

South Sudan | Freedom House



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Profile



Freedom in the World Scores

(1=Most Free, 7=Least Free)

Aggregate Score: 4/100 (0=Least Free, 100=Most Free)

Ratings Change, Trend Arrow:

South Sudan's civil liberties rating declined from 6 to 7, and it received a downward trend arrow, due to the collapse of a peace deal, the resumption of civil war, and egregious human rights abuses carried out against civilians, in many cases by government forces.

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 his recently dismissed vice president, 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:

- A cease-fire between armed factions loyal to President Kiir and First Vice President Machar unraveled in July. Heavy fighting broke out in the capital, signaling the resumption of the civil war.
- Machar himself fled the country, traveling to the Democratic Republic of Congo and Sudan before resurfacing in South Africa. He urged followers to continue the war. Machar was replaced as vice president by Taban Deng Gai.
- After existing UN peacekeepers failed to protect civilians from atrocities by the combatants, the UN Security Council in August authorized a new Regional

Protection Force that would have a stronger mandate to secure Juba. It had yet to deploy at year's end.

Executive Summary:

An August 2015 agreement to end South Sudan's civil war, already threatened by cease-fire violations and signs that the two sides were rearming themselves for further clashes, broke down completely in July 2016, apparently due to bad faith by the signatories and their inability to control armed supporters. Fighting erupted in Juba between forces loyal to President Kiir and First Vice President Machar, amid conflicting accounts of what triggered the violence. Within days, several hundred people had been killed, and pro-Machar forces had been routed. Machar, who accused Kiir of trying to kill him, fled Juba and later emerged in Sudan and South Africa, where he called on supporters to continue the fight.

As the violence escalated in Juba, peacekeepers with the UN Mission in South Sudan (UNMISS) failed in their mandate to protect civilians. Soldiers from the Sudan People's Liberation Army (SPLA)—South Sudan's military—and other forces aligned with Kiir murdered and raped people on the basis of their ethnic origin and attacked foreign aid workers and diplomats. In August, the UN Security Council authorized a new Regional Protection Force of 4,000 troops to supplement 13,000 UNMISS peacekeepers; the new force would be able to take more aggressive measures to secure Juba and the surrounding area. Kiir's government initially resisted the move, but formally accepted it in November under the threat of a UN arms embargo. The first troops had not yet deployed as of December.

The fighting in 2016 was not confined to the capital. Widespread violence affected the greater Upper Nile region, Western Bahr el-Ghazal State, and parts of the country that were previously spared the worst of the conflict, including greater Equatoria. Civilians were deliberately targeted for attack by combatants on all sides, who committed repeated acts of murder, rape, torture, and looting, according to multiple reports by the United Nations, the African Union (AU), and other observers. In one of the worst incidents, civilians taking shelter at an UNMISS base in Malakal were attacked by SPLA troops and allied militias in February. At least 30 people were killed.

By late 2016, nearly 1.9 million citizens were internally displaced, including 200,000 people who were taking shelter at UNMISS bases. More than 300,000 refugees had fled to Uganda alone since the resumption of large-scale violence in July, contributing to a total of almost 1.5 million South Sudanese refugees in neighboring countries. In December, the World Food Programme (WFP) estimated that 3.6 million people were in immediate need of food assistance, partly as a result of the conflict.

Political Rights

Political Rights –2 / 40 (–4)

A. Electoral Process 1 / 12 (–2)

A1. Is the head of government or other chief national authority elected through free

and fair elections?

A2. Are the national legislative representatives elected through free and fair elections?

A3. Are the electoral laws and framework fair?

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 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 2016.

In principle, significant powers are devolved to the state assemblies, but they have exercised little autonomy in practice. At the end of 2015, Kiir pushed ahead with controversial plans to reorganize state boundaries, increasing the number of states from 10 to 28 and potentially stoking further ethnic conflict. Kiir handpicked the new states' governors, who took office in December 2015. The opposition strongly rejected the move.

Kiir has yet to face an electoral test since 2010 because national polls, scheduled for 2015, were postponed due to the civil war. The August 2015 peace deal established a national unity government for 30 months, with elections meant to take place at least 60 days before the end of its mandate. The Transitional Government of National Unity (TGNU) was formed in April 2016 after months of delay. Machar, whose dismissal as vice president in 2013 helped precipitate the civil war, was restored to power as first vice president. However, after fighting resumed in July, Kiir replaced Machar with Taban Deng Gai, effectively ending the power-sharing arrangement.

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), comprised members of the preindependence Southern legislature who were elected in 2010, plus 96 former members of Sudan's National Assembly and 66 additional members appointed by the president. Under the peace agreement of August 2015, another 68 seats were added to this body by appointment, forming the Transitional National Legislative Assembly (TNLA).

The new allocation of legislative and executive posts under the peace deal ultimately failed to resolve the dispute behind the civil war, and as of 2016, both branches of government lacked a legitimate electoral mandate.

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 open to the rise and fall of these competing parties or groupings?

B2. Is there a significant opposition vote and a realistic opportunity for the opposition to increase its support or gain power through elections?

B3. Are the people's political choices free from domination by the military, foreign

powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful group?

B4. Do cultural, ethnic, religious, or other minority groups have full political rights and electoral opportunities?

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 represented in the 400-seat TNLA, they lack the resources to operate effectively and the experience to formulate policy and set party platforms.

Most political competition takes place within the SPLM. Kiir's faction is deeply intolerant of internal dissent, and his dismissal of opponents in 2013 raised political tensions during the run-up to the civil war. Following the 2015 peace deal, the TGNU was formed to include the SPLM faction headed by Machar, the SPLM in Opposition (SPLM-IO). However, Kiir reverted to previous practices when the civil war resumed in mid-2016. In July and August, he replaced several opposition-oriented members of the TGNU with loyalists.

A September report produced by a panel of experts for the UN Security Council found that the appointment of Taban Deng Gai as first vice president and Stephen Dhieu Dau as finance minister were particularly likely to anger ethnic groups linked to Machar's forces. The panel observed that the war had become a contest between elements of Kiir's Dinka ethnic group and other ethnicities. It noted that a Dinka group calling itself the Jieng Council of Elders had met regularly with the president and mobilized opposition to the peace deal.

South Sudan's military, the SPLA, exercises an overbearing influence over political affairs and public life, and the activities of various other armed groups tied to political and ethnic factions have made political participation by ordinary civilians all but impossible.

C. Functioning of Government 0 / 12 (-1)

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

C2. Is the government free from pervasive corruption?

C3. Is the government accountable to the electorate between elections, and does it operate with openness and transparency?

South Sudan's government and legislature, which lack electoral legitimacy, are unable to exercise control over the national territory, and corruption is pervasive among the political elite. No one has been held accountable for the squandering of the country's considerable oil wealth, and the war economy has provided additional opportunities for illicit gain. According to a January 2016 UN report, the former minister of petroleum and mining used funds from the national oil company to supply the military and arm ethnic militias. In September, the Enough Project, a U.S. advocacy organization, accused senior officials such as Kiir, Machar, and SPLA chief of staff Paul Malong Awan of using their positions to pursue commercial ventures and make procurement deals that enabled them to amass great wealth, much of which was laundered overseas. State institutions tasked with promoting transparency and

accountability are weak and underfunded.

Additional Discretionary Political Rights Question B -4/0 (-1)

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?

1. Is the government providing economic or other incentives to certain people in order to change the ethnic composition of a region or regions?
2. Is the government forcibly moving people in or out of certain areas in order to change the ethnic composition of those regions?
3. Is the government arresting, imprisoning, or killing members of certain ethnic groups in order change the ethnic composition of a region or regions?

Combatants on both sides of the civil war have killed, murdered, raped, tortured, and destroyed the homes and livestock of civilians because of their ethnicity. While some of these atrocities were the result of poorly disciplined fighters acting on their own initiative, others appear to have been officially planned and coordinated, according to international observers. An AU investigation into human rights abuses in the opening days of the civil war in 2013 suggested that mass killings of up to 20,000 members of the Nuer ethnic group were carried out by members of the state security forces and the Presidential Guard. The September 2016 expert report for the UN Security Council concluded that widespread attacks on civilians based on ethnicity during the fighting in Juba in July were likely coordinated at “the highest levels of the SPLA command structure.” In December, the UN Commission on Human Rights in South Sudan found that ethnic cleansing was under way in parts of the country, and raised the possibility of a Rwanda-like genocide in the near future. The overall death toll remained unknown in 2016, though the most conservative estimates were in the tens of thousands.

Civil Liberties

Civil Liberties 6 / 60 (-6)

D. Freedom of Expression and Belief 4 / 16

- D1. Are there free and independent media and other forms of cultural expression?
- D2. Are religious institutions and communities free to practice their faith and express themselves in public and private?
- D3. Is there academic freedom, and is the educational system free of extensive political indoctrination?
- D4. Is there open and free private discussion?

The operating environment for journalists worsened after independence and has further deteriorated since the outbreak of the civil war. The government has detained or harassed reporters who tried to interview rebel leaders or provide balanced coverage of the conflict. As a result, many reporters exercise self-censorship, while others have left the country altogether. Several journalists have been killed since the war began, though in some cases the violence was not necessarily related to their

work. In July 2016, for instance, Internews journalist John Gatluak was killed when SPLA soldiers stormed the Terrain hotel compound in Juba. Witnesses said he was shot dead because he was Nuer.

Members of the National Security Service (NSS) have ordered the closure of newspapers in response to their coverage. In September 2016, the independent *Nation Mirror*, a previous target of the authorities, was ordered closed without a specific explanation. In July, the editor in chief of the *Juba Monitor* newspaper, Alfred Taban, was arrested after the paper published editorials calling on Kiir and Machar to step down. He was charged with publishing false information before being released on bail later that month. Also in July, the editor in chief of *Al-Watan*, an Arabic-language daily, was detained for publishing what was described as an inaccurate report. In December, Justin Lynch of the Associated Press, the last foreign journalist based in South Sudan, was arrested and deported by the NSS without an official explanation. He had reported on human rights abuses in the country.

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. There are no government restrictions on academic freedom, though basic access to education is limited outside state capitals. The education system has been seriously disrupted by the civil war, with many schools closed or commandeered for military use.

Private discussion of political issues in public places is impeded by fear of harassment or retribution at the hands of authorities. The NSS tracks and intimidates perceived critics of the government and is believed to use telephone surveillance to monitor opponents. The government also reportedly intimidates those who post critical comments online.

E. Associational and Organizational Rights 2 / 12 (-1)

E1. Is there freedom of assembly, demonstration, and open public discussion?

E2. Is there freedom for nongovernmental organizations?

E3. Are there free trade unions and peasant organizations or equivalents, and is there effective collective bargaining? Are there free professional and other private organizations?

Freedoms of assembly and association are enshrined in the interim constitution but have been seriously eroded in practice. While protests do occur, they have been met with excessive force by the authorities.

Two bills that became law in February 2016 placed severe restrictions on the operations of nongovernmental organizations (NGOs). The Non-Governmental Organizations Act and the Relief and Rehabilitation Commission Act, which require all NGOs to register with the authorities, have been used to justify the intimidation of civil society activists and the seizure of their assets. At least four groups were told that their registration was under threat due to their “political” activities. International organizations also faced operational restrictions. In December, the country director of the Norwegian Refugee Council was expelled without explanation, along with another senior manager.

South Sudan is a dangerous place for humanitarian workers, who have been systematically targeted by combatants. At least 67 national and international aid workers have been killed since the start of the civil war, according to a UN Security Council report in November 2016. Both sides in the civil war have looted humanitarian supplies and prevented the delivery of aid. In July, a South Sudan Red Cross warehouse in Juba was bombed and looted, while later that month, soldiers used trucks and cranes to steal 4,500 tons of food from a WFP depot. The authorities have attacked and intimidated UNMISS personnel, fired at UNMISS compounds, and obstructed peacekeeping operations. A UN panel recorded more than 640 instances in which UN operations were targeted or obstructed in the first nine months of 2016. In the July attack on the Terrain hotel compound, which housed local and foreign staff of international organizations in Juba, SPLA troops beat foreign nationals and raped at least five international aid workers. Also in July, the top representative of the UN Educational, Scientific and Cultural Organization (UNESCO) in South Sudan was shot and seriously wounded when progovernment gunmen fired on his vehicle.

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 (-1)

F1. Is there an independent judiciary?

F2. Does the rule of law prevail in civil and criminal matters? Are police under direct civilian control?

F3. Is there protection from political terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgencies?

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

Although its interim constitution guarantees an independent judiciary, South Sudan's legal system is characterized by a culture of impunity. The judiciary and law enforcement agencies lack the capacity and apparently the will to hold perpetrators accountable for the many human rights violations committed since the start of the civil war. Judges are few in number, the mechanism for appointments is unclear, and the court system is under huge strain. According to the U.S. State Department, pretrial detainees account for between one-third and two-thirds of the prison population. Inefficiencies in the justice system have led to indefinite detention. Prison facilities feature crowded, unsanitary conditions and insufficient food for inmates. Children and the mentally ill are routinely detained with the general prison population.

The NSS, which reports directly to the president, has been responsible for arbitrary arrests and other abuses. Under the National Security Service Law, which came into force in 2015, the NSS has almost unlimited powers to detain and interrogate suspects. UN reports recorded multiple examples of politically motivated arrests in

2016.

Members of the SPLA, the South Sudan National Police Service (SSNPS), and the NSS have played a central role in the violence that has engulfed South Sudan since 2013. UNMISS, the AU, and human rights organizations have accused members of the security services of involvement in extrajudicial killings, attacks on civilians, enforced disappearances, destruction of property, and sexual violence. Civilians have also faced egregious atrocities at the hands of rebel forces and various other militias that operate in the country's security vacuum.

As part of the 2015 peace deal, the warring parties agreed to establish a hybrid tribunal under AU authority to prosecute genocide and other serious crimes. They also agreed that the TGNU would set up a truth and reconciliation commission within six months to document human rights abuses. After many delays, the process to establish a commission got under way in December 2016. In August, South Sudan said it had court-martialed 60 soldiers for offenses related to the violence in Juba the previous month. A military spokesman said the offenses included murder, shooting, and looting, but gave no details about how many had been convicted and what sentences they received.

Same-sex sexual conduct is not explicitly illegal in South Sudan, but “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 stigma.

G. Personal Autonomy and Individual Rights 0 / 16 (-4)

G1. Do individuals enjoy freedom of travel or choice of residence, employment, or institution of higher education?

G2. Do individuals have the right to own property and establish private businesses? Is private business activity unduly influenced by government officials, the security forces, political parties/organizations, or organized crime?

G3. Are there personal social freedoms, including gender equality, choice of marriage partners, and size of family?

G4. Is there equality of opportunity and the absence of economic exploitation?

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.

Land use and ownership are frequent causes of conflict in South Sudan, and returning refugees from earlier wars have exacerbated the problem. Property rights are weak and not respected in practice. There have been multiple allegations of land grabbing and forced evictions in recent years.

The interim constitution guarantees the rights of women to equal pay and property ownership. However, women are routinely exposed to discriminatory practices and domestic abuse. The prevalence of child marriage contributes to low levels of educational attainment among girls. Official figures suggest that almost half of girls

aged 15 to 19 are married. Combatants have committed systematic and widespread sexual and gender-based violence against women during the civil war. In 2016, the United Nations recorded 217 cases of sexual violence, mostly against Nuer women, between July 8 and July 25 in Juba alone.

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. The two main armed factions have committed to end the use of child soldiers, but there were multiple reports that armed groups continued to recruit children in 2016.

The population has also suffered from the consequences of an economic collapse brought on by government mismanagement, corruption, and the pursuit of war. The rate of inflation was reported at more than 660 percent in August 2016, and in December the WFP reported that more than 3.6 million people were severely food insecure, with malnutrition beyond emergency levels in seven of South Sudan's 10 original states.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

[Full Methodology](#)