

# **SOUTH SUDAN 2015 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

South Sudan is a republic operating under a transitional constitution signed into law upon declaration of independence from Sudan in 2011. 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, led the country. 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 is 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 27 ministries, only 21 had appointed ministers in charge, of which 19 are SPLM representatives. The bicameral legislature consists of 332 seats in the National Legislative Assembly (NLA), of which 296 were filled, and 50 seats in the Council of States. SPLM representatives controlled the vast majority of seats in the legislature. Through presidential decrees Kiir replaced eight of the 10 state governors elected since 2010. The constitution states that an election must be held within 60 days if an elected governor has been relieved by presidential decree. This has not happened. The legislature lacked independence, and the ruling party dominated it. Civilian authorities failed at times to maintain effective control over the security forces.

In 2013 armed conflict between government and opposition forces began after violence erupted within the Presidential Guard Force (PG) of the SPLA, also known as the Tiger Division. Some reports indicated PG members of Dinka ethnicity attempted to disarm PG members of Nuer ethnicity. During the weeks that followed, Dinka members of the PG and other security forces reportedly conducted targeted killings of Nuer civilians in Juba. International nongovernmental organizations (NGOs) reported large-scale reciprocal targeting of Dinka civilians by Nuer forces in Bor. The events led to armed conflict between government forces and newly formed opposition forces, the SPLA-In Opposition (SPLA-IO), in several states across the country and ethnic violence by civilians that continued throughout 2014 and 2015 despite multiple agreements to cease hostilities. While the initial violence was concentrated in Juba in Central Equatoria State, the conflict quickly spread to--and remained primarily in--Upper Nile,

Jonglei, and Unity States, known collectively as the Greater Upper Nile region. Abuse occurred on a massive scale.

Approximately 2.4 million persons were displaced internally and as refugees in neighboring countries due to the continuing conflict. In April, despite further attempts at establishing cease-fires, a large-scale government offensive begun in Greater Upper Nile 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, with more than 180,000 living at UN Protection of Civilian (PoC) sites at year's end. In August members of the opposition, Former Detainees (a group of 10 former SPLM officials), and the government signed the Intergovernmental Authority on Development (IGAD) Plus Agreement on the Resolution of the Conflict in South Sudan. Despite efforts to implement the agreement, fighting continued in parts of the country, particularly in Upper Nile and Unity States. In October 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. In December the president issued related decrees appointing 28 new governors. The political wing of the opposition (SPLM-IO) and Former Detainees protested. More than 200 members of the SPLM-IO arrived in Juba, as parties began to implement major provisions of the peace agreement, including undertaking activities to establish a Transitional Government of National Unity.

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 other inhuman treatment of civilians such as arbitrary arrest and detention, abductions and kidnapping, recruitment and use of what the UN Children's Fund (UNICEF) estimated to be 15,000 child soldiers; and conflict-related sexual violence. Attacks on military positions often resulted in rape, destruction of villages, theft, looting, and revenge attacks on civilians. Security force abuses unrelated to conflict included extrajudicial killings, torture, rape, intimidation, unlawful detention, and other inhuman treatment of civilians.

Other human rights abuses include harsh prison conditions; a 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 intercommunal and interethnic conflict, particularly of women and children. Corruption among government officials was pervasive. The government often restricted the movement of international organizations and NGOs, and attacks on and harassment of international organization and NGO workers increased. Violence and discrimination against women and children by government actors and within communities were widespread. Trafficking in persons, government incitement of tribal violence, and child labor, including forced labor, also occurred.

Security force abuses occurred throughout the country, especially in areas subject to ethnic conflict, fighting between government and opposition forces, armed militia activity, or civil unrest. The government pledged to launch its own investigations following release of several independent reports detailing widespread and serious human rights abuses in the conflict states. These efforts did not lead to prosecutions or punishment. Impunity was widespread and remained a major problem.

Although government reports attributed sporadic attacks on SPLA in Central and Western Equatoria and Western Bahr el-Ghazal States to the Lord's Resistance Army (LRA), there was no independent confirmation the LRA conducted attacks, abductions, or looting inside South Sudan. There were indications, however, that LRA forces continued to use some routes originating in the Central African Republic to move contraband ivory through parts of western South Sudan. SPLA-IO tactical withdrawal towards and across the Sudan-South Sudan border at times resulted in Sudanese Armed Forces exchanging fire with SPLA forces.

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

### **a. Arbitrary or Unlawful Deprivation of Life**

The UN, 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 during the year (see section 1.g.).

There were numerous reported unlawful killings similar to the following example: In January in Western Bahr el-Ghazal State, 11 persons were killed in an ambush on a county commissioner and his entourage as they returned from visiting families

of individuals killed in an attack the prior week. Government officials variously attributed the killings to the LRA or SPLA-IO, although neither report was confirmed.

### **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, during the year (see section 1.g.). Security forces, particularly the National Security Service (NSS), often abducted civil society activists (see section 2.a.), and there were regular reports police conducted arbitrary arrests, particularly at night, in Juba.

There were numerous reported disappearances similar to the following examples: In April, three World Food Program (WFP) drivers transporting 5.5 tons of food commodities from Malakal to Melut disappeared during intercommunal fighting in Fashoda County. The commodities were looted. The WFP never learned the whereabouts of the drivers and issued a public statement in August noting they were presumed dead.

In July Peter Abdel-Rahman Sule, an Equatorian leader and chairman of the United Democratic Front, who fled to Uganda in 2014 after he was denied the right to travel from Juba to Addis Ababa for peace talks, was reported missing by family. They alleged the security services, in conjunction with Ugandan counterparts, orchestrated Sule's abduction on the Uganda/South Sudan border. Authorities initiated no investigation.

### **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 during the year (see sections 2.a. and 5). Government and opposition forces, armed militia groups affiliated with both, and warring ethnic groups committed torture and abuse in conflict zones (see section 1.g.). Beatings, detention, and harassment of foreigners or foreign-looking citizens were common, particularly in response to disputes over land or other resources.

There were numerous reported abuses similar to the following example: In May the SPLA arrested a human rights activist and brought him to the military

intelligence prison in Juba. There he reported he was immediately caned and kept for 24 hours in an underground holding cell filled with two feet of water. After removal from the underground space, he said he spent a week in an area so overcrowded it was often impossible for him to sit or lie down to sleep. He was then moved to another, larger space, where the guards extorted money from family members and confiscated food they brought to their relatives. Prison staff provided one meal a day on average, but sometimes food would not be available for several days. The activist claimed he saw at least seven prisoners die from starvation or injuries during his two-month incarceration. Upon his release prison officials reportedly admitted his incarceration had been a mistake.

### **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 relied on state budgets for support, and prison physicians with inadequate training sometimes left sick patients to die. There were reports of abuse by prison guards.

Physical Conditions: At year's end state-controlled prisons held approximately 6,500 inmates, with many more held in municipal or community-controlled jails throughout the country. Overcrowding remained a problem. For example, although designed for 400 inmates, Juba Central Prison held at least 1,500 persons. The prison system held approximately 400 female inmates. 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 in some states received one meal per day and relied on family or friends for additional food. Potable water was limited. At night they 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. In one case in Warrap State, officials of the UN Mission in South Sudan (UNMISS) requested that state authorities intervene to improve conditions in the Kuojok prison.

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.

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 hold IDPs for more than 72 hours, but authorities 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. In October after months of negotiation, UNMISS formally handed over four suspects (accused of rape) to national authorities. Police released the suspects within a few days, claiming there were no complainants, although UNMISS delivered detailed dockets on each suspect and Ministry of Justice officials committed to undertake a full investigation. The National Prisons Service (NPS) was reportedly investigating the circumstances of the release.

The NSS illegally operated a detention facility in Juba that held civilian prisoners (see section 1.d.). Detainees reported conditions at the facility were usually harsher than at Juba Central Prison, with limited access to sanitary facilities or medical treatment. The NSS held some detainees in darkened rooms for most of the day.

Administration: The NPS instituted weekly reporting of prisoner totals from all state prisons to its Juba headquarters, including statistics on juveniles and the mentally ill (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 mentally ill inmates determined by a judge to be sufficiently

dangerous (and therefore “mentally ill”) after referral by family or the community, incarcerated, medicated, and kept 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.

Improvements: The South Sudan Human Rights Commission, in coordination with the NPS, began a pilot program in August to document all uncharged prisoners held in Juba prisons for potential amnesty by presidential decree at the end of the year. Officials from both agencies documented 700 prisoners; at year’s end, the commission submitted 50 names for potential presidential pardon or amnesty from the minister of justice.

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

The transitional constitution prohibits arbitrary arrest and detention without charge. The government, however, arrested and detained individuals arbitrarily during the year. 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 and the NSS often did so, rarely reporting such arrests to police, other civilian authorities, or, in the case of foreigners, diplomatic missions. NGOs reported unlawful detentions in the SPLA’s Giyada General Headquarters. 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: In August men reportedly wearing uniforms of the NSS and

the Presidential Guard took Western Equatoria Governor Joseph Bangasi Bakosoro from his home in Juba following the issuance of a presidential decree removing him from office. Five days later Bakosoro was released unharmed from SPLA headquarters at Bilpham. In December, Bakosoro was again detained without formal charge, allegedly for directing support to insurgents in Western Equatoria State. Bakosoro remained in custody at year's end.

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

The South Sudan National Police Service (SSNPS), under the Ministry of Interior, is responsible for law enforcement and maintenance of order within the country. The SSNPS, which consisted largely of former SPLA soldiers, was ineffective, corrupt, and widely distrusted. An illiteracy rate of approximately 70 percent among SSNPS personnel meant reports were often incomplete, and files, if created, were often misplaced. Authorities often based detentions on accusations rather than official investigations. They rarely investigated complaints of police abuse.

The SPLA is responsible for providing security throughout the country and ostensibly operates under the Ministry of Defense and Veterans' Affairs, although current and former military personnel staff the ministry. During the 2013 crisis, the SPLA fragmented badly, with roughly half of the forces defecting to the opposition. Since then there have been defections in small numbers, but no substantial splinter factions forming or major unit defections. 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 parts of the country. The SPLA routinely detained persons, including in SPLA-run detention facilities to which monitors often had little 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 pursuant to the law.

The NSS does not have arrest or detention authority except in extraordinary cases affecting national security. Nevertheless, the NSS often illegally detained civil society activists, businesspersons, NGO personnel, journalists, and others to intimidate them, particularly if the NSS believed they supported opposition figures. Three South Sudanese UNMISS staff detained by the NSS in 2014 and a fourth detained during the year remained in custody without charges. Authorities rarely



investigated complaints of arbitrary detention, harassment, excessive force, and torture.

Impunity of the SSNPS, the SPLA, and the NSS was a serious problem. Several press and international observer reports of such abuse were similar to the following cases: Government forces and associated militia attacked in several areas of Unity State. Civilians were forced to flee into the surrounding swampy wilderness, resulting in numerous deaths, including those of children. This violence also resulted in the widespread burning of houses, abductions of women and children, and dozens of cases of rape among IDPs.

Although some internal investigations within the army and police were allegedly launched during the year, no cases of security sector abuse were referred to military or civilian courts, and no courts martial took place.

The inspector general of police initiated a pilot program to train 400 SSNPS officers in community policing, including training on human rights. The SSNPS also initiated a new curriculum for cadets that included training on human rights and gender-based policing.

### **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 nonstandardized, 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. One NGO reported that none of the 90 prisoners facing capital punishment it interviewed had been represented during their trials. 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 (see sections 1.c., 1.e., 1.g., 2.a., and 3). Reports of arbitrary arrest due to the armed conflict continued. The SPLA and the 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 were committed, were of a certain ethnicity, or were relatives of those suspected of committing crimes. For example, in Eastern Equatoria State's Magwit County allegations that the SPLA arbitrarily arrested "youth and other community members" led to clashes between the army and armed groups.

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.). UNMISS reported the discovery of 15 detainees who had been held on remand for more than five years.

Amnesty: On December 23, President Kiir published a decree granting amnesty to 10 prisoners.

#### **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, the 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 across the country, 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. Statutory courts were subject to political pressure when trying anyone with strong associations to the SPLM, SPLA, or the NSS. Patronage priorities or political allegiances of traditional elders or chiefs commonly influenced verdicts in customary courts.

Despite the numerous pressures, some judges appeared to operate independently. When in 2014 the administration charged four citizens with initiating the “failed coup” that triggered the 2013 crisis, the Special Tribunal Court maintained sufficient integrity and independence so that, following several weeks of televised court testimony, the government dropped the case rather than risk a “not guilty” verdict.

### **Trial Procedures**

Under the transitional constitution defendants have the right to be presumed innocent, 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 oneself, and have access 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. The transitional constitution provides no right to trial by jury for civil or criminal trials, and cases were conducted exclusively as bench trials. 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 the media should not comment on pending cases. The right to be present at trials 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, in late November authorities arrested civil society activists in Western Bahr el-Ghazal State after they criticized the activities of recently deployed SPLA troops in a letter sent to local officials and the media. After meeting with local officials, 10 were arrested and detained several days. Most

were released after signing an apology, but two were detained several days longer before being released. Authorities stated they had been investigating the organizations' activities. Activists said that during their captivity NSS officers accused them of allying themselves with the SPLM-IO and dishonoring the state government.

### **Civil Judicial Procedures and Remedies**

Statutory and customary courts provided the only option 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.

#### **f. Arbitrary 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. For example, one news report cited the unlawful detention of the spouse of someone arrested and detained by the NSS for allegedly forging the president's signature.

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

#### **g. Use of Excessive Force and Other Abuses in Internal Conflicts**

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 in Unity, Upper Nile, Jonglei, Lakes, Warrap, and Western, Central, and Eastern Equatoria States.

Casualty totals were difficult to estimate because the belligerents typically did not maintain accurate records. The number of IDPs and refugees increased to approximately 2.4 million at year's end. International NGOs and the UN reported atrocities.

**Killings:** In April the SPLA began a brutal offensive across the region of Greater Upper Nile lasting several months. The most common pattern involved fighting

between government and opposition forces followed by reprisals against civilians. Human rights organizations reported rampant human rights violations against civilians including torture, rape, burning of victims alive, crushing victims under tanks, and wholesale destruction of villages. In May satellite imagery supported the claim that during the offensive the SPLA sent bulldozers to demolish entire villages.

For example, Human Rights Watch (HRW) detailed violence by government-aligned militias in several areas of Unity State, particularly Rubkona, Guit, and Koch Counties. HRW cited six residents of Pibor village in Rubkona County who said that progovernment militias burned their entire town after occupying it in April.

Scorched earth tactics typical of the way the SPLA and its associated armed militias conducted operations included: combat followed by killing and raping of civilians; looting of cattle and goods; and destruction of 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. 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.

Outside the Greater Upper Nile (Unity, Upper Nile, and Jonglei States) conflict zone, there were reports of increased violence throughout the Equatorias during the second half of the year. Skirmishes between armed groups called the Arrow Boys and other Equatorian vigilante groups, and the SPLA, often led to revenge killings and violations by both sides against civilians in the Equatorias. There were press and other reports that in the course of the fighting in the Equatorias, the government attacked towns, including Yambio and Mundri, and civilians with helicopter gunships.

Abductions: Abductions 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.

There were numerous reported abductions similar to the following example: According to UNICEF, in February armed men abducted 89 boys while the boys were taking exams at an IDP camp in Wau Shilluk, on the west bank of the Nile approximately 16 miles northeast of the state capital Malakal, Upper Nile State. UNICEF attributed the abductions to a Shilluk militia group under the command of

Johnson Olony, who intended to use the children as porters, cooks, and day laborers.

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.

In October the head of delegation of the International Committee of the Red Cross (ICRC) in the country called the levels of sexual violence in the civil conflict “unprecedented.” Conflict-related sexual violence was prevalent because women increasingly were targeted following attacks. Throughout the spring offensive in Unity State and into the summer and fall, government forces and their affiliated armed militias used rape as a weapon. IDPs fleeing to the UN PoC camp in Bentiu reported to UN and NGO staff incidents of rape and torture across Unity State. Women leaving the PoC camp during the day to purchase food or collect firewood were targeted for harassment, illegal detention, abduction, and rape.

UN Special Representative of the Secretary-General on Sexual Violence in Conflict Zainab Bangura declared the situation in Unity State the worst of its kind worldwide in 30 years. Violence and sexual assault among residents of the Bentiu and Malakal PoCs increased as the population of each camp grew. Bentiu IDPs told journalists in September that government troops forced women and girls into rape camps, killing those who would not participate, show where the cattle were, or became too injured to continue. In October, SPLA-IO troops allegedly gang-raped two women in Koch County, Unity State. The incident occurred after a clash between SPLA-IO and government forces while opposition troops had control of Gap village in Jak sub-county for several hours before the SPLA returned.

UN and human rights organization reports released during the year stated witnesses reported the practices of burning civilians alive in their huts and castrating young boys.

Despite international efforts to clear them, landmines were a threat to local populations in some areas.

Child Soldiers: Following the outbreak of conflict in 2013, forced conscription by government forces and recruitment and use of child soldiers by both government and antigovernment forces increased. Opposition forces and affiliated armed militias recruited child soldiers, with some groups such as the White Army (a Nuer

militia tied to opposition leader Riek Machar) relying on youth as their primary fighting force.

International organization experts estimated that between 15,000 and 16,000 child soldiers had been recruited in the country since the conflict began in 2013 and blamed opposition forces and armed militia groups for the vast majority. By contrast, they estimated the SPLA's recruitment of child soldiers to be several hundred. Observers warned the violence in Western Equatoria State, which increased in the second half of the year, had also led to the wholesale recruitment of children into the insurgent groups fighting there.

The August peace agreement mandated that specialized international agencies work with all warring parties to demobilize and reintegrate child soldiers from the SPLA, the SPLA-IO, the White Army, and other groups, usually those involved in community defense. UNICEF made progress with the first two groups. Defense ministry officials said the government instructed its allied militia groups to release child soldiers.

UNICEF's program in the Greater Pibor (Jonglei State) Administrative Authority demobilized and reintegrated 1,755 child soldiers released by chief administrator David Yau Yau's Cobra Faction. Officials attributed its success to a multifaceted approach involving education and child protection.

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: Both government and opposition forces restricted the movement of UN personnel and other humanitarian actors, hindering the delivery of emergency assistance to conflict-affected and other vulnerable populations. Government and opposition elements harassed humanitarian workers and looted humanitarian assets. Access remained a critical challenge, despite assurances that humanitarian workers, relief items, and beneficiaries would be protected. On multiple occasions fighting between government and opposition forces put the safety and security of humanitarian workers at risk, prevented travel, and jeopardized relief operations. Between the start of the crisis in December 2013 and December 2015, relief workers recorded nearly 1,700 incidents of access denial or interference by the SPLA, the SPLA-IO, or other armed elements. Delayed flight safety assurances, insecurity, and movement restrictions often prevented relief workers from traveling to remote locations. Humanitarian personnel, independently or through an access working group of the UN Office for



the Coordination of Humanitarian Affairs (OCHA), coordinated with the SPLA and the SPLA-IO to work through access problems. The most common forms of violence against humanitarian workers included robbery and looting, harassment, armed attacks, commandeering of vehicles, and physical detention.

The UN reported that since December 2013 at least 43 humanitarian staff members were killed in South Sudan, 23 of them during the year.

There were numerous reported incidents of attacks on humanitarian workers, assets, and facilities. Interference by government officials and armed forces significantly limited the riverine transport of humanitarian cargo. For example, on July 10, both SPLA and opposition forces fired on a UN-marked barge that was transporting fuel to Malakal. When UNMISS force protection announced the barge was UN property, opposition forces immediately ceased fire and the barge continued north. After progressing for approximately 20 minutes, however, SPLA forces again fired on the barge. Three rocket-propelled grenades damaged the barge and the barge pusher, halting the barge's movement. (A second pusher arrived and pushed the barge the rest of the way to Malakal.)

Armed elements also launched numerous attacks on humanitarian road operations, abducting and killing drivers and preventing the transportation of relief supplies. In April a convoy of food from WFP was hijacked in Fashoda County. The drivers were never found (see section 1.b). Relief groups agreed to resume humanitarian assistance in Akoka and Fashoda on July 27 due to the dire humanitarian situation in the areas and local officials' assurances of safety.

Working and traveling across conflict lines remained a significant challenge for relief actors, particularly national staff. For example, in early April opposition elements detained and later released one local UN staff member who was supporting UN rapid response efforts in Jonglei's Old Fangak town. Restrictions on movement hindered the delivery of assistance to populations in need throughout the year.

In late April four NGOs temporarily withdrew from Upper Nile State's Pagak town following opposition occupation of their compounds, which coincided with an opposition leadership conference in Pagak. The breach affected public perceptions of NGO neutrality and impartiality, forcing the NGOs to withdraw for four weeks. As of early October, opposition officials continued to pressure NGOs to provide lodging for their personnel in Pagak.

Armed violence also continued to affect civilians and hinder humanitarian organizations' response. During the government offensive in Greater Upper Nile in April and May, several humanitarian compounds in Leer, Mayendit, Koch, and Guit Counties in Unity State were attacked, and international and some national NGOs evacuated staff from those counties.

Between April and June the violence in Unity State and in neighboring Upper Nile State resulted in the deaths of at least six humanitarian staff; 150 other staff remained unaccounted for at year's end, with many likely having fled to the swamps of southern Unity State. Food and other assistance were looted or destroyed. The deliberate destruction of civilian infrastructure and livelihoods during the violence resulted in massive displacement. Government forces and allied militia burned crops and homes, and looted livestock, tools, and other household items. In some cases cattle were shot. By looting cattle, the SPLA deprived the opposition of sources of sustenance and simultaneously destroyed the livelihoods of thousands of civilians.

Looting remained a persistent concern among relief agencies. For example, on May 26, a rapid assessment trip to Leer town in Unity State by relief personnel found that armed persons--likely SPLA or affiliated armed militia groups--looted humanitarian assets during heavy fighting in early May. They had taken vehicles, furniture, and other office items. One observer reported that armed elements had looted several of its nutrition clinics, taking emergency nutrition supplies meant to treat children with acute malnutrition. Doctors without Borders (MSF) confirmed armed actors looted Leer Hospital, the only fully functioning hospital in southern Unity State. International MSF staff evacuated Leer on May 9. Approximately 200 local hospital staff fled to the bush as armed forces approached, taking nine patients with them, four of whom were in critical condition.

During the government's spring offensive beginning in May, clashes between government and opposition forces in western Upper Nile State resulted in damage to, and destruction and looting of humanitarian assets. For example, one international NGO estimated in mid-June it lost \$616,000 in assets as a result of looting or destruction in Melut County, Upper Nile State. While unidentified persons looted the relief items and operational supplies, drugs and medical supplies were lost due to the destruction of the organization's warehouse. The NGO had been prepositioning supplies in it for the rainy season. Some of the supplies destroyed were emergency medicines destined for Baliet County. An SPLA attack on Kodok town, Fashoda County, Upper Nile State, on July 5 damaged a health

facility managed by the ICRC resulting in the death of one patient, and forced the ICRC to evacuate its international staff.

During the year relief personnel reported increased interference and harassment from the government, particularly following the June 1 expulsion of the UN humanitarian coordinator from the country. For example, in June security forces in Juba reportedly raided the offices and detained the staff of two domestic NGOs supporting humanitarian operations throughout the country. According to the South Sudan NGO Forum, 90 percent of NGOs reported in June that during the year their organizations had become more concerned about the safety of their staff.

In addition increased crime and the inability of security forces to react further limited humanitarian access, particularly in Juba. Deterioration of the rule of law threatened the integrity of NGO assets and installations. The NGO Forum reported that between January and June, approximately 40 percent of NGOs had assets or premises looted and 45 percent had staff threatened or harassed. During the week of September 7, burglaries of three relief agency compounds occurred during daylight hours in Juba; one staff member was killed. As of September 28, the Humanitarian Country Team, a group of senior humanitarian representatives from the UN, NGOs, and donors providing strategic guidance for the humanitarian response reported that an average of one NGO compound break-in occurred every two days in Juba.

A lack of security assurances from the government delayed the provision of humanitarian aid. For example, the SPLA informed the UN on July 13 that it would no longer provide security clearances for barges transporting humanitarian commodities via river; barge transport between Bor in Jonglei State and Malakal in Upper Nile State resumed after the government lifted the ban on August 5. Between June 15 and 24, the government denied UN requests for flight security assurances for flights to Malakal, resulting in the cancellation of 10 cargo flights scheduled to transport 198 tons of relief commodities to Malakal and Wau Shilluk in Upper Nile State and preventing the movement of nearly 90 humanitarian personnel.

Relief staff continued to face access challenges despite the signing of the August 26 peace agreement, which requires signatories to create a political, administrative, operational, and legal environment conducive for the delivery of humanitarian assistance. During the week of September 20, the government failed to approve approximately half of the requests for flight security assurances submitted to it, the Humanitarian Country Team reported on September 28.

## **Abyei**

Introduction: 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 conflict in 2011 between Sudanese and South Sudanese forces, the UN established the UN Interim Security Force for Abyei (UNISFA). The security situation in Abyei was tenuous throughout the year due to rising tensions between the Ngok Dinka and Misseriya communities compounded by deteriorating economic conditions and the unresolved 2013 killing of paramount chief of the Ngok Dinka, Kuol Deng Kuol. By year's end the African Union and the Abyei Area Joint Investigation and Inquiry Committee did not release their reports of investigations into the killings of Kuol, an Ethiopian UNISFA peacekeeper, and 16 Misseriya tribesmen.

Several humanitarian aid NGOs continued to provide mobile outreach services in Abyei from their bases in South Sudan.

During the year there were some incidents of violence between the two communities.

Killings: Press, NGOs, and UNISFA reported a March attack in Marial Achak by approximately 100 armed Misseriya that resulted in three deaths and the abductions of six children. UNISFA troops apprehended eight of the armed individuals, including one member of the Tora Bora militia group and a Sudanese Armed Forces officer; the government of Sudan alleged he was a member of a revolutionary faction.

Other Conflict-related Abuse: UNISFA reported the continued intermittent and illegal presence of SPLA forces in southern Abyei and Sudanese Armed Forces in Diffra. Violence in Marial Achak and elsewhere included destruction of homes, increasing the number of IDPs.

## **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 2003 NGO 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 Committee to Protect Journalists listed South Sudan for the first time on its Global Impunity Index in the wake of several killings of journalists, although it was unclear if their deaths were related to their professions. The government closed three newspapers and Radio Free Voice (a media content provider of peace programming). At year's end 10 newspapers and nine Juba radio stations remained operational. 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 view of events. Journalists were harassed, intimidated, and summoned for questioning by the NSS. The environment for media workers remained precarious throughout the year. Several newspapers opened in the second half of the year, some of which regularly challenged government positions.

Authorities made some progress on implementing the three media bills signed into law in 2013, which were supposed to resolve disputes between the government and journalists through established boards responsible for the right to access information, public service broadcasting, and media authority. The government proposed board chairpersons and members to the NLA, but the assembly did not act by year's end.

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.

There were numerous reported such abuses similar to the following example: On February 2, NSS personnel seized the print run of the daily independent newspaper

*The Nation Mirror* after previously prohibiting further publication. The government did not publicly provide a reason for the action. Sources, however, attributed it to a headline from the previous week that the government claimed misreported an SPLA withdrawal after a skirmish with the armed opposition. Although the newspaper admitted its error and apologized, the government continued to regard the newspaper as “antigovernment,” and it remained closed. Following the closure and after threats on his life and continued harassment, the editor in chief left the country. He returned to the country and subsequently assumed his previous position when the newspaper reopened on October 26.

Also on August 8, the NSS closed the independent daily *The Citizen* without giving any reasons following a verbal instruction to the management to stop printing beginning August 5. *The Citizen's* television station--*Citizen TV*, the country's only privately owned television station--also closed as the result of lost revenue following the newspaper's closure. Sources indicated the government order came as a result of the newspaper's publication of several pro-peace articles, which authorities interpreted as critical. The government later blamed the closure on the newspaper's tax problems, a charge the editor in chief denied. Citing continuing harassment and threats to his life, he permanently quit journalism. Many of *The Citizen's* staff joined other dailies that began or resumed publishing later.

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 called in for questioning, harassed, detained, and imprisoned. NSS representatives frequently harassed civil society leaders by detaining them at NSS headquarters without formal charges. Government harassment was so pronounced that several journalists left 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 August 16, President Kiir was quoted as saying, “If anybody [journalist] does not know that this country has killed people, we will demonstrate it one day, on them. ...Freedom of the press does not mean you work against the government.” Some members of the media interpreted Kiir's remarks as a threat against journalists, and

media-sector representatives requested a government explanation and apology for the president's remarks. On August 22, in the wake of domestic and international outrage, President Kiir's office issued a statement claiming he had been "quoted out of context," adding, "This was just a reminder to South Sudanese journalists, not a threat...as it was distorted." The statement further declared, "Nothing shall harm a journalist when he/she is going about his/her journalistic profession."

On August 19, an unidentified gunman shot and killed a young journalist working for the *New Nation* and *The Corporate* newspapers in the Jebel area of Juba. Although it was unclear if this was a targeted killing, in view of its occurrence shortly after the president's August 16 statement, the media sector responded with a 24-hour news blackout and asked that a media representative be involved in the investigation. At year's end there was no public announcement of any progress in the investigation.

National Security: There were high-profile cases of security force members or officials accusing journalists of espionage or allegiance to opposition forces with little evidence.

There were numerous reports of abuses similar to the following example: On August 8, the NSS closed the Arabic-language *Al Rai*, confiscated journalists' equipment such as cameras and computers, and alleged one of the newspaper's board members had left the country and joined the armed opposition. The newspaper's staff denied the allegation but removed the person in question from the board. The newspaper nevertheless remained closed by government order.

### **Internet Freedom**

On June 1, the government expelled UN Deputy Special Representative of the Secretary-General/Resident Coordinator/Humanitarian Coordinator of UNMISS Toby Lanzer following remarks he posted on his Twitter account about the economic and political condition of the country.

There were no government restrictions on access to the internet or credible reports the government monitored e-mail or internet chat rooms without appropriate legal authority. Individuals and groups could engage in the expression of views via the internet, including by e-mail. The internet was unavailable in most parts of the country due to lack of electricity and communications infrastructure. According to the International Telecommunication Union, 16 percent of the population used the internet in 2014.

## **Academic Freedom and Cultural Events**

There were no known statutory restrictions on academic freedom or cultural events. The government, however, did not respect these freedoms.

There were several reported abuses similar to the following example: In October a prominent intellectual and professor of peace studies at the University of Juba organized a public symposium regarding a controversial presidential decree to reorganize the country's existing 10 states into 28. The debate included participation by the legal advisor to the president, an independent political party leader, and the chairperson of the influential Jieng (Dinka) Council of Elders (JCE). During the discussion participants claimed the legal advisor failed to provide compelling legal arguments in favor of the decree while the JCE chairperson became frustrated and left early. Shortly thereafter, the professor who organized the debate was relieved of his position, declared he was taking a sabbatical, and left the country. Media speculated the professor fled under political pressure and fear of likely repercussions.

## **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).

The NLA passed a law in May strictly regulating 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. In July the president returned the bill without his signature to the NLA with comments (not released publicly) suggesting additional changes and later called upon legislators to pass it during a November 18 address to the NLA. Nevertheless, the bill remained pending at year's end.

### **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.

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 sometimes obstructed the Office of the UN High Commissioner for Refugees (UNHCR) and other 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.).

Xenophobia continued among the general population, stemming from a perception that foreigners took jobs and other economic opportunities from citizens. Reports indicated throughout the year security forces harassed Kenyans, Ugandans, Ethiopians, Eritreans, and Somalis working in the country.

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 in Addis Ababa on border issues, the governments failed to make substantial progress during the year on aspects of the agreement relating to each other's nationals.

Citizenship: While there were no reports the government revoked citizenship for political reasons, some NGOs reported the government sometimes denied citizenship to residents whose ancestors immigrated from other countries or who had Muslim names through subjective application of criteria in the nationality law.

### **Internally Displaced Persons**

The rising intensity of fighting resulted in mass displacement of civilians, straining the ability of the UN and international humanitarian personnel to provide protection and assistance. According to OCHA, at year's end conflict and food insecurity continued to displace approximately 2.4 million persons internally and as refugees in neighboring countries (1.7 million IDPs and more than 771,000 refugees). Of the total number displaced, 1.3 million sheltered in remote, hard-to-reach areas in conflict-affected Jonglei, Unity, and Upper Nile States and had significant humanitarian needs. Emerging conflict in Western, Central Equatoria, and Lakes States led to a rapid increase with several thousand persons displaced by year's end. The more than 180,000 IDPs in UNMISS PoC sites also faced significant challenges. Many had protection concerns resulting from either proximity to active conflict, the presence of hostile--or perceived to be hostile--host communities or SPLA forces, and the inability of police to secure home communities for return. The government has no laws or policies in place to protect IDPs in accordance with the UN Guiding Principles on Internal Displacement, although the government is a party to the Geneva conventions (see section 1.g.).

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. Outside the major UN-operated PoC sites, IDP settlements were collocated with armed elements, and IDPs reported abuse by these elements.

At the Bentiu PoC site in Unity State, IDPs leaving the camp in search of firewood or other items faced arbitrary arrest, beating, extortion, abduction, and rape (see section 1.c.). In Malakal three soldiers shot an IDP to death in July and SPLA commanders warned that men attempting to cross from Wau Shilluk to the east bank to enter the PoC site would be presumed opposition fighters and shot on sight.

UNMISS continued to address the growing problem of criminality in UNMISS PoC sites. The UN worked with IDP community leaders to identify IDPs accused of committing crimes. Offenders either were then turned over to community

leaders for informal mediation or were placed in detention. In rare cases IDPs were considered for expulsion. In October UNMISS formally handed over four suspects accused of rape after months of negotiation to the national authorities.

### **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.

Refugee Abuse: Refugees sometimes suffered abuse, such as armed attacks, killings, gender-based violence, forced recruitment, including of children, and forced labor, according to UNHCR.

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 UN. 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 that an election be held by July 9, the date on which the first post-independence presidential term ended. The government, however, informed the NLA that the lack of funds to conduct the requisite census and complete drafting of a new constitution could result in a delay. 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 NLA 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 was the most broadly recognized and supported 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 there was also an SPLM for Democratic Change party. At various points in the past, members of different political parties worked together under the SPLM name to achieve common goals, giving a strong attachment and symbolic meaning to the name. The SPLA was closely connected to the SPLM.

Opposition parties headed only one of 21 ministries and suffered from limited financial resources and poor infrastructure. They held a small minority of seats in the NLA and the Council of States. 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 that 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 that no party had officially registered since independence. 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. By late December, 19 parties began initial registration formalities.

In August the SPLM-IO, the Former Detainees (a group of 10 former SPLM officials who were detained by the government in December 2013 and then released into exile and who represented one of the signatories to the peace agreement, and which included then-reinstated SPLM secretary general Pagan Amum Okiech), and other blocs signed the IGAD Plus Agreement on the Resolution of the Conflict in South Sudan in Addis Ababa. Government officials prevented the representative of the other political parties, Lam Akol Ajawin, from traveling to Addis Ababa. President Kiir refused to sign at that time, returning instead to Juba with a copy of the agreement for consultation with stakeholders. On August 26, Kiir signed the agreement with an attached list of government reservations to which the attending IGAD heads of state refused to agree. In an effort to resolve an impasse between the political parties on their representative to sign the agreement, IGAD offered the opportunity for all opposition parties to sign, which most did by the end of the year.

Defections from the SPLM/SPLA-IO leadership continued in June with a split between opposition leader Riek Machar and former senior commanders who

remained outside the parties and agreement at the end of the year. In October the SPLM National Liberation Council dissolved the party secretariat while retaining President Kiir in the position of SPLM chairman. Days afterward, SPLM officials, led by Vice President James Wani Igga acting in his capacity as the party's deputy chairman, claimed the secretariat's dissolution did not nullify the reconciliation of the SPLM achieved through the Arusha Process and emphasized that Machar and Former Detainee Okiech remained party members, although not in their previous capacities.

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 that 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 traditional council be women.

These laws were inconsistently implemented at both the state and national levels. While women have made gains in both the NLA 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 NLA but occupied only six of the 50 seats in the Council of States. 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. Four women served in the 21-member cabinet, and five of 12 deputy ministers were women.

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. A further barrier was the fact that neither the constitution nor the criminal code defines corruption.

An investigation by the NLA found that letters of credit had been misused. The Ministry of Trade, Investment, and Industry, for example, approved nearly 1.44 billion South Sudanese pounds (SSP, equivalent to \$480 million) in the letters since early 2014, but whether the money was used for its intended purposes was not clear.

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. The assets of spouses and minor children 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. Although the government published the budget, the Ministry of Finance failed to investigate and report on large discrepancies between planned and actual budget expenditures.

The Central Bank did not publish information on foreign reserve holdings or other commonly available data. The Ministry of Petroleum did not publish information on oil production, oil revenues, or loans provided in exchange for future oil sales. 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 that occurred during the spring government offensive triggered a harsh government reaction and furthered tensions between the government and international organizations and NGOs. After the release of international observer reports, the government typically announced the initiation of its own investigations, none of which produced findings or led to prosecutions. 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 UN, 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. For example, the South Sudan Relief and Rehabilitation Commission, one of the government bodies responsible for registering NGOs, continued to demand assets legally belonging to donors upon project conclusion. 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 UN 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, particularly when they operated near the border with Sudan or in conflict areas throughout the country. In June the government expelled UNMISS' senior humanitarian coordinator following remarks he made on Twitter (see section 2.a.).

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. UN personnel were kidnapped or detained (see section 1.g.). The SPLA regularly prevented UNMISS from accessing areas of suspected rights abuses, especially in Unity State, in violation of the status of forces agreement that allows UNMISS access to the entire country. Despite regular notifications to the government by UNMISS of these violations, by year's end the government did not share with UNMISS the outcome of any investigation it committed to undertake (see above). A fact-finding team authorized by UN Human Rights Council Resolution 29/13 arrived in October. They reported that the government task force established to work with them offered no meaningful cooperation and that the SPLA obstructed their movements. Team members of the UN Security Council's Panel of Experts reported generally good access to conduct their work.

In October the African Union released the Commission of Inquiry's report on violations of human rights and international humanitarian law committed during the early stages of the conflict. The report concluded there were, "reasonable grounds to believe that serious violations of human rights have occurred and that serious violence [and] other abuses have also occurred, which, given the context in which they have occurred may amount to violations of international humanitarian law." The report also found reasonable grounds to conclude that certain crimes were committed in a widespread and systematic manner, thus potentially rising to the level of crimes against humanity. Abuses included killing, torture, violence, sexual violence, and a range of violations regarding children and property. Atrocities committed by both sides against civilian populations were documented in detail. The commission's team interviewed 70 witnesses in four major areas where violence and human rights violations occurred. The report differed from the government narrative by concluding that "the evidence does not point to a coup." Immediately after the report's release, government officials repeated assertions that an attempted coup had taken place, noted the word "genocide" was not used in describing the human rights violations that followed, and generally charged bias in the commission's findings and sources.

Government Human Rights Bodies: The president appoints members of the South Sudan Human Rights Commission (SSHRC). In October the president filled a vacant commissioner's position by appointing Fidencia Charles Lado by decree. The commission's acting chairperson continued in that role at year's end. SSHRC's 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 as a committed and competent advocate of human rights, severe resource constraints prevented it from fulfilling its mandate. Salaries and office management accounted for the bulk of its funding, leaving little for monitoring or investigation. In 2014 the commission recalled its remaining staff based in Jonglei and Upper Nile States due to resource constraints and security concerns. The commission released a new three-year strategy in September and conducted a documentation program in Juba of 700 previously undocumented prisoners still in detention. Afterward the commission submitted a list of 10 names to the presidency requesting amnesty and another 40 to the Ministry of Justice (see section 1.d).

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

The government established several committees to investigate conflict-related human rights abuses perpetrated by the SPLA and opposition forces. The Human Rights Investigative Committee created by the president in 2014 to gather evidence related to the killings committed in Juba in December 2013 closed its investigation and submitted its report to the Presidency. The report was not made public. Following the June release of the UNMISS Human Rights Division's report on gross human rights violations in the conflict states of Greater Upper Nile from April through May, the SPLA announced it would launch its own investigation into the violations. The SPLA similarly announced, after the July release of a HRW report that also detailed atrocities allegedly committed by soldiers and militia in the government's Unity State spring offensive, that it would investigate those allegations. NGOs frequently questioned the credibility of these efforts because no SPLA investigation findings were published.

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

The transitional constitution prohibits discrimination based on race, gender, disability, language, and social status. The government did not effectively enforce the prohibitions. In October the Council of Ministers recommended that the NLA ratify a pan-African youth convention but with specific reservations one government official described as “encouraging” lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals or activities.

## **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 that police tried to charge them SSP 20 (seven dollars) when they attempted to file the criminal complaint of rape or abuse. While the official form is not mandatory, police often told women they needed to complete it 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 that 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 that most women were unaware that it was a punishable offense. Although no statistics were available, observers noted that 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 contradict 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 prioritize investments in education, particularly basic education, and schools continued to lack trained teachers, educational materials, and other resources. Although the Education Act stipulates that 10 percent of the national budget should be allocated to education, only 5.4 percent was so allocated for 2014/15 and 4.6 percent for 2015/16. 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 comprised 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 above). 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: 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. The law does not address child pornography. 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. In larger cities girls below age 18 were involved in prostitution.

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.

### **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 that 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 that 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 the 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 between Dinka and Nuer ethnic groups due to the crisis that started in 2013 (see section 1.g.). Insecurity and discriminatory government policies led to a heightened sense of tribal identity, exacerbating interethnic differences. In Unity State the SPLA, supported by associated militias made up of different ethnic subgroups of the Nuer tribe, targeted civilians during the spring offensive and through the year. In Western Equatoria conflict between Dinka herders and agrarian youths led to Dinka SPLA troops' siding with the herders against the youths and at times significant violence from May until year's end. In Warrap State intraethnic conflict between the Rek and Luac Dinka clans over land erupted in October. Interethnic clashes also occurred in Eastern Equatoria, Northern Bahr el-Ghazal, Western Bahr el-Ghazal, and Upper Nile States.

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 during the year.

During a meeting of the Council of Ministers in October, the government voted to accede to the African Youth Convention, with a single reservation concerning convention language regarding reproductive needs. A government spokesperson



explained the reservation was necessary because gay men and lesbians were “unacceptable in South Sudanese culture.” There were no known LGBTI organizations. While there were no reports of specific incidents of discrimination or abuse during the year, stigma was a likely factor in preventing incidents from being reported.

### **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 persons with HIV.

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

Throughout the year disputes between Dinka herders and agrarian youths over cattle grazing in Western Equatoria State at times deteriorated into violent and retaliatory events leaving numerous dead, injured, and forcing thousands to flee their homes. The violent dispute intensified during the last quarter of the year when armed groups indigenous to Western Equatoria State established links with the opposition.

In October clashes in Warrap State between the Rek and Luac Dinka clans over the disputed area known as Lol-lith left more than 90 persons dead and 100 injured. The chiefs of both clans were arrested.

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.

Christians in the country sometimes discriminated against Arabs and Muslims.

## **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 during the year. 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 few unions in the country included the Union of Journalists of South Sudan, the Union Haggar Tobacco, and the South Sudan Workers' Trade Union, the last of which had approximately 65,000 members, mainly in the public sector. These unions were nominally independent of the governing political party. There were no high-profile cases of employer interference in union functions during the year, 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 during the year. There were

reports of forced labor involving men, women, and children, many of whom were from Kenya, Uganda, the Democratic Republic of the Congo, Ethiopia, and Eritrea. 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. Women and girls, particularly those from rural areas or those who were internally displaced, were vulnerable to forced labor as domestic servants in homes in Yei, Bor, Wau, Torit, Nimule, and Juba, and possibly throughout the country.

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 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 International Labor Organization (ILO) and union representatives.

The government did not enforce child labor laws. The Ministry of Labor's Child Labor Unit had only two investigators specifically trained to address child labor. Although charged with removing children engaged in work, Ministry of Labor officials indicated their 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. A 2013 study conducted in Juba by the NGO Confident Children out of Conflict found widespread evidence employers violated the minimum age of employment. Government sources reported children were engaged in waitressing in hotels until late at night, and later subjected to commercial sexual exploitation (see section 6). Children also worked in the construction industry lifting heavy material and were employed as minibus conductors, plastic-bottle collectors, and vehicle cleaners. Children working in construction, market vending, shoe shining, rock breaking, brick making, delivery cart pulling, and begging were vulnerable to forced labor. Criminals abducted boys for forced labor in cattle herding, and girls for forced labor in domestic service and marriage during intertribal and cattle raiding disputes in the Jonglei, Upper Nile, Lakes, and Warrap States.

The SPLA and opposition forces recruited children as soldiers during the year. An assessment by the UN and the SPLA conducted in April identified 45 schools under military use by both parties to the conflict. At year's end 30 schools remained under military use.

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 the basis of all the enumerated categories.

Discrimination in employment and occupation occurred with respect to hiring practices with particular ethnic groups such as the Murles, who were underrepresented in both the public and private sector. Dinka and Nuer ethnic group members 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 had between seven and 10 labor inspectors. Standards were not effectively enforced, and the Ministry of Justice reported receiving no cases of labor violations. The government neither investigated nor prosecuted cases during the year. 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 agropastoralists, while 53 percent of agricultural workers engaged in unpaid subsistence family farming.