

2019 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 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 cooperating with the National Disarmament, Demobilization and Reintegration Commission (NDDRC) and an international organization to release 955 child soldiers, as well as signing the 2018 Civil Registry Act into a law aimed to increase registration of children with birth certificates. However, the government continued to recruit and use child soldiers unlawfully, at times by force; did not fully implement its existing action plan to demobilize child soldiers; and did not hold any members of the South Sudan People's Defense Forces (SSPDF) — formerly the Sudan People's Liberation Army (SPLA)—criminally accountable for these unlawful acts. Authorities did not report any investigations or prosecutions of forced labor or sex trafficking crimes for the seventh consecutive year, and did not train officials on the existing laws that prohibit human trafficking. The government made negligible efforts to proactively identify and protect trafficking victims and continued to indiscriminately arrest and imprison individuals for prostitution violations, including child sex trafficking victims, without screening for indicators of trafficking.

PRIORITIZED RECOMMENDATIONS

Cease all recruitment and use of children by the SSPDF and its associated militias. • Pursuant to article 2.1.10 of the Revitalised Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS), immediately release child soldiers under the command or influence of the SSPDF and affiliated militias and, in partnership with international organizations, transfer them to appropriate civilian rehabilitation and reintegration programs. • Investigate and prosecute suspected trafficking offenses under existing anti-trafficking laws, and convict and punish traffickers, including complicit government officials. • Train law enforcement officials, prosecutors, and judges on the 2008 Child Act, 2008 Penal Code, and 2017 Labor Act so officials can more effectively investigate, prosecute, and convict traffickers, including military officials complicit in the unlawful recruitment, use, and sexual exploitation of children. • Provide financial or in-kind support to the SSPDF's Directorate of Child Protection to facilitate efforts to identify perpetrators and refer cases to civilian courts. • Establish and implement screening and referral procedures to prevent penalization of trafficking victims for crimes committed as a direct result of being subjected to trafficking. • Train law enforcement and social workers to recognize trafficking victims, particularly among vulnerable groups such as children, individuals in prostitution, and internally displaced persons. • Develop an inventory of service providers and train government officials on procedures to refer victims to these entities to receive care. • Conduct a public awareness campaign to educate the public on all forms of human trafficking. • Incorporate anti-trafficking training into the National Aliens Committee's programming and increase coordination with government ministries, law enforcement, NGOs, and civil society actors. • Amend the 2008 Penal Code to criminalize adult sex trafficking and increase the penalty so it is commensurate with penalties for other grave crimes, such as rape. • Accede to the 2000 UN TIP Protocol.

PROSECUTION

The government maintained negligible anti-trafficking law enforcement efforts. The 2008 penal code, 2008 Child Act, and the 2017 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, or 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. 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 of these penalties; these penalties were sufficiently stringent.

The government did not report any investigations, prosecutions, or convictions for trafficking crimes for the seventh consecutive year. Despite the ongoing unlawful recruitment and use of child soldiers by the SSPDF and its allied militias, the government has never held an offender criminally or administratively accountable for such crimes. Lack of capacity and corruption throughout the justice sector impeded law enforcement efforts. Courts lacked lawyers, judges, and defense attorneys knowledgeable of trafficking issues and laws, and resources to investigate and prosecute most crimes, including human trafficking, were severely limited. The government did not report efforts to train officials on trafficking crimes and existing legal provisions either directly or in partnership with relevant experts. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns and impeded law enforcement action during the year.

PROTECTION

The government maintained protection efforts; while it demobilized and assisted some child soldiers, it demonstrated negligible efforts to protect victims of other forms of forced labor and sex trafficking. The government cooperated with the NDDRC and an international organization to release 955 child soldiers (690 boys and 265 girls), an increase from 311 during the previous reporting period; however, government forces continued to recruit and use child soldiers. Security forces continued to lack a formal mechanism to identify potential victims, resulting in officials indiscriminately arresting individuals in prostitution without screening, including known child sex trafficking victims. The Ministry of Women, Child, and Social Welfare ran a transition center in Yambio with support from an international organization, which provided interim care and support to children and mothers formerly associated with violent extremist organizations, including potential trafficking victims. The government did not provide specialized services for trafficking victims.

Social stigma and fear of punitive law enforcement actions discouraged victims—particularly those subjected to sex trafficking—from reporting crimes to law enforcement authorities. There were no laws or policies to protect victims from prosecution for unlawful acts traffickers compelled them to commit. The government did not provide legal alternatives to the removal of foreign victims to countries where they would face 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 negligible efforts to prevent trafficking. The National Aliens Committee—tasked in 2015 to address migration and trafficking issues—met during the reporting period, but did not undertake any significant anti-trafficking efforts, instead focusing on labor issues unrelated to trafficking. The government did not have a national action plan to combat trafficking, and trafficking awareness remained low among government officials and the public. Although senior SSPDF representatives acknowledged the military's recruitment of children into its ranks, forces actively continued to recruit child soldiers, at times by force, and did not implement

its existing action plan to demobilize identified child soldiers currently within the forces. While formal enlistment procedures required an age assessment, many South Sudanese lack birth certificates. In addition, implementation was lacking due to poor command and control among SSPDF units and ongoing conflict throughout the country. In November 2018, the government signed the 2018 Civil Registry Act into law, aimed to increase registration of children with birth certificates, decreasing their vulnerability to trafficking. The government continued its annual campaign against sexual exploitation, designed to raise awareness among vulnerable groups and how to identify, prevent, and report gender-based violence crimes, including trafficking. Authorities failed to make efforts to prevent or address the labor exploitation of South Sudanese nationals working abroad or foreign nationals within South Sudan. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. The government did not provide anti-trafficking training for its diplomatic personnel. South Sudan is not a party to the 2000 UN TIP Protocol. In September 2018, the government signed the UN Convention on the Rights of the Child Optional Protocol on the prohibition of the Recruitment and Use of Children in Armed Conflict, although the government continued to recruit and use child soldiers.

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 the household sexually abuse some of these women and girls or traffickers force them to engage in commercial sex acts. South Sudanese and foreign businesspeople subject South Sudanese girls 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, gold mining, and begging may be victims of forced labor. Families force girls into marriages, at times as compensation for inter-ethnic killings or as a way to survive severe food insecurity; traffickers may then subject some of these girls to sexual slavery or domestic servitude. South Sudanese and foreign business owners recruit men and women from neighboring countries—especially Eritrea, Ethiopia, Kenya, Uganda, and Somalia—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 subject them to sex trafficking. Some traffickers operate in organized networks within the country and across borders. East African migrants transiting through South Sudan to North Africa are vulnerable to forced labor and sex trafficking.

Violent conflict continued throughout the year, increasing the number of internally displaced persons from 1.9 to two million and creating approximately 2.28 million refugees as of February 2019. These groups, including orphaned children, are at increased risk of trafficking and other forms of exploitation within South Sudan and neighboring countries. Unaccompanied minors in camps for refugees or internally displaced persons are particularly vulnerable to abduction for sex or labor trafficking. Inter-ethnic abductions, as well as abductions by external criminal elements, continue between some communities in South Sudan, especially in legacy Jonglei, Unity, and Upper Nile states. Traffickers subject abductees to forced labor or sex trafficking. An international organization estimated government and opposition-affiliated forces recruited more than 19,000 child soldiers since the start of the conflict in 2013, and armed groups continued to recruit and use children during the reporting period. Government forces use children to fight and perpetrate violence against other children and civilians; to serve as scouts, escorts, cooks, and cleaners; or to carry heavy loads while on the move. According to the Revitalised Agreement on the Resolution of the Conflict in South Sudan signed in September 2018, the parties committed to refrain from the recruitment or use of child soldiers by armed forces or militias in contravention of international conventions. Both groups continued to retain, recruit, and use child soldiers during the reporting period, including on the front-line, and evidence persists of the widespread re-recruitment of children. 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 reported opposition groups recruiting and using child soldiers in the country's legacy states, including Unity and Western Equatoria.