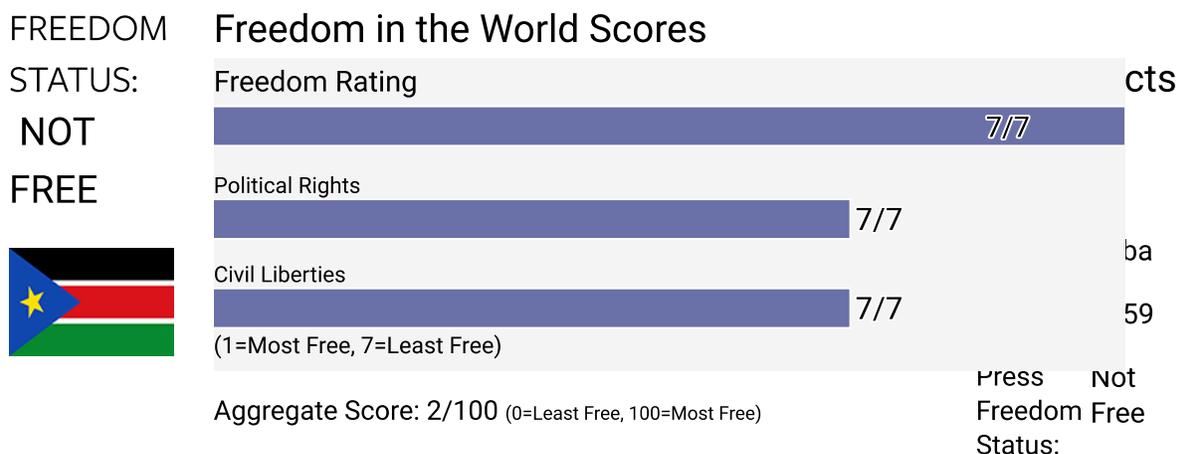




Freedom in the World 2018

South Sudan Profile



Overview:

South Sudan, which gained independence from Sudan in 2011, has been ravaged by civil war since late 2013, when a rift between President Salva Kiir and the vice president he dismissed, Riek Machar, triggered fighting among their supporters and divided the country along ethnic lines. Overdue national elections have yet to be held, and the incumbent leadership has presided over rampant corruption, economic collapse, and atrocities against civilians, journalists, and aid workers.

Key Developments in 2017:

- President Kiir continued to deflect international efforts to end the civil war and negotiate a political solution, refusing to



in 2015. For example, his government obstructed the deployment of a UN Regional Protection Force to secure the capital, Juba, and other urban centers.

- Fighting spread between forces aligned with Kiir's Sudan People's Liberation Movement/Army (SPLM/A) and those associated with former vice president Machar's Sudan People's Liberation Movement/Army in Opposition (SPLM/A-IO). The civil war fragmented into at least five distinct conflicts, with neither of the two leaders exercising full control over their coalitions. A cease-fire was agreed by the main warring parties in December, but fighting nevertheless continued.
- In February, a famine was declared in two counties of the former Unity State. The UN Security Council said the crisis was man-made, blaming government troops for repeated military operations that had displaced tens of thousands of people, and noting that the situation was compounded by the government's obstruction of humanitarian access to the worst-hit areas. Although conditions had improved somewhat by June, the World Food Programme estimated that nearly five million people still faced severe food insecurity as of December.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: -2 / 40



A1. Was the current head of government or other chief national authority elected through free and fair elections? o
/ 4

Kiir was elected president of the semiautonomous region of Southern Sudan in 2010, and inherited the presidency of South Sudan when it gained independence in 2011. A revised version of Southern Sudan's 2005 interim constitution, adopted at independence, gives sweeping powers to the chief executive. The president cannot be impeached and has the authority to fire state governors and dissolve the parliament and state assemblies. A permanent constitution was due to be passed by 2015, but the National Constitutional Review Commission had yet to produce a draft in 2017.

Elections scheduled for 2015 were postponed. Instead, under the terms of the ARCSS, Kiir's mandate was extended until April 2018. However, he failed to maintain an inclusive Transitional Government of National Unity (TGoNU), which had been established as part of the peace deal. The TGoNU has existed in name only since mid-2016, when an SPLA offensive forced Machar to flee the country. Machar was replaced as first vice president by one of his former deputies, Taban Deng Gai, who brought a small group of SPLM/A-IO defectors over to the government side.

Members of the UN Commission on Human Rights in South Sudan have said that—absent an end to the war—moves to hold elections as scheduled in 2018 would be disastrous, as they would give Kiir's ethnic group, the Dinka, a dominant position that could only be maintained by force.

A2. Were the current national legislative representatives



South Sudan's bicameral National Legislature is dominated by the SPLM. The upper chamber, the Council of States, includes 20 former members of Sudan's Council of States, plus 30 members appointed by Kiir. The lower house, the 332-seat National Legislative Assembly (NLA), was elected in 2010. Under the terms of the ARCSS, the NLA has been expanded through the addition of 68 members of opposition groups to form the Transitional National Legislative Assembly (TNLA). The mandate of the legislature, which expired in 2015, was extended by the ARCSS until July 2018.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

The ARCSS set a six-month deadline for amendments to be made to South Sudan's 2012 Electoral Act and 2012 Political Parties Act to ensure that they conform to international standards. However, efforts to amend the laws did not begin until September 2017, placing the 2018 electoral calendar in further jeopardy.

B. POLITICAL PLURALISM AND PARTICIPATION: 1 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

The SPLM dominates the political landscape and uses its power and resources to sideline opposition parties, which are largely irrelevant. Although a handful of non-SPLM parties are



platforms.

Most political competition takes place within the SPLM. Kiir's faction is hostile toward internal dissent, and his dismissal of opponents in 2013 raised political tensions during the run-up to the civil war. In 2016, Kiir used a successful military offensive to expel Machar from South Sudan and co-opt a wing of the SPLM-IO.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

The civil war means that elections are unlikely to take place as scheduled in 2018. South Sudan's last elections, in 2010, featured the use of violence and intimidation against opposition parties and SPLM members whose loyalty to Kiir was in doubt. In office, Kiir has repeatedly manipulated state boundaries to divide the opposition and obtain a political and security advantage. In January 2017, he contravened the interim constitution and the ARCSS by unilaterally increasing the number of states from 28 to 32.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 0 / 4

The civil war has stifled ordinary politics and created a climate of fear. South Sudan's military, the SPLA, exercises an overbearing influence on political affairs and public life, and the activities of various other armed groups tied to partisan and ethnic factions have made political participation by civilians all but impossible.

B4. Do various segments of the population (including



Under Kiir's leadership, the SPLM has sidelined non-Dinka South Sudanese. The exclusion of other ethnic groups, such as Machar's Nuer, has gone far beyond the denial of political opportunities to include violent attacks, sexual exploitation, and the destruction of property.

C. FUNCTIONING OF GOVERNMENT: 0 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

South Sudan's government and legislature, which lack electoral legitimacy, are unable to exercise control over the national territory.

A clique of ethnic Dinka leaders surround Kiir and exert undue influence on decision-making processes. The UN Security Council has accused the group, known as the Jieng Council of Elders, of deliberately sabotaging the peace deal and stirring up ethnic hatred.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Corruption is pervasive among political and military leaders. The state's resources, including the oil revenues upon which South Sudan's economy depends, are concentrated among an SPLM/A elite associated with Kiir. Military commanders have gained enormous wealth through corrupt procurement deals. In September 2017, the U.S. Department of the Treasury froze the



the expense of the South Sudanese people.” They included Paul Malong, the SPLA chief of staff until he was fired in May 2017. Shortly after his dismissal, he was detained near Juba and found to be carrying currency worth millions of dollars that was allegedly stolen from the SPLA treasury.

C3. Does the government operate with openness and transparency? 0 / 4

Under the interim constitution, citizens have the right to access public information and records held by state entities. These rights are not respected in practice by the government, which is hostile to scrutiny and lacks the bureaucratic capacity to perform its functions, particularly in the midst of a civil war.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION

Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -4 / 0

International donors have warned of an impending genocide in South Sudan. Since the outbreak of the civil war, both sides have committed atrocities against civilians, but government-aligned forces have been responsible for the worst attacks since the breakdown of the ARCSS. These include ethnically motivated attacks against Nuer citizens in July 2016. The United Nations and the African Union (AU) have documented numerous incidents of murder, torture, rape, looting, displacement along ethnic lines, and



The United Nations has noted the use of hate speech by senior officials, including Kiir himself.

In 2017, the UN Commission on Human Rights in South Sudan presented evidence of government attempts to reconfigure the population by flying in Dinka to take up residence in places that other ethnic groups have fled and steering humanitarian assistance in their direction.

CIVIL LIBERTIES: 4 / 60 (-2)

D. FREEDOM OF EXPRESSION AND BELIEF: 2 / 16 (-2)

D1. Are there free and independent media? 0 / 4

South Sudan's transitional constitution guarantees freedom of the press, but this right is not respected in practice. The country is one of the most dangerous places in the world for journalists.

According to the Committee to Protect Journalists, at least six have been killed since independence. They include an American freelancer, Christopher Allen, who was killed in August 2017 while embedded with forces from the SPLA-IO. The government described Allen as an enemy combatant but denied reports that its troops had deliberately shot him.

Kiir's government has threatened and detained journalists for reports it does not like or for conducting interviews with SPLM-IO officials. A journalist with Radio Miraya, detained for three years, was finally released without charge in May 2017. While a press complaints council is supposed to adjudicate defamation cases,



newspapers or temporarily closes media organizations that fall afoul of its arbitrary standards on what can be reported, causing grave economic harm to such outlets.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4 (-1)

The interim constitution guarantees religious freedom, but houses of worship—used as places of refuge for civilians—have been attacked by gunmen seeking members of rival ethnic groups. An investigation by Radio Tamazuj in 2017 found that at least 40 church leaders had been killed since the civil war began in 2013. They included priests and pastors murdered inside their churches by the warring parties.

Score Change: The score declined from 2 to 1 due to deliberate attacks on churches and clerics by combatants in the civil war, including the reported murders of at least 40 church leaders since 2013.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

There are no government restrictions on academic freedom. However, the education system has been seriously disrupted by the civil war, with many schools closed or commandeered for military use. A report by the Assessment Capacities Project, a nongovernmental organization (NGO), estimated that by late 2016, one-quarter of schools that had been open at any point since independence were nonfunctional.

D4. Are individuals free to express their personal views on



The NSS has extensive powers to conduct surveillance and monitor communications. According to the United Nations, agents have used these powers to intimidate and detain journalists, opposition activists, civil society groups, non-Dinka citizens, and even faith-based organizations, forcing many to flee the country.

Score Change: The score declined from 1 to 0 due to pervasive surveillance and intimidation of perceived government opponents by the NSS.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 2 / 12

E1. Is there freedom of assembly? 1 / 4

South Sudan's commitment to freedom of assembly under the interim constitution is rarely put to the test in the current conditions of war, displacement, and famine, as demonstrations seldom occur. Past protests have been met with excessive force by the authorities.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

The government, including Kiir himself, has adopted a hostile stance toward NGOs, particularly groups that focus on political or human rights issues. According to the United Nations, the NSS has infiltrated civil society organizations, fomenting an atmosphere of fear and distrust. A law passed in 2016 requires NGOs to get written permission from the authorities to conduct activities and



Special hostility has been directed toward the United Nations, which Kiir has accused—without foundation—of siding with the SPLM-IO. Humanitarian operations have been consistently blocked, workers deliberately targeted, and food supplies looted. Since the war began, more than 70 aid workers have been killed. In one of the worst incidents, six aid workers were shot dead in March 2017.

After the declaration of famine in parts of the country in February 2017, the government announced that the cost of work permits for foreign aid workers would rise from \$100 to \$10,000. The decision was put on hold in April after an international outcry, but in November it was announced that the fee had been set at \$4,000 for some workers.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

South Sudan has yet to pass a comprehensive labor law; a Sudanese law that predates independence remains in force. While it allows workers to form independent unions, it does not provide protections for strikes and collective bargaining. A 2013 law regulates union operations, and the government holds extensive authority to intervene in union affairs. A Workers' Trade Union Federation, formed in 2010, has about 65,000 members, most of whom are public employees.

F. RULE OF LAW: 0 / 16

F1. Is there an independent judiciary? 0 / 4



continual interference by the executive in the work of the judiciary. In May, all of South Sudan's judges went on a five-month strike to protest poor pay and working conditions.

F2. Does due process prevail in civil and criminal matters? 0 / 4

In March 2017, the chair of the UN Commission on Human Rights in South Sudan said that unlawful arrests and detention have become the norm. Under the National Security Service Law, which came into force in 2015, the NSS has almost unlimited powers to detain and interrogate suspects. Dysfunction and lack of capacity in the justice system have led to indefinite detention without charge in many cases.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Torture and ill-treatment are widespread within the criminal justice system. According to a March 2017 report by Amnesty International, at least 20 detainees died in custody in Juba detention centers between 2014 and 2016.

There is near total impunity for perpetrators of violence and sexual abuse and other war crimes. Recognizing the inability of South Sudan's judiciary to prosecute these offenses, the ARCSS mandated the establishment of a hybrid court, under the auspices of the AU, to take charge of the process. The court had yet to be established at the end of 2017.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4



government forces against members of non-Dinka ethnic groups, most of them civilians. The perpetrators have not been brought to justice. The UN Commission on Human Rights in South Sudan has concluded that these activities amount to a campaign of ethnic cleansing by the government.

The interim constitution includes guarantees on gender equality, but women are routinely exposed to discriminatory customary practices and gender-based violence. While same-sex sexual conduct is not explicitly illegal in South Sudan, “carnal intercourse against the order of nature” is punishable by up to 10 years in prison. LGBT (lesbian, gay, bisexual, and transgender) individuals face widespread discrimination and social stigma.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 0 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 0 / 4

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

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 0 / 4

Land use and ownership are frequent causes of conflict in South



practice. There have been multiple allegations of land grabbing and forced evictions in recent years. Customary practices often deny women their legal rights to property and inheritance.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 0 / 4

According to a March 2017 statement by the UN Commission on Human Rights in South Sudan, “the extent and scale of sexual violence in South Sudan is so horrifying that the consequences of doing nothing are unthinkable.” The commission concluded that the failure of the government to take action against the perpetrators meant that sexual abuse had become entrenched.

Customary law puts women at a disadvantage in matters of divorce and child custody. Forced and early marriages are common, and spousal rape is not a crime.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 0 / 4

The collapse of the national economy has led to rampant inflation that puts the prices of essential goods out of reach for ordinary people. Civil servants went several months without pay in 2017 because the government said it lacked the necessary funds.

Sex and labor trafficking is widespread, with rural woman and girls, the internally displaced, and migrants from neighboring countries among the most vulnerable to exploitation. Armed groups involved in the civil war have routinely recruited child soldiers.



Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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