

SUDAN 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Sudan's civilian-led transitional government, installed in August 2019, is led by Prime Minister Abdalla Hamdok, who heads the Council of Ministers. There is also a Sovereign Council led by Abdel Fatah al-Burhan, who is one of the five military members, as well as six civilians. The Transitional Legislative Council had not been formed as of year's end. Under the constitutional declaration signed in August 2019, general elections were scheduled for 2022, but following the signing of the Juba Peace Agreement on October 3, they were postponed to 2024.

Under the civilian-led transitional government, responsibility for internal security resides with the Ministry of Interior, which oversees police agencies as well as 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 General Intelligence Service's mandate changed from protecting national security and during the year was limited to gathering, analyzing, and submitting information to other security services. 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. During the year the police infrastructure was largely moved under executive authority to assure it would adhere to its mandate to protect individuals and enforce the laws. Civilian authorities' control of security forces continued to improve. Nevertheless, members of the security forces committed some abuses.

Throughout the year the civilian-led transitional government continued its legal reform process. This included repealing the public order act and amending the criminal acts to outlaw female genital mutilation, remove capital punishment for conviction of sodomy, and increase freedoms for religious minorities, including repealing apostasy laws. The civilian-led transitional government and various armed rebel groups continued peace negotiations and signed a peace agreement on October 3 that sought to end decades of internal conflict.

Significant human rights abuses included: reports of unlawful or arbitrary killings, and cases of cruel, inhuman and degrading treatment by reportedly rogue elements of the security apparatus, especially in conflict zones; harsh and life-threatening prison conditions; serious problems with politicization of the judiciary by holdovers from the previous regime, prompting mass dismissals by the civilian-led

transitional government; serious abuses in internal conflicts, including killings, abductions, torture and use of child soldiers by rebel groups; lack of investigation of and accountability for violence against women; trafficking in persons; criminalization of consensual same-sex conduct; and child labor.

The civilian-led transitional government continued its investigation into security force abuses that occurred throughout the 2019 revolution, including the violent dispersal of a peaceful sit-in in June 2019 in Khartoum, and the beating and sexual assault of others. As of year's end, the investigative committee had not publicly submitted its findings. The Ministry of Justice also began investigations and trials for members of the deposed regime for alleged human rights abuses. The prime minister stated more than 35 committees were actively conducting investigations.

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 Sudan and South Sudan, generally stemming from local conflict over cattle and land between the Ngok Dinka and Misseriya indigenous groups. Reports were difficult to verify due to access challenges. In Darfur weak rule of law persisted, and banditry, criminality, and intercommunal violence were the main causes of insecurity.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

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

During the year the use of lethal excessive force against civilians and demonstrators significantly decreased. There were reports of lethal excessive force against protesters in Darfur, and killings by armed militias (see section 1.g.).

In July trial sessions began against the nine Rapid Support Forces (RSF) soldiers accused of killing six protesters in El-Obeid in July 2019.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The 2019 constitutional declaration prohibits such practices of torture or inhuman treatment of punishment, and reports of such behavior largely ceased under the civilian-led transitional government (CLTG).

On December 16, the RSF detained Bahaa el-Din Nouri in Khartoum. His body was found in a morgue five days later showing signs of torture while in custody. The case was referred to the prosecutor's office and remained pending at year's end.

The UN-African Union Hybrid Operation in Darfur (UNAMID) reported government forces committed sexual violence in a few instances, although most abuses were committed by militias (see section 1.g.).

Although impunity was less of a problem than in previous years, some problems with impunity in the security forces remained. The CLTG took strong steps towards reckoning with the crimes perpetrated by the Bashir regime, including opening up investigations into past abuses and working to address legal immunities that would otherwise bar prosecutions for serious crimes.

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 2009 and 2017 data, that the country's prisons held approximately 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 following the CLTG's coming 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 obtained. Sunni imams were granted access to facilitate Friday prayers.

Independent Monitoring: During the year the CLTG lifted restrictions on independent monitoring, but the International Committee of the Red Cross was still generally denied access to prisons, with the exception of installing water points and distributing hygiene products during the COVID-19 pandemic.

The Ministry of Interior granted UNAMID access to government prisons in Darfur to monitor, mentor, and advise prison officials.

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. In contrast to the previous regime, during the year the CLTG generally observed these requirements. The period of arrest without a warrant is 24 hours.

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.

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.

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, and legal aid organizations and lawyers partially filled the gap.

Arbitrary Arrest: Arbitrary arrest largely ended under the CLTG.

In August several artists were arrested while rehearsing a prodemocracy theater piece (see section 2.a., Academic and Cultural Events).

Pretrial Detention: The law states that pretrial detention may not exceed six months. 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. There were no known reports of denials of fair trials, but this lack of reports may be partially due to the closure of the majority of courts between February and July due to strikes and COVID-19 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 are 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 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.

Military trials, which sometimes were secret and brief, lacked procedural safeguards. The law subjects to military trials any civilians in Sudanese Armed Forces (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.

Sharia continued to influence the law.

On September 3, Prime Minister Hamdok and Sudan People's Liberation Movement-North (SPLM-N) leader, Abdul Aziz al-Hilu, signed a declaration of principles agreement to begin peace talks on the basis that separation of religion and state would be protected in the constitution to be developed during the transitional period, a key demand of the SPLM-N.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Politically Motivated Reprisal against Individuals Located Outside the Country

Unlike under the Bashir regime, there were no reported cases of such practices.

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.

g. Abuses in Internal Conflict

On October 3, leaders of the CLTG and a number of armed opposition groups signed a peace agreement in the South Sudanese capital of Juba. Observers expressed hope it would end nearly two decades of conflict in the country's war-torn regions of Darfur and the Two Areas.

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 remained stable compared with past years.

Nomadic militias also attacked civilians in conflict areas. Under the CLTG, renewed intercommunal violence occurred mainly in Darfur, South Kordofan, and East Sudan. These resulted in the deaths of several civilians. For example, on July 25, the UN Department for Safety and Security (UNDSS) reported that armed Arab nomads killed at least 65 civilians including two police officers at Mesteri town, West Darfur. The UNDSS asserted that the perpetrators also burned houses, looted shops, and broke into a SAF armory in the town.

On August 6, in South Kordofan, reliable sources and Sudanese media reported at least a dozen persons were killed and several others injured in fighting between armed Arab nomads and Nuban farmers at Khor al-Waral area. The sources asserted that the Sudan Revolutionary Front and the SPLM-N faction led by General Abdel Aziz Adam al-Hilu's units were both involved in the fighting. The CLTG announced formation of an investigation committee to probe the incident. Its report was pending completion as of October.

On January 2 and 4, the government announced that 15 persons were killed, and 127 others injured in the renewed intercommunal fighting between Beni Amir and Nuba tribesmen at Port Sudan, capital of Red Sea State. The governor of Red Sea State imposed a curfew in Port Sudan and deployed additional SAF units to deter and contain the situation. On August 22, the governor of Red Sea State blamed the Bashir regime for inciting the fighting between Beni Amir and Nuba tribesmen. The CLTG initiated a separate truce and peace reconciliation process between the Beni Amir and Nuba tribes in the eastern part of the country and between Arab nomads and Nuba tribes around Kadugli. Truces temporarily quelled the violence

and paved way for the reconciliation process to continue among various ethnic groups and communities throughout the country.

The general political and security situation of Abyei, the long-standing oil-rich disputed territory between Sudan and South Sudan, continued to remain fragile, and was marked by instances of violence between Misseriya and Ngok Dinka communities. For instance, on January 20 and 26, the Ngok Dinka native administration in Abyei announced that 33 civilians were killed, 20 others injured, and 16 children abducted in two attacks by armed Messiriya nomads of Kolom area inside Abyei. Faisal Mohamed Saleh, the minister of information and CLTG spokesperson, condemned the deadly attacks, urged UN Interim Special Force for Abyei to protect civilians, and called upon the Messiriya and Ngok Dinka communities to coexist peacefully.

Abductions: 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.

UNAMID reported that 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. 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 Sudan Liberation Army/Abdul Wahid and SPLM-N in their respective armed opposition-controlled areas 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 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.

There were reports of the use of child soldiers by the SPLM-N, but numbers could not be verified, in part due to lack of access to SPLM-N-controlled territories.

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 during the year 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. The CLTG took steps to allow for unfettered humanitarian access. For example, under guidance from the prime minister, the Humanitarian Aid Commission issued guidelines to ease restrictions on movement of humanitarian workers. While the guidelines

were not consistently implemented, there was marked improvement from the Bashir regime.

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 victims 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 internationally displaced persons (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.

Government restrictions in Abyei, administered by the country, limited NGO activities, especially in the northern parts of Abyei. Additional problems included delays in the issuance of travel permits.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

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.

Freedom of Speech: There were few reports of reprisals against individuals who criticized the government, with the primary exception of criticism of the security services. On July 18, the SAF stated they had appointed a special commissioner to file lawsuits against individuals who insult the army, including activists and journalists; however, no such cases were filed during the year. According to

Human Rights Watch, there were also reports of intimidation of journalists and activists who criticized the security services.

Freedom of Press and Media, Including Online Media: The CLTG generally respected press and media freedoms and issued a number of media licenses, although media continued to be dominated by former regime loyalists.

Violence and Harassment: Unlike under the prior regime, there were no reports of the CLTG using violence and harassment against journalists.

Censorship or Content Restrictions: In contrast with previous years, 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 slander for all content published or broadcast.

National Security: In contrast with previous years, there were no reports of authorities using national security as a justification to arrest or punish critics of the government or deter criticism of the government.

Actions to Expand Freedom of Expression, Including for Media: The 2019 constitutional declaration provides for freedom of expression, including for media, and the CLTG took measures to respect these rights. The CLTG allowed foreign journalists, including those previously banned by the Bashir regime.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

Unlike in the previous regime, there were no government restrictions on academic freedom, but in one case a cultural event was restricted. The CLTG started drafting a curriculum for public schools that would respect diversity and freedom of religion or belief. The CLTG appointed university leadership after dismissing those appointed by the Bashir regime. All major universities returned to operation after the 2019 revolution.

On August 10, a total of 11 artists were arrested and charged with endangering public safety and creating public disturbance, reportedly after neighbors complained of excessive noise during a rehearsal of a theater piece. The artists were tried and on September 18 and September 24 convicted and sentenced to two months' imprisonment and a fine. In October the court of appeal annulled the sentences, and the 11 artists were released.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association. The government generally respected the right of peaceful assembly; however, it restricted the freedom of association of civil society and NGOs.

Freedom of Peaceful Assembly

The law provides for freedom of peaceful assembly, and the government in most cases respected those rights. Peaceful protests were generally allowed to occur. For example, on June 30 and October 21, protesters conducted demonstrations. Demonstrations were largely peaceful; police used nonviolent measures to maintain order. But in August media reported police forcibly dispersed protesters with tear gas.

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.

c. Freedom of Religion

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

d. Freedom of Movement

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

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.

Foreign Travel: The Miscellaneous Amendments Act abolished the requirement for an exit visa thus allowing Sudanese citizens to depart the country without prior permission.

Exile: Many activists returned to the country from self-exile after the CLTG took power. For example, after the removal of President Bashir in 2019, the former Transitional Military Council forcibly deported leaders of armed movements to South Sudan; in July some of these leaders returned to participate in peace discussions in Khartoum. Several prominent opposition members also returned to the country to participate in the formation of the new government. Some members of the armed movements remained in exile, however, and some expressed concern regarding their civic and political rights should they return to Sudan.

e. Status and Treatment of Internally Displaced Persons

Large-scale displacement continued to be a severe problem in Darfur and the Two Areas.

The UN Office for the Coordination of Humanitarian Affairs reported the vast majority of the displacement during the year was triggered by intercommunal and other armed conflict. 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.

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 organizations regarding treatment of IDPs, refugees, asylum seekers, and stateless persons.

UNHCR reported more than one million refugees and asylum seekers in the country, the majority of whom were South Sudanese. Some South Sudanese and Syrian refugee and asylum-seeker populations 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 mid-December, UNHCR had registered 49,370 refugees and asylum seekers from the conflict in Ethiopia's Tigray region. The refugees had crossed the country's eastern border and remained in temporary camps located in Kassala and Gedaref at year's end.

Approximately 3,000 refugees from Chad and 14,000 from the Central African Republic remained in Darfur. Eritrean refugees entering eastern Sudan often stayed in camps for two to three months before moving to Khartoum, other parts of the country, or on to Libya in an effort to reach Europe.

UNHCR estimated that 859,000 South Sudanese refugees remained in the country. The government claimed there were between two and three million South Sudanese refugees in Sudan. 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 and resources had limited capabilities.

UNHCR Khartoum registered an estimated 284,000 South Sudanese refugees, including 60,000 refugees who lived in nine settlements known as “open areas” around Khartoum State. South Sudanese refugees in the open areas made up approximately 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 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.

Abuse of Migrants, Refugees, and Stateless Persons: Asylum seekers and refugees were vulnerable to arbitrary arrest and harassment outside of 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 gender-based violence and exploitation, in COR-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 through Sudan to South Sudan.

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

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.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to 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 Sudan. Government sources, however, claimed there were far more Syrians in the country than were registered with UNHCR and the COR. More than 1,600 Yemeni refugees had registered in the country.

Freedom of Movement: The country maintained a reservation on Article 26 of the UN Convention on Refugees of 1951 regarding refugees' right to move freely and choose their place of residence within a country. The government's encampment policy requires asylum seekers and refugees to stay in designated camps; however, 76 percent of South Sudanese refugees (the great majority of refugees in the country) lived with local communities in urban and rural areas. The government continued to push for the relocation of South Sudanese refugees living outside Khartoum city to the White Nile state refugee camps. UNHCR notified the government relocations must be voluntary and dignified. By year's end the CLTG had yet to relocate most South Sudanese and Ethiopians refugees to camps. The government previously allowed the establishment of two refugee camps in East Darfur and nine refugee camps in White Nile for South Sudanese refugees.

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. On average, 150 to 200 refugees and asylum seekers were detained in Khartoum each month and assisted with legal aid by the joint UNHCR and COR legal team.

Employment: The government in principle allowed refugees to work informally but rarely granted work permits (even to refugees who obtained degrees in the country). A UNHCR agreement with COR to issue more than 1,000 work permits to selected refugees for a livelihood graduation program was being implemented in Kassala and Gedaref. To get a work permit, the CLTG required refugees to apply for a “foreigner number,” but most refugees did not have one, which is why the number of issued work permits remained low. 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 the majority of 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 South Sudanese 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 prior regime, 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 former 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 August 2019, elections were expected to be held in 2022, but the October signing of the Juba Peace Agreement and amendment to the constitutional framework postponed elections until 39 months after the October 3 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, 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 four of 20 cabinet positions until July when one female minister resigned in the government reshuffle. 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. In July the prime minister appointed women to two of 18 civilian governorships: in River Nile State and Northern State.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials; nevertheless, corruption was widespread.

Corruption: The law provides the legislative framework for addressing official corruption. The CLTG used existing law and the constitutional declaration to combat official corruption. The constitutional declaration called for setting up an Anti-Corruption Commission, but the CLTG had not formed this body as of November.

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 Commission to recover unlawfully obtained money and assets from corrupt members of the former regime. This committee issued multiple decisions against corrupt government officials and confiscated embezzled 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. One example of an effected corrupt organization was the Sudanese Islamic Da'wa Organization; in April the dismantling committee dissolved the organization and canceled its registration.

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

Financial Disclosure: The constitutional declaration includes requirements for financial disclosure and a prohibition of commercial activity for members of the Sovereign Council, the Council of Ministers, state and regional governors, and members of the future Transitional Legislative Council. There were no clear sanctions for noncompliance, although the previous Anticorruption Commission possessed discretionary powers to punish violators. The Financial Disclosure and Inspection Committee and the Unlawful and Suspicious Enrichment Administration at the Justice Ministry both monitor compliance. Despite three different bodies ostensibly charged with monitoring financial disclosure regulations, there remains no effective enforcement or prosecution of offenders. Few CLTG officials disclosed their personal assets as required by these laws.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Unlike under the Bashir regime, a number of 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.

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. In the greater Jebel Marra region of Darfur, the government sporadically denied access to UNAMID in areas where conflict continued. The CLTG also continued to restrict the number of

visas issued for UN police for the UN Interim Security Force for Abyei. Sudan is a party to the African Charter on Human and Peoples' Rights.

In September 2019 the CLTG signed an agreement to open a UN Office of the High Commissioner for Human Rights in Khartoum, with field offices in Darfur, the Two Areas, and East Sudan, and the CLTG cooperated with these offices.

In April the CLTG authorized the UN independent expert on human rights in Sudan to visit the country, but due to the COVID 19 pandemic, the visit was cancelled.

The CLTG also allowed the UN Integrated Transition Assistance Mission in Sudan to conduct an assessment in August, including on human rights.

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.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

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

There remain no reliable statistics on the prevalence of rape and domestic violence in the country. The UN independent expert on the human rights situation in Sudan and UNAMID's Human Rights Section reported they received regular reports of incidents of rape and sexual and gender-based violence (see section 1.g.). Monitoring groups reported the incidence of rape and sexual assault increased as the economic situation worsened during the year. Intercommunal violence also increased. Human rights organizations cited substantial barriers to reporting sexual and gender-based violence, including cultural norms, police reluctance to investigate, and the widespread impunity of perpetrators.

Female Genital Mutilation/Cutting (FGM/C): FGM/C remained a problem, and the procedure continued to be used on women and girls throughout the country. In July the CLTG formally criminalized FGM/C. The law provides a penalty of three years' imprisonment for anyone convicted of practicing FGM/C. In November

media reported the first legal action taken against a mother and midwife in Omdurman for practicing FGM/C. Both individuals were released on bail and were awaiting trial as of mid-December.

According to UNICEF and UNFPA, the prevalence rate of FGM/C experienced by girls and women between ages 15 and 49 was 87 percent. 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.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

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

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 is 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 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.

Sexual Exploitation of Children: Penalties for conviction of sexual exploitation of children vary and may include imprisonment, 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 960,000 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.

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. In 2019 the minister for religious affairs called for all Jews of Sudanese origin to return to the country and underscored that the country is a pluralistic society.

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.

Members of National/Racial/Ethnic Minority Groups

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.

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

The law does not specifically prohibit homosexuality but criminalizes sodomy, which is punishable if convicted by five years in jail for an initial offense. The CLTG abolished corporal and capital punishment for conviction of sodomy. Lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons are not considered a protected class under antidiscrimination laws. Anti-LGBTI sentiment remained pervasive in society. LGBTI organizations alleged being pressured to alter their activities due to threat of harm.

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

HIV and AIDS Social Stigma

There was societal discrimination against persons with HIV/AIDS.

Other Societal Violence or Discrimination

Clashes often resulted from conflicts over 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.

Promotion of Acts of Discrimination

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.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides that employees of companies with more than 100 workers may form and join independent unions. Other employees may 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.

In 2019 the CLTG dissolved all trade unions and associations as part of its effort to dismantle the remnants of the Bashir regime. The CLTG allowed the formation of trade unions.

The Sudan Worker's Trade Union Federation, a federation operating under the Bashir regime, filed a complaint with the International Labor Organization (ILO) on freedom of association concerns and alleged seizure of property. Workers who engage in labor outside the provisions of the labor code, which dates back to the Bashir regime, may legally be penalized with prison and compulsory labor.

Bureaucratic steps mandated by law to resolve disputes between labor and management within companies were lengthy.

b. Prohibition of Forced or Compulsory Labor

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

The most common labor violations occurred in the farming and pastoral sectors. There were reports some children were engaged in forced labor, especially in the informal mining sector. Some domestic workers were reported to be working without pay. Female refugees were especially prone to labor violations.

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 has been weak and ineffective.

The Child Act 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 not commensurate with those for comparable crimes.

Despite regulations, child labor persists 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 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 or not 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. Labor laws apply to migrant workers with legal contracts, but foreign workers who do not have legal status are not provided legal protections from abuse and exploitation.

The CLTG does 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 northern Sudan. Ethiopians, Eritreans, and other refugees or migrants were often exposed to exploitative work conditions.

There were reports some female refugees and migrants working as domestic workers or tea sellers 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 International Organization of Migration (IOM) established migrants’ reception centers in Khartoum in 2015 and Gedaref in 2019 that conducted workshops on workers’ rights and the hazards of migration. The state government allocated the land and building to the IOM.

e. Acceptable Conditions of Work

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 SDG 425 (\$8) to SDG 3,000 (\$56). 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 below 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.

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.

The laws prescribe occupational safety and health standards. 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; 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; jobs related to the administration of agricultural projects, including office work, accounting, storage, gardening, and livestock husbandry; or to family members of an employee who live with the employee and who are completely or partially dependent on the employee for their living.

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. The government did not effectively enforce wage, hour, and occupational safety and health laws, and penalties were not sufficient to deter violations.