

SOUTH SUDAN 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of South Sudan operates under a transitional government formed according to the terms of peace agreements signed in August 2015 and September 2018. 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 the Revitalized Transitional Government of National Unity. 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 operated beyond its legal authority. Numerous irregular forces, including militias operated by the National Security Service and proxy forces, operated in the country with official knowledge. Civilian authorities routinely failed to maintain effective control over the security forces. There were reports that members of the security forces committed numerous abuses.

Significant human rights issues included credible reports of: extrajudicial killings; forced disappearances; torture and cases of cruel, inhuman, and degrading treatment or punishment by security forces, opposition forces, armed militias affiliated with the government and the opposition, and ethnically based groups; harsh and life-threatening prison conditions; arbitrary detention; political prisoners or detainees; transnational repression against individuals in other countries,

including killings, kidnappings, or violence; serious problems with judicial independence; 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 gender-based violence, and use of food as a weapon of war; serious restrictions on freedom of expression and the media, including violence against and intimidation and detention of journalists, closure of media houses, censorship, and site blocking; serious restrictions on internet freedom; substantial interference with the rights of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of nongovernmental organizations and civil society organizations; inability of citizens to change their government peacefully through free and fair elections; serious restrictions on political participation; serious government corruption; serious government restrictions on or harassment of domestic and international human rights organizations; lack of investigation and accountability for gender-based violence including conflict-related sexual violence, domestic and intimate partner violence, child, early, and forced marriage, and female genital mutilation/cutting and other forms of gender-based violence; trafficking in persons; crimes involving violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; the existence of laws criminalizing consensual same-sex sexual conduct between adults, although these laws were largely not enforced; and existence of the worst forms of child labor.

Despite isolated examples of prosecution for human rights abuses, impunity remained widespread. The government also failed to take steps to identify, investigate, prosecute, and punish officials who engaged in corruption.

Nongovernment armed groups, including the forces of peace-agreement signatories and other opposition armed groups alike, 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

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 responsible for widespread extrajudicial killings. The security services investigated alleged abuses by members of their respective forces, although impunity remained a problem and prosecutions were infrequent.

On July 22, an armed group, the South Sudan People's Movement/Army (SSPM/A), attacked the Mayom County commissioner's residence in Unity State and killed County Commissioner James Chuol Gatluak, brother to Presidential Security Advisor Tut Gatluak, and 13 other persons. A former South Sudanese People's Defense Forces (SSPDF) officer, General Stephen Buoy Rolnyang, claimed responsibility for the raid. On August 6, the SSPM/A said in a public statement that the Sudanese Rapid Support Forces detained four SSPM/A officers allegedly involved in the attack (Major Generals Nyuon Garang Kuo and Pur Ruop Kuol, Brigadier General Gatluak Majiok Liey, and Dhoal Barpuoch) in Fuja, Kordofan, and handed the four to SSPDF Division Four custody on August 7. On August 8, a video circulated on social media showing the extrajudicial execution of Major Generals Nyuon Garang Kuol and Pur Ruop Kuol, and Dhoal Barpuoch in Mayom County, Unity State, by a SSPDF firing squad. A separate video shows SSPDF soldiers binding Brigadier General Gatluak Majiok in a hut before setting the hut on fire (the video did not include the actual burning of the hut). On August 9, the SSPDF denied authorizing the executions, and ordered an investigation into the deaths.

On September 12, President Kiir established a committee to investigate the

extrajudicial killings. In remarks broadcast by state media, President Kiir told the committee to carry out impartial investigations and hold preparators accountable. The committee was mandated to submit their findings to the president by October 3.

There were reports of deaths from torture at National Security Service (NSS) facilities (see section 1.c.).

In early March there were armed clashes in Abyei between Ngok Dinka from Abyei and Rek Dinka from Warrap State over control of the Aneet market. Rek Dinka armed youth attacked southern Abyei, while there were reports of Misseriya Arab attacks from the north. At least 23 persons were reportedly killed during these clashes.

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.).

The local nongovernmental organization (NGO) Remembering the Ones We Lost documented the names of more than 16,000 persons missing since the conflict began in 2013, many of whom were abducted or detained by security forces. During the year, the International Committee of the Red Cross reported it tracked over 5,700 cases of missing persons 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, and Other Related Abuses

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.).

From February to April, county commissioners of Koch and Mayendit Counties in Unity State mobilized groups of armed youth to attack civilians in Koch, Leer, and Mayendit Counties. Attacks featured gender-based violence, killing of civilians (including women and children), beheadings (including children), burning persons alive in their homes, kidnapping, forced labor, and the destruction of schools, villages, and humanitarian assistance resources.

According to the UN Security Council Panel of Experts and several independent human rights advocates, the NSS Operations Division maintained at least three facilities where it detained, interrogated, and sometimes tortured civilians. At least one detainee reportedly died due to injuries sustained in NSS detention. Most NSS facilities were not publicly known. According to the panel, there were numerous reported abuses at NSS-run sites, including gender-based violence, beating and torture of detainees, and harassment and intimidation of human rights defenders and humanitarian workers. Human Rights Watch, the United Nations, and other organizations documented cases of torture and other mistreatment during arrest and while in NSS custody. Detainees described being beaten with sticks, whips, pipes, and wires; subjected to electric shocks; burned with melted plastic; raped; and subjected to other forms of sexual violence.

Impunity within the security services remained a serious problem. Although the NSS created an internal disciplinary tribunal to conduct investigations of alleged abuses by its members, neither the results of such investigations nor any disciplinary actions taken were made public. The UN Commission on Human Rights in South Sudan reported the existence of police special protection units to investigate gender-based violence, operating with financial and logistical support from the United Nations. Some members of the army and police were investigated

for misconduct.

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening. Overcrowding and inadequate medical care at times resulted in illness and death. There were reports of abuse by prison guards.

Abusive Physical Conditions: Men and women were generally held in separate areas, but male and female inmates at times mixed freely during the day due to space constraints. Due to overcrowding and a lack of facilities and staff, 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 due to spatial constraints. There were no psychiatric treatment facilities in the country. Persons with mental disabilities, following referral by the court, family, or the community, were incarcerated and remained in detention without treatment for undetermined periods.

Health care and sanitation were inadequate. 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 August 2021 the national prison administration reported it held more than 8,400 detainees. There were no data on the capacity of prison facilities, although during the year Juba Central Prison held more than 1,900 detainees in a facility constructed for 400 persons. Ventilation and lighting were inadequate.

Malnutrition decreased in comparison with previous years, although access to adequate nutrition remained a concern. Prison authorities took remedial actions

but did not implement sustainable solutions.

Local traditional or state authorities controlled some detention centers, and conditions in those centers were 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 usually spent days outdoors but slept inside in areas that lacked adequate ventilation and lighting.

Conditions in 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 UN Mission in South Sudan (UNMISS) maintained a holding facility at the Malakal protection of civilian (POC) site to hold internally displaced persons (IDPs) suspected of posing a threat to POC residents. UNMISS sought to reduce periods of detention in the holding facility to less than 72 hours. In line with UNMISS's detention guidelines, however, IDP suspects were sometimes held longer to assess threats, protection needs, and other reasons. UNMISS held these individuals in conformity with applicable international standards, observed detainees daily, and provided medical treatment. Detainees received food twice a day. Some individuals detained in the facility were subsequently handed over to the custody of the government following individual risk assessments. The NSS operated a detention facility in Juba that held civilian prisoners (see section 1.d.).

Administration: The South Sudan National Police Service (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 prisoners access to visitors and permitted them to take part in religious observances, but NSS and SSPDF authorities were less likely

to do so; prisoners in SSNPS custody, but originally arrested by the NSS or SSPDF, had limited access to visitors.

Independent Monitoring: The SSNPS and National Prison Service of South Sudan permitted visits to police and prison detention facilities by independent human rights observers, including UNMISS rule of law and human rights officers, nongovernmental observers, international organizations, and journalists. Authorities sometimes permitted monitors to visit military 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.

From the beginning of the civil war 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 to arrest or detain civilians, the SSPDF often did so. The NSS 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 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 present arrested persons before a public prosecutor, magistrate, or court within 24 hours, judges assigned to statutory courts were not always present, and poor coordination with other justice officials contributed to case backlogs. 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. UNMISS reported cases taking months or even years to be brought to court.

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, including of foreigners, 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.

According to Human Rights Watch, the NSS effectively operated outside the law and without proper legal authority. Detainees were held at sites not designated as detention facilities under the law. They did not conduct arrests based on warrants or court orders and routinely held detainees for long periods without charge and without access to lawyers or visitors. Detention periods lasted from hours to years.

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 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 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.

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 chronic lack of access to law enforcement officers and the judicial system became even more severe as armed conflict displaced officials (see section 1.g.).

e. Denial of Fair Public Trial

The transitional constitution provides for an independent judiciary and recognizes

customary law. 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. The formal justice sector remained weak and concentrated in a few urban centers.

In many communities, customary courts remained the principal providers of judicial 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 heard cases of violent crime and acted as appellate 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 most cases due to the capacity limitations of statutory courts.

During the year, the United Nations supported joint special mobile courts with South Sudanese personnel to adjudicate serious crimes and mitigate cattle-migration-related violence in Western Bahr el-Ghazal and Warrap States, and localized courts in Warrap and Lakes States. These courts often included traditional leaders and addressed compensation claims according to local customs. During the year, the United Nations continued to support mobile courts, trying rape, robbery, and assault cases among others. During a June 1-27 general court martial in Yei, Central Equatoria State, 21 SSPDF members were convicted for crimes including murder, rape, and rape of a minor. Five SSPDF troops accused of rape were convicted, dismissed, and stripped of their rank, sentenced to up to 10 years of imprisonment, and required to pay compensation to survivors. UNMISS provided funding for survivors and witnesses to receive counselling and provided logistical, translation, and transportation. Separately, UNMISS worked with the

SSPDF Military Justice Directorate to deploy courts-martial and enhance the capacity of judge advocates in adjudicating cases of gender-based violence.

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.

Trial Procedures

The transitional constitution provides for the right to a fair and public trial, but the government frequently did not enforce this right.

Despite protections provided under the transitional constitution, law enforcement officers and statutory and customary court authorities commonly presumed suspects' guilt, 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 frequently 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.

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

Political Prisoners and Detainees

There were reports of political prisoners and detainees held by authorities from a few hours to a few days or weeks prior to release, usually without charge. The number of political prisoners was unknown. In August 2021 security forces detained Kuel Aguer Kuel for having signed a letter calling for peaceful protests to force President Kiir to leave office. Aguer was held in detention for over a year without charges. On October 7, he was brought to court and charged with eight crimes, including attempt to overthrow a constitutional government by unconstitutional means. On December 9, a three-judge appellate court released Aguer from detention after unanimously dropping all eight charges brought against him by state prosecutors and deciding not to send his case to trial. He had served 16 months.

Transnational Repression

Extraterritorial Killing, Kidnapping, Forced Returns, or Other Violence or Threats of Violence: There were credible reports in recent years of killed, kidnapped, and forcibly returned persons in other countries for purposes of politically motivated reprisal, and individuals continued to receive threats of violence during the year. Civil society reported that South Sudanese intelligence officials were active in neighboring countries and harassed critics there. In August several SSPM/A members were forcibly returned by Sudan, then executed in South Sudan (see section 1.a.).

Threats, Harassment, Surveillance, and Coercion: There were credible reports the government continued to target specific individuals for politically motivated reprisal outside the country, including in Kenya and Uganda. In March 2021 the NGO Frontline Defenders documented 14 cases of South Sudanese human rights

defenders in exile subject to harassment, surveillance, and intimidation, most often from the NSS.

Civil Judicial Procedures and Remedies

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

Property Seizure and 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 law gives the NSS sweeping powers outside the constitutional mandate of arrest, detention, surveillance, search, and seizure. 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 monitored social media posts. Widespread surveillance led many human rights defenders to avoid discussing sensitive topics over the telephone. The NSS 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 without warrants, with such surveillance continuing after detainees were released.

g. Conflict-related Abuses

According to the United Nations and international NGOs, security forces, opposition forces, armed militias affiliated with the government and the opposition, nonsignatories to the peace agreement, and civilians were responsible for a significant range of conflict-related abuses around the country. Government and opposition forces harassed civilians and looted and destroyed property during military operations against the National Salvation Front. Government soldiers reportedly engaged in acts of collective punishment and revenge killings against civilians assumed to be opposition supporters, often based on their ethnicity. For example, according to UNMISS, from February to May armed actors including the Sudan People's Liberation Army In-Opposition (SPLA-IO), SSPDF, and armed youth militias attacked civilians in Unity State's Koch, Leer, and Mayendit Counties, resulting in the deaths of approximately 173 civilians and more than 131 cases of rape or gang rape. Humanitarian organizations reported the looting of humanitarian supplies as well as women and girls being coerced to engage in forced labor and then subjected to sexual assault and rape. According to the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism, Koch County Commissioner Gordon Koang and Mayendit County Commissioner Gatluak Nyang were responsible for the attacks on civilians in Leer County. UNMISS and humanitarian organizations estimated 44,000 civilians were forcibly displaced from Adok, Buaw, Gandor, and Thonyor to other areas within Unity State. In April President Kiir established a committee to investigate the violence, but as of November the committee had not deployed.

Ongoing fighting between government-backed ethnic militias displaced over 40,000 persons in Upper Nile State since early September. The fighting includes ethnic targeting of civilians including women and children, cattle raiding, sexual assault, and burning of homes and villages. The Malakal (POC) site held over 50,000 IDPs in a site constructed to support 20,000. The majority of the 20,000 displaced in recent fighting settled in a buffer zone outside of POC sites seeking safety. UNMISS officials reported SSPDF and police will not provide protection

to civilians in conflict-affected areas. As of November 30, conflict between warring factions continued resulting in increasing deaths, human rights abuses, and civilian displacement.

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. UNMISS's Human Rights Division recorded more than 800 civilian deaths during the year, mostly due to violence by community-based militias. In the first quarter of the year, Dinka Bor pastoralists from Jonglei State clashed with local communities in Magwi and Nimule, Eastern Equatoria State, burning villages and killing civilians. Approximately 30 persons were reported dead, and over 10,000 remained internally displaced as of early October.

UN agencies and international NGOs that interviewed victims reported widespread killings, mutilations, and sexual violence committed by government forces, rebel groups, and irregular militias.

Remnants of war 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. Six children died and two were injured on May 13 when previously unexploded ordinance detonated less than two miles from the Doro Refugee Camp in Bunj, Upper Nile State.

Abductions: 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.

Central Equatoria State's Yei River County commissioner claimed that the National Salvation Front abducted more than 90 civilians in the region in February and March. UNMISS recorded at least 120 persons abducted by the National Salvation Front as of September. In January unknown actors abducted at least 10 children from their homes in the Bentiu IDP camp in Unity State. The youth

chairman of the camp claimed the abducted individuals – all male adolescents – were conscripted as recruits into local armed groups. The SPLA-IO denied responsibility for the abductions, claiming the group does not maintain a presence in Bentiu. SSPDF spokesperson Major General Lul Ruai Koang told journalists the SSPDF, which maintains a robust presence in and around Bentiu, could neither confirm nor deny responsibility for the reported abductions.

Physical Abuse, Punishment, and Torture: Government forces, opposition forces, other armed groups and armed militias affiliated with the government and the opposition tortured, raped, and otherwise abused civilians in conflict areas. Gender-based violence, including rape, gang rape, sexual slavery, and forced marriage, was a common tactic of conflict employed by all parties.

Child Soldiers: The cease-fire largely held during the year and reduced the forced or voluntary recruitment of soldiers, including child soldiers. Nevertheless, there were reports government and nongovernment forces continued to recruit forcibly and use child soldiers. Since 2013 the UN has verified more than 13,000 serious violations that included 6,300 cases of recruitment and use of children. During the same period, more than 3,700 children associated with armed forces and armed groups were released. While the cessation of hostilities after the 2018 peace agreement reduced the need to recruit children and boost troop numbers, the number of child soldiers was unknown.

The 2018 peace agreement mandated specialized international agencies work with all warring parties to demobilize and reintegrate child soldiers from the SSPDF, the SPLA-IO, elements of the South Sudan Opposition Alliance, 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 other armed groups continued to restrict the ability of the United Nations, other international organizations, and NGOs to deliver humanitarian assistance safely and effectively 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 and killed relief workers, looted, and destroyed humanitarian assets and facilities, and government and rebel authorities imposed bureaucratic and economic impediments on relief organizations. Government and SPLA-IO forces 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 lifesaving 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 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 prevented travel and jeopardized relief operations. In almost all cases, investigations were

limited, and perpetrators were not held accountable. In June the United Nations reported that since the start of the conflict in 2013, a total of 128 humanitarian workers had been killed in the country, primarily South Sudanese nationals. Since January, 17 humanitarian aid workers have been killed while serving in the country, and a total of 143 humanitarian workers have been killed since 2013.

On March 7, a community animal health worker was killed in a cattle raid in Jonglei State while delivering training. On March 24, unknown gunmen attacked a convoy of 44 trucks carrying humanitarian supplies, including emergency food assistance, between Gadiang and Yuai in Jonglei State. The assailants killed three persons and wounded one. On September 9, armed individuals attacked two local NGO workers, killing one, in the Greater Pibor Administrative Area's Pochalla County. As of November 30, at least 22 humanitarian aid workers were killed while serving in the country, and over 150 humanitarian workers have been killed since 2013. Looting of humanitarian compounds and other assets remained common. In June, following clashes between ethnic Murle and Anyuak IDPs in Juba, youth looted a humanitarian warehouse. During August-September clashes in Tonga Payam, Unity State between forces loyal to Generals Simon Gatwech and Johnson Olony, armed groups looted markets and humanitarian assets, causing relief actors to temporarily suspend local operations. On August 18, the UN World Food Program reported an armed group looted more than \$40,000 of humanitarian supplies from its nutrition centers in New Fangak, Upper Nile State. The conflict and increased insecurity prompted humanitarian aid workers to flee New Fangak. Separately on August 25, an unidentified armed group broke into an International Medical Corps compound and stole commodities used to treat malnutrition.

Restrictions on humanitarian operations took other forms as well. Authorities operating at Juba International Airport arbitrarily denied humanitarian workers permission to travel for a constantly changing variety of reasons, including for lacking work permits, permission from the Ministry of Foreign Affairs, or travel approval from the South Sudan Relief and Rehabilitation Commission, or failing to have at least six blank pages in their passports. Staff at Juba International Airport

harassed and solicited bribes from humanitarian workers. Security forces and irregular armed groups routinely solicited payments from aid workers for safe passage on land and river routes using official and unofficial checkpoints. These restrictions were implemented inconsistently, without notice or consultation, prompting confusion regarding the required travel procedures.

Humanitarian organizations experienced delays and denials of tax exemptions, some up to six months or longer, and were forced to purchase relief supplies on the local market, raising quality concerns. Government authorities required international NGO staff members to pay income taxes and threatened national staffs 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.

The UN Conduct and Discipline portal also noted 11 substantiated allegations of sexual exploitation and abuse perpetrated by UNMISS personnel between 2019 and 2021. Nine of the 11 concerned civilian staff, whose nationalities were not noted in the portal. The remaining two concerned sexually exploitative relationships involving Nigerian and Ghanaian military officers. The Nigerian government reported it jailed its involved officer, and the Ghanaian government dismissed the case against its involved officer.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The transitional constitution provides for freedom of expression, including for members of the press and other media. The government and its agents, however, frequently violated these rights in the name of national security.

Freedom of Expression: The government regularly attempted to impede criticism by monitoring, intimidating, harassing, arresting, or detaining members of civil society who criticized the government.

Violence and Harassment: Security forces commonly intimidated or detained journalists whose reporting they perceived was unfavorable to the military or government. Security forces confiscated or damaged journalists' equipment and restricted their movements. During the year, security forces interrogated, harassed, detained, and imprisoned journalists, forcing some to go into hiding. NSS representatives frequently harassed journalists by detaining them at NSS headquarters or local police stations without formal charges. Journalists and media agencies that reported on news of the opposition could expect questioning, arrest, and possible closures. Journalists in Juba frequently experienced threats and intimidation and routinely practiced self-censorship. On several occasions, high-level officials used intimidating language directed toward media outlets and representatives.

On February 22, National Security Service agents detained, interrogated, and eventually released eight journalists and a civil rights advocate who attended a press conference at the Transitional National Legislative Assembly (TNLA) hosted by SPLM-IO members of parliament. Chair of the Information Committee and TNLA spokesman John Agany Deng defended the NSS, telling journalists on February 23 that the transitional constitution does not permit lawmakers to hold press conferences without prior approval from his committee or from the Media Authority, a quasi-governmental body regulating media matters.

On March 2, unknown assailants abducted *Eye Radio* journalist Woja Emmanuel at gunpoint, questioned him about his work, forced him to drink an unidentified substance, accused him of being a member of the National Salvation Front, and drove him to the outskirts of Juba. A skirmish erupted between his captors and other armed persons, and he subsequently escaped during the clash. In April, Emmanuel decided to quit his job due to this experience.

On June 13, security forces detained nine journalists in Juba from various media houses for two hours. The security forces confiscated the journalists' equipment, identity cards, and bags, and ordered them to turn off their mobile phones. They forced the journalists to delete all recordings and photos from their devices. The journalists reported that security forces said their detention was due to coverage of an SPLM-IO press conference at parliament.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: The government maintained strict control of media, both print and electronic. The government suppressed dissenting voices, forcing some journalists to 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.

On August 7, police in Juba arrested *Voice of America* journalist Diing Magot, who was covering a peaceful protest in Juba's Konyokonyo market. Police released Magot on August 12. Following the protests, on August 8, Juba Deputy Mayor Thiik Mayar threatened the public in a televised interview, noting South Sudanese should abstain from protests and that the government lacked water cannons and tear gas, and only possessed live ammunition. Although approval is not required under the 2014 Media Authority Act, the Media Authority instituted a requirement for organizers to obtain a letter of clearance prior to any media-related event, including press conferences. The accepted practice was for organizers to obtain a letter of clearance and NSS stamp prior to a media event.

Most organizations practiced self-censorship to ensure their safety. 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.

The Media Authority continued to advise 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.

Internet Freedom

The government’s South Sudan National Communication Authority at times 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.

Restrictions on 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.

b. Freedoms of Peaceful Assembly and Association

The government during the year increasingly restricted freedom of peaceful assembly and restricted freedom of association.

Freedom of Peaceful Assembly

The transitional constitution provides for freedom of peaceful assembly, but the government in many cases did not respect this right during the year. Many citizens did not gather for planned demonstrations 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.

On August 8 in a televised interview, Juba Deputy Mayor Thiik Mayar threatened the public to abstain from protests, noting that the government lacked water cannons and tear gas, and only possessed live ammunition. According to media reports, Mayar warned that authorities would not hesitate to use live bullets against demonstrators.

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. Some civil society leaders interpreted a 2012 law as an attempt to suppress opposition to the Sudan People's Liberation Movement (SPLM) (see section 3).

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. The law 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.

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

The transitional constitution provides for freedom of internal movement, foreign travel, and repatriation. The transitional constitution does not address emigration.

In-country Movement: During the year there were sporadic reports of county commissioners from one party being detained by persons from another political party despite the lack of provision in law for this. 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.

IDPs remained in IDP camps and the remaining UNMISS POC site in Malakal due to fear of retaliatory or ethnically targeted violence by armed groups, both government- and opposition-affiliated. Subnational violence and persistent flooding pushed many of the camps beyond capacity. The government often obstructed travel of members of 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.

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

e. Protection of Refugees

The government cooperated with the UN High Commissioner for Refugees

(UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, as well as 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. According to UNHCR, there were more than 337,000 registered refugees in the country as of September, most of whom were from neighboring Sudan.

Access to Asylum: The law provides for protection of refugees as well as the granting of asylum and refugee status. The government allowed individuals to access asylum processes, allowed refugees from neighboring countries to settle, and generally did not treat refugees differently from other foreigners. While most refugees in the country 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.

Abuse of Migrants and Refugees: While UNHCR could not confirm recruitment by armed groups in refugee camps, UNHCR remained concerned about the civilian character of certain elements in camps, particularly those close to the Sudanese border. As of August, UNHCR had confirmed four cases of rape and five of assault by SPLM elements against refugees in Maban refugee camps.

Access to Basic Services: While refugees sometimes lacked basic services, this generally reflected a lack of capacity in the country to manage refugee issues rather than government practices of discrimination 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: According to UNHCR, 600,247 South Sudanese had returned to the country since the signing of the revitalized peace agreement in 2018, including more than 94,000 during the year. The government accepted refugees and returnees for reintegration. 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.

f. Status and Treatment of Internally Displaced Persons

Significant levels of subnational violence continued, particularly in Upper Nile, Unity, and Warrap States, 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 UNMISS, in addition to the 1.7 million persons previously displaced, more than 700,000 individuals were internally displaced because of localized violence and flooding as of November. The increased violence, historic flooding, and food insecurity forced relief actors to delay plans for the safe return and relocation of some IDP populations.

UNMISS continued to provide physical protection to IDPs in the POC site in Malakal. As of September, UN police units recorded 53 incidents of physical violence against individuals in IDP camps in Juba, Wau, Bor, and Bentiu.

According to the UNMISS Human Rights Division and other organizations, violence and simmering ethnic conflict in areas such as Upper Nile, Jonglei, and Warrap States 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, forced recruitment, and gender-based violence.

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.

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 parent'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, fewer than 10 percent of South Sudanese were believed to have obtained national identity documents. There were no official statistics or estimates on statelessness; however, a survey by UNCHR estimated half a million persons were 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 ethnicities, which suspected them of being Ugandans or Congolese. According to UNHCR, certain nomadic pastoralist groups had difficulty accessing application procedures for nationality certification and experienced discrimination according to ethnic group or appearance that required UNHCR's intervention to address matters with the Directorate of Nationality, Passports, and Immigration.

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 places.

Elections and Political Participation

Recent Elections: Due to intense violence and insecurity starting in 2013, the government postponed elections several times. Since independence, 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 from February 2020 until February 2023, with elections slated for December 2022. In August, however, the government proposed an extension of the 2018 peace agreement by 24 months to February 2025. In September members of the Reconstituted Joint Monitoring and Evaluation Commission voted to approve the government's proposed extension, effectively postponing elections until December 2024.

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. Members of the reconstituted parliament were appointed by presidential decree, and the parliament opened in August 2021. Parliament continued to meet regularly and discuss legislation.

Opposition parties complained the government periodically harassed party members. A 2012 law, amended during the year, mandates specific requirements for political parties that existed in a unified Sudan prior to South Sudan's 2011 independence. The main opposition party, the SPLM-IO of First Vice President

Riek Machar, protested the registration requirement for political parties to have 500 registered members in at least seven of 10 South Sudanese states. SPLM-IO parliamentarians boycotted parliamentary sessions until late August. In August, President Kiir and First Vice President Machar agreed to return the Political Parties Bill and other bills passed during the SPLM-IO boycott to the legislature. 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: Women 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 2018 peace agreement provision mandating 35 percent of political leadership positions are reserved for women. 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 obstacle 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. Intercommunal and political violence 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.

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. Poor recordkeeping, lax accounting procedures, absence of adherence to procurement laws, and a lack of accountability and corrective legislation compounded the problem. There were numerous reports of government corruption during the year.

Corruption: Corruption was endemic in all branches of government. The UN Panel of Experts reported government security forces, including the Internal Security Bureau, gained control of public and natural resources to generate off-budget sources of revenue.

Section 5. Governmental Posture Towards 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 intercommunal and political violence, 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 harassment and intimidation by the government, threats against UNMISS premises and POC sites, unlawful arrest and detention, abduction, and restrictions on the importation of goods and equipment. 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. The government did not formally inform UNMISS regarding arrest and detention incidents as required under the status of forces agreement.

There were credible reports during the year that the government harassed and intimidated civil society members cooperating with UN bodies, as well as those who sought to lobby foreign missions to pressure the government to respect civil liberties.

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. The commission has not produced any substantive reporting since 2015.

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

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Conviction of rape is punishable by up to 14 years' imprisonment and a fine. The government did not effectively enforce the law, and rape and other forms of sexual violence were widespread. The law defines forced or nonconsensual 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. Women and girls also faced the threat of rape while living in UN POC sites and IDP camps.

Although few statistics were available, the UN Commission on Human Rights reported in March that conflict-related sexual violence against women and girls was widespread and systematic throughout the country, with one recent study finding that that 65 percent of women and girls in conflict areas had experienced some form of gender-based violence.

In May a court in Aweil, Northern Bahr el-Ghazal State, convicted a Sudanese national of raping and murdering a four-year-old girl in a rare example of a rape conviction. The court sentenced the accomplice to five years in prison for helping the accused to dispose of the body in a pit latrine. On October 20, a Juvenile Court in Juba sentenced a man to 10 years in jail for raping a 15-year-old girl in one of several cases presided over by the court since 2021.

The law does not prohibit domestic violence. Intimate partner 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 them when they attempted to file 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 survivors 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, and enforcement was largely nonexistent. The law prohibits subjecting children to negative and harmful practices that affect their health, welfare, and dignity. UNICEF estimated the prevalence of FGM/C at 1 percent among girls and women between the ages of 15 and 49. FGM/C was practiced in both Christian and Muslim communities in the northern regions of the country, including Bahr el-Ghazal and Upper Nile. 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 Forms of Gender-based Violence: Instances of girl compensation – compensating the family of a crime victim with a girl from the perpetrator’s family – occurred. Survivors 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. Harmful 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.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

According to the UN Population Fund, the country had a modern contraceptive prevalence rate of 1.7 percent among women of reproductive age. Teenage pregnancy was 30 percent among girls between the ages of 15 and 19.

The maternal mortality rate was estimated to be between 789 and 1,150 deaths per 100,000 live births. The high maternal mortality rate was largely due to limited and low-quality medical care, as well as an extremely low rate of skilled birth attendance. More than 80 percent of women delivered at home, assisted by untrained attendants. The lack of access to skilled medical care during pregnancy and childbirth also resulted in maternal death and disability from treatable conditions such as infection, hemorrhage, and obstructed birth.

Cultural practices and economic barriers further limited reproductive choices. Men who paid dowries often believed they had the right to make reproductive health decisions for their wives and daughters. High illiteracy rates among women limited their access to accurate information concerning the right to control their fertility. Many individuals did not have access to accurate information, modern contraceptive methods, or family planning services. For persons younger than age 18, permission from family was not required to access nonsurgical reproductive health services, including for contraception. Cultural practices and social stigma, however, often prevented minors from exercising their rights. Women needed to obtain their husbands' consent to access sexual and reproductive health services, such as antenatal care, facility delivery, and family planning.

The country's national health policy and related strategic documents favored sexual and reproductive health, including promotion of access to family planning information and services. Lack of resources, however, hindered implementation. The health sector remained underfunded at 5 percent of the national budget. There were concerns that the total funding allocated did not reach the Ministry of Health,

state level health ministries, or health facilities. An acute shortage of skilled professionals and nonpayment of staff salaries were the biggest deficiencies in the provision of quality health care. The country faced severe shortages in all categories of trained health professionals, compounded by the COVID-19 pandemic. Maternal health services were often provided by less-skilled health workers. On average, there was only one health facility per 10,000 inhabitants, and an estimated 72 percent of the population lived more than three miles from the closest clinic. Many of these facilities were not capable of providing specialized care, and there were not enough qualified doctors, nurses, or midwives to treat survivors of sexual violence.

Discrimination: While the transitional constitution provides for gender equality and equal rights for women, including in labor markets and property inheritance, 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. One NGO reported that husbands' families occasionally accused married women of adultery to recoup the dowry in times of hardship or due to interpersonal conflict. 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.

Systemic Racial or Ethnic Violence and Discrimination

Inter- and intra-ethnic 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. Violence at the subnational level is often driven by political leaders and other actors in the capital.

Discrimination in employment based on ethnic groups was widespread (see section 7.d.).

Inter- and intra-ethnic clashes occurred throughout the year. Ongoing movements of Dinka Bor pastoralists from Jonglei have caused widespread dislocation and intercommunal clashes in Central and Western Equatoria States. There are numerous, corroborated reports of killings, abductions, cattle theft, cattle poisoning, and destruction of fixed and moveable property across communal lines. As a result of August-September clashes in Tonga, Unity State, humanitarian workers reported heightened tensions among IDPs in the Malakal POC site and reported self-segregation along ethnic lines.

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 law 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 2.8 million of the country's children were not attending school, in addition to two million students out of school due to COVID-19. Conflict across the country resulted in the displacement of many households making it difficult for children to attend school and for schools to remain in operation. Government, SPLA-IO forces, and their associated militias looted and occupied schools. 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 Forms of Gender-based Violence). Child abuse, including sexual abuse, was reportedly widespread. Child rape occurred frequently in the context of child, early, and forced marriage, and armed groups also perpetrated it. Authorities seldom prosecuted child rape due to fear among survivors 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. NGOs reported fathers often forced daughters, generally minors, to marry older men in exchange for cattle or money. 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 survivors encouraged marriage to the rapist to avoid public shaming. Many abducted girls were often repeatedly subjected to rape (see section 1.g.), sexual slavery, or forced into marriage.

Sexual Exploitation of Children: The law designates 18 as the minimum age for consensual sex, although commercial sexual exploitation of children occurred. The law criminalizes buying or selling a child for the purpose of prostitution and prescribed a punishment of up to 14 years' imprisonment and a fine. The law also criminalizes the procurement of a child for commercial sexual exploitation and the facilitation of commercial sexual exploitation of a child by the child's parent or guardian and prescribed penalties of up to 10 years' imprisonment and a fine. Child sex trafficking occurred, particularly in urban areas.

Displaced Children: During the year intercommunal and political violence displaced numerous children, both as refugees and IDPs (see sections 1.g., 2.e., and 2.f.).

Antisemitism

There are no official figures regarding the number of Jewish persons in the country. There were no reports of antisemitic acts.

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The law criminalizes consensual same-sex sexual conduct. It

prohibits “unnatural offenses,” defined as “carnal intercourse against the order of nature,” which are punishable if convicted by up to 10 years’ imprisonment. 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.

Violence against LGBTQI+ Persons: According to lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community leaders, harassment and physical abuses occurred against LGBTQI+ persons, including at least one extrajudicial killing by security forces. LGBTQI+ persons reported security forces routinely harassed and sometimes arrested, detained, tortured, and beat them. Because of actively hostile government rhetoric and actions, most openly LGBTQI+ citizens have fled the country.

Discrimination: LGBTQI+ persons are not a protected class under law, and anti-LGBTQI+ sentiment remains pervasive throughout the country. Human rights and LGBTQI+ activists reported no instances of official action to investigate or punish those complicit in discrimination, harassment, or abuse of LGBTQI+ persons.

Availability of Legal Gender Recognition: There are no legal processes by which individuals may update their gender markers on identity documents.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There are no reports of involuntary or coercive medical or psychological practices targeting LGBTQI+ persons.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: Human rights groups reported that LGBTQI+ persons faced restrictions of freedom of expression, association, and peaceful assembly due to fear of violence, harassment, or other forms of retribution from state and nonstate actors. In one case reported by human rights groups, an LGBTQI+ community group was identified by police in Juba, its bank accounts were frozen, and its leaders were

arrested, but later ultimately released. Following their release, individuals involved with the group fled the country.

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 official statistics on the number of persons with physical or mental disabilities.

There were no reports of official action taken to investigate or punish those responsible for violence against persons with disabilities. Awareness of disability matters was low, negative social attitudes prevailed, and persons with disabilities had limited access to services and employment.

Persons with disabilities also faced disproportional hardship under conditions of crisis-level food insecurity and continuing violence.

Other Societal Violence or Discrimination

Historical clashes between cattle keepers and farmers, 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 law provides for the rights of every employee to form and join unions, bargain collectively, and strike with restrictions. The law prohibits antiunion discrimination. 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, placing restrictions on workers' rights to form and join organizations of their own choosing, allowing only one union per sector or geographical area, and restricting trade unions' rights to organize their own administration. 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. Local authorities in Bor, Jonglei State, dissolved the Jonglei Workers' Union and arrested the body's senior leadership a day after civil servants in the town went on a sit-down strike over unpaid salary.

Hyperinflation and devaluation of the South Sudanese pound led to a series of demonstrations because workers reported they could no longer live off their salaries. In June teachers in Lakes State went on strike after the government failed to pay them the entirety of salary arrears for work done earlier in the year. Local authorities arrested over 30 teachers who, as of September, still faced potential charges for their acts.

The Ministry of Petroleum and the oil sector's joint operating companies signed an agreement to implement new human resource policies after oil worker strikes in 2021 to demand wage increases and other protections. Workers for one of three operating companies conducted work stoppages in April to protest the slow implementation of the new policies to help workers.

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 and criminalizes all forms of forced or compulsory labor, with exceptions for compulsory military or community service, or because of a criminal conviction. Although penalties exist, 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 <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

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 or AIDS 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 bases listed above. Discrimination in employment and occupation led to preferential hiring of persons based on ethnicity or place of origin. 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.

The government did not effectively enforce the law, and penalties, when applied, were not commensurate with other laws related to civil rights. Penalties were sometimes applied against violators.

There was a pattern of gender discrimination and barriers to employment for women. Women had fewer economic opportunities due to employer discrimination and traditional practices and received lower pay for similar work

performed by men. 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. Women were responsible for the majority of unpaid or domestic labor, also receiving lower returns for self-employed work such as farming due to denial of access to water, loans, and land ownership.

e. Acceptable Conditions of Work

Wage and Hour Laws: 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. Few workers were engaged in formal wage employment, with over 80 percent of the population engaged in nonwage work, including subsistence or small-scale agriculture not covered by labor law. 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.

Inspectors have the authority to make unannounced inspections and initiate sanctions. Violations were common in all sectors. Most employees, including public school teachers, earned less than the World Bank global poverty income level equivalent to \$2 per day.

Occupational Safety and Health: There are no occupational safety and health (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 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

inflation and the rapid depreciation of the South Sudanese pound early this year, 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 more than 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.

Wage, Hour, and OSH Enforcement: The government did not effectively enforce minimum wage, overtime, and OSH laws. The government neither investigated nor prosecuted wage and hour violations commensurate with those for similar crimes. Inspectors still have not resumed inspections they stopped due to the COVID-19 pandemic. Violations of wage and hour laws were common.

Widespread oil spillages and other chemical pollution, exacerbated by sustained, multiyear flooding that damaged oil producing infrastructure, negatively affected the health of workers and others who lived nearby.

Informal Sector: According to the 2008 census, the latest data on working conditions available, 84 percent of those employed were in nonwage work. Labor laws did not apply to informal and part time workers. Most small businesses operated in the informal economy and widely ignored labor laws and regulations. According to the International Labor Organization, fewer than 12 percent of workers were in the formal sector. Most workers in the country were agricultural workers, of whom approximately 70 percent were agropastoralists and 30 percent were farmers. Of agricultural workers, 53 percent engaged in unpaid subsistence family farming. Most informal workers were ineligible for means-tested social assistance granted to vulnerable, poor, or ultra-poor individuals, such as health-care-related benefits for pregnant and lactating women, cash grants, or agricultural inputs. Informal economy workers could contribute on a voluntary basis to private or social pension funds, but rarely did so. Informal workers lacked access to most

social protections.