

# SUDAN 2017 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 28 years of nearly absolute political authority. The country last held national elections (presidential and National Assembly) in April 2015. Key opposition parties boycotted the elections when the government failed to meet their preconditions, including a cessation of hostilities, holding of an inclusive “national dialogue,” and fostering of a favorable environment for discussions between the government and opposition on needed reforms and the peace process. In the period prior to the elections, security forces arrested many supporters, members, and leaders of boycotting parties and confiscated numerous newspapers, conditions that observers said created a repressive environment not conducive to free and fair elections. Only 46 percent of eligible voters participated in the elections, according to the government-controlled National Electoral Commission (NEC), but others believed the turnout to have been much lower. The NEC declared al-Bashir winner of the presidential election with 94 percent of votes.

Civilian authorities at times did not maintain effective control over the security forces. Some armed elements did not openly identify with a particular security entity, making it difficult to determine under whose control they operated.

In June 2016 President Bashir declared a four-month unilateral cessation of hostilities (COH) in Blue Nile and South Kordofan states (the “Two Areas”) and an end to offensive military actions in Darfur. The government repeatedly extended the COH, and as of year’s end, no offensive military actions had resumed, except for infrequent skirmishes between armed groups and government forces. Authorities used excessive force against protesters in Kalma Camp near Nyala, South Darfur, in September, killing nine internally displaced persons (IDPs). Nevertheless, the continued COH allowed for increased stability and an overall improvement in the human rights situation in Darfur and the Two Areas, as the government ceased its aerial bombardments and scorched-earth tactics in conflict zones. In Darfur weak rule of law persisted, however. Banditry, criminality, and intercommunal violence were main causes of insecurity in Darfur.

The most significant human rights issues included extrajudicial killings; torture, beatings, rape, and other cruel or inhuman treatment or punishment of detainees and prisoners; arbitrary detention by security forces; harsh and life-threatening

prison conditions; restrictions on the freedoms of expression, press, assembly, association, religion, and movement; intimidation and closure of human rights and nongovernmental organizations (NGOs); lack of accountability in cases involving violence against women, including rape and female genital mutilation/cutting (FGM/C); the use of child soldiers; trafficking in persons; criminalization of same-sex conduct with severe penalty; denial of workers' rights to associate with independent trade unions; and child labor.

Government authorities did not investigate human rights violations by the National Intelligence and Security Services (NISS), the military, or any other branch of the security services, with limited exceptions relating to the Sudanese Armed Forces (SAF). The government failed to adequately compensate families of victims of shootings during the September 2013 protests, make its investigation results public, or hold security officials accountable. Impunity remained a problem in all branches of the security forces and government institutions.

In the internal conflict areas of Darfur and the Two Areas, security forces, paramilitary forces, and rebel groups continued to commit killings, rape, and torture of civilians. Local militias maintained substantial influence due to widespread impunity. There were reports of both progovernment and antigovernment militias looting, raping, and killing civilians. Intercommunal violence spawned from land tenure and resource scarcity resulted in high death tolls, particularly in East, South, and North Darfur. Between January and October, there were 34 reports of intercommunal clashes, up from 24 in 2016. Abduction was also seen as a lucrative business by both militias and various tribes in Darfur. In Abyei tribal conflict between Ngok Dinka and Misseriya was at the root of most human rights abuses. Reports were difficult to verify due to restricted access. In October the government launched a disarmament campaign beginning with a voluntary disarmament phase and then a forced disarmament phase. There were no known investigations of or prosecutions related to human rights abuses.

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

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

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

Security forces used fatal excessive force against civilians, demonstrators, and detainees, including in the conflict zones (see section 1.g.). A large number of IDPs gathered at Kalma Camp in South Darfur on September 22 to protest the visit of President Bashir to the camp scheduled for the same day. A clash ensued between the IDPs and security forces. Six IDPs were initially shot and killed and 25 other IDPs and two security force personnel were injured. More IDPs died of injuries days later, raising the number of deaths to nine.

In September, NCP-aligned students killed three Darfuri students on the campus of Omdurman Islamic University in Khartoum. The authorities did not make public any investigation into the killings. Credible reports stated that throughout the country, some groups of NCP-aligned students were heavily armed and kept weapons, including Kalashnikovs and machetes, in mosques on campuses. There were credible reports of routine verbal and physical harassment by NCP-aligned students of Darfuri students.

As of September the government had not released results from an investigation into the death of Darfuri student Salah Gamar Ibrahim, detained by NISS agents in January 2016 following a political forum held by a student political organization affiliated with the Sudan Liberation Army-Abdel Wahid (SLA/AW).

As of September the government had not released any public report on the April 2016 killing by NISS of Kordofan University student Abu Baker Hashim during student elections in El Obeid, North Kordofan, nor on the April 2016 killing of al-Ahlia Omdurman University student Mohammed al-Sadig in clashes between progovernment and opposition students on campus.

As of September the government had not released a report on the killings of 200 persons during protests in 2013 against the lifting of subsidies, nor had any perpetrators been prosecuted, according to lawyers representing the victims' families. The government claimed it had paid compensations to victims' families, while individual family members and representatives refuted such claims. While independent sources estimated 200 deaths resulted from the protests, the government reported there had been 85 deaths.

During the year President Bashir continued to have two outstanding warrants for arrest against him based on International Criminal Court (ICC) indictments in 2009 and 2010 for genocide, war crimes, and crimes against humanity in Darfur. Nonetheless, President Bashir still traveled by invitation to several countries, including Jordan, Qatar, the United Arab Emirates, Ethiopia, Saudi Arabia,

Morocco, Rwanda, Russia, and Uganda. ICC Prosecutor Fatou Bensouda presented her 25th report on the situation in Darfur to the Security Council on June 9, stating, “The pervading toxic culture of impunity must be tackled in order for justice to prevail in Darfur.”

### **b. Disappearance**

There were reports of disappearances by or on behalf of government authorities. As in prior years, this included disappearances in both nonconflict and conflict areas. Security forces detained political opponents incommunicado and without charge. NISS held some political detainees in isolation cells in regular prisons, and many were held without access to family or medical treatment and reportedly suffered physical abuse. Human rights activists asserted NISS ran “ghost houses” where it detained opposition and human rights figures without acknowledging they were being held. Such detentions were prolonged at times.

According to the government, NISS maintained public information offices to receive inquiries about missing or detained family members. Families of missing or detained persons often reported such inquiries went unanswered.

In December 2016 security force members kidnapped freelance journalists Phil Cox and Daoud Hari in Darfur and detained them for 40 days (see sections 1.c. and 1.g.).

Peaceful protesters were regularly detained and held incommunicado. Civil disobedience demonstrations in November and December 2016 led to the arrest and detention of more than 150 opposition and nonpartisan protesters, with some reportedly remaining in detention without access to legal counsel.

Government forces, armed opposition groups, and armed criminal elements were responsible for the disappearance of civilians, humanitarian workers, and UN and other international personnel in conflict areas (see section 1.g.).

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

The 2005 Interim National Constitution prohibits torture and cruel, inhuman, and degrading treatment, but security forces reportedly continued to torture, beat, and harass suspected political opponents, rebel supporters, and others.

In accordance with the government's interpretation of sharia (Islamic law), the penal code provides for physical punishments, including flogging, amputation, stoning, and the public display of a body after execution, despite the constitution's prohibitions. Courts routinely imposed flogging, especially as punishment for indecent dress and the production or consumption of alcohol.

The law requires police and the attorney general to investigate deaths on police premises, regardless of suspected cause. Reports of suspicious deaths in police custody were sometimes investigated but not prosecuted. On August 23, Usama Mohammed Abdulsalam died at the Diem Mayo Public Order police station in Port Sudan. He was arrested on August 21 on the charge of possession of alcohol, Article 78 of the 1991 criminal code. The next day he collapsed in his cell and was taken to a hospital for treatment. Police then took him back to the jail to await trial. A medical report revealed that Abdulsalam died after being subject to overcrowding, poor ventilation, and heat. This was not the first time detainees died in police custody at Diem Mayo jail. It was unclear whether changes were made to the detention facilities after Abdulsalam's death.

Government security forces (including police, NISS, and SAF Directorate of Military Intelligence (DMI) personnel) beat and tortured physically and psychologically persons in detention, including members of the political opposition, civil society, and journalists, according to civil society activists in Khartoum, former detainees, and NGOs. Reports of torture and other forms of mistreatment included prolonged isolation, exposure to extreme temperature variations, electric shock, and use of stress positions.

There were numerous examples similar to the following: Freelance journalists Phil Cox and Daoud Hari were kidnapped by security force members in Darfur in December 2016 after entering illegally through Chad to film hostilities in Darfur. Both were specifically investigating allegations by Amnesty International of government use of chemical weapons in Jebel Marra. They were transported to Khartoum and detained for 40 days in Kober Prison. Following pressure from several embassies and media, the two were released and allowed to depart the country. Cox published essays and made documentaries after his release, in which he reported that during interrogations, government officers accused him of being a spy for the United Kingdom and the United States. He also reported that authorities beat, tortured, and choked him, as well as administered electric shocks to him with a cow prod and forced him to sit in stress positions. He also claimed that a prison guard injected him with an unknown substance without his consent.

Human rights groups alleged that NISS regularly harassed and sexually assaulted many of its female detainees. NISS arrested award-winning journalist and women's rights activist Amal Habani in July on charges of indecent dress in violation of the Public Order Act. She stated publicly that she was physically assaulted while in police custody.

Government authorities detained members of the Darfur Students Association during the year. Upon release numerous students showed visible signs of severe physical abuse and reported they had been tortured. Government forces reportedly used live bullets to disperse crowds of protesting Darfuri students on multiple occasions, including at the University of Kordofan in Obeid in April and at Khartoum University and al-Zaeem al-Azhari University in May. Darfuri students also reported being attacked by NCP student-wing members during protests. There were no known repercussions for the NCP youth that participated in violence against Darfuri students. There were numerous reports of violence against student activists' family members.

Journalists were beaten, threatened, and intimidated (see section 2.a.).

The law prohibits indecent dress and punishes it with a maximum of 40 lashes, a fine, or both. The law does not specify what it deems to be indecent dress. Officials acknowledged authorities applied these laws more frequently against women than men and applied them to both Muslims and non-Muslims. Most women were released following payment of fines.

In October women's rights activists reported that 45,000 complaints were issued against women under the Public Order Act in 2016. Of these, 15,000 women received the punishment of lashings. These numbers could not be independently verified.

Security forces, rebel groups, and armed individuals perpetrated sexual violence against women and girls; the abuse was especially prevalent in the conflict areas (see section 1.g.).

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

The Ministry of Interior generally does not release information on the physical conditions of prisons. Information about the number of juvenile and female prisoners was unavailable.

Physical Conditions: Prison conditions throughout the country remained harsh, overcrowded, and life threatening. The Prisons and Reform Directorate, a branch of the national police that reports to the Ministry of Interior, oversees prisons. According to human rights activists and released detainees, DMI officials also detained civilians on military installations, especially in conflict areas.

Overall conditions, including food, sanitary and living conditions, were reportedly better in women's detention facilities and prisons, such as the Federal Prison for Women in Omdurman, than at equivalent facilities for men, such as Kober or Omdurman Prisons. In Khartoum juveniles were not held in adult prisons or jails, but they were reportedly held with adults elsewhere.

Prison health care, heating, ventilation, and lighting were often inadequate. Some prisoners did not have access to medications or physical examinations. Authorities generally provided food, water, and sanitation to prisoners, although the quality of all three was basic. Whereas prisoners previously relied on family or friends for food, families were not allowed to provide food or other items to family members. Most prisoners did not have beds. Former detainees reported needing to purchase foam mattresses. Ventilation and lighting conditions differed among prisons. Overcrowding was a major problem.

There were reports of deaths due to negligence in prisons and pretrial detention centers, but comprehensive figures were not available. Local press reported deaths resulting from suspected torture by police (see section 1.a.). Human rights advocates reported that additional deaths resulted from harsh conditions at military detention facilities, such as extreme heat and lack of water.

Authorities regularly denied prisoners held in NISS facilities visits from family and lawyers and, in the case of foreign prisoners, from foreign government representatives. Some former detainees reported security forces held them 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 others. NISS holding cells in Omdurman prisons were known to local activists as "the fridges" due to the extremely cold-controlled temperatures and the lack of windows and sunlight.

The number of deaths in prison was unknown.

Detainees reported physical violence by guards. Political detainees reported facing harsher treatment. One former detainee recounted being forced to beat a fellow detainee while both were blindfolded. He stated he did not know who he was beating until the other detainee screamed in pain. Other former detainees recounted hours-long beating sessions during which NISS agents reportedly rounded up multiple prisoners, moved them to a large room, beat them with closed fists, and struck them with weapons.

Rebel groups in Darfur and the Two Areas reportedly detained persons in isolated locations in prison-like detention centers.

Administration: It was difficult to confirm prison administrative records were complete and accurate, as the government considered such information confidential and did not release it. Prison administrators reportedly did not always know how many inmates NISS held within prisons.

Police reportedly allowed some visitors, including lawyers and family members, while prisoners were in custody and during judicial hearings. Political detainees and other prisoners held in NISS custody seldom were allowed visits from lawyers or family members, despite repeated requests for access. Visitors generally were not allowed access to prisoners held in NISS custody, however.

Christian clergy held services in prisons, but access was irregular and varied across prisons. Sunni imams were granted access to facilitate Friday prayers. Shia are prohibited from leading prayers. As a result, no Shia imams were allowed to enter prisons to conduct prayers. Detained Shia Muslims were permitted to join prayers led by Sunni imams.

There was no ombudsman or inspector general specifically designated for prisons. The police inspector general, the minister of justice, and the judiciary are authorized to inspect prisons.

Independent Monitoring: The government did not permit unrestricted monitoring by independent nongovernmental observers such as the International Committee of the Red Cross (ICRC). The ICRC was not allowed to visit prisons during the year.

The government denied unrestricted access to diplomatic missions for consular visits. Diplomatic missions rarely were notified when citizens from their countries were arrested. When embassies were notified of arrests, representatives were



allowed to speak to detainees' families and lawyers but never allowed to visit inmates. There was no access to NISS or DMI detention facilities.

In October the National Disarmament, Demobilization, Reintegration Commission, in cooperation with the UN Development Program and the Ministry of Foreign Affairs, led a trip to Zalingei Central Prison in Central Darfur for members of the international diplomatic community.

The Ministry of Justice occasionally granted the African Union-United Nations Hybrid Mission in Darfur (UNAMID) access to government prisons in Darfur, but with restrictions. The government in most cases denied access to specific files, records, and prisoners. As such, UNAMID was unable to verify inmates who reportedly were held illegally as political prisoners brought in by NISS, after having undergone no judicial process. The human rights section had unfettered physical access to general prisons (with the exception of NISS and DMI detention centers) in South, North, East, and West Darfur, but in Central Darfur (where most of the conflict occurred during the year) UNAMID had no access to any prison or detention center.

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

The Interim National Constitution prohibits arbitrary arrest and detention and requires that individuals be notified of the charges against them when they are arrested. Arbitrary arrests and detentions, however, remained common under the law, which allows for arrest without warrants and detention up to four and one-half months. Authorities often released detainees when their initial detention periods expired but took them into custody the next day for an additional period. Authorities, especially NISS, arbitrarily detained political opponents and those believed to sympathize with the opposition (see section 1.e.). The law does not provide for the right of persons to challenge the lawfulness of their arrest or detention in court.

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

Several government entities have responsibility for internal security, including the Ministries of Interior and Defense and NISS. The government attempted to respond to some interethnic fighting and, in a few instances, was effective in mediating peaceful solutions. The government had a poor record, however, in preventing societal violence. Numerous residents in Darfur, for example, routinely

complained of a lack of governing presence or authority that could prevent or deter violent crime.

While the law provides NISS officials with legal protection for acts committed in their official capacity, the government reported NISS maintained an internal court system to address internal discipline and investigate and prosecute violations of the National Security Act, including abuse of power under the act. Penalties included up to 10 years in prison, a fine, or both for NISS officers found in violation. During the year, however, the government refused access to information regarding how many cases it had closed. A key national dialogue recommendation was to rescind unilateral additions to the constitution that exempt NISS from the national jurisprudence system. Despite promises to implement all national dialogue recommendations, the government did not include NISS reforms as part of the national dialogue package of laws it presented to the National Assembly.

NISS is responsible for internal security and all intelligence matters. It functions independent of any ministry. Constitutional amendments passed in 2015 expanded NISS's mandate to include authorities traditionally reserved for the military and judiciary. Under the amendments, NISS may establish courts and is allowed greater latitude for making arrests; its officers are shielded from normal prosecution. The Ministry of Interior oversees the national police, including security police, Special Forces police, traffic police, and the combat-trained Central Reserve police. There was a police presence throughout the country. The Ministry of Defense oversees all elements of the SAF, including the Border Guards (BGs) and DMI units.

In 2013 the government created the Rapid Support Forces (RSF) as an element of the security apparatus, which as of June 2016 fell under SAF--no longer under NISS--but reported directly to the president. The RSF continued to play a significant role in the government's campaigns against rebel movements and was implicated in the majority of reports of human rights violations against civilians. The government tightly controlled information about the RSF, and public comment critical of the RSF often resulted in arrest or detention (see section 2.a.).

NGOs reported that clashes between protesters and government forces in 2013 caused more than 185 deaths (see section 1.a.). In May the government submitted to the UN independent expert on the situation of human rights in Sudan a report on the status of implementation of the recommendations made by him to the government in his previous reports. In his report to the UN Human Rights Council, the independent expert noted with concern that the report of the

government did not include information on the issue of the victims and families of the fuel subsidy demonstrations of 2013. The independent expert called for updates on the compensation process for the victims and families of victims, for an independent judicial inquiry to be conducted into the killings and other violations committed during these incidents, for bringing those responsible to justice.

Corruption among police and other security forces continued to be a problem. Security forces including police harassed suspected government opponents.

Impunity remained a serious problem throughout the security forces, although crimes involving child victims were prosecuted more regularly. Aside from the inconsistent use of NISS' special courts (see above), the government infrequently lifted police immunity or pressed charges against SAF officers. The government also generally failed to investigate violations committed by any branch of the security forces.

### **Arrest Procedures and Treatment of Detainees**

Under the National Security Act, warrants are not required for an arrest. The law permits authorities to detain individuals for three days for the purpose of inquiry. The magistrate can renew detention without charge for up to two weeks. The superior magistrate may renew detentions weekly during investigation for up to six months for a person who is charged.

The law allows detentions for up to 45 days before individuals are charged. The NISS director may refer certain cases to the Security Council and request an extension of up to three months, allowing detentions of up to four and one-half months without charge. Authorities often released detainees when their detentions expired and rearrested them soon after for a new detention period, so that detainees were held for several months without charge.

The constitution and law provide for an individual to be informed in detail of charges at the time of arrest, with interpretation as needed, and for judicial determination without undue delay, but these provisions were rarely followed. Individuals accused of threatening national security routinely were charged under the national security law, rather than the criminal code, and frequently detained without charge.

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

The law provides for access to legal representation, but security forces often held persons incommunicado for long periods in unknown locations. By law any person may request legal assistance and must be informed of the right to counsel in cases potentially involving the death penalty, imprisonment lasting longer than 10 years, or amputation. The government was not always able to provide legal assistance, and legal aid organizations and lawyers partially filled the gap.

Arbitrary Arrest: NISS, police, and the DMI 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. The government often targeted political opponents and suspected rebel supporters (see section 1.e.).

NISS officials frequently denied holding individuals in their custody or refused to confirm their place of detention. In lieu of formal detention, NISS increasingly called individuals to report to NISS offices for long hours on a daily basis without a stated purpose. Many human rights observers considered this a tactic to harass, intimidate, and disrupt the lives of opposition members and activists, prevent the carrying out of “opposition” activities, and prevent the recording of formal detentions.

Authorities also arbitrarily arrested and detained foreign citizens without charge. In some cases authorities used intimidation and financial pressure to force foreigners to leave the country.

The government sometimes sought to get Sudanese citizens living abroad who actively criticized the government online deported from their countries of residence. During the year three citizen activists residing legally in Saudi Arabia were deported to Sudan on a December 2016 request of the Sudanese government. The three individuals, Aladdin al-Difeina, al-Gasim Saydahmed, and al-Waleed Imam, were associated with online news outlets deemed critical of the Sudanese government. They were deported in July. Two were released in August, and the third was released in October.

The four individuals, including one Czech citizen, arrested in 2015 in connection with an international Christian charity organization, were all released during the year. In January, after more than one year in custody, the court dropped all

charges against the Sudan Church of Christ head of evangelical activities, pastor Kwa Shamal. The same month former Sudan Church of Christ secretary general pastor Hassan Abdelrahim and Darfuri activist Abdelmoneim Abdelmaula were convicted on charges of eight crimes, including espionage and warring against the state, and sentenced to 12 years in prison. The president pardoned both individuals following sustained pressure from the international community. Despite being initially denied permission to leave the country, Abdelrahim and Abdelmaula left in September. In February, Czech religious worker Peter Jasek was released and deported back to the Czech Republic after a court convicted him of espionage and sentenced him to life in prison.

There were reports of individuals detained due to their actual or assumed support of antigovernment forces, such as the Sudan People's Liberation Movement-North (SPLM-N) and Darfur rebel movements. Unlike in prior years, no local NGOs reported that women were detained because of their association with men suspected of being SPLM-N supporters (see section 1.g.).

Pretrial Detention: Lengthy pretrial detention was common. The large number of detainees and judicial inefficiency resulted in trial delays. In cases involving political defendants accused of subverting national security, the accused may be held for as long as four and one-half months, with the possibility of further extended detention periods, before being formally charged. In his 2016 report to the Human Rights Council, the UN independent expert on the situation of human rights in Sudan expressed concern about several reports received of prolonged detentions and persons held without access to legal aid.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Persons arrested or detained, regardless of whether on criminal or other grounds, were not entitled to challenge in court the legal basis or arbitrary nature of their detention and, therefore, were not able to obtain prompt release or compensation if unlawfully detained.

Amnesty: In August, President Bashir issued a decree pardoning human rights champion Mudawi Ibrahim Adam and five other activists associated with his case. Mudawi had been arrested in December 2016 and faced espionage charges, which carry the death penalty.

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

Although the constitution and relevant laws provide for an independent judiciary, courts were largely subordinate to government officials and the security forces, particularly in cases of alleged crimes against the state. On occasion courts displayed a degree of independence. Political interference with the courts, however, 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 and other remote areas, judges were often absent from their posts, delaying trials.

The government separated the posts of attorney general and minister of justice. It was unclear how the new attorney general was selected. The first public action of the latter was to order that Mudawi Ibrahim Adam remain in custody and be tried for engaging in espionage (see section 1.e., Political Prisoners).

A state of emergency in Darfur, Blue Nile, and Southern Kordofan allowed for arrest and detention without trial. A state of emergency was extended to North Kordofan, West Kordofan, and Kassala to facilitate national arms-collection campaigns.

### **Trial Procedures**

The constitution and law provide for a fair and public trial as well as a presumption of innocence; however, this provision was rarely respected. Trials are open to the public at the discretion of the judge. In cases of national security and offenses against the state, trials are usually closed. The law stipulates that the government is obligated to provide a lawyer for indigents in cases in which punishment might exceed 10 years' imprisonment or include execution. Accused persons may also request assistance through the legal aid department at the Ministry of Justice or the Sudanese Bar Association.

By law criminal defendants must be informed promptly of the charges against them at the time of their arrest and charged in detail and with interpretation as needed. Individuals arrested by NISS often were not informed of the reasons for their arrest.

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. The government sometimes did not allow defense witnesses to testify.

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

Lawyers wishing to practice are required to maintain membership in the government-controlled Sudanese Bar Association. The government continued to arrest and harass lawyers whom it considered political opponents.

Military trials, which sometimes were secret and brief, lacked procedural safeguards. A 2013 amendment to the 2007 Sudanese Armed Forces Act subjects any civilians in SAF-controlled areas believed to be rebels or members of a paramilitary group to military trials. NISS and military intelligence officers applied this amendment to detainees in the conflict areas.

Three-person security courts deal with violations of constitutional decrees, emergency regulations, and some sections of the penal code, including drug and currency offenses. Special courts 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 in conflict areas, local mediation was often the first resort to try to resolve disputes. In some instances tribal courts operating outside the official legal system decided cases. Such courts did not provide the same protections as regular courts.

Sharia strongly influenced the law, and sharia in some cases was applied to Christians against their wishes in civil domestic cases such as those concerning marriage, divorce, inheritance, and other family matters. On May 8, 23-year-old social media activist Mohamed Salih Aldisogi was arrested on charges of apostasy and public nuisance after he attempted to change his religion from Muslim to “nonreligious” on his government-issued identification card. A state-appointed

psychiatrist then examined him without his consent. Aldisogi was declared mentally incompetent to stand trial and released the same day.

### **Political Prisoners and Detainees**

The government continued to hold political prisoners and detainees, including protesters. Due to lack of access, the numbers of political prisoners and detainees could not be confirmed. Human rights monitors reported political prisoners as being in the hundreds; the government claimed it did not have political prisoners.

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

On December 6, NISS officials arrested Rudwan Dawod, a human rights activist, reportedly after he visited a neighborhood in Khartoum to show solidarity with local community protests against government land expropriations. Security officials had arrested and detained Dawod on multiple occasions in prior years following his participation in peaceful protests. At year's end NISS officials continued to hold him in detention in an unknown location, without charging him and without allowing him access to a lawyer or his family.

On December 10, police arrested Wini Nawal Omer, a human rights defender, while she was walking home from work and charged her with "indecent dress" under Article 152 of the 1991 criminal code. On December 12, police arrested fellow human rights activist Montiser Ibrahim, on four charges related to obstruction of justice after he visited Omer while she was being held in detention. On December 21, a Public Order Court judge acquitted Omer, noting that the clothing she had worn was no different than clothing worn by other Sudanese women on a daily basis. The judge highlighted the need for Article 152 to be amended to prevent what he deemed discriminatory enforcement of a vague law. A judge acquitted Ibrahim on December 19. Omer and Ibrahim filed a joint legal case against the police officer responsible for their arrests. By year's end there were no additional details available on their case against the police officer.

Tasmeen Taha, a lawyer and human rights defender, was arrested in Darfur in late 2016 and forcibly transferred to Khartoum, where she was detained by NISS. She was released in March and subsequently fled the country. The independent expert



highlighted this case in the report covering the period of October 2016 to June 2017.

On August 29, the government released human rights champion Mudawi Ibrahim Adam and five of his associates.

On September 24, despite weak evidence, Asim Omer was sentenced to death for killing a police officer during 2016 protests at Khartoum University. His trial had continued for more than a year following his arrest in April 2016. He was held incommunicado until his trial began. The final verdict sparked protests throughout Khartoum and in other states. As of year's end, his case remained under appeal.

Government authorities detained Darfuri students and political opponents throughout the year, often reportedly subjecting them to torture (see section 1.c.).

The government continued to arrest or temporarily detain opposition members. All of the political opposition leaders arrested in late 2016 in connection with fuel subsidy protests were released during the year.

### **Civil Judicial Procedures and Remedies**

Persons seeking damages for human rights violations had access to domestic and international courts. The domestic judiciary, however, was not independent. There were problems enforcing domestic and international court orders (see section 5). According to the law, individuals and organizations may appeal adverse domestic decisions to regional human rights bodies. Individuals, however, reported they feared reprisal (see section 2.d.).

#### **f. Arbitrary or Unlawful 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, Southern Kordofan, and Blue Nile States legalize interference in privacy, family, home, and correspondence for purposes of maintaining national security.

Security forces frequently conducted searches without warrants and targeted persons suspected of political crimes. NISS often confiscated private property, especially electronic equipment. Security forces conducted multiple raids on Darfuri students' housing throughout the year, including at Bakht al-Rida and al-

Azhari Universities in May and Omdurman Islamic University in August. During the raids NISS confiscated the students' belongings, such as their laptops, school supplies, and backpacks. As of year's end, the students' belongings had not been returned.

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

Under Islamic law a Muslim man may marry a Jewish or Christian woman. A Muslim woman may not marry a non-Muslim man. This prohibition was not universally enforced. Non-Muslims may adopt only non-Muslim children; a comparable restriction does not apply to Muslim parents.

#### **g. Abuses in Internal Conflict**

The government maintained a COH in conflict areas by refraining from military offensives during the year. This restraint stood in contrast to its behavior in prior years, in which the SAF regularly initiated offensives, especially during the dry season. During the year there was no confirmed evidence the government, including the security forces under its command or control, initiated offensive operations. There were also no confirmed reports of aerial bombardments--a trademark of government offenses in previous years.

Killings: During the year military personnel and paramilitary forces committed killings in Darfur and the Two Areas. Most reports were difficult to verify due to continued prohibited access to conflict areas, particularly Jebel Marra in Darfur and SPLM-N-controlled areas in South Kordofan and Blue Nile States.

Only one major clash between rebels and the government was reported, although there were other smaller skirmishes. In May a joint force of the two Darfur armed movements of Sudan Liberation Movement/Minni Minnawi and Transitional Council (SLM/TC) clashed with government forces, including the RSF, while entering from South Sudan and Libya. The clashes resulted in numerous unconfirmed deaths on both sides. A joint statement released by the groups on May 22 confirmed the killing of SLM/TC general Mohamed Abdul al-Salam, in addition to the arrest of its chairman, Nimir Abdel Rahman, and several others. While there were no reports of RSF violations following clashes in East Darfur,

there were reports of attacks and looting by progovernment militias on villages in the Ain Siro area in North Darfur.

In September security forces used fatal excessive force against demonstrators in Kalma IDP camp in South Darfur (see section 1.a.).

On November 25-26, fighting in North Darfur State between the RSF and tribal members loyal to Musa Hilal, a Rizigat tribal leader and former Janjaweed militia commander, resulted in several deaths, including some RSF soldiers. A report from a credible source that government forces killed 193 persons, including 34 women and 39 children, during the clashes could not be verified by year's end, as the government impeded UNAMID's access to the location following the clashes. The deadly clashes reportedly resulted from a government-run weapons collection campaign in the area, which Hilal opposed.

On May 31, an attack on UNAMID peacekeepers in South Darfur's capital by an unknown group killed one military peacekeeper. By year's end the government had not apprehended the perpetrators, but authorities announced they were investigating the incident.

In August, Vice President Hassabo Mohammed Abdelrahman, accompanied by the High Committee for Arms Collection on a visit to Darfur, announced a six-month nationwide campaign for the collection of arms with a focus on the conflict areas of Darfur and Kordofan. The announcement followed official government directives to collect arms. According to the government, arms would be collected from forces including the RSF, BGs, and Central Reserve Police, in addition to tribes and individuals. The campaign began in mid-September with a month-long "voluntary disarmament" phase, followed by forced disarmament. The government trained and deployed additional RSF militias to support the campaign. Vice President Hassabo stated the campaign was a follow-up to the recommendations of the National Dialogue and was key to the stability of the region with regard to both the security and economy. Both West and East Darfur announced they had already begun receiving weapons from BGs and Native Administration. Meanwhile South Darfur had established committees mandated to tour the state to raise awareness and sensitize communities of the campaign. Vice President Hassabo stated no compensation would be offered for weapons, saying, "We do not want the campaign to turn into a business," giving the security forces full power and force to disarm individuals. Since the August campaign announcement, the government reported a visible decline in civilians carrying weapons.

In the disputed territory of Abyei, the security situation remained unpredictable but generally calm. Most human rights abuses were due to criminal activity and tribal conflict between the Ngok Dinka and Misseriya, with several major security incidents occurring in and around common marketplaces. On July 7, five armed persons hijacked a vehicle outside the Amiet market. On July 8, an unverified number of armed persons shot two civilians, killing one and injuring the other. On July 9, four Misseriya opened fire on another vehicle along the road to Amiet market. The attack killed two Dinka individuals and injured three others. Security forces temporarily closed Amiet market on July 10 as a result of the string of deadly attacks and immediately launched investigations into the incidents.

Abductions: International organizations were unable independently to verify reports of disappearances due to lack of access to conflict areas.

There were numerous abuses similar to the following: In May an elder of Gallab village was kidnapped along with others riding in the car with him. They were stopped by militiamen in a Land Cruiser west of El Fasher and were beaten; their money and mobile phones were looted, and they were taken at gunpoint to a nearby village. The kidnappers contacted the village elder's relatives and demanded ransom to release them. Reportedly, they sent money 1,000 Sudanese pounds (SDG) (\$125) per person and the kidnappers released them two days later. Reportedly, the kidnappers were Arab armed groups in Land Cruisers with machine guns, "roaming in the area, doing whatever they want," which could accurately describe BGs, the RSF, or merely armed bandits.

UNAMID reported that abduction remained a lucrative coercive method adopted by various tribes in Darfur to obtain the payment of diya ("blood money" ransom) claimed from other communities.

Physical Abuse, Punishment, and Torture: Human rights organizations accused government forces of perpetrating torture and other human rights violations and abuses. Government forces abused persons detained in connection with armed conflict as well as IDPs suspected of having links to rebel groups. There were continuing reports that government security forces, progovernment and antigovernment militias, and other armed persons raped women and children.

The extent to which rebel groups committed new human rights abuses could not be accurately estimated, largely due to limited access to conflict areas. The state of

detention facilities administered by the SLM/AW and SPLM-N in their respective rebel-controlled areas could not be verified due to lack of access.

Human rights groups continued to report that government forces and militias raped, detained, tortured, and arbitrarily killed civilians in the five states of Darfur and government-controlled areas of Blue Nile.

From December 2016 to November, UNAMID documented 115 cases involving 152 adult female victims of conflict-related sexual violence and 68 minors. In 2016 UNAMID documented 100 cases with 222 victims. UNAMID received the cases from all five Darfur states. Gross underreporting remained prevalent.

The government rejected UNAMID figures on the basis the cases had not been reported to state authorities, but observers concurred that the government needed capacity building in how to track cases.

Unexploded ordnances killed and injured innocent civilians in the conflict zones. There were numerous examples similar to the following: On November 5, three schoolboys in Nyala, South Darfur, found an unexploded ordnance and played with it. The ordnance exploded and injured the three boys and two nearby men. The incident was reported to the police, and the injured individuals were taken to the Sudan-Turkish Hospital for treatment.

Child Soldiers: The law prohibits the recruitment of children and provides criminal penalties for perpetrators. Allegations persisted, however, that armed movements, government forces, and government-aligned militias had child soldiers within their ranks. Allegations also persisted that antigovernment rebel groups used children.

Unlike in prior years, the government reportedly stopped its support to the South Sudan opposition group, Sudan People's Liberation Army in Opposition, which was widely reported to recruit and use child soldiers. The United Nations verified the government worked closely with UNICEF to implement its action plan to prevent the recruitment and use of children by government security forces.

Many children lacked documents verifying their age. Children's rights organizations believed armed groups exploited this lack of documentation to recruit or retain children. Due to problems of access, particularly in conflict zones, reports of child soldiers were limited and often difficult to verify. Sources

confirmed the capture of multiple children by the government during an armed offensive of the SLM-Minni Minawi faction in Darfur in May.

UNAMID reported that concerted efforts to curb the recruitment of child soldiers in Darfur had led to significant progress, but the potential use of children in ethnic clashes remained a major concern.

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

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

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

Other Conflict-related Abuse: Humanitarian access improved for UN and NGO staff considerably during the year, particularly access to East Darfur. There were still incidents of restrictions on UN and NGO travel to North Darfur and East Jebel Marra, primarily due to insecurity. In late December 2016, the Humanitarian Aid Commission (HAC) issued new guidelines to ease restrictions on movement of humanitarian workers; however, the guidelines were not consistently implemented during the year.

The government continued periodically to use bureaucratic impediments to restrict the actions of humanitarian organizations. Despite the substantial improvements in access during the year, authorities delayed the release of food and necessary equipment to UNAMID for prolonged periods. For example, the government continued to delay the release of food-ration containers in Port Sudan, although to a lesser extent than in the prior year. The resulting shortages hampered the ability of UNAMID troops to communicate, conduct robust patrols, and protect civilians; they incurred demurrage charges and additional costs for troop- and police-contributing countries and the United Nations.

Darfur reportedly hosted an estimated three million persons in need of humanitarian assistance, of whom 1.6 million were in 60 IDP camps, according to the UN Office for the Coordination of Humanitarian Affairs (UNOCHA). Nonetheless, the government continued to push for a reduced role for the

international humanitarian community. Certain parts of Darfur, including rebel-held areas in Jebel Marra, largely remained cut off from humanitarian access. During the year UNAMID also substantially reduced its presence in Darfur due to budgetary constraints and government requests. UNAMID's mandate, however, remained largely unchanged, with a continued emphasis on the protection of civilians, facilitation of humanitarian assistance, and conflict mediation. Between August and October, UNAMID closed 11 of 34 sites in Darfur, including sites in every Darfuri state except for Central Darfur. UNAMID staff reported the reduction would severely restrict UNAMID's ability to carry out missions, such as verifying reports of human rights violations. Despite the downsizing, UNAMID intended to open a new temporary operating site in Golo to service Jebel Marra, in accordance with the UN Security Council's renewal of UNAMID's mandate in late June. At year's end this site's planning was under way, but the government had not allowed the establishment of the base.

Government forces at times harassed NGOs that received international assistance. Although humanitarian access improved generally, the government sometimes restricted or denied permission for humanitarian assessments, refused to approve technical agreements, changed operational procedures, copied NGO files, confiscated NGO property, questioned humanitarian workers at length and monitored their personal correspondence, restricted travel, and publicly accused humanitarian workers of aiding rebel groups. Unidentified armed groups also targeted humanitarian workers for kidnapping and ransom.

Armed persons attacked, killed, injured, and kidnapped peacekeepers and aid workers. On October 7, rebels kidnapped 70-year-old Swiss humanitarian worker Margaret Schenkel from her residence in El Fasher, North Darfur. Schenkel is a long-time resident of Darfur and well respected by the community for her work serving women and malnourished children. In mid-November, Schenkel was freed by security forces.

On May 31, an attack on UNAMID peacekeepers in South Darfur's capital by an unknown group killed one military peacekeeper. In a statement released the next day, UNAMID noted the incident had been reported to the relevant Sudanese authorities and called on the government to swiftly apprehend the perpetrators and bring them to justice.

All states in Darfur were under varying states of emergency. Between January 1 and November 10, UNAMID police received 1,737 reports of criminality and banditry, which included 1,029 persons killed. This represented an 8.1-percent

decrease in crime from 2016. Police confirmed 1,146 of these cases and made 179 related arrests. North Darfur had the highest crime rate, while South Darfur had the only crime rate that increased from 2016. The attacks included rape, armed robbery, abduction, ambush, livestock theft, assault/harassment, arson, and burglary and were allegedly carried out primarily by Arab militias, but government forces, unknown assailants, and rebel elements also carried out attacks.

The UN secretary-general stated that the number of attacks against UN agencies and humanitarian organizations continued to decline.

Conflict-related sexual and gender-based violence, especially in Central Darfur, continued to be taboo. Humanitarian actors in Darfur continued to report that victims of sexual and gender-based violence faced obstructions in attempts to report crimes and access health care.

Largely unregulated artisanal gold-mining activities continued in all of the Darfur states, although it was a lesser source of tension between communities than in previous years. Claims to land rights continued to be mostly ethnic and tribal in nature. Clashes sometimes resulted from conflicts over land rights, mineral ownership, and use of gold-mining areas, particularly in the Jebel Amer area in North Darfur. Observers believed those clashes resulted in deaths and displacement.

On July 21, clashes renewed between Maaliya and Rezeigat tribesmen, reportedly over livestock theft in East Darfur in the three localities of Yassin, Shaeria, and Abukarinka. The clashes resulted in approximately 290 deaths and numerous others injured, according to local sources. More clashes continued in the following days in the three localities, and armed tribesmen suspected to be Rezeigat were sighted in different locations in East Darfur's capital El Daein mobilizing to join the clashes. Armed tribesmen in El Daein and environs reportedly "commandeered small cars, Land Cruisers, and trucks by force" to transport them to the area. Fighting subsided by July 26, with government authorities deploying troops. The number of armed tribesmen reportedly subsequently decreased in El Daein.

Although the government made public statements encouraging the return of IDPs to their homes and the closure of camps in Darfur since "peace" had come to Darfur, IDPs expressed reluctance to return due to lack of security and justice in their areas of origin or elsewhere.



Restrictions imposed by the government in Abyei on NGOs limited the implementation capacity of humanitarian and development actors, especially in the northern parts of Abyei. Additional problems included inadequate funds, high implementation costs owing to security and logistical constraints, delays in the issuance of travel permits, and government restrictions on the movement of personnel and supplies.

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

### **a. Freedom of Expression, Including for the Press**

The Interim National Constitution provides for freedom of expression, including for the press “as regulated by law,” but the government heavily restricted this right.

Freedom of Expression: 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 and the press.

NISS and police forces regularly arrested Darfuri students at various universities for publicly addressing civilians (see section 6).

Members of the political opposition and civil society were arrested and held by NISS for several days following efforts to raise public awareness about the spread of cholera in the country during summer months. The government termed the disease that caused hundreds of deaths “acute watery diarrhea” and informed all newspaper editors in chief that they were not to make any reference to “cholera” in their publications. Medical observers said both hospitals and government officials in the Ministry of Health confirmed there were in fact incidents of cholera. It was not possible, however, for the international community to confirm the number of cholera cases because only the ministry conducted testing and did not share its results. Reportedly the government’s reticence was due to fear that admitting an epidemic of cholera would negatively affect the volume of agricultural exports, as well as inhibit countries from taking refugees leaving or transiting through the country.

The government also curtailed public discussion of a religious nature if proselytization was suspected and monitored religious sermons and teachings (see the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/)).

Press and Media Freedom: The Interim National Constitution provides for freedom of the press, but authorities prevented newspapers from reporting on problems deemed sensitive. Measures taken by the government included regular and direct prepublication censorship, confiscation of publications, legal proceedings, and denial of state advertising. Confiscation in particular inflicted financial damage on newspapers already under financial strain due to low circulation. Throughout the year the government verbally warned newspapers of “red line” topics on which the press could not report. Such topics included corruption, university protests, the national dialogue, political negotiations in Addis Ababa, the conflict in South Sudan, the weak economy and declining value of the Sudanese pound, cholera outbreaks, government security services, and government action in conflict areas.

The government influenced radio and television reporting through the granting or denial of permits, as well as by offering or withholding government payments for advertisements, based on how closely affiliated they were with the government.

The government controlled media through the National Council for Press and Publications, which administered mandatory professional examinations for journalists and oversaw the selection of editors. The council had authority to ban journalists temporarily or indefinitely. The registration of journalists was handled primarily by the Sudanese Journalists Union, which estimated there were 7,000 registered journalists in the country, although fewer than 200 of them were believed to be actively employed as journalists. The remainder were members of the government and security forces working on media issues, who received automatic licenses.

At year’s end four journalists remained banned from writing. Two of them fled the country due to continuing NISS harassment.

Violence and Harassment: The government continued to arrest, harass, intimidate, and abuse journalists and vocal critics of the government. NISS required journalists to provide personal information, such as details on their tribe, political affiliation, and family.

As of July, two printing press workers were being held incommunicado; there were no updates on their whereabouts by year’s end. Abu Taleb Salaheldin was detained from a private printing office at the El Soug El Arabi in downtown Khartoum in December 2016; Mutaz El Ejeili was detained in a printing office in Khartoum the same month.

Censorship or Content Restrictions: The government continued to practice direct republication and prebroadcast censorship of all forms of media. Confiscations of print runs was the censorship method most frequently used by NISS, having utility in terms of censoring material, incentivizing future self-censorship, and causing high financial losses to the publisher that could lead to the newspaper's eventual closure. On September 14, the Press and Publications Council ordered suspension of four newspapers: *Ilaf*, *al-Mostagil*, *al-Watan*, and *Awal al-Nahar*. Authorities used the Press and Publications Court, specializing in media issues and “newspaper irregularities” and established under the existing Press and Publications Act, to prosecute “information crimes.”

On October 24, a court sentenced a prominent newspaper editor, Osman Mirgani, to a fine of 10,000 SDG (\$1,250) or six months in prison should he fail to pay for publishing an article in *al-Tayar* accusing President Bashir's family of corruption. The court also handed down a three-year suspended jail term against the writer of the piece, which was published in 2012. Mirghani refused to pay the fine and spent two nights in prison before the journalists' union collected donations and paid on his behalf. Over the years NISS agents repeatedly targeted Mirgani and his newspaper, allegedly for their corruption coverage. NISS agents repeatedly confiscated the entire print runs of editions of *al-Tayar* for articles they deemed inappropriate, and Mirgani was beaten up by armed men who stormed his office in central Khartoum in 2014.

National Security: The Press and Publications Act allows for restrictions on the press in the interest of national security and public order. It contains loosely defined provisions for bans for encouraging ethnic and religious disturbances and incitement of violence. The act holds editors in chief criminally liable for all content published in their newspapers. The criminal code, National Security Act, and emergency laws were regularly used to bring charges against the press. At year's end amendments to the Press and Publications Act were undergoing a parliamentary review.

NISS initiated and continued legal action against journalists for stories critical of the government and security services.

## **Internet Freedom**

The government regulated licensing of telecommunications companies through the National Telecommunications Corporation. The agency blocked some websites

and most proxy servers judged offensive to public morality, such as those purveying pornography. There were few restrictions on access to information websites, but authorities sporadically blocked access to YouTube and “negative” media sites. According to the International Telecommunication Union, approximately 28 percent of individuals used the internet in 2016.

Freedom House continued to rank the country as “not free” in its annual internet freedom report. According to the report, arrests and prosecutions under the Cybercrime Act grew during the year, reflecting a tactical shift in the government’s strategy to limit internet freedom. The report noted that many journalists writing for online platforms published anonymously to avoid prosecution, while ordinary internet users in the country had become more inclined to self-censor to avoid government surveillance and arbitrary legal consequences.

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

The government restricted academic freedom at cultural and academic institutions. It determined the curriculums and appointed the vice chancellors responsible for administration. It continued to arrest student activists and cancel or deny permits for some student events. Youth activists reported some universities discouraged students from participating in antigovernment rallies and showed favorable treatment towards NCP students. Some professors exercised self-censorship. Security forces used tear gas and other heavy-handed tactics against largely peaceful protests 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. Freedoms of Peaceful Assembly and Association**

The law provides for the freedoms of peaceful assembly and association, but the government restricted these rights.

#### **Freedom of Peaceful Assembly**

Although the Interim National Constitution and law provide for freedom of peaceful assembly, the government severely restricted this right. The criminal code considers gatherings of more than five persons without a permit to be illegal. Organizers must notify the government 36 hours prior to assemblies and rallies.

Following the death of Fatima Ahmed Ibrahim on August 12, a women's rights activist and the first female parliamentarian, civil society organizations planned a public event to commemorate the political leader's life. The organizers were denied permits to hold the event at numerous government-owned public locations. The event was then held at the Umma Party headquarters, which was controversial given that Ibrahim was not a member of the Umma Party. Security forces allowed the event to occur peacefully on November 4.

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

### **Freedom of Association**

The Interim National Constitution and law provide for freedom of association, but the government severely restricted this right. The law prohibits political parties linked to armed opposition groups. The government closed civil society organizations or refused to register them on several occasions. In June the HAC suspended the activities of Sharie al-Hawadith, an NGO in Kassala that provided medical treatment. According to independent reports, the organization received a letter from local authorities in eastern Sudan notifying them they were suspended. No reason was provided.

Government and security forces continued arbitrarily to enforce provisions, specifically Articles 7 to 14, of the Sudan Voluntary and Humanitarian Works Act of 2006, frequently referred to as the NGO law, including measures that strictly regulate an organization's ability to receive foreign financing and register public activities.

The government maintained its policy of "Sudanization" of international NGOs. Many organizations reported they faced administrative difficulties if they refused to have progovernment groups implement their programs at the state level.

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

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

#### **d. Freedom of Movement**

The Interim National Constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, but the government restricted these rights for foreigners, including humanitarian workers.

The government impeded the work of UN agencies and delayed full approval of their activities throughout the country, particularly in the Two Areas; however, such restrictions were fewer than in prior years. NGOs also alleged the government impeded humanitarian assistance in the Two Areas.

Abuse of Migrants, Refugees, and Stateless Persons: Asylum seekers and refugees were vulnerable to arbitrary arrest and harassment outside of camps because they did not receive identification cards while awaiting government determination of refugee or asylum status. Refugees and asylum seekers in urban areas were also subject to arrest because the government's encampment policy makes it illegal to move from assigned camps without authorization. On average 150-200 refugees and asylum seekers were detained in Khartoum each month and assisted with legal aid by the joint UNHCR and commissioner for refugees legal team. Although the Asylum Act makes naturalization possible for refugees, it was not fully implemented.

There were some reported abuses, including gender-based violence in refugee camps. The government worked closely with UNHCR to provide greater protection to refugees, and UNHCR access in conflict zones improved considerably during the year (see section 1.g.).

Refugees often relied on human trafficking and smuggling networks to leave camps. Smugglers turned traffickers routinely abused refugees if ransoms were not paid.

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

In-country Movement: The government and rebels restricted the movement of citizens as well as UN and humanitarian organization personnel in conflict areas (see section 1.g.). While the government claimed refugees had freedom of

movement within the country, it required they formally register and be granted travel permits before leaving refugee camps. According to authorities, registration of refugees helped provide their personal security. Refugees faced administrative fines once they returned to their camp, if they left camps without permission and were intercepted by authorities.

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

The country maintained a reservation on Article 26 of the UN Convention on Refugees of 1951 regarding refugees' right to move freely and choose their place of residence within a country. The government's encampment policy requires asylum seekers and refugees to stay in designated camps; however, 64 percent of South Sudanese refugees lived with the local community in urban and rural areas. Early in the year, the government threatened to relocate forcibly South Sudanese refugees living outside of camps in Khartoum and White Nile States to refugee camps. UNHCR refused to allocate resources to support the relocations. By year's end the government had yet to relocate South Sudanese refugees to camps. The government allowed the establishment of two refugee camps in East Darfur and eight refugee camps in White Nile for South Sudanese refugees.

Foreign Travel: The government requires citizens to obtain an exit visa if they wish to depart the country. Issuance was usually without complication, but the government continued to use the visa requirement to restrict some citizens' travel, especially persons of political or security interest. To obtain an exit visa, children must receive the permission of both parents.

Exile: The government observed the law prohibiting forced exile. It warned political opponents of their potential arrest, however, if they returned from self-imposed exile. Opposition leaders and NGO activists remained in self-imposed exile in northern Africa and Europe; other activists fled the country during the year. On January 27, opposition leader Sadiq al-Mahdi returned to Khartoum, more than two years after he had fled to Cairo following government allegations he collaborated with rebels. The authorities did not arrest him upon arrival in Khartoum, and he did not report harassment. As of year's end, other prominent

opposition members had not returned to the country under the 2015 general amnesty for leaders and members of the armed movements taking part in the national dialogue; some expressed concern about their civic and political rights even with the amnesty.

### **Internally Displaced Persons (IDPS)**

Large-scale displacement continued to be a severe problem in Darfur and the Two Areas, but there was a significant decline in conflict-related displacement owing to ceasefires observed by the government and most armed groups. Government restrictions and security constraints, however, continued to limit access to affected populations and impeded the delivery of humanitarian services, although to a lesser extent than in prior years (see section 1.g.).

According to the United Nations and partners, an estimated 8,200 persons were reported as newly displaced across Darfur as of October 1. This was a substantial decrease from 2016's estimated 152,600 newly displaced persons. The UNOCHA reported the vast majority of the displacement during the year was triggered by intercommunal conflict. Many IDPs faced chronic food shortages and inadequate medical care. Significant numbers of farmers were prevented from planting their fields due to insecurity, leading to near-famine conditions in parts of Southern Kordofan. The government and the SPLM-N continued to deny access to humanitarian actors and UN agencies in areas controlled by the SPLM-N. Information about the number of displaced in these areas was difficult to verify. Armed groups estimated the areas contained 545,000 of the IDPs and severely affected persons during the year, while the government estimated the number as closer to 200,000. UN agencies could not provide estimates, citing lack of access as a hindrance. Children accounted for approximately 60 percent of persons displaced in camps.

Government restrictions, harassment, and the threat of expulsion resulted in continued interruption of gender-based violence programming. Reporting and outreach were limited (see section 5). Some UN agencies were able to work with the Darfur governor's advisers on women and children to raise awareness of gender-based violence and response efforts.

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



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

As in previous years, the government did not establish formal IDP or refugee camps in Khartoum or the Two Areas.

The United Nations did not have a presence in SPLM-N-controlled areas and was unable to assess the scope of civilian displacement in the area.

### **Protection of Refugees**

UNHCR reported more than 793,700 refugees and asylum seekers in the country. The Commission for Refugees estimated the total refugee population could be as high as 1.3 million persons, because a large number of potential refugees and asylum seekers remained unregistered. UNHCR reported there were countless South Sudanese in the country who were unregistered and at risk of statelessness.

Approximately 8,500 refugees from Chad and 1,450 refugees from the Central African Republic lived in Darfur. New Eritrean refugees entering eastern Sudan often stayed in camps for two to three months before moving to Khartoum, other parts of the country, or on to Libya in an effort to reach Europe. In eastern Sudan, UNHCR estimated there were 135,000 new arrivals from Eritrea and Ethiopia. The government continued to restrict access in eastern Sudan for international humanitarian NGOs, as it did throughout the country.

As of November, UNHCR estimated that a total of 853,258 South Sudanese refugees were in Sudan, including the 350,000 persons of South Sudanese origin who remained in the country following South Sudan's independence in 2011. UNOCHA reported that an estimated 84,000 South Sudanese arrived in East, North, and South Darfur prior to September 15, resulting in a total of 150,000 South Sudanese in Darfur. Approximately 250,000 of the South Sudanese refugees lived in Khartoum, many integrated into the urban population. An estimated 40,000 lived in shantytowns, informal settlements known as "open areas" until August. UNHCR and implementing partners received access to the open areas. Many open areas lacked basic services such as water, electricity, and sewage systems.

UNHCR noted a trend of forced demolitions and relocations in Khartoum's open areas, home to an estimated 35,000 South Sudanese refugees. The government did not grant UNHCR or its NGO partners access to these areas, with the exception of one visit to Bantiu granted following the UN high commissioner for refugees' visit in August. UNHCR noted urgent humanitarian concerns on the visit.

The governments of Sudan and South Sudan signed a framework agreement (known as the "four freedoms" agreement) as part of a broader bilateral agreement in 2012 that provides for citizens of both states to enjoy freedom of residence, movement, economic activity, and property ownership, but it was not fully implemented during the year. The agreement was also implemented unevenly depending on the state. South Sudanese in East Darfur had more flexibility to move around (so long as they were far away from the nearest village) than refugees in White Nile State.

Recently arrived South Sudanese were officially recognized as refugees by the government and were therefore allowed to receive more services from UNHCR. At the state level, however, the government still referred to them as "brothers and sisters." Following recognition as refugees, the government stated South Sudanese rights were governed by the Asylum Act of 2014, justifying a lack of implementation of the four freedoms.

Refoulement: The country is a signatory to the 1951 Convention relating to the Status of Refugees and generally respected the international principle of nonrefoulement with a few notable exceptions. With UNHCR's assistance authorities were trained on referral procedures to prevent refoulement, including of refugees who previously registered in other countries.

In August, 66 Eritrean citizens were rescued from human smugglers by security forces in Gergef near the Eritrean border. The group included 37 women and girls and 29 men and boys, of whom 30 were unaccompanied and separated children. The Commission for Refugees screened the group on two separate occasions but determined they were not refugees, after which state courts convicted the victims of smuggling and ordered their deportation. UNHCR was not permitted to access the victims. The 30 children were summarily deported to Eritrea on August 30; the adults were sentenced to two-month jail terms and were deported after serving their sentences. This was a reversal in recent government practice, since Eritreans historically received refugee status.

Access to Asylum: The government generally provided first asylum/temporary protection to individuals who might not qualify as refugees. The law requires asylum applications to be nominally submitted within 30 days of arrival in the country. This time stipulation was not strictly enforced. The government granted asylum to many asylum seekers, particularly from Eritrea, Ethiopia, Somalia, and Syria, but it sometimes considered individuals registered as asylum seekers or refugees in another country, mostly in Ethiopia, to be irregular movers or migrants. Government officials routinely took up to three months to approve individual refugee and asylum status, but they worked with UNHCR to implement status determination procedures in eastern Sudan and Darfur and attempted to reduce the case backlog. The law requires asylum seekers to register both as refugees with the Commission for Refugees and as foreigners with the Civil Registry (to obtain a “foreign” number).

Since the beginning of the Syrian conflict in 2011, more than 40,000 Syrians had arrived in Sudan, according to government sources, of whom 10,224 registered with UNHCR.

The government waives regular entry visa requirements for Yemenis. As of September more than 1,600 Yemeni refugees had registered in Sudan.

Employment: The government in principle allows refugees to work informally but rarely granted work permits (even to refugees who obtained degrees in the country). In 2015 and 2016, UNHCR signed a project partnership agreement with the Commission for Refugees to issue more than 1,000 work permits to selected refugees for a livelihood graduation program implemented in Kassala and Gadaref. Due to the involvement of NISS in suspending the granting of permits, only 27 work permits were issued during the year, compared with 25 issued in 2016.

Some refugees in eastern states were able to find informal work as agricultural workers or laborers in towns. Many women in camps reportedly resorted to illegal production of alcohol and were subjected to arrest and harassment by police. In urban centers the majority of refugees worked in the informal sector (for example, as tea sellers, house cleaners, and drivers), leaving them at heightened risk of arrest, exploitation, and abuse.

Temporary Protection: The government generally maintained an open border with South Sudan. The government position on the status of South Sudanese in the country, however, changed on multiple occasions based on improvements or contentious points in the Sudan-South Sudan relationship. As of August, UNHCR

estimated 454,660 individuals had crossed into the country from South Sudan since December 2013.

### **Section 3. Freedom to Participate in the Political Process**

The country continued to operate under the Interim National Constitution of the Comprehensive Peace Agreement (CPA). The constitution provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage. Citizens were unable to exercise this right in practice. Post-CPA provisions provide for a referendum on the status of Abyei and popular consultations in Blue Nile and Southern Kordofan. In Abyei the Ngok Dinka held a unilateral referendum in 2013, which the international community did not recognize. No popular consultations took place during the year in either Southern Kordofan or Blue Nile.

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, South Sudan, and rebel groups. Peace negotiations for the Two Areas and Darfur continued to stall. Neither Sudan nor South Sudan progressed toward a resolution on the final status of Abyei.

The Darfur Referendum, which took place in April 2016, was conducted to determine whether Darfur would be administered via the current system of five states or as one regional administration. Observers from the African Union (AU) and the League of Arab States monitored the referendum. The Darfur Referendum Commission announced that more than 97 percent of voters had opted to keep Darfur's current administrative configuration. Human rights observers said the government believed a unified Darfur would give rebels a platform to push for independence just as South Sudan did successfully in 2011.

### **Elections and Political Participation**

Recent Elections: The national-level executive and legislative elections, held in April 2015, did not meet international standards. The government failed to create a free, fair, and conducive elections environment. Restrictions on political rights and freedoms, lack of a credible national dialogue, and the continuation of armed conflict on the country's peripheries contributed to a very low voter turnout. Observers noted numerous problems with the pre-election environment. The legal framework did not protect basic freedoms of assembly, speech, and press. Security

forces restricted the actions of opposition parties and arrested opposition members and supporters. Additionally, there were reported acts of violence during the election period (see section 1.c.).

The main opposition parties--Umma National Party, National Consensus Forces, Sudanese Congress Party, Sudanese Communist Party, and the Popular Congress Party--boycotted the election; only the ruling NCP party and National Unity parties participated.

According to the chair of the National Election Commission, 5,584,863 votes were counted in the election, representing approximately a 46-percent participation rate. According to the AU and other observers, however, turnout was considerably lower. Following the elections the National Assembly consisted of 426 seats (Upper House). The NCP held 323 seats, Democratic Unionist Party 25, and independents 19 seats; other minor political parties won the remaining seats. The independents, many of whom were previously ejected from the ruling NCP, were prevented by the government from forming a parliamentary group. The States Council (Lower House) consisted of 54 members, with each state represented by three members. The NCP had 36 members in the Lower House.

General elections for president and the National Assembly are scheduled to be held every five years. The next general election is scheduled for April 2020. The previous (nationwide excluding conflict areas) gubernatorial election was held in April 2010. The National Assembly changed the constitution in January 2015 to authorize the president to appoint the governors instead of voters selecting them. Under this amendment President Bashir appointed 18 state governors.

Political Parties and Political Participation: The NCP dominated the political landscape, controlling all of the regional governorships and holding a two-thirds majority in the National Assembly. The Original Democratic Unionist Party, the Registered Faction Democratic Unionist Party, and independents held the remaining seats.

The Political Parties Affairs Council oversees the registration of political parties. The ruling party controls the council; it is not an independent body. The council continued to refuse to register the Republican (Jamhori) Party, which opposes violent extremism and promotes secularism. The party leader condemned the decision and filed a complaint in the Constitutional Court, which remained pending at year's end.

The Political Parties Affairs Council listed 92 registered political parties. The Umma Party and the Democratic Unionist Party have never registered with the government. The government continued to harass some opposition leaders who spoke with representatives of foreign organizations or embassies or travelled abroad (see section 2.d.).

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 December 2016 the National Legislature ratified constitutional amendments recommended by the National Dialogue, which concluded in October 2015. The amendments included allowing the creation of a position of prime minister, the appointment of additional representatives to the parliament, and the separation of the Office of the Attorney General from the Ministry of Justice. On March 1, President Bashir appointed First Vice President Bakri Hassan Saleh as the first prime minister since 1989, following the parliamentary decision to reinstate that position. In May the new prime minister announced the creation of the National Consensus Government. The High Committee established to monitor National Dialogue outcomes implementation agreed to establish five commissions: the Anti-Corruption Commission; Election Commission; Constitution Commission; the Higher Council for Peace, and the Political Parties Commission. By year's end it remained unclear what direct impact these amendments had on respect for rule of law and protection of human rights in the country.

Participation of Women and Minorities: Women have the right to vote and hold public office. Since the 2015 elections, women have held 30 percent of the National Assembly seats and 35 percent of the Senate seats. Some observers believed traditional and cultural factors limited the participation of women in political life. A few religious minorities participated in government. There were prominent Coptic Christian politicians within the National Assembly, Khartoum city government, and Khartoum state assembly. A member of the national election commission was Coptic. A female Anglican served as the state minister of water resources and electricity.

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

The law provides criminal penalties for corruption by officials; nevertheless, government corruption at all levels was widespread. The government made few efforts to enforce legislation aimed at preventing and prosecuting corruption.

Corruption: According to the World Bank’s most recent Worldwide Governance Indicators, corruption was a severe problem. The law provides the legislative framework for addressing official corruption, but implementation was weak, and many punishments were lenient. Officials found guilty of corrupt acts could often avoid jail time if they returned ill-gotten funds. Journalists who reported on government corruption were sometimes intimidated, detained, and interrogated by security services.

A special anticorruption attorney investigates and tries corruption cases involving officials, their spouses, and their children. Punishments for embezzlement include imprisonment or execution for public service workers, although these sanctions were almost never carried out. All bank employees were considered public-service workers.

Reporting on corruption was considered a “red line” set by NISS and a topic authorities for the most part prohibited newspapers from covering (see section 2.a.).

Financial Disclosure: The law requires high officials to disclose publicly income and assets. There are no clear sanctions for noncompliance, although the anticorruption commission possesses discretionary powers to punish violators. The Financial Disclosure and Inspection Committee and the Unlawful and Suspicious Enrichment Administration at the Justice Ministry both monitored compliance. Despite two different bodies ostensibly charged with combating official corruption, there was no effective enforcement or prosecution of offenders.

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

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

According to international NGOs, government agents consistently monitored, threatened, prosecuted, and occasionally physically assaulted civil society activists. Unlike in previous years, there were no reports that the government arrested NGO-affiliated international human rights and humanitarian workers.

NGOs must register with the HAC, the government entity for regulating humanitarian efforts. While humanitarian access generally improved during the past year (see section 1.g.), the HAC on occasion obstructed the work of NGOs including in Darfur, the Two Areas, White Nile State, and Abyei, including by interfering with their hiring practices and denying travel permits, or not issuing them in a timely manner. The HAC often changed its administrative procedures and regulations without prior notification and did not apply them consistently across the country.

According to UNAMID, humanitarian access to sites in Darfur increased substantially, as did the ability to conduct land movements and planned flights for UNAMID to North and Central Darfur. This was a positive development that greatly eased UNAMID's ability to fulfill its mandate. Nonetheless, the government's nonissuance of visas continued to impact UNAMID adversely, especially the human rights section, which had a vacancy rate of 44 percent, largely as a result of the government's nonissuance of visas. During the year the government indefinitely delayed visas to UNAMID's human rights section personnel more frequently than to other UNAMID sections. International observers alleged UNAMID's human rights section was targeted to curtail human rights reporting on the Darfur conflict. As of October, 14 of the 15 visas requested in January by UNAMID's human rights section remained pending.

In addition, by year's end the government had not approved an important UN Security Council-mandated operating base for UNAMID in the Darfuri town of Golo, in an area affected by severe malnutrition and conflict, impeding UNAMID's ability to facilitate humanitarian access. There were also other bureaucratic impediments, including delays in the government's approval of UNAMID flight schedules, prohibition of flights between UNAMID team sites in different sectors, and limits on when UNAMID could conduct flights. The government also continued to prevent dozens of shipping containers carrying humanitarian supplies and UNAMID equipment from being delivered. In addition access limitations remained in place for UNAMID human rights reporting and verifications of sexual and gender-based abuses.

Authorities continued to arrest and detain members of UNAMID's staff on allegations of espionage during the year. For example, on August 31, government authorities in Khartoum released from detention a locally hired UNAMID human rights section staff member, following nine months in government custody without trial. The NISS arrested him in Nyala, South Darfur, in November 2016 for alleged espionage.



The United Nations or Other International Bodies: The government remained uncooperative with UN Security Council Resolution 1593 and failed to comply with the ICC arrest warrants for President Bashir; Ahmad Muhammad Haroun, former minister for humanitarian affairs and current governor of Northern Kordofan; former defense minister and current governor of Khartoum State, Abd al-Rahim Hussein; Abdallah Banda Abakaer Nourain, a militia leader who fought against the government; and Ali Muhammad Abd al-Rahman Hussein, a senior Jingaweit commander, who supported the government against Darfur rebel groups.

The government is a party to the African Charter on Human and Peoples' Rights. The government had not implemented the commission's 2014 decision to pay compensation, initiate an investigation, amend legislation, and train security officers on the prohibition of torture in a case brought on behalf of IDPs in the country.

During the year the government generally cooperated with visits of the UN independent expert on the situation of human rights in Sudan, Aristide Nononsi. Nononsi was not generally granted meaningful access to the conflict areas. While he met with some independent civil society organizations, most of his meetings were with government officials or government-aligned NGOs. Government officials tightly controlled his schedule, and his opportunities to meet with independent civil society organizations were few.

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

### **Women**

Rape and Domestic Violence: In February 2015, an amendment to Article 149 of the Criminal Code changed the definition of rape and added Article 151 (3) to criminalize the offense of sexual harassment. Under the new definition of rape, rape victim could no longer be prosecuted for adultery.

There were no reliable statistics on the prevalence of rape and domestic violence. The international expert on the human rights situation in Sudan and UNAMID's human rights section reported that they received regular reports of incidents of rape and sexual and gender-based violence (see section 1.g.). Human rights organizations cited substantial barriers, including cultural norms, police reluctance to investigate, and the widespread impunity of perpetrators, to reporting sexual and

gender-based violence, including a substantial gap between the law and its implementation.

The Ministry of Social Welfare, Women, and Child Affairs is responsible for matters pertaining to women. The Violence against Women Unit is responsible for implementation of the National Action Plan for Combating Violence against Women. It had offices in 14 of the 18 states.

Female Genital Mutilation/Cutting (FGM/C): FGM/C remained a problem throughout the country. No national law prohibits FGM/C, and the procedure continued to be used on women and girls throughout the country. The government launched a national campaign in 2008 to eradicate FGM/C by 2018, and since 2008, five states had passed laws prohibiting FGM/C: South Kordofan, Gedaref, Red Sea, South Darfur, and West Darfur. The government, with the support of the first lady, continued to prioritize the “saleema” (uncut) campaign, which raised public awareness about FGM/C. The government continued to work with UNICEF, the UN Population Fund (UNFPA), and the World Health Organization (WHO) to end FGM/C.

According to UNICEF and UNFPA, the national prevalence rate of FGM/C among girls and women between 15 and 49 years old was 87 percent. Prevalence varied geographically and depended on the local ethnic group.

For more information, see [data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/](https://data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/).

Other Harmful Traditional Practices: The Interim National Constitution obligates states to combat harmful customs and traditions that undermine the dignity and status of women.

Sexual Harassment: There were frequent reports of sexual harassment by police. The government did not provide any information on the number of sexual harassment reports made. NGOs, not the government, made most efforts to curb sexual harassment.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

Discrimination: The law, including many traditional legal practices and certain provisions of Islamic jurisprudence as interpreted and applied by the government, discriminates against women. In accordance with Islamic judicial interpretation, a Muslim widow inherits one-eighth of her husband's estate; of the remaining seven-eighths, two-thirds goes to the sons and one-third to the daughters. In certain probate trials, the testimony of women is not considered equivalent to that of men; the testimony of two women is required. In other civil trials, the testimony of a woman equals that of a man. A Muslim woman cannot legally marry a non-Muslim man.

Various government institutions required women to dress according to Islamic or cultural standards, including wearing a head covering. In Khartoum, Public Order Police occasionally brought women before judges for allegedly violating Islamic standards. One women's advocacy group estimated that in Khartoum, Public Order Police arrested an average of 40 women per day.

Islamic standards for dress generally were not enforced for non-Muslims.

## **Children**

Birth Registration: The Interim National Constitution states persons born to a Sudanese mother or father have the right to citizenship. The law grants citizenship only to children born to a father who is a Sudanese citizen by descent.

Most newborns received 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 in school. Access to health care was similarly dependent on possession of a valid birth certificate, but many doctors accepted a patient's verbal assurance that he or she had one.

For additional information, see Appendix C.

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

Child Abuse: The government tried to enforce laws criminalizing child abuse and was more likely to prosecute cases involving child abuse and sexual exploitation of

children than cases involving adults. Some police stations included “child friendly” family and child protection units and provided legal, medical, and psychosocial support for children.

Early and Forced Marriage: The legal age of marriage was 10 years for girls and 15 years or puberty for boys. The government and the president’s wife continued to work to end child marriage. For additional information, see Appendix C.

Sexual Exploitation of Children: Penalties for offenses related to the sexual exploitation of children vary and can include imprisonment, fines, or both. The government tried to enforce laws criminalizing sexual exploitation of children. Some police stations included “child friendly” protection units and provided legal, medical, and psychosocial support for children.

There is no minimum age for consensual sex or 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 child pornography.

Displaced Children: Internally displaced children often lacked access to government services such as health and education due to both security concerns and an inability to pay related fees. In October 2016 UNICEF reported approximately 70 percent of IDPs were children.

Institutionalized Children: Police typically sent homeless children who had committed crimes to government camps for indefinite periods. Health care, schooling, and living conditions were generally very basic. All children in the camps, including non-Muslims, had to study the Quran.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

## **Anti-Semitism**

A very small Jewish community remained in the country, predominantly in the Khartoum area. Societal attitudes were generally not tolerant of Jewish persons, although anti-Semitic acts were rare.

During a February 17 recorded sermon in Khartoum, Imam Mohamed Abdul-Kareem condemned Sheikh Yousuf al-Koda's call to normalize relations with Israel. Abdul-Kareem described Jews as "slayers of prophets," "brothers of pigs and apes," and "people of deception and corruption." He also claimed, "Jewish tourists spread AIDS, corruption, and drugs" and "tamper with state security."

### **Trafficking in Persons**

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

### **Persons with Disabilities**

Although the law, including the Interim National Constitution, provides protection for persons with disabilities, social stigma and a lack of resources hindered the government's enforcement of disability laws. The law does not specifically prohibit discrimination against persons with disabilities.

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

The government had not enacted laws or implemented effective programs to provide for access to buildings, information, and communication for persons with disabilities.

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

The population includes more than 500 ethnic groups, speaking numerous languages and dialects. Some of these ethnic groups self-identify as Arab, referring to their language and other cultural attributes. Northern Muslims traditionally dominated the government. Discrimination against Darfuri students on college campuses was a pervasive problem. There were multiple cases such as the following example: Nasr Aldin Mukhtar, former chairman of the Darfuri Student Union at Quran al-Kareem University, was arrested in 2015 and rearrested on August 22, while leaving the university as police used live ammunition during a raid on the campus. As of November he remained in detention suffering from various health problems as a result of reported mistreatment during detention. Family members were allowed one visit, after substantial pressure from civil society groups.

In May security services violently dispersed student protests against corruption at Bakht Alrida University in El Duaweim, White Nile, and conducted a raid on housing inhabited by Darfuri students. Security forces arrested nine students and, as of December, continued to hold them in prison without charges. Security forces stopped buses of Darfuri student protesters against the action in a village outside Khartoum. Military and police units surrounded the village and caused a day-long standoff between security and students. After the involvement of local leaders and substantial pressure from the international community, the government took no violent action against the students but did stop the delivery of food supplies. The Darfuri Members Caucus within parliament attempted unsuccessfully to report the marginalization of Darfuri students to the minister of education.

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

Lesbian, gay, bisexual, transgender and intersex (LGBTI) persons are not considered a protected class under antidiscrimination laws. The law does not specifically prohibit homosexuality but criminalizes sodomy, which is punishable by death. Antigay sentiment was pervasive in society. LGBTI organizations increasingly felt pressured to suspend or alter their activities due to threat of harm. Several LGBTI persons felt compelled to leave the country due to fear of persecution, intimidation, or harassment.

In September, Public Order Police arrested journalist-blogger Marwa Altijani and released her the same day after filing apostasy charges against her for publishing an article online in which she asserted, “Nothing is wrong with being a lesbian.”

On October 24, a man was arrested at a social event for wearing “indecent” female clothes and makeup. A Public Order Court sentenced him to 40 lashes and a fine of 5,000 SDG (\$625). The punishment was reportedly carried out the same day.

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

### **HIV and AIDS Social Stigma**

There was societal discrimination against persons with HIV/AIDS.

### **Promotion of Acts of Discrimination**

The government, government-supported militias, and rebel groups reportedly promoted hatred and discrimination, using standard propaganda techniques. The government often used religiously charged language to refer to suspected antigovernment supporters.

The government did not take measures to counter hate speech.

## **Section 7. Worker Rights**

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

The law provides that employees of companies with more than 100 workers can form and join independent unions. Other employees can join nearby, preexisting unions. The law establishes a single national trade union federation and excludes police, military personnel, prison employees, legal advisers in the Justice Ministry, and judges from membership. In some cases membership in international unions was not officially recognized.

The Sudan Workers' Trade Union Federation, a government-controlled federation of unions that consisted of 18 state unions and 22 industry unions, is the only official umbrella organization for unions. While there were no NGOs that specialized in broad advocacy for labor rights, there were "shadow unions" for most professions, although not recognized by the government. For example, the government recognized only the Sudan Journalists Union, whose membership included all journalists, including the spokesperson of the Sudan Air Force, as well as NISS media-censorship officials. Most independent journalists, however, were members of the nonregistered Sudan Journalist Network, which organized advocacy activities on behalf of journalists.

The law denies trade unions autonomy to exercise the right to organize or to bargain collectively. It 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 are considered public money. The law provides unions the right to conduct legal strikes. Some unions have by-laws that self-restrict their right to strike. Labor observers believed some of these self-restrictions were imposed to maintain favor with the government. The law does not specifically prohibit strikes in nonessential sectors, but it requires all strikes to receive prior approval from the government after satisfying a set of legal requirements. Specialized labor courts adjudicate standard labor disputes, but the

Ministry of Labor has the authority to refer a dispute to compulsory arbitration. Disputes also may be referred to arbitration if indicated in the work contract. The law does not prohibit antiunion discrimination by employers.

The government restricted the right to strike. Police could break up any strike conducted without prior government approval. There were no cases of strikes reported during the year. There were, however, reports of citizen protests against companies. For example, there were recurring protests against national mining subsidiaries in South Kordofan due to the companies' use of cyanide in their extraction and cleaning practices, which resulted in the deaths of local livestock. During protests in November, protesters burned the house of the local commissioner in Gadir. Security forces used live ammunition to disperse the protesters. One person was killed and six were injured.

Bureaucratic steps mandated by law to resolve disputes within companies may be lengthy. Additionally court sessions may involve significant delays and costs when labor grievances are appealed.

The government did not effectively enforce applicable laws. Freedom of association and the right to collective bargaining were not respected. There were credible reports the government routinely intervened to manipulate professional, trade, and student union elections.

According to the International Trade Union Confederation, in oil-producing regions police and secret service agents, in collusion with oil companies, closely monitored workers' activities.

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

The law prohibits and criminalizes all forms of forced or compulsory labor. The government, however, did not effectively enforce the law. Resources, inspections, and remediation were inadequate, and penalties for violations in the form of fines were rarely imposed and insufficient to deter violations. Most of the violations existed in agricultural and pastoral sectors. Enforcement proved difficult in rural areas and areas undergoing conflict.

The government stated it investigated and prosecuted cases of forced labor, but it did not compile comprehensive statistics on the subject. Some government officials claimed that forced labor had been eradicated and denied reports that citizens engaged in this practice.



There were reports some children were engaged in forced labor, especially in the informal mining sector. Some domestic workers were believed to work under forced conditions or without pay. Women refugees were especially prone to labor violations.

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

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

The Interim National Constitution mandates that the state protect the rights of children as provided in international and regional conventions ratified by the country. The Child Act of 2010 defines children as persons younger than 18 years old and prohibits children under the age of 14 from working, except in agricultural work that is not dangerous or harmful to their health. The Ministry of Social Welfare, Women, and Child Affairs is responsible for enforcing child labor laws.

The Child Act goes on to define working children as persons between 14 and 18 years old. The law also prohibits the employment of young persons between 6 p.m. and 8 a.m.

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 compel minors to work more than four consecutive hours, work overtime, or work during weekly periods of rest or on official holidays. The law prohibits employers from waiving, postponing, or reducing annual leave entitlements for minors. The government did not always enforce such laws due to inadequate resources to monitor work areas or overcome societal complicity.

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

The International Labor Organization monitored the use of forced child labor in gold mining. UNICEF received unverified reports revealing the dangerous conditions children were working in gold mining, including the requirement to

carry heavy loads, work at night and within confined spaces, and exposure to mercury and high temperatures. There were reports children as young as 10 years old were used in artisanal gold mining throughout the country. According to multiple reputable sources, thousands of children worked in artisanal gold mining, particularly in River Nile, Blue Nile, West Darfur, and North Darfur States, resulting in large numbers of students dropping out of school.

There were reports of the use of child soldiers by the SPLM-N, but numbers were difficult to verify (see section 1.g.).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings](http://www.dol.gov/ilab/reports/child-labor/findings).

#### **d. Discrimination with Respect to Employment and Occupation**

Law and regulations prohibit discrimination based on race, sex, gender, disability, tribe, and language, but they are unevenly applied. There is no legal protection for classes according to sexual orientation or gender identity, HIV-positive status or other communicable diseases, political opinion, social or national origin, age, or social status. Labor laws apply to migrant workers with legal contracts, but foreign workers who are not considered to have legal status also are not provided legal protections from abuse and exploitation.

The government did not effectively enforce labor laws and regulations, and penalties in the form of fines were rarely imposed and were insufficient to deter violations. Discrimination occurred in employment and occupation based on gender, religion, and ethnic, tribal, or party affiliation. Ethnic minorities often complained that government hiring practices discriminated against them in favor of "riverine" Arabs from northern Sudan. Ethiopians, Eritreans, and other refugees or migrants were often exposed to exploitative work conditions. There were reports that some female refugees and migrants working as domestic workers or tea sellers were not compensated for their work, required to pay "kettle taxes" to police, sexually exploited, or trafficked. Due to their uncertain legal status, many refugees and migrants did not report cases of discrimination or abuse due to fear of imprisonment or repatriation.

Migrant workers and some ethnic minorities were unaware of their legal rights, suffered from discrimination, and lacked ready access to judicial remedies. The International Organization of Migration established a migrants' reception center in

Khartoum that included workshops on workers' rights and the hazards of migration.

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

The minimum monthly wage for public-sector workers was 425 SDG (\$53). Normally the High Council of Salary in the Ministry of Cabinet Affairs sets the minimum wage for the public sector. The minimum monthly salary in the private sector is set by agreements made between individual industries and the High Council of Salary, and it varied among industries. Citizens whose monthly wages are below 700 SDG (\$88) pay no personal income tax. An estimated 46 percent of citizens lived below the poverty line of 12 SDG (\$1.50) per day. Most public-sector employees received wages below the poverty line.

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. The law provides for paid annual leave after one year of continuous employment and paid holidays after three months.

The laws prescribe occupational safety and health standards. Any industrial company with 30-150 employees must have an industrial safety officer. A larger company is required to have an industrial safety committee that includes management and employees. Committees and officers are required to report safety incidents to the Ministry of Labor. 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, but the law does not recognize the right of workers to remove themselves from dangerous work situations without loss of employment. Some heavy industry and artisanal mining operations, notably gold extraction, reportedly lacked sufficient safety regulations.

Safety laws do not apply to domestic servants; casual workers; agricultural workers other than those employed in the operation, repair, and maintenance of agricultural machinery; enterprises that process or market agricultural products such as cotton gins or dairy-product factories; jobs related to the administration of agricultural projects, including office work, accountancy, storage, gardening, and livestock husbandry; or family members of an employee who live with the employee and who are completely or partially dependent on him for their living.

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

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

Standards were not uniformly 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. Inspection efforts and enforcement were generally minimal in both the formal and informal sectors.

More than 10,000 women in the informal sector depended on selling tea on the streets of Khartoum State for their livelihoods after having fled conflict in Darfur and the Two Areas. Despite the collective activism of many tea sellers in Khartoum, harassment of tea sellers and confiscation of their belongings continued as in previous years.