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The human rights situation in South Sudan deteriorated during 2013, and is now of serious concern. Some progressive steps were taken, in particular ratification of a number of key international human rights instruments. However, the overall trajectory was distinctly negative.

The government has been slow to address many areas of concern, and has demonstrated what appears to be a more hardline attitude in some areas such as restrictions on freedom of expression and on civil society. The constitutional review process, which may have helped to secure inclusive discussion of, and legal safeguards for, certain rights, was beset by continued delays. South Sudan ended its moratorium on the death penalty. Numerous instances of human rights violations and abuses by national security forces and ethnically-biased militias, most often as part of inter-communal conflict, have led to mass civilian displacement, deaths and reports of rape and torture. The overall human rights situation, as well as compliance with international and humanitarian law, has been significantly worsened by the conflict which broke out on 15 December 2013, and has led to high numbers of civilian deaths, including reports of targeting on the basis of ethnicity, torture, and sexual violence.

Addressing these widespread human rights abuses has remained a major focus of the activities of the British Embassy. The new British Ambassador used his introductory discussions with senior members of South Sudan's government to address our human rights concerns, and to urge the government of South Sudan to investigate allegations of abuses and hold those responsible to account. We continued our support to the UN Mission in the Republic of South Sudan (UNMISS) in its mandate to monitor, investigate, and verify reports of human rights violations and potential threats against the civilian population. UNMISS strengthened its investigative capacity in response to allegations of abuses committed during the conflict that broke out in December 2013, and this was welcomed in UN Security Council Resolution 2132, adopted on 24 December 2013 with UK support. The UK approved four human rights related projects for 2013-14. Human rights training is mainstreamed in the training delivered through our security sector engagement. Human rights were also discussed between donor and government representatives within the context of the New Deal Compact towards the end of 2013.

Human rights violations and abuses are likely to continue in 2014, largely due to the ongoing violence across parts of the country. It is also likely that evidence of human rights violations and abuses committed during the conflict in late 2013 will come to light. The UK is calling for an

independent investigation and for those responsible to be held to account. The African Union (AU) has announced a Commission of Inquiry into human rights abuses which the UK strongly supports as an important contribution to accountability and national reconciliation. It will be crucial that some of the contributing causes of the conflict – such as lack of tolerance of political dissent, restrictions on freedom of expression, corruption, and lack of accountability – are also addressed as part of any wider political process and national reconciliation.

Freedom of expression and assembly

The South Sudanese government took some steps towards opening and protecting the media sector through the passing of three media bills (Broadcasting Corporation, Media Authority, and Right of Access to Information) on 4 December. The UK had been pressing the government to prioritise this legislation – delayed since 2012 - as the bills contained a number of important provisions for the protection and regulation of the media, and were welcomed by the media community. Outspoken commentator Ateny Wek Ateny was appointed as presidential spokesperson in November, prompting speculation that this represented a new openness in the government's relationship with the media. However, this was not borne out in the government's subsequent treatment of the media.

The Embassy received numerous reports of harassment and intimidation of journalists throughout the year, which increased in frequency at the year end. Journalists were frequently subject to threats and intimidation, and there were instances of publications being confiscated, particularly where they were believed to give exposure to opposing political views. There were public reports of the arbitrary detention of journalists. In November, the Minister of Interior announced a new measure necessitating the registration of all media houses and journalists operating in South Sudan. At the outbreak of conflict it was not clear whether this announcement would be followed through. The UK continues to raise the centrality of freedom of expression as part of ongoing dialogue with the government of South Sudan on human rights.

Human rights defenders

Reports of the harassment of human rights defenders (HRDs) continued. We meet advocacy groups to identify and understand issues of particular concern in South Sudan, and to monitor the situation. We are considering how best to support HRDs further next year.

Concerns over restrictions to NGOs and civil society organisations (CSOs) increased in this period. A previously drafted piece of legislation, the "Non-Governmental Organisations Bill 2013" received concentrated attention as it progressed towards its third reading in parliament. The bill was particularly concerning due to its potential to constrain the work of NGOs and CSOs, and appeared to indicate a closing of the space in which civil society was able to operate. The final draft, which was being reworked following extensive engagement by civil society groups, had not been presented by the time of the outbreak of conflict.

Access to justice and the rule of law

Both detentions without trial and arbitrary arrests increased in 2013. In the most high-profile incident, the government of South Sudan detained several political dissenters without charge in December. The UK, along with regional and international partners, called for the immediate release of detainees whilst respecting the need for due legal processes in regard to the charges levelled against these individuals.

Deep-seated weaknesses in the judicial system continue, with many detainees unaware of their rights and without legal representation. Justice is frequently delivered at a community level through customary justice mechanisms, often run by senior community members who lack formal qualification or knowledge, and partiality (often biased against women or ethnic minorities) is common. UK-funded programmes in the security and justice sector ran throughout 2013. Our

Safety and Access to Justice Programme concentrated on building the foundation for a more professional and accountable South Sudan National Police Service, with a presence in eight states. The UK Government proposes to pilot a complementary programme to support justice service provision at the community level, which will focus on responding to the specific needs of women and girls.

Corruption, cronyism and nepotism are endemic in South Sudan. The country entered the Transparency International Corruption Perception Survey for the first time in 2013, ranked at number 173 out of 175. In November, South Sudan ratified the UN Convention against Corruption, which was a positive step, and may help to generate a more concentrated campaign against corruption in the future. The British Ambassador and Head of the Department for International Development (DFID) participated in high-level government/donor dialogue on governance issues, including accountability and corruption.

As co-chair of the Accountability Sector Working Group, the UK is actively engaged with key accountability sector institutions on an ongoing basis. We are providing capacity-building support to the South Sudan Anti-Corruption Commission, and pressing the government to progress the Anti-Corruption Bill and the National Audit Bill as swiftly as possible. We will also need to assess carefully the impact of the crisis on the proper functioning of these institutions.

Death penalty

South Sudan resumed implementation of the death penalty in November when four convicted murderers were executed. This was disappointing in view of South Sudan's vote in favour of the biennial UN General Assembly Resolution on the moratorium on the use of the death penalty in 2013. It is not known what access to legal counsel the accused received. Due to weaknesses in the justice system, it is believed that many defendants do not have access to credible legal representation or the right to appeal against their sentences, often depriving them of their right to a fair trial. In other cases, the death penalty continues to be handed down by judges, despite the position taken at the UN General Assembly in favour of a moratorium. For example, security forces charged with human rights violations in Pibor County were sentenced to death in October. An additional 11 individuals were sentenced to death in June for their part in inter-communal violence in Wau, Bah El Ghazal state.

In a joint letter to the Minister of Foreign Affairs calling for an end to the death penalty in South Sudan, human rights groups estimated that more than 200 prisoners are currently on death row. The British Embassy, often acting in concert with EU colleagues, has frequently urged the government to uphold their de facto moratorium on the death penalty. In August, the Foreign & Commonwealth Office's Human Rights and Democracy Programme Fund granted support to a project working with the South Sudan Law Society to advocate for the abolition of the death penalty in South Sudan.

Torture

South Sudanese security forces are believed to have mistreated, detained and tortured civilians in a number of instances throughout the year; for example, when security services in Rumbek reportedly held and mistreated over 100 young men after violent clashes in the regional capital. More recently, there were reports of arbitrary detention based on ethnicity and torture in detention as part of the violence that began in December. We are also concerned by reports of mistreatment within the the Sudan People's Liberation Army (SPLA – the army of the Republic of South Sudan) at military detention facilities across the country.

To support transparency and accountability in the army and its respect for human rights, the UK has been providing support to the government through the Security Sector Development and Defence Transformation Programme, which ended in December 2012. This programme focused

on supporting the development of South Sudan's first National Security Policy; transformation of the SPLA; enhancing the oversight role of the Ministry of Defence and Veteran Affairs; and strengthening broader accountability mechanisms within the security sector, including support to Parliament and selected CSOs. A new follow-on Security and Defence Transformation Programme concluded its inception phase in November 2013, but was suspended due to the recent conflict. Any future support to the armed forces will be subject to an Overseas Security and Justice Assessment and will contain explicit components related to human rights and gender-based violence.

The South Sudanese Parliament ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment during 2013, which may help to ensure better treatment of detainees by the military and police services in the future.

Conflict and protection of civilians

The continued violence in Jonglei state between non-state armed actors - primarily the armed young people led by Murle insurgent David Yau Yau - has put civilians in danger and led to widespread displacement. Credible reports emerged suggesting that human rights violations against ethnic groups were also committed by the SPLA and police forces during their security operations to suppress the insurgency. In late October, a significant raid was undertaken in the Dinka area of Twic East, resulting in at least 40 deaths and the theft of thousands of cattle. The UK led concerted international pressure on the government to negotiate political solutions and to investigate allegations of abuses.

Government leaders have since acknowledged that human rights abuses took place and have publicly committed to investigating and prosecuting those responsible. In the last quarter of the year, there was a marked improvement in SPLA conduct in Pibor County, although accusations persisted of intimidation and assaults, for example on women entering Pibor town to access food aid. We remain concerned about the capacity and willingness of the security services to differentiate between combatants and civilians, and to implement thorough and transparent human rights investigations.

Concerns over protection of civilians are now centred on the fighting that started on 15 December in Juba. A high number of civilian deaths resulted from the violence, including reports of targeting of civilians by both sides, sometimes on the basis of ethnicity. In Juba, there have been reports of security forces or militia targeting the Nuer community, including house-to-house searches and a massacre of between 200 and 300 Nuer men in the Gudele neighbourhood of Juba on 16 December. We understand that the government has formed a tribunal, led by the South Sudan National Police Service, to investigate this massacre. In Jonglei and Unity states there were confirmed reports of the targeting of Dinka, including a fatal attack on a UN base in Akobo where Dinka civilians and two UN peacekeepers were killed. There are mounting reports of rape and other forms of sexual violence being used during the conflict. On 24 December, the UN High Commissioner for Human Rights expressed concerns over the serious and growing human rights violations in South Sudan.

The conflict resulted in the widespread displacement of civilians. The UN Office for the Coordination of Humanitarian Affairs estimated that 180,000 people had been displaced by the end of December 2013. Over 75,000 of these individuals were seeking refuge in various UN compounds around the country. Others are seeking refuge across international borders. The UK Government has been closely involved in the mediation efforts led by the regional Intergovernmental Authority on Development and has committed an additional £12.5 million to provide emergency humanitarian assistance to meet the needs of the most vulnerable.

Women's rights

Violence against women is a recurring aspect of conflict in South Sudan. It is reported that rape and other forms of sexual violence were used by state and non-state actors as part of the ongoing conflict in Jonglei state, and more recently as part of the violence across several areas of the country in December.

There is currently no specific legislation concerning sexual and gender-based violence in South Sudan, and harmful traditional and cultural practices persist outside of conflict. These often amount to sexual exploitation and abuse, fuelled by a lack of awareness of human rights. The Ministry of Gender, Child Welfare and Humanitarian Affairs has taken some steps to address this issue, launching a joint national awareness campaign with UNMISS at the end of the year. However, the Ministry does not have sufficient capacity to instigate much meaningful change, particularly where it would require heavy coordination across government and with the armed forces. The UK Government provided technical assistance to the Ministry during 2013, aimed at assisting the operations of the Gender Directorate.

Embassy officials have encouraged the government to support the Foreign Secretary's Preventing Sexual Violence Initiative. The Embassy awarded funding to two projects on advocacy and prevention of sexual violence.

Children's rights

Prior to the outbreak of violence in December, the most significant issue affecting children was internal displacement as a result of conflict and floods, making them more vulnerable to manipulation and abuse. Specifically in Jonglei state, the abduction of children has been a feature of intercommunal violence.

In 2012, the SPLA undertook to work to identify, demobilise and reintegrate all remaining children within its ranks, including those who arrived from reintegrated militia groups. There were signs throughout 2013 that the wider problem was being addressed fairly effectively and, until the outbreak of violence in December, the SPLA had a relatively positive story to tell. It is likely that those efforts have now been severely disrupted. We are yet to discover whether the recent fighting involved active recruitment of child soldiers. It is likely that children form a significant proportion of the internally displaced persons fleeing the violence in December, raising concerns about the conditions they are living in. It will take time to assess the overall humanitarian impact on South Sudan's children and, more specifically, to assess whether any resurgence of child recruitment may have taken place.

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