

# South Sudan - United States Department of State

## 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 forming and staffing an anti-trafficking inter-ministerial task force, cooperating with an international organization to release 286 child soldiers, and identifying 19 potential trafficking victims. However, during the reporting period, there was a government policy or pattern of employing or recruiting child soldiers. Government security and law enforcement officers continued to recruit and use child soldiers, at times by force, and did not hold any members of the South Sudan People's Defense Forces (SSPDF) or South Sudan National Police Services (SSNPS) criminally accountable for these unlawful acts. Authorities did not report investigating or prosecuting any forced labor or sex trafficking crimes for the eighth consecutive year. The government made negligible efforts to proactively identify and protect trafficking victims separate from smuggling clients, continued to arrest and imprison child sex trafficking victims, and continued to indiscriminately arrest and imprison individuals for prostitution violations without screening for indicators of trafficking.

## PRIORITIZED RECOMMENDATIONS:

Cease all recruitment and use of children by government forces and associated militias, and immediately release all child soldiers under the command or influence of government forces and affiliated militias and, in partnership with international organizations, transfer them to appropriate civilian rehabilitation and reintegration programs. • Increase financial and staffing support to the SSPDF's Directorate of Child Protection to facilitate efforts to identify perpetrators of child soldiering and refer cases to civilian courts. • Use radio and direct engagement with communities to conduct awareness campaigns in coordination with traditional leaders to educate the public on all forms of human trafficking. • Starting in Juba, establish and implement victim identification screening and referral procedures in partnership with international organizations and civil society to prevent penalization of trafficking victims for crimes committed as a direct result of unlawful acts their trafficker compelled them to commit. • Amend the 2008 Penal Code to criminalize adult sex trafficking and prescribe penalties that are sufficiently stringent and commensurate with other grave crimes, such as rape. • Following due process and respecting human rights, investigate and prosecute suspected trafficking offenses under existing anti-trafficking laws, and convict traffickers, including complicit government officials. • Increase funding for the Technical Task Force on Anti-Human Trafficking and Smuggling of Persons in the Republic of South Sudan. • Train law enforcement officers, 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. • Train law

enforcement and social workers to recognize trafficking victims, particularly among vulnerable groups such as children, individuals in commercial sex, and internally displaced persons. • Accede to the 2000 UN TIP Protocol.

## PROSECUTION

The government's anti-trafficking law enforcement efforts continued to be negligible. The 2008 penal code, 2008 Child Act, and the 2018 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 and conflated human trafficking with smuggling by requiring movement across borders. 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 reported law enforcement officers did not investigate, prosecute, or convict any traffickers for the eighth consecutive year. The government partnered with an international organization in May 2019 to train approximately 30 officials on basic trafficking principles. However, overall police and judicial officials continued to lack a basic understanding of what constitutes trafficking in persons and frequently conflated human trafficking and migrant smuggling. Corruption and official complicity in trafficking crimes remained significant concerns; however, the government did not report investigating, prosecuting, or convicting government employees complicit in human trafficking offenses. Despite the ongoing unlawful recruitment and use of child soldiers by the SSPDF, SSNPS, and allied militias, the government has never held an offender criminally or administratively accountable for such crimes. Law enforcement efforts were impeded by the lack of resources for basic operations, a dearth of trained judicial officials, and corruption throughout the justice sector.

## PROTECTION

The government increased protection efforts. An international organization reported immigration officers identified 19 potential trafficking victims, an increase compared with the government's failure to identify any victims in the preceding five years; however, immigration officials deported seven of the 19 potential victims without providing services. Members of the National Disarmament, Demobilization,

and Reintegration Commission, and other government officials cooperated with an international organization to demobilize and release 286 child soldiers (211 boys and 75 girls), a decrease from 955 children during the previous reporting period; observers partially attributed the decrease to the 2018 ceasefire, which reduced the need for active recruitment of soldiers, including children. The government's enlistment procedures required an age assessment, usually done through a dental exam, as many South Sudanese do not have access to birth registration documents. Government officials noted many SSPDF officers did not meet their annual training requirements on child soldiers due to ongoing conflict, poor communication, and general lack of capacity. The SSPDF's Directorate for Child Protection—headed by a brigadier general—maintained responsibility for investigating allegations of child soldiering. Despite ongoing reports that government forces continued to recruit and use child soldiers, it did not report opening any inquiries into complicit officers.

Social stigma and fear of punitive law enforcement actions continued to discourage victims—particularly those subjected to sex trafficking—from reporting crimes to law enforcement officers. There were no laws or policies to protect victims from prosecution for unlawful acts traffickers compelled them to commit. Security forces continued to lack a formal mechanism to identify potential victims, resulting in officials indiscriminately arresting individuals in commercial sex without screening, including known child sex trafficking victims. The government did not provide specialized services for trafficking victims or 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 increased efforts to prevent trafficking. In coordination with an international organization, the Ministry of Interior established the Technical Task Force on Anti-Human Trafficking and Smuggling of Persons in the Republic of South Sudan in December 2019. The committee—co-chaired by the Ministry of Justice—met at least twice during the reporting period. The task force did not report accomplishing its primary objectives of ratifying the Palermo Protocol and enacting the country's migration policy. The government did not have a trafficking-specific coordinating framework, although the government signed an action plan to end and prevent all grave violations against children in February 2020. Trafficking awareness remained low among officials and the public, hindering the government's anti-trafficking efforts. 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 the 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. 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 did not make efforts to address the labor exploitation of South Sudanese nationals working abroad or foreign nationals within South Sudan. Officials did not make efforts to reduce the demand for commercial sex acts. 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, 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 while traffickers force others to engage in commercial sex acts. Prominent South Sudanese individuals in state capitals and rural areas sometimes force women and girls into domestic servitude. South Sudanese and foreign businesspeople exploit South Sudanese girls in sex trafficking in restaurants, hotels, and brothels in urban centers—at times with the involvement of corrupt law enforcement officials. South Sudanese individuals coerce some children to work in construction, market vending, shoe shining, car washing, rock breaking, brick making, delivery cart pulling, gold mining, begging, and cattle herding. South Sudanese and foreign business owners recruit men and women from neighboring countries—especially the Democratic Republic of the Congo, Eritrea, Ethiopia, Kenya, Republic of the Congo, 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 coerce them into commercial sex. Traffickers sexually exploit women most frequently in the country's capital Juba and Nimule, a city located on the border with Uganda. Child, early, and forced marriage remain a nationwide problem, with families forcing some girls into marriages as compensation for inter-ethnic killings; husbands and their families may subsequently subject these girls to sexual slavery or domestic servitude. 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. Observers report traffickers exploit individuals along the country's borders with Uganda and Kenya where economic activities are concentrated, as well as in mining operations along South Sudan's border with the Democratic Republic of the Congo. South Sudanese prison officials reportedly exploited prisoners in forced labor.

Violent conflict continued throughout the year, resulting in approximately 1.5 million internally displaced persons and 2.2 million refugees as of December 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 by sex or labor traffickers. 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 exploit some abductees in 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 armed groups continued to recruit and use children during the reporting period. Experts assess there are currently between 7,000 and 19,000 minors in combat roles within South Sudan as of February 2020. Both the SSPDF and the Sudan People's Liberation Army—In Opposition signed or recommitted to action plans for child soldier demobilization and reintegration but implementation remains uneven. Government forces—including SSNPS—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 2018, the parties committed to refrain from the recruitment or use of child soldiers by armed forces or militias in contravention of international conventions. Governmental and non-governmental 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 groups recruited and used child soldiers in Greater Equatoria, Greater Bahr el Ghazal, and Greater Upper Nile. Observers reported armed groups used young boys to guard or raid cattle, a key source of income for many South Sudanese.