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| **AFRICAN INSTUTUTE FOR PROJECT MANAGEMENT STUDIES**  **(AIPMS)-NIROBI-KENYA.**  **COURSE STUDY: FORCED MIGRATION STUDY**  **POST GRADUATE DIPLOMA**  **YEAR 2019.**  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **COURSE UNIT FIVE [5]:**  **GENDER BASED VIOLENCE IN FORCED MIGRATION**  **ATTEMPT QUESTION ASSIGNMENTS FROM ONE-FOUR [1-4]:**  **SUBMITTED BY:**  **OKETA DOMINIC LABOKE**  **ADMISSION NO: 256/003/2019**  **SUBMITTED TO:**  **MODERATOR: \_\_\_\_\_\_\_/\_\_\_\_\_\_ 2019.**  **SUBMISSION DATE: 03/11/2019 SIGNATURE:**  **Explain five ways in which your country is dealing with Gender Based Violence.**  Southern Sudan has a history of gender-based violence [GBV] during times of conflict and instability and up to date. GBV is any act of violence against women that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. [Fourth World Conference on Women: Beijing, China: 4-15 September 1995].  During Sudan’s second civil war, which ended in 2005, many women experienced rape, forced marriage, and abduction and other form of Violence. The effects of Sudan’s civil wars linger in Sudan and may contribute to instability in the period surrounding Southern Sudan’s 2011 referendum, five years after the official end of the civil war, Sexual & Gender Based Violence [SGBV] remains prevalent in Southern Sudan. Women and children are raped and abducted, sexual assault and harassment and kidnapping of women, domestic violence with sex workers and women of foreign origin particularly vulnerable. With increasing insecurity in many regions of Southern Sudan, GBV has become more frequent, and women are now specifically targeted during violent inter-ethnic conflict [Devon Cone 2019 Report].  **The Enacted legislation that protect women from violence**: Southern Sudan ratified international laws and other regional laws that governed the offence of gender based violence. However, numbers of conventions are enacted like convention on elimination of all form of discrimination against women [ CEDAW] and the Convention on the rights of child [CRC]. The conflict in South Sudan continues to put women and other vulnerable groups at risk to Sexual Gender Based Violence to access their legal rights and protection. Since the outbreak of 1983-2005. In 2013 December conflict breakout the country affecting women, girl, as well as men in all the region of South Sudan. In 2011 South Sudan enacted international and regional instrument that prevent violence against women and domestic violence such as universal declaration on human rights, convention on elimination of all form of discrimination against women and convention on rights of child.  **The Advocacy**: The actors of humanitarian agency and United Nations agencies such as UNDP, UNMISS, Women voice had advocated for a good step toward reducing gender-based violence. The Media, local NGOs, and key influencers can raise awareness and try to influence the parliament of South Sudan so that the legislation is indeed passed addressing Sexual Gender Based Violence issues requires long-term, coordinated effort from the national government, law enforcement agencies, civil society, international NGOs, private individuals, and others. South Sudan is moving in the right direction, but there is a still long way to go.  **Access to Justice:** The governments of Southern Sudan bring about significant changes in order to provide GBV survivors greater access to justice. These include training police officers to properly and adequately protect survivors of violence, providing training and resources to improve the accessibility and effectiveness of the court system, and reforming the law to stop the practice in the justice system of treating rape and adultery as sub-categories of the same crime.  **Build trust between citizens and the police**, Trust is the cornerstone of successful policing efforts, safe communities, and cooperation between police officers and local community members. Right from 2005 a lot of UN agencies placed more effort on improving Judiciaries and police department. Civil Engagement center and Laws Reform Commission was established and strengthened by NGO, UN to building trust and establishing productive relations between police and those they serve through community engagement events.  **South Sudan civil society organization** such as South Sudan law society, Women lawyers’ association and other humanitarian agencies have engaged on raising awareness about domestic violence. In cooperation with the National Government Ministry Gender and social welfare, NGO launched an information campaign that included public service announcements, radio programmes and posters on domestic violence. The campaign is helping to change attitudes about domestic violence while educating people about how to seek help. The south Sudanese citizens who saw the campaign expressed a more positive attitude toward law enforcement. By further engaging in community events, action-oriented discussions, and public awareness campaigns, police can enhance their capacity to combat SGBV while restoring public trust.  **Recruit more female police officers:** The best way to reduce rates of violence against women, sexual assault, rape, and homicide is to recruit more women police officers. In South Sudan, the number of women police officers who are now serving on the national police force has dramatically increased especially in 2013. Currently the recruit of women police officers in South Sudan become a priority and even in employment opportunity as well as in government post as articulated in the constitution of the republic of South Sudan of 25%. For South Sudan, this is a real breakthrough, given that women were only eligible for 25% of seats in South Sudan’s in all government departments. This suggests that women who are subjected to SGBV and domestic violence in South Sudan are more comfortable calling for assistance when they know that a female officer will respond, a finding that aligns with prior research about women and policing. Further, women officers tend to take reports of violence against women more seriously and are more likely to investigate such crimes. It is clear that a balanced representation of female and male officers can help improve police services regarding SGBV.  **UNMISS in South Sudan Trained law enforcement agency** to better respond to domestic violence. In South Sudan women judges were trained, about half of the calls to the police come from women who have been subjected to domestic violence. When police officers respond to SGBV calls, they are well aware that such cases can be dangerous for both them and the victim. In order to gain trust, the police must understand the survivor’s experience. Given the urgency of the problem, UNMISS trained Police patrol officers in Rajaf South Sudan including both women and men on how to respond to crimes of domestic violence in 2015. These trainings provide critical skills that allow officers to respond to SGBV cases. SGBV crimes are different from other crimes and need special attention. Although, UNDP training on domestic violence is an ongoing initiative that supports the capacity of South Sudanese’s national police, it should be adopted nationwide and enforced for each member of the police force.  **In conclusion:** Women in Southern Sudan have very little power under customary law. Customary law is not codified, so community leaders, who are usually men, control the law.  Women who do seek justice for GBV in legal proceedings face discriminatory processes and procedures that further burden their efforts. The Implementation of UN Security Council Resolution 1325 which seeks to protect women and girls from conflict-related violence by developing consistent indicators to monitor progress. Strengthen Resolution 1820 on sexual violence during conflict adopted by South Sudan to close the loopholes that allow parties to avoid responsibility for authorizing or condoning sexual violence, and extending the resolution’s applicability beyond sexual violence to encompass all gender-based violence in conflict.  **Name and five major stakeholders involved in elimination of Gender based violence**?  The Stakeholders involved in the Gender and Gender Based Violence include the following:  Government Departments Ministry of Gender and social welfare and Police, Judiciaries: Civil society organizations with a focus on gender equality and gender based violence: Development donor agencies: Media: Faith-based organizations.  **The Judiciary of South Sudan:** Right from 2005 a lot of UN agencies placed more effort on improving Judiciaries and police department. Civil Engagement center and Laws Reform Commission was established and strengthened by NGO, UN to building trust and establishing productive relations between police and those they serve through community engagement events. Judges are to follow legal procedure to perpetrators.  **The Police:** Police patrol officers including both women and men were trained on how to respond to crimes of domestic violence in 2015. The primary role of the police is to investigate and arrest the perpetrator to adhere to justice and survivors are to be counsel and taken for medical health center for further support.  **The Civil society organizations** with a focus on gender equality and gender based violence: the civil society most work hard to improve and eradicate gender based violence in South Sudan. South Sudan Law Society trained paralegal in court and provide pro-bono services to the survivors’ and the perpetrator to be brought to justice for free and fair trial before the court of law. The faith based organization held in funding project on awareness and campaign on sexual and gender based violence in South Sudan.  **The Media:** media became a best mean if disseminating information to the communities and educating survivor’s and perpetrator to restrain from such an act.  **In Summary:**  GBV was prevalent in Southern Sudan during Sudan’s civil wars and has continued since the end of the war. Rates of rape, abduction, sexual violence and other forms of GBV rise as political and economic tensions increase in the context and aftermath of the January 2011 referendum. There are many causes of GBV in Southern Sudan and many barriers for survivors seeking justice. The government of Southern Sudan, the government of Sudan, and international actors involved in the region can and must take action to protect women and children from GBV, to enable them to secure justice for the abuses they have suffered, and to hold perpetrators accountable.  **Explain five forms of violence against women prevalent in your country. Give ways of dealing with them?**  **Intimate partner violence:** Intimate Partner Violence is defined as behaviour within an intimate relationship that causes physical, psychological or sexual harm to those in the relationship. Such behaviour includes: acts of physical aggression such as slapping, hitting, kicking and beating; Psychological abuse such as intimidation, constant belittling and humiliating; for example, this form violence is common among South Sudan tribes like Hotuko in eastern equatoria and dinka the husband may beat a wife to death provided that he has paid the cattle as dowery for the official marriage to the family of the woman.  **Rape**  South Sudan had been into civil war for longtime with a lot of violation human rights abuse, where women were raped together with their daughter by both the parties involved in the conflict up to date. The issue of rape in South Sudan has increased due to tribal useless war between the force loyal to president Salva Kiir and the forces loyal to his vice president Riak Machar in December 2013. Taking rape as an example, over 50% plus of rapes reported in South Sudan involve children under age 18 below. Young females experience exceptionally high rates of rape and sexual assault. The issue of rape cases also attached to early forced marriage in the rural area which is highly practiced by the rich men with lot of herd of cattle.  **Sexual abuse** is “any conduct that abuses, humiliates, degrades or otherwise violates the sexual integrity of the complainant”. The term also covers any sexually stimulating behaviour by any adult towards a child victim who is younger than the age of consent; this becomes statutory rape or child sexual abuse Physical abuse can define as any act or threatened act intended to cause feelings of physical pain, injury, or other physical suffering or bodily harm towards an another person. Children and women are the most affected by this kind of violence Emotional, verbal and psychological abuse are any pattern of degrading or humiliating conduct towards an another, including repeated insults, ridicule or name calling; repeated threats to cause emotional pain; on the repeated exhibition of obsessive possessiveness or jealousy, such that it constitutes a serious invasion of privacy, liberty, integrity or security.  **Sexual violence** is broadly defined as any sexual act; attempt to obtain a sexual act, or other act directed against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting. It includes intimate partner violence, sexual assault, forced prostitution, exploitation, human trafficking, bondage, infanticide, and neglect. Coercion is a central element of sexual violence, and it refers ‘a whole spectrum of degrees of force. Apart from physical force, it may involve psychological intimidation, blackmail or other threats for instance, the threat of physical harm, of being dismissed from a job or of not obtaining a job that is sought’ Sexual assault the South Sudan Criminal Law [Sexual Offences and Related Matters].  **The Domestic Violence** provides a broad definition of domestic violence as any physical, sexual, emotional, verbal, psychological and economic abuse. It also includes intimidation; harassment; stalking; damage to property; entry into the complainants’ residence without consent, or any other controlling or abusive behaviour towards the complainant; where such conduct harms, or may cause imminent harm to, the safety, health or wellbeing of the complainant.  **Kidnapping of women for the purposes of marriage**. Kidnapping for marriage is a common practice in South Sudan. Where this occurs, the matter is often resolved according to customary practice where the abductor pays a customary fine, pays dowry and a marriage ceremony is performed. While section **273** criminalizes kidnapping for the purposes of marriage, it also provides that the matter can be resolved according to customs. This means that the section only applies where the matter cannot be resolved by custom. The result of this is that women are open to be abducted and married against their will since it is usually the parents who discuss and resolve the matter. The Transitional Constitution should override this since it prohibits harmful and traditional practices. [South Sudan Criminal Act 2007]. However, South Sudan deal with sexual gender based violence in the following ways although the implementation is still challenging in war torn situation where, South Sudan is not at peace at all little work on gender based violence is experienced as may the discuss below: -  **Legislation and Policies:** South Sudan has enacted policies, international, regional laws and national strategies to ensure gender equality and curb gender based violence. These laws and policies are highly comprehensive and are aimed at fostering women’s full participation in all spheres of life.  **The Constitution** of South Sudan is the central guiding document that articulates the rights to equality for all persons. It recognizes that gender equality can only be achieved through dismantling patriarchal ideologies that perpetuate women’s oppression under the guise of culture and religion. South Sudan’s legislative and policy framework is aligned to international conventions that the country is a signatory too.  **The ratification on Conventions and Treaties** such as Universal Declaration on Human Rights: This instrument is often referred to as the international human Bill of Rights and is one of the first international instruments that laid the basis for the recognition of human rights. Though it does not have specific provisions relating to women, it makes a more gender neutral approach to promoting and protecting human rights. The Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa: This instrument is hailed as one of the most progressive home grown instruments relating to the promotion of the rights of women in Africa. It encompasses the provisions of CEDAW and further expands on various women’s human rights.  **The Domestic Laws of** **South Sudan** stipulated accordance to Criminal Procedure Act 2008‘’Whoever has sexual intercourse or carnal intercourse with another person, against his or her will or without his or her consent, commits the offence of rape, and upon conviction, shall be sentenced to imprisonment for a term not exceeding fourteen years and may also be liable to a fine’’. “A consent given by a man or woman below the age of eighteen years shall not be deemed to be consent within the meaning of subsection [1]’’.“Whoever kidnaps or abducts any woman with intent that she may be compelled or knowing it to be likely that she will be compelled to marry any person against her will or in order that she may be forced or seduced to illicit intercourse or knowing it to be likely that she will be forced or seduced to illicit intercourse, commits an offence and shall be addressed according to the customs and traditions of the aggrieved party, in lieu of that and upon conviction, shall be sentenced to imprisonment for a term not exceeding ten years or with a fine or with both.”  **In Conclusion**, Women in Southern Sudan have few available resources to protect them from GBV. Security forces commit sexual violence with impunity. “Very weak rule of law institutions and insufficient attention by [Government of Southern Sudan] authorities to rule of law issues have given rise to an environment of impunity” for security forces. The Southern Sudanese government has shown an “overall lack of significant anti-trafficking efforts demonstrated by all levels of the country’s governing structures, each of which bear[s] responsibility for addressing the crime.” Juba, where child sex work is prevalent, has few resources for girls who are survivors of GBV. Only one hospital in the city is “equipped to deal with sexual violence.  **Different countries have different institutions dealing with Gender based violence. Give four such intuitions in your country and explain how they perform their work to eliminate violence against women.**  State Response to Gender Based Violence: The states response to gender based violence is assessed in the laws, policies, programs and services that state institutions provide as well as the manner in which they are provided and prioritized. It has been widely acknowledged that the absence of laws and policies, delays and or neglect to enforce and implement the laws and policies, inadequate resourcing of programs and services by the state have a negative effect on victims of gender based violence particularly in obtaining redress/seeking justice. However, South Sudan has the most summarized laws and policies in the world but the problem lies in implementation of these laws and policies, to protect women and to provide comprehensive services to victims. Survivors of violence should be offered comprehensive care upon arrival at service Centre’.  **In South Sudan Criminal accountability** for violations of international law and customary laws of the peoples of South Sudan, rape and sexual violence during conflict are to address progressive in accordance to the laws of the republic of South Sudan with inclusivity of international laws in response to legal provisions relating to gender equality and sexual intercourse The laws of South Sudan provide protection of women and girls. Violence [Section 247 Penal Code, 2008]. However, in December 18, 2018 South Sudan's government urgently has to investigate rape and other sexual violence against women and girls traveling in Sexual gender based violence. The investigations should focus not only on the individual crimes, but South Sudan has yet to sign a memorandum of understanding on the court or pass domestic legislation needed for pate of sexual violence against women in South Sudan.  **The police have also a duty** to safeguard the survivor, remove weapons and arrest perpetrators were needed. While the National Prosecuting Authority has the role of witness preparation, prosecution of the offender and court support referrals to health and social support services. Social support Services should be able to a needs assessment and provide psychosocial support services such as shelter if required, counseling and rehabilitation as well as referrals to the police and health services. Part of their work also include greater community awareness-raising services to prevent sexual violence and educate survivors of violence on the procedures they should take in the event of an assault in order to increase the chances of successful prosecution and reduce the harmful effects of the assault.  **South Sudan has a variety of policies,** **laws and national strategies** adopted to ensure gender equality and curb gender based violence and promote Sexual and reproductive health rights. These laws and policies are highly comprehensive and are aimed at fostering women’s full participation in all spheres of life. The Constitution of South Sudan is the central guiding document that articulates the rights to equality for all persons. It recognizes that gender equality can only be achieved through dismantling patriarchal ideologies that perpetuate women’s oppression under the guise of culture and religion. South Sudan’s legislative and policy framework is aligned to international conventions that the country is a signatory too.  **International and Regional frameworks** aimed at promoting and protecting the rights of women and girls. As a signatory, the South Sudanese government is obliged to domesticate, implement and ensure compliance with these international obligations, and attainment of their targets and principles. Overarching is the Universal Declaration of Human Rights [UDHR] and the International Bill of Rights, which uphold the principle of non- discrimination on the based on sex. Universal Declaration on Human Rights: This instrument is often referred to as the international human Bill of Rights and is one of the first international instruments that laid the basis for the recognition of human rights.  **Similarly,** instrument harmonized with Convention on Elimination of all form of Discrimination Against Women [CEDAW], the Maputo protocol and other related women’s human rights instruments. The CRC has hugely influenced South Sudanese law in the promotion of children rights as will be noted in South Sudan Child Act 2008 section 26[1] protection of child from all form of exploitation. “Every female child has a right to be protected from sexual abuse and exploitation and gender-based violence, including rape, incest, early and forced marriage, female circumcision and female genital mutilation.  **The Penal Code Act 2008** section [247, 223, 273 & 259]. This is a framework to ensure the provision of adequate and effective protection to all persons who become victims of sexual offences and, especially, vulnerable groups, such as women, children and people who are mentally disabled. The Act provides a broad and expansive definition of the term ‘sexual assault’ to encompass a range of acts involving unlawful sexual penetration or attempts at penetration to any extent whatsoever by the genital organs of one person into the anus, mouth or genital organs of another person, or by any object, including any part of the body of an animal, or part of the body of a person, into the anus, mouth or genital organs of another person.  **In summary,** one of the major challenges today in South Sudan for the effective implementation of this Penal Code Act is that the limited understanding of its provisions amongst various role-players and conflict between customary law and the supreme law of country. The customary law is not codified, so community leaders, who are usually men, control the law. Whilst this law is hailed for its progressive definition of rape, there still lies a huge gap between communities who distinguished rape, forced marriage and other related form of Gender Based Violence offence against women as not criminal act in contrast to their customary traditional beliefs. However, prosecuting sexual and gender based violence in South Sudan become Impunity; for these crimes remains at an all-time high in South Sudan as government and armed groups deny committing sexual violence.  **Work cited:**   1. UNSC, Statement by the President of the Security Council [24 March 2015] S/PRST/2015/9, p.2; UNMISS, United Nations Security Council, Report of the Secretary General on Conflict-Related Sexual Violence [23 March 2015] S/2015/203 para. 48. 2. See International Crisis Group, Sudan and South Sudan’s Merging Conflicts, Crisis Group Africa Report No.223 [29 January 2015]. 3. 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