

Women's strategy & women's Charter: Tools for Engendering the Permanent Constitution.

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Abstract The Women's Strategy and Women's Charter are important frameworks that support gender equality and provide women more influence in a variety of social, political, and economic domains. The Women's Strategy delineates particular programs designed to tackle structural obstacles that women encounter, including those related to economic prospects, healthcare, and education. Programs for women entrepreneurs or skill development to improve employability are two examples. A founding document that embodies women's rights and goals, the Women's Charter promotes societal and legal reforms to guarantee women's full involvement in all facets of life. Reproductive rights, violence prevention, and equitable representation in decision-making positions are among the topics that are frequently highlighted in this charter. In addition to supporting women's rights, these frameworks work together to advance a revolutionary agenda aimed at establishing a more just society. Through the alignment of policy initiatives with the ideas delineated in these texts, governments and organisations can cultivate an atmosphere that empowers women, guaranteeing that their opinions are acknowledged and acknowledged.

Keywords: Women's strategy, women's Charter

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INTRODUCTION

Women's Strategy

The Women's Strategy is a thorough plan created to identify and eliminate the obstacles preventing women from engaging fully in society. It covers a few areas, such as political representation, work, healthcare, and education. The "Gender-Based Analysis Plus" (GBA+) framework, for example, was introduced by the Canadian federal government and mandates that all departments **consider** the potential differences in how varied groups of men and women may experience policy (Government of Canada, 2018). Gender issues are incorporated into decision-making at all levels thanks to this method.

Additionally, the approach underlines the importance of intersectionality, a term coined by Kimberlé Crenshaw to describe how several facets of an individual's identity—such as race, gender, and socioeconomic status—intersect produce distinct experiences of privilege or discrimination. Indigenous women in Canada, for instance, have had unique difficulties that call for focused approaches that address colonial histories as well as gender (Native Women's Association of Canada, 2018).

Women's Charter

The Women's Charter, on the other hand, is frequently a formal document that lists women's rights and specifies steps to guarantee their protection. **It is an advocacy tool for engendering the constitution.** The 1994 South African Women's Charter, which was created after apartheid, is a noteworthy example. In addition to outlining women's rights, it offers a foundation for laws that support gender equality, particularly in fields like health and education (South African Government, 1994). Significant reforms have resulted from the Charter, including the creation of the Commission for Gender Equality, which keeps track of and assesses the advancement of these objectives.

The Women's Charter also highlights how important it is for males to support gender equality. Initiatives such as UN Women's HeForShe campaign, for example, inspire men to speak out against gender bias and abuse, promoting a more inclusive conversation on women's rights (UN Women, 2015).

Synergy between Strategy and Charter

To make significant progress towards gender equality, the Women's Strategy and the Women's Charter must work together harmoniously. The Charter acts as a moral and legal compass that protects women's rights, even as the strategy offers concrete actions and regulations. For instance, gender equality is a fundamental tenet of the EU's legal system, as guaranteed by the Gender Equality Strategy 2020–2025, which is a supplement to the Charter of Fundamental Rights (European Commission, 2020).

To sum up, the Women's Strategy and Women's Charter play a crucial role in advancing the cause of gender equality and women's rights. In addition to providing women with equal opportunities, their implementation encourages societal change in the direction of justice and inclusivity.

Objective of the paper

- ▶ To identify and create awareness on the common key constitutional issues at large and women issues.

Session Contents

- ▶ Introduction
- ▶ Why is a Strategy for women's inclusion in the PCP needed?
- ▶ The purpose of the women's Strategy 2021
- ▶ Priority themes emerging for the strategy
- ▶ R-ARCSS Architecture for women inclusion into the permanent Constitution Making process (PCMP)
- ▶ Comparative Analysis of the women's charter in Africa
- ▶ Background to the women's charter and the 10 points of concern
- ▶ 12 thematic areas that need to be emphasize in the permanent constitution of South Sudan
- ▶ Conclusions/References

Preamble

- ▶ South Sudan is currently undergoing a permanent constitution making process in accordance with Article 6 of the Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS, 2018).
- ▶ The process offers a golden opportunity for South Sudanese women to participate, in a bid to safeguard their rights in the supreme law of the land.
- ▶ R-ARCSS Article 6.6 and Article 6.14, call for women's inclusion in the constitution review process and participation in the consultations on the reconstitution of the National Constitutional Review Commission.

- ▶ In August 10, 2021 Women leaders met and discussed the status of the Permanent Constitution Making process and the role of women

- ▶ They agreed on 10 points of concern. One of them is the development of the women charter for women effective participation in the permanent constitution making process

Why is a Strategy for women's inclusion in the PCP needed?

- ▶ Constitution making processes that are genuinely inclusive of women not only lead to a more legitimate outcome, they also enrich the experiences of women and are more likely to guarantee more effective protection of women's unique perspectives, strategic interests and political representation.

- ▶ Inclusion of women's experiences and voice is not only a fundamental entitlement, it is particularly critical in the South Sudan context for two reasons:

- (1) because women suffer the brunt of conflict, and
 - (2) women are systematically under-represented in state institutions - both during constitution making processes and in the follow-on institutions which are established
- Art. 6.14 (in Chapter 6) of the R-ARCSS specifically requires the inclusion of women groups and CSOs throughout the constitution making process.

The strategy is intended to:

- ▶ Support women's engagement in the constitution making process and opportunities for influencing the expected constitution making process.
- ▶ Understand and enhance the experiences, capacities and needs of South Sudanese women leaders regarding the constitution making process.
- ▶ Build linkages and networks among women leaders at the regional and national levels;
- ▶ Strengthen their contacts and entry points with decision makers that will determine the direction of both the process and substance of the constitution making process.
- ▶ Collectively deliberate and develop a workable and coherent action plan for women's engagement in the constitution making process;
- ▶ Ultimately, ensure the reflection of the diverse voices and aspirations of women in the expected constitution making process.

Priority themes emerging for the Strategy

1. Build women's inclusion every step of the way by systematically working to ensure each step of the PCP is gender-sensitive and inclusive of women;
2. Support a united approach by women appreciating opportunities presented by respective stakeholders from

political party representatives, relevant government ministries and a coalition of CSOs, young women, women leaders at the regional and local level and the diaspora women;

3. Support other key groups as champions in addressing patriarchy such as men in politics and CSOs, traditional leaders and faith-based organizations, and young men and boys to prepare them to deal with empowered women and shift in power dynamics; as well as working closely with international partners;

4. Capacity building on the constitutional and legal framework: focus on technical expertise and effective advocacy skill sets for messaging of priority issues including media engagement; resource mobilization and management; mapping of roles and utilizing international experiences and lessons from other jurisdictions.

5. Build a pool of expert women advisers with relevant expertise.

The R-ARCSS architecture for women's inclusion in the PCP

✓ The 35% (minimum) quota for representation of women in the R-ARCSS provides an important opportunity to build strong representation of women in each of the different stages of the Permanent Constitution-making Process (PCP). However, there could be significant challenges in ensuring women - and those supporting them - can achieve their desired changes in the permanent constitution to fully protect their rights and interests

✓ **Chapter Six of R-ARCSS** allows South Sudan people to address the root causes of the conflict, protect women's rights and promote gender equality

✓ Article 6.6 – Requires consultation with women groups before the reconstitution of the National Constitution Review Commission (NCRC)

✓ Article 6.14 – Requires the reconstituted NCRC to include representatives from women's groups and Article 6.2.4 - calls for full participation of women like other stakeholders.

✓ R-ARCSS also establishes the equitable representation of women in state institutions as a fundamental value that should guide the crafting of South Sudan's new constitutional dispensation

Women's Charter

▶ The South Sudanese Women's Charter is an advocacy document developed in the context of the permanent constitution making process.

▶ The Charter sets out the priorities and demands of women and girls in the permanent constitution and calls for legal, policy and/or programmatic interventions to address the concerns of women and girls under the twelve (12) themes of the Charter.

▶ The Women's Charter is a set of demands agreed upon by a wide constituency of women from a particular country on their rights. It is a tool that can be used to build broad public consensus concerning gender priorities, and bridge divides among women into a more generalizable set of priorities

▶ The process of developing this Charter is built on the experiences of women from selected African Countries who developed their Charters or Manifesto to enhance their participation in the public affairs of their respective countries..

Comparative Analysis of Women's Charter

▶ In particular, the lessons were drawn from a comparative analysis of women's charters or manifesto of six (6) African Countries, namely, Ghana, Kenya, Nigeria, Zimbabwe, South Africa, and Libya. These guided the formulation of the thematic areas of the South Sudanese Women's Charter.

10 points of concern

1. Forge internal unity of purpose among the various Organizations of women to ensure effective participation of women in the Permanent Constitution Making process.

2. Develop a non-binding selection and nomination criteria for the membership and participation in the different permanent Constitution Making bodies and lobby for the adoption of the same by the various stakeholders.

3. Hold routine orientation and capacity building workshops prior and during the constitutional making process to enable women to understand the substance and process of the constitution making and develop relevant and adequate strategies at each stage Develop thematic position papers on key constitutional issues at large and women issues in particular.

4. Establish a specialized Women's Task Force (WTF) comprising representatives of the various Organizations of Women to travel to the ten States and the three Administrative Areas to conduct Civic Education and Public Consultations on constitutional issues to aid development of position papers on thematic constitutional matters.

6. Constitute a Technical Support Team of experts to assist women representatives at the various stages of the Permanent Constitution Making Process.

7. Contract translators, as needed, during the civic education and public consultation process to enable the public in general and women in particular to effectively participate in the Permanent Constitution Making process without discrimination on basis of language, gender and region.

8. Build alliances with other stakeholders to jointly advance constitutional issues at large and issues specific to women's constituencies

9. Coordinate and consult with the line institutions such as the Ministry of Justice and Constitutional Affairs, Ministry Gender, Child and Social Welfare, Ministry of Federal Affairs, the National Legislature, the Revitalized National Constitutional Review Commission (RNCRC) and the like.

10. Invite women leaders from other countries to share their perspectives and experiences with the South Sudanese women on the Constitutional Making Process in their respective jurisdictions in general and how they addressed gender equity matters in particular.

✓ On 1st and 2nd December 2021 UN Women in collaboration with the National Ministry of Gender Child and Social Welfare (MGCSW) organized a two (2) days conference under the theme “Building on the past gains towards an engendered, Transparent, Inclusive and Participatory Constitution Making Process in South Sudan”

✓ The two days conference discussed the gender issues in the constitution and drew 12 thematic areas that need to be emphasize in the permanent constitution of South Sudan

Gender issues in the constitution

Thematic Areas

Thematic Areas	
<ol style="list-style-type: none"> 1. Participation and implementation challenges 2. Protection 3. Prevention 4. Relief and Recovery 5. Gender Based Violence 6. Marriage and Family Law 	<ol style="list-style-type: none"> 7. Inheritance and Widows Rights 8. Health and Reproductive Rights 9. Economic empowerment 10. Climatic change and Resilience 11. Education 12 Land and Natural Resources

1. Participation and Implementation

Issues	Measures for the implementation
<ul style="list-style-type: none"> ✓ The 35% affirmative action for women participation in the R-ARCSS is only theoretical . ✓ To achieve the 35% required Women to be trained and have additional skills. ✓ National Resources are not shared equally. ✓ Young Women are not allowed to participate in politics and are not allowed to stand in front of men in other communities. ✓ Inclusivity of women living with disabilities. . 	<ul style="list-style-type: none"> ✓ Enact enabling legislation for the effect implementation of affirmative action at all level ✓ Sensitization on gender policies and other provisions on equality ✓ A Constitutional provision to cover universal primary Education be strengthened for girl child, people living with disabilities, children with special needs, orphans of the conflict, widows and children born out of rape in the conflict and give these specific children Nationality.
<ul style="list-style-type: none"> ✓ Lack of Education facilities in other places ✓ Negative Cultures and traditions ✓ Discrimination against women ✓ Under look ✓ Security and Safety ✓ Sexual Exploitation and abused ✓ Nepotism and tribalism ✓ Misunderstanding of the affirmative action. ✓ Failure to implement the 35% at the state and Judiciary 	<ul style="list-style-type: none"> ✓ Women and Men should participate equally in the all development process . (in administration and management at all levels of government) ✓ Provision implementation of the 35%. ✓ Understand the affirmative action quest it should be put clearly in the permanent constitution ✓ For future plans we recommend 50% representations in the charter

2. Protection

- ✓ Effective implementation of the SSNAP for WPS
- ✓ Engendering government institution policies such as policies on ; Banking, Provisions of loans, financial, land management and admin.
- ✓ Incorporate a provision in the constitution on the policy to end SGBV.
- ✓ Increase the budget of the ministry of gender, child and social welfare. Clearly under this ministry there is a lot and amongst others to establish safe house
- ✓ Let the constitution re-define rape/defilement e.g Israel case it as "Horrible Action" and no difference with terrorism.

3. Prevention

- ✓ Policy demanded for all homes to have separate and secure toilets/latrines/bathrooms for women and men-
- ✓ The Constitution should recognize allocation of funds for reproductive health facilities and tools.
- ✓ The constitution should secure a provision for Justice for SGBV crimes against women, girls and boys

4. Relief and Recovery

- ✓ The constitution should include a provision to allocate fund for survivors/victims of SGBV for establishment of safe houses, for community healing and reconciliation program survivors/victims
- ✓ The government should ensure the post war conflict victims protected, rehabilitated, reconciled through constitutional provisions to support commission of Transitional Justice, Accountability, Reconciliation & Healing chapter 5 of the R-ARCSS

5. Gender Based Violence/access to

Issues	Measures for the implementation
<ul style="list-style-type: none"> ✓Lack of accountability and Effective mechanism countrywide to combat gender based violence e.g Rape, Early and Force Marriage. ✓Limited access to Justice for GBV Survivors. ✓Unfair Judgment and trials at the courts 	<ul style="list-style-type: none"> ✓Government should enact and enforce laws that will criminalized the GBV perpetrators ✓All political parties, the judiciary, Ministry of interior, CSOs and media should play a major role to eliminate SGBV ✓Establish GBV court at the grassroots' level. ✓Have a clear provision on defilement in the penal code act. ✓Equal access to Justice

6. Marriage and Family Law

Issues	Measures for the implementation
<ul style="list-style-type: none"> ✓ Forced and Child marriage. ✓ Wife inheritance and ghost Marriage. ✓ Lack of Clear definitions of marriageable age. ✓ Lack of Family Law. 	<ul style="list-style-type: none"> ✓ Establish a family Law to protect the interest of women and children ✓ Define the Marriageable age in all our Laws. ✓ Emphasize on Child abduction and protections or children under the family Law and constitution

7. Inheritance and Widow Rights

- ✓ Abolition of wife inherence
- ✓ Equal rights of inheritance of male and female children
- ✓ The legal inheritance and prepay rights of women shall be protected by state from any attempts by family members or other individuals to deny, impede, misrepresent manipulate and exploit

8. HealthCare and Reproductive Health and Rights

Issues	Measures for the implementation
<ul style="list-style-type: none"> ✓ Limited access to health service ✓ Inadequate health facilities ✓ No clear policy of reproductive health and rights e.g Family planning. 	<ul style="list-style-type: none"> ✓ Increase budget allocation for the health sector. ✓ Improve health infrastructures and make them easily accessible. ✓ Establish a clear policy and Law on reproductive health. Eg Family planning

9. Economic Empowerment

Issues	Measures for the implementation
<ul style="list-style-type: none"> ✓ Lack of micro finance institutions. ✓ Lack of access to resource. ✓ Marginalization of women. ✓ Discrimination of opportunities 	<ul style="list-style-type: none"> ✓ Establishments of the women enterprise development fund ✓ Have budget allocation finance to the fund. ✓ Establish micro finance institution for women to access capital

10. Climatic change and Resilience

<ul style="list-style-type: none"> ✓No clear plan and polices of disaster management. ✓Deforestation. ✓Poor farming methods 	<ul style="list-style-type: none"> ✓Establish a clear policy and plan on disaster management. ✓Allocate a budget for disasters management

11. Education

Issues	Measures for the implementation
<ul style="list-style-type: none"> ✓Limited opportunity in terms of scholarship for women. ✓Limit access to education centres for people with disability ✓Lack of quality education ✓male preference Cultures ✓Early \force Marriages ✓Poverty ✓Social responsibilities ✓Domestic Work ✓Hygiene ✓In accessibilities of the Educational structure ✓Discrimination of girls with disabilities to Education 	<ul style="list-style-type: none"> ✓Our constitution should emphasize on compulsory access to education for girls. ✓Compulsory adult education. ✓Accessible structure and program's to cater for persons with disability.

12. Land and natural resources

Issues	Measures for the implementation
<ul style="list-style-type: none"> ✓Denial of women to land ownerships. ✓Documents of the land bear the name of the man. ✓Denial of women rights to inherited the land. ✓Men sell land without consulting women 	<ul style="list-style-type: none"> ✓All women including women under customary law must have access to land tenure. ✓Provide women leadership in agriculture to enhance the role of women farmers and facilitate access to land, funding, technology and market

Conclusions and way forward

- ▶ There is need to implement the ten point of concerns to enhance women's inclusion in the permanent constitution making process
- ▶ Robust advocacy towards engendering the constitution at the national and states level with different stakeholders
- ▶ Ensure women are represented in the upcoming parameters of the Constitution making process;

The Preparatory Committee for the National Constitutional Conference, the National Constitutional Conference (NCC) and the Constituent Assembly (CA),

- ▶ Women have to remove their differences and united to push for their common interest in the permanent constitution.

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