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Freedom House

Freedom in the World 2022 - South Sudan

Not Free

1

/ 100

Political Rights -3 / 40

Civil Liberties 4 / 60

Last Year's Score & Status

2 / 100 Not Free

Global freedom statuses are calculated on a weighted scale. [See the methodology.](#)

Overview

South Sudan, which gained independence from Sudan in 2011, entered a civil war in 2013, when a rift between President Salva Kiir Mayardit and the vice president he dismissed, Riek Machar, triggered fighting among their supporters and divided the country along ethnic lines. A 2018 peace agreement further delayed overdue national elections, instituting an uneasy power-sharing arrangement among political elites who have presided over rampant corruption, economic collapse, and atrocities against civilians, journalists, and aid workers.

Key Developments in 2021

- In May, President Kiir dissolved and reconstituted the National Legislature under the terms of the 2018 peace agreement. Both houses were enlarged in the new legislature.
- The Sudan People's Liberation Movement/Army in Opposition (SPLM/A-IO) of First Vice President Machar split in August when First Lieutenant General Simon Gatwech Dual declared himself interim chairman. Forces loyal to Machar and Gatwech fought as the year progressed, though Machar's forces were unsuccessful in breaking Gatwech's faction.
- Authorities launched a crackdown ahead of nationwide protests planned for August 30 by the People's Coalition for Civil Action (PCCA). Activists were arrested ahead of the protests. Internet access in and around Juba was restricted and security forces maintained a heavy presence in the capital on August 30.

Political Rights

A Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

Salva Kiir Mayardit was elected president of the semiautonomous region of Southern Sudan in 2010 and remained president when South Sudan gained independence in 2011. A revised version of Southern Sudan's 2005 interim constitution, adopted at independence, gives sweeping powers to the chief executive. The president cannot be impeached and has the authority to fire state governors and dissolve the legislature and state assemblies. A permanent constitution has not been published.

Elections due in 2015 were postponed due to the civil war. A peace agreement reached that year extended Kiir's mandate until April 2018. That July, the legislature voted to further extend Kiir's term to 2021, along with the mandates of his vice presidents, state legislators, and governors.

In 2020, parties to the 2018 Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS) implemented its power-sharing arrangements, with Kiir serving as president of the Revitalized Transitional Government of National Unity (RTGoNU) and Machar as first vice president. In February 2020, Kiir appointed South Sudan's vice presidents, including Machar, to three-year terms. In March 2020, ministerial posts were allocated among the previous government, the SPLM/A-IO, the Sudan People's Liberation Movement-Former Detainees (SPLM-FD), the South Sudan Opposition Alliance (SSOA), and the Other Political Parties coalition (OPP). Kiir and Machar both remained in their executive posts at the end of 2021.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections? 0 / 4

South Sudan has not held elections for its bicameral National Legislature since 2010. Its original mandate expired in 2015; that year's peace agreement extended it to 2018. The R-ARCSS then extended the mandate until May 2022.

President Kiir dissolved and reconstituted the National Legislature in May 2021. The lower house, the Transitional National Legislative Assembly (TNLA), was expanded to hold 550 seats. Some 332 people were nominated by the Kiir administration along with 128 from the SPLM/A-IO, 50 from the SSOA, 30 from the OPP, and 10 from the SPLM-FD. The upper house, the Council of States, was also reconstituted, expanding from 50 seats to 100.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

The R-ARCSS called for a new, impartial National Elections Commission to be established by the end of the first year of the transition. It also mandated changes to the 2012 Electoral Act to bring it in line with international standards; that legislation was updated by 2019.

The government did not make significant progress in finalizing the constitutional and electoral framework in 2021, however. The 2012 Political Parties Act (PPA) was not enacted by the legislature as

of November 2021. Neither a census nor a constitution, which are also required to facilitate polling, were finalized as of December. While President Kiir vowed that elections would be held by 2023, Machar voiced doubt on that timeline in November, citing insecurity.

Score Change: The score declined from 1 to 0 because the transitional government has not fulfilled milestones, including the completion of a census and the finalization of a constitution, needed for elections to be held according to the country's peace agreement.

B Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

The SPLM dominates the political landscape, and most competition takes place within the movement, which splintered at the outbreak of the civil war. Kiir's hostility toward dissent within the SPLM contributed to the conflict.

The R-ARCSS granted non-SPLM parties legislative representation, but they have neither the resources to operate effectively nor the experience to formulate policy and set party platforms. The agreement tasked a National Constitutional Amendment Committee with reviewing the PPA to ensure that it meets international best practices. The committee's work was completed by 2019.

South Sudanese politics was affected by conflict within the SPLM/A-IO in 2021. In August, Simon Gatwech Dual declared himself its interim chairman after ousting Machar from that post. Machar and Gatwech had feuded earlier in the year; Gatwech dismissed a Machar ally from an intelligence post in May and ignored Machar's subsequent effort to dismiss him as his military chief of staff.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

If fully implemented, the R-ARCSS would eventually provide an opportunity for opposition groups to contest long-overdue elections. However, the 2010 elections featured violence and intimidation against opposition parties and SPLM members whose loyalty to Kiir was in doubt.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

The South Sudan People's Defence Forces exercises an overbearing influence on political affairs and public life. The autonomous National Security Service (NSS) also maintains a strong hold over South Sudanese politics. The activities of other armed groups tied to partisan and ethnic factions have created an inhospitable climate for political participation by civilians.

B4. Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

Women are underrepresented in South Sudanese politics. Only 32.4 percent of TNLA seats and 32.1 percent of Council of States seats were held by women after the legislature was reconstituted in 2021.

In September, President Kiir dismissed Foreign Minister Beatrice Khamisa Wani; Khamisa was succeeded by Mayiik Ayi Deng, a male former minister.

C Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

The government and legislature, which lack electoral legitimacy, are unable to exercise control over the country's territory.

A clique of Dinka leaders and close allies surround Kiir and exert undue influence on decision-making.

The Sudanese and Ugandan governments helped broker the 2018 peace deal but supported opposing sides during the civil war and have maintained subsequent involvement in South Sudanese affairs.

C2 0-4 pts

Are safeguards against official corruption strong and effective? 0 / 4

State resources, including oil revenues, are concentrated among elites associated with the president. Military commanders have gained enormous wealth through corrupt procurement deals. President Kiir has facilitated corruption by appointing officials who were previously accused of embezzlement.

In October 2021, the Sentry, a US-based outlet, reported that South Sudanese businessmen Kur Ajing Ater and Benjamin Bol Mel Kuol, who are both affiliated with President Kiir, were likely avoiding US sanctions and benefited from uncompetitive contracts in South Sudan.

C3 0-4 pts

Does the government operate with openness and transparency? 0 / 4

Under the interim constitution, citizens have the right to access public information and records held by state entities. These rights are not respected in practice by the government, which is hostile to scrutiny and lacks functional capacity. This is notably true for oil revenue, which accounts for a majority of the government's receipts. A 2020 UN report stated that natural resources were illicitly extracted due to nontransparent management.

Add Q

Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -4

Both sides in the civil war have committed atrocities against civilians from rival ethnic groups, but government-aligned forces have been responsible for the worst attacks. The UN and the African Union (AU) have documented numerous incidents of murder, torture, rape, looting, ethnic displacement, and forced starvation. Both organizations have accused Kiir's leadership of planning and coordinating such attacks. UN observers have noted the use of hate speech by senior officials including Kiir.

Civil Liberties

D Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media? 0 / 4

The transitional constitution guarantees freedom of the press, but this right is not respected in practice. The government censors, harasses, and arrests journalists, especially those who criticize it or report on corruption or sanctions. According to the Committee to Protect Journalists (CPJ), at least six have been killed in the course of their work since 2015, though none were killed in 2021.

In August 2021, the NSS shuttered Radio Jonglei and briefly detained some of its journalists after one of its staff members interviewed a PCCA organizer. The station was allowed to reopen in September after apologizing to authorities.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

The interim constitution guarantees religious freedom, but houses of worship—used as places of refuge for civilians—have been attacked by gunmen seeking members of rival ethnic groups. In July 2021, police arrested Prophet Abraham Chol Maketh of the Kush International Church for saying that Kiir and Machar would be deposed. In September, Kalisto Lado Faustino, then the mayor of Juba, launched a crackdown on witch doctors.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

The education system was seriously disrupted by the civil war, with many schools closed or commandeered for military use. Some schools have reopened in recent years, but some teachers have not returned due to poor pay or delays in receiving pay. Planned activities on campuses require NSS permission, and the agency is known to send undercover agents to universities. As a result, self-censorship occurs in educational institutions.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 0 / 4

The NSS has extensive, unchecked powers to conduct surveillance, monitor communications, and infiltrate nongovernmental organizations (NGOs). According to the United Nations, agents have used these powers to intimidate, detain, and murder journalists, opposition activists, civil society representatives, and members of faith-based organizations, forcing many to flee the country.

E Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly? 1 / 4

The government restricts freedom of assembly, despite commitments made in the interim constitution. In practice, organizers must seek NSS permission to hold public meetings. The authorities banned public gatherings as part of their COVID-19 response but eased these restrictions somewhat in 2021.

The PCCA, which included supporters in civil society, academia, and the legal profession, called for antigovernment protests and strikes to take place on August 30. Authorities launched a crackdown

ahead of the scheduled protests, arresting activists. For example, former state governor and PCCA supporter Kuel Aguer Kuel was arrested in July after signing the group's declaration; Aguer remained imprisoned at year's end. Internet access was restricted in Juba and surrounding areas on the day of the scheduled protest, while security forces were deployed in the capital to prevent demonstrations.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

The government is hostile toward NGOs. A 2016 law requires NGOs to get written permission from the authorities to conduct activities and hold a bank account in South Sudan, and at least 80 percent of staff must be South Sudanese.

Aid organizations have been criticized for hiring too few local residents. In April 2021, the Monyiemiji Forum, a group that advocates for the interests of young people in the state of Eastern Equatoria, called on NGOs and aid agencies to employ more local youths. In June, the group issued an ultimatum for aid groups to leave the town of Torit, but it rescinded that demand after the NSS arrested over 20 members in early July.

In October 2021, the central bank instructed financial institutions to freeze the accounts of several PCCA-affiliated organizations and activists.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

A 2018 labor law provides for the right to participate in trade unions, bargain collectively, and strike under certain conditions. However, the law has not been effectively implemented, and legal protections for workers are poorly enforced in practice. The country's limited union activity has historically been concentrated in the public sector.

F Rule of Law

F1 0-4 pts

Is there an independent judiciary? 0 / 4

Judicial independence exists in theory but not in practice. There is a severe shortage of judges, partly due to poor pay and working conditions.

In 2020, the East African Court of Justice ruled that Kiir's 2017 dismissal of judges by decree was unlawful. Kiir invited the 14 affected judges to apply for reinstatement later in 2020.

F2 0-4 pts

Does due process prevail in civil and criminal matters? 0 / 4

Under the National Security Service Law, the NSS has almost unlimited powers to detain and interrogate suspects. They extrajudicially operate detention facilities known for holding detainees arbitrarily and incommunicado. Authorities arbitrarily arrest individuals suspected of affiliating with armed organizations that oppose the peace deal.

Under the peace agreement, all political prisoners are to be released; some were in 2018, while others remain in custody.

F3 0-4 pts

**Is there protection from the illegitimate use of physical force and freedom from war and 0 /
insurgencies? 4**

An estimated 400,000 people have died during the civil war. A 2020 cease-fire was not respected, though factions agreed to another cease-fire that October.

Fighting within the SPLM/A-IO began in August 2021, as supporters of Machar and Simon Gatwech Dual clashed. Forces controlled by Machar engaged in heavy fighting with Gatwech's faction in December but were reportedly unsuccessful in breaking the opposition.

South Sudanese face intercommunal violence. In 2020, a UN official warned that such incidents were increasingly prevalent and were increasingly militarized in nature.

Physical mistreatment and abuse are widespread within the criminal justice system. Detainees often face torture or sexual assault in custody. Authorities conduct regular executions, including of people who were children when convicted.

South Sudanese are also subjected to forced disappearance. In 2020, the International Committee of the Red Cross (ICRC) reported that it was searching for over 5,000 disappeared people in the country.

There is near-total impunity for perpetrators of wartime violence and sexual abuse. The 2015 and 2018 peace agreements mandated the establishment of an AU-led hybrid court to prosecute these offenses. Little progress has been made on establishing the court.

F4 0-4 pts

**Do laws, policies, and practices guarantee equal treatment of various segments of the 0 /
population? 4**

International monitors have documented repeated, deliberate attacks by government forces against members of non-Dinka ethnic groups, most of them civilians. The perpetrators have not been brought to justice.

While the interim constitution includes gender-equality guarantees, women are routinely exposed to discriminatory customary practices and gender-based violence. A 2020 UN report noted that women, as well as people living with disabilities, were disproportionately affected by COVID-19 mitigation efforts.

While same-sex sexual conduct is not explicitly illegal in South Sudan, "carnal intercourse against the order of nature" is punishable by up to 10 years' imprisonment. LGBT+ people face widespread discrimination and social stigma, including harassment and abuse by security forces.

G Personal Autonomy and Individual Rights

G1 0-4 pts

**Do individuals enjoy freedom of movement, including the ability to change their place of 0 /
residence, employment, or education? 4**

The interim constitution enshrines free movement and residence, as well as the right to an education. In reality, civil war, multiple local conflicts, and poor-to-nonexistent service delivery have made it impossible for many people to exercise these rights.

The UN Office for the Coordination of Humanitarian Affairs (OCHA) counted 2 million internally displaced people in South Sudan as of December 2021.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 0 / 4

Disputes over land use and ownership are frequent causes of conflict, and the return of refugees has exacerbated the problem. Property rights are weak and not respected in practice. Customary practices often deny women their legal rights to property and inheritance.

Armed groups and influential politicians prosper through corrupt business deals and activities, including the illicit extraction of natural resources like gold and timber.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 0 / 4

Rape and other forms of sexual violence have been used extensively as weapons of war against both men and women, without legal consequence for perpetrators.

Domestic violence is not legally addressed. A 2017 International Rescue Committee (IRC) study found that 65 percent of the women and girls surveyed experienced physical or sexual violence, with 33 percent suffering sexual violence by a nonpartner.

Customary law puts women at a disadvantage in matters of divorce and child custody. Forced and early marriages are common, with about half of girls marrying by age 18. Spousal rape is not a crime.

In April 2021, cabinet minister Peter Mayen Majongdit disrupted a soccer game to stop his wife, Aluel Garang, from participating in a match. In August, Mayen physically attacked Garang. An OPP member party removed Mayen from its membership.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation? 0 / 4

Economic collapse has led to rampant inflation that puts the prices of essential goods out of reach for ordinary people.

Trafficking in persons for forced labor and sexual exploitation is widespread, with rural women and girls, the internally displaced, and migrants from neighboring countries among the most vulnerable to mistreatment. The use of child soldiers is also a serious problem. In 2019, the UN warned that child recruitment was increasing, and that more girls were forced to provide labor, including sex work.

ecoi.net summary:

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