor.

"Commanders, officers will be held accountable for failing to exercise command and control," he said, warning failure to prevent atrocities could result in prosecution.

he shaky 2015 peace agreement that was supposed to end the latest round of fighting provided for a hybrid court to be set up with responsibilities divided between the African Union and South Sudan, but progress on setting it up was "very slow", Scott said.

South Sudanese officials were not available to comment on the investigators' findings, but on Thursday, Kiir told Reuters that no ethnic cleansing was taking place in South Sudan. The military has repeatedly denied targeting civilians.

Scott said the government had had almost "no reaction" to the commission's findings.

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## **South Sudan won't find peace as long as its women are excluded and silenced**

The Conversation (15.09.2016) - <http://bit.ly/2ctZwzc> - Coming after decades of conflict and a hard-won victory, there were high hopes that South Sudan's independence would lead to a lasting peace. But those hopes have so far been thwarted.

Starting in July 2016, the world's youngest country has been plunged back into another cycle of violence and an ensuing humanitarian crisis. The most recent relapse has prompted renewed peace negotiations to try and find a path towards establishing a protection force for war-ravaged civilians. The existing mandate of the UN Mission there, UNMISS, has been expanded by increasing the number of peacekeepers – but no new innovations to try and transform the conflict seem to be forthcoming.

And despite the significant impact that conflict violence has had on South Sudanese women, the international community's response continues to ignore the conflict's very gendered characteristics.

This is a very serious omission. If South Sudan's civilians are to be meaningfully protected from violence, and if the country is ever going to establish a stable and just society, the response to the latest events has to start incorporating gender perspectives.

A globally recognised framework for making this happen already exists. Known collectively as the Women, Peace and Security (WPS) agenda, it was first established in 2000, and is designed to help ensure that women's experiences inform the pursuit of peace and security. Essentially a constellation of eight UN Security Council Resolutions, it advocates National Action Plans for all UN member states to implement gender perspectives in their conduct of domestic and international public policy.

But even though many countries have done the same, there are significant gaps in its implementation. South Sudan itself launched a National Action Plan for implementing the WPS agenda earlier this year, but gender relations continue to weigh heavy in the South Sudanese conflict.

To change the status quo, the country and those trying to help solve its problems need to focus on three areas: gendering peacekeeping, prosecuting sexual gender-based violence, and ensuring that local women's groups can fully participate in the peace process.

### ***Keeping the peace***

As the UN prepares to expand UNMISS's mandate, it must include more female peacekeepers in the mission. This is not a priority unique to South Sudan; less than 5% of military peacekeepers around the world are women, even though two of the WPS's resolutions explicitly advocate that women be deployed in these missions.

In an arena such as South Sudan, female peacekeepers can be essential to building trust. For all the good peacekeeping missions can do, they are notorious for incidents of violence and criminality committed with impunity. Put simply, it is mainly men in uniforms (of all stripes) whom South Sudanese women have to fear, and that greatly undercuts their confidence in troops sent to keep them safe. Putting more women in peacekeeping uniforms could both cut down on abuse and build trust that's currently just not there.

And besides, as Resolution 1888 states, "the presence of women peacekeepers may encourage local women to participate in the national armed and security forces, thereby helping to build a security sector that is accessible and responsive to all, especially women".

In South Sudan, the main perpetrators of gender-based sexual violence are men affiliated with the official military or opposition militia. In one recent high-profile incident of rapes against both locals and foreigners, UN peacekeepers failed to protect the victims. This very particular form of violence is a huge problem – and yet there are almost no institutional mechanisms in place to prosecute those who commit it.

### ***Women on the ground***

In a recent report on the situation in South Sudan, the African Union concluded that existing institutions were simply not able to offer the justice that so many victims need and deserve. To compound the problem, the social stigma attached to victims of gendered sexual violence makes it very difficult to bring their assailants to justice with formal public investigations, which again tend to overlook women's needs and experiences.

The problem isn't just national; internationally mediated peace negotiations all over the world have a sad tendency to be gender-blind and to overlook and exclude women's voices and experiences. The efforts to tackle the crisis in South Sudan are therefore far from unique in this regard.

But given the very gendered nature of the insecurity there and the fact that more than 60% of the country's people are women, listening to and protecting them must be a critical priority.

An excellent way to do this would be to engage properly with South Sudanese women's groups, which are already trying to get women a more central role in the peace process. If they're given the chance, they can provide the framework for a gender-responsive peace and help disrupt the awful status quo.

The violence in South Sudan cannot be tackled as long as women are shut out of the process and the gendered aspects of the conflict overlooked. The framework for getting

them involved and serving their interests has already been laid out; it's long past time it was put into practice.