

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	40
Land:	Sydsudan
Kilde:	Freedom House
Titel:	Freedom in the World 2012 – South Sudan
Udgivet:	2. august 2012
Optaget på baggrundsmaterialet:	11. september 2012

	Freedom in the World 2012 - South Sudan
Publisher	Freedom House
Country	South Sudan
Publication Date	2 August 2012
Cite as	Freedom House, <i>Freedom in the World 2012 - South Sudan</i> , 2 August 2012, available at: http://www.unhcr.org/refworld/docid/501fcc098.html [accessed 4 September 2012]
Disclaimer	This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

Freedom in the World 2012 - South Sudan

2012 Scores

Status: Not Free

Freedom Rating: 5.5

Civil Liberties: 5

Political Rights: 6

Overview

The people of South Sudan voted overwhelmingly in favor of independence from Sudan in a referendum held in January 2011. Independence was formally declared on July 9, amid celebrations in the capital, Juba. However, tensions continued with the North, particularly in the contested region of Abyei, where a separate referendum was canceled. The new nation also struggled to contain internal violence, prevent abuses by its security forces, and tackle corruption.

The Republic of South Sudan achieved independence on July 9, 2011, completing its formal separation from Sudan. The event marked the end of an independence struggle that had begun on the eve of Sudan's own independence from Britain and Egypt in 1956. The South's revolt led to Africa's longest civil war, from 1955 to 1972 and 1983 to 2005, with a decade-long interlude during which the South enjoyed substantial autonomy. The second bout of fighting claimed the lives of up to 2 million people. The war was motivated by Southern alienation from the Northern government in Khartoum and attempts by successive regimes in the North to impose an Arab and Islamic identity on

the South. South Sudan's more than 60 cultural and linguistic groups are predominantly African and practice Christianity or indigenous religions.

Resistance to the Northern government was led by the Sudan Peoples' Liberation Army (SPLA) and its political arm, the Sudan Peoples' Liberation Movement (SPLM). The group's leader, John Garang, declared his intention to fight not for the separation of the South but for a new Sudan, governed under more inclusive, secular principles. The Southern struggle was undermined by divisions over strategy and splits fomented by Khartoum, which often played out along ethnic lines. Shortly after the signing of the Comprehensive Peace Agreement (CPA) that ended the war in 2005, Garang died in a helicopter crash. His successor, Salva Kiir, pursued a more overtly separatist agenda for the South.

The CPA formalized a system of power sharing between the SPLM and the ruling political faction in Khartoum, the National Congress Party (NCP). The two parties held seats in a national unity government, and the South, ruled by the SPLM-dominated Government of Southern Sudan (GOSS) in Juba, was granted a large degree of autonomy. While the aim of the CPA was to "make unity attractive," neither side was committed to the system it established. The GOSS focused on a provision that allowed the South to hold a referendum on self-determination after six years.

As the referendum date approached, the SPLM accused the NCP of holding up the preparations, and anxiety mounted that Khartoum would refuse to recognize a Southern vote in favor of independence. However, the plebiscite was held on time, on January 9, 2011. Voting took place over the course of a week and was largely peaceful. A total of 3.9 million Southern Sudanese had registered to vote, including 116,000 people living in the North. Voter turnout was 99 percent in the South and 58 percent in the North. On February 7, election officials confirmed that almost 99 percent of the votes cast were in favor of independence. The U.S.-based Carter Center, which monitored the referendum, declared the exercise to have been "orderly, pleasant, and productive." Sudan's president, Omar al-Bashir, pledged to recognize the result.

In Abyei, a contested area on the North-South border, residents were due to vote in a separate referendum on which country they would join. However, the plans were derailed by arguments between the NCP and SPLM over issues including the voting eligibility of the Misseriya, a nomadic Arab group – perceived as friendly to the NCP regime – that migrates to Abyei for part of the year. Clashes between Misseriya and the local police broke out in January, killing at least 30 people. In May, an attack by Southern forces on a northern military unit prompted a full-scale occupation of Abyei by the North, causing approximately 100,000 people to flee. Under a deal negotiated in

June, both sides agreed to withdraw their forces to make way for UN peacekeepers, which had begun to be deployed by year's end.

The failure to determine Abyei's status contributed to tense relations between North and South. Although independence day passed peacefully in July, with al-Bashir attending the handover ceremony in Juba, the terms of Southern separation remained unresolved. Negotiations stalled over issues including border demarcation, management of the oil sector, and the status of Southerners living in the North.

Insecurity within the South was a serious problem both before and after independence. The SPLA faced a series of armed rebellions in Unity, Upper Nile, and Jonglei States. According to the United Nations, nearly 2,400 people were killed in 330 separate incidents during the first six months of the year. In February, rebels led by George Athor killed up to 200 people in Jonglei, most of them civilians. In August, at least 600 people were killed, also in Jonglei, during cattle raiding between rival groups. More than 75 people were killed in October, when rebels attacked the SPLA in Unity State. Athor was killed in December in an SPLA operation in the southwest of the country.

The Southern government also struggled to meet the overwhelming challenge of building a new state in the face of citizens' expectations of rapid improvements to their daily lives. South Sudan is desperately poor, lacks basic infrastructure, and is highly dependent on revenue from oil that is exported mainly through Northern pipelines.

Political Rights and Civil Liberties

South Sudan is not an electoral democracy. Its first national elections are due to be held in 2015. During the interim period, the country will be governed according to the results of the 2010 presidential and legislative elections, when South Sudanese voted for state representatives, the GOSS, and the unity government in Khartoum. In the run up to that voting, the ruling SPLM used intimidation and in some cases violence to ensure victory. Non-SPLM candidates were detained and prevented from campaigning, and voters were threatened.

The transitional constitution, passed in July 2011, gives broad powers to the executive. The president cannot be impeached and has the authority to fire state governors and dissolve the parliament and state assemblies. Some opposition politicians boycotted the constitutional consultation process, claiming it was insufficiently inclusive and dominated by SPLM loyalists. A permanent constitution is due to be passed by 2015.

A new Southern parliament was convened in August 2011. The SPLM holds 90 percent of the 332 seats in the lower house, the National Legislative Assembly (NLA). In addition to

members of the old Southern legislature, the chamber includes 96 former members of the National Assembly in Khartoum and 66 additional members appointed by political parties. The upper chamber, the Council of States, consists of 20 former members of Sudan's Council of States, plus 30 members appointed by President Salva Kiir. The SPLM was given all but five posts in a 29-member cabinet, also appointed in August. South Sudan has a decentralized system, with significant powers devolved to the 10 state assemblies. Nine of the 10 state governors are members of the SPLM.

Five opposition parties are represented in the NLA, but they lack both the resources to operate effectively and the necessary experience to formulate policy and set party platforms. The SPLM is intolerant of opposition. In July 2011, two leading members of the largest opposition party, SPLM-Democratic Change, said they were arrested and tortured by SPLM security agents.

Accusations persist that members of the country's largest ethnic group, the Dinka, dominate the leadership of the SPLM to the detriment of other groups, such as the Nuer. South Sudan's new cabinet line-up reflected an attempt to address these concerns, with portfolios spread more equitably among the main regions and ethnic groups.

Corruption is a serious problem and a major source of public frustration. Government appointments are typically handed out to SPLM loyalists or potential spoilers with little regard to merit, and corrupt officials take advantage of inadequate budget monitoring to divert public funds. In September 2011, the head of the newly formed UN Mission in South Sudan (UNMISS) called on the international community to help trace and repatriate funds she said had been deposited abroad by corrupt GOSS officials. Kiir responded with a five-point plan to tackle the problem. The interim constitution gives authority to the country's Anti-Corruption Commission to launch prosecutions.

South Sudan has seen an explosion of private media in recent years, with 37 FM radio stations, more than half a dozen newspapers, and several online news sites in operation. The sole national television channel is owned by the government. There is also one private satellite television channel, Ebony TV. Journalists currently operate in a legal vacuum. The government has yet to pass a media bill establishing the right of journalists to operate freely. Many officials, particularly from the SPLA, view journalists' activities with suspicion. In February 2011, security officials assaulted an employee of the *Citizen* newspaper and raided its offices following the publication of an article exposing police corruption. Copies of the *Juba Post* were seized in March after the paper carried an interview with the rebel leader George Athor. In November, the editor and a journalist with *Destiny* newspaper were detained following the publication of an editorial that was critical of the president. Both were held without charge for two weeks before being

released. According to the Union of Journalists of Southern Sudan, media workers face harassment, assault, and arrest in the course of their work, and avoid covering sensitive subjects such as human rights abuses and official corruption.

Religious freedom is guaranteed by the interim constitution and generally respected in practice. The constitution also guarantees the right to free education, although access to schools is a problem outside the state capitals. There are no restrictions on academic freedom.

Freedoms of association and assembly are enshrined in the interim charter, and the authorities typically uphold them in practice. South Sudan is highly dependent on the assistance of foreign nongovernmental organizations (NGOs), which operate freely in the country. Domestic civil society organizations, including unions, remain at an early stage of development. A Workers' Trade Union Federation was formed in late 2010, and the GOSS pledged to support its work.

The interim constitution provides for an independent judiciary headed by a Supreme Court. The president's Supreme Court appointments must be confirmed by a two-thirds majority in the NLA. The embryonic court system is under huge strain. In September 2011, the chief justice said the courts had the capacity to handle 100,000 cases a year, but faced four times that number. He called for greater use of traditional dispute-resolution systems to ease the burden.

The South Sudan Police Service (SSPS) is ill-equipped, unprofessional, and overwhelmed by the country's security challenges. In February 2011, UN inspectors uncovered evidence of brutality and rape at the main police training academy. At least two recruits died of their injuries. There were frequent reports during the year of arbitrary arrest, torture, and long periods of pretrial detention in substandard facilities. Children and the mentally ill were routinely detained with adult prisoners. In July, two police officers were arrested after a female suspect claimed she was tortured and sexually assaulted at Juba's main police station. In August, the director of public security and criminal investigation was arrested for alleged involvement in torture, the disappearance of a suspect, and the use of illegal detention centers. Also that month, the country's most senior UN human rights official required five days of hospital treatment after he was beaten by SSPS officers.

The army is often called upon to perform policing functions, and the SPLA committed serious abuses while carrying out such duties, according to Human Rights Watch and Amnesty International. These included extrajudicial killings, the destruction of homes, and looting. Hundreds of civilians were killed during fighting between the SPLA and rebel groups operating in the South during 2011.

Since 2005, more than two million refugees and internally displaced people have moved back to the South. The GOSS encouraged their return but has largely failed to provide them with even the most basic assistance.

Land use and ownership are frequent causes of conflict in South Sudan, and the return of refugees has exacerbated the problem. Unclear or nonexistent laws have been exploited by SPLM officials and overseas investors to uproot people from their land.

The interim constitution guarantees the rights of women to equal pay and property ownership. In reality, women are routinely exposed to discriminatory practices and domestic abuse. More than 80 percent of women are illiterate. Women hold a quarter of the posts in the cabinet, fulfilling a gender quota laid out in the constitution. The SPLA continues to use child soldiers, despite a pledge to end the practice by the end of 2010.