

Training of Trainers (T.O.T)

Workshop Report

March 19th to 23rd, 2012
Sahara Hotel Resort



The UN Women in collaboration with the South Sudan Women's Empowerment Network organized a five day Training of Trainers (TOT) Workshop, under the theme:

Upholding women's girl-child rights in the transitional constitution of the Republic of South Sudan from March 19th to 23rd 2012.

The Workshop Training Calendar

March 19th to 23rd, 2012

Before noon	<u>Day1</u> <u>Module 1</u> Gender and Human Rights	<u>Day 2</u> <u>Module 3</u> The Right to Found a Family	<u>Day 3</u> <u>Module 5</u> The Right to Education	<u>Day 4</u> <u>Module 7</u> Gender BasedViolence asHumanRights violation	<u>Day 5</u> <u>Module 9</u> Knowledge Assessment
After noon	<u>Module 2</u> Constitutional Development	<u>Module 4</u> The Rights of Women	<u>Module 6</u> The Right to health	<u>Module 8</u> Right to Food	End of Training Evaluation

Background

The two decades of marginalization and civil war in Sudan negatively affected the southern part of the country and made South Sudan one of the most underdeveloped countries in the world. The adult illiteracy rate stands at 63 percent-84 percent among females and 76 percent among males. Maternal mortality rate is at 2,054 per 100,000, one of the highest in the world. Infant mortality is extremely high, at 102 per 1,000 live births. Women suffered on several levels during the civil war with their multiple roles of caring for the family, children, and the wounded. The decades of the war left the majority of women illiterate, vulnerable and poverty stricken and at an even higher risk of experiencing gender based violence;

On August 2011, a month after the independence of South Sudan on July 9th, 2011, the UN Women supported a Women's Conference organized by a consortium of women organizations, led by the South Sudan Women's Empowerment Network (SSWEN) in cooperation with other Women Civil Society organizations namely; the South Sudan Women Lawyers' Association (SSWLA), South Sudan Women's General Association (SSGWA,) and New Sudan Women Acting together for Change, (NS Watch), to discuss Women's Rights in the Transitional Constitution of the Republic of South Sudan TC-RSS2011. As a result, a training manual on the transitional Constitution which formed the basis of the discussions was developed. This training manual which has been developed by the UN Women in collaboration with the consortium of women organizations with support from the Ministry of Gender, Child and Social Welfare (MOGC&SW), is intended to provide materials for training the women of South Sudan about their rights to enable them to effectively participate in the process of developing the Bill of Rights of the Permanent Constitution in the near future.

The Training Manual

The manual is divided into nine main modules, each divided into one to four sessions. The nine training modules provide a comprehensive overview of gender and human rights concepts and women's human rights as stipulated in the Transitional Constitution of the Republic of South Sudan. In addition to the International and Regional Human Rights instruments information, the manual also makes suggestions for the forthcoming constitution of South Sudan.

In light of the above, SSWEN invited three human rights activists from each of the ten States of South Sudan, consisting of a Minister of Social development, civil society member and a member from the State Parliament, a total of 30 participants were invited from the ten states to be trained on Women Human Rights.

Proceedings

The session began with an introduction of the delegates, facilitators of the workshop and the organizing committee. The participants then identified their expectations of the workshop as follows:

- Acquire knowledge on how best they can introduce the law that protects women in the constitution.
- Know more about human rights and a remedy to harmful cultures against women
- Enable grass roots women to participate in the development of the bill of rights in the upcoming constitutional review.
- Learn how to create unity among themselves and empower women through increased knowledge and skills.
- Enlighten women at the grass roots on the importance of education, and faithfulness in their work,
- Supporting rural women to be aware of social-economic development, promote adult education and create equality of both sexes

Opening Remarks

Day 1 March 19th

The session began by singing of the National Anthem followed by invited guest opening remarks; the first speaker was Ms. Lillian Riziq, SSWEN's Director.

Ms. Riziq started her remarks by welcoming all the delegates and invited guests as well as the Chairperson of the Constitutional Review Commission. She made it clear that, women should play an effective role during the review process in order to safeguard their rights and that of the girl-child. She narrated her fears that the 25% is now sinking and not been fulfilled. She said women should organize their efforts and be prepared ahead of the constitution review commission to enable them to achieve their objectives and be well prepared for the constitutional conference scheduled for 2013.

Lilian's remarks was followed by the **UN Women Representative Ms. Sandra Kiapi**

Sandra's remarks focused on the global theme Women's International Day of empowering women to end hunger and poverty. She called on women to expand their knowledge from the conference to their fellow women in their communities and insist on ending hunger and poverty and ignorance on women rights.

Madam Regina Ossalullo Director General of the Ministry of Gender, Child and Social Welfare

Referring to the day's theme "*Upholding Women's and Girl-child Rights in the Transition Constitution*", Regina asserted that the theme will stand its time and the ministry will work to ensure that it is achieved. She recognized some institutions such as the law society which had formed a consortium to ensure women are aware of their rights while the permanent constitution is being reviewed.

She noted that the main mandate of the ministry is to form policies that protect women and children. "A child act is already out and protects girl children from early marriages."

She added that the ministry can better achieve its mandate when it coordinates its activities with the civil society and state ministries. Working directly with people from all walks of life can serve to support the empowerment of women at economic, social and political levels.

She highlighted mainstreaming gender as step used to achieve the objective of empowering women and called for equal participation of women in across all levels and sectors. She advised that the budget must take into account issues that affect women such as health, access to clean water and security. The ministry is advocating the girl-child education, says it's important to retain girls in school for women empowerment to be a success. Regina raised the issue of the tribal wars in the South which affected women terribly, advising that women must unite (mostly among the warring tribes) to protect themselves from these conflicts.

She mentioned that Gender Based Violence is still common in the country and continues to be experienced by a large percentage of women in the south, with reports of young girls who have committed suicide and murdered after they were forced into marriage.

She thanked the UN women for their perpetual supports to women workshops which in turn enable them know their rights. She thanked the participants for attending the conference and noted that the five days will equip them strongly to enlighten other women on their rights in the constitution.

Remarks from Chairperson of the National Constitutional Review Constitution – Professor Akolda Tier

Professor Akolda said ; human rights operate basically within the national context of South Sudan, this context appears in part one of the Transitional Constitution (TC), especially articles 1 to 8 which deal with the nature of the state of the country. Among these articles, the most important is article 1 (4) which state that: *South Sudan is a multi ethnic, cultural, lingual, religious and racial country*. Although the Anglo-Egyptians brought these multi communities together as a nation, it is still debatable if today's South Sudan has shaken off the bond of tribalism and replaced it with nationality. He asked, have they become South Sudanese first and then become Bari, Nuer, Dinkaetc?

He added that national context is in the bill of rights in part two of the TC, articles 9 to 34. He said this bill of rights proclaims what people want to be, the values which touch the heart and inspire their imagination. He gave some of the examples of the rights for all people, and rights for special categories of persons, such as women, children and people with special needs. He mentioned that the bill of rights does not operate in isolation, adding that there is always a good and bad soil for nurturing these rights.

He mentioned some of the factors that hinder the enjoyment of the rights such as *discrimination*. He said the enjoyment of human rights is impaired when a law or administrative decision is given and denies a person benefit or right. He said the TC (Transnational Constitution) prohibits in article 14, discrimination on grounds of race, religion, color, sex etc.

Discrimination is practiced in many countries in the world and international instruments that prohibit discrimination have been designed, such as the Convention on Elimination of all forms of Discrimination against Women (CEDAW) in 1965, and UN declaration on intolerance based on religion or belief 1981. Mr. Tier explained that the state obligation to implement human rights differs. Civil and political rights need the willingness of the state to provide them. He explained that these rights do not need funds, only economic, social and cultural rights need funds; such as the right to education, primary health care, housing etc.

He added that implementation of these laws depends on the willingness from the government and availability of funds. He concluded that without resources, these rights can be impaired. He explained that poverty restricts the right of the poor to enjoy certain rights such as the right to education or health, or access to court proceedings, if these services are to be paid for, by the individual. To minimize the hardship on the poor, certain mechanisms are usually adopted, such as suing as a pauper and legal representation in cases of serious crimes and legal aid scheme for both civil and criminal cases.

He explained article 189 gives the president powers to proclaim a state of emergency in case of an imminent danger like war, invasion, natural disasters or epidemics. The declaration may extend to the whole country or limited to a few parts of the country.

He concluded by saying that sometimes, it is misleading to know a country's compliance with human rights by reading the bill of rights or by listing the bill of rights alongside the corresponding provisions of the international bill of rights.

He wished the participants a good deliberation and he assured his commission readiness to work with the women groups in the upcoming constitutional review process.

Day 2 March 20th

Presentation on stereotypes, discrimination and gender by Margret Joshua UNMISS – Gender Unit

The presenter asked the participants to list qualities of a typical man, they said:

Superior, decision-maker, head of a family, loving and understanding, brave and gentle, caring, courageous, dictators, selfish, arrogant, rude, un-faithful, proud, superior, greedy, jealous.

She then asked them about the qualities of a woman in which they said:

Smart, honest, sympathetic, lovers, kind, peacemakers, courageous, jealous, short tempered, hard working, committed, confident, good politicians, good leaders and counselors, greedy, selfish, rumor-mongers, shy, patient, good managers, creative, good teachers, faithful etc.

The above exercise was meant to create awareness of the false beliefs about men and women and help participants define stereotypes on their own terms and its impact on the victims, gender and discrimination. The presenter explained a stereotype is a fixed, commonly held notion or image of a person or group, based on an oversimplification of an observed or imagined trait of behavior or appearance, which may not necessarily be true. She gave examples of stereotypes and its impact on gender. Ms. Margret added that because of the false belief about others, stereotypes often lead to discriminations.

She defined discrimination as making a distinction in favor of or against, a person or thing based on the group, class or category to which that person or thing belongs rather than on individual merit. She then opened the floor for discussion, where the participants interacted informally with one another and shared personal experience of discrimination. After defining the term, she asked the participants to mention some examples of stereotypes; the participants mentioned examples such as X tribes are rude and arrogant, lawyers are thieves and women are emotional etc. The presenter asked the participants to mention some of the stereotyping impacts on gender in the context of South Sudan.

Participant's feedback

- Women are made to think that if there is violence against them it is their fault.
- If a woman is smartly dressed or having a good hair style she is believed to be inviting male attention so any male can pounce on her and it would be her fault.
- Only women who wear long clothes which cover all their bodies and who do not walk alone in the night are respected.
- Women curb their freedoms because of fear of violence against them by people who want to label them with negative names or for fear that they will be misunderstood.
- Women fear to enforce their rights because, chiefs, courts, judges and elders treat cases of violence against women less seriously and believe that women must share the blame for the violence. Sometimes women are ridiculed for bringing such cases before the police or the court.

- Employers discourage women from earning more money by not allowing them to work at night.
- When there is a case of rape the woman's character is questioned instead of the act of rape, which is clearly discrimination against women.

After the participants had mentioned the above impacts of gender stereotypes, the presenter reminded them that most of the above are mainly caused because of the false belief and stereotyping. She urged them not to rely on stereotypes.

The presenter then asked the participants to describe the term discrimination.

The first speaker said: *its un-equal treatment*; the second speaker defined it, as *undermining one sex especially the female sex*. Most participants agreed that discrimination means unequal treatment. The participants mentioned further examples of discrimination in terms of economical, political and socially and within the workplace.

One participant pointed out that, some women who are more qualified than men are intentionally made junior to men because of their sex. They also mentioned that some customs still do not allow women to participate in politics or even have a say on how family matters should be run. They added that most widows are not allowed to head their families. The participants agreed that these are all forms of discrimination against women.

The participants were then asked to defined the term gender,

Most participants defined the term as male and female. The presenter explained , gender is neither men nor women. She said gender refers to culturally and socially constructed roles, responsibilities, privileges, relations and expectations of women, men, girls and boys. She added that it refers to the social attributes, opportunities, and privileges associated with being male and female, the relationships between women and men and girls and boys. It also included relations between women themselves and those between men.

She further explained that the above factors are socially constructed and are learned through socialization processes. They are context/ time-specific and changeable. Gender determines what is expected, allowed and valued in women or men in a given context.

She asked the participants to identify some of the inequalities between men and women in their communities which are summarized as follows

- Men are the only ones allowed to engage in politics
- , Some women are only restricted to domestic chores, they do not even appear in public events i.e., meetings, rallies etc
- In some traditions, men are allowed to eat nutritious foods like chicken and eggs while women are only subjected to fish, greens and beans
- A woman's young brother in-law can be assigned to head her family if she loses her husband
- Women are not allowed to own land and property in some customs.

The presenter concluded the session in agreement with participants that, in our South Sudanese communities there are differences and inequalities between women and men in the

responsibilities assigned, activities undertaken, access to and control over resources, as well as decision-making opportunities.

The next topic of discussion was on Human Rights Concept, by Ms. Sandra Kiapi – of the UN Women.

Ms. Kiapi asked participants to define human rights on their own terms. One participant mentioned that it is the rights entitled to people after birth while another said it is a right that one deserves without compromise while another said it is a right agreed upon by the international community.

Ms. Kiapi defined Human Rights as entitlements by virtue of being a human being. She explained they are divided into economic and social rights and civil and political rights.

Economic, social and cultural rights are usually imposed by the government such as the right to health and education. *Civil and political rights* include obligations on the government not to do something for example not to torture and allowing people the right to vote etc. Sometimes they require some resources such as with the right to vote and all elections require ballot boxes, civic education etc.

Third generation rights: These are rights that affect the whole community or groups of people, i.e. the right for healthy environment. This is a right, if provided, that will be enjoyed by a group of people.

Principles of human rights: These are concepts developed by people when they were trying to explain how human rights should be applied i.e. Universal Declaration of Human rights can never be divided; all people are entitled to all the human rights. They are independent but dependable on each other. It requires commitments to equality, participation and inclusion, accountability and rule of law without discrimination. The session concluded with a questions and answers based discussion on human rights in South Sudan where participants shared personal stories and experiences dealing with human rights.

The next session was led by Mr. Samuel Dong, Chairperson of the South Sudan Law Society

Mr. Dong interacted with participants in a lively discussion on the history of constitution making in Sudan and South Sudan and the role of the civil society in the constitution making.

Summary of Mr. Dong's presentation:

Civil society is responsible for ensuring that government responds to the needs of vulnerable and excluded groups and citizens, including poor women in the rural areas, whether they speak for themselves or on behalf of the marginalized groups. He urged it is important to hold governments accountable and what the women in South Sudan really need is capacity building programs. Donors can use existing women groups and forums to assist the civil society sector and, donors can ensure that civil society groups know how much aid is being channeled to the government, important questions to ask are; which ministries are receiving the funding and how is the aid being used?

Dong's presentation triggers a lively discussion among participants and concluded with the need for national ownership, and leadership on the transnational constitution in South Sudan as essential factors for underpinning the spirit of nationalism.

Presentation by Lona James Elia –Chairperson of Voice for Change and a National Gender Consultant on Girl Child Education

Madam Lona asked the participants to discuss the rights of a girl child.

Participants' feedback

- A girl child has a right to education because she is a human being.
- Parents have no right to prevent a girl from further education so that she get married against her will and to someone she does not want to marry.
- Marrying off an underage girl is detrimental to her health

Who is a child? Ms. Lona asked

The participants defined a child as someone under the age of 18. Madam Lona told the participants that among the eight millennium goals, is the Universal Primary Education to be realized by 2015. However, she said South Sudan previous history is marred by war, under-developed, exploitation and conflict putting the country far from achieving this millennium goal.

She added that upon achieving her independence in July 2011, the country has some challenges to undertake in its quest to make the right to education a reality as a fundamental human right. She explained that in many countries, education is frequently denied to girls.

Madam Lona asked the participants to mention some of the reasons why girls in their communities are denied education. The following issues were raised:

- Poverty because most girls are used as a source of wealth by marrying them off at an early age instead of taking them to school.
- Some traditions believe that women's roles are relegated to domestic chores and not outside the home.
- Some families send their girls to work so that they can contribute to the welfare of the families.

Madam Lona drew attention to the international, regional and national laws that guide and protect children. Among them, she mentioned the Convention on the Rights of Children which is international, the Universal Declaration of Human Rights, the Maputo Protocol and the Transition Constitution of South Sudan. She mentioned that all of the above laws grant a right to education for all.

Madam Lona mentioned some of the rights in the convention on the rights of the child are: right to education, right to life, right to education, rights to health, rights to clean water, right to freedom of expression and right of association.

Madam Lona explained to the participants that the Maputo Protocol states that children have right to education and training and those stereotypes in text books, syllabuses and the media which do not project the principles of equality of women and men must be eliminated.

She added that the protocol also states that government must;

- Promote literacy among women
- Promote education and training for children at all levels and in all disciplines particularly in the fields of science and technology.
- Promote the enrollment and retention of children in school and other training

After her presentation, most participants agreed that they were not aware of such international and regional laws and the rights guarantees on women and children. They sought for copies of these laws and it was later distributed.

Justice Ajonye Paperture: Summary of her presentation:

The issue is now the process of making the permanent constitution. Women should come together now to ensure that women's voices are heard. The difference in regional constitution was shown through the Central Equatoria State's constitution which mentions a right to food but is not mentioned in the National Transitional Constitution (TC). She said the TC is the supreme document which all the state constitutions fall under.

If there will be issues in future concerning violence, women will have a big role to play. Let's not advise men at a wrong time, let's use the right time when we are with them. Tell them how much pain we feel while giving birth and prevent them from killing each other."

Article 15

Every person of marriage age shall have the right to marry anyone of the opposite sex and their business shall not be interrupted without the knowledge of the man and wife.

She insisted that the law states anyone must enter into a marriage with full knowledge and free will and be above the age of 18. Entering into a marriage must be in line with the laws of that family. Therefore, the latter is a contradiction because different families have different rituals and traditions.

Panel Code of 2008

All crimes are included in the panel code 2008, which talks of defilement, defined as sexual intercourse with someone under the age of 18 whether the child accepted or not. However some families organize for quick arrangement when their daughter is defiled to make it look like it wasn't a crime.

She defined rape as having sexual intercourse with a woman without her concept and force. There must be penetration and in law whether the penetration is half or small, it doesn't matter.

Types of marriage in South Sudan

Justice Ajonye asked the participants to identify some of the types of marriages that exist in their traditions.

Summary of participants replies:

Forced arranged marriages without the consent of the girl, compensation, arrangement type of marriage by the lovers, kidnapping, inheritance, political marriage, booking, distance marriage, declaration, and co-habitation and by presumption.

If all the above are part and parcel of our customs and traditions on which the TC was designed, then, there is big problem, she concluded.

Qualities of good a marriage

Passion between both lovers, Limited dowry, Church or customarily conducted, Agreement between concerned parties.

She called upon the women to be aware of the negative norms and traditions in our culture and they should mobilize women to ensure they do not see them in the face of the constitution.

Referring to the TC again, she said there are some offences called the un-natural ones, i.e, and the law does not allow to marry relatives, calls on women to be transparent with their children and explain relatives to them, so that they can keep their customs intact.

She later asked the Participants to mention the kind of marriages that should be approved in South Sudan

The women mentioned church and customary marriages.

She concluded her first session with a song that praised women and their roles.

*"We are the women, we are the workers
of the brain, we help others form
suffering and set others free. That
signifies that the whole country depends
on us."
A Song by Justice Ajonye*

Summary of Women in Political Participation- by Mikelina Emilio UNMISS-Gender Unit

Throughout the world the power relations that shape social, political, economic and cultural life prevent women from participating fully in all areas of their lives, whether it's in the home, or in the public arena.

Women continue to be under-represented in all areas of decision-making, such as religion, the media, culture and the law and still face significant barriers to their full and equal participation in the structures and institutions which govern their lives.

South Sudanese women face further challenges due to the low levels of education and discriminatory negative cultural norms.

- Women's political participation is the ability to participate equally with men, at all levels, and in all aspects of public and political life and decision-making. Women have the right to an equal say in all matters that have an impact on their lives. The right to equal say is enshrined in a number of human rights instruments, as well as in the national transitional constitutions and laws.

Ms. Mikelina Emilio asked the participants to mention some of the matters in which they should have an equal say like men and the key issues that emerged concerned:

- Home finances, family meetings concerning their children
- Land and property
- Employment
- Politics

Additional issues which emerged in the session included:

- Women's views add value to politics and to the quality and scope of decision-making processes.
- Sustainable development requires women knowledge and expertise.
- Effective democracy cannot afford to alienate over 50% of the population.
- Political arena is where decisions are made, therefore it is important for women to participate in the decision-making in this forum to demand/address issues affecting their life.
- Inclusion of women in elections adheres to the principles of human rights. Women, as men have a right to participate fully and actively in politics.
- Women constitute more than half of the world's population. Women's participation in electoral process, enhances the credibility of the political process as their views, perspectives and experiences are taken into account.

Madam Mikelina's summary of the gender equality commitments within the TC:

- Article 16 (3) of the Transitional Constitution (TC) and section 110 (3) of the Local Government Act provides that women shall have the right to participate equally with men in public life.

Article 16 (4) of the Transitional Constitution states that all levels of government shall:

- Promote women participation in public life and their representation in the legislative and executive organs by at least twenty-five per cent as affirmative action to redress imbalances created by history, customs and traditions.
- Section 110(4) (a) of the Local Government Act mandates all Local Government
- Councils to promote article 16(4) of the Transitional Constitution.

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- Councils to promote article 16(4) of the Transitional Constitution.

Summary of key articles within International Human Rights Instruments that grant equal gender participation in politics:

Convention of Elimination of all forms of Discrimination Against Women CEDAW Articles 7 and 8

Article 7:

State Parties shall take all appropriate measures to eliminate discrimination against women in the political, and public life of the country and in particular, shall ensure women, on equal footing with men the right:

- To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- To participate in formulation of government policy and in implementing them and to all public functions at all levels of government .
- To participate in non-governmental organizations and associations concerned with the public and political life in the country.

Article 8 states that, just like men, women are entitled to opportunities to represent their Governments at international level and to participate in the work of international organizations.

Protocol of the African Charter

Section 2 states that parties shall ensure increase effective representation and participation of women at all levels of decision-making.

International Covenant on Civic and Political Rights

Article 3 states that parties ensure the equal right of women and men to the enjoyment of all civil and political rights.

On the UN Security Council Resolutions UNSCR 1325 on women, peace and security, state parties are to increase participation of women in decision making structures related to conflict prevention, management and resolution, including peace negotiation.

Women have the right to participate in public life as mentioned in Article 16 (3), of the Transitional Constitution, CEDAW Article 7 and . UNSCR 1325, Protocol of the African Charter and International Covenant on Civic and Political Rights.

Therefore a woman can be a President, a Minister a lawyer, a Member of Parliament, a Chief or a Governor or in any position which a man can aspire for. There are no jobs in public life that women cannot do. she added.

As part of the session Madam Mikelina asked the participants to define the term affirmative action. Most participants understood this as a percentage of a certain group (women) in government at all levels. Madam Mikelina explained that the Constitution states that in all government departments or institutions there shall be at least 25% women.

Women discussed the initial commitment of the ruling party and its leader, President Salva Kiir who had promised an affirmative action of 30% to women during the 2010 elections but never fulfilled it. Further discussions included women asserting that the desired quota level should be set at 50%.

Assessment of the barriers to women's political participation:

Participants feedback

- Traditional norms and cultural beliefs
- Politicians (competition among members of parliament and ministers)
- Community resistance to women in leadership positions
- Deep rooted discriminatory practices within political parties (due to male domination of political structures)
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- Deep rooted poverty and political disadvantage affect women in policies, practices, ideas and beliefs related to the position of women and girls in society
- Lack of adult literacy, political education, low self-esteem among women

Participant discussion of ways to overcome barriers to participation:

- To change the attitudes and beliefs that underpin (support) discrimination.
-
- The need of awareness raising on concerns of women, gendered political awareness-raising /consideration for women issues
- Development of lobbying and networking skills among women, women leadership trainings is highly needed with special attention to young women
- *Participants identification of overcoming barriers at society/community level*
- Engagement with political parties (clear rules for candidates' selection)
- Women to familiarise themselves with the Electoral System
- Parliamentarians and candidates to engage with civil society.
- Create and strengthen women network
- Change of negative attitudes, beliefs and traditional practices

Participants identification of ways to overcome barriers at an individual level

- Increase assertiveness and willingness to stand up and claim own rights
- Our families need to support women participation in public affairs
- Increase your skills and knowledge (through participation in trainings)
- Embark on Income Generating Activities (i.e through 'sanduk-sanduk')
- Active participation in Payams, Bomas and other local institutions' activities and meetings (i.e political parties, women groups, etc).

- Follow current affairs through the media (TV, radio and/or newspaper)
- Gain public speaking skills through training.
- Build own strategic partnerships and networks.
- Fundraise for own campaigns (appeals for donations)

Presentation on Women in Public Life, by Lona James Elia, Chairperson of Voice for Women

Madam Lona commenced her presentation by asking the participants to define the following concepts: *participation, representation, equality and equity*.

Participant's feedback

Participants defined participation, as taking part in meetings, decision making, institutions, community meetings, church meetings, family meeting etc.

Representation was defined as the action of speaking or acting on behalf of someone or an institution such as Company, family, NGOs, health, education, agriculture, etc

Equality as defined by participants, as rights, responsibilities and opportunities which are the same and without limitations set by stereotypes

Equity was defined as a feeling of justice with regards to rights empowerment: appropriation of decision-making power, autonomy in view to have equity.

Madam Lona referred the participants to Article 7 of CEDAW, Article 8 of CEDAW, and Article 16 (3) of TCSS and CEDAW article 7 and 8 which references the above four concepts.

Madam Lona asked the participants to mention the use of the 25% affirmative action for the South Sudanese women.

Most of participants agreed to the aims of recruiting women into the political positions and ensure that they are not only in token numbers.

Madam Lona raised the issue of affirmative action for women whereby women must constitute a certain number of percentages whether in parliament, local authority or other governance structures. However, she added that the burden of recruitment is placed on those who control the recruitment process. On this, the participants said that most recruiting bodies are dominated by men, a move that prevents most women from taking up their constitutional positions.

Madam Lona clarified that affirmative action is also a temporary measure or strategy aimed at bringing the under-represented and marginalized groups into high degree of access and participation in governance and development. Such groups include women, youths, disabled, pastoralists and minorities among others.

Madam Lona described a quota as a share legally termed as affirmative action. She named the types of quotas as:

- Voluntary quotas
- Legislative quotas and
- Reserved quotas
- Voluntary quotas

Summary of Madam Lona presentation

Voluntary party's quotas are adopted by political parties on a voluntarily basis. This quota type aims to include a certain proportion of women into lists for either appointed or elected intra-party positions/elections and inter –party elections for public posts. Socialist parties in Western Europe were the first to adopt party quotas in the 1970s and voluntary quotas were also adopted by South Africa's ruling ANC party.

Legislative quotas are institutional mandates that command all political parties within the adopting nation to include a minimum percentage of female. Argentina was the first country to implement a legislative quota law in 1991 and these Legislative quotas take important steps to:

- legitimize positive action
- recognize 'gender' as a political identity
- , alter the basic meanings of equality and representation that inform candidate selection and process.

Following the Fourth Women's Conference in Beijing, the popularity of legislative quotas in many countries has risen since the early 1990s. Legislative quotas, or electoral quotas as they also referred, are more prevalent in Latin America and in post-conflict countries like Angola, Iraq and Bosnia and Herzegovina.

Reserved quotas guarantee women's presence by exclusively allocating a specific number of parliamentary seats for women. Reserved seat legislation can be found in Tanzania, Kenya, Rwanda, and India.

Seat allocation occurs by either direct appointment, as in the case of Tanzania, or by holding special elections where only female candidates can postulate as is the case in Rwanda. Some researchers have argued that reserved quotas are highly susceptible to undemocratic practices and the stigmatization of women as illegitimate power holders.

Madam Lona gave an example of Kenya. In the East African region, Kenya is noted for having the smallest number of women holding elective positions. Statistics however, show that women's limited participation in politics and governance is neither due to a lack of qualified women, nor their level of exposure and intellectual skills for participation.

After explaining the three types of quotas, Madam Lona asked the participants to mention the type of quota that South Sudan operates. Most women mentioned voluntary and legislative. She then thanked the participants for the effective participation in her session.

The day ended with a powerful presentation on Harmful Customs and Traditions that undermines the dignity and status of women.

Ms. Adak Kosta, Gender Advisor to the Governor of Lakes State Presentation

Madam Kosta shared with participants the history of customary law and the principal customary legal systems currently in use in the country. Various customary law systems function have strengths, weaknesses and areas where actual or potential conflict exists between the different systems of domestic statutory and international law, particularly with regard to human rights.

She further defined customary law as the expression of the customs, beliefs and practices of the people of South Sudan. There are over fifty tribes in the region and most have customary law systems, reflecting individual tribal identities. During the past twenty one years of civil war, customary law has been the principal source of social order and stability within the region and remains the predominant source of law in contemporary southern Sudan.

Over 90% of day-to-day criminal and civil cases are executed under customary law. The current judiciary lacks trained judges and resources and few police are trained on prosecution cases in the courts. Cases outside the remit of the customary law courts or on appeal from those courts are delayed.

The future rule of law, including customary law in South Sudan hinges upon fundamental enhancement of the key infrastructures. The challenges facing customary law is that it is not in line with the transitional constitution or the international Humanitarian Law.

Discussion of customary law

Our customary law has served us well in reconciliations and is also a vital tool in conflict resolutions. In the current post-referendum, old disputes resurfaced and new disputes are inevitable. Conflict resolution through customary law will be essential to a peaceful and fair society. However, very few customary law systems exist in written form which is disadvantage when in dispute with other written laws and open it to criticism of 'biased interpretation. Traditionally, there has been resistance within south Sudanese society to recording customary law.

Participant's feedback

- Change to customary law is inevitable but change must come from within South Sudanese society and at a pace, to which society can adjust.
- Plans to assist the development of customary law must be designed to avoid unintended consequences, which might endanger a fragile post conflict society.
- Evolution of customary law should be shaped 'from the bottom up' by the opinions and wishes of the people and 'from the top down' through statutory law courts and the opinions and rulings of judges.
- Customary laws should be documented and widely disseminated.

Ms. Adak conclusion outlined that the majority of the customary law systems show plainly a conflict between international human rights laws and rights granted to women and children in the transitional constitution. Women must continue the pressure to harmonize customary law with international law until it is properly addressed. The strategy for resolving these identified issues should be developed by lawmakers, community leaders and the judiciary.

Day 3 March 21st

Justice Ajonye Paperture on Government Obligation to Promote Public Health

Summary of presentation:

Regarding the process of ratifying international obligations, it is important the government meets the correct legal steps before it becomes a member of any international institution or signs any international treaties.

Every treaty must be studied and deliberated upon by the national assembly before the government can become a member with the right to retain or remove some clauses. She added that failure to do so renders the country a permanent member even to treaties that could be compromising to the situation of South Sudan. One example is of the Chicago Convention for the Airlines which was signed without following the correct processes.

Prior to the subject of her presentation, Justice Ajonye referred the participants to page 62 of the training manual. Page 62 speaks of a married couple with three children, a boy and 2 girls. The wife called Victoria says she is done with giving birth because she had complications while she was giving birth to her last child. However, the husband and his relatives want more children. The husband disposes of her family planning pills with the aim of getting her pregnant. Victoria finds strange drugs in her husband's drawer and when she asked him about their purpose, the husband began to beat her up. Victoria learns that they are ARVs, tablets for people living with HIV, she then tests for HIV and finds out she is negative. Victoria moves into another room for fear of contracting HIV.

Justice Ajonye posed 4 questions to the participants.

- 1) Do you think Victoria had the right to refuse to have another child?
- 2) How can Victoria protect herself against contracting HIV from Dennis?

The participants had mixed views with the final question. Many suggested that Victoria should use a condom to protect herself from HIV while others suggested she finds another room on the house and others suggested divorce.

Justice Ajonye explained to the participants who suggested that Victoria resorts to use of condoms that the later have been proved as not 100% protective. On the HIV issue, she elaborated that although the Transition Constitution grants a right to health, it is very silent on the rights of people living with HIV. She said the constitution must be clear on HIV given the seriousness of the disease.

She reminded the participants of section 62 of the Penal Code of South Sudan 2008 which says anyone who deliberately transmits HIV to someone whether married or un-married will be sentenced to not more than 14 years in prison or fined.

She called on women to support their fellow women in response to those who suggested that Victoria relocate to a different room under the same roof as her husband, saying the later compromises Victoria's sexual rights.

Justice Ajonye suggested that divorce is a better option more especially if it's a young wife and added that it is a legal right.

Sexual and Gender Based Violence by EdlaMugga– –Norwegian People's Aid

Mugga outlined a list of professions and asked the participants to select the sex that suits each job best. Many chose men for jobs high profile and academic profession such as architect, engineer and President. While women were selected on jobs such as cooking, washing, dish washer, house keeper etc.



Mugga responded that their answers were a result of the roles given to men and women by their societies.

Mugga defined Gender Based Violence (GBV) as violence directed to anyone due to their gender role. For example, beating a woman because she has not cooked food. She explained that because the society has defined cooking as a role of women, she could be beaten for not executing that role although cooking is not necessarily for women.

She further explained that GBV is common among women because they are the ones with defined weaker roles. GBV is a common practice all over the world not only in South Sudan. Violence is a behavior that people learn but not inherit People learn violence from what they see, hear and the on-going activities in their environments.

She outline examples of violence across physical, sexual, psychological, emotional, economical, political, verbal areas.

One example of economic violence is denying children the right to to finish school, humiliating or embarrassing someone within the workplace. She concluded with the reminder that all forms of violence are a violation to Human rights.

Justice Ajonye Paperture on the legal frame work of Gender Based Violence

Justice Ajonye Paperture inspired motivation among the participants by calling for women to be vigorous and enthusiastic in their work and excel highly.

Summary of presentation

Justice Ajonye Paperture drew attention to a number of articles in terms of the impact upon women and provided an analysis of the rule of law across different laws, the transnational constitution and international instruments.

There are some countrieswith a GBV Act whilst those without, tackle the issue socially or politically. The Transition Constitution (TC) is not clear on the protection of women and children against GBV. With reference to article 12 of the TC, which talks about personal

liberty; is the provision that helps people to ensure that GBV is un-acceptable. However, the latter is not well described. Personal liberty is an expanded topic and women must ensure that it is well defined in the Panel Code.

An ethics and code of conduct is also currently being drafted to ensure that intimidations and discriminations at work are controlled.

Violence affects mostly children especially girls, Section 26 of the Child Act states every female has a right to be protected against sexual abuse, early and forced marriages and female genital mutilation. Violence can also come as a form of gross indecency and is regarded as a crime in section 249 of the Panel Code. , Punishment is 14 years in prison. Gestures intended to insult women are also crimes and are punishable with 2 years in jail according to section 250 of the Panel Code.

Section 251 of the Panel Code, talks of public grievance, and some of the practices considered harmful and are a forms of violence to women. She recommended that a woman can launch a case against the culprit using the Panel Code.

Section 260 in the Panel Code regards insult as a crime and punishable. Advice was provided on caution with their daughters among their step-father's families.

The 2009 Land Act says one can acquire land through customary, freehold and leaseholds. However the TC article 171 clause 2 restricts acquiring land by tenure method. The latter does not favor women because most of them are economically unstable and cannot afford to buy land. Therefore the Land Act and the TC are contradictory.

Justice Ajonye Paperture called upon women to:

- Ensure that the latter is reviewed and corrected in the upcoming constitution.
- Critically read sections 10, 11, 12 of the Land Act and compare them to article 171 (clause 1 and 2) of the TC to study the issue of contradiction.
- Remember that law requires their husbands to consult with them before they sell off any land and consult with their children if they are above the age of 18.

She further elaborated on Clause 1-declaration against sexual violence on women.-Any act of GBV that result in physical sexual or psychological harm or suffering of women including threats whether in public or private life must be eliminated.

Article 11 of the TC that, grants a right to life, explained that even the unborn children should not be taken away. In comparison, the Mapoto Protocol gives more provisions and, allows termination of a baby in the womb if it is a result of rape.

Justice Ajonye repeated her earlier advice that the government should be careful while it signs international treaties because some laws in the country contradict with international laws. She then referred the participants to case study number 8 in the training manual.

The case study is about a wife who was beaten so badly by her husband on assumptions that she was having an affair with a stranger; the husband saw a stranger coming from their house. The wife said the stranger had lost his way and sought direction from her.

Justice Ajonye asked the participant saying: in your opinion, does the husband has a right to beat his wife over the above mentioned reason? All of the participants agreed to no, insisting that the man has such no right.

She then asked if the women wanted to see these provisions in the upcoming constitution or in a law against domestic violence. Participants agreed to shoot one bird using two stones, meaning that, they will advocate for both ways and accept with whichever goes through. To conclude her session, she asked participants to suggest a way forward.

Suggestions from participants on the way forward

- It should be clearly spelt out to the president that the 25% affirmative action is not being implemented fully and it should be enacted into law.
- Women must have one voice, strengthen their unity and cooperation.
- It was revealed that most Members of the Parliament have not gone back to their constituencies; participants suggested that women MPS must go back to the grass roots and dialogue with women there, in order to reflect their views in the new constitution.
- Youths participation in the country's political arena must be strengthened

Madam Lona on a Right to Food.

Summary of presentation:

The TC does not provide for the Right to Food, however there are a number of international and national frameworks that guarantee a right of food Participants were urged to develop proposals with regard to the rights to food for the permanent constitution. . With high malnutrition among the children and the elderly in South Sudan, we must work together to enshrine a provision on the right to food in the upcoming constitution.

Day 4

Madam Lona on Knowledge Assessment

Facilitations and Participation

To asses participants newly gained knowledge. Madam Lona asked the participants to define the above terms and define the key requirements of a good facilitator. Feedback of participants:

- Knowledgeable on the subject area
- Good communication and listening skills.
- Confidence
- Respectful of the participants' opinions

- Well prepared, flexible with good time management skills
- Dose not contribute own judgments but give opinions after listening to others

Participants were then divided into three main groups based on the following regions: Greater Upper Nile, Equatoria and Bhar El Ghazal. Each group had to choose a secretary and a presenter on a specific topic.

Group one -Greater Upper Nile

Topic: Girl's Rights and harmful tradition which the transitional constitution is silent about it!

The group presented a role play based on true case scenario and a short introduction to their presentation. The following issues were raised:

Custody of children is traditionally a contentious subject in South Sudanese society because it is bound up with marriage payment of 'bride wealth' and divorce. The most complicated aspects concern girls who might attract considerable 'bride wealth' to a family upon marriage. It is not uncommon for a young woman to become pregnant and the man refuse to marry her. She and her child would remain with her parents. Where the child is a girl and grows up to be an attractive, marriageable [and valuable] individual, biological fathers commonly claim these girls as daughters in customary law courts. The role play illustrated Akol(Appellant) vs Macuol (Respondent). Nyibol the mother of the child in dispute, is the sister of [the appellant] Akol, she became pregnant to Macuol who failed to marry her. She was later married to Macuol, the father of the Respondent. He paid 40 head of cattle as 'bride-wealth'. When the child [a girl] grew up she was about to be married (for more than 40 head of cattle 'bride wealth' from her suitor's family) when the Appellant claimed custody as the biological father.

The Payam Court found in favour of the Appellant but the County Court judge set this aside. He was in turn over-ruled by the High Court who found in favour of the Appellant. In turn the case appeared before the Court of Appeal, which found infavour of the Respondent who was proven to be the legal guardian of the child. The findings were strongly caveated that in future cases a time limit of ten years should be placed upon all claims for paternity and redemption of children. This limitation would, the court believed, discourage unscrupulous men neglecting their biological children until they were able to make financial gain from them.

Group Two–Greater Bhar El Ghazal–

Topic: Legal marriageable age, customs and the Panel Code 2008.

Material resource used - Training Manual section on Women in Public life.

The group sought to highlight the female widows' rights not be deprived of the property for which she and her husband acquired. They would like to raise awareness of the provision on the constitution that guarantees women the right to own property. They used the TC article 28(1), 28(b), 16(5) and the Child Act section, 26(2b). They also referred to Maputo protocol article 6(j), 7(d), and 21(1 and 2).

The second topic was on Sexual and Gender Based Violence (GBV). They explored the nature of the GBV in their region and how violence is usually perpetuated. They made the following recommendations on how to control GBV:

- They will conduct an awareness rising campaign on GBV.
- They hold meetings, workshops; conferences to discourage harmful cultures and customary laws need to be reviewed.
- They will advocate for enactment of laws to enforce the provisions in the Constitution Customary laws are to be reviewed so that they are in line and enforced the provisions in the Constitution

Group three—Greater Equatoria –

Topic: Property ownership property ownership by women and inheritance by widows.

Material resource: Training manual section on sexual and GBV.

The group made a presentation based on their own understandings on women's rights as human rights and the harmful traditions that are hindering women's right in their region such as: forced marriage, marking and removal of teeth, high demand of dowry bad manners during funeral and finally child abduction by some communities. On their willingness to plan similar workshop in their region, the presenter explained that, in order to facilitate an effective workshop, cooperation and unity among all upper Nile communities is very essential. The group also shared their goals to sensitize and inform the population that we all deserve equal rights because we were equally created by our creator and the culture of violence needs to transform into a culture of peace and harmony among all the communities. They hoped to increase the knowledge within the community that, both men and women have access to equal respect, opportunity and have the right to participate in all aspects of life.

Day 5 March 23rd, 2012

The group decided to organize a press conference to engage the media on the rights of women within the Transitional Constitution. Below is the copy of their communiqué

Over 50 women from the ten states of South Sudan gathered in Juba on Monday, 19th March 2012 for a five days training of Trainers (TOT) on women's rights in South Sudan sponsored by the UN Women. The aim of the training was to equip the women with the knowledge and skills to create awareness about their rights as spelled out in the transitional constitution and to solicit their inputs for the permanent constitution at the state Levels.

During the deliberations, the women have realized that certain laws and customs are not in line with the bill of rights in our constitution. For example, restriction under the customary law on inheritance, and rules that allow degrading treatment of widows and domestic violence.

We have observed that gender equality as a human right during the interim and eight months of the independence using the 25% of affirmative action as a basis, has been poorly implemented. For example women in decision making bodies are as follows:

- Presidential Advisors 1 out of 6 women equals 16% and should be at least 2
- Current female Cabinet Ministers are 4 out of 29 instead of 7 which equates to 15% representation
- Current Female Heads of Independent Commissions are 2 out of 20 instead of 5 which equates to 10% representation
- Undersecretaries are 4 out of 27 instead of 7 which equates to 14% representation
- Female Ambassadors are 9 out of 90 instead of 26 which equates to 10% representation
- There are 15 members on the Austerity Measures Committee established by the President. There are nil women sitting on this committee president.

We therefore call upon the government of the Republic of South Sudan under the leadership of H.E The President Salva Kiir Mayardit, to give attention to the following issues;

- Effective implementation of the 25% affirmative action
- Ensure that women capacities are strengthened
- Adult education is enhanced
- Girl child education prioritized and made attractive
- All Customary laws to be in line with the transitional and the new constitution of South Sudan
- The government should accelerate, signing, ratification, and the adoption of the Regional and International treaties and convention on Women's Rights such as CEDAW

The country cannot achieve its political, economic and social objectives without a successful integration of women into the nation and state building projects.

The press was followed by the *Action planning for the ten states*

The participants went into groups organized along the states and developed an action plans for dissemination. The action plan outlined how they will pass on the skills learnt in the conference to grass root women in their communities.



From left to right: Ms Lilian Riziq, SSWEN Director and Ms Coumba Marenah–U N Women –OIC

Closing Remarks

The UN Women –OIC, Ms. Coumba

Ms. Coumba graced the occasion and told the participants about the background and objectives of the workshop urging them to keep open minds about their demands. She addressed the participants on various issues and called on women to use this chance to voice their views so that their voices are heard in the new constitution. She encouraged women to help each other get to the top and avoid the “pull-her-down syndrome”. She said it would not be an easy journey but the women had to work together to make this a success.

“I have been in the decision making level in my country before and it has never been easy”.

She continued, as the transitional constitution is being reviewed by the commission, you South Sudanese women have been given a chance to claim your space and you should use this opportunity wisely. Political structures are male-dominated and women are usually the ones who choose these men and put them in charge. She spoke clearly to enable all the participants to understand the matters being discussed. Ms. Coumba urged all the women to demand that the constitution provides for equal representation in political positions.

Ms. Coumba thanked the delegates and extended a special appreciation to the South Sudan Women’s Empowerment Network for organizing a successful T.O.T. Ms. Coumba assured the delegates on the commitments of the UN Women to enhance women and the girl –child

rights in South Sudan and was impressed by the commitment of the participants in completion of the five days training of trainers.

She concluded her remarks with the following the words: “We want you women to cascade information down to the payam and Boma levels, incorporating every woman. We will not have time to measure progress as we do the outreach program but we will measure our success by how much of our needs are incorporated into the new constitution”

CERTIFICATES OF PARTICIPATION AWARDS



THANK YOU UN WOMEN
