

Mandates of the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children and the Special Rapporteur on contemporary forms of slavery, including its causes and consequences

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(Please use this reference in your reply)

8 March 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on trafficking in persons, especially women and children; Special Rapporteur on the human rights of internally displaced persons; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Special Rapporteur on the sale, sexual exploitation and sexual abuse of children and Special Rapporteur on contemporary forms of slavery, including its causes and consequences, pursuant to Human Rights Council resolutions 53/9, 50/6, 52/36, 52/26 and 51/15.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning repeated, widespread and credible allegations of trafficking in persons, in particular for the purposes of sexual slavery and sexual exploitation, child marriage, child labour and recruitment and use of children in combat roles and in support roles, by the Rapid Support Forces (RSF), in the context of the current conflict in Sudan.

According to the information received:

Sexual slavery and sexual exploitation of women and girls

Women and girls on the move, including internally displaced persons, from the ages of 14 to 30 years old in Sudan, particularly in Al Jazirah State have reportedly disappeared and been kidnapped for the purposes of trafficking for sexual slavery and sexual exploitation. They are sold in so-called, 'slave markets', in areas controlled by RSF forces and other armed groups, including in North Darfur.

In this regard, as per the Secretary General's last report on the situation in Sudan of 13 November 2023, the joint human rights office had received unconfirmed reports of women being held in captivity in Darfur in inhumane conditions and possibly subjected to sexual slavery and exploitation (S/2023/861, para. 31).

The difficulties in moving safely out of the country through the northern and eastern borders, which are perceived by displaced persons seeking to exit Sudan as the safest routes, has reportedly increased the presence of smugglers and traffickers in these border regions. According to information received, the presence of smugglers and traffickers has increased in all borders in the country, where an already existing network was long established due to the position of Sudan as a country of transit and origin along the Central Mediterranean route. According to figures published by UNHCR,

450,000 Sudanese and 8,827 individuals of other nationalities have crossed into Egypt between April 2023 and 31 January 2024 (UNHCR, Egypt: Sudan Emergency Response Update, 7 Feb. 2023). This represents a 282% increase of Sudanese nationals entering into Egypt.

Despite the increase of crossings with the Egyptian border, Sudanese nationals are experiencing difficulties in crossing the border regularly due to denials of visas or delays in obtaining visas, which is forcing people fleeing the country to resort to assistance from smugglers, and creating a situation within which traffickers can operate to deceive people fleeing persecution, including serious risks of trafficking in persons. In this context, traffickers are well organized in networks and women are reportedly deceived by offers of passage to Egypt and onwards to other states. Cases reported amount to 2 to 3 per day among cross border movements.

Child marriage

According to information received, there is an increase in the incidence of child marriage. Displacement and family separation, insecurity and gender-based violence, including rape and unwanted pregnancies are increasing the risk of women and girls, to early, forced and child marriage. Difficulties in also registering children born out of wedlock is reportedly contributing to early, child and forced marriage, and increasing risks of trafficking for purposes of early, child and forced marriage. This is despite previous efforts by the State to improve birth registration of children born of single mothers.

Child labour and child recruitment

According to information received, child labour, in particular affecting boys, has increased in traditional gold mining. Prior to the conflict and according to UNICEF Child Protection Annual Report 2020 for Sudan, children engaged in mining were already highlighted as a concern, especially in the Kordofan region.

In the current situation, due to the ongoing conflict and lack of access to basic necessities and humanitarian relief, as well as forced displacement, an increase in number of children, in particular unaccompanied children or those separated from families or caregivers, have reportedly been detected working in traditional gold mining sites. In addition, repeated instances of sexual abuse and violence, including rape have been reported in mining areas targeting children, in particular boys.

In a previous letter (SDN 3/2023) the Special Rapporteur on trafficking in persons, especially women and children had raised concerns about the increasing numbers of children recruited by armed groups, including RSF, to participate in the hostilities. According to information received a group of Eritrean children have reportedly been recruited from Eritrea by RSF for the purposes of participation in the hostilities. Those children have been detained by Sudanese Armed Forces (SAF). In addition, information was also reported that in February 2024 there was large-scale recruitment of children between 11 and 17 years by parties to the conflict in El Fasher, North Darfur.

General background and risk factors

In the previous communication SDN 3/2023, the mandate of the Special Rapporteur on trafficking in persons, especially women and children, already raised concern about the recruitment and use of children for the purposes of participation in the hostilities. According to information received, boys were being recruited by RSF and other groups for the purposes of participation in the hostilities. It was alleged that children have been used in support and combat roles, including during attacks on the SAF and a garrison in Khartoum on 21 August 2023, and in Nyala South Darfur. We regret that despite this previous communication no response was obtained regarding these serious allegations.

In the report of the Secretary General to the Security Council on the situation in Sudan, for the reporting period from 21 August to 31 October 2023, UNITAMS documented 345 alleged incidents of violations and abuses of human rights and violations of international humanitarian law affecting 2,672 victims, including 2,409 men, 158 women and 105 children (72 boys and 33 girls). Of the 2,672 victims of human rights violations and abuses and international humanitarian law violations, 1,151 were victims of violations of the right to life (1,025 men, 62 women, 20 girls and 44 boys); 1,226 were victims of violations of the right to physical integrity (1,147 men, 46 women, 8 girls and 25 boys); 241 were victims of arbitrary arrest and detention (220 men, 17 women, 2 boys and 2 girls); 35 were victims of abduction (16 men, 18 women and 1 boy); and 19 were victims of sexual and gender-based violence (1 man, 15 women and 3 girls) (S/2023/861, para. 25-26).

The report of the Secretary General also raised concerns at the increased allegations of sexual violence, including rape and gang rape, in Khartoum, Darfur and the Kordofan regions. The report also raised alarm at the limited access to assistance and protection services, including psychosocial and medical support (S/2023/861, para. 30). According to information received access to support and relief services, especially in the context of gender-based violence and for victims of sexual violence has deteriorated since December 2023 due to the increase in displacement and the widespread disruption of the health system. Information received also identified an increase of the risk of sexual exploitation and trafficking due to the low operating capacity of public services and economic hardships. The capacity of humanitarian organizations to provide support has also reportedly been limited due to the need to close programming in the face of looted or destroyed offices and response spaces, including Women and Girls Safe Spaces (WGSS), confidential corners, and hospitals.

In this regard, we regret that according to information received, humanitarian agencies continued to be the target of attacks and looting. In the latest report by the Global Protection Cluster of 15 January 2024 (At a glance: Protection impacts of the conflict Update no. 23), a large number of UN agencies and humanitarian agencies facilities such as warehouses with medical supplies, hospitals or food supplies had been looted or attacked.

As reported in the previous letter SDN 3/2023, information received continues to raise concerns at the difficulties for humanitarian and civil society agencies

to operate and the difficulties in accessing areas affected by conflict and displacement. Information has also been received indicating the control of armed groups over freedom of movement, including for aid organizations to reach affected communities.

While we do not wish to prejudge the accuracy of these allegations, we are deeply concerned by the reports of increased insecurity and ongoing serious human rights violations against women and children, including allegations of sexual slavery, trafficking for the purposes of sexual exploitation, child and forced marriages, as well as the recruitment and use of children in the hostilities. We are similarly concerned over the absence of investigations, and prosecutions, to ensure accountability for these grave crimes. Serious concern is expressed about the rights of victims and survivors, and continuing risks of reprisals and re-trafficking. We also highlight the importance of ensuring that a trauma-informed and survivor-centred approaches in the prevention and response to above allegations are guaranteed.

Both international humanitarian law and international human rights law continue to apply in a situation of armed conflict, and there are obligations to respect fundamental human rights recognized in customary international law. In this context, we wish to underline the *ius cogens* nature of the prohibition of slavery enshrined in the Universal Declaration of Human Rights (UDHR), adopted by the General Assembly of the United Nations on 10 December 1948, article 4 which states that “no one shall be subjected to slavery or servitude, slavery and slave trade are prohibited in all its forms.” We refer as well to the Slavery Convention of 1926, ratified by your Excellency’s Government on 15 September 1927, which calls for the complete abolition of slavery in all its forms and to article 4 of the Universal Declaration of Human Rights which states that “No one shall be held in slavery or servitude, slavery and the slave trade shall be prohibited in all their forms”. We would also like to recall article 5 of the Slavery Convention which calls upon States to take appropriate measures to prevent forced or compulsory labor involving conditions similar to slavery.

The alleged recruitment and use of children in conflict may also 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 your Excellency’s Government 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 your Excellency’s Government on 13 July 2006. We wish to recall 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 your Excellency’s Government 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. We would also like to recall common article 3 to the Geneva Conventions of 1949, which prohibits violence to life and person, cruel treatment and torture, and outrages upon personal dignity; and article 4(2) of additional protocol II, which explicitly prohibit attacks against women,

including rape, enforced prostitution and any form of indecent assault.

We express serious concern at the targeting of at-risk populations, particularly refugee and internally displaced families, given the increased risks of trafficking in persons due to the ongoing conflict in Sudan. We would like to recall your Excellency's Government of the obligation to undertake effective, investigations of all human rights abuses and of violations of international humanitarian law, including trafficking for purposes of recruitment and use of children, sexual slavery and sexual exploitation, child and forced marriage, in line with international standards, and recall the obligation to provide assistance and protection, and reparations to 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 our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we 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, including steps taken to investigate the alleged incidents.
2. Please provide any information regarding measures taken to prevent the recruitment and use of children under 18, for the purposes of exploitation in combat and support roles, which constitutes trafficking of children.
3. Please provide information on the measures taken to prevent the trafficking, sale, sexual exploitation and abuse of women and children, as well as efforts made to identify, rescue and refer child victims to civilian actors for assistance and protection, ensuring their best interests.
4. Please provide any information on the measures taken to prevent trafficking of children for the purposes of labour exploitation and measures to ensure assistance and protection to child victims, ensuring their best interests.
5. Please provide any information regarding measures to provide assistance and protection to women and children victims of rape and sexual abuse, including on combating stigma regarding children born of rape and facilitating registration of children born of single mothers.
6. Please provide any information regarding measures to prevent child and forced marriage and to assist and protect victims of trafficking for the purposes of child and forced marriage.
7. Please provide information on the measures undertaken to support the investigation and punishment of those responsible, including at the command level, of alleged trafficking for purposes of sexual

exploitation and sexual slavery, and of alleged sexual abuse and violence against women and girls, including conflict-related sexual violence against refugee and internally displaced women and girls.

8. Please provide information on the remedial measures taken to provide the necessary assistance, protection, rehabilitation, recovery and redress for victims of trafficking in persons for all purposes of exploitation, including the access to justice, adequate assistance, health care services, protection, and reparations.
9. Please provide any information regarding access to assistance and protection of the detained Eritrean children trafficked for the purposes of recruitment and use in armed conflict and measures taken to ensure their best interests. Please also provide any information regarding measures to ensure application of the non-punishment principle and access to justice and effective remedies for the child victims.
10. Please indicate the measures undertaken to ensure safe corridors for civilians fleeing the conflict either within Sudan or crossing into neighboring countries, and the measures taken to ensure humanitarian access to ensure assistance and protection to victims and affected communities.
11. Please provide any information on measures taken or envisaged to reunite displaced children with their families, where this is determined to be in their best interests.

We 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.

While awaiting a reply, we 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.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we 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 representatives of the Rapid Support Forces.

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

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Paula Gaviria
Special Rapporteur on the human rights of internally displaced persons

K.P. Ashwini
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Tomoya Obokata
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consequences

Annex

Reference to international human rights law

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

In regards to the allegation of recruitment and use of children in armed conflict we 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 your Excellency's Government 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, the Convention of the Rights of the Child, ratified by your Excellency's Government 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, article 38, calls States 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, we 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 (protocol II), 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, we 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, the minimum age of participation in hostilities should be raised at 18.¹

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 your Excellency's Government 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, we 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."²

We 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.

Regarding prohibition of recruitment of children in the African Charter of the Rights and Welfare of the Child, ratified by your Excellency's Government on 30 July 2005, article 22 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. The Charter also applies to situations of internal armed conflicts, tension and strife (article 22 para. 3). In addition

¹ 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>

² ILO CEACR Observation - adopted 2020, published 109th ILC session (2021) on application of Worst Forms of Child Labour Convention, 1999, no.182

to the obligations in the Charter regarding child recruitment, other obligations are enshrined 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 is accorded the same protection as any other child permanently or temporarily deprived of his family environment for any reason (article 23). The Charter also calls States to take appropriate measures to prevent (a) the abduction, the sale of, or traffic in children for any purpose or in any form, by any person (article 29).

We would like to also recall that article 3(4) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), ratified on 20 May 2019, requires States Parties to take appropriate and effective measures to: “prevent and condemn trafficking in women, prosecute the perpetrators of such trafficking and protect those women most at risk” (article 4(1)(g)).

Regarding disruption of basic services such as health or education we also wish to recall obligations in the African Charter under articles 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. We wish to also bring your Excellency's Government attention to obligations stemming from article 16 on protection against child abuse, including sexual abuse and torture and article 15 on protection against economic exploitation and worst forms of child labour.

We wish to draw your Excellency's Government 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 your Excellency's Government 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).

We would like to draw attention regarding allegations on trafficking in persons 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, we 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). We 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).

Regarding the prevalence of trafficking in persons in conflict situations and humanitarian crisis we 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.”

We 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). It also highlights the “heightened vulnerability to exploitation and abuse of children forcibly displaced by armed conflict, particularly when separated from their families or caregivers”. States are called upon to, “ensure protection of all unaccompanied children who are victims of or those vulnerable to trafficking in persons through their prompt identification and immediate assistance taking into account their specific needs”.

Security Council resolution S/RES/2427 (2018), states that, “all parties to armed conflict must comply strictly with the obligations applicable to them under international law for the protection of children in armed conflict, including those contained in the Convention on the Rights of the Child and its Optional Protocol on the involvement of Children in armed conflict, as well as the Geneva Conventions of 12th August 1949 and the Additional Protocols of 1977, “recognizing the link between abductions, recruitment, sexual violence and trafficking and that children in situations of armed conflict can be especially vulnerable to trafficking in persons in armed conflict and to these forms of exploitation” (para. 39).

We recall Security Council resolution 2467 (2019), on the need to adopt a survivor-centred approach in the prevention and response to all forms of conflict-

related sexual violence. The reports of the Special Rapporteur on trafficking in persons, especially women and children, have highlighted that effective prevention and protection for children from grave violations, and trafficking requires, “safe child-friendly spaces in places where migrants or refugees reside, including reception centres, refugee camps or informal settlements that host children and offer them space for recreation, study and rest, separated from other facilities, and [...] family-based and family-like, whenever possible” (A/72/164), para. 81 (e)).

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.”

We would like to refer as well to the Slavery Convention of 1926, ratified by your Excellency’s Government on 15 September 1927, which calls for the complete abolition of slavery in all its forms and to article 4 of the Universal Declaration of Human Rights which states that “No one shall be held in slavery or servitude, slavery and the slave trade shall be prohibited in all their forms”. We would also like to recall article 5 of the Slavery Convention which calls upon States to take appropriate measures to prevent forced or compulsory labor involving conditions similar to slavery.

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) Further the Special Rapporteur has highlighted that: “The trafficking of women and girls for sexual exploitation, including sexual slavery, forced marriage, forced prostitution and forced pregnancy, features within the broader picture of sexual violence perpetrated against the civilian population during and in the wake of conflicts” (A/71/303, para. 33).

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).

Regarding the prohibition of trafficking in persons in human rights instruments, article 8 of the ICCPR, 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)).

Regarding other abuses against children, including child marriage, we 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 right; obligation to investigate and punish those responsible; as well as provide access to redress human rights violations, including against children (see article 39). We would also like to bring forward in particular obligations to protect children against economic exploitation (article 32), to protect against all forms of sexual exploitation and sexual abuse (article 34), prevention of trafficking in children (article 35) and against all other forms of exploitation prejudicial to any aspects of the child's welfare (article 36).

Regarding child marriage, we would like to bring to your Excellency's Government attention the Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, which recognizes child marriage as a harmful practice and calls States to “repeal without further delay all legislation that condones, allows or leads to harmful practices, including traditional, customary or religious laws and any legislation that accepts the defence of honour as a defence or mitigating factor in the commission of crimes in the name of so-called honour” and to ensure that “the legislation is consistent and comprehensive and provides detailed guidance on prevention, protection, support and follow-up services and assistance for victims, including towards their physical and psychological recovery and social reintegration, and is complemented by adequate civil and/or administrative legislative provisions” (CEDAW/C/GC/31/Rev.1–CRC/C/GC/18/Rev.1, para. 55 c-d) the Joint General Recommendations also calls States to establish “minimum legal age of marriage for girls and boys, with or without parental consent, at 18 years (and) that a national system of compulsory, accessible and free birth registration is established in order to effectively prevent harmful practices, including child marriage” (CEDAW/C/GC/31/Rev.1–CRC/C/GC/18/Rev.1, para. 55 g-h).

Regarding allegations of child labour, in addition to the Worst Forms of Child Labour, ILO Convention no. 182 and both the Convention on the Rights of the child, article 32 and the African Charter, article 15, we would like to bring to your Excellency's Government attention obligations under the Minimum Age Convention 1973, no. 138, ratified by your Excellency's Government on 7 March 2003, which calls States to establish “the minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years”.

We also wish to draw your Excellency's Government 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).

We would also like to refer 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. We 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 the rights of internally displaced person to dignity and physical, mental, and moral, integrity, which includes particular protection from rape and gender-specific violence (principle 11(2a)), as well as slavery and any contemporary form of slavery, including sale into marriage, sexual exploitation, or forced labour of children (principle 11(2b)). Internally displaced persons should also be protected from arbitrary arrest or detention and discriminatory arrest and detention (principle 12). All internally displaced persons have the right to know the fate and whereabouts of missing relatives, and the authorities should endeavour 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). We 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). We 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).