

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	159
Land:	Sydsudan
Kilde:	US Department of State
Titel:	Trafficking in Persons Report 2017 – South Sudan
Udgivet:	27. juni 2017
Optaget på baggrundsmaterialet:	27. september 2017



Trafficking in Persons Report 2017 - Country Narratives - South Sudan

SOUTH SUDAN: Tier 3

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; therefore, South Sudan remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including the development and dissemination of a manual and training module covering human trafficking for customs and border officials during the year. In addition, officials put in place military enlistment procedures that require an age assessment to prevent the future recruitment of child soldiers. However, the government continued to recruit—often by force—and use child soldiers and failed to hold the Sudan People's Liberation Army (SPLA) officers criminally accountable for these unlawful actions. Authorities did not investigate or prosecute forced labor or sex trafficking crimes, and officials generally lacked understanding of existing laws prohibiting human trafficking. The government made negligible efforts to protect trafficking victims and continued to indiscriminately arrest and imprison individuals for prostitution, including child sex trafficking victims, without screening for indicators of trafficking.

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 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 and affiliated militias in conjunction with the International Committee of the Red Cross (ICRC) and UNICEF for transfer to appropriate civilian rehabilitation and reintegration programs; investigate, prosecute, and convict military officials allegedly complicit in the recruitment, use, and exploitation of children; investigate and prosecute suspected trafficking offenses, and convict and punish traffickers, 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; train law enforcement and judicial officials to recognize trafficking victims among vulnerable groups, particularly children and individuals in prostitution; establish and implement procedures to prevent penalization 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 civil society so they may provide adequate care to victims; develop an inventory of service providers, and train government officials on procedures to refer victims to these entities to receive care; allow unimpeded access to all military barracks, including unannounced inspections to identify and remove any children; develop and implement a national anti-trafficking strategy; and accede to the 2000 UN TIP Protocol.

PROSECUTION

The government demonstrated no discernable anti-trafficking law enforcement efforts. South Sudanese law does not criminalize all forms of trafficking, but the 2008 penal code does address 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 compel or allow their child to be involved in the sex trade. South Sudan's 2008 Child Act 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 that were reported to have been committed by officials, including SPLA members. Despite the ongoing unlawful recruitment and use of child soldiers by the SPLA and its allied militias, the government had never held an offender criminally or administratively

accountable for such crimes. The critical lack of capacity throughout the justice sector impeded law enforcement efforts. Courts lacked lawyers, judges, and defense attorneys knowledgeable on trafficking issues or South Sudanese laws prohibiting trafficking, and resources to investigate and prosecute most crimes, including human trafficking, were scant. Pervasive corruption in both the judicial and law enforcement sectors, including the use of intimidation and bribery, hampered prosecutions of traffickers. During the reporting year, with technical support from an international organization, the Ministry of Interior developed a manual and training module covering human trafficking and smuggling for the Directorate of Nationality, Passports, and Immigration and disseminated them to customs and border officials. In 2016, more than 20 immigration officials participated in an anti-trafficking train-the-trainer program in Tanzania, which was sponsored by an international organization.

PROTECTION

The government maintained negligible efforts to protect victims. The government did not identify or refer to care any trafficking victims during the reporting year, and front-line officers failed to remove trafficking victims from exploitative situations. Lacking a mechanism to distinguish or identify potential victims among vulnerable populations, security forces continued to indiscriminately arrest individuals in prostitution, some of whom were trafficking victims, without screening. The Ministry of Social Development (MSD), an international organization, and multiple NGO partners supported a private shelter for orphaned and adolescent girls at risk of exploitation. The MSD, with backing from an international organization, also ran a transition center for victimized children and mothers—including potential trafficking victims. There were no specialized services available for trafficking victims. During the reporting period, an international organization, in partnership with the government, continued to demobilize and reintegrate children; efforts included release negotiation, screening and registration, familial reunification, educational placement, or vocational training. In October 2016, the same international organization reported securing the release of 145 children from armed groups, and providing them with psycho-social support, food assistance, medical screenings, civilian clothing, and reintegration support. The government did not provide financial support to aid in these efforts, though it did provide staff.

Social stigma and justified fears of punitive law enforcement actions discouraged victims—particularly those subjected to sex trafficking—from communicating with law enforcement authorities. There were no laws or policies to protect victims from prosecution for crimes committed as a direct result of being subjected to trafficking. 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.

PREVENTION

The government made minimal efforts to prevent trafficking. Neither the National Aliens Committee—tasked in 2015 to address trafficking issues in the country—nor its child labor unit was active during the reporting year. The Police Services Act of 2009 designated the South Sudan police service as the lead on investigation of potential trafficking crimes and enforcement of the law. Some SPLA representatives denied the military's recruitment of children into its ranks and continued to actively recruit child soldiers, at times by force, and failed to implement the action plan to demobilize child soldiers. During the reporting year, officials put in place military enlistment procedures that require an age assessment to prevent the future recruitment of child soldiers. The government did not have a national action plan against trafficking; trafficking awareness remained low among government officials and the public. The government launched a campaign against sexual exploitation, designed to raise awareness among vulnerable groups and how to identify, prevent, and report gender-based violence crimes, including trafficking. In September 2016, officials organized a two-day, high-level dialogue on impunity associated with sexual exploitation and crimes against women and child victims of the Lord's Resistance Army (LRA); the conference reached an unknown number of government personnel and civil society stakeholders. Authorities failed to make efforts to address the labor exploitation of South Sudanese nationals working abroad or foreign nationals within South Sudan. 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.

TRAFFICKING PROFILE

As reported over the past five years, 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 throughout 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 are subjected to sex trafficking in restaurants, hotels, and brothels in urban centers—at times with the involvement of corrupt law enforcement officials. 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 are forced into marriages, at times as compensation for inter-ethnic killings; some may be subsequently subjected to sexual slavery or domestic servitude. South Sudanese and foreign business owners recruit men and women from regional countries—especially Eritrea, Ethiopia, and Somalia—as well as South Sudanese women and children, with fraudulent offers of employment opportunities in hotels, restaurants, and construction; many are forced to work for little or no pay or are subjected to sex trafficking. Some traffickers operate in organized networks within the country and across borders. Authorities occasionally assisted traffickers in crossing international borders, and some South Sudanese 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.

Local civil society organizations reported instances of trafficking during the reporting period, which predominantly affected South Sudanese victims because general insecurity, continued deterioration of the economy, protracted violence, and the July 2016 collapse of the ceasefire between the government and the armed opposition compelled many foreigners to flee the country. Violent conflict continued throughout the year, increasing the number of internally displaced people to 1.9 million and the number of refugees in neighboring states to nearly 1.5 million. These groups, including orphaned children, were at increased risk of trafficking and other forms of exploitation. The UN-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 previous years, abduction was also pervasive in Warrap, Northern Bahr el-Ghazal, and Lakes states. Some abductees were 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.

Since the start of the conflict in December 2013, the UN estimates warring parties have recruited approximately 17,000 child soldiers in South Sudan. In the first half of 2016, the government and armed opposition groups recruited more than 650 children, and during the second half of the year an international organization documented incidents of recruitment and use throughout the country, including in Eastern Equatoria, where no instances of recruitment or use had been historically reported. During the reporting year, both government and armed opposition groups recruited boys and transported them from their home areas to other parts of the country for redeployment or to engage in military training where children act as bodyguards for commanders, man checkpoints, and assume other security support roles. A 2015 NGO research report reported one-third of the boys interviewed were forcibly and violently recruited; SPLA and opposition groups recruited boys at gunpoint, arrested and detained them until they agreed to fight, or abducted and provided them with guns, forcing them to fight on the front-lines. According to the Agreement on the Resolution of the Conflict in South Sudan, signed by the warring parties in August 2015, 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 ICRC. However, throughout the reporting period both groups continued to retain, recruit, and use child soldiers, including on the front-line, and evidence persisted of the re-recruitment of numerous children.

During the reporting period, the UN, in partnership with the National Disarmament, Demobilization, and Reintegration Commission (NDDRC), 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-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. The SPLA continued to recruit child soldiers despite the NDDRC program to release all children associated with the SSDM/A-CF as it integrated with SPLA. Predominant accounts of recruitment and use of child soldiers were documented in Unity State, and over half of all verified cases were reportedly perpetrated by the SPLA. Child soldiers were also present within the SPLA-IO and within groups affiliated with the opposition. During the reporting period, observers reported the recruitment and use of 486 children; international observers verified instances in several of the country's states, including Western Equatoria, Upper Nile, Jonglei, Warrap, Central Equatoria, and Northern Bahr el Ghazal. Almost half of the reported instances of child soldiering were documented in the Greater Upper Nile region, and observers noted a sharp increase in Western Bahr el Ghazal State. During the reporting period, reports also indicated boys and girls were abducted from their houses and schools to fight and perform domestic duties, respectively; observers previously reported local children stopped attending school for fear of abduction.