

Legal and Policy Review of South Sudan's Anti - Human Trafficking Bill, 2024: A Comparative Framework Analysis and Regional Frameworks

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Abstract: *This article provides a critical review of South Sudan's legislative efforts to combat trafficking in persons, specifically through the proposed Anti - Human Trafficking Bill, 2024. Although the country is a signatory to international instruments such as the Palermo Protocol, its current domestic framework lacks alignment with global legal standards. The study identifies key legal gaps in areas including criminalization, victim protection, institutional coordination, and enforcement mechanisms. It further compares the Bill against international best practices and laws from jurisdictions like Kenya and Nigeria. The analysis concludes that while the Bill marks a legislative advancement, significant challenges remain in terms of implementation, institutional capacity, and inter - agency coordination. The paper proposes legal and policy reforms to bring South Sudan's anti - trafficking efforts into closer compliance with international obligations.*

Keywords: human trafficking, South Sudan, Palermo Protocol, victim protection, legal reform

1. Introduction

Human trafficking is one of the most critical and complex transnational crimes in the 21st century, affecting an estimated 27.6 million people globally (United Nations Office on Drugs and Crime [UNODC], 2022). It constitutes a severe violation of human rights and human dignity and disproportionately impacts vulnerable individuals, especially women and children, in fragile and post - conflict states such as South Sudan. Characterized by exploitation, coercion, and abuse of power, trafficking in persons (TIP) is both a humanitarian and criminal justice issue, requiring comprehensive legislative and institutional reforms.

South Sudan, despite its recent emergence as a sovereign nation, has committed to international obligations by ratifying core anti - trafficking instruments. These include the United Nations Convention against Transnational Organized Crime (UNTOC, 2000), the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol, 2000), and the Convention on the Rights of the Child (CRC, 1989). However, the country's domestic legal framework remains fragmented, lacking a comprehensive statute specifically addressing TIP. Existing legal provisions—primarily embedded in the Penal Code Act, 2008—fail to capture the full scope of trafficking as defined under international law and offer limited protection and support for victims.

In response to these legal and institutional deficiencies, the Government of South Sudan introduced the **Anti - Human Trafficking Bill, 2024**. This Bill represents a legislative milestone, reflecting political will and international engagement, as demonstrated by the Council of Ministers' endorsement of three critical instruments: the Palermo Convention (2000), the Palermo Protocol (2000), and the Protocol against the Smuggling of Migrants by Land, Sea, and Air. These instruments provide the international legal foundation for addressing trafficking, smuggling, and organized criminal networks. Additionally, the Anti -

Human Trafficking Bill complements existing domestic legislation, most notably the **Anti - Money Laundering and Counter - Terrorist Financing Act, 2012 (as amended in 2024)**, thereby situating the national anti - trafficking strategy within a broader organized crime and financial crime control framework.

This study undertakes a systematic legal and institutional analysis of South Sudan's anti - trafficking landscape. It identifies key legislative gaps in criminalization, victim protection, jurisdiction, institutional coordination, and labor enforcement. It further evaluates the proposed Anti - Human Trafficking Bill, 2024 in light of international best practices, comparative regional laws, and Tier 1 state models as outlined in the United States Department of State's **Trafficking in Persons Report (2023)**. By doing so, the study aims to provide actionable legal and policy recommendations to strengthen South Sudan's compliance with global anti - trafficking standards and to enhance its institutional capacity to combat trafficking in persons effectively.

2. Legal Context, International Compliance, and Obligations

South Sudan has undertaken significant international commitments by ratifying several core human rights and anti - trafficking instruments. These include the **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol)** (UNODC, 2000), the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**, 1979), the **Convention on the Rights of the Child (CRC)**, 1989), the **Universal Declaration of Human Rights** (United Nations General Assembly, 1948), the **International Labour Organization Forced Labour Conventions** (ILO Conventions No.29 of 1930 and Protocol of 2014), and the **African Charter on Human and Peoples' Rights** (African Union, 1981). Collectively, these instruments impose legal obligations on South Sudan to

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prevent trafficking in persons, prosecute offenders, protect victims, and cooperate internationally.

However, the practical incorporation of these obligations into domestic law remains inadequate. In contrast to countries such as Nigeria—which adopted the *Trafficking in Persons (Prohibition) Enforcement and Administration Act* (2015)—and Kenya, which enacted the *Counter - Trafficking in Persons Act* (2010), South Sudan has yet to introduce a comprehensive, standalone legal framework that explicitly criminalizes all aspects of **trafficking in persons (TIP)**. The existing provisions within the *Penal Code Act, 2008*, the *Child Act, 2008*, the *Labour Act, 2017*, and the *SPLA Act, 2009 as amended*, address certain elements of trafficking but fall short of fulfilling the definitional and procedural standards required under Article 5 of the Palermo Protocol.

The **Anti - Human Trafficking Bill, 2024** seeks to address this legislative void by institutionalizing the “4Ps” approach: **prevention, protection, prosecution, and partnership**—a framework advocated by the United Nations Office on Drugs and Crime (UNODC, 2020). The Bill codifies a wide range of trafficking offenses, introduces aggravated circumstances, clarifies jurisdictional reach, and mandates coordination among relevant institutions. It thus reflects a significant move toward substantive compliance with South Sudan’s international legal obligations.

Comparative legal frameworks in sub - Saharan Africa provide instructive benchmarks for South Sudan. For example, Kenya, Nigeria, and Sierra Leone (*Anti - Human Trafficking Act, 2005*) have demonstrated notable progress in aligning their national laws with global standards. These jurisdictions, now classified as Tier 2 or higher in the U. S. Department of State’s **Trafficking in Persons Report** (2023), exhibit best practices in criminalization, inter - agency coordination, and victim assistance—areas that South Sudan must strengthen to achieve meaningful compliance and institutional effectiveness.

3. Key Legal Gaps in the National Framework

Despite South Sudan’s ratification of international conventions on trafficking in persons (TIP), significant legal and institutional deficiencies persist across the national framework. The following subsections identify these shortcomings, supported by relevant statutory references and comparative examples from regional jurisdictions.

3.1 Absence of a Comprehensive Anti - Trafficking Law

South Sudan does not currently have a standalone Anti - Trafficking in Persons Act. Instead, it relies primarily on the *Penal Code Act, 2008*, which addresses certain elements of trafficking under Sections 274 to 279—primarily concerning abduction, kidnapping, and procurement for prostitution. However, these provisions are fragmented and fail to provide a coherent or holistic framework aligned with the definition of TIP under **Article 3 of the Palermo Protocol** (UNODC, 2000). In contrast, Kenya’s *Counter - Trafficking in Persons Act, 2010* and Nigeria’s *Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015*

offer comprehensive legal instruments that criminalize all aspects of trafficking and mandate multi - agency coordination.

3.2 Inadequate Definition of Trafficking in Persons

The current legislative instruments in South Sudan do not provide a unified definition of TIP that includes **abuse of power, deception, coercion, fraud, or exploitation for organ harvesting**—all core components of trafficking as per international standards. For instance, Section 22 of the Child Act, 2008 prohibits child abduction and harmful practices but lacks clarity on cross - border trafficking and commercial sexual exploitation. Additionally, the law fails to address the irrelevance of the victim’s consent, a cornerstone of modern anti - trafficking jurisprudence.

3.3 Lack of Victim Protection Measures

The national legal framework does not guarantee comprehensive protection or assistance for TIP victims. There are no enforceable rights to **legal aid, psychosocial support, medical care, or temporary residency permits** for foreign victims. The *Passport and Immigration Act, 2011* lacks provisions granting humanitarian relief or residency on protection grounds, unlike the Ugandan *Prevention of Trafficking in Persons Act, 2009*, which includes victim assistance, shelter, and repatriation mechanisms. Moreover, there is no legal protection from the prosecution of **victims for crimes committed under coercion**, a gap inconsistent with the OHCHR’s Recommended Principles (2002).

3.4 Weak Criminalization and Penalties

Existing legislation fails to impose **aggravated penalties** for TIP involving **children, organized criminal networks**, or trafficking that results in **death or disability**. Additionally, South Sudan’s laws lack provisions to hold **legal persons**—such as corporations and recruitment agencies—accountable for their role in trafficking operations. The *Penal Code Act, 2008* does not incorporate **asset forfeiture** or **financial penalties**, limiting the deterrent effect of the law. In contrast, Nigeria’s framework allows for corporate prosecution and seizure of criminal proceeds, consistent with **FATF Recommendation 4** and **UNODC model legislation**.

3.5 Ambiguous Jurisdictional Authority

South Sudan’s legal system does not clearly define which agencies are responsible for investigating and prosecuting TIP offenses. There are no **specialized anti - trafficking courts, dedicated prosecutors, or extraterritorial jurisdiction** clauses to handle transnational cases. This contrasts with Rwanda’s judicial structure, which includes designated courts and prosecutorial units for organized crime, including trafficking.

3.6 Institutional Capacity and Coordination Deficits

There is no **specialized anti - trafficking police unit** or **trained judiciary** capable of handling the complexities of TIP cases. The absence of inter - agency coordination between law enforcement, immigration, the judiciary, and

social welfare bodies undermines enforcement. As observed by IOM (2022), South Sudan's criminal justice system lacks the technical and operational capacity needed for victim-sensitive investigations and prosecutions.

3.7 Absence of a National Referral Mechanism (NRM)

There is no legally mandated **National Referral Mechanism (NRM)** for identifying and supporting victims. The current ad hoc response results in the re-victimization of TIP survivors and fails to meet international best practice standards, such as those established in the European Union's Directive 2011/36/EU. The *Child Act, 2008*, while providing limited referral processes for children, does not cover adult victims or cross-sectoral coordination.

3.8 Gaps in Labor Protection Laws

The *Labour Act, 2017* does not explicitly criminalize **forced labor** or **deceptive recruitment practices**, nor does it establish mechanisms for **compensation** or **legal remedies** for exploited workers. This gap places South Sudan in nonconformity with **ILO Conventions No.29 and 105**. By comparison, Ghana's *Labour Act, 2003* criminalizes exploitative labor and regulates recruitment agencies through licensing, inspections, and penalties.

3.9 Weak Migration and Border Control Provisions

The *Passport and Immigration Act, 2011* lacks provisions for **screening migrants for trafficking indicators**, providing **legal protection for irregular migrants**, or facilitating **cross-border cooperation**. South Sudan's porous borders and weak entry/exit controls expose asylum seekers and migrants to heightened trafficking risks. The absence of a **migration risk assessment framework** diverges from regional practices in Ethiopia and Tanzania, where trafficking risk is integrated into immigration protocols (UNHCR, 2022).

4. Institutional Frameworks and Governance

Chapter II of the **Anti - Human Trafficking Bill, 2024** establishes a multi-tiered institutional framework to guide the national response to trafficking in persons (TIP). At the apex is the **National Anti - Human Trafficking Committee**, whose chairperson is appointed by the President upon recommendation from the Minister of Interior. This Committee is entrusted with strategic oversight functions, including the development of national action plans, the formulation of anti-trafficking policies and regulations, and the coordination of implementation across relevant ministries and agencies.

This governance model reflects international best practices and is comparable to Kenya's institutional framework under the *Counter - Trafficking in Persons Act, 2010*, which established the **Counter Trafficking in Persons Advisory Committee** with a similar mandate for inter-agency coordination and policy development. Likewise, Nigeria's *NAPTIP* (National Agency for the Prohibition of Trafficking in Persons) operates under an independent administrative structure with budgetary autonomy and dedicated

enforcement capacity—an institutional configuration that has contributed to Nigeria's Tier 2 classification in the U. S. TIP Report (2023).

In South Sudan's proposed model, **Clause 11 of the Bill** establishes the **Anti - Human Trafficking Secretariat**, a permanent administrative body led by an Executive Director appointed by the Minister of Interior. The Secretariat is tasked with operationalizing policy directives, coordinating stakeholder engagement, and delivering victim services, including referral, psychosocial support, and rehabilitation. This dual institutional structure—one for oversight and another for execution—mirrors successful models in Sierra Leone and Ethiopia, where national secretariats coordinate directly with civil society organizations, international partners, and frontline service providers. The inclusion of both governance and operational bodies ensures both vertical accountability and horizontal coordination, which are widely regarded as essential features of effective anti-trafficking governance (UNODC, 2020).

5. Jurisdiction, Legal Person Liability, and Extradition

Chapter III of the **Anti - Human Trafficking Bill, 2024** codifies **territorial and extraterritorial jurisdiction** for trafficking offenses, in compliance with **Article 15 of the United Nations Convention against Transnational Organized Crime (UNTOC)**. This provision enables South Sudan to prosecute TIP offenses committed within its borders, against its nationals abroad, and by its nationals outside national territory—thereby addressing the cross-border nature of trafficking and ensuring conformity with international prosecution standards.

The Bill also addresses **corporate and legal person liability** under **Clause 22**, holding companies and other legal entities accountable when trafficking offenses are committed by their agents, directors, or employees in the course of their duties. This approach is consistent with **EU Directive 2011/36/EU**, which mandates Member States to establish legal liability and proportionate sanctions for corporations involved in human trafficking. It also aligns with **FATF Recommendation 24**, which emphasizes the transparency of beneficial ownership and accountability of legal persons involved in illicit financial flows, including human trafficking.

Regional comparators further support this development. **Uganda's Prevention of Trafficking in Persons Act, 2009**, recognizes the criminal liability of corporate entities and prescribes both criminal and administrative sanctions for companies implicated in trafficking schemes. The judicial precedent established in *Public Prosecutor v. Zeinab Mohamed* (Uganda High Court, 2017) illustrates the enforceability of such provisions. In that case, a licensed recruitment agency was held criminally liable for facilitating the exploitative overseas placement of young women under deceptive contracts, establishing an important precedent for corporate complicity in TIP.

By incorporating legal person liability and extending prosecutorial jurisdiction beyond territorial borders, South

Sudan's Anti - Human Trafficking Bill aligns with modern transnational justice mechanisms. These measures not only deter corporate actors from engaging in or facilitating trafficking but also close legal loopholes commonly exploited by transnational criminal networks (UNODC, 2020). Moreover, the Bill facilitates **extradition cooperation**, thereby enabling the prosecution of traffickers residing abroad in accordance with mutual legal assistance frameworks and bilateral treaties—although implementation will require ratification of related regional protocols such as the **IGAD Mutual Legal Assistance Protocol**.

6. Criminalization of Trafficking Offenses

Chapters IV and V of the **Anti - Human Trafficking Bill, 2024** provide a structured and detailed framework for the criminalization of trafficking - related offenses, in line with international legal instruments and comparative regional practices. **Clause 23** criminalizes the **trafficking in persons** offense in accordance with the core elements outlined under **Article 3 of the Palermo Protocol (2000)**—namely, the act, the means, and the purpose of exploitation. This is further complemented by **Clause 24**, which addresses **aggravated forms of trafficking**, including offenses involving organized criminal groups, repeat offenders, or situations resulting in death, permanent disability, or child exploitation.

Clause 25 explicitly criminalizes **child trafficking**, operationalizing South Sudan's obligations under the **Convention on the Rights of the Child (CRC, 1989)** and **Article 29 of the African Charter on the Rights and Welfare of the Child (1990)**. This provision is also consistent with **Kenya's Counter - Trafficking in Persons Act, 2010**, which introduces heightened penalties for trafficking minors, and with **Nigeria's Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015**, which categorizes child trafficking as a distinct and aggravated offense warranting life imprisonment.

The Bill also codifies a range of **ancillary offenses** under **Clauses 26 to 32**, thereby covering the broader infrastructure that enables trafficking networks. These include the **use of forced labor (Clause 26)**—a provision that aligns with the **ILO Forced Labour Convention No.29 (1930)**—as well as **debt bondage (Clause 27)**, which remains prevalent in labor exploitation cases, particularly among migrant workers. Additional offenses include **fraudulent procurement, tampering with identity or travel documents (Clauses 29–30)**, and **carrier liability (Clause 32)**, which holds transportation entities accountable for knowingly facilitating the movement of trafficked persons. These mirror provisions found in **Uganda's Prevention of Trafficking in Persons Act, 2009**, which includes liability for transport companies and document forgers, and **South Africa's Prevention and Combating of Trafficking in Persons Act, 2013**, which includes aiding, abetting, and concealing trafficking activities.

Significantly, **Clause 34** introduces criminal liability for **cyber - enabled trafficking**, marking a forward - looking provision that recognizes the digital dimension of modern trafficking operations. This aligns with international best practices outlined in the **Budapest Convention on**

Cybercrime (Council of Europe, 2001), which emphasizes state obligations to criminalize the misuse of information and communication technologies (ICTs) for illicit activities, including human trafficking and child sexual exploitation. Several EU member states and countries such as the Philippines (**Anti - Trafficking in Persons Act, as amended 2012**) have adopted similar provisions to address online grooming, recruitment, and exploitation via social media and encrypted platforms.

In terms of sentencing, the Bill introduces a **currency point - based penalty system**, which enhances legislative flexibility by allowing fines to be adjusted in response to inflation and macroeconomic changes. This approach is in line with Uganda's and Rwanda's penal legislation, both of which employ currency point formulas to ensure that penalties remain proportionate and effective over time.

Collectively, these provisions demonstrate South Sudan's intent to adopt a **comprehensive and victim - centered criminal justice approach** while aligning with regional frameworks, such as the **East African Community (EAC) Model Law on Anti - Human Trafficking (2017)**, and international instruments including the **UNTOC and its Palermo Protocol**, the **ILO Conventions**, and the **Budapest Convention**. The challenge, however, lies in ensuring the effective implementation of these provisions through judicial training, prosecutorial independence, and operational enforcement mechanisms.

7. Victim Protection, Assistance, and Compensation

Chapter VI of the **Anti - Human Trafficking Bill, 2024** adopts a **victim - centered approach** consistent with **Articles 6 and 7 of the Palermo Protocol** (United Nations, 2000), emphasizing the protection, assistance, and access to remedies for trafficked persons. The Bill's provisions reflect a growing international consensus that victim protection must be a core component of anti - trafficking legislation and not an ancillary concern.

A cornerstone of this chapter is the **principle of non - criminalization** articulated under **Clause 38**, which stipulates that victims of trafficking shall not be prosecuted for unlawful acts committed as a direct consequence of their trafficking situation. This aligns with the **OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking (2002)** and has been affirmed judicially by the **European Court of Human Rights** in *Rantsev v. Cyprus and Russia* (2010), where the Court held that the failure of state authorities to protect a trafficking victim constituted a violation of Articles 2, 3, and 4 of the European Convention on Human Rights.

Further, **Clauses 40 to 47** codify victims' **rights to compensation**, access to justice, and psychosocial and medical assistance, incorporating best practices from jurisdictions such as the **United Kingdom**, where the *Modern Slavery Act, 2015* provides compensation mechanisms through criminal confiscation orders and civil recovery. The *South African Prevention and Combating of Trafficking in Persons Act, 2013* similarly guarantees victim

access to compensation and civil claims, including from third - party enablers such as recruitment agencies.

Clause 43 provides for **witness protection**, privacy safeguards, and **data confidentiality**, thereby aligning with **Article 24 of the UNTOC** and safeguarding victims during legal proceedings. These protections are particularly crucial in cases involving organized criminal syndicates or cross - border trafficking, where retaliation and intimidation are frequent.

Clauses 49–53 provide for **temporary and permanent residence permits**, repatriation, and reintegration programs for foreign victims. While the **Passport and Immigration Act, 2011** currently lacks such provisions, the Bill fills this legislative vacuum by granting lawful stay and humanitarian protection—practices in line with Uganda’s *Prevention of Trafficking in Persons Act, 2009*, and the **European Union Directive 2011/36/EU**, which requires Member States to grant residence status to non - national victims based on their cooperation with authorities or humanitarian grounds.

8. International Cooperation and Institutional Partnerships

Chapter VIII of the **Anti - Human Trafficking Bill, 2024** addresses the international dimensions of TIP by operationalizing **Articles 18 and 27 of the Palermo Convention**, which govern **mutual legal assistance (MLA)** and **law enforcement cooperation** across jurisdictions. The Bill designates the **Ministry of Justice** and the **Ministry of Foreign Affairs** as central authorities responsible for processing MLA requests, facilitating extradition, and coordinating transnational investigations.

This legal structure mirrors international standards found in the **Commonwealth Model Law on Mutual Assistance in Criminal Matters (2018)** and regional frameworks such as the **IGAD Protocol on Transnational Crime**. Kenya’s *Mutual Legal Assistance Act, 2011* offers a regional best practice model, establishing timelines, confidentiality standards, and enforceable obligations for MLA requests in TIP cases. Similarly, Rwanda’s integrated MLA and extradition framework under its *Code of Criminal Procedure* enables seamless inter - jurisdictional cooperation for organized crime investigations.

Furthermore, the Bill envisions cooperative arrangements with **INTERPOL**, **UNODC**, and **regional task forces** such as the **East African Police Chiefs Cooperation Organization (EAPCCO)**, all of which are instrumental in facilitating the sharing of intelligence, coordinating joint operations, and recovering trafficked victims. This collaborative infrastructure is essential for addressing the increasingly **transnational nature of trafficking networks**, particularly those operating across porous borders in the Horn of Africa.

9. Confiscation and Accreditation

Chapter IX introduces provisions for the **confiscation of proceeds of trafficking - related crimes** and for the **accreditation of civil society organizations (CSOs)**

offering victim support. The confiscation regime reflects **Article 12 of the Palermo Convention**, which mandates that State Parties adopt measures to enable the **value - based seizure of criminal assets**, even when such assets are held by third parties.

The Bill’s approach is also consistent with **Recommendation 4 of the Financial Action Task Force (FATF)**, which emphasizes the importance of depriving traffickers of financial gain as a deterrent strategy. Nigeria’s *Proceeds of Crime (Recovery and Management) Act, 2022* and Ghana’s *Economic and Organised Crime Act, 2010* provide strong regional precedents for asset recovery, management of forfeited assets, and allocation of recovered funds to victim assistance programs.

In addition, the Bill outlines **minimum accreditation standards for CSOs** (Clause 58), ensuring that only vetted, qualified, and rights - based organizations are authorized to engage in victim referral, shelter, psychosocial care, and legal representation. This addresses prior concerns raised in South Sudan’s **IOM National Referral Mechanism Report (2022)** regarding fragmented victim service delivery and the absence of regulatory oversight. By establishing an accreditation framework, South Sudan aligns with global best practices such as those set by **UNODC’s Model Law Against Trafficking in Persons (2009)**, which calls for transparent partnerships with non - governmental actors under state supervision.

10. Conclusion and Recommendations

The **Anti - Human Trafficking Bill, 2024** represents a critical legislative milestone in South Sudan’s efforts to combat trafficking in persons (TIP). It closes many of the normative gaps that previously hindered the implementation of international obligations arising from the **Palermo Protocol (2000)**, the **OHCHR Recommended Principles (2002)**, and **FATF Recommendation 4**, among others. The Bill offers a comprehensive framework centered on the “4Ps” strategy—**prevention, protection, prosecution, and partnership**—and reflects alignment with model legal instruments such as the **UNODC Model Law Against Trafficking in Persons (2009)**.

Nevertheless, legislative progress alone is insufficient to ensure effective protection for victims or accountability for traffickers. The Bill’s success will depend heavily on practical implementation measures, including adequate **resource allocation, judicial and law enforcement training, multi - sectoral coordination, and victim service delivery infrastructure**. The absence of a functional **National Referral Mechanism**, weak labor protections, and underdeveloped migration controls remain critical barriers to effective TIP response in South Sudan.

Accordingly, this study proposes the following strategic and evidence - based recommendations to ensure that the Anti - Human Trafficking Bill, 2024 is effectively operationalized:

10.1 Legislative and Normative Reform

- **Enact and operationalize a comprehensive Anti - TIP Law:** Expedite the passage and implementation of the Anti - Human Trafficking Bill, 2024, ensuring alignment with the **UNODC Model Law (2009)** and defining TIP to include all exploitative practices (e. g., sexual exploitation, forced labor, organ trafficking, and servitude).
- **Domesticate international conventions:** ratify and integrate remaining relevant international and regional instruments—such as the **IGAD Mutual Legal Assistance Protocol** and **ILO Convention No.189 on Domestic Workers**—into domestic law to reinforce normative coherence.

10.2 Victim Protection and Access to Remedies

- **Institutionalize Victim - Centered Protections:** Codify the right to **non - criminalization, psychosocial support, medical care, and legal aid**, especially for foreign victims, in line with the **OHCHR Principles (2002)** and *Rantsev v. Cyprus and Russia* (ECtHR, 2010).
- **Establish Shelters and Compensation Funds:** Allocate resources for the construction of **state - supervised shelters** and introduce mechanisms for **state - funded or confiscation - funded victim compensation**, drawing from Nigeria's *NAPTIP Victims' Trust Fund* model.

10.3 Institutional Strengthening and Coordination

- **Establish a National Referral Mechanism (NRM):** Design and implement a formal NRM with **Standard Operating Procedures (SOPs)** to facilitate the identification, referral, and protection of TIP victims. This mechanism should integrate law enforcement, immigration, social welfare, CSOs, and international partners.
- **Strengthen Judicial and Law Enforcement Capacities:** Create **specialized anti - TIP units** within the police and prosecution services. Provide continuous **technical training** on trafficking laws, digital evidence, and victim - sensitive procedures to judges, prosecutors, and investigators, as demonstrated by existing practices in Kenya and Uganda.
- **Develop an Inter - Ministerial Coordinating Body:** Establish a fully resourced **inter - agency task force** or coordination secretariat within the Ministry of the Interior to ensure vertical and horizontal policy alignment, similar to the **National Agency Against Trafficking in Persons (NAPTIP)** in Nigeria.

10.4 Criminal Enforcement and Legal Accountability

- **Enhance Criminal Sanctions and Expand Legal Liability:** Introduce **life imprisonment** and **financial penalties** for aggravated TIP offenses, and expand **legal person liability** for corporations involved in trafficking, following the standards set in **EU Directive 2011/36/EU** and Uganda's *Prevention of TIP Act, 2009*.

- **Mandate the Confiscation of Traffickers' Assets:** Operationalize **value - based confiscation** mechanisms for proceeds of trafficking - related crimes, consistent with **FATF Recommendation 4** and **Article 12 of the Palermo Convention**.

10.5 Labor, Migration, and Border Governance

- **Revise the Labour Act, 2017:** Amend the Act to explicitly criminalize **forced labor**, regulate **recruitment agencies**, and provide **restorative remedies** for exploited workers, following the **ILO Conventions No.29 and 105** and Ghana's *Labour Act, 2003*.
- **Strengthen Border Control and Migration Procedures:** Introduce **trafficking risk - screening procedures** at border points and develop **humanitarian stay permits** for victims based on models from Ethiopia and the EU's *Residence Permit Directive*.
- **Promote Regional Cooperation and Intelligence Sharing:** Engage in **bilateral and multilateral cooperation** under frameworks such as **EAPCCO, IGAD, and INTERPOL** for intelligence sharing, joint investigations, and cross - border victim recovery operations.

10.6 Monitoring, Evaluation, and International Engagement

- **Establish a TIP Monitoring and Reporting Mechanism:** Create a centralized data system to **track trafficking cases**, victim referrals, and prosecutions in partnership with UNODC and IOM, ensuring transparency and accountability in policy implementation.
- **Improve South Sudan's TIP Ranking:** Pursue sustained legal and policy reform to elevate South Sudan from **Tier 3 to Tier 2 or Tier 1** status in future **U. S. Trafficking in Persons Reports**, thereby unlocking access to enhanced **foreign assistance, capacity - building programs, and technical cooperation**.

These recommendations, if implemented with genuine political will and institutional commitment, will significantly enhance South Sudan's capacity to prevent, prosecute, and remedy human trafficking and bring its national legal framework into full compliance with global standards.

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