

16 Jun 2011

Historic Opportunity for Women of South Sudan

GJC provides Critical Expertise to Ensure South Sudan's New Constitution Embeds Internationally Guaranteed Equality Rights.

The Republic of South Sudan is in the process of drafting a new constitution and democracy advocates and women's groups are hoping to create a new paradigm of democracy, justice, and equality in Africa that will be adopted when the region declares independence on July 9, 2011.

The Global Justice Center, due to its extensive experience in constitution analyses in Iraq, Kurdistan, Burma, and Northern Ireland, was asked by one of South Sudan's leading women's organizations for its expertise on implementing women's rights in the Draft Transitional Constitution. Because the GJC is dedicated to forging and enforcing international law grounded on gender equality, the recommendations that were made on the South Sudanese draft constitution naturally reflected these principals, ensuring primacy for International Humanitarian Law (IHL) and equality guarantees. With the ratification of this new constitution, South Sudan has the historic opportunity to remodel their government on a foundation of parity and power that promotes equality and peace.

In particular, the GJC's analysis carefully scrutinized every article in order to ensure compliance with international treaties such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Covenant on Civil and Political Rights (ICCPR).

GJC believes that the structure and inherent permanence of constitutions to be a critical component in efforts to create justice and equality, by establishing a concrete basis upon which all law and policy will be developed going forward. Amongst many crucial suggestions, the GJC recommended that:

1. Equality for women must be explicitly defined to ensure that women have gender parity in positions of power.
2. The government has an obligation to take permanent steps to ensure that all treaty guarantee laws are implemented.
3. In accordance with the ICCPR and the African Protocol, which are both applicable to South Sudan as a successor state, there exist quotas for a starting point of 30% women in the legislative and executive branches as well as gender parity in the judiciary branch and new constitutional court.
4. Adding an article modeled after the South African Constitution explicit on reproductive rights.

The Republic of South Sudan's new constitution has the ability to address the suffering caused by Sudan's civil war and mark a crucial turning point in women's ability to access equality.

The GJC advocates for the enforcement of law over the creation of policy as the strongest avenue to effectively implement human rights. As GJC President Janet Benshoof states, "The constitution is the most important legal instrument, for it is the single time for women to influence peace and justice as well as place equality over conflict and peace over security."