

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	173
Land:	Sydsudan
Kilde:	US Department of State
Titel:	Country Report on Human Rights Practices 2017 – South Sudan.
Udgivet:	20. april 2018
Optaget på baggrundsmaterialet:	7. juni 2018

SOUTH SUDAN 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

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

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

In 2013 a power struggle within the ruling SPLM party erupted into armed conflict. President Salva Kiir accused then first vice president Riek Machar of plotting a coup. The two leaders appealed to their respective ethnic communities, and the conflict spread primarily to the northwest of the country. The parties signed several ceasefire agreements, culminating in the 2015 peace agreement. A ceasefire generally held from 2015 to July 2016, when fighting broke out between government and opposition forces in Juba leading to four days of intense conflict, during which government forces drove out Machar, who fled the country. A rump section of the SPLM-IO, led by current First Vice President Taban Deng Gai, remained in Juba as part of a transitional government that claimed to be committed to implementing the 2015 agreement. Following the 2016 violence, however, the government and the opposition resumed and expanded the geographic scope and scale of the conflict, which by year's end had spread to all parts of the country.

The most significant human rights issues included conflict-related, ethnically based targeted killings of civilians; extrajudicial killings, abuse, and mass forced displacement of approximately four million civilians, displaced internally and as refugees; and intimidation and inhuman treatment of civilians such as arbitrary arrest and detention, abductions and kidnapping, recruitment and use of an estimated 17,000 child soldiers; and widespread sexual violence. Attacks on military and civilian targets often resulted in rape, destruction of villages, theft, looting, and revenge attacks on civilians. Human rights abuses also included torture, intimidation, and unlawful detention of civilians; harassment, intimidation, and violence against journalists, civil society organizations, and human rights defenders; government restriction of freedoms of privacy, speech, press, and association; and abductions related to intercommunal and interethnic conflict. Officials reportedly arrested, detained, and mistreated several persons affiliated with the LGBTI community.

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

While government offensives during the year were responsible for the majority of the atrocities, resulting displacement, and consequent food insecurity, opposition forces also perpetrated serious human rights abuses.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

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

There were numerous reported unlawful killings similar to the following example: On March 25, unidentified armed actors attacked a humanitarian aid convoy traveling from Juba to Pibor town, Jonglei State, resulting in the deaths of seven aid workers.

b. Disappearance

Security and opposition forces, armed militias affiliated with the government or the opposition, and ethnically based groups abducted an unknown number of persons, including women and children (see section 1.g.).

There were numerous reported disappearances similar to the following: In late January human rights activist Samuel Dong Luak and opposition official Aggrey Idris Ezbon were abducted and disappeared in Nairobi. Human rights groups alleged Luak and Idris were illegally extradited to South Sudan and held in detention at National Security Service (NSS) headquarters in Juba without charge. In February, Information Minister Michael Makuei denied the government had custody of the two men.

Civilian reports of missing family members were also common. For example, Amnesty International documented the arrest of nine civilians by government forces in May; at year's end they remained missing.

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

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

There were numerous reported abuses including sexual and gender-based violence, beating and torture of detainees, and harassment and intimidation of human rights defenders and humanitarian workers. According to Amnesty International, thousands of women and girls were victims of sexual violence, including “rape, gang rape, sexual slavery, sexual mutilation, torture, castration, or forced nudity” throughout the year.

The United Nations Mission in South Sudan (UNMISS) received three allegations of sexual exploitation and abuse against military and civilian personnel during the year, including two allegations of rape. One investigation of rape was pending, and the other was found to be unsubstantiated (the complaint was redacted). One allegation of transactional sex made against an Ethiopian military officer, during an unspecified time in 2016, was pending investigation as of October.

Prison and Detention Center Conditions

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

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

Nonviolent offenders were kept with violent offenders because of resource and spatial constraints. There were a reported 201 juveniles in detention. In 2016 the National Prison Service (NPS) reported holding 162 inmates with mental disabilities determined by a judge to be sufficiently dangerous (and “mentally ill”) after referral by family or the community, incarcerating, medicating, and keeping them in detention until a medical evaluation revealed they were no longer ill and could depart.

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

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

Detention centers were under the control of local tribal or state authorities, and conditions were uniformly harsh and life threatening. Many facilities in rural areas consisted of uncovered spaces where authorities chained detainees to a wall, fence, or tree, often unsheltered from the sun. As with state-run prisons, sanitary and medical facilities were poor or nonexistent, and potable water was limited. Detainees sometimes spent days outdoors but slept inside in areas that lacked adequate ventilation and lighting.

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

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

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

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

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

Independent Monitoring: The NPS permitted visits by independent human rights observers, including UNMISS human rights officers, nongovernmental observers, international organizations, and journalists. Although authorities sometimes permitted monitors to visit detention facilities operated by the SPLA, they rarely, if ever, permitted monitors to visit facilities operated by the NSS, which held both military prisoners and civilians without legal authority.

d. Arbitrary Arrest or Detention

The transitional constitution prohibits arbitrary arrest and detention without charge. The government, however, arrested and detained individuals arbitrarily. The law provides for the right of any person to challenge the lawfulness of his/her arrest or

detention, but there were no known cases where an appellant successfully sought compensation for wrongful detention.

Since the start of the crisis in 2013, there were regular reports that security forces conducted arbitrary arrests, including of journalists, civil society actors, and supposed political opponents (see sections 1.a., 1.c., and 1.g.). While not legally vested with the power to arrest or detain civilians, the SPLA often did so. The NSS also routinely detained civilians. Security services rarely reported such arrests to police, other civilian authorities, or, in the case of foreigners arrested, diplomatic missions. Police also routinely arrested civilians based on little or no evidence prior to conducting investigations and often held them for weeks or months without charge or trial.

There were numerous reported arbitrary arrests or detentions similar to the following examples: On February 23, human rights activist Alison Mogga died after months in detention at NSS headquarters in Juba. The government arrested Mogga in July 2016 allegedly for supporting rebel forces in Kajo-Keji County. On March 14, the government released former Wau state governor Elias Waya Nyipuocho without charge after detaining him since June 2016.

Role of the Police and Security Apparatus

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

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

government's legitimacy in conflict areas. The law requires cases of SPLA abuse of civilians to be heard in civilian courts, but there were no reports of cases being referred. For example, following the July 2016 attack on civilians at the Terrain Hotel compound in Juba, the government pursued a high-profile case against 12 SPLA soldiers in a court-martial. The law, however, requires crimes committed against civilians be tried in the civilian courts.

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

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

Arrest Procedures and Treatment of Detainees

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

The code of criminal procedure allows bail, but this provision was widely unknown or ignored by justice-sector authorities, and they rarely informed detainees of this possibility. Because pretrial appearances before judges often

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

Arbitrary Arrest: Security forces arbitrarily arrested opposition leaders, civil society activists, businesspersons, journalists, and other civilians due to ethnicity or possible affiliation with opposition forces. The SPLA and NSS often abused political opponents and others whom they detained without charge. Ignorance of the law and proper procedures also led to many arbitrary detentions. Many justice-sector actors, including police and judges, operated under a victim-centric approach that prioritized restitution and satisfaction for victims of crime, rather than following legal procedure. This approach led to many arbitrary arrests of citizens who were simply in the vicinity when crimes occurred, were of a certain ethnicity, or were relatives of suspects. For example, there were numerous reports women were detained when their husbands, accused of having unpaid debts, could not be located. In April, NSS officers arrested and detained National Public Broadcasters journalist Eyder Peralta, a foreign citizen, for four days in a detention facility in Juba. No charges were brought against him.

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. A five-month strike by judges also created a significant backlog of cases and increased pretrial detentions. 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.).

e. Denial of Fair Public Trial

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

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

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

Trial Procedures

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

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

Public trials were the norm both in customary courts, which usually took place outdoors, and in statutory courts. Some high-level court officials opposed media

access to courts and asserted media should not comment on pending cases. The right to be present at trial and to confront witnesses was sometimes respected, but in statutory courts, the difficulty of summoning witnesses often precluded exercise of these rights. No government legal aid structure existed.

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

Political Prisoners and Detainees

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

For example, James Gatdet Dak, the official spokesperson for SPLA-IO leader Riek Machar, was kidnapped in Nairobi and illegally deported to South Sudan in November 2016. According to human rights groups, Gatdet allegedly remained in an NSS detention facility throughout the year. Local media claimed a local court charged Gatdet in early September with insulting the president. The trial was not open to the public, and there was little information about charges and due process.

Civil Judicial Procedures and Remedies

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

Property Restitution

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

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

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

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

g. Abuses in Internal Conflict

Since the conflict between the government and opposition forces began in 2013, security forces, opposition forces, armed militias affiliated with the government and the opposition, and civilians committed conflict-related abuses and violations around the country. Despite an August 2015 peace agreement, patterns of abuse intensified after renewed fighting broke out in July 2016 and continued throughout the year. While both sides of the conflict committed abuses, the United Nations and international NGOs reported government forces were responsible for an increasing number of conflict-related abuses against civilians. As conflict spread to the central and east Equatorias region (which prior to 2016 had been mostly spared from violence), government soldiers reportedly engaged in acts of collective punishment and revenge killings against civilians assumed to be opposition supporters, often based on their ethnicity. The UN Commission on Human Rights in South Sudan, established by the Human Rights Council, reported on a pattern of ethnic cleansing and population engineering.

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

Casualty totals were difficult to estimate because the belligerents typically did not maintain accurate records. The number of IDPs and refugees increased to approximately four million at year's end. Humanitarian aid workers were increasingly targeted, harassed, and killed.

Killings: Government forces and armed militias affiliated with the government, often prompted by opposition ambushes of government soldiers, engaged in a pattern of collective punishment of civilians perceived to be opposition supporters, often based on ethnicity. There were many instances of such killings similar to the following: NGOs reported government forces and armed militias affiliated with the government on April 10 went house to house in ethnic Fertit and Luo neighborhoods of Wau town, killing 16 civilians and injuring at least 10 others.

Some Wau residents stated armed militias affiliated with the government blocked fleeing civilians from accessing the PoC sites during the April 10 fighting, according to international media. International observers noted the attack on civilians likely occurred in response to opposition forces killing two high-ranking SPLA soldiers.

In Mondikolok, a small town near the Ugandan border, government soldiers killed six persons on January 22 when they indiscriminately shot at civilians in a marketplace. According to a Human Rights Watch investigation, in January government soldiers allegedly shot and killed a man and his two children, ages five and 10, in their home in Romogi. Amnesty International reported government soldiers also allegedly killed six men in the village of Kudupi by locking them in a house and setting it on fire, shooting anyone attempting to escape. The United Nations reported government forces shot and killed an 18-year-old woman and wounded five other civilians when two soldiers began indiscriminately shooting at a funeral in Yei in early January. In Yei alone, the UNMISS Human Rights Division documented 114 cases from July 2016 to January 2017 where government forces and allied militias killed civilians perceived to be opposition supporters. The number of victims was presumed to be much larger, given limitations of access for human rights documenters.

Opposition forces also reportedly engaged in unlawful killings of civilians. On April 19, three civilians were injured after opposition forces attacked Raja, the capital of Lol state. On June 4, Human Rights Watch reported opposition soldiers near Nimule attacked a convoy of civilian cars and buses that were being escorted by SPLA vehicles.

Scorched earth tactics typical of the way all the armed forces conducted operations included: killing and raping civilians; looting cattle and goods; destroying property to prevent the return of those who managed to flee, followed by repeated incursions into an area to ensure those who fled did not return; and frequently obstructing humanitarian assistance. These actions multiplied the number 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. In January the United Nations documented evidence, including evidence gathered by satellite imagery, of more than 18,000 structures burned by government forces in Central Equatoria, causing thousands of civilians to flee across the border into Uganda. UN agencies and international NGOs that interviewed victims reported widespread killings and sexual violence, largely committed by government forces.

Remnants of war also led to the killing and maiming of civilians. According to the United Nations, children were killed or maimed in 12 incidents involving unexploded remnants of war from January to March. Remnants of war were often left behind in schools used by government and opposition forces, and armed actors affiliated with both. The United Nations reported in November an estimated six million citizens lived in areas of land mines and other explosive remnants of war.

Abductions: Abductions, particularly of women and children, took place in both conflict and nonconflict zones, as government and opposition forces and affiliated armed militia groups recruited children and women against their will. The United Nations and international NGOs reported multiple accounts of government soldiers or other security service members arbitrarily detaining or arresting civilians, sometimes leading to unlawful killings. For example, on May 21, government soldiers allegedly abducted nine civilians outside of Yei town. Police located all nine bodies in June and reported the victims were likely hacked to death by machetes.

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. UNMISS reported finding six corpses, allegedly ethnic Zande, blindfolded and with hands tied alongside the road near Tambio town in Western Equatoria.

Sexual and gender-based violence and conflict-related sexual violence were widespread. Rape was used widely as a weapon of war. According to Amnesty International, some rapists also mutilated victims or raped them with foreign objects. Following the April 3 attack by SPLA soldiers in Pajok, during which 14 civilians were killed, the UNMISS Human Rights Division reported three incidents of sexual violence. For example, in April opposition soldiers abducted a young woman in Eastern Equatoria twice and allegedly repeatedly raped and beat her. Human rights groups noted most cases of sexual- and gender-based violence went unreported.

UN officials who interviewed survivors reported gang rape was common. Men were also victims of sexual violence, but on a far reduced scale. Amnesty International reported male survivors of sexual violence described rape, castration, and forms of torture. NGOs noted sexual violence against men was used to humiliate and terrorize victims.

Child Soldiers: Following the outbreak of conflict in 2013, forced conscription by government forces, as well as recruitment and use of child soldiers by both government and antigovernment forces, increased. During the year there were widespread reports government forces were recruiting child soldiers. Opposition forces and affiliated armed militias also recruited child soldiers. Girls were recruited to wash, cook, and clean for government and opposition forces.

International organization experts estimated 17,000 child soldiers had been recruited in the country since the conflict began in 2013 and blamed government, opposition, and militia forces.

The August 2015 peace agreement mandated specialized international agencies work with all warring parties to demobilize and reintegrate child soldiers from the SPLA, the SPLA-IO, the Nuer White Army, and other groups, usually those involved in community defense. UNICEF warned renewed fighting undermined the progress it had made in demobilizing and reintegrating child soldiers, and it acknowledged some of the children had been rerecruited.

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

Other Conflict-related Abuse: Throughout the year the environment for humanitarian operations grew increasingly difficult and dangerous as the geographic scope of humanitarian need expanded. Armed actors, including government and opposition forces, continued to restrict the ability of the United Nations and other international and nongovernmental organizations to safely and effectively deliver humanitarian assistance to populations in need. Access was impeded by direct denials, bureaucratic barriers, and renewed fighting in areas of the country where humanitarian needs were highest. Despite repeated safety assurances, armed elements harassed and killed relief workers, looted and destroyed humanitarian assets and facilities, and imposed bureaucratic impediments on relief organizations. On multiple occasions fighting between armed forces put the safety and security of humanitarian workers at risk, prevented travel, forced the evacuation of relief workers, and jeopardized humanitarian operations, including forcing organizations to suspend operations entirely in areas of active conflict. During the year relief organizations reported more than 683 humanitarian access incidents, including 101 in August. Delayed flight safety assurances, insecurity, and movement restrictions often prevented relief workers from traveling to conflict and nonconflict areas. Humanitarian personnel, independently or through a UN Office for the Coordination of Humanitarian

Affairs (OCHA) access working group, negotiated with government and opposition forces and other armed groups to address access problems; however, these negotiations were often protracted and caused significant delays in the delivery of assistance.

The humanitarian operating environment became more volatile, increasingly jeopardizing the safety of humanitarian workers throughout the country. The most common forms of violence against humanitarian workers included robbery and looting, harassment, armed attacks, commandeering of vehicles, and physical detention. Since the start of the conflict in December 2013, the United Nations reported at least 85 humanitarian staff members had been killed in the country, 18 of them during the year. For example, unidentified armed actors on March 25 attacked a humanitarian convoy traveling from Juba to Pibor town, Jonglei, resulting in the deaths of seven aid workers--four South Sudanese and three Kenyans. The attack represented the single deadliest incident for aid workers since the conflict began. The aid workers were employees of a local NGO, the Grassroots Empowerment and Development Organization.

On April 10, unidentified armed actors killed three local World Food Program (WFP) workers in Wau, Western Bahr el Gazal State. The WFP reported two of the workers were hacked to death with machetes and one was shot and killed. As a result, the WFP temporarily suspended humanitarian operations in Wau, with the exception of relief activities in and near the PoC site.

Looting of humanitarian compounds and other assets was also common. During the week of July 17, unidentified armed actors looted a WFP warehouse in Tonj East that contained 245 metric tons of food commodities. The UN agency notified local authorities, who declined to take action to stop the attackers.

Restrictions on humanitarian operations took other forms as well. In early September staff from at least six NGOs and donor representatives with diplomatic passports reported NSS authorities operating at Juba International Airport denied them travel permission because they did not yet have work permits. Work permits often take up to six months to be issued, and previously NGOs had been permitted to travel with the receipt as evidence of a work permit in process. Diplomats were denied travel permission supposedly for lack of permission from the Ministry of Foreign Affairs, although there was no requirement for diplomats to obtain permission to travel in the country. The South Sudan Relief and Rehabilitation Commission (RRC) released a circular on September 5 requiring NGO staff whose work permits had not yet been issued as well as short-term visitors, such as

consultants, to obtain a signed travel approval from the RRC 72 hours in advance of the planned travel. Relief actors reported the RRC released the circular without notice or consultation with NGOs, prompting confusion regarding the required travel procedures.

In addition to physical security challenges, bureaucratic access constraints seriously affected humanitarian workers' ability to deliver timely aid to populations in need. The government raised annual international NGO registration fees in May from approximately 61,000 South Sudanese pounds (SSP) (\$500) to 427,000 SSP (\$3,500) due to the increasing demand of humanitarian needs in the country. Humanitarian organizations expressed concern that the registration fee increase extorted money from NGO workers and could hinder the response efforts of smaller relief organizations.

Humanitarian organizations also experienced delays in and denials of tax exemptions and were forced to purchase relief supplies on the local market, raising quality concerns. Government authorities began requesting international NGO staff pay income tax and threatened national staff into paying income tax at the state level.

Continuing conflict and access denial to humanitarian actors was the leading contributor to households facing famine conditions. It was difficult to accurately gather information and assess areas due to insecurity. For example, in August SPLA-IO forces detained two WFP-contracted volunteers conducting a food security and nutrition monitoring survey in Yei County's Minyori town. The SPLA-IO detained the volunteers for more than a week on alleged charges of espionage and tortured them while in custody.

NGOs reported that government obstruction of impartial humanitarian assistance was greater in opposition-held areas, which, consequently, experienced a greater level of food insecurity. During the year, Amnesty International alleged the government was using food as a weapon of war.

Abyei is a disputed region between Sudan and South Sudan that, according to agreements between the two governments, is to be jointly administered until a referendum on the final status of the area is held. After South Sudanese independence, the United Nations established the UN Interim Security Force for Abyei (UNISFA). The security situation in Abyei was calm but unpredictable throughout the year. UNISFA reported some progress in communities returning property/livestock or receiving compensation for stolen property/livestock. The

mission also noted a peaceful reverse migration of Misseriya communities. Crime remained a problem, but there was a decrease in thefts and break-ins at UN and UNISFA compounds.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

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

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

Press and Media Freedom: The government maintained strict control of media, both print and electronic. The government suppressed dissenting voices, forcing some civil society organizations and media houses to shut down or flee the country. Most organizations practiced self-censorship to ensure their safety.

During the year the government adopted a new censorship tactic of directly reprimanding publishers and removing articles deemed critical of the government. Many print media outlets reported NSS officers forced the removal of articles, including *Juba Monitor*, *This Day* (May 17 edition) and *The Dawn* (September 14 edition). NSS allegedly removed more than 20 articles from newspapers since late 2016, according to a report by the Association for Media Development in South Sudan.

Many newspapers remained closed throughout the year: *al-Rai* (closed since 2014), *al-Masir* (closed since 2014), *The Citizen* (closed since 2015), *The National Mirror* (closed since 2016), and *al-Tabeer* (closed since 2016).

On May 1, the Media Authority banned al-Jazeera (English) bureau staff from covering “anything to do with South Sudan.” This ban followed a series of al-Jazeera reports on fighting and the displacement of civilians in Kajo-Keji County near the border with Uganda. In June the Media Authority banned 20 foreign journalists from operating in the country because they reported “unsubstantiated and unrealistic stories that have the potential to incite hate and violence.”

Since the outbreak of conflict in 2013, the government tried to dictate media coverage of the conflict and threatened those who tried to publish or broadcast the opposition’s views. NSS regularly harassed, intimidated, and summoned journalists for questioning. The environment for media workers remained precarious throughout the year.

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

Violence and Harassment: Security forces commonly intimidated or detained journalists whose reporting they perceived as unfavorable to the military or government. Security forces confiscated or damaged journalists’ equipment and restricted their movements. During the year journalists were interrogated, harassed, detained, and imprisoned, and there were instances of severe violence and suspicious death. NSS representatives frequently harassed journalists by detaining them at NSS headquarters or local police stations without formal charges. Government harassment was so pronounced that several journalists fled the country. Journalists and media agencies that reported on news of the opposition could expect questioning and possibly closure. Journalists in Juba experienced threats and intimidation and routinely practiced self-censorship. On several occasions high-level officials publicly used intimidating language directed toward media outlets and representatives.

There were numerous reports of such abuses similar to the following example: On July 10, NSS officers arrested and detained Adil Faris Mayat, director of the South Sudan Broadcasting Corporation, allegedly for failing to broadcast live President Kiir’s July 9 Independence Day speech.

Between January and May, the Union of Journalists documented 14 incidents of infringement on the rights of journalists, including three journalists arrested, four journalists threatened, and seven journalists denied access to information.

Freelance journalist Christopher Allen was killed in heavy fighting between government and rebel forces around Kaya near the Ugandan border on August 26. He was embedded with opposition forces at that time.

The government released two journalists after years-long detention. On May 25, UN Radio journalist George Livio Bahara was released after nearly three years in detention without charges. In April, John Pantheer, a local journalist, was also released after years in detention.

Internet Freedom

The government did not restrict or disrupt access to the internet, and there were no credible reports that the government monitored private online communications without appropriate legal authority. The government, however, targeted and intimidated individuals who were critical of the government in open online forums. The government also blocked access and restricted content of sites deemed unfavorable. On July 17, the government closed two popular websites: *Tamazuj* and *Sudan Tribune*. Information Minister Michael Makuei accused the sites of disseminating hostile messages. The internet was unavailable in most parts of the country due to lack of electricity and communications infrastructure.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The government on occasion limited/restricted freedoms of peaceful assembly and/or association.

Freedom of Peaceful Assembly

The transitional constitution provides for freedom of peaceful assembly, and the government generally respected this right, but many citizens did not gather due to

fear of targeted violence. Security officials lacked nonviolent crowd control capabilities and at times fired live ammunition into the air to disperse crowds.

Freedom of Association

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

A law passed in February 2016 strictly regulating the activity and operations of civil society was widely enforced throughout the year. The law focused particularly on NGOs working in the governance, anticorruption, and human rights fields, and it imposed a range of legal barriers including limitations on the types of activities that organizations can engage, onerous registration requirements, and heavy fines for noncompliance. Human rights groups and civil society representatives reported NSS officials continued surveillance and threats against civil society organizations.

c. Freedom of Religion

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

d. Freedom of Movement

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

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 2015 in Addis Ababa on border issues, the governments failed to make substantial progress on aspects of the agreement relating to each other's citizens.

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

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

Internally Displaced Persons (IDPs)

Throughout the year conflict in the country intensified and spread to areas previously less affected by fighting. The result was mass population displacement, both within the country and into neighboring countries, and high levels of humanitarian and protection needs, which strained the ability of UN and international humanitarian personnel to provide protection and assistance. According to OCHA, conflict and food insecurity had displaced more than two million persons. Approximately 234,000 persons were sheltering in UNMISS PoC sites. The increased violence and food insecurity forced relief actors to delay plans for the safe return and relocation of some IDP populations.

Violence severely affected areas such as the Greater Equatoria and Upper Nile regions and Western Bahr el Ghazal, with dire humanitarian consequences, including significant displacement and serious and systematic reported human rights violations and abuses, including the killing of civilians, arbitrary arrests, detentions, looting and destruction of civilian property, torture and sexually based violence, according to UNHCR. As the conflict moved eastward, violence decreased in Western Equatoria, but up to 75 percent of Eastern Equatoria's population was estimated by UNHCR to have been displaced as of March.

Madi, Acholi, and indigenous groups based in Nimule town were increasingly targeted by government troops suspecting them of supporting opposition forces. SPLA and unknown groups reportedly committed violations of looting, destruction of civilian property, rape, and killing, causing mass displacement. Unknown groups conducted cattle raids in Western Equatoria that ended in seven civilian deaths in Rumbek East and almost 30,000 IDPs. Clashes between armed youth and the SPLA displaced an estimated 18,000 persons from Kediba. The town of

Kajo-Keji experienced large-scale displacement, to the point the town was nearly emptied. In April an estimated 50,000 were displaced from Pajok. Intercommunal violence flared in Lakes State, leading to an unknown level of displacement. Up to 30,000 Shilluk, mostly women and children, fled their homes in the Upper Nile region and were living in the open near the town of Aburoc. According to the UN Panel of Experts, the vast majority of Shilluk had been forced to flee, and this depopulation occurred with the full knowledge of the president, cabinet ministers, and senior military officers and was a fully foreseeable consequence of the government's military operations. Both sides of the conflict continued to recruit child soldiers from the IDP population. In the town of Malakal, state boundaries were redrawn to depopulate the town of its Shilluk and Nuer inhabitants. In Kodok town the Shilluk population was under threat of being displaced. In Wau town the Fertit and Luo populations fled to escape government-caused ethnic violence targeting them. As of September 30, more than two million citizens had sought refuge in neighboring countries, including nearly 880,000 who had fled to Uganda since July 2016.

Protection of Refugees

Access to Asylum: The South Sudan Refugee Act provides for protection of refugees as well as the granting of asylum and refugee status. The government allowed refugees from a variety of countries to settle and generally did not treat refugees differently from other foreigners.

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

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

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

naturalization of refugees beyond procedures that were in place for all citizens and other applicants.

Stateless Persons

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

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: The transitional constitution required an election be held by July 2015, the date on which the first postindependence presidential term ended. The peace agreement, which calls for elections at the end of a transitional period, superseded the transitional constitution. Intense violence and insecurity due to the conflict were additional factors in the government's decision to postpone elections. In March 2015 the TNLA passed amendments to the transitional constitution extending the terms of the president, the national legislature, and the state assemblies for three years until July 2018.

Under the terms of the peace agreement signed in August 2015, 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 bring them into the political process. Multiple institutions, ranging from the United Nations to NGOs, were against holding the July 2018 elections until a

ceasefire and safer, credible, inclusive conditions could be implemented for a fair election process.

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

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

Under the terms of the 2015 peace agreement, President Kiir's SPLM faction was allocated a 53 percent share of the executive branch. A 33-percent share was assigned to the SPLM-IO, led by Riek Machar Teny, who returned to Juba in April to serve as first vice president. After fighting between the SPLA and SPLA-IO broke out in Juba in July 2016, however, Machar fled the country. His SPLM-IO fractured into two factions, and, after the July 2016 violence, the government recognized only the faction led by current First Vice President Taban Deng Gai.

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

Opposition parties complained that at times the government harassed party members. The Political Parties Act, passed in 2012, mandated specific requirements for those political parties that existed in a unified Sudan prior to South Sudan's independence in 2011. Representatives of the Political Parties Council (an independent body created by the law and created in early February to manage political party matters) estimated the requirements affected approximately 25 parties. In October 2016 the Political Parties Council issued a call for preindependence parties to register within 90 days, stating no party had officially registered since independence; 11 political parties were registered in April. Parties formed after independence are not subject to the 90-day deadline. Registration (for both pre-and postindependence parties) included strict requirements that a party

show a minimum number of supporters in eight of the country's 10 states (to avoid ethnically based parties) and adopt a party constitution and manifesto before the deadline.

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

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

Women held 87 of the 296 filled seats in the TNLA but occupied only six of the 50 seats in the Council of States. That number increased with appointment of more women to the TNLA (no exact figure was available). The government did not meet the 25 percent representation requirement for women at the state level. No women were selected for posts during the president's December round of caretaker governor appointments. The governor of Warrap State, the only female governor, was relieved of her duties. Six women served in the 30-member cabinet, and one of eight deputy ministers was a woman.

Some observers believed traditional and cultural factors limited women's participation in government. 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 by officials. The government did not implement the law, and officials engaged in corrupt practices with impunity.

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

The transitional constitution assigns responsibility for investigating and prosecuting corruption to the South Sudan Anticorruption Commission (SSACC). The commission has no authority to prosecute because the constitution did not repeal or amend previous laws vesting prosecutorial powers in the Ministry of Justice. The criminal code does not define corruption. A draft law to correct these issues had been pending since 2013.

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

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

In September 2016 the Ministry of Finance established a Cash Management Committee to review and regulate cash flow for the government on a daily basis. The Ministry of Finance took steps to follow an International Monetary Fund recommendation to create a National Revenue Authority. Oil revenue, however, which accounted for the majority of the national income, would not be collected by this entity. Oil revenue is officially reported as net income only to the government,

often concealing corruption, waste, and abuse within the government entities that handled those funds.

Several investigations by international NGOs such as The Sentry detailed the lavish lifestyles enjoyed by high-ranking government officials even as the country suffered from armed conflict and economic turmoil.

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 also be declared. Although the SSACC received these forms and was responsible for monitoring compliance, no monitoring occurred by year's end.

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

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

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

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

The United Nations or Other International Bodies: The government sometimes cooperated with representatives of the United Nations and other international organizations. A lack of security guarantees from the government and opposition on many occasions, as well as frequent government violations of the status of

forces agreement, including the restriction of movement of UNMISS personnel, constrained UNMISS's ability to carry out its mandate, which included human rights monitoring and investigations. Security forces generally regarded international organizations with suspicion.

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

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

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

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

Responding to international pressure, the government moved forward with a court-martial involving 12 SPLA soldiers accused of gang-raping five foreign aid workers, killing a local journalist, and looting the Terrain Hotel compound in Juba in July 2016. After initially refusing, the court-martial permitted virtual testimony of victims and witnesses. As of year's end, no verdict was handed down in the high-profile case.

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

Women

Rape and Domestic Violence: Rape is punishable by up to 14 years' imprisonment and a fine. The government did not effectively enforce the law, and rape was believed 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. According to NGOs, some women reported police tried to charge them SSP 20 (\$0.16) or more when they attempted to file the criminal complaints of rape or abuse. While not mandatory, police often told women they needed to complete an official report prior to receiving medical treatment. Families of rape victims encouraged marriage to the rapist to avoid public shaming.

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

For more information, see data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/.

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

many areas impeded efforts to curb the practice. Dowry practices were also common. NGOs reported fathers often forced daughters, generally minors, to marry older men in exchange for cattle or money.

Sexual Harassment: Sexual harassment is punishable by up to three years' imprisonment and a fine. The government rarely enforced the law, and NGOs reported most women were unaware it was a punishable offense. Observers noted sexual harassment, particularly by military and police, was a serious problem throughout the country.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

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

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

Women also experienced discrimination in employment, pay, credit, education, inheritance, housing, and ownership and management of businesses or land. Although women have the right to own property and land under the transitional constitution, community elders often sought to prevent women from exercising these rights because they contradicted customary practice.

Children

Birth Registration: Citizenship is derived through birth if a person has any South Sudanese parent, grandparent, or great-grandparent on either the mother's or the father's side, or if a person is a member of one of the country's indigenous ethnic

communities. Individuals may also derive citizenship through naturalization. Birth in the country is not sufficient to claim citizenship. The government did not register all births immediately. For additional information, see Appendix C.

Education: The transitional constitution and the 2012 Education Act provide for tuition-free, compulsory basic education through grade eight. Armed conflict and violence, however, were key factors preventing children from attending school throughout the year. UNICEF estimated nearly three-quarters of the country's children were not attending school. The expansion of conflict also resulted in the displacement of many households and widespread forced recruitment of children, particularly boys, by armed groups, as reported by international NGOs, making it difficult for children to attend school and for schools to remain in operation. NGOs reported government and opposition forces, and militias associated with both, looted numerous schools in conflict zones. In addition, the government did not give priority to investments in education, particularly basic education, and schools continued to lack trained teachers, educational materials, and other resources. Girls often did not have equal access to education. Many girls did not attend school or dropped out of school due to early marriage, domestic duties, and fear of gender-based violence at school. According to the 2015 Education for All national review, girls constituted only 39 percent of primary school students and 32 percent of secondary school students, although this figure may be even lower due to continuing violence and displacement as a result of the conflict.

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

Early and Forced Marriage: The law provides that every child has the right to protection from early marriage but does not explicitly prohibit marriage before age 18. Child marriage was common. According to the Ministry of Gender, Child, and Social Welfare, 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. Early marriage sometimes reflected efforts by men to avoid rape charges, which a married woman cannot bring against her husband. In other cases families of rape victims

encouraged marriage to the rapist to avoid public shaming. Many abducted girls, often repeatedly subjected to rape (see section 1.g.), were forced into marriage. For additional information, see Appendix C.

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

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

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

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

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/.

Persons with Disabilities

The law does not specifically prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other government services. NGOs reported community and family routinely subjected persons with disabilities to discrimination. The government did not enact or

implement programs to provide access to buildings, information, or communications public services. The Transitional Constitution and the 2012 Education Act stipulate primary education be provided to children with disabilities without discrimination. Very few teachers, however, were trained to address the needs of children with disabilities, and very few schools were able to provide a safe, accessible learning environment for children with disabilities. There were no legal restrictions on the right of persons with disabilities to vote and otherwise participate in civic affairs, although lack of physical accessibility constituted a barrier to effective participation. There were no mental health hospitals or institutions, and persons with mental disabilities were often held in prisons. Limited mental health services were available at Juba Teaching Hospital.

Persons with disabilities also faced disproportional hardship during famine conditions and continuing violence throughout the year. Human Rights Watch reported persons with disabilities were often victimized by both government and opposition forces. Persons with disabilities faced difficulty fleeing areas under attack and accessing humanitarian assistance in displacement camps. Since 2013 the conflict itself disabled an unknown number of civilians, who experienced maiming, amputation, sight and hearing impairment, and trauma. The World Health Organization estimated 250,000 persons with disabilities were living in displacement camps, while the total disabilities population at risk in the country could be more than one million.

National/Racial/Ethnic Minorities

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

Interethnic clashes occurred throughout the year. Insecurity, inflammatory rhetoric--including hate speech--and discriminatory government policies led to a heightened sense of tribal identity, exacerbating interethnic differences.

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

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

There were some reports of incidents of discrimination and abuse. Lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons reported security forces routinely harassed and sometimes arrested, detained, tortured, and beat them. In September Labor, Public Service, and Human Resource Development Minister Gathoth Gatkuoth Hothnyang stated the government would order security forces to arrest LGBTI persons and detain them until they procreate. There were no reports of such arrests by year’s end.

In December, NSS agents reportedly arrested, detained, and mistreated several persons affiliated with the LGBTI community.

HIV and AIDS Social Stigma

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

Other Societal Violence and Discrimination

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

Civilian casualties and forced displacements occurred in many parts of the country when raiders stole cattle, which define power and wealth in many traditional communities. Land disputes, often erupting when stolen cattle were moved into other areas, also caused civilian casualties and displacement. SPLA and police sometimes engaged in the revenge killings both between and within ethnic groups.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The country has not passed a national labor law. The country operated under select legislation inherited from Sudan. The 1997 Labor Act of Sudan remained in effect. That act permits independent unions. The law is silent on the rights to strike and bargain collectively and does not explicitly prohibit antiunion discrimination nor 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, and penalties were insufficient to deter violations.

The 2013 Workers' Trade Union Act provided a regulatory framework to govern processes of worker trade unions. The largest union, the South Sudan Workers' Trade Union, had approximately 65,000 members, working mainly in the public sector. Other unions included the Union of Journalists of South Sudan and the Union Haggar Tobacco. These unions were nominally independent of the governing political party. Despite lacking legal standing to suspend a union, the Media Authority declared it suspended the Union of Journalists of South Sudan in October for failing to register with the country's regulatory body. International organizations reported government interference in union functions 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. The law prescribes punishment of up to two years' imprisonment for compulsory labor without aggravating circumstances. These laws were not sufficient to deter violations since they were not adequately enforced.

The government did not effectively enforce the law. The government did not investigate or prosecute any trafficking offenses. Forced labor occurred in domestic servitude, in agricultural labor on family farms and at cattle camps, and in prisons. Most of those in situations of forced labor in cattle camps and agricultural activities were family members. Employers subjected women, migrants, and children (see section 7.c.) to forced labor in mines, restaurants, street begging, criminal activities, and sexual exploitation.

Also see the Department of State's *Trafficking in Persons Report* at 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 it 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 did not convene during the year. In addition to the Ministry of Labor, the committee included representatives from the Ministries of Agriculture and Forestry; Health; Gender; General Education; Culture, Youth, and Sports; Animal Resources and Fisheries; and Wildlife Conservation and Tourism, as well as the International Labor Organization (ILO) and union representatives.

The government did not enforce child labor laws. Only one of the Ministry of Labor's five labor investigators was specifically trained to address child labor. Although charged with removing children engaged in work, the investigators did

not have the necessary resources and did not conduct proper investigations. Of children between the ages of 10 and 14, 46 percent were engaged in some form of child labor, largely in cattle herding or subsistence farming with family members. Girls rescued from brothels in Juba reported police provided security for the brothels, and SPLA soldiers and government officials were frequent clients of child victims of sexual exploitation.

Also, see the Department of Labor's *Findings on the Worst Forms of Child Labor* at 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 based on race, color, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation or gender identity, age, language, HIV-positive status, or on any other basis.

Discrimination occurred on all the bases listed above. Discrimination in employment and occupation led to less hiring of particular ethnic groups such as the Murle, who were underrepresented in both the public and private sector. Dinka and Nuer occupied most leadership positions within the national government. Equatorians were historically overrepresented in the civil service at lower ranks. Across the country local authorities often manipulated the hiring practices of NGOs to favor fellow tribesmen and fire rivals. Disabled persons faced discrimination in hiring and access to work sites. 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 appropriate occupational safety and health standards for public-sector workers through the acceptable conditions of work laws. The government had not enacted legislation on wages, working conditions, or occupational safety and health for workers outside of the public sector. 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. Its six labor investigators were insufficient to enforce compliance. The Ministry of Justice reported receiving no cases of labor violations. The government neither investigated nor prosecuted cases. Penalties for violations of laws on wages and working conditions were not sufficient to deter violations.

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