

Harbiya: Gender-based violence and weaponization of the female body in South Sudan.

“They kept saying, we want to sleep with you, open your legs. If you refuse, we are going to kill you,” – a teenage girl attacked in the context of conflict in Juba, South Sudan.

Abstract

This article examines the enduring legacy of conflict-related sexual violence and its gendered consequences in post-independence South Sudan. Women and girls disproportionately experience pervasive violence and abuse, hindering their livelihoods. The article highlights the prevalence of intra-state violence, the persistence of conflict-related sexual violence, and the impact of deep-rooted gender norms. It emphasizes barriers to reporting and accessing justice, the culture of impunity, and the resilience of South Sudanese women in seeking truth, justice, and non-recurrence.

Human rights in South Sudan

South Sudan successfully gained independence from Sudan on July 9th, 2011. However, the

enduring legacy of a protracted fifty-year war between the northern and southern regions of Sudan has resulted in a deeply entrenched culture of violence that persists in the present day. Despite the attainment of independence, South Sudan continues to grapple with internal conflicts, which perpetuate a humanitarian crisis characterized by population displacement and the erosion of developmental achievements. Regrettably, women and girls bear a disproportionate share of the severe consequences arising from this context, enduring pervasive violence, abuse, deprivation, and the loss of livelihood opportunities. Moreover, amid these circumstances, women assume an overwhelming burden as primary caretakers and providers for their families.

The 2023 Human Rights Watch report on human rights in South Sudan highlights the issue of intra-state violence among armed groups in the states of Upper Nile, Central Equatoria, and Unity. This form of violence has resulted in mass population displacement and serious human

rights violations, some of which may meet the criteria to be considered war crimes or crimes against humanity. Furthermore, the report notes that conflict-related sexual violence has continued unabated, further exacerbating the humanitarian situation in the region.

Intercommunal and intersectional violence persisted throughout 2022 in most regions of the country, manifesting through killings, displacements, looting, and property destruction. Meanwhile, authorities threatened, harassed, and arbitrarily detained critics, journalists, protesters, and human rights activists for extended periods without trial.

Between February and May 2022, attacks against civilians in Sudan were carried out by armed youth backed by government forces. These attacks occurred in areas controlled by the Sudan People's Liberation Army-In Opposition (SPLA/IO). Both the United Nations Mission in South Sudan (UNMISS) and Human Rights Watch reported a series of widespread abuses, including forced displacements, killings, rapes, and injuries. These attacks resulted in severe food shortages and endangered the lives of the affected population due to the possibility of famine.

Internationally, both the United Nations Security Council and the Human Rights Council renewed their mandates and took measures regarding South Sudan. The United States suspended its funding to the peace process monitoring mechanism and withheld funds due to the recruitment of child soldiers. Despite these efforts, impunity remained widespread, and attempts to establish the Hybrid Court for South Sudan¹ faced significant challenges and delays.

Women's rights

Amidst this landscape, women in South Sudan are playing an active role in ongoing peace negotiations. They act as direct representatives of both sides of the conflict, as well as neutral civil society organizations advocating for the concerns and interests of all women in the country and the population at large. Through various forums, women have expressed their strong desire to find a solution to end hostilities and shift national attention towards social cohesion and nation-building.

Furthermore, deep-rooted traditional practices such as early and forced marriages, child abductions, and teenage pregnancies continue to subjugate women and girls, hindering their efforts to contribute to the country's

¹ The Hybrid Court for South Sudan is an AU-led hybrid court which will have the mandate to investigate and prosecute individuals bearing the

responsibility for the serious crimes committed since 15 December 2013 in South Sudan.

development. Sexual and gender-based violence is a widespread problem, affecting at least 40% of women who report experiencing one or more forms of violence. 51.5% of women aged 20 to 24 were married or in union before the age of 18. The teenage birth rate is 158.1 per 1,000 women aged 15 to 19, according to 2008 data, representing an increase from 155.2 per 1,000 recorded in 2007. In 2018, 26.7% of women aged 15 to 49 reported experiencing physical and/or sexual violence by their current or former intimate partner in the past 12 months. Additionally, women of reproductive age (15 to 49 years) often face barriers to their sexual and reproductive health and rights: in 2010, only 4% of women had their family planning needs met through modern methods.

The extent of conflict-related sexual violence against women and girls in South Sudan, along with its gendered ramifications, remains inadequately understood due to substantial underreporting. The reporting barriers encountered by women who do come forward include significant impediments to accessing the justice system and the looming threat of retaliation, owing to the prevalent culture of impunity. Nonetheless, South Sudanese women and girls are exhibiting remarkable resilience by voicing their demands for truth, justice, reparation, and guarantees of non-recurrence, despite the considerable personal costs

involved. The courage displayed by survivors from South Sudan, complemented by the dedicated efforts of women defenders and supporting organizations, plays an instrumental role in foregrounding these otherwise obscured cases.

To comprehend the multifaceted impact of conflict-related sexual violence, it is imperative to delve into the intricate social and cultural context in which such acts occur. This context is characterized by patriarchal systems predicated upon power hierarchies and gender-based discrimination, as well as prevailing conditions of social, political, legal, and economic marginalization. South Sudanese women are particularly vulnerable to these entrenched structures of inequality and discrimination, which manifest at both individual and systemic levels. Consequently, a permissive climate prevails, wherein sexual and gender-based violence proliferates extensively. The perpetuation of impunity over an extended period has not only perpetuated pre-existing norms and patterns of discrimination against women and girls, but has also facilitated their persistence within and beyond the conflict context. Importantly, all armed actors involved in the conflict are responsible for perpetrating these crimes.

Sexual violence within armed conflicts

Sexual violence within armed conflict arises as a result of intricate interactions among various factors. During intrastate conflicts, there is a clear gendered typology and attitude towards women, highlighting the power imbalance in how governments perceive women's security. In times of war, men are often viewed as soldiers and protectors, possessing superior qualities that allow them to engage in violence. Conversely, women are often perceived as nurturing, peaceful, and helpless, being seen as illegitimate participants in warfare. Unfortunately, in many societies experiencing civil conflicts, women's experiences are disregarded and considered a private matter, resulting in gender-based violence being overlooked among the numerous atrocities taking place.

The specific case of South Sudan exemplifies how sexual and gender-based violence inflicted upon women and girls is not only sporadic but also deeply rooted in the societal framework. This violence encompasses both domestic abuse and sexual violence that occurs amidst conflict settings. Its historical foundations can be traced back to an entrenched patriarchal system, wherein male dominance and the exertion of control over resources form central tenets that perpetuate the exploitation of women. Consequently, the female body is dehumanized,

regarded merely as male-owned "territory" to be subjected to control and domination. It is within the context of armed conflict that military commanders and other armed actors display a disturbing tolerance for and endorsement of acts of rape and sexual violence, fully cognizant of the scant probability of perpetrators being held accountable for their reprehensible actions.

The aforementioned tolerance and endorsement stems from the systematic utilization of women's bodies to achieve military or political objectives. Combatants engage in the act of raping women in order to achieve various objectives, including economic gains, personal gratification, and the assertion of power and control. Within this context, women's bodies are regarded as objects of exchange, and the act of rape is utilized as a means to degrade and dominate them. This practice conveys a message that men have failed in their duty to protect their wives, resulting in the subsequent abandonment of married women by their families and communities.

The act of rape functions as a mechanism for instilling fear, perpetuating social stigma, inflicting harm upon women, humiliating men, and disrupting the cohesive fabric of families and communities. Moreover, rape can be employed as a tool of ethnic cleansing by preventing women from conceiving and subjecting them to genital mutilation, leading to sterilization, as well

as the transmission of sexually transmitted diseases (STDs).

Persistent gender-biased norms hinder the recognition of women's security and their contribution to peacemaking, impeding a comprehensive understanding of the issue. Scholarly discourse underscores the need to establish a strong association between women's physical security and state security. As an illustration, scholar Gerald Patterson's work demonstrates a correlation between violence against women at the local level and subsequent violence at the communal and state levels. Consequently, states that tolerate violence against women on an individual level inadvertently provide an environment conducive to antisocial behaviors by men. As a result, the likelihood of encountering fewer obstacles to participating in violence on a larger scale, such as inter-state conflicts, increases.

Conclusion

The analysis presented in this article highlights the persistent nature of intra-state violence and conflict-related sexual violence in South Sudan. The prevalence of such violence reflects deep-rooted gender norms and societal inequalities, perpetuating a culture of impunity. The existence of barriers to reporting and accessing justice further compounds the challenges faced by survivors, while the commendable resilience

demonstrated by South Sudanese women in their pursuit of truth, justice, and non-recurrence deserves recognition.

Recognizing the intrinsic link between women's security and overall state security, as well as the pivotal role of women in peacebuilding endeavors, is crucial. Addressing conflict-related sexual violence and dismantling deeply rooted gender norms necessitates a multifaceted approach encompassing legal, social, and cultural interventions. Efforts must be concentrated on bolstering accountability mechanisms, ensuring survivor access to justice, and promoting gender equality and women's empowerment.

To progress, sustained commitment and resources are essential to support survivors, advocate for policy reforms, and advance comprehensive gender-responsive strategies. Active engagement of women in peace negotiations and decision-making processes will enable South Sudan to foster social cohesion, facilitate community rebuilding, and establish the bedrock for sustainable peace and development.

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Bibliography

- Amnesty International. (2022, November 23). *African Union must establish court for South Sudan*. Amnesty International. <https://www.amnesty.org/en/latest/news/2022/11/south-sudan-african-union-must-set-precedent-for-african-led-justice-by-establishing-court-for-south-sudan/#:~:text=The%20Hybrid%20Court%20for%20South%20Sudan%20is%20an%20AU%2Dled>
- Chavy, A. (2019, February 24). *Weaponizing Gender Violence in South Sudan*. Georgetown Security Studies Review. <https://georgetownsecuritystudiesreview.org/2019/02/24/weaponizing-gender-violence-in-south-sudan/>
- Rolland, A. (2021, February 26). *Weaponisation of Female Bodies: Rape as a Weapon of War in the DRC*. The Security Distillery. <https://thesecuritydistillery.org/all-articles/weaponisation-of-female-bodies-rape-as-a-weapon-of-war-in-the-drc>
- UNHRC. (2022). *Human Rights Council Forty-ninth session Agenda item 4 Human Rights Situations that require the attention of the Council Conflict-related sexual violence against women and girls in South Sudan Conference room paper of the Commission on Human Rights in South Sudan*. https://www.ohchr.org/sites/default/files/2022-03/A_HRC_49_CRP_4.pdf
- UNWOMEN. (2014). *Standard Operating Procedures for Gender Based Violence Prevention Protection and Response in South Sudan*. Evaw-Global-Database.unwomen.org. <https://evaw-global-database.unwomen.org/es/countries/africa/south-sudan/2014/standard-operating-procedures-for-gender-based-violence-prevention-protection-and-response>
- UNWOMEN. (n.d.). *Country Fact Sheet | UN Women Data Hub*. Data.unwomen.org. <https://data.unwomen.org/country/south-sudan>
- UNWOMEN AFRICA. (2023, June 2). *South Sudan launches new women's social and economic empowerment project*. UN Women – Africa. <https://africa.unwomen.org/en/stories/news/2023/06/south-sudan-launches-new-womens-social-and-economic-empowerment-project>
- World Bank. (2022, May 26). *South Sudan Receives \$70 million to Support Women's Social and Economic Empowerment and Strengthen Institutional Capacity*. World Bank. <https://www.worldbank.org/en/news/press-release/2022/05/26/south-sudan-receives-70-million-to-support-women-s-social-and-economic-empowerment-and-strengthen-institutional-capacity>

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