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Trafficking in Persons Report 2017 - Country Narratives - Sudan

SUDAN: Tier 3

The Government of Sudan does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore, Sudan remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including providing some demobilized child soldiers with modest protective services and investigating potential trafficking cases. However, the government continued to deny the existence of sex trafficking of adults and children. It failed to identify victims of sex trafficking or forced labor. It did not operationalize or allocate a budget to implement the activities in its national anti-trafficking action plan. Officials routinely conflated trafficking with other crimes, such as smuggling or immigration violations, and authorities continued to punish some trafficking victims for unlawful acts committed as a direct result of being subjected to trafficking. The government lacked capacity and resources to provide adequate protective services to victims.

RECOMMENDATIONS FOR SUDAN

Prevent the recruitment of child soldiers by all armed groups and demobilize all child soldiers from the ranks of government-aligned militias and rebel groups and provide them access to protective services; criminalize sex trafficking of children in the absence of coercion, and amend the anti-trafficking law to define exploitation; establish clear legal distinctions between human trafficking and smuggling crimes, including enacting federal anti-smuggling legislation and harmonizing national and state-level anti-trafficking legislation; implement the anti-trafficking law to increase prosecutions and convictions of traffickers as distinct from smugglers, and significantly increase penalties imposed on convicted traffickers; train law enforcement authorities 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, foreign migrants, and Sudanese nationals abroad; ensure victims are not punished for unlawful acts committed as a direct result of being subjected to human trafficking; allow victims full freedom of movement from the government safe houses; amend the Law of 1955 Regarding Domestic Servants to provide equal rights and protections for domestic workers; 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; and develop awareness campaigns that address all forms of trafficking, including forced labor and sex trafficking.

PROSECUTION

The government demonstrated negligible law enforcement efforts, and officials continued to conflate trafficking and smuggling, which impaired effective application of anti-trafficking legislation. The 2014 anti-trafficking law criminalizes seducing, transporting, kidnapping, receiving, holding or grooming them "with the intention of exploiting them or using them in illegal acts." However, it fails to define what constitutes exploitation, which in international law includes forced labor and the forced prostitution of others. And, while it requires that means of force, fraud, or coercion be used for the purpose of exploitation—as set forth in the international law definition—it makes no exception for the use of such means with regard to the trafficking of children, which is a critical part of the international law definition. The law prescribes between three and 10 years imprisonment for acts of trafficking, between five and 20 years imprisonment for aggravated offenses, and capital punishment in cases where the victim dies; these penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The Sudan Armed Forces Act of 2007 prohibits members of the armed forces from recruiting children younger than 18 years old, enslaving civilians, or coercing civilians into prostitution.

As in previous years, anti-trafficking resources and investigative capacity remained insufficient. Law enforcement and judicial officials inconsistently applied the national anti-trafficking law and often utilized other legal frameworks, some carrying lesser penalties, to punish traffickers. During the reporting period, the national anti-trafficking committee reported the government initiated more than 450 investigations, compared to 127 the prior year; however, the government did not provide details regarding the nature of the crimes it investigated or prosecuted, and it is likely these reported cases included the crime of migrant smuggling. A local news article reported the government achieved 129 convictions of alleged traffickers, whom it sentenced to imprisonment between five and 10 years, yet it was unclear if any of the perpetrators were prosecuted under the 2014 anti-trafficking law. During the previous reporting period, the government reportedly obtained the convictions of at least nine traffickers. As some perpetrators were charged under the passport and immigration act, it is unclear whether the government charged trafficking victims—rather than traffickers—for crimes during the reporting period.

There were unverified reports that police officers and local officials in eastern Sudan were complicit in trafficking crimes; the government did not report any investigations, prosecutions, or convictions of allegedly complicit officials. Additionally, the government did not report any investigations or prosecutions of officials in security and military entities allegedly complicit in the use and recruitment of children. The government did not directly provide, or support with in-kind assistance, any anti-trafficking trainings to officials, and instead it continued to rely on international organizations to lead such efforts.

PROTECTION

The government made weak efforts to identify and assist trafficking victims. During the reporting period, the government reported it identified and referred to care 142 potential trafficking victims; however, an international organization reported that none were victims of sex or labor trafficking. The government did not have systematic procedures to identify trafficking victims among vulnerable populations, nor did it consistently use a standard mechanism to refer victims to protective services. 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. Many trafficking victims did not report abuses due to fear of retaliation by an employer or arrest by government authorities. In 2016, the government discontinued the practice of detaining witnesses to ensure their participation as witnesses at trial, yet it did not further incentivize victim-witness testimony or provide sufficient care or protection for victims during court proceedings. 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.

The government did not provide information about whether it funds victim support and protection directly or through other entities. It continued to rely on international organizations and civil society to provide safe shelter, medical care, psycho-social support, translation services, and witness protection. 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. Reportedly for security reasons, authorities did not permit victims to leave the shelters unchaperoned. In September 2016, the government released 21 previously detained children purportedly associated with Justice and Equality Movement (JEM) fighters. In collaboration with an international organization, the government provided the children with psycho-social support and reintegration assistance. The Law of 1955 Regarding Domestic Servants provides 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. There were reported to be legal alternatives to the removal of foreign victims to countries where they would face hardship or retribution, but the government provided no information that those alternatives were made available to trafficking victims during the reporting year.

PREVENTION

The government maintained limited efforts to prevent trafficking, but some Sudanese policies may have increased the likelihood that some vulnerable populations were exploited. A 2016 policy requires 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. During the reporting year, the government acknowledged that child soldiering and labor exploitation constitutes trafficking; however, it continued to deny that sex trafficking of adults and children occurred in the country. The government continued its public commitment to ending the recruitment and use of children in the armed forces; however, it was unclear if any perpetrators of these practices were held administratively or criminally accountable for their actions. The government remained without mechanisms to identify underage recruits. In 2017, the Sudan People's Liberation Movement-North signed the Child Soldiers Action Plan in Geneva to end and prevent the recruitment of children, and the child protection unit of the Sudanese armed forces continued to spearhead this effort. Sudan's Disarmament, Demobilization, and Reintegration Commission maintained its mandate pertaining to the recruitment of child soldiers but ostensibly lacked the capacity and financial resources to carry out its mandate.

The government's national anti-trafficking committee continued to meet during the reporting year, and continued to focus its coordination efforts at the federal level. The committee lacked the resources to become an operational body, which impeded its ability to effectively and holistically execute its mandate. The government did not operationalize or allocate a budget to implement activities in its 2016-2017 national anti-trafficking action plan. Two international organizations, in coordination with Sudanese authorities, produced and disseminated posters on the dangers of irregular migration, including trafficking. Local media continued to raise public awareness on general trafficking issues external to Sudan, targeting primarily third country nationals. The government did not make efforts to reduce the demand for commercial sex acts and forced labor, nor did it raise awareness of child sex tourism. The government 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. During the reporting period, an international organization documented an increase in male migrants in forced labor or situations indicative of trafficking who were lured to Sudan under pretenses of employment. Street children in Khartoum—including Sudanese and unaccompanied migrant children—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, 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 in restaurants and brothels. Some Sudanese officials are reportedly involved in and profit from child sex trafficking rings. 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 Sudanese non-governmental armed groups and militias. The Sudan Liberation Movement-Minni Minnawi and JEM actively recruit children from displacement camps in Darfur to fight in Libya. The Sudan Liberation Army-Abdul Wahid faction uses child soldiers in the conflict zones around Jebel Marra.

Migrants, including unaccompanied children, refugees, and asylum-seekers, predominantly from East and West Africa, are highly vulnerable to sex trafficking and forced labor in Sudan. During the reporting period, Eritreans represented the highest proportion of trafficking victims in Sudan—mainly in the east—due to their influx as 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 increasingly observed begging on the streets in Khartoum and are vulnerable to exploitation. Analogous to Syrian nationals, some Yemenis fleeing conflict in their homeland sought refugee status in Sudan during the reporting period, and their economic vulnerabilities upon arrival likely motivate their onward migration to Europe. Due to the ongoing conflict in South Sudan, during the reporting period there was an uptick in South Sudanese refugees across Sudan, many of whom remained vulnerable to exploitation in Sudan and onward destinations. An international organization continued to document cases of West 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. Bangladeshi adults migrating to Sudan for work have previously been reported to be victims of trafficking.

During the reporting year, Darfur became 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 now 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 highly vulnerable to exploitation and severe physical and sexual abuse. Some refugee and asylum-seekers from Eritrea and Ethiopia are abducted from Sudan-based refugee camps, eastern border regions, and Khartoum and transported to other countries for exploitative purposes. Eritrean nationals are abducted from refugee camps or at border crossings, extorted for ransom, and brutalized by smugglers primarily linked to the Rashaida and Tabo tribes; 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 abductions of Eritrean nationals, some of whom are trafficking victims, 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.