



## 2022 Trafficking in Persons Report: 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, even considering the impact of the COVID-19 pandemic, on the government's anti-trafficking capacity, 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 convening its anti-trafficking inter-ministerial task force, finalizing the 2021-2023 National Action Plan (NAP) to Combat Trafficking, and conducting awareness activities. However, during the reporting period, there was a government policy or pattern of employing and recruiting child soldiers. Government security and law enforcement officers continued to forcibly recruit and use child soldiers and did not hold any members of the South Sudan People's Defense Forces (SSPDF) or South Sudan National Police Services (SSNPS) criminally accountable for these unlawful acts. Authorities did not report investigating or prosecuting any forced labor or sex trafficking crimes for the 10th consecutive year. The government did not report identifying or assisting any victims and continued to penalize victims for unlawful acts their traffickers compelled them to commit.

### PRIORITIZED RECOMMENDATIONS:

- Cease all unlawful recruitment and use of children by government forces and associated militias and immediately demobilize all child soldiers under the command or influence of government forces and affiliated militias and, in partnership with international organizations, provide adequate protection and reintegration support for child victims.
- Vigorously investigate and prosecute suspected traffickers, including complicit government officials.
- Train law enforcement and social workers to identify trafficking victims, particularly among vulnerable groups such as children, individuals in commercial sex, internally displaced persons, and North Korean overseas workers.
- Provide additional financial and staffing support to the SSPDF's Directorate of Child Protection to facilitate efforts to identify perpetrators of child soldiering and refer cases to civilian courts.
- Draft, finalize, and implement victim identification screening and referral procedures in partnership with international organizations and civil society.

- Train law enforcement officers, prosecutors, and judges—including officials serving on the Gender Based Violence and Juvenile Court—on the 2008 Child Act, 2008 Penal Code, and 2018 Labor Act.
- Increase funding and resources for the anti-trafficking inter-ministerial taskforce.
- Amend the 2008 Penal Code or pass a comprehensive anti-trafficking law to criminalize adult sex trafficking and prescribe penalties that are sufficiently stringent and commensurate with other grave crimes, such as rape.
- Accede to the 2000 UN Convention Against Transnational Organized Crime and its TIP Protocol.

## PROSECUTION

The government continued to demonstrate negligible law enforcement efforts. The 2008 Penal Code, 2008 Child Act, and 2018 Labor Act criminalized some forms of sex trafficking and labor trafficking. Article 277 of the penal code prohibited forced labor and prescribed penalties of up to two years' imprisonment, a fine, or both; these penalties were not sufficiently stringent. Article 276 criminalized buying or selling a child for the purpose of prostitution and prescribed a punishment of up to 14 years' imprisonment and a fine, which was sufficiently stringent and commensurate with punishment prescribed for other serious crimes, such as rape. Articles 254 and 258 criminalized the procurement of a child for prostitution and the facilitation of the prostitution of a child by the child's parent or guardian and prescribed penalties of up to 10 years' imprisonment and a fine; these penalties were also sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The criminal code did not explicitly criminalize adult sex trafficking and, inconsistent with international law, required movement across borders to establish the crime. Article 282 prohibited and prescribed a sufficiently stringent punishment of up to seven years' imprisonment for the sale of a person across international borders. Articles 31 and 32 of South Sudan's 2008 Child Act prohibited the recruitment and use of children for military or paramilitary activities and prescribed punishments of up to 10 years' imprisonment for such crimes. The 2018 Labor Act prohibited forced labor and prescribed penalties of up to five years' imprisonment, a fine, confiscation of property, cancellation of a business license, or closure of business, or a combination thereof; these penalties were sufficiently stringent.

For the first time, the government reported investigating three possible trafficking cases—involving 28 victims: 13 men, 12 women, and three children—and arresting four possible traffickers. The government has not reported prosecuting or convicting any suspected traffickers for the 10th consecutive year. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes; however, corruption and official complicity in trafficking crimes remained a significant concern, inhibiting law enforcement action during the year. Government authorities cooperated with two foreign governments to investigate two possible trafficking cases. Despite the ongoing unlawful recruitment and use of child soldiers by the SSPDF, SSNPS, and allied militias, the government has never held an offender criminally or administratively accountable for such crimes. Law enforcement officials reported that the economic effects of the pandemic reduced resources available for investigations and also limited efforts throughout much of the country. The lack of resources for basic operations, a dearth of trained judicial officials, and corruption throughout the justice sector continued to impede law enforcement efforts.

The government continued to contribute logistical support for two international organizations to provide training on identifying trafficking victims and referral mechanisms for judges, prosecutors,

police, immigration officials, and members of the human trafficking task force. However, most police and judicial officials continued to lack a basic understanding of trafficking and frequently conflated human trafficking and migrant smuggling. Officials estimated customary courts handled 80 percent of all cases due to capacity limitations of statutory courts, further limiting accountability for accused sex and labor traffickers. The government continued operation of its specialized Gender Based Violence and Juvenile Court to expedite trials for gender-based violence and juvenile cases, which may have included cases involving human trafficking. The taskforce continued its review of South Sudan's legal framework to identify areas for alignment with the 2000 UN Convention Against Transnational Organized Crime and its TIP Protocol.

## PROTECTION

The government maintained inadequate protection efforts. Officials did not report identifying any victims during the reporting period. The government did not report having formal procedures to proactively identify and refer victims to care. Members of the National Disarmament, Demobilization, and Reintegration Commission (NDDRC) and other government officials reported demobilizing and releasing 20 child soldiers in cooperation with an international organization, compared with 189 child soldiers demobilized and released during the previous reporting period. Observers noted the decrease in demobilizations was likely due to a lack of resources. Government officials noted many SSPDF officers did not meet their annual training requirements to increase awareness of international standards and obligations around child soldier recruitment and use due to ongoing conflict, poor communication, and general lack of capacity. The SSPDF's Directorate for Child Protection, headed by a brigadier general, maintained responsibility for investigating allegations of child soldiering. Despite ongoing reports that government forces continued to recruit and use child soldiers, officials did not report opening any inquiries into complicit officers.

The government did not report providing services to any victims of trafficking. Social stigma and fear of punitive law enforcement actions continued to discourage victims—particularly those subjected to sex trafficking—from reporting crimes to law enforcement officers. The government has not passed any laws or policies to protect victims from prosecution for unlawful acts traffickers compelled them to commit. Due to a lack of formal identification procedures, authorities likely arrested some unidentified trafficking victims, including children. The government did not provide foreign victims with legal alternatives to their removal to countries where they faced hardship or retribution, nor did it offer legal assistance or other mechanisms to encourage victims to assist in the investigation and prosecution of trafficking crimes.

## PREVENTION

The government maintained efforts to prevent trafficking. In coordination with an international organization, the government regularly convened its anti-trafficking inter-ministerial taskforce. However, for the third consecutive year, the taskforce did not accomplish its primary objectives of ratifying the Palermo Protocol and enacting the country's migration policy, which intends to improve the country's ability to manage migration flows, including increased identification of potential trafficking victims and smuggling clients. In December 2021, the government began drafting its 2021-2023 NAP to Combat Human Trafficking. Trafficking awareness remained low among officials and the public, hindering the government's anti-trafficking efforts. During the reporting period, the taskforce conducted awareness activities, including a radio campaign for the public, and other events targeting government officials, law enforcement, community leaders, and law students.

Government security forces actively continued to recruit child soldiers, at times by force, and did not implement the existing action plan to demobilize child soldiers currently within the forces. In addition, poor command and control among SSPDF units and ongoing instability throughout the country hindered implementation. To address the labor exploitation of South Sudanese nationals working abroad, the government began drafting a bilateral agreement with a foreign government, conducted a study on best practices for such agreements with another government, and in collaboration with an international organization, organized trainings for private businesses on ethical recruitment. The government did not make efforts to reduce the demand for commercial sex acts or 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, human traffickers exploit domestic and foreign victims in South Sudan, and traffickers exploit victims from South Sudan abroad. South Sudanese women and girls, particularly those from rural areas or who are internally displaced, are vulnerable to domestic servitude throughout the country; male occupants of these households sexually abuse some of these women and girls and may exploit some of them in commercial sex. Prominent South Sudanese individuals in state capitals and rural areas sometimes force women and girls into domestic servitude. South Sudanese and foreign businesspeople exploit South Sudanese girls in sex trafficking in restaurants, hotels, and brothels in urban centers—at times with the involvement of corrupt law enforcement officials. South Sudanese individuals coerce some children to work in construction, market vending, shoe shining, car washing, rock breaking, brick making, delivery cart pulling, gold mining, begging, and cattle herding. South Sudanese and foreign business owners recruit men and women from neighboring countries—especially the Democratic Republic of the Congo, Eritrea, Ethiopia, Kenya, Republic of the Congo, and Uganda—as well as South Sudanese women and children, with fraudulent offers of employment opportunities in hotels, restaurants, and construction and force them to work for little or no pay or coerce them into commercial sex. An international organization reported Eritrean, Ethiopian, and Kenyan business owners recruit their compatriots, who enter South Sudan with valid visas and travel documents, and exploit them in forced labor or sex trafficking. Traffickers sexually exploit women most frequently in the country's capital, Juba, and in Nimule, a city located on the border with Uganda. North Korean nationals working in South Sudan may be forced to work by the North Korean government.

Child, early, and forced marriage remains a nationwide problem, with families forcing some girls into marriages as compensation for inter-ethnic killings; husbands and their families may subsequently subject these girls to sex trafficking or domestic servitude. East African migrants transiting through South Sudan to North Africa remain vulnerable to forced labor and sex trafficking. Observers report traffickers exploit individuals along the country's borders with Uganda and Kenya where economic activities are concentrated, as well as in artisanal mining operations along South Sudan's border with the Democratic Republic of the Congo.

Violent conflict continued throughout the year, resulting in approximately 1.3 million internally displaced persons (IDPs) as of December 2021 and 2.3 million South Sudanese refugees living in neighboring countries as of October 2021. These groups, including orphaned children, are at increased risk of trafficking and other forms of exploitation within South Sudan and neighboring countries due to sometimes limited access to formal justice and support networks. Unaccompanied children in camps for refugees or IDPs are particularly vulnerable to abduction by sex or labor

traffickers. Inter-ethnic abductions and abductions by external criminal elements and armed groups remain common, especially in Jonglei, Unity, and Upper Nile states; traffickers exploit some abductees in forced labor or sex trafficking.

An international organization reported the recruitment and use of 119 children from January to November 2021 by parties in conflict, compared to 62 in 2020. Experts assess there were currently between 7,000 and 19,000 child soldiers within South Sudan as of February 2021. An international organization also estimated government and opposition- affiliated forces have recruited more than 19,000 child soldiers since the start of the conflict in 2013, and armed groups continue to recruit and use children. Both the SSPDF and the SPLA-In Opposition signed or recommitted to action plans for child soldier demobilization and reintegration, but implementation remains incomplete. Government forces—including SSNPS—use children to fight and perpetrate violence against other children and civilians, serve as bodyguards, and staff checkpoints, as well as in other support roles. According to the Comprehensive Action Plan to Prevent All Grave Violations Against Children in South Sudan signed in 2020, the parties committed to refrain from the recruitment or use of child soldiers by armed forces or militias in contravention of international conventions. The government's enlistment procedures required an age assessment, usually done through a dental exam, as many South Sudanese do not have access to birth registration documents. Governmental and non-governmental groups continued to retain, recruit, and use child soldiers during the reporting period. Experts note more children fight on behalf of locally organized armed groups rather than formally organized groups with centralized command and control structures. International observers report groups recruit and use child soldiers in Central and Western Equatoria, Unity, Western Bahr el Ghazal, and Jonglei. Observers report armed groups use boys for manual labor and odd jobs.

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