

**Global Justice Center’s suggestions and comments regarding the  
National Election Bill of South Sudan**

<b><u>Topic</u></b>	<b><u>Article</u></b>	<b><u>Issues/Comments</u></b>
The Commission	Art. 8 (1)[...] “Selection of the Commission Members shall take into consideration consultations with women and civil society groups and include representation of these groups.”	Suggest including a concrete procedure for these consultations to guarantee the participation of women groups in the selection process.
	Art. 8 (1) “The Commission shall be comprised of nine members to be selected and appointed by the President in accordance with article 197 (3) of the Transitional Constitution”	Insert “ at least 3 of the members appointed should be women”
National Legislative Assembly: Number of women representatives	Art 35 (2) (b) The National Legislative Assembly shall be composed of members elected as follows... twenty five percent of women members shall be elected on the basis of proportional representation at the national level from closed party lists;	Change the 25% to 35%. CEDAW General Recommendation #23 on Article 7 (Political and Public life) suggests that the "number" should ideally be at 30-35%. “Research demonstrates that if women’s participation reaches 30 to 35 per cent (generally termed a “critical mass”) there is a real impact on political style and the content of decisions, and political life is revitalized.
Council of States: Number of women representatives	Art. 35 (3) “There shall be four representatives from each State in the Council of States elected by [...] One representative shall be a woman.”	Change to “at least two of the representatives shall be women.” If the change to two isn’t made, make sure the term “at least” is added as a modifier before “one.”
State Legislative Assemblies: Number of women representatives	Art. 36 (b) “Twenty five percent of women shall be elected on the basis of proportional representation at the state level from closed party lists;”	Change the 25% to 35%. CEDAW General Recommendation #23 on Article 7 (Political and Public life) suggests that the "number" should ideally be at 30-35%.

Method of Electing Members of the Legislative Assemblies to represent Party lists and Women lists	Art. 38 (1) “except as provided under section 35 (3) of this Act, the method for electing forty percent of members of the Legislative Assemblies as provided for under section 35 (2) (a) and 9 (c) of this Act shall be by proportional representation as follows”	For more details on the method see below.
	Art. 38 (1) (a) “a voter shall cast one vote for one Political Party option from those listed on the single Party and Women Lists ballot paper;”	“Women Party List” means a separate closed list for women representation constituting 25 % of the total number of any Legislative Assembly nominated by a Political Party.
	Art. 38 (1) (c) “the single Women list contains twenty five percent of the total seats of the Legislative Assembly concerned”	25 % of the seats of the Legislative Assembly are “filled” by this voting system which ensures that they have to be female candidates.
	Art. 38 (2)” The Commission shall calculate the electoral dividend for the Party Lists in the Legislative Assembly concerned for purposes of determining the number of candidates to be elected from each list.”	This is to determine the result of the voting for a closed women list and how many (female) candidates each party gets to have elected.
	Art 38 (3) “the threshold for qualifying to compete for a seat in the Legislative Assemblies shall be by any Political Party’s list receives not less than four percent of the valid votes cast.”	Political Parties need to receive at least four percent of the valid vote cast in order to compete for a seat in the Legislative Assemblies. (The effect of the threshold is to deny small parties the right of representation or force them into coalitions).
Literacy as a requirement for eligibility for nomination	Art 46, 57, 67 (1) (d) “be literate”	Even though literacy has to stay a requirement to ensure the quality of the candidates - it should be addressed that illiteracy rates in South Sudan significantly higher for women than men.  CEDAW recommendation # 25 provides that: “Indirect discrimination against women may occur when laws, policies and programmes are based on seemingly gender neutral criteria which in their actual effect have a detrimental impact on women.”

Polling Procedures	Art 89 (2) Regulations mentioned under sub-section (1) of this section shall detail all procedures relating to [...] polling procedures for the illiterate [...]	<p>The importance of polling procedures for the illiterate should be stressed in the context that illiteracy is extraordinary high among women and a lack of extensive procedures for the illiterate would weaken women’s ability to participate in voting.</p> <p>Also in this context, it should be addressed that CEDAW recommendation # 23 (Political and Public Life) under “temporary measures” suggests that additional measures besides quotas need to be implemented: “ including recruiting, financially assisting and training women candidates, amending electoral procedures, developing campaigns directed at equal participation, setting numerical goals and quotas and targeting women for appointment to public positions such as the judiciary or other professional groups that play an essential part in the everyday life of all societies”</p>
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