

TRAFFICKING IN PERSONS IN SOUTH SUDAN

Prevalence, Challenges and Responses
An Action Research



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An Action Research

Prepared for IOM by Loksan Harley

**IOM South Sudan
2020**





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The Government of South Sudan, through its newly established Technical Taskforce to Counter Trafficking in Persons and Smuggling of Migrants (hereinafter the Task Force), together with the International Organization for Migration (IOM), recently undertook an assessment on Trafficking in Persons (TIP) in South Sudan. The aim of the TIP assessment was to better understand the nature, prevalence, current responses and challenges to addressing TIP in South Sudan, and to provide recommendations to support improved evidence-based counter-trafficking responses moving forward and to promote humane and orderly migration. The Taskforce is mandated through Ministerial Order No. 34/2019 issued by the Minister of Interior in December 2019 following the recommendations of the National Aliens Committee (NAC) through South Sudan's Comprehensive Migration Policy for the Government to conduct an in-depth study of human trafficking in the country.

The report "Trafficking in Persons in South Sudan: Prevalence, Responses and Challenges" analyzes the nature of trafficking in persons in the country, its forms, challenges and the legal gaps in the present legal framework in South Sudan. It provides recommendations that the Technical Taskforce and its partners are set to address. TIP is a heinous crime that exploits human beings. It comes in many forms, including forced labor, forced marriages, sexual exploitation and domestic servitude among others. It's in this report that the nation gets to know what TIP is in South Sudan. The report highlights that the current TIP provisions in the national legal frameworks are inadequate to provide a deterrence to perpetrators, including aggravating punishments to traffickers themselves. The Government of South Sudan recognizes this as the main challenge to combat TIP in the country. The report recommends major reforms to its key government institutions and avenues to build a firm foundation to combat TIP in the country, in line with the regional and international frameworks. Currently, South Sudan does not have provisions that are commensurate to the UN Protocol to Prevent, Punish and Suppress Trafficking in Persons, especially Women and Children, supplementing the United Nations Conventions against Transnational Organize Crimes and its Protocol.

This report provides evidence-based recommendations for South Sudan to strengthen its national TIP response through the following key measures; 1) Develop a comprehensive TIP response that aims at prevention, prosecution, partnership and protection of victims of TIP; 2) Strengthen a whole-of-government response to address the serious crimes of TIP and migrant smuggling;

3) Accede to the UN Protocol to Prevent, Punish and Suppress Trafficking in Persons, especially Women and Children, supplementing the United Nations Conventions against Transnational Organize Crimes and its Protocol; and 4) develop a national legal framework that is in line to international and regional legal frameworks.

Making this report available to public, with the support of IOM and the Government of United Kingdom, Department of International Development (DFID) is one of the first key achievements for the Taskforce. The Government of South Sudan realizes that responding to TIP in South Sudan requires partnerships with multiple stakeholders, thereby the Government welcomes the support from all the stakeholders to combat trafficking in persons in South Sudan together.

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Today, an estimated 25 million adults and children are trafficked worldwide but only an infinite fraction of victims were identified in 2019 by law enforcement globally (United State TIP report 2020). They are trafficked into prostitution, forced domestic labour and on construction sites, but also on offshore fishing boats, in the agriculture sector, and sweatshop industries. We may fail to see these victims of trafficking, or conveniently refuse to see them due to the cheap goods and services they are providing.

Trafficking in persons is a heinous crime that treats human beings as mere commodities. Unscrupulous traffickers exploit vulnerable individuals for commercial and personal gains. The International Labour Organization (ILO) estimates trafficking in persons generates more than USD 150 billion every year, a sordid trade which is believed to be the third most profitable illegal business after drug trafficking and counterfeiting.

Human trafficking continues to be a vastly underreported crime, which means that its global profit may in fact far surpass that of all other illegal trades. Ruthless traffickers take advantage of poverty and a lack of perceived socioeconomic perspectives at home, as well as of conflict and natural disasters as they continue to prey on highly vulnerable groups such as internally displaced persons (IDPs), undocumented migrant workers, and helpless young boys and girls.

We are living in an unprecedented era of human mobility, with more than one billion people out of almost 8 billion in the world on the move. The East and Horn of Africa region is no exception, as it continues to experience significant levels of internal and cross-border mobility, including intra and extra regional movements.

In mid-2019, the region hosted 6.5 million international migrants, more than six million IDPs, and in excess of three million refugees and asylum-seekers. Mobility in the region is often triggered by a combination of persistent insecurity and conflict, harsh climatic conditions affecting livelihoods, and public health emergencies, alongside other persistent socioeconomic drivers. This combination of factors is likely to increase vulnerability among affected populations and individuals and increase the risk of human trafficking. Individuals who have little or no social and legal protection are considered most at risk, as well as women and girls in areas where extreme gender discrimination, such as forced marriage, prevails.

Furthermore, as in other parts of the world, young adults run the risk of being recruited into forced labour, falling prey to armed groups, or ending up in other situations of exploitation where the authority of the State is unable to protect them, either through lack of capacity or relevant legislation. There is therefore an urgent need for the Government of South Sudan and for all stakeholders to address human trafficking and victim protection head on.

Worldwide, IOM strives to contribute new knowledge on a range of migration issues to strengthen the quality of information and data to guide and inform evidence-based policies and responses.

This report, "Trafficking in Persons in South Sudan: Prevalence, Responses and Challenges", is the product of an extensive consultative process. It is the first of its kind in the country and aims to provide a comprehensive, in-depth study into trafficking vulnerabilities, current and future responses to prevent human trafficking, protect victims, and prosecute those who organize and benefit from this crime. This report also provides key recommendations through which the Government of South Sudan and partner agencies can work together to systematically address trafficking in persons through a whole-of-government approach.

In 2019, the Government of South Sudan introduced the country's first ever comprehensive Migration Policy, which identifies trafficking in persons as a key priority area for immediate action. As a result, the Ministry of Interior set up a Technical Task Force on Anti Trafficking in Persons and Smuggling of Migrants. This is a critical first step in a whole-of-government response to trafficking in persons in the country, and IOM looks forward to furthering its collaboration with the Government to support this critical endeavour and tackle this crime.

This report was conducted in collaboration with the Technical Task Force, a whole of government response, for which IOM sits as technical advisor. I trust that the Government of South Sudan and its partners will use the key recommendations presented herein to fight this gross human rights violation. This report would not have been possible without the generous support of the United Kingdom Department for International Development (DFID).

A handwritten signature in blue ink, consisting of a stylized 'J' and 'C'.

Jean-Philippe Chauzy
Chief of Mission, IOM South Sudan

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This publication is the result of extensive desk research and interviews with key stakeholders carried out between December 2019 and March 2020.

The author of this report is Loksan Harley, an independent migration and protection expert with extensive experience working for the International Organization for Migration and other United Nations agencies, governments, and non-governmental organizations in research, programme management, and technical assistance across Europe, Africa, and Asia.

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ACRONYM AND ABBREVIATIONS

CAAFAG	Children Associated with Armed Forces and Armed Groups
CCC	Confident Children out of Conflict
CID	Criminal Investigation Department
CTFMR	UN Country Task Force on Monitoring and Reporting
CTSAMM	Ceasefire and Transitional Security Arrangements Monitoring Mechanism in South Sudan
DCRNPI	Directorate of Civil Registry, Nationality, Passports and Immigration
DDR	Disarmament, demobilization and reintegration
DPP	Directorate of Public Prosecutions
DRI	Dialogue and Research Initiative
DTM	Displacement Tracking Matrix
EAC	East African Community
EAPCCO	Eastern Africa Police Chiefs Cooperation Organization
GBV	Gender-based violence
GBV-IMS	Gender-Based Violence Information Management System
IGAD	Intergovernmental Authority on Development
ILO	International Labour Organization
INTERPOL	International Criminal Police Organization
IOM	International Organization for Migration
MOLPSHRD	Ministry of Labour, Public Service and Human Resource Development
MoU	Memorandum of Understanding
NAC/NCM	National Aliens Committee/National Coordination Mechanism on Migration
NCB	National Central Bureau
NDDRC	National Disarmament, Demobilization and Reintegration Commission
NEPWU	National Empowerment of Positive Women United
NSS	National Security Service
OHCHR	Office of the United Nations High Commissioner for Human Rights
PoC	Protection of Civilian
R-ARCSS	Revitalized Agreement on the Resolution of the Conflict in South Sudan
RMMS	Regional Mixed Migration Secretariat
SSNPS	South Sudan National Police Service
SSPDF	South Sudan People's Defense Forces
SOP	Standard operating procedures
UN	United Nations
UN OCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNMIS	United Nations Mission in Sudan
UNMISS	United Nations Mission in South Sudan
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention against Transnational Organized Crime
USD	United States Dollar
TiP	Trafficking in persons
TVPA	Trafficking Victims Protection Act

GLOSSARY

The following terms appear throughout the report and are interpreted as follows.

Gender: the socially constructed roles and relationships, personality traits, attitudes, behaviours, values, relative power and influence that society ascribes to males and females on a differential basis (UN Entity for Gender Equality and the Empowerment of Women, 2014).

Gender-based violence: an umbrella term for any harmful act that is perpetrated against a person's will and is based on socially ascribed (i.e. gender) differences between males and females. It includes acts that inflict physical, sexual or mental harm or suffering, threats of acts, coercion, and denial of resources, opportunities or services, forced marriage and other deprivations of liberty. These acts occur in public or in private (IOM, 2019a).

Hotspot: geographic areas or economic sector where trafficking in persons is prevalent.

Irregular migration: movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit or destination (IOM, 2019a).

Perpetrator: a person who perpetrates, or commits, an illegal, criminal, or evil act (including trafficking in persons).

Sex: the biological characteristics that define humans as female or male (UN Entity for Gender Equality and the Empowerment of Women, 2014).

Smuggling of migrants: the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident (United Nations Convention against Transnational Organized Crime and the Protocols thereto).

Trafficking in Persons: the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (United Nations Convention against Transnational Organized Crime and the Protocols thereto).

Victim of trafficking in persons: any natural person subject to trafficking in persons, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted (Council of Europe Convention on Action Against Trafficking in Human Beings).

EXECUTIVE SUMMARY

Chapter 1: Introduction

Against a backdrop of conflict, related governance challenges and mixed migration, including forced displacement and transit migration, corroborated reports and anecdotes suggest that the following forms of internal and transnational trafficking in persons (TiP) are perpetrated in South Sudan:¹ forced recruitment by armed forces and armed groups, forced marriage, domestic servitude, sexual exploitation, and labour exploitation. This assessment, which captures TiP based on the United Nations (UN) TiP Protocol definition, represents the country's first dedicated study into TiP and all its forms. It aims to: 1) determine the prevalence of TiP; 2) evaluate the characteristics and push and pull factors of TiP; and 3) set the baseline for evidence-based prevention, prosecution and protection action plans.

Chapter 2: National context

TiP in South Sudan is influenced by the young country's unique experiences with conflict, governance and migration, as well as its diversity of cultural practices. The weak legal justice system, particularly as regards law enforcement, means TiP often goes underreported or unpunished when it is reported. Conflict has displaced millions and migrants move across the country in search of protection, work and grazing pastures; some in the hope of reaching North Africa and Europe. These factors heighten the vulnerabilities to exploitation, including TiP.

Chapter 3: Forms of trafficking in persons

Several forms of TiP were identified:

- Forced recruitment into armed forces or armed groups: some adults are forcibly recruited into armed forces and groups, which also recruit children into combat and non-combat roles. Women and girls are recruited as well, particularly for the purposes of sexual exploitation.
- Forced marriage: women and girls are abducted and forcibly married in exchange for a bride price – at times without the prior knowledge of the victim or parents. After being forcibly married, the victim

may be subjected to domestic servitude and sexual exploitation.

- Domestic servitude and sexual exploitation: women and children are deceived into migrating to pursue employment or education, only to be forced into domestic servitude or sexually exploited.
- Labour exploitation: South Sudanese and foreign nationals are deceived into accepting coercive employment in the hospitality, entertainment and construction sectors. Children are abducted for the purposes of working in the community, where they have limited means to refuse work and may be restricted from accessing education. Children are also forced to beg by parents or other adults, while both men and boys are forced to mine gold or traffic cannabis.

Chapter 4: Vulnerability factors

Many individual, household, community and structural-level factors render people vulnerable to TiP. At the **individual level**, sex, gender, age and nationality all dictate susceptibility to different forms of TiP. For instance, women and girls more likely to be forcibly married and subjected to domestic servitude and sexual exploitation, while forced recruitment into armed forces and groups, meanwhile, disproportionately affects men and boys. At the **household and community levels**, the loss of a family head can make the remaining members more vulnerable to being trafficked, while less access to livelihood opportunities can increase the potential benefit of selling off members of the household as brides or workers. Finally, at the **structural level**, conflict has weakened South Sudan's young institutions, increased human rights violations and displaced millions, weakening protective structures in communities, increasing TiP-related human rights violations (including sexual slavery and forced recruitment), inducing displacement, and weakening rule of law. Displacement heightens vulnerabilities to TiP, while weak law enforcement and corruption allow TiP to be perpetrated in an environment of relative impunity.

Chapter 5: Legal, institutional and policy frameworks

South Sudan has signed up to several international conventions related to TiP, although it has not yet acceded to the UN TiP Protocol. It is a member of the Intergovernmental Authority on Development and the East African Community but has not adopted key regional frameworks on mutual legal assistance and extradition. At the national level, the country has criminalized certain TiP practices in the Penal Code, Child Act and Labour Act – although it does not explicitly recognize many such practices as TiP. While the legal framework criminalizes certain elements of TiP crimes like forced labour and the worst forms of child labour, it does not clearly define TiP and criminalize all its forms. Moreover, it provides lenient penalties for most TiP offences and delegates forced marriage cases to customary law. South Sudan's policy framework includes a draft National Comprehensive Migration Policy and standalone policies and action plans addressing gender-based violence and child marriage – which contain provisions relating to TiP. Policy implementation and coordination, however, remain persistent challenges across the board.

Chapter 6: Counter-trafficking response

Prosecution

No TiP prosecutions² were made between 2016–2019, with the last five prosecutions³ being made in 2015. However, some investigations have been carried out into abduction for forced marriage. TiP crimes are underreported due to the normalization of TiP within cultural practices, public distrust of law enforcement, stigmatization of victims, and a low awareness of TiP among criminal justice actors. Law enforcement agencies do not screen for TiP victims and often conflate TiP with migrant smuggling. In addition, the Ministry of Labour, Public Service and Human Resource Development's (MOLPSHRD) has limited inspection capacities and its few labour inspectors only cover formal economy workplaces where TiP is less likely to occur. Meanwhile, law enforcement agencies often fail to open investigations into crimes like TiP, fail to conduct

proactive investigations into organized crime, and detain potential TiP victims. In addition, the Government has not prosecuted any military officers for the recruitment of use of children. That said, the national armed forces Directorate of Child Protection has made some efforts to identify perpetrators. Finally, customary courts hear the majority of criminal cases, including potential TiP cases like forced marriage. Their judgements focus on mediation and dispute resolution, as opposed to discharging justice in favour of victims themselves.

Protection

The Government provides minimal protection and assistance directly to potential victims of TiP, with no TiP-adapted protection frameworks. Children associated with armed forces or armed groups are the only potential TiP victims who receive some form of State-sanctioned assistance, although the Government also deploys some social workers at the state level. The Government has cooperated with other organizations to release and reintegrate 3,677 children associated with armed forces and groups between 2013–2019. Humanitarian organizations provide some support to other potential victims of TiP, particularly women and children, in the framework of their gender-based violence and child protection interventions, although this support is not adapted to the specific needs of TiP victims. Support provided may include basic medical assistance, counselling and legal assistance.

Prevention

Aside from IOM-implemented awareness-raising activities, no activities specifically aim to prevent TiP. Trafficking awareness remains low among all stakeholders, including the general public. The Government and other stakeholders have raised awareness about gender-based violence, early marriage and children associated with armed forces or armed groups. The Civil Registry Act, 2018 aims to enhance the verification of age and promote marriage registration, which could help prevent some forms of child trafficking.

¹ Chapter 3 clarifies where these practices constitute TiP.

² Based on the TiP-specific provisions of the legal framework (Article 282 of the Penal Code Act, 2008 and Article 120 of the Child Act, 2008).

³ Based on Article 282 of the Penal Code Act, 2008.

Partnership

The Technical Taskforce on Anti-Human Trafficking and Smuggling of Persons has been established as the interministerial platform to coordinate the national TiP response. Collaboration and information sharing between immigration and security services take place on an ad hoc basis. There is little collaboration between the Ministry of Gender, Child and Social Welfare (nominally responsible for victim protection) and departments coming into contact with potential victims of trafficking, including immigration and security services. Collection of crime statistics is patchy and not systematized. When law enforcement agencies intercept a case of TiP involving a foreign national, they work with embassies and migrant associations to arrange for deportation or repatriation. In addition, South Sudan has concluded agreements covering deportation and mutual legal assistance with Uganda and Rwanda. The country also participates in East African Community police cooperation platforms and raises and receives INTERPOL alerts.

Chapter 7: Recommendations

Strategic next steps

Strategic step 1: Accede to the United Nations Convention against Transnational Organized Crime and related protocols.

Strategic step 2: Draft a counter-TiP/SoM strategy and action plan.

Strategic step 3: Strengthen the national legal framework – including using the UN TiP definition, criminalizing all forms of TiP, outlining protection arrangements, and designating sufficiently stringent penalties.

Specific recommendations

Prosecution

Recommendation 1: Build capacities of law enforcement agents and labour inspectors to screen for victims of trafficking – by developing guidelines and procedures, along with training on their use, on victim screening.

Recommendation 2: Train law enforcement agents, prosecutors and judges on investigation methods and victim care – through agents' foundational training and existing capacity-building activities, using active participation and situational application, such as ongoing mentoring.

Recommendation 3: Enforce the Labour Act and build the capacities of labour inspectors to identify trafficking in persons offences – including extending inspections to cover workplaces where TiP is more prevalent, integrating indicators of TiP into labour inspection questionnaires, and developing clear referral processes for victims of labour exploitation.

Protection

Recommendation 4: Adapt assistance to the specific needs of trafficking victims – by mainstreaming TiP into existing protection responses (provided by humanitarian protection actors or the government), which should begin with the elaboration of a TiP strategy paper for protection actors, with a view to determining more detailed adaptation of assistance to the needs of TiP victims.

Recommendation 5: Enhance reintegration options for victims of trafficking – building the capacities of assistance providers to identify re-trafficking vulnerability factors, providing shelters for TiP victims, and supporting sustainable reintegration.

Recommendation 6: Utilize safe spaces for women, girls and children and hotlines to enhance reporting – establishing spaces where those vulnerable to trafficking can feel physically and emotionally safe and receive information and assistance.

Recommendation 7: Build the capacities of civil society organizations to provide legal assistance to victims of trafficking – providing victims with information on court and administrative proceedings, and assisting victims to present their views at all stages of criminal proceedings against offenders.

Recommendation 8: Train diplomatic personnel on trafficking in persons, victim identification and provision of assistance to South Sudanese victims of trafficking abroad – strengthening the evidence base on the diaspora and supporting diplomatic personnel to respond to cases of exploitation.

Prevention

Recommendation 9: Raise awareness of trafficking in persons – among all stakeholders, especially policymakers, criminal justice practitioners, traditional and faith-based authorities, and the general public, with a focus on integrating TiP into existing campaigns.

Recommendation 10: Regulate private employment agencies to prevent labour trafficking – which may require the MOLPSHRD to take a more proactive regulatory approach on labour migration and to issue additional regulations.

Recommendation 11: Strengthen civil registry as a means to promote more effective age verification and marriage regulation – enforcing the Civil Registry Act, especially with respect to birth and marriage certificates.

Partnership

Recommendation 12: Include all trafficking in persons stakeholders in the Technical Taskforce on Anti-Human Trafficking and Smuggling of Persons – including the National Disarmament, Demobilization and Reintegration Commission, the Ministry of Humanitarian Affairs and Disaster Management, the Ministry of Health, and a parliamentarian.

Recommendation 13: Strengthen international cooperation to counter transnational trafficking by signing bilateral and multilateral agreements with key origin and destination countries – including acceding to the Intergovernmental Authority on Development's conventions on mutual legal assistance and deportation.



INTRODUCTION

South Sudan, in the years following its independence in 2011, has been mired by conflict and related governance challenges – factors which have induced high levels of forced displacement and contributed to weak and fragmented criminal justice and protection mechanisms,

as well as constraining socioeconomic development. These challenging circumstances have created an environment where human rights go unprotected and those abusing human rights go unpunished.

Trafficking in persons definition: “(a) the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

1. The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
2. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth in subparagraph (a) of this article;
3. ‘Child’ shall mean any person under eighteen years of age.”

Source: Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons (United Nations Convention against Transnational Organized Crime (UNTOC) and the Protocols thereto).

Trafficking in Persons (TiP), a serious crime and human rights violation, prospers in such settings. TiP involves the acquisition or recruitment of human beings using force or deception, with the aim of exploiting them. Often equated to modern slavery due to the slave-like conditions under which victims are held and the forms of coercion used by its perpetrators, TiP takes place within and across borders and communities, involving South Sudanese and/or foreign perpetrators and victims.⁴

According to the Global Slavery Index 2018, South Sudan has the world’s seventh highest prevalence of modern slavery (Global Slavery Index, 2018). Meanwhile, the United States Department of State’s annual TiP

Report, which assesses TiP and governmental counter-TiP responses across the world, has given South Sudan its lowest “tier ranking” (Tier 3) every year since 2015 (U.S. Department of State, 2019).⁵

In light of South Sudan’s record in countering TiP, the International Organization for Migration (IOM) has commissioned South Sudan’s first assessment of TiP to determine the prevalence of TiP, its characteristics and associated push and pull factors, and the current counter-trafficking arrangements.

⁴ 77 per cent of TiP victims worldwide are exploited in their countries of residence and a majority of victims identified in 2018 were identified in their countries of citizenship (U.S. Department of State, 2019).

⁵ Tier 3 indicates that the government does not fully meet the United States’ Trafficking Victims Protection Act (TVPA) of 2000’s minimum standards and is not making significant efforts to do so. Pursuant to the TVPA, governments of countries on Tier 3 may be subject to certain restrictions on assistance (U.S. Department of State, 2019).

Assessment report structure

This assessment report first provides an overview of the national context, outlining the key factors that underlie the country's TiP situation (Chapter 2). Chapter 3 then details the different forms of TiP, including the nature and scale of each form, the victims and perpetrators, and hotspots. The following chapter (Chapter 4) analyses the

factors that render people vulnerable to being trafficked, before Chapter 5 provides an analysis of the legal and institutional frameworks that regulate TiP. Chapter 6 then maps out the current arrangements in place to counter TiP, before Chapter 7 provides recommendations to enhance the TiP response.

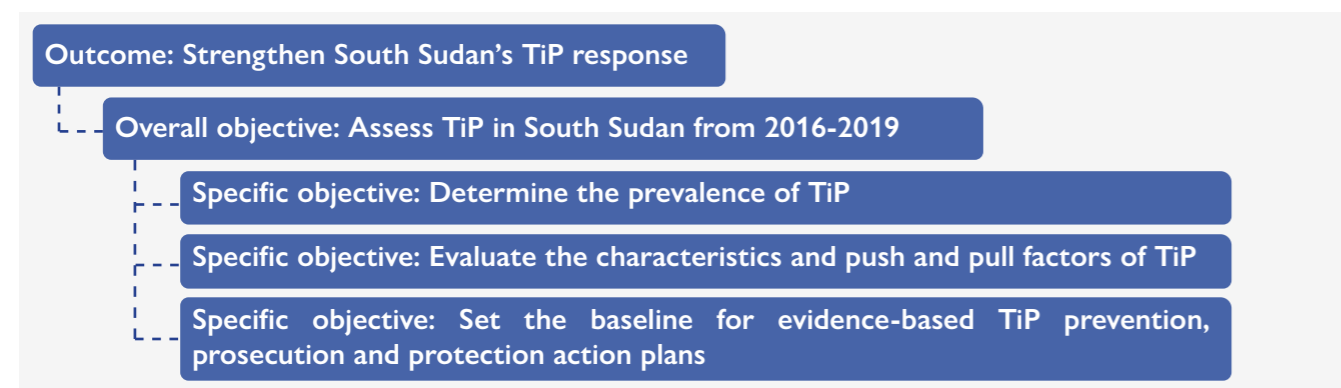
1.1 Methodology

Data was collected via a documentary review and in-field stakeholder consultations, including during one month in South Sudan, as well as through requests for data from

other IOM departments, the Government of South Sudan, and other stakeholders.

1.1.1 Objectives

The assessment was conducted according to the following objectives:



1.1.2 Data Collection

Documentary review

The assessment reviewed documents produced by IOM, the Government and other organizations. The initial findings were consolidated into a documentary review

report which guided the lines of enquiry and identified stakeholders to interview. The list of references outlines the literature reviewed.

Stakeholder consultation

A wide range of key informants were consulted in order to collect TiP case anecdotes and gain a more granular understanding of the counter-TiP arrangements in place. Nearly all the consultations took place during a one-month field visit to South Sudan. Most of this time was spent in the national capital of Juba, consulting key national-level stakeholders. One week was also spent in border town of Nimule – on both South Sudanese and Ugandan sides.

with the realities of a small border town which some key informants considered to be a hotspot for cross-border movement and illicit activities. Furthermore, the consultations focused on those who take decisions and those who work closely with potential victims of trafficking.

More specifically, the stakeholder consultation phase encompassed the following:

The approach was to compare national perspectives and information on the counter-trafficking arrangements

i. Key informant interviews: 38 semi-structured interviews were conducted with 49 key informants (see Annex 1), using adapted versions of the interview guide outlined in Annex 4.

ii. Focus group discussions: four focus group discussions were held to gather different perspectives on the topics addressed by the assessment, particularly the nature and scale of TiP and the counter-trafficking response (i.e. prosecution, protection, prevention and partnership) (see Annex 2):

iii. Workshops: three workshops were held (see Annex 3):

1. *Technical Taskforce on Anti-Human Trafficking and Smuggling of Persons in the Republic of South Sudan: involving the members of the Technical Taskforce to discuss national counter-TiP arrangements and forms of TiP.*
2. *Nimule stakeholders: involving local government and civil society stakeholders to discuss local counter-TiP arrangements and forms of TiP.*
3. *National protection actors: involving national civil society organizations to discuss protection of potential victims of TiP.*

1.1.3 Limitation

Absence of trafficking-specific data

Few studies have been carried out on TiP specifically and almost all stakeholders interviewed had a limited or incorrect understanding of TiP. This made it difficult to generate precise and quantifiable findings on the nature

and scale of TiP. As a result, the assessment focused on piecing together data on different forms of exploitation which often amount to TiP, such as on forced recruitment into armed forces and groups and on forced marriage.

Limited Government data

No Government data on TiP could be identified. Limited data on related aspects, such as crime, prosecutions, and international migration (see Annex 10) were identified.

Most data used in this assessment were thus derived from key informant interviews with international organizations and non-State actors.

Differing amounts of data on different forms of trafficking

While relatively plentiful data could be found on TiP associated with forced marriage and military recruitment and use, limited research has been conducted on transnational organized crime, child labour trafficking and sex trafficking. This is reflected in the limited findings in

this report on those TiP forms. As a result, the interview guide was adapted to include more direct questions related to these forms, while additional lines of enquiry focused on examining their potential indicators.

Unrepresentative sampling

Given the time constraints, primary data were only collected in Juba and Nimule. While the Nimule field visit provided valuable insights into how national counter-TiP arrangements are implemented, it is essential to bear in mind that 83 per cent of South Sudan's population lives

in rural areas (United Nations Development Programme (UNDP), n.d.). Counter-TiP arrangements mapped in Juba and Nimule may therefore be unrepresentative of the arrangements (or lack thereof) covering South Sudan.



NATIONAL CONTEXT

TiP in South Sudan is influenced by the country's unique experiences with conflict, governance and migration, as well as certain cultural practices. In particular, the challenging experiences of civil war and inter-communal conflict have displaced millions. Meanwhile, internal and international migrants continue to migrate across the country in search of protection, work and grazing

pastures for their livestock, with others transiting the country with the hope of reaching North Africa and Europe. The large numbers on-the-move and poor law enforcement – the young country's nascent State institutions weakened further by conflict – expose many to risks of exploitation, including trafficking

2.1 Conflict

South Sudan, the world's youngest country, gained independence from Sudan in 2011 (UNDP, n.d.). However, by the end of 2013, political infighting reignited violence in the capital, which spread and fragmented rapidly across the country. While the parties to the conflict signed the

Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS) in September 2018 (IGAD, 2018), several years of conflict have engendered the following effects which have shaped the TiP context.

2.1.1 Forced Displacement

As will be explored in more detail in Section 4.3.2, the conflict has displaced more than 4 million (United Nations High Commissioner for Refugees (UNHCR), n.d.), out of an estimated population of 10.5 million (Central Intelligence Agency, 2020). This includes 2.2

million refugees and asylum-seekers who have fled the country (UNHCR, 2020), and 1.67 million internally displaced persons (UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 2020).

The displacement has divided families and weakened community protection structures, forcing many, particularly minors and women, to move unaccompanied by foot (UNHCR, 2017).

These movements have created new spaces for exploitation, including TiP. 88 per cent of internally

displaced persons live without protection (National Aliens Committee/National Coordination Mechanism on Migration (NAC/NCM), 2019), with the remainder living in UN Protection of Civilian (PoC) sites – themselves densely populated communities exposed to risks of abduction, force recruitment into armed forces and groups (see Section 4.3.2).

2.1.2 Human Rights Violations

The recent conflict has been marked by numerous human rights violations, including abductions, sexual slavery and forced recruitment (Office of the United Nations High Commissioner for Human Rights (OHCHR), 2018) – with many practices fitting the international TiP

definition. The conflict has exacerbated inter-ethnic and inter-communal tensions, with exploitation, including potential TiP cases such as forced recruitment by armed forces and groups and forced labour, taking place within and between communities (OHCHR, 2017).

2.2 Governance

South Sudan was ranked the third most fragile State in 2019 (Fragile States Index, 2020), with particularly low scores in relation to security threats to the State, public confidence in the State, and pressures caused by forced

displacement. The poor law enforcement capacities and weak criminal justice mechanisms mean crimes, including TiP, are perpetrated in an environment of impunity.

The low level of public confidence in the State to protect and deliver justice is also likely one reason why many cases of exploitation (including TiP) go unreported (Amnesty International, 2019).⁷ The lack of Government resources and capacities, along with the high levels of

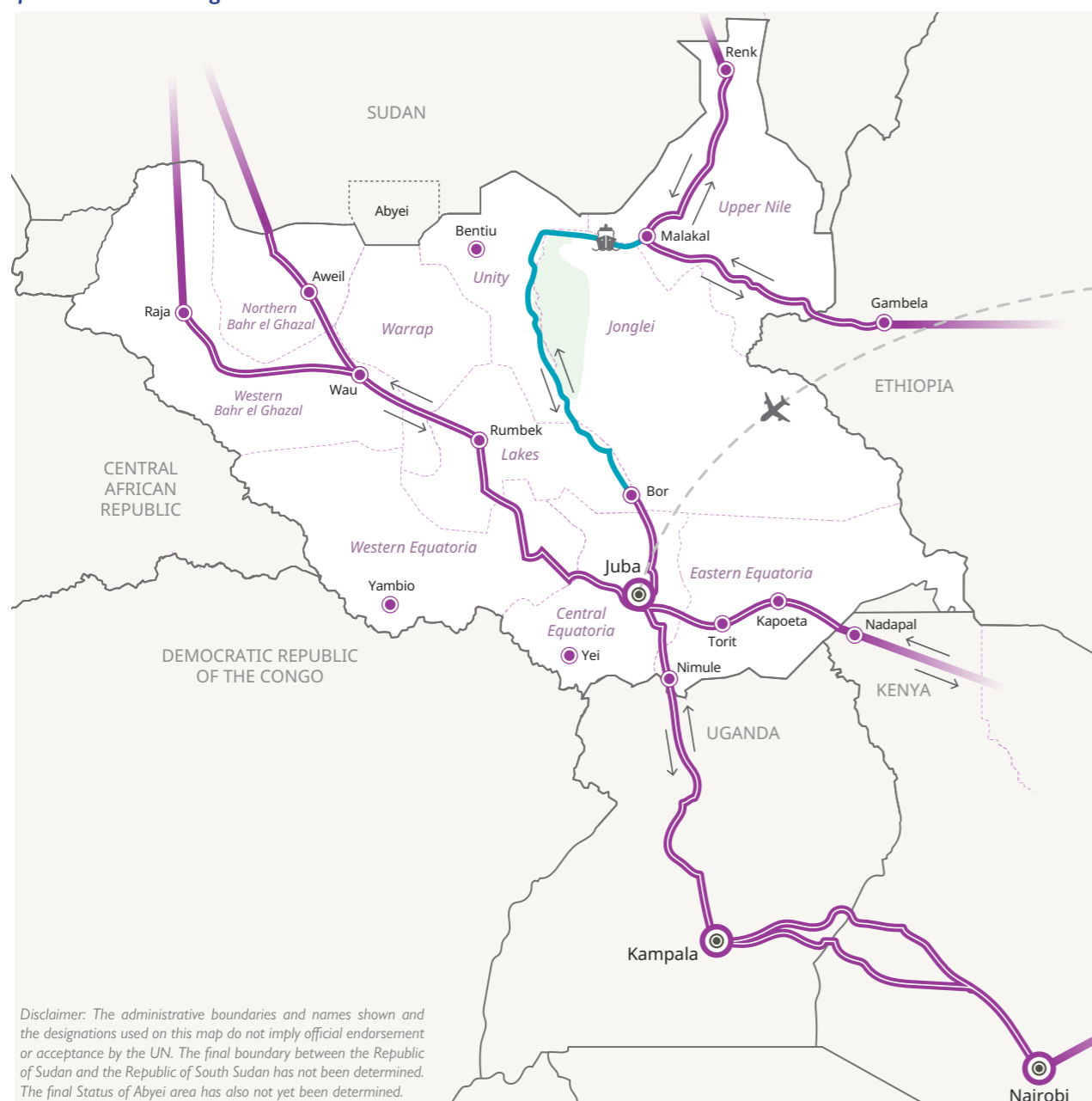
forced displacement, further explain why assistance available to victims of exploitation, including potential TiP victims, is largely provided by humanitarian partners (outlined in detail in Section 6.2).

2.3 Migration

In addition to the involuntary forms of migration outlined in Section 2.1.1, South Sudan is a country of origin, transit and destination for international migration. The mixed migration flows that traverse the country, combined

with the weak governance and specific vulnerabilities that migrants are exposed to (outlined in detail in Section 4.1.3), create an environment ripe for TiP.

Map: International migration^{8,9}

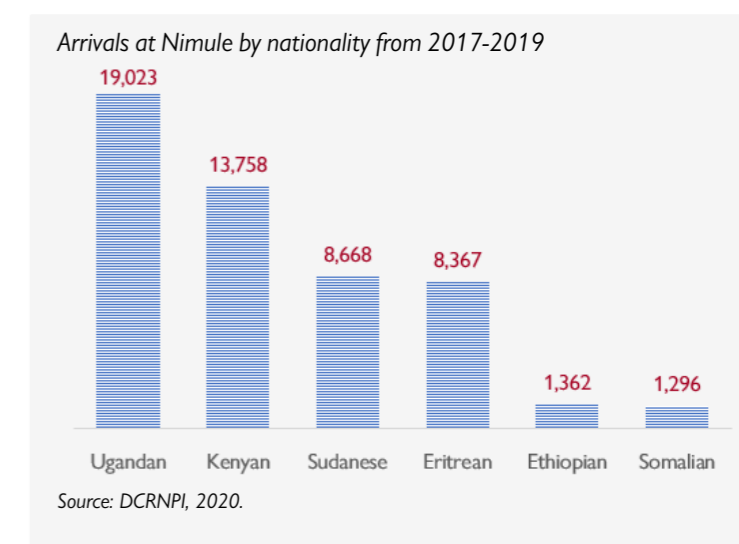
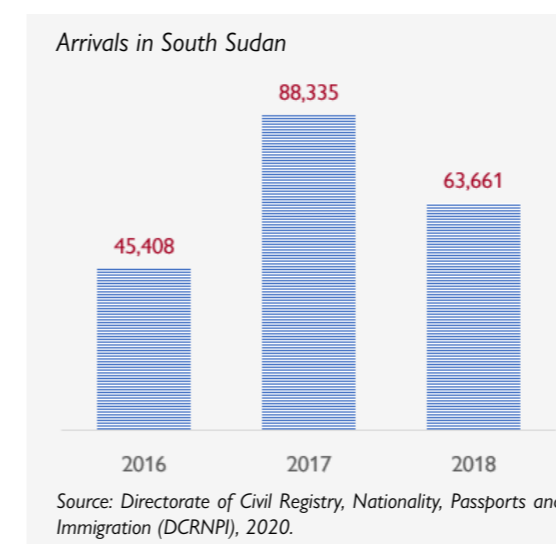


2.3.1 Immigration

Labour migration into South Sudan accelerated following independence in 2011, with between 500,000 and 1.2 million international labour migrants estimated to be living in South Sudan before the resumption of hostilities in December 2013 (ibid). However, when conflict resumed, many returned to their home countries, with the Governments of Kenya and Uganda evacuating large numbers of their nationals in July 2016 (ibid).

and business opportunities in South Sudan.¹⁰ As outlined in the map above, the most common migration routes are understood to involve air travel to Juba International Airport and road travel transiting Kampala to Nimule and towards Juba. Migrants also cross the south-eastern border from Kenya, transiting through Kapoeta, as well as from Ethiopia to Malakal by road, before taking river transport to Bor and then road transport to Juba.¹¹

Despite the decrease in immigration, migrants from mainly neighbouring countries continue to seek employment



While data collected by the DCRNPI are limited to entries and exits without further disaggregation by purpose of visit, views from key informants support the above data which show that Ugandan, Kenyan, Sudanese, Eritrean and Ethiopian migrants are the largest migrant communities in South Sudan.¹² It is also understood that many more enter the country irregularly due to the limited number of gazetted border crossing points (Expertise France, 2017).

for their participation in small commerce,¹⁴ hospitality, entertainment and construction – both in the capital but also in other urban areas, such as Wau, Bentiu, Rumbek and Aweil.¹⁵ As outlined in detail in Section 3.4, migrant workers are particularly exposed to labour exploitation.¹⁶ Meanwhile, Eritreans are said to frequently travel without travel documents, given the requirements of national military service as a prerequisite to obtaining the national passport (Independent Advisory Group on Public Information, 2018) – again accentuating their vulnerability to exploitation by employers or extortion by public authorities.¹⁷

Ugandan and Kenyan migrants are present in a range of sectors across the country, particularly in the border regions where ethnic groups are shared across borders.¹³ Ethiopian and Eritrean migrants, meanwhile, are known

⁷ Key informant interview, anonymous humanitarian organization, Juba, 30 January 2020.

⁸ Focus group discussion, embassies of migrant origin countries, Juba, 29 January 2020; focus group discussion, migrant associations, Juba, 29 January 2020; key informant interview, Directorate for Civil Registry, Nationality, Passports, and Immigration, Nimule, 16 January 2020.

⁹ The designations employed and the presentation of material throughout the report do not imply the expression of any opinion whatsoever on the part of IOM concerning the legal status of any country, territory, city or area, or of its authorities, or concerning its frontiers or boundaries.

¹⁰ No data is available on the international migrant stock in South Sudan (UN Department of Economic and Social Affairs, 2019).

¹¹ Focus group discussion, embassies of migrant origin countries, Juba, 29 January 2020; focus group discussion, migrant associations, Juba, 29 January 2020.

¹² Focus group discussion, embassies of migrant origin countries, Juba, 29 January 2020; focus group discussion, migrant associations, Juba, 29 January 2020.

¹³ Focus group discussion, embassies of migrant origin countries, Juba, 29 January 2020; focus group discussion, migrant associations, Juba, 29 January 2020.

¹⁴ Key informant interview, County Office, Nimule, 17 January 2020.

¹⁵ Focus group discussion, embassies of migrant origin countries, Juba, 29 January 2020; focus group discussion, migrant associations, Juba, 29 January 2020.

¹⁶ Focus group discussion, embassies of migrant origin countries, Juba, 29 January 2020; focus group discussion, migrant associations, Juba, 29 January 2020; key informant interview, anonymous national civil society organization, Juba, 4 February 2020.

¹⁷ Key informant interview, Ugandan Directorate of Citizenship and Immigration Control, Egeu (Uganda), 20 January 2020.

2.3.2 Transit Migration

As highlighted in the above map, migrants transit South Sudan towards Sudan, Libya and Europe. This is understood to mainly involve Somali,¹⁸ Eritrean and Ethiopian migrants (Expertise France, 2017), with transit routes passing through Nimule, Juba, Wau and Aweil (see above map).¹⁹ The relatively high representation of these three nationalities in irregular migration flows

is underlined by the below table on repatriations, deportations and refusals of entry. While South Sudanese irregular migrants have also been identified and assisted by IOM in Libya, a relatively low number (515) of South Sudanese asylum applications were lodged in Europe between 2012 and April 2016 (RMMS, 2016).

Table: Deportations and repatriations by nationality from 2017–2019

Nationality	Repatriations	Deportations	Refusal of entry	Case type (as provided)
Somalian	174	11	58	“Trafficked”
Eritrean	7	12	14	“Trafficked”
Ethiopian	9	7	19	“N/A”

While the porous borders likely reduce the need to use migrant smugglers to enter South Sudan, with limited evidence of the presence of organized migrant smuggling networks (Expertise France, 2017),²¹ migrants are still smuggled into South Sudan in long distance trucks (especially Somali migrants), by motorcycle, or by foot.²² On their way through South Sudan, migrants are

exposed to risks of exploitation, with several potential TiP cases identified during this assessment. There are also allegations of Kenyan and Somali nationals, including women and children, being held and exploited in safe houses in Juba,²³ with exploiters extorting their families,²⁴ as well as Kenyans and Somalis being smuggled through South Sudan and Sudan before being exploited in Libya.²⁵

“In 2019, five Somali nationals were found locked inside apartments in Juba where they had stayed for two weeks. They did not have any travel documents. It was discovered that someone in Juba and another in Sudan had been coordinating their journey.” – National Central Bureau.²⁶

2.3.3 Cross-border Mobility and Transhumance

South Sudan shares borders with six countries.²⁷ Many ethnic groups and communities are shared across borders, maintaining longstanding ties and traditions of cross-border migration. For example, there is a tradition of labour migration of young men from the northern borderlands to Darfur, Sudan (Kindersley and Majok, 2019), while the Madi peoples of South Sudan and

Uganda inter-marry and make frequent movements between communities on either side.²⁸ In addition, pastoral families in Eastern and Western Lakes, and Central Equatoria, among other regions, reside in cattle camps and migrate to different areas throughout the year to graze and water their livestock (Food and Agriculture Organization of the UN, 2018).

These longstanding movements have several effects of relevance to TiP. First, many of the TiP forms highlighted in Chapter 3 are sporadic and unorganized in nature, taking place mainly *within* South Sudan and often *within* a given community. Where they take on a transnational dimension is when they take place within transnational communities. This is manifested in the large number of anecdotes of transnational forced marriage and domestic servitude taking place in border-straddling communities, like those inhabited by the Madi and the Toposa – which take place under conditions of low migration control in border regions.

Second, some of the cross-border migration corridors are characterized by insecurity and longstanding patterns of exploitation. For instance, in the northern borderlands,

women face risks of exploitation in migrating northwards (Kindersley and Majok, 2019), while captured youth are forced to work in Darfur militias, alongside other exploitative agricultural labour migration (ibid).

Finally, prolonged conflict has closed off traditional transhumance routes and grazing lands, forcing herders to go into new areas. This has placed a strain on resources and increased inter-communal tensions and conflict (often involving abductions and potential TiP) both between different pastoral communities, and between herders and agriculturalists (Idris, 2018).

¹⁸ Key informant interview, Directorate for Civil Registry, Nationality, Passports, and Immigration, Nimule, 16 January 2020.

¹⁹ Focus group discussion, embassies of migrant origin countries, Juba, 29 January 2020; focus group discussion, migrant associations, Juba, 29 January 2020.

²⁰ As mentioned, government stakeholders in particular were found to conflate TiP with smuggling of migrants. The “case type” provided here is therefore interpreted as migrant smuggling and not TiP, although further screening might reveal some to constitute TiP cases.

²¹ Key informant interview, Directorate for Civil Registry, Nationality, Passports, and Immigration, Nimule, 16 January 2020.

²² Focus group discussion, embassies of migrant origin countries, Juba, 29 January 2020.

²³ Focus group discussion, embassies of migrant origin countries, Juba, 29 January 2020; focus group discussion, migrant associations, Juba, 29 January 2020.

²⁴ Focus group discussion, embassies of migrant origin countries, Juba, 29 January 2020; focus group discussion, migrant associations, Juba, 29 January 2020.

²⁵ Focus group discussion, embassies of migrant origin countries, Juba, 29 January 2020.

²⁶ Key informant interview, National Central Bureau, Juba, 5 February 2020.

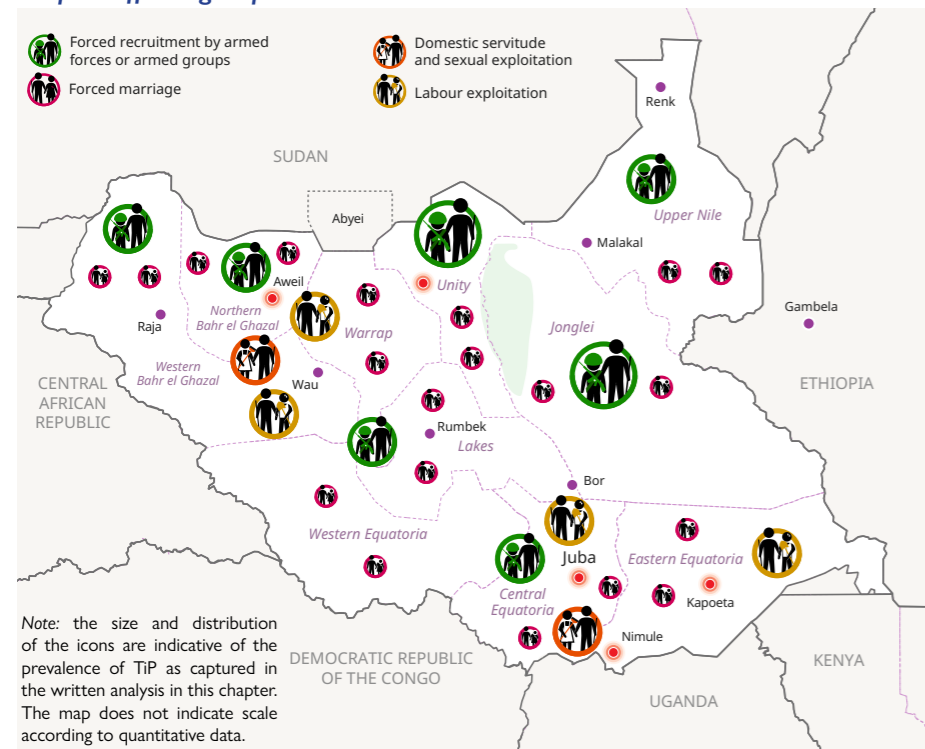
²⁷ Central African Republic, Democratic Republic of the Congo, Uganda, Kenya, and Ethiopia.

²⁸ Key informant interview, traditional authority, Nimule, 18 January 2020.



FORMS OF TRAFFICKING IN PERSONS

Map: Trafficking in persons in South Sudan^{29,30}



Although no data are available on the prevalence of TiP, this assessment finds that TiP occurs in many forms – both within South Sudan and across borders. The following sections outline the forms of TiP identified in South Sudan, how they are perpetrated, and their hotspots, victims and perpetrators.

3.1 Forced Recruitment by Armed Forces or Armed Groups

3.1.1 Overview



Comparison with the TiP definition	When a person is recruited into armed forces or groups (the “act”), using the “means” of abduction, coercion, abuse of power, or giving payments, ³⁰ for the “purposes” of exploitation (such as sexual exploitation, combat or forced labour), the person is a victim of TiP. The recruitment of children into combat and non-combat roles, abduction for forced recruitment or sexual exploitation are thus consistent with the TiP definition (UNODC, 2018).
TiP practices identified	<ul style="list-style-type: none"> • Recruitment of children into combat and non-combat roles. • Forced recruitment of adults into combat and non-combat roles. • Recruitment of women and girls by armed forces and groups for the purposes of sexual exploitation.
Victims	<ul style="list-style-type: none"> • Men and boys (particularly for armed combat and forced labour) • Women and girls (particularly for sexual exploitation and forced labour)
Perpetrators	<ul style="list-style-type: none"> • State and non-State armed forces and groups
Hotspots	<ul style="list-style-type: none"> • Unity, Western Equatoria, Upper Nile, Jonglei, Northern Bahr el Ghazal (child recruitment) • Western and Central Equatoria (for sexual slavery)

²⁹ The administrative boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the UN. Final boundary between the Republic of Sudan and the Republic of South Sudan has not been determined. Final Status of Abyei area is not yet determined.

³⁰ The designations employed and the presentation of material throughout the report do not imply the expression of any opinion whatsoever on the part of IOM concerning the legal status of any country, territory, city or area, or of its authorities, or concerning its frontiers or boundaries.

3.1.2 Recruitment and Use of Children

Characteristics

Despite all parties having committed to refraining from the recruitment or use of children in the 2018 R-ARCSS (U.S. Department of State, 2019), following a similar commitment made in the 2017 Cessation of Hostilities Agreement, approximately 5,723 children, including 5,320 boys and 403 girls, were recruited by armed forces and groups between October 2014 and June 2018, 43 per cent of which were recruited and used by government security forces (UN Security Council, 2018).

While the UN Country Task Force on Monitoring and Reporting has previously estimated that 19,000 children remain in armed forces and groups in South Sudan,³¹ from December 2013 to June 2019, it recorded 651 incidents of recruitment and use of children, affecting 5,988.³² Recruitment is considered underreported, so actual numbers may be significantly higher (Ceasefire and Transitional Security Arrangements Monitoring Mechanism in South Sudan (CTSAMM), 2018).

Gender	Number recruited between October 2014 and June 2018	Percentage
Boys	5,320	93%
Girls	403	7%

Source: UN Security Council, 2018.

Recruitment hotspots

Legacy state	Number of incidents between October 2014 and June 2018
Unity	247
Upper Nile	67
Jonglei	59

Source: UN Security Council, 2018.

Children were recruited from displacement camps, UN PoC sites,³³ schools, as well as homes and communities (UN Security Council, 2018) – in Unity, Upper Nile and Jonglei (ibid), as well as Western Equatoria and Central Equatoria (UNMISS, 2018b; CTSAMM, 2018). Unity remained the epicentre of recruitment and use (247 incidents between October 2014 and June 2018), followed by Upper Nile (67) and Jonglei (59) (UN Security Council, 2018). Moreover, the Technical Taskforce on Anti-Human Trafficking and Smuggling of Persons considers Western Bahr el Ghazal an additional hotspot for forced recruitment.³⁴

One report has also pointed to cross-border recruitment by the Lord's Resistance Army, a Ugandan rebel group, in the west of the country (U.S. Department of State, 2017), while another account claims children have been

taken from South Sudan to the Central African Republic for military training, after being deceived into thinking they were to be schooled.³⁵

Abduction is used by armed forces and groups as a means to traffic their victims. Between September 2018 and April 2019 in Central Equatoria alone, UNMISS documented the abduction of at least 187 civilians for forced recruitment, forced labour and sexual slavery (UNMISS, 2019b). Some reports point to armed forces and groups abducting women and children from PoC sites,³⁶ while another states that victims have been abducted on their way to farms (UNMISS, 2019b). Furthermore, as alluded to above and underscored by the below quote, deception is another common trafficking “means” used by armed forces and groups.

“There was a call that students from Aweil who had completed primary eight to secondary school are needed in Juba to be employed. After we arrived there, we were surprised to find that it was all military work... Basically, they did not tell us the job we were offered to go and do in Juba. If they had told us, we would not have gone” (Kindersley and Majok, 2018).

Exploitation

The majority of children have been used in support roles, including as cooks, porters, spies or bodyguards (UNMISS, 2019b). Children have also been armed, trained and used in active combat (UN Security Council, 2018), including on the behalf of locally organized armed groups (U.S. Department of State, 2019). There are 10,000 unverified cases of abduction from 2014-2019 by the so-called White Army, a militant organization operating in the Greater Upper Nile region,³⁷ which may include TiP victims. Children who are recruited by armed forces and groups have been restricted from leaving military employment (U.S. Department of Labor, 2019) – one indicator that they are trafficked.

The United Nations Children's Fund (UNICEF), along with several other informants,³⁸ believe that the use of children in armed conflict has increased in the past two years, as commanders have been incentivized to enlarge their ranks ahead of the implementation of the peace agreement (U.S. Department of Labor, 2019; UNMISS, 2019a).³⁹ The number of grave violations against children recorded by the Country Task Force on Monitoring and Reporting from July to December 2019 also increased compared with the previous reporting period (UNICEF, 2019d).

Child victims of exploitation by armed forces and groups have been known to experience severe depression and anxiety (Campeanu and Huon, 2018).

“We see depression, anxiety. They have intrusive thoughts that come back. That can be triggered by something happening, but of which they have no control. That can affect their functionality.” – Mental health specialist working in Yambio with Doctors Without Borders (Campeanu and Huon, 2018).

Releases

Between December 2013 and December 2019, seven formal releases of children from armed forces and groups took place (UNICEF, 2019a), benefiting 3,677 children (12 per cent of which were girls).⁴⁰ Three releases have taken place in Jonglei, where more than 3,300 children have been released (UNICEF, 2019a). From 2018-2019, the National Disarmament, Demobilization and Reintegration Commission (NDDRC) and an international organization released 955 children associated with armed forces or armed groups (U.S. Department of State, 2019).

In addition to the formal releases, there is evidence that in some cases, parties to conflict have made efforts to

return children to their families (CTSAMM, 2018), while others have been permitted to leave armed forces and groups.⁴¹ Section 6.2.3 details the frameworks in place to disarm, demobilize and reintegrate children associated with armed forces or armed groups.

Released children are often at risk of being re-trafficked. In Pibor (Jonglei State), 21 boys previously released were used by the same group to fight government security forces in 2016 (UN Security Council, 2018). In 2017, the UN verified the re-recruitment of four boys – also in Pibor (ibid).

³¹ Al Jazeera reported in October 2018 that a spokesperson for the South Sudan People's Defense Forces expressed concern about the figures published by UNICEF (Campeanu and Huon, 2018).

³² Key informant interview, United Nations Children's Fund, Juba, 1 February 2020.

³³ Key informant interview, U.S. Foreign Disaster Assistance, Juba, 4 February 2020.

³⁴ Trafficking in persons assessment validation meeting, Technical Taskforce on Anti-Human Trafficking and Smuggling of Persons, Juba, 21 April 2020.

³⁵ Key informant interview, National Disarmament, Demobilization and Reintegration Commission, Juba, 30 January 2020.

³⁶ Key informant interview, anonymous humanitarian organization, Juba, 5 February 2020.

³⁷ Key informant interview, United Nations Children's Fund, Juba, 1 February 2020.

³⁸ Key informant interview, United Nations Children's Fund, Juba, 1 February 2020.

³⁹ Key informant interview, anonymous humanitarian organization, Juba, 5 February 2020.

3.1.3 Recruitment for the Purposes of Sexual Exploitation

Characteristics

Reports of abduction of women and girls into armed forces and groups are also widespread. At least 505 women and 63 girls were abducted between April and August 2018 in Western Equatoria alone (UNMISS, 2018b), with 42 women and girls being held captive by opposition armed groups in Central Equatoria as of October 2018 (UNMISS, 2019b), and 132 women and girls having been abducted in Unity for sexual slavery or labour exploitation from April-May 2018 (UNMISS, 2018a).

Considering the high prevalence of rape in cases of abduction, observers have expressed concern that these women and girls have been sexually enslaved (ibid). Multiple accounts point to armed forces and groups perpetrating sexual slavery (UNMISS, 2018a; UNMISS,

2018b), which has been documented in Unity (UNMISS, 2018a), Western Equatoria (UNMISS, 2018b), and Central Equatoria (UNMISS, 2019b).

Commanders and fighters have also abducted women and girls whom they took as “wives” (see below case study), using sexual violence to exercise ownership over their victims (UNMISS, 2018b). Some accounts state that victims have been forced to stay with the same commander for several weeks before being “given” to other fighters (UNMISS, 2018b). One account tells of a 15-year-old girl who was abducted by armed forces while collecting firewood outside the Bentiu PoC Site, before being forcibly married to a soldier (Campeanu and Huon, 2018).

Case study: Accounts of sex trafficking by armed forces and groups in Western Equatoria

Women and girls have been abducted during attacks on villages. The ordeal would continue as abductees walked from the villages and settlements to military bases through the forest. Tied to each other in small groups, they were used as porters to carry the loot. Along the way, attackers would start to pick out girls and women to rape. Anyone who tried to run away was whipped or shot at. Upon reaching bases, women and girls as young as 12 would be paraded and lined up for the commanders to choose as “wives.” Two women witnessed the forced marriage of young girls to commanders at Momboi and Nadiangere bases.

Source: UNMISS, 2018b.

3.1.4 Forced Recruitment

Many of the trafficking practices used by armed forces and groups do not appear to distinguish the age of the victim. Children are likely more susceptible to being trafficked, as outlined in Section 4.1.2, but many of the practices outlined hitherto also apply to adults, with differences in the “acts”, “means” and “purposes” based on the gender of victims (see Section 4.1.1). Some reports suggest armed forces and groups give orders to village chiefs to recruit men from their communities, with penalties in the form of cattle due if they fail. This is corroborated by

reports of men being “afraid to go outside their homes due to the threat of forced recruitment,⁴²” alongside stories of men escaping military barracks (ibid).

Former captives have also claimed to have been held for several months and subjected to forced labour, including artisanal mining, construction work, cooking and farming (UNMISS, 2019b); those who did not comply with instructions were repeatedly lashed (ibid).

3.2 Forced Marriage

3.2.1 Overview



Comparison with the TiP definition	When a person is transported and/or received by other persons (the “act”), using abduction, deception, coercion, or abuse of power or vulnerability (the “means”), ⁴³ for the “purposes” of exploitation, such as sexual exploitation and/or servitude, the person is a victim of TiP. Forced marriage, particularly when the victim is a minor, often involves these practices and is thus consistent with the TiP definition (UNODC, 2018).
TiP practices identified	<ul style="list-style-type: none"> • Women and girls are abducted and forcibly married in exchange for a bride price – at times without the prior knowledge of the victim or parents. • After being forcibly married, the victim may be subjected to domestic servitude and sexual exploitation. • Girls have also been abducted as part of inter-ethnic conflicts, which can lead to them being married out forcefully.⁴⁴ • Few means of escape are available to victims. If they do escape, they may be pursued, beaten, or forced into servitude as bride prices have typically been agreed before the marriage.
Victims	<ul style="list-style-type: none"> • Women and girls
Perpetrators	<ul style="list-style-type: none"> • Parents and relatives of the prospective wife and husband, and the prospective husband.
Hotspots	<ul style="list-style-type: none"> • Nationwide • Pastoralist areas show higher rates of child marriage. • Transnational forced marriage prevalent in communities which straddle borders.

3.2.2 Context

In South Sudan, marriage practices are often closely linked to and defined by the cultures and traditions of different groups and communities – many of which exhibit patriarchal characteristics (Oxfam, 2019). Marriages are important family decisions, with parents and extended families, particularly male family members, playing a central role in determining whom their son or daughter marries (ibid).

Marriages generally involve the payment of a bride price, consisting of cattle and other monetary and non-monetary wealth transfers from the groom or groom’s

family to the bride’s family (Oxfam, 2019). Cattle are a key indicator of a person’s (usually a man’s) wealth and social status (ibid), and thus central to marriage arrangements (ibid).

At the same time, different communities have different perceptions of the appropriate marriageable age, with some communities considering a girl ready to marry upon her first menstruation.⁴⁶ Meanwhile, only 6.2 per cent of girls complete primary school (Oxfam, 2019), thereby constraining their access to livelihood opportunities – a situation exacerbated by the conflict (ibid).

⁴⁰ Key informant interview, United Nations Children’s Fund, Juba, 1 February 2020.

⁴¹ Key informant interview, National Disarmament, Demobilization and Reintegration Commission, Juba, 30 January 2020.

⁴² Key informant interview, anonymous humanitarian organization, Juba, 5 February 2020.

⁴³ As mentioned in Chapter 1, when the trafficked person is a minor, the “means” are not required to constitute a TiP offence.

⁴⁴ The term “dowry” was used by many key informants to refer to the “bride price” (payments made by the groom or groom’s family to the bride or bride’s family).

At the same time, different communities have different perceptions of the appropriate marriageable age, with some communities considering a girl ready to marry upon her first menstruation.⁴⁶ Meanwhile, only 6.2 per cent of girls complete primary school (Oxfam, 2019), thereby constraining their access to livelihood opportunities – a situation exacerbated by the conflict (ibid).

These factors create incentives for families to marry off a daughter, as a source of income (Toby, 2019), and vital livelihood strategy.⁴⁷ Furthermore, early marriage, for which the constitution and national legislation contain protections against (see Section 5.1.3), is seen as a way to ‘protect’ girls against premarital sex and pregnancy outside marriage, both of which can be seen to

undermine family honour and diminish the girl’s potential bride price (Oxfam, 2019). Marrying off a daughter is also considered a means to provide her with access to care and a higher standard of living in her new home.

It therefore comes as no surprise that an estimated 40 per cent of girls marry before the age of 18 (UNFPA, 2018a), with some estimating a child marriage rate of more than 50 per cent (Toby, 2019). The percentage of women aged 15–49 who married before the age of 18 varies from 32 per cent among those aged 40–44 and 45–49 to 52 per cent for those aged 20–24 age group (Government of South Sudan, n.d.). This indicates a potentially increased incidence of child marriage among younger women.

3.2.3 Characteristics

Multiple reports testify to families forcing girls into marriage, despite the Penal Code criminalizing abduction for forced marriage (see Section 5.1.3), at times as compensation for inter-ethnic killings or as a way to survive severe food insecurity (U.S. Department of State, 2019). The victims may then be subjected to sexual slavery or domestic servitude (ibid). There have also been reports of child bride auctions (Britton, 2018) – the “trading” element just one indicator of modern slavery. Other anecdotes claim girls are promised to men at an early age, before being sent to cattle camps

for up to two years – where she is encouraged to drink milk – until she has developed the physique required to bear a child.⁴⁸ Upon her return, she is then married to the groom. Forced marriage perpetrated in border regions often takes on a transnational nature, with forced marriages taking place across the borders with Uganda, Kenya and Sudan. Cross-border abductions, which may involve forced marriage, have also been reported in the Gambella region across the Ethiopian border (BBC News, 2016).

“Once the dowry is paid, there is no way you can say no.” – female workshop participant, Nimule. ⁴⁹

3.2.4 Deception and Abduction

Deception and abduction are frequently used as the “means” to traffic girls for forced marriage – often perpetrated by the bride’s parents, uncles or other family members, who may abuse their positions of authority and relative power over family decision-making.⁵⁰ There are allegations of Ugandan women being recruited on the premise of becoming domestic workers in South Sudan, before being forcefully married. Another account

tells of a 15-year-old girl who was taken from her home in Nimule to military barracks by an uncle, without the knowledge of her parents (see below case study).⁵¹ Furthermore, inter-ethnic abductions and abductions by criminal elements, which are particularly prevalent in Jonglei, Unity, and Upper Nile (U.S. Department of State, 2019), often involve forcibly marrying off female abductees.⁵²

“Some communities allow marriage before the age of 18. For others, a girl from 12 years old can be married. The [national] law may say one thing, while the culture may say something else.” – County Commissioner of Nimule.

Case study: Forced marriage in Nimule

It is alleged that in January 2020, a 15-year-old girl was taken from her home in Nimule to nearby military barracks by her uncle. The uncle had arranged for her to marry someone from the barracks without the knowledge of her parents. She initially obeyed but at the first meeting, the intended husband allegedly tried to sexually abuse her. The girl was then brought to the police. Since the intended husband was from the military, the police believed they did not have the power to arrest him. At the time of writing, it is understood that the case was being investigated by the military. The uncle was arrested but bailed out by the family. The victim received counselling at the county hospital.

Source: Anonymous civil society organization, 2020.

3.2.5 Determining factors

Prevalence of forced marriage may vary across regions and ethnic groups, with one study finding that in Panyijiar County in Unity, an estimated 71 per cent of girls are married before the age of 18 (Oxfam, 2019). Forced marriage is said to be more acute in pastoralist communities (Government of South Sudan, n.d.).

the way that marriage is perceived, with child, early and forced marriage seen as coping mechanisms amid rising poverty and food insecurity, as well as protection against sexual violence and premarital pregnancy (ibid). This is consistent with claims that the rising cost of schooling has contributed to a perceived increase in forced marriage.⁵³

Some reports also suggest that the conflict has affected

3.2.6 Consequences

The consequences of forced marriage on the victims are severe. They can include depression, which can lead to suicide (Government of South Sudan, n.d.), domestic violence, interruption or denial of education, and maternal and mental health issues (Oxfam, 2019), as well as gynaecologic disorders (Henrion, 2003).

One case in Yirol East County (Lakes State) saw a girl beaten to death by her brothers after refusing to marry

a man who had offered her family 40 cows (Oppenheim, 2019). Another, in 2018 reportedly involved a 24-year old woman whose uncle detained her and prevented her from finishing her schooling after refusing to marry her suitor.⁵⁴ Several allegations heard in the course of this assessment involved young female victims being detained and subjected to servitude when refusing to be forcibly married or after escaping after a forced marriage.⁵⁵

⁴⁶ Workshop on trafficking in persons in Nimule, Nimule, 22 January 2020.

⁴⁷ Key informant interview, anonymous humanitarian organization, Juba, 5 February 2020.

⁴⁸ Workshop on trafficking in persons in Nimule, Nimule, 22 January 2020.

⁴⁹ Workshop on trafficking in persons in Nimule, Nimule, 22 January 2020.

⁵⁰ Key informant interview, anonymous national civil society organization, Nimule, 20 January 2020.

⁵¹ Key informant interview, anonymous national civil society organization, Nimule, 20 January 2020.


⁵² Focus group discussion, International Organization for Migration, Juba, 15 January 2020.

⁵³ Focus group discussion, women returnee community members, Nimule, 20 January 2020.

⁵⁴ Workshop on trafficking in persons in Nimule, Nimule, 22 January 2020.

⁵⁵ Workshop on trafficking in persons in Nimule, Nimule, 22 January 2020.

3.3 Domestic Servitude and Sexual Exploitation



Comparison with the TiP definition	When a person is recruited and/or received by other persons (the “act”), using abduction, deception (including making false promises), coercion, or abuse of power or vulnerability (the “means”), ⁵⁶ for the “purposes” of exploitation, such as domestic servitude and/or sexual exploitation, the person is a victim of TiP. Many of the domestic servitude and forced or child prostitution practices identified are thus consistent with the TiP definition.
TiP practices identified	<ul style="list-style-type: none"> • Women, girls and boys are deceived into migrating to pursue employment or education, only to be forced into domestic servitude or sexually exploited. • Women and children may be forced into servitude or sexually exploited after being forcibly married, with no means of escape. • Women and children may be deceived into migrating within the country or internationally with the promise of decent employment, before being forced into domestic or sex work.
Victims	• Women and girls, and occasionally boys, especially from rural areas
Perpetrators	• Household heads and victims’ relatives and friends.
Hotspots	<ul style="list-style-type: none"> • Nationwide, especially Juba and other urban areas. • Transnational TiP for domestic servitude and sexual exploitation prevalent in communities which straddle borders, with limited reports of trafficking to more distant countries.

3.3.1 Domestic Work

Characteristics

Women and girls have reportedly been trafficked to rural and urban areas to work as domestic servants (U.S. Department of State, 2019). Multiple accounts suggest that families may send a child to stay with extended family or another family on the promise that they will be looked after, schooled, or employed; upon arrival, however, they are subjected to domestic work,^{57 58} with limited means of escape. Women who find domestic work are also often sexually exploited.⁵⁹

Accounts from Nimule suggest that many domestic workers are recruited from the refugee camp on the

Ugandan side of the border, before being exploited.⁶⁰ Moreover, in many cases, payments for domestic workers can be made directly to the parents of the worker (ibid) – constraining the worker’s ability to exercise agency over employment decisions. Finally, South Sudanese girls have reportedly been abducted from Northern Bahr el Ghazal and taken to Sudan, where they may have been forced into domestic servitude or other forms of slavery (U.S. Department of State, 2017).

Recruitment, abduction and deception

Abduction and deception appear to be common “means” used in trafficking for domestic servitude. Young girls from the neighbouring countries have been stopped at the southern border in Nimule without an employment

contract or travel documents – an indicator of their vulnerability to exploitation – claiming that they are going to work in hotels in Juba.⁶¹

⁵⁶ As mentioned in Chapter 1, when the trafficked person is a minor, the “means” are not required to constitute a TiP offence.

⁵⁷ Workshop on the protection of victims of trafficking in persons, Juba, 31 January 2020.

⁵⁸ Workshop on trafficking in persons in Nimule, Nimule, 22 January 2020.

⁵⁹ Key informant interview, anonymous national civil society organization, Juba, 4 February 2020; workshop on trafficking in persons in Nimule, Nimule, 22 January 2020.

⁶⁰ Key informant interview, anonymous national civil society organization, Nimule, 17 January 2020.

⁶¹ Key informant interview, Directorate for Civil Registry, Nationality, Passports, and Immigration, Nimule, 16 January 2020.

Most domestic servitude practices identified by this assessment were sporadic in nature, with little evidence of the involvement of organized crime groups. In many cases, the victim was recruited by a relative – who may abuse their positions of authority – or family “friend”. Nevertheless, one story captured by this assessment

told of a case involving 15 Ugandans – mainly girls – who were brought into South Sudan on the promise of decent work. Upon arrival, however, their documents were confiscated; some were forced into marriage, while others were forced into domestic servitude.⁶²

Case study: Domestic servitude in Warrap

It is alleged that in 2019, a Ugandan woman working in Warrap started a relationship with a man. She promised to bring him another woman from Uganda to do domestic work, so she returned to Uganda to find someone from her community. She found someone who agreed to travel with her on the promise of employment. One week after arriving in Warrap, she was introduced to the man and informed of the arrangement. She refused to comply, so the man reported her to immigration authorities, who investigated her migratory status. The outcome of the case is unclear.

Source: Nimule workshop participant, 2020.⁶³

Victims

Victims are mainly women and girls, although some instances involving boys were identified,⁶⁴ especially from rural areas,⁶⁵ including those who had been internally displaced (U.S. Department of State, 2019). Victims are South Sudanese and foreign nationals – mainly from Uganda and other neighbouring countries.⁶⁶ For example, in 2019, it was alleged that a Kenyan-Somali woman was

brought to South Sudan on the promise of a job. Upon arrival, she was “sold off” to a Somali national in Juba for domestic servitude. The victim managed to escape and seek assistance from the Kenyan Embassy.⁶⁷ Finally, orphaned children may also move to live with extended family, before being subjected to forced domestic work and restricted access to schooling.⁶⁸

3.3.2 Sexual Exploitation

Characteristics

Women and girls can be subjected to sexual exploitation after being forcibly married, or as a standalone form of TiP. Survival sex work can also result from a woman’s escape from a forced marriage, as divorcees may have limited livelihood options, or their divorce may have severed ties to supportive networks.⁶⁹ Moreover, sex work has been a form of survival for many girls and young women in conflict (Barbarani and Glinski, 2017). Most instances of trafficking for sexual exploitation identified by this assessment, like in the case of domestic servitude, appear to take place in a sporadic and unorganized manner,⁷⁰ with girls first moving to stay with relatives or friends on the promise of schooling or decent work.⁷¹

With regard to more organized forms of sex trafficking, some reports suggest South Sudanese and foreign businesspeople subject South Sudanese girls to sex trafficking in restaurants, hotels, lodges, and brothels in urban centres (U.S. Department of State, 2019) – particularly in Juba. Several anecdotes confirmed that one foreign-owned hotel in Juba “brings out Ethiopian and Eritrean girls on platforms to dance for guests late in the evening.” According to one informant: “You never see these girls outside the hotel” – one indicator of potential sex trafficking.

⁶² Focus group discussion, migrant associations, Juba, 29 January 2020.

⁶³ Workshop on trafficking in persons in Nimule, Nimule, 22 January 2020.

⁶⁴ Workshop on trafficking in persons in Nimule, Nimule, 22 January 2020.

⁶⁵ Key informant interview, Ministry of Labour, Public Service and Human Resource Development, Juba, 24 January 2020.

⁶⁶ Key informant interview, Ministry of Labour, Public Service and Human Resource Development, Juba, 24 January 2020; workshop on trafficking in persons in Nimule, Nimule, 22 January 2020.

⁶⁷ Focus group discussion, embassies of migrant origin countries, Juba, 29 January 2020.

⁶⁸ Workshop on trafficking in persons in Nimule, Nimule, 22 January 2020.

⁶⁹ Key informant interview, anonymous national civil society organization, Juba, 6 February 2020.

⁷⁰ Focus group discussion, embassies of migrant origin countries, Juba, 29 January 2020; focus group discussion, migrant associations, Juba, 29 January 2020; key informant interview, anonymous national civil society organization, Juba, 6 February 2020; key informant interview, anonymous national civil society organization, Juba, 4 February 2020; key informant interview, anonymous national civil society organization, Nimule, 17 January 2020.

⁷¹ Key informant interview, anonymous national civil society organization, Juba, 6 February 2020; key informant interview, anonymous national civil society organization, Juba, 4 February 2020.

“Some ladies promise poor families in Torit or Kapoeta to take care of their girls in Juba in exchange for domestic work. Then they keep them in houses, get clients for them and keep the money (Foltyn, 2014).”

Recruitment and deception

In many cases, the “act” and the “means” employed are similar to those used in domestic servitude: women and girls may initially move to live with extended family, or they may be deceived by a friend or relative (who may abuse their influence over family members) into moving, on the promise of finding decent work.⁷² They may also be recruited to work in hotels, restaurants and beauty salons, before being coerced into sex work by their employers.⁷³

According to one uncorroborated report of sex trafficking to Egypt and China, a clothing boutique

Victims

Victims are women and girls from South Sudan and neighbouring countries, including Ugandans, Kenyans, Ethiopians, Eritreans, Congolese and Somalis.⁷⁵ Potential victims, due to a lack of screening, are frequently subjected to harassment, including physical assault, by law enforcement officers and local authorities.⁷⁶ For instance, in 2018, local authorities in Juba ordered the

in Juba is being used as a front to recruit women and girls into domestic and sex work. The boutique owner allegedly builds relationships of trust with her customers, targeting those who have dropped out of school or left a failed marriage, before raising the prospect of a “business proposal” or “employment opportunity” in Egypt or China. Once they accept, the boutique owner facilitates the visa and travel arrangements and travels with the women.⁷⁴

rounding up of sex workers, including many foreign nationals, who were forced to undergo HIV testing. Many were subsequently arrested or fined.⁷⁷ Their harassment testifies to the stigma surrounding sex work,⁷⁸ which may preclude the systematic screening of sex trafficking victims.

“Our culture doesn’t allow us to talk about sexual exploitation and prostitution. Women believe they have to accept sexual exploitation. No one reports it and no one wants to talk about it. When it is reported to the police, the police blame the women and question the way she is dressed” – Anonymous national civil society organization.

⁷² Key informant interview, anonymous national civil society organization, Juba, 4 February 2020.

⁷³ Key informant interview, anonymous national civil society organization, Juba, 6 February 2020; key informant interview, anonymous national civil society organization, Juba, 4 February 2020.

⁷⁴ Key informant interview, anonymous national civil society organization, Juba, 6 February 2020.

⁷⁵ Key informant interview, anonymous national civil society organization, Juba, 4 February 2020; focus group discussion, migrant associations, Juba, 29 January 2020; key informant interview, anonymous national civil society organization, Juba, 6 February 2020.

⁷⁶ Key informant interview, anonymous national civil society organization, Juba, 6 February 2020.

⁷⁷ Workshop on trafficking in persons for members of the Technical Taskforce on Anti-Human Trafficking and Smuggling of Persons, Juba, 27 January 2020; key informant interview, anonymous national civil society organization, Juba, 4 February 2020; key informant interview, anonymous national civil society organization, Juba, 6 February 2020.

⁷⁸ Key informant interview, anonymous national civil society organization, Juba, 4 February 2020.

3.4 Labour Exploitation



Comparison with the TiP definition	When a person is recruited (the “act”), using abduction, deception (including making false promises), coercion, or abuse of power or vulnerability (the “means”), ⁷⁹ for the “purposes” of labour exploitation, the person is a victim of TiP. Therefore, forced labour or the recruitment and confinement of minors are consistent with the TiP definition, especially when the latter involves the worst forms of child labour, such as mining.
TiP practices identified	<ul style="list-style-type: none"> • South Sudanese and foreign nationals are deceived into accepting coercive employment in the hospitality, entertainment and construction sectors. • Children are abducted for the purposes of working in the community, where they have limited means to refuse work and may be restricted from accessing education. • Children are forced to beg by parents or other non-related adults. • Men and boys are forced to mine gold or traffic cannabis.
Victims	<ul style="list-style-type: none"> • Men, women, girls and boys
Perpetrators	<ul style="list-style-type: none"> • Businesses, especially hotels, restaurants, bars, construction, and unlicensed mining companies.
Hotspots	<ul style="list-style-type: none"> • Hospitality, entertainment and construction sectors, especially in Juba and other urban centres. • Aweil, Wau and Juba (for child labour). • Central and Eastern Equatoria (for artisanal mining).

3.4.1 Forced Labour in the Hospitality, Entertainment and Construction Sectors

South Sudanese and foreign business owners recruit men and women from neighbouring countries—especially Eritrea, Ethiopia, Kenya, Uganda, and Somalia — as well as South Sudanese workers, with fraudulent offers of employment in hotels, restaurants, and construction (U.S. Department of State, 2019). They force them to work for little or no pay or subject them to sex trafficking (ibid). Wages may also be withheld until employers’ travel and accommodation costs are paid off (Expertise France, 2017).

Many hotels in Juba and other urban centres are owned and managed by foreign nationals, particularly Ethiopians, Eritreans and Kenyans, who often employ

their compatriots.⁸⁰ Women, particularly Ethiopian and Eritrean nationals, are said to be especially prone to sex trafficking, being deceived into accepting employment in bars and hotels.⁸¹ In such cases, many enter the country through Juba International Airport with valid travel documents and visas,⁸² potentially indicating an organized recruitment process.

Many migrants come to work without formal employment contracts.⁸³ They may have their documents confiscated upon arrival and held until their contract (often unwritten) is finished⁸⁴ – an indicator of potential labour trafficking (International Labour Organization (ILO), 2015; Crown Prosecution Service, 2020).

⁷⁹ As mentioned in Chapter 1, when the trafficked person is a minor, the “means” are not required to constitute a TiP offence.

⁸⁰ Key informant interview, Ministry of Labour, Public Service and Human Resource Development, Juba, 24 January 2020.

⁸¹ Focus group discussion, embassies of migrant origin countries, Juba, 29 January 2020.

⁸² Focus group discussion, embassies of migrant origin countries, Juba, 29 January 2020; focus group discussion, migrant associations, Juba, 29 January 2020.

⁸³ Focus group discussion, embassies of migrant origin countries, Juba, 29 January 2020; focus group discussion, migrant associations, Juba, 29 January 2020.

⁸⁴ Focus group discussion, embassies of migrant origin countries, Juba, 29 January 2020; focus group discussion, migrant associations, Juba, 29 January 2020.

Case study: Labour trafficking in Juba

It is alleged that a Juba-based recruitment agent regularly recruits groups of 20–30 Uganda workers, including minors, promising them jobs with a salary of 200–300 USD per month in Juba. The groups are then brought to a large bakery in Juba, where they have their documents confiscated. Recently, when a group of 16 of the Ugandan workers complained to authorities about the document confiscation, they were allegedly detained in the business premises by the NSS.

Source: Anonymous migrant association, 2020.

3.4.2 Labour Exploitation in Gold Mining and Drug Trafficking

Armed groups have taken victims from their farms in Central Equatoria to engage in forced labour in artisanal mines (UNMISS, 2019b). Several other reports further point to artisanal gold mining in Eastern Equatoria, involving South Sudanese, Ethiopian and Kenyan nationals, including children as young as 8 years old (Mednick, 2018).

In addition, one report documented how men were abducted in Central Equatoria and compelled to transport cannabis from remote locations by armed

groups into main towns under the control of government security forces (UNMISS, 2019b). An IOM assessment of TiP in Wau in 2020 also identified cases of armed pastoralists forcibly recruiting people, including children, to farm cannabis close to the Sudanese and Central African Republic borders.⁸⁵

3.4.3 Forced Child Labour

Not all forms of child labour are TiP. Indeed, child labour is a longstanding feature of the South Sudanese labour market, as it is in the wider region, as a vital livelihood strategy, especially when access to education is limited. As such, children perform a variety of low-skilled manual tasks, from fetching water and serving tea, to tending to goats.⁸⁶ Children also perform menial tasks in marketplaces and restaurants, working as porters, bus conductors,⁸⁷ and washing cars (Glinksi, 2018).⁸⁸

Nevertheless, children in the workplace are susceptible to trafficking. Reports of forced begging are common – perpetrated by parents, relatives or other adults,⁸⁹ with

persons with disabilities considered particularly at risk.⁹⁰ Many children are also employed in heavy and hazardous labour, such as brick-making (ibid), and artisanal gold mining (Mednick, 2018).

In addition, children are frequently employed in cattle keeping, which can be hazardous given the prevalence of cattle-rustling, with children sometimes given firearms for protection.⁹¹ Cattle keeping, which is particularly prevalent in pastoralist communities like Mundari communities in Central Equatoria State – exposes children to health risks (ILO, 2013).⁹² Pastoralist children are also often prevented from accessing education (ibid).

3.4.4 Labour Exploitation of South Sudanese Nationals Abroad

Little is known about the trafficking of South Sudanese workers abroad and most key informants speculated that relatively few South Sudanese have sought employment elsewhere in East Africa or in Gulf Cooperation Council countries when compared with nationals from neighbouring countries. There is also limited knowledge of private employment agencies operating in South Sudan,⁹³ although in 2017 one Ugandan firm unsuccessfully requested permission to operate an employment agency, with the intention to facilitate South Sudanese labour migration to the Gulf (ibid).

On the other hand, the absence of licensed private employment agencies likely does not preclude the existence of (potentially more nefarious) unregulated recruitment practices, with rumours of advertisements for Gulf employment being posted in Juba.⁹⁴ There have also been reports of children and men, including refugees,⁹⁵ being forced into agricultural labour in Uganda (U.S. Department of State, 2017).

⁸⁵ Focus group discussion, embassies of migrant origin countries, Juba, 29 January 2020; key informant interview, Ministry of Labour, Public Service and Human Resource Development, Juba, 24 January 2020; key informant interview, Dialogue and Research Initiative, Juba, 3 February 2020.

⁸⁶ Key informant interview, County Office, Nimule, 17 January 2020.

⁸⁷ Key informant interview, Dialogue and Research Initiative, Juba, 3 February 2020.

⁸⁸ Key informant interview, anonymous national civil society organization, Juba, 3 February 2020; key informant interview, anonymous national civil society organization, Juba, 4 February 2020.

⁸⁹ Key informant interview, anonymous national civil society organization, Juba, 3 February 2020.

⁹⁰ Key informant interview, anonymous national civil society organization, Juba, 4 February 2020.

⁹¹ Key informant interview, anonymous national civil society organization, Juba, 3 February 2020.

⁹² The documented health risks include gorging by cattle horns, burns, and zoonotic diseases; to the risks of wild animal attacks (ILO, 2013).

⁹³ Key informant interview, Ministry of Labour, Public Service and Human Resource Development, Juba, 24 January 2020.

⁹⁴ Key informant interview, Ministry of Labour, Public Service and Human Resource Development, Juba, 24 January 2020.

⁹⁵ Key informant interview, traditional authority, Nimule, 20 January 2020.



TRAFFICKING IN PERSONS VULNERABILITY FACTORS

A person may become vulnerable to being trafficked as a result of the unique interaction of individual, household, community and structural characteristics and conditions. The following sections analyse vulnerability using IOM's Determinants of Migrant Vulnerability model.⁹⁶

Determinants of vulnerability to trafficking in persons in South Sudan



4.1 Individual factors

These are vulnerability factors related to individuals: their status in society; their physical and biological characteristics; their histories and experiences; their beliefs and attitudes; their individual emotional, psychological and cognitive characteristics; and their physical and mental health and well-being (IOM, 2018a).

⁹⁶ The Determinants of Migrant Vulnerability model was developed to identify, protect and assist migrants who have experienced or are vulnerable to violence, exploitation and abuse, and to guide interventions to reduce vulnerability (IOM, 2018a). While the model was conceived with migrants in mind and not specifically for TiP, it is extended here to analyse the factors that render any person vulnerable to being trafficked.

4.1.1 Sex and Gender⁹⁷

Many of the forms of TiP identified in Chapter 3 disproportionately affect female victims, compared with men and boys. South Sudanese society exhibits patriarchal characteristics (Oxfam, 2019), which impacts gender equality and societal views on gender roles. As a result, women and girls have fewer education and employment opportunities, less decision-making power, and less recourse to justice (Government of South Sudan, n.d.).

Gender roles also appear to be determinants of vulnerability to different forms of TiP. For instance, more reports of domestic servitude, forced marriage and sexual slavery involve female victims, stemming from the abuse of power by men over women, girls and boys in South Sudanese society. The 2010 South Sudan Household Health Survey showed that 45 per cent of women aged 20–49 were married before the age of 18 (Oxfam, 2019) often driven by parents' decisions over what's best for

them or family, while men often marry between the ages of 19 and 25 years (ibid). Conversely, men and boys appear more susceptible to forced recruitment by armed groups and forces, as well as hazardous forms of forced labour. Often stemmed from stereotype that men are strong and have capacities to “handle” hardship required by armed group. Child soldiers are among the group affected by this interpretation. When a 10-year-old boy appears to have a strong physique, he is at risk of being forcibly recruited as soldier. Because he can perform “man’s jobs”. In addition, women and girls appear to have less access to justice. Several reports suggested they can be detained when their husbands allege adultery.⁹⁸ Meanwhile, in the cases of gender-based violence, including practices like forced marriage which may amount to TiP, customary law is applied, which often does not appropriately serve the needs of female TiP victims (see Section 6.1.4).⁹⁹

⁹⁷ “Gender” refers to the socially constructed roles and relationships, personality traits, attitudes, behaviours, values, relative power and influence that society ascribes to males and females on a differential basis. “Sex” refers to the biological characteristics that define humans as female or male (UN Entity for Gender Equality and the Empowerment of Women, 2014).

⁹⁸ Key informant interview, anonymous national civil society organization, Juba, 3 February 2020; key informant interview, Criminal Investigation Department, Nimule, 17 January 2020.

⁹⁹ Key informant interview, anonymous humanitarian organization, Juba, 5 February 2020.

Irregular migrants who transit the country with the hopes of reaching Europe appear to be predominantly male, although female irregular migrants are likely more vulnerable to certain forms of trafficking during migration perpetrated by the transnational trafficking networks who organize all sorts of illicit activities

4.1.2 Age

Minors and young adults may be more likely to follow orders of adults, which makes them particularly vulnerable to being trafficked. Children are also more vulnerable to certain forms of TiP: as outlined in Chapter 3, children and young adults are trafficked into combat and non-combat labour by armed groups and forces, and subjected to labour exploitation, including in artisanal gold mining and cattle keeping. Moreover, children and

such as prostitution. Vulnerability exacerbates when the victims are migrants irrespective of their sex. Negative perceptions of migrants put them at risk of discrimination manifested in a lack of protection from the host government.

young adults are forcibly married, subjected to domestic servitude, and abducted for sale or exchange. At a global level, the average age of TiP victims assisted by IOM from 2006-2016 is 30 years, while victims of labour exploitation were slightly older (32 years) and victims of sexual exploitation were younger (24 years). This is consistent with some of the qualitative data collected on potential TiP victims in South Sudan (IOM, 2017).

4.1.3 Nationality

Foreign nationals may lack supportive and protective networks, making them particularly vulnerable to being trafficked and exploited. As highlighted in Chapter 3, migrants are especially vulnerable to labour exploitation. They routinely have their travel documents confiscated, limiting their recourses to justice. Certain nationalities, notably Eritreans and Somalis, are required to apply for visas in advance of their arrival.¹⁰⁰ This, along with the fact that many Eritreans transit South Sudan without passports (see Section 2.3),¹⁰¹ may push them to resort to criminal migrant smuggling networks, who may exploit them.

At the same time, numerous allegations point to systematic extortion of migrants by law enforcement agencies. Police in Juba are said to repeatedly visit hotels and other workplaces with large numbers of migrant workers to check travel documents, issuing arbitrary fines without screening for TiP victims.¹⁰² Furthermore, as outlined in Section 6.2.4, foreign TiP victims rarely receive any assistance.

4.2 Household and Community Factors

Household and family factors are related to the family circumstances of individuals and their family members, the role and position of individuals within the family, and family histories and experiences (IOM, 2018a).

4.2.1 Presence of Household Head

The loss of a family head who is often the sole breadwinner can negatively impact a household's livelihood options, making the remaining members, especially orphans, more vulnerable to being trafficked (U.S. Department of State, 2019), accepting exploitative employment, or to being deceived into leaving their family.

For instance, a 2012 IOM study in Uganda found that being a member of a single-headed household was

an important predictor of child migration to urban centres (IOM, 2018b). The loss of social ties and family separations have also been said to increase the risk of forced marriage (Government of South Sudan, n.d.). In addition, unaccompanied minors (including the 11,731 registered by UNICEF) are considered particularly vulnerable to being exploited (U.S. Department of Labor, 2019).

4.2.2 Socioeconomic Status and Access to Education

Members of households with a lower socioeconomic status may be more susceptible to deception or to accepting exploitative employment – characteristics of several forms of TiP. Poverty and low educational attainment are also considered drivers of forced marriage (Ministry of Gender, Child and Social Welfare, 2017b):

“If you have family of eight children and the option to force one of them to marry a rich man in exchange for 150 heads of cattle, which can sustain the family for the next year, what do you do?” – CCC.¹⁰³

As a result, many potential TiP cases identified in this assessment involve victims from rural low-income households. Some informants also suggested that instances of forced marriage seemed to have increased as the cost of schooling has risen.¹⁰⁴

In addition, limited access to livelihood and education opportunities may be associated with increased instances

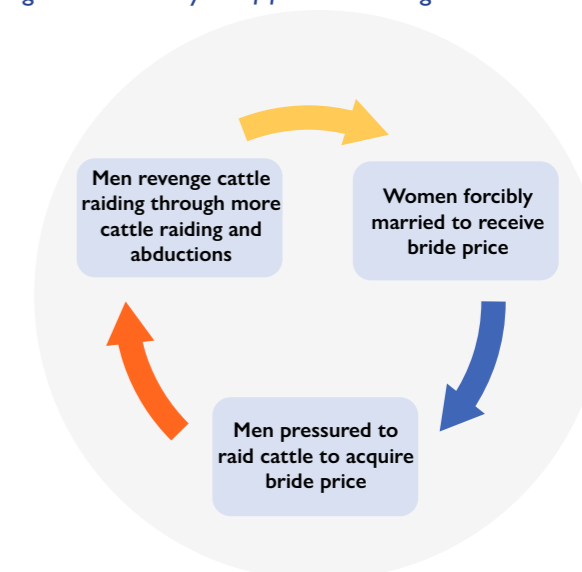
of cattle raiding, as men may resort to such criminal practices to acquire the cattle needed in order to get married, as well as increased instances of abduction for forced marriage as a means to avoid paying the bride price (Government of South Sudan, n.d.; Oxfam, 2019).

4.2.3 Patriarchal Social Structures

Child and forced marriage are deeply intertwined with the social fabric, including the identity, maturity and self-actualization of young men and the wealth potential and status of men (Government of South Sudan, n.d.). Having daughters is perceived to enhance a man's ability to benefit from the bride price and escape poverty, while having a sister enables the brother to use the cows received as part of the bride price to get married himself (Ministry of Gender, Child and Social Welfare, 2017b).

The social structures also mean that household elders take key decisions such as those relating to marriage and employment, thereby reducing the agency that women in particular can exercise over their movements and other life choices. As highlighted in the below diagram, these deeply ingrained structures make women vulnerable to forced marriage, while increasing the pressure on young men to participate in cattle raiding (Government of South Sudan, n.d.), further fuelling revenge-oriented abductions, including for the purposes of forced marriage. As stated in Section 3.2, the consequences of this vicious cycle have a particularly significant impact on women,

Diagram: Vicious cycle of forced marriage



with forced marriage associated with depression, suicide (Government of South Sudan, n.d.), domestic violence, interruption or denial of education, and maternal and mental health issues (Oxfam, 2019).

¹⁰⁰ Key informant interview, Directorate for Civil Registry, Nationality, Passports, and Immigration, Juba, 31 January 2020.

¹⁰¹ Key informant interview, Ugandan Directorate of Citizenship and Immigration Control, Elegu (Uganda), 20 January 2020.

¹⁰² Focus group discussion, embassies of migrant origin countries, Juba, 29 January 2020; focus group discussion, migrant associations, Juba, 29 January 2020.

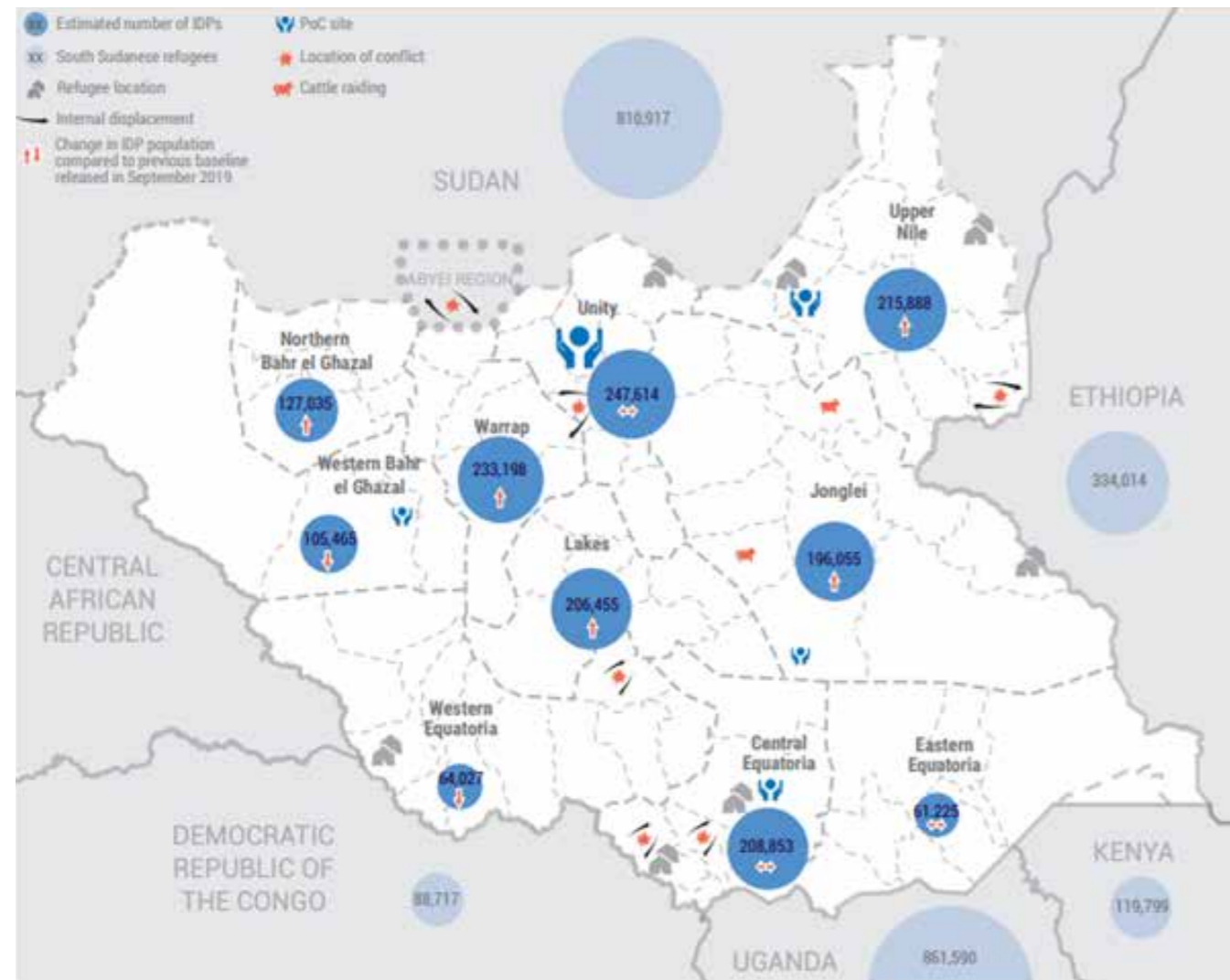
¹⁰³ Key informant interview, anonymous national civil society organization, Juba, 4 February 2020.

¹⁰⁴ Focus group discussion, women returnee community members, Nimule, 20 January 2020.

4.3 Structural Factors

At the broadest level, structural factors are the historical, geographical, political, economic, social and cultural conditions and institutions at the national, regional and international levels that influence the overall environment in which individuals, families, communities and groups are situated and which shape their beliefs, decisions and behaviours (IOM, 2018a).

Map: Displacement and conflict hotspots in South Sudan in November 2019^{105 106}



Source: UN OCHA, 2020.

4.3.1 Conflict

The decades of conflict in South Sudan and the resumption of hostilities in 2013 have further weakened South Sudan's young institutions (Musila, 2018), increased human rights violations and displaced millions. Evidence emerging from academic literature further underlines that intra-State conflicts increase vulnerability to TiP, with TiP following patterns of insecurity, instability and collapse of law and order (Akuni, 2014). Research also shows

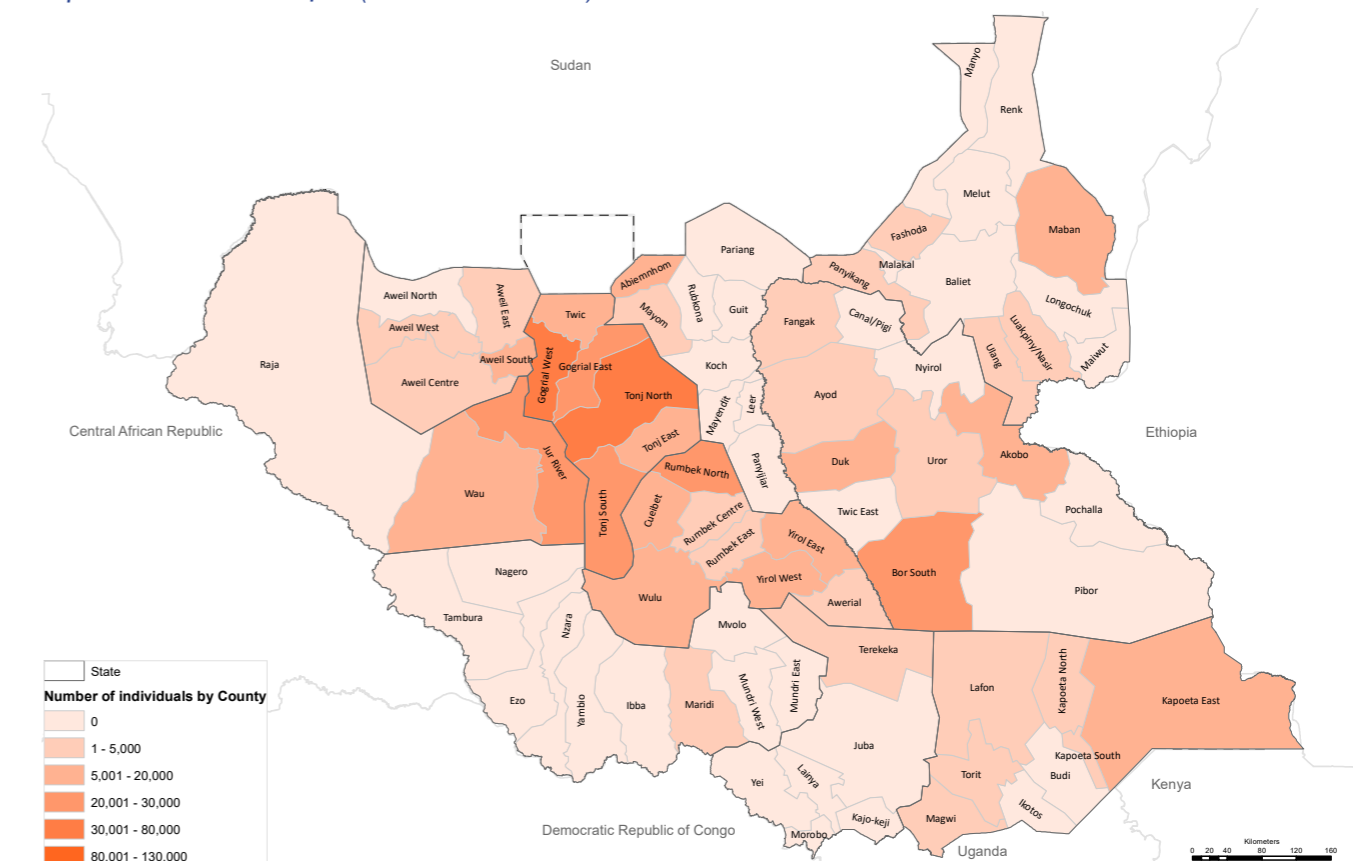
that TiP is not only occasionally linked with conflict, but is a systematic consequence thereof (OHCHR, 2019). People, particularly women and children, become more vulnerable to being trafficked into forced marriage or to become children associated with armed forces or armed groups, servants or sexual slaves (OHCHR, 2019; Pape and Phipps, 2018).

¹⁰⁵ The administrative boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the UN. Final boundary between the Republic of Sudan and the Republic of South Sudan has not been determined. Final Status of Abyei area is not yet determined.

¹⁰⁶ The designations employed and the presentation of material throughout the report do not imply the expression of any opinion whatsoever on the part of IOM concerning the legal status of any country, territory, city or area, or of its authorities, or concerning its frontiers or boundaries.

4.3.2 Forced Displacement

Displacement due to conflict (arrival: 2014–2019)¹⁰⁷



Source: IOM, 2019.

As outlined in Section 2.1.1, more than 4 million have been displaced (UNHCR, n.d.) – by both national-level conflict and inter-communal and localized conflicts. Displacement has heightened vulnerabilities to TiP and other forms of exploitation, especially those which use the “means” of abduction, coercion and deception. Families and communities have been separated, while displaced persons, particularly women and children, have been left unaccompanied and forced to move by foot (UNHCR, 2017).

Areas of South Sudan where the majority of internally displaced persons are residing – Central Equatoria, Unity, Western Bahr el Ghazal (NAC/NCM, 2019), and Upper Nile (see above maps) – are therefore likely more vulnerable to TiP; as are those displaced by communal clashes, which has especially affected Warrap and Eastern Equatoria, in addition to Western Bahr el Ghazal (IOM, 2019c).

Displacement in numbers

- **4 million** individuals displaced (UNHCR, n.d.)
- **2 million** refugees and asylum-seekers (UNHCR, 2020)
- **1.67 million** internally displaced persons (UN OCHA, 2020)
- **12 per cent** of internally displaced persons living in PoC sites (NAC/NCM, 2019)
- **67 per cent** displaced due to national-level conflict (IOM, 2019c)¹⁰⁸
- **18 per cent** displaced by other communal clashes (IOM, 2019c)¹⁰⁹
- **194,954** civilians seeking safety in PoC sites (UNMISS, 2019c)

¹⁰⁷ The administrative boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the UN. Final boundary between the Republic of Sudan and the Republic of South Sudan has not been determined. Final Status of Abyei area is not yet determined.

¹⁰⁸ Amongst the population displaced between 2014–2019.

¹⁰⁹ Amongst the population displaced between 2014–2019.

In addition, while UN PoC sites were established to provide safety to displaced persons and other civilians in need of protection, they are also densely-populated settlements in insecure regions, where PoC site inhabitants and their family members frequently move to and from the sites, with forced marriage taking place within PoC sites,¹¹⁰ in addition to forced recruitment into armed forces and groups.¹¹¹ Meanwhile, anecdotal evidence underlines how people on the move around PoC sites can be especially vulnerable to TiP,¹¹² with reports of abductions for sexual exploitation and forced recruitment taking place while victims were outside PoC sites collecting firewood or charcoal (Campeanu and Huon, 2018).

¹¹⁰ Key informant interview, anonymous humanitarian organization, Juba, 5 February 2020.

¹¹¹ Focus group discussion, International Organization for Migration, Juba, 15 January 2020.

¹¹² Key informant interview, Dialogue and Research Initiative, Juba, 3 February 2020.



LEGAL, INSTITUTIONAL AND POLICY FRAMEWORKS

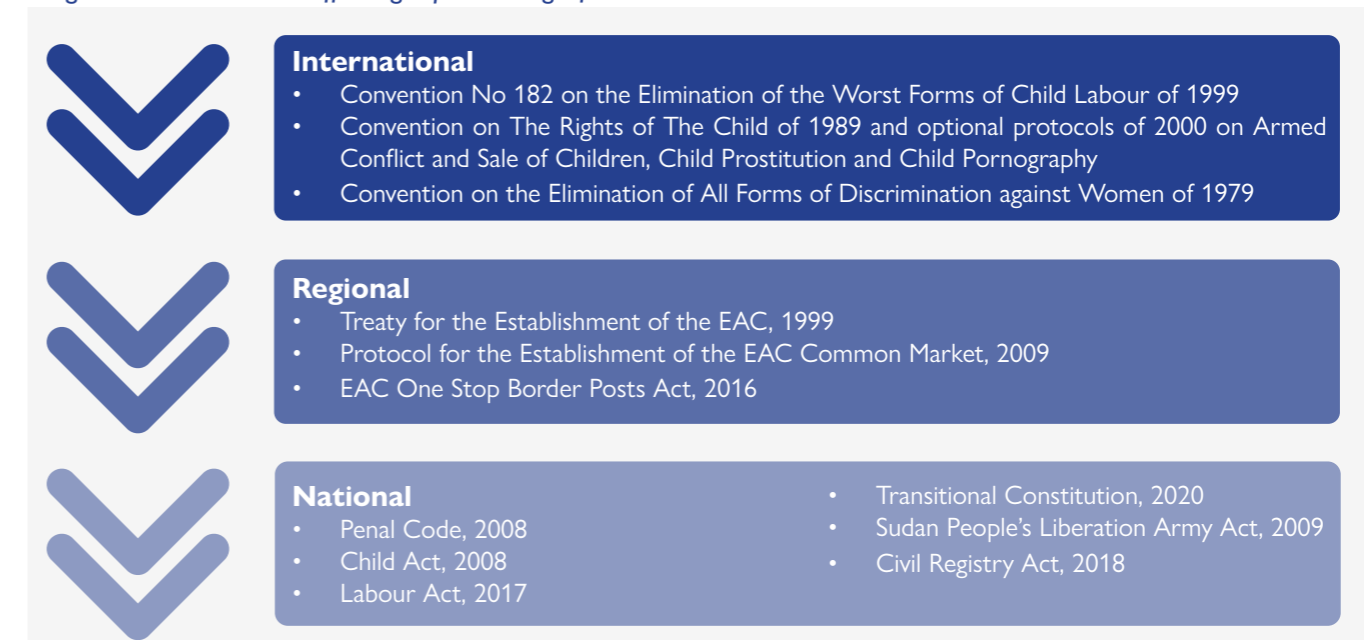
The following sections analyse the TiP-related international, regional and national legal frameworks, while providing an overview of the national institutions and policies in place to counter TiP.

5.1 Legal Frameworks

South Sudan has signed up to several international conventions related to TiP, although it has not yet acceded to the UNTOC and related protocols, including the UN TiP Protocol. It is also a member of the Intergovernmental Authority on Development (IGAD) and the East African Community (EAC). It has committed to some of these communities' regional migration governance arrangements but has not adopted

key transnational crime frameworks. At the national level, South Sudan has criminalized certain TiP practices – notably in the Penal Code, Child Act and Labour Act – without clearly and consistently defining TiP and prohibiting all its forms. This incoherence contributes to misinterpretations of the phenomenon by different stakeholders and constrains prosecution for TiP as a crime in itself.

Diagram: South Sudan's trafficking in persons legal framework



5.1.1 International Frameworks

South Sudan has acceded to or ratified the following key international human rights instruments of relevance to TiP:¹¹³

Instruments signed	Year ¹¹⁴	Relevance to trafficking in persons
Convention on the Elimination of the Worst Forms of Child Labour of 1999	2012 (r) ¹¹⁵	Prohibits "all forms of slavery or practices similar to slavery such as the sale and trafficking of children".
Convention on The Rights of The Child of 1989 and optional protocols of 2000 on Armed Conflict and Sale of Children, Child Prostitution and Child Pornography	2015, 2018 (a) ¹¹⁶	Calls on States to: prevent the abduction of, the sale of or traffic in children for any purpose or in any form; prevent persons who have not attained the age of 18 years from being compulsory recruited into armed forces; and "strengthen international cooperation... for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism."
Convention on the Elimination of All Forms of Discrimination against Women of 1979	2015 (a) ¹¹⁷	Calls on States to: "take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women." Affirms the right to choose a spouse and enter into marriage based on consent. States that child marriage shall have no legal effect.

On the other hand, South Sudan has not acceded to the main legal instrument on TiP – the UNTOC and its related UN TiP Protocol. Furthermore, the country has not signed up to several other international legal instruments of relevance to TiP (see Annex 5).

5.1.2 Regional Frameworks

South Sudan is a Member State of the IGAD¹¹⁸ and a Partner State of the EAC¹¹⁹ (IGAD, 2020; EAC, 2020). Both IGAD and EAC have developed frameworks to promote the movement of persons and cooperation on law enforcement. However, as outlined in the below table, key frameworks have not been implemented in South Sudan. South Sudan's cooperation with other countries to counter TiP, including IGAD and EAC platforms, is explored in further detail in Section 6.4.3.

Instrument	Relevance to trafficking in persons	Implementation in South Sudan
IGAD Convention on Mutual Legal Assistance in criminal matters, 2009	Establishes a legal basis for mutual legal assistance and extradition requests between Member States –important aspects in prosecuting transnational TiP.	Not signed nor implemented. ¹²⁰
IGAD Convention on Extradition, 2009		
EAC One Stop Border Posts Act, 2016	Aims to enhance border management and outlines provisions for investigation of offences committed at the border.	While the legislation covers South Sudan as an EAC Partner State, the country has not fully domesticated the legislation. The South Sudan-Uganda One Stop Border Post required a Ministerial Order in order to be established. ¹²¹

¹¹³ Article 9 of the Transitional Constitution states that "All rights and freedoms enshrined in international human rights treaties, covenants and instruments ratified or acceded to by the Republic of South Sudan shall be an integral part of this Bill [of Rights]."

¹¹⁴ Year of ratification (r) or accession (a).

¹¹⁵ ilo.org. (2020). Ratifications of ILO conventions. [online] Available at: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:312327 [Accessed 6 Mar. 2020].

¹¹⁶ United Nations Treaty Collection. (2020). 11. Convention on the Rights of the Child. [online] Available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-11&chapter=4&clang=en [Accessed 6 Mar. 2020].

¹¹⁷ United Nations Treaty Collection. (2020). 8. Convention on the Elimination of All Forms of Discrimination against Women. [online] Available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-8&chapter=4&clang=en [Accessed 6 Mar. 2020].

¹¹⁸ IGAD comprises the Member States of Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda (IGAD, 2020).

¹¹⁹ EAC comprises the Partner States of Burundi, Kenya, Rwanda, South Sudan, United Republic of Tanzania, and Uganda (EAC, 2020).

¹²⁰ Key informant interview, National Central Bureau, Juba, 5 February 2020.

¹²¹ Workshop on trafficking in persons for members of the Technical Taskforce on Anti-Human Trafficking and Smuggling of Persons, Juba, 27 January 2020.

5.1.3 National Frameworks

South Sudan does not have a law dedicated to addressing TiP. Rather, it has criminalized child trafficking and a narrow definition of transnational TiP in its Child Act and Penal Code, respectively, while prohibiting several potential elements of TiP crimes across several legislative acts.

Legislation	Articles of relevance to TiP
Penal Code, 2008	<ul style="list-style-type: none"> • 282: trafficking in persons. • 278: kidnapping/abduction for forced labour. • 279: transferring control of a person for confinement or forced labour. • 280-281: possession or control of a person outside the jurisdiction, which continues in the jurisdiction, or vice-versa. • 276: buying/selling a minor for prostitution. • 253: facilitating prostitution. • 254: "procuring", including prostitution or taking a person out of the jurisdiction to engage in sex work. • 256: detention for the purposes of sexual conduct. • 258: child prostitution. • 273: kidnapping/abduction for forced marriage. • 265: marriage ceremony without lawful marriage. • 276: using child sex workers. • 277: forced labour.
Child Act, 2008	<ul style="list-style-type: none"> • 120: child trafficking. • 119: transfer of possession, custody or control of a child. • 22: protection from abduction, trafficking, sexual abuse and exploitation. • 23: protection from marriage and military/paramilitary activities. • 25: protection from child labour. • 31-32: recruitment into military or paramilitary activities.
Labour Act, 2017	<ul style="list-style-type: none"> • 13: worst forms of child labour. • 10: forced labour. • 11: illegal movement of employees. • 41: employment of South Sudanese abroad.
Passport and Immigration Act, 2011	<ul style="list-style-type: none"> • 38: facilitating the entry or sheltering of foreign nationals.
Transitional Constitution, 2020	<ul style="list-style-type: none"> • 13: freedom from slavery, servitude and forced labour. • 15: forced marriage. • 17: protection of children from abduction and trafficking. • 167: recognition of traditional authority and use of customary law.
Civil Registry Act, 2018	<ul style="list-style-type: none"> • 7: establishment of central data about work, movement and other activities. • 24: birth registration. • 31: marriage registration. • 34: registration of foreign nationals.
Sudan People's Liberation Army Act, 2009	<ul style="list-style-type: none"> • 22: eligibility for enrolment.

Analysis

i. TiP is not clearly defined and criminalized: TiP is defined in Article 282 of the Penal Code and in Chapter 1 of the Child Act:

“Whoever procures, entices or leads away, even with his or her consent, any person for sale or immoral purposes to be carried outside Southern Sudan, commits an offence, and upon conviction, shall be sentenced to imprisonment for a term not exceeding seven years or with a fine or with both.” – Article 282, Penal Code, 2008

“‘Trafficking’ means the recruitment, transportation, transfer, sale, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud or deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation.” – Chapter 1, Child Act

Article 282 of the Penal Code is not in line with the UN TiP Protocol. First, it defines a narrow form of TiP as solely a transnational crime: the offence is constituted only when a person is carried outside the country, meaning its definition necessarily relies on identifying the act outside the jurisdiction. The UN TiP Protocol, by contrast, criminalizes both internal and transnational TiP. Second, the crime is constituted when a person is carried outside South Sudan for sale or “immoral purposes”. This term is left undefined, although it is exclusively used in the Penal Code under articles relating to prostitution. Finally, sanctions could be limited to a fine only, which is incommensurate with other serious crimes like rape, which necessarily carries custodial sentencing of up to 14 years.

The Child Act Chapter VIII contains the sub-heading “Trafficking and Abduction of a Child”, with Article 120 outlining an offence, including penalties, of “Trafficking of Child by False Pretences”. The Child Act’s preliminary provisions define trafficking (see above) using the UN TiP

Protocol definition of TiP, although “exploitation” is not defined. The Protocol also states that only the “act” and “purpose” – and not the “means” (see Section 1.1.2) – are required to constitute child trafficking. Moreover, Article 120 states that the trafficking offence is constituted when a person brings or assists in bringing a child into the country using “false pretence or representation”, with sentencing of up to 10 years’ imprisonment and/or a fine. While the article contains both “acts” and “means” that could form part of TiP, it does not outline any “purposes” (i.e. forms of exploitation) or use the child trafficking definition, making it inconsistent with the UN TiP Protocol. Sanctions can also be limited to a fine.

Finally, the Transitional Constitution enshrines freedoms from slavery, servitude, forced labour, forced marriage, and states that every child has the right “to be protected from abduction and trafficking”. However, it does not define “abduction and trafficking”.

ii. Several TiP-related offences are criminalized: despite the lack of clear definition and criminalization of TiP as a standalone offence, several TiP-related offences are criminalized. These provisions can be invoked to prosecute a range of TiP offences. They include:

- **Forced labour, including kidnapping or abduction for forced labour:** the Penal Code criminalizes “unlawful compulsory labour”, which carries relatively lenient sentencing of two years’ imprisonment and/or a fine, with seven years and/or a fine when kidnapping, abduction or transferring control of a person are involved. Forced labour is also defined and prohibited in the Labour Act. In addition, the Labour Act prohibits engaging a child under 18 in “hazardous work, which constitutes the worst forms of child labour,” including slavery and practices similar to slavery, prostitution, use for illicit activities, and pornography.
- **Forced marriage and kidnapping or abduction for forced marriage:** the Penal Code criminalizes the kidnapping or abduction of a woman for forced marriage or “illicit intercourse”, with sentencing delegated to customary law or, in lieu, 10 years’ imprisonment and/or a fine. It also criminalizes the detention of another person for the purposes of sexual conduct, with up to one year’s imprisonment and/or a fine. The Child Act and the Constitution enshrine the child’s “right to protection from marriage”, with the Child Act specifying the right to the “female child” to be protected from “early and forced marriage”.

“Whoever, kidnaps or abducts any woman with intent that she may be compelled or knowing it to be likely that she will be compelled to marry any person against her will or in order that she may be forced or seduced to illicit intercourse or knowing it to be likely that she will be forced or seduced to illicit intercourse, commits an offence and shall be addressed according to the customs and traditions of the aggrieved party, in lieu of that and upon conviction, shall be sentenced to imprisonment for a term not exceeding ten years or with a fine or with both.” – Article 273, Penal Code.

- **Recruitment of children into military or paramilitary activities:** the Child Act outlines the Government’s commitment to ensuring that “no child shall be used or recruited to engage in any military or paramilitary activities”, including working as informants, cooks, labourers, or for sexual

purposes; provides for sentencing of 10 years’ imprisonment and/or a fine; and enshrines child rights to government protection and reintegration services. The Sudan People’s Liberation Army Act states that only those of at least 18 years of age are eligible for enrolment.

In addition, the legal framework contains provisions that are indirectly related to TiP. These can be used to prosecute potential TiP crimes when it is difficult to determine the presence of all elements of the crime:

- **Abduction and kidnapping:** the Penal Code defines and criminalizes kidnapping, with seven years’ imprisonment and/or a fine. The Penal Code and Child Act define abduction but do not criminalize it as a standalone offence. The Penal Code also prohibits possession or control of a person outside the jurisdiction, which continues in the jurisdiction, or vice-versa.
- **Child labour:** the Child Act defines “child labour” as work undertaken by a child that “harms or exploits him or her”, “physically, mentally, morally”, or by preventing access to education. It enshrines the right to protection from a range of child labour activities, including “heavy agricultural labour”, herding, sex work, or work in bars, hotels and places of entertainment. The Child Act states that anyone infringing on the rights of the child will be imprisoned for up to seven years and/or fined.
- **Prostitution:** the Penal Code criminalizes: 1) the purchase or sale or hire of a minor for the purposes of prostitution, with sanctions of up to

14 years’ imprisonment and/or a fine; 2) facilitating prostitution, with sanctions of up to two years’ imprisonment and/or a fine; 3) “procuring” a person to “become a prostitute”, with sanctions of up to two years’ imprisonment (10 years if the crime involves a child) and/or a fine; 4) buying or selling a minor for prostitution, with sanctions of up to 14 years’ imprisonment and/or a fine; and 5) “allowing a child to become a prostitute,” with sanctions of up to 10 years’ imprisonment and/or a fine. The Child Act also enshrines the right to be protected from sex work, while the Labour Act considers prostitution one of the worst forms of child labour.

- **Smuggling of migrants:** the Passport and Immigration Act prohibits any person who “facilitates the illegal entrance of or shelters an alien in South Sudan”, with a fine of up to 500 SDG (the currency of pre-independence Southern Sudan) and/or imprisonment of up to six months.

iii. Several TiP-related articles are unclearly defined, inconsistent with other articles, or do not carry sufficiently stringent sanctions: while the Penal Code and other laws contain articles with ill-defined provisions and inconsistencies between acts, the following aspects constrain the prosecution of TiP offences:

- **Absence of penalties for abduction:** while the Penal Code defines and outlines sanctions for kidnapping, abduction is not a standalone crime with sanctions. Moreover, while the UN TiP Protocol considers abduction a means to traffic, which is reflected in the Child Act, the Penal Code conditions abduction with respect to the use of force or deceit. The Child Act also only enshrines the right to be protected from abduction, without criminalizing the act. In addition, it is not clear how “possession or control of person” differs from abduction, nor what sanctions it carries.
- **Lenient sentencing:** TiP and nearly all TiP-related crimes, including infringing on the rights of the child, forced prostitution, recruitment of a child into an armed force, and forced labour, carry custodial sentences and/or fines. This means that custodial sentences may be short or that a fine (of which the amount is undefined for most TiP-related offences) may be used in lieu. Such penalties are not commensurate with those provided for other serious crimes, such as rape.

- **Weak legal protection against forced marriage:** while the Penal Code prohibits forced marriage and the “right to protection” from early and forced marriage are enshrined in the Child Act and Transitional Constitution, the Penal Code delegates sentencing to customary law, which is recognized by the Transitional Constitution. Sentencing in customary courts may not be commensurate with that provided for other serious crimes and, as outlined in more detail in Section 6.1.4, customary law often does not put the interests of the survivors at the forefront, which could result in further abuse of rights. Furthermore, there is no legal minimum age for marriage and while the Penal Code penalizes husbands, it does not provide penalties for those who make the decision to marry girls young (such as brothers, fathers and uncles) or those who preside over the ceremonies.
- **Inconsistency between child labour provisions:** the Labour Act appears to have two contradictory standards for prohibiting children from engaging in hazardous work: Article 13 prohibits hazardous work, “which constitutes the worst forms of child labour”, including trafficking, for children under the age of 18 in line with international standards, while Article 12 only prohibits children under the age of 14 from engaging in the worst forms of child labour, which is not in line with international standards (U.S. Department of Labor, 2019).

5.2 Institutional Framework

In December 2019, the Minister of Interior signed the Ministerial Order for the Establishment of Technical Taskforce on Anti-Human Trafficking and Smuggling of Persons (2019). The Technical Taskforce is part of the NAC/NCM, an inter-ministerial committee, which makes policy decisions and provides advice on migration management, including advising on deportations.¹²²

The Technical Taskforce’s founding objective was to accede to the UN TiP Protocol and the corresponding Protocol against the Smuggling of Migrants by Land, Sea and Air. It is an inter-ministerial taskforce, with its initial membership outlined in Annex 6. The government departments which intervene in areas related to TiP are outlined in the below table.

Ministry	Department	Trafficking in persons responsibilities
Ministry of Interior (South Sudan National Police Service) ¹²¹	Directorate of Civil Registry, Nationality, Passports and Immigration	Responsible for border management, issuance of national documents, and the detection of potential victims of TiP at the borders. ¹²⁴ The Directorate also has its own Crime Control and Legal Department, which investigates violations of the Passport and Immigration Act. ¹²⁵
	Criminal Investigation Department	Investigates crimes, including potential TiP cases. ¹²⁶
	Border Police	Investigates crimes committed at borders, including potential TiP cases. ¹²⁷
	National Central Bureau- International Criminal Police Organization	Connects national law enforcement agencies with those of other countries in instances of potential transnational TiP. ¹²⁸
Ministry of National Security (National Security Service) ¹²⁹	General Intelligence Bureau	Investigates serious offences, including potential TiP cases. Carries wide-ranging powers to investigate and detain suspects (National Security Service Act, 2014).
	Internal Security Bureau	

¹²² Members of the NAC/NCM include the Ministry of Justice; Ministry of Labour, Public Service and Human Resource Development; the Ministry of Foreign Affairs and International Cooperation; the Ministry of Interior; Ministry of Public Security; the National Bureau of Statistics; the Commission for Refugee Affairs; the Ministry of Humanitarian Affairs and Disaster Management; the Ministry of Wildlife Conservation and Tourism; the National Human Rights Commission; the Ministry of Trade, Industry and East Africa Affairs; the Ministry of Health; the Ministry of Environment and Forestry; the judiciary; parliamentary sub-committees; the Central Bank of South Sudan; the University of Juba; the Diaspora Desk/Office; and civil society organizations (NAC/NCM, 2019).

¹²³ All the listed departments of the Ministry of Interior form part of the South Sudan National Police Service, which is headed by the Inspector-General of Police.

¹²⁴ Key informant interview, Directorate for Civil Registry, Nationality, Passports, and Immigration, Juba, 31 January 2020.

¹²⁵ Key informant interview, Directorate for Civil Registry, Nationality, Passports, and Immigration, Juba, 24 January 2020.

¹²⁶ Key informant interview, Criminal Investigation Department, Nimule, 17 January 2020.

¹²⁷ Key informant interview, Border Police, Nimule, 20 January 2020.

¹²⁸ Key informant interview, National Central Bureau, Juba, 5 February 2020.

¹²⁹ The two listed departments of the Ministry of National Security form part of the National Security Service

Ministry	Department	Trafficking in persons responsibilities
Ministry of Justice and Constitutional Affairs	Directorate of Public Prosecution	Serves as the legal adviser to the Government on criminal matters, directs criminal investigations, and prosecutes potential TiP cases (International Court of Justice, 2014).
Ministry of Labour, Public Service and Human Resource Development	Directorate of Labour and Industrial Relations	Enforces labour laws, identifies child labour violations, and conducts workplace inspections through its 13 national-level labour inspectors and estimated three to four labour inspectors per state (U.S. Department of Labor, 2019). ¹³⁰
Ministry of Gender, Child and Social Welfare	Various	Coordinates activities on women and children’s rights and acts as the focal ministry for child protection (U.S. Department of Labor, 2019). Focuses on developing national policies with limited provision of direct assistance through state-level social workers. ¹³¹
Office of the President ¹³²	Disarmament, Demobilization and Reintegration Commission	Mandated by the R-ARCSS to manage the social and economic reintegration of ex-combatants (Lamb and Stainer, 2018).
Ministry of Defence and Veteran Affairs	South Sudan’s People’s Defense Forces Directorate for Child Protection	Responsible for preventing the recruitment of children into armed forces, identifying children associated with armed forces or armed groups, assisting in their release, and investigating allegations of child soldiering (U.S. Department of Labor, 2019).
Ministry of Foreign Affairs and International Cooperation	Foreign diplomatic missions (see Annex 11); Consular Service	In principle responsible for consular support to South Sudanese victims of trafficking identified abroad, and leads at the strategic level of the NAC/NCM. ¹³³
South Sudan Human Rights Commission	N/A	Monitors the application and enforcement of human rights and freedoms enshrined in the Transitional Constitution and international human rights instruments. Investigates complaints of human rights violations, which could in principle include TiP violations (Expertise France, 2017).
National Bureau of Statistics	Department of Cooperation and Social Statistics	Intends to collect and use migration data, with a view to including variables on migratory status in the next national census. ¹³⁴

¹³⁰ Key informant interview, Ministry of Labour, Public Service and Human Resource Development, Juba, 24 January 2020.

¹³¹ Key informant interview, Ministry of Gender, Child and Social Welfare, Juba, 30 January 2020.

¹³² Key informant interview, National Disarmament, Demobilization and Reintegration Commission, Juba, 30 January 2020.

¹³³ Key informant interview, Ministry of Foreign Affairs and International Cooperation, Juba, 31 January 2020.

¹³⁴ Workshop on trafficking in persons for members of the Technical Taskforce on Anti-Human Trafficking and Smuggling of Persons, Juba, 27 January 2020.

5.3 National Policy Framework

South Sudan does not have a national policy dedicated to countering TiP. However, it has a draft National Comprehensive Migration Policy, which contains objectives and actions related to TiP, as well as several policy frameworks which address the recruitment of children into armed forces and groups, child labour, and child marriage. Many informants pointed to the lack of implementation of existing policies, due to limited public resources and poor coordination between national, state and local administrations.¹³⁵ The key national policies of relevance to TiP are outlined in the below table.

Policy	Relevance to trafficking in persons
National Comprehensive Migration Policy, 2019 (draft)	<ul style="list-style-type: none"> Includes TiP and forced labour under Objective 3 to manage “forced migration” and to provide adequate support to victims of forced migration (NAC/NCM, 2019). Articulates TiP in the context of forced displacement, highlighting challenges in countering TiP, including the lack of institutional arrangements; measures to prevent and prosecute TiP; protection for victims; legal and policy harmonization; and training of border management and camp management staff (NAC/NCM, 2019). Calls, in the action plan, for greater information-sharing among government agencies, elaboration of a counter-TiP policy, awareness-raising about TiP, development of standard operating procedures (SOPs) on TiP identification and training, enhanced international cooperation, and specific action to address forced labour (NAC/NCM, 2019).
Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan, 2018	<ul style="list-style-type: none"> Replaces the 2015 Agreement on the Resolution of the Conflict, including the Joint Action Plan with the UN to Combat the Use of Child Soldiers (U.S. Department of Labor, 2019). Outlines actions to be taken by signatories, including prohibiting the recruitment and use of children by armed forces or groups (IGAD, 2018). Stipulates that all civilian areas, including schools, shall be immediately demilitarized (IGAD, 2018).
Comprehensive Action Plan to End and Prevent All Grave Violations Against Children, 2020	<ul style="list-style-type: none"> Covers all grave violations committed against children,¹³⁶ including the recruitment or use of children and abduction of children (UN, 2020a).
National Gender Policy (2013–2018) (revised 2017)	<ul style="list-style-type: none"> Proposes new laws to tackle sexual and gender-based violence. Recognizes the challenges presented by high levels of sexual and gender-based violence, high levels of illiteracy among women, and pervasive patriarchal attitudes. Establishes ‘safe centres’ for psychosocial support, among other activities, to address child, early and forced marriage.
Action Plan on Women, Peace and Security (2015–2020)	<ul style="list-style-type: none"> Recognizes women and girls’ vulnerabilities to exploitation in the contexts of conflict and displacement, as well as to being “enslaved” and forcibly married. Recognizes the urgent need to ratify the UN TiP Protocol. References the need to analyse human rights violations against women, “such as high rates of... trafficking”. Calls for human trafficking to be integrated into revised curricula for each security institution, including the national army, the South Sudan National Police Service (SSNPS) and Prison Services. Calls for the enactment and enforcement of national laws to “eliminate... trafficking and slavery of women and children and child marriages”, including through the enactment of a TiP law.
Strategic National Action Plan to End Child Marriage (2017–2030)	<ul style="list-style-type: none"> Launched under the National Gender Policy (Oxfam, 2019), and aims to guide all child marriage stakeholders to work in a coordinated manner and to design, implement and monitor effective interventions to eradicate child marriage (ibid).

¹³⁵ Key informant interview, Ministry of Gender, Child and Social Welfare, Juba, 30 January 2020.

¹³⁶ 1) Killing and maiming of children; 2) recruitment or use of children; 3) rape and other forms of sexual violence against children; 4) attacks on schools or hospitals; 5) abduction of children; and 6) denial of humanitarian access to children.



COUNTER-TRAFFICKING RESPONSE

The following sections outline the existing arrangements for countering TiP. The 4P framework is used, which analyses the counter-TiP response with respect to the following:

1. **Prosecution (section 6.1):** identification, investigation and prosecution of TiP;
2. **Protection (section 6.2):** assistance to and protection of victims of TiP;
3. **Prevention (section 6.3):** measures to prevent TiP;
4. **Partnership (section 6.4):** measures to enable national coordination to address TiP and international cooperation on transnational TiP.

6.1 Prosecution

6.1.1 Overview

Although TiP occurs in many forms in South Sudan, no TiP prosecutions were made between 2016–2019 (U.S. Department of State, 2019),¹³⁷ with the last five prosecutions being made in 2015 (all against female offenders) (Ministry of Justice and Constitutional Affairs, n.d.). In addition, per the last available case management

statistics for the year 2017, no prosecutions were made for a range of TiP-related crimes, including forced labour,¹³⁸ forced recruitment into armed forces and groups, or child trafficking (Ministry of Justice and Constitutional Affairs, 2020).

On the other hand, the 2017 data show that investigations were carried out – with some convictions – for several offences of which some may have amounted to TiP, including 46–50 cases related to abduction for forced marriage and two cases of “detaining a person for the

purposes of engaging in unlawful sexual conduct” (see below tables). There were also between 25–71 recorded cases of kidnapping.

Table: investigations and convictions from 2015–2017

Offence	Year	Cases	Convictions
Trafficking in persons	2015	5	-
	2016	-	-
	2017	-	-
Kidnapping or abducting a woman to compel her to marriage	2015	-	-
	2016	93	18
	2017	46–50	5
Detaining a person for the purposes of engaging in unlawful sexual conduct	2015	-	-
	2016	-	-
	2017	2	2

¹³⁷ Based on the TiP-specific provisions of the legal framework (Article 282 of the Penal Code Act, 2008 and Article 120 of the Child Act, 2008).

¹³⁸ Key informant interview, Directorate of Public Prosecutions, Juba, 31 January 2020.

Offence	Year	Cases	Convictions
Enticing or detaining a married woman	2015	-	-
	2016	12	1
	2017	6	6
Marriage ceremony fraudulently gone through	2015	-	-
	2016	-	-
	2017	9	-
Kidnapping	2015	243	-
	2016	137	14
	2017	25-71	-

Source: Ministry of Justice and Constitutional Affairs.

Note: the dashes indicate fields for which data was not available.

Table: Kidnapping cases recorded from 2015–2017

Year	Number of recorded
2015	243
2016	151
2017	25–71

Source: Ministry of Justice and Constitutional Affairs.

Note: the dashes indicate fields for which data was not available.

6.1.2 Identification

Underreporting and absence of screening

TiP crimes are underreported due to the normalization of forms of TiP within certain cultural practices, public distrust of security and police services (Geneva Centre for the Control of Armed Forces, 2016), and the low level of awareness of TiP highlighted by this assessment.

Key informants revealed a low level of awareness of TiP among agencies in principle charged with intercepting TiP, including immigration, police and security services. Meanwhile, perpetrators of crimes like TiP are perceived as acting in impunity, due to the weak legal system, limited enforcement of formal laws (UNICEF, 2019b; Akuni, 2014), the centrality of customary law,¹³⁹ and the implication of government officials in TiP crimes (NAC/NCM, 2019). Social stigma and fears of punitive law enforcement actions further discouraged victims – including sex trafficking victims – from reporting crimes (U.S. Department of State, 2019).

At the same time, law enforcement agencies appear not to screen for TiP victims when encountering criminality. Those entering South Sudan irregularly, even groups of women and children, are generally refused entry without further action (with 1942 refusals of entry at the Nimule border in 2019).¹⁴⁰ DCRNPI irregular entry incident reports in some instances claim migrants were “smuggling themselves”,¹⁴¹ while staff frequently describe cases of smuggling but refer to them as “trafficking”, indicating a widespread conflation of TiP and migrant smuggling.

On the other hand, special protection units have been set up at police stations in some localities, including in Nimule, whose unit has four dedicated officers.¹⁴² These units are designed to be safe spaces for women and children to report crimes. There are, however, few female police, which may further contribute to the reticence to report TiP.¹⁴³

¹³⁹ Key informant interview, County Office, Nimule, 17 January 2020.

¹⁴⁰ Key informant interview, Directorate for Civil Registry, Nationality, Passports, and Immigration, Nimule, 16 January 2020.

¹⁴¹ Key informant interview, Directorate for Civil Registry, Nationality, Passports, and Immigration, Nimule, 16 January 2020.

¹⁴² Key informant interview, Criminal Investigation Department, Nimule, 17 January 2020.

¹⁴³ Key informant interview, anonymous national civil society organization, Nimule, 17 January 2020.

Limited labour inspections capacities

The Ministry of Labour, Public Service and Human Resource Development’s (MOLPSHRD) labour inspectorate carries out labour inspections. However, it has limited resources (its budget in 2017 was USD 32,000 (U.S. Department of Labor, 2019)), with 13 national-level inspectors and a further three to four inspectors per state.^{144 145}

The labour inspectors only inspect workplaces from the formal economy, such as financial institutions and non-governmental organizations.¹⁴⁶ In 2018, they uncovered just 18 violations (up from zero in 2017) during one inspection (with no penalties imposed), despite

widespread reports of child labour across the country (U.S. Department of Labor, 2019). Furthermore, the inspection questionnaire used by labour inspectors contains few questions that enable the screening for victims of labour exploitation, with the exception of a small number of basic questions on child employees (MOLPSHRD, n.d.).

In addition, although complaints about labour violations, including forced or child labour, can be made to the MOLPSHRD, the ministry has never dealt with such complaints.¹⁴⁷

6.1.3 Investigations

Graphic: the chain of prosecution issues



Lack of investigation and criminalization of potential victims

In addition to the absence of systematic and informed screening processes, law enforcement agents often fail to open investigations into crimes like TiP, fail to conduct

proactive investigations into organized crime, and detain populations which may include victims of trafficking.

“Three Somali women and one infant were found in a truck in Nimule, after having been smuggled across the border. The NAC/NCM advised the minister to deport them back to Uganda.” – DCRNPI officer.¹⁴⁸

In some cases of potential TiP, law enforcement agencies, including the Criminal Investigation Department (CID) and the National Security Service (NSS), often do not open investigations and, when they do, the investigations are not directed by prosecutors who by law are mandated to direct investigations.¹⁴⁹ In many cases, law enforcement agents do not investigate crimes when

there is no complainant¹⁵⁰ – in contradiction with the Code of Criminal Procedure Act (2008). The DCRNPI also appears not to investigate crimes involving foreign nationals, despite having police powers and a dedicated Crime Control and Legal Department, preferring to deport foreign-national offenders at the earliest instance.¹⁵¹

¹⁴⁴ Key informant interview, Ministry of Labour, Public Service and Human Resource Development, Juba, 24 January 2020.

¹⁴⁵ It is understood that not all state labour inspectorates are operational.

¹⁴⁶ Key informant interview, Ministry of Labour, Public Service and Human Resource Development, Juba, 24 January 2020.

¹⁴⁷ Key informant interview, Ministry of Labour, Public Service and Human Resource Development, Juba, 24 January 2020.

¹⁴⁸ Key informant interview, Directorate for Civil Registry, Nationality, Passports, and Immigration, Juba, 24 January 2020.

¹⁴⁹ Key informant interview, Directorate of Public Prosecutions, Juba, 31 January 2020.

¹⁵⁰ Key informant interview, Criminal Investigation Department, Nimule, 17 January 2020; key informant interview, Directorate of Public Prosecutions, Juba, 31 January 2020.

¹⁵¹ Key informant interview, Directorate for Civil Registry, Nationality, Passports, and Immigration, Juba, 31 January 2020; key informant interview, Directorate for Civil Registry, Nationality, Passports, and Immigration, Juba, 24 January 2020.

“What we discovered lately is that most of the cases involving persons considered as traffickers are not brought to the notice of the public prosecutors.” Director of Public Prosecutions.

In addition, there were few examples of investigations being initiated into organized criminal networks which may be perpetrating TiP. There appeared to be greater willingness to address lower level crimes more directly. For instance, the law enforcement response to addressing sex work at a notorious marketplace in Nimule was to demolish the premises,¹⁵² while as stated in Section 3.3.2, Juba authorities have previously detained groups of sex workers¹⁵³ – without screened potential TiP victims or gathering intelligence on criminal networks (ibid). Police are also understood to arrest children engaged in commercial sexual exploitation (U.S. Department of Labor, 2019).

Finally, the NSS appear to investigate a wide range of crimes, including potential TiP, without the direction or

knowledge of the Directorate of Public Prosecutions (DPP).¹⁵⁴ A case reviewed by IOM saw the arrest and deportation of smuggled migrants, including potential TiP victims from Somalia and Kenya, by the NSS. Some cases were investigated but smugglers were deported without being tried for their offences.

Corruption and official complicity in trafficking crimes have impeded law enforcement action on TiP (U.S. Department of State, 2019). Traffickers are known to collude with law enforcement officials to thwart investigations (Expertise France, 2017). Security officers are also alleged to run some of the safe houses in Juba in which migrants are detained.¹⁵⁵

“People had come from Somalia, including children and women. I asked a security agent, ‘who are these people and where are they going?’. He replied, ‘These are my people’.” – Workshop participant.¹⁵⁶

Failure to investigate trafficking crimes perpetrated by armed forces and groups

Although both the 2017 Agreement on the Cessation of Hostilities and the August 2013 Punitive Order commit the national armed forces, the South Sudan People’s Defense Forces (SSPDF), to hold its officers accountable for the recruitment or use of children, the Government has neither investigated nor prosecuted officers who allegedly committed such crimes (U.S. Department of Labor, 2019).

committed in the conflict. Further, in the 2018 case, justice was discharged by a military court, which lacks the jurisdiction to try cases of crimes against civilians (Amnesty International, 2019). On the other hand, it has been reported that the SSPDF’s Directorate of Child Protection has reportedly made some efforts to identify perpetrators and refer cases to civilian courts (U.S. Department of State, 2019).

Aside from one case in 2018 heard by a military court,¹⁵⁷ there have been no other prosecutions for crimes

Box: Counter-trafficking training

While the Government has not reported any recent efforts to train officials on trafficking crimes and existing legal provisions (U.S. Department of State, 2019), several related activities were identified:

- In 2016, a manual and training module covering human trafficking were developed for customs and border officials (U.S. Department of State, 2017), while more than 20 immigration officials participated in an anti-trafficking train-the-trainer programme in the United Republic of Tanzania.
- In 2018, the UNODC delivered a workshop for prosecutors on identifying and investigating TiP (U.S. Department of Labor, 2019); the Ugandan Government reportedly provided training on TiP victim identification to 25 South Sudanese immigration officials (U.S. Department of State, 2019); and 1,200 SSPDF child protection focal points were trained to respond to victims of abuse or exploitation (U.S. Department of Labor, 2019).

¹⁵² Key informant interview, National Security Service, Nimule, 17 January 2020.

¹⁵³ Key informant interview, anonymous national civil society organization, Juba, 6 February 2020.

¹⁵⁴ Key informant interview, Directorate of Public Prosecutions, Juba, 31 January 2020.

¹⁵⁵ Focus group discussion, embassies of migrant origin countries, Juba, 29 January 2020.

¹⁵⁶ Workshop on trafficking in persons for members of the Technical Taskforce on Anti-Human Trafficking and Smuggling of Persons, Juba, 27 January 2020.

¹⁵⁷ In 2018, a military court convicted 10 government soldiers of killing a journalist and raping aid workers (Amnesty International, 2019).

- In 2019, IOM trained NAC/NCM members on trafficking in persons (IOM, 2019b). They also trained health and social workers in Juba and Yambio on care for TiP victims (ibid).
- On several occasions, UNMISS and UNDP have provided generalized training to local law enforcement and the judiciary at national and state levels (Geneva Centre for the Control of Armed Forces, 2016). UNDP has also worked with the Ministry of Justice and Constitutional Affairs to develop a manual on investigation and prosecution of gender-based violence cases, which contains guidance related to sex trafficking, forced prostitution, sexual slavery, forced marriage and forced prostitution (Government of South Sudan, 2019).

6.1.4 Sentencing and Court Proceedings

Low prosecutions based on statutory law

Per the Government’s case management data outlined above, few cases of TiP have been prosecuted. Furthermore, there is no evidence that charges of child trafficking, forced labour and other TiP-related provisions of the legal framework (see Section 5.1.3) have been brought against suspects.

It is, however, possible that some cases corresponding to the UN TIP definition may have been prosecuted as “kidnapping or abducting a woman to compel her to marriage” or “kidnapping” (see Section 6.1.1). Moreover,

in 2019, the marriage of a 16-year-old girl to a 28-year-old man was deemed illegal by a court in Kapoeta – the first such ruling of its kind (Toby, 2019).¹⁵⁸

Factors that constrain prosecutions may include a lack of criminal justice practitioners and judges knowledgeable of trafficking issues and laws (U.S. Department of State, 2019); limited resources to prosecute most crimes (ibid); and underdeveloped and partial judicial structures (Geneva Centre for the Control of Armed Forces, 2016).¹⁵⁹

Widespread use of customary law

The jurisdiction of customary courts, established under the Local Government Act (2009), is limited in law to “customary disputes”. In practice, however, customary courts hear a wide range of cases especially outside main urban centres (Expertise France, 2017), including potential TiP cases like forced marriage. In many regions, customary courts may be the only available mechanism for dispute resolution and many litigants prefer them to statutory courts (Musila, 2018).^{160 161}

While customary law plays a vital role in South Sudan’s criminal justice framework (Musila, 2018),¹⁶² there are significant shortcomings in its use to discharge justice for victims of TiP. First, most accounts underline customary

courts’ focus on mediation and dispute resolution (Leonardi, 2019). While such approaches may be suited to many community disputes, the absence of a clear victim-centred approach, including with protections and compensation for the victim, frequently make them unsuitable for prosecuting TiP. In many customary court cases discussed in the framework of this assessment, judgements appear regressive from a human rights and gender equality standpoint,¹⁶³ favour solutions that maintain the status quo,¹⁶⁴ and determine compensation to be paid to the family of the victim instead of the victim themselves.

¹⁵⁸ The girl’s father, uncle and groom were each sentenced to three years in prison after arranging the marriage (Toby, 2019).

¹⁵⁹ In response to the lack of formal court infrastructure, UNDP has worked with the Ministry of Justice and Constitutional Affairs and the Ministry of Gender, Child and Social Welfare to implement a mobile court system, covering nine areas and overseeing 273 cases in 2018 (UNDP, 2019a), including cases of gender-based violence (some of which may have amounted to TiP).

¹⁶⁰ Key informant interview, Directorate of Public Prosecutions, Juba, 31 January 2020.

¹⁶¹ The Transitional Constitution recognizes customary law, while the Penal Code explicitly provides for customary law to be used to judge cases of forced marriage (see Section 5.1.3).

¹⁶² Key informant interview, United Nations Mission in South Sudan, Juba, 5 February 2020.

¹⁶³ For instance, victims of gender-based violence may be forced to marry the perpetrator (OHCHR, 2019b; Oxfam, 2019).

¹⁶⁴ Key informant interview, anonymous humanitarian organization, Juba, 5 February 2020.

Case study: Forced marriage in Nyal

A male member of staff at one national humanitarian organization in Nyal, Unity recounted an incident from 2016 in which a 14-year-old girl was going to be forced to marry an older man to become his second wife. The organization reported the case to the local authorities, but because it was seen as a family matter, nothing was done. Because of the conflict, raising cases like this to the national or state level was not possible. According to the staff member concerned, it was too dangerous and difficult to travel, and he considered many of the systems involved to be dysfunctional. The girl eventually married and quickly became pregnant. At 15, both she and her baby died during the birth.

Source: Oxfam, 2019.

6.2 Protection

6.2.1 Overview

The Government provides minimal protection and assistance directly to potential victims of TiP – with no TiP-adapted protection frameworks – although it does work with other organizations to demobilize and assist some children associated with armed forces or armed groups (U.S. Department of State, 2019), as well as deploying some social workers at the state level.¹⁶⁵ There is also no comprehensive child protection system (UNICEF, 2019a).

National and international humanitarian organizations provide some support to potential victims of TiP, in the framework of their gender-based violence and child protection interventions. As with government stakeholders, those assisting victims of exploitation have a relatively low level of awareness of TiP and the specific needs of victims of trafficking.

6.2.2 Detection and Identification of Victims

Lack of detection and identification of victims

As mentioned in Section 6.1.2, there are no procedures or processes to screen for victims of trafficking, which precludes much eventual provision of assistance – neither at border crossing points nor among security forces (U.S. Department of State, 2019). As such, those vulnerable to TiP may not access the protection required, or they may face punishment for crimes committed while being

trafficked. Although some instances were identified in which immigration authorities had attempted to reunite unaccompanied children with their families,¹⁶⁶ irregular migrants are in general intercepted by the DCRNPI and often detained until documentation, investigation and deportation processes are completed (IOM, n.d.).

6.2.3 Protection and Assistance for Demobilized Children Associated with Armed Forces or Armed Groups

Release of children associated with armed forces and groups

Despite not providing any specific protection services to TiP victims, the Government has been active in cooperating with other organizations to release and reintegrate children associated with armed forces and

groups. From 2013-2019, 3,677 children (12 per cent of which were girls) were released from armed forces and armed groups,¹⁶⁷ including 580 in 2019.¹⁶⁸

The NDDRC leads the disarmament, demobilization and reintegration (DDR) programme on the government side,¹⁶⁹ bringing together representatives from government forces and opposition groups to inspect cantonment sites and release children (see below DDR process).¹⁷⁰ The NDDRC works with UNMISS to negotiate releases with armed forces and groups

and conduct verifications, with UNICEF and other organizations supporting aspects relating to release, return and reintegration.¹⁷¹ In addition, the SSPDF and several armed groups have in place child protection focal points across its divisions and has worked with the UN to organize trainings on child protection and conduct screenings (UN, 2019).¹⁷²

Diagram: the DDR process



Source: NDDRC, 2020.¹⁷³

The Country Task Force on Monitoring and Reporting, co-chaired by UNICEF and the highest UN representative in-country, coordinates the Children and Armed Conflict Monitoring and Reporting Mechanism, regularly collecting information on the recruitment and use of children (UNICEF, 2019d). In 2019, the Country Task

Force formed a Joint Verification Committee, consisting of the SSPDF, the NDDRC, UNMISS, UNICEF and several opposition groups, with the mandate to visit all military bases across the country to screen and release children and conduct child protection awareness-raising (UNICEF, 2019d).

Lack of reintegration support

Humanitarian organizations support the reunification of released children with their families (UNICEF, 2019c). Following reunification, children receive three months' worth of food rations and other basic provisions (ibid). Released children may then receive follow-up visits by case managers and vocational training (ibid). Despite this,

several key informants pointed to the lack of reintegration and rehabilitation services as a key constraint in the DDR framework (U.S. Department of Labor, 2019; Lunn, 2018),¹⁷⁴ putting many children at risk of being re-trafficked.

6.2.4 Protection and Assistance to Other Victims

Limited government role in supporting victims

The Government plays a limited role in supporting victims of exploitation, with no activities specifically targeting TiP victims. The government did not have functioning national referral mechanisms, nor provide legal assistance or fund victim shelters. However, the Government did participate in the following protection activities:

i. Victim support centres: the Ministry of Gender, Child, and Social Welfare ran a transition centre in Yambio with support from an international organization, which provided interim care and support to children and mothers formerly associated with violent extremist

organizations, including potential trafficking victims (U.S. Department of State, 2019; U.S. Department of Labor, 2019).

The Ministry of Gender, Child and Social Welfare also worked with the Ministry of Health and international partners to set up “one-stop shops”, providing integrated medical, psychological, and legal support services for all survivors of gender-based violence,¹⁷⁶ which may include TiP victims. From 2017-2019, the centre in Juba, the Family Protection Centre, assisted more than 900 survivors.¹⁷⁴ There are reportedly now five one-stop centres in major state capitals, with several more planned.¹⁷⁷

¹⁶⁵ Key informant interview, Ministry of Gender, Child and Social Welfare, Juba, 30 January 2020.

¹⁶⁶ Key informant interview, Directorate for Civil Registry, Nationality, Passports, and Immigration, Nimule, 16 January 2020.

¹⁶⁷ Data provided by UNICEF on 3 February 2020.

¹⁶⁸ Key informant interview, National Disarmament, Demobilization and Reintegration Commission, Juba, 30 January 2020.

¹⁶⁹ Key informant interview, National Disarmament, Demobilization and Reintegration Commission, Juba, 30 January 2020.

¹⁷⁰ Key informant interview, National Disarmament, Demobilization and Reintegration Commission, Juba, 30 January 2020.

¹⁷¹ Key informant interview, National Disarmament, Demobilization and Reintegration Commission, Juba, 30 January 2020.

¹⁷² Key informant interview, United Nations Children's Fund, Juba, 1 February 2020.

¹⁷³ Key informant interview, National Disarmament, Demobilization and Reintegration Commission, Juba, 30 January 2020.

¹⁷⁴ Key informant interview, National Disarmament, Demobilization and Reintegration Commission, Juba, 30 January 2020; key informant interview, United Nations Children's Fund, Juba, 1 February 2020.

¹⁷⁵ Key informant interview, U.S. Foreign Disaster Assistance, Juba, 4 February 2020; key informant interview, Ministry of Gender, Child and Social Welfare, Juba, 30 January 2020.

¹⁷⁶ Key informant interview, U.S. Foreign Disaster Assistance, Juba, 4 February 2020

¹⁷⁷ Key informant interview, Ministry of Gender, Child and Social Welfare, Juba, 30 January 2020.

ii. State-level social workers: state-level ministries of gender deployed social workers to support victims and survivors of exploitation, including potential victims of trafficking, through counselling and visits to prisons.¹⁷⁸ However, their protection role is understood to be limited to basic and occasional counselling due to lack of public resources.¹⁷⁹

iii. Gender-based violence Standard Operating Procedures: the Ministry of Gender, Child and Social Welfare (2017a) worked with UNFPA to develop an “SOP for the prevention, protection and response to gender-based violence”. The SOP outlines a reporting and referral mechanism (ibid.). However, no organizations providing assistance at the field level were aware of the SOP.

Humanitarian organizations providing most direct support to victims

In the absence of government-provided protection services, humanitarian organizations directly support victims and survivors of exploitation, including potential TiP victims.

At the national level, the Protection Cluster coordinates the main humanitarian organizations providing protection, as part of the “Cluster Approach” to humanitarian response.¹⁸² In 2019, the Global Protection Cluster’s Anti-TiP Task Team trained the Protection Cluster on integrating TiP into protection work,¹⁸³ although the Protection Cluster is still at the early stages of this process.

Within the Protection Cluster, sub-clusters for gender-based violence and child protection provide further strategic and coordination platforms for humanitarian organizations.^{184 185} These two sub-clusters also collect and harmonize case management data through their information management systems: the Gender-Based Violence Information Management System (GBV-IMS) harmonizes data on all forms of gender-based violence,

iv. County-level social affairs staff: many county governments have personnel responsible for social affairs and health who may work with local protection actors to nominally coordinate referrals.¹⁸⁰

v. Chiefs’ provision of shelter: in some localities, chiefs may provide shelter to victims of exploitation, including potential TiP victims,¹⁸¹ although the extent and availability of these arrangements across the country could not be verified. The shelter provided consists of accommodation at the Chief’s house or in the home of another individual requested by the chief to do so.

including forced marriage (UNDP, 2019b). Protection Cluster members also conduct regular protection monitoring through interviews and focus group discussions.

At the local level, protection services available to potential victims of trafficking depend on the humanitarian organizations present in the locality. In Nimule, a local protection network was present, which was comprised of the organizations present, which regularly consulted the County Commissioner and local chiefs.¹⁸⁶ The organizations frequently changed due to the short-term nature of their funding. The organizations meet around once per month to discuss common issues.¹⁸⁷ They have also developed local child protection and gender-based violence referral mechanisms (see Annex 7). Key informants revealed that referrals to the local protection cluster may be initiated by a range of actors, including law enforcement agencies and local chiefs.¹⁸⁸

Discussions with local protection providers and community representatives revealed that in many cases, protection is limited to basic medical assistance, counselling and provision of legal advice.¹⁸⁹ Furthermore, in Nimule and other localities, it is understood that victim

Limited assistance provided to foreign potential victims

When irregular migrants, including those vulnerable to TiP, such as unaccompanied minors and women, are routinely detained as “illegal aliens”,¹⁹³ As detention facilities have limited capacity, immigration authorities generally work with the diplomatic missions of the

Lack of adapted protection for victims of trafficking

Response frameworks focus on addressing child protection issues and the needs of survivors of gender-based violence. No TiP-adapted assistance was identified by this assessment and services are generally targeted at women and child victims. As forced marriage is considered a form of gender-based violence, its victims can access gender-based violence protection services. Other victims of trafficking also likely access protection services if they are simultaneously victims of gender-based violence or child abuse.¹⁹⁵ While there are reportedly no institutional barriers to male victims of exploitation from accessing services,¹⁹⁶ no key informants could point to cases in which protection services were provided to adult male victims of TiP, such as victims of forced labour or sexual exploitation.

No guidelines, processes or prior training appear to be in place that may guide protection providers on the specific protection needs of victims of trafficking, which may lead to victims of trafficking receiving inadequate assistance.

shelters are generally unavailable,¹⁹⁰ with local chiefs often providing shelter to victims by accommodating them in their homes.¹⁹¹ Given that South Sudan’s population is 83 per cent rural, many people reside in localities with even fewer services.¹⁹²

irregular migrants’ country of origin to arrange bail and repatriation at the earliest instance (ibid.). There is little evidence that potential foreign victims of trafficking are provided with any assistance or that existing referral pathways are used by immigration authorities.¹⁹⁴

For instance, given the limited public resources for protection, dependence on humanitarian assistance, and the low level of awareness of TiP, among other factors, protection responses focus on returning victims to their families.¹⁹⁷ This may not provide adequate protection to victims of trafficking, as they may be returned to the situation which rendered them vulnerable to being trafficked initially – leading to the risk of being re-trafficked.¹⁹⁸

In addition, existing protection frameworks does not appear to provide victims of trafficking with adapted psychosocial support that takes into account the unique forms of trauma and abuse that TiP victims may have been subjected to. Finally, there appears to be little participation of immigration authorities in protection frameworks (one possible reason why irregular migrants who are potential TiP victims do not get assistance), which may be necessary to regularize the migratory status of a foreign TiP victim receiving assistance.

¹⁷⁸ Key informant interview, anonymous national civil society organization, Juba, 3 February 2020.

¹⁷⁹ The national-level Ministry of Gender, Child and Social Welfare was found to be largely unaware of the services provided by state-level ministries and has not disseminated any guidelines to ensure common practice.

¹⁸⁰ Key informant interview, County Office, Nimule, 17 January 2020.

¹⁸¹ Key informant interview, traditional authority, Nimule, 18 January 2020.

¹⁸² Clusters are groups of humanitarian organizations, both UN and non-UN, in each of the main sectors of humanitarian action, e.g. Camp Coordination and Camp Management, Protection, Shelter. Further information can be found by consulting the website of UN OCHA. Available at: www.humanitarianresponse.info/en/about-clusters/what-is-the-cluster-approach [Accessed 24 April 2020].

¹⁸³ As part of the two-day training, participants were presented with the definitions of TiP according to the UN TiP Protocol and programmatic approaches to address TiP in a humanitarian context. Special considerations were given to issues of safety and security, case management and the traditional 4P approach. Suggested approaches to integrating TiP into protection work that emerged from the training include: adapting case management to the needs of TiP victims; updating case intake forms to include TiP; analysing TiP through the Gender-Based Violence Information Management System; training staff and communities; establishing hotlines; and increasing sensitization and advocacy.

¹⁸⁴ Key informant interview, International Organization for Migration, Juba, 28 January 2020.

¹⁸⁵ Various working groups, task teams and technical reference groups address other sub-topics at the national and state levels, such as the health and prevention aspects of gender-based violence.

¹⁸⁶ Key informant interview, anonymous national civil society organization, Nimule, 17 January 2020.

¹⁸⁷ Key informant interview, anonymous national civil society organization, Nimule, 17 January 2020.

¹⁸⁸ Key informant interview, traditional authority, Nimule, 18 January 2020.

¹⁸⁹ Key informant interview, County Office, Nimule, 17 January 2020.

¹⁹⁰ Key informant interview, anonymous humanitarian organization, Juba, 5 February 2020; key informant interview, International Organization for Migration, Juba, 28 January 2020.

¹⁹¹ Key informant interview, traditional authority, Nimule, 18 January 2020.

¹⁹² Key informant interview, International Organization for Migration, Juba, 28 January 2020; Key informant interview, anonymous national civil society organization, Nimule, 17 January 2020.

¹⁹³ Key informant interview, Directorate for Civil Registry, Nationality, Passports, and Immigration, Juba, 31 January 2020.

¹⁹⁴ Key informant interview, Dialogue and Research Initiative, Juba, 3 February 2020.

¹⁹⁵ Key informant interview, International Organization for Migration, Juba, 28 January 2020.

¹⁹⁶ Key informant interview, anonymous national civil society organization, Nimule, 20 January 2020.

¹⁹⁷ Key informant interview, United Nations Mission in South Sudan, Juba, 6 February 2020.

¹⁹⁸ Key informant interview, United Nations Mission in South Sudan, Juba, 6 February 2020.

6.3 Prevention

6.3.1 Overview

Aside from awareness-raising activities implemented by IOM,¹⁹⁹ no activities that specifically aim to prevent TiP were identified by this assessment. The Government does not have in place a national strategy or action plan to combat trafficking and trafficking awareness remains low among the Government and the general public (U.S. Department of State, 2019).

However, the Government and other stakeholders have implemented programmes which aim to prevent certain

forms of TiP, including awareness-raising in relation to gender-based violence and children associated with armed forces or armed groups. Moreover, the country passed the Civil Registry Act (2018), which aims to enhance the verification of age and promote marriage registration. This could help prevent some forms of TiP, including forced recruitment of children and forced marriage.

6.3.2 Forced Recruitment by Armed Forces or Groups

Administrative measures to prevent child recruitment

The Government has in place military enlistment procedures that require an age assessment to prevent the future recruitment of children (U.S. Department of State, 2017). However, many South Sudanese lack birth certificates – with an estimated 65 per cent of births going undocumented (UNICEF, 2018). Meanwhile,

military enlistment procedures have been challenged by low levels of command and control among SSPDF units and continued conflict (U.S. Department of State, 2019). In 2018, the Government signed the Civil Registry Act into law, which could facilitate age verification and prevent child recruitment (ibid.).

Child recruitment awareness-raising

In addition, the NDDRC has worked with UNMISS and UNICEF to sensitize military forces and groups about child recruitment, including through radio broadcasts and direct outreach.²⁰⁰ They also visit cantonment sites and brigades (ibid.). Furthermore, the Dallaire Initiative aims to train 1,200 South Sudanese soldiers, police, and prison personnel to combat the use of children in armed conflict

through behavioural change (U.S. Department of Labor, 2019), while the U.S. has funded education programmes to support children at risk of being recruited into armed forces (ibid.). The Country Task Force on Monitoring and Reporting has also carried out advocacy campaigns and training of the parties to the conflict (UNICEF, 2019d).

6.3.3 Gender-Based Violence, Including Forced Marriage

Awareness-raising about gender-based violence, including early and forced marriage

The Ministry of Gender, Child and Social Welfare, supported by international partners, participates in the global campaign, the 16 Days of Activism Against Gender-Based Violence (UN Peacekeeping, 2019). The campaign involves raising awareness through conferences, radio interviews and other events, with a different theme every year.²⁰¹ While the campaign does not address TiP specifically, it has promoted discussion about early and forced marriage (Internews, 2020) – both a form of TiP and gender-based violence. Furthermore, the Ministry of Gender, Child and Social Welfare has said that it also

carries out awareness-raising activities on early marriage involving other government departments and traditional authorities.²⁰²

In addition, the Civil Registry Act (2018) aims to enhance birth and marriage registration, which could help prevent early and forced marriages, as assessing the age of brides and use of marriage certificates were noted by some key informants as two challenges in preventing early marriages.²⁰³

¹⁹⁹ On International Migrants Day (18 December) in 2018, IOM and the UN Association in South Sudan held a discussion forum on the theme of migration with dignity. The aim of the event was to raise awareness, particularly with local civil society organizations in Juba, on TiP and smuggling of migrants in conflict, post-conflict, natural hazards and other crisis settings (IOM, 2018b).

²⁰⁰ Key informant interview, National Disarmament, Demobilization and Reintegration Commission, Juba, 30 January 2020.

²⁰¹ Key informant interview, Ministry of Gender, Child and Social Welfare, Juba, 30 January 2020.

²⁰² Key informant interview, Ministry of Gender, Child and Social Welfare, Juba, 30 January 2020.

²⁰³ Key informant interview, traditional authority, Nimule, 18 January 2020.

6.3.4 Labour exploitation

Awareness-raising about child labour

According to the MOLPSHRD, labour inspectors raise awareness about child labour, advising companies not to recruit children.²⁰⁴ Moreover, on World Day Against

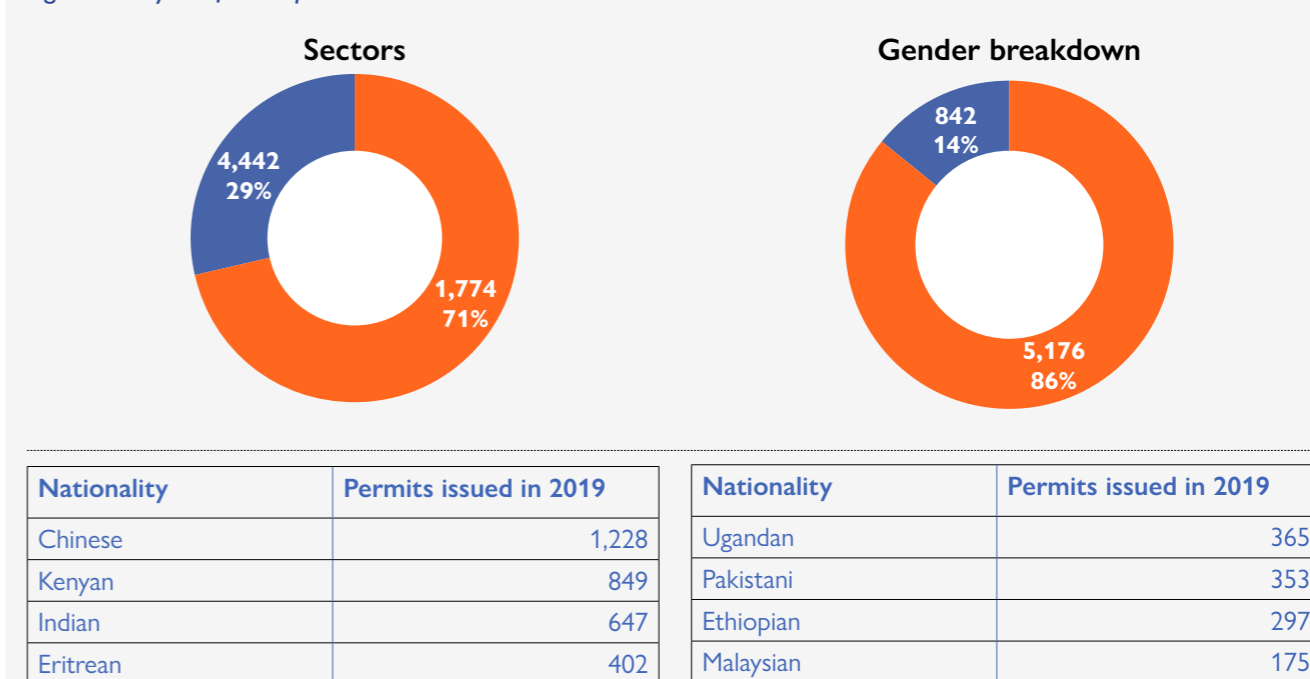
Child Labour (12 June), senior MOLPSHRD officials raise awareness about child labour by appearing on radio shows (ibid.).

Work permit arrangements

In addition, the MOLPSHRD issues work permits to migrant workers (see Annex 9)²⁰⁵ - with 6,018 permits issued in 2019 – which could potentially enable the Government to identify sectors and regions vulnerable to labour trafficking.²⁰⁶ Given the significant discrepancy between the list of permits issued by nationality (see below) and other data on the main migrant countries of origin, it seems likely that uptake has been limited

to skilled migrant workers from larger companies or international non-governmental organizations. Many migrant workers – including those most vulnerable to TiP – likely do not hold valid work permits. Moreover, the MOLPSHRD indicated that some state-level labour offices have also issued work permits, which could create confusion among permit applicants, further limiting uptake.²⁰⁷

Figure: Analysis of work permit data



Source: MOLPSHRD, 2020.

Finally, while the Labour Act (2017) states that every South Sudanese “willing to work abroad shall register with the Office of the Labour Commissioner at the

national level”, no such registration appears to take place.²⁰⁸

²⁰⁴ Key informant interview, Ministry of Labour, Public Service and Human Resource Development, Juba, 24 January 2020.

²⁰⁵ According to the MOLPSHRD, work permit arrangements are regularly discussed at work permit coordination meetings, chaired by the labour minister and bringing together representatives of the Ministry of Interior, Ministry of Foreign Affairs and International Cooperation, the Ministry of Justice and Constitutional Affairs, and the Ministry of Humanitarian Affairs and Disaster Management.

²⁰⁶ Key informant interview, Ministry of Labour, Public Service and Human Resource Development, Juba, 24 January 2020.

²⁰⁷ Key informant interview, Ministry of Labour, Public Service and Human Resource Development, Juba, 24 January 2020.

²⁰⁸ The Ministry of Foreign Affairs and International Cooperation stated that all South Sudanese nationals must obtain written permission from them in order to travel for tourism or work purposes. However, this appears not to happen in practice, as the ministry did not receive any requests for permission from South Sudanese labour migrants in 2019.

6.4 Partnership

6.4.1 Overview

Across Government, the NAC/NCM serves as the principal interministerial platform to coordinate migration policy (NAC/NCM, 2019) – under which the Technical Taskforce on Anti-Human Trafficking and Smuggling of Persons has been established. Moreover, several departments intervening on law enforcement and migration management – the DCRNPI, Border Police, and the CID (including the National Central Bureau (NCB)/ International Criminal Police Organization (INTERPOL) – all form part of the SSNPS, reporting to the same Inspector General of Police, providing an opportunity for strong internal coordination to counter TiP.

6.4.2 Internal Coordination

NAC/NCM and the Technical Taskforce as principal coordination platforms

The NAC/NCM serves as the principal interministerial platform to coordinate the actions of the more than 20 government institutions with mandates related to aspects of migration (NAC/NCM, 2019). As outlined in Section 5.2, the Technical Taskforce on Anti-Human Trafficking and Smuggling of Persons was established by a ministerial order in December 2019, with the objective to accede to the UN TiP Protocol and the corresponding protocol on the smuggling of migrants. While at the time of writing the Technical Taskforce was in the process of developing its terms of reference, it is expected to serve as the main platform to determine and coordinate the country's counter-TiP arrangements.

Both the institutional context of the Technical Taskforce (membership of the NAC/NCM) and its composition indicate that the Technical Taskforce is focused on

Informal collaboration and information sharing at the operational level

Collaboration and information sharing between immigration and security services takes place on an ad hoc basis, with no formal mechanisms for collecting, analysing, or sharing information on TiP (Expertise France, 2017).

At the southern border in Nimule, there is in place an Integrated Border Management Committee, which

On potential cases of transnational TiP, South Sudanese authorities cooperate with the embassies of victims or suspects to initiate deportations or repatriations. Moreover, South Sudan participates in EAC and INTERPOL police cooperation mechanisms, and has concluded agreements with Sudan, Uganda and Rwanda to facilitate cooperation on border management and law enforcement.

transnational TiP issues. For example, forced recruitment into armed forces and groups – one of the most prevalent forms of TiP identified in this assessment – is addressed through the NDDRC, which has not yet been co-opted by the Technical Taskforce.

In addition, other national inter-ministerial taskforces have been established to supervise various TiP-related policies, including a National Taskforce to End Child Marriage (Girls Not Brides, n.d.), and a National Taskforce on Gender-Based Violence.²⁰⁹ The National Taskforce to End Child Marriage, established in 2017 by the Ministry of Gender, Child and Social Welfare, led the development of the Strategic National Action Plan to End Child Marriage (OHCHR, 2017).

involves regular meetings to coordinate authorities at the border.²¹⁰ On a day-to-day basis, collaboration is largely informal, with authorities communicating by mobile phone when collaborating on cases of irregular migration or other crimes.²¹¹ Moreover, law enforcement agencies conduct some intelligence gathering and border and road patrols jointly (Expertise France, 2017).

When instances of immigration crime are detected, they are referred to the DCNRPI Crime Control and Legal Department to direct the investigation, although few examples could be identified of investigations into potential TiP taking place and the department's Juba personnel showed limited awareness of investigations taking place at the field level.²¹² When immigration

Unclear division of responsibilities between law enforcement agencies

The division of responsibilities between law enforcement agencies appears unclear, with different SSNPS and NSS departments all intervening on potential TiP cases.²¹⁴ The armed forces have also been known to carry out duties nominally under the purview of the police (Expertise France, 2017).²¹⁵ The NSS in particular appears to intervene on the basis of their own determination of the link between a case and national security – often the case when Somali migrants are involved, due to perceived links with terrorist groups. The NSS also has broad powers to arrest, detain and monitor people (Human Rights Watch, 2014), and collect information (Expertise France,

Lack of coordination on child labour violations

Although the Child Act (2008) states that alleged child labour violations (such as those which may amount to child trafficking) may be reported to the MOLPSHR, this does not appear to have occurred in recent years (U.S. Department of Labor, 2019). Moreover, while

Disparate data collection processes undertaken

Collection of crime statistics, including those relating to potential TiP cases, is patchy and not systematized (Expertise France, 2017). Indeed, there was a lack of overall national-level data collection and where such data does exist – i.e. the case management data – there appear to be discrepancies between the data provided by different states. The following government data collection processes were identified:

i. Crime statistics: the CID in Nimule compiles monthly crime statistics (see Annex 8). Some key informants also mentioned that the CID compiles quarterly crime statistics at the national level.^{218 219}

authorities intercept cases of potential non-immigration crime, they make referrals to other law enforcement agencies, like the NSS and CID (ibid.). To that end, SSNPS departments second attachés to each other, with CID and NSS attachés seconded to the DCRNPI.²¹³

2017). Some stakeholders who encounter potential TiP practices may report them to the NSS based on their own personal connections or a perception that they have more power to act.²¹⁶

In addition, several informants noted that CID officers regularly visited workplaces with large numbers of migrant workers, issuing sanctions for any irregularities.²¹⁷ These activities appear to overlap with the respective mandates of the MOLPSHR and DCRNPI to enforce labour and immigration laws.

reciprocal referral mechanisms exist between labour authorities and social services outlined in the Child Act (U.S. Department of Labor, 2019), there are no reciprocal referral mechanisms in place between criminal authorities and social services (ibid.).

ii. Case management data: the Ministry of Justice and Constitutional Affairs compiles annual case management data on investigations and prosecutions. The most recently published report is for 2017.

iii. Immigration data: the DCRNPI collects information on entries and exits by nationality at several border crossing points, as well as data on deportations, repatriations and refusals of entry (see Annex 10). It reportedly also produces annual reports.^{220 221}

iv. Work permits: the MOLPSHR collects data on work permits issued (see Annex 9).

²¹² Key informant interview, Directorate for Civil Registry, Nationality, Passports, and Immigration, Juba, 31 January 2020.

²¹³ Key informant interview, Directorate for Civil Registry, Nationality, Passports, and Immigration, Juba, 31 January 2020.

²¹⁴ Workshop on trafficking in persons for members of the Technical Taskforce on Anti-Human Trafficking and Smuggling of Persons, Juba, 27 January 2020.

²¹⁵ Focus group discussion, embassies of migrant origin countries, Juba, 29 January 2020; focus group discussion, migrant associations, Juba, 29 January 2020.

²¹⁶ Focus group discussion, embassies of migrant origin countries, Juba, 29 January 2020; focus group discussion, migrant associations, Juba, 29 January 2020.

²¹⁷ Focus group discussion, embassies of migrant origin countries, Juba, 29 January 2020; focus group discussion, migrant associations, Juba, 29 January 2020.

²¹⁸ Key informant interview, National Central Bureau, Juba, 5 February 2020.

²¹⁹ The only statistics that could be obtained by this assessment were the September–December 2012 statistics. More up-to-date statistics were requested from the CID but had not been provided to IOM at the time of writing.

²²⁰ Key informant interview, Directorate for Civil Registry, Nationality, Passports, and Immigration, Juba, 31 January 2020.

²²¹ The reports were requested from the DCRNPI as part of this assessment but had not been provided to IOM at the time of writing.

²⁰⁹ Key informant interview, Ministry of Gender, Child and Social Welfare, Juba, 30 January 2020.

²¹⁰ Key informant interview, National Security Service, Nimule, 17 January 2020.

²¹¹ Key informant interview, Directorate for Civil Registry, Nationality, Passports, and Immigration, Nimule, 16 January 2020.

6.4.3 International cooperation

Cooperation with embassies and migrant associations to deport or repatriate migrants implicated in potential cross-border trafficking

When law enforcement agencies intercept a case of immigration or other crime involving a foreign national, including potential TiP cases, they work with embassies and migrant associations to arrange for bail and deportation or repatriation.^{222 223}

In several potential TiP cases discussed with key informants, migrants escaping exploitation either managed to contact their embassy, or law enforcement agencies had intercepted and detained the migrants, before contacting

their embassies and migrant associations.²²⁴ In such cases, embassies may issue travel documents and provide consular assistance, while migrant associations may help finance the bail and repatriation.²²⁵ It was noted, however, that the police sometimes refuses to grant diplomatic staff access to detained migrants (ibid.). There was also limited evidence of authorities investigating the crimes or cooperating with counterparts in other countries to conduct investigations.

“In 2019, a Kenyan-Somali woman came to Juba on the promise of a job. When she arrived, she realized she was being sold off to a Somali man, who confiscated her travel document. So she escaped and ran to the Kenyan Embassy. The Embassy facilitated her return to Kenya and reported the case to the NSS, who did not investigate further.” – anonymous

Formalized police cooperation with other countries

As stated in Section 5.1.2, South Sudan has not acceded to the IGAD conventions on mutual legal assistance and extradition. While the country concluded memorandums of understanding (MoU) covering deportation and mutual legal assistance with Uganda and Rwanda in 2012^{226 227} – important aspects of transnational TiP cooperation – it does not have agreements with other neighbouring countries covering deportation, repatriation, extradition or mutual legal assistance. The lack of formal agreements covering repatriation has been noted as one reason why child migrants have been detained without trial.²²⁸

In addition, South Sudan participates in EAC platforms on police cooperation which have previously discussed TiP.²²⁹ These include annual meetings of EAC police chiefs, twice-yearly meetings of CID and NCB heads, and other meetings of lower-level directors. Furthermore, South

Sudan participates in the Eastern Africa Police Chiefs Cooperation Organization (EAPCCO) – a multi-regional platform to support the fight against cross-border crimes, including TiP (INTERPOL, 2019). In January 2020, South Sudan participated in the Regional Ministerial Forum on Harmonising Labour Migration Policies in East and Horn of Africa, which further reaffirmed the region’s commitment to cooperating on intelligence gathering and sharing to prevent TiP.

Finally, several cases of migrant smuggling (which may have also amounted to TiP) were described in which INTERPOL alerts were raised with and received from Kenyan, Ugandan and Rwandan authorities, leading to the interception of irregular migrants.²³⁰

Case study: Suspected transnational child trafficking

It is alleged that in 2017, a 12/13 year-old Somali-Kenyan boy entered South Sudan at Nimule and transited through Juba after being deceived into migrating irregularly from Uganda. His parents reported the incident to authorities in Kenya, who used Interpol to raise an alert. The boy was then intercepted at a police checkpoint in Aweil when travelling in a fuel tanker. He had allegedly been under the control of a man who had been trying to extort money from the boy’s parents. The boy was taken back to Juba and authorities cooperated with Kenyan authorities via INTERPOL to arrange his repatriation. No one was prosecuted.

Source: NCB, 2020.²³¹

Operational cooperation on immigration and crime at the southern border

At the Nimule border, South Sudanese and Ugandan immigration and other law enforcement authorities interviewed stated that cross-border cooperation on immigration and criminal matters, while largely informal, is effective.²³² Nevertheless, there was no evidence of any joint investigations into potential TiP having been conducted.

In addition, South Sudan and Uganda in February 2020 opened a One Stop Border Post at the Nimule border (Ladu, 2020). The new border post sees Ugandan and South Sudanese border management services co-located in the same building, with joint committees foreseen – as mandated by a 2015 Ministerial Order for all land borders (European Commission, 2018) – to promote cooperation.²³³

²²² Focus group discussion, embassies of migrant origin countries, Juba, 29 January 2020; focus group discussion, migrant associations, Juba, 29 January 2020; key informant interview, Directorate for Civil Registry, Nationality, Passports, and Immigration, Juba, 31 January 2020.

²²³ According to the DCRNPI, deportation requires a court order or a decision to be taken by the Minister of Interior (on the advice of the NAC/NCM). In cases where authorities consider the migrant to be a victim – as opposed to a suspect – the migrant is repatriated and not deported.

²²⁴ Focus group discussion, embassies of migrant origin countries, Juba, 29 January 2020; focus group discussion, migrant associations, Juba, 29 January 2020; key informant interview, Directorate for Civil Registry, Nationality, Passports, and Immigration, Juba, 31 January 2020.

²²⁵ Focus group discussion, embassies of migrant origin countries, Juba, 29 January 2020; focus group discussion, migrant associations, Juba, 29 January 2020.

²²⁶ Key informant interview, National Central Bureau, Juba, 5 February 2020.

²²⁷ South Sudan has concluded an MoU with Sudan in 2019 to re-open border crossing points, and has in place an MoU with Kenya covering intelligence and information exchange (Takpiny, 2019).

²²⁸ Key informant interview, United Nations Children’s Fund, Juba, 1 February 2020.

²²⁹ Key informant interview, National Central Bureau, Juba, 5 February 2020.

²³⁰ Workshop on trafficking in persons for members of the Technical Taskforce on Anti-Human Trafficking and Smuggling of Persons, Juba, 27 January 2020.

²³¹ Key informant interview, National Central Bureau, Juba, 5 February 2020.

²³² Key informant interview, National Security Service, Nimule, 17 January 2020; key informant interview, Ugandan Directorate of Citizenship and Immigration Control, Elegu (Uganda), 20 January 2020.

²³³ Workshop on trafficking in persons for members of the Technical Taskforce on Anti-Human Trafficking and Smuggling of Persons, Juba, 27 January 2020.



RECOMMENDATIONS

Based on the findings of the previous chapters, the following sections outline: 1) strategic next steps for the Government of South Sudan; and 2) detailed recommendations for all stakeholders to enhance the different components of South Sudan's counter-trafficking response.

7.1 Strategic Next Steps

7.1.1 Strategic Step 1: Accede to the United Nations Convention Against Transnational Organized Crime and Related Protocols

South Sudan remains the only country in the region which has not acceded to the UNTOC and the related TiP Protocol. This contributes to the lack of awareness and widespread misinterpretations of TiP and the limited action to combat the phenomenon. It is thus essential that South Sudan immediately take steps to accede to the UNTOC and related protocols.

7.1.2 Strategic Step 2: Draft a Counter-TiP/SoM Strategy and Action Plan

To provide strategic direction, plan operational measures, designate resources, and monitor and evaluate progress towards countering TiP, the Technical Taskforce on Anti-Human Trafficking and Smuggling of Persons should elaborate a national strategy and action plan to counter TiP. Drawing from the evidence and recommendations produced by this assessment, the document should:

- Outline strategies and concrete actions to prevent and prosecute all forms of TiP, protect its victims, and enhance internal coordination and international cooperation mechanisms;
- Integrate existing policies of relevance to TiP, including the draft National Comprehensive Migration Policy and other policies outlined in Section 5.3;
- Consider the strategic (strategy) and operational (action plan) levels, designating objectives and specific actions;
- Identify stakeholders responsible for implementing various components of the strategy and action plan;
- Identify resources required for implementation;
- Determine how progress towards objectives is to be monitored and evaluated.

7.1.3 Strategic Step 3: Strengthen the National Legal Framework

To ensure compliance with the UN TiP Protocol, encourage all stakeholders to use the UN TiP definition (the sole internationally-agreed TiP definition), and lay the foundations for a comprehensive national counter-TiP response, the Government should bring the national legal framework into compliance with the UN TiP Protocol. This involves either amending existing legislation – notably the Penal Code, the Child Act, the Labour Act, and the Passport and Immigration Act – and/or introducing a dedicated TiP act. Amendments to the legal framework should address the issues outlined in Section 5.2, including:

- Using the UN TiP definition, including the three constituent elements and detailing different forms of exploitation;
- Criminalizing all forms of TiP, including internal and transnational forms;
- Designating penalties commensurate with those provided for other serious crimes.

Amendments to the legal framework should also consider including provisions that enable the prosecution and prevention of trafficking, the protection of TiP victims, and partnerships (internal coordination and international cooperation) to counter TiP, such as:

- Criminal provisions, including the non-liability of TiP victims, duty and liabilities of commercial carriers, and aggravating circumstances;

- Measures to protect TiP victims, including provisions for a national referral mechanism and other means to identify, protect, assist and compensate victims and witnesses;
- Measures to return or repatriate victims to their community or State of residence or origin.

7.2 Specific Recommendations

7.2.1 Prosecution

Recommendation 1: Build capacities of law enforcement agents and labour inspectors to screen for victims of trafficking

As outlined in Section 6.1.2, law enforcement agents, including police departments and border management staff and labour inspectors, do not screen for victims of trafficking.

these stakeholders – those who frequently encounter persons vulnerable to TiP – to screen for victims. More specifically, this could include the development of a quick victim screening tool for DCRNPI staff and Border Police.

Therefore, guidelines and procedures should be developed, along with training on their use, to enable

Recommendation 2: Train law enforcement agents, prosecutors and judges on investigation methods and victim care

As outlined in Section 6.1.3, law enforcement agents and prosecutors lack awareness of TiP and capacities to conduct investigations – in part due to the complexity of TiP investigations and the necessity to work with victims who may distrust authorities, as well as the gaps in the legal framework. Moreover, meaningful intelligence gathering on organized trafficking networks is an iterative process involving strong collaboration to gather intelligence and capacities to gather such intelligence need to be built over time.

as well as into capacity-building initiatives already being implemented by UN and other international partners, such as UNMISS training programmes for prosecutors and the police. Chiefs could also be trained on victim care for cases settled in customary courts, while judges can be trained to adjudicate TiP cases. A short set of guidelines on TiP could also be developed for use in the trainings, drawing from the experiences of UNDP in developing guidelines on gender-based violence for prosecutors.

Therefore, investigators and prosecutors can be trained to better identify indicators of TiP, conduct proactive investigations, gather and process intelligence, and better care for victims. Ideally, these aspects should be integrated into officers' existing foundational training,

Capacity-building activities should utilize training methods that encourage active participation and situational application, such as ongoing mentoring, as opposed to more passive methods, such as one-off classroom-style workshops.

Recommendation 3: Enforce the Labour Act and build the capacities of labour inspectors to identify trafficking in persons offences

As outlined in Section 6.1.2, the MOLPSHR deploys relatively few labour inspectors. Labour inspectors also only conduct visits to formal workplaces and use questionnaires which do not enable inspectors to identify labour trafficking. Other agencies also rarely refer labour

exploitation cases to the MOLPSHRD. Furthermore, employment contracts are often not enforced and the Commission for Conciliation, Mediation and Arbitration and the Labour Court, which are foreseen in the Labour Act, have not been established.

It is therefore recommended to fully implement the Labour Act by establishing the Commission for Conciliation, Mediation and Arbitration and the Labour Court. It is further recommended to expand the scope of labour inspections to cover workplaces in which

exploitative TiP-like practices occur most frequently, such as artisanal gold mines, marketplaces, and hotels. It is further recommended to integrate indicators of TiP into labour inspection questionnaires and to develop clear referral processes for victims of labour exploitation.

7.2.2 Protection

Recommendation 4: Adapt assistance to the specific needs of trafficking victims

As outlined in Section 6.2, the assistance generally available to victims of trafficking is basic medical assistance, counselling, and legal advice provided by humanitarian organizations who also do not screen for trafficking. Assistance providers generally do not identify TiP nor provide assistance adapted to the specific needs of TiP victims.

Therefore, it is critical to mainstream TiP into existing protection responses (provided by humanitarian protection actors of the Government) at all levels – from strategic frameworks to guidelines on protection and case management. This should begin with the elaboration of a TiP strategy paper targeted at the Protection Cluster. The paper should outline the key TiP issues highlighted by this assessment and articulate the relevance of TiP to humanitarian interventions, with a view to:

- Building the capacities of the Protection Cluster, other humanitarian clusters (particularly the Camp Coordination and Camp Management, Health and

Education Clusters) and government social workers to better identify and assist victims of trafficking;

- Integrating TiP into protection service mappings to evaluate in detail the gaps in assistance provided to TiP victims;
- Building TiP assistance measures into protection tools, such as case management SOPs;
- Integrating TiP into data collection tools to support the development of evidence on the phenomenon and victim needs;
- Addressing TiP in awareness-raising activities;

When possible, humanitarian organizations should work existing Protection Cluster processes, while empowering the Ministry of Gender, Child and Social Welfare, among other government stakeholders, to enhance their protection coverage.

Recommendation 5: Enhance reintegration options for victims of trafficking

As highlighted in Section 6.2, many key informants highlighted the lack of reintegration options available to victims of exploitation, including potential TiP victims. Many localities lack victim shelters, and victims may be detained alongside their trafficker or accommodated by the local chief. The lack of reintegration options can perpetuate the rehabilitation process of TiP victims, while increasing their risk of being re-trafficked.

It is therefore recommended to increase support to reintegrate TiP victims, including:

- Building the capacities of assistance providers to identify the factors that rendered victims vulnerable to being trafficked in the first place and to provide return and reintegration options that mitigate or avoid these risks of being re-trafficked;
- Providing shelters for victims of trafficking;
- Support sustainable reintegration options, including education, vocational training and income-generating activities.

Recommendation 6: Utilize safe spaces for women, girls and children and hotlines to enhance reporting

As outlined in Section 6.1.2, many key informants underlined underreporting as a key constraint in addressing TiP, which is attributed to public distrust of law enforcement agencies and stigmatization, among other factors.

Therefore, it is recommended to utilize safe spaces (or establish new spaces where they do not already exist) for women, girls, and other children who are vulnerable to

being trafficked. These can be formal or informal places where target groups feel physically and emotionally safe; enjoy the freedom to express themselves without the fear of judgement or harm; (re-)build social networks; access safe and non-stigmatizing response services (psychosocial, legal, medical, etc.); acquire skills; and receive information on issues relating to women's rights, health, and services.

The Ministry of Gender, Child and Social Welfare could be supported to oversee these safe spaces, which should be free from security agencies and deploy personnel trained to screen for, and provide assistance to, victims of trafficking. Any initiatives should draw from the aforementioned experiences of the Family Protection Centre and one-stop shops for gender-based violence.

National TiP hotlines can also be a powerful instrument in combating human trafficking (U.S. Department of

State, 2019), as they can encourage victims to report crimes and seek assistance. Given the lack of awareness of TiP among all stakeholders, a hotline for specific forms of trafficking, such as forced marriage or labour exploitation, or a hotline targeting specific populations, such as sex workers, could be established, involving government stakeholders or civil society organizations in the design and implementation.

Recommendation 7: Build the capacities of civil society organizations to provide legal assistance to victims of trafficking

As outlined in sections 4.3, 6.1 and 6.2, victims of trafficking often do not report their crimes and, when they do, they may not be appropriately investigated and prosecuted. While action is required to strengthen prosecution capacities, a vital and related element of victim protection is access to legal assistance.

Therefore, it is recommended to support civil society organizations who provide legal assistance to victims of trafficking (as well as victims of other forms of exploitation). Legal assistance may include providing victims with information on court and administrative proceedings, and assisting victims to present their views at all stages of criminal proceedings against offenders.

Recommendation 8: Train diplomatic personnel on trafficking in persons, victim identification and provision of assistance to South Sudanese victims of trafficking abroad

South Sudanese diplomatic missions have a limited understanding on the presence of their nationals abroad and have never assisted a victim of trafficking, despite IOM having previously assisted South Sudanese migrants in distress.

Therefore, it is recommended to strengthen the evidence base on the South Sudanese diaspora and strengthen the capacities of consular staff to build trust with the diaspora and to respond to cases of exploitation.

7.2.3 Prevention

Recommendation 9: Raise awareness of trafficking in persons

As stated, the assessment found awareness of the TiP phenomenon to be low, with widespread conflation of TiP with migrant smuggling. Moreover, there is almost no awareness of how practices such as forced marriage and forced recruitment may constitute TiP as defined by both the UN TiP Protocol and the Child Act. The low level of awareness means that policymakers do not develop appropriate policies to address TiP, law enforcement agencies and criminal justice practitioners do not investigate and prosecute, and victims of trafficking (and the general public) underreport crimes.

Therefore, it is essential to raise awareness of TiP among all stakeholders, especially policymakers, criminal justice practitioners, traditional and faith-based authorities, and the general public – with a focus on the TiP forms, hotspots and vulnerable populations identified in this assessment. It is recommended to integrate TiP into existing campaigns to raise awareness about related issues, notably those on child protection and gender-based violence, such as the 16 Days of Activism Against Gender-Based Violence and campaigns organized for International Women's Day.

Recommendation 10: Regulate private employment agencies to prevent labour trafficking

As alluded to in Section 3.4.4, the Government does not regulate private employment agencies and appears to have limited awareness of agencies already operating. However, anecdotal evidence suggests efforts are already being undertaken to recruit South Sudanese into work

overseas. Such practices on the one hand could provide positive opportunities for labour migration, while on the other exposing South Sudanese nationals to the risk of labour trafficking.

Therefore, it is recommended that the MOLPSHRD take a more proactive approach on labour migration and towards identifying agencies which are already operating or have an interest in operating, with a view to licensing, regulating and monitoring them, as prescribed by the

Labour Act. This may require issuing regulations to specify the license eligibility, validity, renewal process, among other details, to ensure that the rights of prospective migrant workers are protected.

Recommendation 11: Strengthen civil registry as a means to promote more effective age verification and marriage regulation

As highlighted in Section 6.3, weak civil registry in South Sudan has made it difficult to verify births and marriages, which in turn constrains efforts to prevent recruitment of children into armed forces and groups, other forms of child labour trafficking, and forced marriages. As noted in Section 5.1, the country took an important step towards enhancing civil registry by passing the Civil Registry Act, 2018.

Measures are now required to implement and enforce the Civil Registry Act's provisions, especially with respect to the issuance of birth and marriage certificates. These include sensitizing local, including traditional and faith-based authorities, on how to enforce legal marriage registration.

7.2.4 Partnership

Recommendation 12: Include all trafficking in persons stakeholders in the Technical Taskforce on Anti-Human Trafficking and Smuggling of Persons

The new Technical Taskforce aspires to serve as the primary interministerial platform for coordinating the national counter-trafficking response. Its membership, however, currently does not include all stakeholders working on TiP.

- Ministry of Humanitarian Affairs and Disaster Management, given the vulnerabilities to trafficking in the displacement camp context;
- Ministry of Health, given the importance of health support in the protection of TiP victims.

To promote a comprehensive response to TiP, covering the most prevalent forms and vulnerable populations highlighted in this assessment, it is recommended that the Technical Taskforce co-opt:

In addition, to advance the legislative reform process outlined in strategic step 2 (Section 7.2.2), it is recommended that the Technical Taskforce co-opt a parliamentarian.

- NDDRC, given the prevalence of forced recruitment into armed forces and groups;

Recommendation 13: Strengthen international cooperation to counter transnational trafficking by signing bilateral and multilateral agreements with key origin and destination countries

As highlighted in Section 6.3.3, South Sudan has not acceded to key regional agreements which enable mutual legal assistance and extradition. Further, it does not have agreements with most neighbouring countries which formalize the processes to protect and return foreign victims of trafficking to their countries of origin, or return South Sudanese victims of trafficking to South Sudan. The approach taken in instances of potential transnational TiP appears to be relatively piecemeal and ad hoc, with informal cooperation with embassies and migrant associations when migrants are involved in a criminal case. Furthermore, some key informants pointed

to challenges in cross-border police cooperation and victim care that stem from the absence of agreements with key countries of migrant origin and destination – particularly neighbouring countries.

Therefore, it is recommended to take immediate steps to accede to the IGAD Convention on Extradition and Convention on Mutual Legal Assistance in Criminal Matters, while complementing these regional conventions with bilateral agreements covering mutual legal assistance, extradition, and the protection of victims of trafficking.

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Annex 1: Key Informant Interviews

Key informants from the following organizations were consulted.

Government of South Sudan

- County Office (Nimule)
- Criminal Investigation Department – Special Protection Unit (Nimule)
- Directorate for Civil Registry, Nationality, Passports and Immigration
- Directorate of Public Prosecutions
- Internal Security Bureau (Nimule)
- Juba Northern Police Division
- Military Intelligence (Nimule)
- Ministry of Foreign Affairs and International Cooperation
- Ministry of Gender, Child and Social Welfare
- Ministry of Labour, Public Service and Human Resource Development
- National Central Bureau
- National Disarmament, Demobilization and Reintegration Commission
- Traditional authority (Nimule)

International organizations and other international partners

- Conflict Sensitivity Resource Facility
- Criminal Investigation Department (Elegu, Uganda)
- Danish Refugee Council
- Directorate of Citizenship and Immigration Control (Elegu, Uganda)
- Embassy of Norway
- International Organization for Migration
- Norwegian Refugee Council
- Office of U.S. Foreign Disaster Assistance
- United Nations Children's Fund
- United Nations Development Programme
- United Nations High Commissioner for Refugees
- United Nations Mission in South Sudan
- U.S. Embassy

National civil society organizations

- Confident Children out of Conflict
- Dialogue and Research Initiative
- Divine Mercy
- National Empowerment of Positive Women United
- South Sudan Red Cross
- Steward Women

Annex 2: Focus Group Discussions

Date/place	15/01/20, International Organization for Migration, South Sudan Country Office, Juba
Title	Internal IOM focus group discussion on trafficking in persons
Participants	Staff from: <ul style="list-style-type: none"> • Camp Coordination and Camp Management Cluster • Displacement Tracking Matrix • Migration Management Unit • Media and Communications Unit

Date/place	20/01/20, Olikwi Boma, Nimule
Title	Trafficking in persons discussion: views of women returnee community members
Participants	<ul style="list-style-type: none"> • 9 women returnee community members

Date/place	29/01/20, International Organization for Migration, South Sudan Country Office, Juba
Title	Discussion with migrant associations about challenges faced by migrants
Participants	<ul style="list-style-type: none"> • Representatives of selected migrant communities

Date/place	29/01/20 International Organization for Migration, South Sudan Country Office, Juba
Title	Discussion with country of origin embassies about challenges faced by migrants
Participants	<ul style="list-style-type: none"> • Representatives of selected migrant country of origin embassies

Annex 3: Workshops

Date/place	22/01/20, Nimule Royal Palace Hotel, Nimule
Title	Workshop on trafficking in persons in Nimule
Organizations present	<ul style="list-style-type: none"> • Community elder • Criminal Investigation Bureau – Special Protection Unit • Border Police • Directorate for Civil Registry, Nationality, Passports and Immigration • General Intelligence Bureau • Head Chief • Internal Security Bureau • International Organization for Migration • National Central Bureau • Plan International • South Sudan Red Cross • Steward Women

Date/place	27/01/20, Juba Grand Hotel, Juba
Title	Workshop on trafficking in persons for members of the Technical Taskforce on Anti-Human Trafficking and Smuggling of Persons
Organizations present	<ul style="list-style-type: none"> • Directorate for Civil Registry, Passports, Nationality and Immigration • Directorate of Public Prosecutions • General Intelligence Bureau • Inspector-General of Police • International Organization for Migration • Ministry of Foreign Affairs and International Cooperation • Ministry of Gender, Child and Social Welfare • Ministry of Labour, Public Service and Human Resource Development • National Bureau of Statistics • National Central Bureau • Refugee Commission • U.S. Embassy

Date/place	31/01/20, Juba Grand Hotel, Juba
Title	Workshop on the protection of victims of trafficking in persons
Organizations present	<ul style="list-style-type: none"> • Africa Street Children Development Organization • Community Action Organization • Community In Need Aid South Sudan • Hold the Child • International Organization for Migration • TOCH South Sudan

Annex 4: Interview Guide

Introduction

I am a consultant working for the International Organization for Migration (IOM), the United Nations migration agency, to conduct a study into human trafficking in South Sudan. This study aims to determine the nature and scale of human trafficking and the country's counter-trafficking response, setting the baseline for future work to improve the response.

The objectives of this meeting are _____.

Explanation of TiP

The assessment uses the international definition of trafficking in persons: the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. In simple terms, trafficking is a serious crime and violation of human rights which involves recruiting, moving, or keeping people (acts) by force or coercion or payment (means), for the purpose of exploitation. Examples of exploitation include forced recruitment into the armed forces, forced labour, forced prostitution, and forced marriage. Trafficking can take place across borders or within the country. Migrant smuggling is different. Smuggling generally involves migrants paying someone to help them illegally cross an international border in exchange for payment.

Additional guidance for interviews with trafficking victims

Key messages to convey to interviewee:

- Informant is in a safe space with people who are here to help.
- Information provided will be used to prevent exploitation of others.
- Informant's identity and confidentiality will be protected.
- Informant can share as much or as little information as they decide.
- Informant can take breaks or terminate the interview at any moment.

Interview arrangements:

- The informant should feel safe and supported during the interview.
- If informant is a child, an adult whom the child trusts should be present.
- If informant is female, she should be interviewed by a female interviewer unless she states otherwise.

Interview questions

Clarification of role of informant

1. What does your organization do and what is your role?

Forms of trafficking, drivers, vulnerability factors

1. What forms of trafficking have you encountered? (probe: forced begging, prostitution, domestic work, children associated with armed forces or armed groups, etc.)
2. What other forms of exploitation have you encountered? Which do you perceive to be the most prevalent?
 - In which areas/along which routes are those forms prevalent?
 - Which industries/sectors do such cases occur?
 - Which forms more frequently involve victims who are men/women/girls/boys?
 - Which forms take place across borders? Within South Sudan?
 - How are these TiP forms organized? What routes/methods are used? To what extent are organized networks involved vs isolated cases or cases involving individuals?
3. What are the main routes of international migration?
 - International migrants coming to South Sudan.
 - International migrants transiting through South Sudan.
 - South Sudanese migrants leaving South Sudan.
4. Does ethnicity or region determine certain prevalence of certain forms of TiP?
 - Child, early and forced marriage?
 - Inter-communal abduction?
 - Child labour?
 - children associated with armed forces or armed groups?
 - Forced prostitution?
5. What are the drivers of TiP (e.g. factors influencing the demand and supply of those forms)? (probe: conflict, inter-ethnic conflict, economic activities, etc.)
6. Which groups are more vulnerable to TiP?
 - Which factors contribute to their vulnerability? (probe: country/region of origin, age, sex, ethnic group, marital status, household size, education, family, etc.)
 - What is the situation of South Sudanese seasonal migrants?

Legal and policy framework

1. Which recent laws have been adopted that relate to TiP and different forms of exploitation? What are the strengths and weaknesses of the legal framework?
2. What are the recent and upcoming legislative changes in relation to TiP? Aspects relating to TiP?
3. What are the gaps in the legal framework? Which forms of TiP are not covered?
4. What policies have had an impact or could have an impact on the counter-TiP response? (probe: e.g. policies in relation to gender/GBV, child protection, prostitution, forced marriage, use of children in armed combat, labour exploitation)

Prosecution

1. How are trafficking cases (or related cases of exploitation) detected, investigated and prosecuted?
2. How often do you hear of a case of trafficking? What about other forms of exploitation (probe: forced begging, prostitution, domestic work, children associated with armed forces or armed groups etc.)?
3. What statistics do you have in relation to TiP cases? Other forms of exploitation?
4. Which cases involve men, women, girls, boys?
5. Which agencies and units are involved?
6. How are trafficking/exploitation cases usually detected? (probe: e.g. victim complaints, proactive investigation, border control, hotline, etc.)

7. Which law enforcement units are responsible for dealing with cases of trafficking/related forms of exploitation?
 - a. What examples are there of investigations into TiP cases? Or other forms of exploitation?
 - b. How many trafficking cases have been investigated? What about for other forms of exploitation? What crime statistics are available?
 - Breakdown by age, sex, region, ethnic group?
 - How many investigations, prosecutions, convictions?
 - c. What are the key law enforcement challenges in detecting and investigating trafficking/exploitation cases?
 - How are police viewed by the public?
 - What corruption issues have been identified?
 - d. What cases have been investigated / intelligence that has been collected regarding the involvement of organized crime in engaging in human trafficking and other forms of exploitation?
 - e. Are there any investigation plans of activity that include action on trafficking?
 - f. How often would you say that victims prosecuted for crimes committed while being trafficked?
 - g. What measures are in place to separate victims from suspected perpetrators of their exploitation?
 - h. How could law enforcement be strengthened?
 - i. To what extent do investigating units include women? Is it a policy to use female officers wherever possible for contact with female victims?
 - j. What policies are in place to ensure investigators appropriately interview trafficking victims, particularly women and children?
 - k. What training has been provided in relation to trafficking or other forms of exploitation? What is the level of training on the investigation and prosecution of criminal groups or networks on a national and international level, and on the confiscation of assets?
8. How is TiP and other related crimes are detected at borders?
 - a. What measures in place to detect instances of trafficking at authorised and unauthorised borders?
 - b. How many victims of trafficking identified at borders?
 - c. How many traffickers have been arrested at borders?
9. How many TiP cases have gone to court? What about TiP-related cases?
10. Which laws can be used to prosecute traffickers?
11. Which laws can be used to prosecute different forms/aspects of trafficking?
 - a. Can trafficking in human beings be addressed using legislation covering other criminal offences (for example, fraud, extortion, bodily injury, rape, smuggling)? If so, list this alternative legislation.
 - b. Are there any examples of assets being confiscated and victims being compensated? Is this provided by the law? If so, what happens to these assets?
12. Why do you think there have been no prosecutions/convictions for TiP in South Sudan?
13. Before which courts are TiP/related cases heard?
14. What types of cases are tried by military courts?
15. Are there any specialised units within prosecution services for tackling trafficking/organized crime?
16. How do criminal cases proceed? At what point is the prosecution involved?
17. What training have prosecutors received in relation to TiP and other forms of exploitation?
18. How are working relations between law enforcement and prosecutors?
19. How many cases of trafficking/related crimes have been dealt with by prosecutors yearly?
20. What is the procedure for victims to appeal a decision not to prosecute?
21. Have there been any extraditions of persons involved in trafficking/related crimes?
22. What are the barriers to prosecuting?
23. How could prosecution be strengthened?

Protection

1. What measures of protection and assistance are available to victims of trafficking/other exploitation? (probe: forced begging, prostitution, domestic work, children associated with armed forces or armed groups etc.)
2. What frequently happens to victims of trafficking after being trafficked?
3. Do any kind of support and protection services exist, and who is providing them? (probe: shelter, hotlines, legal counselling, health care, and financial assistance).
 - a. Which services does the Government provide? Which agencies and units are involved? What referral mechanisms are in place?
 - b. On which terms does a presumed trafficked person have access to these services?
 - c. Which kinds of services do NGOs or civic actors provide?
 - d. Are shelter or housing provided?
 - e. PoCs?
 - f. What types of legal assistance and protection are provided to victims of TiP/exploitation? E.g. protecting the privacy and identity of victims in appropriate cases. Any SoPs (e.g. for child victims)?
4. Existing Referral Systems: Are there any existing referral mechanisms for victims of trafficking or other victims, children, women?
 - a. If so, what do these comprise and how do they function?
 - b. How systematically are they applied?
 - c. Do they follow international human-rights standards?
 - d. Are there any restrictions in policy, practice, or funding that bar certain people (e.g., foreigners, indigents) from receiving services?
 - e. Are there special units within the police, prosecutors' offices, or the courts sensitive to dealing with victims of trafficking?
5. Training: Have the police been trained in identifying and dealing with potential victims?
6. Are foreign victims granted temporary residence permits? For example, for witnesses or in humanitarian cases.
 - a. Under which conditions can permits be granted?
 - b. Do foreign victims have the right to a "reflection delay" before they must leave the country?
 - c. Does the law provide for a permanent residence status for humanitarian reasons? For instance, in cases of a life-threatening situation should the victim be returned to the country of origin.
7. How do South Sudanese authorities support South Sudanese victims of exploitation identified abroad?

Protection

1. What measures exist to prevent TiP? What about other forms of exploitation? (probe: forced begging, prostitution, domestic work, children associated with armed forces or armed groups, etc.)
2. What policies or programmes have been adopted to prevent trafficking/other forms of exploitation? Which agencies and units are involved?
3. How are recruitment agencies regulated?
4. What can Government or other actors do to better prevent trafficking/other forms of exploitation? (probe: implementing awareness-raising, addressing vulnerabilities (especially for women and children) and the demand for /supply of trafficking)
 - a. What can humanitarian actors do to reduce vulnerabilities to trafficking?
5. What measures are in place to monitor labour market violations?
 - a. How many labour inspectors are there?
 - b. What statistics are available on labour violations?
 - c. What role have they played (or could play) in detecting labour trafficking?
 - d. What statistics are available on labour trafficking/exploitation?
6. What is the role of document fraud in transnational trafficking/exploitation cases?
 - a. What is the Government doing to address document fraud?
 - b. What training have border officers received?

Coordination

1. What mechanisms are in place to promote coordination between State actors (and between State and non-State actors) when dealing with a TiP case (or other form of exploitation)?
2. How does the Task Force intend to function? What steps have been taken towards adopting a strategy?
3. What mechanisms are in place to enable information exchange on TiP cases? (probe: especially among law enforcement and immigration authorities)
4. What referral mechanisms are in place?
 - a. Are the police included in existing referral mechanisms?
 - b. How well does this cooperation function?
5. What data collection systems are in place in relation to TiP, other forms of exploitation and migration?
6. What is the role of non-State actors in the TiP response? Or response to related issues?
 - a. What cooperation agreements are in place between government institutions, NGOs, other organizations and other elements of civil society in place?
 - b. How could internal coordination on TiP be strengthened?

Cooperation

1. What mechanisms are in place to enable cross-border cooperation on TiP/related issues?
2. Do the police cooperate across borders, working with regional and international organizations such as IGAD, EAC, and Interpol?
3. What measures exist to enable cooperation between actors in neighbouring countries on cases of TiP/related exploitation?
4. What measures exist to enable mutual legal assistance on TiP/related cases?
5. What measures exist to enable:
 - a. Transfer of sentenced persons?
 - b. Joint investigations?
 - c. International cooperation for purposes of confiscation?
 - d. Cooperation among border control agencies?

Annex 5: International Legal Instruments

Instruments signed by South Sudan

Instruments signed	Year ²³⁴	Relevance to trafficking in persons
ILO Convention No 182 on the Elimination of the Worst Forms of Child Labour of 1999	2012 (r) ²³⁵	Prohibits "all forms of slavery or practices similar to slavery such as the sale and trafficking of children".
Convention on The Rights of The Child of 1989 and optional protocols of 2000 on Armed Conflict and Sale of Children, Child Prostitution and Child Pornography (U.S. Department of Labor, 2019)	2015, 2018 (a) ²³⁶	States that parties must "take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form; persons who have not attained the age of 18 years are not compulsory recruited into their armed forces; take all necessary steps to strengthen international cooperation... for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism."
Convention on the Elimination of All Forms of Discrimination against Women of 1979	2015 (a) ²³⁷	Calls upon States to "take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."

Instruments not signed by South Sudan

Instruments	Relevance to trafficking in persons
United Nations Convention against Transnational Organized Crime and the Protocols Thereto, 2000 ^{238 239}	The first global legally binding instrument with an agreed definition on trafficking in persons. Facilitates convergence in national approaches to the prevention and prosecution of TiP, as well as the protection of its victims.
Protocol of 2014 to the Forced Labour Convention, 1930 ²⁴⁰	Obligates states parties to provide protection and appropriate remedies, including compensation, to victims of forced labour and to sanction the perpetrators of forced labour.
ILO Domestic Workers Convention of 2011 ²⁴¹	Sets labour standards and codifies rights for domestic workers.
Rome Statute of the International Criminal Court of 1998 ²⁴²	Defines "Crimes against Humanity" to include "Enslavement", which means "the exercise of any and all of the powers attaching to the right of ownership over a person, in particular women and children."
Convention on the Protection of the Rights of All Migrant Workers and Members of their Families of 1990 ²⁴³	Provides that "no migrant worker or member of his or her family shall be held in slavery or servitude... (or) required to perform forced or compulsory labour ".

²³⁴ Year of ratification (r) or accession (a).

²³⁵ www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312327

²³⁶ https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-11&chapter=4&clang=_en

²³⁷ https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-8&chapter=4&clang=_en

²³⁸ https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=XVIII-12&chapter=18&clang=_en

²³⁹ https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=XVIII-12&chapter=18&clang=_en

²⁴⁰ www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11310:0::NO:11310:P11310_INSTRUMENT_ID:3174672:NO

²⁴¹ www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11310:0::NO:11310:P11310_INSTRUMENT_ID:2551460:NO

²⁴² https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=XVIII-10&chapter=18&clang=_en

²⁴³ https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-13&chapter=4&clang=_en

Instruments	Relevance to trafficking in persons
Covenant on Civil and Political Rights of 1966 ^{244 245}	States that "no one shall be held in slavery; slavery and the slave trade in all their forms shall be prohibited; no one shall be held in servitude; no one shall be required to perform forced or compulsory labour."
Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 ²⁴⁶	States that "the act of conveying or attempting to convey slaves from one country to another by whatever means of transport, or of being accessory thereto shall be a criminal offense under the laws of the States Parties to this Convention and persons convicted thereto shall be liable to very severe penalties."
Convention for the Suppression of the Traffic in Persons and of the Exploitation of Prostitution of Others of 1949 ²⁴⁷	Provides that States "undertake, in connection with immigration and emigration, to adopt or maintain such measures... to check the traffic in persons of either sex for the purpose of prostitution."
Convention to Suppress the Slave Trade and Slavery of 1926 ²⁴⁸	States that the parties agreed "to prevent and suppress the slave trade "and to progressively bring about "the complete elimination of slavery in all its forms."

Annex 6: Technical Taskforce on Anti-Human Trafficking and Smuggling of Persons

Institution	Membership
Ministry of Justice	Co-chair
Directorate of Civil Registry, Nationality, Passports and Immigration	Co-chair
General Intelligence Bureau	Secretary
Border Police	Member
National Central Bureau-INTERPOL	Member
Ministry of Labour, Public Service and Human Resources	Member
Internal Security Bureau	Member
Ministry of Gender, Child and Social Welfare	Member
Civil society organization	Member
International Organization for Migration	Technical advisor

²⁴⁴ treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-4&chapter=4&clang=_en

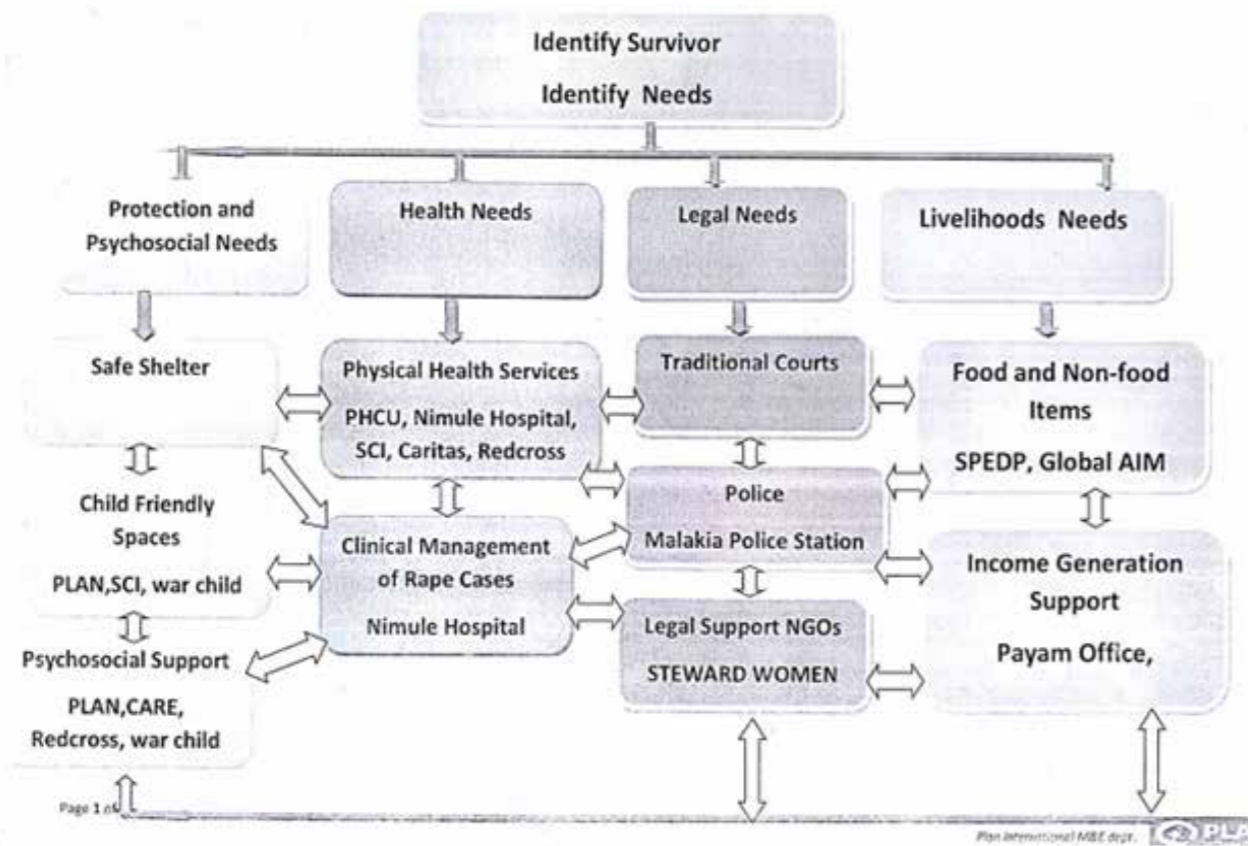
²⁴⁵ [In the process of ratifying? unmiss.unmissions.org/unmiss-welcomes-ratification-international-human-rights-covenants-south-sudan](https://unmiss.unmissions.org/unmiss-welcomes-ratification-international-human-rights-covenants-south-sudan)

²⁴⁶ treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=XVIII-4&chapter=18&Temp=mtmsg3&clang=_en

²⁴⁷ treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=VII-11-a&chapter=7&clang=_en

²⁴⁸ treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=XVIII-2&chapter=18&lang=en

Annex 7: Child Protection/Gender-Based Violence Referral Pathway for Pageri County



Annex 8: Pageri County Nimule Police Station CID Office – Crime Statistics for the Months of February and March 2019

**SOUTH SUDAN NATIONAL POLICE SERVICE
PAGERI COUNTY NIMULE POLICE STATION C.I.D OFFICE
CRIME STATISTIC FOR THE MONTH OF FEBRUARY 2019**

OFFENCE CATEGORY	CRIMES	SECTIONS OF LAW (PENAL CODE)	TOTAL
CRIMES AGAINST BODY	MURDER	206	04
	ATTEMPT TO MURDER	208	00
	SUICIDE	215	00
	INFANTICIDE	209	00
	CULPABLE	211, 212	00
	HOMICIDE NOT AMOUNTING TO MURDER		00
	GREVIOUS HURT.	236, 237	00
	SIMPLE HURT	231, 232	00
	CRIMINAL INTIMIDATION	245, 246	00
	KIDNAPPING	269 TO 275	04
CRIMES AGAINST PUBLIC ORDER	ABDUCTION	283, 284	00
	PUBLIC VIOLENCE	79	00
	UNLAWFULL ASSEMBLY	80	00
CRIMES AGAINST PROPERTY	RIOTING	83	00
	THEFT	293, 294	00
	HOUSE BREAKING	333, 334	00
	EXTORTION	301, 304	00
	ROBBERY	305, 306, 304	00
	BRIGANDAGE	308 TO 314	00
	TRESPASS	328 TO 332	00
	CHEATING	341 TO 345	00
	MISAPPROPRIATION	346, 347	00
	FORGERY	357 TO 361	00
	MISCHIEF	315 TO 327	00
	BREACH OF TRUST	348 TO 351	00
	RAPE		00
	247	06	

OFFENCES AGAINST MORALITY GENDER AND MARRIAGE RELATED CR.	ADULTERY	266	00
	SEXUAL ASSAULT/HARASSMENT	250, 252 AND/OR HURT SECTION	00
	PROSTITUTION	253	00
	UNNATURAL OFFENCES	248	00
	DOMESTIC VIOLENCES	HURT SECTION	00
	PUBLIC INDECENCY	251	00
OFFENCE AGAINST COUNTRY OR GOVERNMENT	TRAFFICKING	282	00
	TREASON SUBVERSION, SABOTAGE, INSURGENCY	64 TO 69 & 72 TO 76	00
	ILLEGAL POSSESSION AND SUPPLY OF WEAPONS	70, 71	00
OFFENCE BY OR RELATING TO PUBLIC SERVICES	ACCEPTING & GIVING BRIBE	87 TO 94	00
	MISUSE OF OFFICIAL POSITION	95 TO 105	00
	IMPERSONATING PUBLIC SERVANS OR MISUSING OFFICIAL TOKENS	106 TO 107	00
	FAILURE TO APPEAL AND PRODUCE DOCUMENT	110 TO 127	00
	AVOIDANCE OF SERVICE OF PROCESS	108 TO 109	00
	CUSTODIAL DEATHS	MURDER RELATED & MISCONDUCT	00
	ILLEGAL CUSTODY	UNLAWFUL CONFINEMENT & MISCONDUCT	00
	EXCESS USE OF FORCE	ASSAULT & MISCONDUCT	00
	COUNTERFEING CURRENCY, STAMP & SEAL		00
	CATTLE THEFT	156 TO 172 & 362 TO 364	00
COUNTERFEING	MISCHIEF BY KILLING ANIMAL	293, 294 RELATED TO CATTLE	00
		317	00

SOUTH SUDAN NATIONAL POLICE
PAGERI COUNTY NIMULE POLICE STATION C.I.D OFFICE
CRIME STATISTIC FOR THE MONTH OF MARCH 2019

OFFENCE CATEGORY	CRIMES	SECTIONS OF LAW (PENAL CODE)	TOTAL
CRIMES AGAINST BODY	MURDER	206	01
	ATTEMPT TO MURDER	208	--
	SUICIDE	215	--
	INFANTICIDE	209	--
	CULPABLE	211, 212	--
	HOMICIDE NOT AMOUNTING TO MURDER	236, 237	19
	GREVIOUS HURT.	231, 232	--
	SIMPLE HURT	245, 246	--
	CRIMINAL INTIMIDATION	269 TO 275	02
	KIDNAPPING	283, 284	--
CRIMES AGAINST PUBLIC ORDER	ABDUCTION	79	--
	PUBLIC VIOLENCE	80	--
	UNLAWFULL ASSEMBLY	83	--
CRIMES AGAINST PROPERTY	RIOTING	293, 294	14
	THEFT	333, 334	--
	HOUSE BREAKING	301, 304	--
	EXTORTION	305, 306, 304	--
	ROBBERY	308 TO 314	--
	BRIGANDAGE	328 TO 332	--
	TRESPASS	341 TO 345	04
	CHEATING	346, 347	--
	MISAPPROPRIATION	357 TO 361	--
	FORGERY	315 TO 327	03
	MISCHIEF	348 TO 351	01
	BREACH OF TRUST		
	CRIMES AGAINST PERSONS	RAPE	247

OFFENCE CATEGORY	CRIMES	SECTIONS OF LAW (PENAL CODE)	TOTAL	
OFFENCES AGAINST MORALITY GENDER AND MARRIAGE RELATED CRIMES	ADULTERY	266	--	
	SEXUAL ASSAULT/HARASSMENT	250, 252 AND/OR HURT SECTION	--	
	PROSTITUTION	253	--	
	UNNATURAL OFFENCES	248	--	
	DOMESTIC VIOLENCES	HURT SECTION	--	
	PUBLIC INDECENCY	251	--	
	TRAFFICKING	282	--	
	TREASON SUBVERSION, SABOTAGE, INSURGENCY	64 TO 69 & 72 TO 76	--	
	ILLEGAL POSSESSION AND SUPPLY OF WEAPONS	70, 71	--	
	ACCEPTING & GIVING BRIBE	87 TO 94	--	
OFFENCE AGAINST COUNTRY OR GOVERNMENT	MISUSE OF OFFICIAL POSITION	95 TO 105	--	
	IMPERSONATING PUBLIC SERVANTS OR MISUSING OFFICIAL TOKENS	106 TO 107	--	
	FAILURE TO APPEAL AND PRODUCE DOCUMENT	110 TO 127	--	
	AVOIDANCE OF SERVICE OF PROCESS	108 TO 109	--	
	CUSTODIAL DEATHS	MURDER RELATED & MISCONDUCT	--	
	ILLEGAL CUSTODY	LONGFUL CONFINEMENT & MISCONDUCT	--	
	EXCESS USE OF FORCE	ASSAULT & MISCONDUCT	--	
	COUNTERFEIING CURRENCY, STAMP & SEAL	156 TO 172 & 362 TO 364	--	
	COUNTERFEIING	CATTLE THEFT	293, 294 RELATED TO CATTLE	--
		MISCHIEF BY KILLING ANIMAL	317	--

Annex 9: Work Permit Statistics 2019

Year	2019
Sector	
NGO	1774
Private Sector	4244
Total	6018
Sex	
Male	5176
Female	842
Total	6018
Nationality	
Afghan	5
Algerian	1
Albanian	0
American	140
Argentinian	4
Armenian	0
Australian	23
Austrian	3
Azerbaijani	1
Bosnian	5
Bangladeshi	49
British	141
Belgian	18
Beninese	0
Brazilian	5
Bolivian	0
Burmese	5
Burkinabe	6
Burundian	7
Bulgarian	0
Cabo Verdean	0
Cameroonian	17
Canadian	51
Central African	1
Chadian	6
Chilean	2
Thai	9
Togolese	1
Turkish	21
Ugandan	365
Ukrainian	3
Venezuelan	0
Vietnamese	2
Yemeni	1
Zambian	13
Zimbabwean	97
Total	6018

Chinese	1228	Libyan	0
Colombian	2	Nicaraguan	2
Combidian	1	Nepalese	23
Croatian	2	New Zealander	5
Congolese	44	Malaysian	175
Czech	1	Malagasy	2
Cypriot	1	Macedonian	2
Costa Rican	1	Malawian	14
Danish	11	Malian	1
Djibouti	4	Maldovan	1
Dominican	1	Maltese	2
Dutch	44	Mauritian	0
Egyptian	32	Mexican	3
Eritrean	402	Mozambican	6
Ethiopian	297	Moroccan	1
Estonian	2	North Korean	12
Equatorial Guinean	0	Nigerian	49
Finnish	4	Nigerien	5
Filipino	69	Namibian	4
Fijian	4	Norwegian	10
French	42	Pakistani	353
Gambian	0	Papua New Guinean	0
German	23	Polish	9
Greek	7	Palestinian	1
Guatemalan	2	Portuguese	3
Ghanalan	8	Peruvian	0
Guinean	3	Russian	5
Guyanese	0	Romanian	13
Haitian	3	Rwandan	26
Hungarian	3	Singaporean	1
Indian	647	Senegalese	1
Iranian	0	Serbian	5
Indonesian	24	Slovakian	2
Israeli	2	Slovenian	1
Iraqi	7	Somali	142
Irish	19	Sierra Leonean	20
Italian	73	South Korean	0
Icelander	1	South African	39
Ivorian	5	Spanish	14
Jordanian	3	Srilankan	23
Japanese	4	Sudanese	40
Kenyan	849	Swazi	0
Kittitian	0	Swedish	12
Kosovar	2	Swiss	12
Kuwaiti	1	Syrian	17
Kyrgyz	3	Tajikistani	1
Lebanese	45	Tunisian	1
Liberian	13	Tanzanian	19

Annex 10: Immigration Data

Data on entries/exits from 2016–18 and deportation from 2017–2019

ENTRY AND EXIT DATA COLLECTED IN 2016 – 2018 DISAGGREGATED BY ENTRY POINTS,

Description of the Data	Entry Points	Nationals		Foreign Nationals	
		Entry	Exit	Entry	Exit
ENTRY AND EXIT DATA 2016;					
	JIA	7,140	17,231	19,287	23,231
	Nimule	11,570	33,280	25,494	39,840
	Kaya	170	10,514	111	1,789
	Nadapal	574	7,948	516	3,973
	Grand Total	19,454	68,973	45,408	68,833
ENTRY AND EXIT DATA 2017;					
	JIA	15,592	19,136	40,040	29,415
	Nimule	21,813	26,410	45,443	24,380
	Nadapal	1,593	3,550	1,338	309
	Kaya	75	526	748	1,158
	Gangara	98	160	223	250
	Rerik	00	00	543	534
	Grand Total	39,171	49,782	88,335	56,046
ENTRY AND EXIT DATA 2018					
	JIA	19,143	21,761	27,917	23,765
	Nimule	20,015	18,870	31,781	24,663
	Nadapal	3,679	5,981	1,717	1,007
	Kaya	451	1,516	613	477
	Gangara	1,788	923	475	311
	Rerik	21	98	1,098	836
	Bazi	05	19	17	87
	Jale	17	29	43	17
	Grand Total	45,119	49,197	63,661	51,169
GENERAL LIST OF DEPOTEES 2017 – 2019 DISAGGREGATED BY NATIONALITIES;					

Nationalities	Arresting agency	Cases type	Deportation	Repatriation	Refusal of entry
Bangladesh	Immigration	N/A	1	00	00
Burundi	Immigration	Trafficked	8	3	00
Cameroonians	Police	Illegal stay	2	00	00
Ghanaians	Immigration	Illegal stay	3	1	4
Eritreans	Immigration	Trafficked	7	12	14
Ethiopians	Mix agencies	N/A	9	7	19
Kenyans	Mix agencies	N/A	13	2	8
Somalia's	Mix agencies	Trafficking	11	174	58
Sudanese	Mix agencies	N/A	6	33	00
Nigerians	Mix agencies	N/A	2	4	00
Liberians	Mix agencies	Black dollars	3	00	2
American	ISB	N/A	1	00	00
Congolese	Immigration	N/A	2	17	27
Fiji	N/A	N/A	3	00	00
Philippines	N/A	N/A	1	00	00
Tanzanian	N/A	N/A	1	00	4
South African	NS	Illegal entry	2	00	00
Ugandans	Immigration	Mix cases	9	00	1,942
Total			84	253	2,078



REPUBLIC OF SOUTH SUDAN

16/01/2020
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Ministry of Interior and Wildlife Conservation
Directorate of Nationality, Passport and Immigration

Daily Statistics by Nationality

Start Date: 01/01/2017 End Date: 31/12/2019

No of travelers 281201
No of residents 172267
Non-nationals 108934
Departures 148404
Arrivals 132797

N	National	Traveler No	Departed	Arrived
1	AFGHANISTAN	5	3	3
2	ALBANIA	1	0	1
3	ANGOLA	15	4	6
4	ARGENTINA	4	2	2
5	AUSTRALIA	282	153	129
6	AUSTRIA	2	1	1
7	BAHAMAS	4	2	2
8	BANGLADESH	45	33	13
9	BELGIUM	1	0	1
10	BENIN	1	0	1
11	BOLIVIA	2	0	2
12	BRAZIL	5	5	0
13	BULGARIA	1	1	0
14	BURKINA FASO	7	3	4
15	BURUNDI	2141	871	1270
16	CAMEROON	42	23	19
17	CANADA	119	54	65
18	CENTRAL AFRICAN REPUBLIC	2	2	0
19	CHAD	54	22	32
20	CHINA	537	278	259
21	CONGO	3	0	3
22	CONGO, THE DEMOCRATIC REPUBLIC OF THE	485	200	276
23	COTE D'IVOIRE	8	3	3
24	CROATIA	2	1	1
25	CYPRUS	4	1	3
26	DENMARK	5	3	2

27	DJIBOUTI	24	16	8
28	DOMINICAN REPUBLIC	3	2	1
29	EAST TIMOR	7	6	1
30	ECUADOR	5	5	0
31	EGYPT	203	97	106
32	EL SALVADOR	21	10	11
33	EQUATORIAL GUINEA	57	30	27
34	ERITREA	17878	8500	8367
35	ESTONIA	23	10	13
36	ETHIOPIA	2670	1508	1362
37	FALKLAND ISLANDS (MALVINAS)	4	1	3
38	FINLAND	1	0	1
39	FRANCE	15	8	7
40	GABON	4	2	2
41	GERMANY	28	23	16
42	Germany	13	7	6
43	GHANA	33	15	18
44	GREECE	2	0	2
45	GUINEA	66	22	44
46	HUNGARY	1	1	0
47	ICELAND	1	0	1
48	INDIA	517	230	278
49	IRELAND	10	8	2
50	ITALY	26	16	10
51	JAMAICA	1	0	1
52	JAPAN	7	2	5
53	KAZAKHSTAN	1	0	1
54	KENYA	25067	11800	13758
55	KOREA, REPUBLIC OF	48	21	27
56	LEBANON	31	18	13
57	LESOTHO	2	1	1
58	LIBERIA	82	38	53
59	LIBYAN ARAB JAMAHERIYA	2	0	2
60	MACEDONIA, THE FORMER YUGOSLAV REPUBLIC OF	1	1	0
61	MALAWI	5	3	2
62	MALI	13	4	9
63	MEXICO	3	2	1
64	MOROCCO	8	7	2
65	MOZAMBIQUE	1	0	1

66	MYANMAR	2	1	1
67	NAMIBIA	2	1	1
68	NEPAL	6	3	3
69	NETHERLANDS	70	35	35
70	NEW ZEALAND	18	9	10
71	NIGER	8	2	4
72	NIGERIA	978	483	495
73	NORWAY	28	11	17
74	OMAN	7	3	4
75	PAKISTAN	181	104	87
76	PHILIPPINES	26	15	11
77	POLAND	12	6	6
78	PORTUGAL	4	2	2
79	ROMANIA	13	5	8
80	RUSSIAN FEDERATION	11	5	6
81	RWANDA	1484	812	872
82	SAMOA	1	1	0
83	SENEGAL	2	0	2
84	SERBIA	1	1	0
85	SEYCHELLES	3	1	2
86	SERRA LEONE	48	23	25
87	SLOVAKIA	1	0	1
88	SLOVENIA	3	1	2
89	SOLOMON ISLANDS	2	2	0
90	SOMALIA	2518	1322	1296
91	SOUTH AFRICA	11	4	7
92	SOUTH SUDAN	17287	9298	7989
93	SPAIN	5	1	4
94	SRI LANKA	1	0	1
95	SUDAN	17791	9123	8668
96	SURINAME	1	0	1
97	SWAZILAND	4	4	0
98	SWEDEN	33	18	15
99	SWITZERLAND	18	8	11
100	SYRIAN ARAB REPUBLIC	28	15	11
101	TAIWAN, PROVINCE OF CHINA	2	1	1
102	TANZANIA, UNITED REPUBLIC OF	520	242	278
103	TOGO	3	1	2
104	TUNISIA	8	7	2

Annex 11: South Sudanese Diplomatic Missions


1. New York, United States
2. Washington, D.C., United States
3. Oslo, Norway
4. London, United Kingdom
5. Rome, Italy
6. Paris, France
7. Brussels, Belgium
8. Geneva, Switzerland
9. Nairobi, Kenya
10. Kampala, Uganda
11. Dar salaam, United Republic of Tanzania
12. Pretoria, South Africa
13. Addis Ababa, Ethiopia
14. Abuja, Nigeria
15. Beijing, China
16. New Delhi, India
17. Abu Dhabi, United Arab Emirates
18. Kuwait City, Kuwait
19. Riyadh, Saudi Arabia
20. Berlin, Germany
21. Khartoum, Sudan
22. Harare, Zimbabwe
23. Tel Aviv, Israel
24. Rabat, Morocco
25. Cairo, Egypt
26. Moscow, The Russian Federation
27. Asmara, Eritrea
28. Kinshasa, Democratic Republic of the Congo

List provided by the Ministry of Foreign Affairs and International Cooperation in February 2020.

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