

# **SOUTH SUDAN 2019 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

South Sudan is a republic operating under the terms of peace agreements signed in August 2015 and in September 2018 and amended in May to prolong the period prior to the planned formation of a transitional government. 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. 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. Since then all government positions have been appointed rather than elected.

The South Sudan National Police Service (SSNPS), under the Ministry of Interior, is responsible for law enforcement and maintenance of order. The South Sudanese People's Defense Forces (SSPDF) are responsible for providing security throughout the country and ostensibly operates under the Ministry of Defense and Veterans' Affairs. The Internal Security Bureau of the National Security Service (NSS), under the Ministry of National Security, has arrest authority for cases connected to national security but operates far beyond its legal authority. Numerous irregular forces, including militias operated by the NSS and proxy forces, operate in the country with official knowledge. Civilian authorities routinely failed to maintain effective control over the security forces.

In 2013 a power struggle within the ruling Sudan People's Liberation Movement (SPLM) party erupted into armed conflict. President Salva Kiir accused then first vice president Riek Machar Teny of plotting a coup. The two leaders appealed to their respective ethnic communities, and the conflict spread primarily to the northwest of the country. The parties signed several ceasefire agreements, culminating in the 2015 peace agreement. A ceasefire generally held from August 2015 to July 2016, when fighting broke out in Juba, eventually spreading to the rest of the country. The major warring factions signed a "revitalized" peace agreement in September 2018 that continued to hold as of the end of October 2019. Fighting between government forces and other groups not party to the peace agreement, referred to as the "nonsignatories," continued in some regions.

Significant human rights issues included: government-perpetrated extrajudicial killings, including ethnically based targeted killings of civilians; forced disappearances; torture; arbitrary detention; harsh and life-threatening prison

conditions; political prisoners; widespread rape of civilians targeted as a weapon of war; unlawful recruitment and use of approximately 19,000 child soldiers; violence against, intimidation, and detention of journalists; closure of media houses, censorship, and site blocking; substantial interference with the rights of peaceful assembly and freedom of association, such as overly restrictive nongovernmental organization (NGO) laws; frequent restrictions on freedom of movement; the mass forced displacement of approximately 3.7 million civilians; restrictions on political participation; widespread corruption; trafficking in persons; crimes involving violence targeting lesbian, gay, bisexual, transgender, or intersex (LGBTI) persons, and the use of laws criminalizing consensual same-sex sexual conduct between adults.

Security force abuses occurred throughout the country. Despite isolated examples of prosecution for these crimes, impunity was widespread and remained a major problem.

Opposition forces also perpetrated serious human rights abuses, which, according to the United Nations, included unlawful killings, abduction, rape, sexual slavery, and forced recruitment of children and adults into combat and noncombat roles.

## **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, international ceasefire monitors, human rights organizations, and media outlets reported that the government or its agents committed numerous 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 widespread extrajudicial killings in conflict zones (see section 1.g.).

There were numerous reports of unlawful killings similar to the following example: The UN Mission in South Sudan (UNMISS) Human Rights Division (HRD) documented the killing on February 3 of a local chief in Gim, Central Equatoria State. The killing followed an argument between SSPDF soldiers and the chief and his son. The SSPDF soldiers took the chief to the bank of a river where they shot him repeatedly, “so many times that his body was effectively dismembered,” in what the report described as an attempt to terrorize the local population.

**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.).

The UN Commission on Human Rights in South Sudan issued a report in February that alleged a continuing practice of unlawful or arbitrary detention, followed by extrajudicial killings in secret, but the report did not publish details on specific cases. In July reports circulated that a woman named Atong James had been arrested by NSS agents and died in custody.

During the year a UN Security Council (UNSC) panel of experts concluded that opposition figures Samuel Dong Luak and Aggrey Idris Ezbon were forcibly abducted from Kenya and illegally extradited to South Sudan in 2017 (see section 1.e.). Both men were observed inside the NSS “Blue House” detention facility, but later they were moved to another NSS facility in Luri, northwest of Juba. Later that month, NSS officers executed the two men under orders from their superiors. The government continued to deny responsibility for their disappearances and denied the UNSC panel’s version of events.

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

The transitional constitution prohibits such practices, but security forces mutilated, 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.).

According to the UNSC panel of experts and several independent human rights advocates, the NSS Operations Division maintained a facility known as “Riverside” where it detained, interrogated, and sometimes tortured civilians. The panel of experts also alleged the existence of secret, unofficial detention centers operated by the NSS. The panel of experts reported allegations of torture, including electrical shocks, and beatings.

The UNMISS HRD documented 21 allegations of torture to extract confessions or information by members of the NSS during campaigns against opposition armed groups in Central Equatoria State.

There were numerous reported abuses, including sexual and gender-based violence, beating and torture of detainees, and harassment and intimidation of human rights defenders and humanitarian workers. According to reports by multiple UN bodies and nongovernmental organizations, during the year government forces committed widespread acts of sexual violence, including “rape, gang rape, sexual slavery, sexual mutilation, torture, castration, or forced nudity.”

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

Prison conditions were harsh and 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.

Nonviolent offenders were kept with violent offenders because of resource and spatial constraints. Media reports during the year stated that the National Prison Service held at least 82 inmates with mental disabilities. Persons determined by a judge to be sufficiently dangerous (and “mentally ill”) following referral by family or the community, were incarcerated, medicated, and remained in detention until a medical evaluation determined they were no longer a threat and could be released.

Health care and sanitation were inadequate, and basic medical supplies and equipment were lacking. According to NGOs, prisoners received one meal of low nutritional value 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 SSPDF-run detention facilities were similar, and in some cases worse, with many detainees held outdoors with poor access to sanitary or medical facilities.

UNMISS maintained facilities at Protection of Civilian (PoC) sites in Juba, Malakal, Bentiu, and Bor to hold internally displaced persons (IDPs) who were criminal suspects. Authorities did not intend the holding facilities to house IDPs for more than 72 hours, but they sometimes held IDP suspects longer due to delays in determining how to treat individual cases or the inability to reintroduce offenders into PoC sites because of threats from their victims or the threat the offender posed to the greater community. UNMISS observed prisoners daily and offered medical treatment for serious complications. Prisoners received food twice a day. Some prisoners detained by UNMISS police were subsequently turned over to the custody of the government.

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

Administration: The SSNPS continued reporting 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.

The SSNPS allowed most prisoners access to visitors and permitted them to take part in religious observances, but NSS and SSPDF authorities were less likely to do so, and prisoners in SSNPS custody but originally arrested by NSS or SSPDF also had limited access to visitors. The SSNPS 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 SSNPS permitted visits by independent human rights observers, including UNMISS human rights officers, nongovernmental observers, international organizations, and journalists. Authorities sometimes permitted monitors to visit detention facilities operated by the SSPDF. International monitors were denied permission 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. The law provides for the right of any person to challenge the lawfulness of his or her arrest or detention, but there were no known cases where an appellant successfully sought compensation for wrongful detention.

Since the beginning of the crisis in 2013, there were regular reports that security forces conducted arbitrary arrests, including of journalists, civil society actors, and supposed political opponents (see sections 1.a., 1.c., and 1.g.). While not legally vested with the authority, the SSPDF often arrested or detained civilians. 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 July 17, the NSS detained Michael Christopher, former editor in chief of the Arabic-language daily *al-Watan*. On July 15, NSS officers at the Juba airport briefly detained Christopher and seized his passport as he tried to fly to Nairobi, Kenya, and he was told to report to NSS headquarters the next day. He was detained and held for more than a month before being released on August 25 without charges. Although the NSS refused to say why it was holding him, in January, Christopher had published a series of editorials in which he called the Sudanese government of Omar al-Bashir a dictatorship and predicted its downfall.

#### **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 of 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. There were multiple reports of arrests in civil cases, where a complainant exerted influence upon police to arrest someone as a negotiation tactic. The government routinely failed to notify embassies when detaining citizens of other countries, even when the detainee requested a consular visit.

Impunity of the security services was a serious problem. Although some internal investigations within the army and police were launched during the year, there were reportedly no cases of security-sector abuse referred to civilian courts, and undue command influence over the military justice system was a persistent problem.

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 SSPDF 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. On May 18, the NSS detained youth activist Michael Wetnhialic after he testified for the defense in the trial of Kerbino Wol Agok, Peter Biar Ajak, and other prisoners who allegedly took over the NSS's "Blue House" detention facility in October 2018. Although the NSS told the court he was not arrested for his testimony, as of October, Wetnhialic had not been charged with any offenses and remained in NSS custody without access to his family and lawyer.

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.).

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Detainees have very little ability to challenge the lawfulness of their detention before a court or magistrate, despite having the right to do so under the law.

#### **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 could deal with certain aspects of murder cases if judges remitted 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' imprisonment. 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.

### **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 offered, and when it was, it was of low quality. Most detainees were not promptly informed 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. 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 outlets 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.

Defendants accused of crimes against the state were usually denied these rights.

### **Political Prisoners and Detainees**

Reportedly, in an effort to intimidate or stifle opposition, and despite the release of political prisoners associated with opposition peace agreement signatories, there were reports of dozens of political prisoners and detainees held by authorities from a few hours to a few days or weeks prior to release, and usually without charge. Prominent political prisoners often were held for extended periods and were sometimes sentenced to death.

For example, following a social media campaign calling for street protests against the government, known as the Red Card Movement, there were allegations of individuals accused of involvement in the movement being detained, subjected to torture, and there was one case of an alleged extrajudicial killing.

Amnesty: In August 2018, President Salva Kiir declared a “general amnesty to the leader of SPLM-IO Riek Machar Teny and other estranged groups who waged war against the Government of the Republic of South Sudan from 2013 to date.” Subsequently, in October 2018, President Kiir ordered the release from prison of Riek Machar’s former spokesman James Gatdet Dak and military adviser William John Endly, who had been sentenced to death. This general grant of amnesty potentially posed serious impediments to achieving justice and accountability for the victims of atrocity crimes.

### **Politically Motivated Reprisal Against Individuals Located Outside the Country**

There were credible reports that, for politically motivated purposes, South Sudan attempted to exert bilateral pressure on other countries aimed at having them take adverse actions against specific individuals. For example, there were credible reports that during the year the NSS pressured the Government of Uganda to monitor, intimate, and forcibly return South Sudanese human rights defenders residing in Uganda.

A UN panel of experts report released during the year concluded that opposition figures Samuel Dong Luak and Aggrey Idris Ezbon were forcibly abducted from

Kenya and illegally extradited to South Sudan in 2017 and that it was “highly probable” they were executed shortly thereafter (see section 1.b.).

### **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. Human rights organizations documented instances, where the population was perceived to be antigovernment, of government forces systematically looting abandoned property in conflict areas.

### **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**

Since the conflict between the government and opposition forces 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. The peace agreement signed in September 2018 resulted in a ceasefire that signatories to the agreement largely observed among themselves, resulting in an overall reduction of political violence, but fighting primarily involving government forces and nonsignatory groups continued in some areas of the country. UNMISS HRD assessed that the overall level of human rights violations associated with conflict had decreased in most areas. While both government and opposition forces committed abuses, the United Nations and international NGOs reported government forces were responsible for a significant range of conflict-related abuses against civilians. Government soldiers reportedly engaged in acts of collective punishment and revenge killings against civilians

assumed to be opposition supporters and often based on their ethnicity, particularly in the Equatorias. In February the UN Commission on Human Rights in South Sudan reported on a pattern of deliberately targeting civilians based on their ethnic identity, including obstructing humanitarian aid, and concluded that government forces were responsible for acts that may constitute war crimes and crimes against humanity.

Atrocities included unlawful killings, rape and gang rape employed as a weapon of war, arbitrary detention, and torture, enforced disappearances, explosive remnants of war, forced displacement, the mass destruction of homes and personal property, widespread looting, and use of child soldiers.

Casualty totals were difficult to estimate because the belligerents typically did not maintain accurate records. In September 2018 the London School of Hygiene and Tropical Medicine reported that the conflict had left at least 382,000 individuals dead, due to direct and indirect causes, between 2013 and April 2018. The number of IDPs and refugees was estimated at 3.7 million as of September. Humanitarian aid workers were subject to harassment and violence.

Killings: Government forces and armed militias affiliated with the government, frequently prompted by opposition ambushes of government soldiers, engaged in a pattern of collective punishment of civilians perceived to be opposition supporters, often based on ethnicity. There were many instances of such killings similar to the following: According to an UNMISS HRD report, 95 attacks were recorded in legacy Central Equatoria State from September 2018 to April, including 30 attacks on villages that led to the “unlawful killing of 104 civilians and wounding of 35 others as well as abduction of 187 civilians” by SSPDF and NSS forces as well as the opposition armed group National Salvation Front (NAS). The HRD reported that 99 women and girls as young as 12 were targets of rape and other forms of sexual violence during that period.

The UNMISS HRD report on Central Equatoria State documented a deliberate effort by government forces to displace civilians by killing and raping them; looting cattle and goods; destroying property to prevent the return of those who managed to flee, followed by repeated incursions into an area to prevent the return of those who fled; and by frequently obstructing humanitarian assistance. Displaced civilians were often forced to travel great distances, in dangerous circumstances, to reach the shelter, food, and safety of the UN-run PoC camps or to hide in marshes, where they risked drowning or starvation.

UN agencies and international NGOs that interviewed victims reported widespread killings, mutilations, and sexual violence, disproportionately committed by government forces but also by NAS.

Remnants of war also led to the killing and maiming of civilians. Such remnants as grenades were often left behind in schools used by government and opposition forces and by armed actors affiliated with both.

Abductions: Abductions, particularly of women and children, took place in both conflict and nonconflict zones, as government and opposition forces and affiliated armed militia groups recruited children and women against their will. The United Nations and international NGOs reported multiple accounts of government soldiers or other security service members arbitrarily detaining or arresting civilians, sometimes leading to unlawful killings. The Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism documented abduction of women by forces associated with the SPLM-IO (in opposition) group in May. The UNMISS HRD documented that NAS forces abducted at least 183 civilians between September 2018 and April for purposes of forced labor, forced recruitment, and sexual slavery.

Physical Abuse, Punishment, and Torture: Government forces, 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 was a common tactic of war employed by all parties. According to a ceasefire monitoring report in February, the UNMISS HRD documented 55 cases of violence against 175 female victims, including 134 who were victims of rape and gang rape, between September and December 2018 in the vicinity of Bentiu. The forces responsible were primarily members of the SSPDF or proxy forces aligned with First Vice President Taban Deng Gai. There was one example of a soldier being convicted by a mobile court in Bentiu for rape, but the government denied the documented allegations and claimed they were fabricated.

Men were also victims of sexual violence, but on a much-reduced scale. In its February 2018 report, the UN Commission on Human Rights in South Sudan noted that rape, mutilations of sexual organs, and other forms of sexual violence targeting girls, boys, women, and men were often committed in front of children, humiliating the victims, their families, and their communities.

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 antigovernment forces increased. Moreover, under the auspices of the South Sudan Disarmament, Demobilization, and Reintegration Commission, 934 children were liberated from armed groups. Nevertheless, during the year there were widespread reports these forces continued abducting and recruiting child soldiers. Girls were recruited to wash, cook, and clean for government and opposition forces.

UNICEF estimated, as of February, 19,000 children had been recruited in the country since the conflict began in 2013 and blamed government, opposition, and militia forces. During the year UNICEF worked with the SSPDF and opposition forces to organize the demobilization of child soldiers in several instances across the country, including the release of 21 child soldiers from the SSPDF in Northern Bahr el Ghazal on September 17.

The September 2018 peace agreement mandated specialized international agencies to work with all warring parties to demobilize and reintegrate child soldiers from the SSPDF, the SPLA-IO, elements of the SSOA, the Nuer White Army, and other groups, usually those involved in community defense. There were reports of child soldier recruitment associated with the cantonment, registration, and screening process under the peace agreement. In September the UN Commission on Human Rights in South Sudan expressed concern about an uptick in reports of child soldier recruitment.

Also, see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Other Conflict-related Abuse: Throughout the year the environment for humanitarian operations remained difficult and dangerous, although the ceasefire contributed to improved access and safety in most areas. Armed actors, including government and opposition forces, continued to restrict the ability of the United Nations and other international and nongovernmental organizations to safely and effectively deliver humanitarian assistance to populations in need. In May and June, 10 ambushes were reported along the Torit-Kapoeta and Torit-Juba roads in Central and Eastern Equatoria States. 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 relief workers and looted and destroyed humanitarian assets and facilities, and government and rebel authorities imposed bureaucratic and economic impediments on relief organizations. Government and opposition forces continued to occupy civilian structures.

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 life-saving operations entirely in areas of active conflict. In March at least 42 humanitarians were relocated due to insecurity from Abiemnom, Koch and Leer in Unity, and Nasir and Ulang in Upper Nile; at least 98 humanitarian staff were relocated for similar reasons during the year. Delayed flight safety assurances, insecurity, and movement restrictions often prevented relief workers from traveling to conflict and nonconflict areas. Humanitarian personnel, independently or through the UN Office for the Coordination of Humanitarian Affairs (OCHA) access working group, negotiated with government and opposition forces and other armed groups to address access problems. These negotiations were often protracted, however, and caused significant delays in the delivery of assistance.

The humanitarian operating environment remained volatile despite improvements in some areas of the country, and the country remained very dangerous for aid workers. The most common forms of violence against humanitarian workers included robbery and looting, harassment, armed attacks, commandeering of vehicles, and physical detention. On multiple occasions, insecurity put the safety and security of humanitarian workers at risk, prevented travel, and jeopardized relief operations. From January to August, relief organizations reported more than 320 humanitarian access incidents to the United Nations. While the monthly trend represented a reduction in access incidents compared with 2018, the share of incidents involving violence against humanitarian personnel increased during the year. Since the start of the conflict in 2013, the United Nations reported at least 112 humanitarian staff members had been killed in the country. On October 27, three International Organization for Migration (IOM) volunteers were killed when they were caught in the crossfire during clashes between armed groups that broke out in Isebi, Morobo County (legacy Central Equatoria State). Another volunteer and a four-year-old child were abducted during the fighting. Two other volunteers suffered non-life-threatening injuries. IOM's volunteers were working at Ebola screening points in the border areas between South Sudan, Uganda, and the Democratic Republic of Congo.

Looting of humanitarian compounds and other assets was also common. In March, OCHA reported 17 significant incidents that included looting and taxation of supplies that affected food, health, nutrition, water, sanitation, and hygiene programming in Duk, Jongeli. In June trucks carrying food items for

prepositioning were looted by unknown perpetrators in Duk County, Jongeli. In Fangak County, local authorities confiscated assets in July when six humanitarian workers were relocated from Keew and Juaibor to Juba due to insecurity in the area.

Restrictions on humanitarian operations took other forms as well. NSS authorities operating at Juba International Airport arbitrarily denied humanitarian workers internal travel permission for a variety of constantly changing reasons, including the lack of: 1) work permits; 2) permission from the Ministry of Foreign Affairs; 3) travel approval from the South Sudan Relief and Rehabilitation Commission; 4) at least six blank pages in their passports or because they did not have six months' validity left on their passport. These restrictions were implemented inconsistently, without notice or consultation, prompting confusion regarding the required travel procedures. In June authorities in Nasir blocked a UN Humanitarian Air Service flight from Bor by demanding landing fees, causing the flight to return to Juba.

Humanitarian organizations also experienced delays (some up to six months or more) and denials of tax exemptions and were forced to purchase relief supplies on the local market, raising quality concerns. Government authorities required international NGO staff to pay income taxes and threatened national staff into paying income tax at the state level. On June 4, a UN Ebola virus disease team going to Lasu from Yei town was detained by security officials at a checkpoint for more than three hours and released after the security officials confiscated cash carried by the team.

Continuing conflict and access denial to humanitarian actors contributed to households facing acute food insecurity. It was difficult to gather information and assess some conflict-affected areas due to insecurity and lack of access.

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

### **a. Freedom of Expression, Including for the Press**

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

Freedom of 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, Including Online Media: 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. 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.

Most organizations practiced self-censorship to ensure their safety, and authorities regularly censored newspapers, directly reprimanded publishers, and removed articles deemed critical of the government. Many print media outlets reported NSS officers forcing the removal of articles at the printing company (where all newspapers are printed), often leaving a blank spot where the article was originally meant to appear. For example, on January 24, the NSS removed an article about the new governor of Tonj State from the *Dawn*. On April 8, the NSS removed an opinion article in the Arabic daily newspaper *al-Mougif* written by a former government minister; there were a number of other similar cases of censorship during the year.

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 views of the opposition. The Media Authority advised international journalists not to describe conflict in the country in tribal terms and described any such references as “hate speech.” The NSS regularly harassed, intimidated, and summoned journalists for questioning. The environment for media workers remained precarious throughout the year.

In March 2018 the media regulatory body, the Media Authority, announced its intention to shut down Miraya FM, run by UNMISS, for “persistent noncompliance.” The Media Authority stated it was not censoring the station, but rather monitoring for “hate speech and incitement.” Because Miraya FM’s transmitter is located within a UN compound, the government was unable to take it off the air, although the government continued to jam Miraya’s frequency to disrupt its broadcasts during the year. The jamming affected areas within a mile of the country’s national public service broadcaster, the South Sudan Broadcasting Corporation, compound in Nyakuron. Miraya FM reporters were occasionally

harassed when attempting to cover events outside of the UN compound and were not invited to government-sponsored media events.

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. 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 chose to flee 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 multiple reports of abuses similar to the following example: In January the Arabic language *al-Watan* newspaper published a series of editorials by its editor in chief Michael Rial Christopher describing the al Bashir regime in Sudan as a dictatorship and predicting its downfall. Subsequently, Christopher began to experience a pattern of anonymous harassment and government restrictions. Christopher and many other journalists were warned not to report on the situation in Sudan. A series of threatening anonymous telephone calls forced Christopher into hiding, and he left the country for Egypt. Christopher returned to South Sudan and resumed his life, although his newspaper was suspended, ostensibly for bureaucratic reasons. On July 15, as he was departing Juba for medical treatment, NSS officials at the Juba airport boarded his plane and detained Christopher, confiscated his passport, and ordered him to report to NSS headquarters (colloquially known as the "Blue House") the next day for questioning. On July 17, he reported to the Blue House again and was detained for 39 days without charges before being released. During his detention he did not have access to a lawyer, his family, or the medical treatment that prompted his attempt to travel from Juba.

There continued to be no credible investigation into the killing of freelance journalist Christopher Allen in 2017.

## **Internet Freedom**

The government's South Sudan National Communication Authority frequently blocked access to certain websites, such as two popular news websites, *Radio Tamazuj* and *Sudan Tribune*, and two blogs, *Paanluel Wel* and *Nyamilepedia*, accused of disseminating "nonpeace" messages considered not to be "in the best interest of peace building in this country." There were credible reports the government monitored private online communications without appropriate legal authority. The government also targeted and intimidated individuals--especially those outside of Juba--who were critical of the government in open online forums and social media.

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

The government restricted cultural activities and academic workshops. NSS authorization is required for public events including academic workshops, which particularly affected NGOs and other civic organizations. To obtain permission, the NSS sometimes requested a list of national and international staff members employed by the organizations and names of participants. Permission was often predicated upon the expectation that the NSS would be able to monitor the events.

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

The government generally respected freedom of peaceful assembly but restricted freedom of association.

#### **Freedom of Peaceful 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.

In May security officials deployed heavily on the streets of Juba following social media announcements of a "Red Card Movement" to launch protests in Juba. Members of civil society reported their meetings were more scrutinized and that sometimes they were denied permission to hold meetings following the protest movement announcements, although proposed events had nothing to do with the protests.

#### **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).

A 2016 law strictly regulating the activity and operations of civil society was widely enforced throughout the year. The law focused particularly on NGOs working in the governance, anticorruption, and human rights fields, and it 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. Human rights groups and civil society representatives reported NSS officials continued surveillance and threats against civil society organizations. Civil society organizations reported extensive NSS scrutiny of proposed public events; the NSS reviewed every proposed event and sometimes denied permission, rejected proposed speakers, or disrupted events.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

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. Despite multiple pledges from the government to dismantle checkpoints, they remained a common problem. Security forces manning these checkpoints routinely used them as opportunities to charge illegal fees and discriminate against minorities.

The transitional constitution does not address emigration.

**In-country Movement:** IDPs remained in 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.).

Foreign Travel: Due to arbitrary restrictions, individuals were sometimes prevented from leaving the country.

### **e. Internally Displaced Persons**

Although large-scale conflict decreased during the year, significant levels of violence continued, particularly affecting populations in Central Equatoria and Greater Upper Nile. The result was sustained 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 had displaced internally approximately 1.5 million persons as of September. Approximately 180,500 persons were sheltered in UNMISS PoC sites as of September. The increased violence and food insecurity forced relief actors to delay plans for the safe return and relocation of some IDP populations.

Violence affecting areas such as the regions of Central Equatoria, isolated regions in Upper Nile, and areas of Northern and Western Bahr el Ghazal, continued to result in dire humanitarian consequences, including significant displacement and serious and systematic reported human rights violations and abuses, including the killing of civilians, arbitrary arrests, detentions, looting and destruction of civilian property, torture, and sexually based violence, according to the UNMISS HRD and other reports.

The government promoted the return and resettlement of IDPs but did not provide safe environments and often denied humanitarian NGOs or international organizations access to IDPs.

### **f. Protection of Refugees**

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 Commissioner for Refugees (UNHCR).

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. In principle refugees had access to judiciary services, although a lack of infrastructure and staff meant these resources were often unavailable.

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

Durable Solutions: The government accepted refugees and returnees for reintegration, and efforts to develop a framework for their integration or reintegration into local communities were in progress. 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.

### **g. Stateless Persons**

Citizenship is derived through the right of blood (*jus sanguinis*) 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.

According to a 2018 report from the National Dialogue, a government-sponsored initiative, it was more difficult for those from the southern region of Equatoria to rightfully claim citizenship due to discrimination from other tribes, which suspected them of being Ugandans or Congolese. According to UNHCR, certain nomadic pastoralist groups had difficulty accessing application procedures for nationality certification, requiring UNHCR's intervention to address issues with the Directorate of Nationality, Passports, and Immigration.

## **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. Since the 2011 referendum on South Sudanese self-determination, no elections have been held. Elected officials were arbitrarily removed, and others were appointed to take their place.

### **Elections and Political Participation**

Recent Elections: Elections have been postponed several times over several years due to intense violence and insecurity starting in 2013. Since then, the president fired and appointed local government officials and parliamentarians by decree. In 2015 and again in July 2018, the legislature passed amendments to the transitional constitution extending the terms of the president, the national legislature, and the state assemblies for three years. The peace agreement signed in September 2018 allowed for the extension of all terms for a three-year transitional period. As of September constitutional amendments to reflect the agreement had yet to be passed by the legislature, and the transitional period had yet to commence.

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 (in-opposition) and most other political parties either were offshoots of the SPLM or affiliated with it.

The peace agreement signed in September 2018 allows the government and opposition to appoint those to allocated seats in parliament, the leadership of ministries, and the leadership of local governments; however, this had not taken place as of September.

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. Representatives of the Political Parties Council (an independent body created by law in 2018 to manage political party matters) estimated the requirements affected approximately 25 parties.

Participation of Women and Minorities: The terms of the September 2018 peace agreement forming a new unity government requires at least 35 percent female participation in the government at the national and state levels and specifies that one of the vice presidents should be a woman. The Local Government Act requires at least 25 percent of county commissioners and 25 percent of county councilors to be women. These conditions and laws were inconsistently implemented at both the state and national levels, and although women made gains in both the Transitional National Legislative Assembly and 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 there was little to no implementation of the 2009 act's provisions. The current system also devolved substantial candidate selection power to political party leaders, very few of whom were women.

Traditional and cultural factors limited women's participation in government. Women tended to be discouraged from assuming leadership positions because of the belief that 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 by officials. The government did not implement the law, however, and officials engaged in corrupt practices with impunity.

Corruption: Corruption was endemic in all branches of government. Poor recordkeeping, lax accounting procedures, absence of adherence to 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. A draft law to correct these issues has been pending since 2013.

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, nor is it permitted to publish findings without approval from the executive branch. The institution has not published any findings since early 2013.

Chapter IV of both the 2015 peace agreement and the 2018 revitalized peace agreement calls for the government 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.

The Ministry of Finance took steps to follow an International Monetary Fund recommendation to create a National Revenue Authority in 2018. Oil revenue, however, which accounted for the majority of the national income, was not collected by this entity. Oil revenue was officially reported as net income only to the government, often concealing corruption, waste, and abuse within the government entities that handled those funds. In August the Minister of Finance dismissed the commissioner general of the National Revenue Authority.

Several investigations by international NGOs detailed the lavish lifestyles enjoyed by high-ranking government officials, even as the country suffered from armed conflict and economic turmoil. In September the *Sentry* released a report entitled, *The Taking of South Sudan*, which documented the wide-ranging nature of corrupt practices in South Sudan.

Financial Disclosure: Government officials of director general rank and higher and their spouses and minor children are required to submit financial declaration forms annually, although there is no penalty for failure to comply.

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

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 and were often actively hostile. 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 “criminal” actors.

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 by restricting the movement of UNMISS personnel, constrained UNMISS’s 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 SSPDF regularly prevented UNMISS from accessing areas of suspected human rights abuses, such as the area around Kuajena in Western Bahr el Ghazal, in violation of the status of forces agreement that allows UNMISS access to the entire country. Team members of the UNSC’s panel of experts reported generally good access to conduct their work, as did the UN Commission on Human Rights in South Sudan.

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. It has produced little since, however, including during the year.

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

## **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 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 has been widespread. The targeting of girls and women reached epidemic proportions following skirmishes and attacks on towns in conflict zones, and sex was often used as a weapon of war (see section 1.g.). Women and girls also faced the threat of rape while living in UN 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. According to NGOs, some women reported police tried to charge them 20 South Sudan pounds (\$0.16) 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. 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,

Children, and Social Welfare 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 the ages of 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. Dowry practices were also common. NGOs reported fathers often forced daughters, generally minors, to marry older men in exchange for cattle or money.

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. Observers noted sexual harassment, particularly by military and police, was a serious problem throughout the country.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

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.

## 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.

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 throughout the year. UNICEF estimated nearly three-quarters of the country's children were not 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 (see section 1.g.), making it difficult for children to attend school and for schools to remain in operation. NGOs reported government and opposition forces and militias associated with both, looted numerous schools in conflict zones. 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. 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, or fear of gender-based violence at school.

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., Abductions).

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. Despite a case in July when a court annulled a marriage between a 16-year-old girl and a 28-year-old man, the ruling applied only to that specific case, and child marriage remained common. According to the Ministry of Gender, Child, and

Social Welfare, nearly one-half of all girls and young women between the ages of 15 and 19 were married, and some brides were as young as 12. 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. For additional information, see Appendix C.

Sexual Exploitation of Children: The law designates 18 as the minimum age for consensual sex, although commercial sexual exploitation of children 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 for violations. Opposition and government forces and affiliated armed militia groups recruited and used child soldiers throughout the year (see section 1.g., Child Soldiers).

Displaced Children: During the year conflict displaced numerous children, both as refugees and IDPs (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 <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

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

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **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.

There were no reports of police or other government officials inciting, perpetuating, or condoning violence against persons with disabilities or official action taken to investigate or punish those responsible for violence against persons with disabilities.

Persons with disabilities also faced disproportional hardship under conditions of crisis-level food insecurity and continuing violence throughout the year. Human Rights Watch reported persons with disabilities were often victimized by both government and opposition forces. Persons with disabilities faced difficulty fleeing areas under attack and accessing humanitarian assistance in displacement camps. Since 2013 the conflict itself disabled an unknown number of civilians, who experienced maiming, amputation, sight and hearing impairment, and trauma.

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

Interethnic fighting and violence by government forces, 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.

### **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 reports of incidents of discrimination and abuse. LGBTI persons reported security forces routinely harassed and sometimes arrested, detained, tortured, and beat them. Because of actively hostile government rhetoric and actions, most openly LGBTI citizens fled the country.

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

While there were no 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, and treatment of HIV/AIDS.

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

Historical clashes between cattle keepers and agrarian peoples and between cattle keepers and persons attempting to raid and steal their herds intensified during the year. The level, scale, and sophistication of these attacks were significantly higher when compared with past conflicts. Hundreds of individuals were killed and injured, and thousands were forced 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. Land disputes often erupted when stolen cattle were moved into other areas, also causing civilian casualties and displacement. The SSPDF, NSS, and police sometimes engaged in revenge killings both between and within ethnic groups.

## **Section 7. Worker Rights**

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

The country passed a national labor law in 2017. The new labor act was not well disseminated or enforced. Under the law every employee has the right, with restrictions, to form and join unions, bargain collectively, and strike. The law does not explicitly prohibit antiunion discrimination or provide for reinstatement of workers fired for union activities. While labor courts adjudicate labor disputes, the minister of labor may refer them to compulsory arbitration.

The 2013 Workers' Trade Union Act provided a regulatory framework to govern worker trade unions. The largest union, the South Sudan Workers' Trade Union Federation, had approximately 65,000 members, working mainly in the public sector. The federation's president, Simeone Deng, was reportedly killed while on a mission in March. Unions were nominally independent of the governing political party, but there were reports of government interference in labor union activities. In 2017 President Salva Kiir dismissed several judges who had gone on strike.

Hyperinflation and devaluation of the South Sudanese pound (SSP) led to a series of strikes, as workers reported they can no longer live off their salaries.

Employees of the Cooperative Bank of South Sudan went on strike in February, citing complaints over salaries, health insurance, and pension payments. South Sudanese employees at foreign companies have also gone on strike, demanding better pay or demanding to be paid in U.S. dollars rather than SSPs.

The government did not effectively enforce the law. Administrative and judicial procedures were subject to lengthy delays and appeals, and penalties were insufficient to deter violations.

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

The law prohibits forced or compulsory labor, with exceptions for compulsory military or community service or because of a criminal conviction. 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. Although penalties existed, lack of enforcement rendered them ineffective at deterring violations. The government did not investigate or prosecute any trafficking or forced labor offenses. Forced labor occurred in domestic servitude, in 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 victimized by their own 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.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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

The minimum age for paid employment is 12 years for “light work” and 18 years for “hazardous work.” 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 that the government may issue regulations prescribing limitations on working hours and occupational safety and health restrictions for children, but these regulations were not available. The law uses international standards International Labor Organization (ILO) Convention 182) to specify the “worst forms of child labor” and prohibits any person from engaging or permitting the engagement of a child younger than age of 18 in these practices.

The government did not enforce child labor laws, and penalties were insufficient to deter violations. 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 did not convene during the year. 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 ILO and union representatives. In 2018 the Department of Labor added firewood gathering and slaughterhouse work to the list of prohibited activities involving child labor.

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 and did not 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, firewood gathering, or subsistence farming with family members. Child labor was also prevalent in construction, domestic work, street work and commercial sexual exploitation (see section 6, Children). Girls rescued from brothels in Juba reported police provided security for the brothels, and SSPDF soldiers and government officials were frequent clients of child victims of sexual exploitation.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

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

The law prohibits discrimination with respect to employment or occupation based on race, tribe or place of origin, national extraction, color, sex (including pregnancy), marital status, family responsibilities, religion, political opinion, disability, age, HIV/AIDS-positive status, or membership or participation in a trade union. It does not prohibit discrimination based on sexual orientation or gender identity.

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 sectors. Dinka and Nuer occupied most leadership positions within the national government. Persons from Ekuatoria were historically overrepresented in the civil service at lower ranks. Across the country, local authorities often manipulated the hiring practices of NGOs to favor fellow tribesmen and fire rivals. Persons with disabilities faced discrimination in hiring and access to work sites. Women had fewer economic opportunities due to employer discrimination and traditional practices. Women were sometimes fired from work once they became pregnant. Although this practice was prohibited by law, enforcement of labor protections was inconsistent.

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

The 2017 labor act specifies the ministry may establish and publish a minimum wage, or wages for different categories of employees. There was no public

information that this occurred. The law specifies normal working hours should not exceed eight hours per day and 40 hours per week and should provide for overtime.

The Ministry of Labor, Public Service, and Human Resource Development has an Occupational Safety Branch, which only has one staff member, who is also the office director. There are no occupational safety and health (OSH) standards. Workers cannot remove themselves from situations that endanger their health or safety without jeopardy to their employment.

A 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 a schedule of salary rates, according to which all civil servants, officials, and employees are to be paid. This pay scale has not been adjusted for several years. Due to rapid depreciation of the South Sudanese pound, most civil servants did not receive enough income to support themselves, even when their salaries were delivered on time and in full, which was infrequent. Under the law only unskilled workers are eligible for overtime pay for work in excess of 40 hours per week. 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 did not enforce the law. The government neither investigated nor prosecuted cases of violations of wage and OSH standards. The government reported investigating disputes regarding employer contributions to the National Social Insurance Fund and severance payments. Penalties for violations of laws on wages and working conditions were not sufficient to deter violations. Nine employees serve as both labor inspectors and adjudicators of work permits, which was not sufficient to enforce the law.

According to the 2008 census, the latest data on working conditions 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, and other private companies. The majority of workers in the country were agricultural workers, of whom approximately 70 percent were agropastoralists and 30 percent farmers. Approximately 53 percent of agricultural workers engaged in unpaid subsistence family farming.