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2021 Trafficking in Persons Report: Sudan

SUDAN: Tier 2

The Government of Sudan does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Sudan was upgraded to Tier 2. Security forces ceased forcibly recruiting and using child soldiers; the government drafted and passed amendments to the 2014 anti-trafficking law that criminalized sex trafficking as well as labor trafficking; and officials investigated more potential cases and convicted more traffickers. Additionally, the country's National Committee to Combat Human Trafficking (NCCHT) expanded awareness raising activities and coordinated with an international organization to enhance journalists' ability to report on human trafficking cases, actions which began to improve the country's limited understanding of the crime. However, the government did not meet the minimum standards in several key areas. Lenient sentencing, resulting in all traffickers receiving inadequate terms of imprisonment or fines, undercut efforts to hold traffickers accountable and weakened deterrence. For the second consecutive year, there were allegations officials may have sexually exploited refugees in government run camps. Further, officials identified fewer trafficking victims and did not report providing care to any victims.

PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate and prosecute traffickers as well as complicit officials, including distinguishing those allegedly responsible for labor and sex trafficking as distinct from migrant smuggling or kidnapping crimes. • While respecting fair trial guarantees, sentence convicted traffickers to adequate penalties according to the country's anti-trafficking law. • Provide sufficient human and material resources to the NCCHT, and open satellite offices in the following states with a high prevalence of human trafficking: North Kordofan, South Kordofan, West Kordofan, Gedaref, and Kassala. • Increase training for security and judicial officials on distinguishing trafficking from other crimes such as migrant smuggling and kidnapping for ransom, and ensure recipients use this guidance to train other officials. • Coordinate with civil society and international organizations to disseminate existing standard operating procedures (SOPs) for authorities and first responders to identify adult sex and labor trafficking victims. • Ensure authorities do not penalize trafficking victims for crimes committed as a direct result of unlawful acts traffickers compelled them to commit, such as women coerced into commercial sex acts. • The Civilian Led Transitional Government (CLTG) proactively ensures Sudan's armed forces do not recruit or use child soldiers and increases efforts to investigate and prosecute officials who have been complicit in child soldier recruitment and use. • Implement and dedicate adequate resources to the 2020-2022 national anti-trafficking action plan. • CLTG works with civil society, international organizations, and the private sector to establish additional shelter options for victims. • Develop a data collection and information management system in collaboration with international organizations to more effectively organize law enforcement data. • Draft and finalize a standalone smuggling law to enhance judicial officials' ability to prosecute migrant smuggling crimes separate from human trafficking crimes.

PROSECUTION

The government increased its overall law enforcement efforts; the CLTG strengthened its anti-trafficking legal framework and convicted more potential traffickers, but insufficiently stringent sentencing hindered accountability for perpetrators. Observers reported the government closed the country's courts from March to August 2020 to slow the pandemic's spread, resulting in severely decreased judicial activity; courts operated at diminished capacity from August to the end of the rating period. Sudanese law criminalized sex trafficking and labor trafficking. For the majority of the reporting period, the 2014 anti-trafficking law criminalized some forms of sex trafficking and some forms of labor trafficking but failed to define what constituted exploitation. Additionally, inconsistent with international law, Sudan's anti-trafficking legal framework required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense and therefore did not criminalize all forms of child sex trafficking. However, in February 2021, the government amended the law to define exploitation and remove the requirement of a demonstration of force, fraud, or coercion in child

trafficking crimes, thereby aligning the law with the international definition of trafficking. The law prescribed between three and 10 years' imprisonment for base offenses involving adult male victims and between five and 20 years' imprisonment for offenses involving adult female and child victims or involving additional aggravating circumstances; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with the penalties prescribed for other serious crimes, such as rape. Article 14 of the Sudan Armed Forces Act of 2007 criminalized recruiting children younger than 18 years old by members of the armed forces, enslaving civilians, or coercing civilians into prostitution, and prescribed penalties between three years' imprisonment and death.

The NCHT reported authorities investigated 118 suspects and prosecuted 36 cases involving 80 suspected traffickers from April 2020 to January 2021. Ministry of Justice officials reported courts convicted eight traffickers; although authorities stated all eight cases involved exploitation, they may have included migrant smuggling crimes as well. Courts sentenced one perpetrator to six months' imprisonment as well as a fine of 100,000 Sudanese pounds (\$1,820) and sanctioned the other seven perpetrators with fines only. The government's insufficient sentencing weakened deterrence and were not in line with sanctions required by the country's anti-trafficking law. Separately, police coordinated with an international law enforcement organization in March 2021 to arrest more than 20 suspected traffickers who were exploiting children in a plastics factory and transporting potential victims illicitly to the Middle East. In 2019, the government reported investigating and prosecuting 97 suspected traffickers and convicting five perpetrators; in 2018, the government reported investigating 150 trafficking cases, prosecuting 30 of those cases, and convicting 45 traffickers.

The government reported providing training to military advisors, lawyers, and judges on trafficking principles; however, authorities continued to conflate human trafficking, migrant smuggling, and kidnapping for ransom, which impeded accurate assessment of Sudan's anti-trafficking law enforcement data. Experts noted the lack of a standalone smuggling law impeded judicial officials' efforts to prosecute migrant smugglers separate from human traffickers. Additionally, law enforcement officers stated potential foreign victims declining to cooperate with investigators impeded prosecutions of transnational cases during the rating period.

Authorities reported investigating allegations of sexual exploitation and abuse—which may have included aspects of sex trafficking to include transactional sex—by officials from the Commission of Refugees and General Intelligence Services; officials did not disclose the results of an investigation into allegations made in 2020 by the close of the rating period. Experts noted in past years some law enforcement and border officers were complicit in or otherwise profited from trafficking crimes specifically related to exploiting migrants along Sudan's borders. The government did not report efforts to investigate complicit officials in 2019.

PROTECTION

The government decreased efforts to identify and protect victims. The NCHT reported Ministry of Interior officials identified 494 potential victims through law enforcement operations in 2020 (280 in Khartoum, 125 in Gedaref, 68 in Kassala, 14 in Nile River, and seven in North), compared with identifying approximately 1,200 potential victims in 2019; however, due to a dearth of training and the resulting conflation between migrant smuggling and human trafficking, some of the potential victims officers identified may have been individuals who purchased the services of smugglers to cross international borders illegally and were not exploited in forced labor or sex trafficking. Officials stated they referred some victims to shelters in coordination with NGOs and international organizations. The National Council for Child Welfare did not report providing services to victims in 2020, compared with collaborating with donors, international organizations, and civil society to provide shelter and medical services to 84 potential child trafficking victims in 2019. The lack of shelters adversely affected the country's ability to protect victims once identified.

For the second consecutive year, officials did not report disseminating or implementing child trafficking victim identification SOPs developed in 2018 in partnership with an international organization. The government's past denial of sex trafficking occurring within Sudan, coupled with authorities' inconsistent screening of vulnerable populations, likely resulted in the arrests and detention of women whom traffickers forced into commercial sex. Sudan's Domestic Workers Act of 2008 provided a legal framework for employing and registering domestic workers with limited labor rights and protections; however, the government did not report registering or protecting any domestic workers under the law during the reporting period.

Sudanese Armed Forces (SAF) officials continued to staff the Child Rights Unit (CRU) (established in 2019), which led the government's child protection efforts in conflict areas. The CRU reported providing training focused on the rights of the child in conflict—including sensitization on the illegality of child soldier recruitment and use—to 2,000 officials from April 2020 to January 2021; in the previous rating period, CRU officials implemented 71 training activities and reached more than 5,000 personnel. Additionally, the government inspected Rapid Support Forces (RSF) units in November 2020 to ensure there were no cases of child soldier recruitment or use; there were no reports SAF or RSF units recruited or used child soldiers during the rating period. In December 2020, 25 SAF officers coordinated with an international organization and NGO to hold a workshop to

update the military's training manual on child rights, including child soldier prevention and referral; Ministry of Defense officials did not report finalizing the manual. The Sudanese Joint Chiefs of Staff continued to issue and disseminate command orders every three months during the reporting period directing military officials to follow the government's ban against using individuals younger than 18 years of age in support or combat roles.

PREVENTION

The government increased efforts to prevent trafficking. The NCCHT formally extended the government's 2020-2022 national action plan into 2023, with a focus on prevention, protection, and prosecution. The NCCHT convened at least three times from November 2020 to March 2021 despite the government limiting operations for the entirety of the reporting period; the committee met approximately three times over the course of 2019. Observers noted a lack of human and material resources—as well as a limited presence outside of the capital—hindered the NCCHT's ability to execute its mandate.

In October 2020, the NCCHT signed a memorandum of understanding with a partner government to develop the committee's institutional capacity as well as its reporting and national legislative capabilities; in February 2021, the government formally adopted amendments to its 2014 anti-trafficking law. Following meeting restrictions and office closures ordered by the country's Supreme Committee for Health Emergencies from March 2020 to June 2020 to mitigate the pandemic's spread, government offices operated with half staffing up to the rating period's conclusion.

In 2020, the government supported an awareness raising initiative using 84 radio programs to sensitize community members in the eastern city of Kassala on the risks of human trafficking and irregular migration. Additionally, officials partnered with an international organization in December 2020 to hold workshops for 16 journalists to enhance their ability to report on human trafficking issues; the trainings were held in Khartoum, North Darfur, Gedaref, Blue Nile, North, South, South Kordofan, and Red Sea states. In 2019, officials held a workshop to raise awareness of exploitation in domestic work.

Authorities did not report whether the Kassala state government finalized its state-level action plan, drafted in 2018 and intended to mirror the national action plan. Ministry of Labor inspectors were responsible for providing oversight of recruitment agencies, but they did not report investigating or sanctioning fraudulent recruiters during the reporting period. The government did not report providing anti-trafficking training for its diplomatic personnel. Officials did not report efforts to reduce the demand for commercial sex.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Sudan, and traffickers exploit victims from Sudan. Traffickers exploit homeless children in Khartoum—including Sudanese and unaccompanied migrant children from West and Central Africa—in sex trafficking and in forced labor for begging, public transportation, large markets. Business owners, informal mining operators, community members, and farmers exploit children working in brick-making factories, gold mining, collecting medical waste, street vending, and agriculture; the aforementioned traffickers expose the children to threats, physical and sexual abuse, as well as to hazardous working conditions with limited access to education or health services. Criminal groups exploit Sudanese women and girls – particularly internally displaced persons (IDPs) or those from rural areas – in domestic work and in sex trafficking.

Due to regional instability and conflict, there are more than 2.5 million IDPs and 1 million refugees in Sudan—populations with increased susceptibility to forced labor or sex trafficking. For the second consecutive year, observers reported concerns that government officials from the Commission of Refugees and General Intelligence Service were potentially sexually exploiting refugees—including newly arrived Ethiopians—in Sudan. Additionally, due to the government's refugee encampment policy which restricts refugees from moving freely within the country, some refugees utilized migrant smugglers inside Sudan which further increased their risk of exploitation. Additionally, reports alleged corrupt RSF officials financially benefited from their role as border guards and took a direct role in human trafficking. The non-governmental armed groups Justice Equality Movement and Sudan Liberation Movement/Transitional Council recruited and used child soldiers in Darfur during the reporting period.

Large populations of Eritrean, Ethiopian, and other African asylum seekers, as well as Syrians—populations vulnerable to trafficking due to their economic fragility and lack of access to justice—resided in Khartoum while planning to travel to Europe. Sudanese traffickers compel Ethiopian women to work in private homes in Khartoum and other urban centers. Well-organized and cross-border criminal syndicates force some Ethiopian women into commercial sex in Khartoum by manipulating debts and other forms of coercion. Attempting to escape conflict and poverty, many East African victims of trafficking initially seek out the services of migrant smugglers, who coerce the migrants into forced labor or sex trafficking.

Due to the years of conflict in South Sudan, the South Sudanese refugee population in Sudan was more than 700,000 in 2020; many of these refugees remain vulnerable to forced labor and sex trafficking in Sudan. In 2018, an international organization documented cases of traffickers exploiting West and Central African nationals—primarily from Chad, Mali, and Niger—arriving in Sudan via irregular migratory routes.

Darfuri armed groups exploit some migrants in forced labor or sex trafficking. Smugglers linked to the Rashaida and Tabo tribes abduct Eritrean nationals at border crossings, extort them for ransom, and subject them to abuse, including trafficking. Other cross-border tribes also force abductees to perform domestic or manual labor, and abuse them in other ways, including exploiting them in forced labor or sex trafficking.

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