



**Promoting Sustainable Access to Justice for Vulnerable
Women and Girls, Magwi County EES, South Sudan:**

A Baseline Study Report

By

STEWARDWOMEN with financial support from Cordaid

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December, 2014

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ACKNOWLEDGEMENT

STEARAWOMEN is very grateful to the baseline study team for their relentless efforts that led to the success of the baseline study. We also appreciate the high level of cooperation demonstrated by the local authority for mobilizing the study respondents. We treasure the respondents in a special way for having spared their valuable time to respond to the long list of the study questions.

In a special way, we appreciate the financial and technical support from CORDAID without which the study would not have been possible.

EXECUTIVE SUMMARY

The baseline study on “women access to justice” supported by Cordaid sought to identify new forms of GBV and security issues for women and girls in Magwi county; and to provide information base for monitoring the outcome and impact of the project. GBV is perceived by the community as acts by men to women or girls that cause unhappiness, stress, suffering or pain. Women insecurity is viewed as a “situation where women and girls have fear, lack support of their spouses, or are threatened with violence by men when they are drunk. All women in the area are reported to have experienced violence from their male counter parts in the forms of early and/or forced marriages; wife desertion; preference of boys to girls; calling women bad names like “frogs, urinal shelter etc.”; denial of property and inheritance rights; physical assault; rape; extortion of money, denial of education for girls; restriction of movement and refusal for women to attend meetings among others. Insecurity on women and girls is closely associated with these forms of violence.

It was found out that the local justice institutions that handle the incidence of GBV include elders, village chiefs, youth and women leaders, the police, payam and county authorities. However, these institutions are hesitant in addressing incidences of GBV; they regard it as an issue to be resolved by family members. Women are also discriminated by these institutions. The court fees are very high and cannot be afforded by women. Women who try to report GBV cases are usually intimidated by the community. The local courts are usually bribed by GBV perpetrators. The local courts are also ignorant about the statutory laws that protect the human rights and freedoms of women- they predominantly apply customary laws, which undermine women. It was found out that there is need to scale up the level of community awareness on human rights issues; develop appropriate legislations, including community bye-laws on the sale and consumption of alcohol and the protection of the rights of citizens and the welfare of children; increased enforcement of the rule of law; training of traditional leaders on justice issues; and provision of credit and financial support to women.

SECTION ONE:

1.0 INTRODUCTION AND BACKGROUND

1.1 Introduction:

The baseline study on the project “promoting sustainable access to justice for vulnerable women and girls in Magwi county” was commissioned by STEWARDWOMEN in South Sudan with financial support from Cordaid. The study was conducted in the target payams of Kerepi, Oboo and Magwi.

STEARWARDWOMEN (formerly STEWARD Organization) is an indigenous women organization founded in March 2009 by some South Sudanese women lawyers and their friends, and managed by women. It is registered with the Ministry of Justice and the Relief and Rehabilitation Commission as a national not-for-profit non-governmental organization. The vision of the organization is a “South Sudanese society free from the violations of the human rights of women and children”. Her mission is “to develop, shape and empower South Sudanese women to advocate for policies that foster equal economic opportunity, and secure human rights for women and children”.

1.2 Objectives of the study:

The overall objective of the study was to identify new forms of GBV and security issues for women and girls, with the view to incorporate inputs from stake holders in the project during project implementation; and provide information that will be used to monitor the result of the project. The key baseline guiding questions were:

1. What are the manifestations of GBV and insecurity on women and girls in the community?
2. What are the local justice mechanisms and/or institutions for GBV survivors in the community?
3. What is the level of community awareness on women human rights, justice, legal, and security and gender issues?
4. What are the consequences of GBV and insecurity on GBV survivors and/or their families?

1.3 Methodology:

1.3.1 Approach:

STEARWARDWOMEN hosted a 4 days’ training on baseline study methodology for the baseline study team and the project staff, which included one day of field testing of the primary data collection tools. This was followed by 7 days field data collection in the target payams. The field data team comprised 5 research assistants, who were subdivided into 2 groups i.e. Kerepi team and Magwi team. The 1st draft report was prepared and presented for validation during the joint stake holders’ project inception workshops held in the target payams. STEWARDWOMEN also hosted a one day workshop for the field team to discuss the draft report.

1.3.2 Sample size and strategy:

The study was conducted in the three project target payams namely Kerepi, Oboo and Magwi. The study respondents were GBV survivors, women leaders, youth leaders, school girls, local government leaders, traditional chiefs, religious leaders, IDP leaders, associations, police and magistrates. A total of 140 respondents participated in the study, 50 from Kerepi, 60 from Magwi and 30 from Oboo. A purposive sampling procedure was adopted during the selection of the study respondents in line with the procedure stipulated in the project document.

1.3.3 Methods:

The study adopted the following tools for the primary data:

1. Key informant interviews;
A total sum of 24 key informant interviews was conducted; 8 each per payam targeting women and local government leaders, traditional chiefs and the police using the interview guide provided.
2. Focus group discussion (FGD);
At total sum of 24 FGD was conducted in the three target payams as follows:- 12 FGD with women, 6 FGD with men and FGD (mixed) with representatives of community leaders.
3. Case scenarios;
A total sum of 15 case scenarios was held with selected GBV survivors, 5 each in the three target payams, with the help of case scenario guide.

1.3.4 Data analysis:

A descriptive approach to data analysis was adopted using the key research questions as content themes. Graphical illustrations namely tables, pie charts and percentages were also used wherever appropriate. The socio-economic context from which the field data was collected was closely followed and used during analysis of the primary data. The relevant secondary source of data on the target area was also used to supplement the primary data.

SECTION TWO: STUDY FINDINGS

2.0 MANIFESTATIONS OF GENDER BASED VIOLENCE AND INSECURITY ON WOMEN AND GIRLS IN MAGWI COUNTY.

2.1 Perception of gender based violence and insecurity on women and girls:

2.1.1 Gender based violence;

There is a varied perception of violence on women and girls in the community. It is understood by some members of the community as “something that men do to women and girls that make women and girls feel unhappy or something that stresses women and girls; or challenges faced by women from their husbands; suffering imposed on women and girls by men; pain caused by men to women and girls; and misunderstanding between men and women¹.

2.1.2 Insecurity on women and girls;

Generally, insecurity on women and girls is viewed as a “situation that makes women and girls “fear their homes or the community (EE-Mag-FGD-2). Insecurity is further associated with violence on women and girls mainly caused by the youth and men to their wives. It was reported that the youths in the area host night dances deliberately as means to trap women into sex. Young women are usually waylaid by the youth at night on their way to night clubs and rape them. Other men buy a lot of alcohol for women in the night clubs so as to make them drunk and rape them. These incidences make women to fear travelling at night. It was also reported that men in the area usually beat their wives whenever they are drunk. Accordingly, men are considered to be the leading cause of insecurity to women and girls because of their bad drinking habits. As such, most women fear to be in their homes whenever their husbands are drunk. Some women are being threatened by their husbands with guns and knives each time they try to report incidences of violence to the local authority for redress. In Kerepi, it was found out that the video halls in which pornographic movies are shown have also become another source of insecurity to girls. It is believed that the pornographic movies motivate girls into sex that usually leads into premarital pregnancies. Some women are insecure because their husbands are lazy and cannot provide for their needs, which has made them more vulnerable to hunger and diseases (KR-FGD-1). The movement of cattle by the IDPs mainly the Dinka pastoralists at night has also causes fear in some women in Kerepi payam. It is reported that the pastoralists harass, rape and abduct girls at night as they move with their cattle (KR-FGD-1). Polygamy is also perceived to be another cause of insecurity to women. It was reported that a polygamist man usually fail to provide adequately for his wives, thereby causing them to fight, witch hunt and even kill children of their co-wives KR-FGD-1); (KR-FGD-1). Violence on women and girls by

¹ See EE-Mag-KI-2; EE-Mag-FGD-1; EE-Mag-FGD-1 and EE-Mag-KI-4.

men is considered a serious security issue that requires urgent attention, both from the government and development partners.

2.2 Forms of Gender Based Violence on Women and Girls:

The study found out that all the women respondents experienced some form of violence from men. These include:

Drunkenness by men and irresponsibility;

It was reported that men in the area drink too much alcohol. They usually go to the nearby trading centers early in the morning to drink alcohol instead of working. Other men just loiter in the trading centers, return home late in the night and demand for food from their wives. Any attempt by women to refuse food for their drunken husbands or fail to prepare it usually leads to serious beating by their husbands². Some men have the tendency to sell household food for buying alcohol and take away money from their wives as illustrated by the live story of a woman during a case scenario interview in Oboo payam in the following words:

...my husband doesn't want to work- he likes drinking alcohol. Sometimes he sells the little food in the house for buying alcohol. He doesn't support me. He is very aggressive and violent whenever drunk. He grabs my little money from the sale of charcoal and spends it on alcohol. I always hide my money for safety; otherwise he will take it for beer.

More so, in the event of separation or divorce, children have the tendency to run after their mothers due to the failure by their fathers to provide for their basic needs. However, when the children grow up, their fathers claim ownership of them, including the dowry for married daughters. Usually, the women who brought up their daughters single handedly are not allowed to have a share of the dowry³.

Allegation of witch craft;

In Kerepi payam, women are blamed and held responsible for almost all the bad happenings in the community, although this was not reported in the payams of Magwi and Oboo. During a case scenario interview, a GBV survivor informed the research team that her husband blamed her for the death of their three children and labelled her a "witch". It is also a common practice that women suspected of witchcraft are banished

² See EE-Mag-FGD-3) held on 15th November, 2014

³ Ibid.

from the community or killed through mob justice organized by the youth (KR-CS-3). In 2014, a woman and her family in Moli Tokuro suspected of witchcraft had to be rescued by the police in Nimule from being killed by a mob.

Wife Desertion;

It was found out that many married women in the area have been abandoned by their husbands. It was reported that many men have migrated to the nearby towns namely Juba, Torit and Nimule in search of jobs and have abandoned their wives. Some men who have married younger women don't support their senior wives any more. Other men have abandoned their wives in favor of "sugar mummies"⁴. Generally, wife desertion is reported to be on the increase in the area that has made women more vulnerable to sexual exploitation, hunger and poor health (KR-CS- 5)⁵.

Use of bad and abusive languages;

It is a common practice by the men in the area to refer to women as "urinal or bathing shelters, prostitutes or sluts". This usually happens whenever there is any disagreement or quarrel between a man and a woman. Some men call women bad names like "dog, frog or loiterer". Bad language is used by men as means to shut down assertive women. Women are also blamed by their husbands for mistakes or misbehavior of children. It was reported that men are fond of saying to their children "you are just stupid like your mother" in the event of any misbehavior. The women are really angry with these insults and those who cannot tolerate it have either divorced or separated with their husbands⁶.

Polygamy;

Polygamy is a common practice among men in all the 3 payams. However, most polygamists fail to provide for the basic needs of their families. There is a tendency among polygamists to support their younger wives and abandon older ones. More so, polygamists usually resort to violence as means to intimidate their wives from asking financial support for the family. Polygamist men also have the tendency to create disputes between their wives deliberately so as to manage them. As such, it is common for women in polygamy families to quarrel; fight and witch hunt each other (KR-FGD-6) as they try to win the favor and love of their husband.

⁴ "Sugar mummies" is a term used to describe rich, single and mature women who use their wealth to snatch young but poor married men as sexual mates or husbands.

⁵ A sugar mummy is a term used to describe rich elderly women who either widows or divorcees and take the advantage of their wealth to buy love from young men.

⁶ See key informant interview EE-Mag-KI-4 held on 18th November 2014.

Forced and early marriage;

In all the 3 payams, forced marriage is a common practice. Many girls are forced to marry men who are much older than them, provided that they can pay large sums of money as bride price. It is common for a girl of 15 years to be forced by her parents to marry a man of 40 years old or more (KR-FGD-1). Incidentally, a significant number of girls forced into marriage are in school. As such, most girls are forced out of school at the age of 15 years. In Magwi payam it was reported that a certain man locked her daughter in the house with a man so as to force her to accept him as a husband. In Oboo another man threatened to gun down her daughter if she refused to marry the man chosen for her by the family (EE-Mag-KI-3). Some school girls have also been tricked into marriage by some men who never heed to their pledges of taking them back to school (EE-Mag-KI-1).

Forced abortion⁷;

It was reported in both Magwi and Obbo payams that girls who get pregnant are forced by their parents to terminate the pregnancy. This usually occurs when the parents do not want their daughters to get married to the man because he is poor or they simply dislike the man or his family. Others do so because they want their daughters to remain in school. This is normally done with the help of local medicine men and women, thus increasing the risk of death among adolescent girls in school and future complications with pregnancies.

Raping women and girls;

Four out of every 10 women respondents reported to have been raped by men, with marital rape taking the lead. Marital rape usually occurs in the event that a married woman refuses sex for her husbands. Gang rape is also becoming a very serious problem, especially in the communities of Oboo and Magwi. This usually happens when girls go for water or firewood and a group of boys way-lay her⁸. This usually happens when a girl is unaccompanied. During the interviews, the women respondents said that women usually refuse sex for their husbands whenever they are drunk or have failed to provide food for their families. Some women also refuse sex for their husbands when they are suspected to be involved in extra marital sex. However, it was found that some men also use rape as means to marry beautiful women who they admire to be their wives. In Magwi payam, it was reported that during a court hearing of a rape case, the father of the rape survivor decided to drop the case against the suspect and gave the

⁷ Forced abortion is a new form of GBV in the community, which was not found during the baseline survey of 2012.

⁸ A gang rape is a practice where a group of boys organize to rape a girl in turns who goes to fetch water or firewood unaccompanied. This is a new form GBV in the community.

girl to him as a wife after the rapist claimed that he raped her because he admires her and wanted her as a wife⁹. The scale of marital rape in the area is further illustrated by the live story of a survivor during a case scenario interview in the following words:

...my husband forces me into sex, even if I'm sick and in my monthly menstrual period. He beats me whenever i resist. I now live in fear. People around us are now fed up with our problem (see EE-Mag-CS-3).

Six out of every ten female respondents also complained that their husbands treat them as "sex objects". Customarily, a married woman cannot refuse sex for her husband. Any attempt to do so usually leads to severe punishment by the in-laws that include separation, banishment or a fine of a goat. This is because customarily, a man owns his wife, including her sexual rights and freedoms, without any conditions.

Restriction on the movement of women;

All the women who participated in the interviews said that their husbands don't usually allow them to visit their neighbors or friends and relatives. This is because men fear that their wives will be influenced negatively, which might create problems in the family. Some men also don't allow their wives to host male visitors because of suspicion of extra marital affairs. The women feel that these restrictions undermine their freedom to associate and access vital information. More so, it has made them to miss many development opportunities needed for the wellbeing of the family¹⁰.

Preference of boys to girls;

It was found out that male children are mainly preferred to girls; and a woman who produces girls only risk being divorced by her husband (KR-CS-1). In Kerepi payam, women who give birth to girls only are called "mother of frogs"¹¹. There is a general feeling in the community that the home of a woman is in her husband's home. As such, many families are not interested in sending girls to school. They believe that the wealth accumulated by educated girls in their marital homes is used to support the family of her husband. This attitude accounts for the relatively low number of school girls to boys.

Women are not allowed to participate in decision making;

⁹ See focus group discussion EE-Mag-FGD-4 held on 18th November 2014.

¹⁰ See focus group discussion EE-Mag-FGD-1 held on 15th November 2014.

¹¹ Among the Madi there is a common belief that a woman cannot settle with one husband, unless he is rich. Women are understood to be continually in the search of comfort (food and wealth), similar to frogs that continually search for water or cool places. The term frog is used to undermine women- it is abusive.

Generally, women in the area are so hesitant to allow their wives attend public meetings. Customarily, the place of a woman is in the kitchen. As such majority of women who attend such meetings are divorcees, single mothers or unmarried women. The men also have a tendency to shut down the few women who attend public meetings. They assume that women have no good ideas to contribute to development. According to some respondents, some men do not allow their wives to attend meetings and workshops due to the fear that their wives will get bad influence from other women (EE-Mag-KI-4).

Denial of property ownership;

Customarily, women are considered as part of family property and they are not allowed to own property. The children in the family also belong to the man. As such, at the time of the death of a man, his property is inherited by the male family members, including his wife and children. The women have no say on family property, including its disposal (EE-Ob-KI-1; EE-KR-CS-1). At the time of divorce or separation, a woman is not allowed to have access to the property she acquired in the marriage as illustrated by the live story of a respondent in the following words:

...i'm 36 years old and married with 4 children- 2 boys and 2 girls. I separated with my husband in 2008 and since then i live with my parents. All the children are with me. What hurts me more is that, their father doesn't give school fees, clothing and food. He even doesn't care to visit to them. Before we separated, i raised some little money through the sale of cassava and bought a goat with it- my brother in-law witnessed it. The goats produced 4, but my husband has sold them all.... I have no access to the animals i left in my husband's home (EE-Mag-CS-2).

Barring women from income generating activities;

Generally, the men in the 3 payams are hesitant to allow their wives establish income generating activities. During the interviews, some of the male respondents said that money makes women disrespectful to their husbands. They also argued that a woman who is involved in income generating activities will have no time to attend to family responsibility. The few men who allow their wives to establish IGA usually restrict them to operate in the nearby trading centers because of the fear that they will lose them to other men. There is the tendency with some men to grab or steal the money of their wives. Any woman who refuses to give her husband some money or insists to run IGA is usually harassed and/or mistreated by her husband as expressed by a respondent in the following words:

“...the man will say i bought you (woman); and brought you to my house to take care of my children; but not to do business. If you want to do business, then go and do it in the home of your parents.”

Ultimately, due to the fear of being divorced and the challenges of finding another man to marry, most of the women are easily intimidated by their husbands. According to some women respondents, they would rather prefer to be poor but remain in their marriage.

SECTION THREE:

3.0 LOCAL JUSTICE INSTITUTIONS AND MECHANISMS FOR SURVIVORS OF GENDER BASED VIOLENCE:

The local justice institutions in the area can be categorized into two namely local government courts and community courts. The local government courts are managed by local government leaders at county, payam and boma levels and the police. They include the county magistrate's court and payam and boma courts managed by payam leaders and boma chiefs respectively and police courts. The community courts are managed by community leaders namely clan chiefs, elders, women leaders, religious leaders and youth leaders.

It was found out that GBV incidences reported to the police usually involve body injuries namely broken arms or leg, loss of teeth or eyes, knifing or a pregnant mother or beating with severe bleeding (EE-Mag-FGD-1). The youth leaders usually handle incidences that involve wife battering and desertion or child neglect. Such cases are usually referred to the youth leaders by the local chiefs after the perpetrators have become stubborn and continually commit the offence. This implies that the youth court more or less act as an alternative referral court. The youth courts usually flog the perpetrators of GBV as a deterrent measure. In Kerepi payam, the youths are also involved in handling incidences of suspected witch craft. The local women leaders also provide counseling to GBV survivors and their spouses. The local courts arrest, detain suspects, investigate and mediate GBV cases and levy penalties on perpetrators.

Nevertheless, there are serious complains by the community on the manner in which the local courts handle GBV cases. There is a general feeling that the local court fees are high and cannot be afforded by majority of women. For instance, the local chiefs charge 25 South Sudanese Pounds (about 8 United States Dollars) for registering a GBV case for hearing. The police have also been accused of asking money and unjustifiable evidence from complainants as a condition for registering GBV cases (EE-Mag-KI-4; EE-Mag-KI-2). It was reported that the police have the tendency to postpone GBV cases as delaying tactic, till complainants give up. The local police usually ignore incidences of GBV, especially when it involves a spouse, and regard GBV a matter to be handled at home. The police usually ask complainants to provide food for GBV detainees, which cannot be afforded by most women (EE-Mag-FGD-1). The majorities of women are frustrated by these demands and prefer to sit on their problems. There is a general feeling in the community that the local courts do not provide adequate protection to women. It was also reported that some men give bribes to the local courts to set free GBV suspects. Some men also threaten with violence their wives who

attempt to report incidences of GBV to the authority¹², thus creating insecurity for women in their homes. Some local courts are also hesitant in handling GBV incidences because of intimidation by spouses of GBV survivors¹³. The female respondents reported that their husbands don't listen to the authorities who try to address GBV issues; as such violence on women has remained unabated.

The local courts are bias on women- they always blame women for incidences of GBV. Men are always considered right by the local courts, although they are the main perpetrators of GBV (EE-Mag-KI-3). It is reported that the local chiefs, police and brother in-laws usually take sides with men when resolving incidences of GBV. Some local chiefs are also hesitant to address GBV cases- they usually refer it to in-laws (EE-Mag-KI-4). The local courts also fear to address incidences of rape especially when it involves a soldier due to the fear of being gunned down. In essence, GBV survivors in the community have failed to get the required protection from the local authority. This is further confirmed by the live story of a respondent in the following words:

...my name is Achayo Eve (not real name). I'm 33 years old and married with 3 children. Our marriage was peaceful at the beginning. But as time passed by, we had no food, no money and at times even no clothes for the children. My husband and I resorted to selling charcoal. We would walk from one home to the other so as to sell the charcoal. Suddenly, our life changed when my husband joined a wrong group and started drinking alcohol. He would return home late in the night and demand for food. One day, he beat me badly after telling him there was no food in the house. I'm deformed because of the beating. I reported the incidence to the local chief who referred me to my brother in-laws. My in-laws told me they were fed up with my husband and advised me to take any appropriate step. I decided to go back to the home of my parents who also chased me away (EE-Mag-CS-4)....

¹² Women are usually threatened with guns and knives so as to intimidate them from reporting incidences of GBV to court.

¹³ Some men make allegation of extra marital affairs between their wives and the male justice structures handling GBV cases as means to intimidate them and detract the course of justice.

SECTION FOUR:

4.0 LEVEL OF COMMUNITY AWARENESS ON WOMEN HUMAN RIGHTS, JUSTICE, GENDER AND SECURITY ISSUES

According to the findings, 6 of 10 respondents have heard about human rights and freedoms; and 4 of 10 respondents were able to cite examples of human rights and freedoms namely the freedom of association and speech; the rights to education, life and property ownership; the 25% provision of public offices for women as affirmative action in the Transitional Constitution of the Republic of South Sudan; the rights to vote and found a family, thus illustrating a significant level of awareness on human rights issues by the community. According to the respondents, they mainly acquired the knowledge on human rights issues in the refugee resettlement camps in Uganda¹⁴. Nevertheless, some respondents expressed the need for awareness on the statutory laws that protect the rights of women and girls (KR-FGD-1).

It was found out that, the local justice institutions are very weak. There is huge violation of the human rights and freedoms of women by the local courts and the local authorities are doing nothing about it. There is a general feeling that the local authorities are not adequately protecting the human rights and freedoms of women (EE-Mag-KI-1); (EE-Mag-FGD-1). It was reported that GBV is unabated because the local authorities apply the customary laws, instead of the statutory laws.

¹⁴ The communities in Magwi county were displaced to refugee resettlement camps in Northern Uganda during the protracted civil war between the SPLA and the Khartoum based government and repatriated after the signing of the comprehensive peace agreement in 2005.

SECTION FIVE:

5.0 SUGGESTED RESPONSE MECHANISMS ON GENDER BASED VIOLENCE AND WOMEN SECURITY BY THE COMMUNITY

According to the community, the ensued gender based violence and insecurity on women in the area can be addressed through the following:

Development of appropriate bye-laws and legislations;

During the field interviews, the community suggested for the development of appropriate bye-laws on the sale and consumption of alcohol. This should include limiting the time for drinking and sale of alcohol to 16:00 hours and 22:00 hours and the associated punitive measures. They also expressed the need for the Governor of Eastern Equatoria state to pass a strong degree on the consumption and sale of alcohol (EE-Mag-FGD-4); (EE-Mag-FGD-2); EE-Mag-KI-4). They also suggested for the development of community bye-laws so as to regulate parental responsibility to their families, with a focus on improving the welfare of women and children.

Civic education;

The community also expressed the need for civic education with a focus on the human rights and freedoms of women and girls and justice issues. Accordingly, there should be a focus on the role of women in state building (EE-Mag-FGD-3). It was reported that although civic education has been conducted in the area, its concept has not been clearly understood by the community.

Enforcement of the rule of law;

All the respondents expressed the need for the justice, law and order sector (JLOs) to improve the administration of justice in the area. They said that there is a need to train the JLOs and make them aware about their roles. They also expressed the need for elders and the local chiefs to handle GBV incidences without fear (EE-Mag-FGD-4).

Community sensitization on human rights;

It was suggested that both men and women should be sensitized on human rights and freedoms, with a focus on the human rights of women and children.

Training of local authority on GVB issues;

It was reported that women can best access justice by training the local authority on how to handle incidences of GBV. The training themes should also include legal issues, psychosocial support etc.

Monitoring of GBV incidence;

It was observed that there is need to improve the monitoring and reporting of GBV incidences in the community (EE-Mag-KI-4). More so, a special measure should also be put in place to monitor GBV cases handled by the local courts (EE-Mag-FGD-2).

Removal of GBV court fees;

Some respondents suggested for the removal of GBV court fees. It was argued that many women are not willing to report incidences of GBV because they cannot afford the court fees.

Financial support to women;

It was suggested that there is need for women to be given financial support to establish income generating activities. They also urged the government to consider giving tractors and ox-plough for women groups (KR-FGD-1; KR-FGD-6).

SECTION SIX: SUMMARY AND CONCLUSIONS

Gender based violence is understood by the respondents as any act by a man to a woman or girl that causes either unhappiness, stress, suffering or pain. Women insecurity is viewed as a “situation where women and girls have fear, lack support of their spouses, or threatened with violence¹⁵. The causative factors are too much drinking of alcohol by men, night dances and pornographic movies hosted by the youth, polygamy by men, laziness and cattle movement at night. The youths are the leading causes of insecurity on women, followed by married men. It is concluded that insecurity of women and girls in the area is usually associated with violence by men on women and girls commonly referred to as gender based violence.

All the respondents confirmed that women and girls in the area face violence from men; and the female respondents have experienced violence from men namely early and/or forced marriages; wife desertion; preference of boys to girls; calling women bad names like “frogs, urinal shelter etc.”; denial of property and inheritance rights; physical assault; rape; extortion of money, denial of education for girls; restriction of movement and refusal for women to attend meetings among others. As mentioned earlier, insecurity on women and girls is associated to violence by men. Gender based violence and insecurity on women and girls have also resulted into deformity, HIV/AIDS infection, illiteracy, separation and divorce, street children, suicide and poverty. Hence, it is concluded that violence on women and girls and insecurity are serious problems in the community that requires urgent intervention.

Several local justice institutions and mechanisms exist in the area for survivors of gender based violence namely family courts, village chiefs, youth and women leaders, the police, payam and county authorities. However, most of these institutions are hesitant in addressing incidences of GBV; they regard it as an issue to be resolved by family members. Women are also discriminated by the local courts in handling GBV cases. Most women cannot afford the local court fees. Women who try to report GBV cases are usually intimidated by the community. Some local courts also take bribes from GBV offenders. Therefore, it is concluded that the local justice institutions and mechanism are very weak and needs strengthening.

More than half of the respondents were able to mention some of the human rights and freedoms namely freedom to association and speech; the right to education, life, property ownership, vote, found a family and the 25% provision of public offices for women. Some respondents expressed the need for sensitization on the statutory laws that protect the rights of women. However, the above mentioned human rights and freedoms are not protected by the local authorities because of the predominant use of

¹⁵ Threatening of women with violence by men usually involves a gun or knife.

customary laws. It is therefore concluded that there is a significant level of awareness on human rights issues by the community. Nevertheless, there is need to scale up the level of community awareness on the women human rights, with a focus on the statutory laws.

Several GBV insecurity response mechanisms were suggested namely legislation of appropriate laws, including community bye-laws on the sale and consumption of alcohol, protection of the rights of citizens and the welfare of children; civic education with a focus on women human rights and justice issues; enforcement of the rule of law; training of traditional leaders on justice issues; and provision of credit and financial support to women. It is therefore concluded that the community is aware about the solutions to GBV in the area, but needs additional support to resolve the problem.

SECTION SEVEN: ANNEXURE

7.1 List of Interviewees:

1. Key informant A: EE-Mag-KI-1; interviewed on 15/11/2014, Magwi Boma
2. Key informant B: EE-Mag-KI-2; interviewed on 15/11/2014, Omeo Boma
3. Key informant C: EE-Mag-KI-3; interviewed on 17/11/2014, Omeo Boma
4. Key informant D: EE-Mag-KI-4; interviewed on 18/11/2014, Magwi Boma
5. Focus group discussion EE-Mag-FGD-1; held on 15/11/2014, Omeo Boma
6. Focus group discussion EE-Mag-FGD-2; held on 17/11/2014, Magwi Boma.
7. Focus group discussion EE-Mag-FGD-3; held on 17/11/2014, Magwi Boma.
8. Focus group discussion EE-Mag-FGD-4; held on 18/11/2014, Magwi Boma
9. Case scenario EE-Mag-CS-1; held on 15/11/2014, Magwi Boma
10. Case scenario EE-Mag-CS-2; held on 15/11/2014, Omeo Boma
11. Case scenario EE-Mag-CS-3; held on 17/11/2014, Omeo Boma
12. Case scenario EE-Mag-CS-4; held on 18/11/2014, Omeo Boma

7.2 Baseline Study Terms of Reference

Title: Promoting Sustainable Access to Justice for Vulnerable Women and Girls in Magwi County: Baseline Study Terms of Reference

7.2.1 Introduction and Background:

This baseline study on the project “promoting sustainable access to justice for vulnerable women and girls in Magwi county” has been commissioned by STEWARDWOMEN in South Sudan with financial support from Cordaid. The study will be conducted in the target payams of Kerepi, Obbo and Magwi.

STEWARDWOMEN (formerly STEWARD Organization) is an indigenous women organization founded in March 2009 by some South Sudanese women lawyers and their friends, and managed by women. It is registered with the Ministry of Justice and the Relief and Rehabilitation Commission as a national not-for-profit non-governmental organization. Our vision is a South Sudanese society “free from the violations of the human rights of women and children”. Our mission is to develop, shape and empower

South Sudanese women to advocate for policies that foster equal economic opportunity, and secure human rights for women and children”.

7.2.2 Objectives of the project:

The purpose of the women access to justice project in Magwi county is to strengthen community capacities to mitigate, prevent and manage GBV, with the following underlying immediate objectives:

1. Build the capabilities of 75 local government leaders, police, traditional chiefs, elders, women, youth and religious leaders, CBOs and GBV counselors and IDP leaders in three payams of Kerepi, Magwi and Obo to respond to GBV.
2. Disseminate relevant and up-to-date information on women human rights, justice, and security and gender issues in the three payams of Kerepi, Magwi and Obo.
3. Provide legal aid and psychosocial support services to GBV survivors in the three payams of Kerepi, Magwi and Obo.
4. Increase collaboration between local governments, police, host community and IDP leaders and other human rights organizations in addressing gender based violence in the three payams of Kerepi, Magwi and Obo.

7.2.3 Objectives of the baseline study:

The overall objective of the baseline study is to identify new forms of GBV and security issues for women and girls, with the view to incorporate inputs from stake holders in the project during project implementation; and provide information that will be used to monitor the result of the project. The key baseline guiding questions are:

5. What are the manifestations of GBV and insecurity on women and girls in the community?
6. What are the local justice mechanisms and/or institutions for GBV survivors in the community?
7. What is the level of community awareness on women human rights, justice, legal, and security and gender issues?
8. What are the consequences of GBV and insecurity on GBV survivors and/or their families?

7.2.4 Methodology:

7.2.4.1 Approach;

There will be a desk review of the relevant literature on GBV and insecurity on women with the view to ascertain the provision of justice services to survivors. The project implementation plan will also be analyzed to help in developing the draft data collection and analysis tools that will be shared by Cordaid. A consultant/baseline trainer will be hired to conduct four days' training (including one day of testing the baseline tools) for 6 research assistants and the project staff on the baseline study methodology approved by Cordaid. This will be followed by field data collection of 5 days in the three payams using the data collection tools developed. Considering the limited time available for the

study, the field data team will comprise six research assistants, subdivided into three groups of two persons each, one group per payam. Three sessions (3 days) will also be organized for the baseline team on data synthesis after field data collection. The baseline study report will be discussed during the joint stake holders' project inception meetings in the target payams, with the view to obtain more inputs from project stake holders.

7.2.4.2 Sample size and strategy:

The study will be conducted in the three project target payams namely Kerepi, Obo and Magwi. The study respondents will include GBV survivors, women leaders, youth leaders, school girls, local government leaders, traditional chiefs, religious leaders, IDP leaders, associations, police and magistrates. A total sample size of 150 respondents, 50 each from the three target payams will be selected for the study. A stratified sampling procedure will be adopted during the selection of the study respondents.

7.2.4.3 Methods:

The study will adopt participatory methods of field data collection as detailed below:

1. Key informant interviews;
A total sum of 24 key informant interviews will be conducted; 8 each per payam targeting women and local government leaders, traditional chiefs and the police. Each interview shall last for not more than forty minutes.¹⁶
2. Focus group discussion (FGD);¹⁷
At total sum of 24 FGD will be conducted in the three target payams as follows:- 12 FGD with women/girls- 4 each per payam; 6 FGD with men- 2 per payam; and 6 FGD (mixed) with representatives of community leaders- 2 per payam. Each focus group shall have a maximum of eight participants.
3. Case scenarios;
A total sum of 15 case scenarios/studies will be held with selected GBV survivors; five each in the three target payams. A case scenario guide will be developed for this purpose.¹⁸

7.2.4.4 Data analysis:

¹⁶ See annex 3.1.1 for interview guide

¹⁷ Please note that the ideal size of FGD ranges from 3-8 so as to maximize inputs from participants during the group discussions. And standard personal interviews do not exceed 40 minutes so as to maintain interviewee interests.

¹⁸ See annex 3.1.3 for case scenario guide

A descriptive approach of data analysis will be employed using the content themes of the key research questions. Graphical illustrations namely tables, pie charts and percentages will also be used appropriately. The socio-economic context from which the field data is collected will be closely followed and used during analysis of the primary data. Relevant secondary sources of data in the country will also be analyzed to supplement the primary data.

7.3 Sample of field data collection tools:

7.3.1 Interview guide:

The research assistants should ask questions on the following during field data collection:

1. The various forms of violence women and girls experience in the community from men in general, their male counter parts/spouses or male family members.
2. Insecurity to women and girls (as perceived by women/girls); the various forms/kinds of insecurity on women/girls; causes of insecurity to women and girls; and who bears responsibility for the insecurity of women/girls in the community; and ways of protecting women/girls from GBV and other forms of insecurity.
3. Whether incidences of violence/insecurity against women/girls as mentioned by the respondent (s) in 1 and 2 above are reported to the local authority for redress; to which local authority are incidences of violence/insecurity reported; who reports such incidences of violence/insecurity- the victims or family members and who takes the lead in reporting and why. If incidences of violence/insecurity are not reported, find out why; ask the respondent (s) to suggest what should be done so as to scale up reporting of such incidences.
4. Whether the local authorities mentioned in 3 above try to handle the reported incidences of violence/insecurity against women/girls; how reported incidences are handled; probe the perception of the respondent (s) on the level of fairness by the local authority in handling incidences of violence/insecurity; find out whether all reported cases are handled by the local authority or preference is given to some incidences of violence/insecurity by the local authority. Ask them to mention examples of incidences of violence/insecurity that are ignored by the local authority, if any and why. Probe whether women/girls and men/boys are treated equally by the local authority in handling incidences of violence or insecurity; if there is inequality, find out why. Ask them to suggest what could be done so as to ensure both men and women are treated equally by the local authority.
5. Ask the respondent whether she/he is aware about her/his human rights and freedoms or have heard about “human rights and freedoms” and the human rights and freedoms of women/girls”. If yes, ask the respondent to mention examples of the human rights and freedoms of women/girls. Probe on the feeling of the respondent on the human rights and freedoms of women. Find out whether the human rights and freedoms of women are respected in the community; if no,

find out why. Ask for what could be done to ensure that the human rights and freedoms of women are respected in the community and the role of the various stakeholders.

6. The effects, problems or sufferings caused by violence/insecurity on the individual women/ girls and/or their families. Ask them to suggest what they think can best be done in order to address the problems of GBV/insecurity on women/girls. Probe on the role of the various stakeholders in resolving the problems of GBV/insecurity.
7. Ask for how GBV survivors can best access justice services in the community and what type of justice/legal services are needed/required by the community; what could be done to ensure that such legal/justice services are provided in the community and the role of stakeholders in the provision of the justice/legal services in the community.

7.3.2 Focus group discussion guide;

1. Do women/girls in this community experience incidences of violence/insecurity; if yes, give examples; if no why; and ask them to explain what they understand by insecurity/violence against women/girls.
2. Ask for the causes of violence/insecurity on women/girls in the community; the main actors/perpetrators of incidences of violence/insecurity and why; and how can it be addressed.
3. Ask for the level of reporting such incidences to the local authority (low/high) and why and whether the cases are handled and how and whether they feel justice is done to GBV survivors, if yes how and if no, why and how GBV survivors can access justice/legal services in the community and the role of stake holders.
4. Ask them to mention examples of the human rights and freedoms of women; whether it is upheld or respected by the community; if no why and find out what can best be done to scale up the level of community awareness on the human rights and freedoms of women/girls.
5. Ask for the effects of GBV/insecurity on women/girls and their families and possible practical solutions to the problems of GBV/insecurity.

7.3.3 Case scenario guide;

1. Please share your live story/experience of GBV or insecurity as a woman/girl with me. While narrating your story, try to mention what happened, where, who by, whether the incidence was reported or not (why), who to (if reported) and subsequent actions, if any.

7. 4 Timeline:

Days	Activity
2	Preparation for training research assistants and project staff on baseline study methodology by the consultant/trainer.
3	Training on baseline methodology by the consultant/trainer.
1	Field testing of baseline tools by the baseline team under the supervision of the consultant/trainer.
2	Preparation of training report by baseline consultant/trainer.
5	Field data collection by research assistants.
3	Data synthesis by the baseline team.
4	Report preparation by the Project manager.
21 total number of days	