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TRAFFICKING IN PERSONS REPORT 2018 - COUNTRY NARRATIVES - SUDAN

SUDAN: Tier 2 Watch List

The Government of Sudan does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made key achievements during the reporting period; therefore Sudan was upgraded to Tier 2 Watch List. These achievements included increasing the number of investigations, prosecutions, and arrests of traffickers, including complicit officials; expanding training for law enforcement and judicial officials highlighting the differences between trafficking and migrant smuggling; improving screening processes to prevent government armed forces' recruitment of child soldiers; and identifying more victims through law enforcement operations. Despite these achievements, the government continued to penalize victims for crimes they committed while subjected to trafficking; did not make efforts to address sex trafficking or identify any sex trafficking victims; did not develop standard operating procedures to identify or refer victims to care; did not report providing assistance to any trafficking victims; and reports of official corruption and complicity in trafficking crimes continued.

RECOMMENDATIONS FOR SUDAN

Ensure all government security forces maintain vigilance to prevent the use of child soldiers by government forces; implement the anti-trafficking law to increase prosecutions and convictions of traffickers and complicit officials, including those allegedly responsible for sex trafficking and as distinct from migrant smuggling or kidnapping crimes; increase training for law enforcement officials on distinguishing trafficking from other crimes, and establish procedures for authorities to identify and provide protective services to trafficking victims among vulnerable populations, such as domestic workers, women and children in prostitution, refugees and asylum-seekers, and foreign migrants; ensure victims are not punished for unlawful acts committed as a direct result of being subjected to human trafficking; National Council for Child Welfare (NCCW) drafts standard operating procedures (SOPs) for child soldier reintegration, and implements the SOPs in coordination with government ministries and civil society; regularly convene the National Committee to Combat Trafficking; amend the 2014 anti-trafficking law to criminalize sex trafficking of children in the absence of coercion and define exploitation; allow victims full freedom of movement from government safe houses; increase coordination with NGOs and civil society on victim protection; implement and dedicate adequate resources to the national anti-trafficking action plan; provide adequate protective services for all trafficking victims, regardless of their participation in law enforcement or prosecution efforts, and ensure protective services to victim witnesses; institute regular anti-trafficking training for relevant government officials and Sudanese diplomats posted abroad; develop awareness raising campaigns that address all forms of trafficking, including forced labor and sex trafficking.

PROSECUTION

The government increased law enforcement efforts. The 2014 anti-trafficking law criminalized some forms of trafficking, but failed to define what constituted exploitation. Additionally, inconsistent with international standards, the law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. The law prescribed between three and 10 years imprisonment for base offenses involving adult male victims and between five and 20 years imprisonment for offenses involving adult female and child victims or involving additional aggravating circumstances; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with the penalties prescribed for other serious crimes, such as rape. Article 14 of the Sudan Armed Forces Act of 2007 criminalized recruiting children younger than 18 years old by members of the armed forces, enslaving civilians, or coercing civilians into prostitution, and prescribed penalties between three years imprisonment and death.

Unlike in previous years, following increased training by the government and international organizations, senior officials and working level law enforcement and judicial officials demonstrated a clearer understanding of the differences between migrant smuggling and human trafficking, although some conflation of kidnapping, smuggling, and trafficking still existed at the working level. During the reporting period, the government reported

investigating 99 total trafficking cases involving 179 suspected traffickers. These cases included several instances of suspected forced labor, but no alleged sex trafficking cases. The government prosecuted 94 of those cases involving 160 suspects, and convicted seven traffickers under the 2014 anti-trafficking law to sentences ranging from three years to death, compared with 450 investigations of potential traffickers during the previous reporting period; however, previous year's reporting likely included cases of migrant smuggling among other crimes. International organizations alleged that some police officers and local officials in Sudan were complicit in trafficking crimes, especially in the east of the country. The government reported prosecuting and convicting two complicit officials—one police officer and one colonel in the Sudan Armed Forces (SAF)—and sentenced the police officer to 10 years in prison under the 2014 anti-trafficking law, compared with no prosecutions or convictions of complicit officials reported during the previous five years. The government also reported convicting six officials for trafficking and sentencing them to between 10 and 15 years imprisonment in a special court in eastern Sudan.

In 2017, the Ministry of Interior funded and launched the Trafficking Unit under the Organized Crime Directorate, and trained 100 detectives across eight states (Kassala, Gedaref, Red Sea, Blue Nile, Khartoum, Gezira, Nile River, and Northern State) on investigation procedures for trafficking cases during the reporting year. In 2017, the government's Judicial and Legal Sciences Institute, in collaboration with the Ministry of Justice, partnered with an international organization to provide four five-day trainings titled "Strengthening the Capacity of the Criminal Justice System in Sudan to Address Human Trafficking" for 83 male and female law enforcement officers, judges, prosecutors, defense lawyers, and social workers across eight of Sudan's 18 states. In August 2017, 20 representatives from the judiciary, Criminal Prosecution Office, Office of the Attorney General, various law enforcement branches, Ministry of Justice, and social workers assisted in the development of the training curriculum in a trainer-of-trainers model to increase their ability to effectively identify and prosecute human trafficking cases using the 2014 Anti-Trafficking law. In October 2017, the Police Training Authority, under the direction of the Ministry of Interior, provided training to law enforcement personnel on victim identification, care, and protection principles, with a focus on victim-centered approaches. Additionally in 2017, in partnership with the African Union and a multilateral organization, the Ministry of Interior launched the Regional Operational Centre on Trafficking (ROCK), which will help facilitate international trafficking investigations between source, transit, and destination countries along commonly used trafficking routes. International donors have pledged support for the ROCK, but have not yet disbursed funding.

PROTECTION

The government increased efforts to identify trafficking victims subjected to forced labor but failed to identify victims of sex trafficking and likely penalized some victims for crimes they may have committed while being subjected to trafficking. Although victim protection remained a substantial gap in the government's anti-trafficking efforts, it took significant steps through the trainings listed in the previous section to increase the capacity of law enforcement and other first responders to proactively identify victims and refer them to care, in partnership with NGOs and international organizations.

In 2017, the government reported identifying 400 potential trafficking victims through the course of law enforcement activities, compared with 142 during the previous year; however, the government did not report referring any victims to care. The government did not have systematic procedures to identify trafficking victims, nor did it consistently use a standard mechanism to refer victims to protective services. The government also lacked a mechanism to screen for trafficking for use by officials engaging with vulnerable populations. As a result, trafficking victims who may have committed unlawful acts as a direct result of being subjected to trafficking were likely detained or deported from Sudan—or prosecuted—without access to protections afforded to them. Vulnerable individuals such as persons in prostitution, migrants, and refugees may not have reported abuses due to fear of retaliation by an employer or arrest by government authorities. Authorities—particularly in eastern Sudan—continued to charge some trafficking victims for immigration violations and held them in custody throughout the duration of court processes, and some victims participating in investigations risked retaliation by traffickers.

During the reporting year, the NCCW and the Ministry for Social Welfare increased efforts to prevent the use of child soldiers within the SAF and its auxiliaries through the implementation of the National Action Plan to Prevent the Recruitment and Use of Children in Armed Conflict. In 2017, the government strengthened its age assessment and screening processes, established disciplinary procedures for those caught engaging in child

recruitment, and increased awareness raising campaigns across the military, down to the unit level. The government also coordinated with international organizations to conduct monitoring and verification visits in eight conflict states and through the headquarters of its paramilitary Rapid Support Forces and facilitated the release of 21 child soldiers from non-governmental armed forces in the Darfur region. The NCCW also reported partnering with international organizations to provide temporary shelter and services to 34 victims of trafficking, and 21 child soldiers. Shortcomings remained in the reintegration process following the release of child soldiers due to coordination challenges within government agencies and between the government and social services. International organizations noted that the lack of a centralized process led child soldiers to be treated as prisoners of war and held in prolonged detention.

The government referred victims to international organizations and civil society who provided shelter, medical care, psycho-social support, translation services, and witness protection to some victims of trafficking; however, the government did not report if any potential trafficking victims stayed or received care in either of two safe houses in Kassala state that an international organization operated with funding from a nongovernment body. Although the government did not report providing support to victims of trafficking in safe houses, NGOs indicated that victims did receive support from at least one safe house during the reporting period. Authorities did not permit victims to leave the shelters unchaperoned. The Domestic Workers Act of 2008 provided a legal framework for employing and registering domestic workers with limited labor rights and protections. The government did not report if any domestic workers were registered and protected under the law during the reporting period. Per the Asylum Act, foreign victims of trafficking identified as in need of international protection by police authorities or the judiciary were directed to the Commission for Refugees (COR) and an international organization where they had the opportunity to receive refugee status and apply for asylum; the government did not report any individuals pursuing or receiving this benefit during the year.

An international organization reported the government installed video and camera equipment in court houses across the country which allowed victims and witnesses to give testimony in separate rooms to prevent re-traumatization as a result of involvement in criminal proceeding. The government set up a mock trial room with this technology at its training center for prosecutors and judges, the government-funded Judicial and Legal Sciences Institute.

PREVENTION

The government increased efforts to prevent trafficking, but some Sudanese policies may have increased risks of exploitation among vulnerable populations. A 2016 policy required South Sudanese immigrants to register formally within one week of arriving in Sudan. This policy restricted South Sudanese access to legal work and potentially exposed them to exploitative work situations. The government sporadically granted protections—including legal representation and residency—to foreigners who lacked refugee or asylum status, but only registered such applications at original points of entry, which compelled some fleeing persecution in other parts of the country to do so clandestinely.

The National Committee to Combat Trafficking, consisting of 19 government ministries, met three times during the reporting period, drafted and finalized a national action plan with support from an international organization, used multiple media channels to raise awareness of the crime, and in December 2017 met with NGOs to increase coordination on anti-trafficking service provision; however, at the end of the reporting period, the government did not allocate a budget for the national action plan, and only began implementation of its awareness raising programs. The government did not make efforts to reduce the demand for commercial sex acts and forced labor, and did not report providing anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, Sudan is a transit, source, and destination country for men, women, and children subjected to forced labor and, to a lesser extent, sex trafficking and child soldiering. For the second consecutive year, traffickers increased their recruitment of male migrants to Sudan for purposes of forced labor or situations indicative of trafficking under false pretenses of employment. Street children in Khartoum—including Sudanese and unaccompanied migrant children from West and Central Africa—who beg in the streets, and work in public transportation and large markets are particularly susceptible to forced labor; some experience sexual abuse and extortion. Human rights groups observe children working in brick-making factories, gold mining, collecting medical waste, street vending, and agriculture; these children are exposed to threats, physical and

sexual abuse, and hazardous working conditions, with limited access to education or health services, making them highly vulnerable to trafficking. Sudanese women and girls, particularly internally displaced persons or those from rural areas, and refugee women are vulnerable to domestic servitude; Sudanese girls are also vulnerable to sex trafficking. Sudanese law prohibits the recruitment of children as combatants and provides criminal penalties for perpetrators; however, children remained vulnerable to recruitment and use as combatants and in support roles by non-governmental armed groups and militias, primarily in Sudan's conflict zones of Darfur, South Kordofan, and Blue Nile. An international organization reported that the non-governmental Sudan Liberation Movement-Minni Minnawi, Sudan Liberation Army-Abdul Wahid, and Sudan Liberation Army-Popular Defense may have recruited and used child soldiers, and verification was ongoing at the end of the reporting period.

Due to regional instability and conflict, Sudan hosts more than 2.9 million people of concern, including refugees, internally displaced persons, and asylum-seekers. These individuals are vulnerable to trafficking due to their lack of economic stability and access to justice. East Sudan hosts over 107,000 refugees, the majority of which are Eritreans. The government's COR partnered with NGOs and international organizations to assist asylum-seekers arriving in three reception areas.

European support for the government's efforts to limit irregular migration routes through Sudan to Europe has forced migration underground and therefore increased the vulnerability of migrants to abuse and exploitation by traffickers, complicit security forces, and criminal networks, primarily in the east of the country. A human rights organization reported that approximately 30,000 Eritrean, Ethiopian, and other African asylum-seekers—a population vulnerable to trafficking due to their economic fragility and lack of access to justice—are temporarily housed in Khartoum waiting to travel to Europe. During the reporting year, Eritreans represented the highest proportion of trafficking victims in Sudan—mainly in the east—due to the consistent flow of refugees and asylum-seekers and their youth demographic. Ethiopian women are particularly vulnerable to domestic servitude in private homes in Khartoum and other urban centers; some Ethiopian women are forced into prostitution in Khartoum and experience debt bondage. Somalis represent a significant portion of smuggled individuals who become, or are at risk of becoming victims of trafficking. Anecdotal reports indicate Syrian refugees, including children, are observed begging on the streets in Khartoum and are vulnerable to exploitation. Analogous to Syrian nationals, some Yemenis fleeing conflict in their homeland sought asylum in Sudan, and their economic vulnerabilities upon arrival likely motivate their onward migration to Europe. Due to the ongoing conflict in South Sudan, there was an increase in South Sudanese refugees across Sudan, many of whom remained vulnerable to exploitation in Sudan. An international organization continued to document cases of West and Central African nationals—primarily from Niger, Mali, and Chad—who arrived in Sudan via irregular migratory routes and were subsequently vulnerable to trafficking. Anecdotal evidence also suggests that Chinese women working for small-scale Chinese companies, such as restaurants and hotels, may be subjected to forced labor or prostitution.

Darfur remained a favored route to Libya, as the porous border and sustained insecurity allow traffickers to operate with impunity across the region. The previously defunct Egyptian route is being used again in connection with the migration influx to Europe; Sudanese citizens and other African nationalities are allegedly utilizing this course. In past years, some Sudanese citizens en route to Europe via Egypt were detained in the Sinai Peninsula where they were vulnerable to exploitation. Eritrean nationals are abducted at border crossings, extorted for ransom, and abused by smugglers linked to the Rashaida and Tabo tribes, although other cross-border tribes also take part in trafficking; some of those abducted are forced to perform domestic or manual labor and experience various types of abuse, indicative of trafficking. Sudanese police and border guards allegedly facilitate the trafficking of Eritrean nationals and allow potential victims to be transported across security checkpoints or international borders without intervention.

Sudanese citizens are subjected to forced labor, domestic servitude, and sex trafficking abroad. Some Sudanese men who voluntarily migrate to the Middle East as low-skilled laborers are subjected to forced labor. The government reported Sudanese children are exploited in forced begging and street vending in Saudi Arabia, especially during the Hajj season. Sudanese criminal gangs deceptively promise Sudanese nationals employment in Libya, but instead sell them to Libyans who subject them to forced labor in agriculture or mining.