

THE EFFECT OF GENDER VIOLENCE ON HUMAN RIGHT IN SOUTH SUDAN

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According to the United Nations General Assembly (2013), gender based domestic violence involves men and women and usually results in physical, sexual, or psychological harm or suffering to the victims. It also includes threats of such acts, coercion or arbitrary deprivation of liberty. A study from World Health Organisation (2016) indicates that between 16% and 52% of women worldwide are physically assaulted by an intimate partner at least once in their lives. In addition, according to the Inter-American Development Bank's special report on domestic violence in 1999, gender based violence results in direct loss of money due to health care, police, court costs and productivity. Besides financial losses, gender based violence has also been identified as a contributory factor to maternal mortality rate by 55 percent (World Bank, 2013).

Further, the World Health Organisation in 1996 documented that, among women aged 15-44 years, gender violence often leads to death and disability. In addition, studies in India, Bangladesh, the USA, Papua, New Guinea and Peru indicate a high correlation between domestic violence and suicide rates (WHO, 1997). Statistics published in 1997 by the World Health Organization on studies conducted in 24 countries in America, Europe and Asia revealed that between 20% and 50% of the women interviewed reported that they suffered physical abuse from their male partners. Moreover, according to an international report on the status of women in 140 countries, the number of women reporting physical abuse by a male partner during the period 1986-1993 was 21% to 60% (Neft & Levine, 1997).

Besides, a study done in South Africa showed that one adult woman out of every six is assaulted regularly by her mate. In at least 46% of these cases, the men involved also abuse the women's children (Russell, 1991). In addition, a study in northern Nigeria found that 16% of female patients seeking treatment for STDs were children under the age of five and 10% of these were cases of incest (UNFPA, 1999).

• Family Violence

Domestic violence (also named domestic abuse, battering, or family violence) is a pattern of behavior which involves [violence](#) or other [abuse](#) by one person against another in a domestic setting, such as in [marriage](#) or [cohabitation](#). It may be termed [intimate partner violence](#) when committed by a [spouse](#) or partner in an [intimate relationship](#) against the other spouse or partner, and can take place in [heterosexual](#) or [same-sex](#) relationships, or between former spouses or partners. Domestic violence may also involve violence against children or the elderly. It takes a number of forms, including [physical](#), [verbal](#), [emotional](#), [economic](#), [religious](#), [reproductive](#), and [sexual abuse](#), which can range from subtle, coercive forms to [marital rape](#) and to violent physical abuse such as choking, beating, [female genital mutilation](#) and [acid throwing](#) that results in [disfigurement](#) or death. Domestic murders include [stoning](#), [bride burning](#), [honor killings](#), and [dowry deaths](#). (Madlala-Routledge2013).

Globally, the victims of domestic violence are overwhelmingly women, and women tend to experience more severe forms of violence. In some countries, domestic violence is often seen as justified, particularly in cases of actual or suspected [infidelity](#) on the part of the woman, and is legally permitted. Research has established that there exists a direct and significant [correlation](#) between a country's level of [gender equality](#) and rates of domestic violence. Domestic violence is among the most underreported crimes worldwide for both men and women. Due to social stigmas regarding male victimization, men face an increased likelihood of being overlooked by healthcare providers. (Graham and Jarvis 2011).

Domestic violence occurs when the abuser believes that abuse is acceptable, justified, or unlikely to be reported. It may produce [intergenerational cycles of abuse](#) in children and other family members, who may feel that such violence is acceptable or condoned. Very few people recognize themselves as abusers or victims because they may consider their experiences as family disputes that just got out of control. Awareness, perception, definition and documentation of domestic violence differs widely from country to country. Domestic violence often happens in the context of [forced](#) or [child marriage](#).

• Community Violence

This includes violence at the hands of a perpetrator unknown or unrelated to the woman and often comes in the form of rape, sexual harassment, forced prostitution or trafficking, and public humiliation. Community violence can be defined as exposure to intentional acts of interpersonal violence committed in public areas by individuals who are not intimately related to the victim. Common types of community violence that affect youth include individual and group conflicts (e.g., bullying, fights among gangs and other groups, shootings in public areas such as schools and communities, civil wars in foreign countries or "war-like" conditions in U.S. cities, spontaneous or terrorist attacks, etc.). Although there are warnings for some types of traumas, community violence can happen with a sudden and terrifying shock. Consequently, youth and families that suffer from community violence often experience increased fears and feelings that the world is unsafe and harm could come at any time. In addition, although some types of trauma are accidental,

community violence is an intentional attempt to hurt one or more people, including homicides, sexual assaults, robberies, and weapons attacks (bats, knives, guns, etc.) (U.N. 2002; UNIFEM 2002; Strickland and Duvvury 2003).

- **State Violence**

This includes violations that are condoned and committed by individuals associated with the government. This is often seen in the form of violence at the hands of police, prison guards, refugee camp guards, border officials, and even peacekeeping troops. In conflict regions of the world, systematic rape and sexual violence is often used as a tool of war. (Moser and Norton 2011).

Totalitarian regimes throughout history, including those of Stalin, Hitler and Pol Pot, have used violence to terrorize populations into complying with the regime's demands. European colonial powers used violence in this way to establish and maintain their empires, and to try to thwart independence movements in their colonies. The allies during World War II bombed civilians in German cities to try and incite the public to turn against Hitler. The Latin American national security states during the Cold War, with significant support from the US, also deployed violence, including disappearances and torture, to try and curtail support for opposition movements. When non-state actors use violence to intimidate an audience beyond the direct victim of that violence, we refer to it as terrorism. Yet there has been considerable resistance within International Relations scholarship to the notion that states can be perpetrators of terrorism, even though the vast majority of state violence, particularly against domestic populations, is intended to have a terrorising effect, and results in far higher casualties than non-state terrorism does. It is frequently assumed that because the existence of the state is based on its monopoly of coercive power, there is a fundamental difference. (The recent report of the Commission on Human Security (2003)

2.2 To examine the relationship between Human Rights and Peace Building

2.2.1. Human Rights

Human rights are [moral](#) principles or [norms](#) that describe certain standards of human behaviour, and are regularly protected as [legal rights](#) in [municipal](#) and [international law](#). They are commonly understood as inalienable fundamental [rights](#) "to which a person is inherently entitled simply because she or he is a human being," and which are "inherent in all human beings" regardless of their nation, location, language, religion, ethnic origin or any other status. They are applicable everywhere and at every time in the sense of being [universal](#), and they are [egalitarian](#) in the sense of being the same for everyone. They are regarded as requiring empathy and the [rule of law](#) and imposing an obligation on persons to respect the human rights of others, and it is generally considered that they should not be taken away except as a result of [due process](#) based on specific circumstances; for example, human rights may include freedom from [unlawful imprisonment](#), [torture](#) and [execution](#). (Amartya Sen 2011)

The doctrine of human rights has been highly influential within [international law](#), global and regional institutions. Actions by [states](#) and [non-governmental organisations](#) form a basis of [public policy](#) worldwide. The idea of human rights suggests that "if the public discourse of peacetime global society can be said to have a common moral language, it is that of human rights." The strong claims made by the doctrine of human rights continue to provoke considerable [skepticism](#) and debates about the content, nature and justifications of human rights to this day. The precise meaning of the term [right](#) is controversial and is the subject of continued philosophical debate; while there is consensus that human rights encompasses a wide variety of rights such as the [right to a fair trial](#), protection against [enslavement](#), prohibition of [genocide](#), [free speech](#), or a [right to education](#), there is disagreement about which of these particular rights should be included within the general framework of human rights; some thinkers suggest that human rights should be a minimum requirement to avoid the worst-case abuses, while others see it as a higher standard. (UNDP Report 2012)

- **Inherent –**

Human Rights are inherent because they are not granted by any person or authority. Human rights do not have to be bought, earned or inherited; they belong to people simply because they are human. Human rights are inherent to each individual. (Bharath, Shumway, 2004)

- **Inalienable –**

Human rights cannot be taken away; no one has the right to deprive another person of them for any reason. People still have human rights even when the laws of their countries do not recognize them, or when they violate them - for example, when slavery is practiced, slaves still have rights even though these rights are being violated. Human rights are inalienable.

- **Universal–**

Human Rights are universal in application and they apply irrespective of one's origin, status, or condition or place where one lives. Human rights are enforceable without national border. Human rights are the same for all human beings regardless of race, sex, religion, political or other opinion, national or social origin. We are all born free, and equal in dignity and rights— human rights are universal. (Bharath, Shumway, 2014)

2.3 To establish factor structure between, Gender Violence, Human Wright and Peace building

Whether in time of war or peace, gender identities and the dynamic of gender relations carry a strong influence on a wide array of social, economic, and political outcomes.

Despite cultural variations, the consistent difference between women's and men's gender roles based in power influences women's access to and control over resources, their visibility and participation in social and political affairs, and their ability to realize their fundamental human rights. Such relationships have been explored in depth in a broad range of analytical literature on subjects as diverse as the operational analysis of political institutions, the gender analysis of budget processes and economic activity, and the causal factors and public responses associated with violence against women.

In the context of Amartya Sen's 2009 discourse on "development as freedom," social norms and institutional practices that discriminate against women represent an "freedom" that constrains their capabilities by limiting such things as their political freedoms, economic facilities, and social opportunities. The capabilities of individuals – of women and men – and the measure of their human security depend upon institutional arrangements in economic, social, and political spheres that influence the process of development and require a corresponding plurality of institutions. In conflict-affected settings where most institutional arrangements may be altered or destroyed, it becomes especially important to consider how gender dynamics shape societal operations and policy outcomes both in the short term and in the longer term aftermath of conflict and reconstruction. Understanding such dynamics is essential for successful gender mainstreaming in peace processes

- **Safe and Secure Environment:**

A safe and secure environment is one in which the population has the freedom to pursue daily activities without fear of politically motivated, persistent, or large-scale violence. Such an environment is characterized by an end to large-scale fighting; an adequate level of public order; the subordination of accountable security forces to legitimate state authority; the protection of key individuals, communities, sites, and infrastructure; and the freedom for people and goods to move about the country and across borders without fear of undue harm to life and limb. The most immediate concern is personal physical safety from violence. Even after the bulk of fighting is over, physical insecurity is often pervasive throughout society from politically motivated violence, rampant gunfire, retaliation by former enemies, gender based violence, landmines, and emerging armed criminal elements. State authority and security institutions, meanwhile, are likely to be politicized, part of the problem, and severely impaired or nonexistent, creating a security vacuum that insurgents, terrorists, extremists, or criminals will seek to fill. The security threats in transitional environments call for a dual capability to subdue large-scale threats to the peace process while also maintaining public order (Eijffinger, 2009)

- **Rule of Law:**

Ability of the people to have equal access to just laws and a trusted system of justice that holds all persons accountable, protects their human rights, and ensures their safety and security.

Rule of Law It is widely political consensus that the rule of law is a necessary foundation for efforts to achieve the goal of good governance. Justice is valued as central in governance. Therefore, it values justice as most important for establishing a just society in which people from all walks of life, from different faiths can live in peace and harmony with no discrimination. Equally important, good governance requires fair legal structure that must be applied objectively in order to give full protection to the human rights of the people, most especially those minorities. And, to implement this effectively, there must be unbiased implementation of laws that require independent judiciary and an impartial, as well as corrupt-free police force. Good governance is about the processes for making and implementing decisions. It's not about making 'correct' decisions, but about the best possible process for making those decisions. It is in this context, the study of good governance has become very important in the literature of political science, Administrative Sciences and development studies. Good governance is important for several benefits. First and foremost, quality of governance has to be judged by the performance of the relevant institution. Therefore, the goal of the institution has to be clearly defined as a matter of priority. Then, steering towards that goal requires defining decision rights and processes, as well as establishing a feedback loop to verify and control performance. Governance is how an institution is ruled; it is how the authority, responsibility, and controls are required in the institution. Governance is relevant to any institution, small or large; for profit or not; extending from a single family all the way to global institutions that have an impact on our lives. Hence, governance is relevant for humanity for quality of life now and for its sustainability in the future. (Chava2013)

- **Stable Governance:**

Stable governance refers to an end state where the state provides essential services and serves as a responsible steward of state resources; government officials are held accountable through political and legal processes; and the population can participate in governance through civil society organizations, an independent media, and political parties. Stable governance is the mechanism through which the basic human needs of the population are largely met, respect for minority rights is assured, conflicts are managed peacefully through inclusive political processes, and competition for power occurs nonviolently. National and subnational government institutions may work with a range of non-state partners to provide some of the government functions. Essential services— defined here as security, the rule of law, economic governance, and basic human needs services—are addressed fully in Sections and respectively. (Walker 2013)

- **Sustainable Economy:**

Economic stability refers to an absence of excessive fluctuations in the macro-economy. An economy with fairly constant output growth and low and stable inflation would be considered economically stable (Shumway, 2011)

A financial system is stable when it dissipates financial imbalances that arise endogenously or as a result of significant adverse and unforeseeable events. When stable, the system absorbs shocks primarily via self-corrective mechanisms, preventing the adverse events from disrupting the real economy or spread over to other financial systems. Financial stability is paramount for [economic growth](#), as most transactions in the real economy are made through the financial system.

Without financial stability, banks are more reluctant to finance profitable projects, asset prices may deviate significantly from their [intrinsic values](#), and the [payment settlement](#) schedule diverges from the norm. Hence, financial stability is essential for maintaining confidence in the economy. Possible consequence of excessive instability includes: [bank runs](#), [hyperinflation](#), or [stock market crashes](#). (The World Bank GFDR Report) .

REFERENCE

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