

Analyzing Culture as an Obstacle to Gender Equality in a Non-Western Context: Key Areas of Conflict between International Women's Rights and Cultural Rights in South Sudan

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Abstract : International human rights treaties ensure basic rights to all people, regardless of nationality. These treaties have developed in a predominantly Western environment, and their implementation into non-western contexts often raises questions of the transfer-ability of value systems and governance structures. International human rights treaties also postulate the right to the full enjoyment and expression of one's own culture, known as cultural rights. Many cultural practices and traditions in South Sudan serve as an obstacle to the adaptation of human rights and internationally agreed-upon standards, specifically those pertaining to women's rights and gender equality. This paper analyzes the specific social, political, and economic conflicts between women's rights and cultural rights within the context of South Sudan's evolution into a sovereign nation. It comprehensively evaluates the legal status of South Sudanese women and –based on the empirical evidence- assesses gender equality in four key areas: Marriage, Education, Violence against Women, and Inheritance. This work includes an exploration into how South Sudanese culture influences, and indeed is intertwined with, social, political, and economic spheres, and how it limits gender equality and impedes the full implementation of international human rights treaties. Furthermore, any negative effects which systemic gender inequality and cultural practices that are oppressive to women have on South Sudan as a developing nation are explored. Finally, those areas of conflict between South Sudanese cultural rights and international women's rights are outlined which can be mitigated or resolved in favor of elevating gender equality without imperializing or destroying South Sudanese culture.

Keywords : cultural rights, gender equality, international human rights, South Sudan

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