



Factsheet

Complaint to CEDAW Against the Government of South Sudan

Conflict-related sexual violence (CRSV) has been a central characteristic of the conflict in South Sudan, used on a massive scale as a tactic of warfare by all parties to sow terror. Ending impunity for CRSV is of the highest priority to break the cycle of violence against women and restore peace.

Submission of a complaint to the CEDAW Committee

Legal Action Worldwide (LAW) represents **26 women and girls** from South Sudan who were subjected to sexual and gender-based violence (SGBV), including rape, gang rape and sexual slavery by members of the South Sudan army during attacks on their villages and whilst they fled the violence from June 2016 to September 2017. These survivors now live in a refugee camp outside of the country. They approached LAW because **they want justice for the horrific violations committed against them**. The 30 women and girls represented by LAW are representative of thousands of South Sudanese women and girls who have been subjected to sexual and gender-based violence since the conflict began in 2013.

On 6 December 2018, LAW filed the first case against the Government of South Sudan through the UN Committee on the Elimination of all Forms of Discrimination Against Women (CEDAW) Complaint Procedure. Unfortunately, the Committee refused to admit this first communication in which only the complainants' initials were provided, because they fear for their safety if their names and whereabouts are disclosed to the Government of South Sudan.

On 25 November 2020, LAW submitted a new communication on behalf of the survivors along with a related request for the protection of the identities of the complainants. The Complainants are now willing to provide their full names to the Committee, but they request assurance that their names and current addresses will not be disclosed to South Sudan.

The Secretariat of the Committee has, again, dismissed the request on the grounds that a submission shall not be anonymous and that the complainants must consent to the disclosure of their identities to the state concerned. LAW argues this is contrary to the letter and spirit of CEDAW and it prevents women from accessing mechanisms designed to protect them.

Key violations argued

The South Sudanese Government:

Failed to protect the complainants from violence that it knew, or should have known, was taking place;

Directly **participated in discrimination** against women through its soldiers perpetrating SGBV;

Failed to adopt legislative and other measures to prohibit discrimination against women;

Failed to ensure access to justice for women and girls through independent and impartial judicial mechanisms;

Failed to take steps to eliminate harmful social and cultural practices based on the inferiority of women.



Advocacy for the protection of survivors

Vulnerability and fear of reprisal are often obstacles to reporting conflict related violence, including to CEDAW. Therefore, **LAW promotes a survivor-centred approach of justice to ensure those who are brave enough to report on the violation suffered can access it safely.**

On 25 November 2020, on the day of the submission of the complaint with its related request for protection of identity, LAW, Allen & Overy and the Royal Norwegian Embassy convened a webinar entitled “Protecting Survivors of Conflict Related Sexual Violence: What role should CEDAW play in its 40th Year?”. The panel discussed key issues around the challenges and impediments for survivors of conflict related sexual violence seeking justice, in particular accessing UN Human Rights Mechanisms.

On 15 January 2021, LAW submitted a report encouraging the CEDAW Committee to discuss needs and challenges related to identity protection.

Survivors' voices

Crucially, **for the survivors, the case has already had impact well beyond the filing of the complaint.** LAW supports survivors to work together, by facilitating and hosting safe spaces for them to meet and share their experiences regardless of whether they are engaging in the justice system or not. The survivors have formed an advocacy and support group that regularly meets, and their unofficial leader, Joycelyn Ayer (pseudonym), has become an outspoken defender of human rights. Through the pursuit of justice, **they have found healing** and through their community **they have obtained empowerment.**



Mary, 30-years-old, was gang raped by four Government soldiers in front of her children at home.

After recovering she fled with her children but was captured and gang-raped alongside other women by another group of soldiers, while men and children fleeing with them were forced to watch.

Gloria, 24-years-old, was gang raped by Government soldiers in front of her two

young sons, aged five and two years in her home. Her husband left her afterwards, saying she was infected with HIV. While Gloria did not contract HIV, she says she feels deeply ashamed about what happened to her.

K2, was mass raped alongside her three sisters and a family friend in front of each other in their kitchen.

She was 12 at the time.

Scovia, 27-year-old and mother of four, was gang raped by five Government soldiers. While she was being gang raped, two of her children disappeared. She has not seen them since.



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