

# **SUDAN 2012 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Sudan is a republic with power concentrated in the hands of authoritarian President Omar Hassan al-Bashir and his inner circle. The National Congress Party (NCP) continued to control the government, continuing more than 23 years of near absolute political authority. The country last held national elections in April 2010, the first multiparty elections in 24 years. The elections, which several opposition parties boycotted, did not meet international standards. Observers reported restriction of civil liberties, intimidation, threats of violence, lack of transparency in vote tabulation, and other problems. Voters reelected the president and gave the NCP 323 of 450 seats in the National Assembly. There were instances in which elements of the security forces acted independently of civilian control, especially in the Darfur Region.

The most important human rights abuses included: government forces and government-aligned groups committed extrajudicial and other unlawful killings; security forces committed torture, beatings, rape, and other cruel and inhumane treatment or punishment; and prison and detention center conditions were harsh and life threatening.

Other major abuses included arbitrary arrest; incommunicado and prolonged pretrial detention; executive interference with the judiciary and denial of due process; obstruction of humanitarian assistance; restriction on freedoms of speech, press, assembly, association, religion, and movement; harassment of internally displaced persons; restrictions on privacy; harassment and closure of human rights organizations; and violence and discrimination against women. Societal abuses including instances of female genital mutilation; child abuse, including sexual violence and recruitment of child soldiers; trafficking in persons; violence against ethnic minorities; denial of workers' rights; and forced and child labor were also reported.

Except in rare cases, the government took no steps to prosecute or punish officials in the security services and elsewhere in the government who committed abuses. Security force impunity remained a serious problem.

Conflict between government and rebel forces in Darfur, Blue Nile, and Southern Kordofan states continued. Rebels also committed abuses in Darfur and Southern Kordofan and Blue Nile states (the Two Areas).

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

### **a. Arbitrary or Unlawful Deprivation of Life**

There were numerous reports the government and its agents committed arbitrary and unlawful killings.

Government forces, government-aligned militias, rebels, and ethnic combatants killed civilians in connection with the conflicts in Darfur and the Two Areas (see section 1.g.).

Security forces killed demonstrators. For example, in March Public Order Police shot and killed Nuban activist and former parliamentary candidate Awadia Ajbna after she tried to intercede in an altercation between her family and police outside her home. Ajbna's death triggered violent protests and demonstrations. Police were not questioned about their use of lethal force in the incident.

On July 31, police in Nyala, South Darfur, killed 13 demonstrators during an antigovernment protest that primarily involved high school students. Approximately 70 persons were injured during the protests. On October 16, the minister of interior stated a preliminary report issued by an investigative committee absolved police of involvement in the killings. The investigation cited among other evidence the alleged confession of a local businessman who claimed to have killed several of the protesters in self-defense. Police interrogated the businessman, but released him without charge and instructed him to leave Nyala. He was never tried nor asked to pay compensation to the victims' families. The police chief in Nyala asserted police did not use live rounds in dispersing the protests, an account eyewitnesses and the UN-AU Hybrid Mission in Darfur (UNAMID) contradicted, alleging the Central Reserve Police used live rounds against student protesters.

There were no further developments in the June 2011 abduction and killing of a Darfuri University of Khartoum student, reportedly by agents of the National Intelligence and Security Services (NISS).

### **b. Disappearance**

There were reports of politically and ethnically motivated disappearances in nonconflict areas.

South Sudanese rebel groups aligned with or supported by the Sudanese government continued to press South Sudanese from the Khartoum area into military service with their armed groups. The media reported in January that members of a South Sudanese rebel militia kidnapped a man of South Sudanese origin from a cafe in Khartoum, continuing a pattern seen in 2011 when armed elements in Khartoum loyal to deceased southern rebel leader George Athor kidnapped at least 15 persons of South Sudanese origin.

The government and government-backed militias were responsible for the disappearance of civilians (see section 1.g.) in conflict areas.

Gunmen in Darfur abducted humanitarian workers and UNAMID personnel. This included criminal kidnappings for ransom and politically motivated kidnappings; some cases mixed both motives (see section 1.g.).

The Sudanese People's Liberation Movement-North (SPLM-N), whose military arm was fighting the Sudanese Armed Forces (SAF) in Southern Kordofan and Blue Nile states, reported military and intelligence forces abducted numerous SPLM-N civilian members during fighting in Blue Nile and Southern Kordofan. Human rights groups were unable to verify most of these claims, but in July legal activists met with approximately 100 SPLM-N detainees held in Blue Nile state. In August authorities also released Abdelmoniem Rahma, a well-known writer, activist, and official in Blue Nile State, after more than a year in arbitrary detention. The SPLM-N controlled swathes of territory in the two states and denied access to human rights monitors. It was also accused of abducting civilians.

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

The interim national constitution prohibits such practices; however, government security forces continued to torture, beat, and harass suspected political opponents and others. In Darfur and other areas of conflict, government forces, rebel groups, and tribal factions committed torture and abuse (see section 1.g.).

In accordance with Sharia (Islamic law), the Criminal Act provides for physical punishments, including flogging, amputation, stoning, and the public display of a body after execution. Traditional customary law was commonly applied to convicted defendants. With the exception of flogging, such physical punishment

was not frequently used. Courts routinely imposed flogging, especially as punishment for the production of alcohol.

According to nongovernmental organization (NGO) and civil society activists in Khartoum, government security forces beat and tortured persons in detention, including members of the political opposition, civil society activists, and journalists. These persons were often subsequently released without charge.

Security forces used excessive force in dispersing protesters in June and July, employing tear gas and physical force to disrupt gatherings and intimidate protesters (see section 1.a.). Some of those arrested were subjected to torture and other forms of mistreatment while in detention. Several demonstrators reported being beaten with batons, forced to endure prolonged isolation and extreme temperature variations, and other harsh treatment.

Journalists were beaten and threatened (see section 2.a.). For example, on June 29, NISS arrested and badly beat journalist Anwar Awad, who sustained hearing loss and neck injuries.

Public order laws, in force in Khartoum state only, prohibit indecent dress, which is punishable by a maximum of 40 lashes, a fine, or both. Authorities applied these laws more frequently against women than men and applied them to both Muslims and non-Muslims.

Security forces and armed nonstate actors raped women, including in connection with the conflicts in Darfur and the Three Areas (the Two Areas plus Abyei) (see sections 1.d. and 1.g.).

For example, in 2011 NISS arrested Safia Isaq, a recently graduated student allegedly involved in organizing protests through the Girifna movement on Facebook. She alleged three security force members gang raped her during detention. By year's end no member of the security forces was subjected to disciplinary action.

### **Prison and Detention Center Conditions**

Prison conditions throughout the country remained harsh, overcrowded, and life threatening.

Rebel groups in Darfur periodically detained in isolated locations persons they kidnapped, but there were no reports of prisons run by local warlords, paramilitary groups, or rebel forces.

Physical Conditions: The Ministry of Interior reported 20,000 prisoners, with 2,427 awaiting trial and 17,573 already sentenced. Official recordkeeping is believed to be adequate and complete. However, authorities do not release information to the public, and the Interior Ministry is reluctant to share information with foreign governments or international entities. Specific information about the number of juvenile and female prisoners was unavailable.

Men and women were held separately. Convicted prisoners and pretrial detainees were held in separate areas. Reportedly, overall conditions, including food and sanitary and living environments, were better at women's detention facilities and prisons, such as the Federal Prison for Women in Omdurman, than at equivalent facilities for men, such as Kober or Omdurman prisons. In Khartoum juveniles were not held in adult prisons or jails; juveniles were sometimes held with adults elsewhere in the country.

Health care was often inadequate. Prisoners sometimes relied on family or friends for food. Generally, food, water, and sanitation were provided for prisoners, although the quality of all three was basic.

Most prisoners did not have access to beds; however, blankets were usually provided in winter. Ventilation and lighting conditions differed among prisons, and overcrowding was a problem.

There were reports of negligent deaths in prisons and pretrial detention centers, but comprehensive figures were not available. Prisoners died from lack of health care and poor prison conditions.

Prisoners held in NISS custody or detained under national security statutes were regularly denied visits from family and lawyers, and, in the case of foreign prisoners, from consuls.

The government mistreated some persons in custody. Security forces held some political and nonpolitical detainees incommunicado; beat them; deprived them of food, water, and toilets; and forced them to sleep on cold floors.

Political prisoners were held in special sections of prisons. The main prison in Khartoum, Kober Prison, contained separate sections for political prisoners, those convicted of financial crimes, and an unknown number of Justice and Equality Movement (JEM) detainees.

Administration: Prisons are professionally administered and records believed to be complete and accurate, although the government considered information to be privileged and did not release it.

Authorities generally did not use alternatives to sentencing for nonviolent offenders.

Police, excluding the NISS, reportedly allowed some visitor access to prisoners, including by lawyers and family, and through judicial hearings. Prisoners held by the NISS were generally not allowed such access, according to reports. Authorities allowed prisoners to take part in religious observance. Prisons had locations for Islamic prayer but no dedicated areas for Christian observance. Christian clergy held services in prisons, but access was irregular.

There was no prison ombudsman or inspector general for prisons. Authorities permitted prisoners, but not all detainees, to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions, which authorities investigated and documented. However, these rights were not always observed for pretrial detainees, political prisoners, and those in the custody of police or other security forces.

Monitoring: The government allowed some restricted visits to prisons by human rights observers, although it continued to deny unrestricted access. The International Committee of the Red Cross (ICRC) did not have access to government prisons during the year. However, the Ministry of Justice occasionally granted UNAMID access to government prisons in Darfur.

#### **d. Arbitrary Arrest or Detention**

The interim national constitution prohibits arbitrary arrest and detention without charge; however, the government continued to arrest and detain persons arbitrarily, often under the National Security Act. Arbitrary arrests and detention, including of UN employees, were common. The UN reported the NISS arbitrarily arrested a local UN security guard and a UN translator on December 25 in Nyala, South Darfur.

Authorities detained Bushra Gamar, a Nuban activist, from July 2011 until June 2012 without formally charging him. He was released on bail but barred from leaving the country. According to knowledgeable sources, at year's end NISS was considering charging him with eight counts of "undermining constitutional order," which carries the death penalty.

### **Role of the Police and Security Apparatus**

Several government entities have responsibility for internal security, including the police, NISS, Ministry of Interior, and Ministry of Defense. The NISS maintains security officers in major towns and cities. The Ministry of Interior controlled the Central Reserve Police (CRP). The Ministry of Defense's Border Intelligence Force (border guards), a loosely organized force composed largely of former Janjaweed Arab militia, operated in Darfur and elsewhere. The CRP also contained a number of former Janjaweed fighters. The Janjaweed are armed fighters the government recruited from nomadic Arab tribes in the Darfur region to combat the rebellions of other local tribes residing in Darfur in the 1980s, 1990s, and early 2000s.

Security force impunity was a serious problem. The 2010 National Security Act provides NISS officials with legal protection for acts involving their official duties. Abuses by security forces generally were not investigated. For example, NGOs reported security forces killed four students from Al-Gazira University on December 7. In December the government reported the Ministry of Justice would investigate the deaths of the four Darfuri students, but no action was taken by year's end.

Corruption among police and security force members was a problem (see section 4).

Although the government named a special prosecutor in 2011 from the Ministry of Justice to monitor NISS detentions, the UN's independent expert remained concerned about weak judicial oversight of NISS arrests and detention and the failure of NISS rules to take fully into account human rights principles including respect for the rule of law.

### **Arrest Procedures and Treatment While in Detention**

Warrants are not required for an arrest. The criminal procedure law permits authorities to detain individuals for three days without charge, which the NISS director of security may extend for 30 days, and for another 15 days with the approval of the prosecuting attorney. Individuals accused of violating national security were frequently detained indefinitely without charge. The National Security Act specifies such individuals may be detained without charge for three months, which the director of security may extend for another three months. The law provides for an individual to be informed of charges at the time of arrest and for judicial determination without undue delay, but these provisions were rarely followed.

The law allows for bail, except for those accused of crimes punishable by death or life imprisonment, and there was a functioning bail system.

Although the law provides for access to a lawyer, government security forces often held persons incommunicado for long periods in unknown locations without access to lawyers or family members. By law, any person, regardless of nationality, may ask for legal assistance, and persons must be informed of the right to counsel in cases involving the death penalty or imprisonment lasting longer than seven years. The government was not always able to provide legal assistance, and legal aid organizations and lawyers working under contract with international NGOs filled the gap.

Arbitrary Arrest: NISS, military intelligence, and the SAF arbitrarily arrested and detained persons. Authorities often detained persons for a few days before releasing them without charge, but many persons were held much longer.

Protesters arrested in June and July were held without charge for periods varying between a few days and several months. Several prominent civil and human rights activists were held in solitary confinement for prolonged periods. Police transferred many demonstrators into the custody of NISS authorities, who then moved them among different detention facilities and denied them access to family visits or legal counsel. NISS officials frequently denied holding individuals in their custody or refused to confirm where they were being held. Detainees described being held in unsanitary conditions without access to adequate medical care and claimed they were subjected to beatings and harsh interrogation tactics, such as being forced to endure extreme temperature variations.

Foreign nationals were arrested and detained for prolonged periods without charge. For example, NISS detained several foreign national employees of a language



center in October and held them for several weeks in isolation while obfuscating about their status and denying them access to consular representatives.

Pretrial Detention: Lengthy pretrial detention was common. The large numbers of detainees and judicial inefficiency, such as the failure of judges to appear for court, resulted in trial delays. For example, at year's end Jalila Khamis Kuku, a teacher and activist held in detention since March, was awaiting trial on several charges that carried the death penalty. Authorities changed the time and location of his trial on several occasions without explanation.

### **e. Denial of Fair Public Trial**

Although the interim national constitution and the law provide for an independent judiciary, the judiciary was largely subservient to the president and the security forces, particularly in cases of alleged crimes against the state. On occasion courts displayed a degree of independence; however, political interference with the courts was commonplace, and some high-ranking members of the judiciary held positions in the Ministry of Interior or other ministries in the executive branch.

The judiciary was inefficient and subject to corruption. In Darfur, judges were often absent from their posts, delaying trials. Access to functioning courts was also a problem for residents in other remote areas.

A state of emergency, established in 2001, allowed for arrest and detention without trial, and remained in place in Darfur and was extended to Blue Nile and Southern Kordofan states. Special courts for state-of-emergency areas created under the Special Courts Act of 1989 were previously in place in Darfur and empowered to try individuals arrested under the decree's emergency police powers. The Ministry of Justice established these special courts to focus on a wide range of crimes including destabilizing constitutional order, treason, war against the state, and armed robbery. Such special courts ceased to exist in Darfur in 2010. In 2011 the Doha Document for Peace in Darfur (DDPD) called upon the judiciary to establish a Special Court for Darfur focused on human rights. The Special Court for Darfur has jurisdiction over gross violations of human rights and serious violations of international humanitarian law committed in Darfur since February 2003. The DDPD dictates that the Special Court apply the country's criminal law, international criminal law, and international humanitarian and human rights law. By year's end the Office of the Special Prosecutor for Darfur Crimes issued arrest warrants in relation to only one case from 2010 (an attack by militia members in Tabarat that killed 37 villagers).

## **Trial Procedures**

The interim national constitution and law provide for fair and prompt trials as well as a presumption of innocence; however, this often was not 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. Juries are not used. The law stipulates the government is obligated to provide a lawyer for indigents in cases in which punishment might exceed 10 years' imprisonment or include execution. The accused may also request assistance through the legal aid department at the Ministry of Justice or the Sudanese Bar Association.

By law defendants must be informed promptly of the charges against them but in cases involving national security or political dissent, the accused could be held for periods as long as one year before being formally charged with a crime.

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. 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. There were reports the government sometimes did not allow defense witnesses to testify.

Defendants have a right to appeal, except in military trials, where there is no appeal. Defendants were sometimes permitted adequate time to prepare their defense, although in more "political" cases the charges may be disclosed with little warning and could change as the trial proceeds. Defendants in common criminal cases such as theft, as well as more politicized cases, are often compelled to confess guilt while in police custody through physical abuse and police intimidation of family members.

Lawyers wishing to practice were required to maintain membership in the government-controlled Sudanese Bar Association. The government continued to arrest and harass members of the legal profession it considered political opponents.

Military trials, which sometimes were secret and brief, did not include procedural safeguards. For example, a defendant's attorney could advise the defendant but could not address the court.

The Special Courts Act of 1989 created special three-person security courts to deal with violations of constitutional decrees, emergency regulations, and some sections of the penal code, including drug and currency offenses. Special courts, composed primarily of civilian judges, handled most security-related cases. Defendants had limited opportunities to meet with counsel and were not always allowed to present witnesses during trial.

Due to long distances between court facilities and police stations, 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.

While Islamic jurisprudence strongly influences the law, in domestic cases concerning Coptic Christians, such as divorce and other family matters, courts often allowed a Coptic priest, particularly the archbishop, to make the final ruling.

### **Political Prisoners and Detainees**

The government held hundreds of political prisoners and detainees. Some political detainees were held in isolated cells in regular prisons, and many were held without access to family or medical treatment. Human rights organizations asserted the NISS ran “ghost houses,” where it detained opposition and human rights figures without acknowledging they were being held. Security forces detained political opponents incommunicado, without charge, and tortured them. Such detentions were prolonged at times.

The government continued to arrest members of the Popular Congress Party, the National Umma Party, SPLM-N, and other opposition groups.

In 2011 NISS confiscated SPLM-N property countrywide, and police temporarily detained prominent member Izdihar Guma. At year’s end SPLM-N property remained in government custody, but several of the group’s leaders were released, including Alawaya Kebaida and Abdelmonim Rahama.

The government detained political protesters.

The government severely restricted international humanitarian organizations’ access to political detainees. The government allowed UNAMID extremely limited access to Darfuri political detainees in Khartoum and Darfur.

## **Civil Judicial Procedures and Remedies**

Those seeking damages for human rights violations had access to courts; however, the judiciary was not independent. There were problems enforcing domestic court orders.

### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The interim national constitution and law prohibit such actions, but the government routinely violated these rights. Emergency laws in Darfur and Blue Nile states legalize interference in privacy, family, home, and correspondence.

Security forces frequently conducted searches without warrants and targeted persons suspected of political crimes.

The government monitored private communication and movement of individuals without due legal process. A wide network of government informants conducted surveillance in schools, universities, markets, workplaces, and neighborhoods.

In accordance with Sharia, a Muslim man may marry a Jew or Christian. A Muslim woman may not marry a non-Muslim unless he converts to Islam, but this prohibition was not universally enforced. Non-Muslims may adopt only non-Muslim children; no such restrictions apply to Muslim parents.

### **g. Use of Excessive Force and Other Abuses in Internal Conflicts**

#### **Darfur**

In Darfur fighting involving government forces, government-aligned militias, rebel groups, and ethnic groups continued. During the year attacks by unidentified militia groups increased. These groups injured and killed other combatants and civilians, raped civilians, exploited child soldiers, and displaced civilians.

Clashes between the SAF-associated militias and rebel forces, as well as tribal fighting and violent criminality, killed an estimated 1,637 persons in Darfur during the year. In 2011 an estimated 939 such killings occurred.

Fighting between government forces, irregular militia forces aligned with the government, and rebel groups particularly affected the area of Jebel Marra. Intercommunal violence continued, particularly in North and South Darfur.

Conflicts in internally displaced persons (IDP) camps also resulted in deaths. Rape as well as recruitment of child soldiers continued to occur.

Government forces provided support, including weapons and ammunition, to government-aligned militias, and the government seldom took action against soldiers or militia members who attacked civilians. Rebel forces reportedly received financial support from foreign sources.

Fighting, insecurity, bureaucratic obstacles, and government and rebel restrictions reduced the ability of peacekeepers and humanitarian workers to access conflict-affected areas. Armed persons attacked, killed, injured, and kidnapped peacekeepers and aid workers. Humanitarian organizations often were not able to deliver humanitarian assistance in conflict areas, particularly in Jebel Marra.

The government increased obstacles for UN and humanitarian staff members and reduced their access to most areas of Darfur. Lack of access and fear of government retribution reduced reporting on human rights violations, especially sexual and gender-based violence, and humanitarian situations.

The government remained uncooperative with UN Security Council Resolution 1593 and with execution of International Criminal Court (ICC) arrest warrants for President Bashir, Ahmad Muhammad Haroun, former minister for humanitarian affairs and current governor of South Kordofan, and Ali Muhammad Abd al-Rahman, former senior Janjaweed commander supporting the Sudanese government against Darfur rebel groups. In March the ICC issued a further arrest warrant for Defense Minister Abd Al-Rahim Hussein on charges of war crimes and crimes against humanity for his actions while serving as the president's special representative in Darfur.

The government took few actions to implement any meaningful provisions of the DDPD's chapter on justice and reconciliation. There was little evidence the Special Court was operating or that the special prosecutor was filing cases, and the government failed to request African Union (AU) and UN observers for the Special Court.

### **The Two Areas and Abyei**

Heavy fighting between the SAF and SPLM-N continued in Southern Kordofan and Blue Nile states. Both the government and rebel fighters were accused of employing excessive force in the conflict, leading to civilian deaths and

displacement. Both SAF and SPLM-N forces were accused of targeting civilians and employing violence indiscriminately. According to the Office of the UN High Commissioner for Refugees (UNHCR), the fighting created 240,000 refugees from Southern Kordofan and Blue Nile since June 2011. In addition to these refugees, the UN estimated the conflict displaced or severely affected 908,000 persons.

The government restricted international humanitarian organizations' access, making monitoring and verification of human rights abuses difficult. International humanitarian organizations have not had access to rebel-controlled areas of Southern Kordofan or Blue Nile since June and September of 2011, respectively.

The situation in the Abyei area remained calm during the year, due largely to the near complete displacement of the civilian population of the region and the presence of the UN Interim Status Force in Abyei peacekeeping forces. Due to violent conflict in the region in May 2011, approximately 110,000 civilians were displaced from the area. The UN estimated 10,000 residents returned to Abyei during the second half of the year following SAF withdrawal from the area in June, while 60,000 remained displaced in Agok, South Sudan. Several humanitarian aid NGOs, including Caritas, Mercy Corps, and Medecins Sans Frontieres, began to provide mobile outreach services in Abyei from their bases south of the River Kiir in the area of Agok.

Killings: In Darfur and the Two Areas, government forces and government-aligned militias killed civilians, including by repeated aerial bombardment of civilian areas. Ground attacks often followed aerial bombardments. Rebel forces also killed civilians during attacks. Attacks resulted in civilian displacement (see section 2.d.).

## **Darfur**

With an increase in unrest and violent incidents, a total of 1,637 violent deaths occurred in Darfur in the past year. Most deaths were attributed to the SAF and militia groups, many of which served as proxies for the government. Security deteriorated in North Darfur and violence, including SAF aerial bombardments, continued in Jebel Marra, a mountainous area that reaches into each of the Darfur states.

On August 1, members of an Arab militia group in North Darfur assassinated a local official and stormed the Kassab IDP camp near Kutum. The militia groups, reportedly affiliated with the Border Guards and CRP, looted the camp market and

burned down the police post inside the camp, killing four civilians and injuring six. An additional four deaths were reported in the following week as approximately 25,000 IDPs fled the Kassab camp seeking safety. The militia groups also vandalized and looted the World Food Program, UN, and the NGO GOAL offices in Kutum and looted the town's market.

On September 25, the SAF, supported by border guards, clashed with rebels from the Sudan Revolutionary Front (SRF) in Hashaba, North Darfur. The media reported border guards and militia groups killed more than 80 civilians and looted the area following the initial aerial bombardment. Media and eyewitnesses reported an SAF aerial bombardment preceded the ground attack by militias on camelback and in vehicles. Approximately 2,000 IDPs from Hashaba fled following the attacks. The government denied UNAMID access to the area until October 3, when UNAMID conducted a patrol to investigate the civilian deaths and discovered one bomb crater and 16 freshly dug graves, including some containing multiple bodies. When UNAMID sent a more robust investigative patrol to the area on October 17, a militia group attacked the convoy with automatic weapon and mortar fire, killing one South African peacekeeper and injuring three others.

On October 2, unidentified militia groups ambushed a UNAMID patrol 1.2 miles from the UNAMID camp in El Geneina. Heavy fire from several directions directed at UNAMID personnel killed four Nigerian peacekeepers and injured eight others.

On November 2, militia from the Berti and Bergit ethnic groups recruited into the government's Popular Defense Forces (PDF) attacked and burned Sigli village near Shawa, North Darfur, killing 10 adult male civilians from the Zaghawa ethnic group and abducting at least one person. Local populations were reportedly displaced to IDP camps near El Fasher. The attack was in retaliation for an October 17 attack by the predominantly Zaghawa Sudan Liberation Army-Minni Minawi (SLA-MM) on Abu Delek village in North Darfur, in which SLA-MM killed 14 PDF militia. The SAF denied UNAMID access to Sigili on November 3, but on November 6, a UNAMID assessment mission entered the village and found it deserted, with signs of abrupt departure, ammunition casings, and indications of destruction of housing and property, dead animals, and burned houses.

## **The Two Areas**

SAF air raids resulted in civilian deaths throughout Southern Kordofan and Blue Nile states. For example, aerial bombardments occurred in Kauda, Dilling, Talodi, Um Durein, and other parts of Southern Kordofan and throughout Blue Nile. On September 27, an air raid on Heiban, on market day, killed at least one woman and injured several others. According to the government, 633 persons have been killed in Southern Kordofan and Blue Nile states since the fighting began in June 2011.

SPLM-N fighters shelled civilian areas in Kadugli town in October. On October 8-10, the SPLM-N fired five rockets at Kadugli town, killing at least six civilians, according to government sources. In the same attack, two additional rounds landed but did not explode in the UNICEF compound in Kadugli.

On July 6, eight members of the ruling NCP were killed near Dilling, Southern Kordofan, when their convoy was attacked. Among those killed was Ibrahim Balandiya, speaker of the Southern Kordofan Legislative Assembly. It was unclear who was responsible for the attack.

On August 5, a World Food Program driver was killed in Southern Kordofan when the vehicle he was traveling in was ambushed. It was unclear who was responsible for the attack.

Abductions: On August 20, unidentified militia members abducted two Jordanian UNAMID peacekeepers in Kabkabiya, North Darfur.

On February 2, JEM released five Turkish water engineers in Wadi Howar, North Darfur, whom they had abducted in September 2011. The ICRC and Red Crescent organized the handover of the captives. At year's end JEM held six Sudanese hostages.

There were reports of several instances of forced disappearances in the Two Areas conflict. For example, refugees from Blue Nile State reported abductions from the village of Khor Gidat in May. Most abductions involved physical abuse or torture. International organizations were unable independently to verify reports due to lack of access to the region.

Physical Abuse, Punishment, and Torture: All parties to the conflict in Darfur and in the Three Areas were accused of perpetrating torture and other abuse. The government abused persons detained after armed conflict as well as IDPs suspected of having links to rebel groups. There were continued reports government security



forces, progovernment and antigovernment militias, and other armed persons raped women and children.

Sexual and gender-based violence continued throughout Darfur. Authorities often obstructed access to justice for rape victims. IDPs reported that perpetrators of such violence were often government force or militia members. Assailants assaulted, raped, threatened, shot, beat, and robbed women.

According to the UN, victims reported 94 incidents of rape from January through September. Radio Dabanga reported 14 incidents from October through December. In Darfur it was believed most rape victims did not report incidents; therefore, the actual number of rape incidents was likely much higher.

The UN reported that on August 23, in Kabkabiya, North Darfur, armed men raped three women and beat a man accompanying them. On November 12 in Tawila, North Darfur, three armed men raped a 17-year-old girl from the Rawandan IDP Camp.

NGOs and the SPLM-N accused the government of employing torture and violent tactics against civilians throughout the Southern Kordofan conflict, although specific incidents were difficult to verify due to the lack of international observers in the region. In May government-aligned forces arbitrarily arrested a student in Southern Kordofan and beat him in prison for several days before his father secured his release.

There were reports of physical abuse and violent interrogations of SPLM-N-affiliated individuals in Kadugli prison.

SAF and government-aligned forces reportedly burned and looted villages throughout Southern Kordofan and Blue Nile.

Child Soldiers: The Armed Forces Act prohibits the recruitment of children and provides criminal penalties for perpetrators. However, eyewitness reports indicated most of the armed groups, including the SAF and Public Defense Forces, had child soldiers who engaged in conflict; the problem was especially serious in Darfur. Allegations of child soldiers in rebel or government-aligned groups in Southern Kordofan and Blue Nile were not independently verified.

In 2011 the UN special representative of the secretary general for children in armed conflict (SRSG) reported 45 cases of recruitment or use of children by

armed groups in Darfur, government security forces, government-supported armed groups, and rebel groups. This was a decrease from the 115 cases reported in 2010. The SRSG reported 52 cases in the Three Areas, an increase from eight in 2010.

Rebel groups associated with the SRF (JEM, SLA/MM, and Sudan Liberation Army-Abdel Wahid (SLA/AW)) and groups outside of the SRF umbrella (including the Sudan Liberation Movement for Justice and the United Revolutionary Forces Front), as well as various government security forces (including police), all continued to recruit child soldiers. In September JEM signed an agreement with UNICEF to ban the use of child soldiers, but there was no evidence this affected its recruitment activities. In November JEM informed the UN it had established a follow-up committee to implement its action plan.

According to the UN, the rebel group known as SLA-Historical Leadership is implementing an action plan to end its recruitment and use of child soldiers. The group reported to the UN in November it had proposed 120 former child soldiers for reintegration to the Sudan Disarmament, Demobilization and Reintegration Commission.

Also in November UN representatives met with SLA/AW leaders in Uganda to discuss a proposed action plan to end the recruitment and use of child soldiers. The UN reported SLA/AW leaders agreed to consider the establishment of an action plan for implementation in areas under its control.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

Other Conflict-related Abuses: All parties to the Darfur and Two Areas conflicts obstructed the work of humanitarian organizations, UNAMID, and other UN agencies, increasing the displacement of civilians and abuse of IDPs. Violence, insecurity, and the denial of visas and refusal of access to international organizations reduced the ability of humanitarian organizations to provide needed services.

Despite the 2007 joint communique between the government and the UN, government forces frequently harassed NGOs that received international assistance. It restricted or denied permission for humanitarian assessments, refused to approve technical agreements, changed procedures, copied NGO files, confiscated NGO property, questioned humanitarian workers at length and

monitored their personal correspondence, delayed issuance of visas and travel permits, restricted travel, and publicly accused humanitarian workers of aiding rebel groups.

## **Darfur**

In North Darfur insecurity forced humanitarian organizations to suspend operations at health care facilities. However, parts of Darfur, such as Jebel Marra and areas not under government control, were inaccessible to the humanitarian community. Even in secure areas, relief agencies faced increasing obstruction by the government, including new, arbitrary rules and regulations that undermined the delivery of relief assistance. For example, on September 15 members of the Darfur Joint Assessment Mission technical mission were delayed from travelling to Darfur due to a lack of travel permits.

UN agencies also experienced increased constraints regarding access. Police and government security forces frequently declined to provide escorts for UN agencies to areas affected by fighting, and at other times cited continued instability and restricted the movement of UN-sponsored fuel, food, and nonfood supplies to areas outside of major population centers. For example, the NISS in January informed humanitarian organizations in West Darfur that all movements in the area between Zalingei and Nertiti were suspended due to insecurity.

An estimated 1.7 million civilians remained internally displaced in Darfur, and approximately 290,000 refugees from Darfur remained in Chad. Between June 2011 and June 2012, the UNHCR verified 165,500 returns of IDPs and 39,500 refugees to Darfur.

Policy discrepancies between Darfur state-level and Humanitarian Aid Commission (HAC) officials in Khartoum adversely affected humanitarian operations. The HAC continued to require that NGOs refrain from interviewing or selecting staff unless they used a five-person government selection panel with HAC officials present, significantly delaying the hiring of new staff in Darfur. The HAC also continued to impose additional requirements on humanitarian organizations on an ad hoc basis, often at the state level.

Rebel forces and bandits obstructed humanitarian assistance, regularly attacked the compounds of humanitarian organizations, and seized humanitarian aid and other assets, including vehicles. Kidnappings and attacks on humanitarian convoys

continued during the year. Instability forced many international aid organizations to reduce their operations in Darfur.

### **The Two Areas**

The government permitted some international staff of UN agencies to return to Kadugli early in the year. However, access remained limited since the government denied any UN or international organizations access outside of government-controlled areas, citing security concerns in rebel-held areas.

In February the UN, AU, and League of Arab States, known collectively as “the Tripartite,” presented a plan for humanitarian access to Southern Kordofan and Blue Nile to the government. In August the government and SPLM-N signed separate memoranda of understanding with the Tripartite accepting its plan. However, by year’s end the plan was not implemented.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The interim national constitution provides for freedom of thought, expression, and of the press “as regulated by law”; however, the government severely restricted these rights.

Freedom of Speech: Individuals who criticized the government publicly or privately were subject to reprisal, including arrest. The government attempted to impede such criticism and monitored political meetings. For example, authorities arrested Nuban activist Jaleela Khamis Koko in March and detained her for six months before charging her with espionage, stemming in part from her role documenting conditions in the Nuba Mountains. Koko’s trial began in December and had not ended by year’s end.

Freedom of Press: The constitution provides for freedom of press, but authorities frequently subjected newspapers, especially those that were privately owned and pro-opposition, to measures that prevented them from reporting on issues deemed sensitive. Those measures included direct prepublication censorship, confiscation of publications, legal proceedings, and denial of state advertising. Confiscation, in particular, inflicted severe financial damage on newspapers that were already hard-pressed due to low circulation.

The government controlled the media through the National Press Council, which administered mandatory professional exams for journalists and editors.

The government directly controlled radio and television and required that both reflect government policies. Some foreign shortwave radio broadcasts were available, and a private FM radio station continued to operate. The government restricted UN radio. In addition to domestic and satellite television services, there was a private cable network that directly rebroadcast uncensored foreign news and other programs.

The NISS banned at least three newspapers, including *Rai-Al-Saab*, *Al-Wan*, and *Al-Tayar*. Between May and August, the government repeatedly confiscated printed copies of *Al Jarida*, *Al Midan*, and *Akhir Iahza* newspapers following their coverage of clashes between the country and South Sudan, as well as demonstrations against government economic policies. Government confiscations forced the closure of several newspapers, including *Alkhabar*, *Alahdith*, and *Alshahid*.

Violence and Harassment: The government, including NISS, continued to arrest and torture journalists and harass vocal critics of the government. Authorities continued to target aggressively journalists and publications through contrived legal proceedings, politicized criminal charges, and confiscations.

Journalists were subjected to arrest, harassment, intimidation, and violence due to their reporting.

For example, in April the NISS compelled *Al Adwa* newspaper Editor in Chief Faisal Mohamed Saleh to appear for daily questioning after he criticized the president during an interview on Al-Jazeera. Saleh was arrested and interrogated for nine hours after he failed to appear for a twelfth day of questioning.

In October freelance Sudanese journalist Somaya Hundosa was abducted near her home and found several days later. NGOs and international media reported security agents detained and tortured her. Hundosa claimed her captors showed her articles she had written and accused her of disrespecting the president's government. Hundosa had extensively covered human rights abuses in Darfur and Southern Kordofan. NISS had questioned her two days before her abduction.

Government security agencies banned at least 13 journalists from writing or publishing. In addition to direct and prepublication censorship, NISS instructed

newspaper management boards not to allow certain journalists to write in their publications or face the prospect of having the paper closed. Those banned included journalists and editors from publications such as *Al-Sahafa*, *Al-Jarida*, the suspended newspaper *Rai Al-Shaab*, and the pro-Islamist *Alwan*.

NISS also required journalists to provide personal information, such as details on their tribe, political affiliation, and family.

The government selectively restricted international media. Some foreign journalists were denied visas, while others had regular access to opposition politicians, rebels, and civil society advocates. For example, in June security officials deported a correspondent from Bloomberg News Service after she reported on antigovernment demonstrations. Also in June security agents raided the offices of Agence-France Presse after one of its correspondents took pictures of an antigovernment demonstration.

Censorship or Content Restrictions: The government, including NISS, continued to practice direct prepublication censorship of all forms of media. Journalists also practiced self-censorship.

Libel Laws/National Security: NISS resorted to legal action against journalists, bringing libel lawsuits for stories critical of the government and security services. For example, in 2011 NISS sued several journalists for defamation after they reported on Safia Ishaq's allegations NISS officers raped her while she was detained for participating in an antigovernment demonstration (see section 1.d.). The Supreme Court in December 2011 overturned a lower court decision against several of the accused journalists, but NISS petitioned for a review of the higher court's decision. The Supreme Court rejected the NISS appeal in September, but the security service continued to pursue defamation cases against several other journalists who published stories related to Ishaq's charges.

## **Internet Freedom**

The government monitored Internet communications, and the NISS read e-mail messages between private citizens. The National Telecommunications Corporation blocked some Web sites and most proxy servers deemed offensive to public morality. While there generally were no restrictions on access to news and information Web sites, authorities regularly blocked access to YouTube.

During the June and July antigovernment demonstrations, authorities blocked access to several popular online discussion forums. Security agencies also arrested several bloggers during this period, and commentators speculated the government used social media to track and arrest protesters.

According to the International Telecommunication Union, 19 percent of individuals used the Internet in 2011.

### **Academic Freedom and Cultural Events**

The government restricted academic freedom. For public universities the government determined the curriculum and appointed the vice chancellors responsible for administering the institutions. Some universities required students to participate regularly in progovernment rallies and other activities, and some professors exercised self-censorship. The government regularly arrested student activists. Security forces used tear gas and other heavy-handed tactics against peaceful protests occurring at universities or involving university students.

The Public Order Police continued to monitor public gatherings and cultural events, often intimidating women and girls, who feared police would arrest them for “indecent” dress or actions.

### **b. Freedom of Peaceful Assembly and Association**

#### **Freedom of Assembly**

Although the interim national constitution and law provide for freedom of assembly, the government severely restricted this right. For example, 36-hours’ notice is required for political rallies.

The government continued to deny permission to Islamic orders associated with opposition political parties, particularly the Anwar (Umma Party) and Khatmiya (Democratic Unionist Party), to hold large gatherings in public spaces, but parties regularly held opposition rallies on private property. Government security agents occasionally attended opposition political meetings, disrupted opposition rallies, and summoned participants to security headquarters for questioning after political meetings.

Following June and July protests, the government denied groups permission to assemble peacefully.

Police use of excessive force to disperse demonstrators resulted in deaths and injuries (see section 1.d.).

Authorities generally took no action against security force members that used excessive force.

### **Freedom of Association**

The interim national constitution and law provide for freedom of association, but the government severely restricted this right. The law effectively prohibits political parties linked to armed opposition to the government. By the end of the year, the government had significantly narrowed the space for civil society and NGOs, imposing numerous restrictions on NGO operations and closing internationally known, long-established organizations such as the Al Khatim Adlan Center (see section 5).

#### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The interim national constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, but the government restricted these rights.

The government impeded the work of the UNHCR and delayed full approval of UNHCR activities, particularly in Northern and Southern Darfur, the Three Areas, and eastern Sudan. While in some cases it cooperated with the UNHCR and other humanitarian assistance organizations in assisting refugees and asylum seekers, the government restricted and harassed such organizations. The UNHCR confirmed the government continued to disregard international agreements by targeting refugees and asylum seekers for abuse. Although the government permitted most refugees from Eritrea and Ethiopia to remain in the country, some refugees were convicted of entering the country illegally and returned without having their asylum claims properly reviewed.



In July authorities forcibly returned nine asylum seekers and one refugee to Eritrea after convicting them of illegally entering the country and sentencing them to a two-month prison term and subsequent deportation.

In-country Movement: In Darfur the government and rebels restricted the movement of citizens and UN and humanitarian organization personnel (see section 1.g.).

While internal movement was generally unhindered for citizens outside conflict areas, foreigners, including some accredited diplomats, needed government permission for domestic travel outside Khartoum, which was often difficult to obtain. Foreigners must register with the police upon entering the country, obtain permission from the police to move more than 15.5 miles outside Khartoum or from one city to another, and reregister at each new location within three days of arrival.

The government delayed issuing humanitarian and diplomatic visas and travel permits for Darfur to foreign embassy and NGO staff, and denied access to the Three Areas during periods of violence.

The government's encampment policy requires asylum seekers and refugees to stay in 12 designated camps. The government did not allow IDP camps to be established in Southern Kordofan and Blue Nile states.

Foreign Travel: The government requires citizens to obtain an exit visa if they wish to depart the country. Issuance was usually pro forma, and the government rarely used the visa requirement to restrict citizens' travel. To obtain an exit visa, children must receive the permission of both mother and father.

Exile: The law prohibits forced exile, and the government did not use it. However, opposition leaders and NGO activists remained in self-imposed exile in northern Africa and Europe, and other activists fled the country during the year.

### **Internally Displaced Persons (IDPs)**

Large-scale displacement continued to be a severe problem. There were an estimated 1.7 million IDPs in Darfur, 500,000 persons of South Sudanese origin still residing in the country, and 68,000 IDPs in the East. In Blue Nile and Southern Kordofan, there were 178,000 and 557,000 IDPs or severely affected

persons, respectively. More than 60,000 persons from Abyei remained displaced in South Sudan as a result of fighting that started in 2011.

As of August there were 289,000 registered refugees from Darfur in Chad and 2,000 registered refugees from Darfur in the Central African Republic. There were 175,000 refugees from Southern Kordofan and Blue Nile in South Sudan and 68,000 (30,400 arrived between 2011 and December) in Ethiopia.

Between January 2011 and June 2012, there were 39,500 refugee and refugee-like returns and 165,500 IDP returns in Darfur. Government attempts to resettle IDPs were modest but generally successful. There were no reports of forced resettlement.

IDPs in Darfur faced major humanitarian needs, and continued conflict forced many to flee their homes. Although other international humanitarian NGOs replaced the 13 expelled by the government in 2009, government restrictions limiting access to affected populations and logistical and security constraints continued to impede the delivery of humanitarian services.

Government restrictions, harassment, and the threat of expulsion resulted in the continued interruption of most gender-based violence programming. While gender-based violence programming was mainstreamed into other humanitarian efforts, reporting and outreach were severely curtailed (see section 1.g.). Some UN agencies were able to work with the Darfur governor's advisers on women and children to raise awareness about issues of sexual and gender-based violence.

There were numerous reports of abuses committed by security forces, rebels, and militias against IDPs, including rapes and beatings. Abuse of IDPs by government forces and government backed-militias in the Southern Kordofan conflict was reported.

Outside of IDP camps, insecurity restricted IDP 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 rebel groups operated openly in several IDP camps and back and forth across the border with Chad.

Between one million and 1.5 million Sudanese of southern origin lived in Khartoum state, many of them in shantytowns rather than in the four formal camps.

Many individuals of South Sudanese origin in Sudan have lived in the country for decades, formed families, and found mainly informal employment. The governments of Sudan and South Sudan signed a framework agreement on September 27 that included a section on addressing the nationality issue. If fully implemented, the agreement would allow citizens of both countries to enjoy freedom of residence, freedom of movement, freedom to undertake economic activity, and freedom to acquire and dispose of property. At year's end, the government had yet to demonstrate strong efforts in implementing this agreement.

At times government officials made statements supporting the expulsion of South Sudanese and at other times called for their protection. In April and May the governor of White Nile State unilaterally ordered the expulsion of approximately 12,000 ethnic South Sudanese who were awaiting transportation to South Sudan. The International Organization for Migration (IOM) ultimately transported the group to South Sudan at significant financial cost. The governor claimed the group presented a security risk. While there were no additional expulsions, the ethnic South Sudanese remained extremely vulnerable, in part due to the continuing threat of calls for expulsion.

Ethnic South Sudanese in and near Khartoum were subject to arrest, flogging, fines, warrantless searches, and imprisonment in relation to prohibitions against alcohol. The government restricted access to formal IDP camps around Khartoum.

The government continued to restrict access for international humanitarian NGOs to the East. These restrictions significantly limited the ability of humanitarian organizations to provide services to vulnerable groups such as IDPs, refugees, and ethnic South Sudanese. Approximately 50 percent of IDPs and refugees in camps received food rations. According to the UNHCR, there were an estimated 70,000 Eritrean and Ethiopian refugees in eastern camps and another 26,000 in Khartoum.

In Southern Kordofan and Blue Nile, the UN estimated there were 695,000 displaced and otherwise conflict-affected persons. Following the displacement of approximately 110,000 residents of Abyei in the 2011 fighting, returns began during the year. As of November approximately 10,000 residents of Abyei had returned to the region, while 60,000 remained displaced in South Sudan. The remaining 35,000 IDPs were reportedly residing south of the Kiir River near Agok.

There were multiple reports of IDPs being harassed, arrested, and tortured by NISS security forces (see section 2.d., IDPs), with UNAMID documenting cases of abuse, arbitrary arrest, and torture in Darfur, including by CRP officers.

## Protection of Refugees

Access to Asylum: The laws provide for the granting of asylum or refugee status. The government granted asylum to many asylum seekers, but there was no standard determination procedure or documentation. Officially, the government should grant prima facie refugee status to asylum seekers. However, it required Eritreans to register as asylum seekers rather than automatically granting the appropriate refugee status, a policy contrary to the law governing refugee status. Most Eritreans who entered the country appeared to be familiar with the new steps required to register with the government as an asylum seeker.

Government officials routinely took up to three months to approve refugee status. The delay in granting refugee status was cited as one of the reasons why some new refugee arrivals from Eritrea clandestinely left camps before registering with the UNHCR. To leave the camps, the Eritreans relied on human smuggling networks. These networks are known to sell the refugees to human traffickers. Traffickers may also kidnap refugees. Traffickers routinely abuse and torture the refugees if exorbitant ransoms are not paid. Humanitarian organizations have been trying to gain access to eastern Sudan to combat trafficking, but without access it was exceedingly difficult to be effective.

Refoulement: The government provided protection in some instances but also returned refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. For example, in 2011 the government reportedly handed over more than 300 Eritreans to the Eritrean military without screening them for refugee status.

Refugee Abuse: Refugees were vulnerable to arbitrary arrest, harassment, and beatings because applicants did not receive identification cards while awaiting government determination of refugee status. Refugees could not become resident aliens or citizens, regardless of their length of stay. There were abuses, including gender-based violence, in the camps. In 2011 UNAMID received a report five progovernment militiamen raped a girl outside the Kalma IDP camp. At year's end no action had been taken to identify and arrest the perpetrators. In April, according to Radio Dabanga, four women were raped in Dereig camp in South Darfur.

Employment: Refugees were entitled to work permits but rarely received them. A 2007 decree prohibits international NGOs from hiring refugees.

Access to Basic Services: Government-supervised primary education, while not free, was available to IDP and refugee children in Khartoum and in refugee camps outside Khartoum at a cost of 30 Sudanese pounds (\$5.00) per month. Public hospitals and clinics were generally accessible to both refugees and IDPs, particularly in areas around Khartoum where they may benefit from free health-care consultations. By law refugees, asylum seekers, and IDPs have access to courts in the same manner as citizens. Any person, regardless of nationality, may ask for legal assistance, and persons must be informed of the right to counsel in cases involving the death penalty or imprisonment lasting longer than seven years.

Temporary Protection: The government provided temporary protection to individuals who might not qualify as refugees, but there was no available data on the number of individuals provided this protection.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The country continued to operate under the CPA interim national constitution, but with all references to South Sudan removed. The interim constitution provides citizens with the right to change their government peacefully. Post-CPA provisions relating to this right include providing for a referendum on the status of Abyei and popular consultations in Blue Nile and Southern Kordofan.

The country took few concrete steps towards drafting a new constitution, and the government repeatedly delayed the appointment of a constitutional review commission. Several opposition groups alleged the government was moving forward with the drafting process in secret. Civil society groups such as the Sudanese Initiative for Constitution Making--which sought to increase public awareness of the constitution and promote popular participation--were subject to official harassment by security agencies, including interference with public meetings about the constitutional process.

The country's executive leadership is comprised of a three-member presidency, which includes a president, first vice president, and second vice president. All were from the ruling NCP. The president promoted Ali Osman Taha to the position of first vice president in September 2011 and appointed El-Haj Adam Yousif, a Darfuri, as the second vice president. The appointment of Yousif came

after the government signed the DDPD, which required a vice presidential appointment from a Darfuri ethnic group.

The CPA interim constitution also provides a formula for allocating seats in the bicameral legislature (composed of a postsecession 340-member National Assembly and 30-member Council of States) and cabinet prior to the elections. The formula reserved 52 percent of the positions for the NCP and 14 percent for northern opposition parties, including those from Darfur.

Several parts of the CPA designed to clarify the status of southern-aligned groups remaining in the North following South Sudan's secession continued to be the subject of negotiations between the governments of Sudan and South Sudan and remained unresolved. The conflicts in Blue Nile and Southern Kordofan continued to stall the CPA's popular consultations process--intended to allow residents of those areas to negotiate with the government about the nature of their relationship to the central government--and neither the Sudanese government nor the SPLM-N agreed to direct talks to resolve their differences. Similarly, the proposed Abyei referendum, designed to allow residents of the disputed area to vote to join South Sudan or remain unified with Sudan, remained stalled and subject to additional negotiations between the governments of Sudan and South Sudan.

## **Elections and Political Participation**

Recent Elections: The national and state-level executive and legislative elections, held in April 2010, did not meet international standards.

The country held its first multiparty national and state-level executive and legislative elections in more than 24 years in 2010. The Sudanese People's Liberation Movement (SPLM) candidate for president of Sudan, Yasir Arman, withdrew from the race just before the polling. The elections, which several opposition parties boycotted, did not meet international standards. Basic freedoms were circumscribed throughout the process. Despite significant technical and material assistance from the international community, logistical preparations were inadequate. Intimidation and threats of violence occurred. The conflict in Darfur did not permit a tranquil electoral environment. The counting and tabulation process was disorganized, not transparent, and did not follow procedural safeguards put in place by the National Elections Commission. According to a foreign NGO, problems with the counting and tabulation process raised "questions about the accuracy of the election results."

The president was reelected, as was first vice president (SPLM head and later government of South Sudan president) Salva Kiir Mayardit. Ali Osman Taha was reappointed to his position of second vice president. After the secession of South Sudan in July 2011, the post of first vice president was vacant until Ali Osman Taha assumed it in September 2011. El-Haj Adam Yousif, an NCP member from South Darfur, was appointed as the second vice president.

In the National Assembly, the NCP won 323 seats, the SPLM 99, and other parties and independents 24 seats. The seats in four constituencies were vacant. NCP gubernatorial candidates won all elected governor posts with the exception of Blue Nile State, where the SPLM-N incumbent won. However, immediately after the start of hostilities in Blue Nile in 2011, Khartoum deposed the state's SPLM-N governor and installed a temporary military government. Observers noted numerous problems with the preelection environment. The legal framework did not protect basic freedoms such as assembly, speech, and press. Security forces restricted the actions of opposition parties, including through the arrest of opposition members and supporters. There was insufficient voter information, and logistical preparations for the vote were not adequate.

The National Election Commission identified key electoral reform proposals following the conclusion of the 2010 national elections and a contentious and close election for the governorship of Southern Kordofan in 2011. However, at year's end none of these proposals had been implemented. Official reluctance to implement reforms before the next national election, expected in 2015, probably explained much of the delay, and authorities prevented SuGDE--a network of Sudanese civil society organizations working in the area of electoral reform and administration--from holding a conference in Burj to discuss some of these changes.

Political Parties: The NCP dominated the political landscape, controlling all of the regional governorships and holding a two-thirds majority of the National Assembly. Following the separation of the South in 2011, the NCP controlled 316 of 354 seats in the National Assembly. Various other parties held the remainder, with SPLM-Peace Wing holding eight seats and the Popular Congress Party and Democratic Unionist Party each holding four. The Political Parties Advisory Council oversees the registration of political parties. It is not an independent body and is under the control of the ruling party.

Authorities monitored and impeded political party meetings and activities, restricted political party demonstrations, used excessive force to break them up,

and arrested opposition party members. In 2011 the SPLM-N leadership called for the overthrow of the government and was outlawed as a political party. Its offices in Khartoum and other states were closed after the outbreak of violence in Blue Nile State. The government confiscated party documents and property. At least 25 SPLM-N members were arrested, including an SPLM-N member of parliament, Izdihar Guma. At year's end all had been released from detention. Following the suppression of the SPLM-N, the government banned 16 other political parties; South Sudan-affiliated groups did not contest the ban.

There were approximately 52 registered political parties. The Umma Party, Democratic Unionist Party, and Communist Party were not registered with the government. The government continued to harass some opposition leaders who spoke with representatives of foreign organizations or embassies. While the NCP dominates the political institutions, the opposition parties have created an unofficial umbrella organization called the National Consensus Forces (NCF). Despite the NCF's efforts to create a comprehensive political platform and the presence of some opposition members in the National Assembly and other positions, the opposition forces remain unorganized and largely unable to affect government policy.

Participation of Women and Minorities: Women have the right to vote. The 2008 National Elections Law calls for 25 percent of the seats in the national and state assemblies to be filled from state-level women's lists. Women won 95 of the 340 seats in the National Assembly. Women held five of 30 seats in the Council of States and seven of 66 cabinet positions. Religious minorities participate in government. There are prominent Coptic Christian politicians within the national assembly, Khartoum city government, and Khartoum state assembly. A Copt was named vice-chairman of the newly appointed Human Rights Commission. Christians from other denominations were rare in government positions, although a Protestant held the politically significant post of state minister of water resources and electricity.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law does not specifically address official corruption. However, officials and their spouses and children are subject to the Financial Service Audit law that calls for a special anticorruption attorney to investigate and try corruption cases. Criminal law provides punishments for embezzlement that may include prison or execution for public service workers, although these sanctions were almost never



carried out. All bank employees are considered public service workers. Officials frequently engaged in corrupt practices.

In 2011 the president formed an anticorruption commission to address growing public concern about instances of misuse of official resources. However, the commission is a nominal body lacking any formal statutory powers of investigation or prosecution, and it has not prescribed penalties for those found to have abused official resources. The president similarly established the Financial Disclosure and Inspection Committee and charged the body with inspecting the financial assets of cabinet ministers and other constitutional officers. The law requires high officials, as well as their spouses and children, to disclose income and assets. The new Financial Disclosure and Inspection Committee and the Unlawful and Suspicious Enrichment Administration at the Justice Ministry both monitor compliance. There were no significant prosecutions during the year. Despite three different bodies ostensibly charged with combating official corruption, there was no effective enforcement or prosecution of offenders.

There are no laws providing for public access to government information, and the government did not provide such access.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

The government was uncooperative with, and unresponsive to, domestic human rights groups. Workers of both domestic and international human rights organizations were restricted and harassed.

The government harassed, arrested, beat, and prosecuted human rights activists for their activities. According to international NGO reports, a government-led campaign against civil society surfaced publicly in August after articles on NGO funding were published in the far-right-wing newspaper *al-Intibaha*. Beginning in September the NISS barred the Al Khatim Adlan Center for Enlightenment and Human Development (KACE), as well as other cultural centers, from holding cultural events and public forums. Several officers from KACE were detained, questioned, or investigated by government security agencies, and NISS repeatedly sought access to privileged information about the center's operations. At least one organization, Beit al-Fanoon, was shuttered in November.

In December a progovernment newspaper announced the government would publicly exercise control over NGOs. Multiple groups were ordered to close in

December, including KACE; the Sudanese Studies Center; Arry, an NGO focused on human rights in Darfur and the Two Areas; and a forum chaired by Zeinab Beliel, a Sudanese writer. Also in December security forces beat and arrested several civic activists and journalists who tried to deliver a formal petition to the National Human Rights Commission protesting the government's restrictions on the activities of Sudanese NGOs.

The government restricted, harassed, and arrested NGO-affiliated international human rights and humanitarian workers, including in Darfur (see section 1.g.).

NGOs must register with the HAC, the government's entity for regulating humanitarian efforts. The HAC obstructed the work of NGOs, including in Darfur and the Three Areas (see section 1.g.). The HAC often changed its rules and regulations without prior notification.

The government continued to use bureaucratic impediments to restrict the actions of humanitarian organizations, contrary to provisions in the 2007 joint communique between the government and the UN. This included delaying the issuance of visas and travel permits to humanitarian workers.

UN and Other International Bodies: The government refused and delayed the issuance of visas to international NGO workers and restricted their access to parts of the country.

Government Human Rights Bodies: The government's Advisory Council for Human Rights did not respond to requests by international organizations to investigate human rights violations and did not provide lists of detained individuals to the international community.

The National Human Rights Commission began functioning during the year. It interacted with both local and international civil society groups and investigated reports of human rights abuses. The National Assembly established the commission in 2009, but full implementation was delayed until January when the president appointed members to the commission. Local NGOs complained they were not consulted on the appointments, and several observers remarked the commission acted as a barrier to international NGOs operating in the country. NGOs also complained the commission was uninterested in confronting abuses. However, the commission made progress in addressing human trafficking along the border with Eritrea, in September sponsored a conference to discuss measures

to combat human trafficking, and supported legislation in the National Assembly that would increase penalties for human trafficking-related offenses.

The government did not cooperate with the ICC (see section 1.g.).

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

The interim national constitution prohibits discrimination based on race and gender, but the government did not effectively enforce these provisions. The law does not address discrimination based on disability, language, or social status. The law criminalizes sodomy, and antigay sentiment is pervasive in society. A few small lesbian, gay, bisexual, and transgender (LGBT) organizations existed but operated underground due to fear of official and societal discrimination.

The government has made efforts to improve its prosecution of crimes involving trafficking in persons. Local and state authorities stepped up enforcement activities against trafficking gangs operating along the Eritrean-Sudanese border. However, it was difficult to know how much enforcement actually occurred because of lack of transparency, anemic information sharing, and restrictions on international access for NGOs such as the IOM.

### **Women**

Rape and Domestic Violence: The punishment for rape varies from 100 lashes to 10 years' imprisonment to death; the government did not effectively enforce these provisions. Spousal rape is not addressed in the law. In most rape cases, convictions were made public. Observers believed sentences often were less than the legal maximum. Because there was no official tracking of rape cases, no information was available on the number of persons prosecuted, convicted, or punished for rape, but high-profile cases often garnered public and media attention.

Rape of women and girls throughout the country, including in Darfur, continued to be a serious problem (see section 1.g.). Authorities often obstructed access to justice for rape victims.

By law, if a woman accuses a man of rape and fails to prove her case, she may be tried for adultery. Victims sometimes refused to report their cases to family or authorities due to fear they would be punished or arrested for “illegal pregnancy” or adultery.

The law does not specifically prohibit domestic violence. Violence, including spousal abuse, against women was common, although there were no reliable statistics on its prevalence. Women who filed claims were subjected to accusations of lying or spreading false information, harassment, and detention, which made many women reluctant to file formal complaints, although such abuse constituted grounds for divorce. The police normally did not intervene in domestic disputes. Statistics on the number of abusers prosecuted, convicted, or punished were not available.

Female Genital Mutilation/Cutting (FGM/C): See section 6, Children.

Sexual Harassment: No law specifically prohibits sexual harassment, although the law prohibits gross indecency, which is defined as any act contrary to another person's modesty, and authorities enforced the statute. The penalty for gross indecency is imprisonment of up to one year and 40 lashes. There were frequent reports of sexual harassment by police in Darfur and elsewhere.

Reproductive Rights: Couples were able to decide freely on reproductive issues. Contraception, skilled medical attendance during childbirth, and obstetric and postpartum care were not always accessible in rural areas. The UN Population Fund (UNFPA) estimated in 2010 the maternal mortality rate was 730 deaths per 100,000 live births, and a woman's lifetime risk of maternal death was one in 31. Skilled health-care personnel attended approximately 23 percent of births. According to the UNFPA, only 6 percent of girls and women ages 15-49 used a modern method of contraception. The high maternal mortality rate stemmed in large part from lack of access to reproductive health care facilities in rural areas, lack of access to family planning services, poor sanitation, and chronic undernourishment in poorer areas. The leading causes of death were malaria, anemia, and hemorrhaging.

Discrimination: The law discriminates against women, including many traditional legal practices and certain provisions of Islamic jurisprudence as interpreted and applied by the government. In accordance with that 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. Depending on the wording of the marriage contract, it is often much easier for men than women to initiate legal divorce proceedings. In certain probate trials, the testimony of women is not considered equivalent to that of men; the testimony of two women is considered equivalent to that of one man. In other civil trials, the testimony of a woman is considered equivalent to that of a man.

A Muslim woman cannot legally marry a non-Muslim unless he converts to Islam. This prohibition usually was neither observed nor enforced among certain populations.

Various governmental bodies decreed women must dress modestly according to Islamic or cultural standards, including wearing a head covering. However, women often appeared in public wearing trousers or with their heads uncovered. In Khartoum Public Order Police occasionally brought women before judges for allegedly violating Islamic standards.

The Ministry of Social Welfare, Women, and Child Affairs was responsible for matters pertaining to women.

Women experienced economic discrimination in access to employment, equal pay for substantially similar work, credit, and owning or managing businesses. However, women were accepted in professional roles, and more than half the professors at Khartoum University were women.

## **Children**

Birth Registration: The interim national constitution states persons born to a Sudanese mother or father have the right to citizenship. Although the interim constitution eliminated gender discrimination in conferring nationality on children, the legal definition of “responsible parent” used in the July amendment to the 1994 nationality law remains the child’s father. The term refers to a mother only in cases where she has been granted sole legal custody. This change means a child of a Sudanese mother and South Sudanese father could lose his or her Sudanese nationality. The law passed the national legislature, and although the president did not sign the law within the mandated 30-day limit, the law passed de facto into force in mid-August.

Most newborns had access to birth certificates, but some in remote areas did not. Registered midwives, dispensaries, clinics, and hospitals could issue certificates. A birth certificate does not automatically qualify a child for citizenship. Failure to present a valid birth certificate precludes enrollment of children in school. Access to health care is similarly dependent on possession of a valid birth certificate, but many doctors accept a patient’s verbal assurance he or she holds the proper documentation.

Education: The law provides for tuition-free basic education up to grade eight; however, students often had to pay school, uniform, and exam fees. In Darfur few children outside of cities had access to primary education. With regards to public schools, boys and girls are educated separately in urban areas but often together in rural areas, where resources are more limited.

Child Abuse: Child abuse and abduction were widespread in conflict areas. Criminal kidnapping of children for ransom was reported on several occasions.

Child Marriage: The law establishes the legal age of marriage at 10 for girls and 15 or puberty for boys. There were no reliable statistics on the extent of child marriage, but it remained a problem. According to UNICEF estimates, 12 percent of women ages 20-24 were first married or in a union before they were age 15, and 34 percent were married before reaching age 18.

Harmful Traditional Practices: FGM/C remained widespread. The 2010 Sudan Household Health Survey, the most recent available, reported FGM/C incidence at 65.5 percent, a 5 percent decrease from 2006. Ministry of Health bylaws prohibit FGM/C by physicians and medical practitioners; however, midwives continued to practice FGM/C. The government actively campaigned against it in partnership with UNICEF, civil society groups, and the High Council for Children's Welfare. Several NGOs also worked to eradicate FGM/C. Type 1 or Sunna FGM/C (removal of the hood and part of or the entire clitoris) was believed by some NGOs to be the most common form practiced, but statistics about the specific categories of FGM/C were unavailable.

Sexual Exploitation of Children: Child prostitution and trafficking of children also remained problems. Penalties for offenses related to child prostitution and trafficking varied and could include imprisonment, fines, or both.

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 offenses involving pornography and child pornography.

Child Soldiers: Armed groups continued to recruit and deploy child soldiers in internal conflicts (see section 1.g.).

Displaced Children: Internally displaced children often lacked access to government services, such as education.

Institutionalized Children: The government operated reformatory camps for vagrant children. Police typically sent homeless children who had committed crimes to these camps, where they were detained for indefinite periods. Health care, schooling, and living conditions at the camps generally were very basic. All children in the camps, including non-Muslims, must study the Quran, and there was pressure on non-Muslims to convert to Islam. War Child and other international and domestic humanitarian NGOs were permitted access to the camps and sometimes assisted the government with certain aspects of camp operations.

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

### **Anti-Semitism**

The Jewish community remained miniscule, and there were no reports of anti-Semitic acts; however, government officials made statements and government newspapers featured articles and opinion pieces with anti-Semitic overtones.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The law does not specifically prohibit discrimination against persons with disabilities, but it stipulates, "the state shall guarantee to persons with special needs the enjoyment of all the rights and freedoms set out in the constitution, access to suitable education, employment, and full participation in society." The government has not enacted laws or implemented effective programs to provide for access to buildings for persons with disabilities. Children with disabilities attended public schools, and there were some other educational institutions for those with disabilities. However, social stigma and official apathy towards the needs of persons with disabilities often limited the resources allocated to those facilities, and accommodations for persons with disabilities were rare in most rural areas. Several NGOs advocated on behalf of persons with disabilities. Credible sources noted prisoners with mental disabilities were chained 24 hours a day if considered a danger to themselves or others. Prisoners with mental disabilities were not exempted from trial, although their cases could be deferred during treatment.

## **National/Racial/Ethnic Minorities**

The population is a multiethnic mix of more than 500 tribes, with numerous languages and dialects. Many of these tribes self-identify as Arab, referring to language and other cultural attributes. Other tribes self-identify or are identified by the broader society and members of other tribes as African. Northern Muslims traditionally dominate the government. Interethnic fighting in Darfur was between Muslims who considered themselves either Arab or non-Arab, and also between different Arab tribes.

The Muslim majority and the government continued to discriminate against ethnic minorities in almost every aspect of society. Citizens in Arabic-speaking areas who did not speak Arabic experienced discrimination in education, employment, and other areas.

## **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law prohibits sodomy, which is punishable by death; however, there were no reports of antisodomy laws being applied. A few LGBT organizations operated in Khartoum but could not openly identify as LGBT entities, and the LGBT community was subject to harassment and unable to seek legal protection. Antidiscrimination laws do not apply to LGBT persons.

Official discrimination based on sexual orientation and gender identity occurred. Societal discrimination against LGBT persons was widespread. Vigilantes targeted suspected gay men and lesbians for violent abuse, and there were public demonstrations against homosexuality. There were no reports of official action to investigate or punish those complicit in LGBT-related abuses.

## **Other Societal Violence or Discrimination**

There was discrimination against persons with HIV/AIDS. Social taboos about discussing sex out of wedlock in a conservative society complicated the work of activists and the international community to confront the issue.

## **Promotion of Acts of Discrimination**



The government and government-supported militias reportedly promoted hatred and discrimination, using standard propaganda techniques to incite tribal violence.

## **Section 7. Worker Rights**

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

The law provides for the right of association for economic and trade union purposes. The 2010 Trade Union Act established a single national trade union federation, although it excludes police, military personnel, prison employees, legal advisers in the Justice Ministry and judges from membership. The law allows workers to join independent international unions, but in some cases, their membership was not officially recognized. Only the Sudan Workers' Trade Union Federation (SWTUF), a government-controlled federation of unions that consists of 25 state unions and 22 industry unions, functioned legally; all other unions were banned. The law requires all unions to be under the SWTUF. The law denies trade unions autonomy to exercise the right to organize or to bargain collectively. The law defines the objectives, terms of office, scope of activities, and organizational structures and alliances for labor unions. The government's auditor general supervised union funds because they were considered public money. The Trade Union Act does not provide for the right to bargain collectively and collective bargaining is nearly nonexistent. A government appointed and controlled tripartite committee of representatives drawn from the government, employers, and SWTUF sets salaries and wages.

The constitution grants unions the right to strike. Some unions have bylaws that self-restrict their right to strike. The Trade Union Act of 2010 does not specifically prohibit strikes in nonessential sectors, but the law does require that all strikes receive prior approval from the government after satisfying a set of legal requirements, effectively making strike action impossible. Specialized labor courts adjudicated standard labor disputes, but the Ministry of Labor has the authority to refer a dispute to compulsory arbitration. Disputes may be referred to arbitration if this is indicated in the work contract.

The law does not prohibit antiunion discrimination by employers. Labor laws apply to migrant workers with legal contracts and protect all citizens, regardless of regional or tribal identity.

The government did not effectively enforce applicable laws. Courts exist to look into labor complaints; however, bureaucratic steps mandated by law to resolve

disputes within companies may be lengthy. In addition, court sessions may involve significant delays and costs when appealing labor grievances.

Freedom of association and the right to collective bargaining were not respected. There were credible reports the government routinely intervened to manipulate professional, trade union, and student union elections. For many years the International Trade Union Confederation (ITUC) raised concern over the following issues: trade union monopoly controlled by the government, denial of trade union rights in the export processing zone, and nearly nonexistent collective bargaining. The International Labour Organization (ILO) expressed concern in a 2011 report over allegations of the “brutal and fatal repression of workers in the oil sector, who demanded improved working conditions.”

According to ITUC, in the oil-producing regions police and secret service agents, in collusion with oil companies, closely monitored workers’ activities. In addition, the government employed the SWTUF as part of its strategy to control workers to maintain a regular flow of oil. There were no reports of killings, arrests, threats, or unfair dismissal of union leaders and members by government or employers.

The government restricted the right to strike. In September health care workers mounted a strike that had not received prior approval from the government, and police forces broke up the strike demonstrations.

Migrant workers and some ethnic minorities suffered from discrimination, lack of knowledge of their legal rights, and lack of ready access to judicial remedies.

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

The law prohibits all forms of forced or compulsory labor, including by children. Enforcement proved challenging in rural areas and areas undergoing conflict. The government did not effectively enforce the applicable laws.

Although the government continued to deny slave labor existed in the country, the government’s Committee for Eradication of Abduction of Women and Children (CEAWC)--which ceased operations in 2010--reported up to 10,700 South Sudanese, Rizegat, and Misseriya abductees from the Second Sudanese Civil War possibly remained in captivity in Southern Kordofan and parts of greater Bahr al Ghazal. It was not clear to what extent those abductees were involved in forced labor. The government stated it investigated and prosecuted cases of forced labor but did not compile comprehensive statistics on the subject.

While noting the government's statement that after the end of the civil war abductions had stopped completely, the ILO Conference Committee on the Observation of Standards reported in 2011 there was no verifiable evidence forced labor had been completely eradicated.

The ILO continued to urge the government to address continuing violations in certain regions in which "victims are forced to perform work for which they have not offered themselves voluntarily, under extremely harsh conditions, and combined with ill treatment which may include torture and death." The ILO also expressed concern over the lack of accountability of perpetrators and sufficient victim rehabilitation measures.

Representatives of the Eritrean community in Khartoum stated undocumented Eritreans in the capital were subject to abusive work conditions. They also reported many undocumented workers did not report abuse out of fear authorities might deport them back to Eritrea due to their illegal status.

The forcible recruitment of persons into armed groups continued (see section 1.g.).

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The interim national constitution mandates protection of children from exploitation. The Child Act of 2010 defines children as persons younger than 18; however, the act does not explicitly prohibit child labor. The labor law does not clearly define the age for child labor, but its provisions suggest age 12 is the minimum age for employment. The Ministry of Social Welfare, Women, and Child Affairs is responsible for enforcing child labor laws.

The law prohibits the employment of young persons in hazardous industries and jobs, or in jobs requiring significant physical effort or that are harmful to their morals. The law also prohibits the employment of young persons between 8 p.m. and 6 a.m., although authorities may exempt young persons of ages 15 and 16 from this restriction. It is illegal to employ children under the age of 12, except in state vocational training schools and training workshops and jobs performed under apprenticeship contracts. Work that is supervised by family members and does not

include nonfamily members, such as on family farms, is also excluded from these provisions.

The law allows minors to work for seven hours a day broken by a period of one paid hour of rest. It is illegal to make a young person work more than four consecutive hours, work overtime, or work during weekly periods of rest or on official holidays. To waive, postpone, or reduce annual leave entitlements is also prohibited. However, the government did not always effectively enforce such laws.

Child labor was a serious problem, particularly in the agricultural sector where the practice was common. Most child labor occurred in the informal sector and in menial jobs the government lacked the resources to monitor comprehensively. Children were engaged in shining shoes, washing and fixing cars, collecting medical and other resalable waste, street vending, begging, agricultural work, construction, and other menial labor.

The use of child soldiers and child trafficking were problems.

#### **d. Acceptable Conditions of Work**

The minimum wage set by the High Council of Salary in the Ministry of Cabinet Affairs is 265 Sudanese pounds (approximately \$45) per month for the public sector. The minimum salary in the private sector is set by agreement between individual industries in the private sector and the High Council of Salary, and it varies among industries.

The law limits the workweek to 40 hours (five eight-hour days, which does not include 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, although some people do work more than this on occasion.

The laws also prescribe occupational safety and health (OSH) standards. The right of workers to remove themselves from dangerous work situations without loss of employment is not recognized. Any industrial company with between 30 and 150 employees must have an industrial safety officer; any larger company should have an industrial safety committee that includes management and employees. Committees and officers are supposed to report safety incidents to the Ministry of Labor. 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. Some heavy industry and artisanal mining operations were reported to lack sufficient safety regulations.

The above-mentioned safety laws do not apply to domestic servants as defined by the 1955 Domestic Servants Act; 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, accountancy, storage, gardening, and livestock husbandry; and family members of an employee who live with the employee and who are completely or partially dependent on him for their living.

The Ministry of Labor, which maintained field offices in most major cities, is responsible for enforcing these standards. There were various types of labor inspectors, including specialists on labor relations, labor conflicts, and vocational, health, and recruitment practices. They operated on both federal and state levels.

Standards were not effectively enforced. Although employers generally respected the minimum wage law in the formal sector, in the informal sector wages could be significantly below the official rate. Since enforcement by the Ministry of Labor was minimal, working conditions generally were poor.

Wage, overtime, and OSH standards violations were common in the informal labor sector, especially in areas of agriculture and pastoral work. Foreign migrant workers, youth, and female workers typically face the most exploitative working conditions. A significant number of workers were in the informal economy, with an estimated 60 percent of the workforce directly engaged in the informal sector, according to the *2012 Africa Economic Outlook*. There was no credible data on workplace fatalities and accidents.