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2.6. Women and girls

(a) General overview of the situation of women and girls in Sudan

For background information, see section 2.5 of the EUAA Sudan report – Country Focus (April 2024).

Sources indicated that sexual violence against women and girls has a long history in Sudan and that it is being used as a weapon of war.386 Women and girls are sexually exploited when seeking refuge in areas controlled by armed actors.387 Victims of sexual violence are seen as unsuitable for marriage and a source of shame for the family.388 Healthcare centres reported an increasing number of unmarried women with unwanted pregnancies as a result of rape.389 While Sudanese law allows abortion within 90 days of pregnancy, pregnant women must obtain first a permission from the Office of the Public Prosecutor,390 which, due to the current breakdown of the country's institutions, forces many pregnant women to undergo unsafe abortions.391

Child marriages are widespread due to the belief that by doing so, parents protect their girls from rape and preserve their perceived honour.392 Forced marriages of girls and women to RSF members are increasing, with cases involving parents surrendering their daughters under threat or in exchange for financial compensation.393

Trafficking of women and girls for sexual exploitation, sexual slavery, child marriage, and the recruitment of minors by armed groups in Sudan, continued to be reported.394 There are reports of women and girls being sold at slave markets in areas controlled by the RSF, including in Darfur.395

Female genital mutilation (FGM) continues to be a widespread practice, with about 87 % of Sudanese women aged 15-49 and 31 % of girls younger than 15, having undergone the procedure.396 FGM is performed, among others, on girls as young as 4 years old as well as women who are about to be married and pregnant women.397

Freedom House indicated that 'women continue to face disadvantages in many areas of the law, and perpetrators of widespread crimes against women—including during armed conflicts—have generally enjoyed impunity'.398 The same source indicated that women are denied equality of rights regarding property and inheritance laws, both under Sharia and customary practices.399

☐ (b) Sexual violence and conflict-related sexual violence

For background information, see section 2.5.1. of the EUAA Sudan report – Country Focus (April 2024).

Sexual violence has a long history in Sudan and is used as a weapon to terrorise communities.400 Rape and gang rape are widespread and used on a 'large-scale' during the invasion of cities, attacks against IDP camps, prolonged occupation of residential areas, and against persons fleeing conflict-affected areas.401 Sexual violence also takes place during raids of homes in search for weapons, ammunitions, or male relatives,402 and on roads.403 According to the UN FFM for the Sudan, sexual violence, including rape, also takes place for 'opportunistic reasons' due to general impunity, the militarisation of urban areas, displacement, increasing poverty, food insecurity, and barriers to access public services.404 Large-scale sexual violence, including rape and gang-rape, was documented by the UN FFM for the Sudan in cities and IDP camps in West Darfur, South Darfur, Central Darfur, and Greater Khartoum.405 According to data verified by the UN FFM, incidents of sexual violence increased in the weeks leading up to RSF attacks.406 Most victims of sexual violence are women between 17 and 35 years old, although there have been documented cases of victims as young as 8 and old as 75 years old.407

Perpetrators include the SAF and its intelligence agencies, and the RSF and its allied militias.408 Most cases are attributed to RSF, accounting for 80% of the documented cases.409 Sources indicated that perpetrators threatened victims with weapons, including firearms, knives, and whips, and subjected them to punching, beatings, lashings,410 and the widespread use of racist slurs specific to non-Arabs with darker skin such as zurga or nuba ('black'), or pejorative attributes such as umbay ('slave'). 411Sexual violence incidents often take place in the presence of relatives, including children, who are also subjected to lashings and beatings.412 According to a local source interviewed by Human Rights Watch, most cases of rape involved the participation of two or more RSF combatants as perpetrators.413

According to the UN FFM for the Sudan, members of the SAF are accused of sexually exploiting women and girls seeking refuge in areas controlled by them, by offering food in exchange.414 The same report indicated that there are cases of 'survival sex' whereby women and girls engage in sexual activities to access food or humanitarian assistance.415 Human Rights Watch reported that, according to local accounts, the RSF regularly abduct women and girls, hold them in detention houses, often for weeks, and subject them to sexual violence and force them to provide domestic services, in what local sources define as a 'right of ownership' over them.416 The same source indicated

that victims are beaten, tortured, and denied access to food.417

The UN FFM for the Sudan indicated that although there are no comprehensive statistics on conflict-related violence, including sexual violence, based on open and confidential sources it consulted, hospitals and service providers documented at least 400 victims of sexual violence between April 2023 and July 2024, most of them women and girls.418 Further, based on information provided by sources, 63 cases of sexual violence were reported in Khartoum between May 2023 and July 2024, and, without providing further information, 40 % of cases recorded between December 2023 and April 2024 took place in Al Jazirah state, all attributed to the RSF.419 The UN Deputy High Commissioner for Human Rights indicated in September 2024 that its office had documented 97 incidents involving 172 victims, mostly women and girls, and that 81 % of these incidents were attributed to the RSF.420

Sexual violence is largely underreported in the country due to a culture of silence, stigma, social isolation, and, in some cases, killings, as well as a domestic legislation that puts an 'excessive burden' on the victims wishing to file a report.421 Additionally, sexual violence cases are not reported due to insecurity, displacements, blackouts, and the collapse of healthcare services,422 as well as the social stigma associated with receiving sexual and reproductive health services.423 Human Rights Watch indicated that, according to local healthcare providers it interviewed, the RSF tries to prevent their acts of sexual violence from being documented by threatening healthcare providers if they provide information to the Ministry of Health or international organisations, including the UN.424 According to the UN FFM report, in Sudanese society 'rape' only takes place when the penis penetrates the vagina and breaks the hymen, and other forms of rape, including anal rape, rape with body parts such as fingers, or other forms of penetration, are referred to by victims, and generally considered, 'sexual harassment'.425 Authorities failed to investigate sexual violence committed by state forces and impeded women rights organisations from investigating such crimes.426

Access to services for victims of sexual violence is difficult due to the breakdown of, attacks on, and occupation of, healthcare institutions, as well as the 'significant restrictions' in medical supplies.427 For example, medical supplies for post-rape care are in short-supply and often unavailable due to the destruction of medical facilities, like in Khartoum and Darfur.428 Critical medical supplies that are not readily available included medicines to prevent and/or treat HIV/Aids and Hepatitis B infections.429 Human Rights Watch indicated that, according to healthcare workers in the Khartoum area, some victims of rape arrived at the hospital with 'debilitating physical injuries' as a result of sexual violence and, in at least four cases, these injuries led to the death of the victim.430

Human Rights Watch indicated that, according to a UN source in Khartoum, healthcare centres are noticing a 'surging' number of unmarried women with unwanted pregnancies as a result of rape.431 Sudanese law indicates that abortions following pregnancies are allowed within 90 days of pregnancy, and that pregnant women must obtain first a permission from the Office of the Public Prosecutor, presenting, as evidence, a police complaint and a report by a medical institution.432 Sources indicated that due to the breakdown of the country's institutions, obtaining a legal permission for abortion is difficult, forcing many to undergo unsafe abortion outside medical facilities.433 Human Rights Watch provided the example of a woman in Khartoum who was raped and shot and whose husband expelled her from their house and took away their children after she could not have an abortion performed by the local medical centre.434

The UN FFM for the Sudan indicated that

'the 2009 amendment to the 1991 Criminal Act of 1991 criminalizes rape and other acts of a sexual nature as underlying crimes of crimes against humanity and war crimes; however, their definitions also fall short of the definitions under customary international law. For instance, the crime of forced pregnancy as a crime against humanity adds the element of ‘affecting the ethnic composition’. Furthermore, victims/survivors of rape and other forms of sexual violence face hurdles in reporting such crimes at the national level, including due to fears of stigma, reprisals and/or being prosecuted for adultery. Concerns have in this regard been shared with the Fact-Finding Mission over the legal procedures necessary to prove rape, in particular the obligatory use of Form No. 8, a medical report which has become unavailable in many health facilities or police stations'.435

☐ (c) Forced/early marriage and conflict-related forced/early marriage

The UN FFM report indicated that the (Muslim) Personal Status Act of 1991, 'which governs familial relations such as marriage, divorce, child custody and inheritance and is primarily based on Sharia law, permits forced marriages of Sudanese women and girls. It provides that the marriage of a Muslim woman or girl shall be concluded by her male guardian and authorizes the marriage of children as young as ten, with the authorization of a judge'.436

In March 2024, a group of UN experts, including the Special Rapporteur on Trafficking in Persons, Especially Women and Children,437 issued a communication on trafficking and sexual exploitation in Sudan, pointing to an increase in early and forced marriages of children during the current conflict reportedly as a result of family separations and gender-based violence that results in rape and unwanted pregnancies.438 Sources similarly pointed to the increasing number of cases of forced marriages of girls and women to RSF members, with cases involving parents surrendering their daughters under threat or in exchange for financial compensation.439 In some cases, relatives agree to an early marriage in the belief that by doing so they would be protecting a woman or girl from rape outside of marriage.440

According to an Emergency Response Room volunteer interviewed by Human Rights Watch in February 2024 in Khartoum, early marriage of underage girls is 'quite a widespread practice' as '[p]eople are seeking ways to protect their girls from rape and preserve what they think is their honor, especially those without an option to leave'. 441 Another local source interviewed by Human Rights Watch indicated that '[m]ost of the marriages happened because of the combination of fear and huge amounts of money and gold offered to the family of the young bride'.442 The same source further reported that women are also forced into marriages by RSF forces and that in Khartoum, for example, there are 'enormous numbers of marriages' as the 'RSF wanted wives', particularly commanders.443

The Tahrir Institute for Middle East Policy (TIMEP), a Washington DC-based non-for-profit organisation that provides analysis on Middle East and northern Africa issues, reported on the existence of 'matchmakers', people who work for the RSF 'facilitating' marriages for RSF fighters, and that according to a local lawyer who documents these cases, '[m]ost of these marriages are arranged expeditiously; families are notified to ‘prepare’ their daughters, typically within a day or two. This leaves little time for any escape attempts'.444 The same lawyer provided the example of a forced marriage in the Khalawda area, Al Jazirah state, as an example, where the girl's father

'unexpectedly invited the villagers to her wedding, only for villagers to realize that the ‘groom’ was one of the RSF fighters who had attacked the village earlier. Despite the girl's vehement opposition to the union, her father compelled her to marry the fighter. While disguised as a traditional wedding in terms of celebrations and customs, the lawyer argued that its primary purpose was to protect the girl and her family'.445

According to Girls Not Brides, the prevalence rate of marriages in Sudan of children 15 years old or younger is 12 %, and 18 years old or younger is 34 %.446

☐ (d) Trafficking in human beings

The 2014 Anti-Human Trafficking Law criminalises sex and labour trafficking with a penalty between three- and ten-years' imprisonment for offenses involving adult male victims, and between five- and 20-years' imprisonment for offenses involving adult female and child victims.447

Sources indicated that Sudan has historically been a country of origin, transit, and destination for victims of modern slavery and human trafficking.448 Common forms of trafficking include early and forced marriage, forced or bonded labour, child labour, domestic servitude, and forced prostitution.449 According to a report by Global Partners Governance (GPG), an international development organisation with presence in over 40 countries providing political analysis and research, factors that contribute to the likelihood of being a victim of trafficking include the absence of protection and shelter, widespread displacement, limited access to education and health services, food insecurity, poor livelihood conditions, lack of awareness regarding available services, and insufficient service provision.450 Sources indicated that since the onset of the conflict in April 2023, risks have exacerbated.451 The group of UN experts pointed to increasing reports of trafficking in persons, especially women and girls, for the purpose of sexual exploitation, sexual slavery, child marriage, and the recruitment of minors by armed groups in Sudan, and that access to support by victims has deteriorated since December 2023.452 The same source also indicated that there are reports of women and girls being sold at slave markets in areas controlled by the RSF, including in Darfur.453

The USDOS report on human trafficking indicated that Sudanese women and girls living in IDP camps and rural areas are exploited by criminal groups into domestic work and sex trafficking. The same source indicated that '[s]ome government officials or border guards exploited women and girls fleeing the country in sex trafficking in exchange for visas or safe passage to neighboring countries'. Authorities did not report the results of prior investigations into allegations of sexual exploitation and abuse by officials.454

For additional information, see section 2.7(d) Trafficking in human beings.

☐ (e) Female genital mutilation (FGM)

Female genital mutilation (FGM) refers to 'all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs for

non-medical reasons'.455 Although FGM was criminalised in Sudan in 2020,456 the practice is still 'widespread'.457 A 2024 essay on gender in Sudan in the context of the current war indicated that since the early 2000s, 'traditional midwives' and 'cutters' who used to profit from performing FGM in the past, started to work in national public health campaigns to convince families to end FGM.458 According to the authors of the essay, after April 2023 and with healthcare infrastructure affected by the conflict, FGM was likely resurging as salaries for midwives have not been paid and there is no enforcement for the implementation of the law that criminalises FGM.459

Sudan has one of the highest rates of FGM in the world.460 According to a 2014 report 461 by Sudan's Central Bureau of Statistics (CBS) and UNICEF, about 87 % of Sudanese women aged 15-49 and 31 % of girls younger than 15, have undergone FGM.462 Regionally, rates vary from the low of 45.4 % in Central Darfur, to 97 % in North Kordofan, 97.3 % in East Darfur, and 97.6 % in North Darfur.463 The report by Sudan's CBS and UNICEF indicated that, in Sudan, 'FGM is generally carried out on girls between the ages of 4 and 14, [but] it is also done to infants, women who are about to be married and, sometimes, to women who are pregnant with their first child or who have just given birth'.464

FGM is very common among Sudanese IDPs living in refugee camps in Chad.465 The Guardian reported that rates of FGM in Chad (34.1 % of women, overall) are particularly higher in the south and east of the country, which is where the camps for Sudanese IDPs are located.466 In a visit carried out by The Guardian to the Adré refugee camp in Chad, the journalist met three girls aged between three and nine years old who were being 'prepared' by their family to be cut by putting henna tattoos on the girls' feet and fingers, which is a ‘traditional way of “celebrating” the FGM procedure’, and according to a social worker at the camp, FGM 'takes place in secret because it contravened Chadian laws', adding that children and married women alike undergo the procedure.467

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