

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	79
Land:	Sydsudan
Kilde:	US Department of State
Titel:	Annual report on trafficking in persons (covering April 2013 to March 2014)
Udgivet:	20. juni 2014
Optaget på baggrundsmaterialet:	30. september 2014

[EN](#) | [DE](#)

- **Source:**
USDOS - US Department of State
- **Title:**
Trafficking in Persons Report 2014 - South Sudan
- **Publication date:**
20 June 2014
- **ecoi.net summary:** Annual report on trafficking in persons (covering April 2013 to March 2014) [ID 278656]
- **Countries:**
South Sudan
- **Original link** <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226817.htm>

Recommended citation:

USDOS - US Department of State: Trafficking in Persons Report 2014 - South Sudan, 20 June 2014 (available at ecoi.net)

http://www.ecoi.net/local_link/278656/395131_en.html (accessed 04 September 2014)



Trafficking in Persons Report 2014 - South Sudan

Tier 2 Watch List

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 forced labor as domestic servants in homes in Yei, Bor, Wau, Torit, Nimule, Juba, and elsewhere in the country; most are believed to work without contracts or government-enforced labor protections. 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, engage in prostitution within the country—including in restaurants, hotels, and brothels—at times induced by or under the control of third parties, including corrupt law enforcement officials. The majority of these victims are exploited in urban centers such as Juba, Torit, and Wau. Child prostitution continued to rise in Juba during the reporting period, as did the number of street children and child laborers—two groups that are highly vulnerable to labor and sexual exploitation. 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 state were forced into marriages, at times as compensation for inter-clan killings; some may have been subsequently subjected to sexual slavery or domestic servitude.

South Sudan is a destination country for Ugandan, Kenyan, Ethiopian, Eritrean, and Congolese (DRC) women and girls subjected to sex trafficking. Many migrate willingly, with the promise of legitimate work, and are subsequently forced or coerced into the sex trade. South Sudanese and foreign business owners entice men and women from these countries, as well as South Sudanese women and children living in rural areas, with offers of legitimate employment opportunities in hotels, restaurants, and the construction industry; many are subsequently 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 report that instances of trafficking continued to increase during the reporting period, largely due to a continued influx of foreign laborers, including children, who are vulnerable to exploitation. Some traffickers may operate in organized networks within the country and across borders.

Violent conflict that erupted in the country in December 2013 resulted in the displacement of more than one million people and orphaned an unknown number of children, and displaced persons and orphans are at an

increased risk for being exploited in forced labor or sex trafficking. Inter-ethnic abductions, as well as abductions by external criminal elements, continued between some communities in South Sudan, especially in Jonglei, Central Equatoria, and Eastern Equatoria states. The UN reported 193 confirmed and 57 unconfirmed child abductions in Jonglei State in 2013. Some abductees were subsequently subjected to conditions of domestic servitude, forced animal herding, or sex trafficking. Sudanese slave traders abducted South Sudanese girls, particularly in Upper Nile state, transported them into Sudan, and forced them into domestic servitude or sold them into other forms of slavery in Khartoum or other urban centers. During the now-concluded 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 Nuba children. Some of those enslaved remain in Sudan with their captors. In January 2013, the UN reported that Rizeigat militia from Sudan abducted 96 children from Northern Bahr El Ghazal State and took them to East Darfur; the children were released and returned during the year. Orphans were vulnerable to abduction from refugee camps, as well as while moving between camps, particularly while crossing the Kenya-South Sudan border, for exploitation in sex and labor trafficking.

Children remained among the ranks of the government's security forces, the Sudan People's Liberation Army (SPLA), and the UN reported 64 boys were recruited to serve in support roles in the SPLA during 2013. UN monitors identified and removed 167 children from the SPLA and two children from the South Sudan National Police Service (SSNPS) in 2013. The recruitment of children into the armed forces reportedly increased following the outbreak of civil conflict in December 2013. The UN reported that children were among those recruited into the SPLA following the onset of violence, and children as young as 12-years-old were observed participating with the SPLA in armed conflict in Bentiu. Some areas of the country were difficult to reach or too unsafe to access throughout the year—including Jonglei State, where the UN received many reports of recruitment and use of children. After December 2013, much of the country was inaccessible, limiting international monitors' ability to assess the SPLA's adherence to laws in all regions of the country. Government and NGO officials acknowledged that incidents of sex trafficking and forced labor of children associated with the SPLA may still occur. During the reporting period, militias known to harbor children among their ranks were integrated into the SPLA, though UNICEF reported that the groups were adequately vetted and that children were identified and removed prior to their militia's integration. Other armed militia groups in conflict with the government, including those allied to David Yau Yau in Jonglei state, recruited hundreds of children as young as 10-years-old throughout the year, at times through force. The Sudan People's Liberation Movement-North (SPLM-N), a Sudan-based group that was formerly aligned with the SPLA and that reportedly continued 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, Maban, and Upper Nile state. The SPLM-N reportedly used child soldiers 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 for use as cooks, porters, concubines, and combatants.

The Government of South Sudan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued implementation of its UN-backed action plan to eliminate the use of child soldiers in its armed forces, including through identifying and demobilizing 167 children from the SPLA and partnering with the UN to provide child protection training to military officers. Despite these measures, it failed to demonstrate overall increasing efforts to combat trafficking from the previous year. It did not hold SPLA officers criminally accountable for the unlawful recruitment and use of children, and UN reports indicate the SPLA used children in fighting during the civil conflict that began in December 2013. The government's efforts to address other forms of trafficking were also negligible, and it continued to indiscriminately arrest and imprison individuals for prostitution, including child sex trafficking victims. Therefore, South Sudan is placed on Tier 2 Watch List for a third consecutive year. South Sudan was granted a waiver from an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan.

Recommendations for South Sudan:

In accordance with the UN-backed action plan and the February 2013 child protection order, punish military officials found to be in violation of laws related to recruitment, use, and association of children; increase efforts to investigate suspected human trafficking cases, prosecute trafficking offenses, and convict and punish trafficking offenders using existing laws; establish and implement procedures to prevent prosecution of trafficking victims for crimes committed as a direct result of being trafficked; launch a public awareness campaign to educate government officials and the general public on all forms of human trafficking; train law enforcement and judicial officials to recognize trafficking victims among vulnerable groups, particularly individuals in prostitution and children in street vending, construction, or domestic work; 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;

ensure unimpeded access to all military barracks for monitoring missions to identify and remove any children; end all support—whether financial or in-kind—to militia groups that unlawfully recruit or use child soldiers or forcibly recruit adults for operations within or outside the country; 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 of South Sudan made no significant anti-trafficking law enforcement efforts against private individuals or government officials complicit in human trafficking. South Sudanese law does not prohibit all forms of trafficking. South Sudan's Penal Code Act of 2008 (Article 282) prescribes a sufficiently stringent punishment of up to seven years' imprisonment for the sale of a person across international borders. The Penal Code Act also prohibits and prescribes punishments of up to seven years' imprisonment for abduction (Article 278) and transfer of control over a person (Article 279) 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—a penalty that 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 national legislature did not pass the omnibus labor act, which was drafted by the Ministry of Labor in 2009 and would provide further protections against forced labor.

The government did not investigate or prosecute any trafficking offenses using these or other articles during the reporting period. Capacity and law enforcement presence in most regions of the country remained limited, and courts often lacked adequate human and physical resources to investigate and prosecute criminal offenses, including human trafficking offenses. Local observers reported that the government continued to arrest and jail women and girls in the sex trade, many of whom may have been trafficking victims—actions which were harmful to victims. Furthermore, they demonstrated the government's capability to take some law enforcement action using existing laws. Pervasive corruption in the judicial sector allowed trafficking perpetrators to prevent legal proceedings using intimidation or bribery.

The government did not make progress in investigating, prosecuting, or punishing SPLA officers who allegedly recruited or used child soldiers, despite previously signing an action plan with the UN and issuing orders to military officers requiring them to hold military officials responsible for the recruitment or use of children in any capacity. The government did not report any actions to enforce prohibitions on the recruitment of children into the SPLM-N; it claimed it did not have a relationship with this group and knew nothing about its recruitment practices.

Some government officials, including members of the SPLA and the South Sudan National Police Service (SSNPS), were reportedly complicit in trafficking offenses. Authorities occasionally assisted traffickers in crossing international borders, and some public officials subjected women and girls to domestic servitude; others purchased sex from child trafficking victims, facilitated the prostitution of children, or protected establishments that exploited victims in the sex trade. The government made no efforts during the reporting period to address such complicity by investigating and prosecuting those who committed such crimes. The government did not provide specialized anti-trafficking training to law enforcement officers or judicial officials during the year, and officers continued to have low awareness of South Sudan's laws prohibiting human trafficking.

Protection

The Government of South Sudan continued to provide limited protection to former child soldiers, but it did not provide protection to victims of other forms of trafficking and, at times, its law enforcement efforts were harmful to victims. The government did not take steps to proactively identify victims of sex or labor trafficking among vulnerable populations, and it did not employ a systematic process to transfer identified victims to organizations to receive care. It did not identify or refer any victims to civil society organizations to receive care during the year.

The Ministry of Gender, Child, and Social Welfare (MoGSW), with support from international donors, operated a children's shelter that could be used to shelter trafficking victims; however, the shelter was not equipped to handle trafficking cases, had limited resources, and did not provide shelter to any trafficking victims in 2013. There were no specialized services available for male, adult, or foreign trafficking victims or for any victims outside Juba. Front-line officers lacked awareness of available resources for trafficking victims and failed to remove them from

exploitative situations. Social stigma and justified fears of punitive law enforcement actions discouraged victims, particularly sex trafficking victims, from communicating with law enforcement authorities. There were no laws or policies in place to protect victims from prosecution for crimes committed as a direct result of being trafficked. The government did not encourage victims' assistance in the investigation and prosecution of trafficking crimes or provide legal alternatives to the removal of foreign victims to countries where they would face hardship or retribution. Government officials' failure to recognize cases of human trafficking at times led to victims being punished as law violators. During the year, police routinely arrested and jailed individuals in prostitution without making efforts to determine whether they were trafficking victims, and there were reports that police, at times, sexually abused child sex trafficking victims. In previous years, the government was known to have arrested foreign victims for lack of proper documentation, though it is unknown if this occurred during the reporting period.

UN monitors identified and demobilized 167 children unlawfully recruited into the SPLA and two children in the SSNPS in 2013. The government provided international monitors access to military installations to screen for the presence of children, though security concerns sometimes impeded monitors' access and a commander of one base provided access only during certain times—thereby violating an SPLA command order granting unimpeded access for international monitors. In August 2013, the SPLA issued a directive requiring commanders to inspect their units for the presence of children and submit a certification of inspection within 60 days, but only two of the eight units completed the mandatory inspections. The South Sudan Disarmament, Demobilization, and Reintegration Commission partnered with UN agencies to interview, register, and provide reintegration services to 254 child soldiers rescued from both the government's security forces and other armed groups. State-level ministries of social development conducted family tracing for registered children.

Prevention

The government continued limited efforts during the reporting period to prevent trafficking. It did not conduct any anti-trafficking information or education campaigns or partner with civil society organizations to promote awareness of the dangers of human trafficking, and trafficking awareness remained low among government officials and members of the public. The government lacked an inter-ministerial committee and action plan to develop policy and coordinate national anti-trafficking efforts. Authorities in South Sudan 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. With UN financial support, the SPLA continued training for child protection officers to recognize and report the military's association with child soldiers, to work with community leaders to prevent underage recruitment, and to vet soldiers integrating from rebel militia groups; 1,050 SPLA officers received child protection training, and SPLA awareness campaigns reached more than 31,000 soldiers in 2013. The SPLA's child protection officers worked with the UN and community members to vet new recruits for age verification, though low rates of birth registration made it difficult to verify ages, and children were recruited during the year. The government made no discernible efforts to reduce the demand for forced labor or commercial sex acts during the reporting period. South Sudan is not a party to the 2000 UN TIP Protocol.