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TRAFFICKING IN PERSONS REPORT 2018 - COUNTRY NARRATIVES - 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 effort, 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 311 child soldiers, and passing the 2017 Labor Law, which reportedly will expand the forms of trafficking criminalized in the country. However, the government continued to unlawfully recruit and use child soldiers, at times by force; did not fully implement its existing action plan to demobilize child soldiers; and did not hold any members of 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 and officials generally lacked understanding of existing laws prohibiting human trafficking. The government made negligible efforts to 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.

RECOMMENDATIONS FOR SOUTH SUDAN

Cease all unlawful recruitment and use of children younger than 18 years of age by the SPLA and its associated militias; pursuant to article 1.10 of the Agreement on the Resolution of the Conflict in South Sudan, immediately release child soldiers under the command or influence of the SPLA and affiliated militias and, in partnership with international organizations, transfer them to appropriate civilian rehabilitation and reintegration programs; use the 2008 Child Act to investigate, prosecute, and convict military officials allegedly complicit in the recruitment, use, and sexual exploitation of children; investigate and prosecute suspected trafficking offenses, and convict and punish traffickers, including complicit government officials; provide financial support to the SPLA's Directorate of Child Protection to facilitate efforts to identify perpetrators and refer cases to civilian courts; establish and implement procedures to prevent penalization of trafficking victims for crimes committed as a direct result of being subjected to trafficking; train law enforcement and judicial officials 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; develop and implement a national anti-trafficking strategy that incorporates government ministries, law enforcement, NGOs, and civil society actors; improve data collection efforts; pass a civil registry bill to provide a framework for the government to register births, adoptions, name changes, marriages, and deaths in South Sudan; and accede to the 2000 UN TIP Protocol.

PROSECUTION

The government continued negligible anti-trafficking law enforcement efforts. The 2008 penal code and 2008 Child Act criminalized some forms of labor and sex trafficking. Article 277 of the penal code prohibited forced labor and prescribed a penalty of up to two years imprisonment, or a fine, or both; these penalties were not sufficiently stringent. However, Articles 278 and 279 increased the penalties for forced labor when the offense involved kidnapping, abduction, or the transfer of control over a person to up to seven years imprisonment, or a fine, or both. 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. In October 2017, the government adopted the Labor Act of 2017, which 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. Despite the ongoing unlawful recruitment and use of child soldiers by the SPLA and its allied militias, the government has never held an offender criminally or administratively accountable for such crimes. Lack of capacity 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 scant. 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 increased efforts to protect victims. The government cooperated with the NDDRC and an international organization to release 311 child soldiers—the first such release since 2015; however, government forces continued to recruit and use child soldiers. Lacking a formal mechanism to identify potential victims, security forces continued to indiscriminately arrest individuals in prostitution without screening, including child sex trafficking victims and others who may have been victims. The Ministry of Women, Child, and Social Welfare ran a transition center in Yambio with support from an international organization. The center provided interim care and support to children and mothers rescued from violent extremist organizations, including potential trafficking victims. There were no specialized services available for trafficking victims.

Social stigma and fear of punitive law enforcement actions discouraged victims—particularly those subjected to sex trafficking—from communicating with law enforcement authorities. There were no laws or policies to protect victims from prosecution for crimes committed as a direct result of being subjected to trafficking. 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 otherwise encourage victims to assist in the investigation and prosecution of trafficking crimes.

PREVENTION

The government continued negligible efforts to prevent trafficking. The National Aliens Committee—tasked in 2015 to address trafficking issues in the country—met three times during the reporting period, but did not undertake any notable anti-trafficking efforts. 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 SPLA representatives acknowledged the military's recruitment of children into its ranks, forces continued to actively recruit child soldiers, at times by force, and did not implement its existing action plan to demobilize currently identified child soldiers. Formal enlistment procedures required an age assessment (many South Sudanese people do not have birth certificates); however, implementation was lacking due to poor command and control and ongoing conflict throughout the country. 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 made no discernible efforts to reduce the demand for forced labor or commercial sex acts during the reporting period. The government did not 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, 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 domestic servitude throughout the country. 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 are subjected 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. Girls are forced into marriages, at times as compensation for inter-ethnic killings; some may be subsequently subjected 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; many are forced to work for little or no pay or are subjected to sex trafficking. Some traffickers operate in organized networks within the country and across borders.

Violent conflict continued throughout the year, increasing the number of internally displaced persons to 1.9 million and the number of refugees in neighboring states to nearly 2.43 million as of January 2018. These groups, including orphaned children, are at increased risk of trafficking and other forms of exploitation. 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 have recruited more than 19,000 child soldiers since the start of the conflict in 2013, and recruitment continues. The use of children in armed forces remains widespread and is on the rise for the fourth consecutive year. Government forces use children to fight and perpetrate violence against other children and civilians, or to serve as scouts, escorts, cooks, and cleaners, or to carry heavy loads while on the move. According to the Agreement on the Resolution of the Conflict in South Sudan, signed by the warring parties in August 2015, SPLA and the SPLA in Opposition (SPLA-IO) committed to the immediate and unconditional release of child soldiers under their command or influence, to be carried out by international organizations. However, throughout the reporting period both groups continued to retain, recruit, and use child soldiers, including on the front-line, and evidence persists of the re-recruitment of numerous children. The majority of cases of recruitment and use of child soldiers were documented in Unity State, and over half of all verified cases are reportedly perpetrated by the SPLA. Child soldiers are also present within groups affiliated with the opposition; international observers verified instances in several of the country's legacy states, including Western Equatoria, Upper Nile, Jonglei, Warrap, Central Equatoria, and Northern Bahr el Ghazal. During the reporting period, international observers noted an increase in the reported use of girls in both governmental and non-governmental opposition armed groups.