

Women's political participation in South Sudan

1. Legal Frame

The system in place for South Sudan includes mandated quotas in the Constitution and the election law. The 25 per cent constitutional provision is not often met at local levels (Governors and County Commissioners). Women's participation at the lowest level of government (Payam and boma) is also weak.

No effective power parity between men and women in decision making positions has been reached so far.

1.1. The Transitional Constitution, 2011 (TC)

The TC guarantees women to participate equally with men in public life. A 25 per cent quota is mandated in each level of legislative and executive organs.

1.2. The National Election Bill, 2012 (NEB)

Elections for the President are held under an absolute majority system, with a candidate having to get at least 50 per cent plus one vote in order to win. If no candidate gets the required majority, a second round between the two candidates who received the highest numbers of votes is carried out. All State Governors and 60 per cent of legislative assemblies (both national and states) are elected using the simple majority system, in single member constituencies. The remaining 40 per cent is elected using a system of proportional representation with a 4 per cent threshold. The proportional system incorporates two distinct pillars, a closed party list reserved for women of 25 per cent of all elected seats; and a general closed party list for the remaining 15 per cent.

Women are predominantly elected only on reserved seats and just a minority run on geographical constituency and party list (Women were only 4 per cent amongst the candidates in party lists and for geographical constituencies – Source: EU EOM Final Report, (2010).

Furthermore, the 25 per cent clause is merely restricted to women nominated by political parties and independent women candidates are not foreseen in the National Election Commission (NEC). This will require women to have negotiating power to discuss with their parties in order to identify who will be on the women's list.

In addition, no rules on concerning the rank order on the party list are established in the law thus potentially undermining women's chances to be in a winning position.

Quota systems generally aim at ensuring that women constitute at least a "critical minority" of 30 or 40 per cent¹. In this respect, the actual 25 per cent, combined with the virtual lack of women in the two other pillars of the electoral system, does not facilitate the attainment of a critical mass within the decision-making system.

The literacy requirement to be eligible as candidate hampers women's participation as candidates further on as 84 per cent of females in South Sudan are illiterate (Source: Government of South Sudan's Statistical Yearbook for Southern Sudan 2010).

The nomination fees to be paid by candidates from the party and women list may also represent an obstacle to women candidates as many may not have the requisite amount of money due to their low economic status.

1.3. Draft Political Parties Bill, 2011 (PPB)

The draft bill does not make clear whether it will be possible for parties to register at the Political Parties A Commission (check **the correct name**) after the 90-days deadline established in the draft law. This could carry implications for women's group to establish themselves as political parties.

Although parties must specify in their constitution how they will select their leadership, there is no provision concerning the possibility to introduce a quota system for candidacies and internal leading positions.

There is no gender provision concerning parties' responsibility in promoting women's rights and political participation.

2. Context

Political participation of women is marred by numeric under representation in decision-making position as well as widespread lack of capacity and confidence. In this regard, increasing the number of women elected or their possibility to stand as candidates' risks being ineffective if not combined with long term strategy to foster women's capacity in leadership and administration as well as their actual possibilities to participate in politics. As a matter of fact, the removal of formal barriers to public participation does not imply genuine equal opportunities. Actual inequities and informal barriers are the most common factors hindering women's involvement in the public sphere.

2.1. Main factors hampering women's participation in public life

Source: Comprehensive Country Gender Assessment, Draft Report 2012:

Lack of education

¹ Drude Dahlerup: "Increasing Women's Political Representation: New Trends in Gender Quotas", in Ballington and Karam, eds. International IDEA. 2005: Women in Parliament. Beyond Numbers (revised edition); Drude Dahlerup, ed., Women, Quotas and Politics. Routledge 2006.

Discrimination
Labour exploitation
Childcare
Fear to participate
Domestic work

2.2. Socio-economic development

Low educational levels
Solarisation for girls is low
Early pregnancies
Lack of family planning
Domestic violence
Poverty and unemployment/underemployment

2.3. Cultural frames

Decision making at local level is dominated by cultural leaders.
No awareness of rule of law, civic rights and constitutional protections.
Women represent 54,7 per cent of active electorate but their participation is seriously hampered by a widespread gender bias, whereby men are the leaders, while women can just be supporters.

3. Recommendations: checklist

According to researches: “Some African countries have put a 30 per cent quota for women to create a critical mass of women leaders and empower women to have a substantial impact in public life. The best results were achieved in the countries that implemented some type of quota such as voluntary or legislative or a combination of both. Research shows that the success of quotas mostly depends on the type of electoral system in a country, commitment of party leaders and governments to promote women in politics, and activeness of women’s movements and groups. Research shows that a proportional representation electoral system has been the most conducive to fulfilling quotas and promoting women in politics in Africa.”² In this respect it, a number of measures to increase women’s presence in elected bodies may be considered:

- The number of reserved seats for women may be increased.
- Parties should also include women in the party lists and in the geographical constituencies so to expand women’s opportunities in the 15 per cent party nomination as well as 60 per cent geographical constituent vote.
- Rules on the rank on the party list may be also established so to increase women candidates’ chances to be in a winning position.

The eligibility requirement for a candidate to be literate may be suspended so to allow larger number of women to stand as a candidate. Persons who are illiterate can still debate laws and contribute to representing their electorate. Arguably the representation issue is more fundamental than MPs law-making role.

² iKnow, Consolidated Response on Gender Quotas in African Countries, available at <http://www.iknowpolitics.org/files/CR%20Gender%20Quotas%20In%20African%20Countries%20EN.pdf>.

There is no special fee or fees waiver for women candidates in the 25 per cent reserved seats. A “gender friendly budget” may be considered within political parties to support women during the nomination as well as during the campaign period.

According to the PPB, parties must specify in their constitution how they will select their leadership. In this regard, parties’ constitution may include specific provisions on voluntary quotas for candidacies and leading positions so to increase the chances for women’s participation in public life.

The PPB may adopt rules sanctioning party list or constituency candidate lists that do not include women.

Women’s participation should be encouraged and supported by programmes aimed at enhancing their capacity in the public sphere, including:

- Training in political participation such as fund raising, campaigning, public speaking media management
- Networking of women politicians.
- Fostering women’s participation at local level administration.
- Involvement of media houses in increasing women’s access to the media, particularly in relation to radio programmes.
- General sensitization and mobilization on the importance of women’s participation in politics.
- Awareness rising among parties and men politicians.
- Mainstream equality as a major policy focus within political parties’ platforms and internal decisional and selection mechanisms.
- Foster women’s basic education so to ensure that they are not disenfranchised of their rights to stand as candidate and to understand and interpret policy documents and mechanism.