



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the initial report of South Sudan*

1. The Committee considered the initial report of South Sudan ([CEDAW/C/SSD/1](#)) at its 1837th and 1838th meetings (see [CEDAW/C/SR.1837](#) and [CEDAW/C/SR.1838](#)), held on 4 November 2021. The Committee's list of issues and questions is contained in [CEDAW/C/SSD/Q/1](#) and the responses of country are contained in [CEDAW/C/SSD/RQ/1](#).

A. Introduction

2. The Committee appreciates the submission by the State party of its initial report. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group on the initial report. It welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Minister of Gender, Child and Social Welfare, Aya Benjamin Libo Warille, and included representatives of the Council of States, other representatives of the Ministry of Gender, Child and Social Welfare and representatives of the Permanent Mission of South Sudan to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the progress achieved since the entry into force of the Convention for the State party in 2015 in undertaking legislative reforms, in particular the adoption of the Labour Act of 2017, which set out fundamental rights in the workplace, including progressive provisions on maternity and paternity leave.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the launching, in June 2021, of the technical committee for the establishment of the Commission for Truth,

* Adopted by the Committee at its eightieth session (18 October to 12 November 2021).



Reconciliation and Healing reconstituted through Ministerial Order No. 2/2021 of 10 May 2021.

6. The Committee welcomes the fact that, in the period since the entry into force of the Convention, the State party has acceded to the following international instruments:

(a) The Convention on the Rights of the Child, in 2015, and the Optional Protocols thereto on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, in 2018;

(b) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto, in 2015.

C. Sustainable Development Goals

7. **The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.**

D. Parliament

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see [A/65/38](#), part two, annex VI). It invites the Transitional National Legislative Assembly, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.**

E. Principal areas of concern and recommendations

General context

9. The Committee acknowledges that, since the internal conflict erupted in 2013, women and girls in the State party have been subjected to multiple forms of gender-based violence, including unlawful killings, torture and other ill-treatment, and sexual violence, as well as arbitrary arrest and detention, the recruitment and use of children by armed groups, forced displacement, acute food insecurity and starvation. This extreme situation has further deteriorated due to the recent fall in world market oil prices, the coronavirus disease (COVID-19) pandemic, locust invasions and severe flooding in parts of the country. The Committee notes the effect of the political, economic, environmental and social instability on women and girls in the State party, particularly those living in areas affected by localized armed conflict and internally displaced women and girls. It also notes reports of increased sexual and gender-based violence, extreme poverty and dependence on humanitarian assistance faced by women and girls. The Committee acknowledges that the Revitalized Peace Agreement on the Resolution of the Conflict in the Republic of South Sudan of 2018 presents an opportunity to advance the efforts and commitment of the State party towards peacebuilding and sustainable development. It is greatly concerned, however, that this

agenda is undermined by corruption, particularly in the extraction of oil and gas, leading to significant losses of revenue that could be utilized for public services for women.

10. The Committee reminds the State party that its obligations under the Convention to eliminate all forms of discrimination, including violence, against women and girls are non-derogable and continue to apply during conflict situations, as indicated in its general recommendation No. 28 (2010) on the core obligations of State parties under the Convention. It calls on the State party to ensure equal rights for women in all areas of the Convention and affirm women's leadership in peace processes and decision-making concerning the use of natural resources as a critical measure to stabilize lasting peace in, and ensure the sustainable human, social and economic development of, the country.

Legal status of the Convention and harmonization of laws

11. The Committee commends the State party for ratifying the Convention without reservations. It acknowledges that article 9 of the Transitional Constitution of the Republic of South Sudan of 2011, as amended, affirms the State party's constitutional recognition of international human rights treaties, which are considered an integral part of the national Bill of Rights. It notes that although customs and traditions of the people are recognized as a main source of law (article 5 of the Transitional Constitution), constitutional supremacy over any and all law is established (article 3). The Committee is nevertheless concerned that, in practice, customary law is often applied even when it is inconsistent with rights guaranteed under the Convention, thereby perpetuating customary practices and traditions that discriminate against women and girls.

12. The Committee recommends that the State party:

(a) Systematically build the capacity of the judiciary, law enforcement officials, and religious and traditional leaders, as well as women themselves, particularly rural women, on women's rights under the Convention and on the Committee's jurisprudence concerning individual cases and inquiries under the Optional Protocol to the Convention, to ensure that they are well known and applied in the State party;

(b) Revise any laws, decisions and practices that are inconsistent with the Convention and the Transitional Constitution;

(c) Adopt a clear time frame for the review of customary laws and practices that are in conflict with the Convention, in collaboration with women's civil society organizations, with a view to harmonizing them with the Convention;

(d) Ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol).

Legal framework and definition of discrimination against women

13. The Committee welcomes the constitutional recognition of the principle of equality of women and men (article 16). It is concerned, however, about the absence of a comprehensive definition of discrimination against women in line with the Convention. It is further concerned that there is no timeline for the finalization of the permanent constitution and the enactment of critical draft laws to implement women's rights, including legislation on: combating gender-based violence; nurses and midwifery; a national family law; affirmative action; protection of survivors of trafficking in persons; combating HIV-related stigma and discrimination; and inheritance and succession.

14. **Recalling articles 1 and 2 of the Convention and target 5.1 of the Sustainable Development Goals, on ending all forms of discrimination against all women and girls everywhere, the Committee recommends that the State party:**

(a) **Adopt, without delay, legislation that includes a comprehensive definition of discrimination against women covering all internationally recognized prohibited grounds of discrimination and encompassing direct and indirect discrimination in both the public and private spheres, as well as intersecting forms of multiple and intersectional discrimination;**

(b) **Expedite the permanent constitution process and the adoption of draft laws critical to ensuring women's rights, such as the laws on combating gender-based violence, on nurses and midwifery, on a national family code, on affirmative action, on protection of survivors of trafficking in persons, on combating HIV-related stigma and discrimination, and on inheritance and succession, ensuring harmonization of their provisions with the Convention and that women represent a minimum of 35 per cent of delegates with voting rights in these processes.**

Women, peace and security

15. The Committee welcomes the provisions in the 2015 Agreement on the Resolution of the Conflict in the Republic of South Sudan and the 2018 Revitalized Agreement establishing important mechanisms to deal with human rights violations arising from the conflict as well as past abuses in South Sudan, namely: the Commission for Truth, Reconciliation and Healing, the Hybrid Court for South Sudan and the Compensation and Reparation Authority. It regrets, however, that to date none of these mechanisms has been established. It further notes with concern that:

(a) The participation of women in peace processes, reconstruction efforts and transitional justice mechanisms, including in the implementation of the Revitalized Agreement and in the Revitalized Transitional Government of National Unity, do not reach the minimum quota of 35 per cent established in the Revitalized Agreement for representation of women in governing bodies in the State party;

(b) The mechanism for the implementation of the national action plan for 2015–2021 on the implementation of Security Council resolution [1325 \(2000\)](#) on women and peace and security was never established due to insufficient resources, and that the national action plan has not been renewed following its expiry;

(c) Women and girls across the State party continue to suffer from the effects of conflict and are in need of humanitarian assistance;

(d) Organized gender-based violence and repressive public policy have reduced the space for women's participation in peace processes.

16. **The Committee recalls its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations and urges the State party to:**

(a) **Ensure the full, equal and meaningful participation of women in conflict prevention, peacebuilding and post-conflict reconstruction efforts, including in leadership positions, in line with Security Council resolution [1325 \(2000\)](#), and take into consideration the full spectrum of the women and peace and security agenda of the Security Council, as reflected in its resolutions [1820 \(2008\)](#), [1888 \(2009\)](#), [1889 \(2009\)](#), [1960 \(2010\)](#), [2106 \(2013\)](#), [2122 \(2013\)](#), [2331 \(2016\)](#) and [2467 \(2019\)](#);**

(b) Ensure that its national action plan on women, peace and security is promptly renewed and fully implemented, including through the allocation of adequate human, technical and financial resources and through enhanced cooperation with civil society organizations, the international community and relevant United Nations agencies, and include indicators for the regular monitoring of its implementation and reporting;

(c) Immediately operationalize the Hybrid Court and promptly establish the Commission for Truth, Reconciliation and Healing, ensuring that transitional justice processes effectively address the gendered causes of the conflict and its consequences for women and girls in the State party, and actively involve them in such processes, ensuring that they receive comprehensive reparations in line with international human rights standards;

(d) Continue to engage with the international community and United Nations agencies, in particular the United Nations Mission in South Sudan and the Office of the United Nations High Commissioner for Human Rights, particularly in the monitoring and documentation of human rights violations and in the provision of humanitarian assistance to women and girls, prioritizing provision to those in rural and remote areas;

(e) Create an enabling environment for women to freely express their views and to assemble without fear of persecution.

National machinery for the advancement of women

17. The Committee notes that the Ministry of Gender, Child and Social Welfare is underresourced, which impedes the implementation of its mandate to empower women and girls. The Committee also notes with concern the absence of gender-responsive budgeting by the Government, and the insufficiency of efforts to ensure that dedicated revenues from natural resources are used for programmes for human development.

18. **The Committee recommends that the State party:**

(a) Introduce gender-responsive budgeting by all government departments in all areas under the Convention;

(b) Earmark an adequate portion of the revenues from the exploitation of all natural resources in the State party for women's and girls' empowerment programmes, including for adequate resourcing of the Ministry of Gender, Child and Social Welfare to enable it to implement its mandate to empower women and girls;

(c) Strengthen the Anti-Corruption Commission Act and investigate the diversion of funds from the National Revenue Authority.

National human rights institution

19. The Committee notes with concern the absence of a national human rights institution in the State party that is compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and recommends that the State party prioritize strengthening the South Sudan Human Rights Commission, including by allocating sufficient human, technical and financial resources, to enable it to effectively and independently discharge its mandate in full compliance with the Paris Principles.

Temporary special measures

20. The Committee notes that the State party applies various temporary special measures to accelerate the representation of women in national governance structures and ensure their access to basic services. The Committee regrets, however, the lack of a clear strategy for the implementation of such measures targeting, in particular, disadvantaged and marginalized groups of women and girls, particularly those affected by conflict, women with disabilities and rural women and girls.

21. The Committee recommends that the State party, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures:

(a) Urgently adopt temporary special measures to substantially increase women's and girls' successful completion of secondary education and their access to formal employment and to natural resource management, with time-bound targets and benchmarks, accompanied by sanctions for non-compliance;

(b) Undertake capacity-building programmes, targeting all relevant State officials, those in charge of dispensing public services and employers, on the non-discriminatory nature and importance of temporary special measures for achieving substantive equality between women and men in all areas in which women are underrepresented or disadvantaged.

Conflict-related sexual violence against women

22. The Committee welcomes the constructive measures taken by the State party in addressing conflict-related sexual violence, including the Action Plan for the Armed Forces on Addressing Conflict-Related Sexual Violence in South Sudan, launched in 2021, and the establishment of special emergency courts and court martials to expeditiously try cases of sexual and gender-based violence, including allegations against the armed forces. The Committee is deeply concerned, however, that women and girls continue to be subjected to rape and other forms of sexual violence, and to abductions, with a number of women and girls still being held captive, by all parties to the armed conflict in the State party, with widespread impunity. It is further concerned about the evasive tactics used to avoid paying court-ordered compensation to victims, including in the case of the Terrain Hotel (Juba) following the 2018 court-martial conviction of 10 soldiers for having committed sexual offences against civilians, notably women and girls.

23. In line with its general recommendations No. 33 (2015) on women's access to justice and No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:

(a) Implement the standard operating procedures for prevention of, protection against and response to gender-based violence of 2014, to ensure access for victims of conflict-related sexual violence to shelters and legal, psychosocial and medical assistance, particularly emergency contraception and post-exposure prophylaxis;

(b) Facilitate the unrestricted access of the United Nations, ceasefire monitors and relevant humanitarian partners to all government and opposition cantonment sites and military bases where abducted civilians, including women and girls, might be held, ensuring the immediate release of women and girls abducted during hostilities and their provision with immediate medical and psychological support, as well as long-term livelihood support and comprehensive reparations in line with international human right standards;

(c) **Strengthen the judicial system in order to implement article 2.1.10.2 of the Revitalized Agreement and article 3.2 of the agreement on cessation of hostilities of 2014, to prevent sexual and gender-based violence against women and combat impunity for perpetrators of such violence, particularly among members of the South Sudan People's Defence Forces and the security sector;**

(d) **Implement the 2014 joint communiqué, signed by the President of South Sudan and the United Nations, on addressing conflict-related sexual violence and avail itself of international assistance, including from the Team of Experts on the Rule of Law and Sexual Violence in Conflict, to promote zero tolerance of the commission of such acts through clear orders prohibiting sexual violence, as well as through reinforcement of the military justice system and training for military personnel;**

(e) **Ensure that victims, including those in the Terrain Hotel case, have effective access to justice and remedies and that they receive comprehensive reparations and adequate protection from reprisals.**

Discriminatory stereotypes and harmful practices

24. The Committee welcomes the prohibition under article 16 (4) (b) of the Transitional Constitution of all harmful practices undermining the dignity and status of women. It also notes that the Child Act contains provisions to protect girls from sexual abuse, exploitation and gender-based violence. The Committee notes with concern, however, that harmful practices, such as child and forced marriage, "bride prices" and female genital mutilation, are deeply rooted in patriarchal attitudes and discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society, which perpetuate the subordination of women in the State party. It is further concerned that cases of forced marriage are often relegated to customary courts.

25. **Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, the Committee recommends that the State party:**

(a) **Ensure that all harmful practices against women and girls are criminalized, and prosecute and adequately punish perpetrators of such acts;**

(b) **Adopt, without delay, a comprehensive strategy, with time-bound targets, including monitoring and evaluation, to eliminate discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society, and link it to the implementation of the General Education Act of 2012, with a view to promoting gender equality through education;**

(c) **Expand public education programmes, in collaboration with civil society organizations and the media, on the negative impact of harmful practices on the enjoyment by women and girls of their rights, targeting traditional and religious leaders and communities in rural and remote areas.**

Gender-based violence against women

26. The Committee welcomes measures taken to combat gender-based violence against women, such as the special protection units in police stations, the one-stop centres in all 10 states of the country providing rehabilitation services and shelter for survivors, and the specialized court in Juba to adjudicate cases of gender-based violence. It remains concerned, however, about the high prevalence of such violence in the State party, in particular domestic and sexual violence, including in educational institutions. It further notes with concern that limited operational funds, human

capacity and technical skills, as well as reported mistrust in and the lack of accountability of the justice sector, compromise the effectiveness of measures in place to protect women, particularly outside of Juba. It is also concerned that marital rape has not been criminalized in the State party.

27. Recalling its general recommendation No. 35 (2017), the Committee recommends that the State party:

(a) Give high priority to the adoption of the anti-gender-based-violence bill with a strategy and adequate resources for its implementation, and the systematic collection of data on the incidence and resolution of gender-based violence, disaggregated by sex, age and relationship between the victims and the perpetrator and in relation to intersecting forms of discrimination against women and other relevant sociodemographic characteristics, such as disability;

(b) Amend the Penal Code to specifically criminalize marital rape, base the definition of rape on the absence of free consent and ensure that penalties for gender-based violence against women and girls are commensurate with the gravity of the offence;

(c) Ensure that shelters and victim support services are adequately funded, accessible and inclusive, that staff are trained and that the quality of services is regularly monitored;

(d) Build the capacity of the judiciary, prosecutors, the police and other law enforcement officers to systematically investigate and prosecute all cases of gender-based violence, using gender-sensitive procedures, and adequately punish perpetrators, regardless of their social position, and provide appropriate remedies to victims;

(e) Intensify efforts to raise awareness among both women and men, including through educational and media campaigns, of the criminal nature of gender-based violence against women in order to challenge its social acceptance, and destigmatize and protect women from reprisals to encourage them to report incidents of gender-based violence against women.

Women's access to justice

28. The Committee notes with concern the lack of human, technical and financial resources allocated to the formal justice sector and to human rights and law enforcement agencies necessary to provide basic protection from and accountability for violations of women's rights at both the national and subnational levels. It also notes with concern reports that women are often discouraged by police from filing complaints, particularly against relatives, encounter due process violations in court hearings and are not afforded protection measures, including for witnesses. The Committee is particularly concerned about reports of gender bias within traditional justice mechanisms in the resolution of disputes, including for serious criminal offences, and that women or girls who are victims of sexual violence are frequently required to marry the rapist.

29. Recalling its general recommendation No. 33 (2015), the Committee recommends that the State party:

(a) Allocate the necessary human, technical and financial resources to the formal justice sector, in particular in rural and remote areas, to enable a gender-based response with accessibility measures to encourage women to claim their rights, including through the provision of legal aid to women without sufficient means and procedural accommodations for women with disabilities and the recruitment of women judges, prosecutors, police officers and social workers;

(b) **Provide fair trial and due process safeguards in court proceedings, including protection of women victims and witnesses from reprisals before the ordinary courts;**

(c) **Ensure that customary court decisions that are contrary to the rights guaranteed under the Convention can be appealed to the ordinary courts, and provide women with assistance to opt out of proceedings before customary courts or to appeal customary court decisions.**

Trafficking and exploitation of prostitution

30. The Committee welcomes the establishment of the technical task force to combat human trafficking and smuggling of persons, in 2019, as the interministerial platform to coordinate the national counter-trafficking response. It is concerned, however, that despite the increased risk of trafficking for women in the State party for purposes including forced marriage, domestic servitude, and sexual and labour exploitation, trafficking remains underreported due to limited awareness of the crime, including among justice-sector actors, and its legitimization by cultural practices such as forcing young girls into servitude, kidnapping girls for marriage, and payments of a “bride price”. The Committee also notes with concern victims’ low confidence in the justice sector, the unavailability of assistance and protection services, and their fear of stigmatization and deportation. The Committee is further concerned:

(a) That trafficking is not specifically criminalized, but rather punishable under a patchwork of statutory provisions carrying only lenient penalties;

(b) That the practice of child recruitment continues with impunity, despite the age-verification process for persons recruited into the South Sudan People’s Defence Forces;

(c) At the lack of information on support to women wishing to leave prostitution.

31. **The Committee recalls its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration and recommends that the State party:**

(a) **Strengthen the accessibility and affordability of civil registration procedures, such as the prompt issuance throughout the State party of birth certificates, to strengthen age verification, and of marriage certificates, with a view to preventing certain forms of trafficking;**

(b) **Systemize the collection of disaggregated data on the extent of trafficking in women and girls in the State party and use these data to create a gender-sensitive approach to identifying, assisting and protecting victims, ensuring that the data are systematically shared across all first responders, including medical staff, immigration and justice officials and civil society organizations;**

(c) **Ratify the United Nations Convention against Transnational Organized Crime and its supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and adopt national anti-trafficking legislation, in line with the Protocol;**

(d) **Equip labour inspectors with a mandate and the resources to inspect both formal and informal places of work, and establish safe and easily accessible complaint procedures for victims of trafficking;**

(e) **Provide exit programmes for women wishing to leave prostitution, including alternative income-generating opportunities.**

Equal participation in political and public life

32. The Committee welcomes the provisions in the Revitalized Agreement that, complementing the Transitional Constitution, promote the participation of women in political and public life and establish a quota of 35 per cent for the representation of women to that end. It remains concerned, however, that the quota has not been met in the Transitional National Legislative Assembly, the Council of States, the Government, the judiciary, the civil service or the foreign service. The Committee is concerned about reports that women in decision-making positions often experience hostile environments owing to gender-based discrimination, which obstructs their exercise of freedom of expression and freedom of assembly and discourages their participation in political and public life.

33. **In line with its general recommendation No. 23 (1997) on women in political and public life, the Committee recommends that the State party:**

(a) **Expedite the adoption of the affirmative action bill of 2021, establishing a mechanism to monitor compliance with the quota of a minimum of 35 per cent representation of women in all governance structures in the State party, including in elected and appointed positions, in particular at decision-making levels, at both the national and subnational levels of government and in the civil service, the foreign service, the judiciary, the military, peacebuilding and transitional justice mechanisms, the distribution of humanitarian and emergency assistance, and traditional leadership structures;**

(b) **Build the capacity of women candidates in the areas of political leadership and campaigning skills, including by seeking technical assistance from the international community, to enable women to compete effectively in elections, and provide incentives for political parties to nominate equal numbers of women and men in alternating ranks on their electoral lists;**

(c) **Take targeted measures to increase the representation of women in senior leadership positions, including in law enforcement agencies and the South Sudan People's Defence Forces, and to increase the training and recruitment of female teachers at all education levels;**

(d) **Address the discrimination faced by women in decision-making positions, including by implementing a zero-tolerance policy for acts of harassment and hate speech against women candidates, in order to create an enabling environment for women to participate freely in political and public life;**

(e) **Conduct awareness-raising campaigns at the national and subnational levels for politicians, community, religious and traditional leaders, the media and the general public to enhance the understanding that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full implementation of the human rights of women and for achieving political stability and sustainable development in the State party.**

Nationality

34. The Committee notes that, pursuant to the Nationality Act of 2011 and its regulations, women and men have equal rights, without discrimination on the basis of sex, to acquire, change or retain their nationality. It is concerned, however, that in practice women are required to present male witnesses to prove nationality to the authorities. The Committee is further concerned about the low issuance of birth certificates outside urban areas and the lack of data collected on the extent of statelessness in the State party.

35. In line with its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party:

- (a) **Ensure that women are not subject to any additional requirements to prove their identity to authorities issuing national identification;**
- (b) **Facilitate birth registration through the use of modern information and communications technologies, simplify and ensure affordable birth registration procedures, and strengthen mobile teams to issue birth certificates in rural and remote areas;**
- (c) **Collect data on stateless women and girls, disaggregated by age, ethnicity and disability;**
- (d) **Ratify the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.**

Education

36. The Committee is alarmed by reports of attacks and occupation of schools by military and armed groups, noting that one third of all schools have been damaged, destroyed, occupied or closed since 2013, and that an estimated 3 million school-aged children in South Sudan were out of school in 2020, representing the highest proportion globally. It notes with concern that the extremely low literacy rate of women in the State party is exacerbated by girls' non-completion of schooling due to child marriage, early pregnancy, the unaffordability and unavailability of hygiene products, the unavailability of separate sanitary facilities, poverty, and sexual violence and harassment in and on the way to and from school, as well as parents' prioritization of education for sons.

37. Recalling its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party promote the importance of girls' education at all levels as a basis for their empowerment, and:

- (a) **Take measures to prevent the occupation of schools by military and armed groups and implement the Safe Schools Declaration and the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict;**
- (b) **Address the high illiteracy rate among women and girls in the State party, with a focus on girls living in poverty, rural girls, pregnant girls and young mothers, and girls with disabilities, through temporary special measures with time-bound targets to increase girls' enrolment, retention and completion rates in secondary education, and strengthen continuing education for women;**
- (c) **Ensure safe educational environments that are free from gender-based violence, as well as safe transportation to and from schools, investigate, prosecute and adequately punish all cases of harassment and violence perpetrated against girls and women in educational institutions, ensuring immediate protection measures for victims;**
- (d) **Ensure adequate infrastructure and the availability of hygiene products and accessible separate sanitary facilities for girls in all educational institutions, including in rural areas;**
- (e) **Raise awareness among parents, teachers, traditional and religious leaders, women, men, girls and boys of the importance of girls' and women's**

education for their economic empowerment, personal development and autonomy.

Employment

38. The Committee welcomes the guarantees of equal employment opportunities for women and men in the Transitional Constitution and provisions for maternity leave, breastfeeding breaks, lactation facilities and paternity leave in the Labour Act. However, it notes with concern:

(a) That many provisions are not implemented, the unemployment rate for women remains high, women's domestic and care work remain unvalued and the gender wage gap remains wide;

(b) The lack of measures to achieve the quota of 35 per cent for women's employment in government institutions and in the public sector, as set out in the Revitalized Agreement, and that women remain concentrated in the informal sector in low-paid jobs or unpaid agriculture, without being covered by labour legislation and social protection;

(c) The lack of mechanisms to prevent sexual harassment, to raise awareness among workers and employers, for victims to safely complain in the workplace, and to address the impunity for perpetrators.

39. **The Committee recommends that the State party:**

(a) **Intensify efforts to fully implement the existing laws and regulations on equal rights of women and men to, and in, employment and reduce unemployment among women by promoting their access to formal employment, including by improving access to all vocational training opportunities;**

(b) **Adopt legislation to specifically criminalize sexual harassment in the workplace, adequately punish perpetrators and establish accessible and safe complaint mechanisms to encourage the reporting of violations;**

(c) **Effectively enforce the principle of equal pay for work of equal value in order to narrow and close the gender pay gap by regularly reviewing wages in sectors in which women are concentrated, conducting regular labour inspections, applying analytical job classification and evaluation methods and conducting regular pay surveys;**

(d) **Establish policies and legislation to prevent sexual harassment at workplaces, build awareness among workers and employers, and establish safe spaces for victims to file complaints.**

Health

40. The Committee is concerned about the persistently high rate of maternal mortality, owing to malnutrition and limited access to sexual and reproductive health services, including safe abortion and post-abortion services, emergency obstetric services and skilled birth attendance for women; the persistently high rate of early pregnancy, its link to child marriage and the predominance of fistula; and the lack of adequately trained health professionals, including midwives, in rural areas. It is also concerned about the disproportionately high rates of HIV/AIDS among women in the State party and women's limited access to appropriate and adequate treatment.

41. **Recalling its general recommendation No. 24 (1999) on women and health, and targets 3.1 and 3.7 of the Sustainable Development Goals, to reduce the global maternal mortality ratio and ensure universal access to sexual and reproductive health-care services, respectively, the Committee recommends that**

the State party increase the proportion of the national budget allocated to health and:

(a) Address the high maternal mortality rates throughout the State party, including by:

(i) Improving the proximity and delivery of health services by recruiting more health workers and constructing and or renovating health centres, particularly in rural areas;

(ii) Developing and implementing a strategy to address cases of obstetric fistula, low rates of antenatal care coverage and births attended by skilled health personnel, and malnutrition among pregnant and breastfeeding women;

(iii) Ensuring the availability and accessibility of sexual and reproductive health services for adolescent girls and young women, including rural women and girls and those with disabilities, and ensuring adequate access to information about sexual and reproductive health and rights, including on the prevention of early pregnancy and sexually transmitted infections, as well as affordable or, if necessary, free access to modern forms of contraceptives;

(iv) Legalizing abortion in cases of rape, incest, risk to the health of the pregnant woman and severe fetal impairment, ensuring that abortion is decriminalized in all other cases and that safe abortion and post-abortion services are available and accessible;

(v) Ensuring that the exercise of conscientious objection does not impede women's access to safe abortion;

(b) Implement the 2019 policy on combating HIV-related stigma and discrimination and the national strategic plan on HIV/AIDS for the period 2018–2022 to address the high prevalence of HIV/AIDS among women, ensuring their free access to antiretroviral treatment, with a particular focus on the prevention of mother-to-child transmission and targeting women living in areas affected by localized armed conflict and instability and women in prostitution.

Economic empowerment of women and social benefits

42. The Committee commends the State party for establishing the social protection policy framework in 2015 to address the high levels of poverty across the country, and for developing programmes to eliminate gender inequalities in access to capital, loans and other forms of financial credit. The Committee further commends the State party for promoting sports as a tool for advancing peace and as a form of recreation for women and girls. The Committee is, however, concerned about the limited impact of these policies and programmes on improving the socioeconomic situation of women, particularly rural women, in the State party.

43. The Committee recommends that the State party fully resource and implement the strategies in place to enhance women's access to social protection and their economic empowerment, with a particular focus on rural women. It also recommends that the State party establish mechanisms to systematically monitor, assess and report on the impact of those strategies on the socioeconomic situation of women. The Committee further recommends that the State party fully resource and enhance women's and girls' access to and participation in competitive and recreational sports, including football.

Rural women and women living in poverty

44. The Committee acknowledges efforts made by the State party to promote the economic sustainability and livelihood of rural women, including through the national gender policy and the South Sudan development plan. However, the Committee is concerned that rural women:

(a) Many of whom are financially responsible for their families owing to the conflict-related killing or disappearance of their spouses, are unable to benefit from State support and protection, including access to basic services, such as potable water, housing, infrastructure, education and health care, that are delivered in urban areas;

(b) Despite bearing a disproportionate burden of agricultural labour, are excluded from decisions relating to the use of natural resources, and are unacknowledged for their role in national food security;

(c) Face significant barriers gaining access to justice, and are often denied access to land ownership, housing and property, and productive resources, on the basis of discriminatory customary laws and practices.

45. In line with its general recommendations No. 34 (2016) on the rights of rural women and No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the Committee recommends that the State party:

(a) Adopt temporary special measures, with time-bound targets, to enhance the access of rural women to social protection, education, health care, adequate water and sanitation and other basic services, formal employment and entrepreneurship, ensuring that they are informed of the opportunities and benefits available to them;

(b) Ensure that rural women are meaningfully involved in the development, implementation, monitoring and evaluation of policies and strategies relating to food security and the use of land and other natural resources, particularly in the light of the effects of climate change;

(c) Guarantee rural women's access to justice, land ownership, real estate and other property by facilitating and providing capacity-building on women's economic rights for local land registry officials, traditional authorities, judges and community leaders.

Women with disabilities

46. The Committee notes with concern the prevalence of gender-based violence against women and girls with disabilities in the State party, including torture and inhuman treatment, shackling, sexual exploitation, murder with impunity and arbitrary detention on grounds of their disability. It also notes with concern that women and girls with disabilities have very limited access to information relating to their rights, access to justice and available services for women, particularly about sexual and reproductive health and protection from gender-based violence.

47. The Committee recommends that the State party:

(a) Put an end to the arbitrary detention of women and girls with disabilities, including through the practice of shackling, and immediately release those who have been institutionalized or otherwise deprived of their liberty on grounds of their disability, ensuring full provision of redress and rehabilitation;

(b) Address intersecting forms of discrimination against women and girls with disabilities and ensure their inclusion and enjoyment of all rights under the

Convention by eliminating restrictions on their legal capacity; ensuring their access to justice, protection from gender-based violence, and inclusive access to education, employment and health services, including with regard to sexual and reproductive rights; and accommodating their specific needs in line with the Committee's general recommendation No. 18 (1991) on disabled women;

(c) **Expedite the ratification of the Convention on the Rights of Persons with Disabilities.**

Women in detention

48. The Committee is alarmed that women and children continue to be sentenced to death, including by customary courts and in the absence of fair trial guarantees, in contravention of the 2013 moratorium on the death penalty. It is further concerned about reports that many women and girls in detention are not systematically separated from male detainees, are subjected to neglect, ill-treatment and abuse, and lack adequate access to medical care, including for their young children.

49. **The Committee recommends that the State party:**

(a) **Ensure that customary and ordinary courts fully respect and apply the 2013 moratorium on the death penalty and discontinue with immediate effect the execution of all women on death row;**

(b) **Improve the conditions in women's detention facilities in accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) to address the problem of overcrowding in prisons and ensure the provision of adequate services, in particular for pregnant women and women detained with their children;**

(c) **Introduce independent monitoring of detention facilities and gender-sensitive complaint mechanisms for women in detention who are victims of gender-based violence and ill-treatment;**

(d) **Systematically collect and publish data on the number of women in detention, disaggregated by offence, length of pretrial detention, date of conviction, type of sentence, age, location and number and age of dependent children.**

Discrimination against women in marriage and family relations

50. The Committee is concerned that in the absence of a codified family law, customary and religious laws prevail in marriage and family relations, including in matters of divorce, inheritance, housing, land and property rights, and that in particular they allow the formalization of child and forced marriage and polygamy, in contravention of the Temporary Constitution and statutory law. It notes with concern the persistent practice of child marriage despite the adoption of the strategic national action plan to end child marriage (launched in 2018). It further notes with concern the absence of legislation setting the minimum age for marriage at 18 years for both women and men and that child marriage has increased since the start of the conflict as a negative coping strategy for families who perceive the practice as an opportunity to collect a "bride price". The Committee is also concerned that limited civil registration capacities and low birth certificate issuance present further barriers for victims of child and forced marriage in seeking judicial remedy in the State party, in the absence of proof of age.

51. In the context of the ongoing consultations in the State party to develop a family law that is in conformity with the Convention, the Committee, recalling its general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution and joint general recommendation No. 31/general comment No. 18 (2019) on harmful practices, recommends that the State party:

(a) Expedite the finalization and adoption of an inclusive and comprehensive family law, with the engagement of women's civil society groups and traditional and religious leaders, establishing the minimum age of marriage at 18 years for both women and men, prohibiting the harmful practices of "bride price" and polygamy, and ensuring equal rights of women and men to inheritance and as testators, heirs or beneficiaries, including in Muslim communities;

(b) Provide systematic capacity-building on women's equal rights in marriage and family relations and upon their dissolution, as well as on women's equal inheritance rights, for judiciary and traditional justice system actors, including the custodians of customary law, and women and girls themselves, especially in rural and remote areas of the country;

(c) Ensure access to justice and effective remedies for women who have been dispossessed of housing, land and property in divorce, inheritance and widowhood disputes, and provide legal aid and support programmes to the women concerned.

Data collection and analysis

52. The Committee recommends that the State party enhance the collection, analysis and dissemination of comprehensive data, disaggregated by sex, age, disability, ethnicity, location and socioeconomic background. It also recommends that the State party monitor, through measurable indicators, the impact of laws, policies and action plans and assess trends in the situation of women and progress achieved towards the realization of substantive equality between women and men in all areas covered by the Convention.

Amendment to article 20 (1) of the Convention

53. The Committee encourages the State party to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.

Beijing Declaration and Platform for Action

54. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the realization of the rights enshrined in the Convention in the context of the 25-year review of the implementation of the Declaration and Platform in order to achieve substantive equality between women and men.

Dissemination

55. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language(s) of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the Transitional National Legislative Assembly and the judiciary, to enable their full implementation.

Technical assistance

56. **The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.**

Ratification of other treaties

57. **The Committee notes that the adherence of the State party to the nine major international human rights instruments¹ would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities, to which it is not yet a party.**

Follow-up to the concluding observations

58. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 16 (c), 18 (b), 37 (b) and 41 (a) (iv) above.**

Preparation of the next report

59. **The Committee requests the State party to submit its second periodic report, which is due in November 2025. The report should be submitted on time and cover the entire period up to the time of its submission.**

60. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).**

¹ The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.