

**Republic of South- Sudan**  
**Ministry of Energy and Dams (MoED)**



**THE SOUTH SUDAN ENERGY SECTOR ACCESS AND  
INSTITUTIONAL STRENGTHENING (ASSIST) PROJECT  
(P178891)**

**GENDER BASED VIOLENCE**  
**Risk Assessment and Mitigation Plan**

**MARCH 2023**

# Table of Contents

<b>LIST OF TABLES.....</b>	<b>IV</b>
<b>LIST OF FIGURES .....</b>	<b>IV</b>
<b>ACRONYMS AND ABBREVIATIONS .....</b>	<b>V</b>
<b>KEY TERMS AND DEFINITIONS.....</b>	<b>VI</b>
<b>1 INTRODUCTION AND BACKGROUND .....</b>	<b>1</b>
1.1 INTRODUCTION .....	1
1.2 BACKGROUND .....	1
1.2.1 Common types of GBV in South Sudan .....	2
1.3 OBJECTIVES OF THE GENDER ASSESSMENT .....	3
1.4 METHODOLOGY FOR THE GENDER AND SEA /SH ACTION PLAN PREPARATION.....	4
1.5 KEY PRINCIPLES .....	4
1.6 COUNTRY CONTEXT .....	5
1.7 SECTORAL AND INSTITUTIONAL CONTEXT.....	8
1.8 RELEVANCE TO HIGHER LEVEL OBJECTIVES .....	14
1.9 PROJECT DESCRIPTION .....	15
1.9.1 Component 1. Grid densification and extension in Juba .....	16
1.9.2 Component 2. Mini-grid pilot.....	17
1.9.3 Component 3. Off-grid electrification of health facilities through standalone solar systems (\$10 million equivalent - US\$7million, US\$3 million PHRD) .....	19
1.9.4 Component 4. Technical assistance and capacity building (US\$ 10 million).....	20
<b>2 LEGAL AND POLICY ENVIRONMENT .....</b>	<b>23</b>
2.1 INTRODUCTION .....	23
2.2 NATIONAL INSTRUMENTS .....	23
2.2.1 The Republic of South Sudan's Transitional Constitution of 2011.....	23
2.2.2 Other Key Legal Frameworks .....	24
2.3 INTERNATIONAL INSTRUMENTS.....	25
2.3.1 United Nations General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) .....	25
2.3.2 Fourth World Conference on Women, Beijing Declaration and Platform for Action .....	25
2.3.3 The United Nations World Conference on Human Rights, held in Vienna in 1993 and the Vienna Declaration and Program for Action. ....	26
2.3.4 United Nations General Assembly, Resolution 52/86 on Crime Prevention and Criminal Justice Measures to Eliminate Violence Against Women .....	26
2.3.5 United Nations Security Council Resolution 1325 on Women, Peace and Security .....	26
2.3.6 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (The Maputo Protocol 2003) .....	26
2.3.7 ILO Convention 190.....	27
2.3.8 World Bank Good Practice Note on Addressing Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) in Investment Project Financing involving Major Civil Works .....	27
<b>3 GENDER SITUATIONAL ANALYSIS IN SOUTH SUDAN .....</b>	<b>29</b>
3.1 INTRODUCTION .....	29
3.2 GBV NATIONAL CONTEXT .....	29
3.3 ABUSE OF WOMEN AND GIRLS IN CONFLICT SITUATIONS.....	30
3.3.1 Gender inequality and its links to conflict-related sexual violence .....	30
3.3.2 Rape and other forms of sexual violence .....	31
3.3.3 Conflict-related sexual violence at subnational level.....	32
3.3.4 Patterns of perpetration and drivers of sexual violence .....	34
3.3.5 Harms and impacts of conflict-related sexual violence .....	35
3.3.6 Obstacles to accessing health care and psychosocial support.....	37

3.4	DOMESTIC VIOLENCE.....	37
3.4.1	<i>Determinants of Domestic Violence</i> .....	38
3.5	SEXUAL VIOLENCE AMONG IDPS .....	39
3.6	SOCIOECONOMIC CHARACTERISTICS OF SOUTH SUDAN.....	39
3.6.1	<i>Asset ownership</i> .....	40
3.6.2	<i>Education levels</i> .....	40
3.6.3	<i>Access to water and sanitation</i> .....	40
3.6.4	<i>Access to Energy</i> .....	41
3.6.5	<i>Access and control of Natural Resources</i> .....	41
3.6.6	<i>Demographics</i> .....	41
3.6.7	<i>Gender, Climate Change and Disaster Risk Reduction</i> .....	42
3.7	EFFORTS TO END GBV IN SOUTH SUDAN .....	42
<b>4</b>	<b>POTENTIAL PROJECT-RELATED SEA/SH RISKS .....</b>	<b>45</b>
4.1	INTRODUCTION .....	45
<b>5</b>	<b>FINDINGS FROM STAKEHOLDER CONSULTATIONS AND LITERATURE REVIEW .....</b>	<b>47</b>
5.1	INTRODUCTION .....	47
5.2	VULNERABLE AT-RISK GROUPS.....	47
5.2.1	<i>Single women in Juba</i> .....	47
5.2.2	<i>Adolescent girls:</i> .....	47
5.2.3	<i>Unemployed youth</i> .....	48
5.2.4	<i>Prostitutes</i> .....	48
5.2.5	<i>Migrant women labourers</i> .....	48
5.3	IDENTIFIED HOT SPOTS FOR GBV WITHIN THE PROJECT .....	48
5.4	ASSESSMENT AND PLAN FOR STRENGTHENING STAFF CAPACITY.....	48
5.5	EXISTING SEA/SH RESPONSE AND PREVENTIONS MEASURES IN SOUTH SUDAN.....	49
<b>6</b>	<b>SEA/SH PREVENTION AND RESPONSE ACTION PLAN .....</b>	<b>50</b>
6.1	INTRODUCTION .....	50
6.2	RECOMMENDED ACTIONS TO MITIGATE SEA/SH: GBV ACTION PLAN .....	50
<b>7</b>	<b>GBV GRIEVANCE REDRESS MECHANISMS .....</b>	<b>54</b>
7.1	THE PROPOSED GM .....	54
7.2	CHANNELS TO MAKE COMPLAINTS.....	54
7.3	GRIEVANCE LOG.....	55
7.4	GM PROCEDURES.....	55
7.4.1	<i>Step 1: Grievance Uptake</i> .....	55
7.4.2	<i>Step 2: Sort and Process</i> .....	56
7.4.3	<i>Step 3: Acknowledgement and Follow-Up</i> .....	56
7.4.4	<i>Step 4: Verify, Investigate and Act</i> .....	57
7.4.5	<i>Step 5: Acceptance of the Grievance Resolution</i> .....	57
7.4.6	<i>Step 6: Monitor, Evaluate and Provide Feedback</i> .....	58
7.5	GBV/SEA/SH-RELATED GRIEVANCE.....	58
7.6	INCIDENT REPORTING .....	60
7.7	REPORTING.....	60
7.8	REFERRALS.....	61
7.9	CASE MANAGEMENT.....	61
7.10	FEEDBACK AND CONFIDENTIALITY.....	62
7.11	INFORMATION DISCLOSURE AND CONSULTATIONS .....	62
7.12	WB'S GRIEVANCE REDRESS SERVICE (GRS) .....	62
7.13	CODE OF CONDUCT (COC).....	63
7.13.1	<i>Key areas of the CoC to be developed for this project</i> .....	63
7.13.2	<i>Contractor ESMP and SEA/SH Risk Mitigation</i> .....	64
<b>8</b>	<b>SEA/SH CAPACITY BUILDING AND TRAINING.....</b>	<b>65</b>
<b>9</b>	<b>GENDER AND SEA/SH ACTION PLAN MONITORING .....</b>	<b>68</b>

9.1	INTRODUCTION .....	68
9.2	MONITORING MODALITIES .....	68
9.3	MONITORING INDICATORS.....	68
9.4	NON-COMPLIANCE.....	69
9.5	SUPERVISION AND OVERSIGHT.....	69
9.6	SUPERVISION MODALITIES .....	69
9.7	BUDGET .....	71
<b>ANNEXES</b>	<b>.....</b>	<b>72</b>
	<i>Annex 1: Individual code of conduct in case of contractor .....</i>	<i>72</i>
	<i>Annex 2: SEA/SH Incident Reporting Format.....</i>	<i>75</i>

## **LIST OF TABLES**

Table 1.1: Type of gender-based violence reported for most recent incident.....	3
Table 4.1: Types of GBV that May Be Exacerbated by IPF Involving Major Civil Works .....	45
Table 6.1: SEA/SH Action Plan .....	51
Table 7.1: Proposed Composition of the GRC .....	54
Table 8.1: Modality, Frequency and Content of Training's.....	66
Table 9.1: GBV action plan outlining the key actions and responsibilities of project partners .....	70
Table 9.2: Budget Allocations for GBV/SEA/SH risks management.....	71

## **LIST OF FIGURES**

Figure 1.1: Map of Existing Grid Infrastructure with Nightlight Indicating the Presence of Electricity Usage (2022) .....	10
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## ACRONYMS AND ABBREVIATIONS

AIDS	Acquired Immuno-deficiency Syndrome
CAWC	Crime Against Women and Children
CBOs	Community Based Organizations
CoC	Code of Conduct
ESF	Environmental and Social Framework
ESIA	Environmental and Social Impact Assessment
ESS	Environmental and Social Standards
FGD	Focus Group Discussion
GBV	Gender -Based Violence
GBVCC	Gender Based Violence Complaints Committee
GPN	Good Practice Note
GRM	Grievance Redress Mechanism
IA	Implementing Agency
IASC	Inter-Agency Standing Committee
IPRs	Information progress reports
M&E	Monitoring and Evaluation
NGOs	Non-Government Organizations
PIU	Project Implementation Unit
QPRs	Quarterly Progress Reports
SEA	Sexual Exploitation and Abuse
SH	Sexual Harassment
SHGs	Self Help Groups
SP	Service Providers
WB	World Bank

## KEY TERMS AND DEFINITIONS

<p><b>Violence against women and girls (VAWG)</b></p>	<p>The 1993 UN Declaration on the Elimination of Violence against Women defined violence against women and girls as any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life (Article 1).</p> <p>Violence against women and girls shall be understood to encompass, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>▪ Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;</li> <li>▪ Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced sex work;</li> <li>▪ Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs (Article 2).</li> </ul> <p>Violence against women and girls is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women.</p>
<p><b>Gender-based violence (GBV)</b></p>	<p>Gender-based violence (GBV) is an umbrella term for any harmful act that is perpetrated against a person’s will and that is based on socially ascribed (i.e., gender) differences between males and females. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty.</p>
<p><b>Sexual Harassment (SH)</b></p>	<p>Unwelcome sexual advances, requests for sexual favors, and other unwanted verbal or physical conduct of a sexual nature. SH differs from SEA in that it occurs between personnel/staff working on the project, and not between staff and project beneficiaries or communities. The distinction between SEA and SH is important so that agency policies and staff training can include specific instructions on the procedures to report each. Both women and men can experience SH.</p>
<p><b>Sexual Exploitation and Abuse (SEA)</b></p>	<p>Any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Sexual abuse is further defined as “the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.” Women, girls, boys and men can experience SEA. In the context of World Bank supported projects, project beneficiaries or members of project-affected communities may experience SEA.</p>
<p><b>Child/ Forced Early Marriage</b></p>	<p>Forced marriage is the marriage of an individual against her or his will. Child marriage is a formal marriage or informal union before age 18. Even though some countries permit marriage before age. The United Nations Convention on the Rights of the Child (UNCRC) Article 1 states that: “For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier” 18, international human rights standards classify these as child marriages, reasoning that those under age 18 are unable to give informed consent. Therefore, child marriage is a</p>

	form of forced marriage as children are not legally competent to agree to such unions (IASC 2015).
<b>Human Trafficking</b>	The recruitment, transportation, transfer, harboring or receipt of persons, by means of force, the threat of force, other forms of coercion, abduction, fraud, deception, of the abuse of power, or of a position of vulnerability, or giving or receiving of payments or benefits to achieve the consent of a person, having control over another person, for the purpose of exploitation. Exploitation includes, at a minimum, the exploitation of the sex work of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (United Nations 2000. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children).
<b>Domestic Violence</b>	All acts of physical, sexual, psychological, economic and other forms of violence occurring in families, or households, between former or existing spouses, partners or close persons regardless of the violent person shares or has shared the same household with the person affected the violence.
<b>Equality</b>	The state or condition that affords women and men equal enjoyment of human rights, socially valued goods, opportunities and resources, allowing both sexes the same opportunities and potential to contribute to, and benefit from, all spheres of society (economic, political, social, and cultural).
<b>Gender</b>	Gender refers to the economic, social, political, and cultural attributes and opportunities associated with being women and men. The social definitions of what it means to be a woman, or a man vary among cultures and change overtime. Gender is a sociocultural expression of particular characteristics and rolesthat are associated with certain groups of people with reference to their sex andsexuality.
<b>Survivor-centred Approach</b>	The survivor-centred approach is based on a set of principles and skills designed to guide professionals, regardless of their role, in their engagementwith survivors (predominantly women and girls but also men and boys) whohave experienced sexual or other forms of violence. The survivor-centred approach aims to create a supportive environment in which the survivor’s interests are respected and prioritized, and in which the survivor is treated withdignity and respect. The approach helps to promote the survivor’s recoveryand ability to identify and express needs and wishes, as well as to reinforce thesurvivor’s capacity to make decisions about possible interventions.

# **1 INTRODUCTION AND BACKGROUND**

## **1.1 Introduction**

The Gender - Based Violence (GBV) Assessment and Action Plan, presents a plan to formulate, implement and coordinate a comprehensive system of measures by the PIU in the area of prevention and combating gender-based violence, in the South Sudan Energy Sector Access and Institutional Strengthening Project (ASSIST) of the Ministry of Energy on South Sudan.

## **1.2 Background**

The decades of conflict in South Sudan supported a culture of violence that still pervades the society. A key characteristic of this is violence perpetrated against women and girls. The outbreak of the third civil war in 2016, signified the growing insecurity and violations of women's rights, characterized by widespread abductions, sexual slavery, domestic violence, rape, sexual assault and early and forced marriages. Despite the establishment of a transition government, under the 2018 Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS), incidences of violence against women have not abated. The widespread character of GBV against women and girls in South Sudan is well documented and has long been identified as a key feature of the armed conflict. However, those responsible are rarely held accountable and survivors of GBV including refugees who fled the conflict have not had access to legal redress for the violations suffered. Despite significant international attention on the problem and efforts to document and record GBV it has not yet been possible to translate this into real prospects of justice and redress for survivors.

In December 2019, UNICEF reported that 65% of women and girls in South Sudan have experienced physical and/or sexual violence in their lifetime and some 51% have suffered intimate partner violence. 33% of women have experienced sexual violence from a non-partner, primarily during attacks or raids. The majority of girls and women experience sexual violence for the first time under the age of 18.

- In 2020, conflict related crimes perpetrated on women primarily consisted on abduction (41%) and killing (28%), for the most part during localized violence, with 18% of victims being subjected to conflict-related sexual violence, including rape and sexual slavery. In October 2020, UNICEF reported that early and forced marriages are very common in South Sudan with 52% of all girls married before 18 years of age.
- Only 7% of girls finish primary school, and fewer than 2% go to high school.
- COVID-19 and the necessity for social isolation also increased the vulnerability of women and girls to hunger, food insecurity, domestic violence, and early child and forced marriage.
- About 1.4 million children are expected to suffer from acute malnutrition this year, the highest figure since 2013 which is forcing them into child marriage.

- Between January and March of 2021, UNICEF reported that 50% of the women reached had suffered from intimate partner violence.

In South Sudan, cultural, social values and norms often entrench gender disparities to profound effects, shaping and limiting life opportunities available to women and girls and greatly restricting their access to justice. These societal norms contribute to an environment where violence against women and girls is often accepted and normalized, which the current system of justice is ill equipped to address. The wide body of research on human rights violations in South Sudan shows violence against women and in particular, GBV is prevalent and underreported. Survivors often will not report or seek redress due to lack of legal knowledge on justice options and financial means. A further impediment is the general view that the justice system – police and courts – are insensitive, ineffective, and disinterested in helping survivors of GBV seek redress. In addition, customary law which is used to deal with GBV issues in many rural areas in South

Sudan and even urban centres continue to perpetrate gender inequalities. Violence against women and girls in South Sudan remains an endemic problem inhibiting the full participation of women in decision making at the community, economy, and society in general. There is an acute need to improve women’s knowledge of their rights, and opportunities for them to demand, access and enforce their rights. Stigma, gender bias and the culture of impunity explains the very low rate of reporting and response to GBV in South Sudan. Poverty also leads to more GBV, including child marriage, often for bride price, sexual exploitation and abuse, or limited access to sexual and reproductive health rights. At the local level, the needs and constraints vary greatly between the capital city, Juba, where justice institutions and state security forces are present, in comparison to more remote areas such as Rank<sup>1</sup>.

### 1.2.1 Common types of GBV in South Sudan

According to a report by UNHCR, the following are some of the common types of GBV in South Sudan<sup>2</sup>.

- **Rape: Unwanted, non-consensual penetration.** This also includes any sexual activity with a child below age 18.
- **Sexual Assault:** Any sexual threat or act conducted **without consent**, including within a marriage. This also includes any sexual activity with a child below age 18, female genital mutilation (FGM), sexual abuse and harassment, exploitation, and forced prostitution.
- **Physical assault:** Threats or acts of physical harm, with or without weapons. This includes beating, punching, maiming, killing.

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<sup>1</sup>

[https://www.eeas.europa.eu/sites/default/files/south\\_sudan\\_womens\\_empowerment\\_network\\_6.12.2021\\_1\\_00\\_2.pdf](https://www.eeas.europa.eu/sites/default/files/south_sudan_womens_empowerment_network_6.12.2021_1_00_2.pdf)

<sup>2</sup> <https://help.unhcr.org/southsudan/violence-or-abuse/sexual-and-gender-based-violence-sgbv/>.

- **Forced Marriage:** marriage against a person’s will.
- **Child Marriage:** Any marriage of a child (below age 18), of any gender.
- **Denial of resources, opportunities, or services:** Social and economic isolation and denial of access to education, healthcare (including contraceptives), employment, and basic rights.
- **Psychological/emotional abuse:** Infliction of mental or emotional pain, including threats of harm or practices that insult, degrade, humiliate, or isolate a person from their friends and family. These may also include verbal harassment, destruction of cherished things, unwanted attention, or menacing remarks, gestures or written words.

These forms of violence may occur between family members or those in an intimate relationship. Perpetrators may be strangers, acquaintances, family members or those considered as family members, regardless of whether they live in the same household. All of them are prevalent in South Sudan. A study by IOM (Gender-Based Violence Knowledge, Attitudes and Practices Survey in South Sudan, 2019), revealed that Rape is the most common type of GBV as highlighted in Table 1.1 below<sup>3</sup>.

Table 1.1: Type of gender-based violence reported for most recent incident

	IDPs in PoCs (%)	Host communities (%)	FSWs (%)	Total/Average (%)
Psychological abuse	33.3	12.7	16.5	22.5
Physical abuse	17.1	33.5	29.4	25.4
Rape	37.7	37	44.7	39.6
Sexual assault	2.8	3.5	3.2	3.1
Forced early marriage	8.8	12	5.8	8.8
Denial of resources	0.2	1.4	0.3	0.6

When looking at the types of violence for IDPs in PoCs, the home was most commonly reported for physical violence (50.7%), whereas water points and firewood collection are reported as areas for rape (27.1% and 23.5%) and psychological violence (40.3% and 18.1%).

It’s against this background that the ASSIST project developed this GBV Assessment and Action Plan to ensure that GBV does not happen in the project area.

### 1.3 Objectives of the Gender Assessment

The objective of the Gender Assessment and development of a SEA/SH Action Plan is to ensure that the design and implementation of the ASSIST project interventions addresses key gender gaps in access to Energy as well as prevent Sexual Exploitation and Abuse (SEA)/ Sexual Harassment (SH). This is to ensure that the project promotes gender equality objectives of the government of South Sudan and the World Bank requirement. The Action Plan details the operational measures to assess and mitigate the risks of GBV, most notably

<sup>3</sup> <https://publications.iom.int/books/gender-based-violence-knowledge-attitudes-and-practices-survey-south-sudan>

SEA and SH, and how they will be integrated over the life of the project. This includes procedures for reporting, responding, and managing grievances related to such abuse.

#### 1.4 Methodology for the Gender and SEA/SH Action Plan Preparation

The preparation of the Gender Assessment report and SEA/SH Action Plan involved desk-based studies, and limited stakeholder engagement. Due to security concerns, consultations were limited to Juba City, and even then, some local individuals, particularly women, were unable to participate due to mobilization issues. The consultant used focused group discussions with a group of women entrepreneurs, and men. Consultation of these individuals will however continue during the project's implementation.

The World Bank Group conducted two stakeholder consultation missions for the project. The first mission took place on October 17-24, 2022, where various stakeholders were engaged to gather their opinions on the project and their potential contribution or support. The second mission was held on December 12-22, where additional consultations were carried out at lower levels with different groups such as men, women, youth, NGOs, and the City Council. This also included a workshop held on December 20-21, 2022. The questions raised included:

- What are the most common types of GBV in South Sudan?
- What is the prevalence?
- What is being done?
- How will the project affect GBV aspects?
- What forms of GBV are likely to be escalated by project activities?
- What are the contributing factors?

#### 1.5 Key principles<sup>4</sup>

- i. **Emphasize prevention:** Adopt risk-based approaches that aim to identify key risks of SEA/SH and to undertake measures to prevent or minimize potential harm.
- ii. **Build on existing local knowledge:** Engage community partners—local leaders, civil society organizations, gender, and child advocates—as resources for knowledge on local-level risks, effective protective factors and mechanisms for support throughout the project cycle.
- iii. **Be evidenced-based:** Build on existing global research and knowledge on how to address GBV effectively.
- iv. **Be adaptable:** Adapt and adjust prevention and mitigation measures to respond to the unique drivers and context in any given setting, using the operational guidance presented in this GPN, which provides the foundation for an effective SEA/SH risk management approach.
- v. **Minimize harm to women and girls:** The project staff must be trained on how to preserve the safety of women while interviewing/collecting data on this topic. Women may suffer physical harm and other forms of violence if

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<sup>4</sup> Good Practice Note Addressing Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) in Investment Project Financing involving Major Civil Works Second Edition.

partners/perpetrators discover that they have been talking to others about their personal relationships. Enable safe space for discussions and ensure confidentiality. Consent for any data collection, even as part of a case file, should be offered and if anonymity can be guaranteed, it should also be provided.

- vi. The **project staff must be trained** on how to preserve the safety of women while interviewing/collecting data on this topic. Consent for any data collection, even as part of a case file, should be offered and if anonymity can be guaranteed, it should also be provided.
- vii. Enable **continuous monitoring and learning**: Ensure operations integrate mechanisms for regular monitoring and feedback to track effectiveness and to build internal knowledge of what works to prevent, mitigate and respond to SEA/SH.

## 1.6 Country Context

South Sudan, a landlocked country in East Africa with a population of approximately 11.4 million, has experienced significant levels of fragility, conflict, and violence (FCV). There was not only conflict with the North (now Sudan), which lasted close to half a century, but also significant inter- and intra-communal tension. The secession from Sudan came after decades of fighting, followed by a brief period of peace under the Comprehensive Peace Agreement (CPA, 2005–2011) and a final decision to declare independence in January 2011 following a referendum. South Sudan thereby became the youngest country in the world. Even after independence, the country has been devastated due to decades of instability and conflict with Sudan. War-induced poverty, displacement, and trauma weakened kinship and community ties, endangering participation, inclusion, transparency, and accountability. The Human Development Index (HDI) in 2019 still placed the country among the poorest in the world (185 out of 189 countries).<sup>5</sup>

While South Sudan has achieved fragile peace at the national level, violence remains elevated in several parts of the country, and long-term prospects for consolidated peace and stability remain fragile. The signing of Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) in September 2018 included provisions to reinforce a permanent ceasefire, create an enabling environment for humanitarian assistance delivery, institute critical reforms, and establish a new transitional government. Subsequently, the Transitional Government of National Unity was established in February 2020, which invited the opposition leader, Riek Machar, as the first Vice President, forming a new cabinet of ministers in March 2020. More recently, a unified command of the country's armed forces was announced in April 2022 and the two-year extension of the R-ARCSS to February 2025 will allow the government to meet key milestones in the peace agreement. Despite this progress made toward sustained peace, conflict and violence remain widespread in the country. Some two-thirds of the total population is estimated to need humanitarian assistance in 2022, with women and children most affected. In 2021 alone, close to 2,000 people were reported to have died due to conflict. The Transitional Government is scheduled

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<sup>5</sup> UNHCR. 2022. *Operations Data Portal – Refugee Situations: South Sudan*. <https://data.unhcr.org/en/country/ssd>.

to hold a national election in December 2024, which, given the volatile situation, could either consolidate peace or trigger large-scale violence.

The history of continued conflicts – both within South Sudan and in neighboring countries – has resulted in a significant number of refugees, asylum seekers, and internally displaced persons (IDPs) and created refugee camps and IDP settlements across the country. According to UNHCR data as of November 30, 2022<sup>1</sup>, South Sudan had 319,060 registered refugees and 67,385 refugee households, with the vast majority – over 90 percent – located in two locations: Jamjang in Pariang County in the Ruweng Administrative Area and Bunj Town in Maban County in Upper Nile State. The Sudanese refugee population is by far the largest at 296,409 individuals, or 93 percent of the refugee population, followed by 15,198 refugees from the Democratic Republic of Congo (4.8 percent), 4,134 individuals from Ethiopia (1.3 percent), 2,283 individuals from the Central African Republic (0.7 percent), and 1,036 individuals of other nationalities. Just over half – 52 percent – of refugees are female, and women and children represent 81 percent of refugees. Most – 60 percent – of refugees are between 0 – 17, with 38 percent between 18 and 59 and the remainder over 60. The prospect of these refugees returning to their origin in the near term is limited, and the trauma endured, assets lost, and livelihoods destroyed in fleeing conflict in their host country has created unique development challenges for refugees in re-establishing their lives in South Sudan.

Despite these challenges, refugees often have better access to basic services and support like health, education, and food rations in refugee camps administered by UNHCR than members of host communities<sup>6</sup>, which tend to live in isolated areas where government services and market-based opportunities are either highly lacking or non-existent. Indeed, due to these deprivations, UNHCR makes specific efforts to support host community members themselves, to the extent resources allow. In addition to refugees from abroad, over 2.2 million South Sudanese people are internally displaced due to conflict, insecurity, and the impact of climate change.<sup>7</sup> These internally displaced account for 15–20 percent of the South Sudanese population and they are spread out across the country.

South Sudan’s legal framework for refugees is considered one of the most progressive in East Africa. The 2012 Refugee Act guarantees refugee the right to movement, work, and access public services on a par with South Sudanese nationals. The Government is a signatory of the 1951 Refugee Convention and its 1967 Protocol and has adopted the draft East African Community (EAC) Refugee Management Policy aimed at strengthening and harmonizing the management of refugees in the EAC region. At the local level, county governments, traditional authorities, and host community members have allocated land for refugees for and other livelihood purposes in Jamjang, Maban, and Juba. Despite positive developments, challenges remain weak governance and limited management capacity make it difficult for

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<sup>6</sup> UNHCR defines that “a host community refers to the country of asylum and the local, regional, and national governmental, social and economic structures within which refugees live. In the context of refugee camps, the host community may encompass the camp, or may simply neighbor the camp but have interaction with, or otherwise be impacted by, the refugees residing in the camp”. <https://www.unhcr.org/en-us/protection/resettlement/4cd7d1509/unhcr-ngo-toolkit-practical-cooperation-resettlement-community-outreach.html>

<sup>7</sup> Ibid

refugees to access basic services, while there are occasional reports of violence against, and unlawful detentions of refugees.

The World Bank is assisting the South Sudanese government in addressing the challenges faced by refugees and their host communities. This includes supporting the implementation of a strategy for refugee-hosting areas, developed as part of South Sudan's eligibility for the Window for Host Communities and Refugees (WHR). The Bank is leveraging capacity building resources in existing WHR-supported projects<sup>8</sup> to strengthen the Commission for Refugee Affairs (CRA) and improve coordination of refugee support across various ministries. Additionally, the government has taken steps to provide longer-term solutions for refugees and host communities. These include finalizing a Durable Solutions Strategy and Plan of Action for Refugees, Internally Displaced Persons, Returnees and Host Communities, which pledges a whole-of-government approach to strengthen socioeconomic opportunities for displaced communities and their hosts. The CRA has also established a five-year strategic plan to improve its capacity and functionality as a coordinator of refugee policies across the government.

Furthermore, the government made nine pledges<sup>9</sup> at the Global Refugee Forum in 2019, and the Bank is working with them to build on these commitments at the upcoming Global Refugee Forum in December 2023.

The Bank is also working with UNHCR and the Government to prepare a baseline assessment for South Sudan under the Refugee Policy Review Framework, which will be used to promote and monitor the design and implementation of pro-refugee policy over time. Overall, the Bank, following consultation with the UNHCR, confirms that the protection framework for refugees continues to be adequate in South Sudan.

A series of economic and climate shocks keep South Sudan trapped in the vicious circle of continued poverty, food insecurity, and economic contraction. While the economy of South Sudan showed signs of recovery after the peace accord in 2018, shocks such as COVID-19, locust infestations, and flooding led to a contraction in real gross domestic product (GDP) by 5 percent in 2021 that is expected to continue in 2022. The poverty rate is estimated to have increased to 79 percent in 2021, up from 77 percent in 2020. The food security situation has also worsened. In April 2022, 63 percent of the population faced either acute, emergency, or catastrophic food insecurity. Increasing international prices of food and agricultural inputs, coupled with a major flood in March 2022, are likely to amplify food insecurity.

South Sudan is highly prone and vulnerable to climate-related shocks, primarily floods and droughts, which have a devastating impact on people's welfare. The May-November 2021

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<sup>8</sup> These include the: Enhancing Community Resilience and Local Governance Project Phase II (P177093); Productive Safety Net for Socioeconomic Opportunities Project (P177663); COVID-19 Emergency Response and Health Systems Preparedness Project (P178102).

<sup>9</sup> These pledges center on: accession to the 1954 and 1961 conventions on statelessness; provision of birth registration to refugees; improved access to documentation to persons at risk of statelessness; granting nationality to stateless persons; adopting a national plan to eliminate statelessness; enhancing access to sustainable energy for refugees and hosts; enabling return of South Sudanese refugees; expanding equitable economic opportunities in refugee-hosting areas; and increasing access to education for refugees and hosts.

floods, reportedly the worst since the 1960s, affected 9 out of 10 states, impacting around one million people and displacing more than 300,000<sup>10</sup> individuals. Both long-term climate change, such as the increase in temperatures, and short-term extreme climate events, like flooding, have significant implications for peace and sustainable development in South Sudan. Average temperatures are projected to increase between 1°C and 1.5°C by 2060, leading to a warmer and drier climate<sup>11</sup>. The anticipated increase in the frequency and intensity of extreme climate events would not only threaten people’s lives directly but also exacerbate food insecurity, stimulate tension over scarce resources, and hamper South Sudan’s peacebuilding.

Recent macro-fiscal reforms of the Government of South Sudan (GoSS) are bearing fruit, but public financial management (PFM) needs to be further strengthened to ensure sufficient budgetary resources to deliver basic services. After the Government stopped monetizing its fiscal deficit in September 2020,<sup>12</sup> domestic inflation is estimated to have cooled down from 54 percent in 2019 to 43 percent in 2021. The Government unified its official and parallel exchange rates in 2021, resulting in improved forex availability and stabilization of the local currency, the South Sudanese Pound (SSP).

However, opaque PFM and widespread corruption<sup>13</sup> have led to the misappropriation of oil revenue and a lack of predictable fiscal transfers to subnational governments.<sup>14</sup> Despite the significant size of oil revenue to the Government, with oil contributing to 90% of the total revenue and almost all exports<sup>15</sup>, the salaries of civil servants in South Sudan are extremely low and seldom get paid on time.<sup>16</sup> This has led to a deterioration in the morale among civil servants as well as a brain drain to the private sector, notably the oil industry.

## 1.7 Sectoral and Institutional Context

South Sudan has one of the lowest energy access rates in Sub-Saharan Africa, and in the world in general. While 46 percent of Sub-Saharan Africa’s population now has access to electricity, the energy access rate in South Sudan is estimated to be only 5.3 percent, based on recent World Bank-funded primary research, meaning that 94.7 percent of South Sudanese households have no access to electricity. Of the 5.3 percent with access to electricity, only 1.8 percent are connected to the grid, while 3.5 percent use off-grid technologies as their primary energy source. The lack of access to reliable and affordable electricity is a serious constraint to socio-economic development and conflict-driven displacement of people and increasingly frequent climate disasters further complicate the expansion of energy access.

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<sup>10</sup> World Bank. 2022. The World Bank in South Sudan – country overview.

<sup>11</sup> Norsk Utenrikspolitisk Institutt (NUPI). 2022. Climate, Peace and Security Fact Sheet: South Sudan

<sup>12</sup> World Bank. 2022. *Macro Poverty Outlook*.

<sup>13</sup> Transparency International. 2022. “[Corruption Perceptions Index: 2021](#).”

<sup>14</sup> IMF. 2019. *Republic of South Sudan: Staff Report for the 2019 Article IV Consultation*. p. 9; European Union, Ecorys, VNG International. n.d. “[Tracking the Flow of Government Transfers: Financing Local Government Service Delivery in South Sudan](#).”

<sup>15</sup> World Bank. 2022. World Bank Report: With Peace and Accountability, Oil and Agriculture Can Support Early Recovery in South Sudan

<sup>16</sup> World Bank. 2022. [South Sudan Economic monitor: Towards a Job Agenda](#). p. 22.

Lack of electricity access for the delivery of basic public services is a critical barrier to address the drivers of fragility. Most health and educational facilities outside Juba do not have electricity. Even the higher-tier service facilities, such as state hospitals with diesel generators, provide very limited electricity services due to the high cost of transporting fuels to rural areas. South Sudan's transport infrastructure is far from being reliable and a large number of checkpoints along major roads makes fuel transport prohibitively expensive and time-consuming. Lack of electricity limits the capacity of public facilities to operate basic medical equipment, store vaccines at adequate temperatures, and provide an advanced educational curriculum, and makes it difficult to retain health care workers and teachers.

Displaced population face unique energy access challenges that have received modest attention and the more vulnerable group, women and children, face compounding risks. Displaced populations arriving cross-border will often be setup in camps that are off-grid with limited to no access to electricity. In the case of South Sudan, even the refugees reaching more urban areas, the situation is just as grim. The transient nature of refugees often leads to loss of personal belongings, including energy assets such as solar home systems (SHS) and rechargeable batteries. Adding to the concern is potential conflicts that can arise due to the proximity of host nationals and refugees competing for scarce natural resources such as fuelwood, which then leads to food insecurity. The fragile environment of limited energy access in displaced communities disproportionately affects women and girls in the form of malnutrition, low economic activity, and in extreme cases, increased violence, calling for a careful consideration of gender dynamics into the design and implementation of energy access expansion.

With growing energy demand far outstripping grid capacity, many households, institutions, and businesses in South Sudan have turned to off-grid solutions, predominantly diesel generators in urban areas and solar products in rural areas. According to the government estimate, the electricity demand (including suppressed demand) in South Sudan is estimated to have increased to 800 MW in 2020, compared to an installed grid capacity of around 103 MW. Off-grid installed generation capacity in Juba has been estimated at a total of 28.93 MW, which is almost as high as the installed capacity available on the Juba grid. About 99% of this off-grid capacity is generated from diesel, causing toxic emissions and noise, and only 1% is generated from solar energy<sup>17</sup>. Even for diesel generators, the high upfront capital costs, costly and limited spare parts, and high domestic fuel prices mean that only the richest households and commercial entities can afford them. Although the off-grid solar market is still nascent in South Sudan, with sales of only around 55,000 solar lighting products estimated in 2021, the continued growth of the market demonstrates the potential to increase energy access through cleaner off-grid solutions.

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<sup>17</sup> Lemi L, La Belle M. (2020). Co-supplying the National-Grid: An Assessment of Private Off-grid Electricity Generation in Juba-South Sudan. *American Journal of Electrical Power and Energy Systems* 9 (3) 47-59.

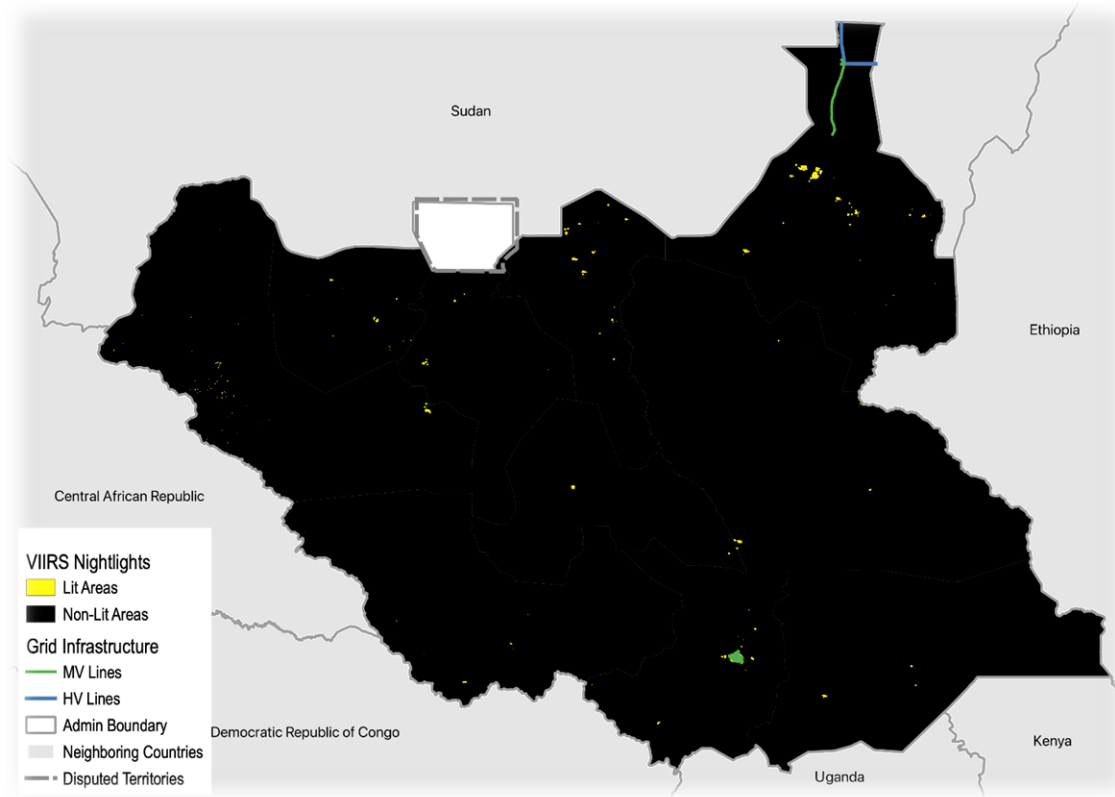


Figure 1.1: Map of Existing Grid Infrastructure with Nightlight Indicating the Presence of Electricity Usage (2022)

Most of South Sudan’s functioning electricity supply and distribution infrastructure is located in Juba, with very little working equipment in other cities and rural areas. The country’s total installed power capacity is approximately 103 MW, all from thermal sources, of which around 76.5 MW is operational but only around 34.5 MW is available to the general public; the remaining 42 MW serves the Paloch oil field as captive power. Other generation plants attached to isolated distribution networks in smaller cities and towns including South Sudan’s state capitals such as Wau, Malakal, Rumbek, and Yambio are nonoperational due to lack of adequate maintenance and destruction during the civil war. South Sudan does not have a transmission network, and even before the conflict, the power system consisted entirely of isolated distribution grids. There are currently two 20 MW utility-scale solar projects under construction around Juba, one an IPP (Ezra hybridization) and the other government-owned (Nesitu; includes 10 MW/35MWh BESS), expected to become operational in 2023. Another 20 MW Juba solar IPP (GWG) is currently in planning, though with a more uncertain timeline. South Sudan imports a small amount of electricity from Sudan through a 32 MW/220 kV interconnector in Upper Nile State that distributes power to local customers through the Renk substation, but the supply from this line has been unreliable due to the power shortage in Sudan. The lack of a transmission system in South Sudan and the limited number of connections around Renk itself means that only a small portion of this line’s capacity is ever used. South Sudan’s geographic location presents a significant opportunity to harness regional power trade through the East Africa Power Pool

(EAPP) in the future. South Sudan is currently carrying out a feasibility study for an interconnector with Uganda and has recently signed a memorandum of understanding with Ethiopia for power trade.

In Juba, the private sector has played an important role in restoring and improving electricity services amid conflict and declining public capacity. The Juba Electricity Distribution Company (JEDCO) was established in May 2018 as a joint venture between the South Sudan Electricity Corporation (SSEC) – South Sudan’s public utility – which holds 48% of shares, and Ezra Group – a private South Sudanese construction company founded by Eritrean immigrants – which holds 52%. Ezra also owns and operates Juba’s only functioning power plant – a 33 MW generation facility supplying power to JEDCO following the signature of an Implementation Agreement (IA) and a build-own-operate-transfer (BOOT) 17-year power purchase agreement (PPA) with the Government in 2017. The agreement calls for a total of 100 MW of diesel plants to be built and operated in four phases, though most of this capacity, originally expected by 2023, is experiencing indefinite delays. SSEC’s poor track record in Juba grid operation and revenue collection at the time of the signature of the IPP led to the formation of JEDCO as a risk mitigation measure for Ezra, which also holds a majority of seats on JEDCO’s Board. Nevertheless, it was the Ministry of Energy and Dams (MoED) that nominated the Board chairman as well as the majority of the JEDCO’s senior management. The restructuring of management resulted in a significant improvement in the quality of commercial services as well as operating efficiency of Juba grid. The system loss is reported to be below 10% and supply reliability over 95%, making Juba grid one of the top performing systems in the country despite its limited geographical coverage. JEDCO currently serves around 33,000 customers, of which 66% are households, 32% commercial entities, and the rest 2% being government institutions. These 33,000 customers served by JEDCO translates to a 32% overall access rate among Juba residents.

The cost of electricity from the Juba grid, however, is exceptionally high and largely unaffordable to the majority of Juba residents and JEDCO’s customers, implying a potential oversupply in the near future. Customers in Juba pay an average tariff of US¢40 per kWh, among the highest in Sub-Saharan Africa. Even the lifeline segment of the tariff for residential customers consuming under 100 kWh per month is priced at US¢31.6 per kWh. This is exceptionally expensive compared to regional peers (lifeline tariffs were US¢4.5 per kWh in Ethiopia and US¢6-20 per kWh in Uganda in 2020). Juba’s dollar-denominated tariffs have become even less affordable to end-consumers in recent years due to sustained depreciation of the South Sudanese Pound. The tariff has more than doubled in SSP terms over the last two years, leading to a drop in peak demand in the Juba grid from 30 MW to a low of around 20 MW in May 2022, having slightly recovered to around 25 MW since then. The high electricity tariff is also incentivizing grid defection by JEDCO customers in favor of diesel generators and in some cases solar rooftop systems. At present tariff levels, there is also a risk of near-term oversupply as the existing 30 MW Ezra thermal plant will be supplemented by an additional 40 MW of solar from 2023 onwards. An ongoing JEDCO study is investigating potential reductions in the cost of service as a result of the Ezra hybridization and Nesitu solar plants currently under construction.

South Sudan's weak power sector policy framework has led to conflicting institutional mandates and inadequate, ad-hoc sector development. MoED is the apex policy-making institution of the government and also functions as a regulator in absence of an independent regulatory body, but few regulations are currently in place. SSEC, a de jure autonomous public institution, is the main national power utility mandated with expanding and operating generation and distribution assets and used to operate the majority of South Sudan's electricity generation and distribution assets prior to the conflict. However, SSEC's role in the sector has become increasingly uncertain following the decommissioning and destruction of many of its assets as well the de facto privatization of the Juba power system after the formation of JEDCO. SSEC now has limited financial autonomy as it is required to transfer most of its revenues to the Ministry of Finance and Planning (MoFP), an arrangement that predates the formation of JEDCO. The lack of financial autonomy, as well as a severe lack of capacity, has made it difficult for SSEC to maintain its remaining assets and adequately remunerate its staff. As a consequence, SSEC has lost many of its staff to the private sector, including to JEDCO and the oil industries. While sector policy and strategy documents developed soon after independence – including the South Sudan Electricity Corporation Act 2011 and the National Electricity Policy 2013 – had attempted to set out the roles and responsibilities of sector institutions, the loss of grid infrastructure as a result of conflict and increased role played by the private sector have diminished their relevance. A National Electricity Bill was drafted in 2015 and passed by the cabinet but has yet to be ratified and contains several gaps that threaten to limit its effectiveness as a governing document. At this point, South Sudan does not have any formalized sector master plans and lacks the institutional capacity to conduct even high-level planning analyses. The World Bank's last engagement with the South Sudanese power sector, the 2014 "Energy Sector Technical Assistance Project (ESTAP; P145581)", had attempted to address many of these institutional gaps but the outbreak of the civil war led to a cancellation of the project.

Lack of planning, governance, and project implementation capacity keep South Sudan's electricity sector trapped in the vicious circle of underinvestment and sluggish growth. Sector planning is largely done on an ad-hoc basis and in response to private developer solicitation, which has made the sector vulnerable to short-termism and stakeholder capture. Both MoED and SSEC lack the technical capacity to effectively implement projects and ensure these are well integrated into existing systems. For instance, the government-owned Nesitu solar plant, currently under construction around Juba, will reportedly only be able to evacuate around 5 MW of its nameplate 20 MW capacity along its 33kV/25km single circuit line because of inadequate reactive compensation. This reactive compensation would either need to be added as part of the Nesitu project or provided by the Ezra thermal plant at the point of interconnection, but there is no provision for this either in the contract with the Nesitu EPC or in the PPA with Ezra. It is also unclear, in the absence of appropriate regulation, how Ezra's ownership of the largest generation plant and a controlling share in the Juba distribution grid will affect dispatch of power from new MoED and IPP solar plants. The lack of clear planning and regulation and the resulting slow growth of the sector has inhibited further investment, both from the private sector and development partners. Other than Ezra, the only major external investment in the power sector to date is the USD 38 million Juba Power Distribution System Rehabilitation and Expansion Project by the African

Development Bank (AfDB) in 2017, which rehabilitated and upgraded the Juba grid infrastructure, laying the foundation for JEDCO joint venture.

In the absence of clear mandate on rural electrification, investment in rural areas remains critically low, keeping the light off for the most vulnerable population. There has been limited focus on investment in downstream electrification planning, particularly in rural electrification, even though the 2013 South Sudan Electricity Policy emphasized the importance of rural electrification. There is ongoing support by the Government of Egypt to rehabilitate thermal generation units in the cities of Rumbek and Yambio, but the distribution networks there remain dysfunctional. While some private sector players are conducting preliminary analyses to rehabilitate and/or construction the isolated grids in the state capitals, these are at very early stages and are likely to be financially unviable without public support or concessional capital. The low access to reliable electricity outside the capital has constrained basic services from health and educational institutions as well as state governments. While some large-scale facilities such as state-level hospitals rely on diesel generators, the cost is often prohibitively expensive due to the transport costs and associated fees levied at various checkpoints in the country.

Rehabilitation of the existing isolated grid systems presents a low-hanging opportunity of enhancing the electrification in South Sudan. Some public and private entities currently work on the initial stage of rehabilitating the existing generation and distribution assets in several state capitals including Aweil, Wau, Rumbek, Yambio, Bor, and Malakal. However, electricity tariff without public funding is expected to be expensive and most customers won't be able to afford to pay for electricity. In addition to these state capitals, there are existing generation and distribution assets in three towns including Yei, Maridi, and Kapoeta which were financed by USAID. Since 2013, these isolated grid operations are currently halted due to the lack of technical capacity and funding to rehabilitate the distribution network. The role of public-private partnership will be important to address the weak technical capacity of public entities and the affordability of electricity tariff.

Establishing effective models and regulatory frameworks for public-private partnership (PPP) will be key to restoring and enhancing access to electricity services. Given the extremely weak PFM in the country and the continued need for humanitarian support, the electricity sector's access to finance is likely to be limited in the near term. This will severely constrain the sector's capacity to maintain existing assets and remunerate its personnel, let alone make major capital investments. Faced with weak institutional and financial capacity, it will be critical for the government to leverage the private sector for both financing and technical expertise. Without a national grid or transmission network and highly limited public funding and capacity, rapidly scaling up electricity access will be dependent on IPPs and private-sector operated isolated grids. A World Bank-funded high-level geospatial analysis estimated that even with high demand growth and significant reductions in the cost of grid power, around half of new connections required to reach 50% access by 2030 would need to come from off-grid or mini-grid solutions.

## **1.8 Relevance to Higher Level Objectives**

The proposed project's activities are consistent with key objectives of the World Bank Group (WBG) Country Engagement Note (CEN) for South Sudan FY21–23. While the CEN is not explicit about enhancing access to electricity, the proposed project will contribute to Focus Area 2 - support basic service delivery and Focus Area 3 - promote resilience and livelihood opportunities. Electrification of public institutions, including health and education facilities, will improve South Sudanese people's access to basic human development services and enhance their quality. Expanding energy access with clean energy – solar – to serve vulnerable communities outside Juba can strengthen the resilience of local livelihoods and allow for more productive and sustained economic activities.

As recommended by the CEN, the GoSS will carry out the implementation of the project. This is aligned with the CEN's strategic direction to shift the implementation modality away from third-party entities. The government's taking lead in implementation can not only strengthen the sense of ownership and responsibility but also enhance institutional capacity. However, the success of such government-led implementation hinges on a couple of critical factors including: (a) strong support from the MoFP to make resources available to build implementation capacity in the energy sector and (b) continued peace at the national level. If these enabling factors are not in place, third-party implementation may need to be considered through project restructuring. These risks are elaborated on further in the risk section.

The project is aligned with key WBG corporate strategies. It will contribute to the WBG Climate Change Action Plan and New Generation Africa Climate Business Plan by adding extra renewable energy capacity, most likely solar, while ensuring the resilience of the investment to climate change impacts such as floods. It will also contribute to 'Maximizing Finance for Development' by leveraging private sector finance for isolated grid and off-grid electrification and by seeking collaboration with International Finance Corporation (IFC) and Multilateral Investment Guarantee Agency (MIGA) where appropriate.

The project follows and contributes to the WBG Gender Strategy. Gender dynamics is carefully considered in all four project components. In particular, component 3 – off-grid electrification of health facilities pays a special attention to improving CEmONC - Comprehensive Emergency Obstetric and Newborn Care services, which would help lower the maternal and newborn mortality rates in South Sudan. Gender-based Violence (GBV), which tends to escalate in a fragile environment, will be carefully monitored and strengthened under the social safeguard. The gender gap assessment and the gender action plan are currently being finalized.

The project follows the WBG's Global Crisis Response Framework (GCRF) and is well aligned with its pillars, particularly Pillar 3 – Strengthening Resilience and Pillar 4 – Strengthening Policies, Institutions, and Investment for Rebuilding Better. The project was carefully designed to best support South Sudan with each component contributing to addressing the

country's fragility, conflict, and violence. The project's four components, elaborated in the following Project Description section, can all be tagged to one or several of GCRF's Pillars.<sup>18</sup>

The project is aligned with the WBG's Climate Change Action Plan (2021-25), which commits to aligning financing with the Paris Agreement. On the mitigation side, component 1 (grid densification and extension in Juba), component 2 (mini-grid pilots) and component 3 (off-grid electrification of health facilities through solar systems) directly contribute to lowering of carbon emissions from increased energy consumption. On the adaptation side, the entire process of grid densification and extension will proactively factor in climate resilience elements – particularly, flooding aspect - from its planning to procurement.

The project is aligned with the GoSS's Revised National Development Strategy (R-NDS) 2021–2024, which articulated the key role of the infrastructure cluster in delivering on development goals in the NDS, including those regarding education, health, security, job creation, and the environment. Specifically for the electricity sector, the NDS highlighted the need for improving energy supply across all 10 states through PPPs and the development of renewable energy resources. The project is also aligned with GoSS's Nationally Determined Contributions under the United Nations Framework Convention for Climate Change which notes the electricity sector's role to increase the use of clean and renewable energy, as well as improve the electrification in rural areas using the decentralized grids.

## **1.9 Project Description**

The design of the project is based on ongoing advisory services and analytics (ASA) work – “Pathways to Electricity Access Expansion in South Sudan” (P175227), which was initiated in October 2020 with support from Energy Sector Management Assistance Program (ESMAP). The analytical assessment includes a comprehensive diagnostic of the electricity sector in South Sudan and identification of key opportunities and barriers to electricity access expansion as well as a geospatial and market analysis of mini-grid and off-grid solutions. This project relies on data gathered and the analysis conducted through the ongoing ASA to outline potential areas for financing support as well as capacity building and technical assistance.

The project is structured with four components; the first three components are investment component to enhance access to electricity services through isolated grids and off-grid interventions. The fourth component is intended to strengthen the sector's institutional capacity as well as the overall project implementation capacity. Given the very nascent nature of the sector and lack of experience in implementing Bank-financed project, the role of the capacity building component is foundational to the achievement of the PDO. The investment components are designed to build on previous/existing investment in the country in the energy sector in order to maximize and minimize the risk of the capacity gap.

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<sup>18</sup> GCRF's Four Pillars include Pillar 1 – Responding to Food Insecurity, Pillar 2 – Protecting people and preserving jobs, Pillar 3 – Strengthening Resilience, Pillar 4 – Strengthening Policies, Institutions, and Investment for Rebuilding Better.

### 1.9.1 Component 1. Grid densification and extension in Juba

**This component will finance additional grid connections to residential, commercial, and industrial customers in Juba and its vicinity** through:

- i. Service drop connections for new connection requests in the middle of the network and making use of the existing distribution infrastructure including 24 non-connected transformers already erected across the city (up to 20,000 connections); and
- ii. Expanding the MV and LV networks to the North, West and Southeastern parts of the city for additional 20,000 connections. These additional connections are expected to more than double the number of connections.

The exact target areas for densification and expansion are identified by the government through JEDCO and could also include communities in the periphery of Juba, such as Nesitu, Lokiliri, and Rajab based on the availability of funds. The component intervention will cover new connections within various site locations of Juba. The investment may also include installation of capacitor banks to strengthen the backbone system and the integration of solar-based electricity expected to be available in the near future.

- Existing electrified area (border color blue)- estimated number of new connections- 10 000
- Existing 24 transformer area (border color magenta)- estimated number of new connections- 10 000
- Newly electrified area (border color cyan)- estimated number of new connections- 20 000
- Large bulk supply customers (dispersed locations).

**The intervention will also include streetlights along the distribution poles to improve the security in Juba.** Assuming one streetlight per six customers, 11000 lights could be installed. Lack of lighting at night in Juba is considered as one of the contribution factors to insecurity in the city, resulting in the incidents such as murder, robbery, raping and other criminal incidents. It also affects the hours that the businesses can practically operate in the city. Such intervention was a part of earlier intervention by AfDB, but many of the lights are currently not functional due to technical failures of the lamps as well as vandalism. Under the project, the intervention will use high-efficiency light-emission diode (LED) lamps to ensure the longevity of the lights and minimize the replacement needs, as well as measures to mitigate the risk of vandalism, and potentially restore existing non-functioning lights. MoED will sign a new agreement of amend existing agreement with JEDCO for the maintenance of the streetlights.

To implement the component, MoED will competitively procure an EPC contractor to carry out the investment. The MoED will also engage an engineering firm as the Owner's Engineer to review the existing technical materials, and support the procurement and contract management of the EPC contractor, including the support for the preparation of bidding documents, evaluation of bids, contract negotiation and supervision of the contractor. The same Owner's Engineer will provide similar support to the implementation.

The project builds on a feasibility study supported by preceding intervention by the African Development Bank. The project activities will build up on the distribution network constructed to cover about 35% of the city with support by the AfDB (Phase I). The grant financing for this project is expected to lower the current high service connection cost to consumers. The client supported by JEDCO, the distribution company formed as PPP, worked with the Bank's team to define the scope of work and areas from perspectives of demand growth & utility's waiting lists and based on route selection and cost estimates of the feasibility study.

Investments under this component is expected to enable the integration of additional solar PV generation and reduce the cost of electricity service in Juba. Increasing connections will ensure efficient utilization of current and planned generation facilities around Juba. By expanding the MV and LV networks, the grid's capacity will be enhanced to cater for power to be supplied from forthcoming generation assets, including the two 20 MW solar PV plants (Nesitu and Ezra) currently under construction. Twenty-five percent (25%) of the budget is allocated towards optimizing the backbone network for this purpose.

The intervention will fully subsidize the connection fee. Currently, new customers are expected to pay minimum connection fees of 300 US\$ (single phase meters) and reach up to 600US\$ (three phase meters) which is high and unaffordable. Moreover, the sector doesn't have a procedure for a uniform connection fee by end-users. During the AfDB-funded project, users received connections for free. Afterwards, new customers have been paying the total connection cost estimated by JEDCO. The project will also eliminate the currently high service connection cost to JEDCO consumers.

The additional grid infrastructure will be operated and maintained by JEDCO. Given JEDCO is currently operating the Juba grid under a public-private partnership with MoED and SSEC, JEDCO will also operate the new infrastructure added to the grid. JEDCO will use pre-paid meters to monitor the consumption by new users and accordingly collect the bills. JEDCO will also make a secondee available to the PIU in order to ensure the effective operation of the newly constructed grid and will be engaged in the supervision of the contractors.

### **1.9.2 Component 2. Mini-grid pilot.**

Strategic priorities of the GoSS are to electricity state capital cities and potential cities. Previously, in South Sudan, the isolated grid operations in various areas including Yei, Maridi, and Kapoeta didn't work successfully, and it is important to identify the effective operation modality. Thus, MoED will pilot the mini-grid operation which could be duplicated to other state capitals and large cities. In addition to piloting the operation modality, MoED will carry out feasibility study for potential mini-grid sites and prepare the effective PPP model. In this effort, the team will closely collaborate with the IFC Scale-up Minigrid (SMG) team to guide the government to achieve their strategic priority.

To pilot an effective operation of a minigrid, this component will support the hybridization and rehabilitation of existing isolated grid with a solar hybrid with battery storage in the town of Yei. Based on high level geospatial analysis and survey activities in Yei town, it is

tentatively considered that a solar PV system with a capacity of 5 MW, 12,000 kWh of batteries, and the existing 1.2 MW capacity of a diesel backup will be implemented initially. This pilot intervention is expected to electrify about 10,000 households, 850 commercial and institutional customers in host communities and refugees.

Yei is selected as a pilot based on multiple criteria considering the;

- i. Evidence of high electricity demand, including the demand for productive use;
- ii. Existence of the generation and distribution assets that can be partially restored for usage;
- iii. MoED/SSEC's prior experience in the grid, and
- iv. Absence for other public/private players already investing for rehabilitation.

High electricity demand. According to a survey and consultation with various potential anchor customers, sizable load demands including UN agencies, more than 30 NGOs, factories, and commercial customers are identified and will be further investigated through a more thorough ground-level survey.

Existence of the generation and distribution assets. In 2008, Yei Electricity Cooperative Organization (YECO), which is a community-based organization, commissioned the grid operation with the support from USAID. While the grid operation has been halted since 2016, 1.2 MW capacity of diesel generators are still functional, but the grid network needs to be replaced and rehabilitated<sup>19</sup>.

The government's prior experience and familiarity with the potential site. SSEC has conducted the assessment of the existing generation and distribution assets in Yei in May 2022. In addition to the experience and familiarity with the potential site, it is also important to consider the accessibility and distance to potential site for preparation and implementation purposes.

Absence of public or private entities. In South Sudan, the limited number of private developers have been involved in the provision of electricity through mini-grid solutions. The team has identified the ongoing dialogues between the government and private developers in Aweil, Wau, Yambio, and Bor, Malakal. Under this project component, the feasibility and viability of additional potential sites – particularly, state capitals – will be carried out in a consultation with the government.

Under the project, the MoED will procure a contractor to rehabilitate, hybridize and operate the grid for certain period of time. An EPC contractor will be selected competitively and responsible for building the generation and distribution capacity. Given the utility's lack of technical capacity and experiences in the operation, the private operator will be selected, potentially as an integral part of the bidding for the construction contractor and operators of the grid for pre-defined period. Throughout the process, given the weak government capacity, Owner's Engineer will be recruited to guide the government for Components 1 and

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<sup>19</sup> SSEC, YECO Asset Value & Assessment Report for Yei River County, Central Equatoria State, 2022, Republic of South Sudan

2. The cost of grid operation, including the overhead cost and service fees, beyond the project's closing will be solely financed through the tariff revenue collected by the private operator. After the end of the operation contract, the MoED/SSEC can renew the operation contract or take over the operation if sufficient capacity has been built in the utility.

In addition to the pilot in Yei, MoED will implement the feasibility studies of selected state capital cities or potential sites such as Malakal, Aweil, Kwajok, Torit, and Bentiu. For many potential mini-grid sites across the country, MoED and SSEC lack even basic information on the condition of existing infrastructure and the energy and infrastructure needs of those communities (e.g., city markets, as an anchor customer). This activity will therefore fund stocktaking of existing infrastructure and demand and energy consumption profiles, as well as preliminary mini-grids design to serve these communities in anticipation of future financing from the Bank, other development partners, or private investors.

### **1.9.3 Component 3. Off-grid electrification of health facilities through standalone solar systems (\$10 million equivalent - US\$7million, US\$3 million PHRD)**

This component will finance the delivery of solar and battery-based off-grid solutions for selected health institutions in rural areas, with priority on Payam-level hospitals (population of 25K and over) Health Care Centers (PHCCs). This component will cover approximately 50 health facilities in the Greater Upper Nile Region (Upper Nile, Jonglei and Unity states, Ruweng Administrative Area, Pibor Administrative Area) with current Bank operation, as well as other states identified as a result of further assessment in coordination with the Ministry of Health, which will be selected based on structural integrity of the buildings, level of service provided (availability of CEmONC - Comprehensive Emergency Obstetric and Newborn Care services, etc.), population coverage, pre-existing use of electricity and whether internal wiring is in place, etc. This contributes towards reducing the ratio of maternal and newborn mortality rate in South Sudan. (e.g. WHO, UNICEF, UNFPA, World Bank Group, and the United Nations Population Division data shows that until 2017 maternal mortality ratio was 1,150 out of 100, 000 live births).

The component intervention will prioritize health facilities with large catchment population to maximize the impact. They will include facilities in relatively large regional towns and settlements, including host communities and refugees in Jamjang (Ruweng Administrative Area) and Maban (Upper Nile State). The facilities in these areas are used both by host communities and refugees.

The project will ensure proper level of coordination with the Ministry of Energy and Dams and Ministry of Health. It is foreseen that the MoED will contract the UNICEF as GBV service provider for implementation of this component. UNICEF, supported by the ESMAP/World Bank, is currently implementing solarization of 12 secondary health facilities which deliver CEmONC (comprehensive emergency obstetric and neonatal care) services in the states of Upper Nile and Jonglei, providing a 24-hour power to facilitate consistent access to essential services. Using the preliminary assessments done by UNICEF for an additional 187 health facilities, the team will conduct in-depth analysis to determine the beneficiary health institutions for the project.

One of the most important and critical aspects of the proposed activity is to ensure the sustainability of daily operation and maintenance of installed equipment. Considering the remoteness of the health facilities from main cities and the difficulty with transportation, especially during the flood season, it will be vital to arrange trainings for either the staff of the health facilities or members of the local community. This will not only ensure reliable electricity supply but will also allow engaging the local community in the process, resulting in an ownership and care feeling for the installed equipment which will result in decreased security threats and avoidance of theft and vandalism. In order to take care of minor renovations and ensuring smooth operation of the equipment, each facility will be provided with quick-fix spare parts, which the locally trained staff will be able to use. In case of a major breakdown, there will be a need for professionally trained specialists to visit the site, bringing the necessary major renovation parts.

In addition to the core electrification of health facilities, the intervention may provide a share of electric energy for productive use to local community. Since a majority of the health facilities usually have water supply wells, those will be considered as part of the projects, with a potential to share the water with the local community as well. This can also include battery/phone charging, agri-processing (e.g., mills), and cooling (e.g., refrigerators, milk chillers).

#### **1.9.4 Component 4. Technical assistance and capacity building (US\$ 10 million)**

This component will provide technical assistance to MoED, SSEC, and other relevant institutions as necessary to develop the legal, regulatory, and institutional basis for sustainable sector growth and planning and mobilization of private sector investment both for on-grid and off-grid. The component will also provide funding to support project implementation and strengthen day-to-day institutional capacity and operations.

##### **1.9.4.1 Subcomponent 4.1. Development of electricity sector legal and regulatory framework.**

This subcomponent will support enhancement and finalization of the 2015 Electricity Bill, revisions to which have been delayed as result of inadequate resources and relevant expertise at MoED. The existing Bill suffers from several gaps from and weaknesses, including its overly narrow focus on establishment of a regulatory body and various ambiguities and inconsistencies that could undermine future sector development. The subcomponent will also support development of sector regulations, including a grid code, a tariff setting and design mechanism, and licensing and quality standards. This will include development of an PPP framework in the electricity sector to effectively attract and regulate private sector players, including for connection and dispatch of new generators to the Juba network and operation of isolated grids. Though MoED has made it a priority to establish an independent regulatory authority, development of regulations under this subcomponent will not be contingent on the establishment of such an authority and will also be implantable by MoED itself until a regulator has been established. The subcomponent will also review and revise if necessary the 2011 South Sudan Electricity Corporation Act – which established

SSEC – and support preparation of business, HR, and incentive plans to better define the role and strategic direction of SSEC.

Finally, this subcomponent will also support review and updating of 2013 National Electricity Policy and Strategy, which has increasingly become obsolete during the political and sector developments that have occurred in the decade since its publication.

#### **1.9.4.2 Subcomponent 4.2. Electricity Sector Planning.**

This subcomponent will support generation, transmission, distribution and electrification planning and development of planning capacity at MoED. Rather than expend significant resources to develop ambitious, high-level, long-term plans in a volatile environment, plans prepared under this subcomponent will focus on the near- to medium-term and identify a small number of the most likely key scenarios, providing practical recommendations that MoED will be able to implement immediately. These scenarios may include, for instance, a base case in which a growing number of isolated grids is eventually reinforced through a core transmission backbone and connected to other East African power systems, and an accelerated scenario in which private sector interests in oil or other key industries accelerate development of interconnectors and other infrastructure. Preparation of the plan will be sequenced to ensure that key strategic outputs are made available to the MoED at an early stage. Particular emphasis will also be given to building in-house planning capacity at MoED through modern digital planning tools and extensive training on their use.

#### **1.9.4.3 Subcomponent 4.3. Off-grid sector development.**

This subcomponent will target market development of the nascent South Sudanese off-grid solar sector, aiming to both existing South Sudanese businesses already active in off-grid distribution as well as incentivize increased market entry from more established international actors. Specific activities will include initial design work for a demand-side subsidy program, as affordability was identified by Bank-financed off-grid market assessment as the main constraint for households in adopting off-grid products; initial design work on a supply-side financing program, potentially including results-based financing (RBF) grants or concessional working capital loans; and development of the basic elements of off-grid regulation and public strategy, including definition of quality standards for systems and components and potential tax implications and exemptions for quality compliance.

#### **1.9.4.4 Subcomponent 4.4. Support for the Project Implementation Unit (PIU) and capacity building.**

This subcomponent will support the PIU to cover incremental costs of project management. This includes engagement of individual consultants/consulting firms to support specific component activities as well as strengthening of MoED capability in fiduciary, management, gender equality and environmental and social safeguards for project implementation. The sub-component will also include technical assistance to enhance sector fiduciary arrangements as well as setting up an E&S risk management system, enhancing the E&S capacity through staffing and training on the Environmental and Social Framework (ESF)

requirements based on a robust capacity building plan and gender equality intervention areas that intended to address the existing gender gap in MoED.

## **2 LEGAL AND POLICY ENVIRONMENT**

### **2.1 Introduction**

This section reviews and outlines the national policies, legislations, and institutions and the International treaties. It finally aligns with the World Bank Good Practice Note Addressing Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) in Investment Project Financing involving major civil works.

### **2.2 National Instruments**

#### **2.2.1 The Republic of South Sudan's Transitional Constitution of 2011**

The constitution, adopted in 2011, is the supreme law of the land and provides the basis for the legal and institutional frameworks for GBV prevention. It includes provisions on gender equality and the protection of women and children from abuse and exploitation. The constitution also recognizes the need to promote and protect human rights, including the right to freedom from torture, inhumane treatment, and slavery.

According to the transitional Constitution the following are specific to women

##### **2.2.1.1 Rights of Women**

1. Women shall be accorded full and equal dignity of the person with men.
2. Women shall have the right to equal pay for equal work and other related benefits with men.
3. Women shall have the right to participate equally with men in public life.
4. All levels of government shall:
  - a. Promote women participation in public life and their representation in the legislative and executive organs by at least twenty-five per cent as an affirmative action to redress imbalances created by history, customs, and traditions;
  - b. Enact laws to combat harmful customs and traditions which undermine the dignity and status of women; and
  - c. Provide maternity and child care and medical care for pregnant and lactating women.
5. Women shall have the right to own property and share in the estates of their deceased husbands together with any surviving legal heir of the deceased.

##### **2.2.1.2 Rights of the Child**

Every child has the right:

- Not to be subjected to exploitative practices or abuse, nor to be required to serve in the army nor permitted to perform work which may be hazardous or harmful to his or her education, health or well-being;

- Not to be subjected to negative and harmful cultural practices which affect his or her health, welfare or dignity; and
- To be protected from abduction and trafficking.

In all actions concerning children undertaken by public and private welfare institutions, courts of law, administrative authorities or legislative bodies, the paramount consideration shall be the best interest of the child.

All levels of government shall accord special protection to orphans and other vulnerable children; child adoption shall be regulated by law. For the purposes of this Constitution, a child is any person under the age of eighteen years.

## 2.2.2 Other Key Legal Frameworks

**The Penal Code Act 2008:** The Penal Code Act criminalizes GBV and includes provisions on rape, sexual harassment, and forced marriage. The act also provides for penalties for offenders and protection for victims. For example, it criminalizes rape and provides for a maximum penalty of death in certain cases. The act also criminalizes sexual harassment, which includes any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that creates a hostile or intimidating environment. However, it does not specifically criminalize marital rape or recognize rape within marriage as a crime. This is a gap with international legal frameworks, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which calls for the criminalization of marital rape.

**The Child Act 2008:** The Child Act provides protection for children against abuse, neglect, and exploitation, including child marriage and forced labor. The act recognizes the rights of children to be protected from all forms of violence and exploitation, including sexual abuse, trafficking, and harmful traditional practices. It also provides for the establishment of child protection committees at the community level to prevent and respond to child abuse and exploitation. However, it does not specifically address the issue of child marriage. This is a gap with international legal frameworks, such as the Convention on the Rights of the Child (CRC), which calls for the elimination of child marriage.

**The Gender Policy 2013:** The Gender Policy recognizes the need to promote gender equality and prevent GBV. It outlines strategies for the prevention and response to GBV, including the establishment of gender desks in police stations and the provision of services for survivors of GBV. The policy also recognizes the need to promote women's participation in decision-making processes and to address gender stereotypes and discriminatory cultural practices.

**The Gender-Based Violence Prevention and Response Plan 2017-2021:** The Gender-Based Violence Prevention and Response Plan outlines strategies for the prevention and response to GBV, including the establishment of community-based prevention programs, training for service providers, and the strengthening of legal frameworks. The plan aims to increase access to services for survivors of GBV, including medical and psychosocial support,

and to strengthen the capacity of law enforcement agencies and the justice system to prevent and respond to GBV.

**The National Action Plan on Women, Peace, and Security:** The National Action Plan on Women, Peace, and Security includes specific provisions on the prevention and response to GBV in conflict-affected areas, including the protection of women and girls from sexual violence and the prosecution of perpetrators of GBV. The plan recognizes the need to promote women's participation in peace processes and to address the root causes of GBV, including gender inequality and discrimination.

Overall, these are good instruments, within which the project can plan and protect the rights and interests of women and children. These national legal and institutional frameworks provide a foundation for the prevention and response to GBV in South Sudan. However, their effectiveness is limited by the ongoing conflict and instability in the country, as well as by weak implementation and enforcement. To be effective, these frameworks need to be supported by increased resources and political will, as well as by a strong commitment to gender equality and human rights.

## **2.3 International Instruments**

The international legal and policy framework establishes standards for action by countries to meet their legal obligations and policy commitments to address violence against women. Some of the key International instruments<sup>20</sup> for the protection of women include the following:

### **2.3.1 United Nations General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**

Date of adoption: 18 December 1979. Under CEDAW, States ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination and refrain from engaging in any practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation.

### **2.3.2 Fourth World Conference on Women, Beijing Declaration and Platform for Action**

Date of adoption: 15 September 1995. The Platform for Action states that 'women may be vulnerable to violence perpetrated by persons in positions of authority in both conflict and non-conflict situations. Training of all officials in humanitarian and human rights law and the punishment of the perpetrators of violent acts against women would help to ensure that such violence does not take place at the hands of the public officials in whom women should be able to place trust, including police and prison officials and the security forces' (Para. 121).

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<sup>20</sup>Gender based violence : A guide for capacity building of gender responsive police service delivery : Institute for Development & Communication / International Development Research Centre

### **2.3.3 The United Nations World Conference on Human Rights, held in Vienna in 1993 and the Vienna Declaration and Program for Action.**

Date of adoption. 25 June 1993. The equal status and human rights of women, Article 38: In particular, the World Conference on Human Rights stresses the importance of working towards the elimination of violence against women in public and private life, the elimination of all forms of sexual harassment, exploitation and trafficking in women, the elimination of gender bias in the administration of justice and the eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism. The World Conference on Human Rights calls upon the General Assembly to adopt the draft declaration on violence against women and urges States to combat violence against women in accordance with its provisions. Violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitarian law. All violations of this kind, including in particular murder, systematic rape, sexual slavery, and forced pregnancy, require a particularly effective response.

### **2.3.4 United Nations General Assembly, Resolution 52/86 on Crime Prevention and Criminal Justice Measures to Eliminate Violence Against Women**

Date of adoption: 2 February 1998. Urges Member States to review and evaluate their legislation and legal principles, procedures, policies and practices relating to criminal matters, in a manner consistent with their legal systems, to determine if they have a negative impact on women, and if they have such an impact, to modify them in order to ensure that women are treated fairly by the criminal justice system; also urges Member States to undertake strategies, develop policies and disseminate materials to promote women's safety in the home and in society at large; further urges Member States to promote an active and visible policy of integrating a gender perspective into the development and implementation of all policies and programmes in the field of crime prevention and criminal justice;

### **2.3.5 United Nations Security Council Resolution 1325 on Women, Peace and Security**

Date of adoption: 31 October 2000. UN SCR 1325 is a key document in influencing police organisations to incorporate gender aspects into the reforms. The resolution calls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary. The Council invites Member States to incorporate the protection, rights and the particular needs of women, as well as the importance of involving women in all peacekeeping and peace-building measures, into their national training programmes for military and civilian police personnel in the preparation for deployment.

### **2.3.6 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (The Maputo Protocol 2003)**

The Maputo Protocol seeks to advance state parties obligations in the African Charter on Human and Peoples' Rights towards ending all forms of discrimination on the grounds of

race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status. Article 2 mandate States Parties to combat all forms of discrimination against women through appropriate legislative, institutional and other measures and integrate a gender perspective in their policy decisions, legislation, development plans, programmes and activities and in all other spheres of life. Article 4 paragraphs 2(a), (e) and (f) mandate state parties to enact and enforce laws to prohibit all forms of violence against women including unwanted or forced sex whether the violence takes place in private or public; punish the perpetrators of violence against women and implement programmes for the rehabilitation of women victims; and establish mechanisms and accessible services for effective information, rehabilitation and reparation for victims of violence against women.

Article 13 requires States Parties to adopt and enforce legislative and other measures to guarantee women equal opportunities in work, career advancement and other economic opportunities by promoting equality of access to employment; right to equal remuneration for jobs of equal value for women and men; transparency in recruitment, promotion and dismissal of women and combat and punish sexual harassment in the workplace, guarantee adequate and paid pre - and post-natal maternity leave in both the private and public sectors.

This Protocol is relevant to the ASSIST project as the government of GoSS is mandated to end all forms of discrimination against women and protect the rights of women, persons with disabilities and children who are often vulnerable to SEA/SH.

### **2.3.7 ILO Convention 190**

The ILO requires state parties to protect different categories of workers and adopt laws and regulations requiring employers to take appropriate steps commensurate with their degree of control to prevent violence and harassment in the world of work, including gender-based violence and harassment, and in particular, so far as is reasonably practicable, to among others adopt and implement, in consultation with workers and their representatives, a workplace policy on violence and harassment; take into account violence and harassment and associated psychosocial risks in the management of occupational safety and health; identify hazards and assess the risks of violence and harassment, with the participation of workers and their representatives, and take measures to prevent and control them.

### **2.3.8 World Bank Good Practice Note on Addressing Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) in Investment Project Financing involving Major Civil Works**

The World Bank Good Practice Note on Addressing Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) in Investment Project Financing involving Major Civil Works (2020) discuss the scope, measures to avoid or mitigation measures to prevent SEA/SH risk in projects. The Good Practice Note entreats projects to identify existing and potential local SEA/SH risks, and potential risk mitigation measures. This Good Practice Note will guide the project to ensure SEA/SH issues are properly addressed. This Gender and SEA Action Plan

preparation process involved consultations with women's groups and women leaders in project communities to understand the SEA/SH risks and trends in the community.

## 3 GENDER SITUATIONAL ANALYSIS IN SOUTH SUDAN

### 3.1 Introduction

This section describes the gender baseline conditions of the project area. It provides the baseline information about South Sudan, and initiatives of the Government of South Sudan particularly in relation to integrating gender issues into national development.

### 3.2 GBV National Context

GBV is widespread in South Sudan, and considered to be a major obstacle to equality, peace and development in the country. The country is still struggling with high rates of GBV and stigma which have adversely affected its development and gender equality.

A report by the Organisation for World Peace 2022<sup>21</sup>, notes that the United Nations has reported a surge in gender-based violence in South Sudan, fueled by persistent conflict and the climate crisis. Prominent forms of gender-based violence in the country include sexual violence, intimate partner violence, and forced marriage. While men and boys are also affected by gender-based violence, the majority of survivors are women and girls. According to a report from the Global Women's Institute and the International Rescue Committee, up to 65% of South Sudanese women and girls in conflict zones have experienced physical or sexual violence. Despite efforts to prevent gender-based violence, little progress has been made. When comparing the first quarter of 2022 and 2021, violent incidents have decreased since 2021. However, conflict-related sexual violence incidents have doubled for the same period. The United Nations Mission in South Sudan (UNMISS) notes that the source of violence has shifted from official conflict parties to civil defence groups and militias. Members of the household are also more likely to perpetrate violence due to rising economic stress.

Climate change and displacement play a considerable role in the increase of gender-based violence<sup>22</sup>. In 2021, South Sudan experienced the worst floods in decades. Many people lost their homes and crops, causing financial hardship and internal displacement. More civilians have since moved into camps for displaced populations, heightening the risk of gender-based violence. There are two million displaced people in South Sudan, and more than half of them are women.

Due to financial hardship, women and girls may be pressured to choose unsafe ways of making money to provide for their families, such as gathering firewood and marrying young.

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<sup>21</sup> Gender-Based Violence Surges In South Sudan.<https://theowp.org/reports/gender-based-violence-surges-in-south-sudan/>

<sup>22</sup> <https://blogs.lse.ac.uk/africaatlse/2022/08/23/south-sudanese-women-are-going-beyond-gender-norms-to-cope-with-multiple-crises>

According to UNICEF, half of South Sudanese girls are married by the age of 18<sup>23</sup>. Increased gender-based violence can limit women’s access to public spaces and health care as well.

In a United Nations Population Fund (UNFPA) survey, women described avoiding public places like water sources, bathrooms, and markets because of the widespread violence. Amidst the insecurity, survivors may not have access to essential health services after an attack.

### **3.3 Abuse of women and girls in conflict situations**

The report by the Human Rights Council, on Conflict-related sexual violence against women and girls in South Sudan (Conference room paper of the Commission on Human Rights in South Sudan Forty-ninth session, 28 February–1 April 2022<sup>24</sup>), gives context to GBV in South Sudan in the context of the Conflict.

According to the report, women and girls in South Sudan face diverse forms of oppression including targeted killings, rape and sexual violence, slavery, forced marriage, forced procreation, forced labour, and other forms of sexual violence and inequality. The causes of sexual violence in armed conflict are multiple and complex. Sexual and gender-based violence against women and girls in South Sudan is also structural in nature, and ranges from domestic violence to sexual violence in conflict. Patterns of violence are historically based on entrenched patriarchy, centering on male dominance and control of resources, which also encompasses the exploitation of women, where the female body is perceived as 'territory' to be owned and controlled by males. Rape and sexual violence in South Sudan are underpinned by male dominance and privilege that constructs violence against women as permissible, along with other forms of violence. This fuels impunity for rape and sexual violence crimes and is compounded by the weakness or complete absence of state institutions, including judicial authorities, particularly at local levels.

In conflict contexts, commanders of the army and other armed actors condone rape and sexual violence, understanding that it is highly unlikely that perpetrators of rape and sexual violence crimes will ever be held accountable.

#### **3.3.1 Gender inequality and its links to conflict-related sexual violence**

Conflict-related sexual violence in the context of South Sudan can only be understood in the context of both historical and modern patriarchal systems, which inform the social and cultural relationships. While the Constitution guarantees equality for women, substantive equality remains elusive for South Sudanese women who remain marginalized and subject to tradition and patriarchal constraints. Coupled with other structural risk factors, such as social, legal, political and economic marginalization, these create a context for violence against women and girls. Gender inequality and impunity—which are not unique to South

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<sup>23</sup> <https://www.unicef.org/southsudan/press-releases/some-things-are-not-fit-for- – marriage is one of them>

<sup>24</sup> [https://www.ohchr.org/sites/default/files/2022-03/A\\_HRC\\_49\\_CRP\\_4.p](https://www.ohchr.org/sites/default/files/2022-03/A_HRC_49_CRP_4.p)

Sudan—contribute to exacerbating the conditions in which sexual and gender-based violence is perpetrated against women and girls. Impunity for these crimes reinforces, rather than challenges, these pre-existing norms and patterns.

Women are also dramatically underrepresented in positions of political and cultural authority, despite their participation in political and public life being both recognized and protected by law. Although the Transitional Constitution of South Sudan requires that the Government should promote women’s participation in public life and their representation in the legislative and executive organs by at least 35 per cent as a positive measure to redress the imbalances of the past, this has not been applied, and women still fill very few positions at national level, and even less at state and county level.

UNICEF’s “Child Marriage Country Profile” estimates that 1 in 2 young women in South Sudan were married off before the age of 18. Early marriages have emerged as a harmful and exploitative strategy employed particularly by families and communities with regard to girls who are separated from their biological parents, and who live with host communities.

Women experience great insecurity, and are at risk of sexual violence, including rape, when they leave their homes, often walking long distances, in search of food, water, firewood, and other livelihood options. Women and girls also face protection concerns when seeking to access water or sanitation facilities. This invariably impacts on their health outcomes and demonstrates the intersectionality of violence and women’s health.

### **3.3.2 Rape and other forms of sexual violence**

#### **3.3.2.1 Gang rape**

Rape perpetrated by groups of armed men against women and girls comprised the majority of conflict-related incidents of sexual violence documented by the Commission. Incidents involve multiple armed perpetrators raping multiple women, in incidents of mass rape, involving individual women being gang-raped by multiple men.

Incidents of gang and mass rape documented by the Commission reveal a pattern in which the rapes are carried out either during attacks on villages or settlements, and while women and girls are engaged in livelihood activities, typically including gathering food or firewood outside the villages or settlements in which they reside.

#### **3.3.2.2 Abductions, detentions and sexual slavery**

The Commission documented the experiences of numerous women who had been abducted and detained against their will, for long periods of time and used as sexual slaves by armed groups. They were also forced to carry out other tasks such as cooking, and the fetching of firewood and water.

### **3.3.2.3 Sexual Torture, Beatings and Cruel and Inhuman Treatment**

Cases of rape and sexual torture against women and girls, often involve the penetration of the vagina, anus or both orifices with foreign objects, such as pieces of wood or sticks, causing serious injuries and often resulting in death.

### **3.3.2.4 Forced to witness sexual violence**

The Commission was informed of numerous cases where men were forced to watch their girl children, wives and sisters raped and killed.

Sexual violence in this context is strategically used to inflict psychological trauma on relatives and communities. While it has devastating consequences for the victims themselves, given the physical, psychological, social and economic effects, it may be even more traumatic for the victims' relatives, who experience feelings of helplessness and guilt at being unable to protect their next-of-kin. It may also have consequences for entire communities, as it creates fear and destroys the social fabric of the community.

### **3.3.2.5 Forced unprotected sex, and unwanted pregnancies**

The Commission also noted in the course of its investigations that perpetrators of rape typically do not wear any condoms or any form of protection and ejaculate inside or on the body of victim, causing many of them to fall pregnant and exposing them to the risk of sexually transmitted diseases. Victims are often reluctant or unable to seek timely medical attention following such acts.

In the case of young adolescent girls, unwanted pregnancy carries distinct risks, including of injuries associated with childbearing when their bodies are still immature, which can lead to permanent and profound health impacts. As well as concerns related to conceiving a child from the rape, women who spoke with the Commission more commonly expressed fears about being exposed to the risk of contracting sexually transmitted infections and related disease, particularly HIV and AIDS.

### **3.3.2.6 Sexual violence in the context of multiple forms of violence**

South Sudanese women and girls who suffer rape and sexual violence in conflict experience multiple forms of violence and human rights violations, including killings, attacks and arson on villages and settlements, displacement and loss of livelihood raising the intersectionality of their experiences of conflict. In most cases the trauma, physical harm and damage to livelihoods are incurred concurrently, as evidenced in multiple witness testimonies.

## **3.3.3 Conflict-related sexual violence at subnational level**

### **3.3.3.1 Central Equatoria State**

Conflict-related sexual violence against women and girls has been a characteristic of the conflict in Central Equatoria for many years, as noted by the Commission in its first report

published in 2016. Conflict related sexual violence remains prevalent at the time of reporting, as evidenced by the Commission's engagement with victims, witnesses, public officials, medical practitioners, and service providers up until February 2022.

Central Equatoria is highly militarized, with a range of armed groups involved in armed conflict, including the South Sudan's Peoples Defence Forces (SSPDF), Sudan People's Liberation Movement/Army-In Opposition (SPLM/A-IO) and NAS.

The Commission has also documented ongoing human rights violations and abuses linked to the conflict and clashes between the Government's SSPDF and NAS, which is not yet a party to the Revitalized Agreement. The violations and abuses documented by the Commission include killings, rape and sexual violence, forced recruitment, detentions and mass displacement. Since early 2022, there has been a proliferation of heavily armed cattle-keeping groups increasingly moving southward into parts of Central Equatoria, causing insecurity and destabilizing the livelihoods of local residents, who depend on crops that are now being damaged by the cattle keepers.

These cattle keepers have a strong presence in both urban centres and remote villages, and are alleged to be closely linked to political elites at national level.

### **3.3.3.2 Unity State**

Rape and other forms of sexual violence against women and girls have historically been a key characteristic of the conflict in Unity State since 2013, where victims have been targeted on the basis of their gender, ethnicity and political affiliation. While mainly women and girls were raped and sexually violated, men and boys have also been targeted. In addition to ethnic and political affiliations, victims have also been targeted on the basis of their relationship to a male member of the 'enemy' group namely being a wife, mother, sister or child.

- Sexual violence during the period 2013 to 2016 in Unity State has been perpetrated along ethnic lines, and is linked to the broader conflict as it plays out amongst elites and sub-clans amongst the Nuer.
- From November 2018 to January 2019 there was a spike in the reporting of cases of rape and gang rape, following the signing of the 2018 Revitalized Agreement and prior to the formation of the Transitional Government.
- Further investigations by the commission early 2020 and then in late 2021 found that "Bentiu has a long history of atrocity crimes, and that it will take a lot to achieve peace and stability." The witness explained that the spike in sexual violence was a confluence of several factors, which were known to authorities and that despite the initial willingness of the Government in Juba to respond, officials on the ground at state level "were in denial stating that there were no people raped and claiming there was no concrete evidence".

### **3.3.3.3 Western Equatoria State**

Sexual violence was a key characteristic of the conflict in Western Equatoria during 2021, which centered around Tambura County but also affected other areas including Yambio and Ezo counties. The Commission's inquiries found that many survivors did not report their cases for fear of reprisals and stigma as well as from distrust of State institutions and local authorities. Nevertheless, the Commission was able to obtain evidence from interviews conducted with victims and witnesses, as well as from service providers and authorities, which confirmed that rape and other forms of sexual violence were extensive and widespread. These crimes were perpetrated against women and girls by members of multiple armed groups.

Prior to the conflict of 2021, significant fighting had taken place in Western Equatoria between 2015 to 2018 involving several armed groups, including the then-SPLM/A forces and SPLM/A-IO forces. During this time, members of both groups were involved in committing rape and other forms of sexual violence. In the Yambio area, this included the abduction of hundreds of civilians, and more than five hundred women and girls, who suffered rape, sexual violence, and sexual slavery.

## **3.3.4 Patterns of perpetration and drivers of sexual violence**

### **3.3.4.1 Military and political objectives**

In many attacks involving rape and other forms of sexual violence, these acts are linked to military and political objectives intended to pressure and expel the civilian population from the area.

Acts include attacks on villages, the burning of homes, killings and looting of property, and the abduction of women and girls with the purpose of rape and sexual violence. In this context, sexual violence involves repeated multiple incidents of rape and gang rape by groups of armed men, accompanied by torture and extremely violent beatings.

### **3.3.4.2 Sexual slavery and servitude**

Sexual slavery and related forms of servitude present another pattern of violence perpetrated by armed groups in order to pursue a variety of strategic and tactical purposes, including to build and sustain their forces, and to control local populations. Abducted women and girls commonly are forced to provide sexual services as slaves, and they are often also forced to take on domestic duties such as cooking, cleaning and washing clothes for soldiers. Captive women and girls may also be tasked with other additional functions such as searching for water and food, and carrying these and other camp supplies. They may also be

coerced to act as spies to gain information of operational utility for their armed captors, and they may even be compelled to carry out atrocities themselves.

#### **3.3.4.3 Crimes occurring in an enabling environment of impunity**

Another pattern involves sexual violence perpetrated without military or political objectives as primary motivators. Such violence is often accompanied by other crimes such as theft, carried out in the context of lawlessness and impunity. Perpetrators act in the knowledge that the State institutions mandated to provide security and justice are absent, and that their crimes do not carry any consequences, least of all criminal accountability. All of the armed groups operating in these areas have been found to have committed crimes in this context, from State security forces through to insurgent groups, militias and organized cattle-rustling groups operating in conflict-affected areas.

#### **3.3.4.4 Culture of entitlement and exploitation of women and girls**

Gendered power relations and patriarchy reproduce sexual violence, in which rape is “nothing more or less than a conscious process of terrorization by which women are kept in a state of fear and where rape and sexual violence are instrumentalized, including for maintaining the status quo.” Rape and sexual violence also assert the domination and power of men over women, which is deeply imbedded in patriarchal societal attitudes.

Survivors of conflict-related sexual violence experience a range of harms impacting on their health and lived experiences. Their experiences of conflict, and the adverse health and life consequences are not exclusively related to their experience of sexual violence. Conflict-related sexual violence usually takes place in the context of a range of other human rights violations or abuses; including witnessing family members and community members killed or being otherwise disconnected from them, having homes and property destroyed, being subjected to other acts of physical violence, and, commonly in South Sudan, being displaced from their homes and livelihoods.

The impact of sexual violence extends beyond direct victims, especially when armed campaigns are designed to terrorize communities, affecting family members and communities, including impacting on the integrity or cohesion of the family unit. Months or even years after the sexual violations, re-establishing livelihoods and ensuring access to basic needs are often prevailing struggles for women and girls in South Sudan, particularly but by no means only for those who have been displaced. The impacts of conflict-related sexual violence thereby need to be understood in this context, and not viewed in isolation from other experiences, even in a paper primarily focused on the direct impacts of the sexual violence.

### **3.3.5 Harms and impacts of conflict-related sexual violence**

#### **3.3.5.1 Health impacts**

Access to medical care is practically non-existent for survivors given the prevalence of physical harm and trauma arising from sexual violence. The various One Stop Shop centres

recently established appear to be a significant step toward addressing these gaps, but the scale of the violations and the limitations on resources means that for most women and girls' access to these is limited, if it is available at all. Where care is available, survivors still face significant economic and social barriers to access it.

### **3.3.5.2 Physical health**

Survivors of rape and other forms of sexual violence experience immediate and long-term physical injuries and face the prospect of being at risk of contracting sexually transmitted diseases. Clinicians supporting survivors informed the Commission that in most rape cases they also see signs of torture and a range of injuries and health conditions, physical and psychological, requiring support and management. Incidents of rape and sexual violence perpetrated in the context of conflict in South Sudan, result in severe injuries and death in some instances because of the brutality, duration and severity of the rape and sexual violence. The injuries are exacerbated by the limited access to prompt or adequate medical attention.

Common impacts of sexual violence described to the Commission included genital and rectal injuries including traumatic tears and fistula, pelvic pain and dysfunction, and sexually transmitted infections, among others. A survivor of a gang rape said that she was penetrated and raped both in her vagina and anus while also being beaten all over her body, that she carries persistent pain requiring ongoing medication, and that surgery was required to address her hemorrhoids (the severity of which may have been aggravated by the anal rape). According to one doctor, some women he has seen, who have been sexually assaulted using foreign objects, have found these cannot be removed, and so they remain lodged in their bodies, causing persistent pain and health complications.

Other forms of injury sustained while being beaten in the context of a sexual assault are common and lasting, with effects including chronic back pain, pain involving muscular tears or bone fractures that have not fully or properly healed, misalignment of joints, and a range of other injuries including to eyes and ears linked to being hit in the face or head. Some rapes of pregnant women have led to miscarriage, pregnancy complications or infertility, which can be linked to related damage to the uterus or other gynecological disorders.

### **3.3.5.3 Many women and girls also spoke of pregnancies arising from rape**

The risk of rape perpetrators passing on sexually transmitted infections is a fear frequently expressed by survivors of sexual violence, and the consequences this may have for the social and cultural relationships with their partners and communities in addition to direct physical health implications for them and their partners.

The lack of consequences for perpetrators, and consequent impunity, enables the repetition of these crimes of rape and sexual violence by armed men who carry sexually transmitted infections. A woman who was a victim of a mass rape told the Commission that she could not convince the other victims to seek medical attention, because they feared that their husbands

would leave them, and so did not want to draw attention to their situation. Young women spoke to the Commission of how they had been expelled from their families and that their husbands had abandoned them after they had been returned by their rapists.

#### **3.3.5.4 Psychological health**

In interviews with survivors of conflict-related sexual violence and service providers, the Commission noted the patterns of psychological trauma, such as acute stress, depression, anxiety, emotional numbing, sexual dysfunction and post-traumatic stress disorder (PTSD). Besides the incidents of sexual violence themselves, these patterns manifest as secondary social impacts.

#### **3.3.6 Obstacles to accessing health care and psychosocial support**

The presence of adequate health facilities is thereby extremely rare and, where they exist and are known of, persons in need must travel vast distances to access services. The Commission noted many examples of women not receiving any care for this reason.

##### **3.3.6.1 Socio-economic impacts**

The abandonment of wives by their husbands following rape and sexual violence is another trend experienced by women and girls arising from the ongoing conflict. While it is not possible to quantify abandonment given the available data, nevertheless, the Commission documented numerous cases of husbands abandoning their wife following their wife's rape, linked to a variety of factors including attached social stigma or fear of contracting a sexually transmitted disease or related to conception of children through rape.

Livelihood opportunities and income-generation capacity are relatively limited for women and girls in South Sudan, and so separation from their close male family members, who traditionally have greater income-generation potential, tends to significantly impact the family's access to financial resources including for school fees and basic needs. This can also devastate the family's ability to cope with shocks such as sudden illness.

The Commission was informed by service providers in a particular refugee setting that "survival sex" which is transactional, has also become prevalent in settlements where women heads' of households are struggling to maintain their families through providing shelter, food and access to healthcare and education for their children.

### **3.4 Domestic Violence**

Physical abuse by the husband or other intimate partner is widespread. A study by the International Organization for Migration (IOM), IOM, in 2019 states of – Western Bahr el Ghazal, Central Equatoria, Eastern Equatoria, Western Equatoria, Upper Nile and Unity found that:

- There is a high level of intimate partner violence (IPV) perpetrated against women and girls. About 75.2 per cent of the respondents had experienced any kind of IPV

ranging from threats to forced sexual acts. FSWs were the most likely to be affected by violence in intimate relationships.

- Approximately 46 per cent reported at least one incident of GBV against a female in the household within the last year, with FSWs more likely to report a GBV incident in their household than IDPs in PoCs and respondents from host communities. Due to high levels of stigma, risks of retaliation from perpetrators and normalization of GBV, it is probable that actual prevalence of all types of GBV are likely to be higher than those reported.
- Rape was reported to have been perpetrated against women and girls in sampled household, including intra marital rape, by over one quarter of the respondents within a one-year recall period. Higher rates of reporting of rape, rather than other forms of GBV, indicate conflation of rape with the term GBV, and lack of recognition of other forms of GBV including child marriage and forms of IPV.
- Bride price was used to formalize the majority of marriages among respondents (69.4%). The study showed a strong causal link between the payment of bride price and the frequency of GBV in a relationship.

### **3.4.1 Determinants of Domestic Violence**

In South Sudan studies have found evidence for strong correlations between the incidence of domestic violence and a wide range of individual socio-economic factors, such as age, education and marital status.

#### **3.4.1.1 Age patterns**

The incidence of lifetime sexual violence is higher among younger women: UNICEF's "Child Marriage Country Profile" estimates that 1 in 2 young women in South Sudan were married off before the age of 18.15 Early marriages have emerged as a harmful and exploitative strategy employed particularly by families and communities with regard to girls who are separated from their biological parents, and who live with host communities.

#### **3.4.1.2 The role of Conflict**

There is strong evidence that poor shelter is increasing people's risk of gender-based violence (GBV). More than half (51 percent) of respondents said that they knew of cases of GBV happening due to poor shelter. Boys and girls under 13 were also alarmingly at risk due to poor shelter. Women spoke of lack of privacy for bathing and washing private items, especially during menstruation. The Oxfam study found that among IDPs, about one-fifth (20.8 percent) of respondents reported experiencing rape or sexual assault since the outbreak of the conflict in 2013. On the question of the perpetrator, 51.3 percent of those reporting having experienced rape or sexual assault identified police or soldiers, followed by strangers (35.9 percent). However, the police remain the most common institution for referral of GBV cases.

### 3.5 Sexual violence among IDPs

A study by Oxfam (2016)<sup>25</sup> snapshot situation analysis of the differential impact of the humanitarian crisis on women, girls, men and boys in South Sudan was carried out in Wau State, Jonglei State and Juba State and attempted to cover a broad range of situations that people are living in across the country. The assessment targeted 490 internally displaced persons (IDPs) in these areas. In each location, the study team also conducted key informant interviews (KIIs) and focus group discussions (FGDs) among women, men, boys and girls and in some cases reached out to host community members. The following were noted:

- Fear of GBV on the way to school was a factor preventing access to school (sexual harassment and rape for girls and forced recruitment into armed conflict for boys).
- It was reported that in the camps, there is a lack of separate and well-lit latrines that are lockable from the inside for women and girls: 38 percent of women and girls said that they did not have access to safe latrines, exposing them to the risk of sexual harassment and sexual violence.
- There is a very high level of gender-based violence for all population groups; 41 percent of the 490 respondents said that they had experienced GBV within the last year.
- The study revealed testimony of sexual violence, rape, murder and torture committed against men and women, boys and girls as an act of war. Risk of GBV is restricting movement outside of camps, particularly for men and boys.
- Respondents shared accounts of purported war crimes perpetrated against children; including rape and torture being used as weapons of war against boys and girls during the ongoing conflict.
- There is strong evidence that poor shelter is increasing people's risk of gender-based violence (GBV). More than half (51 percent) of respondents said that they knew of cases of GBV happening due to poor shelter. Boys and girls under 13 were also alarmingly at risk due to poor shelter. Women spoke of lack of privacy for bathing and washing private items, especially during menstruation.
- Despite the existence of several laws to prevent child marriage, the practice remains unabated and is widespread. South Sudan has some of the highest rates for forced marriage and maternal mortality. Another form of gendered violence, forced or early marriage is a likelihood for nearly half of all South Sudanese girls. Current statistics show that 45% of girls were married before their 18th birthday. For 7%, their marriage took place before they turned 15. In the Oxfam study, respondents reported that early marriage for girls, where men pay cows or money as a dowry, was becoming common as a negative coping strategy.

### 3.6 Socioeconomic Characteristics of South Sudan

A SOCIO-ECONOMIC SURVEY REPORT Bor South County December 2021 by NORAD, although done in in Bor South County, mirrors situation in South Sudan.

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<sup>25</sup> SOUTH SUDAN GENDER ANALYSIS (<https://policy-practice.oxfam.org/resources/consolidated-gender-analysis-for-disaster-response-in-pakistan-620211>).

### **3.6.1 Asset ownership**

Ownership of assets in the surveyed households was limited to the most basic of items; chairs/tables at 18.0%, mattresses at 13.8% and charcoal stove recording 8.3%. An interesting observation was the high number of mobile phones owned by households at 18.0% which was higher among the urban dwellers compared to the rural households. Most households lacked 'high-valued' items like radio at a low of 2.2% and Bicycle posting 0.1%. The survey established that slightly more females at 54.9% have the overall control over the basic household assets compared to their male counterparts at 42.6%. There were a few reported cases of conflict at household level at 8.4% arising from the control of household assets. There was a very high preference for relatives (41.6%) and household members (39.4%) to lead resolution of the conflict.

### **3.6.2 Education levels**

This survey revealed an overwhelming 90.9% of the respondents reported availability and accessibility to education services especially lower level of Nursery/Early childhood development (13.4%) and Primary (69.7%). Only a paltry 1.7% reported not accessing the services for their household members. Education facilities are mainly owned and managed by the government at 64.4% compared to private ownership at 35.1% and a small percentage, 0.5% owned by the Church and/or NGOs. Accessing education was reported at a small affordable fee (71.2%) compared to those who reported free education at 3.9% while those who reported expensive to access education were 24.6%. On average, the number of male household members is double female household members receiving education. This gender inequality particularly confirms the cultural belief of not placing a premium on the girl's education, many of them married off as teenagers to accumulate wealth through the high bride price practiced by the Dinka Bor, majority of the inhabitants of Bor South County.

### **3.6.3 Access to water and sanitation**

Generally, communities in Bor South County have a significant access to adequate clean and safe drinking water with only few cases from unclean water sources. Boreholes are the most common sources of drinking water, accounting for about 90.9% of water sources. 55.7% respondents reported accessing water at a small affordable fee that is regularly contributed to carter for repair and maintenance of the boreholes, 42.1% reported getting water for free and these were mainly from very vulnerable households like the IDPs or elderly who were exempted from the contributions. Only 9.1% that access water from unimproved/unclean sources like rivers, unprotected shallow wells etc. These categories of households are mainly pastoralist who keeps moving from one location to another in search of pastures and water for their livestock. Nearly all households (99.3%) walked to fetch the water with a return time (including waiting time) reported by 70.0% at less than 30 minutes, 26.1% up to 1 hour and only 0.5% up to 2 hours. Significant improvement in access to adequate clean water for households also reduces risks of sexual violence especially faced by women and children when fetching water in Bor South County as indicated by some FGDs and KIIs.

### **3.6.4 Access to Energy**

In South Sudan, there is an inadequate access to reliable, affordable, effective and environmentally sustainable energy services that could support economic and human development. The predominance of traditional fuels for cooking, heating and lighting takes a toll on the environment (soil erosion, desertification, etc.). Thus, increasing access to good, affordable modern energy services is likely to accrue considerable benefits in terms of people's living conditions, as well as help to achieve Sustainable Development Goals. Energy needs in South Sudan are predominantly met by biomass, consisting of the burning of charcoal, wood, grass, cow dung and agriculture residues. According to the National Baseline Household Survey of 2012, over 96% of the population use firewood or charcoal as the primary fuel for cooking (which typically constitutes 90% of the energy used in a rural household). Those in the rural areas, where nearly 80% of the population lives, spend 10-15% of their average household income on firewood and /or charcoal per month. 27 percent of the population has no source of lighting. Only about 4% of the population has access to grid electricity. The national situation is well replicated in Bor South County, where this survey found a heavy reliance on wood for both cooking and lighting; 72.4% and 44.6% respectively and another 27.1% on charcoal for cooking which poses high risks of internal pollution and have adverse effects on health. Furthermore, the large-scale consumption of firewood and charcoal will without doubt have serious implications on the local environment, and was mentioned as one of source of conflict between communities in several FGDs and KIIs. For both lighting and cooking, over 30% (33.7% and 37.4% respectively) respondents reported walking for more than 2 hours to and from fetching firewood from available forests; a household chore predominantly undertaken by women and children as reported through some FGDs and KIIs. FGDs also reported sell of firewood as a key source of income in all the six payams. A high number (65.8%) of the respondents use the traditional 3-stone open air stove, while 23.2% and 10.8% use improved charcoal and firewood stove respectively for cooking. A very small number, 0.2% reported use of other means like kerosene stoves and gas, this mainly concentrated in the urban Bor town Payam. FGDs and KIIs reported no recent initiatives to promote improved cooking stoves especially in the rural areas.

### **3.6.5 Access and control of Natural Resources**

Apart from large tracks of land, respondents indicated four main other natural resources are found in Bor South County; 39.1% forests, 26.4% rivers/water, 19.8% wildlife and 14.2% fish which are mainly controlled by the government at 71.7%. Control by females (3.9%) was so limited compared to their male counterparts at 23.2% further exposing the gender disparity levels particularly in the county and country by extension.

### **3.6.6 Demographics**

The demographics within the sample are generally in line with national statistics. Majority of the respondents are youth with median age of 35 years. Illiteracy levels among the

respondents is high; 63.2% never attend school compared to 19.5% who attained some primary level education while a paltry 3.7% attained secondary school level education. 64.5% of the respondent households were categorized as of monogamous marriage with an average size of 8 members comprising of almost equal gender staying mainly in 2 (39%) or 3 (36%) houses. 61% of the households are categorized as rural compared to 39% urban. 77% of the households are residing on their own land compared to 7% staying in rental houses while 11% are staying as caretakers.

### **3.6.7 Gender, Climate Change and Disaster Risk Reduction**

Climate change is expected to worsen existing poverty and exacerbate inequalities; this is because climate change impacts are not only economic and physical, but also social. Because of gender differences in sociocultural and economic roles and responsibilities, climate change affects women and men in different ways and often women more harshly. The authors argue that in South Sudan, women are more exposed to climate change disasters, have fewer resilience assets, rely more on natural resources, have high rate of illiteracy, low skills and low access to professional employment, and are therefore more vulnerable to climate change calamities than men. In South Sudan:

- Women are at the lower rung of social hierarchy, which produces imbalances that highly expose them to climate change disasters,
- Women have less resilience assets, rely more on natural resources, have high rate of illiteracy, low skills and low access to professional employment, which make them more vulnerable to climate change calamities than men, and
- Households headed by females are more vulnerable to disasters such as famine.

### **3.7 Efforts to end GBV in South Sudan**

South Sudan and outside institutions have attempted to address gender-based violence in the 2018 peace deal, but the response has been inadequate. The government recently began initiatives to take aim at conflict-related sexual violence and create appropriate justice proceedings. UNMISS provides training on gender-based violence prevention and supports mobile courts throughout the country. However, impunity for violence persists. More needs to be done to address the root causes of the violence and bring about long-term change.

On 3 December 2020—The Judiciary of South Sudan declared operationalization of the country's first Gender Based Violence and Juvenile Court, in a commitment to end impunity for gender-based crimes and hold perpetrators accountable in South Sudan. "Specialized courts, such as this one, provide a stronger possibility that court personnel will be gender sensitive and experienced in the unique characteristics of cases of violence against women and may be able to process cases more quickly, reducing the burden on victims. Survivors will be protected from the accused and mechanisms will be available to prevent them from having to face perpetrators during trial".

Supported by the Kingdom of the Netherlands, the well-anticipated court provides dedicated and expedited trials of GBV and juvenile cases. Two court rooms are designed for hearings

on GBV cases. They feature state-of-the-art video conferencing equipment to ensure privacy and well-being of victims by reducing contact with perpetrators. In addition, the court premises include a separated reception, two juvenile court rooms, judges chambers, case management offices, a court police facility, and IT equipment.

UNDP's support to fighting gender based violence spans beyond the GBV Court, to mobile courts, the police Special Protection Units (SPUs), and the Women and Child Unit in the Directorate of Public Prosecutions. These multi-dimensional interventions focus on improving tailored investigation, response, counsel and referrals of survivors of GBV. Sexual violence survivors can also access holistic care through Justice and Confidence Centres, in Bor, Yambio, Aweil, Way, Juba, Torit, Malakal and Bentiu, which were established for integrated response to cases of sexual and gender-based violence through legal aid services and referral pathways for survivors to receive counselling, psychosocial support, and medical services.

Previous efforts have not gone far enough to build justice for all and target the underlying gender norms that fuel gender-based violence. The security sector in South Sudan is still weak, limiting the state's ability to protect citizens. Many senior officials continue to hold their posts after perpetrating gender-based violence, suggesting the issue is not considered serious. Even when perpetrators are not shielded by powerful positions, legal justice is rare. Formal justice structures lack stability and accessibility for many survivors. Without a reliable justice system, survivors may turn to customary courts and traditional leaders for remedy, which often leads to forced marriage between perpetrators and survivors.

Widespread impunity for perpetrators also reflects the continued power of patriarchal and misogynistic norms. When women are not considered equal to men, it is easy for families to sell off their daughters to provide for other children in poverty. Women and girls may not learn life skills or receive educational training that would allow them to utilize secure forms of earning money. Female survivors may be abandoned by their partners and families after attacks due to a perceived loss of honor. The Human Rights Council argues that during conflict, women's bodies are considered territories to be conquered and objectives or spoils of war. Perpetrators do not face consequences for their actions because women are not considered to have equal protection and rights under the law. Even though the Transitional Constitution requires women to be included in the South Sudanese government, they are still underrepresented and ignored.

In the humanitarian context, the GBV sub-cluster<sup>26</sup> (GBV SC) is the lead sectoral coordinating body for all GBV in humanitarian service delivery and programming across the sector. The GBV SC promotes and manages multi-sectoral and inter-agency actions to prevent and respond to gender based violence. The primary goal of GBV coordination is to ensure a more predictable, accountable, and effective system to ensure that accessible and safe services are available to survivors and that prevention mechanisms are put in place to reduce incidents of GBV. The South Sudan GBV SC is led by United Nations Population Fund (UNFPA) who has overall leadership of the GBV sector under its global mandate. Subnational GBV working

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<sup>26</sup> [https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/ss\\_gbv\\_sc\\_strategy\\_2019-2021.pdf](https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/ss_gbv_sc_strategy_2019-2021.pdf)

groups – led either by UN or International NGOs, together with National NGO co-leads – are operational in all states. Additionally, there are deep field GBV working groups. The project should work closely with the national and subnational level GBV sub-cluster to efficiently use existing available services and networks on GBV prevention and response.

The report has the following recommendations:

- South Sudan must first strengthen its security and justice sectors to mitigate gender-based violence. The April 3rd agreement can serve as a guideline to consolidate the security sector by unifying the command of the South Sudanese forces. The government must be able to better protect all citizens from inter- and intra-communal violence. With support from international institutions, the state should also build up its legal system to provide a viable alternative to customary courts. Currently, many survivors do not feel that they have a path to legal justice because the court system is slow and weak. However, customary courts do not offer sufficient remedy to survivors and can cause secondary harm. Survivors will have more options for justice with a fully-functioning legal sector.
- South Sudan must end impunity and work on shifting gender norms to prevent gender-based violence as well. Government officials should not be shielded from facing the consequences of perpetrating gender-based violence. They should face the justice system and be removed from office if they are found guilty. The state needs to emphasize that gender-based violence is not acceptable and perpetrators will be punished. Institutions should focus on dismantling patriarchal norms by working with adolescent children to teach them about gender issues, educating parents on the dangers of forced and early marriage, and continuing to fund programs to teach women and girls life skills. Young girls need to be valued and protected instead of being married off for money. Women and girls need safe and secure methods of earning money, especially amid the climate crisis and economic upheaval. Gender norms change is slow and difficult, but if patriarchal norms persist, conflict parties and communities will continue to see gender-based violence as permissible.
- Outside groups should consult with and listen to local women’s groups to ensure they are lifting up, not disregarding, the voices of South Sudanese women. UNMISS and other organizations should also further promote women’s health and mobile clinics to provide survivors with health care after attacks. Rape treatment kits are lifesaving and must be administered quickly to prevent sexually-transmitted infections and supply emergency contraception. Mitigating the risk of gender-based violence in displacement camps is essential as well. Changes such as better lighting around bathrooms and centrally-located water sources where possible can decrease violence. As always in humanitarian aid and gender-based violence response, more funding is key to effective programming.
- While current efforts at responding to gender-based violence are helpful, South Sudan and UNMISS need to address the root causes of the violence to create lasting change. Organizations need to include more gender norms education and justice and security reform to prevent violence. As South Sudan struggles to move towards peace and decrease community violence, gender-based violence cannot be ignored.

## 4 POTENTIAL PROJECT-RELATED SEA/SH RISKS

### 4.1 Introduction

Development projects have the potential to create or exacerbate risks of varying forms of GBV, including SEA and SH. Furthermore, development operations can cause shifts in communal power dynamics between community members and within households, which can lead to male jealousy within homes and to domestic violence. Such issues can make women vulnerable to GBV, as they may lose their livelihoods.

There are four broad categories of GBV that may be exacerbated by this project involving major civil works. The following is a classification according to the GPN. SEA, workplace sexual harassment and Non-SEA are likely to occur in this project. Therefore, they will be the primary focus of this GPN.

Table 4.1: Types of GBV that May Be Exacerbated by IPF Involving Major Civil Works

Social Exploitation and abuse	Workplace sexual harassment	Human trafficking	Non-SEA
<ul style="list-style-type: none"> <li>▪ Exploitation of vulnerable people, differential power or trust for sexual purposes (Including early forced marriages)</li> <li>▪ Actual or threatened Sexual physical intrusion</li> <li>▪ Intimate partner violence</li> </ul>	<ul style="list-style-type: none"> <li>▪ Unwanted sexual advances</li> <li>▪ Request for sexual favours</li> <li>▪ Sexual physical contact</li> </ul>	<ul style="list-style-type: none"> <li>▪ Sexual slavery</li> <li>▪ Coerced transactional sex</li> <li>▪ Illegal transnational people movement</li> <li>▪ Underage child labour exploitation</li> </ul>	<ul style="list-style-type: none"> <li>▪ Physical assault</li> <li>▪ Psychological or physical abuse</li> <li>▪ Denial of resources, opportunities or services</li> <li>▪ underage child labour exploitation</li> </ul>

Key risks that may emerge as a result of the project include:

**Discrimination in priority-setting and community engagement processes:** Women, girls and other groups that have less power and status (marginalized groups) such as people with disabilities, unmarried women/girls, women and girls associated with armed groups, displaced individuals and families and minority ethnic/tribal groups are more likely to be invisible or hidden in community consultation and engagement processes. Additionally, patriarchal norms in South Sudan society often lead women and girls – of all groups – to be left out of community discussions or to have their needs and priorities silenced. This exclusion from spaces of voice, agency and decision-making can lead to decisions that further harm or marginalize them.

**Abuse of power, including sexual exploitation and abuse and bullying, in hiring, employment, and retention practices:** Construction can interfere with communities in ways that increase harassment and violence against women and girls; Hiring and employment practices that seek to increase the number of women in different employment positions – from

skilled labour within contractors (i.e. engineers) to community engagement officers – can expose women to incidents of sexual exploitation (pressure to perform sexual acts in exchange for work), harassment, or violence; for example when moving about communities and/or engaging with male leaders and/or community members. Additionally, unequal gender norms and harmful beliefs run the risk of creating hostile environments for female staff members at both the skilled and unskilled levels.

**Abuse of power, including sexual exploitation and abuse, in dissemination of accurate information on available services and avenues for grievance redress:** Misinformation or lack of information throughout the components of the project can lead to harm and violence towards different strata of communities, especially those with less agency and power. For example, project officers may charge families to participate in community driven social subproject for their own economic benefit when this is designed to be free. Information and education dissemination activities must engage and reach out to all within society; corresponding monitoring and safeguards, such as grievance redress mechanisms can mitigate some of these risks.

**Community conflict resolution approaches can lead to more harm, including against survivors who report SEA/SH experiences:** Community or local governance resolution processes might reinforce gender inequality pushing for resolutions that widen inequalities, are not survivor-centred and may lead to impunity and more harm to a survivor (through marriage to a perpetrator, re-victimization or other consequences).

**Labour influx:** The project involves significant construction work which would require hiring of skilled labor from outside of the project area. The consequent labor influx will have impact on the local community to accommodate them. Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) risks can intensify within local communities when there are large influxes of male workers from outside the area. Such workers often come without their families and have large disposable incomes relative to the local community and can pose a risk in terms of sexual harassment, violence and exploitative transactional relationships. Other related risks including forced marriage, such marriages might be seen as the best livelihood strategy for an adolescent girl; including school girls and refugees. These risks are higher where workers come into close contact with the local community, for example on access routes or when living together in remote areas. The construction of the proposed stand-alone solar systems will also inevitably lead to greater mobility of peoples which could also contribute to raising a number of social problems; namely, greater exposure to sexually transmitted diseases including HIV/AIDS due to influx of outsiders such as traders, business persons, skilled and unskilled migrant laborers, transport workers, etc. all of which may potentially lead to social tensions among the local communities. The Project's GBV risks Assessment duly anticipates these likely negative impacts which could arise during the project implementation and even after.

**Land acquisition and Land restrictions:** The project-related land acquisition/requisition or restrictions on land use is thus anticipated to be relatively significant and which may lead to physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both. It is also anticipated that there will be an adverse impact on vulnerable communities (e.g., elderly, disabled and female-headed households) as they

may lose their lands, houses and livelihoods. The project's RPF will recommend specific RAPs to include specific mitigation measures in this regard consistent with this Plan.

## **5 FINDINGS FROM STAKEHOLDER CONSULTATIONS AND LITERATURE REVIEW**

### **5.1 Introduction**

The section provides the findings from the stakeholder consultations and field surveys on gender inclusion and SEA/SH structures and prevention mechanisms in project areas.

### **5.2 Vulnerable At-Risk groups**

The most at risk groups in Juba are the women living in IDP camp. Most of the women in IDP camps are widows; others are abandoned wives; the men abandon because of the harsh conditions and go to find other well to do women elsewhere. Women mainly operate small shops some of them within the camp others in other parts of Juba. Money from the shops is spent on feeding, education and others buy water. Their main source of energy for lighting is candles, and for cooking they use firewood. It takes them about 7 hours to collect firewood. But they are also exposed to risks of rape while collecting firewood. There are risks of rape, they go deep in the village, one woman disappeared and never seen. And because of stigma, they mostly do not report these rape cases.

The lack of light in some parts of Juba and the camps is a source of insecurity to women, they can easily be raped. As such they have to close their businesses early thus reducing on the profits. There is also shortage of water, the camp provides them only with 20 litres per households, which is not enough. A bunch of them fetch from the flooded water, some of them boil, others don't because they do not have fuel. Those who go outside to collect water also face risks of rape. Men have resorted to alcoholism because of unemployment. They are frustrated, they used to be important now they feel useless when in camps. This is sometimes translated into abuse for the women.

#### **5.2.1 Single women in Juba**

In Juba city, stakeholders reported that the phenomenon of single women is also common. These women have either been widowed by the war or separated because of abuse. The women operate roadside businesses selling mainly fruits.

#### **5.2.2 Adolescent girls:**

There are also adolescent girls and boys who have dropped out of school because of lack of school fees. These will also include those occupying the health centres and schools for component two, stand-alone grid systems for the institutions.

### **5.2.3 Unemployed youth**

The stakeholders reported an increasing number of unemployed male youths and men generally. This is observed on the streets of Juba, with chairs lined up and men sitting there doing nothing from as early as 7.00 o'clock in the morning. They are seated around the eating places put up by women.

### **5.2.4 Prostitutes**

Informants also reported the presence of prostitutes on the streets of Juba and these come from neighboring countries. With migrant workers, this is likely to increase, but also risks of abuse may also increase.

### **5.2.5 Migrant women labourers**

These are also vulnerable if adequate safety and security measures are not undertaken at work sites and within labour camps. Suitable work conditions for women's participation includes gender-equal wage rates, safety & security issues, child care facilities, health and sanitary requirements and separate toilets for women, and temporary housing for families of labourers during the construction work at the labour camp site with strict compliance to availability of water and sanitation facilities. Strict adherence to child labour norms should be followed.

## **5.3 Identified Hot Spots for GBV within the project**

These include:

- Construction work and labour camps alongside local communities;
- Around Schools and Vocational training centers;
- Around Liquor shops and;
- Migrant labourers residing in rented accommodations within the villages;
- Around IDP camps.

## **5.4 Assessment and plan for strengthening staff capacity.**

Capacity Assessment of the Implementing agency, which is the Ministry of Energy and Dams is the implementation agency for the Project and is responsible for overall implementation, management and monitoring of the project. A Project Implementation Unit (PIU) for the implementation of the project with the Project Director (PD) responsible for its overall management. The PIU is going to recruit teams of supervision consultants for the civil constructions and dredging which will include specific experts for social safeguards. However, it's unlikely that the related experts have expertise of GBV.

Overall, the existing capacity at the Ministry is weak. The Ministry of Energy currently does not employ any social staff. They will need to recruit sociologists and Gender experts to deal with gender issues in the project. In addition, the PIU team will require the adequate skills and knowledge as well, about potential SEA/SH risks and to effectively carry out their roles even after the Project closes.

Based on this assessment, the plan for strengthening staff capacities includes:

- a) Orientation and sensitization workshops for all staff, GRM committee members, project management consultants, contractors, and all other project partners once they are mobilized.
- b) Hiring of a GBV specialist to ensure adherence to and implementation of the GBV action plan. A more detailed assessment will be carried out when the PIU, consultants and contractors have been engaged.

## **5.5 Existing SEA/SH Response and preventions measures in South Sudan**

Stakeholder consultations sought to identify existing and potential local SEA/SH risks response and prevention structures within South Sudan's communities. SEA/SH (e.g., sexual, physical and verbal abuse) are often not reported to the authorities particularly when it is inflicted by a relative. It is usually settled by family heads or traditional authorities. Most abuse cases are handled the family way. In some instances, sexual abuse is reported to the police and perpetrators are arrested but they are often released or bailed to settle the case at home. Psychosocial support for sexual exploitation and abuse survivors or victims are weak. Women who have suffered gender-based violence (GBV) are encouraged and advised to take care of themselves well. School girls who get pregnant in their quest to raise money engage in petty trading to support themselves are made to stop schooling or deliver and continue afterward if they desire. No non- governmental organisation works on gender-based violence in the communities visited.

**Implications for ASSIST Project:** The ASSIST Project Environment and Social Screening tool include indicators to screen for subproject related SEA/SH risk. Site specific environment and social instruments should identify the types of SEA/SH present in the community that may be exacerbated by the project interventions. Given the poor existence of any support structure in communities, the ASSIST Project should map out service providers to provide safe spaces for confidential reporting and provision of psychosocial support to survivors of SEA/SH. These should be linked to the existing government structures to address these issues such as the law enforcement agencies and the health sector.

## 6 SEA/SH PREVENTION AND RESPONSE ACTION PLAN

### 6.1 Introduction

GBV/SEA/SH prevention and risk response measures will be prioritized in the implementation of the ASSIST Project. The SEA/SH Prevention and Response Action Plan below provides the necessary protocols and mechanisms to prevent, minimize and address the SEA/SH risks. Table 6.1 presents the SEA/SH Action Plan.

The GBV action plan outlines the key measures for prevention, mitigation and response for:

- a) The potential for gender-based violence (GBV) towards **migrant workers** suggests a concerning bias against them, which could result in overlooking or neglecting the **GBV risks posed by local** men who may perpetrate intimate partner violence and other forms of GBV; and
- b) **Women workers-** All categories of project workers: Direct workers, Contracted workers, Migrant Workers, Community Workers and women staff.

In this project it is anticipated that the construction work will be executed by contractors whose workers will come from within and outside states. It is likely that the workers will come into contact with the community and vice-versa. With varied cultural and economic backgrounds, the likely interactions between communities and workers may lead to potential women safety issues, making it pertinent to create awareness on gender issues, gender-based violence and risk mitigation in particular.

The purpose of the action plan is to identify the issues, stakeholders, possible service providers and assess their capacity and document the legal and institutional mechanisms that aid in accessing grievance redressal. The action plans will focus on sensitizing the communities and other stakeholders, and strengthening their institutional capacities. This plan is intended for and applicable to all project implementing agencies, staff and adjoining communities throughout the project cycle.

The project will hire a GBV service providers (UNICEF or other International/National NGO) who will be responsible for community sensitization, training of project staff, conducting GBV service mapping, management of SEA/SH GRM/reporting channel, developing GBV referral pathways and coordination with multi-sectoral GBV responders to ensure provision of quality GBV services.

### 6.2 Recommended Actions to mitigate SEA/SH: GBV Action Plan

The action plan will focus on some corresponding mitigation measures sensitizing the communities and other stakeholders, strengthening the institutional capacities to mitigate project related potential risk of GBV in the project affected population. A survivor-centric approach is followed all through, and victim/survivors' care and providing access to different referral mechanisms are considered key aspects of this plan.

This action plan has addressed a list of recommended actions to address GBV Risks in the Project as per the “Good Practice Note” published by the World Bank.

Table 6.1: SEA/SH Action Plan

No.	Action to Address SEA/SH Risks	Timing for Action	Who is Responsible for Action	Means of Monitoring
1.	Sensitize contractors as to the importance of addressing SAE/SH on the project, and the mechanisms that will be implemented	Prior to commencement of civil works and maintained throughout project implementation period.	PIU	Task Team to monitor and provide additional guidance as necessary
2.	Map out SEA/SH prevention and response actors in project communities and develop appropriate strategies and modalities of working together, including response protocols. The project should work closely with the national and subnational level GBV sub cluster to learn from existing systems and avoid duplication of exercise.	Prior to commencement of civil works and maintained throughout project implementation period.	PIU	Review of annual work plan and budget for (i) GBV service providers mapping, and (ii) updated mapping as appropriate.
3.	Screening of all subprojects to identify the SEA/SH risks as part of the environmental and social screening of subproject sites	Prior to development of the ToRs and commencement of the specific E&S instrument preparation (i.e., project ESIA, ESMPs, C-ESMPs and RAPs).	PIU	Review of site specific E&S screening reports
4.	Have SEA/SH risks adequately reflected in all E&S safeguard documentation (i.e., project ESIA, ESMPs, C-ESMP and RAP). Include the GBV mapping in these instruments	Prior to commencement of civil works and maintained throughout project implementation period.	PIU and Contractor for CESMP.	Ongoing review During implementation support missions. Periodic updates as needed.
5.	Ensure that the SEP of the project specifically addresses GBV related issues, and that those affected by the project are properly informed of GBV risks and project activities to get their feedback on design and safeguard issues.	Consultations need to engage with a variety of stakeholders (political, cultural or religious leaders, health teams, local councils, community development officers/Social welfare officers at the district, women’s organizations and groups working with children)	PIU.	Monitoring of implementation of the SEP. Ongoing consultations, particularly when C-ESMP is updated.

No.	Action to Address SEA/SH Risks	Timing for Action	Who is Responsible for Action	Means of Monitoring
6.	Adapts the project GRM to allow for the uptake of SEA/SH allegations confidential reporting with safe and ethical documenting of SEA/SH cases. Include Budget in Annual Workplan and Budget for SEA/SH action plan implementation	Prior to contractor mobilizing.	PIU, but discussed and agreed upon with the Task Team.	Ongoing monitoring and reporting on GM to verify it is working as intended; include budget for SEA/SH implementation
7.	Establish SEA/SH reporting protocol and appoint focal persons with GBV prevention specific responsibilities. Social /environmental specialist to be in the supervising Engineer's team with SEA/SH prevention specific responsibilities	Within 2 months of mobilization	PIU	Ongoing monitoring and reporting.
8.	Clearly define the SEA/SH requirements and expectations in the bid documents	Procurement.	PIU	Prepared by the client and reviewed by Task Team.
9.	Develop SEA/SH Accountability and Response Framework as part of the C-ESMP	Prior to commencement of civil works	Contractor	Ongoing review During implementation support missions. Periodic updates as needed.
10.	Set out clearly in the procurement documents how adequate SEA/SH-related costs will be paid for in the contract.	Procurement.	PIU	Review by Task Team
11.	Evaluate the contractor's SEA/SH Accountability and Response Framework in the C-ESMP and confirm prior to finalizing the contract the contractor's ability to meet the project's SEA/SH prevention and response requirements.	Procurement.	PIU	Review by the PIU and Bank
12.	Review C-ESMP to verify that appropriate mitigation actions are included	Implementation	PIU	Reviewed by WB

No.	Action to Address SEA/SH Risks	Timing for Action	Who is Responsible for Action	Means of Monitoring
13.	<p>Ensure that the project-level Grievance Redress Mechanism (GRM includes measures to enable reporting of SEA/SH complaints. The GRM will have multiple access options, trained staff and a specific protocol handling SEA/SH complaint so the right action is triggered;</p> <p>Periodically review the GRM to ensure that the protocols are being followed in a timely manner, referring complaints to the established mechanism to review and address SEA/SH complaints.</p>	Prior to commencement of civil works and throughout Implementation.	Ongoing reporting by the PIU	Monitoring of complaints and their resolution
14.	<p>Signing of Codes of Conduct by all workers: Have CoCs signed by all workers; ensure requirements in CoCs are clearly understood by those signing; training of all project workers on the Code of Conduct outlining expectations for behaviour related to SEA/SH, including prohibition of sexual activity with anyone under the age of 18 regardless of national laws, as well as sanctions for potential breach of the Code.</p>	Initiated prior to contractor mobilization and continued during implementation.	Contractor, Consultant, PIU	Review of GBV/SEA/SH risks during project supervision (e.g., Midterm Review) to assess any changes in risk
15.	Site-specific IEC materials on GBV: preparation and display of IEC materials on SEA/SH, CoC, signages on zero tolerance against SEA/SH etc. at all strategic location/hotspots	Within 1 month of mobilisation	Contractor	Ongoing reporting Reviews during implementation and support missions
16.	Strengthening institutional capacity and linkages of relevant departments (social welfare, police, local NGO) to prevent and respond to SEA/SH	Within 1 month of mobilisation	PIU	
	Undertake regular M&E of progress on SEA/SH prevention and response activities, including reassessment of risks as appropriate. Monitoring will be integrated into the Project safeguard monitoring framework with a special focus on identifying Hot Spots	Implementation.	PIU Contractors, Consultants.	Ongoing reporting. Monitoring of GRM

## 7 GBV GRIEVANCE REDRESS MECHANISMS

### 7.1 The proposed GM

A simple Grievance Mechanism is proposed with four levels of governance for the City of Juba — including Governor of Central Equatoria, Juba City Council, Juba County Council, and Payam Council (including the area Councils). This GM is culturally appropriate because it includes cultural leaders. The leaders at Payam level are all cultural leaders and are already involved in conflict resolution. They are already respected by the community in that role.

It is proposed that two members from each level will form the committee together with representatives from the Project.

Table 7.1: Proposed Composition of the GRC

Administrative unit	The leader and one other member to be elected by the committee in the presence of the project representative.	Number
Juba County Council	The administrative Officer, with one committee member preferably a woman	2
Payam	Administrative officer and one other member	2
Area Council	The chairperson and one other representative	2
Project representative		1
<b>Total</b>		<b>7</b>

It should be noted that people are free to use the judicial system directly without using the committee, or go to the Project offices directly. And, if they are not satisfied with the outcome of this committee, they are free to go to court. These committees will be the same committees to handle cases of GBV, which are not police cases. They already have the mandate of the people and therefore they will do their work without expecting extra pay. The committees will be trained on their roles by the project staff.

### 7.2 Channels to Make Complaints

The suggestions/complaints can be submitted by e-mail, website, online platform, telephone, mail, grievance box on the site etc. The template for grievances will be provided. To make grievance mechanisms accessible to all stakeholders, the procedures to submit grievances will be simple and easy to understand and provide an opportunity to submit a grievance anonymously. The channels for filing complaints will be listed communicated to the public during the consultations. The MoED/PIU intends to establish the following channels through which citizens/beneficiaries/ PAPs can make complaints/suggestions/compliments regarding project activities:

- a) In writing:
  - by email: MoED/ PIU
  - letters: MoED/ PIU address /post box where the letters should be sent
- b) Oral/verbal (which should be recorded in writing by the receiver):
  - by phone
  - verbal complaints addressed to, PIU/ MoED

- c) Both audio and written forms on online Platform.

### 7.3 Grievance Log

All complaints, including the anonymous ones, will be recorded in writing and stored in a database. Complaints received will be assigned a number that will help the assigned specialist to track progress via the database. The database will at least contain relevant information on the date of submission, sphere of issue, responsible party, deadline for the problem solving and feedback (positive or negative). The Grievance log will be submitted to the Bank of quarterly basis for review.

### 7.4 GM Procedures

#### 7.4.1 Step 1: Grievance Uptake

Multiple channels must be available for aggrieved parties to file their complaint, grievance, or feedback. The aggrieved party must be able to select the most efficient institution, the most accessible means of filing a grievance, and must be able to circumvent partial stakeholders in the Project, which may be implicated in the complaint. He or she must further be able to bypass some grievance channels that are perceived as potentially not responsive or biased. Such channels will include the anonymous channels like toll free telephone lines, suggestion boxes and chat rooms. All of which should be established by the Ministry of Energy and Dams.

**Means of Filing a Grievance:** There are four distinct means, at least two of which must be made available at the project locality for people to file a grievance (for grievance form and register see Appendix):

1. A phone number for a hotline operator: The phone number of a grievance hotline operator must be widely disseminated among project stakeholders. The Hotline Operator is available from 8.00 am to 5.00 pm every day through a toll-free number. The hotline operator is set up and managed by the PIU. Any concerned party can call the hotline number and file a grievance with the Project.
2. A help desk must be set up by the respective IP during the implementation of sub-project activities in an area. It should be manned by the implementing staff, especially its community liaison officers, in close coordination with local authorities. At the help desk, PAPs can inquire about information in regard to project activities, or they can file a grievance directly with the person manning the desk.
3. Relevant assigned personnel available in each project site will be required to accept formal grievances and ensure that avenues for lodging grievances are accessible to the public and all PAPs. The first point of contact for all potential grievances from community members may be the contractor, implementing partner or the local government official. Such personnel will be required to accept formal grievances; or they can point out the Hotline Operator's number, the Help Desk or Suggestion Box.

If no reasonable other modality of filing a grievance is available for the respective complainant, the staff has to accept and register the grievance.

4. A suggestion box must be installed at the nearest Boma or Payam office of the sub-project site. Suggestion boxes provide a more anonymous way of filing a grievance or for providing feedback. Grievances or feedback submitted to the Suggestion Box must be expressed in writing.

#### **7.4.2 Step 2: Sort and Process**

All registered grievances will be transferred to the GM Focal Point at the respective PIU at state or national level – either by the Hotline Operator, local personnel, or the Help Desk Officer. At state level, there will be an establishment of the PIU, including a Social Development Specialist and /GBV Specialist. The Social Development Specialist will be responsible for the management of social issues of the projects whereas the GBV specialist will be responsible to oversee the Gender and GBV issues of the project. They will help to handle grievances at this level. The focal point will be at project level, the number will depend on the number of sub-projects to be implemented. The focal person will be part of the PIU and may be either the /GBV Specialist or the Social Development Specialist. These people already qualify to handle social issues. The GM focal point will categorize the complaint. Worker-related grievances will be handed over to a workers' GM. Where grievances are of sexual nature and can be categorized as GBV/SEAH or child protection risk, the focal point has to handle the case appropriately, and refer the case to the GBV reporting protocols and referral system, defined in the GBV/SEAH and Child Protection Prevention and Response Plan. Dedicated training on how to respond to and manage complaints related to GBV/SEAH will be required for all GM operators and relevant project staff.

For grievances handled under the general Project GM, the GM Focal Point will determine the most competent and effective level for redress and the most effective grievance redress approach. The focal point will further assign timelines for follow-up steps based on the priority of the grievance, and make a judgment and reassign the grievance to the appropriate staff or institution. The person will exclude grievances that are handled elsewhere (e.g. at the court). The focal point should offer the complainant option/s for resolution of their grievance.

The GM Focal Point will also transfer the grievance information into a more comprehensive grievance register.

#### **7.4.3 Step 3: Acknowledgement and Follow-Up**

The respective implementer or the PIU will decide whether a grievance can be solved locally, with local authorities, contractors, or NGOs, and whether an investigation is required. The first ports of call will have in-depth knowledge of communal socio-political structures and will therefore be able to recommend to the GM Focal Point the appropriate individuals that could be addressed with the case, if the case can be solved at the local level. This refers to the GM focal point and all grievances received by the project will be recorded and even when they are resolved at this level, the resolutions will be recorded and reported.

At all times, the implementer or the PIU (the GM Focal Point) will provide feedback promptly to the aggrieved party (unless the case was filed anonymously), within 5 working days after the grievance is filed. Feedback can be provided through the phone, in writing or through the community facilitators. Feedback is also communicated through stakeholder meetings and beneficiary meetings during Project activities. For sensitive issues, feedback is given to the concerned persons bilaterally.

#### **7.4.4 Step 4: Verify, Investigate and Act**

The GM Focal Point, will then undertake activity-related steps in a timely manner. This should take 5 working days. The activities will include: verifying, investigating, redress action and plan.

##### **Verification**

- Check for eligibility (objectively based on set standards and criteria) of complaint in terms of relevance to the project.
- Escalate outright grievances that require high level interventions within the implementer or PIU.
- Refer outright grievances that are outside the project jurisdiction (e.g. refer to PIU or relevant external institution).

Once eligibility is determined, the IP will categorize the complaint into defined categories:

##### **Investigation**

- GM Focal Point to appoint an independent investigator (safeguards experts, professional outside the Implementing institution) who is a neutral investigator with no stake in the outcome of the investigation.
- Collect basic information (reports, interviews with other stakeholders while ensuring triangulation of information, photos, videos).
- Collect and preserve evidence.
- Analyze to establish facts and compile a report.

##### **Grievance Action Plan**

- Based on the findings determine the next steps and make recommendations: (i) direct comprehensive response and details of redress action; (ii) referral to the appropriate institution to handle the grievance, where the IP has no jurisdiction.
- undertake mutually agreed follow-actions.
- Update of complainant.
- Provide users with a grievance redress status update and outcome at each stage of redress, (iii) update the IP team on grievance redress across the GM value chain.

#### **7.4.5 Step 5: Acceptance of the Grievance Resolution**

This is the step when feedback is given to the complainant and either accepts the resolution or not. In case they don't accept, they are free to look seek legal redress.

#### **7.4.6 Step 6: Monitor, Evaluate and Provide Feedback**

This should happen within two weeks since the logging in of the grievance. The GM Focal Point will provide feedback to GM users and the public at large about:

- results of investigations;
- actions taken;
- why GM is important;

The purpose will be to enhance the visibility of the GM among beneficiaries; and increase in users' trust in the GM.

Any implementer will report on its GM to the PIU on a monthly basis. Monthly reporting to the PIU should provide information on the grievance and how it was handled as well as all information from the grievance register. However, it can omit the names of the aggrieved parties where necessary.

The PIU will undertake the following monitoring actions:

- develop indicators for monitoring the steps of GM value chain;
- track grievances and assess the extent to which progress is being made to resolve them;
- conduct a stakeholder satisfaction survey for the GM services;
- conduct analysis on the raw data on the following: average time to resolve grievances, percentage of complainants satisfied with action taken, and number of grievances resolved at first point of contact;
- provide a report on grievance redress actions pertaining to the steps of GM value chain.

The PIU will evaluate the GM by:

- analyzing grievance data to reveal trends and patterns;
- sharing GM analysis in management meetings; and
- taking corrective action on project implementation approaches to address the grievance.

#### **7.5 GBV/SEA/SH-related Grievance**

Given the sensitive nature of GBV complaints, the GM provides different ways to submit grievances. All grievance uptake channels can be used to report on GBV/SEA/SH-related grievances. No grievance uptake mechanism can reject such grievances, and all personnel directly receiving grievances will be trained in the handling and processing of GBV/SEA/SH-related grievances. Information on relevant legislation will be delivered to survivors prior to any disclosure of case details, for example through initial awareness raising sessions on the GM. This will allow protect the survivor-centered approach from mandatory reporting.

The GBV survivor has the freedom and right to report an incident to anyone: community member, project staff, GBV case manager, local authorities. All recipients of the report should – with the survivor's informed consent – report the case to one of the Project's formal

grievance recipients. Furthermore, a survivor can ask someone else to act as a survivor advocate and report on her/his behalf.

Cases of GBV/SEA/SH can be reported through the general Project GM – any project staff, staff manning help desks, through the suggestion box, or through the GM Hotline Operator. However, there will be more anonymous and confidential channels to report GVB cases. These will include, telephone helplines/hotlines to be set up by the Ministry of Energy and Dams, the Ministry can also set up chartrooms and online reporting, a toll-free direct line to police and suggestion boxes located in privet areas.

The grievance recipient will be responsible for the recording and registration of the complaint. A GM operator cannot reject a GBV/SEA/SH complaint. At the same time, however, the project can only respond to a GBV/SEA/SH complaint if it is directed into the designated GM channels.

**Confidentiality:** All grievance recipients and anyone handling the GBV/SEA/SH related grievances must maintain absolute confidentiality in regard to the case. Maintaining confidentiality means not disclosing any information at any time to any party without the informed consent of the person concerned. There are exceptions under distinct circumstances, for example:

- a. if the survivor is an adult who threatens his or her own life or who is directly threatening the safety of others, in which case referrals to lifesaving services should be sought;
- b. if the survivor is a child and there are concerns for the child's health and safety. The survivors need to be informed about these exceptions.

**Informed Consent:** The survivor can only give approval to the processing of a case when he or she has been fully informed about all relevant facts. The survivor must fully understand the consequences of actions when providing informed consent for a case to be taken up. Asking for consent means asking the permission of the survivor to share information about him/her with others (for instance, with referral services and/or Implementing Partner (IP), like UNICEF which is going help implement interventions in health units), and/or to undertake any action (for instance investigation of the case). There will be a focal person within each sub-project area. Therefore, the IP will be responsible for setting up a Focal person for receiving grievances and will ass in solving those that can be resolved at that level and or escalate them to PIU. Under no circumstances should the survivor be pressured to consent to any conversation, assessment, investigation or other intervention with which she does not feel comfortable. A survivor can also at any time decide to stop consent. If a survivor does not consent to sharing information, then only non-identifying information can be released or reported on. In the case of children, informed consent is normally requested from a parent or legal guardian and the children.

## **7.6 Incident reporting**

Severe incidents (defined as an incident that caused significant adverse effect on the environment, the affected communities, the public or workers, for example: Fatality, GBV, forced or child labor) will be reported within 24 hours of receipt of the case to the PIU and the World Bank.

For all other grievances, the respective IP at the state level will decide whether the grievance can be solved locally, with local authorities, implementers<sup>27</sup>, or contractors and whether an investigation is required. The first ports of call will have in-depth knowledge of communal socio-political structures and will therefore be able to address the appropriate individuals if the case can be solved at the local level.

At all times, the IP will provide feedback promptly to the aggrieved party, for example through the phone or through the community facilitator. Feedback is also communicated through stakeholder meetings and beneficiary meetings during project activities. For sensitive issues, feedback is given to the concerned persons bilaterally.

Records of all feedback and grievances reported will be established by the implementing partner or the PIU. All feedback is documented and categorized for reporting and/ or follow-up if necessary. For all mechanisms, data will be captured in an excel spreadsheet. The information collected, where possible, should include the name of the person providing feedback as well as the boma, payam and county, cooperating partner (where applicable), the project activity and the nature of feedback or complaint.

## **7.7 Reporting**

All reporting will limit information in accordance with the survivor's wishes regarding confidentiality and in case the survivor agrees on further reporting, information will be shared only on a need-to-know-base, avoiding all information which may lead to the identification of the survivor and any potential risk of retribution.

Data on GBV cases recorded will only include the nature of the complaint (what the complainant says in her/his own words), whether the complainant believes the perpetrator was related to the project and additional demographic data, such as age and gender, will be collected and reported, with informed consent from the survivor. If the survivor does not wish to file a formal complaint, referral to available services will still be offered even if the complaint is not related to the project, that referrals will be made, the preference of the survivor will be recorded and the case will be considered closed.

If the survivor provides informed consent, the grievance recipient should inform the GBV Focal Point. The GBV Specialist at the PIU will inform the World Bank within 24 hours of receipt of the case. The report will be on the anonymized incident as soon as it becomes known to the PIU. Data shared will include the nature of the allegation; if the alleged

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<sup>27</sup> Implementers are the agencies that will help the Ministry of Energy and Dams to implement the project. In this case UNICEF will assist in implementing in Health Units.

perpetrator is associated with the Project; the survivor's age and sex' and whether the survivor was referred to other services.

## **7.8 Referrals**

Referrals are a process through which the survivor gets in touch with professionals and institutions regarding her case. Services can include health, psycho-social, security and protection, legal/justice, and economic reintegration support. The grievance recipient will instantly provide the survivor with contacts of the available referral services in the respective area. If the survivor wishes for any assistance with transport or payment for services, the grievance recipient will provide allowances. Referral services are provided even in cases, where the survivor opts to not pursue the case through the GM or through legal channels.

The grievance recipient explains to the survivor his or her right to control whether and how information about the case is shared with other entities as well as any implications of sharing information. The survivor will be informed about his or her right to place limitations on the type of information they want shared. The survivor's consent must be documented.

## **7.9 Case Management**

The PIU GBV Specialist will be the key focal point for management of such grievances and concerns and will work closely with respective GBV Specialist counterparts at the implementers in the implementation of the GBV/SEA/SH Action Plan, which contains all information on the GBV/SEA/SH referral system.

Once a case has been taken in by a GM recipient, and informed consent of the survivor is obtained to proceed with the case, the case file will be submitted to the SCRP GBV Specialist. The GBV Specialist will first ensure that the survivor has been provided with all necessary GBV referral services and will ensure that the survivor is in safety.

Where the GBV/SEA/SH grievance was allegedly committed by a project worker, the grievance will be reported to the respective employing agency. The PIU GBV Specialist will follow up and determine jointly with the GM Focal Point of the respective partner the likelihood that the allegation is related to the project. The GBV Specialist will follow up and ensure that the violation of the Code of Conduct is handled appropriately, e.g. the worker is removed from his or her position and employment is ended. The responsibility to implement any disciplinary action lies with the employer of the perpetrator, in accordance with local labor legislation, the employment contract, and the code of conduct. The GBV Specialist will report back to the survivor on any step undertaken and the results.

Where the survivor has opted to take a formal legal route with the case, the PIU GBV Specialist will ensure that the survivor has all the support required to file a case at court. The GM process will still proceed with the survivors' consent. Ensuring due process is a matter of the formal justice system and not the grievance handlers. Unlike other types of issues, it is not part of the GM's remit to conduct investigations, to make any announcements, or to

judge the veracity of an allegation. The GM should refer the case to the domestic regulatory framework to process the case if the consent of the survivor is received.

Since this project assumes a fully survivor-centered approach, no information can be passed on without the consent of the survivor. If the survivor does not wish for the case to be pursued, the survivor shall be offered access to referral services and the GM operator or grievance recipient should note that the survivor did not wish for the case to be pursued, and the case is considered solved.

Case closure requires a) the case has been referred to GBV service providers (if the survivor consented) for support and appropriate actions; and appropriate actions have been taken against the perpetrator according to SEA mechanisms; b) the service provider has initiated accountability proceedings with the survivor's consent.

If the survivor does not want to launch a complaint with the employer, the case is closed. If the complaint proceeds, the case is reviewed by the PIU GBV Specialist and a course of action is agreed on with the respective IP/employer. The alleged perpetrator's employer takes agreed-on disciplinary action. Once the action is deemed appropriate by the GBV Specialist, the case is recorded as closed.

#### **7.10 Feedback and confidentiality**

All entities reporting on GBV/SEA/SH-related cases will ensure that reports do not contain any information with the potential of identifying survivors (including names of survivors, families and perpetrators).

Furthermore, the grievance recipient needs to provide ongoing feedback to the survivor throughout the process. After conclusion of any investigation, the survivor must be informed first to determine whether the perpetrator can be informed and proposed sanctions against the perpetrator can be taken.

#### **7.11 Information Disclosure and Consultations**

ESS 10 makes it essential to identify and undertake inclusive and ongoing engagement with project stakeholders and to disclose all relevant information to stakeholders, in particular those project-affected groups or individuals that are disadvantaged or vulnerable due to their circumstances, and the public. Direct and indirect project stakeholders have been identified in the Stakeholder Engagement Plan (SEP). The SEP will be continuously updated, specifically in accordance to the identified needs. All relevant information needs to be made available to stakeholders in a timely manner, including about planned sub-components of the project, management measures and monitoring activities.

#### **7.12 WB's Grievance Redress Service (GRS)**

Communities and individuals who believe that they are adversely affected by a World Bank supported project may submit complaints to existing project-level grievance redress

mechanisms or the WB's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns.

Project affected communities and individuals may submit their complaint to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit <http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>. For information on how to submit complaints to the World Bank Inspection Panel, please visit [www.inspectionpanel.org](http://www.inspectionpanel.org)

### 7.13 Code of Conduct (CoC)

As the CoC establishes expectations for behavior within a company and within the community which the company serves or works in, it becomes an instrument to assist in mitigating risks related to SEA and SH. The CoC clearly defines obligations of all project staff (including sub-contractors and day workers) regarding:

- Policies related to GBV, specifically SEA and workplace SH;
- Compliance with applicable labor legislation;
- Norms and regulations of conduct for all personnel;
- An understanding that GBV is prohibited and all transgressions will be acted upon;
- The CoC should cover the commitment of the company, and the responsibilities of managers and individuals with regard to GBV, and if possible, other key issues identified in the ESA/ESMP/C-ESMP, such as ESHS and OHS; and,
- It is important that the CoC be translated into the local language<sup>28</sup>.

#### 7.13.1 Key areas of the CoC to be developed for this project<sup>29</sup>

- Compliance with applicable National and Company **laws, policies, rules, and regulations** (including policy on sexual harassment);
- Compliance with applicable **health and safety requirements**;
- **Nondiscrimination** in dealing with the local community and all co-workers;
- Will not indulge in **Sexual Harassment** (for example prohibition of the use of language or behavior, in particular towards women and/or children, that is inappropriate, abusive, sexually provocative, demeaning or culturally inappropriate);
- **No Exploitation** including sexual exploitation and abuse;
- **Refrain from Sex** with anyone under the age of 18 and that the breach of this code will incur sanctions that could impact employment. And or those beyond 18 refraining from sex unless there is the full consent' by all parties involved, might be better;

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<sup>28</sup> ibid

<sup>29</sup> detailed out in Annex 1

- **Attend training** for the duration of the contract for understanding this Code of Conduct;
- **Report violations** of this Code;
- **Sanctions** may be applied if an employee is confirmed to be a gender-based violence perpetrator and **Non-retaliation** against workers who report violations of the Code, if that report is made in good faith.

### **7.13.2 Contractor ESMP and SEA/SH Risk Mitigation**

Safeguard documents will be required to identify the risk of SEA/SH and propose mitigation measures— particularly through the project ESMP. The project ESMP is usually the foundation for the C-ESMP, which is the plan prepared by the contractor outlining specifically how it will implement the civil works activities in accordance with the project ESMP's requirements and with the contract. The C-ESMP, therefore, is a fundamental instrument for ensuring oversight and management of SEA/SH risks.

## 8 SEA/SH CAPACITY BUILDING AND TRAINING

To properly address SEA/SH, the training and sensitizing of workers is essential. These workers include civil works contractors (including sub-contractors and suppliers), supervision consultants, other consultants who may have a presence in the project adjoining communities—as well as service providers. Projects can seek to embed training modules that incorporate SEA/SH prevention and response measures into the regular Occupational Health and Safety (OHS) ‘toolbox’ meetings with workers, official training and/or standalone training efforts. Linking the curriculum to actors outside the project such as health and education sector professionals may also be beneficial. Training on SEA/SH should be thorough and proportional to the SEA/SH risk.

To properly address potential GBV risks, the training and sensitizing of workers is essential. These workers include civil works contractors (including sub-contractors and suppliers), supervision consultants, other consultants who may have a presence in the project adjoining communities. Projects can seek to embed training modules that incorporate GBV into the regular Occupational Health and Safety (OHS) ‘toolbox’ meetings with workers, official training and/or standalone training efforts. Linking the curriculum to actors outside the project such as health and education sector professionals may also be beneficial. Training on GBV should be thorough and proportional to the GBV risk. The modality, frequency and content of the training are outlined in Table 8.1.

### **At a minimum, training shall include:**

- What GBV, particularly SEA and SH, is and how the project can exacerbate GBV risks;
- Roles and responsibilities of actors involved in the project (the standards of conduct for project-related staff captured in CoCs);
- GBV incident reporting mechanism, accountability structures, and referral procedures within agencies and for community members to report cases related to project staff;
- Services available for survivors of GBV; and,
- Follow-up activities to reinforce training content.

As projects are implemented, training on GBV should be made available to the project-affected communities so they can learn about the roles and responsibilities of actors involved in the project, processes for reporting incidents of project-related GBV, and the corresponding accountability structures. Training of both project-affected communities and project implementers allows all stakeholders to understand the risks of GBV, as well as appropriate mitigation and response measures, putting everyone on the same page.<sup>30</sup>

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<sup>30</sup>Good Practice Note: Addressing Gender Based Violence in Investment Project Financing involving Major Civil Works, 28 September 2018, the World Bank group

Table 8.1: Modality, Frequency and Content of Training's

Group	Modality	Frequency	Topic
MoED staff	2 day workshop including Power point presentations, oral Discussions, case studies and group work. This will be done to different staff members.	1-2 days orientation workshops every 6 months	<ul style="list-style-type: none"> <li>▪ Introduction on GBV, SEA and SH. Identified GBV risks in the project.</li> <li>▪ National and state policies on SH and roles and responsibilities of GBVCC committee members.</li> <li>▪ Potential GBV risks and hotspots in the project.</li> <li>▪ Understanding the roles and responsibilities in accordance with the Accountability and Results Framework.</li> <li>▪ Mitigation strategies and effective implementation of the action plan.</li> <li>▪ Monitoring and reporting on GBV and GBV GRM.</li> </ul>
PIU staff	1 day orientation programme on GBV, risks, causes, impacts, and management Power point presentation, Oral Discussions, sharing of best practices and group activities	Every 6 months (1 month after the PMC has been engaged)	<ul style="list-style-type: none"> <li>▪ Introduction on GBV, SEA and SH. Identified GBV risks in the project.</li> <li>▪ Working with contractors to prevent SH in the workplace (as well as within the agency and the contracting firms) and other forms of GBV in the project-affected communities (for example, through CoCs).</li> <li>▪ Strengthening GRMs and other monitoring mechanisms to provide safe and ethical reporting systems for people wishing to report cases of GBV, and their linkage with adequate response actors.</li> <li>▪ Understanding of the roles and responsibilities of the GBVCC and the Accountability and Response Framework.</li> <li>▪ Effective implementation of the action plan.</li> <li>▪ Available Service providers working on GBV in the area and other referral pathways.</li> </ul>
Contractor	1 day orientation programme on GBV. Power point presentation Oral Discussions, case studies of best practices and Group discussions/work.	Every 6 months (one month after contractors are engaged)	<ul style="list-style-type: none"> <li>▪ What constitutes GBV, SEA and SH.</li> <li>▪ National, state and corporate policies on SH</li> <li>▪ Available Service providers working on GBV in the area and other referral pathways.</li> <li>▪ Key elements of the CoC,</li> <li>▪ Strengthening and monitoring of the GBV GRM systems and reporting and response protocols.</li> </ul>
Workers	One day orientation. Power point presentations, oral discussions and group activities.	Every 6 months and daily discussion in tool box talks	<ul style="list-style-type: none"> <li>▪ Explaining GBV, SEA and SH and key GBV risks identified.</li> <li>▪ Key elements of the CoC.</li> <li>▪ And zero tolerance policy on GBV.</li> </ul>

<b>Group</b>	<b>Modality</b>	<b>Frequency</b>	<b>Topic</b>
		and during safety inductions	<ul style="list-style-type: none"> <li>▪ Orientation on the existing GBV redress mechanisms and the service providers</li> </ul>
Community volunteers/ focal point	One day orientation. Power point presentations oral discussions and group activities	Every 3 months	<ul style="list-style-type: none"> <li>▪ Explaining GBV, SEA and SH in the context of the project, including identified GBV risks and hotspots.</li> <li>▪ Awareness about the key mitigation strategies and GRM mechanisms for GBV incidents and response.</li> <li>▪ Their roles as focal points for continuous dialogue and feedback from the community for GBV prevention and mitigation.</li> </ul>

## **9 GENDER AND SEA/SH ACTION PLAN MONITORING**

### **9.1 Introduction**

It is essential that the project monitor GBV related activities. Monitoring and Evaluation plays a key role in assessing the effectiveness of mitigation measures. As part of the M&E process, indicators need be selected for inclusion and reporting in the project Quarterly Progress Reports (QPR). Environmental and social monitoring will allow for measures to close the gender gaps identified to be implemented in time to prevent or avoid negative impacts. The monitoring is expected to adhere to standard principles of being holistic and comprehensive, scientifically rigorous, adaptive and robust, inclusive and collaborative as well as being transparent and accessible.

### **9.2 Monitoring Modalities**

Following the award of civil works contract and commencement, the Environmental and Social Safeguards Team of the PIU will commence monitoring. The designated authority in charge of monitoring should also be given the authority to stop work (the project) in the event of identified and verifiable risks to human health. The successful implementation of the monitoring program will depend on the commitment and capacity of the PIU and other third parties (institutions) to implement the program effectively. All entities involve in the SEA/SH monitoring must have appropriate training and skills, and clear roles and responsibilities throughout the implementation of the project. Monitoring and review will focus on:

- Ensuring that all activities proposed by the contractors have been undertaken and/or are on track;
- Monitoring and reporting on the effectiveness of the implementation of contractor SEA/SH Plans; and
- Reporting on progress on all activities and re-reassessment of risks, monitoring of situation as appropriate,

### **9.3 Monitoring indicators**

As part of the monitoring process, indicators need to be selected for inclusion and reporting in the project quarterly reports. These reports should include indicators related to (i) the SEA/SH activities on the project; and (ii) the GRM. SEA/SH monitoring and reporting indicators may include:

- Successful implementation of agreed GBV Action Plan (Y/N);
- Number of training courses related to GBV delivered;
- Percentage of workers that have attended the CoC training; and
- Percentage of workers that have attended the CoC training.
- Number of SEA/SH grievances that have been referred to SEA/SH Services.

It should be noted that the increase in the number of reported cases does not necessarily mean the SEA/SH incidents have increased but likely reflects improved mechanisms for safe and confidential reporting and increased interest in accessing SEA/SH support services. It should be emphasised that any reporting should have no identifiable information on individual cases. It is essential that the confidentiality and safety of SEA/SH survivors is protected. Review of GRM protocols will ensure that GRM receives and processes complaints in timely manner including refereeing complaints to an established mechanism for review and response.

The results of the monitoring program and the effective communication of issues identified will provide the opportunity for adopting appropriate control measures that will enhance the Project's benefits.

#### **9.4 Non-compliance**

Where monitoring and reviews identify non-compliance with the contractor SEA/SH Plans, the matter will be reported to the PIU and the WB, who will seek clarification from the contractor and jointly develop a corrective action plan.

#### **9.5 Supervision and Oversight**

Contractors on civil works projects are typically supervised by a consulting firm on behalf of the Implementing Agency (IA). MoED will engage Environment and Social Safeguards officers and Project Management Consultant (PMC), who will be responsible for quality assurance and monitoring. A key challenge faced by many projects is that the supervision and oversight of GBV activities during civil works is inadequate. This section outlines activities that can be incorporated into the project to make supervision and oversight more proactive.

#### **9.6 Supervision Modalities**

Effective supervision and oversight of the project's GBV prevention and mitigation efforts is vital and should therefore be carefully considered during project preparation. Effective oversight requires various actors with additional ones needed in higher risk projects. All entities involved - supervision consultants, the IA, any independent oversight entities, as well as other entities such as steering committees and civil society - must have clear roles and responsibilities throughout the implementation of the project. All those involved in GBV activities should have appropriate training and skills for the tasks assigned to them.

Table 9.1: GBV action plan outlining the key actions and responsibilities of project partners

SNo.	Actions	Responsibility	Timeline
1.	Policy of GBV: Prepare signage and IEC material in the local language for policy against Sexual harassment at workplace and display in strategic locations.	MoED	Before commencement of civil works and display at locations within one 2 months of mobilization of contractor
2.	Identification and mapping of GBV service providers, developing appropriate strategies and modalities of working together, including response protocols and adequate budgetary allocations.	MoED and UNICEF	Within 2 months of project effectiveness
3.	Basic orientation and training sessions to brief workers on services available	MoED and UNICEF	Within 2 months of project effectiveness
4.	Training staff on GBV: Capacity building on: state and department policies on sexual harassment in the workplace; unacceptable conduct toward local community members, specifically women and, GBV CoC; GRM for reporting and response of GBV incidents. The training will be done by expert consultants with the support of the World Bank.	MoED and UNICEF	Within one month of project effectiveness, and afterward quarterly considering the potential high turnover and recruitment of new staff.
5.	Training focal social specialists: Ongoing capacity building of social specialists	MoED and UNICEF	Within 2 months of joining, and afterwards refresher courses bi-annually.
6.	GBV in safety Induction, Tool Box Talk and task Briefing.  Inclusion of GBV in safety induction, including preparation and display of signage on zero tolerance against GBV at all strategic location/hotspots	MoED with support from Contractor and identified service provider	Within one month of mobilization of contractor
7.	Signing of the Workers Code of Conduct by all labourers	MoED with support from Contractor and identified RAP Implementation Agency	Commence within one month of mobilization of contractor and subsequently as and when new laborer join
8.	Formation of a GBVCC with clear roles and responsibilities.	MoED	Within one month of mobilization of contractor
9.	Accountability and Response framework finalized providing a guide for to service providers to GBV on the steps they can take to combat GBV within their mandates during project implementation). This includes how the project will provide information to employees and the community on how to report cases of GBV CoC breaches to the GRM.	MoED	Within one month of mobilization of PIU and contractor
10.	GBV in Community interface: Orienting and building awareness of the community on GBV risks, prevention, reporting and response	MoED with support from Contractor	Within one month of project effectiveness

SNo.	Actions	Responsibility	Timeline
	mechanisms in all corridors taken during implementation		
11.	Stakeholder consultations: Continuous stakeholder consultation will be carried out in the adjoining villages to inform the community about GBV risks and redressal mechanisms as part of Stakeholder Engagement Plan	MoED with support from Contractor and identified service provider	Once the RAP implementation agency is on-board
12.	Monitoring: Inclusion of GBV reporting in the User satisfaction surveys that shall be carried out to establish project baseline and will form the basis for monitoring during mid-term and end term surveys.  Monitoring to be integrated into the projects safeguard monitoring framework with a special focus on identified Hot Spots.  GBV action plans will be monitored during Joint Review Meetings (JRM) by a GBV specialist. QPRs will include updates on the status of the GBV activities on the project.	MoED with support from Contractor and identified service provider	Continuous
13.	Strengthen institutional linkages with other departments (WCD, police, local NGO's) and response actors for GBV risk mitigation.	MoED	Within one month of project effectiveness

## 9.7 Budget

Appropriate budgetary allocations need to be made to support the process to prevent and respond to GBV in the project. This includes investment in:

- Staff development and training programs;
- Guidance notes and continuous learning;
- Client capacity-building on GBV;
- To partner with GBV Services Providers to facilitate access to timely, safe and confidential services for survivors (including money for transportation, documentation fees, and lodging if needed); and
- Community awareness and stakeholder engagement.

The budget provided below, thus, reflects a pragmatic compromise to effectively address the project's GBV/SEA/SH risks management as the Bank's GPN.

Table 9.2: Budget Allocations for GBV/SEA/SH risks management

Item	Amount (UGX)
1. Training and orientation	20,000
2. Communication materials	10,000
3. Information dissemination	20,000
4. GBV Grievance Management	10,000
5. Consultations with the communities/stakeholders	20,000
6. Referral services	30,000
<b>Total Budget Amount (UGX)</b>	<b>110,000</b>

## **ANNEXES**

### **Annex 1: Individual code of conduct in case of contractor**

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#### **SEA/SH and Violence against Children (VAC)**

I, acknowledge that adhering to environmental, social health and safety (ESHS) standards, following the project's occupational health and safety (OHS) requirements, and preventing gender-based violence (GBV) and violence against children (VAC) is important. All forms of GBV or VAC are unacceptable, be it on the work site, the work site surroundings, at worker's camps, or the surrounding communities.

The company considers that failure to follow ESHS and OHS standards, or to partake in GBV or VAC activities, constitute acts of gross misconduct and are therefore grounds for sanctions, penalties or potential termination of employment. Prosecution of those who commit GBV or VAC may be pursued if appropriate.

I agree that while working on the project I will:

Attend and actively partake in training courses related to ESHS, OHS, HIV/AIDS, SEA/SH and VAC as requested by my employer.

Shall wear my personal protective equipment (PPE), in the correct prescribed manner, at all times when at the work site or engaged in project related activities.

Take all practical steps to implement the contractor's environmental and social management plan (CESMP).

- Implement the OHS Management Plan.
- Adhere to a zero-alcohol policy during work activities, and refrain from the use of illegal substances at all times.
- Consent to a police background check.
- Treat women, children (persons under the age of 18), and men with respect regardless of race, colour, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- Not use language or behaviour towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- Not participate in sexual contact or activity with children—including grooming or contact through digital media. Mistaken belief regarding the age of a child is not a defence. Consent from the child is also not a defence or excuse.
- Not engage in sexual harassment—for instance, making unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct, of a sexual nature, including subtle acts of such behaviour. Eg., looking somebody up and down; kissing, howling or smacking sounds; hanging around somebody; whistling and catcalls; giving personal gifts; making comments about somebody's sex life; etc.

- Not engage in sexual favours—for instance, making promises or favourable treatment dependent on sexual acts—or other forms of humiliating, degrading or exploitative behaviour.
- Unless there is the full consent by all parties involved, I shall not have sexual interactions with members of the surrounding communities. This includes relationships involving the withholding or promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex— such sexual activity is considered “non-consensual” within the scope of this Code.
- I shall not engage in sexual activity with anyone under the age of 18 years.
- Consider reporting through the Grievance Mechanism or to my manager any suspected or actual SEA/SH or VAC by a fellow worker, whether employed by my employer or not, or any breaches of this Code of Conduct.

### **With regard to children under the age of 15;**

Wherever possible, ensure that another adult is present when working in the proximity of children.

Not invite unaccompanied children unrelated to my family into my home, unless they are at immediate risk of injury or in physical danger.

Not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible.

Use any computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass children or to access child pornography through any medium (see also “Use of children's images for work related purposes” below).

Refrain from physical punishment or discipline of children.

Refrain from hiring children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury.

Comply with all relevant local legislation, including labour laws in relation to child labour.

### **Use of children's images for work related purposes**

When photographing or filming a child for work related purposes, I must:

- Before photographing or filming a child, assess and endeavour to comply with local traditions or restrictions for reproducing personal images.
- Before photographing or filming a child, obtain informed consent from the child and a parent or guardian of the child. As part of this I must explain how the photograph or film shall be used.

- Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive.
- Ensure images are honest representations of the context and the facts.
- Ensure file labels do not reveal identifying information about a child when sending images electronically.

**Sanctions**

I understand that if I breach this Individual Code of Conduct, my employer shall take disciplinary action which could include:

- Informal warning.
- Formal warning.
- Additional Training.
- Loss of up to one week’s salary.
- Suspension of employment (without payment of salary), for a minimum period of one month up to a maximum of 6 months.
- Termination of employment.
- Report to the police if wanted.

I understand that it is my responsibility to ensure that the environmental, social, health and safety standards are met. That I shall adhere to the occupational health and safety management plan. That I shall avoid actions or behaviours that could be construed as SEA/SH or VAC. Any such actions shall be a breach this Individual Code of Conduct. I do hereby acknowledge that I have read the foregoing Individual Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to ESHS, OHS, SEA/SH and VAC issues. I understand that any action inconsistent with this Individual Code of Conduct or failure to take action mandated by this Individual Code of Conduct may result in disciplinary action and may affect my ongoing employment.

**Signature:** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## Annex 2: SEA/SH Incident Reporting Format

INCIDENT DETAILS	
1.	Type of Violation
2.	Nature of the incident reported (What happened and by whom) - Basic facts of the incident: What, who is the incident related to the project? No in-depth details should be asked for.
3.	Source of information
4.	Where did the incident occur (Region, District, Community)
5.	When did the incident occur (date and time)
6.	Additional information (if available)
<p>The identity and safety of a survivor must be protected at all times. No personal data or identifying information about a survivor or their experience can be shared through this document. Personal/identifying information includes the survivor's name, perpetrator(s)' name, date of birth, home address, the exact time and place the incident took place, visible disability, residence status e.g., minority clan or IDP, which can be identified in small village/community settings.</p>	