

Policy brief on sexual and gender based violence in South Sudan

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This policy brief examines sexual and gender-based violence (SGBV) in Unity State and offers a number of policy options to help reduce the use of SGBV as a weapon of war in South Sudan moving forward. It was developed in the Security and Rule of Law research programme of NWO-WOTRO Science for Global Development, in cooperation with the Security and Rule of Law Knowledge Platform.

The research project ['Intersections of Truth, Justice and Reconciliation in South Sudan'](#) is carried out in cooperation by the University for Peace (UPEACE) Centre The Hague, the South Sudan Law Society (SSLS) and PAX. The plea authors are David Deng and Rens Willems.

More than two years into the conflict and six months after the signing of the ARCISS, rape, sexual slavery and genital mutilation continue to be used as weapons of war in the conflict. In the past, the idea of SGBV in the context of a conflict was considered unthinkable and abhorrent. Indeed, the customary laws of the various peoples of South Sudan include strong prohibitions on rape and the targeting of women, children or elderly persons during conflict. However, given the prevalence of SGBV in the current context, it appears that whatever social norms against the practice that used to exist now hold less sway among combatant populations. The dramatic increase in SGBV in South Sudan will leave a lasting legacy not only on individual survivors, but also on entire communities. In order to address the issue moving forward, this brief recommends that the GRSS and SPLM-IO:

- Ensure that the increasing use of SGBV as a weapon of war is addressed as a priority issue in any transitional justice processes that follow the end of the conflict, as well as in the context of a national dialogue in South Sudan.
- Ensure that survivors of SGBV are provided with legal support, particularly in terms of awareness raising of their rights under South Sudanese and international law and the mechanisms that are available to protect those rights. Although justice services are limited in Bentiu POC, it is still important that people are made aware of those services that are currently available and avenues for redress that would become available once the conflict is resolved. These activities can also help to ensure that when some minimum degree of stability returns to the area, justice services can be established in a manner that is responsive to the needs of SGBV survivors.
- Explore options for lowering the threshold to report sexual assault cases so that survivors are encouraged to come forward. This could include removing unnecessary bureaucratic hurdles, such as the need to obtain special forms for medical exams to document evidence of SGBV, establishing a referral service that links survivors with justice service providers, or ensuring access to legal aid at no cost for people who would otherwise be unable to afford legal services. This applies to a limited extent in the current setting of the POC, but will become more relevant if the security context improves.
- Develop SGBV policy and legislation targeting both conflict-related SGBV and SGBV more generally. This should include both national law and policy and initiatives to domesticate international norms, such as UN Security Council Resolution 1325, which affords specific protection to women in situations of conflict. The regulatory framework for SGBV should be developed in close consultation with male and female survivors of SGBV, in addition to more broad consultations with interested

members of the public.

- Design and implement a plan to comprehensively investigate and prosecute instances of SGBV by organized forces and proxy militia. Ensure that individuals found guilty of [sexual assault](#) are criminally punished and permanently removed from military service. Pursue prosecutions of military officers for either directly ordering troops to commit acts of SGBV or for knowing about or having reason to know about acts of SGBV and not taking steps to stop it or to punish the individuals responsible.

More information: Sexual and Gender-Based Violence (SGBV) in Unity State, South Sudan:

www.upeace.nl/cp/uploads/downloadsprojecten/SGBV%20in%20Unity%20State%20-%20Policy%20Brief.pdf

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