



July 2008

**Information on Sudan
Compliance with ILO Convention No.29 on Forced Labour (ratified in 1957)**

RE: Forced labour in Sudan

The Government of Sudan, before the Conference Committee on the Application of Standards (2008), stated that “there were no further cases of abduction and forced labour in the country”.

Despite this claim, information from various sources provides evidence that abductions have continued in Darfur in the context of the current conflict there.

In addition, Anti-Slavery International continues to have concerns about the process of identification, release and rehabilitation of those who were abducted and subjected to forced labour in Southern Sudan during the civil war of 1983 to 2005.

1. Continued abductions and forced labour in Darfur

The Government insisted before the Conference Committee (2008) that “there had been no cases of forced labour in the country since the signature of the Peace Agreement” and described the situation in Darfur as being “totally unrelated to the matters dealt with in the Convention” and instead “a political matter”.

Despite the Government of Sudan’s protestations to the contrary, the current human rights violation taking place in Darfur show a marked similarity to those that took place in southern Sudan during the 1983-2005 civil war, including many documented cases of abductions for sexual exploitation and forced labour.

The UN Report of the International Commission of Inquiry on Darfur¹ (2005) documented cases of abductions and sexual slavery, where women were forcibly taken from their villages, held in confinement, repeatedly raped, and tortured by Janjaweed and soldiers. It is reported that in February 2004 around 35 female students were allegedly abducted and raped by the Janjaweed in Tawila and surrounding villages in North Darfur and in March 2004, Janjaweed and 150 soldiers reportedly abducted and raped 16 young girls in Kutum, North Darfur. Further reports of abductions, mass rape and sexual

¹ Report of the International Commission of Inquiry on Darfur to the United Nations Secretary -General. Geneva, 25 January 2005.

violence have been reported in the areas surrounding El Geneina, Disa, Silea and Mukjar in West Darfur as well as Kailek, South Darfur.

The Commission has evidence of women being abducted on their way to market or in search of water, close to military or Janjaweed camps. In March 2003, women were abducted, held for two or three days and raped by members of the military in Tarne, North Darfur, where the Government of Sudan had established a large military camp. During the Janjaweed attack on Mengarassa village, West Darfur, in November 2003, twenty girls were abducted and taken to the 'Ammar' camp. In January 2004, twenty-one girls were abducted during the joint Government armed forces and Janjaweed attack on Kanjew, West Darfur. The Janjaweed held the women for three months and some of them became pregnant as a result of rape during their confinement.

The UN report also highlights cases of abduction and detention of men and boys to camps where they are used for forced labour. The Commission has credible evidence that the military are in control of these camps and army officers are aware of the illegal detention taking place. In one case a civilian was seized by the Janjaweed after an attack on his village, kept in captivity in a Janjaweed camp and later shifted to a military camp in the area.

The November 2007 report on the situation of human rights in Darfur by the UN group of experts² reported continued acts of violence against civilians, including the persistence of rape and sexual violence against women. For example, from June to October 2007, United Nations agencies documented incidents of sexual violence almost every week, totalling 46 victims (45 women and one 10-year-old boy). The actual number of incidents was estimated by UN agencies to be significantly higher than this figure due to difficulties of access to some areas and to a general under-reporting known to occur in incidents of sexual violence. The group of experts, while noting measures taken by the Government of Sudan, assessed that "...the civilian population remained largely unprotected. The Government failed to meet its positive obligation under human rights law to control militias and to protect the civilian populations from acts committed against civilians."³

² The mandate of the group of experts was established on 30 March by the Human Rights Council in its resolution 4/8. The group of experts was composed of seven mandate holders: presided over by the Special Rapporteur on the situation of human rights in the Sudan, and composed of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Representative of the Secretary-General for children and armed conflict; the Special Representative of the Secretary-General for children and armed conflict; the Special Rapporteur on violence against women, its causes and consequences; the Special Representative of the Secretary-General on the situation of human rights defenders; the Representative of the Secretary-General on the human rights of internally displaced persons; and the Special Rapporteur on the questions of torture and other cruel, inhuman and degrading treatment or punishment. Its first report on the human rights situation in Darfur was submitted to the Council at its fifth session (A/HRC/5/6), an interim report in September 2007 (A/HRC/6/7), and its final report on 28 November 2007 (A/HRC/6/19)

³ Final report on the situation of human rights in Darfur prepared by the group of experts mandated by the Human Rights Council in its resolution 4/8 (A/HRC/6/19), Geneva, 28 November 2007, page 37

Similarly, the March 2008 report of the UN Special Rapporteur on the situation of human rights in Sudan⁴, found that gross human rights violations continue to be perpetrated in Darfur, including “a number of militia attacks involving physical assaults, harassment, intimidation and sometimes abductions”. The Special Rapporteur documented abductions and rape of women, very often perpetrated by armed men in military uniforms or in civilian clothes, travelling in groups on horses or camels. She found that “the established pattern of violence against women that emerged at the beginning of the conflict continued during the reporting period”. The report also documents that in May 2007, after attacks on Umbreida in South Darfur by Government forces and Gimir militias⁵, reports were received of Gimir militias preventing people from leaving the village and forcing them to cultivate the land. In November, a man reportedly tried to escape, but was captured by Gimir men. He was tied to a tree, whipped and his finger nails were pulled out. The man allegedly tried to report the incident to police in Antikaina but the police refused to accept his complaint.

During 2006-07, Anti-Slavery International conducted field research in the three states of Darfur. The findings of this research support the information cited above and provide evidence that the abduction of women, children and men by the Janjaweed militia, the Popular Defence Forces (PDF) and the Sudanese armed forces continues to take place in the context of the conflict in Darfur.

In the course of the research several cases of abduction and forced labour were documented. In one case, Janjaweed militiamen attacked a group of women while they were collecting firewood near their village, Arabeab, on 26 April 2007. Six women were abducted and taken to two villages, Um Andaraba and Farig Abyad, north of Al Geneiana, in western Darfur. The women were sexually abused and forced to prepare food for the whole militia group every day. One of the women managed to escape after several months.

A separate case was recorded involving the abduction of a 17 year old girl from the Masaleet tribe by a group of Janjaweed in mid-2005. She was abducted as she returned to her village, El Faiga, after visiting the market in Tong. Her family reported the case to a researcher and stressed that they had reported the case to the police after they were informed that one of the Janjaweed leaders was keeping her. However the family said the police had not taken any action to investigate the issue or get her released.

The research also revealed cases involving the abduction and forced labour of men. In these cases, the civilians are abducted and taken to isolated districts in western and southern Darfur which are fertile agricultural areas and are completely controlled by the Janjaweed. The abducted civilians are forced to cultivate the land and are prevented from leaving or communicating with the outside world. All of the harvest goes directly to the Janjaweed and the forced labourers receive no payment for their work.

⁴ Report of the Special Rapporteur on the situation of human rights in Sudan, Sima Samar (A/HRC/7/22), Geneva, 3 March 2008. The report covers the period September to December 2007.

⁵ The Gimir militias have been acting in alliance with the Janjaweed militia and government forces in Darfur

In February 2007, two young men aged 27 and 25, were attacked and abducted by militiamen while returning from Kass to their village in South Darfur. They were taken to Mistreha, western Kabkabia, which is well known as a Janjaweed stronghold. The men were handcuffed and forced to grind millet and do other domestic chores every day, seven days a week. If they stopped working they were beaten. After six and a half months they managed to escape and returned to their homes in south Darfur.

This type of forced labour is reported to be taking place in Garcilla in Wadi Salih, east Deleig; Waru, Andy and Taringa in west Darfur; and in Tuwal in south Darfur. These areas are not accessible to NGOs, so cases can only be documented from individuals who have escaped the Janjaweed. For this reason it is important that an independent international organisation is given access to these areas so that it can conduct a thorough investigation

It was on the basis of this type of information and the consensus of opinion amongst a variety of representative and reliable sources that the Conference Committee (2008) expressed the view that “there was no verifiable evidence that forced labour was completely eradicated in practice”.

2. Concerns related to the identification and reintegration of those abducted during the civil war 1983 - 2005

The signing of the Comprehensive Peace Agreement in January 2005 and the inclusion in the interim constitution under the Bill of Rights of an article which specifically prohibits slavery, the slave trade and forced labour were significant steps forward in addressing the issue of forced labour in Sudan.

So too is the Government of Sudan recognition of the true scale of the number of people who were abducted and subjected to forced labour during the civil war (1983- 2005). In its report to the Committee of Experts on the Application of Conventions and Recommendations in 2006, the Government indicated that, out of the 14,000 cases of abductions, the Committee for the Eradication of Abduction of Women and Children (CEAWC) has successfully resolved 11,000 cases and has reunited abductees with their families in 3,394 cases. At the Conference Committee (2008), the Government of Sudan said that CEAWC now considers 11,300 of the 14,000 cases to be resolved.

While this undoubtedly marks progress in relation to the abductions carried out in Southern Sudan during the civil war of 1983 to 2005, Anti-Slavery International has concerns about the release and reintegration process and whether the individuals involved are receiving sufficient rehabilitation assistance.

The Government has dismissed these concerns as having “no factual basis”, but this ignores the issues raised by UNICEF and other agencies regarding the identification and

return programme.⁶ UNICEF raised concerns that some of those being rescued were not genuine former abductees; that returnees were not going voluntarily or were being given misinformation to encourage them to return; and that some families were being split up with children being moved on unaccompanied.

The Government of Sudan describes 11,300 of the 14,000 cases of abduction during the civil war as 'resolved'. Yet it is unclear what this term means given that it apparently does not mean release and reunification with family, which has only happened in 3,394 cases. It is questionable whether 11,300 cases can really be described as resolved when less than a third of those involved have been reunited with their families. It is concerning that three years after the Comprehensive Peace Agreement was signed, over two thirds of the abductees have not been reunited with their families, and others remain awaiting their release, potentially in the same situation of exploitation and abuse as when they were identified by CEAWC as abductees.

The unfinished nature of this process was highlighted in March 2008 when the head of CEAWC, Ahmed Mufti, restarted his programme after his Committee received \$1 million from the semi-autonomous Government of South Sudan. Ahmed Mufti told the BBC that he was implementing a project to free 1,200 people. He also confirmed that CEAWC had details of the remaining abductees and the tribal communities had no problem with releasing them. He stressed that the problem had been sufficient funding to pay staff and for the provision of transport and assistance for former abductees. One of those released, Arek Anyiel Deng, told the BBC that while she was pleased to be free she was now living in a camp and had no one to help care for her children.

The BBC report also notes that funding for CEAWC had been withdrawn by donors following reports that people had been taken back to the south and abandoned and that others had been forced to return against their will. It stated that UNICEF was discussing the return issue with the federal government and may resume funding for the programme.

Conclusion and recommendations – an urgent need for action

The Government of Sudan continues to prefer not to pursue prosecutions. It supports this position by stating that within the context of the Peace Process, there is an argument for not prosecuting those responsible for abductions since 1983 in the spirit of national reconciliation.

Anti-Slavery International believes that the impunity that those responsible for abductions have enjoyed – illustrated by the absence of any prosecutions for abductions in the last 16 years – was responsible for the continuation of this practice during the civil war of 1983 - 2005, and is responsible for the current continued abductions in Darfur.

Non-prosecution in the interests of national reconciliation can only be effective if it is part of a transition process in which new structures and institutions are created, within a

⁶ See the Monthly Report, February 2005, UNICEF Southern Sudan.

new social and political framework which will ensure that these human rights violations cannot be repeated. Such a process, which is typified in various truth commissions which have been formed around the world, has many components, but would normally include: an honest and open accounting of the violations which took place; the different actors in the conflict admitting their responsibility for human rights violations and acknowledging that what they did was wrong; reforming and retraining the security forces and prohibiting those responsible for violations from serving within them; compensation for victims; and strengthening of civil society groups.

These things have not happened in Sudan. This has contributed to the same pattern of human rights violations being repeated in Darfur where Janjaweed militias are acting in cooperation with Government of Sudan's security forces, just as Murahaleen militias did in southern Sudan during the civil war.

Irrespective of the Government's position supporting what is in effect as an amnesty for abductions committed prior to the 2005 Peace Agreement, there can be no argument whatsoever for not initiating immediate legal action against all those responsible for the current round of abductions and other human rights violations in Darfur. Since 2003, it is estimated that over two million people have been displaced and 300,000 killed in raids that are disturbingly similar to the slave raids that plagued southern Sudan for decades.

Article 25 of Convention 29 states that "the illegal exaction of forced or compulsory labour shall be punishable as a penal offence and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced". In its 2008 report, the Committee of Experts once again draws the attention of the Government of Sudan to this provision, and states that the Committee of Experts "considers that the non-application of penal sanctions is contrary to this provision of the Convention and will have the effect of ensuring impunity for abductors who exploit forced labour".

The Conference Committee (2008) urged the Government of Sudan to "...put an end to impunity by punishing perpetrators, particularly those unwilling to cooperate". Various UN bodies have also stressed the need to bring to justice the perpetrators of these crimes. In this context, the Government failure to publicly acknowledge that forces under its control continue to be responsible for abductions and forced labour in Darfur is extremely worrying. So too is the Government's failure to take action to prevent further abductions and its reluctance to pursue the prosecution of those responsible for human rights violations in Darfur. Government denials and inaction in these areas is likely to be interpreted by those responsible as a licence to continue these abuses.

In light of the evidence of continuing new cases of abductions and forced labour in Darfur, the Government's failure to recognise this and prosecute those responsible, Anti-Slavery International makes the following recommendations to the Government of Sudan:

- Anti-Slavery International strongly supports the recommendation made by the Conference Committee (2008) on the Application of Standards in 2005 that “only an independent verification of the situation in the country could make it possible to determine that forced labour practices had been completely eradicated”. The Government of Sudan should accept ILO technical assistance for a mission which should have unrestricted access to all areas and should also be given a mandate to review the extent to which former abductees have been successfully reintegrated into their communities and, if necessary, what assistance the ILO or other international agencies could provide to further facilitate this.
- Take immediate action to protect civilians, especially women and children, from abduction, forced labour and other related human rights violations. The Government must disarm and control the militias that have been responsible, and prevent anyone involved in such practices from serving in the police or security forces in any capacity.
- Ensure that those responsible for abduction and forced labour are properly punished under the law, and that victims receive appropriate redress and compensation.
- Take steps to ensure that the prohibition of slavery, the slave trade and forced labour which is set out in the Bill of Rights is complemented by an easily enforceable offence in the penal code, which stipulates punishments for abductions, slavery and forced labour which are commensurate with the gravity of the crime.
- Harmonise all laws and policies with the Interim National Constitution and international human rights standards, and fully comply with its obligations under international human rights and humanitarian law.
- Ensure the free and safe movement of human rights monitors, and grant full and unimpeded access of UNAMID/UNMIS to all abductees.