



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2008)¹: SUDAN

FREEDOM OF ASSOCIATION AND THE EFFECTIVE RECOGNITION OF THE RIGHT TO COLLECTIVE BARGAINING (FACB)

REPORTING	Fulfillment of Government's reporting obligations	YES, except for the 2000 Annual Review (AR).	
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of the Sudan Businessmen and Employers' Federation (SBEF) and the Sudan Workers' Trade Union Federation (SWTUF) by means of consultations and communication of Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2008 AR: Observations by the SBEF. 2007 AR: Observations by the SBEF. 2001 AR: Observations by the SBEF.	
	Workers' organizations	2008 AR: Observations by the SWTUF. Observations by the International Trade Union Confederation (ITUC). 2007 AR: Observations by the SWTUF. Observations by the International Confederation of Free Trade Unions (ICFTU). 2006 AR: Observations by the SWTUF. Observations by the ICFTU. 2005 AR: Observations by the SWTUF. Observation by the ICFTU. 2002 AR: Observations by the ICFTU. 2001 AR: Observations by the ICFTU.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	<i>Sudan ratified in 1957 the Right to Organize and Collective Bargaining Convention, 1949 (No.98) (C. 98). However, it has not yet ratified the Freedom of Association and the Protection of the Right to Organize Convention 1948 (No.87) (C.87).</i>
		Ratification intention	Under consideration, since 2002, for C.87 2008 AR: The Government indicated that labour laws are being revised to allow ratification of C.87 by Sudan. The SBEF and STWUF supported the ratification of C.87 by Sudan.

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention or possible cases that have been submitted to the ILO Committee on Freedom of Association, please see: <http://webfusion.ilo.org/public/db/standards/normes/libsynd>

			<p>2007 AR: According to the Government: After the Comprehensive Peace Agreement (CPA), an interim committee was adopted in December 2005, which caters for basic freedoms, including the right to organize. Accordingly, all Sudanese laws are being revised. Ratification will be possible after the adoption of new laws. The SWTUF supported the ratification of C.87 by Sudan.</p> <p>2006 AR: According to the Government: Ratification of C.87 is under consideration.</p> <p>2001 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001), the Government intended to ratify C.87.</p>	
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	<p>YES The 1998 Constitution (article 26) provides for freedom of assembly and association for cultural, social, economic, professional or trade union purposes in accordance with the law.</p> <p>2006 AR: According to the Government: An Interim Constitution that covers all human rights including the right to organize is being drafted, following the Comprehensive Peace Agreement.</p>	
		Policy, legislation and/or regulations	<p>• Legislation: 2008 AR: According to the Government: the Public Service Act, 1995 has been revised in May 2007 by the Parliament after tripartite consultations.</p> <p>2006 AR: According to the Government: The Labour Law, 1997 has been revised by a tripartite committee. A tripartite body has also been set up to revise the Public Service Act, 1995.</p>	
		Basic legal provisions	(i) The 1998 Constitution (article 26); (ii) The Trade Union Act; (iii) The Labour Law, 1997, and (iv) The Public Service Act, 1998.	
		Judicial decisions	NIL	
	Exercise of the principle and right	At national level (enterprise, sector/industry, national)	For Employers	2001-2003 ARs: No prior government authorization is needed to establish employers' organizations (section 33 of the Trade Union Act, 2001). Freedom of association can be exercised at enterprise, sector/industry and international levels by all categories of employers.
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	At national level (enterprise, sector/industry, national)	For Workers	2001-2003 ARs: Government authorization/approval is required to establish workers' organizations. Freedom of association can be exercised at enterprise, sector/industry and international levels by the following categories of persons: (i) all workers in the public service; (ii) medical professionals; (iii) teachers; agricultural workers; (iv) workers engaged in domestic work; (v) workers in export processing zones (EPZs) or enterprises/industries with EPZ status; migrant workers; workers in the informal economy. Diplomats, judges, and legal advisors of the Attorney general, national security forces and domestic servants cannot exercise freedom of association (section 3 of the Labour Law, 1997).
			Special attention to particular situations	2003 AR: According to the Government: Special attention has been given to some specific industries/sectors.

			Information/data collection and dissemination	2001 AR: According to the Government: There is an annual report on collective bargaining and settlement of disputes. The Higher Council for Wages publishes periodical reports.
		At international level		According to the Government: There are no particular restrictions for the international affiliation of employers' or workers' organizations.
	Monitoring, enforcement and sanctions mechanisms			<p>2003 AR: According to the Government: The SWTUF and the Attorney General have joint jurisdiction over instances where the principle and right (PR) has not been respected. In cases where the right to collective bargaining has not been respected, the problem is solved through special judicial procedures.</p> <p>2001 AR: According to the Government: In case of the violation of the PR, the measures adopted are as follows: (i) labour inspection and complaints procedures (which are also available to employers' and workers' organizations); (ii) penal sanctions, (iii) sentences by judicial courts; (iv) enforcement of article 34 of the Constitution which provides that every aggrieved person who has exhausted the means of submitting grievance and complaints to the executive and administrative organs shall have the right of access to the Constitutional Court to protect their freedom, sanctities and rights. The Constitutional Court may, according to due process, exercise the power to annul any law or order that contravenes the Constitution, in order to restore the right to the aggrieved person or to compensate him/her for damage sustained.</p>
	Involvement of the social partners			<p>2007 AR: According to the Government: The Minister of Labour is engaged in revising the labour laws in cooperation with the social partners.</p> <p>The SBEF mentioned its participation in the labour law review process that should ensure the right to organize in Sudan.</p> <p>According to SWUTF: Employers' and workers' organizations participated in the labour law revision process, which should ensure the right to organize.</p> <p>2006 AR: According to the Government: Tripartite committees have revised the Labour Law, 1997 and the Public Service Act, 1995. According to the SWTUF: Following the Ouagadougou African Unit (AU) Summit in September 2004, the SWTUF participated in the tripartite Committees to revise the Labour Law, 1997 and the Public Service Act, 1995. The President of the SWTUF is also a member of the Drafting Committee of the Interim Constitution.</p> <p>2001 AR: According to the Government: Social partners participated on an equal footing in the reform of the Trade Union Act, 1992 to promote and apply the PR.</p>
	Promotional activities			<p>2008 AR: The Government indicated that several workshops were organized with the ILO to strengthen partnership and social dialogue in 2006 and 2007. It added that a tripartite workshop would be organized in Khartoum in July 2007 in cooperation with the Arab Labour Organization (ALO).</p> <p>The SWTUF indicated that following the peace agreement, an agreement was signed in May 2007 with the Government of Southern Sudan in order to strengthen existing unions and establish new ones.</p> <p>According to the SBEF: Tripartite training courses on freedom of association and safety and health were organized in Khartoum in cooperation with the ALO. Three workshops were organized by the SBEF on the partial reintegration of the informal economy into the formal economy. In addition, medical services, information and telecommunication services and non-governmental educational institutions have been organized in associations or chambers.</p> <p>2007 AR: The SWTUF indicated that it has organized a workshop on the PR and participated in the labour law review process.</p>

		<p>2006 AR: According to the Government: A national tripartite workshop on fundamental ILO Conventions and the Declaration is planned, in cooperation with the ILO.</p> <p>The SWTUF stated the following: The SWTUF organized in 2004 and 2005 three training workshops on gender, with a focus on women in trade unions. It also prepared a working paper on workers' education activities in Sudan, which was also used in a joint workshop for trade union leaders in Sudan and Eritrea. Moreover, during the meeting of the Executive Council of the Organization of African Trade Union Unity (OATUU) held in Khartoum in May 2005, a regional workshop on trade and globalization was organized for African trade union leaders, in cooperation with the United Nations Economic Commission for Africa (UNECA).</p> <p>2005 AR: The SWTUF indicated that it had organized in January 2004 a workshop in collaboration with ILO. It hosted in January 2004, the 8th Ordinary Conference of OATUU with ILO attendance. It had also organized in March 2004 of a regional meeting to support women's participation in the trade union movement in the Arab countries.</p>
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Special initiatives/Progress	<p>2008 AR: According to the SWTUF: Series of workshops were held to organize workers in the informal economy. As a result of this activity, many unions have been established in the informal economy (taxi drivers, bakeries, handicrafts, etc.)</p> <p>2007 AR: According to SWTUF: Trade union elections and congress were held in April 2006. Moreover, women's participation in the trade union movement is promoted and they currently represent 25% in many trade unions.</p> <p>2006 AR: According to the Government: (i) an interim Constitution covering all human rights including the right to organize, is being drafted; and (ii) tripartite committees have revised the Labour Law, 1997 and are revising the Public Service, 1995 Act in the spirit of the PR.</p> <p>2003 AR: According to the Government: In the public sector, collective bargaining concerning specific benefits have been carried out at sector and enterprise levels.</p>
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT		<p>Employers' organizations</p> <p>2008 AR: According to the SWTUF and the SBEF: The spirit of tripartism and social dialogue is lacking in Southern Sudan. According to the SBEF, the implementation of the right to organize in the informal economy is a major challenge in Sudan as this sector contributes to more than 70 per cent of the national income and more than 60 per cent of the workforce.</p>
	According to the social partners	<p>Workers' organizations</p> <p>2008 AR: According to the SWTUF and the SBEF: The spirit of tripartism and social dialogue is lacking in Southern Sudan. In addition, several strikes were organized by trade unions in the bank, health and education sectors. The problems were solved after tripartite negotiations and agreements on wage increase in these sectors. In the States of Kordofan, Blue Nile and Equatorial, successful agreements on wages and allowances were also concluded after strikes.</p> <p>2007-2008 ARs: According to the ICFTU: (i) the current Labour Code that came into effect in December 2000 continues to deny trade union freedoms and reinforces Government control over trade unions; (ii) the General Registrar has extensive power on trade unions' elections; (iii) trade unions that operate outside the state-controlled SWUTF live in constant fear; (iv) in the same vein, the Trade Union Act, 1992, establishes a trade union monopoly controlled by the Government; (v) since the adoption of the Trade Union Act, 1992, strikes have been outlawed.</p> <p>2001 AR: According to the ICFTU: Since 1989, there are no democratic trade unions in Sudan.</p>
	According to the Government	<p>2008 AR: The Government supports the view of the SBEF concerning the challenges on the implementation of the right to organize in the informal economy.</p>

		<p>2003 AR: According to the Government: The main difficulties encountered in Sudan in realizing the PR are as follows: (i) social and economic circumstances, (ii) political situation, (iii) prevailing employment practices and (iv) legal provisions.</p>
<p>TECHNICAL COOPERATION</p>	<p>Request</p>	<p>2008 AR: The Government requested ILO assistance to strengthen the federal and state governments' capacity to realize the PR. The SBEF requested ILO support to strengthen its capacity on freedom of association issues. The SWTUF requests ILO technical cooperation to strengthen tripartism and social dialogue in Southern Sudan. In addition, ILO technical cooperation was requested in 2006 on the ILO Declaration Follow-up.</p> <p>2007 AR: The Government reiterated its request for ILO technical cooperation to organize a national tripartite workshop with a view to raising awareness-raising activities on the PR. According to the SBEF: ILO technical cooperation would be necessary especially in training and capacity building for employers' organizations. According to the SWTUF: Capacity building is really needed for trade unions in Southern Sudan.</p> <p>2006 AR: According to the Government: ILO technical support to Sudan should be strengthened to promote and realize the PR, with a particular focus on freedom on association. The SWTUF requested ILO's support for the organization of training courses and workshops for trade unionists in Sudan, with a special emphasis on war-affected areas.</p> <p>2005 AR: According to the Government: Needs for technical cooperation to facilitate the realization of the PR in Sudan exist in the following areas: (i) awareness rising on the PR; (ii) capacity building of labour administration and social partners.</p> <p>2005 AR: According to the SWTUF: ILO technical cooperation would be necessary especially in raising awareness on the PR.</p>
	<p>Offer</p>	<p>2005 AR: According to the Government: In 2004, a number of activities were organized by the SWTUF in cooperation with the ILO, the Organization of African Trade Union Unity (OATUU) and Arab countries.</p>
<p>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) encouraged Sudan (and few other governments) to complete its legal review process to remove the obstacles to ratification of C.87. They also acknowledged the high number of promotional activities concerning the PR in Sudan (and some other countries), and encouraged the Office to maintain its efforts to support these activities. However, they listed Sudan among the countries where some unions were subject to government's interference or influence, and recalled in this regard the following: «the right to official recognition is an essential aspect of the right to organize as it allows employers' and workers' organizations to be in a position to play their roles efficiently. Furthermore, any government intervention in employers' and workers' organizations' internal affairs (right to establish and join organizations of their own choosing, without distinction whatsoever and without previous authorization, right to draw up internal constitutions and rules, right to elect their representatives in full freedom, etc.) constitutes interference in the functioning of these organizations, which is a denial of the principle and right» (Cf. Paragraphs 32, 35 and 36 of the 2008 AR Introduction – ILO: GB.301/3).</p> <p>2007 AR: The IDEAs listed Sudan among the countries that had been indicating their intention to ratify C.87 for several years, with no indication that progress had been made (Cf. Paragraph 33 of the 2007 AR Introduction – ILO: GB.298/3).</p> <p>2003 AR: The IDEAs were encouraged to see the Government of Sudan pointing out the needs in this country to strengthen the capacity building of workers' and employers' organizations and that it turned to the ILO for help (Cf. Paragraph 73 of the 2003 Annual Review Introduction – ILO: GB.286/4).</p>	
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>NIL</p>	