

# **SOUTH SUDAN 2016 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

South Sudan is a republic operating under the terms of a peace agreement signed in August 2015. President Salva Kiir Mayardit, whose authority derives from his 2010 election as president of what was then the semiautonomous region of Southern Sudan within the Republic of Sudan, is chief of state and head of government. While the 2010 Sudan-wide elections did not wholly meet international standards, international observers believed Kiir's election reflected the will of a large majority of Southern Sudanese. International observers considered the 2011 referendum on South Sudanese self-determination, in which 98 percent of voters chose to separate from Sudan, to be free and fair. President Kiir was a founding member of the Sudan People's Liberation Movement (SPLM) political party, the political wing of the Sudan People's Liberation Army (SPLA). Of the 30 ministers in the government, 16 were appointed by Kiir, 10 by the SPLM in Opposition (SPLM-IO), two by a political faction known as the Former Detainees, and two by the group known as "other political parties" as provided for in the peace agreement. The bicameral legislature consists of a Transitional National Legislative Assembly (TNLA) with 400 seats (68 were added in accordance with the peace agreement), of which 296 were filled, and a Council of States with 50 seats. SPLM representatives controlled the vast majority of seats in the legislature. The SPLM-IO alleged, however, that appointments to the 68 new seats did not meet the criteria of the peace agreement. Through presidential decrees, Kiir appointed new governors, having already replaced eight of the 10 state governors elected since 2010. The constitution states that a gubernatorial election must be held within 60 days if an elected governor has been relieved by presidential decree. This has not happened.

Civilian authorities routinely failed to maintain effective control over the security forces.

In 2013 armed conflict between government and opposition forces began when violence erupted within the SPLA's Presidential Guard, also known as the Tiger Division. Some reports indicated Presidential Guard members of Dinka ethnicity attempted to disarm members of Nuer ethnicity. During the weeks that followed, Dinka members of the Presidential Guard and other security forces reportedly conducted targeted killings of Nuer civilians in Juba. International nongovernmental organizations (NGOs) reported largescale reciprocal targeting of Dinka civilians by Nuer forces in the city of Bor. The events led to armed conflict

between government forces and a newly formed opposition force, the SPLA-IO, in several states and to ethnic violence by civilians that continued throughout 2014 and 2015, despite multiple ceasefire agreements. While initial violence was concentrated in Juba in Central Equatoria state, the conflict quickly spread to--and largely remained in Upper Nile, Jonglei, and Unity states, known collectively as the Greater Upper Nile region. Human rights abuses by government and opposition forces and their associated armed militias occurred on a massive scale.

In April 2015, a largescale government offensive in the Greater Upper Nile region led to some of the worst violence of the conflict. Rape, extrajudicial killings, targeting of civilian populations along ethnic lines, destruction of homes to drive possible opposition supporters into the wilderness, and denial of humanitarian access took place. The numbers of internally displaced persons (IDPs) increased significantly during the year. In August 2015, members of the armed opposition, Former Detainees (led by 10 former SPLM officials), and the government signed the Intergovernmental Authority on Development Plus Agreement on the Resolution of the Conflict in South Sudan. Despite efforts to implement the agreement, fighting continued in some areas, particularly in Upper Nile and Unity states.

In October 2015, the president issued a controversial order to increase the number of the country's states from 10 to 28, a move that may have contravened the 2011 transitional constitution and some provisions of the peace agreement. The SPLM-IO and Former Detainees protested. Beginning in December 2015, more than 200 members of the SPLM-IO arrived in Juba, as parties began to implement major provisions of the peace agreement, including establishing a transitional government. In April, after months of negotiations, SPLM-IO leader Riek Machar Teny returned to the capital from abroad and was sworn in as first vice president under the terms of a power-sharing agreement. By June; however, little progress had been made to implement the peace agreement.

Early July fighting in Juba between the SPLA and SPLA-IO resulted in more than 300 deaths. Widespread attacks on civilians, including ethnically based killings and sexual assaults, were reported. During approximately five days of fighting in the capital, thousands of persons were displaced, with an estimated 12,000 seeking refuge at UN Protection of Civilians (PoC) sites in the capital. According to the UN Panel of Experts on South Sudan, there was an apparent ethnic dimension to the fighting, and, "the indiscriminate use of weapons by both the SPLA and the SPLA-IO displayed a flagrant disregard for the lives of civilians and the inviolability of UN premises." Having suffered heavy losses, Machar and

hundreds of his fighters fled the capital and, eventually, the country. At year's end, Machar remained in South Africa.

While fighting in Juba ended in July, it expanded to other parts of the country. The conflict displaced approximately 3.1 million persons displaced internally and as refugees in neighboring countries. In late July, Kiir replaced Machar as first vice president with Taban Deng Gai, a move Machar deemed unconstitutional. Although the SPLM-IO members who remained in Juba selected Gai as Machar's replacement, other SPLM-IO members questioned the legitimacy of the selection process and Gai's position as first vice president. At year's end, ethnic polarization was on the increase, and hate speech, spread by both conventional and social media, was on the rise, accompanied by targeted killings and rape on ethnic lines. In a December 1 press release, the UN Commission on Human Rights warned, "There is already a steady process of ethnic cleansing underway in several areas of South Sudan using starvation, gang rape and the burning of villages."

The most serious human rights problems in the country were conflict related abuses by government security forces, opposition forces, armed militia groups affiliated with the government and the opposition, and rival ethnic communities, including ethnically based killings of civilians and ethnically based discrimination and violence; extrajudicial killings, abuse, and mass displacement of civilians; and intimidation and inhuman treatment of civilians such as arbitrary arrest and detention, abductions and kidnapping, recruitment and use of an estimated 16,000 child soldiers; and conflict related sexual violence. Attacks on military and civilian targets often resulted in rape, destruction of villages, theft, looting, and revenge attacks on civilians. Security force abuses unrelated to the armed conflict included extrajudicial killings, torture, rape, intimidation, unlawful detention, and other inhuman treatment of civilians.

Other human rights abuses included harassment, intimidation, and violence against journalists, civil society organizations, and human rights defenders; harsh prison conditions; lack of access to justice, including arbitrary arrest and indefinite pretrial detention; government restriction of freedoms of privacy, speech, press, and association; and abductions related to inter-communal and inter-ethnic conflict, particularly of women and children. Corruption among government officials was pervasive. Violence and discrimination against women and children and within communities by officials were widespread. In addition, trafficking in persons, government incitement of tribal violence, and child labor, including forced labor, also occurred.

Security force abuses occurred throughout the country. Impunity was widespread and remained a major problem.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings**

The United Nations, human rights organizations, and media reported the government or its agents committed arbitrary or unlawful killings. Security forces, opposition forces, armed militias affiliated with the government and the opposition, and ethnically based groups were also responsible for extrajudicial killings in expanding conflict zones (see section 1.g.).

There were numerous reported unlawful killings similar to the following example: On July 11, John Gatluak, a radio journalist was shot and killed, allegedly by government forces, when the Terrain Hotel compound in Juba was attacked. According to multiple sources, Gatluak was targeted for being an ethnic Nuer.

### **b. Disappearance**

Security and opposition forces, armed militias affiliated with the government or the opposition, and ethnically based groups abducted an unknown number of persons, including women and children (see section 1.g.). There were regular reports security forces conducted arbitrary arrests, including of journalists, civil society actors, and supposed political opponents.

There were numerous reported disappearances similar to the following: On June 4, journalist Isaac Vuni and his brother were kidnapped from their home near the border with Uganda, allegedly by men in military uniforms. On September 26, Vuni's body was discovered on a farm in the vicinity. Vuni reportedly died from a gunshot wound. While the motivation for his murder remained unclear, Vuni had previously been detained in connection with his work. In 2009 he was arrested for reporting the SPLA and the government was implicated in a financial scandal. In 2011 he was detained during a crackdown on local journalists.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The transitional constitution prohibits such practices, but security forces tortured, beat, and harassed political opponents, journalists, and human rights workers (see sections 2.a. and 5). Government and opposition forces, armed militia groups affiliated with both, and warring ethnic groups committed torture and abuses in conflict zones (see section 1.g.).

There were numerous reported abuses similar to the following example: According to UN reporting, in July, during fighting in Juba and in the days following the fighting, government soldiers raped women and girls in the PoC sites and in area homes.

### **Prison and Detention Center Conditions**

Prison conditions were harsh and potentially life threatening. Overcrowding and inadequate medical care at times resulted in illness and death. While some prisons employed doctors, medical care was rudimentary, and prison physicians often had inadequate training and supplies. There were reports of abuse by prison guards.

Physical Conditions: Men and women were generally, but not always, held in separate areas, but male and female inmates often mixed freely during the day due to space constraints. Due to overcrowding authorities did not always hold juveniles separately from adults and rarely separated pretrial detainees from convicted prisoners. Children, especially infants, often lived with their mothers in prison.

Health care and sanitation were inadequate, and basic medical supplies and equipment were lacking. According to NGOs, prisoners received one meal per day and relied on family or friends for additional food. Potable water was limited. In some locations prisoners slept in overcrowded open hallways and buildings lined with bunk beds. Ventilation and lighting were inadequate.

Malnutrition and lack of medical care contributed to inmate deaths, although no statistics were available.

Detention centers were under the control of local tribal or state authorities, and conditions were uniformly harsh and life threatening. Many facilities in rural areas consisted of uncovered spaces where authorities chained detainees to a wall, fence, or tree, often unsheltered from the sun. As with state run prisons, sanitary and medical facilities were poor or nonexistent, and potable water was limited.

Detainees sometimes spent days outdoors but slept inside in areas that lacked adequate ventilation and lighting.

Conditions in SPLA run detention facilities were similar, and in some cases worse, with many detainees held outdoors with poor access to sanitary or medical facilities.

The UN Mission in South Sudan (UNMISS) maintained facilities at PoC sites in Juba, Malakal, Bentiu, and Bor to hold IDPs who were criminal suspects. Authorities did not intend the holding facilities to house IDPs for more than 72 hours but sometimes held IDP suspects longer due to delays in determining how to treat individual cases. UNMISS observed prisoners daily and offered medical treatment for serious complications. Prisoners received food twice a day.

The National Security Service (NSS) operated a detention facility in Juba that held civilian prisoners (see section 1.d.).

Administration: The National Prison Service (NPS) continued weekly reporting of prisoner totals from all state prisons to its Juba headquarters, including statistics on juveniles and persons with mental disabilities (see section 1.d.). There were no prison ombudsmen.

Nonviolent offenders were kept with violent offenders because of resource and spatial constraints. There were a reported 132 juveniles in detention. The NPS reported holding 162 inmates with mental disabilities determined by a judge to be sufficiently dangerous (and “mentally ill”) after referral by family or the community, incarcerating, medicating, and keeping them in detention until a medical evaluation revealed they were no longer ill and could depart.

The NPS allowed prisoners access to visitors and permitted them to take part in religious observances, but NSS and SPLA authorities were less likely to do so. The NPS allowed prisoners to submit complaints to judicial authorities without censorship and to request investigation of allegations of inhuman conditions; prison authorities sometimes investigated such allegations, although they seldom took action.

Independent Monitoring: The NPS permitted visits by independent human rights observers, including UNMISS human rights officers, nongovernmental observers, international organizations, and journalists. Although authorities sometimes permitted monitors to visit detention facilities operated by the SPLA, they rarely, if

ever, permitted monitors to visit facilities operated by the NSS, which held both military prisoners and civilians without legal authority.

#### **d. Arbitrary Arrest or Detention**

The transitional constitution prohibits arbitrary arrest and detention without charge. The government, however, arrested and detained individuals arbitrarily. Since the start of the crisis in 2013, there were numerous reports of arbitrary arrests and detentions (see sections 1.a., 1.c., and 1.g.). While not legally vested with the power to arrest or detain civilians, the SPLA often did so. The NSS also routinely detained civilians. Security services rarely reported such arrests to police, other civilian authorities, or, in the case of foreigners arrested, diplomatic missions. Police also routinely arrested civilians based on little or no evidence prior to conducting investigations and often held them for weeks or months without charge or trial.

There were numerous reported arbitrary arrests or detentions similar to the following example: On June 26, men in military intelligence uniforms arrested the former governor of newly created Wau State, Elias Waya Nyipuch, at his residence in Juba. He remained in detention, and by year's end no charges had been brought against him. Nyipuch had been relieved of office on June 24.

#### **Role of the Police and Security Apparatus**

The South Sudan National Police Service, under the Ministry of Interior, is responsible for law enforcement and maintenance of order. It consisted largely of former SPLA soldiers, was poorly trained, corrupt, and widely distrusted. Authorities often based detentions on accusations rather than investigations. They rarely investigated complaints of police abuse. Police often went months without pay; they solicited bribes or sought compensation, often in the form of food or fuel, for services rendered to civilians.

The SPLA is responsible for providing security throughout the country and ostensibly operates under the Ministry of Defense and Veterans' Affairs; current and former military personnel staff the ministry. The SPLA does not have law enforcement authority, unless acting at the request of civil authorities. Nevertheless, the SPLA regularly exercised police functions, in part due to the limited presence and general ineffectiveness of law enforcement in many areas. It routinely detained persons, including in SPLA run detention facilities to which monitors generally had little or no access. The SPLA's approach to internal

security and civilian disarmament was often unsystematic and disproportionate, contributing to conflict within and between communities while undermining the government's legitimacy in conflict areas. The law requires cases of SPLA abuse of civilians to be heard in civilian courts, but there were no reports of cases being referred.

The NSS, which has arrest and detention authority only in matters relating to national security, often detained civil society activists, businesspersons, NGO personnel, journalists, and others to intimidate them, particularly if the NSS believed they supported opposition figures. Authorities rarely investigated complaints of arbitrary detention, harassment, excessive force, and torture.

Impunity of the security services was a serious problem. Although some internal investigations within the army and police were reportedly launched, no cases of security sector abuse were referred to civilian courts. According to media reports, the SPLA court-martialed at least 60 soldiers accused of looting and other human right abuses in July in Juba; however, undue command influence over the military justice system was a persistent problem.

### **Arrest Procedures and Treatment of Detainees**

While the law requires police to bring arrested persons before a public prosecutor, magistrate, or court within 24 hours, there were no public prosecutors or magistrates available below the county level in most areas. Court dockets often were overwhelmed, and cases faced long delays before coming before a judge. Police may detain individuals for 24 hours without charge. A public prosecutor may authorize an extension up to one week, and a magistrate may authorize extensions of up to two weeks. Authorities did not always inform detainees of charges against them and regularly held them past the statutory limit without explanation. Police sometimes ignored court orders to bring arrested persons before the court. Police, prosecutors, defense lawyers, and judges were often unaware of the statutory requirement that detainees appear before a judge as quickly as possible. Police commonly conducted arrests without warrants, and warrants were often irregular, handwritten documents. Warrants were commonly drafted in the absence of investigation or evidence.

The code of criminal procedure allows bail, but this provision was widely unknown or ignored by justice sector authorities, and they rarely informed detainees of this possibility. Because pretrial appearances before judges often were delayed far past statutory limits, authorities rarely had the opportunity to



adjudicate bail requests before trial. Those arrested had a right to an attorney, but the country had few lawyers, and detainees were rarely informed of this right. The transitional constitution mandates access to legal representation without charge for the indigent, but defendants rarely received legal assistance if they did not pay for it. Authorities sometimes held detainees incommunicado.

Arbitrary Arrest: Security forces arbitrarily arrested opposition leaders, civil society activists, businesspersons, journalists, and other civilians due to ethnicity or possible affiliation with opposition forces. The SPLA and NSS often abused political opponents and others whom they detained without charge. Ignorance of the law and proper procedures also led to many arbitrary detentions. Many justice sector actors, including police and judges, operated under a victim-centric approach that prioritized restitution and satisfaction for victims of crime, rather than following legal procedure. This approach led to many arbitrary arrests of citizens who were simply in the vicinity when crimes occurred, were of a certain ethnicity, or were relatives of suspects. For example, there were numerous reports women were detained when their husbands, accused of having unpaid debts, could not be located.

Pretrial Detention: Lengthy pretrial detention was a problem, due largely to the lack of lawyers and judges, the difficulty of locating witnesses, misunderstanding of constitutional and legal requirements by police, prosecutors, and judges, and the absence of a strong mechanism to compel witness attendance in court. The length of pretrial detention commonly equaled or exceeded the sentence for the alleged crime. Estimates of the number of pretrial detainees ranged from one-third to two-thirds of the prison population. The chronic lack of access to law enforcement officers and judicial systems became even more severe as armed conflict displaced officials (see section 1.g.). In October the NPS reported approximately 30 children were being held in pretrial detention in Juba Central Prison, some for up to eight years.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: The Code of Criminal Procedure Act, 2008 (Article 50 (305)) provides compensation for wrongful arrest if the court determines there was no sufficient ground for detention. In practice, there were no known cases where an appellant successfully sought compensation for wrongful detention.

#### **e. Denial of Fair Public Trial**

The transitional constitution provides for an independent judiciary and recognizes customary law. While the law requires the government to maintain courts at federal, state, and county levels, lack of infrastructure and trained personnel made this impossible, and few statutory courts existed below the state level.

In the majority of communities, customary courts remained the principal providers of justice services. Customary courts maintained primary authority to adjudicate most crimes other than murder. Customary courts can deal with certain aspects of murder cases if judges remit the cases to them to process under traditional procedures and determine compensation according to the customs of the persons concerned. If this happens, the judge can sentence the individual who commits a killing to no more than 10 years. Government courts also heard cases of violent crime and acted as appeals courts for verdicts issued by customary bodies. Legal systems employed by customary courts varied, with most emphasizing restorative dispute resolution and some borrowing elements of sharia (Islamic law). Government sources estimated customary courts handled 80 percent of all cases due to the capacity limitations of statutory courts.

Political pressure, corruption, discrimination toward women, and the lack of a competent investigative police service undermined both statutory and customary courts. Patronage priorities or political allegiances of traditional elders or chiefs commonly influenced verdicts in customary courts. Despite numerous pressures, some judges appeared to operate independently.

Human rights organizations raised concerns about a court martial that reportedly convicted approximately 77 soldiers of crimes associated with the July violence. In early August, monitoring groups were told there would be a court-martial and they would be provided with information so they could attend the proceedings. Approximately two weeks later, they were informed the proceedings had already taken place. An advocate for one of the accused reported he had not had time to confer with his client.

### **Trial Procedures**

Under the transitional constitution defendants are presumed innocent and have the right to be informed promptly and in detail of charges (with free interpretation as necessary), be tried fairly and publicly without undue delay, be present at any criminal trial against them, confront witnesses against them, present witnesses and evidence, not be compelled to incriminate themselves, and to legal counsel.

Despite these protections, law enforcement officers and statutory and customary court authorities commonly presumed suspects to be guilty, and suspects faced serious infringements of their rights. Free interpretation was rarely, if ever, offered. Most detainees were not informed promptly of the charges against them. Prolonged detentions often occurred, and defendants generally did not have adequate access to facilities to prepare a defense. While court dates were set without regard for providing adequate time to prepare a defense, long remands often meant detainees with access to a lawyer had sufficient time to prepare. Defendants generally did not have access to government evidence, which often was minimal due to the government's lack of forensic capability. Magistrates often compelled defendants to testify, and the absence of lawyers at many judicial proceedings often left defendants without recourse.

Public trials were the norm both in customary courts, which usually took place outdoors, and in statutory courts. Some high level court officials opposed media access to courts and asserted media should not comment on pending cases. The right to be present at trial and to confront witnesses was sometimes respected, but in statutory courts, the difficulty of summoning witnesses often precluded exercise of these rights. No government legal aid structure existed.

Defendants did not necessarily have access to counsel or the right of appeal, and discrimination against women was common. Some customary courts, particularly those in urban areas, had fairly sophisticated procedures, and verdicts were consistent. Some customary court judges in Juba kept records that were equal to or better than those kept in government courts.

### **Political Prisoners and Detainees**

There were reports of political prisoners and detainees, which civil society groups estimated to number in the dozens at any given time. Authorities typically held them from a few hours to a few days or weeks prior to release, usually without charge, reportedly in an effort to intimidate or stifle opposition.

For example, Professor Leonzio Angole Onek, Dean of the College of Applied and Industrial Sciences at the University of Juba, was arrested in December 2015 and detained until April 25 without charge. According to Amnesty International, Onek was one of 35 individuals detained illegally at NSS headquarters in Juba. Reportedly, most had been detained for contacts with the SPLM-IO and/or SPLA-IO. Onek was released in April, apparently because of a worsening medical condition.

## **Civil Judicial Procedures and Remedies**

Statutory and customary courts provided the only options for those seeking to bring claims to address human rights violations, and these claims were subject to the same limitations that affected the justice sector in general.

### **Property Restitution**

The government rarely provided proportionate and timely restitution for the government's confiscation of property.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The transitional constitution prohibits interference with private life, family, home, and correspondence. Authorities, however, reportedly violated these prohibitions.

To induce suspects to surrender, officials at times held family members in detention centers.

### **g. Abuses in Internal Conflict**

During the conflict between the government and opposition forces that began in 2013, security forces, opposition forces, armed militias affiliated with the government and the opposition, and civilians committed conflict related abuses and violations around the country. Patterns of abuse continued throughout 2015 and intensified after renewed fighting broke out during the year.

Casualty totals were difficult to estimate because the belligerents typically did not maintain accurate records. The number of IDPs and refugees increased to approximately 1.3 million at year's end. International NGOs and the United Nations reported atrocities including the targeting of civilians, rape and gang rape employed as a weapon of war, and the mass destruction of homes and personal property.

Killings: In February fighting broke out between armed actors at the UNMISS PoC site in Malakal town, where an estimated 50,000 IDPs were sheltering. Fighting among armed elements aligned along ethnic lines--Dinka, Shilluk, and Nuer--resulted in the deaths of more than 29 persons. More than 140 were injured.

According to the United Nations, government soldiers involved in the fighting fired on IDPs, and looted and burned humanitarian equipment. A February 29 UN Security Council press statement, “stressed that attacks against civilians and United Nations premises may constitute war crimes.”

In July a series of clashes between government and opposition forces sparked days of intense fighting in Juba and resulted in the deaths of approximately 300 persons. Both sides sustained casualties when fighting broke out July 8 between forces loyal to President Salva Kiir and others loyal to First Vice President Riek Machar, during a meeting between the two leaders. Two days later, during intense fighting across the capital, several civilians and two peacekeepers were killed.

Government forces were accused of widespread human rights abuses during the fighting and in the days following. According to the UN Office of the High Commissioner for Human Rights, while some civilians were accidentally killed in the exchange of fire between opposing forces, others were specifically targeted, largely for suspected affiliation with the SPLM-IO or SPLA-IO. Targeting along ethnic lines was also reported. According to UN reports, on July 11, SPLA soldiers arrested eight civilians in house-to-house searches, and brought them to a nearby hotel where they executed four of them. According to the report of a government investigative committee, government forces were responsible for the murder of a Nuer journalist during the attack on the Terrain hotel compound.

Following the fighting in Juba, ethnic skirmishes intensified in pockets around the country, in particular in Leer, Malakal, and Yei. In October, attacks on buses leaving Juba by armed men believed to be associated with the opposition left more than 25 dead. The majority of those killed were Dinka women and children.

Scorched earth tactics typical of the way all the armed forces conducted operations included: killing and raping civilians; looting cattle and goods; destroying property to prevent the return of those who had managed to flee, followed by repeated incursions into an area to ensure those who had fled did not return; and frequently obstructing humanitarian assistance. These actions multiplied the numbers of displaced civilians, who often were forced to travel great distances in dangerous circumstances to reach the shelter, food, and safety of UN-run PoC camps or to hide in marshes where they risked drowning or starvation.

Abductions: Abductions, particularly of children, took place in both conflict and non-conflict zones as government and opposition forces and affiliated armed militia groups recruited children and women against their will.

On April 15, armed men from the Murle ethnic group reportedly attacked 13 Nuer villages in the Gambella region of Ethiopia. According to the United Nations, the attack led to more than 200 deaths and the abduction of an estimated 159 children. Another 80 persons were reportedly wounded and more than 2,000 cattle stolen. In the first two months after the attack, Ethiopian and South Sudanese authorities rescued 91 children, but at year's end, more than 60 remained unaccounted.

Physical Abuse, Punishment, and Torture: Government, opposition forces, and armed militias affiliated with the government and the opposition tortured, raped, and otherwise abused civilians in conflict areas.

Sexual and gender-based violence, and conflict related sexual violence, were widespread. Rape was used widely as a weapon of war. In an August 1 press release, UNMISS stated, over the preceding few weeks, it had received reports of widespread sexual violence, including rape and gang rape of women and young girls, by soldiers in uniform and also by unidentified armed groups of men in plainclothes. UN officials who interviewed survivors reported gang rape was common. Monitors described how groups of armed men went house-to-house in the Jebel neighborhood of Juba, looting and raping. The UN Human Rights Division catalogued more than 100 separate cases in Juba alone of sexual violence against and rape of unarmed civilians, including gang rapes and sexual abuse of minors between July 8 and August 1. Men were also victims of sexual violence, but on a far reduced scale.

Child Soldiers: Following the outbreak of conflict in 2013, forced conscription by government forces, as well as recruitment and use of child soldiers by both government and anti-government forces increased. During the year, there were widespread reports government forces were recruiting child soldiers. Opposition forces and affiliated armed militias also recruited child soldiers.

International organization experts estimated 16,000 child soldiers had been recruited in the country since the conflict began in 2013 and blamed government, opposition, and militia forces. On August 19, UNICEF announced more than 650 children had been recruited into armed groups between January and August.

The August 2015 peace agreement mandated specialized international agencies work with all warring parties to demobilize and reintegrate child soldiers from the SPLA, the SPLA-IO, the Nuer White Army, and other groups, usually those involved in community defense. Between January and June 2015, UNICEF's

program in the Greater Pibor (Jonglei State) Administrative Authority demobilized and reintegrated 1,755 child soldiers, most of whom were released by chief administrator David Yau Yau's Cobra Faction. Another 145 children were released in October. UNICEF warned renewed fighting undermined the progress it had made in demobilizing and reintegrating child soldiers, and acknowledged some of the children had been re-recruited.

Also, see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

Other Conflict-related Abuse: Throughout the year the environment for humanitarian operations grew increasingly difficult and dangerous as the geographic scope of humanitarian need expanded. Armed actors, including government and opposition forces, continued to restrict the ability of the United Nations and relief organizations to function safely and effectively deliver humanitarian assistance to populations in need. Access was impeded by direct denials, bureaucratic barriers, and renewed fighting in areas of the country where humanitarian needs were highest. Despite repeated safety assurances, armed elements harassed and killed relief workers, looted and destroyed humanitarian assets and facilities, and imposed bureaucratic impediments on relief organizations. On multiple occasions, fighting between armed forces put the safety and security of humanitarian workers at risk, prevented travel, forced the evacuation of relief workers, and jeopardized humanitarian operations, including forcing organizations to suspend operations entirely in areas of active conflict. Between the start of the crisis in December 2013 and December, relief workers recorded more than 2,500 incidents of access denial or interference by the SPLA, SPLA-IO, or other armed elements. During the year, relief organizations reported more than 683 humanitarian access incidents, including 100 in November. Delayed flight safety assurances, insecurity, and movement restrictions often prevented relief workers from traveling to conflict and nonconflict areas. Humanitarian personnel, independently or through a UN Office for the Coordination of Humanitarian Affairs (OCHA) access working group, negotiated with the SPLA, SPLA-IO, and other armed groups to address access problems; however, these negotiations were often protracted and caused significant delays in the delivery of assistance.

The humanitarian operating environment became more volatile, increasingly jeopardizing the safety of humanitarian workers throughout the country. The most common forms of violence against humanitarian workers included robbery and looting, harassment, armed attacks, commandeering of vehicles, and physical detention. UNMISS reported at least 67 humanitarian staff members had been

killed in the country since December 2013, 22 of them during the reporting year. For example, unidentified armed actors ambushed a group of Danish Refugee Council relief workers traveling in marked vehicles near Central Equatoria State's Yei town on April 12, resulting in the deaths of two South Sudanese humanitarian staff.

Armed actors clashed in the UNMISS PoC site in Upper Nile state's Malakal town from February 17-18. The violence and subsequent events resulted in at least 29 deaths, including of three aid workers, and injured more than 140. Fire that began during the violence destroyed several humanitarian facilities, including three medical clinics, two schools, nutrition centers, and water tanks.

In late February, violence broke out in Jonglei state's Pibor town, displacing thousands of civilians and forcing the relocation of relief workers. Humanitarian assets, including lifesaving nutrition supplies meant to treat 600 severely malnourished children, medical equipment, fuel, and medicines, were looted. The fighting also destroyed Pibor's Humanitarian Hub, which provided workspace and accommodation for more than 40 aid workers.

Armed elements looted humanitarian assets and facilities during fighting in Western Bahr el Ghazal State's Raja town on June 15. According to OCHA, the attackers looted six humanitarian compounds and the town's main health clinic, stole three International Committee of the Red Cross vehicles, and attacked and looted a WFP warehouse in Raja.

Restrictions on humanitarian operations took other forms as well. From June 24-25, fighting in Western Bahr el Ghazal State's Wau town displaced thousands; an estimated 79,200 persons remain displaced in and outside the town at year's end. The violence prompted the NGO World Concern to suspend activities in the town and evacuate 10 staff members. Although relief organizations were able to assist populations outside Wau in late June and early July, access outside the town was severely limited in the months that followed. Humanitarian workers attempting to travel outside Wau were frequently stopped at checkpoints, harassed, and threatened by armed elements. On September 15, a humanitarian team planning to deliver assistance to populations outside Wau was denied access at a checkpoint, despite assurances and a letter from authorities approving unrestricted access.

Clashes between SPLA and SPLA-IO forces broke out in Juba on July 8. The violence resulted in the deaths of hundreds, including two UN peacekeepers, and temporarily displaced as many as 42,000 persons. During the clashes, armed



actors and civilians looted the primary WFP warehouse in the city. Prior to the incident, the warehouse contained an estimated 4,500 metric tons of emergency food and nutrition commodities, as well as fuel, generators, office equipment, vehicles, and other items. The WFP estimated the looted nutrition supplies would have been sufficient to provide one-month rations to 220,000 persons. The looting resulted in a financial loss to WFP of approximately \$28 million, including \$8 million in nutrition commodities.

Artillery shells struck the maternity wing of International Medical Corp's (IMC) hospital in the UNMISS House PoC site during the Juba clashes. The incident did not injure IMC staff or patients, although the attack forced IMC to relocate patients to another facility inside the PoC site. Despite significant impediments, including fuel and water shortages, IMC was able to continue treating injured persons during the fighting.

The early July violence in Juba spread through the Greater Equatoria region of Central Equatoria, Eastern Equatoria, and Western Equatoria states. In Central Equatoria's Yei, armed actors from both sides nearly surrounded the town with checkpoints that inhibited civilian and humanitarian movement in and out of the town, preventing persons from harvesting crops and delaying relief operations. In addition, road attacks were frequently reported in the region throughout the year; unidentified persons launched four ambushes of humanitarian workers between September 28 and October 2. During the incidents NGO vehicles were shot at and damaged, and aid workers were robbed of personal belongings. An aid worker traveling in a clearly marked NGO vehicle was killed in another ambush near Eastern Equatoria's Torit town on October 14.

Fighting that began on July 13 in Unity State's Leer County forced an estimated 350 persons, including relief workers, to seek refuge at a nearby UNMISS base. As a result of the clashes, more than 50 aid workers were evacuated from Leer between July 14 and 20. Due to violence, an estimated 1,600 persons were sheltering at the UNMISS base in early December.

In addition to physical security challenges, bureaucratic access constraints seriously affected humanitarian workers' ability to deliver timely aid to populations in need. In July government delays in providing tax exemption papers left WFP-contracted trucks stranded on the Uganda-South Sudan border. The 27 trucks, carrying more than 700 metric tons of nutrition commodities, were kept at the border for more than a month until WFP could obtain the paperwork, incurring more than SSP 31.6 million (\$400,000) in demurrage charges.

During the year, government officials hindered humanitarian air operations on several occasions. In late July, they demanded the WFP provide renewed clearances for air operations into South Sudan originating from Ethiopia. Resolving the issue required more than two weeks of negotiations and seriously delayed WFP distributions of emergency food assistance. On September 3, the government began requiring flight safety assurances for airdrops to all locations in the country, regardless of conflict status. This included Northern Bahr el Ghazal state, government-controlled territory that had not seen conflict yet, which faced the most acute food insecurity and had the greatest need for food assistance. The new requirement postponed WFP airdrop operations in that area for nearly two weeks.

Abyei is a disputed region between Sudan and South Sudan that, according to agreements between the two governments, is to be jointly administered until a referendum on the final status of the area is held. After South Sudanese independence, the United Nations established the UN Interim Security Force for Abyei (UNISFA). The security situation in Abyei was calm but unpredictable throughout the year. UNISFA reported some progress in communities returning property/livestock or receiving compensation for stolen property/livestock. The mission also noted a peaceful reverse migration of Misseriya communities. Crime remained a problem, but there was a decrease in thefts and break-ins at UN and UNISFA compounds.

UNISFA and NGOs continued to provide humanitarian assistance to more than 130,000 vulnerable persons in Abyei. The conflict in South Sudan undercut the provision of aid, including by forcing the temporary relocation of international staff to Juba; looting of supplies procured in South Sudan and subsequent cost increases for those supplies; and delays in NGO activities. An estimated 1,000 displaced South Sudanese transited Abyei towards Sudan.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The transitional constitution provides for freedom of speech and press. The government and its agents frequently violated these rights, however, and the downward trend in respect for these freedoms since 2011 continued.

Freedom of Speech and Expression: Civil society organizations must register with the government under the 2013 NGO Act (and the subsequent 2016 Act). The government regularly attempted to impede criticism by monitoring, intimidating, harassing, arresting, or detaining members of civil society who publicly criticized the government.

Press and Media Freedoms: The government maintained strict control of media, both print and electronic. The government suppressed dissenting voices, forcing some civil society organizations and media houses to shut down or flee the country. Most organizations practiced self-censorship to ensure their safety. During the year, the government temporarily closed newspapers for printing content deemed antigovernment. The newspapers were generally allowed to reopen a few days later. One newspaper, the *Nation Mirror*, was closed on September 14 after publishing the details of a report by international advocacy group *The Sentry* that alleged misuse of state funds by the nation's leaders, and remained closed at year's end. In November, NSS closed the independent radio station *Eye Radio*, reportedly because it aired a voice clip from SPLM-IO leader Machar; the station resumed broadcasts more than one week later. Since the outbreak of conflict in 2013, the government tried to dictate media coverage of the conflict and threatened those who tried to publish or broadcast the opposition's views. NSS regularly harassed, intimidated, and summoned journalists for questioning. The environment for media workers remained precarious throughout the year.

Authorities made some progress on implementing the three media bills signed into law in 2013, which were intended to resolve disputes between the government and journalists through established boards responsible for the right to access information, public service broadcasting, and media authority. President Kiir appointed chairpersons and members of the boards.

Government officials or individuals close to the government regularly interfered in the publication of articles and broadcasting of programs, and high-level government officials stated press freedom should not extend to criticism of the government or soliciting views of opposition leaders.

Violence and Harassment: Security forces commonly intimidated or detained journalists whose reporting they perceived as unfavorable to the military or government. Security forces confiscated or damaged journalists' equipment and restricted their movements. During the year, journalists were interrogated, harassed, detained, and imprisoned, and there were instances of severe violence

and suspicious death. NSS representatives frequently harassed journalists by detaining them at NSS headquarters or local police stations without formal charges. Government harassment was so pronounced that several journalists fled the country. Journalists and media agencies that reported on news of the opposition could expect questioning and possibly closure. Journalists in Juba experienced threats and intimidation and routinely practiced self-censorship. On several occasions high level officials publicly used intimidating language directed toward media outlets and representatives.

There were numerous reported such abuses similar to the following example: On July 16, Alfred Taban, a journalist and editor in chief of the *Juba Monitor*, was arrested after publication of an editorial in which he called for the removal of President Kiir and First Vice President Machar, criticizing them for their failure to implement the August 2015 peace agreement. Taban was released on bail 13 days later. At year's end, there was no date set for his trial.

On October 11, Malek Bol, a reporter for the Arabic-language daily *al-Maugif*, was found badly injured and showing signs of torture in a cemetery in Juba. According to Reporters Without Borders, fellow journalists found him three days after he disappeared. Bol had recently posted an article on social media critical of President Kiir.

In December 2015, NSS members arrested Joseph Afandi, an editor for the Arabic daily *El Tabeer*, at the newspaper's offices in Juba after he wrote an editorial critical of the ruling party. Afandi was released without charge six weeks later. According to international watchdog agencies, Afandi was abducted in March, severely tortured, and dumped in a graveyard four days later.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. The government, however, targeted and intimidated individuals who were critical of the government in open online forums. Additionally, in an October 12 press statement, Information Minister Michael Makuei Lueth threatened to "disconnect" social and other online media, after (false) rumors of the president's death circulated and contributed to widespread fear of violence or a coup in Juba. The internet was unavailable in most parts of the country due to lack of electricity and

communications infrastructure. According to the International Telecommunication Union, 18 percent of the population used the internet in 2015.

### **Academic Freedom and Cultural Events**

There were no known government restrictions on academic freedom or cultural events.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

The transitional constitution provides for freedom of peaceful assembly, and the government generally respected this right, but many citizens did not gather due to fear of targeted violence. Security officials lacked nonviolent crowd control capabilities and at times fired live ammunition into the air to disperse crowds.

### **Freedom of Association**

The transitional constitution provides for freedom of association, but the government did not respect this right for those suspected of associating with or having sympathies for opposition figures (see section 1.g.). Some civil society leaders interpreted the 2012 Political Parties Act as an attempt to suppress opposition to the SPLM (see section 3).

In February the president signed into law a bill that strictly regulates the activity and operations of civil society. The law focused particularly on NGOs working in the governance, anticorruption, and human rights fields, and imposed a range of legal barriers including limitations on the types of activities in which organizations can engage, onerous registration requirements, and heavy fines for noncompliance.

During the September 2-5 visit of the UN Security Council (UNSC) to South Sudan, UNSC Permanent Representatives met with CSOs that argued in favor of the deployment of a Regional Protection Force. Before the UNSC delegation had even left Juba, security forces began to target CSOs, detaining and threatening several CSO representatives. Security officials informed others they had to shut down their operations and their assets would be seized, because of the “antigovernment” messages they had been spreading.

## **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The transitional constitution provides for freedom of internal movement, foreign travel, and repatriation. The government, however, often restricted these rights, and routinely blocked travel of political figures within the country and outside the country. The transitional constitution does not address emigration.

Abuse of Migrants, Refugees, and Stateless Persons: Refugees sometimes suffered abuse, such as armed attacks, killings, gender-based violence, forced recruitment, including of children, and forced labor, according to the UN High Commission for Refugees.

In-country Movement: IDPs remained on UNMISS PoC sites due to fear of retaliatory or ethnically targeted violence by armed groups, both government- and opposition-affiliated. The government often obstructed humanitarian organizations seeking to provide protection and assistance to IDPs and refugees. Continuing conflict between government and opposition forces restricted the movement of UN personnel and the delivery of humanitarian aid (see section 1.g.).

Emigration and Repatriation: The 2012 Cooperation Agreements signed by the governments of Sudan and South Sudan cover security, economic, and other matters, including an agreement to protect freedoms of residence, movement, economic activity, and property ownership for citizens of both countries residing in Sudan or South Sudan. Although negotiating parties made progress in October 2015 in Addis Ababa on border issues, the governments failed to make substantial progress on aspects of the agreement relating to each other's nationals.

Citizenship: During the year, the government revoked the diplomatic and official passports of some SPLA-IO representatives abroad whom they deemed enemies of the state; however, there were no reports the government revoked citizenship for political reasons.

#### **Internally Displaced Persons**

In mid-year, conflict in the country intensified and spread to areas previously less affected by fighting. The result was mass population displacement, both within the country and into neighboring countries, and high levels of humanitarian and protection needs, which strained the ability of UN and international humanitarian personnel to provide protection and assistance. According to OCHA, conflict and food insecurity have displaced more than 1.8 million persons since December 2013, including more than 79,200 in and around Western Bahr el Ghazal State's Wau town, and more than 1.2 million in remote areas of conflict-affected Jonglei, Unity, and Upper Nile states. Approximately 224,100 persons were sheltering in UNMISS PoC sites throughout the country as of December 12, an increase from the 193,800 sheltering in PoC sites at the end of 2015. The increased violence and food insecurity forced relief actors to delay plans for the safe return and relocation of some IDP populations.

On July 8, fighting broke out in Juba that killed hundreds of persons and newly displaced as many as 42,000 persons; nearly 39,000, both newly and previously displaced, remained in the town's UNMISS PoC sites at year's end. A July 11 ceasefire calmed active fighting in Juba, but reports of armed elements kidnapping and raping women outside the PoC sites increased. Relief workers recorded more than 100 cases of sexual and gender-based violence in the city in July, and noted the number was likely much higher due to underreporting.

The July violence spread from Juba to the Greater Equatoria region of Central Equatoria, Eastern Equatoria, and Western Equatoria states, an area traditionally less conflict prone. Nearly 426,000 persons were displaced in the region as of October 31, and many fled the country. In addition fighting in Unity state's Leer County escalated in July, resulting in further population displacements within the state and to neighboring countries. As of December 5, approximately 1 million citizens had sought refuge in neighboring countries, including nearly 371,000 who fled to Uganda after July 1.

IDPs suffered significant abuses, such as armed attacks, killings, ethnically targeted violence, arbitrary detention, gender-based violence, and recruitment of child soldiers. Both government and opposition forces targeted IDPs.

### **Protection of Refugees**

Access to Asylum: The South Sudan Refugee Act provides for protection of refugees as well as the granting of asylum and refugee status. The government

allowed refugees from a variety of countries to settle and generally did not treat refugees differently from other foreigners.

Access to Basic Services: While refugees sometimes lacked basic services, this generally reflected a lack of capacity in the country to manage refugee problems rather than government practices that discriminated against refugees. Refugee children had access to elementary education in refugee camps through programs managed by international NGOs and the United Nations. Some schools were shared with children from the host community. Refugees had access to judiciary services in principle, although a lack of infrastructure and staff meant these resources were often unavailable.

Due to continuing conflict and scarcity of resources, some tension existed between refugees and host communities over access to resources.

Durable Solutions: The government accepted refugees and returnees for resettlement, although it did not publish a national strategy for facilitating integration or reintegration into local communities. No national procedures were in place to facilitate the provision of identity documents for returnees or the naturalization of refugees beyond procedures that were in place for all citizens and other applicants.

### **Stateless Persons**

Citizenship is derived through birth if a person has a South Sudanese parent, grandparent, or great-grandparent on either the mother's or the father's side, or if a person is a member of one of the country's indigenous ethnic communities. Individuals also may derive citizenship through naturalization. Birth in the country is not sufficient to claim citizenship.

### **Section 3. Freedom to Participate in the Political Process**

The transitional constitution provides that every citizen has the right to participate in elections in accordance with the constitution and the law. While the 2010 Sudan-wide elections did not wholly meet international standards, international observers believed Kiir's election reflected the will of a large majority of Southern Sudanese. International observers considered the 2011 referendum on South Sudanese self-determination, in which 98 percent of voters chose to separate from Sudan, to be free and fair.



## **Elections and Political Participation**

Recent Elections: The transitional constitution required an election be held by July 9, the date on which the first post-independence presidential term ended. The peace agreement, which calls for elections at the end of a transitional period, superseded the transitional constitution. Intense violence in Greater Upper Nile region and insecurity throughout the country following the outbreak of violence in Juba in 2013 were additional factors in the government's decision to postpone elections. In March the TNLA passed amendments to the transitional constitution extending the terms of the president, the national legislature, and the state assemblies for three years until July 2018.

Under the terms of the peace agreement signed in August, elections are to be held 30 months following the formation of a Transitional Government of National Unity. Interim objectives include the drafting and approval of a new constitution, completing a national census, improving the capacity of the National Elections Commission, and implementing an extensive outreach campaign to educate voters and to bring them into the political process.

An unfavorable environment for media and citizen expression hampered participation in political processes.

Political Parties and Political Participation: The SPLM enjoyed a near monopoly of power in the government and continued to be the most broadly recognized political entity since the signing of the Comprehensive Peace Agreement in 2005. SPLM membership conferred political and financial advantages, and there was great reluctance by opposition parties to shed the SPLM name. For example, the main opposition party was referred to as the SPLM-IO, and most other political parties were either offshoots of the SPLM or affiliated with it.

Under the terms of the August 2015 Agreement on the Resolution of the Conflict in the Republic of South Sudan ("the peace agreement"), President Kiir's SPLM faction was allocated a 53 percent share of the executive branch. A 33 percent share was assigned to the SPLM-IO, led by Riek Machar Teny, who returned to Juba in April to serve as first vice president. After fighting between the SPLA and SPLA-IO broke out in Juba in July, however, Machar fled the country. His SPLM-IO fractured into two factions, and, after the July violence, the government recognized only the faction led by current First Vice President Taban Deng Gai.

Under the terms of the peace agreement, opposition parties head 14 of 30 ministries. They also held a small minority of seats in the TNLA and the Council of States. Many opposition members who are supporters of Machar argued the current SPLM-IO led by Taban Deng Gai is no longer “the true opposition,” characterizing its membership to consist of opposition figures who have defected to the government.

Opposition parties complained that at times the government harassed party members. The Political Parties Act, passed in 2012, mandated specific requirements for those political parties that existed in a unified Sudan prior to South Sudan’s independence in 2011. The Political Parties Council (an independent body created by the law and created in early February to manage political party matters) representatives estimated the requirements affect approximately 25 parties. In October the Political Parties Council issued a call for pre-independence parties to register within 90 days, stating no party had officially registered since independence; 11 political parties were registered in April. Parties formed after independence are not subject to the 90-day deadline. Registration (for both pre-and post-independence parties) included strict requirements that a party show a minimum number of supporters in eight of the country’s 10 states (to avoid ethnically based parties) and adopt a party constitution and manifesto before the deadline.

Participation of Women and Minorities: The transitional constitution requires at least 25 percent female participation in the legislative and executive branches of government at the national and state levels. The Local Government Act requires at least 25 percent of county commissioners and 25 percent of county councilors be women. The Council of Traditional Authority Leaders Act requires at least two of nine members of the council be women.

These laws were inconsistently implemented at both the state and national levels. While women have made gains in both the TNLA and in the executive branch (see below), they remained marginalized in the judiciary, local governments, and among traditional leaders. Representation was particularly poor at the local level, where implementation of the 2009 act’s provisions was particularly wanting. The current system also devolved substantial candidate selection power to political party leaders, very few of whom were women.

Women held 87 of the 296 filled seats in the TNLA but occupied only six of the 50 seats in the Council of States. That number increased with appointment of more women to the TNLA (no exact figure was available). The government did not

meet the 25 percent representation requirement for women at the state level. No women were selected for posts during the president's December round of caretaker governor appointments. The governor of Warrap state, the only female governor, was relieved of her duties. Six women served in the 30-member cabinet, and one of eight deputy ministers was a woman.

Women tended to be discouraged from assuming leadership positions because of the belief such activities conflicted with their domestic duties.

Several ethnic groups remained underrepresented or unrepresented in government, and the conflict exacerbated ethnic tensions and the imbalance in national and state level political institutions.

The absence of translations of the constitution in Arabic or local languages limited the ability of minority populations to engage meaningfully in political dialogue and contributed to low turnout for several consultations on a permanent constitution that took place around the country.

#### **Section 4. Corruption and Lack of Transparency in Government**

The transitional constitution provides for criminal penalties for acts of corruption. The government did not implement the law, and officials engaged in corrupt practices with impunity.

Corruption: Corruption was endemic in all branches of government. Poor recordkeeping, lax accounting procedures, absence of strict procurement laws, a lack of accountability, and the pending status of corrective legislation compounded the problem.

The transitional constitution assigns responsibility for investigating and prosecuting corruption to the South Sudan Anticorruption Commission (SSACC). The commission has no authority to prosecute because the constitution did not repeal or amend previous laws vesting prosecutorial powers in the Ministry of Justice. The criminal code does not define corruption.

The National Audit Chambers Act of 2011 established a National Audit Chamber (NAC) to be led by an auditor general to conduct independent audits of government ministries, state governments, and other entities. The NAC did not have authority to prosecute cases. The institution has not published any findings since early 2013.

Chapter IV of the August 2015 peace agreement calls for the government of South Sudan to be transparent and accountable, and for political leaders to fight against corruption. Chapter IV also calls for the establishment of an oversight mechanism to control revenue collection, budgeting, revenue allocation, and expenditures. The agreement mandates that both the SSACC and NAC be better protected from political interference.

In September the Ministry of Finance established a Cash Management Committee to review and regulate cash flow for the government on a daily basis.

An investigation by the international NGO The Sentry detailed the lavish lifestyles enjoyed by families of President Kiir, former First Vice President Machar, and several SPLA leaders, even as the country suffered from armed conflict and economic turmoil. The report traced millions of U.S. dollars in real estate and financial transactions to the named individuals, as well as provided information about the networks of facilitators in South Sudan and foreign countries that enabled the kleptocracy.

Financial Disclosure: Government officials of director general rank and higher are required to submit financial declaration forms annually, although there is no penalty for failure to comply. Spouses and minor children's assets must be declared as well. Although the SSACC received these forms and was responsible for monitoring compliance, no monitoring occurred by year's end.

Public Access to Information: No law provides for public access to government information, and the government resisted domestic and international pressures for increased transparency, particularly in the financial sector. The Ministry of Finance does not immediately publish the annual budget when approved; it publishes a fiscal yearbook that is usually delayed. The ministry does not investigate and report on large discrepancies between planned and actual budget expenditures. The Central Bank reported foreign reserve holdings on a limited basis to international donor institutions, but it did not publish this information or other commonly available data. The Ministry of Petroleum did not immediately publish information on oil production or oil revenues, and a multi-year marketing report with sales and revenue figures was last published in late 2015. The government did not publicize procurements, and single-source contracting was the norm.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

Reports outlining atrocities furthered tensions between the government and international organizations and NGOs. Government and opposition forces often blamed each other, or pointed toward militia groups or “terrorist” actors. A variety of domestic and international human rights groups investigated and published information on human rights cases and the armed conflict, often while facing considerable government resistance. Government officials were rarely cooperative and responsive to their views.

Prison officials granted considerable access to international organizations and NGOs, which they saw as important for demonstrating the critical lack of resources affecting the prison system. Conversely, security forces strictly limited access to their facilities, often prohibited monitoring of their activities, and generally regarded NGOs, the United Nations, and other international observers with suspicion.

NGOs reported increased entry of government representatives without judicial authorization into their properties. These officials often confiscated personal documents and equipment. NGOs and donors also reported work permit and registration requirements were burdensome, time consuming, and costly.

The United Nations or Other International Bodies: The government sometimes cooperated with representatives of the United Nations and other international organizations. A lack of security guarantees from the government and opposition on many occasions, as well as frequent government violations of the status of forces agreement, including the restriction of movement of UNMISS personnel, constrained UNMISS’ ability to carry out its mandate, which included human rights monitoring and investigations. Security forces generally regarded international organizations with suspicion.

UNMISS and its staff faced increased harassment and intimidation by the government, threats against UNMISS premises and PoC sites, unlawful arrest and detention, and abduction. The SPLA regularly prevented UNMISS from accessing areas of suspected human rights abuses, especially in Yei state, in violation of the status of forces agreement that allows UNMISS access to the entire country. Team members of the UN Security Council’s Panel of Experts reported generally good access to conduct their work, as did the UN Human Rights Commission in South Sudan. When the UN Security Council visited in September, however, civil

society members who met with the permanent representatives faced reprisals from the government (see section 1.c.).

Government Human Rights Bodies: The president appoints members of the South Sudan Human Rights Commission (SSHRC), whose mandate includes education, research, monitoring, and investigation of human rights abuses, either on its own initiative or upon request by victims. International organizations and civil society organizations considered the SSHRC's operations to be generally independent of government influence. The commission cooperated with international human rights advocates and submitted reports and recommendations to the government.

While observers generally regarded the SSHRC to have committed and competent leadership, severe resource constraints prevented it from effectively fulfilling its human rights protection mandate. Salaries and office management accounted for the bulk of its funding, leaving little for monitoring or investigation. In 2015 the commission released a three-year strategy and reported on 700 previously undocumented prisoners; however, it produced little during the reporting year.

The National Committee for the Prevention and Punishment of Genocide remained largely inactive throughout the year.

Responding to international pressure, the government initiated an investigation into the attack that took place at the Terrain Compound against international and South Sudanese civilians on July 11. The government's investigative committee drafted a report that established government soldiers were responsible for the attack and recommended the creation of a special hybrid court to prosecute the defendants. As of year's end, however, the government had not implemented these recommendations and had yet to prosecute anyone for crimes related to the attack.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: Rape is punishable by up to 14 years' imprisonment and a fine. The government did not effectively enforce the law, and rape was thought to be widespread. The law defines sexual intercourse within marriage as "not rape." No information was available on the number of persons prosecuted, convicted, or punished for rape, and convictions of rape seldom were publicized. According to observers, sentences for persons convicted of rape were often less than the maximum. Since the conflict began in 2013, conflict-related sexual

violence was widespread. The targeting of girls and women reached epidemic proportions following skirmishes and attacks on towns in conflict zones (see section 1.g.). Women and girls also faced the threat of rape while living in PoC sites and when leaving PoC sites to conduct daily activities.

The law does not prohibit domestic violence. Violence against women, including spousal abuse, was common, although there were no reliable statistics on its prevalence. Women were often reluctant to file a formal complaint, and police seldom intervened in domestic disputes. According to NGOs, some women reported police tried to charge them SSP 20 (\$0.25) or more when they attempted to file the criminal complaints of rape or abuse. While not mandatory, police often told women they needed to complete an official report prior to receiving medical treatment. Statistics were not available on the number of abusers prosecuted, convicted, or punished. Families of rape victims encouraged marriage to the rapist to avoid public shaming.

Female Genital Mutilation/Cutting (FGM/C): FGM/C is a criminal offense under the penal code, but little data existed to determine its prevalence. The law prohibits subjecting children to negative and harmful practices that affect their health, welfare, and dignity. Although not a common practice, FGM/C occurred in some regions, particularly along the northern border regions in Muslim communities. Several NGOs worked to end FGM/C, and the Ministry of Gender raised awareness of the dangers of FGM/C through local radio broadcasts.

Other Harmful Traditional Practices: The practice of girl compensation--compensating the family of a crime victim with a girl from the perpetrator's family--occurred. Victims were generally between ages 11 and 15, did not attend school, and often were physically and sexually abused and used as servants by their captors. Local officials complained the absence of security and rule of law in many areas impeded efforts to curb the practice.

Sexual Harassment: Sexual harassment is punishable by up to three years imprisonment and a fine. The government rarely enforced the law, and NGOs reported most women were unaware it was a punishable offense. Although no statistics were available, observers noted sexual harassment, particularly by military and police, was a serious problem throughout the country.

Reproductive Rights: Since the return to civil conflict, women have suffered unprecedented levels of sexual violence, including abduction, rape, and forced marriage. At the same time, the country has a modern contraceptive prevalence

rate of only 1.5 percent among girls and women of reproductive age. The practice of dowry further limited some reproductive choices, since men who paid dowries to marry believed they had the final say in domestic decisions. High illiteracy rates among women limited their access to accurate information concerning the right to control their fertility. While couples were not subject to governmental coercion in deciding the number, spacing, and timing of children, or managing their reproductive health, few had access to accurate information, modern contraceptive methods, or family planning services.

The most recent maternal mortality rate estimate was 2,054 deaths per 100,000 live births, and a woman's lifetime risk of maternal death was one in seven. The lack of access to skilled medical care during pregnancy and childbirth resulted in maternal death and disability from treatable conditions, such as infection, hemorrhage, and obstructed birth.

Discrimination: While the transitional constitution provides for gender equality and equal rights for women, deep cultural prejudices resulted in widespread discrimination against women. High illiteracy rates also impeded women's ability to understand and defend their rights. Communities often followed customary laws and traditional practices that discriminated against women. For example, authorities arrested and detained women for adultery.

Despite statutory law to the contrary, under customary law a divorce is not final until the wife and her family return the full dowry to the husband's family. As a result, families often dissuaded women from divorce. Traditional courts usually ruled in favor of the husband's family in most cases of child custody, unless children were between three and seven years of age.

Women also experienced discrimination in employment, pay, credit, education, inheritance, housing, and ownership and management of businesses or land. Although women have the right to own property and land under the transitional constitution, community elders often sought to prevent women from exercising these rights because they contradicted customary practice, and the deceased husband's family often usurped land. Traditional beliefs tended to discourage women from assuming leadership positions because of the belief this undermined fulfillment of domestic duties.

## **Children**



Birth Registration: Citizenship is derived through birth if a person has any South Sudanese parent, grandparent, or great-grandparent on either the mother's or the father's side, or if a person is a member of one of the country's indigenous ethnic communities. Individuals may also derive citizenship through naturalization. Birth in the country is not sufficient to claim citizenship. The government did not register all births immediately, and the public had little knowledge of the requirement to register births. Most births were unregistered, but this had no discernible effect on access to public services.

Education: The transitional constitution and the 2012 Education Act provide for tuition free, compulsory basic education through grade eight. Armed conflict and violence, however, were key factors preventing children from attending school. The expansion of conflict also resulted in the displacement of many households and widespread forced recruitment of children, particularly boys, by armed groups, as reported by international NGOs, making it difficult for children to attend school and for schools to remain in operation. In addition the government did not give priority to investments in education, particularly basic education, and schools continued to lack trained teachers, educational materials, and other resources. Although the Education Act stipulates 10 percent of the national budget should be allocated to education, only 5 percent was so allocated. Girls often did not have equal access to education. Many girls did not attend school or dropped out of school due to early marriage, domestic duties, and fear of gender-based violence at school. According to the 2015 Education for All national review, girls constituted only 39 percent of primary school students and 32 percent of secondary school students, although this figure may be even lower due to continuing violence and displacement as a result of the conflict. Only approximately 12 percent of teachers were women, according to World Bank and UNESCO reports, and in many communities it was not acceptable to send girls into a male dominated public space.

Child Abuse: Abuse of children included physical violence, abduction, and harmful traditional practices such as "girl compensation" (see Other Harmful Traditional Practices). Child abuse, including sexual abuse, was reportedly widespread. Child rape occurred frequently in the context of child marriage and within the commercial sex industry in urban centers, and armed groups perpetrated it. Authorities seldom prosecuted child rape due to fear among victims and their families of stigmatization and retaliation. Child abduction also was a problem. Rural communities often abducted women and children during cattle raids (see section 1.g.).

Early and Forced Marriage: The law provides that every child has the right to protection from early marriage but does not explicitly prohibit marriage before age 18. Child marriage was common. According to the Ministry of Gender, nearly half of all girls and young women between the ages of 15 and 19 were married, and some brides were as young as 12 years old. Early marriage sometimes reflected efforts by men to avoid rape charges, which a married woman cannot bring against her husband. In other cases families of rape victims encouraged marriage to the rapist to avoid public shaming. Many abducted girls, often repeatedly subjected to rape (see section 1.g.), were forced into marriage.

Female Genital Mutilation/Cutting (FGM/C): See information for girls under 18 in women's section above.

Sexual Exploitation of Children: The law designates a minimum age of 18 years for consensual sex, although commercial sexual exploitation of children reportedly occurred. Perpetrators of child prostitution and child trafficking may be punished by up to 14 years' imprisonment, although authorities rarely enforced these laws. Child prostitution and child trafficking both occurred, particularly in urban areas.

Child Soldiers: The law prohibits recruitment and use of children for military or paramilitary activities and prescribes punishments of up to 10 years' imprisonment. Opposition and government forces and affiliated armed militia groups recruited and used child soldiers throughout the year (see section 1.g.).

Displaced Children: During the year conflict displaced numerous children. Few had access to government services, such as education (see section 1.g.).

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

## **Anti-Semitism**

There were no statistics concerning the number of Jews in the country. There were no known reports of anti-Semitic acts.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law does not specifically prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other government services. NGOs reported community and family routinely subjected persons with disabilities to discrimination. The government did not enact or implement programs to provide access to buildings, information, or communications public services. The Transitional Constitution and the 2012 Education Act stipulate primary education be provided to children with disabilities without discrimination. Very few teachers, however, were trained to address the needs of children with disabilities, and very few schools were able to provide a safe, accessible learning environment for children with disabilities. There were no legal restrictions on the right of persons with disabilities to vote and otherwise participate in civic affairs, although lack of physical accessibility constituted a barrier to effective participation. There were no mental health hospitals or institutions, and persons with mental disabilities were often held in prisons. Limited mental health services were available at Juba Teaching Hospital.

### **National/Racial/Ethnic Minorities**

Interethnic fighting and violence by government, opposition forces, and armed militias affiliated with the government and the opposition targeting specific ethnic groups resulted in human rights abuses throughout the year (see section 1.g.). The country has at least 60 ethnic groups and a long history of interethnic conflict. Ethnic groups were broadly categorized into the Nilotic (Dinka, Nuer, and Shilluk ethnic groups), Nilo-Hamitic, and Southwestern Sudanic groups. For some ethnic groups, cattle represented wealth and status. Competition for resources to maintain large cattle herds often resulted in conflict. Longstanding grievances over perceived or actual inequitable treatment and distribution of resources and political exclusion contributed to conflict.

Interethnic clashes occurred throughout the year. Insecurity, inflammatory rhetoric--including hate speech--and discriminatory government policies led to a heightened sense of tribal identity, exacerbating interethnic differences. In October and November, after multiple incidents where road attacks in the Equatorias attributed to the opposition led to the death and injury of mainly Dinka

women and children, ethnically charged rhetoric increased sharply and two Equatorian humanitarian workers were attacked.

While the transitional constitution provides for equal rights for members of all ethnic groups, members of the government often contributed to interethnic conflict through discriminatory rhetoric.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law does not prohibit same-sex sexual acts, but it prohibits “unnatural offenses,” defined as “carnal intercourse against the order of nature,” which are punishable by up to 10 years’ imprisonment if committed with consent and up to 14 years if without consent. There were no reports authorities enforced the law.

There were some reports of incidents of discrimination and abuse. Lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons reported security forces routinely harassed and sometimes arrested and beat them. In July, in two incidents, security officials arrested and beat eight males, reportedly for behaving like women. There were no known, officially registered LGBTI organizations. Loose affinity groups existed, however.

### **HIV and AIDS Social Stigma**

While there were no known reports filed regarding discrimination against persons with HIV/AIDS, discrimination was widely believed to be both pervasive and socially acceptable. Key groups especially vulnerable to stigma and discrimination included commercial sex workers and LGBTI persons. This stigma often presented a barrier to seeking and receiving services for the prevention, diagnosis, care, and treatment of HIV.

### **Other Societal Violence and Discrimination**

Throughout the year disputes between Dinka herders and agrarian youths over cattle grazing in the Equatorias at times deteriorated into violent and retaliatory events, leaving numerous dead and injured, and forcing thousands to flee their homes.

Civilian casualties and forced displacements occurred in many parts of the country when raiders stole cattle, which define power and wealth in many traditional

communities, or as land disputes erupted when stolen cattle were moved into other areas. SPLA and police sometimes engaged in the revenge killings both between and within ethnic groups.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The country has not passed a national labor law. The country operated under select legislation inherited from Sudan. The 1997 Labor Act of Sudan remained in effect. That act permits independent unions. The law is silent on the rights to strike and bargain collectively and does not explicitly prohibit antiunion discrimination or provide for reinstatement of workers fired for union activities.

The government defines the scope of union activity, including terms of office, elections, organizational structures, and alliances. The auditor general controls trade union funds. The law also provides that the general registrar may abrogate the results of an election in a union if he is convinced of shortcomings and, in such event, is empowered to order new elections. To hold a lawful strike, previous authorization or approval by authorities is required, and workers may be dismissed for taking illegal strike action.

Government enforcement of pre-existing labor laws was slight to nonexistent. While labor courts adjudicate labor disputes, the minister of labor may refer them to compulsory arbitration. Administrative and judicial procedures were subject to lengthy delays and appeals.

The 2013 Workers' Trade Union Act provided a regulatory framework to govern processes of worker trade unions. The largest union, the South Sudan Workers' Trade Union, has approximately 65,000 members, working mainly in the public sector. Other unions include the Union of Journalists of South Sudan and the Union Haggar Tobacco. These unions were nominally independent of the governing political party. There were no high profile cases of employer interference in union functions, although international organizations reported such interference was common.

### **b. Prohibition of Forced or Compulsory Labor**

The law does not prohibit all forms of forced or compulsory labor. The law prohibits abduction or transfer of control over a person for the purpose of unlawful

compulsory labor. Selling a minor for the purpose of prostitution is a crime. The law prescribes punishments of up to seven years' imprisonment for abduction and transfer of control over a person for the purpose of unlawful compulsory labor, which is sufficiently stringent to deter violations. The law prescribes punishment of up to two years' imprisonment for compulsory labor without aggravating circumstances, which is not sufficiently stringent. These laws were not sufficient to deter violations since they were not adequately enforced.

The government did not effectively enforce the law. The government did not investigate or prosecute any trafficking offenses. Forced labor occurred in domestic servitude, agricultural labor on family farms and at cattle camps, and in prisons. Most of those in situations of forced labor in cattle camps and agricultural activities were family members. Employers subjected women, migrants, and children (see section 7.c.) to forced labor in mines, restaurants, street begging, criminal activities, and sexual exploitation. Girls rescued from brothels in Juba reported police provided security for the brothels and SPLA soldiers and government officials were frequent clients of child victims of sexual exploitation.

Also, see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The minimum age for paid employment in general is 14 years but is 15 for "strenuous work" and 12 for "light work." Under the law strenuous work includes activities such as mining and quarrying, work in factories, night shift work, or employment in prisons or the military. The law defines light work as work that does not harm the health or development of a child and does not affect the child's school attendance or capacity to benefit from such.

The law provides penalties for the infringement of a child's rights of up to six months' imprisonment, which was not sufficient to deter violations. The law prohibits recruitment and use of children for military or paramilitary activities and prescribes punishments of up to 10 years' imprisonment. The National Steering Committee on Child Labor, led by the Ministry of Labor, was charged with coordinating efforts across government ministries to combat child labor; it was unclear how active the committee was. In addition to the Ministry of Labor, the committee included representatives from the Ministries of Agriculture and Forestry; Health; Gender; General Education; Culture, Youth, and Sports; Animal

Resources and Fisheries; and Wildlife Conservation and Tourism, as well as the International Labor Organization (ILO) and union representatives.

The government did not enforce child labor laws. Only one of the Ministry of Labor's five labor investigators was specifically trained to address child labor. Although charged with removing children engaged in work, the investigators did not have the necessary resources to conduct proper investigations. Of children between the ages of 10 and 14, 46 percent were engaged in some form of child labor, largely in cattle herding or subsistence farming with family members.

Also, see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

The law does not prohibit discrimination with respect to employment or occupation on the basis of race, color, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation or gender identity, age, language, HIV-positive status, or on any other basis.

Discrimination occurred on all the bases listed above. Discrimination in employment and occupation led to less hiring of particular ethnic groups such as the Murle, who were underrepresented in both the public and private sector. Dinka and Nuer occupied most positions within the national government. Women had fewer economic opportunities due to employer discrimination and traditional practices.

#### **e. Acceptable Conditions of Work**

The country operated under select legislation inherited from Sudan. No new laws stipulate a national minimum wage. The Civil Service Provisional Order applies to the public sector and outlines the rights and obligations of public sector workers, including benefits, salaries, and overtime. The law provides the Ministry of Labor, Public Service, and Human Resources with authority to issue the schedule of salary rates, according to which all civil servants, officials, and employees are to be paid. Under the law, only unskilled workers are eligible for overtime pay for work in excess of 40 hours per week. The law does not provide for a standard workweek except for public sector employees. Civil servants, officials, and employees working at higher pay grades were expected to work necessary hours beyond the standard workweek without overtime pay. When exceptional additional hours

were demanded, the department head could grant time off in lieu of reimbursement.

The government set occupational safety and health standards for public sector workers through the acceptable conditions of work laws. The government has not enacted similar legislation on wages, working conditions, or occupational safety and health for workers outside of the public sector. In practice workers could not remove themselves from situations that endangered health or safety without jeopardy to their employment.

The labor ministry is responsible for enforcement of laws on wages and working conditions. It has five labor investigators. Standards were not effectively enforced, and the Ministry of Justice reported receiving no cases of labor violations. The government neither investigated nor prosecuted cases. Penalties for violations of laws on wages and working conditions were not sufficient to deter violations.

No information was available on working conditions with respect to minimum wage, hours of work, and occupational safety and health. According to the 2008 census, the latest such data available, 84 percent of those employed were in nonwage work. Most small businesses operated in the informal economy and widely ignored labor laws and regulations. According to the ILO, less than 12 percent of workers were in the formal sector. The formal sector included security companies, banks, telecommunications companies, a brewery, and other private companies. The majority of workers in the country were agricultural workers, of whom 70 percent were agro-pastoralists and 30 percent farmers. Fifty-three percent of agricultural workers engaged in unpaid subsistence family farming.