



**WOMEN'S INCLUSION AND EQUITY UNDER THE
*TRANSITIONAL CONSTITUTION OF THE REPUBLIC OF
SOUTH SUDAN, 2011***

Briefing Note

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2. Political accommodation to support peacebuilding at the subnational level
3. Promotion of gender equity in political and governance arrangements
4. Enhanced national capacities for political accommodation analysis and dialogue

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Contents

1. Introduction	4
2. The political accommodation methodology	4
3. An overview of constitutional protections	6
3.1 Cross-cutting issues.....	6
Constitutional process	6
Equality principles.....	7
3.2 Issues by Strand	8
Political structure and decentralization	8
Electoral system.....	9
Executive branch	10
Legislative branch	11
Public participation.....	12
Traditional and customary arrangements	13
4. Conclusion.....	14
Appendix I: Table of provisions of the Transitional Constitution of the Republic of South Sudan 2011 relevant to women’s inclusion and equity.....	15

1. Introduction

Genuine accommodation of women's interests through equitable decision making and representation is an important aspect of modern constitutions. Constitutions drafted in countries as varied as South Africa, Kenya, Uganda, Rwanda, Cambodia, Afghanistan, Burundi, India, and Canada have sought to address these issues.

As South Sudan is currently undertaking a review of the *Transitional Constitution of the Republic of South Sudan 2011 (TCRSS)* in order to adopt a final constitution, this paper seeks to contribute to the debate regarding women's inclusion and equitable representation in governance. It reviews provisions of the *TCRSS* relevant to how women's interests are accommodated, and identifies some of the challenges women face in achieving equitable treatment in governance in South Sudan.¹

A constitution can seem removed from the everyday needs of people. But, a constitution is a foundation for laws and policies in a country. The challenge is to ensure that the constitution includes strong provisions that foster political accommodation and an inclusive nation in which women can participate equally in all levels of government and society. However, constitutional provisions on paper do not always translate into benefits in practice. In reviewing the constitution people need to consider how it will work in reality. That is, not only must the constitutional review process be inclusive of women, and the constitution contain provisions that promote their interests, but these provisions must be translated into laws, policies, and practice that are implemented on the ground and make real changes in women's lives. This means that from the beginning of a constitutional review process, citizens and policy makers need to consider two things:

- How to secure constitutional provisions that address women's issues; and
- How to secure processes and institutions in the constitution that will be inclusive and responsive to women's interests.

This paper examines provisions in the *TCRSS* that are particularly relevant to women's political interests and asks whether they are the best way of achieving equity for women in South Sudan. The paper also provides examples of provisions from other constitutions and how they have addressed women's interests.

2. The political accommodation methodology

This paper uses Conflict Dynamics International's (CDI) political accommodation methodology to systematically review the governance arrangements that are relevant to gender equity. The methodology uses six focal areas (called "Strands") to explore and evaluate options for political

¹ For additional analysis of this issue, see Awak Deng Bior, *Gender Equality in South Sudan: A Review of Customs and Constitution*, The Sudd Institute, January 2013; *Women's Guide to the Bill of Rights under the Transitional Constitution of the Republic of South Sudan 2011*, South Sudan Women Lawyers Association and UN Women (2012).

accommodation. The analysis is informed by **equity of political representation, equity of decision-making influence, and effective participation in political affairs.**²

Equity of representation, decision-making influence and participation in political affairs

Equity means *fairness*, based on the impartial distribution of resources, power, or representation according to need. This is not to be confused with equality, where for example – in the case of resource distribution – every state receives the same sized block grants, regardless of the population size or the development needs of each individual state.

Equity of representation means that different population groups have fair representation to promote their interests and needs. This means giving groups sufficient representation so that their voices can be heard.

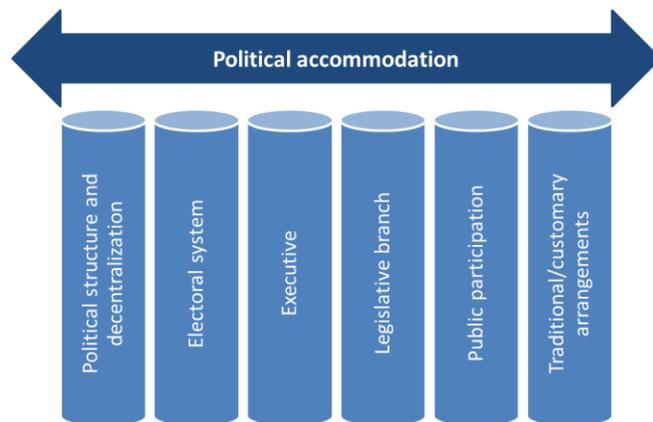
Likewise, equity of decision-making influence does *not* mean that every group has the same decision-making influence over all issues. Rather, it means every group should have fair influence over decisions that particularly affect them and concern their interests and needs.

Equity of participation in political affairs should ensure that everybody has a fair chance to voice their particular needs and be heard by decision makers. Equitable participation would require that women have fair means to participate in the political processes and governance arrangements when issues that have a disproportionate effect on them are decided.

Citizens and policy makers can enhance prospects for political stability by identifying the opportunities governance arrangements offer for improving political accommodation. Constitutional review processes are particularly important moments for analyzing governance frameworks.

The governance Strands considered are:

- ➔ Political structure and decentralization
- ➔ Electoral system
- ➔ Executive branch
- ➔ Legislative branch
- ➔ Public participation
- ➔ Traditional and customary arrangements



This paper considers these Strands, the inclusion of women in the process of constitutional review, and touches on related issues linked to women’s interests more broadly.

Note: The text of *TCRSS* provisions referred to in this paper is included in Appendix I.

² For further information about CDI’s methodology and approach to political accommodation please see “Building the House of Governance: Political Accommodation in South Sudan” (May 2012).

3. An overview of constitutional protections

3.1 Cross-cutting issues

Constitutional process

A constitutional review process can provide important opportunities for women's interests to be heard and accommodated. The review process for the final constitution, as specified in the *TCRSS* in Articles 202 and 203, envisions four stages.

1. A presidentially-appointed National Constitution Review Commission (NCRC) will disseminate public information and gather views.
2. The NCRC will then prepare a draft document with an explanatory report for the president.
3. A National Constitutional Conference will be convened by the president who will ask each interest group listed in the *TCRSS* to nominate attendees. The president will present the draft constitution and explanatory report prepared by the commission to the conference. These delegates must deliberate on the draft constitution and adopt a draft by a simple majority of all the delegates.
4. Once this draft is ready, the president will present it to the National Legislature for "deliberation and adoption."

Observations:

In Article 203 of the *TCRSS*, women's organizations are listed as one of the 12 categories of interest groups that the president must include in the National Constitutional Conference. The women's groups nominate delegates to be appointed by the president. However, there is no explicit requirement that at least 25 percent of the delegates be women. An argument could be made that the National Constitutional Conference is an Independent Institution and Commission established by the national government and therefore should adopt at least the 25 percent quota for women's participation set out in Article 142 of the *TCRSS*.

The process does not require elections for the constitutional conference or a referendum for the constitution to be implemented. This may limit the scope of public participation. However, the extension of the NCRC's mandate to 31 December 2014 provides considerable scope for public consultation.³ Women's groups will need to be organized and active advocates in order to take advantage of opportunities that this extended mandate offers.

³ Article 202(4), Laws of South Sudan, *The Transitional Constitution of South Sudan, 2011 (Amendment) Act, 2013*.

Case studies

RWANDA: The constitutional commission, whose core work occurred from 2002-2003, included 25 percent women. Consultations on the draft constitution were held throughout the provinces, and a women's committee was active in educating and involving women in the public consultation process. Women's organizations, the Ministry of Gender and the Promotion of Women, and the Forum of Rwandan Women Parliamentarians lobbied for women's rights in the constitution.

AFGHANISTAN: Women comprised 20 percent of the Constitutional Drafting and Review Commission. The Constitutional Loya Jirga, which was responsible for approving the final constitution in 2004, was required to be 20 percent women.

Equality principles

Equality principles are important to the ability of women to genuinely participate in decision making and achieve equitable representation. The *TCRSS* sets out clear aspirations of equality for men and women. Articles 14 (equality before the law), 16 (equal pay for equal work, equal participation in public life, right to own property, and right to inherit the estates of deceased husbands), and 21 (right to education) are the central pillars of the equality protections for women. For instance, Article 16 sets out the fundamental principle that "Women shall be accorded full and equal dignity of the person with men" and that "Women shall have the right to participate equally with men in public life."

How these rights are to be realized is not explicitly set out in the *TCRSS*. For instance, the Human Rights Commission created in the constitution does not have powers to rule on rights violations. It is only obliged to monitor enforcement of these rights, make recommendations to the legislature, and educate the public about human rights. In theory, the rights provisions could be realized by amending relevant legislation to align with these principles or by taking a case to the Supreme Court under its constitutional jurisdiction (Article 126).

Observations:

Overall, while the *TCRSS* protects women's rights to own property, inheritance, access to education, receive equal pay for equal work, and participate in public life, in practice there are many hurdles preventing women from taking advantage of these rights. These include certain social norms (for instance, traditional expectations that inheritance will be distributed among male heirs and that women should not own mobile assets, such as cattle, or land)⁴, underdevelopment, and economic limitations.

A lack of access to education for women, (only about 16 percent of girl children attend primary school, and even fewer attend secondary school or obtain higher education) and a low level of empowerment of women in the workforce (there are no anti-discrimination laws that support realization of the rights of women in the workplace) can result in the restriction of opportunities

⁴ For a more detailed review of the traditional norms and their impact on gender equality see Awak Deng Bior. *Gender Equality in South Sudan: A Review of Customs and Constitution*, The Sudd Institute, 29 January, 2013.

for women's equitable participation and decision-making influence in political affairs. It would be useful to consider strengthening the *TCRSS* provisions relating to the implementation and enforcement of provisions supporting gender equality.

Case studies

KENYA: The *Constitution of Kenya 2010* recognizes the State's duty to address the needs of women (Art 21); recognizes gender equality, prohibits discrimination based on sex, pregnancy, or marital status, and calls for the State to enact affirmative action programs and policies (Art 27); recognizes the right to reproductive health care services (Art 43); recognizes the right to freely consent to marriage, to equal rights during and at the dissolution of marriage, and recognizes marriages concluded under any tradition, or system of religious, personal, or family law (Art 45); recognizes the equal responsibility of mothers and fathers to provide for a child, whether married to each other or not (Art 53); prohibits gender discrimination in law, customs, and practices related to land and property (Art 60); provides for the enactment of legislation for the protection of matrimonial property (Art 68); requires that party lists alternate between male and female candidates (Art 90); and grants equal opportunities for appointment, training, and advancement for women and men within the Public Service Commission (Art 232).

CAMBODIA: Cambodia has passed laws on domestic violence and against sexual harassment, and a land law that reforms inheritance mechanisms. The *Constitution of the Kingdom of Cambodia (1993)* recognizes gender equality and recognizes women's rights as enshrined in international treaties and conventions (Art 31); recognizes equality in the rights to vote and to be elected to government (Art 34); guarantees equal pay for equal work, respects work inside the home as equal to that outside of the home, and guarantees equal enjoyment of social security and other benefits (Art 36); prohibits all forms of discrimination against women and recognizes equal rights between men and women with respect to marriage and family (Art 45); and prohibits employment discrimination based on pregnancy and grants maternity with full pay and right to return to employment (Art 46).

3.2 Issues by Strand

Political structure and decentralization

The *TCRSS* adopts a decentralized governance structure and Article 163 provides that local government institutions must allocate to women at least 25 percent of seats and positions in each legislature and executive body. This requirement is reinforced in the *Local Government Act (2009)*, which reflects the general constitutional provisions on the rights of women and the need to promote women's participation in public life, the legislature, and the executive. (See Section 110 of the *Local Government Act (2009)*.)

Observations:

The *Local Government Act* and the constitutional quota have not been effectively applied to

date, with very little female representation in executive and legislative structures of the counties, payams and bomas.

Case studies

INDIA: The *Constitution of India (1949)* and parliament mandate women’s representation of 50 percent in village-level, block-level, and district-level councils, including chairperson seats for those councils. These local-level councils are responsible for local development projects, but in practice powers, authority, and budgetary support have not been fully devolved to them by the central government. Nonetheless, the role played by women in these bodies has strengthened over the years as the communities have adapted to new norms and roles for women.

BURUNDI: As of September 2010, women comprised 17 percent of those elected in colline-level elections (the most local, village level). The percentage of women who head the colline councils is lower, four percent in 2010. It can be hard for local women councilors to be heard within the councils and to effect change. Low levels of literacy, limited time to devote outside of the home, and poverty are barriers to women’s involvement in local councils.

Electoral system

Article 16(4) of the *TCRSS* is a key provision for women’s inclusion and representation. It provides that “all levels of government shall promote women’s participation in public life and their representation in legislative and executive organs by at least 25 percent.” As noted above, this provision is reiterated in Article 163 for local governments.

Observations:

These quotas have been effective in ensuring some female representation in the National Legislative Assembly, where 29 percent of seats are now held by women. However, a question arises whether more still needs to be done to ensure genuine accommodation of the interests of women in policy and legislation. This includes the question of whether a 25 percent quota is sufficient to ensure equitable representation of the interests of essentially half the population, and whether other avenues to support female candidates will also be required to ensure balanced representation.

Case studies

RWANDA: The *Constitution of the Republic of Rwanda (2003)* mandates that 30 percent of all positions in decision-making bodies be reserved for women. In practice, women also run for seats open to competition rather than just those reserved for women, allowing for women to hold a higher percentage of seats than allotted for by the quota. Currently, women comprise 52 percent of parliament.

This substantial level of representation is perceived to have impacted the laws and policy at the national level, especially with respect to health care spending and legislation focusing on poverty and children’s rights. Rwanda’s strategies to ensure that women’s interests are genuinely accommodated include the following policies: the Ministry of Education aims to increase retention of girls in school; provincial government structures promote the

representation of women in local decision-making processes; gender-budgeting exercises train civil servants to translate policy decisions into concrete actions through resource allocation; and a parliamentary subcommittee examines each law's impact on women.

Subnational-, sector- and district-level elections use a "triple balloting" technique in which every voter selects a general candidate, female candidate, and youth candidate. In 2001, the first year this technique was used, 27 percent of district seats were won by women. As of summer 2012, women held 24.3 percent of provincial governor positions and 10 percent of district mayor positions. However, despite their increasing presence in local governance, women have yet to significantly influence policy decisions at the local level and generally do not hold top decision-making positions. This is partly due to the lack of financial and technical resources available to local communities to properly implement gender equity provisions.

Executive branch

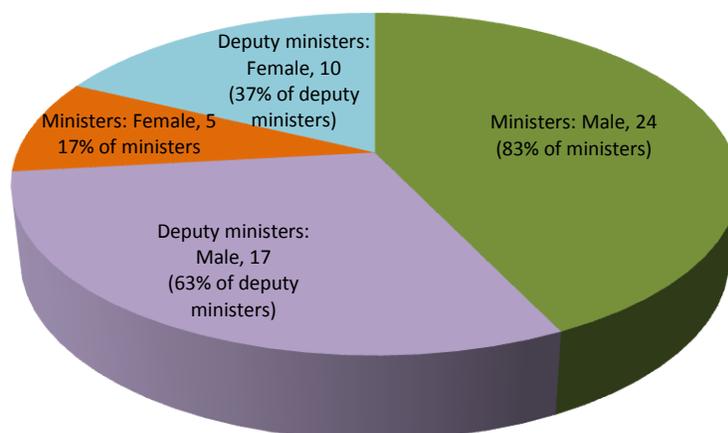
Article 16(4) specifies that 25 percent of positions in executive bodies must be held by women at all levels of government. Moreover, the civil service must provide services to all persons without discrimination (such as on the basis of gender), and must be representative of the people of South Sudan, taking into account the need to redress imbalances of the past through affirmative action.

In addition, the government must ensure that women comprise 25 percent of the membership of Independent Institutions and Commissions. And, according to Article 122(6) women are to be represented in a "substantial fashion" in the judiciary, taking into account "competence, integrity, credibility and impartiality."

Observations:

This 25 percent minimum representation quota has been applied inconsistently and has not resulted in true equity of influence or decision making. In the current administration, only 13 percent of cabinet positions are held by women, and the positions allocated to women in the ministries are all in areas related to women's and children's issues. There are no female ministers in finance, foreign affairs, interior, justice, or defense, which are the ministries with substantial power.

Figure 1 Ministers and deputy ministers by gender
Data source: Government of South Sudan, <http://www.goss.org>



While women comprise 25 percent of the National Elections Commission and the Human Rights Commission, only 17 percent are ambassadors. The quotas have not yet been met in the civil service (less than 20 percent of senior leadership in the civil service is female), and there is currently only one female governor, and very few female judges.

As discussed above, at the level of the 10 states, the quotas have not been consistently applied in the legislative, executive or civil service branches.

Case studies

SOUTH AFRICA: The *Constitution of the Republic of South Africa (1996)* established the Commission on Gender Equality to promote women’s inclusion and representation, make recommendations on legislation, and monitor the country’s progress toward gender equality. There is also an Office on the Status of Women, as well as gender focal points within other ministries. Women have held positions at all levels of government, including deputy president. Currently there are 13 women in South Africa’s 36 member cabinet (36 percent) and women hold a number of important portfolios (including defense, international relations, energy, and mineral resources).

Legislative branch

Article 16(4) of the *TCRSS* provides for at least 25 percent representation of women in legislative bodies. As discussed above, this requirement is reinforced in the *Local Government Act (2009)*.

Observations:

It is not yet clear how much of a genuine impact on policy and legislation the female parliamentarians will have. In many cases, quotas alone have not ensured that women’s interests are genuinely accommodated. Much depends on the effectiveness of the representatives and their access to key positions of influence within the legislature. Hence, it might be useful to consider other provisions to strengthen the representation of women’s interests.

Moreover, the quota has not yet been effectively applied at the subnational level and there is little female representation in legislative structures of the counties, payams, and bomas. It would be useful to consider strengthening the existing *TCRSS* provisions relating to subnational representation of women in the new constitution, such as requiring legislation implementing these provisions that include financial and technical support.

Case studies

UGANDA: Women hold over 30 percent of the seats in Uganda’s parliament and have had significant successes because the women’s movement and women members of parliament work together. Nonetheless, they still struggle to adopt laws important to women. As a result, Ugandan women parliamentarians work with male parliamentarians on legislation important to women. Sometimes men introduce the legislation so that it is not labeled a women’s matter.

BURUNDI: As of 31 October 2012, women held 30.5 percent of seats in the lower house and 46.3 percent of seats in the upper house. The higher numbers of women in parliament has not yet changed legislative discourse on women and gender equality as women are largely excluded from decision-making roles in political parties and women in parliament have not coordinated to lobby for women's rights.

Public participation

The Transitional Constitution does not set out specific requirements for public participation. It does mention that:

Article 169(1): "The National Government shall promote, support and encourage broad based and balanced and participatory economic development based on the principle of subsidiarity and devolution of governmental functions and powers to the appropriate levels where the people can best manage and direct their own affairs."

Article 169(3): "The National Government shall promote and encourage the participation of the people in the formulation of its development policies and programmes."

Article 166(6): "The objects of local government shall be to: (a) promote self-governance and enhance the participation of people and communities in maintaining law and order and promoting democratic, transparent and accountable local government."

Observations:

The lack of explicit provisions setting out steps and requirements for the government and legislature to seek input from the public will make it difficult to enforce these principles in practice. This issue could be addressed in legislation, but it would be useful to consider strengthening the existing *TCRSS* provisions in the new constitution.

It would also be useful to strengthen the provisions that provide for parliamentary sessions to be open to the public (Article 75) and to include committee meetings. This would allow for the public to follow proceedings and participate in public debates in a more informed fashion.

Case studies

SOUTH AFRICA: The *Constitution of the Republic of South Africa (1996)* specifically calls for public participation within the legislative process at all levels. The constitutional court can strike down legislation where it rules that legislative bodies have insufficiently engaged the public in development of a specific piece of legislation. Public hearings and submission of oral/written comments are the most common forms of participation. The National Council of Provinces has also initiated a program that brings representatives from all levels of government to each of the nine provinces.

The South African Constitution states that all meetings of the two houses of parliament must be open to the public and that all committee meetings must be open to the public unless "it is

reasonable and justifiable to [exclude the public] in an open and democratic society” (s 59). This allows women’s NGOs to monitor parliamentary proceedings.

There is also a ministry for women, children, and people with disabilities in South Africa, and a parliamentary portfolio committee for this ministry. Before the ministry was created, a standing parliamentary committee for women existed, but it struggled to achieve its goals because recommendations it made, such as that every parliamentary committee consider the impact proposed laws would have on women’s interests, were ignored. It is not yet clear whether the ministry will improve the situation.

KENYA: The *Constitution of Kenya (2010)* includes strong provisions requiring public participation in government, and the provisions on parliament and county assemblies require public participation in their processes. Women’s organizations are active in this context and have sought to ensure that women’s interests are accommodated through these mechanisms.

Traditional and customary arrangements

Traditional and customary governance mechanisms retain substantial power and play a key informal governance role in South Sudan. They are recognized in the *TCRSS*. For instance, Article 5 of the *TCRSS* recognizes the customs and traditions of the people as a valid source of legislation, and Article 167 recognizes the “status and role of Traditional Authority, according to customary law.”

Article 16(4) recognizes that some customs and traditions have undermined the status of women and requires all levels of government to enact laws to combat customs and traditions that undermine the dignity and status of women. And Article 167 provides that “Traditional Authority shall function in accordance with this Constitution” and that customary law is subject to the constitution.

Observations:

Despite Article 16(4), there have been few practical attempts to change entrenched cultural and traditional norms that obstruct women from participating fully in governance in South Sudan, either through civic education or legislative reform. It would be useful in considering the new constitution to strengthen the *TCRSS* provisions that implement the reform of these cultural and traditional norms, and the provisions that require the constitutional norms to take precedence over customary and traditional law.

In addition, recognition of the status and role of traditional authority without considering how those traditional authorities come to hold their power, and if appropriate, reforming the processes to make them more inclusive, can also undermine women’s participation, representation, and decision-making influence. Women are not typically able to become chiefs or traditional leaders (Paramount Chief Magdalena Ihisa Tito in Eastern Equatoria is an exception as one of very few female traditional leaders) and although communities have different norms for how they select leaders, through election, inheritance, or appointment from particular families, women are typically not included in the discussions of who should be selected. It would be useful to consider including constitutional provisions to address the

accommodation of women's interests in relation to traditional authorities, and women's inclusion and equitable representation in these informal governance mechanisms.

Case studies

SOUTH AFRICA: The *Traditional Leadership and Governance Framework Act, 2003* requires that at least one-third of the members of a traditional council must be women (Section 3); a sufficient number of women must be represented in the provincial houses of traditional leaders and be elected as representatives to the National House of Traditional Leaders (Section 16); and a sufficient number of women must be elected to any local houses of traditional leaders (Section 17).

KENYA: The constitution and other laws take precedence over customary law. Article 2: "(4) Any law, including customary law, which is inconsistent with this Constitution is void to the extent of the inconsistency, and any act or omission in contravention of this Constitution is invalid."

4. Conclusion

The *TCRSS* sets out important provisions to protect women's inclusion and equity in governance and political processes. However, these do not yet take full advantage of opportunities for equitable political representation, equitable decision-making influence, or effective women's participation in political affairs.

The current process for reviewing the *TCRSS* is a fundamental opportunity to enhance women's role in governance and decision making. Women's voices will not be heard unless there is sustained and coordinated civic education, discourse, lobbying, and submissions to the National Constitutional Review Commission, National Constitutional Conference and National Legislative Assembly that advocate for the genuine accommodation of women's interests in the constitution of South Sudan.

Appendix I: Table of provisions of the Transitional Constitution of the Republic of South Sudan 2011 relevant to women’s inclusion and equity

Articles of the Transitional Constitution of the Republic of South Sudan 2011	
Preamble	Recalling our long and heroic struggle for justice, freedom, equality and dignity in South Sudan; [...] Remembering and inspired by the selfless sacrifices of our martyrs, heroes and heroines; [...] Committed to establishing a decentralized democratic multi-party system of governance in which power shall be peacefully transferred and to upholding values of human dignity and equal rights and duties of men and women;
Article 5 Sources of Legislation	The sources of legislation in South Sudan shall be: (a) this Constitution; (b) written law; (c) customs and traditions of the people; (d) the will of the people; and (e) any other relevant source.
Article 10 Sanctity of Rights and Freedoms	Subject to Article 190 herein, no derogation from the rights and freedoms enshrined in this Bill shall be made. The Bill of Rights shall be upheld, protected and applied by the Supreme Court and other competent courts; the Human Rights Commission shall monitor its application in accordance with this Constitution and the law.
Article 14 Equality before the Law	All persons are equal before the law and are entitled to the equal protection of the law without discrimination as to race, ethnic origin, colour, sex, language, religious creed, political opinion, birth, locality or social status.
Article 15 Right to Found a Family	Every person of marriageable age shall have the right to marry a person of the opposite sex and to found a family according to their respective family laws, and no marriage shall be entered into without the free and full consent of the man and woman intending to marry.
Article 16 Rights of Women	
Article 16(1)	Women shall be accorded full and equal dignity of the person with men.
Article 16(2)	Women shall have the right to equal pay for equal work and other

	related benefits with men
Article 16(3)	Women shall have the right to participate equally with men in public life.
Article 16(4)	All levels of government shall: (a) promote women participation in public life and their representation in the legislative and executive organs by at least twenty-five per cent as an affirmative action to redress imbalances created by history, customs, and traditions; (b) enact laws to combat harmful customs and traditions which undermine the dignity and status of women; and (c) provide maternity and child care and medical care for pregnant and lactating women.
Article 16(5)	Women shall have the right to own property and share in the estates of their deceased husbands together with any surviving legal heir.
Article 29 Right to Education	Education is a right for every citizen and all levels of government shall provide access to education without discrimination as to religion, race, ethnicity, health status including HIV/AIDS, gender or disability.
Article 122(6) The Judicial Power	There shall be a substantial representation of women in the Judiciary having regard to competence, integrity, credibility and impartiality.
Article 139 Basic Values and Guidelines for Civil Service	(1)(i) The Civil Service shall be broadly representative of the people of South Sudan, with employment and personnel management practices based on ability, objectivity, fair competition for jobs, and the need to redress any imbalances of the past to achieve broad representation through affirmative action;....
Article 142 (3) Independent Institutions and Commissions	The National Government shall ensure that at least twenty-five percent of the membership of any independent institutions and commissions established shall be women.
Article 145 Human Rights Commission	(1) There shall be established an independent commission to be known as the Human Rights Commission....
Article 146 Functions of the Commission	(1) The functions of the Commission shall be to: (a) monitor the application and enforcement of the rights and freedoms enshrined in this Constitution;

	<p>(b) investigate, on its own initiative, or on a complaint made by any person or group of persons, against any violation of human rights and fundamental freedoms;</p> <p>[(c)... (d)...]</p> <p>(e) recommend to the National Legislative Assembly effective measures to promote human rights and fundamental freedoms;</p> <p>(f) create and sustain within society awareness of the provisions of this Constitution as the fundamental law of the people of South Sudan;</p> <p>(g) educate and encourage the public to defend their human rights and fundamental freedoms against all forms of abuse and violation;</p> <p>(h) formulate, implement and oversee programmes intended to inculcate in the citizens awareness of their civic responsibilities and understanding of their rights and obligations as citizens;</p> <p>(i) monitor compliance of all levels of government with international and regional human rights treaties and conventions ratified by the Republic of South Sudan;</p> <p>(j) express opinion or present advice to government organs on any issue related to human rights and fundamental freedoms; and</p> <p>(k) perform such other function as may be prescribed by law.</p>
Article 163 State Organs	<p>(1) There shall be legislative and executive organs at each state level;</p> <p>(7) In fulfillment of the principle of affirmative action, women shall be allocated at least twenty-five per cent of the seats and positions in each legislative and each executive organ of each state, without prejudice to their right to compete for the remaining seats and positions in such organs.</p>
Article 167 Traditional Authority	<p>(1) The institution, status and role of Traditional Authority, according to customary law, are recognised under this Constitution.</p> <p>(2) Traditional Authority shall function in accordance with this Constitution, the state constitutions and the law.</p> <p>(3) The courts shall apply customary law subject to this Constitution and the law.</p>
Article 203(1) National Constitutional Conference	<p>(1) Upon the presentation of the Draft Constitutional Text and Explanatory Report by the Commission, the President of the Republic shall, after consultation with relevant stakeholders, constitute and convene a National Constitutional Conference comprising delegates representing the following categories:</p> <p>(a) Political Parties;</p> <p>(b) civil society organizations;</p> <p>(c) women organizations;</p> <p>(d) youth organizations;</p> <p>(e) faith-based organizations;</p> <p>(f) people with special needs;</p>

- (g) Traditional Leaders;
 - (h) war widows, veterans and war wounded;
 - (i) business leaders;
 - (j) trade unions;
 - (k) professional associations;
 - (l) the academia; and
 - (m) other categories to be determined.
- (2) Each of the categories in sub-Article (1) above shall nominate its delegates and present them to the President for appointment to the National Constitutional Conference.

The Local Government Act 2009

Section 109. Gender in the Community

- (1) The burden of family care within the community shall be a shared responsibility between both parents.
- (2) Men and women shall work together in the development of their communities.

Section 110. Rights of Women

- (1) Women shall be accorded full and equal dignity of the person with men.
- (2) Women shall have the right to equal pay for equal work and other related benefits with men.
- (3) Women shall have the right to participate equally with men in public life.
- (4) All Local Government Councils shall:–
 - (a) promote women participation in public life and enforce their representation in the Legislative and Executive organs by at least twenty- five per cent as an affirmative action to redress imbalances created by history, customs and traditions;
 - (b) enact legislations to combat harmful customs and traditions which undermine the dignity and status of women; and
 - (c) provide maternity, child and medical care for pregnant and lactating women.
- (5) Women shall have the right to own property and share in the estate of their deceased husbands together with any surviving legal heirs of the deceased.