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SUDAN 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Sudan's civilian-led transitional government, installed in August 2019, was led until October 25 by Prime Minister Abdalla Hamdok, who headed the Council of Ministers. The collective head of state known as the Sovereign Council was chaired by Abdel Fattah al-Burhan, one of five military members. On February 4, three members representing Juba Peace Agreement signatories were added to the Sovereign Council. On November 11, five of six civilian members were unilaterally and unconstitutionally replaced, following a military takeover. The Transitional Legislative Council has not been formed. Under the constitutional declaration signed in August 2019, general elections were scheduled for 2022; following the signing of the Juba Peace Agreement, the elections were rescheduled for late 2023 or early 2024.

Until October 25, responsibility for internal security resided with the Ministry of Interior, which oversees police agencies, the Ministry of Defense, and the General Intelligence Service. Ministry of Interior police agencies include the security police, special forces police, traffic police, and the combat-trained Central Reserve Police. There is a police presence throughout the country. The Ministry of Defense has a mandate to oversee all elements of the Sudanese Armed Forces, including the Rapid Support Forces, Border Guards, and defense and military intelligence units; these forces are also charged with protecting sensitive government buildings and sites. Several times during the year, authorities began standing up a Joint Security Force, with a mandate to protect civilians. During the first 10 months of the year, police infrastructure remained largely under civilian authority. After the military takeover on October 25, there were credible reports members of the security forces committed numerous serious abuses.

On October 25, Sovereign Council chair and head of the Sudanese Armed Forces General Burhan dissolved the cabinet, declared a state of emergency, suspended key articles of the constitutional declaration, and detained the Prime Minister Hamdok, along with other senior government officials. Civilian protesters began demonstrating against the military seizure of power immediately thereafter,

demanding full civilian rule. Security forces responded to these demonstrations with violence, leaving hundreds injured and dozens dead by year's end. Following four weeks under house arrest, on November 21, the prime minister signed a 14-point political agreement with General Burhan, which reinstated Hamdok as prime minister. Political parties and civil society organizations rejected the agreement as legitimizing the military takeover. On December 24, the Sovereign Council reportedly issued under General Burhan's signature a temporary decree under the state of emergency that gave expanded arrest authority to the General Intelligence Services, Sudanese Armed Forces, Rapid Support Forces, and police forces and authorized security forces to search and seize, freeze financial assets, and restrict the movement of individuals. Additionally, the decree granted immunity to security forces from prosecution for the duration of the state of emergency or as determined by the Sovereign Council. As of year's end, the country remained under a state of emergency. Government authority was split between the unconstitutional Sovereign Council dominated by the military, which frequently overstepped its constitutional mandates, and the prime minister, who had not yet formed a cabinet. Most civilian officials were appointed either by an unconstitutional Sovereign Council or by the prime minister.

Significant human rights issues included credible reports of: unlawful or arbitrary killings; cruel, inhuman and degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees; arbitrary or unlawful interference with privacy; serious abuses in a conflict, including killings, abductions, and physical abuses or punishment; serious restrictions on free expression and media, including violence or threats of violence against journalists, censorship, and the existence of criminal libel and slander laws; serious restrictions on internet freedom; substantial interference with the freedom of association, including overly restrictive laws on the organization, funding or operations of nongovernmental organizations and civil society organizations; serious government corruption; lack of investigation of and accountability for gender-based violence, including but not limited to domestic and intimate partner violence, sexual violence, child, early and forced marriage, female genital mutilation and other harmful practices; existence or use of laws targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; and the worst forms of child labor.

The civilian-led transitional government took steps to identify, investigate, prosecute, and punish officials who committed human rights abuses, as well as those engaged in corruption. It continued its investigation into security force abuses that occurred throughout the 2019 revolution, including the June 2019 violent dispersal of a peaceful sit-in in Khartoum. As of year's end, the investigative committee had not publicly submitted its findings. The Ministry of Justice also continued investigations and trials for members of the deposed regime for alleged human rights abuses. Following the military takeover on October 25, the Sovereign Council continued to speak of accountability but took no public action and made no public arrests. General Burhan also disbanded the committee aimed at identifying and returning corrupt former regime assets. After his reinstatement, Prime Minister Hamdok and General Burhan jointly dismissed the heads of the Sudanese National Police, General Intelligence Service, and Military Intelligence, for their reported failure to control violence against protesters.

In Darfur and the Two Areas, paramilitary forces and rebel groups continued sporadically to commit killings, rape, and torture of civilians. Local militias maintained substantial influence due to widespread impunity. There were reports militias looted, raped, and killed civilians. Intercommunal violence originating from land-tenure disputes and resource scarcity continued to result in civilian deaths, particularly in East, South, and North Darfur. There were also human rights abuses reported in Abyei, a region claimed by both the country and South Sudan, generally stemming from local conflict regarding cattle and land between the Ngok Dinka and Misseriya indigenous groups. Reports were difficult to verify due to access challenges. Weak rule of law persisted in Darfur, and banditry, criminality, and intercommunal violence were the main causes of insecurity.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

Under the Civilian Led Transitional Government (CLTG), the use of lethal force against civilians and demonstrators was minimal; after the military takeover on October 25, there were numerous reports that the government or its agents

committed arbitrary or unlawful killings, especially of prodemocracy protesters.

On May 11, the Sudanese Armed Forces (SAF) fired tear gas and live ammunition at peaceful protesters in Khartoum, killing Osman Ahmed Badr al-Din and Muddather al-Mukhtar Elshafie and wounding 37. The military denied ordering the use of live ammunition and promised an investigation; the prime minister decried the use of excessive force and called on the military and judicial systems to investigate. Attorney General el-Hibir told local media that the Public Prosecution's Office had opened cases against those who killed protesters. As of year's end, the cases remained pending.

On May 25, the body of Mohamed Ismail "Wad Aker," a resistance committee member, was found in the morgue of al-Tamayuz hospital in Khartoum. According to media reports, Ismail was last seen on April 3. The autopsy reported he died as the result of torture. He was participating in a vigil for protesters killed in 2019. The case remained pending at year's end.

In response to the military takeover, prodemocracy civilian actors organized demonstrations and strikes in Khartoum and across the country condemning the military's actions and calling for full civilian rule. Resistance committees in Khartoum, Omdurman, and Khartoum North organized numerous large-scale peaceful protests, which were often met with security force violence, including the use of live ammunition. On November 17, violence against protesters peaked when security forces killed 17 persons. Violence subsided after the November 21 agreement. As the weeks wore on, security forces again violently cracked down on protesters on numerous occasions culminating on December 30, when security forces used live ammunition, tear gas, water cannons, and stun grenades against protesters. Six were killed. Security forces also stormed hospitals in search of injured protesters, assaulted journalists, and raided a television station (see sections 1.c., 1.d., and 2.a.). According to the Central Committee of Sudanese Doctors, 52 protesters were killed, and hundreds injured during protests between October 25 and year's end.

There were several reports that the government or its agents committed arbitrary or unlawful killings, including reports of such killings by reportedly rogue security force elements in Darfur (see section 1.g.). On August 5, a court convicted and

sentenced six Rapid Support Forces (RSF) soldiers to death for killing five protesters in El-Obeid in 2019. The presiding judge declared that the defendants' actions were individually motivated rather than the result of command orders.

b. Disappearance

There was one report of a disappearance and killing, possibly committed by rogue government elements (see section 1.a., Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings – case of Ismail “Wad Aker”).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The 2019 constitutional declaration prohibits torture or inhuman treatment or punishment. Reports of such behavior largely ceased under the CLTG, although there were numerous reports of violent attacks on peaceful protesters following the military takeover.

Following the military takeover on October 25, security forces arrested several civilian officials, including cabinet affairs minister Khalid Omar Youssef, whom they reportedly beat.

After the military takeover, security forces often used live ammunition, tear gas, water cannons, and stun grenades against peaceful protesters. Six were killed. Security forces also stormed hospitals in search of injured protesters, assaulted journalists, and raided a television station, killing scores and injuring hundreds (see sections 1.a., 1.d., and 2.a.). Security forces also stormed hospitals believed to be treating injured protesters and fired tear gas inside them.

There were several reports of security forces committing sexual violence against women across the country reportedly to discourage their participation in demonstrations. Following December 19 prodemocracy protests, the Office of the UN High Commissioner for Human Rights (OHCHR) reported that 13 women and girls were survivors of sexual violence, including rape. Moreover, there were reports that security forces sexually harassed women who were attempting to flee the area near the Presidential Palace where the demonstrations took place.

There continued to be some reports that security forces committed sexual violence in Darfur, although most abuses were committed by militias (see section 1.g.).

For the period up to October 25, impunity was less of a problem than under former president Bashir's regime; however, some problems with impunity in the security forces remained. The CLTG continued to take strong steps towards reckoning with the crimes perpetrated by the Bashir regime and addressing contemporary abuses. After the military takeover, these efforts appear to have largely ceased.

The December 2020 case of Bahaa el-Din Nouri remained pending at year's end. He was detained by the RSF in Khartoum. His body was found in a morgue five days later showing signs of torture.

Prison and Detention Center Conditions

Prison conditions throughout the country remained harsh and life threatening; overcrowding was a major problem, as was inadequate health care.

Physical Conditions: The nongovernmental organization (NGO) World Prison Brief estimated, based on 2017 data, that the country's prisons held 21,000 prisoners in facilities designed for 7,500 prisoners. More recent data were not available, but overcrowding remained a serious problem. The Prisons and Reform Directorate, a branch of the national police that reports to the Ministry of Interior, oversees prisons. The Ministry of Interior generally did not release information on physical conditions in prisons. Data on the numbers of juvenile and female prisoners were unavailable.

Authorities generally provided food, water, and sanitation, although the quality of all three was basic. Prison health care, heating, ventilation, and lighting were often inadequate but varied from facility to facility. Some prisoners did not have access to medications or physical examinations. Family members or friends provided food and other items to inmates. Most prisoners did not have beds. Former detainees reported needing to purchase foam mattresses. These problems persisted throughout the year.

Overall conditions, including food and sanitation, were reportedly better in women's detention facilities and prisons, such as the Federal Prison for Women in

Omdurman, than at equivalent facilities for men, such as the main prison in Khartoum or the Kober or Omdurman Prisons. In Khartoum juveniles were not held in adult prisons or jails, but they were reportedly held with adults at other prisons.

Administration: The police inspector general, the minister of justice, and the judiciary are authorized to inspect prisons. Police allowed some visitors, including lawyers and family members, while prisoners were in custody and during judicial hearings. Islamic and Christian clergy were allowed to hold services in prisons after the CLTG came to power. Access varied across prisons. In Omdurman Women's Prison, church services were held six times a week, but information on the regularity of services was not available. Sunni imams were granted access to facilitate Friday prayers.

Independent Monitoring: While the CLTG lifted restrictions on independent monitoring, the International Committee of the Red Cross was generally denied access to prisons, apart from installing water points and distributing hygiene products during the COVID-19 pandemic. International monitors were not allowed access to those detained for protesting the military takeover.

d. Arbitrary Arrest or Detention

The 2019 constitutional declaration prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the CLTG generally observed these requirements; the military government did not.

Arrest Procedures and Treatment of Detainees

Under the law warrants are not required for an arrest. The law permits police to detain individuals for 24 hours for the purpose of inquiry. A magistrate may renew detention without charge for up to two weeks during an investigation. A superior magistrate may renew detentions for up to six months for a person who is charged. The General Intelligence Service (GIS) is not theoretically allowed to detain individuals without permission of the attorney general. Prior to October 25, GIS detained suspects in counterterrorism cases using this process. After October 25, it worked with Sudanese National Police to detain individuals based on its own

investigations.

The law provides for an individual to be informed in detail of charges at the time of arrest, with interpretation as needed, and for judicial determination without undue delay. Following the military takeover, authorities routinely violated these laws.

The law allows for bail, except for those accused of crimes punishable by death or life imprisonment if convicted. There was a functioning bail system; however, persons released on bail often waited indefinitely for action on their cases.

Suspects in common criminal cases, such as theft, were compelled to confess guilt while in police custody through physical abuse and police intimidation of family members.

By law any person may request legal assistance and must be informed of the right to counsel in cases potentially involving the death penalty, imprisonment lasting longer than 10 years, or amputation if convicted. Accused persons may also request assistance through the legal aid department at the Ministry of Justice or the Sudanese Bar Association. The government was not always able to provide legal assistance, although legal aid organizations and lawyers partially filled the gap. Detainees arrested in connection with protesting the military takeover were routinely denied access to legal counsel or their families.

Arbitrary Arrest: Following the military takeover, hundreds were detained without charges, including high-level political actors and activists. Some were subsequently charged. The African Center for Justice and Peace Studies confirmed that all political detainees arrested since October 25 had been released by December 20 (see section 1.e.). In advance of and during subsequent protests through the end of the year, security forces detained resistance committee members, activists, and protesters, all of whom were apparently released the same day as or the day following the protest.

Pretrial Detention: The law states that pretrial detention may not exceed six months; however, the attorney general may authorize a second six-month period. Lengthy pretrial detention was common. Using 2013 data, World Prison Brief estimated 20 percent of prisoners were in pretrial detention. The large number of

detainees and judicial inefficiency resulted in trial delays.

e. Denial of Fair Public Trial

The constitutional declaration and relevant laws provide for an independent judiciary, and the government generally respected judicial independence and impartiality. The CLTG dismissed numerous judges throughout the country who were considered incompetent or corrupt or who had strong ties to the former regime or the country's intelligence apparatus. Following October 25, some dismissed judges, prosecutors and Ministry of Justice staff were returned to service. There were no known reports of denials of fair trials, although many courts faced closures during the year due to strikes and COVID-19 pandemic restrictions.

Trial Procedures

The law provides for the right to a fair and public trial as well as a presumption of innocence; however, this provision was rarely respected. Trials are open to the public at the discretion of the judge. In cases of national security and offenses against the state, trials were usually closed. The law stipulates the government is obligated to provide a lawyer for citizens in cases in which punishment if convicted might exceed 10 years' imprisonment or include execution or amputation.

By law criminal defendants must be informed promptly of the charges against them at the time of their arrest and charged in detail and with interpretation as needed.

Defendants generally have the right to present evidence and witnesses, be present in court, confront accusers, and have access to government-held evidence relevant to their cases. Throughout the year some defendants reportedly did not receive legal counsel, and counsel in some cases could only advise the defendant and not address the court. Persons detained in connection with prodemocracy protests were routinely denied counsel. Persons in remote areas and in areas of conflict generally did not have access to legal counsel. The government sometimes did not allow defense witnesses to testify.

Defendants have the right to appeal, except in military trials. Defendants were sometimes permitted time and facilities to prepare their defense.

Unlike under the prior regime, there were no reports of lawyers being arrested or harassed by the CLTG; however, there were reports of such harassment following the military takeover.

Military trials, which sometimes were secret and brief, lacked procedural safeguards. The law subjects to military trials any civilians in SAF-controlled areas believed to be armed opposition or members of a paramilitary group.

Three-person security courts deal with violations of constitutional decrees, emergency regulations, and some sections of the penal code, including drug and currency offenses. Special courts primarily composed of civilian judges handled most security-related cases.

Due to long distances between court facilities and police stations in conflict areas, local mediation was often the first resort to try to resolve disputes. In some instances tribal courts operating outside the official legal system decided cases. Such courts did not provide the same protections as regular courts.

Political Prisoners and Detainees

During the military takeover, security forces detained Prime Minister Hamdok and other senior government officials. The UN Integrated Transition Assistance Mission in Sudan (UNITAMS) monitored 204 individual cases of detainees, ranging from officials in the Office of the Prime Minister to representatives of the Sudanese Professionals Association. On December 3, the prime minister reported that security officials released all political detainees arrested on and since October 25. Separate UNITAMS and African Centre for Justice and Peace Studies reports confirmed that all political detainees arrested since the October 25 takeover had been released, including protesters and activists outside Khartoum.

While most detainees were released without criminal charges, a group including the trade unions NGO Sudan Professionals Association spokesperson Ismail al-Taj; former industry minister Ibrahim El Sheikh; Dismantling Committee (DC) members Wajdi Saleh, Altayeb Osman, and Taha Ishaq; Forces for Freedom and

Change spokesperson Jaffar Hassan; DC secretary general Ehab Altayeb; and Sovereign Council member Mohamed El Faki were charged under Articles 58 (“inciting the regular forces to revolt”) and 62 (“arousing discontent among regular forces”) of the criminal code and released on bail.

With each round of protests, however, security forces detained additional protesters, including 114 demonstrators arrested on December 25. Those detained were released either the same day or the day after the protests.

Civil Judicial Procedures and Remedies

Although persons seeking damages for human rights abuses had access to domestic and international courts, there were problems enforcing domestic and international court orders. According to the law, individuals and organizations may appeal adverse domestic decisions to regional human rights bodies. Some individuals, however, reported they feared reprisal if they did appeal.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and this type of activity appeared to have ceased, or been dramatically reduced, under the CLTG. Following the military takeover, the military government increasingly accessed, collected, or used private communications or personal data arbitrarily. There were also some reports of security forces entering homes without judicial or other appropriate authorization in search of individuals believed to be involved in organizing protests.

g. Conflict-related Abuses

In October 2020 leaders of the CLTG and several armed opposition groups signed the Juba Peace Agreement, intended to end nearly two decades of conflict in the country’s war-torn regions of Darfur and the Two Areas; however, implementation remained slow and uneven throughout the year. In March Sovereign Council chairman Burhan and Sudan People’s Liberation Movement-North (SPLM-N) leader, Abdul Aziz al-Hilu, signed a declaration of principles agreement that outlined priorities of the peace talks, including unification of armed forces and the separation of religion and state, a key SPLM-N demand. In May the CLTG and al-

Hilu resumed peace talks. After five weeks, the chief negotiator announced that peace talks had been suspended due to disagreements regarding the security arrangements and separation of religion and state, and they remained suspended at year's end. Violence increased in Darfur throughout the year. According to NGO reporting, more than 330,000 individuals fled their homes in Darfur because of violence, a seven-fold increase from 2020.

Killings: Military personnel, paramilitary forces, and tribal groups committed killings in Darfur and the Two Areas. Most reports were difficult to verify due to continued prohibited access to conflict areas, particularly Jebel Marra in Central Darfur and SPLM-N-controlled areas in South Kordofan and Blue Nile States. Humanitarian access to Jebel Marra was restricted due to fighting among rival rebel groups.

Nomadic militias also attacked civilians in conflict areas. Throughout the year renewed intercommunal violence occurred mainly in Darfur, South Kordofan, and East Sudan, resulting in the deaths of numerous civilians. For example, according to the OHCHR, on January 15, in West Darfur, confrontations between the Massalit and Arab tribes in El Geneina and the Krinding camps for internally displaced persons (IDPs) resulted in 162 deaths, 300 injured, and the displacement of more than 100,000 civilians. On January 18, in South Darfur, another clash between the Fallata and Rezeigat tribes in Tawilla village resulted in 72 deaths, 73 injured, and more than 20,000 civilians displaced. The OHCHR reported dozens of persons were killed and others injured in April due to conflict among rival tribal communities in El Hamid, revealing “a pattern of volatility, impunity and vulnerability across several areas in South Kordofan.” Following renewed intercommunal fighting between Beni Amir and Nuba tribesmen in Red Sea State, the governor of Red Sea State imposed a curfew in Port Sudan.

On November 17, clashes in Jebel Moon, West Darfur, began in response to reported livestock rustling. According to the Norwegian Refugee Council, camels from Rezigat-Arab nomads crossed into Misseriya Jebel land. Rezigat who went to recover the camels were eventually killed by the Misseriya Jebel. Rezigat tribes in the area mobilized and responded by burning 12 villages, killing civilians, and causing displacement. Such fighting, sparked by livestock and land disputes, was representative of conflict in Darfur.

In August the West Kordofan State governor announced that 17 Messiriya tribesmen were killed, and 30 others were injured in renewed intercommunal fighting between the Hamar and Messiriya tribes. According to the government, the tribal fighting regarded disputed agricultural land. The prime minister sent Sovereign Council member Siddiq Tawar, Minister of Interior Ezzeldin al-Sheikh, and Federal Governance Minister Buthaina Ibrahim Dinar to reconcile disagreements concerning the disputed areas.

The general political and security situation of Abyei, the disputed territory between the country and South Sudan, continued to remain fragile and was marked by instances of violence between Misseriya and Ngok Dinka communities.

Abductions: According to NGOs, there were numerous reports of abductions by armed opposition and tribal groups in Darfur. International organizations were largely unable to verify reports of disappearances.

There were also numerous criminal incidents involving kidnapping for ransom.

Abduction remained a lucrative method adopted by various tribes in Darfur to coerce the payment of *diya* (“blood money” ransom) claimed from other communities.

Physical Abuse, Punishment, and Torture: There were continued reports that government security forces, progovernment and antigovernment militias, and other armed persons raped women and children. The UN Panel of Experts reported that, in areas of Jebel Marra under government control, bordering Sudan Liberation Army/Abdul Wahid (SLA-AW) areas, some civilians, in particular traders, were still harassed and sometimes unlawfully detained by the security forces, on the assumption that they supported the SLA-AW. Armed opposition groups in Darfur and the Two Areas reportedly detained persons in isolated locations in prison-like detention centers.

The extent to which armed opposition groups committed human rights abuses could not be accurately assessed due to limited access to conflict areas. The state of detention facilities administered by the SLA-AW and SPLM-N in their respective armed opposition-controlled areas also could not be assessed due to lack of access.

Under the CLTG, human rights groups reported armed individuals committed rape and arbitrarily killed civilians in the five Darfur states and government-controlled areas of the Blue Nile. While some participants wore government uniforms, including those affiliated with the RSF, it was not clear whether the individuals were actual official government security forces or militia.

Unexploded ordnance killed and injured civilians in the conflict zones.

Child Soldiers: The law prohibits the recruitment of children and provides criminal penalties for perpetrators.

Allegations persisted that armed opposition movements conscripted and retained child soldiers within their ranks. Both SPLM-N al-Hilu and SPLM-N Malak Agar reportedly continued to conscript child soldiers from refugee camps in Maban, South Sudan, just across the border from Blue Nile State and brought them into the country. If refugee families refused to provide a child to SPLM-N, they were taxed by whichever SPLM-N armed group with which they were considered to be affiliated, continuing SPLM-N's long-standing practice. Many children continued to lack documents verifying their age. Children's rights organizations believed armed groups exploited this lack of documentation to recruit or retain children. Some children were recruited from the Darfur region to engage in armed combat overseas, including in Libya. Due to access problems, particularly in conflict zones, reports of the use of child soldiers by armed groups were few and often difficult to verify.

Representatives of armed groups reported they did not actively recruit child soldiers. They did not, however, prevent children who volunteered from joining their movements. The armed groups stated the children were stationed primarily in training camps and were not used in combat.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Other Conflict-related Abuse: Although humanitarian access improved considerably under the CLTG for UN and NGO staff, there were still incidents of restrictions on UN and NGO travel in some parts of North Darfur and East Jebel Marra based on what the government described as insecurity. Prior to October 25,

the CLTG took steps to allow for unfettered humanitarian access, including by issuing blanket travel permits to some humanitarian staff. Nonetheless, the UN Office for the Coordination of Humanitarian Affairs reported administrative procedures continued to be complicated and varied between federal and state authorities as well as among states, presenting obstacles to aid agencies for delivering timely and quality humanitarian assistance.

UN reporting continued to indicate that intercommunal violence and criminality were the greatest threats to security in Darfur. Common crimes included rape, armed robbery, abduction, ambush, livestock theft, assault and harassment, arson, and burglary and were allegedly carried out primarily by Arab militias. Government forces, unknown assailants, and rebel elements also carried out violence.

Humanitarian actors in Darfur continued to report survivors of sexual and gender-based violence faced obstructions in attempts to report crimes and access health care.

Although the 2019 constitutional declaration pledged to implement compensation to allow for the return of IDPs, limited assistance was provided to IDPs who wanted to return, and IDPs themselves expressed reluctance to return due to lack of security and justice in their home areas. IDPs in Darfur also reported they still could not return to their original lands, despite government claims the situation was secure, because their lands were being occupied by Arab nomads who were not disarmed and could attack returnees, and there were reports of such attacks.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The 2019 constitutional declaration provides for the unrestricted right of freedom of expression and for freedom of the press as regulated by law, and the CLTG reportedly respected these rights. Following the military takeover on October 25, however, security forces stormed media offices, physically assaulted journalists, and revoked credentials of media outlets covering prodemocracy protests.

Freedom of Expression: There were few reports of specific reprisals against individuals who criticized the government, with the primary exception of criticism of the security services. Following the military takeover, prodemocracy protesters faced excessive use of force in frequent protests; the security services claimed this was to protect sensitive government sites.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: The CLTG generally respected press and media freedoms and issued media licenses, although media continued to be dominated by former regime loyalists. Following the military takeover, the government restricted press and media freedoms, especially with respect to the prodemocracy protests.

Violence and Harassment: On November 14, Qatar-based news network al-Jazeera reported that security forces raided the home of its Sudan bureau chief al-Musallami al-Kabbashi and detained him; he was released days later. During the December 30 protests, security forces stormed the offices of al-Arabia, al-Sharq, and al-Hadath television studios, assaulting journalists and staff to prevent coverage of the protests. Security forces seized mobile phones, destroyed equipment, and threw tear gas into the offices of al-Sharq.

Al-Hadath Khartoum bureau chief Lina Yaqoub was beaten by security forces while trying to protect staff members. Further, a European News Agency cameraman was brutally beaten while covering the demonstrations.

Censorship or Content Restrictions: There were no reports of government censorship or print confiscations. Many journalists, however, practiced self-censorship in reporting on corruption (see section 4).

Libel/Slander Laws: The law holds editors in chief potentially criminally liable for libel or slander for all content published or broadcast. There were no reported prosecutions under this law during the year.

Internet Freedom

On October 25, internet and cell service across the country experienced significant disruption as a result of the military takeover. Full service was not restored for several weeks, and on December 19, authorities began ordering internet and cell

service providers to shut off services hours before each planned demonstration reportedly to disrupt communication among protest organizers and reduce media coverage of the demonstrations. Internet and cell service was restored in the late evenings, after the protests concluded.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom. Following criticism, especially by Muslim clerics, in January the prime minister instructed the National Center for Curricula and Educational Research to stop drafting a new curriculum for public schools. The prime minister established a committee that was responsible for reviewing the previous committee's efforts to create a curriculum that respects diversity and the freedom of religion of belief. As of September there were no changes to the curriculum.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association. The CLTG generally respected the right of peaceful assembly; however, it restricted the freedom of association of civil society and NGOs. Following October 25, at least one protester was killed at every announced protest.

Freedom of Peaceful Assembly

The law provides for freedom of peaceful assembly, and the CLTG in most cases respected those rights. Peaceful protests were generally allowed to occur. For example, on June 3, June 30, and October 21, protesters conducted demonstrations. Demonstrations were largely peaceful; police generally used nonviolent measures to maintain order. On May 11, however, government officials reported that Osman Ahmed Badr al-Din and Muddather al-Mukhtar Elshafie were killed, and 37 others were wounded when military personnel fired live ammunition into a crowd of protesters in Khartoum (see section 1.a, Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings). Attorney General el-Hibir told local media that the Public Prosecution's Office had opened cases against those who killed protesters. As of September the cases remained pending. Media outlets also reported that on September 1, security forces killed one protester and injured 17 others when they dispersed a protest in Central Darfur. Members of the CLTG

issued statements condemning the use of excessive force, and the governor of Central Darfur opened an investigation into the incident.

After the October 25 takeover, political and civil society organizations organized frequent prodemocracy demonstrations across the country, condemning the military takeover and calling for a full civilian government. Initially, demonstrations were largely peaceful but grew more violent until security forces used live ammunition, tear gas, rubber bullets, water cannons, and stun grenades to disperse crowds. According to the Sudanese Doctors Central Committee, the security forces killed 52 protesters and injured hundreds during violent crackdowns from October 25 until year's end.

In an effort to prevent protesters from peacefully gathering in sensitive locations including the Presidential Palace, security forces blocked bridges with shipping containers and closed roads with barbed wire.

Freedom of Association

Although the 2019 constitutional declaration provides for the right of freedom of association, the existing law still included many restrictions on civil society organizations and NGOs, and the country lacked a labor union law.

Under the CLTG, the Dismantling Committee continued to dissolve civil society organizations perceived to be associated with the former regime. In May the OHCHR reported that it dissolved 64 civil society organizations in North Darfur and seven in Khartoum.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for the freedom of internal movement, foreign travel, and emigration, and although both the CLTG and the military government largely respected these rights, restrictions on travel to conflict areas remained.

Following their detentions on October 25, several government officials and civilian leaders reportedly were restricted from traveling or leaving the country.

In-country Movement: Armed opposition groups still reportedly restricted the movement of citizens in conflict areas (see section 1.g.).

Internal movement was generally unhindered for citizens outside conflict areas. Foreigners needed travel permits for domestic travel outside Khartoum, which were bureaucratically difficult to obtain. Foreigners were required to register with the Ministry of Interior's Alien Control Division within three days of arrival and were limited to a 15.5-mile radius from Khartoum. Once registered, foreigners were allowed to move beyond this radius, but travel to conflict regions required official approval. The CLTG eased some of these requirements, especially for travel to tourist sites.

Exile: Many activists returned to the country from self-exile after the CLTG took power. For example, several prominent opposition members returned to the country to join the CLTG. Some members of the armed movements remained in exile, however, and some expressed concern regarding their civic and political rights should they return to the country, despite reassurances from the CLTG.

e. Status and Treatment of Internally Displaced Persons

Large-scale protracted displacement continued to be a severe problem in Darfur and the Two Areas. Countrywide, there were more than three million IDPs as of July.

The UN Office for the Coordination of Humanitarian Affairs reported that most of the displacement during the year was triggered by intercommunal and other armed conflict, particularly continued sporadic violence in Darfur and South Kordofan as well as clashes in East Sudan, Red Sea, and Kassala States. Reports of IDPs attempting to return to or access their farmlands in Darfur increased. Many IDPs faced chronic food shortages and inadequate medical care. Significant numbers of farmers were prevented from planting their fields due to insecurity, leading to near-famine conditions in parts of South Kordofan. Information regarding the number of IDPs in these areas remained difficult to verify. Armed groups estimated the areas contained 545,000 IDPs and severely affected persons, while the government

estimated the number as closer to 200,000. UN agencies could not provide estimates, citing lack of access. Children accounted for approximately 60 percent of persons displaced in camps and countrywide.

Some UN agencies were able to work with the Darfur governor's advisers on women and children to raise awareness of gender-based violence and response efforts.

There were reports of abuse committed by government security forces and armed opposition groups against IDPs in Darfur, including rapes and beatings (see section 1.g.).

Outside IDP camps and towns, insecurity restricted freedom of movement; women and girls who left the towns and camps risked sexual violence. Insecurity within IDP camps also was a problem. The government provided little assistance or protection to IDPs in Darfur. Most IDP camps had no functioning police force. International observers noted criminal gangs aligned with armed opposition groups operated openly in several IDP camps.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

UNHCR reported more than 1.1 million refugees and asylum seekers in the country, most of whom were South Sudanese. Some South Sudanese and Syrian refugees and asylum seekers did not present themselves to the government's Commission on Refugees (COR) or to UNHCR for registration. UNHCR reported there were many South Sudanese in the country who were unregistered and at risk of statelessness.

As of late November, UNHCR had recorded more than 50,710 refugees and asylum seekers from Ethiopia's Tigray region arriving since November 2020. The refugees crossed the country's eastern border into Kassala and Gedaref States and sheltered in transit centers and two camps for Ethiopian refugees.

More than 3,000 refugees from Chad and 27,000 from the Central African Republic remained in Darfur. Eritrean refugees entering the eastern part of the country often stayed in camps for two to three months before moving to Khartoum, other parts of the country, or on to Libya trying to reach Europe.

UNHCR estimated that 804,000 South Sudanese refugees remained in the country. The government claimed there were between two and three million South Sudanese refugees in the country. It remained unclear how the government was categorizing who was South Sudanese and who was Sudanese. Many South Sudanese refugees resided in remote areas with minimal public infrastructure and where humanitarian organizations had limited resources and capabilities.

UNHCR Khartoum registered an estimated 496,700 South Sudanese refugees, including 191,392 who lived in nine settlements known as “open areas” around Khartoum State. South Sudanese refugees in the open areas constituted more than 20 percent of the overall South Sudanese refugee population and were considered among the most vulnerable refugee communities. Sudan’s and South Sudan’s “four freedoms” agreement provides their citizens reciprocal freedom of residence, movement, economic activity, and property ownership, but it was not fully implemented. Implementation varied by state, as well as by refugees’ relations with local host communities. For example, South Sudanese in East Darfur had more flexibility to move around (so long as they were far away from the nearest village) than did those in White Nile State.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government had a system for protecting refugees. The law nominally requires asylum applications to be submitted within 30 days of arrival in the country. This time stipulation was not strictly enforced. The law also requires asylum seekers to register both as refugees with the COR and as foreigners with the Civil Registry (to obtain a “foreign” number).

The government granted asylum to asylum seekers primarily from Eritrea, Ethiopia, Somalia, and Syria; it sometimes considered individuals registered as asylum seekers or refugees in another country, mostly in Ethiopia, to be illegal migrants. Government officials routinely took up to three months to approve individual refugee and asylum status, and in some cases took significantly longer,

but they worked with UNHCR to implement quicker status determination procedures in eastern Sudan and Darfur to reduce the case backlog.

Since the beginning of the Syrian conflict in 2011, more than 93,000 Syrians registered with UNHCR in the country. Government sources, however, claimed there were far more Syrians in the country than were registered with UNHCR and the COR. More than 2,100 Yemeni refugees had registered in the country.

Refoulement: The country generally respected the principle of nonrefoulement. With UNHCR's assistance, authorities were trained on referral procedures to prevent refoulement, including of refugees who previously registered in other countries. During the year there were no reported cases of refoulement; however, individuals who were deported as illegal migrants may have had legitimate claims to asylum or refugee status.

Abuse of Migrants and Refugees: Asylum seekers and refugees were vulnerable to arbitrary arrest and harassment outside camps because they did not possess identification cards while awaiting government determination of refugee or asylum status. According to authorities, registration of refugees helped provide for their personal security.

There were some reported abuses, including sexual exploitation and abuse, rape, and other forms of gender-based violence, in Commission-for-Refugees-managed refugee camps. The CLTG worked with UNHCR to provide greater protection to refugees and stateless persons.

Refugees often relied on smuggling networks to leave camps. Smugglers turned kidnappers routinely abused refugees if ransoms were not paid. Fear of violence prompted some of the South Sudanese refugee population in Khartoum and White Nile to return to South Sudan. South Sudanese refugee returnees faced arrest, extortion, and theft along the route to South Sudan.

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report>.

Freedom of Movement: The government's encampment policy requires asylum seekers and refugees to stay in designated camps; however, 65 percent of South

Sudanese refugees (the great majority of refugees in the country) lived with local communities in urban and rural areas. The government did not actively push for relocation of South Sudanese living outside Khartoum to refugee camps. The government worked with UNHCR to facilitate relocation of most Ethiopian refugees and asylum seekers to three camps in eastern Sudan in a manner that was voluntary and dignified.

Refugees who left camps without permission and were intercepted by authorities faced administrative fines and return to the camp. Refugees and asylum seekers in urban areas were also subject to arrest and detention. UNHCR worked with legal partners to visit immigration detention centers and to provide persons of concern with legal assistance, such as release from detention centers and help navigating court procedures.

Employment: The government in principle allowed refugees to work informally but rarely granted work permits (even to refugees who obtained degrees in the country). To get a work permit, the CLTG required refugees to apply for a “foreigner number,” but most refugees did not have one, which resulted in a low number of issued work permits. Some refugees throughout the country found informal or seasonal work as agricultural workers or laborers in towns. Some women in camps reportedly resorted to illegal alcohol production and were harassed or arrested by police. In urban centers most refugees worked in the informal sector (for example, as tea sellers, house cleaners, and drivers), leaving them at heightened risk of arrest, exploitation, and abuse.

g. Stateless Persons

Many South Sudanese refugees in the country not registered with the government risked statelessness.

Section 3. Freedom to Participate in the Political Process

The 2019 constitutional declaration provides that every citizen has the right of political participation and the right to participate in public affairs in accordance with the law.

Elections and Political Participation

Recent Elections: National executive and legislative elections took place in 2015, under the regime of former president Bashir and were not deemed to be free or fair. The main opposition parties at that time – National Umma Party, National Consensus Forces, Sudanese Congress Party, Sudanese Communist Party, and the Popular Congress Party – boycotted those elections, leaving only the ruling National Congress and National Unity Parties to participate.

Under the Bashir regime, general elections for president and the National Assembly were scheduled to be held every five years. Under the Political Agreement and the constitutional declaration signed in 2019, elections were scheduled to be held in 2022, but the October 2020 signing of the Juba Peace Agreement and amendment to the constitutional framework postponed elections until 39 months after the signing, delaying planned elections until early 2024.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups from voting or otherwise participating in political life on the same basis as men or nonminority citizens, and they did participate. The constitutional declaration states that political parties are free to operate and that every citizen has the right of political participation and the right to participate in public affairs in accordance with the law. In addition, it states that the country shall afford equal rights of women and men to the enjoyment of political rights. In the CLTG cabinet, women held three of 20 positions. There were two women on the Sovereign Council, one of whom was from the minority Coptic Christian community. The constitutional declaration requires at least 40 percent of the Transitional Legislative Council members be women, but the council had not been formed as of year's end. As of year's end, there were no women serving as governors.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government did not implement the law effectively. There were numerous reports of government corruption during the year.

Corruption: The law provides the legislative framework for addressing official corruption. The CLTG used existing law and the constitutional declaration to combat official corruption. In addition, during the year the CLTG enacted the National Anti-Corruption and Public Asset Recovery Law, which, as called for in the constitutional declaration, sets up the Anti-Corruption and Public Asset Recovery Commission. The commission is charged with investigating, detecting, and preventing a wide range of corrupt acts; however, as of year's end, the commission was not yet resourced or staffed.

A special anticorruption attorney investigated and prosecuted corruption cases involving officials, their spouses, and their children. Punishments for conviction of embezzlement include imprisonment or execution for public-service workers, although these sanctions were almost never carried out. All bank employees were considered public-service workers. The CLTG established a Dismantling Committee to recover unlawfully obtained money and assets from corrupt members of the former regime. This committee issued multiple decisions against government officials and confiscated assets. The committee extended its activity to include NGOs that facilitated the transfer of government money. The committee then forwarded the confiscated assets and money to the Ministry of Finance. The Dismantling Committee was dismissed on October 25, several of its leaders detained, and seven charged with crimes.

While reporting on corruption was no longer a red line under the CLTG, media continued to practice self-censorship on the topic, which continued after the military takeover (see section 2.a.).

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Unlike under the Bashir regime, under the CLTG, domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views, although some restrictions on NGOs remained, especially in conflict zones. After the military

takeover, human rights groups feared government retribution.

The United Nations or Other International Bodies: Access for UN agencies to Darfur, the Two Areas, and other conflict-affected regions vastly improved under the leadership of the CLTG; however, challenges remained, as travel into and around such areas were curtailed during periods of violence. This continued to be the case following the military takeover. The government also continued to restrict the number of visas issued for UN police for the UN Interim Security Force for Abyei. The country is a party to the African Charter on Human and Peoples' Rights.

In June and August, the International Criminal Court (ICC) prosecutor visited the country. During the June visit, the CLTG allowed the prosecutor to meet with refugees and government officials in Nayla, Zalengi, and El Fasher. At the end of the August visit, the prosecutor signed a memorandum of understanding with the CLTG. In August the Council of Ministers also pledged to ratify the Rome Statute and committed to transfer Omar al-Bashir and other wanted individuals in domestic custody to The Hague. As of year's end, ICC staff continued to visit the country to engage the government, but the country had neither joined the ICC nor transferred the remaining indictees.

In January the OHCHR in Khartoum and UNITAMS integrated their offices and had joint field offices in Khartoum, El Fasher, Kadugli, El Damazin, and Port Sudan. The CLTG cooperated with these offices. The CLTG allowed the OHCHR and UNITAMS to conduct assessments, including on human rights.

On November 12, the OHCHR designated Adama Dieng as expert on human rights in Sudan, following a special session of the UN Human Rights Council. The expert on human rights has the mandate to monitor the developing human rights situation in the country following the military takeover, in coordination with the UN Joint Human Rights Office in Sudan. As of year's end, the expert on human rights had not visited the country.

Government Human Rights Bodies: Human rights defenders were allowed to file complaints with the National Human Rights Commission regarding perceived human rights abuses. The commission typically referred complaints back to the

accused institution. While the commission was not formally dissolved and received permission to continue operating, the deputy chairman of the committee and four of the six commissioners resigned following the military takeover.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape and sexual harassment are criminal offenses, and a rape survivor may not be prosecuted for adultery. Marital rape is not recognized. Domestic violence is a crime.

Following the December 19 prodemocracy protests, the OHCHR reported that 13 women and girls were survivors of sexual violence, including rape and gang rape. Moreover, security forces reportedly sexually harassed women who were attempting to flee the area near the Presidential Palace where the demonstrations took place. There were several reports of security forces committing sexual violence against women across the country reportedly to discourage their participation in protests and demonstrations.

There remained no reliable statistics on the prevalence of rape and domestic violence in the country. The OHCHR received regular reports of incidents of rape and gender-based violence (see section 1.g.). Human rights organizations cited substantial barriers to reporting gender-based violence, including cultural norms, police reluctance to investigate, and the widespread impunity of perpetrators

In April a group of men raped a woman from Blue Nile, and the incident circulated on social media. On May 25, authorities arrested two suspects and police were pursuing other suspects.

Female Genital Mutilation (FGM/C): FGM/C remained a problem, and the procedure continued to be used on women and girls throughout the country. In July 2020 the CLTG formally criminalized FGM/C. The law provides a penalty of three years' imprisonment for anyone convicted of practicing FGM/C. In November 2020 media reported the first legal action taken against a mother and midwife in Omdurman for practicing FGM/C. According to UNICEF and the UN Population Fund (UNFPA), the prevalence rate of FGM/C experienced by girls and

women between ages 15 and 49 was 87 percent. Its prevalence varied geographically and depended on the local ethnic group.

Sexual Harassment: The law criminalizes sexual harassment and provides a penalty not to exceed three years' imprisonment if convicted. Government officials have not enforced sexual harassment law effectively. There were no specific data available on the prevalence of sexual harassment throughout the country.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Some communities lacked awareness of reproductive rights. In addition, women living in rural areas did not always have access to contraceptives, skilled medical attendance during childbirth, and obstetric and postpartum care.

UNFPA estimated that 10 percent of girls and women between ages 15 and 49 used a modern method of contraception during the year. The government relied on international organizations to source its contraceptive supplies and certain essential medicines.

In 2017 UNFPA estimated the maternal mortality rate was 295 deaths per 100,000 live births and that skilled health-care personnel attended 78 percent of births.

The high maternal mortality rate stemmed in large part from the convergence of the following factors: early child marriages; lack of access to reproductive health and emergency obstetric care, particularly in rural areas; lack of access to family planning services; poor sanitation; lack of transportation in rural areas; and poor public-health infrastructure in rural areas where the population experienced chronic undernourishment, malaria, hemorrhagic fevers, and anemia.

The Ministry of Health in coordination with international organizations provided access to sexual and reproductive health services for survivors of sexual violence in conflict areas. By law abortion for pregnant survivors of rape is limited to individuals who were raped in the country and requires verification. The ministry also provided preventative treatment for sexually transmitted infections and emergency contraceptives, depending on the public-health infrastructure and

availability of medications.

Discrimination: The law, including many traditional legal practices and certain provisions of Islamic jurisprudence, continued to discriminate against women. In accordance with common Islamic judicial interpretation, a Muslim widow inherits one-eighth of her husband's estate; of the remaining seven-eighths, two-thirds goes to the sons and one-third to the daughters. In certain probate trials, a woman's testimony is not considered equal to a man's; the testimony of two women is required. In other civil trials, the testimony of a woman equals that of a man.

By law a Muslim man may marry a Jewish or Christian woman. A Muslim woman may not marry a non-Muslim man and may be charged with adultery if she does so. Although the CLTG abolished the previous discriminatory Public Order Law, there were unconfirmed reports individual officers still applied it ad hoc.

In July 2020 the government amended the law to allow women to travel abroad with their children without a male family member's permission (see section 7.d.).

Systemic Racial or Ethnic Violence and Discrimination

The population includes more than 500 ethnic groups speaking numerous languages and dialects. Some of these ethnic groups self-identify as Arab, referring to their language and other cultural attributes. There were several cases of interethnic violence in conflict regions (see section 1.g.).

There were multiple reports of hate speech and discriminatory language during the year. Reports increased following the appointment of civilian governors in areas where ethnic groups opposed an appointed governor because he or she belonged to a different group.

Children

Birth Registration: The constitutional declaration states that persons born to a citizen mother or father have the right to citizenship. Most newborns received birth certificates, but some in remote areas did not. Registered midwives, dispensaries, clinics, and hospitals could issue certificates. Failure to present a valid birth certificate precludes enrollment in school. Access to health care was

similarly dependent on possession of a valid birth certificate, but many doctors accepted a patient's verbal assurance that he or she had one.

Education: The law provides for tuition-free basic education up to grade eight, but students often had to pay school, uniform, and examination fees to attend. Primary education was neither compulsory nor universal.

Child Abuse: The government tried to enforce laws criminalizing child abuse and was more likely to prosecute cases involving child abuse and sexual exploitation of children than analogous cases involving adults. Some police stations included "child friendly" family and child protection units and provided legal, medical, and psychosocial support for children.

Child, Early, and Forced Marriage: The legal age of marriage was 10 for girls and 15 or puberty for boys. According to UNICEF and UNFPA, 12 percent of women were married before age 15, and 34 percent were married before age 18. In some cases men married girls to exploit their labor.

Sexual Exploitation of Children: Penalties for conviction of sexual exploitation of children vary and may include imprisonment, monetary fines, or both. The CLTG tried to enforce laws criminalizing child sexual exploitation.

There is no minimum age for consensual sex or a statutory rape law. Pornography, including child pornography, is illegal. Statutes prescribe a fine and period of imprisonment not to exceed 15 years for conviction of child pornography offenses.

Displaced Children: Internally displaced children often lacked access to government services such as health and education due to security concerns and an inability to pay related fees. UNICEF estimated 1.6 million children remained internally displaced (see section 2.d.).

Institutionalized Children: Police typically sent homeless children who had committed crimes to government camps for indefinite periods. Health care, schooling, and living conditions were generally very basic in these camps.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the

Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The known Jewish community in the country consisted of two individuals in the Khartoum area. Societal attitudes were generally not tolerant of Jewish persons, although anti-Semitic acts were rare.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

Although the law and the constitutional declaration provide protections for persons with disabilities, social stigma and a lack of resources hindered the government's enforcement of disability laws. The law does not specifically prohibit discrimination against persons with disabilities.

Social stigma and lack of resources often prevented government and private entities from accommodating persons with disabilities in education and employment. Appropriate support remained especially rare in rural areas.

HIV and AIDS Social Stigma

There was societal discrimination against persons with HIV and AIDS.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The law criminalizes sodomy for men, which is punishable if convicted by five years in jail for an initial offense, and it criminalizes other same-sex sexual activities for both men and women as "indecent acts" punishable by up to one year and monetary fines. In 2020 the CLTG abolished corporal and capital punishment for sodomy, although NGOs reported flogging cases sometimes still occurred.

Lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons are not considered a protected class under antidiscrimination laws. Anti-LGBTQI+ sentiment remained pervasive in society. LGBTQI+ organizations reported restrictions on their freedom of assembly and increased pressure to suspend or curtail activities due to fear of harassment, intimidation, or abuse.

There were no reports of official action to investigate or punish those complicit in LGBTQI+-related discrimination or abuses.

Other Societal Violence or Discrimination

Clashes often resulted from conflicts concerning land rights, mineral ownership, and use of gold-mining areas, particularly in the Jebel Amer area in North Darfur. Observers believed those clashes resulted in deaths and displacement in past years. Largely unregulated artisanal gold-mining activities continued in all of the Darfur states, although it was a lesser source of tension among communities than in previous years. Claims to land rights continued to be mostly ethnic and tribal in nature. Other clashes took place in Red Sea State, Kassala State, and South Kordofan.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

Labor law in the country remains unsettled since the CLTG issued a 2019 decree to dissolve all trade unions, seize their property, and freeze their bank accounts, with the stated purpose of dismantling remnants of the Bashir regime. In June the cabinet of ministers endorsed the previous trade union law. As of year's end, the joint legislative mechanism had not reviewed the law; however, the CLTG allowed the formation of trade unions throughout the year.

The law prohibits antiunion discrimination. Employees may form their own independent unions in companies meeting a minimum number of employees or join preexisting unions. The law establishes a single national trade union federation and excludes police, military personnel, prison employees, Ministry of Justice legal advisers, and judges from membership. In some cases membership in international unions was not officially recognized. The law excludes domestic

servants, most agricultural workers, and casual workers. The right to strike is prohibited, instead workers must use a cumbersome bureaucratic process to resolve labor disputes, including compulsory arbitration or complex conciliation and mediation procedures. Workers who engage in labor outside the provisions of the labor code may legally be penalized with prison and compulsory labor.

Throughout the past year, credible reports indicated that the government discriminated against unions. The government also used the state of transition to delay and avoid enforcement of existing laws protecting the freedom of association and the right of collective bargaining. For example, the Sudan Worker's Trade Union Federation filed a 2020 complaint with the International Labor Organization (ILO) on freedom of association concerns and alleged seizure of property. Trade unionists also condemned the arrest and detention of Halat Algamer Elnour, the head of the Syndicate of National Audit Chamber of Sudan. Security forces detained Elnour in Khartoum from January 24 to 28 and accused him of refusing to release trade union properties to the CLTG. There were credible reports that the CLTG continued to take illegal action against trade union freedoms including dissolutions, arrests, property confiscation, and intimidation.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor. The government did not effectively enforce the law. Penalties were not commensurate with those for comparable crimes.

Forced labor did occur, and the most common labor violations occurred in the farming and pastoral sectors. There were reports traffickers exploited some children in forced labor in brickmaking factories, gold mining, collecting medical waste, street vending, and agriculture. Some domestic workers reportedly worked without pay. Female refugees were especially prone to labor violations.

Human rights groups made credible reports that in the western part of the country some persons were held under conditions of forced labor, including some abducted as children during the civil war between the North and South. Slavery was outlawed at the end of the country's civil war, and the government promised to return abductees and prosecute offenders. The government had not prosecuted any

cases of abduction for the purpose of forced labor nor imposed criminal penalties for violation of the law. Refugees and displaced persons remained vulnerable to economic exploitation, including examples of vulnerable adults and children forced into debt bondage and removed from their homes through informal adoptions or foster relationships with the goal of forced labor. Men married multiple wives (including child brides) to exploit their labor. Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits child labor. The constitutional declaration requires the state to protect the rights of children as provided in international and regional conventions ratified by the country. The law defines children as persons younger than 18 and prohibits children younger than 14 from working, except in agricultural work that is not dangerous or harmful to their health. The Ministry of Labor and Social Development is responsible for enforcing child labor laws, but implementation was weak and ineffective.

The law defines working children as persons between ages 14 and 18. The law also prohibits the employment of such persons between 6 p.m. and 8 a.m.

The law allows minors to work for seven hours a day broken by a paid hour of rest. It is illegal to compel minors to work more than four consecutive hours, work overtime, or work during weekly periods of rest or on official holidays. The law prohibits employers from waiving, postponing, or reducing annual leave entitlements for minors. The CLTG did not effectively enforce such laws. Penalties were not sufficient to deter violations and were not commensurate with those for comparable crimes.

Despite regulations, child labor persisted in agriculture, mining, and informal sectors. Child labor was most common in the agricultural sector and also in other elements of the informal sector, including shoe shining, car washing, collecting medical and other resalable waste, street vending, begging, construction, and other menial labor. Children working in the informal sector were vulnerable to chronic illnesses and car accidents.

The ILO monitored forced child labor in gold mining. UNICEF received unverified reports revealing the dangerous conditions under which children were working in gold mining, including requirements to carry heavy loads and to work at night and within confined spaces and exposure to mercury and high temperatures. There were reports that children as young as age 10 were used in artisanal gold mining throughout the country. According to multiple reputable sources, thousands of children worked in artisanal gold mining, particularly in River Nile, Blue Nile, West Darfur, and North Darfur States, resulting in large numbers of students dropping out of school. There were reports of the use of child soldiers by the SPLM-N, but numbers were difficult to verify (see section 1.g.).

Also see the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

Law and regulations prohibit discrimination in respect of employment and occupation based on race, sex, gender, disability, tribe, and language, but they were not consistently enforced. There were legal restrictions on women in employment including limitations on working hours, occupations, and tasks. The constitutional declaration provides legal protection from discrimination based on sexual orientation or gender identity, HIV or other communicable disease status, political opinion, social or national origin, age, social status, religion, or ethnicity. Employers determined whether they would accommodate religious or ethnic practices. For example, employers adopted Islamic practices, including reduced working hours during the month of Ramadan and paid leave to perform the Hajj pilgrimage. The CLTG issued a decree authorizing Christians to leave work at 10 a.m. on Sundays to attend religious activities. Labor laws apply to migrant workers with legal contracts, but foreign workers who do not have legal status were not provided legal protections from abuse and exploitation.

The CLTG did not effectively enforce antidiscrimination laws and regulations in the workplace; penalties in the form of monetary fines were rarely imposed and were insufficient to deter violations. Penalties were not commensurate with those for similar violations. Discrimination occurred in employment and occupation

based on gender, religion, and ethnic, tribal, or party affiliation. Ethnic minorities reported that government hiring practices discriminated against them in favor of “riverine” Arabs from the northern part of the country. Ethiopians, Eritreans, and other refugees or migrants were often exposed to exploitative work conditions, with increasing reports of discrimination and harassment in late 2020 as almost 50,000 Ethiopian refugees entered the country fleeing the conflict in Ethiopia; longer term residents who were ethnically Ethiopian were inhibited from seeking government services or protections due to fear of being mistaken for a recent arrival and subjected to movement restrictions. Employment discrimination against women was widespread, and gender-based violence and harassment was prevalent in the world of work. There were credible reports of female refugees and migrants working as domestic workers or tea sellers who were not compensated for their work, required to pay “kettle taxes” to police, sexually exploited, or trafficked. Female tea sellers also reported harassment and confiscation by police of their belongings. Observers reported, however, such harassment largely stopped under the CLTG, although challenges persisted.

Migrant workers and some ethnic minorities were unaware of their legal rights, suffered from discrimination, and lacked ready access to judicial remedies. The government’s restrictions on movement, particularly in the eastern part of the county, prevented many migrants and refugees from accessing employment and self-employment.

e. Acceptable Conditions of Work

Wage and Hour Laws: The government sets a minimum wage, which is below the poverty line. In April the CLTG increased the minimum monthly wages for the workers in the public sector from 425 Sudanese pounds (\$8.00) to 3,000 Sudanese pounds (\$5.60). Although meant to reduce the burden of the cost of living, by November the action increased the inflation rate to 299 percent.

Employers generally respected the minimum wage law in the formal sector. Wages in the informal sector were often significantly less than the official rate. Enforcement by the Ministry of Labor and Social Development was minimal. Inspections and enforcement were inadequate in both the formal and informal sectors. Penalties were not enforced and were not commensurate with those for

similar crimes, such as fraud.

The law limits the workweek to 40 hours (five eight-hour days, not including a 30-minute to one-hour daily break), with days of rest on Friday and Saturday.

Overtime should not exceed 12 hours per week or four hours per day. The law provides for paid annual leave after one year of continuous employment and paid holidays after three months. Women are limited to certain occupations and shifts. For example, women are prohibited from working in hazardous occupations and forbidden to work between 10 p.m. and 6 a.m. except in administrative or technical jobs.

Occupational Safety and Health: The laws prescribe occupational safety and health (OSH) standards, but workers in Sudan's major industry, agriculture, are expressly excluded from OSH protections. OSH experts do not actively identify unsafe conditions nor respond to worker complaints.

Any industrial company with 30 to 150 employees must have an industrial safety officer. A larger company is required to have an industrial safety committee that includes management and employees. Committees and officers are required to report safety incidents to the Ministry of Labor and Social Development. The law requires the owner of an industrial company to inform workers of occupational hazards and provide means for protection against such hazards. Management is also required to take necessary precautions to protect workers against industrial accidents and occupational diseases. The law does not recognize the right of workers to remove themselves from dangerous work situations without loss of employment. Some heavy industry and artisanal mining operations, notably gold extraction, reportedly lacked sufficient safety regulations.

Safety laws do not apply to domestic servants; casual workers; or agricultural workers other than those employed in the operation, repair, and maintenance of agricultural machinery. Enterprises that process or market agricultural products, such as cotton gins or dairy-product factories and jobs related to the administration of agricultural projects, including office work, accounting, storage, gardening, and livestock husbandry are covered. Family members of an employee who live with the employee and who are completely or partially dependent on the employee for their living receive no protections.

Representatives of the Eritrean and Ethiopian communities in Khartoum stated that undocumented migrants in the capital were subjected to abusive work conditions. They also reported many undocumented workers did not report abuse due to fear authorities might deport them to Eritrea because of their illegal status.

The Ministry of Labor and Social Development, which maintained field offices in most major cities, is responsible for enforcing these standards. The ministry employed labor inspectors, including specialists on labor relations, labor conflicts, and vocational, health, and recruitment practices, but numbers of inspectors were insufficient. The government did not effectively enforce wage, hour, and occupational safety and health laws, and penalties were not sufficient to deter violations.

Little data were available on workplace accidents, but media reported significant injuries occurred in gold mines. For example, in August a gold mine in the northern part of the country collapsed killing seven men and causing serious injury to four others. In South Kordofan activists protesting the toxic mercury and cyanide waste dumped during mining closed at least 10 gold-mining plants during the past few years. Despite the transitional government's 2019 prohibition on the use of mercury and cyanide in gold mining, artisanal gold mining using these hazardous methods continued to injure workers; enforcement was ineffective.

Informal Sector: Almost 90 percent of citizens were employed in the informal sector according to reports by economists. Informal workers engaged in the country's agriculture sector (the largest sector of the economy) are specifically excluded from OSH law. Domestic workers, home workers, and self-employed persons are also expressly excluded from the law. Workplaces (but not in domestic or agricultural sectors) with one person or more are covered by wage, hour, and OSH laws, which would include some informal sector employees.

Informal-sector activities in rural areas include labor on small farms (with payment in either money or food); selling firewood, charcoal, or grass for animal feed; collecting and selling wild fruits; carrying water and other low-status labor; or working as paid domestic labor. Persons involved in the informal economy also created mechanisms to provide credit, wholesaling, and marketing and distribution services throughout the country where formal institutions did not exist. In the

urban areas, the informal sector included not only the poor but also many middle-class professionals who worked to supplement their income with second jobs, often as traders or taxi drivers.

IDPs were also among informal-sector entrepreneurs. They were a source of cheap, casual labor, in areas ranging from labor in the construction industry to selling tea or cooked food along the streets. Some informal-sector work is also illegal, such as the production and sale of alcohol and commercial sexual exploitation. Another activity was the exchange of hard currency into Sudanese currency, either in Sudan or in currency markets outside the country. The remitted income was redistributed through family networks and supported a substantial portion of the population. The government tried to suppress, control, or tax the informal sector but without success. No government entity provided social protections for workers in the informal economy.