

**Mandate of the Special Rapporteur on trafficking in persons, especially women and children**

Ref.: AL SDN 3/2023

(Please use this reference in your reply)

12 October 2023

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on trafficking in persons, especially women and children, pursuant to Human Rights Council resolution 53/9.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning repeated, widespread and credible allegations of recruitment and use of children by the Rapid Support Forces (RSF), in the context of the current conflict in Sudan and for the purposes of participation in the hostilities.

According to information received boys are being recruited by Rapid Support Forces for the purposes of participation in the hostilities. According to this information children in families living in poverty are targeted in the outskirt neighbourhoods of Khartoum, as well as from Arab tribes in Darfur and West Kordofan. Information has been received alleging that boys, accounted for over 600 casualties in the fighting occurring in Khartoum in August, and that these children had been recruited by the RSF and were being used in combat roles by the RSF. It is further alleged that girls have been abducted from Khartoum to Darfur, for purposes of sexual exploitation.

It is alleged that children have been used in support and combat roles, including during attacks on the Sudanese Armed Forces (SAF) and a garrison in Khartoum on 21.08.2023, and in Nyala South Darfur.

*General background and risk factors*

Before the outbreak of conflict in April 2023, Sudan was already a country of concern regarding the recruitment and use of children. The Report of the Secretary General on Children and Armed conflict in 2023 documented 306 verified grave violations against 253 children (164 boys, 82 girls, 7 sex unknown), including 10 girls who were victims of multiple violations, as per the monitoring mechanism set in Security Council resolution 1612 (para 177 of A/77/895). Out of these, a total of 68 children (59 boys, 9 girls), between the ages of 9 and 17, were verified as recruited and used by the Sudanese Alliance (34), the Sudan People's Liberation Movement-North Malik Agar faction (SPLM-N Malik Agar) (17), the Third Front-Tamazuj (10), the Sudanese Armed Forces (SAF) (2), the Sudan Liberation Army-Minni Minawi (SLA/MM) (2), the Gathering of the Sudan Liberation Forces (1), the Justice and Equality Movement (JEM) (1) and the Sudan Liberation Movement/Army-Transitional Council (SLM/A-TC) (1) in West Darfur (30) and North Darfur (38). The report further confirms that 40 of these children were used in combat, while 23 had support roles and 5 held unknown capacities. In addition

to recruitment and use of children, local actors on the ground have identified other grave violations, including killings, maiming, rape and other sexual violence, abductions and kidnappings, attacks on schools and hospitals, as well as killings and injuries of children. In a recent report of the Secretary General to the Security Council on the situation in Sudan, for the reporting period from 7 May to 20 August 2023, it has been observed that the ongoing clashes between RSF and SAF have resulted in almost tenfold increase in grave violations against children (S/2023/644, para. 30) and only in this period, the United Nations country task force on monitoring and reporting on grave violations, verified a total of 311 violations against 261 children, including the recruitment of 13 boys aged between 14 and 17 by the RSF in Khartoum and South Darfour (S/2023/644, para. 30). Sources have also reported that the deteriorated humanitarian situation and lack of access to food and other basic services renders children, and in particular unaccompanied children in street situations easy targets for the recruitment by the armed groups. As a result, children reportedly respond to the call of the armed groups to join as a survival strategy.

Since the outbreak of conflict in April between the RSF and SAF, a deterioration of the protection environment in Sudan has been reported, including in relation to child protection services. According to figures reported by the Global Protection Cluster in October 2023, over a 1 million people have crossed the borders, the majority to Chad, South Sudan and Egypt, in search of safety, and over 4 million people are internally displaced<sup>1</sup>. According to the Global Protection Cluster Protection Analysis Update, already in July 2023, out of the displaced population, around 1.5 million were children and an estimated half a million children have fled across the border in search of safety<sup>2</sup>. Generally, the population in need has increased to 24.7 million after the conflict erupted, as per data already in May 2023, which represents a 57% increase.<sup>3</sup> The forced displacement arising from the conflict has severely impacted on the humanitarian and protection crisis, leading to an increase in protection risks such as trafficking of children, including, in particular, recruitment and use of children by conflicting parties.

In addition to mass displacement, large-scale family separations as a result of displacement and conflict, leaves many children unaccompanied and separated from their parents and care givers. Reportedly, many of these children, particularly originating from conflict affected areas such as Darfur, are exposed to increased risks, including to sexual and gender-based violence. Adolescent girls, particularly those who are homeless or living on the streets, as well as those who have left religious institutions (khalwas) in Kordofan, face increased

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<sup>1</sup> See Global Protection Cluster: “At a Glance: Protection impacts of the conflict”, Update no. 17, 1 October 2023

<sup>2</sup> See Global Protection Cluster: “Sudan, Protection Analysis Update: Unabated violations against civilians increase the impact of protection risks on the population”, July 2023, p.8. According to UNHCR data in October, children, both boys and girls accounted for the 62% of the total crossings to CAR, 59% to Chad, 40% to Egypt and Ethiopia and 48% to South Sudan. See UNHCR Operational Data at [https://data.unhcr.org/en/situations/sudansituation?\\_gl=1\\*1y8pbjy\\*\\_rup\\_ga\\*MTk2MDE1MTA2Ny4xNjQ0NDZMjY5\\*\\_rup\\_ga\\_EVDQTJ4LjEuMTY5NjQyNDc1NC4wLjAuMA..\\*\\_ga\\*MTk2MDE1MTA2Ny4xNjQ0NDZMjY5\\*\\_ga\\_X2YZPJ1XWR\\*MTY5NjQyNDc1NC4wLjAuMA.#\\_ga=2.191989545.2041867744.1696424708-1960151067.1644403269](https://data.unhcr.org/en/situations/sudansituation?_gl=1*1y8pbjy*_rup_ga*MTk2MDE1MTA2Ny4xNjQ0NDZMjY5*_rup_ga_EVDQTJ4LjEuMTY5NjQyNDc1NC4wLjAuMA..*_ga*MTk2MDE1MTA2Ny4xNjQ0NDZMjY5*_ga_X2YZPJ1XWR*MTY5NjQyNDc1NC4wLjAuMA.#_ga=2.191989545.2041867744.1696424708-1960151067.1644403269)

<sup>3</sup> See Global Protection Cluster: “Sudan, Protection Analysis Update: Unabated violations against civilians increase the impact of protection risks on the population”, July 2023, p.3

risks of exploitation and violence.<sup>4</sup> Other risks to children are the presence of unexploded ordnances (UXOs) which results in the loss of lives or severe injuries.

*Status of humanitarian agencies, capacity to work in conflict areas and provide support to families in situations of vulnerability and provide child protection services*

Humanitarian and local communities' resources are reportedly limited and the relocation of humanitarian agencies outside the country since the outbreak of the conflict has led to risks of trafficking in persons, with limited prevention and protection measures in place, particularly concerning recruitment and use of children. Humanitarian agencies have been the target of attacks, and reports, both of the Secretary General on the situation in Sudan and the Global Protection Cluster, disclosed that up to 72 humanitarian offices and assets had been attacked or looted and 19 humanitarian personnel killed as of October 2023<sup>5</sup>.

According to information received, the disruption of child protection services has intensified the precarious situation of children, especially those unaccompanied, separated from families or caregivers, or those living in institutional settings. It is reported that in East Sudan, reception centers, camps, and temporary shelters are overcrowded, increasing the risks faced by unaccompanied and separated children<sup>6</sup>.

Reportedly, the interruption of schools has severely impacted children's access to education and many have been unable to continue their studies. The breakdown of health care services, coupled with exposure to conflict inflicted trauma and stress, has reportedly led to a deterioration of children's physical and mental health.

According to information reported, the recent conflict and displacement has had also an impact on attendance rates at existing Child-Friendly Spaces.<sup>7</sup> According to information received, in the lack of support services, many children have reportedly resorted to engaging in occasional labour to support their families, and are exposed to increased risk of exploitation including trafficking for purposes of child labour as well as recruitment and use by armed groups<sup>8</sup>.

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<sup>4</sup> In addition to direct sources, the increased risks to child recruitment by armed groups due to increased insecurity, generalized looting and association with criminal gangs has been raised by the Global Protection Cluster in "Sudan, Protection Analysis Update: Unabated violations against civilians increase the impact of protection risks on the population", July 2023, p.8. Security concerns and increased criminality also in areas where RSF is present was also reported by Secretary General report to the Security Council on the situation in Sudan, S/2023/644, para. 15

<sup>5</sup> See Global Protection Cluster: "At a Glance: Protection impacts of the conflict", Update no. 17, 1 October 2023, p.1 and S/2023/644, para. 23

<sup>6</sup> Global Protection Cluster: "Sudan, Protection Analysis Update: Unabated violations against civilians increase the impact of protection risks on the population", July 2023, p.8

<sup>7</sup> Global Protection Cluster: "Sudan, Protection Analysis Update: Unabated violations against civilians increase the impact of protection risks on the population", July 2023, p.8

<sup>8</sup> In addition to information received these risks are further sustained by information found in the Secretary general report S/2023/644, para 34-35 and in Global Protection Cluster "Sudan, Protection Analysis Update: Unabated violations against civilians increase the impact of protection risks on the population", July 2023, p.8

Despite efforts from child protection organizations and local communities, limited resources are reportedly hindering the provision of protection services to children, particularly displaced children, separated and unaccompanied children and children with disabilities. The ongoing conflict has obliged many humanitarian organizations to relocate personnel, leaving millions of people, including children unable to access life-saving support services, including health services, food, water and sanitation. In addition, information reported has also indicated that visas for humanitarian personnel were allegedly denied.

While I do not wish to prejudge the accuracy of these allegations, I am deeply concerned by the reports of ongoing serious human rights violations against children, including the recruitment and use of children in the hostilities, as well other grave violations, such as killings, maiming, rape and other sexual violence, abductions and kidnappings, attacks on schools and hospitals, as well as killings and injuries of children, not only by the RSF, but also attributed to the SAF in the context of ongoing clashes.<sup>9</sup>

The alleged recruitment and use of children in conflict may constitute a violation of international human rights law and humanitarian law, in particular the obligations set forth in the Second Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000), ratified by Sudan on 26 July 2005, as well as the Protocol Additional to the Geneva Conventions, and relating to the protection of victims of non-international armed conflict, ratified by Sudan on 13 July 2006. I wish to recall your Excellency's Government that the recruitment of children for any purpose of exploitation, including participating in combat activities and support roles within the armed groups constitutes trafficking in persons, a violation of human rights, and that the consent of the children to join the armed groups is irrelevant, as per the definition set forth in article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol), supplementing the United Nations Convention against Transnational Organized Crime, and ratified by Sudan on 2 December 2014. As per the definition in the Palermo Protocol, in the case of children, it is also not necessary to prove that any means have been used, including deception or use of force.

I am also deeply concerned at the reported disruption of much needed humanitarian assistance and the disruption to the reporting mechanism established by the Security Council in resolution S/RES/1612 (2005), which aims "to collect and provide timely, objective, accurate and reliable information on the recruitment and use of child soldiers in violation of applicable international law and on other violations and abuses committed against children affected by armed conflict" (op 2 (a)). I am concerned by the allegations of a failure to facilitate safe, timely and unhindered humanitarian access to children, and to respect the work of all United Nations humanitarian agencies and their humanitarian partners. I recall the Secretary General urgent appeal to "Sudanese authorities to facilitate all humanitarian efforts in order to ease the suffering of the Sudanese people" (S/2023/644, para. 62). Urgent action is required to address these pressing concerns and to take effective measures to prevent trafficking of children, for purposes of recruitment and use, and other forms of exploitation, and to provide effective protection to child victims and children at risk,

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<sup>9</sup> S/2023/644, para. 30

particularly displaced children, unaccompanied and separated children, refugee children, and children with disabilities.

I express serious concern at the targeting of at-risk populations, particularly refugee and internally displaced families, in view of the high vulnerability induced by the ongoing conflict in Sudan. I would like to remind your Excellency's Government of their obligations to conduct thorough, effective, credible and transparent investigations of all human rights abuses, including recruitment and use of children, in line with international standards, and to bring perpetrators to account and provide reparations to the survivors.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide any information regarding measures taken to prevent trafficking in persons, particularly the recruitment and use of children under 18 by armed groups, including the RSF, for the purposes of exploitation in combat and support roles, which constitutes trafficking of children, and particularly within the displaced communities and among unaccompanied and separated children;
3. Please provide any information regarding measures to identify potential child victims of trafficking and measures for immediate protection and assistance that are gender and age appropriate, ensuring the rights and best interests of all children without discrimination;
4. Please provide information on measures taken to ensure protection of children with disabilities affected by the conflict;
5. Please provide information on the measures undertaken to guarantee the immediate and complete cessation of all violence against civilians, particularly children. In addition, please provide information on measures taken to ensure the meaningful and inclusive participation of internally displaced persons and refugees, including in particular, women, children and youth, and persons with diverse ethnic and religious backgrounds and displacement-affected communities, in peace negotiations;
6. Please provide information on the measures undertaken to investigate and prosecute those responsible, including at the command level, for trafficking of children for purposes of recruitment and use in the conflict. If no investigation was launched, please detail the reason(s) why.

7. Please indicate the measures undertaken to provide humanitarian assistance and protection to internally displaced persons and refugees, and on the steps taken to ensure safe corridors and facilitate local and international humanitarian responses to allow access to affected communities and victims, and to ensure effective child protection, prevention of child trafficking for all purposes of exploitation, and protection of child victims, including through provision of health services, mental health services, and reproductive and sexual health services.

I would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

I may publicly express my concerns in the near future as, in my view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. I also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that I have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please be informed that a letter on this subject matter has been also sent to the representatives of the RSF. While awaiting a reply, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of my highest consideration.

Siobhán Mullally  
Special Rapporteur on trafficking in persons, especially women and children

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, I would like to draw your Excellency's Government's attention to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

In regard to the allegation of recruitment and use of children in armed conflict, I would like to remind your Excellency's Government of the Convention on the Rights of the Child's Optional Protocol on the Involvement of Children in Armed Conflict (2000), ratified by Sudan on 26 July 2005, which requires State parties to increase to 18 years the minimum age for compulsory recruitment and for direct participation in hostilities (article 1). In addition, the Optional Protocol prohibits non-State armed groups under any circumstances from recruiting or using children under 18 years (article 4). Under the Protocol, States parties are also required to take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices (article 4).

In addition, I wish to remind your Excellency's Government of the obligations set forth in the Convention of the Rights of the Child, ratified by Sudan on 3 August 1990, in particular, article 35 which calls States parties to 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. In the application of the Convention in the current context of conflict in Sudan, I would like to remind your Excellency's Government of obligations established in article 38, and to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child, as well as, in accordance with their obligations under international humanitarian law, to protect the civilian population in armed conflicts, ensure protection and care of children who are affected by an armed conflict.

In this regard, I wish to draw your Excellency's Government attention to the Protocol Additional to the Geneva Conventions, and relating to the protection of victims of non-international armed conflict, which in article 4 establishes the prohibition to recruit children under the age of 15 by any armed groups or forces and to be part in the hostilities, and calls States to ensure that children are provided with the care and aid they require, and in particular: "(a) they shall receive an education, including religious and moral education, in keeping with the wishes of their parents, or in the absence of parents, of those responsible for their care; (b) all appropriate steps shall be taken to facilitate the reunion of families temporarily separated; (c) children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities; (d) the special protection provided by this Article to children who have not attained the age of fifteen years shall remain applicable to them if they take a direct part in hostilities despite the provisions of sub-paragraph (c) and are captured; (e) measures shall be taken, if necessary, and whenever possible with the consent of their parents or persons who by law or custom are primarily responsible for their care, to remove children temporarily from the area in which hostilities are taking place to a safer area within the country and ensure that they are accompanied by persons responsible for their safety and well-being." In this context, and in interpreting

the Geneva Conventions and Additional protocols regarding age of recruitment, I wish to bring to your Excellency's Government attention the position of the International Red Cross regarding age of recruitment issued in 1997. The ICRC position based on international humanitarian law, human rights law and state practice, is that children under 18 years of age must not take part in hostilities.<sup>10</sup>

The prohibition of recruitment is also enshrined in international labour law. The International Labor Organization's Convention No. 182 on the Worst Forms of Child Labor, ratified by Sudan on 7 March 2003 declares that recruiting children below the age of 18 is "one of the worst forms of child labor" (article 3 (a)). Regarding the implementation of the Convention, I recall the Committee of Experts on the Application of Conventions and Recommendations, which in 2020 issued a comment noting with concern the "the high incidence of grave violations involving children, including abductions for forced labour, the Committee urges the Government to take immediate measures to ensure that thorough investigations and prosecutions of offenders abducting children under 18 years for forced labour are carried out and that sufficiently effective and dissuasive sanctions are imposed in practice". Furthermore, on the particular concern of child recruitment, while the Committee commended Sudan's efforts with the conclusion of the peace agreement, it also "requests the Government to continue its efforts to ensure that no child under the age of 18 years shall be used or recruited for armed conflict. In this regard, the Committee urges the Government to continue to take effective measures, in collaboration with the UN bodies operating in the country, to effectively implement the Action Plan to end and prevent the recruitment and use of children in the armed forces. It also requests the Government to take the necessary measures to ensure that thorough investigations and prosecutions are carried out against persons who have recruited or used children under 18 years for armed conflict or persons who continue to do so and that sufficiently effective and dissuasive penalties are imposed on them. It requests the Government to supply information in this regard."<sup>11</sup>

I also wish to recall the Paris Principles on Children Associated with Armed Forces or Armed Groups (2007), which calls upon States to protect children from unlawful recruitment and to ensure that armed groups within their territory do not recruit children under the age of 18, as well as implement appropriate measures to ensure the release, protection and reintegration of children.

I would also like to draw your Excellency's Government attention to the African Charter of the Rights and Welfare of the Child, ratified by Sudan on 30 July 2005, and in particular on article 22, which calls upon States Parties to undertake to respect and ensure respect for rules of international humanitarian law applicable in armed conflicts which affect the child; to take all necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular, from recruiting any child; as well as, in accordance with their obligations under international humanitarian law, protect the civilian population in armed conflicts and take all feasible measures to ensure the protection and care of children who are affected by armed conflicts. I draw your

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<sup>10</sup> Position of the International Committee of the Red Cross, Statement of 8 December 1997, at <https://www.icrc.org/en/doc/resources/documents/statement/57jnuv.htm#:~:text=The%20International%20Committee%20of%20the%20Red%20Cross%20%28hereinafter,and%20armed%20groups%20and%20their%20participation%20in%20hostilities.>

<sup>11</sup> ILO CEACR Observation - adopted 2020, published 109th ILC session (2021) on application of Worst Forms of Child Labour Convention, 1999, no.182



Excellency's Government attention to the application of the Charter also to situations of internal armed conflicts, tension and strife (article 22 para. 3). In addition to the obligations in the Charter regarding child recruitment, I wish to draw your Excellency's Government attention to obligations regarding measures to protect refugee children, which apply as well to internally displaced children, as per article 23, namely that States shall ensure that children receive appropriate protection and humanitarian assistance in the enjoyment of the rights set out in the Charter and other international human rights and humanitarian instruments to which the States are Parties. States should also undertake to cooperate with existing international organizations which protect and assist refugees or internally displaced persons in their efforts to protect and assist such a child and to trace the parents or other close relatives or an unaccompanied refugee or internally displaced child in order to obtain information necessary for reunification with the family. Finally, the Charter also calls upon States to "where no parents, legal guardians or close relatives can be found, [that] the child shall be accorded the same protection as any other child permanently or temporarily deprived of his family environment for any reason (article 23).

Regarding disruption of basic services such as health or education I also wish to recall obligations in the African Charter under article 5 on the survival and development of children, as well as article 11 on access to education, and article 14 on health and health services.

I wish to draw your Excellency's Government's attention to the fact that recruitment of children by armed groups is a form of trafficking of children. According to the definition set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol), supplementing the United Nations Convention against Transnational Organized Crime, and ratified by Sudan on 2 December 2014 , in the case of children only the act, namely the recruitment, transportation, transfer, harbouring or receipt, and the purpose of exploitation, of any form, need to be established to identify a situation as trafficking in persons (article 3). In this regard, I would like to draw your Excellency's Government attention to the obligations set out in the Palermo Protocol and highlight the obligations to identify, assist and protect victims of trafficking as stated in article 6, taking into account "the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children ", as well as obligations set in article 9, on the protection of victims of trafficking in persons, especially women and children, from revictimization.

Regarding the reintegration of children and protection once released, in addition to measures to ensure protection from revictimization and long term inclusion, I wish to draw attention to the importance of the implementation of the principle of non punishment, recognized as a positive obligations of States in the implementation of the prohibition of trafficking in persons (see legal analysis in the report of the Special Rapporteur on trafficking in persons A/HRC/47/34 on the implementation of the non punishment principle, in particular paras. 20-24, 28-31). I would like to recall that this principle needs to be applied as soon as there are reasonable grounds to believe that a person has been trafficked and for any unlawful activity carried out by a trafficked person as a direct consequence of their trafficking situation, regardless of the gravity or seriousness of the offence committed (see full recommendations in paras 55-57).

In addition to the recommendations of the Special Rapporteur, the Security Council in its resolution 2388 (2017) on Addressing trafficking in situations of armed conflict and in post-conflict situations urged Member States to “assess the individual situation of persons released from the captivity of armed and terrorist groups so as to enable prompt identification of victims of trafficking, their treatment as victims of crime and to consider, in line with domestic legislation, not prosecuting or punishing victims of trafficking for unlawful activities they committed as a direct result of having being subjected to trafficking;” (para. 17). In its resolution 2427 (2018), applicable to the treatment of children associated or allegedly associated with all non-State armed groups, including those who commit acts of terrorism, the Security Council called for the establishment of standard operating procedures to ensure their timely handover to civilian child protection actors. Reiterating the focus on child protection, the Council called upon Member States to consider non-judicial measures that were focused on the rehabilitation and reintegration of children as alternatives to prosecution and detention and called for the application of due process for all children detained for association with armed forces and armed groups (para 19-21).

Regarding the prevalence of trafficking in persons in conflict situations and humanitarian crisis I recall Security Council resolution 2331 (2016) which recognizes “that trafficking in persons in areas affected by armed conflict and post-conflict situations can be for the purpose of various forms of exploitation; [...] further recognizing that trafficking in persons in armed conflict and post-conflict situations can also be associated with sexual violence in conflict and that children in situations of armed conflict and persons displaced by armed conflict, including refugees, can be especially vulnerable to trafficking in persons in armed conflict and to these forms of exploitation.”

I recall Security Council Resolution 2388 (2017), which “stresses the need to prevent and identify instances of trafficking in persons among those forcibly displaced or otherwise affected by armed conflict”, expresses “grave concern over the high numbers of women and children subjected to trafficking in armed conflicts”, and recognizes that “acts of trafficking in persons are often associated with other violations of applicable international law and other abuses, including those involving recruitment and use, abduction and sexual violence including, inter alia, rape, sexual slavery, forced prostitution and forced pregnancy”. Further, SC Res 2388 (2017), reiterates the condemnation of “all acts of trafficking, [...] and underscores the importance of collecting and preserving evidence relating to such acts in order to ensure that those responsible can be held accountable” (para. 10).

International criminal law is also of relevance to the allegations of trafficking in persons raised. Many of the provisions of the Rome Statute reflect customary international law. The Rome Statute explicitly states that trafficking can amount to an international crime in the form of enslavement, as crimes against humanity. In the context of an attack on a civilian population, or an armed conflict, the Statute expressly permits and foresees the prosecution of trafficking in persons. Article 7(2)(c) of the Rome Statute states that: “[E]nslavement means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children.”

I recall the provisions of the 1926 Convention to Suppress the Slave Trade and Slavery, 1926, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.

The prevalence of trafficking in persons during armed conflict has also been highlighted in reports of the Special Rapporteur on Trafficking in Persons, especially women and children. Specifically, the Special Rapporteur on Trafficking in Persons has highlighted that: “the general breakdown of the rule of law and political, economic and social structures, including community protection systems, higher levels of violence and increased militarism, as well as the lack of access to safe and legal migratory routes, foster conditions in which trafficking flourishes, including after hostilities have ceased.” (A/73/171, para. 5.)

The Special Rapporteur has also highlighted the obligation to ensure that humanitarian access is maintained so as to ensure specialized assistance to and protection of victims of trafficking, in order to enable timely identification and prevent re-trafficking. (A/76/263, para. 67). Further, the Special Rapporteur has highlighted the positive obligation on States to ensure timely identification of, assistance to and protection of victims, and: “(a) Ensure that trafficking in persons for all purposes of exploitation are recognized, including for the purposes of forced labour, servitude, slavery or practices similar to slavery, forced marriage and forced criminality [...]; (d) Give due consideration to early warning signs, including indicators of vulnerabilities to trafficking for all purposes of exploitation, especially in refugee and internally displaced persons camps and host communities affected by conflict; (e) Ensure effective access to legal assistance and specialized psychological, medical and counselling support, especially on migration routes, in all situations of forced displacement and in conflict settings” (A/76/263, para 58).

Regarding the prohibition of trafficking in persons in human rights instruments, I would like to recall article 8 of the ICCPR, which states that; “No one shall be held in slavery and that slavery and the slave-trade in all their forms shall be prohibited (article 1). No one shall be held in servitude (article 2). No one shall be required to perform forced or compulsory labour (article 3 (a)); shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court” (article 3 (b) paragraph 3 (a)). In this regard, I would also like to remind the military authorities in Sudan of the positive obligation imposed by the Covenant on States parties “to respect and to ensure” all the rights in the Covenant (art. 2(1)); to take legal and other measures to achieve this purpose (art. 2(2)); and to pursue accountability and provide effective remedies for violations of Covenant rights (art. 2(3)). The Human Rights Committee, in its General Comment No. 31 (2004), observes that if States fail to investigate or bring perpetrators of violations to justice, this could in and of itself give rise to a separate breach of the Covenant, especially for violations recognized as criminal, such as torture and similar cruel, inhuman and degrading treatment (article 7), summary and arbitrary killing (article 6) and enforced disappearance (CCPR/C/21/Rev.1/Add.13, para. 8). It also provides that under article 7 of the ICCPR, States Parties should take positive measures to ensure that private persons or entities do not inflict torture or cruel, inhuman, or degrading treatment or punishment on others.

Regarding other abuses against children, including to access to education and health services reportedly disrupted during conflict, I would like to refer to the Convention on the Rights of the Child, which states that States Parties have the obligations of due diligence and prevention of violence and other violations of human rights; obligation to investigate and punish those responsible; as well as provide access to redress human rights violations, including against children.

The UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, states that States have obligations to provide equal and effective access to justice; adequate, effective and prompt reparation for harm suffered; and access to relevant information concerning violations and reparation mechanisms. As set by the Basic Principles, reparations can be in the forms of restitution, compensation, rehabilitation and measures of satisfaction, such as public apologies, or public memorials, and guarantees of non-repetition and changes in relevant laws and practices, as well as bringing to justice perpetrators of human rights violations, while considering the situation of vulnerability of certain groups.

I also wish to draw your Excellency's Government's attention to the applicable treaty and customary norms of international humanitarian law. Common article 3 of the Four Geneva Conventions of 1949, which Sudan is a party to, prohibits outrages on personal dignity, in particular humiliating and degrading treatment. In addition, "slavery and the slave trade in all their forms" are prohibited by article 4(2)(f) of Additional Protocol II to the Geneva Conventions as well as customary international humanitarian law (see ICRC Study on Customary International Humanitarian Law Rule 94).

I would also like to refer your Excellency's Government to the 1998 Guiding Principles on Internal Displacement, which establish that all authorities shall respect their obligations under international law, including human rights and humanitarian law, to prevent and avoid conditions that might lead to the displacement of persons. I stress that according to the Guiding Principles, every human being shall have the right to be protected from being arbitrarily displaced, including in situations of armed conflict or due to gross human rights violations, discrimination and fear of persecution (principle 6). Internally displaced persons shall be protected by law, and in particular against enforced disappearances (principle (10)(1d)). Internally displaced persons shall also be protected in particular against direct or indiscriminate attacks or other acts of violence (principle 10(2d)). Authorities have the obligation to protect internally displaced persons from rape and gender-specific violence (principle 11(2a)). Internally displaced persons should also be protected from arbitrary arrest or detention and discriminatory arrest and detention (principle 12). Authorities also have the obligation to protect internally displaced persons, including from rape and other human rights violations (principles 10 to 13). All internally displaced persons have the right to know the fate and whereabouts of missing relatives, and the authorities should endeavor to establish the fate and whereabouts of internally displaced persons reported missing, and cooperate with relevant international organizations engaged in this task. (principle 16(1-2)). Families which are separated by displacement should be reunited as quickly as possible, and all appropriate steps shall be taken to expedite the reunion of such families, particularly when children are involved. The responsible authorities

shall facilitate inquiries made by family members and encourage and cooperate with the work of humanitarian organizations engaged in the task of family reunification (principle 17). I would also like to highlight principle 18, which sets out that internally displaced persons shall have an adequate standard of living, that including safe access to essential foods and portable water, basic shelter and housing, appropriate clothing, and essential medical services and medication and sanitation. (principle 18). The authorities shall issue to internally displaced persons all documents necessary for the enjoyment and exercise of their legal rights; in particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions such as requiring the return to one's area of habitual residence (principle 20). Internally displaced persons also have the right to liberty of movement and to seek safety in another part of the country (principles 14 and 15). I would like to remind your Excellency's Government of its primary duty and responsibility to support durable solutions for internally displaced persons (principles 28-30).

I would also like to refer to your Excellency's Government's completion of its domestic procedure to ratify the African Union Convention for the Protection and Assistance of Internally Displaced Persons (Kampala Convention), while ratification is still to be formalized by the deposit of its instruments with the Chairperson of the African Union Commission. Article V(1) of the Kampala Convention provides that States Parties bear the primary duty and responsibility for providing protection and humanitarian assistance to internally displaced persons. States Parties shall refrain from and prevent arbitrary killing, summary execution, arbitrary detention, abduction and sexual violence in all of its forms, among other violations (article IX(1)(c)). Article IX(2)(a) sets out the obligation of States Parties to provide internally displaced persons with practicable and adequate humanitarian assistance to the fullest extent and with the least possible delay, which shall include food, water, shelter, medical care and other health services, sanitation, education, and any other necessary social services, and where appropriate, extend such assistance to local and host communities. Special protection and assistance should be provided to those with special needs, including older persons and persons with disabilities (article IX(2)(c)). States Parties shall consult internally displaced persons and allow them to participate in decisions relating to their protection and assistance (article IX(2)(k)). States Parties shall seek lasting solutions to the problem of displacement by promoting and creating satisfactory conditions for voluntary return, local integration or relocation on a sustainable basis and in circumstances of safety and dignity (article XI(1)). The Convention also sets out the obligation of States Parties to ensure the responsibility of individuals and non-State actors for acts of arbitrary displacement (article III(g), (h) and (i)), and to provide persons affected by displacement with effective remedies and reparation (article XII). I encourage the Government to implement the Kampala Convention in line with its expression of intent and to deposit its instrument of ratification with the Chairperson of the African Union Commission as soon as possible.