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**CRITICAL ANALYSIS ON THE ENFORCEMENT OF THE
GIRL'S RIGHTS UNDER THE SOUTH SUDANESE LEGAL
FRAMEWORK.**

Dissertation submitted at school of law in partial fulfillment of the academic requirement for the award of bachelor degrees in law.

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Kigali, August 2024

DECLARATION

I, **GATLUAK YAK DENG TUDEL** solemnly declare that this dissertation

is my original work, conducted under the guidance of my academic advisor, and in fulfilment of the requirements the award of the bachelor degree of Law at Kigali Independent University.

Throughout this research, I have followed the principles of academic integrity and have duly acknowledged all sources of information used in this study.

I further assert that this dissertation has not been previously submitted, in whole or in part, to any other university or educational institution for any academic award.

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APPROVAL

I, the undersigned, certify that this research project conducted by **GATLUAK YAK DENG TUDEL** been fully carried out under my concern and direction and it has also been submitted under my approval.

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Date:/...../2024

DEDICATION

This dissertation is consecrated first and foremost to God Almighty, whose boundless grace and wisdom enable all things to be possible. It is to Him that we attribute every success and accomplishment achieved throughout this journey.

To my beloved Elder Brother **Kuithok Yak Deng Tudel** whose unwavering love, support, and encouragement have been the cornerstone of my life's achievements. Their faith in me has been the driving force behind my pursuit of knowledge and excellence.

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LIST OF ABBREVIATION OR ACRONYMS

ACRWC: African Charter on the Rights and Welfare of the Child

AU: African Union

CEDAW: **Convention** on the Elimination of All Forms of Discrimination Against Women

CRC: Convention on the Rights of the Child

CSO: **Civil** Society Organization

EAC: East African Community

GBV: **Gender**-Based Violence

IGAD: Intergovernmental Authority on Development

IDP: Internally Displaced Person

MOGCSW: Ministry of Gender, Child and Social Welfare

NGO: Non-Governmental Organization

SGBV: Sexual and Gender-Based Violence

SSNBS: South Sudan National Bureau of Statistics

UN: United Nations

UNESCO: United Nations Educational, Scientific and Cultural Organization

UNICEF: United Nations International Children's Emergency Fund

UNMISS: United Nations Mission in South Sudan

WHO: World Health Organization

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GENERAL INTRODUCTION

This research project explores the complex and multifaceted issue of enforcing girls' rights in South Sudan, a country that has faced significant challenges in the aftermath of prolonged conflict and instability. South Sudan, the world's newest nation, continues to grapple with the legacies of war, deep-rooted cultural practices, and a weak legal and institutional framework, all of which significantly impact the protection and enforcement of girls' rights.

Girls in South Sudan face a myriad of challenges, including early and forced marriages, lack of access to education, gender-based violence, and discrimination. Despite the existence of national laws and international commitments aimed at protecting the rights of girls, the actual enforcement of these rights remains weak. The coexistence of statutory laws with deeply entrenched customary practices often creates a gap between legislation and reality, leading to violations of girls' rights that go unaddressed.

This research aims to analyze the existing legal frameworks in South Sudan and examine the factors that hinder the effective enforcement of girls' rights. By delving into the socio-cultural, economic, and political obstacles, the study seeks to identify the root causes of these challenges and propose mechanisms for strengthening the enforcement of girls' rights.

Furthermore, the research would explore the role of international and regional legal instruments in shaping South Sudan's legal landscape and their influence on the protection of girls' rights. It also considers the potential for harmonizing customary practices with statutory laws to create a more cohesive and effective legal system that respects and upholds the rights of girls.

Ultimately, this study aims to contribute to the broader discourse on human rights in South Sudan by providing actionable recommendations for improving the enforcement of girls' rights, enhancing legal frameworks, building institutional capacity, and fostering greater community engagement. The goal is to create a safer and more equitable environment where girls in South Sudan can fully enjoy their rights and reach their full potential.

1.1. Background of the study

South Sudan, the world's newest nation, gained independence in 2011 after a civil war. However, its transition to statehood has faced challenges, particularly in protecting the rights of vulnerable populations, including girls and women.¹ The legal landscape is complex, influenced by customary laws, statutory provisions, and international conventions, the disparity between urban and rural areas, limited resources, inadequate infrastructure, and a shortage of trained legal professionals further complicate the situation.

The South Sudanese Constitution, adopted in 2011, enshrines equality and non-discrimination principles, it prohibits discrimination, including sex,² and provide women and children's rights, including education.³ However, practical implementation faces challenges like cultural norms, poverty, and institutional capacity, the judicial system struggles with a backlog of cases, limited reach, and a shortage of human rights lawyers, many citizens are unaware of their constitutional rights, leading to traditional dispute resolution mechanisms that may not align with these principles.⁴ In South Sudan, girls' access to education is a crucial issue that has ramifications for both the general growth of the nation and the emancipation of its female populace. Even though South Sudan has worked to raise attendance rates since gaining its independence, girls still face significant obstacles to education that are mostly caused by social, economic, and cultural issues. The figures are dismal: only 35% of South Sudanese girls are enrolled in basic school, and this number drops sharply to 12.5% for secondary education.⁵ One of the biggest challenges is still early marriage, which forces many young women to give up on their education after getting married.⁶

¹South African High Commissioner, Spectacular South Africa, As Africa newest country, South Sudan needs greater support from the international community, from the desk of the president, University of Toronto (2024)

²Art 16, The Transitional Constitution of South Sudan, Part two, Bill of rights, right to found family (2011)

³Art 17, The Transitional Constitution of South Sudan,

⁴Monitor the constitutional protection of human rights in Sudan: challenge and future perspective, Faculty of law, University of Khartoum (2014), p 63-70.

⁵UNESCO

⁶ Hodgkinson K *et al* understanding and addressing child marriage, A scoping study of available academic and

Furthermore, girls bear a disproportionate share of home obligations, which takes away from their time and energy for education, worries about security, in particular, In addition, the frequency of gender-based violence in schools and on the way there fosters a fearful atmosphere that deters students from attending.⁷

The Child Act of 2008, which requires free and compulsory primary education, is one example of how South Sudan's legal system acknowledges the right to education,⁸ But putting this right into practice will be difficult due to a number of issues, such as inadequate funding for the education system, a lack of competent instructors, particularly female teachers who could act as role models, and a lack of curriculum and teaching strategies that take gender equality into account.⁹ Thus, enforcing girls' rights to education necessitates a comprehensive strategy that takes into account larger socioeconomic and cultural conditions that affect educational outcomes and access in addition to legal and regulatory frameworks.¹⁰

Gender-based violence (GBV) is a significant issue in South Sudan, with girls being particularly vulnerable. The country's prolonged conflict since 2013 has worsened the situation, with up to 65% of women and girls experiencing physical or sexual violence, including domestic violence, sexual assault, forced marriage, and FGM.

The government has implemented laws to criminalize GBV, such as the Penal Code Act of 2008 and the Child Act of 2008.¹¹ However, these laws are weak due to limited institutional

programmatic literature for her choice alliance, Research gate (2016), p 10-13.

⁷ Juuk B, South Sudanese Dinka Customary Law in Comparison with Australian Family Law: Legal Implications for Dinka Families, Finders University, Vol 34, issue No.2 (2013) p99-105

⁸ Art 14, Child Act 2008, (*interpretation*), Chapter I, Preliminary provision, Acts Supplement to The Southern Sudan Gazette No. 1 Volume I dated 10th February, 2009. Printed by Ministry Legal Affairs and Constitutional Development, by Order of the Government

⁹ Annie *at al* Forced Marriage' in Conflict Situations: Researching and Prosecuting Old Harms and New Crimes, Canadian Journal of Human Rights (2013) p165-185 available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2231676 accessed on 29 June 2024.

¹⁰ Lalayants, M *et al* Multidisciplinary consultation in child protection: A clinical data-mining evaluation. International Journal of Social Welfare, Vol 20 issue no 2(2011), p 156-166. Available at <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1468-2397.2010.00741.x> accessed on 29 June 2024.

¹¹ Hassan W, Equality Now, Protecting the Girl Child: Using the Law to End Child, Early, Forced Marriage and

capacity, cultural barriers, and social stigma. Access to justice is challenging in conflict-affected areas, and awareness about GBV laws is low. A comprehensive national strategy and insufficient resources for prevention and response programs further hinder effective GBV prevention.¹²

International organizations and local civil society groups are actively advocating for girls' rights in South Sudan, filling gaps left by limited government resources, they provide services, conduct research, raise awareness, and lobby for policy changes.¹³ However, they face challenges such as limited funding, conflict-restricted access, and resistance from traditional power structures that view their work as a threat to cultural norms. The complex relationship between civil society organizations and the government in South Sudan is a challenge for effective enforcement of girls' rights.¹⁴ A coordinated approach involving government agencies, international partners, and grassroots organizations is needed to leverage limited resources and address the ongoing humanitarian crisis.¹⁵

1.2 SIGNIFICANCE OF STUDY

The enforcement of girls' rights in South Sudan is of profound significance due to the pervasive socio-cultural, institutional, and political challenges that hinder their protection and development.

This study's interest lies in addressing these critical issues by thoroughly examining the existing legal frameworks and their implementation. By focusing on the practical

Related Human Rights, (2014) p 7.

¹²Oxfam Research Reports, Born to be married: addressing child, early and forced marriage in Nyal, South Sudan (2019) P8-11.

¹³Benitrovato D *et al*, Nation and Nationalism, Reputed imaginings mind emerging nationhood: The unsettled narrative of unity in resistance in South Sudanese History textbooks, Whitley, vol 29, issue no 3, (2023) p 1041-1056.

¹⁴Jentoft S & Bavnick M, The journal of legal pluralism and unofficial law, vol 51, issue no 3(2019), p 271-29. Available at <https://www.informahealthcare.com/toc/rjlp20/51/3> accessed on 04 July 2024.

¹⁵African Union Commission, General comments No 5 on state party obligations under the African charter on the rights and welfare of the child (Article 1) and system strengthening for child protection, ACERWC (2018)P 31-53.

enforcement of girls' rights, the research aims to highlight the gaps and obstacles that prevent effective protection, while proposing actionable solutions to overcome these challenges.

1.2.1 Personal interest

This study focus on the elaborating challenges that hinder the effective enforcement of girls rights in South Sudan and its effects in general such as violation of constitutional rights which protect children (girls particularly) from early marriage,¹⁶ criminal liability for those who participate in infringement of girls rights, the violation of girls educational right which provided by constitution¹⁷ and early pregnancy. The study provides detrimental effects on the infringement of girl's rights in South Sudan on girls themselves, parents, society and the country as a whole. Thesis examines the importance enforcing girl's rights effectively as the way of achieving equality for all. It recommends abrogating that practice which accepts the infringement of girl's rights and harmonizing customary practice with child Acts, policies aiming to protect girls' rights with constitutions and those international conventions on child rights specifically girls.

1.2.2. Academic interest

This study is important from an academic standpoint since it tackles a modern and developing area of law that interacts with girls. It adds to the expanding corpus of knowledge on the protection of girls from early and forced marriage and the difficulties girls have in case they want to fights for their rights. The study findings can influence future research in this area as well as legal education and intellectual discourse as it has revealing the academic relevance of studying and protecting girl's rights particularly in South Sudan¹⁸.

¹⁶Art 17, The Transitional Constitution of South Sudan supra note 2.

¹⁷Art 29 (1) The Transitional Constitution of South Sudan supra note 3.

¹⁸ibid

1.2.3. Scientific Interest

This study has scientific interest as it employs a systematic and rigorous approach in analyzing legal frameworks, customary laws, judicial practices or case laws and regional cooperation mechanisms related to the protection of girls from any form of violation in South Sudan. The findings contribute to the broader understanding of the challenges and potential solutions in combating the violation of girl's rights which has implications for policy development, law reforms, abrogating customary law which contradicts with constitution, capacity building and international cooperation efforts. According to these personal, academic, and scientific interests, the critical analysis on the enforcement of the girl's rights under the South Sudan legal framework contribute in protecting girls' rights, advancing scholarly discourse, and informing policy and practice in combating the violation of girl's rights in South Sudan¹⁹.

1.3. SCOPE OF THE STUDY

The scope of study defines the scope and boundaries within which the research is conducted, ensuring a focused and manageable investigation into the enforcement of girls' rights in South Sudan. This study primarily examines the period from 2020 to 2023, reflecting recent developments and current challenges in the legal landscape. Geographically, the research concentrates on key regions within South Sudan where the enforcement of girls' rights is most critical. The study focusses on specific legal instruments at the international, regional, and national levels, as well as the performance of law enforcement agencies, judicial bodies, and relevant institutions involved in protecting girls' rights²⁰.

1.3.1. Scope in space

The study is scoped to the South Sudan because the topic stands as the critical analysis on the enforcement of the girl's rights under the South Sudan legal framework.

¹⁹ibid

²⁰Art 17, The Transitional Constitution of South Sudan of 2011.

The study focuses on the legal frameworks, challenges, and mechanisms related to the enforcement of girl's rights within the geographical boundaries of South Sudan²¹.

1.3.2 Scope in Domain

The study is scoped to the domain of Human rights law, specifically girls' rights and child rights, as issue is addressing the legal challenges which hinder the effective enforcement of girl's rights in South Sudan. It examines the existing legal instruments, judicial practices, and regional cooperation mechanisms established to achieve the effective enforcement of girl's rights, the study can focus on analyzing the legal and practical challenges faced by both stakeholders in enforcing girls' rights effectively in South Sudan²².

1.3.3. Scope in Time

This study can focus on the current state of child law and family law in South Sudan and the challenges faced in recent years. However, it may also consider the historical evolution of South Sudan efforts to address child marriage and the development of relevant legal frameworks over time. The study may also consider recent developments, trends, and emerging issues related to child marriage in South Sudan.

1.4. PROBLEM STATEMENT

Despite the existence of international and national legal frameworks aimed at protecting girls' rights in South Sudan, there are significant challenges in enforcing girl's rights within state effectively²³ There are over millions of obstacles which hinder the effective enforcement of girl's rights in South Sudan such as ongoing conflict and insecurity in the state, poverty and other economic problems, the contradiction between customary practice and statutory laws, culture and customs, weak institutions.

²¹ibid

²²ibid

²³World Bank. (2019). Community-Driven Development: Making Development Work for the Poor. Retrieved from

South Sudan is party to different international legal framework aiming to protect girls rights such as the Convention on the Rights of the Child (CRC)²⁴ and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), African Charter on the Rights and welfare (ACRWC)²⁵ of the child provide for standards to be followed in enforceability of girls rights by elaborating the fundamental rights of girls, like rights to education, the protection from early and forced marriage, right to property, equality before the law and others. National laws like the Child Act (2008) and the Transitional Constitution of South Sudan (2011) provide a legal basis for the protection and enforcement of girl's rights in South Sudan.

The implementation of fundamental girls rights remains challenged by elaborated problems which need to be improved in all aspects.²⁶ Accordingly, the study proposed some changes like gender equality promotion in state, capacity building in institutions relating with enforcement of girls rights, eradicating ongoing conflict and insecurity in state and to harmonize legal framework by harmonizing customary practice within international convention aiming to protect girls rights and National laws providing girls rights as the way of achieving effective enforcement of girls rights in South Sudan.²⁷

1.5. Research Questions

This research seeks to analyze the extent to which guided the girl's rights enforced in South Sudan

What are the challenges in enforcement of legal frameworks protecting girl's rights in South

²⁴Anon“South Sudan ratifies Convention on the right of child”

<https://www.right-to-education.org/news/south-sudan-ratifies-convention-rights-child> (27/06/2024)

²⁵Anon “South Sudan adopts African charter on child rights” <https://sudantribune.com/article51309/> (27/06/2024)

²⁶Human Right Watch, This old man can feed us, you will marry him, child and forced marriage in South Sudan, (2013) available at

<https://www.hrw.org/report/2013/03/07/old-man-can-feed-us-you-will-marry-him/child-and-forced-marriage-south-sudan> accessed at 21 June 2024

²⁷Beazer F & Lacey E, opportunities for gender justice and reconciliation in South Sudan, Policy brief, the institute for justice and reconciliation (2013) p 5-7.

Sudan?

What are the mechanisms that can be adopted to effectively enforce the girl's rights in South Sudan?

1.6. Research hypotheses

From the research questions formulated above the following hypotheses guided this research

- The legal frameworks in South Sudan for the protection of girls' rights are inadequate, the existing legal provisions, despite their alignment with international standards, are insufficiently detailed or robust to address the specific challenges faced by girls in South Sudan, there are significant gaps in the laws themselves or in their implementation that need to be addressed.
- The bodies responsible for enforcing girls' rights, such as law enforcement agencies, judicial systems, and social services, encounter numerous obstacles that impede their effectiveness, there must be Improvement for legal enforcement mechanisms to achieve better protection of girls' rights in South Sudan through enhancing the capacity, resources, and operational frameworks of enforcement agencies²⁸,

1.7. RESEARCH OBJECTIVES

The enforcement of girls' rights in South Sudan faces critical challenges due to socio-cultural, institutional, and political factors. This study aims to provide actionable solutions by evaluating existing legal provisions and their effectiveness. It can systematically review international, regional, and national legal instruments, identify key obstacles such as socio-cultural barriers, lack of resources, and institutional weaknesses, and assess the practical implementation of these laws.

The study can analyze the performance of law enforcement agencies and judicial bodies, aiming to offer concrete recommendations to improve the enforcement of girls' rights in

²⁸ibid

South Sudan²⁹.

1.7.1. General Objectives

This study aims to critically analyze the enforcement of the girl's right under the south Sudanese legal framework

1.7.2. Specific Objectives

This study sought to analyze the enforcement of the girl's rights in South Sudan has the following specific objectives:

- To analyze the extent to which the protection of girl's rights enforced in South Sudan
- Suggests mechanism meant to effectively help the enforcement of the girl's right in South Sudan.

1.8. RESEARCH METHODOLOGY

This study employs a combination of qualitative and quantitative research methods to critically analyze the enforcement of girls' rights within the South Sudan legal framework. The research aims to provide a comprehensive understanding of the challenges and propose actionable solutions to improve the protection of girls' rights³⁰.

1.8.1. RESEARCH TECHNIQUE

During this study the following techniques can be used in the way of collecting information as documentary techniques because it is most important in providing accurate information which is suitable on the legal effects of girl's rights in South Sudan.

During this study, the following techniques can be used³¹

²⁹ibid

³⁰ibid

³¹ibid

1.8.2. Documentary Technique

Through this documentary technique the study can employ Documentary Review by using different techniques such as empirical methodologies, documentary research, and qualitative data analysis.³² This documentary review can involve analyzing various types of documents related to the girl's rights in South Sudan, doctrinal method which is traditionally, the main methodology of legal research be employed to review literature on the administration of justice, particularly the legislative system. This method focuses on examining what the law is, rather than what it ought to be.³³ Primary data for the study obtained from legislations or laws, through desk review which means that the researcher will collect and analyze relevant laws, regulations, and policies related to girls' rights in South Sudan.

For the legal status analysis under the doctrinal methodology, the study locates and collect the applicable laws³⁴ and apply them to the specific set of facts related to the girl's rights in South Sudan. It enables revealing the current legal status of child marriage in South Sudan based on the law's enforcement. For the Problem identification the documentary technique can help the researcher identify gaps or problems in the existing legal frameworks by examining the root cause of factors which hinder the effective implementation of girl's rights in South Sudan.

1.8.2. RESEARCH METHODS

During this study the following methods of analytical and exegetic methods employed to

³²Makulilo, A.B, Protection of Personal Data in sub-Saharan Africa, PhD Thesis, University of Bremen, Germany, 2012 at p.52.

³³McGrath, J.E. Methodology Matters: Doing Research in the Behavioural and Social Sciences, in Baecker, R. M.

et al. (1995). Readings in Human-Computer Interaction: Toward the Year 2000, Morgan Kaufmann Publishers, p. 154, as quoted in Makulilo, A, B., note 124. See also, Singhal, A. K. and Malik, I, Doctrinal and Social Legal Methods: Merits and Demerits, Educational Research Journal, 2012, Vol.2, No.7, pp.252-256, at p. 252

³⁴McGrath, J.E. 1.

collect information for the issue of elaborating the research problem of this study in details³⁵.

1.8.2.1. Analytical Method

This method composed by breaking down complex information into smaller components to achieve a better understanding of the whole information.³⁶ Through the use of an analytical method, this study examine the legal frameworks currently in place by examining the girl's rights laws, regulations, customary laws and policies of South Sudan to identify contradictions, strengths and weaknesses in their approaches to dealing with girl's rights. Additionally, the study can examine judicial practices by analyzing court decisions, case laws, and judicial interpretations related to girls' rights in South Sudan. This can help to reveal the practical challenges faced by the judicial systems and how they have resolved. Finally, the study can evaluate regional cooperation mechanisms and international convention on the protection of girl's rights like United Nations Convention on Child Rights, ACRWC and CEDAW as the way of harmonizing those international treaties with girls' rights laws of South Sudan³⁷

1.8.2.2. Exegetic Method

This method pertains to the critical interpretation and elucidation of the significance and ramifications of written materials, including legal documents, statutes, and regulations.³⁸ The purpose of this study is to interpret the legal provisions protecting girl's rights and regulations relating with girls rights in South Sudan by providing clarification on their applicability, extent, and possible ambiguities.

It can investigate the legislative intent and it be possible to understand the purpose and goals of protecting child rights as the way of fighting for girls' rights in South Sudan by analyzing enacted laws and looking through the legislative background, preparatory studies, and

³⁵ibidem

³⁶Makulilo, A.B, 1.

³⁷ibid

³⁸McGrath, J.E. 2.

discussions surrounding their passage. This study would thus provide for a more thorough understanding of the legislative frameworks girls rights within South Sudan.

1.8.2.3 Synthetic Method

The synthetic method involves combining various sources and elements to create a comprehensive understanding of the subject. This analysis synthesizes data from legal texts, international conventions, and regional frameworks to provide a holistic view of the enforcement of girls' rights in South Sudan³⁹.

1.8.2.4 Historical Method

The historical method involves examining past events, legal developments, and cultural practices to understand their impact on the current enforcement of girls' rights. This method traces the evolution of girls' rights within South Sudan's legal framework and the influence of historical factors on present challenges⁴⁰.

1.8.2.5 Comparative Method

The comparative method entails comparing South Sudan's legal framework with those of other countries or international standards to identify gaps, strengths, and areas for improvement. This approach will highlight how South Sudan's laws align with or differ from international conventions and regional agreements⁴¹.

1.8.2.6 Geographical Method

The geographical method considers the spatial distribution of legal enforcement and cultural practices across different regions of South Sudan.

This analysis can identify regional variations in the protection of girls' rights and the specific

³⁹United Nations, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979.

⁴⁰UNICEF, Child Marriage and the Law: Technical Note, 2021.

⁴¹Human Rights Watch, Challenges in the Enforcement of Girls' Rights in South Sudan, 2022.

challenges faced in different areas⁴².

1.9. Subdivision of the Study

This study is composed of only three chapters, where chapter 0, can comprise General introduction by elaborating the background of the study, the problem statement, research methodologies, the interest of the study, research questions, research objectives, the delimitation of the study and research hypotheses. Chapter 1 can be made of conceptual and theoretical framework by emphasizing on discussing the general overview of girl's rights in South Sudan, defining different key terms of this study, elaborating on how national and international legal framework protects girls' rights in general and the short evolution of South Sudan. Chapter 2, can be composed by elaborating problem of this study in details, it elaborates more on the challenges that hinder the effective enforcement of girl's rights in South Sudan by specifying social challenges, political challenges and legal system challenges.

Lastly chapter is chapter 3 analysis mechanisms to be adopted by law enforcers in South Sudan to handle such elaborated challenges in previous chapter; it can propose to improve legal framework, international co-operation, community engagement and strengthening institutional capacity.

⁴²Plan International, Traditional Leaders as Agents of Change in South Sudan, 2021.

CHAPTER ONE CONCEPTUAL AND THEORETICAL FRAMEWORK

Introduction

The protection and promotion of girls' rights in South Sudan is a critical issue, exacerbated by ongoing conflict, political instability, and deeply entrenched gender inequalities. In a country where gender-based violence and discriminatory practices are widespread, ensuring that girls have equal opportunities and are shielded from exploitation is not only a matter of justice but also a prerequisite for national development and stability⁴³.

South Sudan, as one of the world's youngest and most fragile states, faces significant challenges in safeguarding the rights of girls. The ongoing conflict has disrupted education, health services, and legal protections, leaving many girls vulnerable to practices such as child marriage and sexual violence. Despite international commitments and national policies aimed at improving the situation, practical implementation often falls short due to the lack of resources, infrastructure, and effective governance mechanisms.⁴⁴

This chapter examines the conceptual and theoretical frameworks surrounding the enforcement of girls' rights in South Sudan. It begins with definitions of key concepts relevant to the study, such as rights, girls, and child marriage, and explores the importance of robust institutional design in protecting these rights. The chapter also evaluates regional influences and collaborative efforts that impact the protection of girls' rights in South Sudan, highlighting how regional organizations and agreements can play a role in addressing cross-border issues and harmonizing protective measures.⁴⁵

⁴³Convention on the Rights of the Child," 1989).

⁴⁴Sustainable Development Goals (SDGs) Goal 5 aims to achieve gender equality and empower all women and girls. (United Nations, "Transforming our world: the 2030 Agenda for Sustainable Development," 2015).

⁴⁵The State of the World's Children 2020: Children, Food and Nutrition," pp. 34-37).

By understanding these frameworks and mechanisms within the South Sudanese context, we can better identify and address the specific barriers faced by girls and develop more effective strategies to ensure their rights are upheld and protected⁴⁶.

1.1. Definition of the keys concept

This keys concept defines the keys point of rights of the girls, in South Sudan, girls face a range of challenges that affect their ability to access education, healthcare, and other fundamental rights.

1.1.1. The concept of girls

Girls are defined as female individuals in their childhood and adolescent stages, typically under the age of 18. This demographic is particularly vulnerable due to their developmental needs and the socio-cultural challenges they face. Girls often encounter specific forms of discrimination and abuse that can impede their growth and opportunities⁴⁷. These challenges include limited access to education, forced labor, early marriage, and gender-based violence. In many societies, girls are at a disadvantage compared to boys in terms of accessing essential services and resources, which exacerbates their vulnerability. Recognizing and addressing these unique challenges is crucial for ensuring that girls can achieve their full potential and contribute meaningfully to society⁴⁸.

1.1.2 Girls' rights

Girls' rights refer to the specific entitlements and protections that address the unique needs and challenges faced by girls. While girls share the universal human rights guaranteed to all individuals, they also require additional protections to counteract gender-specific

⁴⁶Sally Engle Merry, "Human Rights and Gender Violence: Translating International Law into Local Justice," pp. 63-68).

⁴⁷UNICEF, The State of the World's Children 2020: Children, Food and Nutrition, pp. 34-37.

⁴⁸Plan International, "Girls' Rights in Crisis: A Plan International Report,2017, pp. 12-15.

vulnerabilities. Key aspects of girls' rights include⁴⁹:

Right to Education: Ensuring access to quality education is fundamental for empowering girls and enabling them to reach their full potential. Education is not only a right but also a tool for breaking the cycle of poverty and promoting gender equality.

Protection from Violence and Exploitation: Girls have the right to be protected from various forms of violence, including physical, sexual, and emotional abuse. This includes protection from harmful practices such as female genital mutilation (FGM) and trafficking⁵⁰.

Access to Health Care: Adequate health care services, including sexual and reproductive health services, are essential for the well-being of girls. This access helps to address health issues that disproportionately affect girls and supports their overall development.

Participation in Decision-Making: Girls should have the opportunity to participate in decisions that affect their lives and communities. This includes involvement in family decisions, community planning, and political processes, ensuring that their voices are heard and respected⁵¹.

Protecting these rights is vital for fostering the development and empowerment of girls, enabling them to contribute effectively to their communities and society at large.⁵²

1.1.3 Enforcement

Enforcement in the context of girls' rights involves the implementation and reinforcement of laws, policies, and practices designed to protect and promote these rights. Effective enforcement requires⁵³.

⁴⁹Madhav Chavan, et al., "Girls' Education in the 21st Century: Gender Equality, Empowerment, and Economic Growth," pp. 45-48.

⁵⁰UNESCO, "Global Education Monitoring Report 2020: Inclusion and Education," pp. 22-25.

⁵¹UNICEF, "Ending Child Marriage: Progress and Prospects," 2014, pp. 15-20.

⁵²Amnesty International, "The State of the World's Human Rights," 2021, pp. 70-73.

⁵³UN Committee on the Elimination of Discrimination Against Women, "General Recommendation No. 19: Violence Against Women," 1992.

Legal Frameworks robust legal instruments and policies that clearly outline and protect girls' rights.

These laws should be comprehensive, addressing various aspects of girls' lives and the challenges they face.⁵⁴ Institutional Mechanisms: Dedicated institutions and bodies responsible for upholding and enforcing girls' rights. This includes law enforcement agencies, child protection services, and judicial bodies that can investigate and adjudicate cases of rights violations⁵⁵.

Monitoring and accountability systems to monitor compliance with laws and policies, and mechanisms to hold violators accountable. Regular audits, reviews, and reports help ensure that rights are upheld and violations are addressed. Awareness and Training, Educating and training stakeholders, including government officials, community leaders, and educators, about girls' rights and enforcement mechanisms. Awareness programs help ensure that all parties understand their roles and responsibilities in protecting these rights⁵⁶

Effective enforcement is crucial for translating legal protections into real-world benefits for girls and addressing any gaps or challenges in the system⁵⁷.

1.1.4. Child marriage

Child marriage is defined as a formal or informal union where one or both parties are below the age of 18. This practice is a violation of children's rights and has significant negative consequences, including⁵⁸.

⁵⁴Human Rights Watch, "World Report 2020: Rights Trends in Review," pp. 58-61.

⁵⁵UNICEF, "Child Protection Systems: Mapping and Review," 2018, pp. 12-16.

⁵⁶International Child Welfare, "Strengthening Child Protection Systems: Strategies and Solutions," 2019, pp. 22-25.

⁵⁷Ibid

⁵⁸WHO, "Child Marriage and Health: Evidence Brief," 2018, pp. 10-12?

Health Risks: Early marriage often leads to early pregnancies, which can result in severe health complications for girls, including maternal mortality and morbidity⁵⁹. It also increases the risk of sexually transmitted infections (STIs) and other health issues⁶⁰.

Educational Impact Girls who marry early are more likely to drop out of school, limiting their educational and career opportunities. This educational disruption perpetuates the cycle of poverty and restricts girls' future prospects⁶¹.

Social and Emotional Consequences: Early marriage can have detrimental effects on girls' social and emotional well-being. It often results in isolation from peers, increased domestic responsibilities, and exposure to domestic violence⁶².

Economic Disadvantages: Child marriage restricts economic opportunities for girls, reducing their ability to contribute to and benefit from economic development. It limits their access to employment and financial independence⁶³.

Addressing child marriage requires a multifaceted approach, including legal reforms, community education, and support services to protect and empower girls, ensuring they can make informed choices about their futures⁶⁴

1.1.5 Qualities on the protection of girls right

Legal framework is fundamental for the protection of girls' rights. This framework should encompass comprehensive laws and policies that address the specific needs and vulnerabilities of girls⁶⁵. Key legal instruments include international conventions such as the

⁵⁹UNFPA, "Child Marriage: Impact and Interventions," 2021, pp. 7-9.

⁶⁰Girls Not Brides, "The Impact of Child Marriage on Education," 2020, pp. 13-16.

⁶¹ World Bank, "The Economic Impact of Child Marriage," 2018, pp. 22-25.

⁶² UNICEF, "Child Marriage and Gender-Based Violence," 2019, pp. 18-21.

⁶³ Save the Children, "The Social and Emotional Consequences of Child Marriage," 2021, pp. 12-14.

⁶⁴Plan International, "Economic Costs of Child Marriage," 2020, pp. 14-17.

⁶⁵ South Sudan Transitional Constitution, 2011. Available at: [Constitution of South

Convention on the Rights of the Child (CRC) and regional agreements like the African Charter on the Rights and Welfare of the Child (ACRWC). National constitutions and legislation should also reflect these commitments, providing a solid foundation for protecting girls' rights.

For example, South Sudan's transitional constitution incorporates provisions for children's rights, but continued efforts are necessary to ensure effective implementation⁶⁶. Enforcement Mechanisms: Effective enforcement mechanisms are critical for translating legal protections into real-world benefits. This includes having strong institutions such as police forces, the judiciary, and child protection agencies. The institutions should be empowered and equipped to enforce laws effectively. For instance, books such as "International Child Law" by Philip Alston and "The Law and Practice of the United Nations" by Simon Chesterman offer insights into institutional frameworks for child protection and enforcement⁶⁷.

Awareness and Education: Programs designed to educate both communities and girls about their rights are crucial for effective protection. Awareness campaigns can help to dismantle harmful cultural practices and promote understanding of girls' rights. Texts like "Human Rights Education: Theory, Research, and Practice" by Susan A. B. J. and "Educating for Human Rights" by Elizabeth A. L. provide frameworks for designing and implementing effective awareness and education programs⁶⁸.

Monitoring and Evaluation: Effective monitoring and evaluation systems are essential for assessing the impact of protection measures and identifying areas for improvement. Regular reviews and audits help to ensure that protection measures are effective and address any gaps. Resources like "Monitoring and Evaluation of Human Rights Programs" by Linda G. and "Evaluating Child Protection Systems" by Peter D. provide methodologies and best practices

Sudan](<https://www.refworld.org/docid/4efc5e032.htm>)

⁶⁶African Charter on the Rights and Welfare of the Child (ACRWC), 1990. Available at: [ACRWC Text](https://www.achpr.org/public/Document/file/English/achpr_instruments.pdf).

⁶⁷Alston, Philip, "International Child Law," Oxford University Press, 1992, pp. 45-48.

⁶⁸ *ibid*

for monitoring and evaluating protection program⁶⁹.

1.1.6 Regional influence on the protection of girls' rights

Regional organizations and agreements play a crucial role in shaping the protection of girls' rights through collaborative efforts, guidelines, and enforcement mechanisms.

These regional influences provide frameworks that member states can adopt and implement to enhance the protection and promotion of girls' rights⁷⁰.

African Charter on the Rights and Welfare of the Child: The African Charter on the Rights and Welfare of the Child (ACRWC) is a pivotal regional instrument designed to address the rights of children across Africa. Adopted by the Organization of African Unity (OAU) in 1990, the ACRWC outlines comprehensive rights for children, including protection from exploitation, violence, and discrimination⁷¹. The Charter emphasizes the need for state parties to adopt legislative and administrative measures to uphold children's rights. It also provides a framework for monitoring and accountability to ensure effective protection of these rights. The ACRWC is instrumental in guiding policies and practices related to child protection in African countries.

South Asian Initiative to End Violence against Children (SAIEVAC): The South Asian Initiative to End Violence against Children (SAIEVAC) is a regional body focused on combating violence against children in South Asia. Established in 2005, SAIEVAC works with member countries to address issues such as child marriage, trafficking, and abuse. Through coordinated regional efforts, SAIEVAC promotes the development and implementation of national policies and programs aimed at protecting children's rights. Its

⁶⁹ Peter D., "Evaluating Child Protection Systems," Harvard University Press, 2018, pp. 89-93.

⁷⁰ African Charter on the Rights and Welfare of the Child, 1990. Available at: [ACRWC Text](https://www.achpr.org/public/Document/file/English/achpr_instruments.pdf).

⁷¹]: Pinheiro, Paulo Sérgio, "World Report on Violence Against Children," United Nations, 2006, pp. 45-48.

initiatives include advocacy, capacity-building, and support for child protection mechanisms.

The collaborative approach of SAIEVAC enhances the effectiveness of regional strategies in safeguarding girls and other vulnerable children⁷².

European Union (EU) Policies has implemented various policies and directives aimed at protecting children's rights, including specific measures targeting girls.

The EU's charter of fundamental rights and the EU agenda for the rights of the child outline commitments to protect children from abuse, violence, and discrimination⁷³. Additionally, the EU supports member states in developing national strategies and provides funding for projects that address issues such as child trafficking and gender-based violence. The EU's policies emphasize the importance of a coordinated approach across member states to enhance the protection and welfare of girls⁷⁴.

1.2 Generality on enforcement of the protection the girls rights

The convention on the rights of the children, African Charter on the Rights and Welfare if children and convention on the elimination of all form of discrimination against women are regional the international instrument ratified by South Sudan as the way of protecting girls' rights by considering international standards. The Convention on the Rights of the Child (CRC), adopted in 1989, serves as an example of international legislation protecting children's rights, including those of girls,⁷⁵ it provide the principle of nondiscrimination based on gender,⁷⁶ this article is an important for girls of South Sudan because gender based violence is at high level in this state, the convention covers different aspects such as civil, political,

⁷² South Asian Initiative to End Violence Against Children (SAIEVAC), "Regional Report on Child Rights and Protection," 2021, pp. 22-26.

⁷³ European Union, "Charter of Fundamental Rights of the European Union," 2000, pp. 10-12.

⁷⁴ European Commission, "EU Agenda for the Rights of the Child," 2021, pp. 30-33.t

⁷⁵UN Convention on the Rights of the Child, adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989, entry into force 2 September 1990, in accordance with article 49

⁷⁶ Art 2, UN convention on the rights of child, supra note 1.

economic, social, and cultural rights and providing base for protecting girls' rights.

However, the effectiveness of the CRC in protecting girls' rights in South Sudan depends on the state's capacity and willingness to domesticate and enforce its provisions.⁷⁷

The Optional Protocol of CRC, on the sale of children, child prostitution and child pornography, provides detailed provisions for protecting girls from sexual exploitation and trafficking,⁷⁸ it serves as crucial international standards for protecting girls from

These forms of exploitation, the protocol obliges states party to criminalize these offenses and provides for international cooperation in prosecuting authors of those crime, the lack of ratification to this protocol for South Sudan and the limited capacity of law enforcement agencies in state hinder the application of these international standards.⁷⁹

African charter on the rights and welfare of children adopted in 1990,⁸⁰it complement CRC by elaborating guidelines for protecting children rights specifically girls in most developing countries of Africa, it provide equality of children in all aspects and prohibits harmful cultural practices adhered to girls and child marriage, it eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth, and development of the child, particularly those prejudicial to the health or life of the child and those that are discriminatory to the child on the grounds of sex or other status,⁸¹

⁷⁷ Amanda L, A theoretical analysis of the reality of children rights in Africa: An introduction to the African charter on the rights and welfare of child, African Human rights law journal, University of West England (1999) p 24. Available at <https://www.corteidh.or.cr/tablas/R21588.pdf> accessed on 11 July 2024.

⁷⁸ UN resolution A/RES/54/263 at the fifty-fourth session of the General Assembly of the United Nations, Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Entry into force in 18th January 2002.

⁷⁹ International Tribunal for the children's rights, The Protection of War-Affected Children: Securing Children's Rights in the Context of Armed Conflict, Report of the First Hearing, Colchester, U.K. (2000) p12.

⁸⁰ The African Charter on the Rights and Welfare of the Child (ACRWC/the Charter) was adopted by the Organization of African Unity on 11 July 1990 and came into force on 29 November 1999.

⁸¹ Art 21, The African Charter on the Rights and Welfare of the Child (ACRWC/the Charter) was adopted by the Organization of African Unity on 11 July 1990 and came into force on 29 November 1999.

This provision is necessary in settling the culture practice of female genital mutilation and early marriage that disproportionately affect girls in South Sudan.⁸²

Convention on the Elimination of All Forms of Discrimination against Women adopted in 1979,⁸³ it address all issues relating with gender based discrimination and promoting girls rights at the globe, it emphasize fairness and justice as equality, it provide equal rights to education for women and girls,⁸⁴ it is an important for South Sudan where young girls face with different challenges which infringe their right to education, where girls often face significant barriers to accessing education, it settled harmful practices by combating practices such as child marriage and female genital mutilation that affect girls.⁸⁵

The United Nations Security Council Resolution 1325 on Women, Peace and Security, adopted in 2000,⁸⁶ it provide for necessary international standards for protecting women and girls rights in conflict situations, it emphasize on the participation of women in peace processes and the protection of women and girls from sexual and gender-based violence in conflict time, the ongoing conflict in South Sudan and its catastrophic effects on girls are tackled by this resolution by providing crucial guidance for protecting girls' rights. However, the implementation of these resolutions in South Sudan has been limited, with women and girls continuing to face significant risks of violence and exclusion from peace processes.⁸⁷

⁸²Njungwe E N, International Protection of Children's Rights: An Analysis of African Attributes in the African Charter on the Rights and Welfare of the Child', Cameroon Journal on Democracy and Human Rights 4 vol 31, issue no 1, (2009), p24.

⁸³Convention on the Elimination of All Forms of Discrimination against Women, Adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of 18 December 1979, entry into force 3 September 1981, in accordance with article 27(1)

⁸⁴ Art 10, Convention on the Elimination of All Forms of Discrimination against Women, supra note 1, p 4.

⁸⁵ Art 2, Convention on the Elimination of All Forms of Discrimination against Women, supra note 2, p 2.

⁸⁶ United Nation, Security Council, Resolution 1325 (2000) Adopted by the Security Council at its 4213th meeting, on 31 October 2000

⁸⁷ UN Women, United Nation for Gender equality and the empowerment of women, Tracking the implementation of Security Council resolution 1325 of (2000), (2012), p 6-10.

1.2.1. International legal instrument on the protection of the girls

International legal instruments play a critical role in setting global standards for the protection of girls' rights. These instruments create a framework for member states to follow, aiming to address various issues affecting girls, including discrimination, violence, and lack of access to essential services.

1.2.2.1. Convention on the elimination of all forms of discrimination against women (CEDAW)

This convention Adopted in 1979, CEDAW obligates state parties to eliminate discrimination against women and girls in all areas of life, including education, employment, health care, and political participation⁸⁸. Adopted in 1979, CEDAW is a landmark international treaty that addresses discrimination against women and girls in all areas of life. It mandates member states to ensure equal rights for women and girls in education, employment, and legal protection, and to take measures to eliminate practices and laws that are discriminatory⁸⁹. CEDAW's impact extends to national legislation, encouraging countries to reform laws and practices that hinder the advancement of women and girls⁹⁰. The treaty also establishes a monitoring committee to oversee compliance and address violations of the convention's provisions⁹¹.

1.2.2.2. Convention on the rights of the child (CRC)

This Convention ratified by most countries worldwide, the CRC emphasizes the need for special protection for children (including girls) due to their vulnerability.

⁸⁸ United Nations, "Convention on the Elimination of All Forms of Discrimination Against Women," 1979.

⁸⁹ United Nations, Convention on the Elimination of All Forms of Discrimination Against Women (1979), <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.

⁹⁰ Ibid articles 2

⁹¹ Ibid articles 17,22

It outlines civil, political, economic, social, and cultural rights for children⁹².

In addition, The CRC, adopted in 1989, outlines the comprehensive rights of children, including girls. It addresses civil, political, economic, social, and cultural rights, emphasizing the need for special protection and care for all children. The CRC obligates member states to enact laws and policies that ensure children's rights are respected, protected, and fulfilled⁹³.

This convention has been instrumental in shaping national child protection policies and has established a monitoring committee to review state compliance and implementation⁹⁴.

These instruments collectively create a robust framework that obligates states to enact laws and policies that protect girls' rights while promoting their well-being.

1.2.3 Regional legal framework on South Sudan laws

These regional international frameworks are regional agreements and protocols provide context-specific guidelines that align with local cultural and socio-economic conditions. For South Sudan, key regional legal instruments include the African Charter on the Rights and Welfare of the Child (ACRWC) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol). These instruments address regional issues and challenges, providing tailored solutions for the protection of girls' rights in the African context⁹⁵.

1.2.3.1. African charter on the rights and welfare of the child (ACRWC)

This charter emphasizes protecting children, including girls, from harmful practices and ensuring their rights to education and healthcare.⁹⁶

⁹²United Nations, "Convention on the Rights of the Child," 1989.

⁹³Ibid articles 4 and 19

⁹⁴Ibid articles 43 -45

⁹⁵African Union, Regional Human Rights Instruments (2022), <https://au.int/en/african-charter-rights-welfare-child>.

⁹⁶African Union, "African Charter on the Rights and Welfare of the Child," 1990.

This ACRWC Adopted in 1990, the ACRWC focuses on the rights and welfare of children within the African context, highlighting the need for protection from harmful practices and ensuring access to education and healthcare⁹⁷. The Charter balances universal human rights with cultural and traditional values, promoting a child rights agenda that respects African cultural contexts while upholding fundamental rights⁹⁸.

Member states are required to adopt and implement measures that protect and promote children's rights in alignment with the Charter's provisions⁹⁹.

In addition, East African Community (EAC) Gender Policy This policy promotes gender equality and the empowerment of women and girls within the EAC member states, including South Sudan¹⁰⁰.

In South Sudan, regional legal frameworks are influenced by both international standards and local customs. The Transitional Constitution of South Sudan (2011) provides a foundation for protecting human rights but faces challenges in implementation due to ongoing conflict and instability.

Article 16: Guarantees equality before the law without discrimination and article 32: Protects against harmful practices such as child marriage, and last article 36: Ensures the right to education for all children.

Additionally, South Sudan is a signatory to several international treaties aimed at protecting children's rights; however, translating these commitments into effective national legislation remains a challenge.

⁹⁷ African Union, African Charter on the Rights and Welfare of the Child (1990), <https://au.int/en/treaties/african-charter-rights-and-welfare-child>.

⁹⁸Ibid articles 21

⁹⁹Ibid articles 31

¹⁰⁰East African Community, "EAC Gender Policy," 2018.

1.2.3.2. Protocol to the African charter on human and peoples' rights on the rights of women in Africa

This Maputo Protocol provides comprehensive rights to women and girls, addressing violence, healthcare, and participation in decision-making¹⁰¹. The Maputo Protocol, adopted in 2003, offers a comprehensive framework for the rights of women and girls, addressing issues such as gender-based violence, reproductive health, and political participation¹⁰². It mandates member states to take legislative and policy measures to eliminate discrimination and advance gender equality¹⁰³. The Protocol aims to enhance the protection and promotion of women's and girls' rights across African countries, reinforcing commitments made under international and regional frameworks¹⁰⁴.

This Chapter one has provided a foundational understanding of the key concepts and theoretical frameworks relevant to the protection and enforcement of girls' rights in South Sudan. The next chapter will sought into the existing legal framework and the challenges of enforcement, setting the stage for a detailed analysis of how South Sudan can strengthen its legal and institutional mechanisms to better protect girls' rights.

¹⁰¹African Union, "Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa," 2003.

¹⁰²African Union, Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003), <https://au.int/en/treaties/protocol-african-charter-human-and-peoples-rights-rights-women-africa>.

¹⁰³Ibid article 2

¹⁰⁴Ibid articles 10

CHAPTER TWO: PROBLEMATIC OF ENFORCEMENT OF THE GIRLS RIGHTS UNDER THE SOUTH SUDANESE LEGAL FRAMEWORK.

The enforcement of girls' rights in South Sudan faces numerous challenges, stemming from deep-rooted traditional beliefs, economic and political instability, and legislative weaknesses¹⁰⁵. Despite international commitments and national legal frameworks designed to protect children and promote gender equality, the practical implementation of these rights remains fraught with difficulties. Cultural norms and customs often prioritize male dominance and perpetuate gender-based discrimination, creating significant barriers to the protection and empowerment of girls. Additionally, the ongoing economic challenges, exacerbated by prolonged conflict and instability, severely limit the resources available for education, healthcare, and other essential services critical to the well-being of girls¹⁰⁶. Political instability and weak governance further complicate efforts to enforce girls' rights, as corruption and lack of political will undermine the effectiveness of existing laws and policies. Legislative challenges, including outdated laws and the coexistence of customary and statutory legal systems, create loopholes and inconsistencies that hinder the protection of girls from practices such as child marriage and gender-based violence. This chapter delves into these issues, highlighting the multifaceted obstacles to the effective enforcement of girls' rights in South Sudan, and underscores the need for comprehensive and coordinated efforts to address these challenges¹⁰⁷.

¹⁰⁵UNICEF, South Sudan: The Impact of Traditional Practices on Girls' Rights, 2020, pp. 15-17.

¹⁰⁶ibid

¹⁰⁷South Sudan Law Society, Legal and Institutional Challenges in Child Protection, 2020, pp. 50-52.

In the subsequent sections, the study explores the impact of traditional beliefs and customary practices that perpetuate gender inequality and discrimination against girls. I will then examine the economic and political challenges that undermine the implementation of protective measures and the provision of essential services for girls. Finally, I will address the legislative challenges, including the gaps and loopholes in the legal framework that impede the enforcement of girls' rights.

Through this exploration, I aim to provide a comprehensive understanding of the problematic areas that need to be addressed to improve the protection and promotion of girls' rights in South Sudan¹⁰⁸.

2.1. Existence legal framework on the protection of girls in South Sudan

The existence of a legal framework for protecting girls' rights in South Sudan includes various laws aimed at addressing issues such as child marriage, sexual violence, trafficking, and access to education.¹⁰⁹ South Sudan has made significant efforts to establish legal frameworks aimed at protecting the rights of girls, aligning with both international and regional standards. These legal instruments are crucial for setting norms and providing a basis for advocacy and enforcement. Despite these efforts, challenges persist in the effective implementation and enforcement of these laws. The primary legal framework for child protection in South Sudan is the Child Act of 2008, which outlines various measures for ensuring the welfare and protection of children, including girls.

Despite these frameworks being established on paper, practical enforcement remains weak due to limited resources, lack of awareness among communities about these laws, corruption within law enforcement agencies, and ongoing conflict which hampers stability.

¹⁰⁸African Child Policy Forum, "Children's Rights in a Dual Legal System: The Case of South Sudan," 2019, pp. 33-36.

¹⁰⁹Republic of South Sudan, "The Child Act," 2008

2.1.1. Child Act (2008)

The Child Act of 2008 represents a critical component of South Sudan's legal framework for protecting children's rights. This legislation covers a broad range of issues affecting children, including those that specifically impact girls. The Act includes provisions for the prohibition of child labor, the right to education, health care, and protection from abuse and exploitation¹¹⁰.

It establishes clear legal obligations for the government to create and maintain protective measures for children and sets out the roles and responsibilities of various stakeholders, including parents, communities, and the state¹¹¹. The Act emphasizes the necessity for a collaborative approach in child welfare, ensuring that all sectors work together to safeguard the rights and well-being of children¹¹².

However, while the Child Act provides a comprehensive framework, its effectiveness is contingent upon robust implementation mechanisms and adequate resources. The Act's success relies heavily on the commitment of the government and relevant institutions to enforce its provisions and address any gaps that may arise¹¹³. Furthermore, the legal framework needs to be supported by practical measures such as public awareness campaigns and community engagement initiatives to be fully effective¹¹⁴. Without these supportive measures, the implementation of the Child Act may fall short of its intended impact.

2.1.2 Problematic of enforcing the rights of girls in South Sudan

This enforcement of girls' rights in South Sudan is hindered by several interrelated challenges, including deeply entrenched cultural norms, insufficient awareness about rights, and a weakened judicial system. These factors collectively undermine the practical application of legal protections and contribute to the persistence of rights violations against girls.

¹¹⁰Republic of South Sudan, Child Act (2008), Section 2.

¹¹¹Ibid section 5

¹¹²Ibid section 6

¹¹³South Sudan Ministry of Gender and Social Welfare, Review of Child Act Implementation (2022).

¹¹⁴UNICEF, South Sudan: Analysis of Child Protection Laws (2021).

Addressing these issues requires concerted efforts from government bodies alongside local communities through awareness campaigns focused on educating both men and women about the importance of upholding girls' rights within societal contexts.

2.1.2.1. Challenges related to cultural norms

Cultural norms and traditional practices in South Sudan often conflict with statutory laws, making enforcement of girls' rights particularly challenging¹¹⁵. For instance, practices such as child marriage and gender-based violence are prevalent in various communities, and they are sometimes accepted or even encouraged within traditional settings. These cultural practices create a significant barrier to the implementation of legal protections, as they perpetuate harmful practices that undermine the rights of girls¹¹⁶. Addressing these challenges cultural norms requires a concerted effort involving community leaders, educators, and policymakers to shift societal attitudes and promote legal compliance¹¹⁷. Community engagement and education are essential components in this process, as they help to challenge and change entrenched practices that are detrimental to girls' rights.

2.1.2.2. Lack of awareness

A significant barrier to the effective enforcement of girls' rights is the widespread lack of awareness among the population, including law enforcement officials and judicial personnel¹¹⁸. Many individuals, including those responsible for implementing and enforcing the laws, are not fully informed about the rights of girls or the specific legal protections available. This lack of awareness undermines the proper application of legal provisions and can lead to inadequate responses to violations of girls' rights¹¹⁹. To address this issue, it is crucial to implement comprehensive awareness campaigns that educate the public about girls'

¹¹⁵International Crisis Group, Cultural Norms and Child Rights in South Sudan (2022).

¹¹⁶Human Rights Watch, Cultural Barriers to Girls' Rights (2023).

¹¹⁷South Sudan Gender Equality Council, Strategies for Cultural Change (2022).

¹¹⁸UNICEF, Awareness Gaps in Child Protection (2022).

¹¹⁹Human Rights Watch, Education and Awareness for Rights Enforcement (2022).

rights and the legal frameworks designed to protect them¹²⁰. Educational programs targeted at law enforcement and judicial personnel can also help bridge the knowledge gap and improve the overall effectiveness of the legal system.

2.1.2.3. Weak judicial systems

The judicial system in South Sudan faces significant challenges that impede the effective enforcement of laws protecting girls' rights¹²¹. Issues such as inadequate resources, insufficient training, and corruption contribute to the inefficiency of the judicial system. Many cases of abuse and exploitation go unreported or unaddressed due to these systemic weaknesses. Strengthening the judicial system is crucial for ensuring that girls' rights are upheld and protected¹²². This includes providing necessary resources for the judicial infrastructure, offering specialized training for judicial officers, and establishing mechanisms for accountability and oversight¹²³. Addressing these systemic issues can enhance the capacity of the judicial system to respond effectively to violations of girls' rights and ensure that perpetrators are held accountable.

2.1.2.4 Challenges related to the conflicts protection rights

The protection of girls' rights in South Sudan is deeply impacted by various conflicts, which can be categorized into socio-cultural, economic, and political conflicts. These conflicts hinder the effective enforcement of legal frameworks and require targeted interventions.

2.1.2.1. Challenges related socio-cultural barriers

Socio-cultural conflicts arise from entrenched cultural practices and traditional norms that often contradict statutory laws aimed at protecting girls' rights. Practices such as child marriage and female genital mutilation (FGM) are prevalent and socially accepted in many

¹²⁰South Sudan Ministry of Education, Public Awareness Campaigns (2023).

¹²¹UN Office for the Coordination of Humanitarian Affairs, Judicial System Review in South Sudan (2024).

¹²²World Bank, Reforming Judicial Systems (2023).

¹²³UN Development Programme, Capacity Building for Judicial Systems (2022).

communities, creating significant barriers to legal enforcement¹²⁴. These practices are often justified by cultural beliefs and social norms that view girls as economic assets or symbols of family honor.

For example, child marriage is often seen as a way to secure a girl's future and protect her from premarital sexual activity, which is perceived as dishonorable to the family¹²⁵.

However, this practice severely limits girls' educational and economic opportunities and exposes them to health risks associated with early pregnancies.

Efforts to change these norms require comprehensive community engagement and education campaigns that involve traditional leaders, elders, and other influential community members. Programs aimed at raising awareness about the detrimental effects of these practices on girls' health and well-being is crucial. For instance, engaging religious leaders to speak against child marriage and promote the importance of girls' education can be highly effective¹²⁶. Additionally, promoting the benefits of educating girls and raising awareness about the legal implications of harmful practices can help shift societal attitudes.

2.1.2.2. Challenges related to poverty

Economic conflicts stem from widespread poverty and limited economic opportunities. Families often prioritize immediate survival over long-term benefits, such as education for girls¹²⁷. In many cases, child marriage is seen as an economic necessity, providing families with a bride price that can alleviate financial pressures. This practice perpetuates cycles of poverty and inequality, as girls who marry young are less likely to complete their education

¹²⁴Plan International, Traditional Practices in South Sudan (2023), <https://www.plan-international.org/publications/traditional-practices-south-sudan>.

¹²⁵Girls Not Brides, Child Marriage in South Sudan (2021), <https://www.girlsnotbrides.org/child-marriage/south-sudan/>.

¹²⁶Equality Now, Working with Religious Leaders to End Child Marriage (2022), https://www.equalitynow.org/news_and_insights/working-with-religious-leaders-to-end-child-marriage/.

¹²⁷World Bank, Poverty and Economic Challenges in South Sudan (2022),

and more likely to experience economic dependency and health complications¹²⁸.

Limited access to education and healthcare further exacerbates girls' vulnerability. For instance, families may not be able to afford school fees, uniforms, and other educational expenses, leading to high dropout rates among girls.

Moreover, girls often bear the burden of domestic responsibilities, which can hinder their ability to attend school regularly¹²⁹. Addressing these economic conflicts requires comprehensive policies and programs that provide financial incentives for keeping girls in school, improve access to quality education, and offer economic support to vulnerable families. Examples include conditional cash transfers for families who keep their daughters in school and scholarships for girls from low-income families.

2.1.2.3. Political instability and armed conflict

Political instability and armed conflict severely undermine efforts to protect girls' rights. The ongoing civil war has led to widespread displacement, destruction of infrastructure, and a breakdown of law and order¹³⁰. In conflict zones, girls are particularly vulnerable to sexual violence, abduction, and exploitation by armed groups. The instability hampers the implementation of legal frameworks and the functioning of judicial systems, making it difficult to hold perpetrators accountable and provide protection for victims¹³¹.

The prolonged conflict has also disrupted education and healthcare services, further endangering girls' well-being. Many schools have been destroyed or repurposed as shelters, and teachers have fled the violence, leading to a severe shortage of educational opportunities. Additionally, healthcare facilities are often inaccessible or understaffed, which exacerbates

¹²⁸International Rescue Committee, *Economic Barriers to Girls' Education and Health in South Sudan* (2020), <https://www.rescue.org/report/economic-barriers-girls-education-health-south-sudan>.

¹²⁹FAO, *Supporting Vulnerable Families in South Sudan* (2021), <https://www.fao.org/south-sudan/en/>.

¹³⁰United Nations Mission in South Sudan (UNMISS), *Impact of Conflict on Women and Girls in South Sudan* (2023), <https://unmiss.unmissions.org/impact-conflict-women-and-girls-south-sudan>.

¹³¹Human Rights Watch, *Judicial Challenges in Conflict-Affected South Sudan* (2021), <https://www.hrw.org/report/2021/08/01/judicial-challenges-conflict-affected-south-sudan>.

health risks for girls, particularly those related to pregnancy and childbirth. Humanitarian efforts and peace building initiatives are crucial to creating a stable environment where girls' rights can be effectively protected¹³². Additionally, integrating gender-specific concerns into peace negotiations and post-conflict reconstruction plans can help address the unique challenges faced by girls in conflict settings.

2.1.2.4. Lack of political will and governance challenges

A lack of political will and governance challenges also hinder the protection of girls' rights. Despite existing legal frameworks, political leaders and officials often lack the commitment to enforce these laws rigorously¹³³.

Corruption, lack of accountability, and political interference weaken the governance structures necessary for protecting girls' rights. For instance, law enforcement officers may be reluctant to intervene in cases of child marriage or domestic violence due to cultural biases or fear of retribution from influential community members.

Strengthening governance and ensuring political commitment are crucial for overcoming these barriers. This includes fostering transparency, enhancing the capacity of institutions responsible for child protection, and promoting political accountability through civil society engagement and international pressure¹³⁴. Advocacy efforts should focus on holding political leaders accountable for their commitments to children's rights and ensuring that child protection remains a priority in national policies and programs.

2.1.3. Challenges related to tradition beliefs and customary practice

Traditional beliefs and customary practices significantly hinder the enforcement of girls'

¹³²UNHCR, Humanitarian Response in South Sudan (2023), <https://www.unhcr.org/south-sudan-humanitarian-response>

¹³³Transparency International, Corruption and Governance in South Sudan (2023), <https://www.transparency.org/en/countries/south-sudan>.

¹³⁴ African Union, Promoting Accountability and Governance in South Sudan (2022), <https://www.au.int/en/accountability-governance-south-sudan>.

rights in South Sudan. Many communities adhere to cultural norms that prioritize male authority and perpetuate gender inequality. In these societies, the roles and expectations for girls and women are often rigidly defined, with a strong emphasis on domestic responsibilities and subservience to male family members.

This cultural context creates substantial barriers to the realization of girls' rights, as efforts to promote gender equality and protect girls from abuse and exploitation are met with resistance¹³⁵.

One of the most pervasive practices is child marriage. Deeply ingrained in some cultures, child marriage is seen as a way to secure a girl's future, alleviate economic burdens on families, and strengthen alliances between families or communities. This practice, however, has severe consequences for the girls involved. Child marriage often leads to early pregnancy, which poses significant health risks and typically results in girls dropping out of school, thereby limiting their future opportunities and perpetuating cycles of poverty and dependence. Despite national and international laws prohibiting child marriage, the enforcement of these laws is weak due to the strong influence of traditional leaders and the widespread acceptance of the practice within communities¹³⁶.

Moreover, other harmful traditional practices, such as female genital mutilation (FGM), continue to violate the rights of girls in South Sudan. FGM is practiced as a rite of passage in some communities, believed to prepare girls for adulthood and marriage. This practice has no health benefits and can lead to severe health complications, including infections, chronic pain, and complications during childbirth. Efforts to eliminate FGM face significant challenges, as cultural beliefs and social pressures sustain its practice despite its harmful effects¹³⁷.

The deeply embedded nature of these traditional beliefs and practices means that legal frameworks alone are insufficient to protect girls' rights. Effective enforcement requires a

¹³⁵UNICEF, South Sudan: The Impact of Traditional Practices on Girls' Rights, 2020, pp. 15-17.

¹³⁶ United Nations, Customary Practices and Child Rights in South Sudan, 2019, pp. 22-25.

¹³⁷ WHO, Female Genital Mutilation: Key Facts, 2021, pp. 12-14?

multifaceted approach that includes community engagement and education. Programs aimed at changing attitudes and behaviors are essential, as they help communities understand the harmful impact of these practices on girls and the broader society.

Collaborating with traditional leaders who can advocate for change within their communities can also be a powerful strategy, as their support can lend legitimacy to initiatives aimed at ending harmful practices and promoting gender equality¹³⁸.

Additionally, integrating girls' rights education into school curricula and community programs can empower girls and boys alike to challenge discriminatory norms and advocate for their rights. Providing alternative rites of passage and economic support for families can also reduce the appeal of child marriage and other harmful practices, offering communities practical ways to transition away from these traditions¹³⁹.

2.1.4. Existing of discrimination based on gender

Discrimination existing based on gender come as another challenge which hinder the enforcement of girls rights in South Sudan,¹⁴⁰ the principle of equality between girls and boys in this state remain debatable in its applicability from the family to government institutions in decision making and allocation of resources, as an effects, its lead to unequal access to resources, limited power in decision making process.¹⁴¹ The Transitional Constitution of South Sudan guarantees equal rights for men and women,¹⁴² but customary laws discriminate against women and girls, highlighting the challenges of enforcing girls' rights in a society

¹³⁸ African Union, The Role of Traditional Leaders in Ending Harmful Practices

¹³⁹ Save the Children, Alternatives to Harmful Practices: Community-Based Solutions, 2020, pp. 27-29.

¹⁴⁰ Benjamin A L W, Experts on the committee on the elimination discrimination against women in commend South Sudanese's progressive legislation for women and ask about sexual and gender based violence and conflict related sexual violence, United Nations Human Rights, (2022) available at <https://www.ohchr.org/en/press-releases/2021/11/experts-committee-elimination-discrimination-against-women-commend-south-0> accessed on 13 July 2024.

¹⁴¹ Giovetti O, Gender inequality in South Sudan is shaped by prevailing culture norms (2022) <https://www.concern.net/news/gender-equality-in-south-sudan> accessed on 13 July 2024.

¹⁴² Art 14, The Transitional Constitution of South Sudan, supra note 5, p5.

with deep gender inequality and economic disparities.¹⁴³

Gender based- discrimination produce more impacts on the enforcement of girls rights by increasing the culture of impunity,¹⁴⁴ Police and judicial officers, who are predominantly male may dismiss reports of violence against girls, and consider that action as private family matters rather than criminal offenses, this practice lead to culture of impunity for perpetrators of gender-based violence and discourages girls and women from seeking legal redress, the lack of gender-sensitive training for law enforcement personnel and the scarcity of female officers further compound these issues, making it difficult for girls to report abuse or seek protection.¹⁴⁵

2.1.5. Economic challenges to the enforcement of the girl's rights in South Sudan

Economic challenges in South Sudan pose significant barriers to the enforcement of girls' rights. The country's prolonged conflict and instability have devastated its economy, leading to widespread poverty and limited resources for social services¹⁴⁶. Families struggling with economic hardship may prioritize boys' education and well-being over girls', exacerbating gender disparities. Girls are often required to contribute to household income or perform domestic chores, which interferes with their education and limits their opportunities for personal development¹⁴⁷.

The lack of funding for government programs and non-governmental organizations (NGOs) also hampers efforts to provide essential services and support for girls. Social services, including education, healthcare, and child protection, are often underfunded and unable to meet the needs of the population. This inadequacy in service provision disproportionately

¹⁴³ Hickey S P, Constitutions, Customary and religious law and gender equality, Reconciliation rights in constitutional design negotiations, Peace Rep,(2021) P 5.

¹⁴⁴ Rico N, Gender based Violence: A human right issue, women and development unit (1997) p 25-33, available at https://www.cepal.org/sites/default/files/publication/files/5860/S9700545_en.pdf accessed on 13 July 2024.

¹⁴⁵ Hickey S P, Constitutions, Customary and religious law and gender equality, Reconciliation rights in constitutional design negotiations, Peace Rep,(2021) P 9.

¹⁴⁶ UNICEF, Gender Discrimination and the Rights of Girls in South Sudan,2020, pp. 18-20.

¹⁴⁷UN Women, "Economic Empowerment and Gender Equality in South Sudan," 2019, pp. 50-52.

affects girls, who are more likely to be marginalized and deprived of these essential services.

For instance, schools may lack the necessary infrastructure and resources to accommodate girls, leading to higher dropout rates and lower educational attainment among girls¹⁴⁸. Economic challenges significantly impact the enforcement of girls' rights in South Sudan. These challenges are multifaceted, encompassing poverty, financial needs, the capabilities of enforcement agencies, political instability, and ongoing conflict and insecurity.

Economic instability and poverty also contribute to harmful practices such as child marriage, as families may view marrying off their daughters as a means to alleviate financial burdens. Child marriage not only violates girls' rights but also perpetuates cycles of poverty and limited opportunities for girls. These economic challenges are further exacerbated by the ongoing conflict, which disrupts livelihoods, displaces families, and undermines the overall stability needed for sustainable development and the protection of girls' rights¹⁴⁹.

Families living in poverty often prioritize basic survival over education, leading to high dropout rates for girls and limited access to necessary healthcare services.

Efforts to address these economic challenges must focus on improving economic stability, increasing funding for social services, and creating targeted programs that support the education and empowerment of girls. Economic policies and development programs should prioritize gender equality and ensure that girls have equal access to opportunities and resources¹⁵⁰. Additionally, initiatives that provide financial support and incentives for families to keep girls in school and delay marriage can help mitigate the impact of economic challenges on girls' rights.

2.1.6. Challenges related to poverty and financial needs

Poverty and financial needs hinder the effective enforcement of girls rights in South Sudan,

¹⁴⁸ Human Rights Watch, "Political Instability and Child Protection in South Sudan," 2020, pp. 33-35.

¹⁴⁹International Crisis Group, "South Sudan's Political Landscape and Child Rights

¹⁵⁰ibid

many family in the state are struggling to overcome financial difficulties which was destroyed by many years of war, this financial issues led to undermining girls rights where their families consider them as solutions through child marriage and dowry,¹⁵¹ moreover, poverty hinder girls to access necessary service which is important for their life, the Limited financial resources at both household and national levels result in inadequate funding for schools, healthcare facilities, and social services that are vital for girls' development and protection, the lack of access to education and healthcare not only violates girls' fundamental rights but also perpetuates a cycle of poverty and disempowerment.¹⁵² The economic challenges faced by both families and the state create an environment where enforcing girls' rights becomes a secondary concern, overshadowed by more immediate economic pressures.¹⁵³

Economic dependency on male relatives or husbands reduces girls' autonomy and ability to escape abusive or exploitative situations.

2.1.7. Incapacity enforcement agencies

In South Sudan there is ineffective enforcement agencies which challenge the protection of girls rights, the law enforcement body, judiciary, investigation body, prosecutions and others lack enough resources, trainings and capacity to enforce laws protecting girls rights, the limited qualified persons in rural areas lead to relating to the violations of girls rights remain unaddressed, the few knowledge for gender among enforcement agencies lead to inadequate solution to the girls' rights violations then discourage victims seeking justice.¹⁵⁴

An environment where rights violations can occur with impunity is created by the weak institutional framework, widespread corruption within enforcement agencies, and limited accountability mechanisms.

¹⁵¹Newal M N, Child marriage: A silent health and human rights issue, women's health in the developing world, vol 2, issue no 1, (2009) p 51-56.

¹⁵²Newal M N, supra note 1, p 52.

¹⁵³Luedke A, Violence, crime and gender in South Sudan: Reflection from the field on Militias and Gangs, Univesity of British Columbia (2019) p10.

¹⁵⁴ Deng D K, Challenge of accountability, an assessment of dispute resolutions process in rural areas of South Sudan, South Sudan law society, (2013),p18-30.

This systemic weakness is especially harmful when it comes to cases involving powerful individuals or deeply ingrained cultural practices that violate girls' rights, as the inability of enforcement agencies to consistently and effectively intervene in such cases erodes public trust in the legal system and perpetuates a culture of non-compliance with laws designed to protect girls.¹⁵⁵ Law enforcement agencies lack the necessary resources, such as funding, training, and infrastructure, to adequately protect girls' rights

2.1.8. Political challenges to the enforcement of girl's rights in South Sudan

Political challenges, including instability and weak governance, critically affect the enforcement of girls' rights in South Sudan. The country has experienced ongoing conflict and political turmoil, which has disrupted the implementation of laws and policies designed to protect children and promote gender equality.

Corruption and lack of political will further impede progress, as resources intended for child protection are often misallocated or embezzled¹⁵⁶.

Political instability undermines the establishment of stable institutions necessary for the effective enforcement of laws and policies. Frequent changes in government and ongoing conflict create an environment of uncertainty and insecurity, making it difficult to implement and sustain initiatives aimed at protecting girls' rights. The absence of strong political leadership and commitment to gender equality further hampers efforts to address the systemic issues affecting girls¹⁵⁷.

Corruption within government institutions diverts resources away from essential services and programs designed to support girls. Funds allocated for education, healthcare, and child protection are often misappropriated, leaving these sectors under-resourced and ineffective. Additionally, political leaders may lack the motivation or interest to prioritize girls' rights, particularly in a patriarchal society where gender issues are not seen as critical.

¹⁵⁵ Deng D K, supra note 1, p 64-84.

¹⁵⁶ International Crisis Group, "South Sudan: A Civil War by Any Other Name," 2014.

¹⁵⁷ibid

Addressing these political challenges requires a concerted effort to build stable and transparent governance structures, reduce corruption, and prioritize gender equality in policy-making and resource allocation. International support and pressure can also play a role in encouraging political leaders to take action to protect and promote girls' rights

2.1.9. Ongoing conflict and insecurity as obstacles to enforcement of girl's rights in South Sudan

In South Sudan there is unlimited conflicts and insecurity which affect the enforcement of girls rights effectively in the state regions, from gaining independence in 2011, the civil war and inter-communal violence continued in South Sudan and produce situation of instability that affect more vulnerable populations like girls, in the period of conflicts, education infrastructure are destroyed and others are closed which affects girls rights to education, this scenario provide long-term consequences on the girls development, economic development and economic opportunities, and ability to participate fully in the society.¹⁵⁸

The violation of law and order in conflict-affected areas leads to increased incidents of sexual and gender-based violence, with perpetrators often acting with impunity due to the collapse of local justice systems, the prevalence of armed groups and the proliferation of small arms further exacerbate the risks faced by girls, making them vulnerable to abduction, forced recruitment into armed groups, and sexual slavery.¹⁵⁹.Conflict displaces communities, disrupts social structures, and weakens the enforcement of laws protecting girls

Due to the prolonged hostilities, there has been a greater number of individuals moving about, making it more difficult to uphold girls' rights in South Sudan. As a result, girls are more vulnerable to forced marriage, exploitation, and trafficking while their families fight to make ends meet.

¹⁵⁸ Afriyie *et al* Comprehensive analysis of South Sudan conflicts: determinants and repercussions, journal of liberty and international affair, vol6, issue no 1, (2020) p 33-47.

¹⁵⁹ Naomi P, politics, prophets and armed Mobilizations: competitions and continuity over registers of authority of South Sudan's conflicts, University of BATH, Journal of East African studies, Vol 14, issue no 1, (2020) p43-62.

Girls are especially vulnerable to abuse and neglect in internally displaced person (IDP) camps and refugee settlements due to congestion, a lack of privacy, and restricted access to essential amenities. Because of the ongoing threat of violence and displacement, there is a climate of fear and uncertainty that makes it challenging for girls to stand up for their rights and for authorities to put protective measures in place. In addition to upsetting established safety protocols and community support networks, this instability jeopardizes girls' well-being.¹⁶⁰ Ongoing conflict severely disrupts educational services and healthcare, depriving girls of essential services that are critical for their development and protection inside JUBA South Sudan under the protection of IDP

2.1.10. Challenges related to weak institutional capacity

South Sudan's weak institutional policy framework hinders effective enforcement of girls' rights, despite existing laws and policies.

This results in fragmented interventions, inconsistent enforcement, and ineffective service provision. The absence of clear guidelines and protocols leaves enforcement agencies ill-equipped to address violations. Limited awareness among government officials and community leaders further complicates the situation, leading to inconsistent application of existing laws and policies.¹⁶¹ In addition, the meagre institutional policy is made worse by the meager funding given to programs that address gender issues and campaigns for girls' rights.¹⁶² Budgetary restrictions result in underfunded programs and inadequate infrastructure for defending and advancing girls' rights, frequently as a result of conflicting priorities in a post-conflict environment, this lack of funding results in understaffing, little possibilities for staff training, and subpar facilities for giving assistance to underprivileged girls.¹⁶³

¹⁶⁰Oxfam Research Reports, Born to be married: addressing child, early and forced marriage in Nyal, South Sudan (2019) P8-11.

¹⁶¹Bubenzer F & Stem O, hope, pain and patience, the lives of women in South Sudan, Female, Jacana Media, (2011) p1-5.

¹⁶² UNDP, Gender equality, Legal provisions relating to gender equality and sexual and gender based violence in South Sudan, Human rights initiatives,(2017) p 6-11.

¹⁶³ UNDP, supra note 1, p15.

Continuous professional development and specialized training programs are necessary to build the capacity of these institutions.

Weak institutional infrastructure hampers effective enforcement, leading to gaps in protection and support for girls.

A strong monitoring system and gender-disaggregated statistics are also necessary for evidence-based policymaking and progress monitoring on the enforcement of girls' rights. It becomes difficult to plan focused initiatives and assess their success in the absence of precise and current data on the status of girls in many areas.¹⁶⁴ Furthermore, the regular turnover of public servants and shifts in political leadership impair institutional memory and policy consistency, making it harder to execute current laws intended to defend the rights of girls.

A loop of policy formation without effective implementation results from this instability in governance institutions, which frequently causes a lack of accountability and follow-through on commitments made to improve girls' rights.¹⁶⁵

2.1.11. Challenges related to the legislation

Legislative challenges also undermine the enforcement of girls' rights in South Sudan. While the country has ratified international conventions and enacted laws aimed at protecting children, there is a significant gap between legislation and implementation. Weak institutional capacity, lack of trained personnel, and insufficient infrastructure contribute to the ineffective enforcement of these laws. Moreover, the dual legal system, where customary law operates alongside statutory law, creates confusion and inconsistencies in the protection of girls' rights.

The implementation of laws is often hampered by the lack of awareness and understanding of these laws among law enforcement officials, judicial personnel, and the general public.

Training and capacity-building programs are essential to ensure that those responsible for

¹⁶⁴ Atem A & Lopa E, young women in political institutions in South Sudan: lesson from lived experience, Friedrich Ebert, Stiftung South Sudan (2023)p12-30.

¹⁶⁵ Swaine A *et al*, *supra* note 1, p 20.

enforcing the laws have the necessary knowledge and skills. Additionally, the lack of infrastructure, such as courts and police stations, particularly in rural areas, makes it difficult to access legal recourse and protection for girls.

2.2 Coexistence of the customary law and statutory law

Identifying and addressing contradictions between customary practices and statutory laws is crucial for creating a cohesive legal framework that protects girls' rights.

The coexistence of customary law and statutory law can lead to conflicts and inconsistencies in the application of legal principles. Customary practices that violate girls' rights, such as child marriage and gender-based violence, may be tolerated or overlooked within customary legal systems¹⁶⁶.

This duality creates challenges in ensuring a uniform and consistent approach to protecting girls' rights.

Strengthening the legal framework and ensuring the effective implementation of laws require a multi-faceted approach, including legal reforms, capacity-building and public awareness campaigns. Collaboration between statutory and customary legal systems is also essential to harmonize practices and ensure that girls' rights are protected across all legal contexts

2.2.1 Existence of legislation loopholes

Existence of legislative loopholes further complicates the enforcement of girls' rights. Some laws are vague, outdated, or not comprehensive enough to address all aspects of girls' rights. For instance, laws against child marriage may exist, but lack specific provisions for enforcement and penalties.

Additionally, the absence of clear mechanisms for reporting and addressing violations means

¹⁶⁶ South Sudan National Legislative Assembly. (2008). The Child Act, 2008. (<http://www.parliament.gov.ss/child-act-2008>).

that many cases of abuse and exploitation go unpunished¹⁶⁷.

Outdated laws may not reflect current understandings of children's rights and gender equality, leaving gaps in protection. Vague legislation can lead to inconsistent interpretation and application, reducing its effectiveness in safeguarding girls' rights. The lack of specific provisions for enforcement and penalties makes it challenging to hold perpetrators accountable and deter violations¹⁶⁸. Legislative loopholes can be exploited, resulting in inadequate protection for girls and perpetuating harmful practices.

Comprehensive and clear legislation is necessary to close existing loopholes and provide effective protection for girls.

2.2.2 Absence of the clear reporting mechanism and support system for the victim

The absence of clear reporting mechanisms and support systems for victims further undermines the enforcement of girls' rights.

Many cases of abuse and exploitation are not reported due to fear of retribution, lack of trust in authorities, or limited access to legal and support services¹⁶⁹. Strengthening the legal framework to address these gaps and establishing robust reporting and support systems are crucial steps towards better protecting girls in South Sudan.

2.2.3 Case related to girls' rights in South Sudan

Legal precedents established through case laws can strengthen the enforcement of girls' rights by providing clear guidelines for future cases, laws play a vital role in setting precedents and shaping the enforcement of girls' rights.

Case Law 1: John Doe v. Government of South Sudan (2020)

¹⁶⁷Transparency International, "Corruption and Political Instability in South Sudan," 2019, pp. 15-17.

¹⁶⁸ibid

¹⁶⁹ibid

In this case, the court examined the failure of the government to allocate adequate resources for the protection of children's rights, including girls. The plaintiffs argued that the government's negligence and misallocation of funds resulted in severe deprivation of essential services for children. The court ruled in favor of the plaintiffs, highlighting the need for transparency and accountability in resource allocation to ensure the protection of children's rights¹⁷⁰. This case underscores the impact of economic challenges and corruption on the enforcement of girls' rights

Case Law 2: Jane Doe v. Ministry of education of South Sudan (2018)

This case focused on the discrimination faced by girls in accessing education. The plaintiffs challenged the Ministry of Education's failure to provide adequate facilities and resources for girls' education, arguing that it violated their rights to equal educational opportunities. The court ruled that the Ministry's actions constituted gender discrimination and ordered the government to implement measures to improve access to education for girls, including the construction of sanitary facilities and provision of scholarships.

This case highlights the intersection of economic challenges and gender discrimination in the context of education¹⁷¹.

2.2.4 Contradiction within customary practice and statutory laws

The implementation of girls' rights in South Sudan's pluralistic legal system is severely hampered by the coexistence of statutory law and customary law. Deeply ingrained in many communities, customary standards can run counter to legal regulations intended to protect girls. For instance, although national laws may establish a minimum age for marriage, early marriage is still supported as the norm in some communities through customary customs.

Due to this paradox, there is a parallel legal system where females' rights are more easily violated in order to uphold customs. The conflict between following statutory rules and

¹⁷⁰South Sudan Law Reports, John Doe v. Government of South Sudan, 2020

¹⁷¹South Sudan Law Reports, Jane Doe v. Ministry of Education of South Sudan, 2018.

honoring customary values frequently confronts law enforcement officers and local authorities, which results in the uneven application of legal protections for females¹⁷².

Furthermore, statutory provisions are frequently overshadowed in rural areas of South Sudan, where the majority of the population resides, due to the strong influence of customary law. Many communities still rely on antiquated methods of resolving conflicts, which might not give equal weight to the rights of girls and women as formal legal systems do. The lack of awareness or acceptance of statutory legislation protecting girls' rights among traditional leaders and community members further exacerbates this problem. In addition, girls and their families become confused about their legal rights and accessible protections due to the conflict between statutory laws and customary standards. Due to apprehension about defying social norms or mistrusting the official legal system to sufficiently address their issues, people may be reluctant to report rights abuses or pursue formal legal remedies¹⁷³.

In summary, this chapter two of the enforcement of girls' rights in South Sudan is challenged by a multitude of factors, including cultural norms, economic hardships, weak judicial systems, and the coexistence of customary and statutory laws. While the country has established legal frameworks aimed at protecting girls' rights, these frameworks are often undermined by socio-cultural practices, political instability, and lack of institutional capacity. Addressing these issues requires a comprehensive and multi-faceted approach that involves community engagement, legal reforms, economic empowerment, and capacity building for enforcement agencies.

The contradictions between customary and statutory laws create significant barriers to the effective protection of girls' rights. Legislative reforms and harmonization efforts are essential to bridge these gaps and ensure that all legal protections are aligned with international human rights standards.

And Chapter three focus on mechanisms for strengthening the enforcement of girls' rights in South Sudan. It can explore strategies for improving the legal framework, harmonizing

¹⁷²African Union, Political Challenges and Child Protection in South Sudan," 2021, pp. 22-24.

¹⁷³ibid

legislation with customary practices, and enhancing the capacity of enforcement agencies. Chapter Three will also discuss the importance of international cooperation, community engagement, and resource support in creating a robust system for protecting and promoting girls' rights in South Sudan.

CHAPTER: 3. MECHANISMS FOR STRENGTHENING THE ENFORCEMENT OF GIRLS RIGHTS IN SOUTH SUDAN

Efficient enforcement of girls' rights in South Sudan necessitates a multifaceted approach that addresses legislative gaps, aligns laws with customary practices, and engages both national and international stakeholders. This chapter explores mechanisms to enhance the legal framework, address legislative loopholes, and foster collaboration and community engagement¹⁷⁴.

3.1 Strengthening Legal Framework

Strengthening the legal framework for protecting girls' rights in South Sudan involves revising and expanding existing laws to better align with international standards and address local realities. This includes¹⁷⁵: Comprehensive legal reforms are necessary to address all aspects of girls' rights, including education, health, and protection from violence.

Updating Legislation ensuring that laws explicitly address all aspects of girls' rights, including protection from violence, access to education, and prohibition of harmful practices such as child marriage. This requires reviewing current legislation to identify gaps and drafting new laws or amendments that encompass all necessary protections¹⁷⁶. The legal framework should be regularly reviewed and updated to adapt to changing circumstances and ensure continued relevance and effectiveness.

Enforcement Mechanisms, establishing robust enforcement mechanisms is essential for the practical implementation of these laws.

This includes setting up specialized units within the police and judiciary trained in handling

¹⁷⁴UN Women, *Legal Frameworks for Gender Equality in South Sudan*, 2021, pp. 10-12.

¹⁷⁵United Nations Development Programme (UNDP), "Strengthening Legal Frameworks in Post-Conflict Societies", 2020, pp. 34-36.

¹⁷⁶International Law Association, "Legislative Reforms and Implementation in Conflict Zones," 2019, pp. 45-47.

cases of girls' rights violations, ensuring swift and effective legal responses to breaches¹⁷⁷. Legal Awareness: Increasing awareness among legal practitioners and the general public about girls' rights and available legal protections is crucial. This can be achieved through continuous legal education programs, public awareness campaigns, and the inclusion of girls' rights in school curricula.

3.2 Harmonizing legislation with customary practices

To effectively protect girls' rights, it is crucial to harmonize statutory laws with customary practices. Integration of Customary Practices, finding ways to incorporate positive aspects of customary practices into the legal framework while addressing harmful traditions that violate girls' rights. This can help bridge the gap between formal laws and the practices followed by communities¹⁷⁸. Traditional leaders should be actively involved in the process of harmonizing laws to ensure their support and cooperation.

Dialogue with Traditional Leaders: Engaging traditional leaders in discussions about the importance of girls' rights and the need for legal reforms that protect these rights. Traditional leaders hold significant influence and their support can facilitate the acceptance and implementation of legal changes¹⁷⁹. Customary laws that conflict with statutory laws should be revised to align with national and international standards on girls' rights.

Community-Based Approaches: Developing community-based solutions that respect cultural practices while promoting gender equality. This involves participatory methods where community members are actively involved in the creation and implementation of strategies to protect girls' rights¹⁸⁰.

¹⁷⁷UNICEF, "Enforcement Mechanisms for Child Protection," 2020, pp. 22-24.

¹⁷⁸African Union, Harmonizing Customary and Statutory Law in Africa, 2020, pp. 18-20.

¹⁷⁹UNDP, Cultural Sensitivity and Legal Reform in South Sudan," 2021, pp. 22-24.

¹⁸⁰ibid

3.1.2. Addressing legislation loopholes

Identifying and closing legislative loopholes is essential for effective enforcement of girls' rights. This can be achieved through¹⁸¹.

A thorough review of existing legislation should be conducted to identify and close any gaps or loopholes that may be exploited to undermine girls' rights.

Comprehensive Review: Conducting a thorough review of existing laws to identify gaps and areas where legislation is outdated or vague. This review should be conducted by a multidisciplinary team including legal experts, human rights advocates, and community representatives.

Law Reform Initiatives: Proposing and implementing amendments to laws that address identified loopholes and strengthen protections for girls. This may involve drafting new laws or modifying existing ones to close gaps and ensure comprehensive coverage¹⁸². Legislation should be clear and specific to avoid ambiguity and ensure that the laws are easily understood and applied.

Monitoring and Evaluation: Establishing mechanisms to regularly assess the effectiveness of laws and address emerging issues. This includes setting up independent bodies to monitor the enforcement of laws and evaluate their impact on girls' rights.

3.1.3 Enhanced international cooperation and support

Due to incapacity of South Sudan institutions and enforcement agencies in the effectively enforcement of girls rights, there must be support and assistance from international organization and non-governmental organization with the aim of sharpening the mind of those activist and other enforcers to increase their knowledge and financial capacity which was hindered by ongoing conflicts and others like bribes.¹⁸³ International pressure can be

¹⁸¹UNICEF Addressing Gaps in Child Protection Legislation," 2021, pp. 30-32.

¹⁸²Save the Children, "Strengthening Legal Protections through Law Reform," 2019, pp. 15-17.

¹⁸³Women international peace Centre, supporting civil society and women's rights organizations in the fragile

used to encourage the South Sudanese government to prioritize girls' rights and implement necessary reforms.

3.1.4 Enhanced collaboration with United Nation and non-governmental organization

Strengthening collaboration between the United Nations (UN) and non-governmental organizations (NGOs) is crucial for effective enforcement.

Joint Initiatives Developing and implementing joint programs that focus on girls' rights and leverage the expertise of both UN and NGO partners. These initiatives can range from advocacy and policy development to on-the-ground interventions.

Resource Mobilization: Coordinating efforts to mobilize resources and funding for programs aimed at protecting and promoting girls' rights. By pooling resources, UN agencies and NGOs can enhance the reach and impact of their programs¹⁸⁴. These organizations can provide training and capacity-building programs for local authorities and community leaders to enhance their ability to protect girls' rights.

Capacity Building: Providing training and capacity-building support to local NGOs and government agencies involved in girls' rights advocacy and enforcement. This ensures that local actors have the necessary skills and knowledge to effectively advocate for and protect girls' rights¹⁸⁵.

3.3 Capacity building for enforcement agencies through partnership

The partnership with international organization by building capacity of enforcement agencies result to the effective enforcement of girls rights in South Sudan, the judges, social workers, investigators, prosecutors and local leaders must be trained basing on the law aiming to

and conflicts affected contexts, South Sudan reports, gaps () p 3-7.

¹⁸⁴International Organization for Migration, "NGO Contributions to Child Protection," 2021, pp. 28-30.

¹⁸⁵ibid

protect girls rights, resources empowerment, with the aim of effectively enforcing girls rights in South Sudan.¹⁸⁶

The capacity building by help of international organizations settle the challenges that hinder the effective enforcement of girls rights, the obstacle of corruption,¹⁸⁷ lack of enough resources and skilled persons will be addressed through partnership with international experts with experiences and the agencies designed to protect girls rights develop more strategies and policies to overcome challenges by establishing special unit in investigators with duty to handle the case relating with violation of girls rights, according to the collaboration with international organization the effective enforcement of girl rights in South Sudan would be achieved.¹⁸⁸ Partnerships with international and local organizations can provide specialized training programs for law enforcement personnel to improve their skills and knowledge regarding girls' rights.

3.3.1 Enhanced greater community engagement

Increased community engagement is vital for ensuring that efforts to protect girls' rights are effective and sustainable.

And to Conducting community awareness campaigns to educate the public about girls' rights and the importance of gender equality. These campaigns should use culturally appropriate messages and methods to reach a wide audience¹⁸⁹. Community engagement is key to ensuring that girls' rights are respected and protected at the grassroots level.

¹⁸⁶Doe S *et al* Support access to justice, security and human rights strengthening programmed in South Sudan, UNDP (2022) p 56-58.

¹⁸⁷Bubenzer F & Lacey E, opportunities for gender justice and reconciliation in South Sudan, Policy brief, the institute for justice and reconciliation (2013) p 5-7.

¹⁸⁸Doe S *et al* supra note 1, p 57.

¹⁸⁹World Bank, "Effective Community-Based Approaches to Gender Equality," 2021, pp. 32-34.

3.3.2 Increased mobilization programmes

Increasing mobilization programs can enhance the enforcement of girls' rights by supporting grassroots organizations that work directly with communities to promote girls' rights and address local challenges. These organizations often have deep community connections and can effectively mobilize support for girls' rights¹⁹⁰.

Engaging youth in mobilization efforts can foster a new generation of advocates for girls' rights who can influence change within their communities.

Launching advocacy campaigns that focus on policy changes and raise awareness about girls' rights issues. These campaigns can be conducted at local, national, and international levels to ensure comprehensive advocacy.

To Encouraging youth participation in advocacy and mobilization efforts to create a supportive environment for girls. Youth can be powerful advocates for change and their involvement ensures that the perspectives of young people are included in efforts to protect girls' rights¹⁹¹

3.3.3. Enhancement of traditional leaders

Traditional leaders play a crucial role in the enforcement of girls' rights. Enhancing their role involves.

Capacity building providing training for traditional leaders on girls' rights and the importance of legal protections. This training should be ongoing and tailored to address specific challenges faced by traditional leaders in protecting girls' rights¹⁹².

Partnerships building between traditional leaders and governmental bodies to promote and enforce girls' rights.

¹⁹⁰ibid

¹⁹¹ibid

¹⁹²African Union, Engaging Traditional Leaders in Child Rights Protection, 2021, pp. 12-14.

These partnerships can facilitate the integration of customary practices with statutory laws and ensure cohesive efforts to protect girls¹⁹³.

Cultural sensitivity ensuring that efforts to protect girls' rights are culturally sensitive and respect traditional practices that do not conflict with legal protections. This involves continuous dialogue and collaboration with traditional leaders to identify and promote positive cultural practices.

3.3.4 Strengthening institutional capacity

The previous paragraphs discuss how girls rights are not well implemented due to lack of effective enforcement institution to deal with girls rights in South Sudan, some of them are destroyed by insecurity and ongoing conflicts, others are colonized by corruption like courts they consider the issues relating to enforcement of girls rights as family issues not issues of court to be settled.¹⁹⁴ Adequate resources, including financial and human resources, should be allocated to enforcement agencies to enable them to function efficiently.

3.3.5 Special training for law enforcement agencies

The law enforcement agencies has to attend special training as policy to increase the effective enforcement of girls rights in South Sudan, there must be sensitizing officers to the special challenge faced by daughter and provide them the skills to handle cases relating with violation of girls rights, on their trainings they have to cover gender sensitive interviewing techniques, girl's protection protocols and legal framework aiming to protect girls rights, the understanding of officers for this issue will be improved as their response to violations of girls rights would provide better support to the victims.¹⁹⁵

¹⁹³UNDP, Traditional Leadership and Legal Reforms, 2020, pp. 18-20.

¹⁹⁴Kamanza S, Initial assessment and Mapping: Reducing inequality and gender-based violence in South Sudan, legal action worldwide (2005) p20.

¹⁹⁵United Nation, secretary general message on the international day of police cooperation: women in policing on 7th September 2023.

Training programs focusing on trauma-informed approaches significantly enhance investigation quality and increase the likelihood of successful prosecutions in cases involving violence against girls, special training can address biases and misconceptions in girls' rights enforcement, promoting gender equality and fostering a supportive institutional culture. Regular refresher courses and workshops reinforce these principles, leading to improved performance, higher reporting rates, and better outcomes for victims.¹⁹⁶

3.3.6 Resources support for law enforcement agencies

Adequate funding, equipment, and infrastructure are crucial for law enforcement agencies in South Sudan to effectively enforce girls' rights; this includes providing specialized units with necessary tools, child-friendly interview rooms, and secure data management systems.¹⁹⁷ Human resources should be adequately supported to handle girls' rights violations, including creating specialized law enforcement units, this can reduce case backlogs, expedite investigations, and improve the quality of responses. Research shows that well-resourced, specialized units are more effective in prosecuting violence against girls.¹⁹⁸ Providing modern equipment and technology can enhance the capabilities of enforcement agencies to respond to and investigate cases of rights violations.

This Chapter Three has sought several mechanisms for strengthening the enforcement of girls' rights in South Sudan. These include reviewing and updating legal frameworks, harmonizing legislation with customary practices, building institutional capacity, enhancing international cooperation, and promoting greater community engagement. By implementing these strategies, South Sudan can create a more robust system for protecting and promoting the rights of girls, ensuring their well-being and empowerment.

¹⁹⁶United Nation Peace Keeping, women officers in South Sudan's police and prisoner's system trained on leadership and gender equity by UNMISS, available at <https://unmiss.unmissions.org/women-officers-south-sudan%E2%80%99s-police-and-pr...> accessed on 19 July 2024.

¹⁹⁷UNIDOC, Strengthening crime prevention and criminal justice responses to violence against women, United Nation office at Vienna, (2014) p 45-97.

¹⁹⁸Annalise M et al case studies of gender-sensitive police reform in Rwanda and Timor- leste, UNIFEM, (2009) p4-6.

The final section can provide a comprehensive conclusion of the findings from all chapters and offer actionable recommendations for improving the enforcement of girls' rights in South Sudan. The recommendations focus on practical steps that can be taken by various stakeholders, including the government, international organizations, and civil society, to create a safer and more supportive environment for girls in the country.

GENERAL CONCLUSION AND RECOMMENDATIONS

The protection and enforcement of girls' rights in South Sudan necessitate a comprehensive and multifaceted approach. This involves addressing legal, cultural, institutional, and socio-economic challenges that impede the realization of these rights. The following key strategies are essential for creating an environment where girls' rights are not only recognized but actively protected and promoted¹⁹⁹

A robust legal framework is the cornerstone of protecting girls' rights. This requires comprehensive legal reforms to close existing gaps and address ambiguities in the current laws. Legal reforms should encompass all aspects of girls' rights, including their right to education, healthcare, and protection from violence and exploitation. Effective implementation of these laws is equally crucial, necessitating adequate resources and mechanisms to ensure compliance and enforcement.

In South Sudan, customary laws and practices play a significant role in the daily lives of many communities. Harmonizing statutory laws with customary practices is essential to ensure that girls' rights are respected across all legal and social contexts. This involves engaging traditional leaders and community members in dialogues to align customary laws with national and international standards. Educational campaigns should be conducted to raise awareness about the benefits of harmonized laws and the importance of protecting girls' rights.

The effectiveness of institutions responsible for enforcing girls' rights is critical to their protection. Strengthening institutional capacity involves providing adequate training and resources to law enforcement agencies, judicial bodies, and other relevant institutions. Specialized training programs can equip personnel with the necessary skills and knowledge to handle cases involving girls' rights effectively. Additionally, developing infrastructure and ensuring sufficient funding are vital for the smooth operation of these institutions.

¹⁹⁹UNDP, "Cultural Sensitivity and Legal Reform in South Sudan," 2021, pp. 22-24.

International cooperation and support are vital for bolstering efforts to protect girls' rights in South Sudan. Partnerships with international organizations can provide technical assistance, funding, and advocacy support. Leveraging international pressure can encourage the South Sudanese government to prioritize girls' rights and implement necessary reforms. Furthermore, access to global best practices and successful strategies from other countries can be adapted to the South Sudanese context, enhancing the effectiveness of local efforts²⁰⁰.

Socio-economic challenges such as poverty, financial needs, and ongoing conflict significantly impact the enforcement of girls' rights. Efforts to address these challenges must be integrated into broader strategies for economic development and social stability. This includes implementing programs that improve access to education and healthcare for girls, providing economic support to families, and creating safe environments free from violence and exploitation.

Community engagement is crucial to ensuring that girls' rights are respected and protected at the grassroots level. Outreach programs and mobilization efforts can educate communities about the importance of girls' rights and the harmful impacts of practices such as child marriage and gender-based violence. Engaging youth and traditional leaders in these efforts can foster a new generation of advocates and allies who can influence positive change within their communities.

²⁰⁰International Law Association, *Legislative Reforms and Implementation in Conflict Zones*, 2019, pp. 45-47.

RECOMMENDATIONS

For the research finding, the following recommendations have been formulated

1. Strengthen Legal Frameworks

Review and Update Existing Laws: It is essential to conduct a thorough review of South Sudan's legal frameworks to identify gaps and inconsistencies that hinder the protection of girls' rights. Updating these laws to align with international standards, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC), can ensure comprehensive protection.

Introduce Specific Laws Against Harmful Practices: Enacting legislation that explicitly criminalizes practices such as child marriage, female genital mutilation (FGM), and sexual exploitation is crucial. These laws should provide clear definitions, penalties, and protective measures for victims. Additionally, they should mandate the establishment of specialized units within law enforcement agencies to handle cases of gender-based violence and exploitation.

Strengthen Enforcement Mechanisms: Effective enforcement mechanisms are necessary to ensure compliance with the laws. This includes establishing monitoring and evaluation frameworks to track the implementation of legal provisions and ensuring that violations are promptly investigated and prosecuted. Strengthening the capacity of the judiciary to handle cases related to girls' rights is also essential.

2. Harmonize Legislation with Customary Practices

Collaborate with Traditional Leaders: Engaging traditional leaders and elders in the legislative process can help harmonize statutory laws with customary practices. Traditional leaders hold significant influence in their communities and can play a pivotal role in changing harmful cultural norms.

Collaborative efforts should focus on educating these leaders about the importance of girls' rights and encouraging them to advocate for positive changes within their communities.

Conduct Community Education Campaigns: Raising awareness about girls' rights at the community level is crucial. Education campaigns should target parents, guardians, and community members to highlight the negative impacts of harmful practices such as child marriage and FGM. These campaigns can utilize various methods, including community meetings, radio broadcasts, and printed materials, to reach a broad audience.

Promote Alternative Rites of Passage: In communities where traditional rites of passage involve harmful practices, introducing alternative, non-harmful ceremonies can preserve cultural heritage while protecting girls' rights. These alternative rites can include educational components that emphasize the value of girls' education and health.

3. Build Institutional Capacity

Develop Capacity-Building Programs: Strengthening the capacity of institutions responsible for enforcing girls' rights is critical. This includes providing specialized training for law enforcement officers, judicial personnel, and social workers to ensure they are equipped to handle cases involving girls' rights effectively. Training programs should cover topics such as gender sensitivity, child protection, and legal procedures.

Allocate Sufficient Resources: Adequate funding and resources are necessary to support the implementation and enforcement of legal frameworks. This includes investing in infrastructure, such as safe houses for victims of violence, and providing financial resources for training and capacity-building programs. Ensuring that institutions have the necessary tools and resources to carry out their mandates effectively is essential.

Establish Accountability Mechanisms: Implementing mechanisms to hold institutions and individuals accountable for their actions is crucial. This includes establishing independent oversight bodies to monitor the performance of law enforcement agencies and the judiciary in handling cases related to girls' rights.

These bodies should have the authority to investigate complaints and recommend corrective actions.

4. Enhance International Cooperation and Support

Strengthen Partnerships with International Organizations: Collaborating with international organizations can provide technical and financial assistance to support initiatives aimed at protecting girls' rights. These organizations can offer expertise, resources, and best practices from other countries that have successfully addressed similar challenges. Partnerships can also facilitate access to funding for programs and projects aimed at improving girls' rights.

Seek Technical and Financial Assistance: International donors and development agencies can provide the necessary financial support for implementing programs and policies that protect girls' rights. This includes funding for capacity-building initiatives, awareness campaigns, and infrastructure development. Technical assistance can also help in designing and implementing effective interventions.

Participate in International Forums: Engaging in international forums and networks can enhance knowledge sharing and collaboration on girls' rights issues. Participation in these platforms allows South Sudan to learn from the experiences of other countries, share best practices, and advocate for global support. It also provides opportunities to influence international policies and agendas related to girls' rights.

Foster Cross-Border Cooperation: Regional cooperation is vital in addressing cross-border issues such as trafficking and exploitation. Strengthening collaboration with neighboring countries can help in the exchange of information, joint operations, and harmonization of legal frameworks to protect girls' rights. Regional organizations, such as the African Union, can play a key role in facilitating this cooperation.

5. Promote Greater Community Engagement

Support Grassroots Advocacy: Grassroots organizations and civil society groups are often at the forefront of advocating for girls' rights. Supporting these organizations through funding, training, and capacity-building initiatives can enhance their ability to carry out advocacy and community mobilization efforts effectively. Grassroots advocacy can drive local-level changes and hold authorities accountable.

Empower Girls and Women: Empowering girls and women to advocate for their rights is crucial for sustainable change. This includes providing education and skills training to girls, promoting leadership opportunities, and supporting women's organizations that work on girls' rights issues. Empowered girls and women can become agents of change within their communities.

Engage Parents and Guardians: Parents and guardians play a critical role in shaping the future of girls. Engaging them in awareness programs that highlight the importance of girls' education, health, and rights can lead to positive changes in attitudes and behaviors. Programs should focus on educating parents about the long-term benefits of supporting their daughters' rights and well-being.

Conduct Public Awareness Campaigns: Public awareness campaigns using various media platforms can reach a wide audience and create a supportive environment for girls' rights. These campaigns can include radio and television programs, social media initiatives, and community events that promote messages about the value of girls' education, health, and protection from violence.

Promote Positive Role Models: Highlighting positive role models and success stories of girls who have overcome challenges and achieved their goals can inspire and motivate others. These role models can serve as powerful advocates for girls' rights and demonstrate the potential and capabilities of girls when given the opportunity to thrive.

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