



## **Violence Against Women South Sudan** Policy Brief

### **Introduction**

Before the COVID-19 pandemic overtook the headlines, the year 2020 was set to be a critical moment for women's rights and gender equality – with an unprecedented number of political milestones<sup>1</sup> and anniversaries<sup>2</sup> – marking an era of accelerated progress for holistic gender equality and bolder action to deliver on commitments for all women, particularly those affected by conflict.

On 9th March 2020 – what should have been the first day of the 64th session of the United Nations Commission on the Status of Women (CSW) – Women for Women International launched '**Unheard. Unseen. A Global Agenda for Action**'.<sup>3</sup> This provided analysis on the key challenges that were halting progress for marginalized women in fragile and conflict-affected states and identified five priority action areas and broad recommendations where urgent action is needed by global leaders. One of these action areas focuses on ending violence against women (VAW) and calls for increased funding and delivery of a survivor-centered approach to all forms of violence against women affected by conflict.

Two days after the launch of 'Unheard. Unseen.', the World Health Organization officially declared COVID-19 a pandemic.

As the world grappled with this new crisis, many of the priorities and recommendations set out within the Agenda for Action became even more critical, relevant, and urgent, particularly as the secondary effects of the pandemic exacerbated gender-based violence around the world and threatened years of progress.<sup>4</sup>

In 2021, violence against women continued to be one of the most pervasive human rights violations.<sup>5,6</sup> Globally, 1 in 3 women has experienced physical and/or sexual violence at some point in their lives, and that rate is much higher in conflict and post-conflict settings.<sup>7</sup> Some recent studies indicate that IPV may actually be more common than conflict-related sexual assault.<sup>8</sup> However, these statistics should be interpreted with caution, as both intimate partner violence (IPV) and conflict-related sexual violence are under-reported, and particularly in complex humanitarian and emergency settings.<sup>9</sup>

In South Sudan, VAW is often rooted in widely accepted harmful social norms and practices that contribute to gender inequality more broadly, as well as extended periods of civil war, including recent outbreaks of conflict in between 2013 and 2017 and widespread internal displacement.

Though rates and trends of VAW vary across communities and within United Nations (UN) Protection of Civilian (PoC) sites in South Sudan, the rates of IPV are among the highest in the world and notable for their severity. Lifetime prevalence of physical and/or sexual IPV was recorded in 2017 as 60% in Juba City, 73% in Rumbek, and 54% in Juba PoCs.<sup>10</sup> The COVID-19 pandemic exacerbated the prevalence of VAW and contributed to broader inequalities that continue to disproportionately affect marginalized and vulnerable women. VAW has intensified globally, with 243 million women and girls aged 15-49 facing violence from an intimate partner in 2020.<sup>11</sup>

In addition to IPV, VAW can take many forms inside or outside the home, including physical, sexual, and psychological abuse, threats, coercion, taking away someone's right to make decisions, and economic deprivation. These forms of violence are intimately linked with women's overall wellbeing, including physical health, mental health, financial security, and capacity to participate in their community and society.

Women for Women International gathered qualitative and quantitative data from 2019 to 2021 to learn about VAW in communities where we work within Yei, South Sudan, to inform our programming and to elevate relevant policy recommendations that will support actors across the development, humanitarian, and peacebuilding triple nexus to end violence for all women, everywhere, and especially in crises.



**Violence against women and its complex, long-lasting and multi-dimensional consequences undermine the achievement of women's rights and the successful delivery of the SDGs and WPS agenda.**

*(Cited from Women for Women International's "Unheard. Unseen. - A Global Agenda for Action")*

## Methodology

Since 2006, Women for Women International has reached over 16,000 women through its programming in South Sudan. In 2016, we paused all programming and transitioned to supporting local partners in Yei and northern Uganda as intensified war wracked the country. Women for Women International resumed programming in 2019, including immediate delivery of a six-month adaptation of the Stronger Women, Stronger Nations program focused on strengthening women's business skills so they could rebuild their lives and the local economy as we transitioned back to full programming.

These briefs were developed following multiple qualitative and quantitative survey activities including in-depth interviews (IDIs) and focus group discussions (FGDs) conducted in 2021 with 6 male and female community leaders and 60 community members in the Jansuk, Sobe, Jigomoni communities in Yei River State.

There is substantial evidence showing that violence against women generally increases during conflict, economic crises, and increased militarization in communities. Women for Women International contributes to this body of evidence with context-specific data on the themes of:

- **Acceptability and experiences of:**
  - Economic and financial control
  - Physical violence against women
  - Rape, including marital rape
  - Community intervention
- **Compliance with laws versus traditional local customs**
- **Community resources and support available to women experiencing VAW**

# Recommendations Summary

## 1) Humanitarian, development, and peacebuilding sector stakeholders should increase and enhance coordination, localization, and partnerships to end GBV and support survivors in fragile and conflict-affected settings.

### Coordination

- A) Governments and international organizations must incorporate and prioritize funding for GBV risk mitigation across all the triple nexus' response strategies.
- B) International community should continue support to the health system during and post-conflict, prioritizing women's health care and referral systems for GBV.
- C) Sectors engaged in crisis and humanitarian response must prioritize violence prevention and recovery - acknowledging the increased risk of many types of violence affecting women and vulnerable groups during times of crisis - by categorizing protection and response services as lifesaving,
- D) Governments and agencies must strengthen the ability of non-specialist mental health and psychosocial support actors to deliver psychological first aid as part of the current humanitarian response.
- E) UN agencies, governments and international organizations must ensure accountability to existing global frameworks of protection is a cross-sectoral mandate to support implementation of GBV prevention and social norms change strategies so that even the most marginalized communities are aware of their rights to protection and redress.

### Localization and Partnerships

- A) Prioritize partnerships with local women's rights organizations (WROs) providing services to survivors
- B) Services delivered should include context-adapted sexual and reproductive health services, access to justice, mental health and psycho-social support, the creation of safe spaces, economic empowerment, and community sensitization and mobilization to challenge stigma and discrimination.

## 2) Donors must invest in integrated, survivor-centered, and localized approaches that:

- A) **Address root causes and community norms and support context-specific redress and support mechanisms**
  - i. An integrated and survivor-centered approach – which emphasizes women's economic power as well as norms change – is necessary to address root causes of violence against women and achieve tangible change in the daily lives of women. This type of holistic graduation model is one we have developed and led over the past 26 years to support women to heal, thrive, and take ownership of their futures, even within the most challenging conflict settings.
  - ii. Weak redress structures must be reinforced or replaced to counter the pessimism that survivors experience when they seek support or justice in South Sudan.

- B)** Emphasize and fund partnerships for practically accessible support resources for women including community-based protection mechanisms, strengthened referrals systems and direct services for GBV survivors.
- C)** Support ongoing engagement with prospective allies and champions including men, family members, and community members. Funding should support women advocates, male champions, formal and non-formal groups to broker community-level agreements with government and traditional power holders.
- D)** Grow and strengthen community-based organizations, networks, and groups to develop community- and survivor-led strategies and priorities for preventing VAW and supporting survivors.

### **3) Recommendations for South Sudan community-level policies, community programs, implementation of laws, and redress mechanisms to end VAW.**

#### **Raise community awareness about VAW and build support for preventing and ending VAW and harmful practices**

- A)** Conduct radio talk shows to sensitize members of the community - including men and community leaders and influencers - about VAW and how it can be prevented.
- B)** Organize community awareness meetings and dialogues specifically aimed at finding solutions to VAW issues, stigma, and gaps in resources or services for survivors.
- C)** Conduct awareness meetings and trainings to increase knowledge of the available services and supports for survivors offered by local leaders, points of care, and NGOs.

#### **Establish and implement consistently applied laws against VAW at the local level**

- A)** Support establishment, implementation, and sensitization of local laws in partnership with local traditional leaders to help govern the community and protect it from VAW while rebuilding trust and power in local leadership amidst ongoing conflict.
- B)** Keep accurate records of members of the community including perpetrators and always punish for any crime committed.
- C)** Government and local law enforcement must consistently arrest those violating local laws to reinforce national and local legal frameworks and inviolability of VAW.

#### **Increase capacity of existing support networks, service providers, and community leaders to respond to VAW**

- A)** Ensure there are referral mechanisms for women who seek care or legal redress and that women and other community members are informed of these pathways and available services.
- B)** Provide trainings to service providers, medical professionals, and law enforcement around confidentiality of survivor identity to alleviate resistance by survivors to seek care and support.
- C)** Provide ongoing trainings to women, community leaders, community elders and police on preventing VAW and providing survivor-centered responses to cases of observed and reported VAW.
- D)** Support women's mobilization to develop a strong support network to advocate against harmful social norms and VAW normalization, prevent further occurrence of VAW, and support VAW survivors.

## Context: South Sudan and Violence Against Women

In 2011, South Sudan transitioned from a 25-year civil war with the Government of Sudan to become its own independent nation state. However, the conflict remained active due to underlying political and ethnic tensions. In December 2013, these tensions sparked into the active period of violent civil war now referred to as the 2013 crisis. Even after the new peace agreement established in 2015, conflict persisted throughout the country. Inter-communal and ethnic conflict erupted once again in 2016, displacing much of the population in and around Juba City.<sup>12</sup>

The ongoing unrest during the first decade of South Sudan's history as its own nation state has eroded key systems and services such as education, local economies, political systems, and rule of law. This erosion combined with the ongoing conflict and resulting humanitarian crises has exacerbated VAW prevalence across South Sudan.

Despite the breakdown of trust in rule of law and institutions during the ongoing conflict, there are formal legal frameworks and mechanisms governing VAW acceptability, prevention, and redress.

Article 16 of the current Transitional Constitution asserts the rights of women as equal to men including the right to equal respect, work and benefits, property rights, and participation in public life including a 25% quota in parliament and government positions. Article 16 also calls for the government to provide maternity and child health care and enact laws to "combat harmful customs and traditions which undermine the dignity and status of women."

Additional legislation such as the Penal Code Act and the Child Act, complemented by the National Gender Policy and GBV special protection units, provide frameworks for the specific issues of VAW such as early and forced marriage, rape, kidnapping, and female genital mutilation. However, there are gaps in IPV protections such that domestic violence is not explicitly defined as illegal, and the Penal Code omits marital rape from its definition of rape.

There is also inconsistency about consent of children and adolescents under the age of 18. While the Penal Code indicates that anyone under the age of 18 is not capable of providing consent to sexual intercourse, because marital rape is not included in its definition of rape, anyone married under the age of 18 may not be protected under the code of consent.<sup>13</sup>

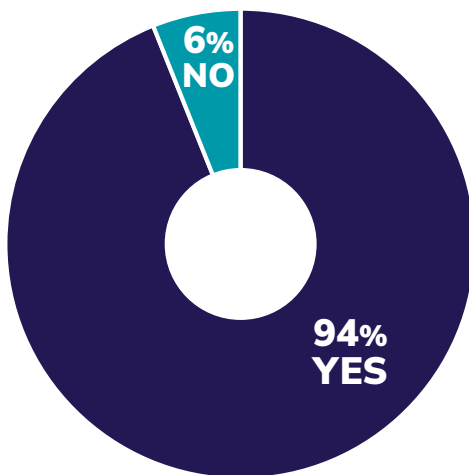
Article 33 of the Constitution also protects the right of ethnic and cultural communities to continue freely practicing their beliefs, languages, religions, and customs.<sup>14</sup> However, this Article also indicates that these practices may not conflict with the Constitution's accorded rights. Thus, in cases where harmful traditional practices or VAW are considered cultural or traditional, the Constitution indicates that the law should supersede those practices and protect the rights of women and survivors. Yet most women continued to be governed primarily through customary laws at the local level, indicating that community attitudes and responses have a greater impact on women's experience of violence in their own homes and communities.

## Findings

Interviewers and facilitators in South Sudan focused their discussion with community members on attitudes about VAW, common forms of VAW (physical violence, marital rape and sexual violence, economic deprivation, and harmful traditional practices), ways to respond to incidents of violence, and resources available for survivors. While some of the community stakeholders interviewed acknowledged certain acts of VAW as unacceptable, there are persistent practices, attitudes, and norms that perpetuate normalization of VAW in the community.

### ACCEPTABILITY OF VIOLENCE AGAINST WOMEN

Figure 1  
IS IT NORMAL TO BEAT ONE'S WIFE / DAUGHTER FOR A MISTAKE?



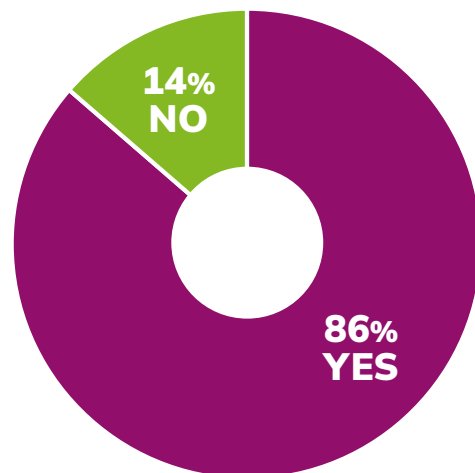
Across the communities visited, interviewees and FGD participants acknowledged the high prevalence of violence against women and cited common practices such as a man beating his wife, marital rape, economic deprivation, control of personal and household decisions and child marriage.

“**Few men said they don't beat their wives but most of the women suffer violence every day.**”

(Community member, FGD)

As shown in figures 1 to 4, an overwhelming majority of community members and leaders participating in the interviews and discussions (out of 66 respondents) felt that it is normal for a man to beat his wife for her perceived mistakes, normal for a husband to demand sex from his wife, normal for a man to control his wife's earnings, and normal for the community to blame a woman if she is raped.

Figure 2  
IS IT NORMAL FOR A MAN TO DEMAND SEX FROM HIS WIFE?



Community members described the level of violence against women as high. Intimate partner violence was described as including beatings, slapping, kicking, hitting with stones, cutting with a panga knife (Jansuk), insulting and yelling, not letting a woman use family planning methods, chasing a woman from her home and even killing women.

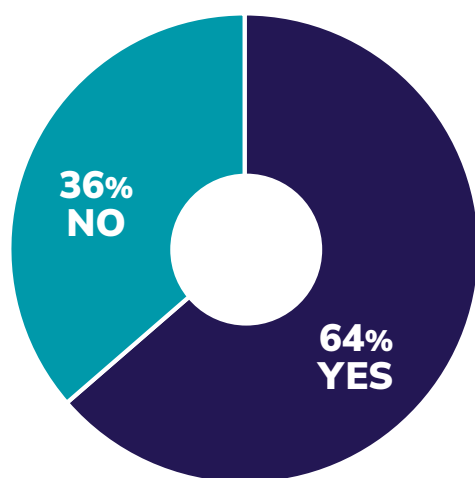


Often, the reasons given by the community members –men and women alike– for such physical violence was a form of punishment for wives. Women are often beaten for their perceived laziness for not completing household tasks, not demonstrating respect to their husbands, ‘cheating’ on their husbands or merely talking to other men, or for talking poorly about her husband to others outside the home (‘gossiping’).

Women in Jansuk experience all forms of violence including physical, sexual, economic, and psychological violence on a near daily basis. The community sees this as normal and common. Community members, including men, acknowledge the power imbalance, culture, and traditions that shape men’s behavior and attitudes toward VAW.

Figure 3

### IS IT NORMAL FOR MEN TO CONTROL THEIR WIFE’S EARNINGS?



In Jigomoni, community members describe similar forms of IPV including physical, emotional, and economic violence, as well as sexual violence including rape, sexual harassment, and sexual assault outside the home. Community members and leaders also highlighted harmful traditional practices such as forced marriage and polygamy as being prevalent in the community. They point to the total control of men over their families as an underlying cause, and community leaders and members commented that women were not happy in their marriages.



**All the violent behaviors are considered not normal, but still they occur in the community.**

*(Religious leader, Jigomoni)*

In Sobe, the community described high rates of the same types of violent behaviors towards women inside and outside the home. An FGD with the Dinka ethnic group in Sobe also elevated the issue of bride price, in which men pay a dowry to a woman’s family in order to marry the woman.

The community members noted that this practice led to women being seen as property or a source of wealth. For example, women are often not allowed to continue or finish their education because their family might marry them off at a young age so that their brothers can use their sisters’ dowry to pay the price for their own brides. While this practice was mainly discussed by the Dinka ethnic group in the Sobe community, bride practice is common across communities and ethnic groups in South Sudan with the similar effect of commodifying women.<sup>15</sup> Both the Peri and Dinka ethnic groups in Sobe also highlighted heightened insecurity in their communities to the increased presence of ‘men in uniform’ –referring to the military– in the area.

Within the internally displaced populations, men and women noted the heightened frustration due to their displacement, limited food availability, lower income level compared to income before displacement, and poor shelter. These conditions combine with the power imbalance in the family to create a volatile situation for women who bear the brunt of heightened violence in IDP settings due to the aforementioned conditions.

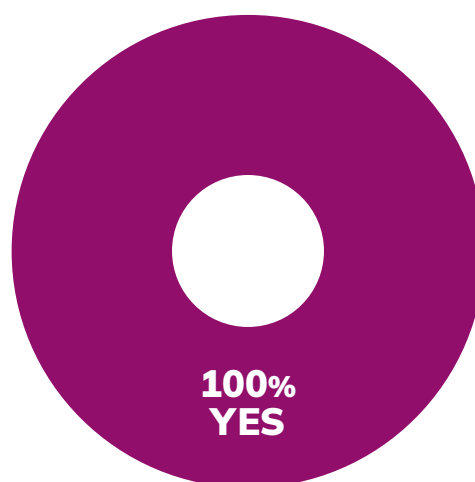
Out of the many forms of violence described as prevalent in the community, community leaders and police officers primarily describe rape and assault which results in the death of a woman as extremely violent behavior which needs to be addressed, as opposed to the other forms of IPV such as marital rape or economic deprivation. Notably, adolescent girls indicated that, in addition to rape, harmful traditional practices such as early and forced marriage were the primary violent behaviors that they wished to see addressed and ended.

Community members cite men's perceptions that their wives are disrespecting them as husbands, mismanaging household money, or having relations with another man as common reasons for physical violence against women.

In addition to the direct physical violence inflicted, men often compound this form of IPV with controlling behavior such as limiting his wife's mobility by controlling her clothing, withholding money from her, and prohibiting her from working or leaving the home.

Figure 4

#### IS IT NORMAL TO BLAME WOMEN WHEN THEY ARE RAPED?



In addition to blaming women's behavior and perceived mistakes as reasons for perpetuating IPV, women are also blamed when they are raped. 100% of community members and leaders participating in interviews and discussions confirmed that it is normal to blame women when they are raped.

Across communities, men and women expressed that violence is seen as normal because the survivor and the perpetrator are "asked to reconcile and move on." A police leader added that "some police officials are not trained [on VAW] and as a result they perpetrate VAW in their own homes and they tend to defend the perpetrators leading to high prevalence of VAW cases."

“**VAW occurs everyday and people now see it as a normal thing because when it happens nothing is being done.**”

(Health professional, Jigomoni community)

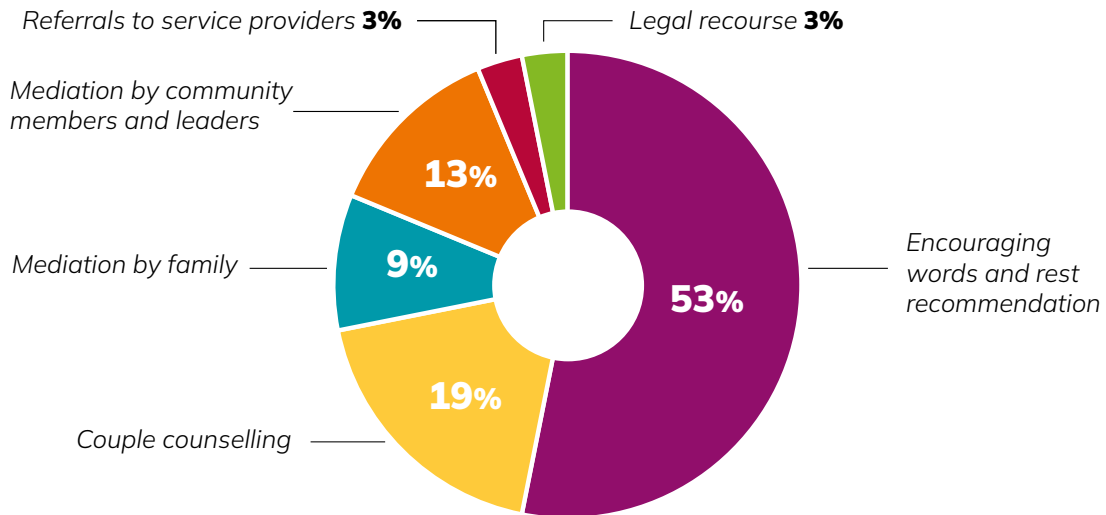




## COMMUNITY RESPONSE, SUPPORT, AND RESOURCES

Figure 5

### RESPONSE TO A WOMAN ASKING FOR HELP TO STOP BEING BEATEN



When community members were asked about how they would respond to a woman seeking help in a physically violent situation at home, most respondents indicated that they would encourage her to be strong, provide advice on how to avoid angering her husband, and recommend that she rest following the beating.

“ Provide counseling and use some bible quotations to guide her. ”

*(Community leader, Jigomoni)*

“ Give her sweet word of encouragement. ”

*(Elderly woman, Sobe)*

Community members and leaders also indicated that they would recommend couples counseling or dialogue, couples' mediation by family or community leaders, or referrals to an external service provider. The only individuals to propose any formal complaints or involvement by the police was the police leader himself and a woman medical health director.

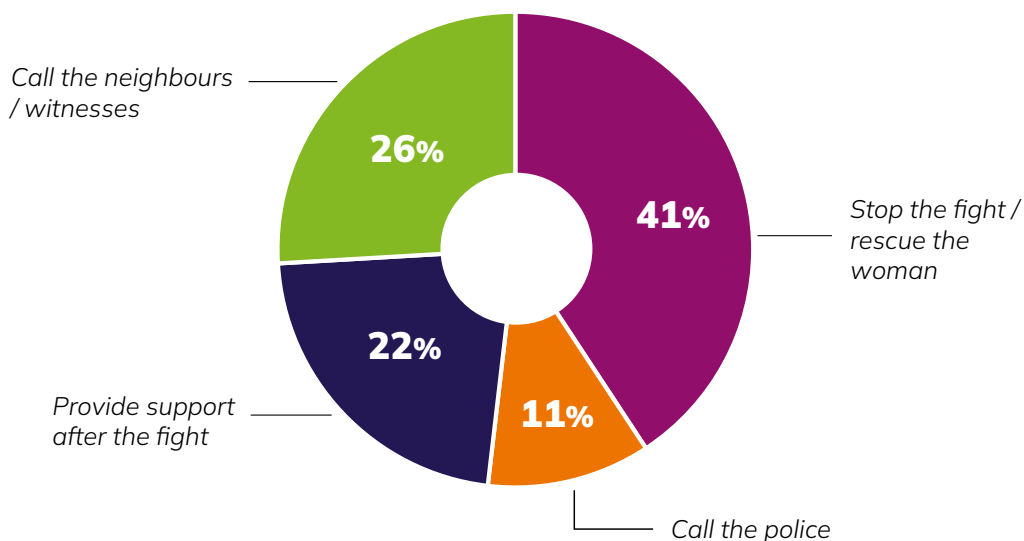
No community member included a formal complaint or legal recourse in their proposed solutions for physical IPV. Overall, community members' responses indicate an unwillingness to suggest external support for women seeking respite from physical violence at home.

When asked what they would do if they heard a man beating his wife while the beating was in progress, most people indicated that they would intervene to rescue the woman or call additional neighbors to raise an alarm and assemble a group of witnesses. Yet as in the case with a woman seeking help, even when a community member catches a woman being attacked, they do not first seek to call for the police or authorities.

“ The neighbours take long to intervene in rescuing a woman who is being beaten by her husband. ”

*(Elderly man, Jansuk)*

Figure 6  
**RESPONSE IF YOU HEAR A MAN BEATING HIS WIFE**



All community respondents that were interviewed confirmed the norm in the community to blame a woman for being raped. Figure 7 illustrates the questions that community members would pose about the rape, which establish a pattern of holding the woman responsible. Additionally, a woman’s husband may also blame her for being raped and leave her. This discourages many women from reporting a rape or seeking medical services, as they are concerned that a lack of confidentiality within their community could result in their reputation being ruined or their husband leaving them.

Figure 7

Why do you dress indecently? How were you raped?  
 Where did it happen? Were you in a relationship with them?  
 When did the incident happen? Who told you to drink alcohol?  
 Who removed your pants? Why did you put on a short dress?  
 Who told you to go there? What did you want there?  
**Why do you walk alone?**  
 Why do you access those places? Why are you insulting boys?  
**Did you cry for help?** How many people were involved?  
 Why do you move at night?  
 Who removed your clothes? Why do you go to night parties?  
 What do you want from disco places? Were you alone there or with somebody?  
 Why do you put on mini skirts? How did the perpetrators get you?

**When community members and leaders were asked about the gaps in services or support for VAW survivors in their community, their responses fell into the following categories:**

- Women are unaware that VAW is a violation of their rights
- Community members do not know about the available services for survivors
- Lack of coordination or referral pathways for support services
- Lack of accessible and available services altogether
- Lack of means (material, transport, etc.) to seek support
- Weak or corrupt community leadership
- Lack of confidentiality by service providers
- Lack of faith and trust in the legal system
- Lack of psychosocial services
- Stigma in community discourages survivors from seeking support

**PLATFORMS IDENTIFIED BY THE YEI COMMUNITY AS AVAILABLE TO ADDRESS ONE OR MORE FORMS OF VAW:**

- One-stop center in the civil hospital
- Diocesan counseling center
- Chiefs and church leaders
- Police gender desk
- Médecins Sans Frontières
- Voice for Change (VFC)
- Mission to Alleviate Suffering in South Sudan (MASS)

Even when limited services are available to survivors, women are deterred from seeking support due to their lack of personal means, their lack of trust in the providers or leaders, and community stigma that blames women for so many of their own experiences of VAW.

Community members and leaders call for support to women in navigating services and referral pathways and becoming better informed about their rights. Many traditional leaders also called for the government to end the conflict altogether and for local leaders to be strengthened. The ongoing conflict and increased militarization within communities has decreased the power of traditional leaders and chiefs in the face of men with weapons who are able to override their influence or ability to deliver any punishment.<sup>16</sup>

For IDP populations, medical professionals and the affected community members also called for general humanitarian support to help ease the causes of stress and to provide emergency protections. In Sobe, key informants and women in the community highlighted the prevalence of 'men in uniform' as primary concerns for their community. Due to the ongoing conflict and violence in their communities, the weakened community leadership and legal systems, and the challenges facing IDP communities, many concerns for the groups in the study were linked both to addressing VAW and to addressing overall conditions of violence and insecurity present in the community.

## CUSTOMS VERSUS LAWS

Despite legal protections from VAW and gender-based discrimination laid out in South Sudan's formal legal structure, the entirety of most women's legal rights is governed by customary rather than formal laws. As discussed in the Context section, the importance of customary law is enshrined in the constitution, and the purpose and function of traditional authorities and their role in implementing customary law is specifically outlined.<sup>17</sup> While specific customary laws vary by community, generally their focus is on community reconciliation rather than protection of individuals or punishment of perpetrators.<sup>18</sup> The customary courts sit within local government bureaucracy which are often regarded as ineffective.

This perception has grown alongside the rise in militarization and conflict in communities, where intimidation of judges ahead of decisions is common.<sup>19</sup>

Further, the customary courts are presided over by local male chiefs who typically do not have formal legal training and may have ingrained patriarchal attitudes that reinforce discriminatory gender norms.<sup>20</sup> Despite the perceived weakness of rule of law and lack of training, these traditional courts have the authority to imprison or assess large fines on those who are found to be guilty of VAW crimes. However, because of the lack of coverage and presence of the formal system in rural areas, these traditional court structures are often the only option for women in rural areas wishing to pursue legal justice and reparations.<sup>21</sup>

Across the communities, there was overwhelming recognition that national laws provided stronger protections for women's rights. Despite this, most people preferred using customary laws and traditions to address 'family problems' such as domestic violence, marriage, and land disputes.

Customs were described as helping to keep families together where national laws were perceived to promote divorce. There was some agreement that national laws should be used in murder cases, promoting girls' education, and preventing early marriage.

While the South Sudanese government has established mobile courts and has national courts in Juba, these courts are often unavailable to women in rural or conflict hotspots. Thus, their only recourse might be a traditional court where the judge has no formal training and may hold patriarchal gender norms that are sympathetic to the perpetrator of VAW in a given case. Women who participated in our KIs and FGDs often discouraged the role of customs because they do "not give women the freedom to voice out their opinions and concerns." When addressing VAW including domestic violence or rape, customs and traditional structures prevail in determining acceptability and accountability.

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## Conclusion

VAW is a deep-rooted and complex threat to women in FCAS. Entrenched and intergenerational traditional and patriarchal beliefs in South Sudanese society, alongside the influence that stigma and some traditional leaders hold on people's behavior, pose certain challenges for the promotion of women's safety and rights in South Sudan's communities.

The recommendations in this policy brief address the role for actors at all levels in ending VAW, and emphasize the need for coordinated, long-term, and holistic programming and context-specific, community-driven protection and support services. As South Sudan addresses its ongoing conflict and humanitarian challenges and potential rising tensions leading up to the political elections planned for 2023, it will be critical for the government to center women's rights, to prioritize addressing harmful social norms and weak rule of law that perpetuate widespread violence against women.

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