



**United Nations Special Rapporteur on Trafficking in persons, especially women & children, Siobhan Mullally**

**Official visit to South Sudan**

**5 to 14 December 2022**

End of Mission Statement and Preliminary Observations

Juba, 14 December 2022

**End of Mission statement of the Special Rapporteur on trafficking in persons, especially women and children, Siobhán Mullally, on her visit to South Sudan from December 5 to December 14, 2022.**

1. The Special Rapporteur is grateful to the Government of South Sudan for their willingness to facilitate her visit, and for the constructive dialogue and engagement on human rights and human trafficking. She particularly thanks the Ministry of Foreign Affairs for their support and well-organized engagement with her mandate, in advance of the visit and during the country visit. She commends the cooperative approach of all authorities and the willingness to accommodate requests for meetings, and to engage in an open and constructive dialogue on the challenges faced in combating the serious human rights violation of trafficking in persons, especially women and children.
2. The Special Rapporteur held several high-level meetings, including with Government Ministers, the National Task Force on Counter Trafficking in Persons and Smuggling of Migrants, law enforcement bodies, SSPDF (Child Protection Unit), the National Aliens Committee and National Coordination Mechanism for Migration, Commission of Refugee Affairs, Criminal Investigation Division, and the Disarmament, Demobilisation and Reintegration Commission. She also visited Juba prison, including the women's prison, and the juvenile detention facility. During her visit, the Special Rapporteur also met with the UN Country team, including UN agencies, UNMISS, and with international NGOs and development partners.
3. In addition to several locations in Juba, the Special Rapporteur visited Bentiu, where she had the opportunity to observe first-hand the impact of severe flooding, climate change and environmental degradation. She visited internally displaced persons (IDP) camps in Bentiu, and met with community leaders, women's groups, and members of law enforcement bodies, and

camp administration. She also visited Arue Junction and Nimule, where she observed the work of the Border Police and heard first-hand of their experiences in identifying victims of trafficking and persons at risk of trafficking, in the context of migration. She also visited the Special Protection Unit in Nimule, and observed the facilities available for survivors of trafficking in persons. In Nimule, she also met with community leaders, women's organisations, women leaders and survivors of SGBV.

4. During her visit to South Sudan, the Special Rapporteur met with a wide range of civil society organisations and lawyers, feminist organisations, youth leaders, migrant workers, migrant leaders, sex workers, and survivors of trafficking, including former child abductees, and survivors of child trafficking for purposes of recruitment and use by armed groups and armed forces.
5. The Special Rapporteur is particularly grateful to the survivors of trafficking who met with her throughout her visit, and whose testimonies of serious human rights violations will inform the analysis and recommendations presented in the Report. A key recommendation will be to continue to support and provide resources for survivor-led and trauma informed responses to prevention of all forms of trafficking in persons, and to protection of victims of trafficking, particularly children, to strengthen prevention, protection, and access to justice. Gender responsive, trauma informed, human rights and child rights approaches, will be critical to this work to combat trafficking in persons, in all its forms, both internally within South Sudan and cross-border, and to address the risks of trafficking in South Sudan, as a country of origin, transit and destination.

#### **Positive Developments**

6. The Special Rapporteur highlighted the progress made by the National Taskforce on Counter Trafficking in Persons and Smuggling of Migrants, proposals for legislative and policy reform on trafficking in persons, and for ratification of the UN Trafficking in Persons Protocol (Palermo Protocol), as well as plans for the adoption of a comprehensive migration policy and further work on climate displacement and migration, migration data and labour migration.
7. The activities of the National Task Force have included country wide awareness raising meetings and consultations on trafficking in persons, which covered Central, Eastern and Western Equatoria states, Western and Northern bar el Ghazel States, Warrap and Lakes State, and entry points in South Sudan. The Task Force also conducted a countrywide assessment to assess the forms, indicators and prevalence of trafficking in persons in South Sudan. The Task Force also undertook a Legal Gaps analysis, which highlighted current laws and legal provisions prohibiting trafficking in persons, and the importance of ratification of the UN Trafficking in Persons Protocol (the Palermo Protocol). Measures have been taken to provide training and capacity building to on integrated border management, and with border police, to identify victims of trafficking and persons at risk of trafficking at border crossings.
8. South Sudan is currently the Chair of the inter-regional forum - the EU-Horn of Africa Migration Route Initiative (Khartoum Process), and a signatory of the Declaration of the Ministerial Conference of the Khartoum Process (the Rome Declaration).
9. South Sudan has also engaged with the Global Compact on Safe Orderly and Regular Migration, through proposals for the preparation of a comprehensive migration policy. The proposed establishment of technical working groups on labour migration, migration data and displacement, and on climate-induced migration, are welcome and if progressed, will be

important measures to expand opportunities for safe and regular migration. South Sudan also participated in the Regional Inter-Ministerial Conference on Migration, Environment and Climate Change in Kampala, 27-29 July 2022, and continues to highlight the impact of climate change on displacement and migration. South Sudan currently hosts almost 400,000 refugees, and has ratified the 1951 Convention relating to the Status of Refugees. In addition, South Sudan is host to over 824,000 migrant workers, and is a country of both transit and destination for migration.

10. The Special Rapporteur also highlighted the commitment to implementation of the National Strategic Action Plan (2017-2030) to end child marriage by 2030, the development of the second National Action Plan on Women Peace and Security, the adoption of the Comprehensive Action Plan to End and Prevent all Grave Violations against Children, the establishment of the Gender-Based Violence Court, as well as adoption of the Joint Action Plan on Conflict Related Sexual Violence and further plans for the establishment of special protection units and one-stop centers for survivors of SGBV and trafficking in persons.

### **Background and Context**

11. The prevention of trafficking in persons, especially women and children, is essential to progress towards achievement of the SDGs, in particular to progress gender equality, end violence against children in all its forms, end child labour and child marriage, ensure just and fair conditions of work and decent work opportunities, reduce inequalities, and strengthen peace and justice institutions. Extreme poverty, food insecurity, closure of schools and lack of access to education or livelihoods, and the continuing impact of conflict, and climate related displacement and insecurity, all increase risks of trafficking, especially of women and children. South Sudan continues to face a dire humanitarian situation with over 60 per cent of the population being severely food insecure. Some 8.9 million people were estimated to need humanitarian assistance in 2022, compared to 8.3 million in 2021. An estimated 1.34 million children under five years were expected to suffer from acute malnutrition.
12. There are almost 2 million internally displaced persons in South Sudan, forcibly displaced due to conflict and climate change. South Sudan is ranked among the five countries in the world who are the most vulnerable to the impacts of climate change. There are also more than 2.33 million South Sudanese refugees in neighbouring countries, making it the largest refugee crisis in Africa. Currently, the limited capacity to combat trafficking in persons is limiting the identification of victims, or persons at risk of trafficking, and limiting access to protection.

### **Trends in trafficking in persons, including conflict related trafficking**

13. Trafficking in persons is a serious human rights violation, and a serious crime, that undermines and threatens the fragile processes of state building and peace-building. South Sudan is at a critical juncture in peace-building and state building. Violence against civilians and conflict related sexual violence, including trafficking in persons, particularly against women and children, persists. Trafficking in persons for purposes of sexual exploitation, including sexual slavery, child and forced marriage, is a form of conflict related sexual violence, and has been prevalent in South Sudan. Continuing risks of conflict related trafficking were highlighted in meetings with the Special Rapporteur during her visit, as were the risks and prevalence of trafficking occurring in the context of extreme poverty, violence and systemic gender inequality. The prevalence of conflict related trafficking and systemic SGBV, threaten to undermine peace and reconciliation processes, and to undermine progress towards sustainable development and state building.

14. The forms of trafficking experienced and prevalent in South Sudan are deeply gendered. Women and girls are primarily targeted for purposes of sexual exploitation, sexual slavery, child and forced marriage and domestic servitude. Men and boys are primarily trafficked for purposes of forced labour, forced criminality, recruitment and use by armed forces and armed groups. Men and boys may also be victims of trafficking for purposes of sexual exploitation, but limited information or awareness of such risks hinders reporting, protection, and accountability.
15. The adoption of the Comprehensive Action Plan to End and Prevent all Grave Violations against Children was a positive measure, and progress in implementation has been made. However, trafficking of children, remains a concern. Children affected by and associated with armed conflict in South Sudan, are frequently victims of trafficking. Recruitment and use of children by armed forces and armed groups is a form of child trafficking, and must be recognised as such, if accountability for child trafficking is to be ensured, and assistance and protection is to be provided to survivors. Abductions of children for purposes of exploitation, were prevalent during the conflict and remain a serious concern in the context of continuing violence. Such forms of child-trafficking include trafficking for purposes of child marriage, child and forced labour, sexual slavery, domestic servitude, recruitment and use of children by armed forces and armed groups, forced criminality and illegal adoptions.

#### **Legal and Policy framework**

16. A legal gaps analysis undertaken by the National Task Force on Counter Trafficking in Persons and Smuggling of Migrants has highlighted the need for comprehensive legislation on trafficking in persons, to provide a legislative framework to combat all forms of trafficking, including trafficking of children, and to ensure assistance and protection of victims and witnesses, as well as a legislative framework to strengthen international cooperation and provision for mutual legal assistance. Ratification by South Sudan, of the UN Trafficking in Persons Protocol (the Palermo Protocol), would strengthen the current legislative framework to combat trafficking in persons, especially women and children.

#### **Measures to combat trafficking in persons, including national coordination mechanisms and action plans**

17. Measures have been taken to provide training and capacity building in the context of integrated border management, with border police, to identify victims of trafficking and persons at risk of trafficking at border crossings. However, limited resources and facilities to assist and ensure protection for survivors, including at border crossings, remain a serious concern. The Special Rapporteur heard first hand of the need to provide facilities and support for survivors, in particular for unaccompanied and separated children, at risk of trafficking. The need for a national action plan to combat trafficking in persons, especially women and children, for all purposes of exploitation, has been highlighted.

#### **Sexual and Gender based violence, and trafficking for purposes of sexual exploitation and sexual slavery**

18. Trafficking for purposes of sexual exploitation, sexual slavery, child and forced marriage, within South Sudan is a serious concern. The Special Rapporteur met with communities of sex workers, who highlighted the prevalence of girls trafficked for purposes of sexual exploitation to Juba, including from neighbouring countries, particularly Uganda and DRC. Discriminatory attitudes towards sex workers limit access to justice and to protection when complaints of sexual violence, or of risks of trafficking are brought to police. Many sex workers highlighted the limited presence

of women police officers, or of safe houses or shelters to provide assistance and protection. The prevalence of HIV/Aids is a serious concern for many sex workers, and there is very limited access to health care or to reproductive and sexual health services for survivors of trafficking for purposes of sexual exploitation. The lack of alternative livelihoods or education or training opportunities for sex workers was highlighted in meetings with the Special Rapporteur, as were the increased risks of exploitation, including trafficking, against a background of stigma and discrimination against female sex workers.

19. The prevalence of sexual and gender based violence, creates conditions within which trafficking occurs across South Sudan. Commodification of women and girls, and systemic gender inequality, contributes to trafficking for all purposes of exploitation, particularly sexual exploitation, and limits access to justice for survivors. Prevention measures are weak, with little awareness of the risks of trafficking. The closure of schools in flood affected areas, and limited access to education, particularly for girls, increases risks of trafficking, in particular for purposes of child marriage and sexual exploitation. Continued measures to promote women and girls' empowerment, and gender equality, and to combat discrimination against women and girls, are critical to prevention of trafficking in persons.

#### **Conflict related Sexual Violence and trafficking in persons, especially women and children**

20. Continued attention is needed to the impact and risks of conflict related trafficking, including for purposes of sexual slavery and sexual exploitation, child and forced marriage and domestic servitude, forced labour and forced criminality. The Special Rapporteur was informed of survivor-centred programmes and measures to support survivors, including through trauma informed and gender sensitive responses. Such measures are critical to assist survivors and ensure continued protection. Additional funding and resources are need to ensure implementation of survivor centred assistance and protection across South Sudan, and to facilitate and support participation of survivors in peacebuilding and transitional justice measures.

#### **Labour Migration and Prevention of trafficking for purposes of forced labour**

21. South Sudan is a country of origin, transit and destination for labour migration. Currently, there is limited capacity or awareness of the risks of trafficking for purposes of forced labour, including domestic servitude. Further support is needed to raise awareness of the risks of trafficking, and to adopt a comprehensive prevention programme, including through promotion of ethical recruitment, monitoring of recruitment intermediaries, and the use of technology to facilitate trafficking. International cooperation, bilateral labour agreements, and expansion of safe and regular migration for employment opportunities, is critical, as is the need to strengthen the capacity of diplomatic and consular services to raise awareness of risks of trafficking and to provide assistance to South Sudanese victims in destination and transit countries.
22. Within South Sudan, the strengthening of capacity to prevent trafficking for purposes of forced labour, and domestic servitude, is critical, including through ensuring just and fair conditions of work and increased opportunities for decent work, as well as monitoring and inspection to prevent trafficking for purposes of child and forced labour. This is particularly critical in high risk sectors, such as hotels and restaurants, tourism, agriculture, and mining and natural resource management.

#### **Climate Change, Climate related displacement and insecurity**

23. The Special Rapporteur witnessed first-hand, the impact of climate change, climate related disasters, severe flooding and displacement, leading to loss of livelihoods, shelter and closure of

schools, and to increasing risks of child marriage. This context increases risks of insecurity and violence, and limits capacity to prevent trafficking in persons, particularly child trafficking.

#### **Assistance and Protection**

24. The lack of assistance and protection services for survivors of trafficking was repeatedly highlighted during the visit of the Special Rapporteur. While some support is available through specialised NGOs, funding is extremely limited, and access to assistance and protection is severely limited. This limits the availability of psycho-social services, medical assistance and reproductive and sexual health services, or of education, training and employment opportunities for survivors. The lack of access to such assistance, hinders recovery, social inclusion, and increases risks of re-trafficking and continuing exploitation.

#### **Children associated with and affected by armed conflict and child trafficking**

25. South Sudan has adopted a comprehensive action plan to end and prevent all grave violations against children, prioritising prevention, reintegration, assistance and protection. Many children affected by armed conflict or association with armed groups, are victims of trafficking. Despite progress made in prevention of recruitment and use of children by armed forces and armed groups, the limited resources and facilities to support return to education and training or employment opportunities, is hindering the impact and implementation of the action plan. Abductions of children for purposes of exploitation, risks of sexual violence against children, and recruitment and use of children remains a concern, including as forms of trafficking of children.

#### **Peacebuilding, Transitional Justice and Demobilisation, Disarmament and Reintegration**

26. It is critical that transitional justice mechanisms and reparations address conflict related trafficking, including recruitment and use of children, trafficking for purposes of child and forced marriage, domestic servitude, forced labour, and forced criminality. It is a concern that there may be limited awareness of the forms of trafficking that occur in the context of conflict, and limited attention given to conflict related trafficking in the emerging transitional justice processes.

27. The continuing prevalence of weapons throughout South Sudan is a serious concern. The availability of weapons increases risks of trafficking, including through child abductions and linked to sexual and gender based violence. Disarmament and demobilisation remains a priority, and is critical to support peace-building and to prevent the disruption of peacebuilding and state building processes.

#### **Independence of Judges and Lawyers, and Access to Justice**

28. The strengthening of capacity within the judiciary to respond to trafficking in persons, especially women and children, is urgently required. The development of gender responsive and child friendly justice processes are welcome, including through the development of a specialisation in sexual and gender based violence crimes within the judiciary, and in juvenile justice. However, the limited capacity of the justice sector remains a serious concern. Mobile courts have not been functioning in some parts of the country, due to the impact of flooding and displacement, leaving victims and survivors without any access to courts, and allowing for continued impunity for serious human rights violations and serious crimes related to trafficking in persons. Ensuring the independence of judges and lawyers, and effective access to justice, is essential to a human rights and survivor centred response to trafficking in persons.

### **Role of Civil Society and Civic Society space**

**29.** Partnership with civil society is critical to prevention of trafficking in persons, and of assistance and protection of victims. The role of civil society needs to be strengthened and supported in South Sudan, in particular, to promote gender equality and women and girls' empowerment.

The Special Rapporteur highlights the importance of ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol), to complement existing international legal obligations to combat trafficking and protect survivors of trafficking, arising under international human rights treaties ratified by South Sudan, including CEDAW, and the CRC.

The Special Rapporteur will present a Report to the Human Rights Council in June 2023, with recommendations to Government, UN entities, and the international community. It is essential that continued support and resources are provided to assist the people and Government of South Sudan in prevention of trafficking in persons, and in developing survivor centred responses to trafficking in persons at this critical moment in peacebuilding, to promote gender equality, peace and security in South Sudan.