



May 2005

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

RE: Forced labour in Sudan

Abductions have not stopped

The Government of Sudan reported to the Committee of Experts (2004) and to the Committee on the Application of Standards (2004) that “abductions have stopped completely.” Unfortunately this is not the case.

While the Committee for the Eradication of Abduction of Women and Children (CEAWC) may not have received new cases of abductions in the last two years this does not indicate that abductions have stopped.¹ On the contrary, information compiled from various sources provides evidence that abductions continue to be used as part of the government forces’ strategy in both 2003 and 2004.

On 2 January 2004, at least 13 people, the majority of whom were children, were reportedly abducted by Janjaweed militia from Ma’un village near Kornoy, according to Amnesty International. Amnesty International received reports of other abductions of children in West Darfur in the weeks prior to this.

In March 2004, seven UN Special Rapporteurs along with the Secretary General’s Representative on internally displaced persons issued a joint statement expressing concern over widespread human rights abuses, including reports of abductions, in the Darfur region of Sudan.

In an interview on 2 April 2004, the UN Emergency Relief Co-ordinator, Jan Egeland, noted that large numbers of civilians have been killed and “scores of women and children have been abducted, raped and tortured.” The UN Co-ordinator said that the Janjaweed militia was primarily responsible for carrying out these attacks.

In July 2004, Amnesty International released a report on Darfur², which confirmed this information. The report provided evidence, obtained from eyewitness accounts, relating to the abduction of 21 women and children by the Janjaweed militia, with some clear

¹ CEAWC does not have the capacity to gather information on abductions or investigate reports. It is therefore not in a position to document new cases unless they are brought directly to it.

² Amnesty International, *Sudan, Darfur: Rape as a weapon of war*, 19 July 2004, AFR 54/076/2004.

cases of sexual slavery. The UN Special Rapporteur on Sudan and NGO sources have also reported that abductions continued to take place in and around the oilfields in the Western Upper Nile and Bahr El Ghazal regions during 2003 and that hundreds of children were abducted and forcibly recruited by government allied militias in Unity State and in the Western Upper Nile.³ The latest US State Department country report on Sudan, released in 2005, also refers to “reports that children were forcibly conscripted”.

The UN Report of the International Commission of Inquiry on Darfur⁴, January 2005, has reported 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 UN report has also documented cases of abductions and sexual slavery, where women were forcibly taken from their villages, held in confinement, repeatedly raped, and tortured to prevent them from escaping from military camps and hideouts 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 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 in the vicinity. 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 Commission believes it has enough credible and verified information that rape and other forms of sexual violence committed by the Janjaweed and Government soldiers in Darfur have been widespread and systematic and amount to crimes against humanity.

“The awareness of the perpetrators that their violent acts were part of a systematic attack on civilians may well be inferred from, among other things, the fact that they were cognizant that they would in fact enjoy impunity. The Commission

³ Referred to in the UN Special Rapporteur on Sudan’s 2003 report to the UNCHR and by the International Crisis Group report of 10 February 2003.

⁴ Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General. Geneva, 25 January 2005.

finds that the crimes of sexual violence committed in Darfur may amount to rape as a crime against humanity, or sexual slavery as a crime against humanity.”⁵

This information clearly shows that raids and abductions, which have been well documented in previous years, have continued in 2003 and 2004.

Prosecutions have not taken place

The Committee for the Eradication of Abduction of Women and Children (CEAWC) has the powers to prosecute those responsible for abductions, but until recently has not used them. However, in 2003 CEAWC stated that it will seek to resolve abductions through the Joint Tribal Committees, “but on the understanding that this amicable solution will be for a specific period of time (till the end of the year 2003 if the necessary funds are provided) and thereafter resort will be to legal action after having cleared the majority of cases.”

The Government reported to the Standards Committee (2004), that it had approved the allocation of US\$400,000 a month to CEAWC to enable it carry out its action plan within its specified time frame. The Government also reported that CEAWC considers that “legal proceedings were the only means to put an end to abduction”.

Despite CEAWC’s commitment to proceed with prosecutions and the financing to do so, Anti-Slavery International is not aware that any prosecutions have been brought to date. Indeed, the US Country Report on Human Rights Practices in Sudan (released in 2004) noted, “The Government took no action to hold those responsible for the abductions and continued to support tribal militias.”

With regard to the question of criminal prosecution, the Minister of Labour and Administrative Reform told the Standards Committee (2004) that:

“While his Government did not rule out such an approach (criminal prosecutions), legal proceedings were often lengthy and sometimes endangered victims. His Government preferred an approach that focused on reuniting families.”

Anti-Slavery International believes that if legal proceedings are considered too lengthy, then it is the Government’s responsibility to ensure that the system is expedited. Similarly, if an individual may be endangered by a prosecution then the Government should provide victim and witness protection mechanisms to ensure their safety. It should also be stressed that while reuniting families should be a central aim, this may not always be possible (for example where women have been abducted and used as sex slaves some husbands will disown their wives⁶) and should not be seen as an alternative to prosecutions.

⁵ See the Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General. Geneva, 25 January 2005, op. cit. page 159.

⁶ See testimony in Amnesty International, *Sudan, Darfur: Rape as a weapon of war*, op. cit. page 13.

Legal action should be initiated without delay against all those responsible for abductions. This will end the impunity that those responsible for abductions currently enjoy and is clearly required by Article 25 of Convention No.29, which specifies that States must ensure that “penalties imposed by law are really adequate and are strictly enforced”. Anti-Slavery International does not consider a one year prison sentence (which is currently the penalty for the exaction of forced labour) to be adequate. Nor do we think that existing punishments, including for the crime of abduction (punishable by 10 years’ imprisonment), are being enforced as witnessed by the evidence from the Eminent Person’s Report that no prosecutions have taken place in the last 16 years.

The Government remains unwilling to recognise the problem

The Government of Sudan continues to claim that estimates that put the number of people abducted at 5,000 – 14,000 are “extremely exaggerated and had no resemblance to reality.”⁷ The Government also suggested before the Standards Committee (2004) that there was no proof regarding the number of abducted persons and tried to suggest that estimates confused abductions with displaced people.

Such claims contradict the findings from the Rift Valley Institute’s (RVI) Slavery and Abduction Project (issued in July 2003). This academic research has individually identified more than 12,000 people who had been violently abducted from Southern Sudan between 1983 and 2002. Interviews with returnees indicate that those abducted are routinely subjected to forced labour and other human rights abuse. It should be stressed that the Dinka Chiefs Committee estimates that there are some 14,000 people who have been abducted and CEAWC accepts this figure.⁸

According to information from CEAWC and from the Sudanese Government itself, CEAWC (along with other organisations) assisted 2,628 abductees to rejoin their families between 1999 and May 2004. Thus, according to the estimates from CEAWC, the Dinka Chiefs Committee and the Rift Valley Institute, there are still some 10,000 abducted people waiting to be identified and reunited with their families.

UNICEF⁹ in Southern Sudan has also raised a number of concerns regarding the CEAWC operation. Namely, that some of those being rescued are not genuine former abductees; some are not coming voluntarily or are being given misinformation to encourage them to come; and some families are being split up with children being moved on unaccompanied. The process has also come under criticism as it appears that tracing and documentation is incomplete and that resources and planning for transport, food, water, medical care and shelter are insufficient. UNICEF also reports that CEAWC’s returnees operation has been suspended since March 2005.

⁷ The ILO Committee on the Application of Standards, June 2002.

⁸ See the Report of the International Eminent Persons Group, *Slavery, Abduction and Forced Servitude in Sudan*, 22 May 2002, page 42.

⁹ See the Monthly Report, February 2005, UNICEF Southern Sudan.

The Government's efforts to dismiss the existence of thousands of abducted individuals who have been subjected to forced labour appears to be an attempt to draw a line under the issue and indicates a lack of commitment to identifying and rehabilitating all those who were abducted.

Conclusion and recommendations

The ILO's supervisory mechanisms have repeatedly criticised Sudan for non-compliance with ILO Convention No.29 over the last eight years. Despite this, slavery continues to be a reality in Sudan with thousands of people still awaiting release and new abductions still taking place. While the signing of the comprehensive peace agreement between the Sudanese government and the SPLA in January 2005 is a positive development and an opportunity to create a new environment to prevent further abductions, it will not automatically lead to an end to abductions and associated human rights violations, as events in Darfur have demonstrated.

In this context, the Government refusal to publicly acknowledge that forces under its control continue to be responsible for abductions and forced labour or that there are still thousands of abductees who are awaiting identification and release is extremely worrying. So too is the Government's failure to take action to prevent further abduction and its reluctance to pursue the prosecution of those responsible, even though CEAWC considers legal proceedings to be "the only means to put an end to abduction".

Government denials and inaction in these areas may be interpreted as indifference to the problem of abductions and forced labour or, worse, licence to continue these abuses.

Anti-Slavery International supports the conclusions of the ILO Committee on the Application of Standards (2004), which called on the Government to "take effective and quick measures to end these practices and to punish those responsible, thus ending impunity." Anti-Slavery International also urges the Government of Sudan to:

1. Publicly state that abductions and all associated practices are illegal, make the appropriate legislative amendments and effectively enforce the law. Priority should be given to prosecuting all those responsible for new abductions and those who are not co-operating with CEAWC. Details of those prosecuted and sentences passed should be made publicly available.
2. Disarm and control the militias that have been responsible for abductions and other human rights violations against civilians.
3. Invite the ILO to send a direct contacts mission to Sudan to assess reports of new abductions in Darfur and review whether the recommendations made by the Eminent Persons Group have been implemented. This mission should have unrestricted access to all areas and consider what effective assistance could be made available to the CEAWC and the Government to help ensure that abductions and forced labour are effectively eradicated and that victims are properly rehabilitated and compensated.

4. To consider abductions and slavery as serious human rights violations to be addressed by the new, rewritten constitution and request technical assistance from the ILO on how to do so.