



Convention on the Elimination of All Forms of Discrimination against Women

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Summary record of the 1838th meeting

Held at the Palais des Nations, Geneva, on Thursday, 4 November 2021, at 3 p.m.

Chair: Ms. Acosta Vargas

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Initial report of South Sudan (continued) ([CEDAW/C/SSD/1](#), [CEDAW/C/SSD/Q/1](#) and [CEDAW/C/SSD/RQ/1](#))

1. *At the invitation of the Chair, the delegation of South Sudan took places at the Committee table.*

Article 10 (continued)

2. **Ms. Majok** (South Sudan) said that the Government of the United Kingdom funded programmes providing financial support to girls who attended school and to teachers and that, as a result, there had been an increase in student attendance and a decrease in teacher turnover. The International Day of the Girl Child was celebrated throughout the country, inter alia with events that encouraged girls to consider careers in science, technology, engineering and mathematics (STEM), but there was still a need to increase awareness of such career opportunities. Eight STEM centres had already been established with support from non-governmental organizations (NGOs), and there were plans to set up more. Prior to independence, girls had been officially excluded from certain careers, but there was now no institutionalized discrimination of that type. Women were now represented in various fields, including for instance petroleum engineering.

Article 11

3. **Ms. Reddock** said that the Committee was concerned about reports that many noteworthy provisions protecting the rights of women in the Labour Act and the Transitional Constitution had not been implemented. It would appreciate information on the implementation of the provisions ensuring equal pay for work of equal value and maternity and paternity benefits, and on the extent of compliance in the public and private sectors. Noting that the majority of women in the State party were employed either in the informal sector or in unpaid agriculture, she said that she would like to know what measures had been taken to improve access to formal employment and to challenge discriminatory attitudes that prevented women heads of households from taking up career development and professional training opportunities. It would be useful to know if the Government had plans to extend social protection to women working in the informal sector and the Committee would like to find out the number of women enrolled at government and private vocational training centres and the types of programmes that they followed. The Committee would appreciate information on the measures taken to sensitize workers and employers to the problem of sexual harassment at the workplace and to encourage victims to file complaints against perpetrators.

4. **Ms. Eluzai** (South Sudan) said that the principle of equal pay for equal work was applied in practice. Awareness-raising activities were being conducted to make the provisions of the Labour Act relating to maternity and paternity benefits better known. While public sector employees were generally aware of entitlements to maternity benefits, the provisions relating to paternity were rarely invoked. A gender equality in public administration study had provided information on the employment situation in the public sector in terms of recruitment, promotion and retention of public servants; the study highlighted the fact that gender-related legal provisions such as entitlement to maternity leave were often not respected in practice in the private sector.

5. The Ministry of Labour, Public Service and Human Resources was working on extending social insurance schemes to cover more of the population. Under the agreement on the resolution of the conflict in South Sudan, the Ministry of Gender, Child and Social Welfare was mandated to develop a social security policy. Data on the number of women in the country's vocational training centres and on other aspects of their work would be sent to the Committee in writing. A gender analysis in the public administration had found that gender-based discrimination, sexual exploitation and harassment persisted in the public

service and recommended the establishment of a sexual harassment policy for the public sector.

6. **Ms. Reddock** said that she had referred not to equal pay for equal work, but to equal pay for work of equal value. Jobs that were primarily done by women were often attributed less value and thus given less remuneration. The work of a teacher could be more valuable than the work of a banker.

7. **Ms. Gbedemah** said that the Committee would be interested to learn not only the number of women engaged in vocational studies, but also the subjects that they studied and the proportion of women in specific fields. Employers in the private sector often came to support the provision of maternity benefits if they were covered by social security schemes because they were thus relieved of the burden of covering certain benefits. They were consequently more likely to employ women.

Article 12

8. **Ms. Chalal** said that the State party's health system faced many challenges, including outdated facilities, a shortage of professional staff, a lack of essential medicines for women and girls and disparities between the regions in terms of accessibility of health facilities and care. It would be of interest to the Committee to find out whether the Government planned to increase the budget for health to address those problems. She would like to know what steps had been taken to further reduce maternal mortality, which remained disconcerting despite the progress made, and whether any studies had been undertaken to identify the underlying reasons for the high ratio. The Committee would like to know what steps the State party intended to take to care for women who suffered from fistulas, to facilitate access to family planning services and to combat the marginalization of women and girls. Noting the high number of teenage pregnancies, early marriage and sexual violence and the relatively low use of contraceptives, she said that she would welcome information on plans to carry out awareness campaigns on sexual and reproductive health and to overcome prejudices that prevented women from using contraceptives.

9. HIV/AIDS infection rates were higher for women than for men across all age groups, and among sex workers the rate was reportedly 30 per cent. The Committee would like to know whether the HIV/AIDS programme for 2018–2022 was sufficiently funded, whether the programme helped provide access to antiretroviral treatment for women living with HIV/AIDS and whether it had contributed to a reduction in mother-to-child transmission, especially in rural areas and among women sex workers. The report contained no information on policies regarding abortion. The Committee would like to receive information on the State party's approach to pregnancies resulting from collective rape in conflict areas, and specifically to find out whether abortion was authorized in such cases. The delegation was invited to specify whether the State party intended to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), which authorized abortion in certain conditions.

10. The Committee had received reports that women and girls with psychosocial disabilities were placed in chains in crowded homes and institutions, and even in prisons, because it was considered that mental disorders resulted from possession by evil spirits or the devil. She asked what measures the State party would take to end such mistreatment. Access to health services for women and girls, especially in rural areas, had been seriously restricted during the coronavirus disease (COVID-19) pandemic. She would like to know whether the Government, in formulating its response to the pandemic, had taken into account the concerns of women and girls, how women and girls living in displaced persons' camps had been protected and how many women had been vaccinated against the disease, especially in relatively inaccessible regions of the country.

11. **Ms. Eluzai** (South Sudan) said that the availability of health services differed considerably from one part of the country to another. Information on trends in public budgets for health services would be provided in writing.

12. The maternal mortality ratio, at 789 per 100,000 live births, was still high, but it had dropped considerably since two years earlier, when it had been the world's highest. In a bid

to ensure that the ratio continued to drop, midwives were being trained, and pregnant women in all parts of the country were encouraged to seek antenatal care.

13. In view of the customs of the country – a man who discovered that his wife had begun using contraceptives without his knowledge might well feel entitled to a divorce – campaigns to raise awareness of the importance of family planning had been launched. The Government had recently concluded a study that had involved estimates of the costs of public efforts to increase access to contraceptives and put an end to child marriage and other harmful traditional practices.

14. Although funding constraints had adversely affected the work of the South Sudan AIDS Commission, steps were being taken to combat mother-to-child transmission of HIV/AIDS, antiretroviral drugs were provided free of charge and widespread testing was encouraged. Outreach efforts had targeted female sex workers in areas of Juba where prostitution was widespread.

15. The country's ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa would be complete once the President had signed the instrument of ratification and it had been deposited with the African Union. The authorities had identified the areas of Juba whose inhabitants were likely to be particularly vulnerable to the disruptions caused by the pandemic – camps for displaced persons and detention facilities, for example – and had provided them with soap and other necessary supplies, including sanitary pads.

16. **Ms. Kenyi** (South Sudan) said that the Government had developed a comprehensive strategy – an ongoing one, in view of the apparent persistence of the pandemic – to combat COVID-19. Ensuring that the strategy could be fully carried out would require donors to honour their pledges of \$60 million. Media campaigns had been launched to raise awareness of the possible dangers of COVID-19. Data on COVID-19 vaccination rates were unavailable, but vaccination was offered free of charge, and in Juba alone there were a number of vaccination centres.

17. The Ministry of Health had arranged free operations for women who were suffering from obstetric fistulas. Information on the number of women who had benefited from those arrangements in the past four to five years could be provided in writing. The Ministry was also working closely with the United Nations Population Fund to ensure that contraceptives were made available at no charge. Counselling on the use of birth control methods was provided at the country's hospitals.

18. **Ms. Majok** (South Sudan) said that the establishment of the health-care support fund provided for the Revitalized Agreement on the Resolution of the Conflict in South Sudan would enhance the provision of health-care services in the country.

19. **Ms. Chalal** said that she wished to know, as she had noted earlier, whether women who were pregnant as a result of rape had access to abortion.

20. **Ms. Eluzai** (South Sudan) said that abortion was against the law.

21. **Ms. Gbedemah** said that she wondered what contribution unsafe abortions made to the State party's high rates of maternal mortality.

22. **Ms. Warille** (South Sudan) said that her delegation would attempt to provide the figures in writing.

Article 13

23. **Ms. Bethel** said that she wished to know whether the social protection policy framework of 2015 had a gender component and what impact the framework had had on the socioeconomic situation of women. She also wished to know what assessment the State party had made of the steps taken by the social protection technical working group to build consensus on programmes and policy, what mechanisms were in place to monitor and assess the effect of social protection programmes on women's social and economic empowerment and what obstacles there were to the implementation of such programmes.

24. It would be interesting to learn what social security benefits were available to women working in the informal economy, internally displaced women in particular, and women who were unable to work as a result of the pandemic or other crises. Information on how skills development programmes helped women improve their lot or deal with the challenges of food insecurity would also be welcome.

25. In connection with access to financing, she asked what measures were being taken to increase the number of women beneficiaries of loans granted by the Women's Bank, the Women's Empowerment Trust Fund and other financial programmes. She would welcome more information on the women's enterprise development fund provided for in the Revitalized Peace Agreement and on the efforts that the State party had made to ensure that insecurity and poor road conditions did not prevent women from taking their goods to market.

26. As women and girls had the right to participate in recreational activities, she had been pleased to see a news report on the increasing popularity of women's football in South Sudan. The Committee would like to hear how the authorities had responded to that increasing popularity and what steps had been taken to make football a vehicle for the empowerment of girls and women.

27. **Ms. Eluzai** (South Sudan) said that a number of programmes, including skills development programmes and programmes as part of which payments were made to families with children, persons with disabilities and persons providing foster care, had been carried out within the national social protection policy framework. A three-year skills development programme, implemented with the support of the World Bank, had recently come to end. Women, older women in particular, were among the intended beneficiaries of a newly developed social protection programme that, again with the support of the World Bank, was being piloted in Juba, Bor, Torit and Tonj.

28. The social protection technical working group, which she chaired, had met with the country's partners, including non-governmental organizations, to draw up a map that would make it possible to know at a glance who was working where. Work was also being done to facilitate the collection and management of information on the beneficiaries of social programmes.

29. Village savings and loan associations, which were popular with rural women, had been set up in many parts of the country. Ways of ensuring the safekeeping of association members' savings were currently being explored.

30. A study visit to Kenya and analyses of experiences in India and Bangladesh had informed ongoing efforts to develop a women's enterprise fund in South Sudan. Discussions with stakeholders were under way, and it was expected that a bill that would make the fund a reality would be made law in 2022. The infrastructure improvements that would help women improve their economic situation were one focus of those and other discussions.

31. **Ms. Bethel** said that she wished to know what was being done to tackle the problem of food insecurity, which had been exacerbated by the COVID-19 pandemic. In that regard, it would be interesting to learn more about the food assistance programmes in place to help households rebuild their livelihoods and acquire assets, including how it functioned and how its implementation and outcomes were monitored and assessed.

32. **Ms. Eluzai** (South Sudan) said that food security was linked to the high levels of poverty in South Sudan and had been made worse by the COVID-19 pandemic. The Government faced the challenge of building its capacity to lead the campaign against such problems. The Ministry of Gender, Child and Social Welfare had therefore set up a project implementation unit and staff were being trained to ensure that the Ministry had sufficient capacity to run safety net and skills development programmes.

33. Social protection programmes provided a degree of protection against food insecurity, which generally affected women more than men. Those programmes provided for conditional cash transfers for women without disabilities and unconditional cash transfers for pregnant women, lactating mothers and older women. "Food for work" and "food for assets" programmes had also been established in different parts of the country. The latter allowed displaced persons, returnees and other persons who had few resources to build their resilience and accumulate assets within their communities.

34. **Ms. Peláez Narváez** said that she wished to know when the Government would be adopting the bill on the ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol to that Convention. She would be grateful if the delegation could provide the Committee with information in writing on the number of women with disabilities who were currently being subjected to physical restraints or isolation in institutions or places of detention. She asked whether any measures would be taken to prevent the arbitrary detention of such women and girls in care homes, institutions, prisons and faith-healing centres. The Government might explain how it ensured the right to due process and the right to fair trial for women who were being detained simply because they had a disability. It might also describe any measures being taken to ensure that care for women and girls with disabilities was provided directly within the family and the communities in which they lived.

35. **Ms. Kenyi** (South Sudan) said that the National Disability and Inclusion Policy addressed a broad range of disability issues, including the rights of children with disabilities. Although South Sudan had not yet ratified the Convention on the Rights of Persons with Disabilities, aspects of that Convention had been incorporated into the Policy, which was currently being implemented. Campaigns to raise public awareness of the rights of persons with disabilities were being conducted at the national, regional and local levels. Women and girls with disabilities were able to attend schools and universities. Persons with disabilities in different parts of the country had formed networks that worked with the Ministry of Gender, Child and Social Welfare to ensure access to justice for persons with disabilities. Whenever the Ministry was informed that a person with a disability had been placed in detention, it took steps to assist that person.

36. **Ms. Eluzai** (South Sudan) said that the Government had conducted some preparatory work prior to the ratification of the Convention on the Rights of Persons with Disabilities. The bill on the ratification of that Convention had already been adopted by the parliament and it was hoped that the ratification process would be finalized in 2023. The Government had developed a national disability action plan to operationalize the National Disability and Inclusion Policy. Women with disabilities were included in all the workshops and training sessions held by the Ministry of Gender, Child and Social Welfare. The Ministry had encouraged women with disabilities to form networks, which had come together to form the South Sudan Union of Persons with Disabilities.

Article 14

37. **Ms. Toé-Bouda** said that she wished to know what measures were being taken to ensure food self-sufficiency, to put an end to insecurity and to support women who were traumatized by acts of violence. She wondered what was being done to improve water and energy provision, school infrastructure in rural areas and health-care services, including in the area of mental health. It would be interesting to know whether a larger budget would be allocated to the Ministry of Gender, Child and Social Welfare, whether the Ministry would be allocated a greater proportion of oil revenues and whether gender-sensitive budgeting would be introduced. The Committee would be grateful to know what percentage of women owned land in South Sudan and what was being done to promote the economic independence of young women. The Government might describe any measures being taken to prevent the COVID-19 pandemic from exacerbating gender inequality and to raise awareness of the Convention and the Optional Protocol among women and girls in rural areas.

38. **Ms. Eluzai** (South Sudan) said that the rate of poverty was very high among rural women, who made up a significant proportion of the population and undertook 80 per cent of the work in rural areas. In order to support them, the Ministry of Agriculture had established the Agricultural Master Plan. The Government provided seeds to rural women to help them to grow food. With regard to basic services in rural areas, the Ministry of Health had developed the Boma Health Initiative, which ensured the provision of basic health-care services, including reproductive health services, at the local level.

39. The Ministry of Gender, Child and Social Welfare supported the celebration of days to honour rural women. The following day, in fact, South Sudan would be celebrating the International Day of Rural Women, as it did every year, with a view to raising awareness of rural women's contribution to society. Measures had been taken to inform women about COVID-19 and the measures taken to control the pandemic. The Government had produced

materials in accessible formats to raise awareness of the disease among women with visual and hearing impairments.

40. No figures were available on the proportion of rural women who owned land. Generally speaking, women in rural areas had access to land but did not own it. Progressive laws on land ownership had been enacted, including the Land Act of 2009 and the relevant provisions of the Transitional Constitution, but those laws were not always adequately implemented.

41. **Ms. Kenyi** (South Sudan) said that government officials had recently been travelling around the country to raise awareness of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan of 2018. In undertaking that task, the officials concerned had also made efforts to inform communities about the Convention. That approach was fruitful as the two instruments complemented each other and addressed some of the same issues, such as gender quotas. Women in South Sudan were well organized in that they had an umbrella association with a presence at the national, state and local levels. Through the association, women came together to discuss their concerns, which could be referred to the national authorities if they could not be resolved locally.

42. **Ms. Majok** (South Sudan) said that, in order to promote women's participation in decision-making processes, the Petroleum Revenue Management Act of 2013 had provided for the establishment of a number of committees, including the Community Development Committee and the Community Development Coordination Forum. Those committees, which were required to have women members, were responsible for managing the proportion of petroleum revenues allocated to communities. As women sat on those committees, they were able to advocate for the allocation of funds to programmes that had a positive impact on women's lives.

43. The Community Development Fund was managed by the oil companies as part of their social corporate responsibilities. A budget from the Fund was allocated on a yearly basis to support activities in the areas of agriculture, education and health care. Although laws were in place to ensure women's participation in decision-making, those laws were not always fully implemented. In order to address that problem, the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan contained recommendations relating to a number of laws that should be reviewed. One such law was the Petroleum Revenue Management Act, which should be amended to make the management of the Community Development Fund by oil companies more transparent.

Articles 15 and 16

44. **Ms. Stott Despoja** said that the State party was to be commended on the progress made to uphold women's legal rights, although they continued to face discrimination in the legal system. Despite the moratorium on the death penalty having been in place since 2013, there were reports that at least 39 people, including women and children, had been executed. She would therefore welcome information on the number of women sentenced to death or executed since ratification of the Convention. She wished to know whether the Government would consider publishing transparent information on the number of women sentenced to death and on death row, disaggregated by age, age of dependent children, if any, nationality, ethnic group, crimes of conviction, date of conviction and date of execution, if applicable. She would also like to know whether the State party would consider taking steps to provide fair trial and due process safeguards in capital cases involving women defendants, including by providing them with access to effective legal representation and prohibiting the admissibility of evidence obtained through torture or ill-treatment. She wished to know whether the State party planned to abolish the death penalty and replace it with a penalty that was fair, proportionate and consistent with international human rights standards and whether it would adopt provisions to ensure that customary courts did not sentence persons to death under any circumstances.

45. In the light of reports that some women were detained alongside male inmates in prisons, she wished to know what safeguards were in place to ensure women's safety in such situations, and whether the State party would ensure that all prison authorities adopted gender-sensitive policies in relation to women's detention, based on 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).

46. **Ms. Narain** said that she wished to know what was being done to eliminate customary practices that had an adverse impact on women's enjoyment of their rights to equality in marriage and family relations and how the State party would ensure that the Customary Law Centre could proceed with the codification process and that chiefs were trained on the possible negative effects of customary law on women's rights. She would like to know whether aggrieved women litigants could appeal the decisions of customary courts to the Supreme Court and whether legal aid was available for that purpose. She would be interested to hear whether the State party planned to conduct a national consultation process, involving women and girls, with a view to enacting, without delay, an inclusive and comprehensive national family law that took account of the country's plural legal system and addressed such harmful practices as bride prices.

47. She would like to know whether the State party would consider conducting national awareness-raising campaigns, especially among Muslim communities in rural and remote areas, on the changes that were required to increase the rights and protection of women. She also wished to know how the State party would ensure that all women, including Muslim women, had equal rights in all aspects of marriage and family relations, including the right to enter into marriage based on their own decisions and without having to seek approval from male guardians and the right to terminate the marriage and apply for divorce. The delegation might comment on what measures the State party would undertake to enforce the statutory prohibition of child marriage throughout the country and give details on the Strategic National Action Plan to End Child Marriage.

48. She would welcome information on how the State party would ensure access to effective judicial remedies for women who had been dispossessed of housing, land and property in divorce, or had been involved in inheritance and widowhood disputes, in order to ensure compliance with constitutional and statutory provisions. Would the State party consider conducting gender-sensitive capacity-building for officials, traditional authorities, judges and community leaders on those issues?

49. **Ms. Kenyi** (South Sudan) said that the Strategic National Action Plan to End Child Marriage had been developed in response to a call for action by the African Committee of Experts on the Rights and Welfare of the Child in view of the high prevalence across sub-Saharan Africa. The Action Plan had been launched in 2017 and widely disseminated. Tireless efforts were being made in that area, in partnership with development partners, and it was hoped that child marriage would be eradicated by 2030. A range of awareness-raising activities and media campaigns were being carried out. For example, in a video made to mark the International Day of the Girl Child, schoolgirls had spoken of the importance of girls' remaining in education rather than being married off early.

50. With regard to the questions concerning Muslim women, there was no discrimination against any particular group of women on the basis of their religion, ethnic group or status. Legislative provisions provided that all women had the right to live their lives fully and to have equal access to services. The Government recognized that everyone had the right to safely exercise their religion. The practice of female genital mutilation was not widespread in South Sudan and was not part of Christian or traditional beliefs. However, it might still occasionally be practised in certain communities.

51. **Ms. Eluzai** (South Sudan) said that detailed information in response to the questions on the death penalty would be provided in writing by the Ministry of Justice. The customary courts did not have the authority to impose death sentences. The Government acknowledged that the existence of the dual legal system often compromised women's access to justice and had thus put a number of initiatives in place to remedy that situation. The absence of a family law had created challenges when it came to advocating for women's rights. The Ministry of Gender, Child and Social Welfare had therefore been mandated to draft a comprehensive family law. Given that South Sudan was a multi-ethnic country – with 64 communities with different customary practices – the organization of broad regional consultations had been particularly important. A consultant had been hired to support the Ministry in the

development of the law. The Ministry was also working hard to ensure that the bill on gender-based violence was passed into law.

52. A comprehensive gender assessment of the land sector conducted in 2019 had highlighted barriers to women's access, most of which were related to customs and traditions. The Ministry had been working closely with the Ministry of Land, Housing and Urban Development, and a national steering committee had been set up to develop a gender action plan for the land sector, which included capacity-building programmes for land authorities and officials working in the sector and a review of land policies and legislation to ensure that they promoted women's land access, ownership and control.

53. **Ms. Majok** (South Sudan) said that divorce was not only difficult for Muslim women. South Sudan was a secular State, and there was absolute respect for religious practices. Regardless of their religion, women experienced difficulties because of the nature of marriage itself. In the traditional context, marriage was considered a family decision rather than an individual decision between a man and a woman.

54. The customary courts did not sentence murderers to death. Instead, there was a traditional practice whereby heads of cattle, and in some extreme cases a girl child, were used as compensation in the case of murder.

55. **Ms. Warille** (South Sudan) said that the delegation was grateful to the Committee for the productive and instructive discussion. The precondition for all of the Government's plans was peace in the country. Every effort was being made to implement the Convention and ensure that women and girls enjoyed their rights and had a safe living environment.

56. **The Chair** said that the historic dialogue had allowed the Committee to gain a deeper insight into the situation of women and girls in South Sudan.

The meeting rose at 4.55 p.m.