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Trafficking in Persons Report 2016 - Country Narratives - Sudan

SUDAN: Tier 3

Sudan is a source, transit, and destination country for men, women, and children subjected to forced labor and, to a lesser extent, sex trafficking. Street children in Khartoum—including Sudanese and migrant children primarily from West 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, and agriculture; these children are vulnerable to trafficking. Children observed in gold mining are exposed to threats, physical and sexual abuse, and harsh and unsafe working conditions, with limited access to schooling or health services. Unverified reports indicate South Sudanese children are seasonally contracted out or sold to families for agricultural work, particularly in agricultural states like West Kordofan; these children are vulnerable to exploitation. 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 military and security forces and non-governmental armed groups and militias. In 2015, an international organization reported that the Sudanese Armed Forces (SAF) recruited and used some children aged 16-17 years, while unverified reports indicate the Sudanese Rapid Response Forces recruited 12 boys. In addition, South Sudanese rebels reportedly abducted children from West Kordofan to fight in South Sudan. 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 child sex trafficking rings and profit from such crimes.

Migrants, unaccompanied minors, refugees, and asylum-seekers, primarily from East and West Africa, are highly vulnerable to sex trafficking and forced labor in Sudan. 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. A substantive number of Filipina women subjected to trafficking in Sudan work as domestic employees in Sudanese homes. Anecdotal reports indicate Syrian refugees, including children, are increasingly observed begging on the streets in Khartoum and are vulnerable to exploitation. Anecdotal evidence also suggests that Chinese women working for Chinese companies, especially restaurants, may be subjected to forced labor or prostitution. Bangladeshi adults migrate to Sudan for work and have been reported to be victims of trafficking. South Sudanese citizens, who lack formal immigration papers due to unimplemented agreements between Sudan and South Sudan on the legal status of South Sudanese in Sudan, are vulnerable to exploitation in Sudan. Many migrants from East Africa and the Middle East, including Yemenis and Syrians fleeing conflict, who transit Sudan en route to Europe are highly vulnerable to trafficking along this route. 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, including Libya, 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 tribe; some of those abducted are forced to perform domestic or manual labor and experience severe physical and sexual 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 Sudanese government reported the use of Sudanese children in Saudi Arabia for forced begging and street vending, especially during the Hajj season. Sudanese criminal gangs falsely promise Sudanese nationals jobs in Libya, but sell them to Libyans who force them to work in agriculture. In March 2016, the media reported a Sudanese youth was allegedly sold by his uncle for forced labor in a mine in Libya. Some Sudanese citizens who migrate to Europe via Egypt are reportedly detained in the Sinai Peninsula; these individuals are highly vulnerable to exploitation and severe physical and sexual abuse.

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. Although the government reported law enforcement efforts against trafficking offenders, officials frequently conflated trafficking with other crimes, such as smuggling and kidnapping, and convicted offenders received severely weak sentences that were insufficient to deter the crime. Moreover, the government continued to deny the existence of sex trafficking of adults and children, and it did not report on forced labor or the recruitment and use of child soldiers by government security forces. The government identified a significant number of victims of abuse, including some trafficking victims, during security operations; however, the government failed to identify victims of sex trafficking or forced labor. Authorities continued to punish trafficking victims for unlawful acts committed as a direct result of being subjected to

trafficking, such as immigration violations. The government lacked capacity and resources to provide adequate protective services to victims of all forms of trafficking. In March 2016, the government finalized an action plan—negotiated with an international organization—to end the recruitment and use of child soldiers. Despite this positive effort, authorities were unable to fully prevent or end the use of children in the armed forces and failed to provide protective services or reintegration support to demobilized child soldiers.

RECOMMENDATIONS FOR SUDAN:

Prevent the recruitment of child soldiers by all armed groups and demobilize all child soldiers from the ranks of government forces, aligned militias, and rebel groups and provide them access to protective services; criminalize child prostitution in the absence of coercion, and amend the anti-trafficking law to include a definition of exploitation and exclude the requirement to prove gain or advantage to the trafficker; implement the anti-trafficking law to increase prosecutions and convictions of traffickers as distinct from smuggling perpetrators, and significantly increase penalties imposed for trafficking offenders to deter the crime; 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; train law enforcement authorities on how to distinguish trafficking cases 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, and do not detain victims and witnesses of trafficking crimes and allow them full freedom of movement; amend the Law of 1955 Regarding Domestic Servants to provide additional rights and protections for domestic workers; implement and dedicate adequate resources to the national anti-trafficking action plan; allow victims of all forms of trafficking protective services, including open shelter, security, legal aid, psycho-social and rehabilitative care, and translation services, regardless of their participation in the investigation of their trafficker, and ensure protective services to those willingly participating in trafficking investigations; institute regular anti-trafficking training for relevant government officials and Sudanese diplomats overseas; and implement awareness campaigns that address all forms of trafficking, including forced labor and sex trafficking.

PROSECUTION

The government demonstrated insufficient and questionable anti-trafficking law enforcement efforts, especially as officials continued to conflate trafficking and smuggling, impairing effective implementation of anti-trafficking legislation. The 2014 anti-trafficking law does not criminalize all forms of human trafficking. Contrary to international law, it does not prohibit child prostitution in the absence of coercion and fails to adequately define “exploitation.” The law prescribes between three and 10 years’ imprisonment for acts of trafficking, between five and 20 years’ imprisonment for aggravated trafficking, and capital punishment in cases where the trafficking victim dies; these penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape, but were rarely imposed to the full extent. 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.

Law enforcement and judicial officials failed to appropriately apply the national anti-trafficking law and often utilized other legal frameworks, some carrying lesser penalties, to punish trafficking offenders. In some instances, the government prosecuted victims under immigration laws and charged perpetrators of other crimes, such as smuggling, under the national anti-trafficking law. The national anti-trafficking committee reported the government initiated 127 investigations in 2015, of which 42 were ongoing at the end of 2015. Security forces reported police initiated an investigation of 13 criminal syndicates operating child begging rings in Khartoum at an unspecified time during the reporting period. It was unclear, however, if any perpetrators were arrested or prosecuted for trafficking crimes. The government prosecuted and closed 85 cases, but it was unclear how many of them resulted in convictions or what sentences were imposed. Further, as the government did not provide details of the charges, it could not be determined if they involved human trafficking or other crimes, such as smuggling, kidnapping, organ trafficking, or immigration violations. In fact, 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. The government reportedly convicted at least nine traffickers in 2015, who received minimal financial penalties in lieu of prison sentences or prison terms of only two to three months; some convicted offenders were set free on bail. Weak sentences for convicted traffickers were far below the minimum penalty established under the 2014 anti-trafficking act and provided no deterrent to perpetrating trafficking crimes in the future. Despite reports that security and law enforcement officials were complicit in human trafficking crimes, the government did not report any investigations, prosecutions, or convictions of such officials. Furthermore, the government did not disclose investigations or prosecutions of officials in the SAF or other security and military elements allegedly complicit in the use and recruitment of children. The government did not directly provide anti-trafficking trainings to officials or diplomats stationed abroad and continued to rely on international organizations to do so.

PROTECTION

The government demonstrated limited efforts to identify trafficking victims, while authorities continued to punish victims for unlawful acts committed as a direct result of being subjected to human trafficking. The government did not report identifying any victims of internal sex trafficking, domestic servitude, forced begging, or forced child labor—including those exploited in child soldiering—or Sudanese nationals exploited abroad. The government did not have systematic procedures to identify trafficking victims among vulnerable populations, nor did it consistently utilize a standard referral mechanism to refer victims to protection services. The Commission for Refugees, however, reportedly screened new refugees for vulnerabilities to trafficking and referred an unknown number of victims to an international organization for care. Throughout 2015, the government allowed a local NGO access to detention facilities in eastern Sudan to screen for and identify

trafficking victims among detainees, but it was unclear how many—if any—victims it identified. Security officials reported rescuing 1,296 foreign migrants during security operations, some of whom may have been trafficking victims and most of whom were likely smuggled or extorted for ransom. It was unclear if authorities referred any of these migrants to appropriate protective services. The government continued to arrest, detain, prosecute, or deport trafficking victims among vulnerable populations for unlawful acts committed as a direct result of being subjected to human trafficking, such as immigration violations. During the reporting period, the government regularly rounded up children who were forced to beg in the streets of Khartoum and placed them in holding facilities, including 20 unaccompanied minors placed in a detention center in Khartoum in November 2015; authorities failed to screen these children for trafficking. Authorities—particularly in eastern Sudan—continued to charge some trafficking victims for immigration violations in order to prevent their movement and use them as witnesses in trafficking investigations. Moreover, some investigative authorities pressured trafficking victims to cooperate in trafficking investigations, making their stay in protection facilities contingent on their cooperation. Some victims participating in investigations risked retaliation by their perpetrators, but authorities did not provide effective mechanisms to protect victims from such harm. During the reporting period, authorities regularly deported unidentified trafficking victims among vulnerable populations, failing to screen them for trafficking or refer them to NGOs for care.

The government did not fund shelters or other care facilities that provided appropriate services to trafficking victims. It relied heavily on international organizations and civil society to provide assistance to victims, but it did not independently fund such entities assisting vulnerable groups, including trafficking victims. A safe house for vulnerable refugees in Kassala state, which was formally supported by the government but funded by an international organization, provided secure shelter, medical treatment, and psycho-social support to 35 trafficking victims from April to September 2015. The safe house, however, was frequently overcrowded, and government authorities did not allow all victims to leave freely. Moreover, government-appointed social workers in the safe house were unable to provide continuous psycho-social support to victims. During the reporting period, the Ministry of Health reportedly hired a psychiatrist in Kassala State Hospital to provide mental health assistance to trafficking victims that sought assistance at the hospital. It was unclear, however, if the hospital assisted any trafficking victims during the reporting period. The Law of 1955 Regarding Domestic Servants outlined a process for employing and registering domestic workers and provided limited labor rights and protections for them. The government, however, did not report if any domestic workers were registered and protected under the law during the reporting period. The government reportedly provided legal alternatives to the removal of foreign victims to countries where they would face hardship or retribution.

PREVENTION

The government made insufficient efforts to prevent trafficking, and some government policies may have caused the exploitation of some vulnerable populations. In March 2016, President Bashir announced that South Sudanese immigrants would be considered illegal unless they formally registered within one week of arriving in Sudan. This policy restricts South Sudanese' access to legal work and potentially exposes them to exploitative work situations. Authorities continued to deny that forced labor and sex trafficking of adults and children occurred in the country. Because the government continued to deny commercial sex and forced labor existed in Sudan, it 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 continued to deny that it recruited and used child soldiers. The government expressed a commitment to ending the recruitment and use of children in the armed forces. It was not clear, however, that any officials who carried out these practices were held accountable for their actions. The SAF's Child Protection Unit continued to partner with international organizations to address the recruitment and use of child soldiers, and in October 2015 the government formed a taskforce composed of multiple ministries to address this issue. In March 2016, the government endorsed and finalized an action plan to end the recruitment and use of children in armed conflict, which it drafted and negotiated with international organizations. Nevertheless, Sudan's Disarmament, Demobilization, and Reintegration Commission remained a weak entity that lacked capacity and financial resources to carry out its mandate.

The government's national anti-trafficking committee continued to meet on a regular basis, yet it struggled to coordinate across relevant ministries and had limited collaboration with civil society. Furthermore, the committee lacked a dedicated budget to carry out its mission, limiting its effectiveness. In March 2016, the government approved a national anti-trafficking action plan, valid from 2016 to 2017. The government, however, did not allocate a budget for implementation of the activities and programs listed in the plan. The government did not implement anti-trafficking awareness campaigns and continued to rely on international organizations to undertake such efforts. The government continued to participate in regional processes and committees addressing trafficking and smuggling in the Horn of Africa and irregular migration from Africa to Europe. The government did not provide anti-trafficking training for its diplomatic personnel.