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Trafficking in Persons Report 2016 - Country Narratives - South Sudan

SOUTH SUDAN: Tier 3

South Sudan is a source and destination country for men, women, and children subjected to forced labor and sex trafficking. South Sudanese women and girls, particularly those from rural areas or who are internally displaced, are vulnerable to domestic servitude in Yei, Bor, Wau, Torit, Nimule, Juba, and elsewhere in the country. Some of these women and girls are sexually abused by male occupants of the household or forced to engage in commercial sex acts. South Sudanese girls, some as young as 10 years old, are subjected to sex trafficking in restaurants, hotels, and brothels in urban centers—at times with the involvement of corrupt law enforcement officials. Child sex trafficking remains a problem. Children working in construction, market vending, shoe shining, car washing, rock breaking, brick making, delivery cart pulling, and begging may be victims of forced labor. Girls as young as 9 years old in Eastern Equatoria are forced into marriages, at times as compensation for inter-clan killings; some may have been subsequently subjected to sexual slavery or domestic servitude.

Women and girls from Uganda, Kenya, Ethiopia, Eritrea, and Democratic Republic of the Congo migrate willingly to South Sudan with the promise of legitimate work and are subjected to sex trafficking. South Sudanese and foreign business owners entice men and women from these countries, as well as South Sudanese women and children, with offers of employment in hotels, restaurants, and construction; many are forced to work for little or no pay or are subjected to sex trafficking. Kenyan and Ugandan children are subjected to domestic servitude and forced labor in construction and street vending in South Sudan. Local civil society organizations reported instances of trafficking continued to increase during the reporting period, which predominantly affected South Sudanese victims as general insecurity and the fast deterioration of the economy led more foreigners to flee the country. Some traffickers may operate in organized networks within the country and across borders. Authorities occasionally assisted traffickers in crossing international borders, and some officials subjected women and girls to domestic servitude; others purchased sex from child trafficking victims, facilitated child sex trafficking, or protected establishments that exploited victims in the sex trade.

Violent conflict continued throughout the year, increasing the number of internally displaced people to nearly 1.7 million and the number of refugees to nearly 830,000. These groups, including orphaned children, were at increased risk of trafficking. The UN Mission in South Sudan (UNMISS) estimated 20,000 unaccompanied minors in refugee camps or moving between camps, particularly while crossing the Kenya-South Sudan and Democratic Republic of the Congo-South Sudan border, were vulnerable to recruitment as child soldiers or abduction for sex or labor trafficking. Inter-ethnic abductions, as well as abductions by external criminal elements, continued between some communities in South Sudan, especially in Jonglei, Unity, and Upper Nile states. In Warrap, Northern Bahr el-Ghazal, and Lakes states abduction was also widespread. Some abductees were subsequently subjected to domestic servitude, forced labor in animal herding, or sex trafficking. South Sudanese girls were reportedly abducted from Northern Bahr el-Ghazal State and taken into Sudan, where they may have been forced into domestic servitude or other forms of slavery, as in previous years. During the North-South civil war, members of the Missiriya and Rizeigat ethnic groups abducted and enslaved thousands of Dinka women and children and a smaller number of Nuban children. Some of those enslaved remained in Sudan with their captors.

According to the Agreement on the Resolution of the Conflict in South Sudan, signed by the warring parties in August 2015, the Sudan People's Liberation Army (SPLA) and the SPLA in Opposition (SPLA-IO) committed to the immediate and unconditional release of child soldiers under their command or influence, to be carried out by UNICEF and International Committee of the Red Cross (ICRC). Also in December 2015, both SPLA and SPLA-IO signed or recommitted to action plans with the UN for demobilization of child soldiers and reintegration. However, throughout the reporting period both groups continued to retain and recruit child soldiers, at times by force. SPLA, as well as armed opposition groups in South Sudan, recruited an unknown number of child soldiers, often by force, during the reporting period. Since the start of the conflict in December 2013, the UN estimates warring parties have recruited between 15,000-16,000 child soldiers, most between 15 and 16 years old, but some as young as 9 years old. Multiple sources reported widespread use of children by SPLA and government-allied groups, including on the front-line. An NGO research report released in December 2015, which included interviews with 101 child soldiers, reported one-third of the boys were forcibly and violently recruited: SPLA and opposition groups recruited boys at gunpoint, arrested and detained them until they agreed to fight, or abducted them and gave them a gun, forcing them to fight on the front lines. Boys were seen in military uniforms manning checkpoints and acting as bodyguards for military commanders. In July in Western Bahr el-Ghazal State, observers reported a deployment to an undetermined location of approximately 400 children associated with SPLA; the children were observed being airlifted from Wau airport. In Unity State, SPLA abducted and forcibly recruited large numbers of children who were used as

combatants and porters from the start of its offensive in April continuing for several months after. SPLA continued to force girls to marry soldiers; these girls experienced systematic rape tantamount to sexual slavery.

During the reporting period, the UN, in partnership with the National Disarmament, Demobilization, and Reintegration (DDR) Commission, continued the demobilization and reintegration of 1,755 child soldiers released by David Yau Yau, the former militia commander of the South Sudan Democratic Movement/Army's Cobra Faction (SSDM/A-CF), who had approximately 3,000 children under his command when SPLA began to integrate his forces in 2014; integration was ongoing during the reporting period. SPLA agreed on the full integration of Yau Yau and his soldiers on the condition that all child soldiers under his command be demobilized prior to integration; however, approximately 1,200 children remained within the forces previously associated to Yau Yau, now under SPLA during the reporting period. Furthermore, SPLA continued to recruit child soldiers despite the DDR program to release all children associated with the SSDM/A-CF as it integrated with SPLA. In Jonglei State, observers reported 14 boys in military uniform associated with Yau Yau and reported the re-recruitment of seven other boys, separated earlier in 2015, by these integrated forces within SPLA. SPLA-North (SPLM/A-N), a Sudan-based group formerly aligned with SPLA and reportedly continuing to receive support from the South Sudanese government, conducted periodic campaigns in which it forcibly recruited adults and children in refugee sites in South Sudanese territory, including in Yida, Unity State and Maban, Upper Nile State. SPLM/A-N reportedly used child soldiers in Southern Kordofan and Blue Nile states in Sudan to fight against the Sudan Armed Forces and aligned militias. The Lord's Resistance Army (LRA) continued to harbor enslaved South Sudanese children in neighboring countries and exploited them as cooks, porters, combatants, and for sexual slavery.

Child soldiers were also present in large numbers within the SPLA-IO, primarily in the White Army and within groups affiliated with the opposition. In Upper Nile state, recruitment campaigns by elements allied to SPLA-IO continued to take place; observers reported 152 boys were recruited between April and June 2015. During the reporting period, reports also indicated boys were abducted from their houses and schools to fight with the insurgent Arrow Boys—self-defense groups in Western Equatoria originally established to defend communities against the LRA but newly mobilized following mostly ethnic skirmishes between local agriculturalists and Dinka pastoralists supported by fellow Dinkas in SPLA; observers reported local children stopped attending school for fear of abduction. UNMISS received reports that Arrow Boys also recruited child soldiers in refugee camps across the border in the Democratic Republic of the Congo.

The Government of the Republic of South Sudan does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so. Although the government committed to an action plan for the immediate and unconditional release of child soldiers under its command or influence, the government failed to uphold the agreement and implement this plan during the reporting period, as it continued to recruit, often by force, child soldiers. It failed to hold SPLA officers criminally accountable for these unlawful actions and did not investigate or prosecute other trafficking crimes or train law enforcement officials, who possessed little or no awareness of existing laws prohibiting human trafficking. The government did not provide adequate protective services for trafficking victims and continued to indiscriminately arrest and imprison individuals for prostitution, including child sex trafficking victims.

RECOMMENDATIONS FOR SOUTH SUDAN:

Cease all recruitment and use of children younger than 18 years of age by the SPLA and its associated militias; end armament or assistance to armed groups, including local defense groups that conscript and/or use children younger than age of 18 years; pursuant to article 1.10 of the Agreement on the Resolution of the Conflict in South Sudan, undertake the immediate release of child soldiers under command or influence of the SPLA, SPLA-IO and affiliated militias in conjunction with the ICRC and UNICEF for transfer to appropriate civilian rehabilitation and reintegration programs that include educational and vocational training as well as counseling; punish military officials found to be in violation of laws related to recruitment, use, and exploitation of children; investigate and prosecute suspected trafficking offenses, and convict and punish trafficking offenders, including complicit government officials, under existing laws; expedite the establishment of a hybrid court pursuant to the peace agreement or request the International Criminal Court to investigate potential war crimes and crimes against humanity committed during the conflict, including the recruitment and use of child soldiers; provide financial and political support to the SPLA's Child Protection Directorate and the army's Military Justice section, so that they can identify perpetrators and refer cases to civilian courts; appoint new leadership to the Child Protection Directorate to enable thorough investigation of child soldiering issues; train law enforcement and judicial officials to recognize trafficking victims among vulnerable groups, particularly individuals in prostitution and children in street vending, construction, and domestic service; establish and implement procedures to prevent prosecution of trafficking victims for crimes committed as a direct result of being subjected to trafficking; conduct a public awareness campaign to educate government officials and the general public on all forms of human trafficking; develop robust partnership with NGOs so they may provide adequate care to victims; work with NGOs to develop an inventory of service providers, and train government officials on procedures to refer victims to these organizations to receive care; allow unimpeded access to all military barracks, including unannounced inspections by the UN to identify and remove any children; enact the draft labor act to ensure adequate prohibitions of forced labor; form an interagency committee to develop and implement a national anti-trafficking policy; and accede to the 2000 UN TIP Protocol.

PROSECUTION

The government made no anti-trafficking law enforcement efforts and did not investigate or prosecute government officials complicit in trafficking. South Sudanese law does not prohibit all forms of trafficking, but the penal code of 2008 prohibits some forms of the crime. Article 282 prohibits and prescribes a sufficiently stringent punishment of up to seven years' imprisonment for the sale of a person across international borders. Articles 278 and 279 prohibit and prescribe punishments of up to seven years' imprisonment for the abduction and transfer of control over a person for the purpose of unlawful

compulsory labor; the prescribed punishment of up to two years' imprisonment for compulsory labor without aggravating circumstances is not sufficiently stringent. Article 276 criminalizes buying or selling a child for the purpose of prostitution and prescribes a punishment of up to 14 years' imprisonment, which is sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Punishments prescribed in article 254 for procuring a child (up to 10 years' imprisonment) or an adult (up to two years' imprisonment) for the purposes of prostitution are not commensurate with those for rape. Article 258 prescribes punishments of up to 10 years' imprisonment for parents or guardians who cause or allow their child to be involved in the sex trade. South Sudan's Child Act of 2008 prohibits the recruitment and use of children for military or paramilitary activities, and prescribes punishments of up to 10 years' imprisonment for such crimes.

The government reported no investigations, prosecutions, or convictions for trafficking crimes, including offenses allegedly committed by officials, including members of the SPLA and the allied militias. The government has never formally punished an offender for the recruitment and use of child soldiers. In addition to ongoing recruitment of child soldiers by the SPLA and its allied militia, soldiers frequently engaged child sex trafficking victims. SPLA's Directorate for Child Protection, responsible for investigating allegations of child soldiering and headed by a brigadier general, did not investigate any of the numerous instances of child soldiering throughout the country.

Capacity of law enforcement officers in most regions of the country remained limited, and courts often lacked adequate human and physical resources to investigate and prosecute crimes, including human trafficking. Pervasive corruption in the judicial sector, including the use of intimidation and bribery, hindered prosecutions of traffickers. Law enforcement and judicial officials continued to have little or no awareness of South Sudan's laws prohibiting human trafficking and the government did not provide specialized anti-trafficking training to such personnel to rectify this concern during the year. The national legislature did not pass the omnibus labor act, drafted by the Ministry of Labor in 2009 to provide further protections against forced labor.

PROTECTION

The government made minimal efforts to protect trafficking victims and, at times, law enforcement efforts were harmful to victims. The government did not formally identify any trafficking victims and law enforcement continued to indiscriminately arrest individuals in prostitution, including trafficking victims, as there was no process to distinguish or identify potential victims among these or other vulnerable populations. During the reporting period, law enforcement officers arrested 15 girls for prostitution and detained them; an NGO successfully advocated for their release, but the girls did not receive protective services. Multiple sources reported law enforcement made sweeping arrests of women and girls in prostitution in Yei and Juba and often beat and extorted money from the incarcerated women and girls before releasing them. A local NGO, supported by the Ministry of Social Development, the UN, and other international donors, provided protective services for orphaned and adolescent girls, some of whom were trafficking victims. UNICEF, in partnership with the government, continued to demobilize children within the SSDM/A-CF, during the reporting period. UN agencies and NGOs provided temporary shelter to 1,758 child soldiers demobilized by the government, but the government did not provide financial or other support to these organizations.

There were no specialized services available for trafficking victims or for any victims outside Juba. Front-line officers failed to remove trafficking victims from exploitative situations. The government did not provide legal alternatives to the removal of foreign victims to countries where they would face hardship or retribution or encourage victims to assist in the investigation and prosecution of trafficking crimes. Social stigma and justified fears of punitive law enforcement actions discouraged victims, particularly sex trafficking victims, from communicating with law enforcement authorities. NGO staff observed law enforcement officers stationed at the entries and exits to Juba brothels acting as security. There were no laws or policies to protect victims from prosecution for crimes committed as a direct result of being subjected to trafficking. In previous years, the government arrested foreign victims for lack of proper documentation, though it is unknown if this continued during the reporting period.

PREVENTION

The government made minimal efforts to prevent trafficking. In December 2015, the government agreed to utilize the existing National Aliens Committee to serve as the National Coordination Mechanism on Migration, which will address trafficking issues in the country. The Police Services Act of 2009 designates the South Sudan Police Service as the lead on investigation of potential trafficking crimes and enforcement of the law. The SPLA continued to deny the presence of child soldiers in its ranks, continued to actively recruit child soldiers, at times by force, and failed to implement the action plan to demobilize child soldiers. The government did not have a national action plan against trafficking and trafficking awareness remained low among government officials and the public. The government did not conduct any anti-trafficking awareness campaigns or partner with civil society to do so. Authorities took no known steps during the reporting period to address the labor exploitation of South Sudanese nationals working abroad or foreign nationals within South Sudan. The government had memoranda of understanding with Kenya, Rwanda, Ethiopia, and Uganda to facilitate information exchanges, including on human trafficking. The government made no discernible efforts to reduce the demand for forced labor or commercial sex acts during the reporting period. The government did not provide anti-trafficking training for its diplomatic personnel. South Sudan is not a party to the 2000 UN TIP Protocol.