

# **SOUTH SUDAN 2020 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

South Sudan is a republic operating under a transitional government formed according to the terms of peace agreements signed in August 2015 and September 2018. 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. Since then all government positions have been appointed rather than elected.

The South Sudan National Police Service, under the Ministry of Interior, is responsible for law enforcement and maintenance of order. The South Sudanese People's Defense Forces are responsible for providing security throughout the country and ostensibly operate under the Ministry of Defense and Veterans' Affairs. The Internal Security Bureau of the National Security Service, under the Ministry of National Security, has arrest authority for cases connected to national security but operates far beyond its legal authority. Numerous irregular forces, including militias operated by the National Security Service and proxy forces, operate in the country with official knowledge. Civilian authorities routinely failed to maintain effective control over the security forces. Members of the security forces committed numerous serious abuses.

In 2013 a power struggle within the ruling Sudan People's Liberation Movement party erupted into armed conflict. President Salva Kiir accused then first vice president Riek Machar Teny of plotting a coup. The two leaders appealed to their respective ethnic communities and the conflict spread. The parties signed several cease-fire agreements, culminating in the 2015 peace agreement. A cease-fire generally held from August 2015 to July 2016, when fighting broke out in Juba, eventually spreading to the rest of the country. The major warring factions signed a "revitalized" peace agreement in 2018, which continued to hold as of mid-September. Fighting between government forces and other groups not party to the peace agreement, referred to as the "nonsignatories," continued in the Greater Equatoria region. Subnational violence, often labeled "intercommunal" but frequently reflecting political causes, also continued, particularly in Jonglei and Warrap States.

Significant human rights issues included government-perpetrated extrajudicial killings, including ethnically based, targeted killings of civilians; forced disappearances; torture and cases of cruel, inhuman, and degrading treatment or punishment; harsh and life-threatening prison conditions; arbitrary detention; political prisoners or detainees; politically motivated reprisal against individuals located outside the country; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; serious abuses in an internal conflict, including unlawful killing of civilians, enforced disappearances or abductions, torture and physical abuses or punishment, unlawful recruitment or use of child soldiers, mass forced displacement, widespread sexual and gender-based violence, and use of food as a weapon of war; serious restrictions on free expression, the press, and the internet, including violence against and intimidation and detention of journalists; closure of media houses, censorship, and site blocking; substantial interference with the rights of peaceful assembly and freedom of association, such as overly restrictive nongovernmental organization laws; significant restrictions on freedom of movement; inability of citizens to change their government peacefully through free and fair elections; restrictions on political participation; serious acts of corruption; lack of investigation and accountability for violence against women; trafficking in persons; crimes involving violence targeting lesbian, gay, bisexual, transgender, or intersex persons; the use of laws criminalizing consensual same-sex sexual conduct between adults; and existence of the worst forms of child labor.

Security force abuses occurred throughout the country. Despite isolated examples of prosecution for these crimes, impunity was widespread and remained a major problem.

Nongovernment armed groups, including the forces of peace agreement signatories and other opposition armed groups alike, also perpetrated serious human rights abuses, which, according to the United Nations, included unlawful killings, abduction, rape, sexual slavery, and forced recruitment of children and adults into combat and noncombat roles.

## **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, international cease-fire monitors, human rights organizations, and media reported the government, or its agents, committed numerous 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 widespread extrajudicial killings. The term “unknown gunmen” was often used to describe death squads affiliated with the National Security Service (NSS) or other security services. The security services investigated alleged abuses by members of their respective forces.

A human rights organization reported the June 14 killing of businessman and former NSS detainee Kerbino Wol Agok. Wol was captured and executed by a group of NSS members, army officers, and gang members in Rumbek, Lakes State, alongside another former NSS detainee. Earlier that month he published a revolutionary manifesto for what became known as the 7 October Movement.

According to Human Rights Watch, on July 11, a force including the NSS, military intelligence, army, and local armed youth killed Monydiar Maker, a youth leader in Amongpiny, Lakes State. The joint force surrounded Monydiar’s house in the early morning and opened fire, killing Monydiar and his family while they slept.

On June 3, soldiers led by Lieutenant Lual Akook Wol Kiir fired on civilians engaged in a land dispute in the Sherikat neighborhood of Juba. The soldiers killed four persons and wounded at least seven others. Lieutenant Lual later died of a head injury. Later in the day, police and soldiers fired on demonstrators protesting the killings as they approached a police post, killing one more and injuring several. Six soldiers and 14 civilians were detained in the case. In September the fact-finding committee formed to investigate Lieutenant Lual’s killing recommended that unnamed “suspects” be tried in open court, but the case was pending at year’s end.

## **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.).

In February, Bor Dinka youth militias abducted two women and five children in one raid. In late April they were released by Bor Dinka community leaders to improve relations between the Murle and Dinka communities. The UN Commission on Human Rights in South Sudan issued a report in February 2019 that alleged a continuing practice of unlawful or arbitrary detention followed by

extrajudicial killings in secret, but the report did not publish details on specific cases.

The local nongovernmental organization (NGO) Remembering the Ones We Lost documented the names of 280 persons missing since the conflict began in 2013, many of whom were abducted or detained by security forces. In 2019 the International Committee of the Red Cross reported that 4,000 persons were missing and their whereabouts unknown since the conflict began.

The government did not comply with measures to ensure accountability for disappearances.

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

Although prohibited under law, security forces mutilated, 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.).

According to the UN Security Council Panel of Experts and several independent human rights advocates, the NSS Operations Division maintained a facility known as “Riverside” where it detained, interrogated, and sometimes tortured civilians. In addition the Panel of Experts reported that several detainees died as a result of torture or from other conditions at the facility. The Panel of Experts also alleged the existence of secret, unofficial detention centers operated by the NSS. The Panel of Experts reported allegations of torture, including electrical shocks, and beatings in these sites.

There were numerous additional reported abuses at NSS-run sites, including sexual and gender-based violence, beating and torture of detainees, and harassment and intimidation of human rights defenders and humanitarian workers. In July, Peter Biar Ajak, a prominent political activist and former detainee, claimed that detainees in NSS facilities were subject to sexual abuse, including forced sodomy.

Impunity of the security services was a serious problem. Although the NSS created an internal disciplinary tribunal to conduct internal investigations of alleged abuses by its officers, the results of such investigations and any disciplinary actions taken were not made public. The army and police also

launched investigations into misconduct, including a court-martial of more than 20 soldiers accused of a variety of crimes against civilians in and around Yei, Central Equatoria. Investigations into security-sector abuse continued to focus on low-level offenders, avoided delving into command responsibility for abuses, and generally did not refer offenders to civilian courts for trial.

### **Prison and Detention Center Conditions**

Prison conditions were harsh and 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 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 no special facilities for the persons with mental disabilities, and persons determined by a judge to be sufficiently dangerous (and “mentally ill”) following referral by family or the community, were incarcerated, medicated, and remained in detention until a medical evaluation determined they were no longer a threat and could be released.

Health care and sanitation were inadequate, and basic medical supplies and equipment were lacking. According to NGOs, prisoners received one meal per day of low nutritional value 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. In December 2019 the national prison administration reported it held more than 7,000 detainees. There were no data on the capacity of prison facilities, although in 2015 Juba prison held 1,317 detainees in a facility constructed for 400 persons. Ventilation and lighting were inadequate.

Malnutrition and lack of medical care contributed to inmate deaths, although no statistics were available. Remedial actions by prison authorities were not reported.

Some 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 South Sudan People's Defense Force (SSPDF)-run detention facilities were similar, and in some cases worse, with many detainees held outdoors with poor access to sanitary or medical facilities.

The United Nations Mission in South Sudan (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, or due to the inability to reintroduce offenders into PoC sites because of threats from their victims, or due to the threat the offender posed to the greater community. UNMISS observed prisoners daily and offered medical treatment for serious complications. Prisoners received food twice a day. Some prisoners detained by UNMISS police were subsequently turned over to the custody of the government.

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

Administration: The SSNPS 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 acted on complaints. The SSNPS allowed most prisoners access to visitors and permitted them to take part in religious observances, but NSS and SSPDF authorities were less likely to do so, and prisoners in SSNPS custody but originally arrested by the NSS or SSPDF also had limited access to visitors.

Independent Monitoring: The SSNPS permitted visits by independent human rights observers, including UNMISS human rights officers, nongovernmental observers, international organizations, and journalists. Authorities sometimes permitted monitors to visit detention facilities operated by the SSPDF.

International monitors were denied permission 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 or her arrest or detention, but there were no known cases where an appellant successfully sought compensation for wrongful detention.

Since the beginning 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. While not legally vested with the authority, the SSPDF often arrested or detained civilians. The NSS also routinely detained civilians without warrants or court orders and held detainees for long periods without charge or access to legal counsel or visitors. Security services rarely reported such arrests to police, other civilian authorities, or, in the case of foreigners arrested, diplomatic missions. NSS detainees were rarely brought before a court to be charged. 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.

#### **Arrest Procedures and Treatment of Detainees**

While the law requires police to take 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 take 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. There were multiple reports of arrests in civil cases, where a complainant exerted influence upon police to arrest someone

as a negotiation tactic. The government routinely failed to notify embassies when detaining citizens of other countries, even when the detainee requested a consular visit.

The law allows bail, but this provision was widely unknown or ignored by 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 SSPDF and NSS often abused political opponents and others 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.

There were numerous reported arbitrary arrests or detentions. On March 9, James Dhieu Mading, the former commissioner of Rumbek East County, in Lakes State, was arrested for denouncing illegal checkpoints and corruption in the county. James later filed a suit against a local military commander after his arbitrary detention. He was detained again for seeking legal redress and speaking to media regarding his ordeal. He was sentenced to one month's jail time and a monetary fine.

On March 29, the NSS detained activist Kanybil Noon without filing formal charges. The NSS reportedly denied him access to a lawyer until September 9, more than 100 days after his arrest. On September 22, Noon was released after nearly six months in detention.

On June 13, the NSS detained transparency activist Moses Monday for 12 days without charge. The NSS detained Monday after his accountability and transparency organization erected billboards around Juba demanding “Gurush Wen?” a Juba Arabic phrase that means, “Where is the money?” The NSS removed the billboards and detained Monday, claiming his organization did not have the proper authorization paperwork, notwithstanding the fact that the city council had approved the permit for the billboards.

On September 1, the NSS detained Jackson Ochaya, a journalist with the newspaper *Juba Monitor*, for quoting a holdout opposition spokesman in an article critical of the government’s financial management. As of mid-September, Ochaya had not been charged and remained in detention without access to a lawyer or his family.

Pretrial Detention: Lengthy pretrial detention was a problem, due largely to the lack of lawyers and judges; the difficulty of locating witnesses; misunderstanding of constitutional and legal requirements by police, prosecutors, and judges; and the absence of a strong mechanism to compel witness attendance in court. The length of pretrial detention commonly equaled or exceeded the sentence for the alleged crime. Estimates of the number of pretrial detainees ranged from one-third to two-thirds of the prison population. The NGO World Prison Brief reported (2015 data) that 28.9 percent of detainees were pretrial detainees. 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.).

Detainee’s Ability to Challenge Lawfulness of Detention before a Court: Detainees have very little ability to challenge the lawfulness of their detention before a court or magistrate, despite having the right to do so under the law.

#### **e. Denial of Fair Public Trial**

The transitional constitution provides for an independent judiciary and recognizes customary law. The government did not generally respect judicial independence and impartiality. 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 many communities customary courts remained the principal providers of justice services. Customary courts maintained primary authority to adjudicate most criminal cases other than murder. Customary courts may 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 may sentence an individual convicted of murder to no more than 10 years' imprisonment. 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.

During the year the United Nations supported the judiciary to hold sessions in mobile courts in the towns of Malakal, Bentiu, and Rumbek, trying cases including rape, robbery, and assault. Since the mobile courts were re-established in 2018, they had held proceedings in more than 10 areas where protracted conflict resulted in significant neglect of the justice system and delayed trials. While the mobile courts enhanced access to justice, a UN consultation with civil society and participants raised concerns regarding due process and the large number of serious crimes.

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 on low-profile cases.

### **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 offered, and when it was, it was of low quality. Most detainees were not promptly informed 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 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.

Defendants accused of crimes against the state were usually denied these rights.

### **Political Prisoners and Detainees**

There were reports of dozens of political prisoners and detainees held by authorities from a few hours to a few days or weeks prior to release, usually without charge.

Amnesty: In 2018 President Salva Kiir declared a “general amnesty to the leader of Sudan People’s Liberation Movement-in-Opposition (SPLM-IO) Riek Machar Teny and other estranged groups who waged war against the Government of the Republic of South Sudan from 2013 to date.” Subsequently, President Kiir ordered the release from prison of Riek Machar’s former spokesman James Gatdet Dak and military adviser William John Endly, who had been sentenced to death. This general grant of amnesty potentially posed serious impediments to achieving justice and accountability for the victims of atrocity crimes.

### **Politically Motivated Reprisal against Individuals Located Outside the Country**

There were credible reports that the country exerted bilateral pressure on other countries, including Uganda, aimed at having them take adverse actions against specific individuals for politically motivated purposes. In July, Peter Biar Ajak, a

high-profile political activist and former political prisoner, fled Nairobi, Kenya, with his family after receiving credible threats that the government of South Sudan was planning to kidnap or kill him.

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

Statutory and customary courts provided the only options for those seeking to submit claims to address human rights abuses, 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. Human rights organizations documented instances of government forces systematically looting abandoned property in conflict areas where the population was perceived to be antigovernment.

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

The transitional constitution prohibits interference with private life, family, home, and correspondence, but the law does not provide for the right to privacy. Authorities, however, reportedly violated these prohibitions. To induce suspects to surrender, officials at times held family members in detention centers. The National Security Service Act gives the NSS sweeping powers of arrest, detention, surveillance, search, and seizure, outside the constitutional mandate. The NSS utilized surveillance tools, at times requiring telecommunications companies to hand over user data that could be used to tap telephone numbers or make arrests. The NSS also carried out physical surveillance and embedded agents in organizations and media houses and at events. Some individuals were subject to physical and telephonic surveillance prior to arrest and detention, with such surveillance continuing after detainees were released.

### **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 around the country. While both government and opposition forces committed abuses, the United Nations and international NGOs reported government forces were

responsible for a significant range of conflict-related abuses against civilians. Government soldiers reportedly engaged in acts of collective punishment and revenge killings against civilians assumed to be opposition supporters, and often based on their ethnicity, particularly in greater Equatoria.

In February the UN Commission on Human Rights in South Sudan reported on a pattern of deliberately targeting civilians based on their ethnic identity, including obstruction of humanitarian aid, and concluded government forces were responsible for acts that may constitute war crimes and crimes against humanity. In October the UN commission issued a report documenting how, between January 2017 and November 2018, government forces intentionally deprived Fertit and Luo communities living under the control of the Sudan People's Liberation Army-in-Opposition (SPLA-IO) in Western Bahr el Ghazal State of critical resources, in acts amounting to collective punishment and starvation as a method of warfare. Atrocities included unlawful killings, rape and gang rape employed as a weapon of war, arbitrary detention and torture, forced 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. In 2018 the London School of Hygiene and Tropical Medicine reported the conflict had left at least 382,000 individuals dead, due to direct and indirect causes, between December 2013 and April 2018. As of September the number of IDPs and refugees was estimated at 3.9 million, including 2.3 million refugees and 1.6 million IDPs. Humanitarian aid workers were subject to harassment, violence, and killings.

Killings: Government forces and armed militias affiliated with the government, frequently 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. According to UNMISS human rights division, between January and June more than 1,500 civilians were killed, usually by community militias and civilian defense groups, but in some cases by organized forces. For example, in May a series of attacks committed by Murle armed groups led to the death of more than 120 civilians during a two-day period.

UN agencies and international NGOs that interviewed victims reported widespread killings, mutilations, and sexual violence, disproportionately committed by government forces but also by the National Salvation Front.

Remnants of war also led to the killing and maiming of civilians. Military items such as grenades were often left behind in schools used by government and opposition forces and by armed actors affiliated with both.

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.

Physical Abuse, Punishment, and Torture: Government forces, opposition forces, and armed militias affiliated with the government and the opposition tortured, raped, and otherwise abused civilians in conflict areas. Sexual and gender-based violence was a common tactic of war employed by all parties. According to multiple reports, between January and June government troops stationed in Lasu and Otego Payams in Central Equatoria State engaged in a violent campaign of looting, violence against women and young girls, beatings, and extortion. In July an outcry regarding the abuses led the army to establish a special court-martial in Yei to prosecute accused soldiers, which resulted in the conviction of more than 25 soldiers. According to an army spokesperson, the most common punishment for these abuses was dismissal from the service.

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, the cease-fire largely held, reducing the forced or voluntary recruitment of soldiers, including child soldiers. Nevertheless, there were reports these forces continued abducting and recruiting child soldiers. In 2019 the UN verified 270 grave violations involving 250 children by the SPLA-IO, government security forces (including the SSNPS and NSS), the South Sudan United Front/Army, the National Salvation Front, the South Sudan Opposition Alliance (SSOA), and the National Democratic Movement.

Girls younger than age 18 were recruited to wash, cook, and clean for government and opposition forces. Sudanese refugee women and girls were also forced to wash, cook, and clean for armed Sudan People's Liberation Movement-North (SPLM-N) elements who the government allowed to visit and at times reside in refugee camps in Maban, Upper Nile State. The government, which has responsibility for the safety and security of refugee camps in its territory, also

failed to stop the SPLM-N's forced conscription in Maban-based refugee camps. UNICEF verified 6,000 cases of child abduction by armed groups since the conflict started in 2013.

UNICEF estimated that as of July 2019, approximately 19,000 children had been recruited by government, opposition, and militia forces in the country since the conflict began in 2013. There were sizeable numbers of releases during the past few years, but UNICEF also reported a downward trend in the size of those releases. During the year UNICEF worked with the SSPDF and opposition forces to organize the demobilization of child soldiers in several instances across the country. According to UNMISS, more than 250 child soldiers were released by armed groups in 2019. The National Disarmament, Demobilization, and Reintegration Commission and its constituent members reported the release of 54 children from armed groups during the first six months of 2020.

The 2018 peace agreement mandated that specialized international agencies work with all warring parties to demobilize and reintegrate child soldiers from the SSPDF, the SPLA-IO, elements of SSOA, the Nuer White Army, and other groups, usually those involved in community defense. There were reports of child-soldier recruitment associated with the cantonment, registration, and screening process under the peace agreement.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Other Conflict-related Abuse: Throughout the year the environment for humanitarian operations remained difficult and dangerous, although the cease-fire contributed to improved access and safety in most areas. Armed actors, including government, opposition forces, and armed SPLM-N elements that the government allowed to operate on its territory continued to restrict the ability of the United Nations and other international and NGOs to safely and effectively deliver humanitarian assistance to populations in need. Access was impeded by direct denials, bureaucratic barriers, occupation of humanitarian spaces including education centers, and renewed fighting in areas of the country where humanitarian needs were highest. Despite repeated safety assurances, armed elements harassed relief workers, looted and destroyed humanitarian assets and facilities, and government and rebel authorities imposed bureaucratic and economic impediments on relief organizations. Government, SPLA-IO, and in areas close to the Sudanese border, SPLM-N elements continued to occupy civilian structures.

On multiple occasions, fighting between government and opposition forces and subnational violence 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 life-saving operations entirely in areas of active conflict. Delayed flight safety assurances, insecurity, and movement restrictions often prevented relief workers from traveling to conflict and nonconflict areas. Humanitarian personnel, independently or through the UN Office for the Coordination of Humanitarian Affairs (OCHA) access working group, negotiated with government and SPLA-IO forces as well as 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 remained volatile despite improvements in some areas of the country, and the country remained very dangerous for aid workers. The most common forms of violence against humanitarian workers included robbery and looting, harassment, armed attacks, commandeering of vehicles, and physical detention. On multiple occasions, insecurity put the safety and security of humanitarian workers at risk, prevented travel, and jeopardized relief operations. In November the United Nations reported that since the start of the conflict in 2013, 124 humanitarian workers had been killed in the country, with most being South Sudanese nationals.

Looting of humanitarian compounds and other assets was also common. For example, in December 2019 armed groups attacked and assaulted humanitarian workers and looted multiple humanitarian compounds in Maban, Upper Nile State. In February an NGO contractor transporting nonfood items from Pibor to Likuangole in Jonglei State was intercepted by an armed group, and the four passengers were robbed. In August an armed group ambushed an NGO aid convoy on the Yei--Lasu road while travelling to Lasu refugee camp in Central Equatoria State. The armed group looted the vehicles of all medical and nutritional supplies. In October, UNMISS evacuated humanitarian workers from Renk, Upper Nile, in response to threats and attacks by youth in Renk Town after youth demands for employment turned violent.

Restrictions on humanitarian operations took other forms as well. NSS authorities operating at Juba International Airport arbitrarily denied humanitarian workers internal travel permission for a variety of constantly changing reasons, including a lack of work permits, permission from the Ministry of Foreign Affairs, travel approval from the South Sudan Relief and Rehabilitation Commission, or at least six blank pages in their passports; or because their passports did not have six

months' remaining validity. These restrictions were implemented inconsistently, without notice or consultation, prompting confusion regarding the required travel procedures.

Humanitarian organizations also experienced delays (some up to six months or more) and denials of tax exemptions and were forced to purchase relief supplies on the local market, raising quality concerns. Government authorities required international NGO staff to pay income taxes and threatened national staff into paying income tax at the state level.

Continuing conflict and access denial to humanitarian actors contributed to households facing acute food insecurity. It was difficult to accurately gather information and assess some conflict-affected areas due to insecurity and lack of access.

## **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 these rights in the name of national security, however, and the downward trend in respect for these freedoms continued.

Freedom of Speech: Civil society organizations must register with the government under the law. The government regularly attempted to impede criticism by monitoring, intimidating, harassing, arresting, or detaining members of civil society who criticized the government.

Freedom of Press and Media, Including Online Media: 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. 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. 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 chose to flee 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 used intimidating language directed toward media outlets and representatives.

There were multiple reports of such abuses, such as the following example: On January 10, authorities in Torit, Eastern Equatoria, arrested and detained Ijoo Bosco Modi, a freelance journalist working for Torit Radio 97.5 FM, for reading on air a press release concerning international sanctions imposed on Vice President Taban Deng Gai.

Censorship or Content Restrictions: Most organizations practiced self-censorship to ensure their safety, and authorities regularly censored newspapers, directly reprimanded publishers, and removed articles deemed critical of the government. Many print media outlets reported NSS officers forced the removal of articles at the printing company (where all newspapers are printed), often leaving a blank spot where the article was originally meant to appear.

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 views of the opposition. The Media Authority advised international journalists not to describe conflict in the country in tribal terms and deemed such references as "hate speech." The NSS regularly harassed, intimidated, and summoned journalists for questioning. The environment for media workers remained precarious throughout the year.

In March the NSS shuttered the English-language newspaper *Agamlong* following the publication of articles critical of a senior government official.

## **Internet Freedom**

The government's South Sudan National Communication Authority frequently blocked access to certain websites, such as two popular news websites, *Radio Tamazuj* and *Sudan Tribune*, and two blogs, *Paanluel Wel* and *Nyamilepedia*,

accused of disseminating “nonpeace” messages considered not to be “in the best interest of peace building in this country.” There were credible reports the government monitored private online communications without appropriate legal authority. The government also targeted and intimidated individuals--especially those outside of Juba--who were critical of the government in open online forums and social media.

### **Academic Freedom and Cultural Events**

The government restricted cultural activities and academic workshops. NSS authorization is required for public events, including academic workshops, which particularly affected NGOs and other civic organizations. To obtain permission, the NSS sometimes requested a list of national and international staff members employed by the organizations and names of participants. Permission was often predicated upon the expectation the NSS would be able to monitor the events. In February the University of Juba suspended Professor Lo Liyong after he wrote an article criticizing the government’s changing of state boundaries in the country. Professor Lo Liyong was reinstated in June and fined three months’ salary.

### **b. Freedoms of Peaceful Assembly and Association**

The government generally respected freedom of peaceful assembly but restricted freedom of 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.

In June police and military officers shot live ammunition into a crowd of approximately 1,000 civilians protesting the killing of three persons by military officers regarding a land dispute in Juba. Security forces fired into the air to disburse a peaceful protest regarding the same incident in Bor, arresting a journalist and youth leader. In November the NSS arrested individuals planning a peaceful demonstration regarding the rising cost of living.

#### **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 a 2012 law as an attempt to suppress opposition to the SPLM (see section 3). Non-SPLM parties in the transitional government, particularly the SPLM-IO, noted increased ability to conduct activities during the year.

The NSS and other security actors widely enforced a 2016 law strictly regulating the activity and operations of civil society 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 in which organizations may 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. Civil society organizations reported extensive NSS scrutiny of proposed public events; the NSS reviewed every proposed event and sometimes denied permission, rejected proposed speakers, or disrupted events (see section 7.a.).

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://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, routinely blocked travel of political figures within the country, and denied them permission to travel abroad. Despite multiple pledges from the government to dismantle checkpoints, they remained a common problem. Security forces manning these checkpoints routinely used them as opportunities to charge illegal fees and discriminate against minorities.

The transitional constitution does not address emigration.

In-country Movement: IDPs remained in 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 and subnational violence restricted the movement of UN personnel and the delivery of humanitarian aid (see section 1.g.), as did restrictions due to COVID-19.

Between March and August, at the height of COVID-19 movement restrictions, the number of humanitarian aid workers in the country dramatically decreased, with those remaining working from accommodations in Juba or other town centers. The preflight testing requirement for all domestic travelers and the lack of laboratory capacity and capability restricted the ability to travel within the country. Humanitarian workers reported being turned away from the testing facility due to the backlog of samples to be analyzed.

Foreign Travel: Individuals, due to arbitrary restrictions, were sometimes prevented from leaving the country.

#### **e. Status and Treatment of Internally Displaced Persons**

Significant levels of subnational violence continued, particularly in Jonglei, Warrap, and the Greater Equatoria region. The result was sustained 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, as of September conflict and food insecurity had displaced internally more than 1.6 million persons. Of these, more than 180,000 persons were sheltered 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 affecting areas such as the regions of Central Equatoria and Jonglei continued to result in dire humanitarian consequences, including significant displacement and serious and systematic human rights abuses, such as the killing of civilians, arbitrary arrests, detentions, looting and destruction of civilian property, torture, and sexual and gender-based violence, according to the UNMISS Human Rights Division and other organizations.

The government promoted the return and resettlement of IDPs but did not provide a safe environment for returns and often denied humanitarian NGOs or international organizations access to IDPs.

#### **f. Protection of Refugees**

The government cooperated with the UN High Commissioner for Refugees (UNHCR) and other organizations regarding treatment of IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. Overall, coordination with the government continued across all sectors, including with the Ministry of Interior, Ministry of Education, Ministry of Health, Ministry of Humanitarian Affairs and Disaster Management, and Relief and Rehabilitation Commission. The coronavirus pandemic further deepened the plight of persons fleeing war, conflict, and repression and of vulnerable South Sudanese.

Abuse of Migrants, Refugees, and Stateless Persons: Refugees sometimes suffered killings and abuse, such as armed attacks, gender-based violence, forced recruitment, including of children, and forced labor, according to UNHCR. This abuse was often perpetrated by armed SPLM-N elements that crossed the border and visited or temporarily took up residence in refugee camps and sites.

Access to Asylum: The law provides for protection of refugees as well as the granting of asylum and refugee status. The government allowed refugees from neighboring countries to settle and generally did not treat refugees differently from other foreigners. While most refugees in South Sudan were from Sudan, the government also granted asylum to refugees from Ethiopia, the Democratic Republic of the Congo, Eritrea, the Central African Republic, Burundi, and Somalia.

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. In principle refugees had access to judiciary services, 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 regarding access to resources.

Durable Solutions: The government accepted refugees and returnees for reintegration, and efforts to develop a framework for their integration or reintegration into local communities were in progress. 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.

### **g. Stateless Persons**

Citizenship is derived through the right of blood (*jus sanguinis*) 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. While the country had a Nationality Act in place since independence, less than 10 percent of South Sudanese were believed to have obtained national passports or certificates. There were no statistics or estimates of how many inhabitants may be at risk of statelessness. The Nationality Act does not include any specific provisions for stateless persons, children whose parents are without nationality, or children born in the country who otherwise would be stateless.

According to a 2018 report from the National Dialogue, a government-sponsored initiative, it was more difficult for those from the southern region of Equatoria to rightfully claim citizenship due to discrimination from other tribes, which suspected them of being Ugandans or Congolese. According to UNHCR, certain nomadic pastoralist groups had difficulty accessing application procedures for nationality certification, requiring UNHCR's intervention to address matters with the Directorate of Nationality, Passports, and Immigration.

In 2019 the government declared five pledges toward ending statelessness by 2024, and with the support of UNHCR, the government drafted a national action plan to serve as a roadmap for implementation. In August the Ministry of Interior endorsed the plan.

## **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. Since the 2011 referendum on South Sudanese self-determination, no elections have been held. Elected officials were arbitrarily removed and others appointed to take their place.

### **Elections and Political Participation**

Recent Elections: Elections have been postponed several times over several years due to intense violence and insecurity starting in 2013. Since then the president fired and appointed local government officials and parliamentarians by decree. In 2015 and again in 2018, the legislature passed amendments to the transitional constitution extending the terms of the president, national legislature, and state assemblies for three years. The peace agreement signed in 2018 allowed for the extension of all terms for a three-year transitional period; as of September constitutional amendments to reflect the agreement had yet to be passed by the legislature and the transitional period had yet to commence.

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 (in-opposition) and most other political parties either were offshoots of the SPLM or affiliated with it. In December, after its integration into the transitional government, the SPLM-IO conducted a widely attended party conference in Juba without restrictions.

The peace agreement signed in 2018 allocates to the government and to the opposition a certain number of seats in parliament, the leadership of ministries, and the leadership of local governments; however, as of October the parties had not fully completed the process of making their appointments as called for in the peace agreement.

Opposition parties complained that at times the government harassed party members. A 2012 law mandates 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 law in 2018 to manage political party matters) estimated the requirements affected approximately 25 parties.

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

Participation of Women and Members of Minority Groups: No laws limit the participation of women or members of minority groups in the political process, and they did participate. The terms of the 2018 peace agreement forming a unity government require at least 35 percent female participation in the government at

the national and state levels and specify that one of the five vice presidents should be a woman. The law requires at least 25 percent of county commissioners and 25 percent of county councilors be women. In December the SPLM-IO announced a mandatory 40 percent quota for women's participation. None of the thresholds for women's political participation had been met, and only one woman nominated by the SPLM-IO had been appointed as a governor.

These conditions and laws were inconsistently implemented at both the state and national levels, and although women made gains in both the Transitional National Legislative Assembly and the executive branch (see below), they remained poorly represented in the judiciary, local governments, and among traditional leaders. Representation was particularly poor at the local level, where there was little to no implementation of the law's provisions. The system also devolved substantial candidate-selection power to political party leaders, very few of whom were women.

Some observers believed traditional and cultural factors limited women's participation in government. An entrenched culture of discrimination presented a major challenge to their political participation. Women tended to be discouraged from assuming leadership positions because of the belief that such activities conflicted with their domestic duties. Basic safety and security concerns also limited women's ability to participate in government.

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, however, and officials engaged in corrupt practices with impunity. Poor recordkeeping, lax accounting procedures, absence of adherence to procurement laws, a lack of accountability, and the pending status of corrective legislation compounded the problem.

Corruption: Corruption was endemic in all branches of government. There were numerous reports of government corruption. Poor recordkeeping, lax accounting procedures, absence of adherence to procurement laws, a lack of accountability, and the pending status of corrective legislation compounded the problem.

In September a UN investigation found that senior politicians and government officials, together with entities linked to the government embezzled \$36 million since 2016. The report traced illicit financial flows from the Ministry of Finance and Economic Planning and the NRA. An NRA report to parliament indicated that \$300 million were “lost” in three months alone.

Several investigations by international NGOs detailed the lavish lifestyles enjoyed by high-ranking government officials, even as the country suffered from armed conflict and economic turmoil. In May the NGO the Sentry released a report, “Making a Killing: South Sudanese Military Leaders’ Wealth, Explained,” which documented how the country’s previous four army chiefs of staff, four high-ranking military leaders, and three armed group leaders engaged in business activities indicative of money laundering and corruption.

Financial Disclosure: Government officials of director general rank and higher, and their spouses and minor children, are required to submit financial declaration forms annually, although there is no penalty for failure to comply.

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

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 and were often actively hostile. Reports outlining atrocities exacerbated tensions between the government and international organizations and NGOs. Government and opposition forces often blamed each other or pointed toward militia groups or “criminal” actors.

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 SSPDF regularly prevented UNMISS from accessing areas of suspected human rights abuses in violation of the status of forces agreement that allows UNMISS access to the entire country.

Government Human Rights Bodies: The president appoints members of the South Sudan Human Rights Commission, 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 commission'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 commission 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 had produced little since.

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

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

### **Women**

Rape and Domestic Violence: Conviction of rape is punishable by up to 14 years' imprisonment and a monetary fine. The government did not effectively enforce the law, and rape was 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, and sex

was often used as a weapon of war (see section 1.g.). Women and girls also faced the threat of rape while living in UN 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 that police tried to charge 20 South Sudan pounds (\$0.12) 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 law, but few 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.

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: Conviction of 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 or feared retribution for reporting it, since women were often blamed for its occurrence. 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 or involuntary sterilization on the part of government authorities.

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 ages three and seven.

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 contravened 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.

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. 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 (see section 1.g.), making it difficult for children to attend school and for schools to remain in operation. NGOs reported government, SPLA-IO forces, and militias associated with both looted and occupied 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. Teachers also routinely went months without payment. Girls often did not have equal access to education. Many girls did not attend school or dropped out of school due to early and forced child marriage, domestic duties, and fear of gender-based violence at school.

Child Abuse: Abuse of children included physical violence, abduction, and harmful traditional practices such as “girl compensation” (see section 6, Women, Other Harmful Traditional Practices). Child abuse, including sexual abuse, was reportedly widespread. Child rape occurred frequently in the context of child, early, and forced marriage, and within the commercial sex industry in urban centers; armed groups also 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., Abductions).

Child, 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 remained common. According to the Ministry of Gender, Children, and Social Welfare, nearly half of all girls and young women between ages 15 and 19 were married, and some brides were as young as 12. According to UNICEF, 9 percent of girls were married by age 15 and 52 percent by age 18. Early marriage sometimes reflected efforts by men to avoid rape charges, which a married woman may not file against her husband. In other cases families of rape victims encouraged marriage to the rapist to avoid public shaming. Many abducted girls were often repeatedly subjected to rape (see section 1.g.) or were forced into marriage.

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

Displaced Children: During the year conflict displaced numerous children, both as refugees and IDPs (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

<https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html.html>.

### **Anti-Semitism**

There were no statistics concerning the number of Jews in the country. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/trafficking-in-persons-report/](http://www.state.gov/trafficking-in-persons-report/).

### **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 members 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 law stipulate that primary education be provided to children with disabilities without discrimination. Very few teachers, however, were trained to address the needs of children with disabilities, and very few schools were able to provide a safe, accessible learning environment for children with disabilities. There were no legal restrictions on the right of persons with disabilities to vote and otherwise participate in civic affairs, although lack of physical accessibility constituted a barrier to effective participation. There were no mental-health hospitals or institutions, and persons with mental disabilities were often held in prisons. Limited mental-health services were available at Juba Teaching Hospital.

There were no reports of police or other government officials inciting, perpetuating, or condoning violence against persons with disabilities, or of official action taken to investigate or punish those responsible for violence against persons with disabilities.

Persons with disabilities also faced disproportional hardship under conditions of crisis-level food insecurity and continuing violence. 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 an unknown number of civilians 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 estimated number of persons with disabilities in the country could be more than one million.

### **Members of National/Racial/Ethnic Minority Groups**

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 (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. Long-standing grievances regarding 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, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law criminalizes same-sex sexual conduct. The law prohibits “unnatural offenses,” defined as “carnal intercourse against the order of nature,” which are punishable if convicted by up to 10 years’ imprisonment if consensual and up to 14 years if nonconsensual. There were no reports authorities enforced the law. The law also criminalizes “any male person who dresses or is attired in the fashion of a woman” in public, with a punishment of up to three months’ imprisonment if convicted.

There were 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.

Because of actively hostile government rhetoric and actions, most openly LGBTI citizens fled the country.

### **HIV and AIDS Social Stigma**

While there were no 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, and treatment of HIV/AIDS.

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

Historical clashes between cattle keepers and agrarian persons, and between cattle keepers and persons attempting to raid and steal their herds, intensified during the year. The level, scale, and sophistication of these attacks were significantly higher when compared with past conflicts. Hundreds of individuals were killed and injured, and thousands were forced 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 erupted when stolen cattle were moved into other areas, also causing civilian casualties and displacement. The SSPDF, NSS, and police sometimes engaged in revenge killings both between and within ethnic groups.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The government has failed to disseminate or enforce labor laws. Under the law every employee has the right to form and join unions, bargain collectively, and strike with restrictions. The law excludes from these protections military and police but also includes a broader list of civil service occupations, including prison service, fire service and wildlife forces, than the international standard. While labor courts adjudicate labor disputes, the minister of labor may refer them to compulsory arbitration.

The law provides a regulatory framework to govern worker trade unions. The largest union, the South Sudan Workers' Trade Union Federation, had approximately 65,000 members, working mainly in the public sector. Unions were nominally independent of the governing political party but there were reports of government interference in labor union activities. On September 2, the government ordered the reinstatement of 13 appellate judges whom President Salva Kiir summarily dismissed after they participated in a nationwide strike in 2017.

Hyperinflation and devaluation of the South Sudanese pound led to a series of strikes, as workers reported they could no longer live off their salaries. In June oil workers went on strike to demand wage increases and other protections. South Sudanese employees at foreign companies also went on strike, demanding better pay or demanding to be paid in U.S. dollars rather than local currency.

The government did not effectively enforce the law. Administrative and judicial procedures were subject to lengthy delays and appeals, and penalties were not commensurate with those for other laws involving denials of civil rights.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, with exceptions for compulsory military or community service, or because of a criminal conviction. Although penalties exist, they were not commensurate with those for other serious crimes, and lack of enforcement rendered them ineffective at deterring violations. The government did not investigate or prosecute any trafficking or forced-labor offenses. Forced labor occurred in domestic work, in agricultural labor on family farms and at cattle camps. Most of those in situations of forced labor in cattle camps and agricultural activities were victimized by their own 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/trafficking-in-persons-report/](http://www.state.gov/trafficking-in-persons-report/).

#### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits all of the worst forms of child labor. The minimum age for paid employment is age 12 for "light work" and 18 for "hazardous work." 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 that the government may issue regulations prescribing limitations on working hours and occupational safety and health (OSH) restrictions for children, but the government has never issued these regulations.

The government did not enforce child labor laws, and penalties were not commensurate with those for other analogous serious crimes. 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.

None of the Ministry of Labor's 14 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 ages 10 and 14, more than 45 percent were engaged in some form of child labor, largely in cattle herding, firewood gathering, or subsistence farming with family members. The COVID-19 pandemic further exacerbated the prevalence of child labor. Forced child labor occurred in brickmaking, cattle herding, gold mining, and market vending. Child labor was also prevalent in construction, domestic work, street work, and commercial sexual exploitation (see section 6, Children). Girls rescued from brothels in Juba reported that police provided security for the brothels, and SSPDF soldiers and government officials were frequent clients of child victims of sexual exploitation. State and nonstate armed group forcibly recruited of children for armed conflict (see section 1.g.).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination with respect to employment or occupation based on race, tribe or place of origin, national extraction, color, sex (including

pregnancy), marital status, family responsibilities, religion, political opinion, disability, age, HIV/AIDS-positive status, or membership or participation in a trade union. It does not prohibit discrimination based on sexual orientation or gender identity.

Discrimination occurred on all the bases listed above. Discrimination in employment and occupation led to less hiring of ethnic groups such as the Murle, who were underrepresented in both the public and private sectors. Dinka and Nuer occupied most leadership positions within the national government. Due to Juba's location, Equatorians were historically overrepresented in the national civil service at lower ranks. Across the country, local authorities often manipulated the hiring practices of NGOs to favor fellow tribesmen and fire rivals. In October the Renk Youth Association demanded that humanitarian organizations reassign jobs from existing staff from certain backgrounds to local persons. When demands were not met, the youth insisted that all humanitarian activities be suspended and aid workers leave Renk immediately. Persons with disabilities faced discrimination in hiring and access to work sites.

Women had fewer economic opportunities due to employer discrimination and traditional practices. The law prohibits women's employment in underground, underwater, or extremely hot conditions as well as any other occupations "hazardous, arduous, or harmful to their health." Women were sometimes fired from work once they became pregnant. The government did not effectively enforce the law, and penalties, when applied, were not commensurate with other laws related to civil rights.

#### **e. Acceptable Conditions of Work**

The law specifies the Ministry of Labor may establish and publish a minimum wage, or wages, for different categories of employees. There was no public information that this occurred. The law specifies normal working hours should not exceed eight hours per day and 40 hours per week and should provide premium pay for overtime.

There are no OSH standards. Workers cannot remove themselves from situations that endanger their health or safety without jeopardy to their employment. The Ministry of Labor has an Occupational Safety Branch, which consists of an office director and no staff.

A 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. This pay scale had not been adjusted for several years, and due to rapid depreciation of the South Sudanese pound, most civil servants did not receive enough income to support themselves, even when their salaries were delivered on time and in full, which was infrequent. Under the law only unskilled workers are eligible for overtime pay for work in excess of 40 hours per week. 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 did not enforce the law. The government neither investigated nor prosecuted wage and hour violations commensurate with those for other similar crimes. Eight employees served as both labor inspectors and adjudicators of work permits, which was not sufficient to enforce compliance. From January to March, inspectors conducted approximately three inspections per week but stopped due to the COVID-19 pandemic. Inspectors have the authority to make unannounced inspections and initiate sanctions.

According to the 2008 census, the latest data on working conditions 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, and other private companies. Most workers in the country were agricultural workers, of whom approximately 70 percent were agropastoralists and 30 percent farmers. Of agricultural workers, 53 percent engaged in unpaid subsistence family farming.

In August an oil pipeline in Unity State's Rubkona oil field ruptured and reportedly leaked for two days before it was discovered by the local community. Community leaders reported crude oil leakages over a 1.5 square mile area and contamination of water sources. Accidents were most prevalent in artisanal mining and construction. Widespread oil spillage and other chemical pollution, including arsenic and lead, near oil production facilities negatively affected the health of workers and others who lived nearby.