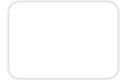


**Flygtningenævnets baggrundsmateriale**

<b>Bilagsnr.:</b>	<b>615</b>
Land:	Sudan
Kilde:	US Department of State
Titel:	2022 Country Report on Human Rights Practices: Sudan
Udgivet:	20. marts 2023
Optaget på baggrundsmaterialet:	29. marts 2023



Document #2089142

## USDOS – US Department of State

### 2022 Country Report on Human Rights Practices: Sudan

#### EXECUTIVE SUMMARY

Sudanese Armed Forces Commander General Abdel Fattah al-Burhan and his allies seized control of the government on October 25, 2021. Burhan usurped the authority of a civilian-led transitional government formed in 2019 following a popular revolution that brought the 30-year regime of President Omar al-Bashir to an end. The 2021 takeover not only removed Prime Minister Abdalla Hamdok from his position and sent him into house arrest but resulted in the detention of several senior officials, the dissolution of the cabinet, and the declaration of a state of emergency. Burhan suspended implementation of articles of the country's provisional constitutional declaration, adopted in August 2019, and instituted a military-controlled Sovereign Council to oversee governmental functions. The Sovereign Council comprises Burhan, Rapid Support Forces Commander Mohamed Hamdan Dagalo (aka "Hemedti"), three other general officers, and three signatories to the Juba Peace Agreement. The agreement was ratified in October 2020 to give new impetus to wide-ranging goals, including with respect to security, governance and transitional justice, and the appointment of signatories to senior government positions.

Until October 2021, the Ministry of Interior held the primary responsibility for internal security. The Ministry of Interior had oversight of 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. Various elements of these police units were present throughout the country. The Ministry of Defense has a mandate to oversee all elements of the security services, including the Sudanese Armed Forces, Rapid Support Forces, Border Guards, and defense and military intelligence units; these forces are also charged with protecting sensitive government buildings and sites. On July 3, the first cohort of 2,000 soldiers of the Joint Security-Keeping Force graduated from Sudanese Armed Forces-organized training with a mandate to protect civilians in Darfur, consistent with the Juba Peace Agreement. As of year's end, the Joint Security-Keeping Force had not been deployed. Throughout the year, law enforcement officers, technology, and infrastructure remained largely under military authority. There were credible reports members of the security forces committed numerous serious abuses.

Civilian protesters continued demonstrating during the year against the military takeover, demanding full civilian rule. Security forces responded to some of these demonstrations with violence. The state of emergency continued until May 29, as did the temporary decree that gave expanded arrest authority to the General Intelligence Services, Sudanese Armed Forces, Rapid Support Forces, and police forces. These organizations retained the prerogative to conduct searches and seizures of contraband, to freeze financial assets, and to restrict the movement of individuals. These security forces also received immunity from prosecution for such actions performed during the state of emergency. General Burhan's lifting of the state of emergency coincided with the release of more than 70 political detainees. Government authority remained with the Sovereign Council headed by General Burhan and dominated by military members; the civilian members of the Sovereign Council named by Burhan in November 2021 were dismissed on July 4.

Significant human rights issues included credible reports of: unlawful or arbitrary killings; cruel, inhuman, or 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, physical abuse or punishment, and unlawful recruitment or use of child soldiers; serious restrictions on free expression and media, including threats of violence and acts of violence against journalists, censorship, and enforcement 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 operation of nongovernmental and civil society organizations; serious government corruption; lack of investigation of and accountability for gender-based violence, including domestic and intimate partner violence, sexual violence, child, early and forced marriage, female genital mutilation/cutting, and conflict-related sexual violence; laws criminalizing lesbian, gay, bisexual, transgender, queer, or intersex persons; and existence of the worst forms of child labor.

The military authorities reported establishing special committees to identify, investigate, prosecute, and punish officials who committed human rights abuses; however, by year's end, no officials had been held responsible by the special committees for abuses committed. As of year's end, the investigative committee into the June 2019 violent dispersal of a peaceful sit-in had not publicly submitted its findings, and investigations into members of the deposed Bashir regime for alleged human rights abuses had ceased. Following the military takeover in October 2021, the Sovereign Council did not publicly hold anyone accountable for abuses and disbanded the committee aimed at identifying and reclaiming or confiscating assets that corrupt officials in the Bashir government had stolen.

In Darfur and the Two Areas, paramilitary forces and rebel groups reportedly continued sporadically to commit killings, rape, and other physical abuses and mistreatment of civilians. Local militias maintained substantial influence due to lack of deployment of the Joint Security-Keeping Force and widespread impunity. Intercommunal violence originating from land-tenure disputes and resource scarcity continued to result in civilian deaths, particularly in East, South, and North Darfur, as well as Blue Nile State. There were also human rights abuses reported in Abyei, a region that Sudan and South Sudan both claimed. These abuses generally stemmed from local clashes 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

There were numerous reports that the government or its agents committed arbitrary or unlawful killings, especially of prodemocracy protesters.

Two protesters were killed on January 2 – one in Khartoum and one in Omdurman. Amid the protests, Hamdok announced his resignation as prime minister (see section 3). On January 17, security forces fired tear gas and live ammunition at peaceful protesters as they marched on the Presidential Palace, killing Osman Abdullah Elsharif and six others, and wounding more than 100.

On June 30, security forces fired live ammunition at prodemocracy protesters in Khartoum, killing Ali Zakaria and eight other protesters. Zakaria's death drew significant public attention, as a video captured the moment a member of the Sudanese National Police fired his rifle and shot Zakaria in the stomach; Zakaria later died from his wounds. The Ministry of Interior acknowledged Zakaria's death, noting the officer violated firearms policy and promised to investigate and hold responsible those who committed the act. The case remained pending at year's end.

In response to the October 2021 military takeover, prodemocracy civilian actors continued to organize 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 violence by security forces, including the use of live ammunition.

In January security forces killed a total of 26 protesters. While deaths at the hands of security forces were meaningfully reduced after January, at least one protester lost his life every month as security forces violently cracked down on protesters. Deaths spiked again on June 30, when security forces used live ammunition, tear gas, water cannons, and stun grenades against protesters, killing nine. 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, 68 protesters were killed, and more than 7,000 injured during protests as of November.

There were several reports that the government or its agents committed arbitrary or unlawful killings through exchanges with rogue security force elements in Darfur (see section 1.g.).

## b. Disappearance

There were cases of disappearance during the year.

The Office of the UN High Commissioner for Human Rights (OHCHR) reported that on August 22-23, members of the joint security forces in plain clothes detained three male protesters in advance of planned August 24 demonstrations. All three individuals were reportedly taken to an undisclosed location and interrogated for 24 hours before two of them were released. The location of the third individual remained unknown as of year's end.

According to the OHCHR, the whereabouts of four male protesters who were taken in November 2021 from Khartoum and Khartoum North by men in plain clothes, reportedly from the General Intelligence Service, remained unknown as of year's end.

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

The 2019 constitutional declaration prohibits torture or inhuman treatment or punishment. Nevertheless, there were numerous reports of violent attacks on peaceful protesters under the military government that seized power in October 2021.

After the military takeover, security forces often used live ammunition, tear gas, water cannons, and stun grenades against peaceful protesters. Security forces also searched hospitals for injured protesters, fired tear gas inside the hospitals, assaulted journalists, and raided a television station. During these incidents, security forces reportedly killed scores of individuals and injured hundreds (see sections 1.a., 1.d., and 2.a.).

On September 12, security forces posted at major intersections in Khartoum stopped vehicles and pedestrians and forcibly shaved young men's heads and searched vehicles for contraband. There were credible reports that security forces targeted young men with long hair, whom they associated with prodemocracy protesters.

The OHCHR reported that persons arrested following demonstrations were routinely and severely beaten with pipes, sticks, and batons, and were kicked by security forces, including when already restrained. Severe beatings carried out by security forces at detention centers resulted in broken bones and one miscarriage.

There were several reports of security forces committing sexual violence against women across the country, reportedly to discourage their participation in demonstrations. Following the June 30 prodemocracy protests, the OHCHR reported that two women were sexually assaulted and raped during their arrest and transportation to the police station. The OHCHR reported 18 verified cases of gender-based violence involving 25 survivors between October 2021 and September 2022. There were reports that security forces sexually assaulted 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.).

Before the military takeover, the civilian-led transitional government (CLTG) took strong steps towards reckoning with the crimes perpetrated by the Bashir regime as well as addressing contemporary abuses. After the military takeover, these efforts largely ceased.

The CLTG banished flogging in 2020, although courts handed down flogging and internal displacement as punishment for adultery cases in March and July.

## 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.

**Abusive 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 women 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.

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, although it was unknown whether this practice was allowed under the military government. Access varied across prisons. In Omdurman Women's Prison, church services were held six times a week, but other 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. The military government issued a decree in December 2021 to expand the arrest, search, and seizure powers of the country's security forces, which upended the constitutional declaration's prohibition against arbitrary arrest and detention.

#### 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 is not allowed to detain individuals without permission of the attorney general, although the military government 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 their families and to legal counsel.

**Arbitrary Arrest:** Following the military takeover, hundreds were detained without charges, including high-level political actors and activists. Some were subsequently charged. In advance of and during subsequent protests throughout the year, security forces detained resistance committee members, activists, and protesters, releasing most the same day 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. 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. Following the October 2021 military takeover, authorities began to reinstate several judges as well as judiciary advisers and staff members who had been dismissed by the Dismantling Committee during the CLTG, thereby undermining judicial independence and impartiality.

### 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. In cases of national security and offenses against the state, trials were usually closed.

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. Defendants were not always permitted time and facilities to prepare their defense. 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.

Military trials, which sometimes were secret and brief, lacked procedural safeguards. The law prescribes military trials for any civilians in Sudanese Armed Forces-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 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

On February 9, former Cabinet Affairs Minister Khaled Omer Yousif, Dismantling Committee (DC) member Wagdi Saleh and several other Forces for Freedom and Change leaders were detained and charged with criminal breach of trust, reportedly for their involvement with the DC. They were released on April 26-27. On May 31, the Sovereign Council ordered the release of additional political detainees. The OHCHR reported that 72 of an estimated 100 detainees were released in the days following the May 31 announcement.

With each round of protests, security forces detained additional protesters, including 150 demonstrators arrested on June 30. While the majority of demonstrators were released after 24 hours in custody, most were formally charged with disturbing the peace or public nuisance.

### 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, but 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. Violence increased around the country with sudden flareups of intercommunal fighting throughout the year, especially in Darfur, Blue Nile, Kassala, and Kordofan States. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), more than 211,000 individuals fled their homes in Darfur and Kordofan because of violence. In Blue Nile, more than 97,000 persons were displaced since fighting in July and October killed more than 300 persons, according to the OCHA.

**Killings:** Military personnel, paramilitary forces, and tribal groups reportedly committed killings in Darfur and the Two Areas. Most reports were difficult to verify due to continued prohibited access to affected areas, particularly Jebel Marra in Central Darfur and areas in South Kordofan and Blue Nile States controlled by the Sudan People's Liberation Movement-North (SPLM-N). Humanitarian access to Jebel Marra was restricted due to fighting among rival rebel groups.



On March 29, violence erupted between the Rezeigat and Fallata tribes in Hashaba and Shergella villages in the Gireida locality in South Darfur, leading to at least 20 deaths and hundreds of injuries. The UN Department of Safety and Security reported the fighting was sparked in retaliation for the killing of a Rapid Support Forces officer days before by suspected Fallata tribesmen.

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.

Nomadic militias also reportedly attacked civilians. Renewed intercommunal violence occurred mainly in Darfur, South Kordofan, and Blue Nile State, resulting in the deaths of numerous civilians. For example, according to the OHCHR and the UN Panel of Experts, on April 22-25, in West Darfur, confrontations between the Massalit and Arab tribes in Kreinik and El Geneina resulted in at least 159 deaths, 107 injured, and the displacement of thousands of civilians. The UN Panel of Experts reported that during the violence in Kreinik and El Geneina, medical facilities were attacked, civilians were killed inside Kreinik Mosque, and five villages were burned. UNICEF reported that at least 21 children were killed.

On July 10-16, clashes between Hausa and Funj tribesmen in Blue Nile State killed more than 100 persons and displaced more than 15,000. In October further tribal clashes in Blue Nile State killed more than 200.

**Abductions:** According to NGOs and the OHCHR, 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 *dija* ("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 harassed and sometimes unlawfully detained by 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. 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 for the same reason. Unexploded ordnance killed and injured civilians.

**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. 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. Due to access problems, 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/>.

## 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, but the military government did not respect these rights. The United Nations reported at least 52 violations against journalists and media institutions during the first nine months of the year.

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

**Violence and Harassment:** On January 13, the Central Reserve Police raided al-Arabiya television station in Khartoum, physically assaulted and arrested four staff members who were filming a demonstration from the roof and destroyed their cameras. On the same day, security forces attacked Agence France Presse photographers Mujahid Sharaf El-Din and Ahmed El-Sawy, who were covering the demonstrations. The two were beaten and taken to a detention center in Khartoum (see sections 1.c. and 1.d.).

**Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media:** On January 15, the Ministry of Culture and Information revoked the broadcasting license of al-Jazeera Live, claiming that its journalists were unprofessional in their coverage of the events in the country.

Media practiced self-censorship, especially with respect to reporting on corruption and the security services.

**Libel/Slander Laws:** The law holds editors in chief 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

The government restricted and disrupted access to the internet, especially during October 25 protests commemorating the one-year anniversary of the military takeover.

### Restrictions on Academic Freedom and Cultural Events

The government sought to restrict academic freedom, reportedly to limit political activism on campus. On March 29, General Burhan signed a series of decrees dismissing 30 university vice-chancellors and dissolving the boards of trustees of public universities. Media reports indicated this was an effort to assert greater control over student political activity and civil resistance among teachers. Prior to their dismissal, the vice-chancellors were working with students involved in Resistance Committees and civil society organizations to communicate their political visions.

## b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, but the government generally did not respect these rights.

### Freedom of Peaceful Assembly

The law provides for freedom of peaceful assembly, but the government restricted this right. Peaceful protests were violently suppressed by security forces throughout the year. On June 30, security forces fired live ammunition at prodemocracy protesters in Khartoum, killing Ali Zakaria and eight others. The investigation into the security forces' killing of Ali Zakaria, which was captured on video, remained pending at year's end.

According to the Central Committee of Sudanese Doctors, the security forces killed 68 protesters as of November and injured thousands during violent crackdowns during the year (see sections 1.a. and 1.c.). 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 freedom of association, the law included many restrictions on civil society organizations and NGOs, and the country lacked labor union laws.

## 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 while the government largely respected these rights, restrictions remained on travel to conflict areas.

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

Internal movement was generally unhindered for citizens outside conflict areas. For domestic travel outside of Khartoum, foreigners needed travel permits, which were 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 of Khartoum. Once registered, foreigners were allowed to move beyond this radius, but travel to conflict regions required additional approval.

## e. 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 June, UNHCR had recorded more than 59,000 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 28,000 from the Central African Republic remained in Darfur. UNHCR reported that most of the 131,000 Eritrean refugees in the country often stayed in camps for two to three months, with most of the new arrivals continuing to Khartoum, other parts of the country, or on to Libya, trying to reach Europe.

UNHCR estimated that 811,000 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 arrived at this figure or how it categorized 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 the agreement 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 "foreigner" 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 claims. In some cases, they 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.

**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, some 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 who did not possess identification cards while awaiting government determination of refugee or asylum status were vulnerable to arbitrary arrest and harassment outside camps. According to authorities, registration of refugees helped provide for their personal security. Civil society organizations reported an increased number of arrests in Khartoum by security forces of Eritrean, and occasionally Ethiopian, refugees and asylum seekers who lacked valid identity documents. Reports indicated those arrested were detained until they paid fines and at times were rearrested after release. Some reported being beaten or raped while in custody. They also faced increased risk of human trafficking.

There were some reported abuses, including sexual exploitation and abuse, rape, and other forms of gender-based violence, in COR-managed refugee camps.

Refugees often relied on smuggling networks to leave camps. Smugglers 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 refugees returning to South Sudan faced arrest, extortion, and theft along the route to South Sudan.

See the Department of State's *Trafficking in Persons Report* at <http://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 South Sudanese living outside Khartoum to relocate 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 allowed refugees to work informally but rarely granted work permits (even to refugees who obtained university degrees in the country). To get a work permit, the government 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. A strike by COR employees in September and October further disrupted administrative assistance and issuance of documents. Some refugees 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.

## f. 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 3.7 million internally displaced persons (IDPs) as of July.

The OCHA reported that more than 200,000 individuals were displaced during the year due to intercommunal violence and other armed conflict, particularly in Darfur and Blue Nile, as well as due to clashes in West and South Kordofan and Eastern Sudan 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.

Some UN agencies were able to work with the Darfur regional 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 was also 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.

## 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 provided 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 Popular Congress Party – boycotted the 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 give women and men equal enjoyment of political rights. The constitutional declaration requires at least 40 percent of the Transitional Legislative Council members to be women, but the council had not been formed as of year's end, and 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, but 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, and in 2021, established the Anti-Corruption and Public Asset Recovery Commission. The commission was charged with investigating, detecting, and preventing a wide range of corrupt acts; however, it was dissolved following the military takeover.

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 the DC 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.

There were allegations that the DC's work was not uniformly well-grounded in law and that asset seizures were in some cases motivated by a desire to seek retribution against Bashir regime figures. The DC was dismissed following the military takeover, with several of its leaders detained and seven of the civilians charged with crimes. All were released. Senior DC member Wagdi Salih was rearrested in October under article 177 of the criminal code of "Criminal breach of trust" and released in December. A member of the security forces who served on the DC remained under arrest at year's end.

Media practiced self-censorship with respect to corruption (see section 2.a.).

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

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.

There were incidents of restrictions on UN and NGO humanitarian travel in some parts of North Darfur and East Jebel Marra based on what the government described as insecurity; some observers alleged this was due to the government's desire to restrict international access to sensitive areas. The OCHA 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.

**The United Nations or Other International Bodies:** Access for UN agencies to Darfur, the Two Areas, and other conflict-affected regions remained difficult, as travel into and around such areas was curtailed during periods of violence. The government also continued to restrict the number of visas issued for UN police for the UN Interim Security Force for Abyei.

In August the International Criminal Court (ICC) prosecutor complained to the government that ICC staff were issued only limited, single-entry visas. As of September, the government had limited engagement with the ICC staff and had not ratified the Rome Statute or transferred wanted individuals to The Hague.

**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, it remained inactive 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.

On April 7, the Sudan State Criminal Prosecution Office detained and questioned Sulima Ishaq, director of the Combating Violence Against Women Unit, for alleged "offenses against the state." These charges stemmed from her discussions with the United Nations about security forces raping and sexually assaulting women protesters.

Following the June 30 prodemocracy protests, the OHCHR reported that two women were survivors of sexual violence, including rape (see section 1.c.). Security forces reportedly sexually harassed women who were attempting to flee the area 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 were 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 June police in White Nile State arrested Maryam Tiyrab for adultery. In July a lower court sentenced Tiyrab to death by stoning for adultery. In November a court of appeals overturned the July decision and ordered a retrial, which remained pending at year's end.

In early March, a couple was charged with adultery in Bagir in Gazeera State and later left the country for safety reasons.

**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 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. There were no reports of the law criminalizing FGM/C being enforced under the military government. 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, but the government did not enforce the 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.

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, which impacted refugees fleeing from Ethiopia, according to humanitarian organizations. The ministry also provided preventive treatment for sexually transmitted infections and emergency contraceptives, depending on the public-health infrastructure and availability of medications. The government relied on international organizations to provide contraceptive supplies and certain essential medicines.

Women living in rural areas did not always have access to contraceptives, skilled medical attendance during childbirth, and obstetric and postpartum care.

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.

UNFPA estimated that 10 percent of girls and women between ages 15 and 49 used a modern method of contraception.

**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, individual officers reportedly still applied it ad hoc.

## 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. Birth registration was provided on a nondiscriminatory basis. 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. There is no minimum age for consensual sex and no 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 care 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.

## Antisemitism



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 antisemitic 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/>.

## Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

**Criminalization:** 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 conduct for both men and women as "indecent acts" punishable by up to one year in jail and fines. The law was enforced. In 2020 the CLTG abolished corporal and capital punishment for sodomy, although NGOs reported flogging was sometimes still conducted.

**Violence against LGBTQI+ Persons:** According to lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community leaders and organizations, intimidation and physical attacks against the community continued. LGBTQI+ members and civil society organizations also reported increased hate speech targeting LGBTQI+ persons.

**Discrimination:** LGBTQI+ persons are not considered a protected class under antidiscrimination laws. Anti-LGBTQI+ sentiment remained pervasive in society. There were no reports of official action to investigate or punish those complicit in discrimination or abuses of LGBTQI+ persons.

**Availability of Legal Gender Recognition:** There is no legal process by which individuals may update their gender markers on identity documents.

**Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals:** There were no reports of involuntary or coercive medical or psychological practices targeting LGBTQI+ individuals. There were some reports, however, of doctors refusing to provide medical services to LGBTQI+ persons following the disclosure of their identity and affiliations with the community.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:** 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.

## Persons with Disabilities

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

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

## 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, Blue Nile, West Kordofan, and South Kordofan.

## Section 7. Worker Rights

### a. Freedom of Association and the Right to Collective Bargaining

In November a court ruled to affirm labor protections in the constitution, labor laws, and the Trade Union act. This ruling lifted the ban on the Sudan Worker Trade Union Federation and its affiliated unions and professional associations that the CLTG enacted in 2019 and military leaders placed into effect in October 2021. The constitution, labor laws, and the Trade Union Act provide for workers to form and join independent unions, bargain collectively, and conduct legal strikes. The Trade Union Act of 2010 prohibits antiunion discrimination.

On November 28, the Sovereign Council issued a decree suspending the activities of trade unions, professional unions, the Sudanese Business Union, and Federation of Employers. Government reports indicated the intention was to prevent reinstatement of unions with close ties to the Bashir regime and curb the return of previous regime figures to positions of influence. The decree ordered government authorities to create a steering committee to enforce the Sovereign Council decision. Some legal restrictions limit these rights, and the government did not effectively enforce laws protecting freedom of association, collective bargaining, and the right to strike. Penalties for violation were commensurate with those under other laws involving denials of civil rights but were never applied against violators.

Military leaders detained and assaulted union and association members during prodemocracy protests. Twenty-seven worker groups staged a vigil at International Labor Organization (ILO) offices in June, claiming that the Labour Organisations Registrar violated international labor standards and ILO conventions on the freedom of association. These alleged violations affected the right to organize and bargain collectively by appointing unelected steering committees to take control of unions, syndicates, and professional associations. Employees could form their own independent unions in companies with a minimum number of employees or join preexisting unions.

Labor codes and the Trade Union Act established a single national trade union federation and excluded 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 excluded domestic servants, most agricultural workers, and casual workers. The right to strike was prohibited, instead stipulating that 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 could legally be penalized with prison and compulsory labor.

Credible reports indicated that government and military officials discriminated against unions, using the state of transition and subsequent military takeover to delay and avoid enforcement of existing laws protecting the freedom of association and the right of collective bargaining. There were credible

reports that military leaders continued to take illegal action against trade union freedoms including dissolutions, arrests, property confiscation, and intimidation.

An administrative committee reporting to the Sovereign Council on October 28 annulled the previous Dismantling Committee decision dismissing the Bashir-era Sudanese Bar Association. Bashir-era attorneys and their supporters physically confronted members of the Sudanese Bar Association who were not affiliated with the previous regime on November 1, requiring security forces to intervene to stop the altercation. Physical altercations, reportedly including the use of tear gas, continued into the evening of November 2. Police responded, and Rapid Support Forces were deployed.

On August 28, hundreds of journalists participated in an independent election to select the leaders of a new Journalists Syndicate, after 30 years of boycotting the Journalists Union for its association and close ties to the Bashir regime. Critics complained the election was illegal, citing a lack of trade union and labor law. Authorities failed to recognize the new Journalists Syndicate and directed the reinstatement of the Journalists Union to remove the democratically elected board.

## **b. Prohibition of Forced or Compulsory Labor**

The Combating of Human Trafficking Act of 2014, the constitution, the Labour Act of 2017, and the penal code prohibit and criminalize all forms of forced or compulsory labor, and the country ratified the ILO Forced Labor Convention in March 2021. The government did not effectively enforce the law. Penalties were less than those for comparable crimes.

Forced labor occurred, and the most common labor violations occurred in the farming and pastoral sectors. There were reports traffickers exploited 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 women (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**

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

## **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 military-led government did not effectively enforce antidiscrimination laws and regulations in the workplace; penalties in the form of 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. 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 were prevalent in the workplace. There were credible reports of women 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. Women tea sellers also reported police harassed them and confiscated their belongings. Observers reported, however, such harassment briefly declined under the CLTG administration, although problems persisted under the military-led government.

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 country, prevented many migrants and refugees from accessing employment or engaging in self-employment.

#### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The government sets a minimum wage, which is below the poverty line.

Employers generally respected the minimum wage law in the formal sector. Wages in the informal sector were often significantly less than the official rate.

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 the country’s major industry, agriculture, are expressly excluded from OSH protections. 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. Safety laws do cover 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. 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.

Little data were available on workplace accidents, but media reported significant injuries occurred in gold mines. 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.

**Wage, Hour, and OSH Enforcement:** The government did not effectively enforce wage, hour, and OSH laws, and penalties were not sufficient to deter violations. Penalties were less than those for similar crimes, such as fraud or negligence. Penalties were rarely applied against violators.

The Ministry of Labor and Social Development maintained field offices in most major cities and was responsible for enforcing wage, hour, and OSH standards. The ministry employed labor inspectors, including specialists on labor relations, labor conflicts, and vocational, health, and recruitment practices, but the number of inspectors was insufficient to enforce compliance. OSH experts did not actively identify unsafe conditions or respond to worker complaints.

**Informal Sector:** Almost 90 percent of citizens were employed in the informal sector, according to reports by economists. Labor laws do not protect most informal or part-time workers. Informal workers engaged in the country's agriculture sector 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 the 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 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 the country 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.

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**ecoi.net summary:**

Annual report on human rights in 2022

**Country:**

Sudan

**Source:**

[USDOS – US Department of State](#)

**Original link:**

<https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/sudan/>

**Document type:**

Periodical Report

**Language:**

English

**Published:**

20 March 2023

**Available on ecoi.net since:**

21 March 2023

**Document ID:**

2089142

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ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

