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Trafficking in Persons Report 2014 - Sudan

Tier 2 Watch List

Sudan is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Internal trafficking occurs in Sudan, including in areas outside of the government's control. Sudanese women and girls, particularly those from rural areas or who are internally displaced, are vulnerable to forced labor when serving as domestic workers in homes throughout the country; most work without contracts or government-enforced labor protections. There are reports of organized child street begging in Khartoum and other large cities. Sudanese girls engage in prostitution within the country, including in restaurants and brothels, at times with the assistance of third parties. Thousands of Dinka women and children, and a lesser number of children from the Nuba tribe, were abducted and subsequently enslaved by members of the Missiriya and Rizeigat tribes during the civil war that spanned from 1983 until 2005; some of those enslaved remain with their captors. In January 2013, Rizeigat militia abducted 96 children—44 girls and 52 boys—from South Sudan's Northern Bahr El Ghazal state and took them to East Darfur following fighting between the South Sudanese army and this militia; the children were released and returned to South Sudan in June 2013. This was the first documented case of child abductions by the Missiriya or Rizeigat in recent years. Sudanese women and girls are subjected to domestic servitude in Middle Eastern countries, such as Bahrain, Egypt, Qatar, and Saudi Arabia, and to sex trafficking in Europe. In 2013, a Sudanese sex trafficking victim was identified in Lebanon. Some Sudanese men who voluntarily migrate to the Middle East as low-skilled laborers encounter situations of forced labor. Sudanese children in Saudi Arabia are used by criminal gangs for forced begging and street vending. There are reports that Sudanese criminal gangs promise Sudanese nationals jobs in Libya and collect facilitation fees to cover their travel expenses, but after crossing the border sell them to Libyan nationals who force them to labor in agriculture and other sectors. Libyan nationals also coerce Sudanese labor migrants to work for little or no pay by threatening to report their illegal presence in the country to Libyan authorities. Sudanese men who migrate illegally to Libya have been rounded up and detained in prison facilities often outside of state control, where they are exploited as forced laborers. Numerous Ethiopian and Eritrean women—including undocumented migrants and refugees—and a smaller number of Filipina women are subjected to domestic servitude in Sudanese homes, where they experience beatings, sexual abuse, inadequate accommodations, long working hours without days off, confinement, and nonpayment of wages; some of these women encounter similar exploitation in the Middle East after transiting Sudan. Many of the employment agencies that initially contract these workers are based in the Philippines, UAE, Saudi Arabia, or Ethiopia, but have entered into partnerships with agencies in Sudan. Some Filipina domestics sign contracts in the Philippines to work in Dubai, Amman, or Cairo, but are sent by employment agencies to Khartoum after arriving in those cities; they are powerless to refuse this change of country due to their irregular visa status and lack of money to return home. Employment agencies that bring foreign domestic workers to Khartoum reportedly engage in exploitative practices, such as physical abuse, nonpayment of salaries, and withholding of

passports. Bangladeshi adults migrate legally to Sudan through employment agencies for work in factories, where some are reportedly subjected to forced labor. Ethiopian, Eritrean, Somali, and possibly Thai women are subjected to forced prostitution in Sudan; agents recruit young women from Ethiopia's Oromia region with promises of high-paying employment as domestic workers, only to force them into prostitution in brothels in Khartoum. Eritrean nationals are brutalized by smugglers from the Rashaida tribe, including by being whipped, beaten, deprived of food, raped, chained together, and forced to do domestic or manual labor at smugglers' homes; some of these individuals are not willing migrants, but are abducted from Sudan-based refugee camps or at border crossings. Other abductees are taken to Khartoum where they are subsequently subjected to forced labor or transferred to other countries for similar purposes.

During the reporting period, Sudanese children in Darfur were forcibly recruited as child soldiers, at times through abduction, and used by armed groups such as the Liberation and Justice Movement (LJM), Justice and Equality Movement (JEM), various factions of the Sudan Liberation Army (SLA), government-supported Janjaweed militia, and the Beni Hussein tribe. Government security forces, including the Sudan Armed Forces (SAF), the Central Reserve Police (CRP), and the Government Border Guards (including the Border Intelligence Forces) also recruited and used children as combatants and for support roles. For example, the UN Country Task Force on Monitoring and Reporting of grave violations of child rights in armed conflict (CTFMR) documented 12 boys wearing military uniforms in SAF vehicles in Jebel Moon during a hand-over ceremony from an outgoing to an incoming SAF field commander. The CTFMR also observed a 13-year-old boy carrying a weapon and wearing a SAF uniform in Zalingei, and confirmed that two boys—13 and 14 years old—completed military training in Blue Nile state and remained associated with the SAF as of early 2014. In late 2013, the Government Border Guards, all from the Rizeigat tribe, recruited 14 boys in Nyala and airlifted them to Khartoum for military training. Children as young as 12-years-old were verified as being recruited by and associated with the government-aligned Popular Defense Forces (PDFs) during the year in both Darfur and the "Two Areas" (South Kordofan and Blue Nile), as well as with pro-government militias. For example, in April 2013, a 15-year-old girl and her 18-year-old sister were abducted by a pro-government militia amid fighting in Labado and Muhajeria; they were used as porters and raped before being released. The Sudan People's Liberation Movement-North (SPLM-N) forcibly recruited and used child soldiers in fighting against the SAF and aligned militias in Upper Nile, South Kordofan, and Blue Nile states; some of these children were recruited in South Sudan. In 2013, artisanal gold mining increased in Darfur; some of this mining was undertaken with forced child labor. Inter-tribal ethnic clashes over control of mines increased, resulting in a corresponding increase in the use of child soldiers.

The Government of Sudan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, government officials increasingly engaged on the issue of human trafficking in the public sphere. The government enacted an anti-trafficking law, amended the Popular Defense Forces Act to increase the minimum age of recruitment to 18 years, rescued and provided assistance to an increased number of trafficking victims, and made efforts to bring traffickers to justice. It produced a film on the country's human trafficking problem and screened it in various fora. Despite this notable and unprecedented progress, the government's efforts to combat trafficking through law enforcement, protection, and prevention measures remained *ad hoc* rather than flowing from strategic planning at the national level, resulting in some forms of trafficking occurring within the country being completely unaddressed. The government made public little data regarding its efforts to combat human trafficking. Further, its armed forces and proxy militias were reported to have unlawfully recruited and used child soldiers in 2013, and for another year it did not conclude a proposed joint action plan with the UN to address the problem.

Recommendations for Sudan:

Establish a national inter-ministerial committee to implement the new anti-trafficking law and provide oversight of national and state-level efforts to address the crime; utilize the new anti-trafficking law to increase efforts to investigate suspected human trafficking cases, prosecute trafficking offenses, and convict and punish traffickers; take steps to identify and provide protective services to all types of trafficking victims found within the country, particularly those exploited in domestic servitude or commercial sexual exploitation; launch a public awareness campaign to educate government officials and the general public on the nature and dangers of human trafficking; institute regular training for Sudanese diplomats posted overseas, as well as officials who validate migrant workers' employment contracts or regulate employment agencies, to enable proactive identification and provision of services to trafficked migrant workers; establish an official process for law enforcement officials to identify trafficking victims among vulnerable groups and refer them for assistance; allow unimpeded access to military barracks for monitoring missions to identify and remove any child soldiers; demobilize all remaining child soldiers from the ranks of government forces and aligned militias; criminalize child prostitution in the absence of coercion; clarify the new anti-trafficking law by including a definition of exploitation and excluding the requirement to prove gain or advantage to the trafficker; amend the Law of 1955 Regarding Domestic Servants to provide additional rights and protections for domestic workers, such as mandatory written employment contracts and a limit on the number of hours worked each day; develop, publicize, and enforce a clear, easily-navigable process for employers to officially register their domestic workers and employment contracts, as required by the Law of 1955 Regarding Domestic Servants, as well as to regularize undocumented foreign domestic workers; make a much stronger effort through a comprehensive

policy approach that involves all vested parties to identify, retrieve, and reintegrate abductees who remain in situations of enslavement; and accede to the 2000 UN TIP Protocol.

Prosecution

The government's anti-trafficking law enforcement efforts increased during the reporting period. The government did not, however, maintain comprehensive data on these efforts or make such information available for inclusion in this report. The Criminal Act of 1991 does not prohibit all forms of trafficking in persons, though Articles 156 and 163 prohibit inducing or abducting someone to engage in prostitution ("seduction") and forced labor, respectively. Prescribed penalties of up to five years' imprisonment for "seduction" are sufficiently stringent, but not commensurate with those prescribed for other serious crimes, such as rape. Prescribed penalties for forced labor of up to one year's imprisonment or a fine are not sufficiently stringent. It is unclear whether the National Intelligence and Security Services (NISS) or police forces from the Ministry of Interior—the entities responsible for investigating cases of human trafficking—conducted law enforcement actions using these laws during the reporting period. The Child Act of 2008, enacted in January 2010, prohibits, but does not prescribe punishments for, forced child labor, child prostitution, sex trafficking, and the recruitment of children under the age of 18 into armed forces or groups; although the act includes provisions for the rehabilitation and reintegration of child victims, no government entity has been assigned responsibility for their implementation. Some states, such as South Kordofan, have enacted their own child acts based on the national law. The Sudan Armed Forces Act of 2007 prohibits members of the armed forces from recruiting children younger than 18, enslaving civilians, or coercing civilians into prostitution; the government has never used this statute to hold military officials accountable for the recruitment or use of child soldiers. The Law of 1955 Regarding Domestic Servants outlines a process for employing and registering domestic workers and provides limited labor rights and protections for them; however, officially registering domestic workers as required by the law entails a complicated process with bureaucratic impediments, including high fees and officials' expectation of receiving bribes. As a result, few if any domestic workers are registered and protected under the law.

In November 2013, the Ministry of Justice submitted draft anti-trafficking legislation to the National Assembly for review; the assembly approved the Bill of Counter Human Trafficking for the Year 2013 in January 2014 after four readings and the president signed it into law in March 2014. 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. The legislation does not, however, criminalize all forms of human trafficking; it does not prohibit child prostitution in the absence of coercion and fails to adequately define 'exploitation.' In November 2013, Gedaref state enacted its Immigration and Human Trafficking Law. The National Assembly enacted an amendment to the Popular Defense Forces Act in September 2013, which increased the age of recruitment in the government-controlled PDFs to 18 years; the ratification of this law was published in the Official Gazette of Sudan, NO 1817, in January 2014.

The Informatics and Organized Crimes Bureau of the Sudan Police Force (SPF) investigated and reportedly referred cases of suspected trafficking for prosecution at the federal level during the reporting period; however, the government did not report the number of investigations or prosecutions it undertook at the federal level in 2013 or under which laws defendants were prosecuted. National authorities also did not aggregate state-level law enforcement statistics on trafficking cases. The SPF's Criminal Investigative Division for the first time provided law enforcement information for inclusion in this report, noting that trafficking-related arrests since 2011 had resulted in 70 convictions. According to international organizations, the government initiated prosecutions in 2013 against 25 defendants for suspected human trafficking crimes, including 13 in Khartoum and 12 in Kassala state, and achieved 28 convictions. For instance, in March 2014, a Kassala court convicted two individuals under the Kassala Law Against Human Trafficking and Smuggling, sentencing them to 10 years' imprisonment. Two prosecutions involving an unknown number of defendants remained pending in Kassala state at the close of the reporting period. Six cases involving 22 individuals remained pending in Kassala state at the end of 2012; the status of these cases in 2013 is unknown. The details of any of the aforementioned cases and whether they constitute human trafficking rather than other related crimes—such as smuggling, kidnapping, or extortion—remain unknown. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking, despite allegations that police and border guards facilitated abductions of Eritrean nationals, allowed potential victims to be transported across security checkpoints or international borders without intervention, and failed to take action against suspected traffickers. The government did not provide specialized anti-trafficking training to police, military, prosecutorial, or judicial personnel. In December 2013, however, IOM facilitated training in Khartoum for 25 officials from the Commissioner for Refugees, NISS, and military intelligence on refugee law, the vulnerability of migrants, and the identification and protection of trafficking victims. IOM and UNHCR conducted similar training sessions in Eastern Sudan for various government officials during the reporting period.

Protection

The government demonstrated modest efforts to protect victims of trafficking. It did not maintain or provide statistics regarding its identification of or efforts to provide protective services to such persons. Non-governmental entities reported that police, military intelligence, and the NISS released or rescued a significant, but unknown number of victims of trafficking; however, it is unclear whether they were victims of trafficking or

other crimes, such as smuggling, kidnapping, or extortion. In January 2014, the NISS rescued 124 foreign nationals it determined to be trafficking victims, including 35 children, following law enforcement efforts in Khartoum and Omdurman; it referred the women and children to the Ministry of Social Welfare's Department of Child Care for health screening and notified their embassies in Khartoum. At the close of the reporting period, the NCCW continued to provide the women and children with housing and psychological and social services. It is unknown what services, if any, the government provided to the adult male victims. Sudan has few care facilities accessible to trafficking victims and officials maintained that providing comprehensive victim care is beyond the logistical and functional ability of the government. The Ministry of Welfare and Social Insurance remained responsible for providing legal protection, housing, shelter, and medical and psycho-social support to women and children vulnerable to commercial sexual exploitation and other forms of trafficking within Sudan; the ministry provided limited medical and psycho-social care to an unknown number of potential trafficking victims in several states in 2013. Seventeen child and family protection units in the police force, including four in Khartoum, continued to be staffed by social workers who offered legal aid and psycho-social support to victims of abuse and sexual violence. The capacity of these entities and the services they provided varied from state to state; it is unclear whether any trafficking victims received care through these units. Police referred street children in abusive situations to orphanages on a case-by-case basis and remanded individuals who may have been trafficked to the care of community leaders. In 2013, police officials reported the creation of an office, in conjunction with the Refugee Commissioner and the Sudanese Red Crescent, to establish safe houses to provide rehabilitative services to trafficking victims. In addition, the government formed a rapid emergency taskforce and response unit to respond to trafficking crimes in eastern Sudan; the accomplishments and effectiveness of these entities is unknown. In 2013, UNHCR provided training to local government officials within the refugee camps and in Khartoum to interview and identify trafficking victims among the refugee population. The government agreed in September 2013 to issue work permits to some 30,000 predominantly Eritrean refugees with irregular status—a population vulnerable to forced labor and sex trafficking—who wished to work within Kassala State, in contrast to just 180 work permits issued in 2012; however, at the close of the reporting period, it had yet to issue any of the promised work permits. For other trafficking victims, though, there were no assistance programs; for example, the government did not provide rehabilitation or reintegration programs for Sudanese nationals who return from situations of forced labor in Libya.

The SAF's child protection unit was charged with monitoring child soldiering and conducting training for military personnel on laws protecting children, but lacked a formal mandate to enforce such laws. Unstable and violent conditions in South Kordofan, Blue Nile, Darfur, and Abyei impeded the government's ability to monitor child soldiering in these areas; parts of these territories remain under the control of opposition groups. It is unknown to what extent the SAF demobilized children from its forces, the PDFs, or other associated militias during the year. In October 2013, as a result of ongoing child rights and protection training initiatives conducted by SAF and PDF officers, PDFs in Abugibaiha, Talodi, and Kalogi (South Kordofan) released nine children—all boys aged 15 to 17 years—who were returned to their families. In March 2013, State Councils, the Ministry of Social Welfare, and UN agencies registered and removed 74 children (50 boys and 24 girls) from SLA/Historical Leadership in South Darfur, followed by 10 children (five boys and five girls) from the same group in West Darfur in May 2013. In 2013, the Sudan Disarmament, Demobilization, and Reintegration Commission (SSDDRC) enrolled a total of 450 demobilized child soldiers (389 boys and 61 girls) in UNICEF-supervised programs, through which they received services, including vocational training; the SDDRC reportedly provided social workers to evaluate and monitor the children's reintegration into their home communities.

The Ministry of Labor's Secretariat of Sudanese Working Abroad (SSWA)—the body responsible for collecting fees and taxes from Sudanese migrant workers before their departure and protecting their rights and interests while abroad—reportedly had an anti-trafficking section to repatriate abused workers from the Middle East. It is unknown what efforts, if any, this section, the Ministry of Foreign Affairs (MFA), or any of Sudan's diplomatic missions made to address the problem of labor exploitation of Sudanese nationals working abroad. The MFA reported that Sudanese embassies operated telephone hotlines for the reporting of trafficking cases, but did not provide further information regarding the calls received or efforts made by its embassies to provide assistance to Sudanese trafficking victims identified overseas.

The government did not employ a system for proactively identifying trafficking victims among vulnerable populations or a referral process for transferring victims to organizations providing care. 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. It was not reported that the government detained or punished any trafficking victims for unlawful acts committed as a direct result of being trafficked. The government made no efforts to assist victims of abduction and enslavement that occurred during the twenty-two year civil war or to facilitate their safe return to their families.

Prevention

The government demonstrated increased efforts to prevent trafficking. It ceased its public denial of the existence of human trafficking in Sudan and acknowledged the scope and extent of the country's human trafficking problem through press statements, media outreach, conferences, and cooperative efforts with foreign diplomatic missions and international organizations. Several UN agencies reported that the Sudanese government's increasing concern with and unprecedented efforts to address human trafficking have risen to a

level in which international organizations are able to work jointly with the government to combat the crime and take preventative measures. During the year, numerous government agencies expressed openness to dialogue and acknowledged their need for capacity building and training. Government-controlled print media published articles on human trafficking in 2013, covering topics such as safe migration, anti-trafficking training events, and arrests of suspected traffickers. In contrast to previous reporting periods in which the government publicly and forcefully denied the existence of trafficking in Sudan, high ranking officials frequently spoke about human trafficking at public events; for example, SSWA representatives and other government officials made detailed presentations on human trafficking at a February 2014 conference for female parliamentarians from Africa and the Middle East. The SSWA's media department produced a 30-minute film, entitled "Dreams Trap," that explains the severity of the Sudan's trafficking problem, different ploys and routes traffickers use, the physical and psychological effects on victims, and the importance of rehabilitation support for victims. The SSWA screened this film at the aforementioned conference and in other fora. In December 2013, the government signed a joint strategy with UNHCR and IOM to address human trafficking, kidnapping, and the smuggling of persons in Sudan. The government lacks an inter-ministerial anti-trafficking committee and action plan to coordinate its national efforts; coordination among government ministries on trafficking issues remained poor. The Ministry of Labor's National Committee for Labor Markets is responsible for overseeing the work of employment agencies that recruit Sudanese migrants for work abroad, as well as bring foreign workers into the country. Although it has the authority to revoke agencies' licenses for violations of the labor code and refer cases to criminal courts, it made no efforts to do so during the reporting period. The ministry provided no information on its efforts to identify or address forced labor violations. At the request of the NCCW, SAF officials met with the CTFMR co-chairs in September 2013 to discuss the government's draft joint action plan with the UN to prevent and end the recruitment and use of children by government forces, which remained unsigned at the close of the reporting period after several years of review by the government; the NCCW did not convene the government's taskforce on children and armed conflict—comprised of the Ministries of Foreign Affairs, Interior, and Justice, and the DDR Commission—which remained dormant during the year. The government did not report taking any measures to reduce the demand for commercial sex acts or forced labor. Sudan is not a party to the 2000 UN TIP Protocol.

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