

South Sudan

Country context: according to UNFPA, South Sudan has one of the highest GBV prevalence rates in East Africa. In 2022, a study by the Global Women's Institute and the International Rescue Committee revealed that up to 65% of South Sudanese women and girls in conflict zones had experienced physical or sexual violence.

Regional laws ratified

- **African Charter on Human and Peoples' Rights** - 23 October 2013
- **Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)** - 24 February 2023

National legislation

Transitional Constitution of South Sudan, 2011 (as amended in 2013)

- Provides the foundation for equality, protection from violence, and the rights of women and children.
- Guarantees equality before the law.
- Affirms free and full consent to marriage.
- Prohibits harmful customs, practices and traditions, including child marriage.
- Prohibits torture and cruel, inhuman or degrading treatment or punishment.
- Guarantees access to justice for survivors.

Penal Code Act, 2008

- Criminalises rape and recognises that persons under 18 cannot consent to sexual intercourse.
- **Penalty for rape:** up to 14 years' imprisonment.
- Explicitly excludes marital rape from legal protections.
- **Criminalises the abduction** of a woman to compel marriage or sexual intercourse.
- **Penalty:** up to 10 years' imprisonment, with or without a fine.
- Criminalises trafficking. **Penalty:** up to 7 years' imprisonment, or a fine, or both.
- Criminalises incest. **Penalty:** up to 7 years' imprisonment, or a fine, or both.
- Criminalises sexual harassment. **Penalty:** up to 3 years' imprisonment, or a fine, or both.

Child Act, 2008

- Guarantees protection of children from mental/physical violence, sexual exploitation, trafficking, harassment, rape, incest, "child prostitution" and "child pornography"; with **penalties up to 14 years' imprisonment**.
- Prohibits child marriage and harmful traditional practices such as forced circumcision, scarifications, tattooing, piercing and tooth removal.

South Sudan Geneva Convention Act, 2012

- Domesticates the 1949 Geneva Conventions and 1977 Additional Protocols.
- Sets penalties for grave breaches.
- Protocol I, Article 76(1) protects women against rape, forced prostitution, and indecent assault; Article 76(2) restricts the death penalty for pregnant women/mothers with dependent infants.

Pending legislation

Draft Anti-Gender-Based Violence (GBV) Bill, 2023

- Seeks to consolidate GBV laws, criminalise harmful practices (e.g., child marriage, wife inheritance), and establish protective mechanisms; supported by civil society and UN agencies.

Policy framework

Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), 2018

- Requires parties to refrain from all forms of SGBV during the permanent ceasefire and to protect women and girls.

Support mechanisms

- **Mobile courts:** provide access to justice in remote areas.
- **Special Protection Unit (SPU) within the South Sudan Police Service:** respond to and investigate SGBV cases.
- **Safe houses:** offer shelter and support to survivors.

Legal gaps and implementation challenges

- Lacks comprehensive domestic violence legislation.
- Marital rape is not prohibited under the law.
- Child marriage remains widespread; the minimum age of marriage is not clearly set in the Constitution or the Child Act.
- Limited presence of statutory courts around the country results in the frequent use of customary courts for the resolution of criminal cases, including GBV cases.

Scan to learn more about laws and protections on ending violence against women and girls in South Sudan.

