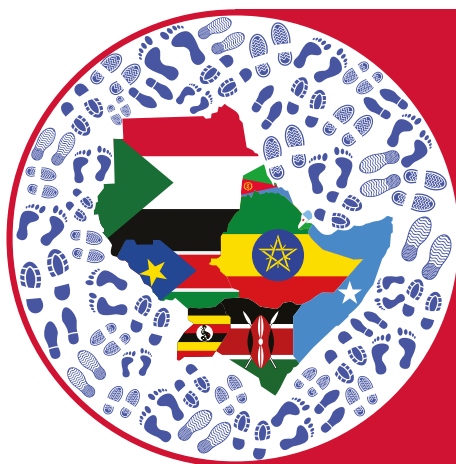




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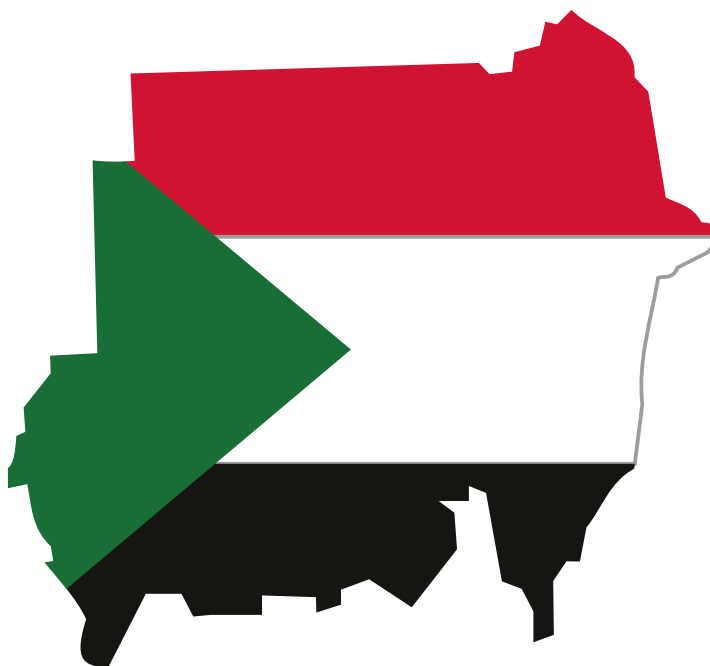


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An assessment of labour migration and mobility governance in the IGAD region Country report for

Sudan



FMPT

Free Movement of Persons and Transhumance
in the IGAD Region: Improving Opportunities
for Regular Labour Mobility

An assessment of labour migration and mobility governance in the IGAD region: Country report for Sudan

**Free Movement of Persons and Transhumance
in the IGAD Region: Improving Opportunities
for Regular Labour Mobility**

Funded by the European Union

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An assessment of labour migration and mobility governance in the IGAD region: Country report for Sudan

Free Movement of Persons and Transhumance in the IGAD Region: Improving Opportunities for Regular Labour Mobility

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List of abbreviations and acronyms

AU	African Union
BLA	bilateral labour agreement
COMESA	Common Market for Eastern and Southern Africa
ESCWA	United Nations Economic and Social Council for West Asia
EUTF	European Union Emergency Trust Fund for Africa
GDP	gross domestic product
IDPs	internally displaced persons
ILO	International Labour Organization
IO	international organization
IOM	International Organization for Migration
ITUC	International Trade Union Confederation
JLMP	Joint Labour Migration Programme
KNOMAD	Global Knowledge Partnership on Migration and Development
LMIS	Labour Market Information System
MGSOG	Maastricht Graduate School of Governance
MHUB	North African Mixed Migration Hub
MOFA	Ministry of Foreign Affairs
MOI	Ministry of Interior

MOL	Ministry of Labour and Administrative Reform
NCCT	National Committee for Countering Human Trafficking
NCM	National Consultative Mechanism
NGO	non-governmental organization
NPC	National Population Council
RCP	Regional Consultative Process
REC	regional economic community
RMMS	Regional Mixed Migration Secretariat
ROCK	Regional Operational Centre on Trafficking
SBEF	Sudanese Business and Employer Federation
SDG	Sudanese pound [currency]
SSWA	Secretariat of Sudanese Working Abroad
SWTUF	Sudanese Workers Trade Unions Federation
<i>TIP Report</i>	US Department of State <i>Trafficking in Persons Report</i>
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNECA	United Nations Economic Commission for Africa
UNHCR	United Nations High Commissioner for Refugees

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Foreword

The International Labour Organization (ILO) in close collaboration with the IGAD Secretariat has produced this report titled *Labour migration and mobility governance in the IGAD region: Country report for the Sudan* as part of the project on “Free Movement of Persons and Transhumance in the IGAD Region: Improving Opportunities for Regular Labour Mobility” financed by the European Union. The report forms part of the knowledge-generation component of the project, and aims to generate an evidence base for improving labour migration and mobility governance in the Intergovernmental Authority on Development (IGAD) region, which is characterized by forced displacement, mixed migration flows, and limited options for regular labour migration and mobility.

However, increasing opportunities for labour mobility through an IGAD Free Movement of Persons Protocol is believed to promote regional integration and reduce pressure on national labour markets that are unable to provide sufficient decent work opportunities. In addition, countries of destination within IGAD could benefit from labour and skills that they require for socio-economic development. Furthermore, increased opportunities for legal migration are expected to lead to more migrants migrating safely and enjoying decent work opportunities. The monitoring and enforcement of migrants’ rights are also expected to be improved through the normative framework that such a Protocol will put in place.

In this context, the country report for the Sudan highlights major trends and examines various policy and legal frameworks governing labour migration and mobility in the country using a comprehensive Analytical Framework developed for this study. The findings and recommendations of the study are structured around three major pillars and 12 thematic areas that are building blocks of labour migration and mobility governance. The first pillar, Strengthening Labour Migration Governance, examines national systems and capacities to collect and analyse labour migration data; capacity to develop and implement labour migration policies; the regulating of recruitment agencies; and improving coordination on migration issues at various levels. The second pillar, Advancing Opportunities for Regulated Labour Migration and Decent Work, assesses migrants’ access to labour markets, information, education, and finance, and facilitating the social inclusion and integration of migrants. The third pillar, Enhancing the Protection of Migrant Workers and their Families, reviews migrants’ rights, social security, labour inspection, and reception and return.

I believe the findings of the study will provide a comprehensive overview of migration and mobility governance in the Sudan and significantly contribute to the development of the IGAD Free Movement of Persons Protocol, as well as its implementation once it is adopted.

Alexio Musindo,

Director

ILO Country Office for Ethiopia,
Djibouti, Somalia, South Sudan,
Sudan and Special Representative
for AU and UNECA

Executive summary

The International Labour Organization (ILO) is implementing the European Union Emergency Trust Fund-funded project “Free Movement of Persons and Transhumance in the IGAD Region: Improving Opportunities for Regular Labour Mobility” in collaboration with the Intergovernmental Authority on Development (IGAD).

The project aims to improve opportunities through the development of models of intervention in the broader context of regional integration. In the long-term it is expected to extend decent work opportunities to current and potential migrants in the region, and further contribute to regional integration.

In this context, the ILO is conducting a series of studies to better understand the migration and labour market dynamics in the region, including the constraints and opportunities for employment creation and the causes of skills shortages. Labour migration and mobility governance assessments have been undertaken of the IGAD Member States, which are captured in country reports and a global report. These assessments should support the development and implementation of the IGAD Free Movement of Persons Protocol.

For these assessments an Analytical Framework was developed, which assesses policies, laws and practices on labour migration and mobility. The Analytical Framework is structured around three pillars that are building blocks for enhancing labour migration in the IGAD region:

- ▶ **Pillar I.** Strengthening labour migration governance;
- ▶ **Pillar II.** Advancing opportunities for regulated labour migration and decent work; and
- ▶ **Pillar III.** Enhancing the protection of migrant workers and their families.

Each pillar contains a set of thematic areas with guidelines that contribute towards achieving the respective pillar. The guidelines are derived from the:

- ▶ *ILO Multilateral Framework on Labour Migration: non-binding principles and guidelines for a rights-based approach to labour migration* (ILO, 2006);
- ▶ IGAD Regional Migration Policy Framework; and
- ▶ draft IGAD Free Movement of Persons Protocol.

The last part of the report contains pivotal recommendations for advancing the governance of labour migration in the Sudan and the IGAD region, which are derived from the Analytical Framework assessment. Data for this assessment was gathered through desktop research and semi-structured interviews with government officials, civil society organizations, employers’ and workers’ organizations, international organizations (IOs), and European Union Delegations during a field mission to Khartoum from 17–22 February 2018. The field research was complimented with desktop research.

Overview of the Sudan's migration trends and migration management

The Sudan is an origin, destination, and most importantly, transit country for mixed migration flows from West and East Africa towards North Africa, Europe, and the Gulf Countries (MHUB, 2018). Most migrants use the services of smugglers to cross the Sudan and risk exploitation and trafficking. Migrants workers from the IGAD region mostly work in an irregular status, and engage in agriculture and the hospitality sector. The most recent publicly available data on work permits indicate that many regular migrant workers originate from Asia. The Sudan also hosts close to a million refugees, largely from neighbouring countries. The lack of job opportunities and a growing young population drives Sudanese labour migration flows, with the Gulf and Middle Eastern countries being top destinations. Exploitation and trafficking have been reported in these flows. Sudanese also migrate for education to Europe, Canada, and the United States, which has led to the emigration of many highly skilled Sudanese.

Various ministries and agencies play a role in migration and mobility governance in the Sudan, including the:

- ▶ Ministry of Interior and its Commission of Refugees;
- ▶ Ministry of Labour and Administrative Reform (MOL);
- ▶ Ministry of Foreign Affairs;
- ▶ Secretariat of Sudanese Working Abroad; and
- ▶ National Population Council.

Social partners engage in tripartite consultation, namely the Sudanese Workers Trade Unions Federation (SWTUF) and the Sudanese Business and Employer Federation (SBEF). The Sudan is yet to establish its National Coordination Mechanism on Migration (NCM), though the National High Council on Migration coordinates migration issues at the political level and is chaired by the Vice-President. The NCM may be domiciled within the High Council in future.

The next section below presents an assessment of the Sudan's labour migration and mobility governance in terms of the thematic areas of the Analytical Framework, while offering recommendations that are more fully developed in the final chapter of this report.

Analytical Framework analysis

Pillar I. Strengthening labour migration governance

Thematic Area 1. Capacity to collect and analyse labour migration data

The MOL collects data on labour supply and demand through surveys, work permit data, and labour market reports from the states, but the Sudan still needs to develop a Labour Market Information System (LMIS). The LMIS should serve to identify skills shortages, identify skills that are in oversupply, and help finetune the education system. The current education system is not equipping young people with skills that are in demand in the labour market, which leads to low productivity and unemployment. In addition, measures should be put in place to temporarily attract migrant workers to sectors with skills shortages.

The Sudanese Government collects migration data from various sources, but it needs to improve the sharing and analysis of data among government ministries, and the application of data analysis to labour migration policy development. While labour flows and skill shortages are at times discussed in IGAD meetings, the Sudan and the other IGAD Member States should put in place routine sharing of data and analysis on labour supply and demand, with a view to identify opportunities to enhance labour migration and fill skills gaps.

Thematic Area 2. Coordination on labour migration

The High Council on Migration does at times discuss labour migration, but inter-ministerial coordination on labour migration must be bolstered. Labour migration issues are sometimes discussed at tripartite consultations, but more comprehensive dialogue on all dimensions of labour migration should take place and involve social partners, non-governmental organizations (NGOs), academia, and IOs – the NCM could serve as a useful platform for such discussions. At the international level, regular exchanges on labour migration laws, policies, and best practices should be instituted in existing forums, such as the IGAD Regional Consultative Process and African Union meetings.

Thematic Area 3. Capacity to formulate and implement policy

The planned labour migration policy and how it is linked to the planned national migration policy and the National Employment Policy, which is being finalized, needs to be clarified. The labour migration policy development process should take into account and ensure coherence with employment, education, and other relevant national policies, in recognition of the wide social and economic implications of labour migration and the need to have synchronized, mutually reinforcing policies. The labour migration policy should be developed through a whole-of-government approach that engages all the ministries and agencies whose work touch on labour migration, as well as IOs, academia, civil society, and social partners. The Sudanese Government should inform the labour migration policy development process with research on the current and potential future contribution of labour migration to the Sudan's development. Moreover, the labour migration policy should comprehensively address labour migration-related protection concerns – the Sudan does not currently have

policies in place to promote the protection of migrant workers. Bilateral labour agreements should comprehensively address working conditions and migrants' rights. The Sudan should sign, ratify and domesticate the ILO Migration for Employment Convention (Revised), 1949 (No. 97); the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The labour migration policy development process should be used to raise awareness on these Conventions.

Thematic Area 4. Regulating recruitment agency practices

The Government should strengthen its promotion of written, understandable, and enforceable employment contracts, which should be in a language that the migrant worker understands and also be required for employment of less than three months' duration. A standardized system of licensing for private employment agencies (PEAs) exists, but it is not clear to what extent it is enforced, and PEAs are not monitored for respecting migrants' rights. Pre-departure training is not provided, and should be a requirement for PEAs to send Sudanese migrants abroad for work. Bespoke complaint and dispute settlement mechanisms for Sudanese migrant workers, which they can use in case of grievances against PEAs or their employer, should be put in place. While PEAs may not charge recruitment fees, it should be specified in the regulatory framework governing PEAs that migrant workers cannot be charged deployment and placement-related costs. The Sudan should accede to the ILO Private Employment Agencies Convention, 1997 (No. 181).

Pillar II. Advancing opportunities for regulated labour migration and decent work

Thematic Area 1. Labour mobility schemes to support labour market needs

Labour migration and mobility is impeded by the multiplicity of laws and regulations that govern them, which are hard to find and navigate. In addition, the division of authority between the central and state levels of government with regard to migrant worker matters is unclear. The number of work- and residence-related authorizations should be reduced, and administrative procedures should be simplified through consultations with the private sector, the SBEF, and migrant workers. Visas on arrival should be offered for short-term visits and business persons, and exit visas should be abolished. Entry, residence, establishment, and investment requirements and procedures (and their accompanying fees) should be clarified in one succinct document and on an online immigration portal. These instruments should be easily accessible, available in English, and widely disseminated by the MOL, labour offices, Sudanese embassies, and the SBEF to employers, investors, and current and potential migrant workers. To encourage circular and return migration, the Government should consider abolishing the tax that returning Sudanese migrants have to pay; offer dual nationality to all persons with a Sudanese parent; and include measures to engage the diaspora in the planned labour migration policy.

Thematic Area 2. Supporting functions for participation in the labour market, including access to information, education, training, skills recognition, and finance

IOs and NGOs disseminate information to refugees and vulnerable migrants in the Sudan, as well as to potential Sudanese migrants on the dangers of irregular migration, but not specifically to migrant workers in the Sudan. A common understanding of the rules that govern labour migration and the opportunities available to migrant workers, such as access to finance, education, and skills recognition, should be developed among government ministries. The Government, labour offices, IOs, and NGOs should proactively disseminate this information to migrant workers, and the Government should place it on the proposed online portal.

The Government should harmonize the Sudan's curricula, examinations, standards, certification, and accreditation of educational and training institutions with those of the other IGAD Member States, in order to facilitate implementation of the future IGAD Free Movement of Persons Protocol. Remittances are a key income source for families in the Sudan and most are sent informally – the Government should enhance the access of Sudanese and migrants to bank accounts and financial services; build trust in formal channels for remitting; and make it financially attractive to use such formal channels.

Thematic Area 3. Promoting social integration and inclusion

While there are activities to integrate refugees, there are no activities specifically dedicated to the integration of migrant workers. The Government should identify the current and possible future contribution of refugees and migrants to the Sudan, such as filling skills gaps; promote this contribution; and raise public awareness on it.

The law specifies that the residence permit of a male migrant worker is valid for his wife and children, who can therefore accompany him to live in the Sudan. Children are allowed to access the education system – access to employment for children and spouses always requires a work permit. The family reunification rights of female migrant workers should be clarified and be the same as for men.

Pillar III. Enhancing the protection of migrant workers and their families

Thematic Area 1. Protection of migrant workers' human rights

In principle, regular migrant workers enjoy the human rights that are guaranteed in the Sudan's National Interim Constitution, 2005, which also forbids slavery and forced labour, but the extent to which these rights are enforced is not clear. The Labour Act, 1997, provides labour rights to certain categories of migrant workers, while others are excluded. The entire legal framework governing migrant workers across the Sudan's 18 states should be clarified and placed on the proposed online immigration portal. The enforcement of legislation and policies to protect migrant workers from trafficking and exploitation should be strengthened.

Thematic Area 2. Social security and social protection

Some migrant workers participate in the National Social Security Fund, while others, such as the self-employed and domestic workers, are excluded – they should be given access to it. The Government should put in place mechanisms, such as bilateral and multilateral agreements, to ensure that social security benefits are portable.

Thematic Area 3. Labour inspection for migrant workplaces

Labour inspection is governed by the Labour Act, 1997. The inspection of migrant workers' workplaces falls under the remit of the central government and is reportedly taking place. Labour inspection services require reinforcement, including training at regular intervals on migrants' rights. The economic free zones and markets are not governed by the Labour Act, and it is not clear whether the workplaces of migrants in these areas are inspected.

Thematic Area 4. Facilitating reception and return

Pre-departure training for potential migrants and on-arrival training for migrant workers is not provided in the Sudan and should be put in place. The Government should provide on-arrival information or training to migrant workers on their rights, access to services, cultural awareness, and the dispute settlement mechanisms available to them.

The development of a return and reintegration strategy, which could form part of the labour migration policy, should be explored by the Government through consultations with IOs, NGOs, and social partners. The engagement of these different actors should allow for the development of a comprehensive picture of the challenges of reintegration, and whether a stand-alone reintegration strategy needs to be developed, or whether it can form part of the planned labour migration policy.

1. Introduction

“

This report forms part of the knowledge-generation component of the project and aims to create an evidence base on labour migration and mobility governance in the region.

The International Labour Organization (ILO) is implementing the project “Free Movement of Persons and Transhumance in the IGAD Region: Improving Opportunities for Regular Labour Mobility” in collaboration with the Intergovernmental Authority on Development (IGAD). The project is a key component of the European Union Emergency Trust Fund for Africa (EUTF) financed programme “Towards Free Movement of Persons and Transhumance in the IGAD Region”. The overall objective of the programme is to support the free movement of persons in the IGAD region, with a view to spurring regional economic integration and development.

The specific objective of the Free Movement of Persons and Transhumance in the IGAD Region: Improving Opportunities for Regular Labour Mobility project is to improve opportunities for regulated labour mobility and decent work within the IGAD Member States, through the development of models of intervention, in the broader context of the regional integration. In the long term, it is expected to extend decent work opportunities to current and potential migrants within the region, as well as to contribute to regional integration, strengthen the link between economic and job growth, and enhance the social and economic integration of migrants.

This report forms part of the knowledge-generation component of the project and aims to create an evidence base on labour migration and mobility governance in the region. This should contribute to the development of the IGAD Free Movement of Persons Protocol, as well as to building the capacities of Member States to implement the Protocol, once it is adopted. To this end, labour migration and mobility assessments of the IGAD Member States have been undertaken, to gain an overview of how labour migration and mobility are governed by these States, as well as areas that require reinforcement at the national and international level.

The assessments capture:

- ▶ the key policies and laws that regulate labour migration and mobility;
- ▶ the roles and responsibilities of the ministries and agencies whose work touches on labour migration;
- ▶ the involvement of social partners; and
- ▶ the inter-ministerial and national coordination mechanisms on migration.

Comprehensive country assessment reports on Djibouti, Ethiopia, Kenya, Somalia, South Sudan, the Sudan, and Uganda have been developed, and follow the same structure and assessment exercise. This enables the identification of areas of commonality and divergence, as well as where capacities need to be strengthened or policies harmonized to pave the way for the implementation of the IGAD Free Movement of Persons Protocol. Moreover, a regional report captures the findings of the country reports; provides an overview of the governance of labour migration and mobility in the IGAD region; and details recommendations for how it can be advanced. The implementation of these recommendations should support the implementation of the IGAD Free Movement of Persons Protocol and aid countries in meeting IGAD and international labour migration governance standards.

The report commences in chapter 2 with an overview of the analytical framework employed in the study. This is followed by an overview of the Sudan and its migration trends in chapter 3. Chapter 4 presents an overview of the roles and responsibilities of the key government ministries and agencies whose work touches on labour migration. Chapter 5 covers the Sudan's National Coordination Mechanism on Migration. Chapter 6 is an overview and assessment of the Sudan's policies, laws, and practices on labour migration and mobility, as per the analytical framework presented in chapter 2.

The last part of the report contains key recommendations for advancing the governance of labour migration in the Sudan and the IGAD region, which are derived from the Analytical Framework assessment. These recommendations, which include policy areas that need to be developed or capacities that need to be built, could be implemented by the Free Movement of Persons and Transhumance in the IGAD Region: Improving Opportunities for Regular Labour Mobility project, or by other actors, partners or projects.

2. Methodology

“

An analytical framework was used and structured around three pillars, which are all building blocks for enhancing labour migration in the IGAD region.

The research methodology employed for the assessments conducted in this study consists of interviews with key informants undertaken during field missions to the capitals of seven IGAD countries, for which semi-structured interview questionnaires were used. The organizations interviewed include:

- ▶ relevant government ministries and agencies;
- ▶ the IGAD Secretariat;
- ▶ international organizations (IOs);
- ▶ employers' and workers' organizations; and
- ▶ civil society organizations.

The field research was complemented by desktop research and interviews via Skype/phone. A field mission was undertaken to Khartoum, the Sudan from 17–22 February 2018. Appendix I contains the list of key informants that were interviewed for this assessment.

In addition, an analytical framework was used to analyse the adherence of national laws, policies, practices, and coordination and consultation mechanisms on labour migration and mobility to the provisions of:

- ▶ the draft IGAD Free Movement of Persons Protocol;
- ▶ the IGAD Regional Migration Policy Framework; and
- ▶ ILO standards on labour migration as put forward in the *ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration* (ILO, 2006).

The analytical framework is structured around three pillars, which are all building blocks for enhancing labour migration in the IGAD region:

- ▶ **Pillar I.** Strengthening labour migration governance;
- ▶ **Pillar II.** Advancing opportunities for regulated labour migration and decent work; and
- ▶ **Pillar III.** Enhancing the protection of migrant workers and their families.

Each pillar contains a set of thematic areas with guidelines that contribute towards achieving the respective pillars. These guidelines are derived from the three key documents mentioned above: the ILO Multilateral Framework on Labour Migration; the IGAD Regional Migration Policy Framework; and the draft IGAD Free Movement of Persons Protocol. In order to ease reading of this report, the analytical framework is presented in table 1 below.

In brief outline, the thematic areas of the three pillars are as follows:

- ▶ **Pillar I. Strengthening labour migration governance:**
 1. Capacity to collect, analyse, and share labour migration data;
 2. Coordination on labour migration;
 3. Capacity to formulate and implement policy; and
 4. Regulating employment agency practices.
- ▶ **Pillar II. Advancing opportunities for regulated labour migration and decent work:**
 1. Labour mobility schemes to support labour market needs;
 2. Supporting functions for participation in the labour market, including access to information, education, training, skills recognition, and finance; and
 3. Promoting social integration and inclusion.
- ▶ **Pillar III. Enhancing the protection of migrant workers and their families:**
 1. Protection of migrant workers' human rights;
 2. Social security and social protection;
 3. Labour inspection for migrant workplaces; and
 4. Facilitating reception and return.

In table 1, each thematic area contains a set of guidelines that are used to assess the relevant governance structures and mechanisms in the country. Certain thematic areas contain sub-headings, under which a set of related guidelines are captured to facilitate reading of the report.

In chapter 6 below, each thematic area and sub-heading will be expanded upon through "Overview" and "Assessment" passages. The Overview provides the background information that informed each Assessment, such as the relevant laws and policies. The Assessment contains an evaluation of how the Sudan is faring with regards to each sub-heading and its related guidelines. In cases where information is limited, all the information is captured in the Assessment, and an Overview is not provided.

TABLE 1. Overview of guidelines related to the pillars and thematic areas of the study¹

Pillar I. Strengthening labour migration governance
Thematic Area 1. Capacity to collect, analyse, and share labour migration data
<i>Labour market information and data: Guidelines</i>
ILO Multilateral Framework on Labour Migration
5.1. Establishing systems and structures for periodic, objective labour market analyses that take into account gender issues and that include: 5.1.1 sectorial, occupational and regional dimensions of labour shortages and their causes, and relevant issues of labour supply; 5.1.2 shortages of skilled workers in both origin and destination countries, including in the public, health and education sectors; and 5.1.3 long-term impact of demographic trends, especially ageing and population growth, on the demand for and supply of labour.
<i>Labour migration data collection and analysis, and applying it to labour migration policy: Guidelines</i>
ILO Multilateral Framework on Labour Migration
3.1. Improving government capacity and structures for collecting and analysing labour migration data, including sex-disaggregated and other data, and applying it to labour migration policy.
<i>Sharing of labour market information and labour migration data and analysis at the regional level: Guidelines</i>
IGAD Regional Migration Policy Framework
4.2. Regional Cooperation and Harmonization of Labour Migration Policies <i>Recommended Strategies:</i> iv. Institute routine data collection, analysis and exchange on labour flows, stock and needs in labour-supply vis-à-vis labour-demand countries in IGAD to eliminate skills mismatch and to maintain proper skills audit.
Thematic Area 2. Coordination on labour migration
<i>Coordination of labour migration at national, regional, and continental levels: Guidelines</i>
ILO Multilateral Framework on Labour Migration
2.2. Developing intergovernmental dialogue and cooperation on labour migration policy, in consultation with the social partners and civil society and migrant worker organizations. 2.5. Establishing mechanisms for tripartite consultations at regional, international and multilateral levels. 3.5. Collecting and exchanging profiles of good practices on labour migration on a continuing basis. 4.7. Establishing a mechanism to ensure coordination and consultation among all ministries, authorities, and bodies involved with labour migration.

¹ The numbering of the articles and clauses presented in this table are the same as the numbering in the documents they originate from.

IGAD Regional Migration Policy Framework

4.1. National Labour Migration Policies, Structures and Legislation

Recommended Strategies:

x. Establish formal national and IGAD-wide social dialogue mechanisms to address migrant labour issues (including social protection and social security benefits, insurance, compensation for employment due to injury and old age pension for labour migrants while working abroad and/or upon their return to the countries of origin).

4.2. Regional Cooperation and Harmonization of Labour Migration Policies

Recommended Strategies:

iii. Hold regular dialogue among IGAD Member States and between them and the Member States of contiguous RECs [regional economic communities] to enhance communication between countries of origin, transit countries, and destination through reviews of national policies and legislation.

Thematic Area 3. Capacity to formulate and implement policy

Labour migration policy development and implementation: Guidelines

ILO Multilateral Framework on Labour Migration

- 4.2. Ensuring coherence between labour migration, employment, education and other national policies, in recognition of the wide social and economic implications of labour migration and in order to promote decent work for all and full, productive and freely chosen employment.
- 4.8. Ensuring that specific structures and mechanisms within these ministries have the necessary competencies and capacities to develop, formulate and implement labour migration policies, including, where possible, a special unit for issues involving migrant workers.
- 15.2. Expanding analyses of the contribution of labour migration and migrant workers to the economies of destination countries, including employment creation, capital formation, social security coverage and social welfare.

Policies that protect the rights of migrant workers, including bilateral labour agreements and gender-sensitive policies: Guidelines

ILO Multilateral Framework on Labour Migration

- 4.4. Implementing policies that ensure that specific vulnerabilities faced by certain groups of migrant workers, including workers in an irregular situation, are addressed.
- 4.5. Ensuring that labour migration policies are gender-sensitive and address the problems and particular abuses women often face in the migration process.
- 5.3. Where appropriate, establishing policies and procedures to facilitate the movement of migrant workers through bilateral, regional or multilateral agreements.

Ratification and domestication of international labour migration Conventions: Guidelines

IGAD Regional Migration Policy Framework

4.1. National Labour Migration Policies, Structures and Legislation

Recommended Strategies:

i. Promote the signing, ratification and domestication by the Member States of international instruments relating to labour (e.g. the ILO [Migration for Employment Convention (Revised), 1949] No. 97 and Migrant Workers (Supplementary Provisions) Convention, 1975] No. 143 and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families) through national legislation.

Thematic Area 4. Regulating employment agency practices

Employment contracts: Guidelines

ILO Multilateral Framework on Labour Migration

- 10.3. Promoting the establishment of written employment contracts to serve as the basis for determining obligations and responsibilities and a mechanism for the registration of such contracts where this is necessary for the protection of migrant workers.
- 13.3. Ensuring that migrant workers receive understandable and enforceable employment contracts.

Licensing and monitoring of private employment agencies: Guidelines

ILO Multilateral Framework on Labour Migration

- 13.1. Providing that recruitment and placement services operate in accordance with a standardized system of licensing or certification established in consultation with employers' and workers' organizations.
- 13.2. Providing that recruitment and placement services respect migrant workers' fundamental principles and rights.
- 13.5. Working to implement legislation and policies containing effective enforcement mechanisms and sanctions to deter unethical practices, including provisions for the prohibition of private employment agencies engaging in unethical practices and the suspension or withdrawal of their licences in case of violation.

Recruitment and placement fees: Guidelines

ILO Multilateral Framework on Labour Migration

- 13.7. Providing that fees or other charges for recruitment and placement are not borne directly or indirectly by migrant workers.

Pillar II. Advancing opportunities for regulated labour migration and decent work

Thematic Area 1. Labour mobility schemes to support labour market needs

Rules and regulations governing labour migration and mobility: Guidelines

ILO Multilateral Framework on Labour Migration

- 5.2. Establish transparent policies for the admission, employment and residence of migrant workers based on clear criteria, including labour market needs.
- 5.5. Ensuring that temporary work schemes respond to established labour market needs, and that these schemes respect the principle of equal treatment between migrant and national workers.
- 12.3. Simplifying administrative procedures involved in the migration process and reducing processing costs to migrant workers and employers.
- 6.3. Promoting dialogue and consultation with employers' organizations on practical opportunities and challenges they confront in the employment of foreign workers.
- 6.4. Promoting dialogue and consultation with workers' organizations on particular concerns posed by labour migration and their role in assisting migrant workers.

Draft IGAD Free Movement Protocol

Part A: Free Movement of Persons and Labour

Article 3. Free Movement of Workers

3. For the purpose of this Article, the free movement of workers shall entitle a worker to:
 - d. stay in the territory of a Member State for the purpose of employment in accordance with the national laws and administrative procedures governing the employment of workers of that Member State;
8. The national laws and administrative procedures of a Member State shall not apply where the principal aim or effect is to deny citizens of other Member States the employment that has been offered.

Circular and return migration: Guidelines

ILO Multilateral Framework on Labour Migration:

- 15.8. Adopting policies to encourage circular and return migration and reintegration into the country of origin, including by promoting temporary labour migration schemes and circulation-friendly visa policies.

Labour exchanges and critical skills: Guidelines

ILO Multilateral Framework on Labour Migration:

- 15.7. Adopting measures to mitigate the loss of workers with critical skills, including by establishing guidelines for ethical recruitment.

IGAD Regional Migration Policy Framework

4.2. Regional Co-operation and Harmonization of Labour Migration Policies

Recommended Strategies:

- vi. Establish bilateral and multilateral labour exchanges among IGAD Member States and with contiguous non-Member States of neighbouring RECs to employ or deploy temporarily human resources with scarce or desirable skills

Establishment and investment: Guidelines

Draft IGAD Free Movement Protocol:

Part B: Rights of Establishment and Residence

Article 6. Rights of Establishment

11. For the purposes of this Article, the Member States shall:
 - a. remove the administrative procedures and practices, resulting from national laws or from agreements previously concluded between the Member States, that form an obstacle to the right of establishment;
 - b. progressively remove any administrative procedures and practices resulting from national laws that restrict the right of establishment, in respect of the conditions for:
 - i. setting up agencies, branches or subsidiaries of companies or firms in their territories; and
 - ii. the entry of personnel of the companies or firms registered in another Member State into managerial or supervisory positions in agencies, branches or subsidiaries in that Member State.

Thematic Area 2. Supporting functions for participation in the labour market, including access to information, education, training, skills recognition, and finance

Disseminating information to migrant workers: Guidelines

ILO Multilateral Framework on Labour Migration

- 12.4. Promoting the participation of employers' and workers' organizations and other relevant non-governmental organizations in disseminating information to migrant workers.

Education, training, skills recognition, the harmonization of qualifications, and access to finance: Guidelines

ILO Multilateral Framework on Labour Migration

- 14.3. Improving the labour market position of migrant workers, for example, through the provision of vocational training and educational opportunities.
- 12.6. Promoting the recognition and accreditation of migrant workers' skills and qualifications and, where that is not possible, providing a means to have their skills and qualifications recognized.

IGAD Regional Migration Policy Framework

- 4.1. National Labour Migration Policies, Structures and Legislation

Recommended Strategies:

- ix. Facilitate the integration of migrants in the labour market including the education and training sector.

Draft IGAD Free Movement Protocol

Part A: Free Movement of Persons and Labour

Article 4. Harmonization and Mutual Recognition of Academic and Professional Qualifications

For the purpose of ensuring the free movement of labour, the Member States undertake to:

- a. mutually recognize the academic and professional qualifications granted, experience obtained, requirements met, licences or certifications granted, in other Member States; and
- b. harmonize their curricula, examinations, standards, certification and accreditation of educational and training institutions.

Facilitating remittances: Guidelines

ILO Multilateral Framework on Labour Migration

- 15.6. Reducing the costs of remittance transfers, including by facilitating accessible financial services, reducing transaction fees, providing tax incentives and promoting greater competition between financial institutions.

Thematic Area 3. Promoting social integration and inclusion

Public education and awareness-raising campaigns on the contribution of migrants: Guidelines

ILO Multilateral Framework on Labour Migration

- 14.9. Promoting public education and awareness-raising campaigns regarding the contributions migrant workers make to the countries in which they are employed, in order to facilitate their integration into society.

IGAD Regional Migration Policy Framework

- 4.1. National Labour Migration Policies, Structures and Legislation

Recommended Strategies:

- vi. Promote integration of migrants by enhancing local citizenry, inclusive policies and engaging with societies in destination countries; address discrimination and xenophobia through civic education and awareness-raising campaigns.

Family reunification, and access to employment for family members and education for children: Guidelines

ILO Multilateral Framework on Labour Migration

- 14.10. Facilitating the reunification of family members of migrant workers as far as possible, in accordance with national laws and practice.
- 14.12. Facilitating the integration of migrant workers' children into the national education system.

Draft IGAD Free Movement Protocol

Part A: Free Movement of Persons and Labour

Article 3. Free Movement of Workers

5. A worker shall have the right to be accompanied by a spouse and a child, and:
- a spouse who accompanies the worker shall be entitled to be employed as a worker or to engage in any economic activity;
 - as a self-employed person in the territory of that Member State;
 - child who accompanies the worker shall be entitled to be employed as a worker or to engage in any economic activity as a self-employed person in the territory of that Member State subject to the age limits under the national laws of that Member State

Pillar III. Enhancing the protection of migrant workers and their families

Thematic Area 1. Protection of migrant workers' human rights

Protecting the human rights of migrants: Guidelines

ILO Multilateral Framework on Labour Migration

- 8.1. Governments should ensure that national laws and practice that promote and protect human rights apply to all migrant workers and that they are respected by all concerned.
- 8.2. Information should be provided to migrant workers on their human rights and obligations and assisting them with defending their rights.
- 8.3. Governments should provide effective enforcement mechanisms for the protection of migrant workers' human rights and provide training on human rights to all government officials involved in migration.
- 10.5. Providing for effective remedies to all migrant workers for violation of their rights, and creating effective and accessible channels for all migrant workers to lodge complaints and seek remedy without discrimination, intimidation or retaliation.
- 10.7. Providing effective sanctions and penalties for all those responsible for violating migrant workers' rights.

Draft IGAD Free Movement Protocol

Part A: Free Movement of Persons and Labour

Article 1. Free Movement of Persons

- 1.3. The Member States shall, in accordance with their national laws, guarantee the protection of the citizens of the other Member States while in their territories.

Protecting migrants from forced labour and exploitation: Guidelines

ILO Multilateral Framework on Labour Migration

- 8.4.2 Legislation and policies should be adopted, implemented and enforced to protect migrant workers from conditions of exploitation and forced labour, including debt bondage and trafficking, particularly migrant workers in an irregular situation or other groups of migrant workers who are particularly vulnerable to such conditions.

Thematic Area 2. Social security and social protection

National labour laws and social protection laws applying to migrant workers: Guidelines

ILO Multilateral Framework on Labour Migration

- 9.8. Adopting measures to ensure that national labour legislation and social laws and regulations cover all male and female migrant workers, including domestic workers and other vulnerable groups, in particular in the areas of employment, maternity protection, wages, occupational safety and health and other conditions of work, in accordance with relevant ILO instruments.

Social security coverage and portability: Guidelines

ILO Multilateral Framework on Labour Migration

- 9.9. Entering into bilateral, regional or multilateral agreements to provide social security coverage and benefits, as well as portability of social security entitlements, to regular migrant workers and, as appropriate, to migrant workers in an irregular situation.

Draft IGAD Free Movement Protocol

Part A: Free Movement of Persons and Labour

Article 3. Free Movement of Workers

- 3.3. For the purpose of this Article, the free movement of workers shall entitle a worker to:
- f. enjoy the rights and benefits of social security as accorded to the workers of the host Member.

Part B: Rights of Establishment and Residence

Article 6. Rights of Establishment

3. For the purposes of paragraph 1, the right of establishment shall entitle:
- b. a self-employed person who is in the territory of another Member State to join a social security scheme of that Member State in accordance with the national laws of that Member State.

Thematic Area 3. Labour inspection for migrant workplaces

ILO Multilateral Framework on Labour Migration

- 10.1. Extending labour inspection to all workplaces where migrant workers are employed, in order to effectively monitor their working conditions and supervise compliance with employment contracts.
- 10.2. Ensuring that the labour inspectorate or relevant competent authorities have the necessary resources and that labour inspection staff is adequately trained in addressing migrant workers' rights and in the different needs of men and women migrant workers.

Thematic Area 4. Facilitating reception and return

ILO Multilateral Framework on Labour Migration

- 12.1. Facilitating migrant workers' departure, journey, and reception by providing, in a language they understand, information, training and assistance prior to their departure and on arrival concerning the migration process, their rights and the general conditions of life and work in the destination country.
- 12.2. Wherever possible facilitate migrant workers' return by providing information, training, and assistance prior to their departure and on arrival in their home country concerning the return process, the journey and reintegration.

3. Overview of the Sudan and its migration trends

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The Sudan is an origin, destination, and most importantly, transit country for mixed migration flows.

The Sudan is culturally, economically, and politically linked to both Sub-Saharan Africa and the Middle East. The third-largest country in Africa, it borders the Central African Republic, Chad, Egypt, Eritrea, Ethiopia, Libya, and South Sudan. It has a total land area of 1,861,484 square kilometres and a population of 43,201,816 people. Its gross domestic product (GDP) for 2017, at official exchange rate, stands at US\$119 billion, while its growth rate was 3.7 per cent for 2017 (CIA, 2018). It is classified by the World Bank as a lower-middle income country (World Bank, 2018a). While much of its land is desert, it also holds fertile agricultural land, and strategically located ports on the Red Sea. The Blue and White Niles meet in its capital, Khartoum (Word Bank, 2018b).

Most of its history, since independence in 1956, has been marked by conflict, which has fuelled violence, poverty, inequality, and displacement. At the end of 2017, the Sudan had 1,997,022 internally displaced persons (IDPs) (UNHCR, 2018). Conflict in Darfur has caused massive displacement in the Sudan and across borders, while conflict in Blue Nile and South Kordofan states have also led to large numbers of IDPs (Strachan, 2016, p. 2). In 2016, 650,588 Sudanese refugees were registered with the United Nations High Commissioner for Refugees (UNHCR), mainly in Chad (48 per cent), South Sudan (37 per cent), and Ethiopia (6 per cent), as well as Egypt. A free movement agreement between the Sudan and Egypt makes it difficult to know the number of Sudanese refugees in Egypt (MGSOG, 2017, p. 3).

Nearly half of the Sudan's population live at or below the poverty line. With the secession of South Sudan in 2011, the country lost three-quarters of its oil production, which had spurred much of its GDP growth since 1999 (CIA, 2018). Oil revenue accounted for 95 per cent of exports and more than half of the Government's income. Consequently, economic growth has fallen and the country has battled with consumer price inflation (Word Bank, 2018b). The Sudan is working on diversifying its economy, through agriculture, livestock, and gold mining. Agriculture still employs 80 per cent of its labour force (CIA, 2018).

A further economic challenge has been US sanctions on the Sudan, imposed in the 1990s. These sanctions prohibited financial and trade transactions between US citizens and entities and their Sudanese counterparts (World Bank, 2018b). The sanctions were largely lifted in October 2017, but the Sudan remains on the US list of State sponsors of terrorism, which it was placed on in 1993 (Moore, 2017). International trade relations are yet to fully normalize. Banks and other entities are still reluctant to conduct financial transactions with the Sudan, and debt relief and financial aid are curtailed by its inclusion in the US list of State sponsors of terrorism. Sudanese continue to struggle with rising inflation and deteriorating living standards (BBC News, 2018).

The Sudan is an origin, destination, and most importantly, transit country for mixed migration flows. It is situated along historical and contemporary migration routes from West and East Africa towards North Africa, Europe, and the Gulf Countries (MHUB, 2018). Traditionally, migrants from West Africa and neighbouring countries travelled to the Sudan for trade, and while en route to Saudi Arabia for the Muslim pilgrimage. In recent years immigrants from new countries of origin have sought economic opportunities in the Sudan, such as migrants from China, Bangladesh, Sri Lanka, the Philippines, and Turkey (IOM, 2011: 27).

Current mixed migration flows from the Horn of Africa and through the Sudan are driven by multiple factors, including lack of decent work, conflict, oppressive political regimes, and environmental conditions, such as draught and desertification, as well as smuggling and trafficking networks. Diaspora networks play an important role in the countries of destination that migrants choose, as they may fund journeys and offer social and economic opportunities and support in the country of destination. Most migrants are impelled to move for more than one reason, and their migration status may change along their journey, shifting between “smuggled”, “trafficked”, “refugee”, and “economic migrant”. While the recent narrative on irregular migration has focused on distinguishing between migrants who flee for their lives, and those in search of a better life, exact distinctions are in reality hard to make. Lack of regular migration opportunities and efforts to curb irregular migration have driven migrants underground; heightened the demand for smuggling services; and left migrants vulnerable to increased human rights violations. Most migrants who travel through the Sudan use the services of smugglers to facilitate their journey, and are aware of the risks they may face along the way. These migrants experience an array of abuses, including forced labour, sexual violence, and harsh living conditions (RMMS, 2017). Due to the clandestine nature of irregular migration, the exact numbers that transit through the Sudan are not known. Some migrants may work in the Sudan for some time to fund their onward journey.

The US Department of State *Trafficking in Persons Report 2018* (hereafter, *TIP Report*) classifies the Sudan as a transit, source, and destination country for the trafficking of men, women, and children, primarily for forced labour. It reports that the highest number of trafficked persons in the Sudan are Eritreans in eastern Sudan, who form part of a steady inflow of young Eritrean asylum-seekers. Conflict in South Sudan has led to increased numbers of South Sudanese refugees in the Sudan, who are also vulnerable to exploitation. Female Ethiopian domestic workers and Sudanese women and girls are known to face exploitation as domestic workers. Some Ethiopian women are forced into prostitution in Khartoum and experience debt bondage. Sudanese and unaccompanied migrant children from West and Central Africa, as well as Syrian refugees and children, are involved in street begging and vulnerable to exploitation (US Department of State, 2018).

In June 2017, there were 736,000 migrants in the Sudan, consisting of regular and irregular migrants as well as refugees, according to United Nations Department of Economic and Social Affairs census data (MHUB, 2018). Only a small proportion of migrants in the Sudan work in a regular status. According to the Ministry of Labour and Administrative Reform, about 29,000 migrants were legally working in the Sudan in November 2017. A breakdown of this data in terms of country of origin could not be obtained. The most recent data on work permits is from a 2011 migration profile of the Sudan by the International Organization for Migration (IOM), which points to work permits issued to nationals from China, the Philippines, India, Turkey, and Bangladesh to work on national projects in the Sudan. Reliable and up-to-date data on labour migration to and from the Sudan is lacking.

According to the Ministry of Interior, the eastern states of the Sudan have an agreement with neighbouring states in Ethiopia that facilitates seasonal labour migration in agriculture, but the number of Ethiopian labour migrants in the Sudan is not known. Gadaref state in Eastern Sudan borders the Amhara and Tigray regions of Ethiopia, and is a centre for agricultural production. During planting and harvest season, there is great demand for seasonal agricultural labour. Since South Sudan's independence, the local supply of seasonal agricultural labour in Gadaref state has diminished and Ethiopian seasonal labour migration has increased. Unofficial estimates point at up to half a million Ethiopian seasonal labour migrants working in agricultural production in Gadaref state on an annual basis (Eldin and Ferede, 2018, pp. 10–11).

South Sudanese engage in agriculture in southern Sudan. Migrant workers from the Central African Republic, Chad, and Eritrea also work in agriculture, and as truck drivers. Moreover, migrant workers are active in the hospitality sector across the Sudan, including nationals of Egypt, the Philippines, and Syria. Egyptians also work in mining, and Filipinos in domestic work. Chinese migrant workers are active in the construction sector.

The Sudan has been hosting refugees since 1965 (IOM, 2011, p. 26). At the end of 2017, there were 906,599 refugees in the Sudan and 18,211 asylum-seekers, with large numbers originating from South Sudan and Eritrea (UNHCR, 2018). Ethiopia and Chad are two other major countries of origin for refugees and migrants (IOM, 2011, p. 18). The wars in Syria and Yemen have brought influxes from these countries, whose nationals receive *prima facie* refugee status in the Sudan. The Sudan's refugee law grants refugees the right to work, for which a work permit needs to be obtained. South Sudanese, Syrian, and Yemeni refugees do not require work permits to legally access the labour market. Few work permits are issued to refugees – only 180 in 2012. This is attributed to a lack of work opportunities, and refugees not possessing sufficiently scarce skills that would justify the issuing of a work permit (Zetter and Ruaudel, 2016, pp. 103–104).

Up to 60 per cent of the labour force in the Sudan work in the informal economy (UNDP and ILO, 2014, p. 12). Internal migration, which is mainly rural-to-urban, has contributed to the growth of the informal sector and to urban poverty, and has been taking place since the 1970s. Conflict and natural disasters, like droughts, have been push factors for internal migration (MGSOG, 2017, p. 8). Jobs in the formal economy are decreasing and cannot accommodate the young and growing population. Consequently, emigration has continued for the last four decades (UNDP and ILO, 2014, p. 12). Saudi Arabia and other Gulf countries

are top destinations for Sudanese labour migrants (MGSOG, 2017, p. 3). Sudanese men who work as low-skilled labourers in the Middle East experience forced labour. Some Sudanese are also trafficked for labour in agriculture and mining in Libya, following false promises by Sudanese criminal gangs of employment in that country (US Department of State, 2018).

More than 1 million Sudanese are estimated to work abroad, and many of them are highly skilled (UNDP and ILO, 2014, p. 12). Studying abroad appears to be a common step towards emigration for highly skilled Sudanese, with Canada, Germany, the United Kingdom, and the United States having been important Organisation for Economic Co-operation and Development countries of destination chosen in the past. Socio-economic ties and bilateral arrangements that facilitate student mobility and cut enrolment costs – as well as lower living costs – have also brought Sudanese students to Egypt, India, Kenya, Malaysia, Pakistan, and Uganda (IOM, 2011, pp. 20, 57, 59).

Brain drain is a recognized challenge, especially in the health sector (Strachan, 2016, p. 1). The brain drain of teachers, scholars, and academics is also reported (ESCWA and NPC, 2018). Highly skilled labour migration from the Sudan is a significant factor holding back the Sudan's development, for which remittances flows are not compensating (UNDP and ILO, 2014, p. 12). In 2017 the Sudan received US\$179 million in remittances that were channelled through formal means, which amounted to 0.2 per cent of GDP in 2017 (KNOMAD, 2018). Households mainly use remittances for consumption spending, education, and health care, with little remaining for investment (Strachan, 2016, p. 42). While some Sudanese do return to the Sudan, recent, accurate figures are not available. Just 435 qualified Sudanese were reported to have returned to the Sudan with their dependants over the period 2006–2009 (Strachan, 2016, p. 20). In addition, over the same period, the United Nations Development Programme (UNDP) Transfer of Knowledge Through Expatriate Nationals (TOKTEN) programme and a similar IOM programme temporarily returned 111 Sudanese to, inter alia, make contributions in the fields of education, health, and infrastructure (Strachan, 2016, pp. 20–21). The IOM has also been implementing Assisted Voluntary Return and Reintegration programmes in the Sudan since 2005, with a total of 1,348 Sudanese migrants having been voluntarily returned (IOM, 2017a, p. 2).

Moreover, informants of this study indicated that return migration is discouraged by the taxes that returning Sudanese migrants have to pay to the Ministry of the Interior. The amount of tax that is paid is calculated according to the occupation that the migrant worker performed abroad (with more skilled occupations paying higher taxes), and according to the amount of time that has been spent abroad. After a period of time this can amount to large sums, with Sudanese migrant workers preferring to arrange for their family members to visit them in their host country, rather than returning to the Sudan and paying the taxes.

The Sudan is a member of the Common Market for East and Southern Africa (COMESA), which has 21 Member States. COMESA's Protocol on the Gradual Relaxation and Eventual Elimination of Visa Requirements, 1984, is in force, but is not fully implemented. The COMESA Protocol on Free Movement of Persons, Labour, Services, the Right of Establishment and Residence was adopted in 2001, but has only been ratified by Burundi and signed by Kenya, Rwanda, and Zimbabwe (COMESA, 2017, p. 4). Moreover, the Sudan is a Member State of IGAD, which is developing a protocol to allow for the free movement of persons among its members.

4. Overview of the roles and responsibilities of the key ministries, agencies, and tripartite organizations

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Various government ministries, departments and social partners play a role in migration and mobility governance and engage in tripartite consultations with the Government in Sudan.

4.1 Government ministries and agencies

Ministry of Interior (MOI)

The remit of the MOI covers security; border management, including apprehending, repatriating, and deporting migrants; and civil registry.

The Passport and Immigration Act, 2015, captures the functions of the MOI's General Directorate of Passports and Immigration in article 4, namely:

- ▶ issuing, regulating, and controlling travel documents and passports, including issuing passports to Sudanese abroad;
- ▶ keeping records of Sudanese international migratory movements;
- ▶ regulating entry and exit procedures of Sudanese nationals and foreign nationals; and
- ▶ regulating the presence of foreign nationals in the Sudan, in accordance with the relevant laws and regulations, and issuing, renewing, and cancelling the residence permits of foreign nationals.

Commission for Refugees

The Commission for Refugees falls under the MOI, and leads government efforts on refugees in collaboration with the UNHCR. The Commission assesses asylum claims and registers refugees, and issues them with ID cards. It provides material and administrative assistance to refugees, and manages refugee camps. It collects data on refugees and develops statistical reports and studies on refugees (IOM, 2011, p. 76).

Ministry of Labour and Administrative Reform (MOL)

The MOL regulates employment, and issues labour regulations. It monitors employment agencies, for which it also issues with licenses, and develops bilateral labour agreements (BLAs) with other nation States. As per the Sudan National Interim Constitution, 2005, migration falls under the remit of the Federal Government, and all work permits should be issued by the MOL.

The MOL's General Directorate of Employment and Migration has two sub-departments, one which deals with Sudanese migrating abroad for work, and one which is charged with overseeing matters related to incoming migrant workers. The contracts of Sudanese migrant workers need to be validated by the MOL in order to receive a letter of no objection, which enables potential migrants to obtain an exit visa from the MOI.

The MOL's Policy of Employment Department works on employment-related matters. The Labour Market Information and Studies Department conducts a household labour force survey, as well as a survey of companies, which captures the number of employees, working conditions, and labour demand.

The General Directorate of Planning Policy and Research of the MOL has three departments, including the National Planning of Labour Department, which develops an annual labour plan that the Minister of Labour reports on to the National Legislature. The State Coordination Unit in the Department receives monthly reports from the labour offices in the Sudan's states on the state of the labour market. The MOL has a computerized database of Sudanese migrant workers who passed through its office, as well as of incoming migrant workers (the data includes sex, qualifications, country of origin and destination, and contract information), and this data is fed into the development of and reporting on the annual labour plan.

Ministry of Foreign Affairs (MOFA)

The MOFA's embassies issues visas to foreign nationals. They also assist the Sudanese diaspora, who can appeal to them in the event that they face difficulties in the hosting country. The embassies do not have labour attachés, but have staff that perform similar functions, and who work on resolving the labour-related problems of Sudanese migrant workers. Moreover, they provide the diaspora with services regarding passport renewal and the issuing of birth certificates.

The MOFA's embassies verify requests for Sudanese migrant workers that the MOL receives from foreign governments, to ensure that they are genuine and entail good conditions for migrant workers. Once the request is approved, it will be stamped by the Sudanese

embassy in the country that the request originates from, and steps can be taken to initiate the requested labour migration.

Secretariat of Sudanese Working Abroad (SSWA)

The SSWA forms part of the Ministry of the Cabinet, and works on issues related to Sudanese working abroad. The SSWA's remit includes encouraging members of the diaspora to return to the Sudan to engage in knowledge and skills exchanges, and supporting the reintegration of returning Sudanese. The Sudan Centre for Migration and Development forms part of the SSWA, and it conducts research on the negative and positive impacts of migration on the Sudan.

National Population Council (NPC)

The NPC formulates national population policies. It is also the focal point for tracking national achievements in accordance with the Sustainable Development Goals, and therefore monitors progress pertaining to migration-related targets.

Ministry of Investment

The Ministry of Investment assists foreign investors, to whom it issues investment licenses. the Ministry has a One Stop Shop that houses representatives from different ministries and agencies – including those working on agriculture, livestock, tourism, roads and bridges, custom duties, and immigration – to facilitate the investment process.

Central Bureau of Statistics

The Central Bureau of Statistics was established by the Statistics Act, 2003, and it leads and coordinates the production of statistics in the Sudan. The Statistics Act tasks the Bureau with producing population statistics; establishing and maintaining national statistical information systems; establishing a central archive of statistical publications; training staff of partner institutions on statistical work; and coordinating the statistical work of the various levels and units of Government.

Ministry of Youth and Sport

The Ministry of Youth and Sport coordinates work on youth (15–34 years of age) issues between the state and federal levels of government, and develops policies on youth issues. It works on issues of youth migration, including raising awareness with the youth on the dangers of irregular migration.

Ministry of Social Insurance and Development

The Ministry of Social Insurance and Development develops policies and programmes to address poverty. The focus of its activities includes: child protection; women's empowerment; and social assistance to vulnerable Sudanese, including (at times) returning migrants.

4.2 Workers' and employers' organizations

The Sudan's National Interim Constitution, 2005, grants every person the right to form or join trade or professional union in its Bill of Rights (article 40).

Various restrictions on the formation and operation of trade unions are reported by the International Trade Union Confederation in their Survey of Violations of Trade Union Rights.² These restrictions include the fact that prior authorization or approval needs to be obtained from the authorities to establish a trade union (Trade Union Act, 2010, section 8) and that any changes to the statutes of trade unions or trade union federations need to be vetted by the Public Registrar (Trade Union Act, 2010, section 32(3)).

Sudanese Workers Trade Unions Federation (SWTUF)

The SWTUF is an umbrella organization for 15 trade unions. It works to solve labour disputes through the Labour Relations Tripartite Committee, in which the MOL and the Sudanese Business and Employer Federation (SBEF) also participate. Migrants do not belong to trade unions in the Sudan, and therefore the SWTUF does not represent the interests of migrant workers in the Sudan. The Federation does, however, promote the protection of Sudanese migrant workers abroad by entering into dialogue and agreements with trade unions in other countries, such as Bahrain, Egypt, Iraq, and Kuwait.

Sudanese Business and Employer Federation (SBEF)

The SBEF is an umbrella organization consisting of five specialized associations respectively focused on industry (such as chemicals, textile, and edible oils); merchants; small-scale business and crafts; transportation; and agriculture and livestock. Federation members include foreign companies from Egypt, Jordan, and the United Arab Emirates, and the SBEF provides these companies with information on the legal framework in the Sudan, including labour law.

² The survey is available at <https://survey.ituc-csi.org>

5. National coordination mechanisms on migration

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The Sudan is yet to establish its National Coordination Mechanism on Migration (NCM) and The National High Council on Migration is mandated to coordinate migration issues.

The Sudan is yet to establish its National Coordination Mechanism on Migration (NCM). The National High Council on Migration is mandated to coordinate migration issues, and it operates at the political level and is chaired by the Vice-President. The High Council meets once or twice a year, and is an inter-ministerial body with members from the MOI, the Commission for Refugees, the MOFA, the MOL, the NPC, the Central Bureau of Statistics, the Security and Intelligence Services, the Ministry of Finance, and academia. The NCM may be domiciled within the High Council in future.

The National Committee for Countering Human Trafficking (NCCT) coordinates the Government's counter-trafficking efforts, and consists of 19 government ministries, including the ministries of Interior, Social Insurance and Development, Education, Justice, and the General Prosecutor. The Ministry of Justice's Under-Secretary is President of the NCCT. The Committee finalized the National Action Plan to Combat Human Trafficking (second phase) in July 2017. Moreover, its work has focused on using media channels to raise awareness on trafficking in persons, and it met with non-governmental organizations (NGOs) in December 2017 to increase coordination on counter-trafficking activities. The NCCT met three times over the reporting period for the US Department of State's *TIP Report 2018*. The *TIP Report* recommends that the NCCT meet more regularly (US Department of State, 2018).

In addition, there is an Ethiopian-Sudanese border committee, which consists of representatives of eastern states in the Sudan and representatives from neighbouring regions in Ethiopia. The committee works on securing the border, countering human smuggling and trafficking, and facilitating trade.

6. Analytical Framework analysis

6.1 Pillar I. Strengthening labour migration governance

6.1.1 Thematic Area 1. Capacity to collect, analyse, and share labour migration data

6.1.1.1 Labour market information and data

Overview

The Sudan does not have a Labour Market Information System (LMIS). The MOL collects data on labour supply through the labour force survey, establishment surveys, their record system of work permits, and reports from the states' labour offices on their respective labour markets. The reports from the states are submitted on a monthly basis to the State Coordination Unit in the MOL's Planning Department. They contain information on the demand and supply of labour, including the number of persons employed, which is disaggregated by sex and qualification. The Planning Department reports on labour affairs to the Council of Ministers on a quarterly and biannual basis, while the Minister of MOL delivers a yearly report to the Parliament.

The Labour Market Information and Studies Department of the MOL's General Directorate of Planning, Policy and Research conducts labour force surveys. To date three have been conducted – the most recent in 2011 – in collaboration with the Central Bureau of Statistics. The survey prior to 2011 was conducted in 1990. The 2011 survey estimated the labour force at 9.3 million with an annual growth rate of 2.1 per cent. It provides information on the supply of labour, including distribution according to economic activity sector, profession, educational level, sex, region, and rural and urban areas. The MOL's report on the results of the survey – *Methodology of labour force survey and main results* – notes a doubling of the unemployed from 0.9 million in 1990, to 1.8 million in 2011, with an annual increase of 3.3 per cent. It attributes this to demographic changes marked by a growing youthful population (MOL, n.d.). The next labour force survey was scheduled to take place in 2018, but it is not clear when it will take place. This survey is expected to contain a module dedicated to collecting information on nomads.

The Labour Market Information and Studies Department also conducts surveys of companies, which cover information:

- ▶ on income;
- ▶ number of employees, including the number of migrants that are employed;
- ▶ the qualifications of employees;
- ▶ hours of work;
- ▶ working conditions;
- ▶ health and safety issues; and

- demand for labour.

The last survey was conducted in 2007 and only covered companies in Khartoum and petrol, electricity, road, bridge, and dam projects. The Department intends to conduct an establishment survey that covers the whole country – the timeline for this survey is yet to be determined.

On 5–7 December 2017, the MOL, in collaboration with the IOM and with the support of the Swiss Government, convened a labour migration policy workshop in Khartoum. One of its outcomes was the recommendation to provide financial and technical support to the MOL to conduct labour market surveys (MOL and IOM, 2017, p. 2).

Assessment

The Sudan needs to develop an LMIS that is supported by labour force surveys that contain a module on labour migration. Data on the supply and demand for labour needs to be collected at regular intervals, and used to identify skills shortages. Such analysis should be used to craft measures that aid the development of the skills that are in demand in the labour market. The current education system does not equip young people with the skills required in the labour market, and contributes to a cycle of low productivity, low income, and youth unemployment (UNDP and ILO, 2014, p. 40). Measures should also be implemented to temporarily attract migrant workers to meet skills gaps, while training Sudanese to acquire these skills.

6.1.1.2 Labour migration data collection and analysis, and applying it to labour migration policy

Overview

The measurement of international migration in the Sudan is limited, despite numerous registration procedures for immigrants and emigrants. It is marked by a dearth of regular statistical production and the inadequate use and harmonization of the available administrative sources (IOM, 2011, p. 22). The 2011 national labour force survey captured data on international migrants. The MOL report on the survey – *Methodology of labour force survey and main results* – states: “Of those surveyed, 1.1% reported that they are foreigners, amounting to a total number of 319,000. About 188,000 persons reported that they were born outside the Sudan, 29% in Saudi Arabia, 19% in Eritrea and 15% in South Sudan” (MOL, n.d., p. 7).

The 2008 Population and Housing Census was the last census conducted, and it contained one question aimed at gathering data on Sudanese labour migration. Households were asked if they have a family member who is working abroad, the reason for them working abroad, and what their qualification is. Sudanese labour migrants who visit the Sudan need to pay taxes to leave the Sudan again. Informants for this study indicated that, due to this requirement, households are reluctant to provide information on family members working abroad, and the data collected through the census and other surveys is therefore not highly accurate.

The census gathered data on international migrants in the Sudan, by collecting information on their name, nationality, sex, main occupation, and age, and by asking whether they had been in the Sudan for more than six months. In the census the occupations of labour migrants in the Sudan are grouped into three categories – industrial, agricultural, and the services sector – and are not classified according to the formal or informal sector. The next census was scheduled to take place in 2018, but has been postponed, and a future date has not been set. As part of the census, the Central Bureau of Statistics plans to expand data collection on international labour migration in the next census by also asking households how long their family members have been abroad, what their qualifications are, where they are working, and whether they intend to return to the Sudan. The NPC stated that they are advocating to collect more data on migration in the next census, and would like to have information on the effect of migrants on urban areas, and the services they need. The NPC assists other ministries with the formulation of strategies and policies, and such data is important for national planning. The Central Bureau of Statistics would like to receive training for enumerators on how to collect data for the next census, and tablets to collect the data on.

The SSWA indicated that they have a database of the Sudanese diaspora, which contains the qualifications of Sudanese abroad, their place of origin, and their country of destination. In the past, the SSWA collected this data through the administrative procedures Sudanese migrant workers had to follow to leave the Sudan. In the past, requests for exit visas, which are required for Sudanese to leave the Sudan, were made to the SSWA by Sudanese labour migrants. Taxes need to be paid by Sudanese migrants who return to the Sudan for visits, and these taxes were in the past collected by the SSWA, but are now collected by the MOI. The SSWA also collects information on the diaspora through their registration at Sudanese embassies, at the SSWA's annual diaspora conference, and by inviting members of the diaspora to register on an online portal.

The MOL's General Directorate of Planning, Policy and Research stores computerized records of the sex, work contracts, and qualifications of Sudanese labour migrants. The MOL reviews the work contracts and educational certificates of Sudanese migrant workers, and provides them with a letter of no objection, which migrant workers need to obtain an exit visa from the MOI. Through this process they collect data on Sudanese migrant workers. The MOI collects data on Sudanese migrant workers through the issuing of exit visas, the tax payments of Sudanese migrant workers visiting the Sudan, and exit procedures followed at border crossing points.

However, the data that is collected on Sudanese labour migrants by the MOL and the MOI through these processes are believed to contain inaccuracies, for the reasons below. As noted above, Sudanese migrant workers who visit the Sudan need to pay tax in order to obtain an exit visa to leave the Sudan again. The amount of tax that is paid is calculated on the basis of the amount of time that has been spend abroad and the occupation that was performed abroad, with more skilled occupations paying higher taxes. Various informants held the view that labour migrants indicate to the MOL and MOI that they work in lower-skilled occupations abroad than they actually work in, in order to pay lower taxes. Moreover, in the Sudan women may require permission from their family, normally their father, husband, or brother, to work abroad. Family members will not allow them to work abroad as domestic workers. If they therefore plan to work abroad as domestic workers, they will indicate to the

MOL and MOI that they will be working abroad in a different occupation. In addition, doctors are not allowed to work overseas, due to the scarcity of their skills, which incentivizes them to indicate that they will be working abroad in a different occupation.

The MOL issues work permits for migrant workers and has a database that collects the following data from migrant workers: name, nationality, passport number, sex, and qualifications. According to their data, approximately 29,000 migrants were working in the Sudan in a regular status in November 2017. MOL data on incoming and outgoing regular labour migrants is included in the Ministry's annual labour plan and report, which is delivered to the Parliament by the Minister of Labour and Administrative Reform.

Assessment

Labour migration data collection and analysis, as well as applying it to labour migration policy, should be strengthened. The Government's labour migration data is incomplete, scattered between different ministries and agencies, and not systematically compiled, analysed, and applied to labour migration policy development. The tax that visiting Sudanese migrant workers have to pay in the Sudan should be reviewed, as it serves as a barrier to obtaining more accurate data on labour migration.

6.1.1.3 Sharing of labour market information and labour migration data and analysis at the regional level

Overview

The Sudan does not have a skills inventory that compiles data on the skills available in the country, nor does it have a systematic approach to identifying skills shortages. In addition, there is little information and research on labour migration between the Sudan and other IGAD countries. It is therefore difficult to address skills gaps through labour migration from IGAD countries, as a solid understanding of the existing needs and labour migration flows is lacking.

Labour flows and skill shortages are at times discussed in IGAD meetings, such as the Regional Consultative Process (RCP), but there are no systems in place for regularly sharing data on labour supply and demand between the Sudan and the IGAD countries. This also applies to the COMESA region, where information may be exchanged ad hoc at COMESA meetings and RCPs, but where there is no routine sharing of such data.

Assessment

The Sudan should develop a skills inventory and a comprehensive system to identify current and future skills gaps. In addition, research of labour migration flows between the Sudan and the IGAD Member States should be undertaken to better understand these flows, and to identify opportunities for enhancing labour migration to aid economic development and meet skills gaps. Routine data collection and analysis of labour flows, stocks, and needs between the Sudan and the IGAD countries is not undertaken, and systems should be put in place to collect this data.

6.1.2 Thematic Area 2. Coordination on labour migration

6.1.2.1 Coordination of labour migration at national, regional, and continental levels

Overview

The MOL reports that labour migration is discussed by the High Council on Migration, and not by the NCCT. Discussions with informants suggest that little inter-ministerial coordination on labour migration takes place. The NCM remains a work in progress. The NCM is expected to focus on four pillars, one of which will be labour migration, while the other pillars should focus on trafficking and smuggling of migrants; migration and development; and durable solutions for refugees. The Labour Migration Policy Workshop of December 2017 recommended that coordination between relevant stakeholders working on labour migration should take place, as well as that the NCM should be established (MOL and IOM, 2017). At the international level, the MOFA indicated that they plan to discuss labour migration issues with the Arab League, of which the Sudan is a member.

Tripartite consultation reportedly takes place at the national level through various tripartite committees, in which labour migration issues are at times discussed. The Labour Act, 1997, which addresses labour migration through dealing with the employment of Sudanese abroad (Part II, article 14), is being revised, and has been discussed with the SWTUF and the SBEF. The review process has been ongoing for a number of years, and it is not known whether it will affect the regulation of international labour migration. At the international level, the Sudan does not participate in any mechanisms for tripartite consultation.

Bilateral and multilateral exchanges of labour market information, and the collecting and exchanging of profiles of good practices on labour migration, do not routinely occur between the Sudan and the IGAD Member States, or other countries. Information on these topics may be shared at African Union (AU), EAC, COMESA, and IGAD meetings – and in the case of COMESA and IGAD, through their RCPs. The Joint Labour Migration Programme (JLMP) – which is led by the AU and implemented by ILO, the IOM, and the United Nations Economic Commission for Africa (UNECA) – shares information on these issues at some of its meetings.

While there are no routine meetings between IGAD Member States and the Member States of neighbouring regional economic communities, the AU has increasingly focused on migration, including labour migration, and serves as a useful forum for bringing together origin, transit, and destination countries. In the past two years, the AU has held numerous migration consultations as it:

- ▶ reviewed the AU Migration Policy Framework;
- ▶ developed the AU Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Establishment; and
- ▶ cultivated inputs for the Global Compact on Migration.

Moreover, implementation commenced in 2018 on the revised AU Migration Policy Framework for Africa and its Action Plan (2018–2030), which has a strong focus on labour migration and the free movement of persons. In addition, the African Labour Migration

Advisory Committee was inaugurated in May 2018 to promote and protect the rights of migrant workers and members of their families across the continent. Participants of the Committee include representative of the regional economic communities, AU bodies, the ILO, IOM, UNECA, and social partners. The AU is therefore expected to continue to serve as central forum for exchanges on labour migration law, policies, and practice.

Assessment

More comprehensive dialogue on all dimensions of labour migration should take place at the national level, and incorporate the tripartite structure, NGOs, academia, and IOs. The NCM, which is usually a multi-stakeholder forum that brings together NGOs, academia, and IOs, could serve as a good platform for discussions and collaboration on migration issues, including labour migration. At the same time, inter-ministerial coordination on labour migration should be bolstered. There may be discussions on labour migration that the Government needs to have internally, as it develops its own policy positions and exchanges information it is not willing to share with other actors.

At the international level, regular exchanges on labour migration laws, policies, and best practices should be instituted in existing forums, such as the IGAD RCP, COMESA RCP, AU meetings, and JLMP meetings.

6.1.3 Thematic Area 3. Capacity to formulate and implement policy

6.1.3.1 Labour migration policy development and implementation

Overview

The NPC has initiated a process to develop a national migration policy, which is supported by the IOM. They formed a task force in April 2017, in which the SSWA and MOI also participate, to develop the migration policy. According to the NPC, the labour migration policy will form part of the migration policy. The IOM reports that the labour migration policy will mainly focus on Sudanese working abroad, and not on labour migrants working in the Sudan. Moreover, the NPC, in collaboration with the United Nations Economic and Social Council for West Asia (ESCWA) and an external consultant, drafted guidelines to support the development of a “national strategy that facilitates safe, orderly, and well-managed migration, upholds the dignity and rights of migrants and refugees, and enables the Government to capitalize on migration gains for sustainable development” (ESCWA and NPC, 2018, p. 5).

The MOL is finalizing its national employment policy, and stated that the labour migration policy will form a part of the national employment policy. In addition, the IOM reports that the MOL has requested assistance with reviewing its existing Labour Migration Policy, which is not publicly available. The objective of the three-day Labour Migration Policy Workshop, which took place in December 2017, was to assist the MOL and other relevant government and non-governmental stakeholders to identify and address gaps in Sudan’s Labour Migration Policy. The workshop resulted in 40 recommendations, which should aid the MOL in reviewing the Policy, with a view to enhance the protection of Sudanese migrant workers and migrant workers in the Sudan, and strengthen migration management (IOM, 2017b).

Assessment

There is a strong need to enhance inter-ministerial coordination on labour migration policy development, with a view to clarify the labour migration policy development process, its objectives, and how it is linked to the national migration policy development process and the National Employment Policy, which is being finalized. In 2019 the Government reported that a labour migration policy is being developed with the support of the IOM.

The labour migration policy development process should take into account and ensure coherence with employment, education, and other relevant national policies, in recognition of the wide social and economic implications of labour migration and the need to have synchronized, mutually reinforcing policies. It should therefore be developed through a whole-of-government approach that engages all the ministries and agencies whose work touch on labour migration, such as the:

- ▶ MOI;
- ▶ MOL;
- ▶ MOFA;
- ▶ NPC;
- ▶ Central Bureau of Statistics, and
- ▶ ministries working on economic, social, health, and gender issues.

The labour migration policy development process should also include academia, civil society, and social partners. As a first step, it is recommended that a comprehensive training programme be implemented for the MOL and other relevant government agencies. This training programme should cover all aspects of labour migration – including BLAs; employment agencies; migrants' rights; protection; social integration; remittances; return and reintegration; etc. – in order to arrive at a shared, solid understanding of labour migration policy issues. On this basis, a common policy vision can be crafted, and the contribution, roles, and responsibilities of the government ministries and agencies, as well as other actors, can be defined. As part of the policy development process, research should be undertaken on the contribution of labour migration and migrant workers to the Sudan, including employment creation and capital formation, as well as the contribution of Sudanese migrant workers to their home country. This is important in order to understand the contribution that labour migration is making to the development of the Sudan, and to inform the labour migration policy development process. Very little information, research, and data are currently available on labour migration to and from the Sudan, which hampers evidence-based policy-making.

6.1.3.2 Policies that protect the rights of migrant workers, including bilateral labour agreements and gender-sensitive policies

Overview

According to the 2018 *Draft Guidelines for a Migration Strategy in Sudan*, the Sudan has signed BLAs with Ethiopia and Jordan (2003); Kuwait, Libya, Oman, Qatar, the United Arab Emirates, and Yemen (2012); and Djibouti (2014) (ESCWA and NPC, 2018, p. 14). In an interview for this study, the MOL reported that it is tasked with negotiating BLAs, and that the Sudan is currently developing BLAs with Egypt, Kuwait, and Qatar. The Sudan used to have a BLA with Libya,

but it was cancelled. The Sudan's BLAs are not publicly available and could not be reviewed for this study. According to the MOL, the BLAs cover labour exchanges, annual leave, social insurance, and health insurance, and they exist for different skills levels and sectors. The MOL reports that wages are covered in employment contracts and not in the BLAs. The BLAs also do not cover issues related to family members and children, such as their accompanying the migrant worker to the country of destination. The Labour Migration Policy Workshop of December 2017 recommended the conclusion of more BLAs with countries where there are many Sudanese, especially Saudi Arabia (MOL and IOM, 2017, p. 1).

The Sudan does not have labour attachés that can assist Sudanese migrant workers in countries of destination. The MOFA indicated that they have staff that perform the functions of labour attachés, but this would need to be verified through further investigation. The MOL stated that if Sudanese migrant workers face challenges abroad, they can appeal to their embassy for assistance. The Labour Migration Policy Workshop of December 2017 recommended the establishment of labour attachés at Sudanese embassies to protect the rights of Sudanese migrants (MOL and IOM, 2017, p. 1).

Furthermore, the SWTUF has entered into a dialogue with trade unions in Bahrain, Egypt, and Kuwait to ensure that the wages of migrant workers are paid, especially upon the termination of their contracts. The NPC and the ESCWA report that many contracts are terminated abruptly in the Gulf States, and that Sudanese migrant workers are consequently deprived of their rights as employees (ESCWA and NPC, 2018, p. 55).

The National Action Plan to Combat Human Trafficking contains measures to enhance the protection of migrant workers. The Action Plan (second phase) 2018–2019 recognizes forced and exploitative labour as a form of trafficking. Its programme activities include the development of a comprehensive national policy to prevent human trafficking, which should "consider" a number of issues, including:

- ▶ increasing options for regular migration;
- ▶ strengthening protection for agricultural workers; and
- ▶ reducing the vulnerability of specific groups, including domestic workers, refugees, asylum-seekers, and irregular migrants.

In addition, the Action Plan calls for the mobilization of a review of labour laws and regulations, including with regard to recruitment agencies and employment intermediaries. The Action Plan also expresses the intent to identify two markets for Sudanese labour and to initiate discussions with these countries to expand regular labour migration opportunities for Sudanese. The Government has not yet dedicated a budget to the implementation of the National Action Plan, and only some awareness-raising activities have been implemented to date (US Department of States, 2018).

Assessment

The Sudan does not have policies in place to promote the protection of migrant workers, and to ensure that the specific vulnerabilities faced by certain groups of migrant workers, including workers in an irregular situation, are addressed. Nor does it have gender-sensitive labour migration policies in place that address the problems and particular abuses women often face in the migration process. The draft 2018 guidelines to support the development of a "national

strategy that facilitates safe, orderly, and well-managed migration, upholds the dignity and rights of migrants and refugees, and enables the Government to capitalize on migration gains for sustainable development”, which was developed by the NPC and the ESCWA, should assist in developing such policies. This includes the Sudan’s labour migration policy, which should comprehensively address the protection concerns of incoming and outgoing migrant workers, and the steps required to put in place the necessary protection mechanisms.

Moreover, the BLAs that are being developed will hopefully aid the protection of migrant workers. They should, however, include all aspects related to working conditions and migrants’ rights, including:

- ▶ wages;
- ▶ working environment and health and safety standards;
- ▶ labour inspection;
- ▶ social security and portability of social security benefits;
- ▶ family reunification possibilities; and
- ▶ labour dispute settlement mechanisms.

In addition, migrants should be given pre-departure training on their rights, which is currently not taking place in the Sudan.

The Government should dedicate a budget to the National Action Plan to Combat Human Trafficking 2018–2019, and implement its activities aimed at promoting regular labour migration and protecting migrant workers.

6.1.3.3 Ratification and domestication of international labour migration Conventions

Assessment

The Sudan has not signed up to the ILO Migration for Employment Convention (Revised) 1949, (No. 97); the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); or the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Ratification and domestication of these Conventions should take place. One of the recommendations of the Labour Migration Policy Workshop of December 2017 was to consider signing and ratifying relevant Conventions (MOL and IOM, 2017, p. 1). The MOL indicated during the interview for this study that the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is being reviewed by the Government for possible signature.

6.1.4 Thematic Area 4. Regulating employment agency practices

6.1.4.1 Employment contracts

Overview

Article 8 of the Non-Sudanese Employment Act, 2001, covers employment contracts for migrant workers in the Sudan. It states that prior to employment, and once a work permit has been obtained, the employer must enter into an employment contract with the migrant

worker in accordance with the provisions of the Labour Act, 1997. The contract should include the obligations of both parties.

Part V of the Labour Act, 1997, deals with “Contract of Service” in article 28. It states that written employment contracts are required for contracts that exceed three months. Both parties should sign the contract and keep a copy. A third copy is to be deposited with “the Commissioner”³. The worker can sign by writing their name or by printing their thumbprint on the contract. If the worker is illiterate, the employer should read out the contract in the presence of a witness, who is literate and has been selected by the worker. The contract should clearly specify the rights and obligations of both parties, and include the following information:

- ▶ the employer’s name;
- ▶ the name and address of the enterprise;
- ▶ the worker’s name, address, age, and qualifications;
- ▶ the nature of the work;
- ▶ starting date of employment;
- ▶ work address;
- ▶ the wage and means of payment; and
- ▶ the notice period for the termination of the contract (article 30).

It is important to note that various categories of workers are excluded from the Labour Act, 1997, in article 3, namely:

- a. *The Members of the Judiciary;*
- b. *The Counsels of the Ministry of Justice;*
- c. *Persons of Disciplinary Forces;*
- d. *Persons of National Security Organ;*
- e. *Persons employed in the federal and states governments and public corporations whose conditions of employment are governed by special laws save the rules concerning the industrial relation and industrial safety;*
- f. *Domestic servants according to the definition specified in the Domestic Servants Act 1955;*
- g. *Agricultural worker, other than persons employed in the operations, repair or maintenance of mechanical appliances and devices, and other than persons employed in factories, ginneries, diaries and similar establishments in which agricultural products are processed or adopted for marketing and other than persons employed in the administration of agricultural undertakings or doing clerical accounts work, stores, gardens, and poultry;*
- h. *members of the employer’s family residing with him and wholly dependent upon him;*
- i. *casual workers;*
- j. *Any class of persons, the Ministry Council may declare by an order that they are exempted totally or partially from the provisions of this Act.*

It is not clear which laws regulate the employment of all these excluded categories of workers, and whether written employment contracts are required for all these categories of workers. The US Department of State *TIP Report 2018* refers to a Domestic Workers Act of 2008, but it

³ The Labour Act, 1997, does not define “the Commissioner” – in this context it is understood to be the MOL Commissioner.

could not be obtained for this study. According to the MOL, the states of the Sudan can issue state labour laws, due to the federal structure of the Government. The MOL informed the study team that agricultural and casual workers and small-scale mining are covered by state level law, and that states may also have BLAs with regions in other countries.

Moreover, informants of this study highlighted that the states of the Sudan sometimes administer their own regulations with regard to migrant workers, and have at times regularized migrant workers in an irregular status. State-level regulations could potentially affect the regulation of employment contracts, but would require further investigation at the state level.

The division of responsibility between the central level of the Government and the state level of the Government regarding the enforcement of migrant worker employment contracts is not clear. At the level of the central Government, the MOL issues work permits and conducts labour inspection of regular migrants' workplaces, including to ensure compliance with employment contracts. But, the MOL also stated that labour disputes are governed through state-level legislation, and that labour offices in the states generally deal with labour disputes. Moreover, informants of this study indicated that labour offices in the states have been known to assist migrant workers who appeal to them for settling labour disputes.

Regarding Sudanese migrant workers, the Regulations of Operation for Employment and Recruitment Agencies, 2015, requires that the employment contracts of private employment agencies (PEAs) be presented to the MOL for approval. The MOL stated that it checks the following aspects of the employment contracts of Sudanese migrant workers who migrate abroad for work through employment agencies:

- ▶ salary;
- ▶ working hours, which should not be more than eight hours per day, for a maximum of six days per week;
- ▶ accommodation, which needs to be included in the employment contract;
- ▶ overtime pay; and
- ▶ health insurance.

The Labour Migration Policy Workshop of December 2017 highlighted the importance of ensuring that employment contracts are in the migrant's language and that migrants know the content of their contracts (MOL and IOM, 2017, p. 1).

Assessment

The Sudan should strengthen its promotion of written, understandable, and enforceable employment contracts. Written employment contracts should be required for contracts of less than three months, and employment contracts should be written in a language that the migrant worker understands.

The division of legal authority between the central Government and state level of Government is not clear with regard to labour law and migrant workers. And not all laws that regulate labour can be accessed. This makes it difficult for migrant workers and employers to know their rights; to ensure that they have the necessary provisions included in employment

contracts, and to know the channels available to them to enforce employment contracts. The extent to which employment contracts are enforced in the Sudan is not clear.

The Government should develop a single policy document and an online portal that can be used by migrant workers and employers to gain an understanding of how legal authority is divided between the central and state levels of Government, and how employment contracts are regulated and enforced. Awareness raising on this policy document and online portal should be conducted by the MOL, labour offices, Sudanese embassies, the SBEF, the SWTUF, IOs, and NGOs that assist migrants.

6.1.4.2 Licensing and monitoring of private employment agencies

Overview

The Regulations of Operation for Employment and Recruitment Agencies, 2015, details the licensing system for PEAs, and stipulates that a license is required for them to operate. A written application must be submitted to the MOL. The first application for a license needs to be accompanied by the following documents:

- ▶ criminal record clearance certificate for the owner of the agency;
- ▶ 50,000 Sudanese pounds (SDG) (US\$2,776)⁴ needs to be deposited at the MOL's Finance Directorate;
- ▶ the lease contract of the PEA, or a certificate of title or ownership;
- ▶ a copy of the identity card of the owner and their academic qualifications;
- ▶ the CV of the applicant;
- ▶ a map of the agency's location;
- ▶ a copy of the academic qualifications of the agency's employees; and
- ▶ the licensing fees according to the budget, which is approved annually by the Ministry of Finance.

A written application must also be submitted to the MOL for the renewal of a license (the original law that was obtained for this study states that it must be in accordance with table 2, but this table is missing from the document).

Moreover, the Regulations state that licensed employment and recruitment agencies must abide by the following rules:

- ▶ The MOL's Inspector must be allowed to inspect the premises of the agency.
- ▶ Written consent for the advertisement of vacancies needs to be obtained from the MOL.
- ▶ Interviews may only be conducted one week after a vacancy has been posted, and the MOL's Officer must be informed 48 hours before they take place and be present for the interview.
- ▶ Employment contracts need to be authenticated and approved by the MOL.
- ▶ In order for an employee to travel for work abroad they need to have a valid letter of no objection from the MOL.

⁴ The exchange rate used for these conversions from SDG to US\$ are from <https://www.xe.com/> on 20 July 2018.

The Regulations of Operation for Employment and Recruitment Agencies, 2015, state that once a license has been revoked it cannot be issued again. The Regulations state the number of warnings – one or two – that will be issued for 16 different contraventions before a license is withdrawn. These contraventions include:

- ▶ If a license is not renewed within one month of its expiry, one warning will be issued, and thereafter the license will be withdrawn (and can presumably not be applied for again).
- ▶ Performing activities other than those the company is licensed for will lead to one warning, and thereafter the license will be withdrawn.
- ▶ Non-compliance with the regulations for the recruitment of a foreign nationals will lead to one warning, and if the status of the foreign nationals is not regularized as it should be, the license will be withdrawn.
- ▶ If an MOL officer is prevented from inspecting the agency, there will be one warning, and thereafter the license will be withdrawn.

During the interview for this study the MOL stated that once a license has been approved, but before an agency can open an office, the Ministry inspects the premises of the agency, which must at least have two rooms as well as a toilet and a kitchen. Inspection is, however, only undertaken the first time a license is applied for.

Assessment

A standardized system of licensing for PEAs exists, but it is not clear to what extent it is enforced, and it does not appear to have been developed in cooperation with employers' and workers' organizations. Different informants stated that there is a communication gap between PEAs and the MOL, which requires strengthening. Moreover, it is not clear to which extent regular monitoring of employment agencies takes place, and whether PEAs are monitored with regard to respect for migrants' rights. No pre-departure training is provided to migrant workers. There is no explicit mention of migrants' rights in the Regulations that govern the licensing system for PEAs. Nor are there specific measures to promote the protection of migrants' rights, such as obligating PEAs to ensure that migrant workers receive pre-departure training or putting in place bespoke complaint mechanisms through which migrants can raise complaints they may have with PEAs or their employers.

While the IOM has provided a one-day training to PEAs on recruitment practices, it will be important to regularly train employment agencies on recruitment practices and migrants' rights. The Sudan has not ratified the ILO Private Employment Agencies Convention, 1997 (No. 181). The gaps in the Sudan's policy framework for regulating PEAs point to a need for the MOL and other relevant government ministries to receive training on the topics contained within Convention No. 181.

6.1.4.3 Recruitment and placement fees

Overview

The Labour Act, 1997, forbids employment agencies from charging commission or fees from workers for arranging their employment (article 9). In addition, the Regulations of Operation for Employment and Recruitment Agencies, 2015, states that the receipt of any fees by

an employment agency for facilitating a job shall lead to a warning, and thereafter to the withdrawal of the agency's license. However, there are normally other placement costs, and who covers these costs is not specified in any legal document. Such costs include travel to the country of destination and visa costs, and migrant workers could therefore end up paying for these recruitment- and placement-related costs. This may render migrant workers vulnerable to an exploitative situation, where they owe money to the employment agency or their employer, and where their wages or a part thereof are withheld as a result.

The Non-Sudanese Employment Act, 2011, states that the employer shall cover return travel of a migrant worker to their home country after the termination of their contract (article 8). But this Act only applies to migrant workers in the Sudan, and not to Sudanese migrant workers working abroad.

Assessment

Employment agencies are not allowed to charge recruitment fees, but the party responsible for other recruitment or placement-related costs is not specified in any legal document. All placement-related costs should be specified in the legal framework regulating employment agencies, including that the employer or the PEA should pay for such costs, and not the employee.

6.2 Pillar II. Advancing opportunities for regulated labour migration and decent work

6.2.1 Thematic Area 1. Labour mobility schemes to support labour market needs

6.2.1.1 Rules and regulations governing labour migration and mobility

Overview

Entry visas

According to the MOI, the only nationals exempt from requiring a visa to enter the Sudan are those from Egypt, South Sudan, Syria, and Yemen. The Passports and Immigration Act, 2015, states in article 10 that an entry visa is required to enter the Sudan, and is to be issued by the competent authority (which is normally the Sudanese embassy in the country of residence of the applicant). Article 11 states that the Minister of Interior may refuse to issue, or cancel, an entry visa without giving any reason. Foreigners will not be issued an entry visa if they:

- ▶ are a fugitive;
- ▶ are a declared persona non grata by the Government;
- ▶ were deported from the Sudan and the decision was not revoked;
- ▶ are on the black list of the MOI;
- ▶ have no evident means of earning a living;

- ▶ have a contagious disease or are insane or mentally disturbed, unless the entry is for medical treatment purposes; or
- ▶ do not have the health certificates required by the health authorities (the health certificates are not specified).

The Act defines the “black list” or “Control List” as a list containing the names of persons who are prohibited from leaving or entering the Sudan.

The Alien Affairs Regulation, 2006, also contains specifications on entry visas. Article 7 states that entry visas are issued for the following purposes:

- ▶ visit;
- ▶ tourism;
- ▶ employment;
- ▶ mission;
- ▶ study;
- ▶ medical treatment; and
- ▶ any other purposes determined by the competent authorities.

The 2008 Amendment of the Alien Affairs Regulation, 2006, states that an entry visa is valid for two months and can be renewed for a one-month period. Article 8 specifies that the entry visa does not allow work in the Sudan, with or without remuneration, and that a work visa is required to engage in any type of work.

The requirements for business persons and investors to obtain an entry visa are specified in article 9(4)(b) of the Alien Affairs Regulation, 2006, and consist of a letter from the relevant entity for experts, and approval from the Ministry of Investment. The “entity of experts” is not defined, nor how they are constituted.

Work permits

The requirements of a work visa are:

- ▶ a letter stating that the employer is responsible for the applicant;
- ▶ a preliminary work permit in accordance with article 7 of the Employment of Non-Sudanese Act, 2001; and
- ▶ the certificate of registration and certificate of renewal of registration of the firm the applicant will work for (Alien Affairs Regulation, 2006, article 9(3)).

The Non-Sudanese Employment Act, 2001 states in article 7 that an employer must submit an application for the employment of a foreign national currently residing abroad in order to obtain a preliminary authorization for the worker. The employer must obtain a work permit for a foreign worker who has entered the Sudan with the preliminary authorization, as well as for any independent foreign worker (such a person is presumably already in the Sudan). Article 12 states that the work permit is valid for one year, unless the period of employment is less than a year, and can be renewed.

The “Conditions for granting work permit” is captured in article 6 of the Non-Sudanese Employment Act, 2001. A work permit will only be granted if the position cannot be filled by

a Sudanese. In this case preference will be given to a foreign national already resident in the Sudan over a foreign national not currently resident in the Sudan, and nationals of Arab and African countries will be given preference over nationals of other countries. In addition, a work permit will only be granted to a person who is at least 21 years old and holds a special or ordinary residence permit. The residence permit should be issued under the Passport and Immigration Act, 2015.

Article 8 of the Non-Sudanese Employment Act, 2001, states that prior to employment, and once a work permit has been obtained, the employer must enter into an employment contract with the foreign worker in accordance with the provisions of the Labour Act, 1997. The contract should include the training specified in article 9 of the Non-Sudanese Employment Act, 2001. Article 9 requires employers to train Sudanese to fill the post of the migrant worker, and to develop a training programme that enables a Sudanese to ultimately take over the position. The programme needs to be approved by the Minister of Labour and Administrative Reform. A work permit is only renewed by the Minister if all provisions of the Act have been complied with by the employer and migrant worker (article 13) (which includes the training of a Sudanese to fill the post). The Minister can also cancel the work permit, if any provisions of the Act are violated. Article 10 states that in order for a migrant worker to change their employer – either during or after the expiry of their contract – they need to obtain permission from the Minister of Labour and Administrative Reform.

The following categories of persons are excluded from the Non-Sudanese Employment Act, 2001:

- ▶ foreign diplomats and foreign nationals working in diplomatic or international missions, and who entered the country with those missions;
- ▶ persons who are exempted under international agreements to which the Sudan is a party;
- ▶ foreign nationals who are self-employed in business and liberal professions and licensed by the competent authorities; and
- ▶ any other persons the Minister of Labour and Administrative Reform shall decide to exclude (article 4).

The Interim National Constitution of the Sudan, 2005, states that the central Government has exclusive legislative and executive power over immigration and aliens (Schedule A). And although the MOL confirmed that work permits are only issued by their Ministry, it also stated that certain sectors are regulated by state-level law – namely, casual workers, agricultural workers, and small-scale mining. Moreover, discussions with informants highlighted that states have been known to regularize irregular migrant workers.

Work permits for refugees

The Asylum Regulation Act, 2014, grants refugees the right to work. Article 18 states that refugees may work once they have obtained a work permit from the labour office. Work permits will not be granted for jobs in security or national defence. Refugees may be allowed to work in agricultural schemes by the Commissioner for Refugees, upon the request of the competent authorities or the owners of the agricultural schemes. Refugees cannot engage in permanent positions and are granted work permits for a specific time period. If, for example, a refugee works as a teacher outside of the camp, they are granted a permit to

work and travel outside of the camp during the school term, but they need to return to the camp during school holidays.

The Sudan has an encampment policy for refugees in eastern Sudan, who require travel permits to leave the camp. Refugees require an acceptable reason to obtain a travel permit to leave the camp, which is authorized by the Commission for Refugees and the National Intelligence and Security Service. Leaving the camp to look for employment is not considered an acceptable reason, and travel permits are not granted on this basis for refugees in eastern Sudan (Zetter and Ruaudel, 2016, pp. 103–104).

The KNOMAD⁵ study *Refugees' right to work and access to labor markets – An assessment* points out that when requesting a work permit, refugees need to present their qualifications and supporting documents, which they may no longer have. In addition, they may be told that their skills and qualifications are widely available; that there are no job opportunities in their field of work; and thus not be issued with a work permit. Therefore, while refugees are allowed to work in principle, it remains difficult for them to obtain work permits. In 2012, only 180 work permits were issued to refugees (Zetter and Ruaudel, 2016, pp. 103–104).

The Government has declared that refugees from South Sudan should enjoy the same rights as Sudanese. Their ID cards grant them the right to free movement; registration of births, marriages, divorces, and deaths; the right to work; and access to education and health services (Zetter and Ruaudel, 2016, p. 106). Furthermore, during the interview for this study, the Commission for Refugees stated that Yemenis and Syrians receive *prima facie* refugee status, and do not require work permits to engage in employment. They are free to live outside of the camps, and tend to live and work in urban areas, including as professionals. Other refugees mostly work in agriculture, and picking cotton is a common economic activity, for which refugees are granted a three-month travel and work permit during the cotton-picking season.

Residence permits

Chapter five of the Alien Affairs Regulation, 2006, details four types of residence permits: Local; Annual; Regular; and Special. Article 21(f) states that a resident permit issued to an alien is also valid for his wife and minor children. It does not clarify whether this applies to husbands and children, in the case of a female migrant worker obtaining a residence permit. To obtain a residence permit, the following is required:

- ▶ the completed application form;
- ▶ a passport;
- ▶ having legally entered the Sudan;
- ▶ an attestation from the competent person that is sponsoring the migrant;
- ▶ a medical check to ensure that the applicant is free from HIV/AIDS, hepatitis C, and other diseases, as determined by the health authorities; and
- ▶ the required fees.

An annual resident permit is issued for work and investment purposes. Further fees need to be paid to obtain a residence card, which is issued to a resident permit holder (article 26.1).

⁵ KNOMAD stands for Global Knowledge Partnership on Migration and Development.

The residence card holder should carry the residence card at all times, and it is valid for the duration of the residence permit.

Exit permits

In order to exit the territory of the Sudan, migrants require an exit visa, which is detailed in Chapter 4 of the Aliens Affairs Regulation, 2006. In order to obtain an exit visa, the migrant must:

- ▶ have valid residency;
- ▶ not be on the Control List of the Government;
- ▶ in the case of being employed, a letter from the relevant authorities allowing them to leave should be presented;
- ▶ clearance from taxation; and
- ▶ payment of the required fees.

There are also specifications for a re-entry visa; multiple exit and re-entry visa; and final exit visa. The 2008 Amendment of the Aliens Affairs Regulation, 2006, contains amendments regarding the validity of a final exit visa and of multiple entry and exit visas.

In addition, the Passports and Immigration Act, 2015 states in article 12 that Sudanese and foreign nationals require a certificate of eligibility to leave the Sudan, which is obtained from the MOI's General Directorate of Passports and Immigration. An eligibility certificate is not required from visitors who stayed in the Sudan for less than three months. Persons on the black list will not be able to obtain the certificate.

Sudanese migrant workers

The Labour Act, 1997, states in article 14 that every Sudanese who wishes to work abroad needs to obtain a permit from the Federal Commission for Manpower. It is not clear how this is obtained, and it is not specified in the law.

Moreover, in order to work abroad, a letter of no objection has to be obtained from the MOL, in order for the MOI to issue an exit visa for a Sudanese migrant worker. The MOL follows the following procedures for Sudanese migrant workers who travel abroad for work, without the assistance of an employment agency. The MOL check the work contract and the educational certificates of the person applying for a letter of no objection, and they also need to be provided with a work experience letter (this consists of a recommendation letter from a previous employer) and a work completion letter (this indicates that the person has completed their work contract and is free from any liabilities). The letter of no objection costs SDG400 (US\$8.40).

Assessment

A number of different laws and regulations govern the admission, employment, and residence of migrant workers, which are difficult to navigate. The numerous steps that need to be completed for the labour migration process and the multiple permits/authorizations that need to be obtained, make the process complicated and unclear. The fees for the different steps and permits are not specified in the laws, nor do the laws specify where

such information can be obtained. The MOI and MOL do not have websites where such information is available in the English language. Therefore, even if such information is indeed available, it would be inaccessible to the majority of IGAD nationals, who are not versed in Arabic. Some Sudanese embassies have websites in the English language, which contain information on the costs of entry visas.

In addition, the states of the Sudan may impose different laws and regulations regarding the employment of migrant workers. These legal frameworks are not known in the public domain; nor did any informants have information on their content, though a number of informants indicated that they exist.

It is difficult for employers, prospective investors and business persons, and migrant workers to understand what exactly is required for the different steps of the migratory process, which hampers labour mobility and migration. Moreover, the requirements for exit, which curtail the freedom of migrant workers, makes the Sudan a less attractive destination for migrant workers compared to other countries who do not impose this limitation. In addition, the labour mobility and migration of Sudanese nationals is restricted through the permission they require to exit the Sudan and work abroad.

In order to enhance labour migration and mobility, consultation with the private sector, the SBEF, and migrant workers and their representatives should take place to understand the opportunities and challenges faced in the employment of migrant workers and their concerns. Recommendations resulting from these consultations should be fed into a process to simplify administrative procedures. The number of work and residence-related authorizations required from migrant workers should be reduced, and exit visas should be abolished. The different steps of the migratory process, and the fees involved, should be clearly defined in one succinct document and on an online portal. This document and portal should be easily accessible, widely disseminated by the MOL, labour offices, Sudanese embassies, the SBEF, and the SWTUF – and made available in the English language. Labour migration and mobility will also be boosted by abolishing the requirements for Sudanese to get permission to exit their country and to obtain a letter of no objection from the MOL in order to work abroad.

According to the MOL, the Labour Act, 1997, applies to Sudanese workers and regular labour migrants in the Sudan (apart from those categories of workers explicitly excluded from the Act). Once regular labour migrants are granted a work permit and are employed in the Sudan, they fall under the same legal framework as Sudanese workers and should enjoy the same rights, unless specified otherwise. While national laws and administrative procedures do not have the principal aim to deny citizens of other IGAD Member States employment that has been offered to them, obtaining a work permit for the Sudan is complicated, and according to the law, will only be granted if a Sudanese cannot fill the position that the permit is being requested for. During the period for which a work permit is granted, a Sudanese should be trained to perform the role of the migrant worker. In this sense, the Sudan's policies on the employment and residence of migrant workers respond to labour market needs, as migrant workers are employed to fill gaps in the domestic labour market, and during the period they are employed in the Sudan, nationals are trained to acquire the pertaining skill. However, the Government is not proactively identifying gaps in the labour market and undertaking efforts

to attract these needed skills. There are no temporary work schemes to support labour market needs and the development of the economy.

Furthermore, business development, which could enhance labour migration and economic development, is hindered by the fact that a visa is required for most nationals to enter the Sudan. This makes it relatively costly, cumbersome, and time consuming to travel to the Sudan to explore business opportunities.

6.2.1.2 Circular and return migration

Overview

The SSWA organizes an annual diaspora conference in Khartoum. Diaspora concerns are discussed, and the diaspora have the opportunity to meet Sudanese officials and deliberate opportunities for them to contribute to the Sudan through investment or knowledge and skills exchanges. In the past, the UNDP and IOM assisted the Sudan with the temporary return of skilled Sudanese. Discussions with informants highlighted that the tax the diaspora need to pay when they return to the Sudan discourages return migration.

According to the SSWA, they have a Reintegration Fund that was established by presidential decree following recommendations made at the sixth diaspora conference, held in August 2014. The Fund reportedly conducts the following activities:

- ▶ studies on the situation of Sudanese working abroad;
- ▶ plans and activities to integrate returnees and identifying financial support for these activities;
- ▶ establishing partnerships between diaspora investors and entities in the Sudan;
- ▶ coordination with the relevant authorities to ensure that returnees are provided with the necessary services to reintegrate into the Sudan, such as education, housing, health, and employment-related services; and
- ▶ awareness raising on the risks of illegal immigration and human trafficking, in coordination with the relevant authorities.

The Interim National Constitution of the Sudan, 2005, allows for dual nationality (Part 1, article 7). The Sudanese Nationality Act (Amended), 2011, states in article 10(2) that a Sudanese will automatically lose their nationality if they acquires South Sudanese nationality. This law has resulted in many people being left stateless, or at risk of statelessness, due to family connections to South Sudan (Citizenship Rights in Africa initiative, n.d.).

In February 2018, the Sudanese Council of Ministers passed a bill amending the Sudanese Nationality Act (Amended), 2011. The new amendments allow citizens with a Sudanese father and a South Sudanese mother to have Sudanese citizenship. However, it is not clear what happens to persons who have a South Sudanese father and Sudanese mother, and whether they now have access to Sudanese nationality. In addition, it is not clear whether there is an effective process to restore the Sudanese nationality of those who lost it with the implementation of the Sudanese Nationality Act (Amended), 2011.

Assessment

While SSWA is working on initiatives to engage the diaspora in the Sudan's development, such initiatives should be further amplified. The planned labour migration policy should include measures to engage the diaspora in the Sudan's development and to encourage circular and return migration. The tax policy, which requires returning Sudanese to pay tax for the time they spent working abroad, should be reviewed or abolished to encourage circular and return migration.

Dual nationality should be allowed for all persons with a Sudanese parent, and those who lost their dual nationality due to the Sudanese Nationality Act (Amended), 2011, should have it restored.

6.2.1.3 Labour exchanges and critical skills

Overview

The Sudan does not have any known labour exchanges in place. Its only known measure to prevent the loss of critical skills is to prevent Sudanese with critical skills from working abroad. Sudanese who wish to work abroad need to have their work contracts approved by the MOL, who will issue a letter of no objection so that they can receive an exit visa from the MOI. Doctors are reportedly not allowed to work abroad, as they have critical skills.

In addition, critical skills are addressed by requiring that a Sudanese be trained for the position that a migrant worker is granted a work permit for, as laid out in the Non-Sudanese Employment Act, 2001. According to a 2015 study by the United Nations Conference on Trade and Development (UNCTAD) – *Investment Policy Review: The Sudan* – this training requirement is de facto not being implemented. The study also points out that the scarcity of skills hampers investment in the Sudan, as companies struggle to recruit competent technical staff. It reports two main challenges: (1) illiteracy, and (2) a dearth of vocational and professional skills due to an education system that is geared towards traditional studies and does not match labour market needs.

Assessment

Identifying critical skills and developing measures to address and prevent the loss of critical skills, including through labour exchanges and by fine-tuning the education and training system, are areas that need to be enhanced.

6.2.1.4 Establishment and investment

Overview

The National Investment Encouragement Act, 2013, promotes foreign direct investment and allows foreign and domestic entities to establish and own business enterprises and to repatriate capital and profits (Burger, 2018). It prohibits discrimination between investors “as being Sudanese, or non- Sudanese, or as being public, private sector, co-operative or joint sector” (article 8). It encourages investment through a number of incentives that apply equally

to nationals and foreign investors. Chapter 6 on “Strategic national investment projects and exemptions and concessions” states in article 20 that projects’ capital expenditures shall be exempted from value-added tax. Article 21 provides for exemption of custom duty in certain cases, such as on capital expenditures that are not enrolled in a custom tariff.

The Ministry of Investment indicated that a new law is being developed that may have additional incentives for investment. The Ministry has a One Stop Shop – consisting of commissioners of different ministries (agriculture, animal resources, industry, transport) and customs and taxation bodies – that facilitates the investment process. They provide the preliminary approval for the establishment of projects on the basis of a technical, economic, environmental, and social feasibility study, and give advice on the need for investment projects (UNCTAD, 2015, pp. 8–9).

The Ministry reports that up to 20 per cent of the staff of an investment project can be foreign. Proof of the qualifications and skills of foreign workers needs to be provided for them to be issued with work permits, but the requirement that a Sudanese must not be available to fill the position is not applied. Projects that are considered strategic by the Ministry of Investment can benefit from higher percentages of foreign workers, even up to 100 per cent. In the free economic zones a special regime applies, with no limitations on the number of foreign employees, whose entry and residency permits are also being facilitated (UNCTAD, 2015, p. 21).

The investor and their family are granted entry and residence rights in the Sudan for the duration of the investment project, on the basis of the license that they receive from the One Stop Shop. The investment license is in principle granted within one week of the application being made, when the project fulfils the necessary criteria. The criteria are, however, not described in the National Investment Encouragement Act, 2013, which renders them unclear, and causes some uncertainty for investors. The residence permits for the investor and their family are valid for one or five years, and are renewable. All other foreign staff must obtain entry visas and residence permits from the MOI. Residency and work permits are obtained separately. The process is subject to uncertainty, which hampers investment (UNCTAD, 2015, p. 21).

Assessment

The Government is promoting foreign investment in the Sudan, and prohibits discrimination between foreign investors and national investors through its National Investment Encouragement Act, 2013. Work and residence permits, and the unclarity regarding how to obtain them, still pose a stumbling block to residence and establishment in the Sudan. These processes should be simplified and streamlined, and information on them should be made available through an online portal. In addition, information on rules and procedures for investment is hard to find, including the One Stop Shop of the Ministry of Investment, and often outdated. Up-to-date information on investment should also be made available through an online portal.

6.2.2 Thematic Area 2. Supporting functions for participation in the labour market, including access to information, education, training, skills recognition, and finance

6.2.2.1 Disseminating information to migrant workers

Overview

It is difficult to find information on the rights of migrant workers, the legal regime governing labour migration, and the opportunities available to migrant workers in the Sudan (such as access to finance and education). Employers' and workers' organizations and NGOs are not disseminating information to migrant workers in the Sudan. IOs and NGOs disseminate information to refugees and vulnerable migrants in the Sudan, but not specifically to migrant workers.

Potential Sudanese migrant workers may at times receive information from IOs, NGOs, and the Government on the dangers of irregular migration. One such initiative was the implementation of the National Conference on Youth Migration by the IOM, the Ministry of Youth and Sport, and the SSWA on 13–14 March 2017 in Khartoum. The conference was implemented under the US State Department Bureau of Population, Refugees and Migration-funded project "Addressing Irregular Migration Flows and Upholding Human Rights of Migrants along the North-Eastern African Migration Route and North Africa Project", and the Italian Agency for Development Cooperation-funded project "Enhancing Sudan's Technical Capacity on Migration Management". The conference gathered 150 youth participants from across the Sudan's 18 states. At the conference, the challenges and drivers of migration were discussed, and awareness raised among the youths present on the risks of irregular migration (IOM, 2017c).

Moreover, the Ministry of Youth and Sport is developing a National Youth Policy in collaboration with the United Nations Educational, Scientific and Cultural Organization (UNESCO). The policy will aim to prevent irregular migration by promoting alternative opportunities in the Sudan for youths. The implementation of the policy is also expected to include awareness-raising campaigns on irregular migration and trafficking (ESCWA and NPC, 2018). The policy is not publicly available and could not be reviewed for this study.

Assessment

Access to information on the opportunities available to migrant workers to integrate into Sudanese society, and the dissemination of this information to migrant workers, should be enhanced. A solid, common understanding of the rules and systems that govern labour migration and the opportunities available to migrant workers should be built and sustained among government ministries and agencies. This will enable government actors to provide consistent, correct, and up-to-date information to migrant workers when they get in touch with the authorities. In addition, government actors and non-State actors should proactively disseminate information to migrant workers to facilitate their integration into the labour market and society.

6.2.2.2 Education, training, skills recognition, and the harmonization of qualifications

Overview

The MOL reports that private vocational training centres and educational institutions can be accessed by migrant workers. The UNHCR has provided vocational training to refugees, while NGOs have provided them with start-up kits to practice the skills they have acquired (Zetter and Ruaudel, 2016, p. 106).

In the Sudan, informal apprenticeships are key to skills development, and are not available to migrants. The formal schooling system does not equip young people with the skills that are required in the labour market, which makes the transition from school to employment challenging and contributes to high youth unemployment. Skills that match the needs of the labour market are often acquired through informal apprenticeships that are offered or facilitated by family members, friends, and social networks. The system of informal apprenticeship has drawbacks; it often entails the exploitation of cheap labour with long working hours, and is not officially recognized (UNDP and ILO, 2014, pp. 40–41). It should be recognized and regulated to counter exploitation. Migrants' exclusion from this training system poses an obstacle to their integration into the labour market.

- The Supreme Council for Vocational Training and Apprenticeships oversees vocational training centres in the Sudan and the trade testing system. It covers seven grades that are each associated with a certain post level. This may in future be used as a basis to develop a national qualifications framework, which currently does not exist (Keevy, Paterson and Boka, 2018, pp. 68–69).

Assessment

Vocational training and education opportunities should be developed for migrant workers. The legal and policy framework for skills recognition and the recognition of academic and professional qualifications is unclear, and should be further investigated. Lack of information on skills recognition hampers the access of migrant workers to the labour market. It should be easily accessible, ideally through an online portal that is also available in English.

The Government is not engaging in any known efforts to harmonize the Sudan's curricula, examinations, standards, certification, and accreditation of educational and training institutions with those of other IGAD Member States. Such efforts are necessary to facilitate labour migration and mobility, and the implementation of the IGAD Free Movement of Persons Protocol, once it is adopted.

6.2.2.3 Facilitating remittances

Overview

Remittances are an important income source for families in the Sudan, as well as a contributor to foreign exchange. In 2017 the Sudan received US\$179 million in remittances that were channelled through formal means, which amounted to 0.2 per cent of GDP (KNOMAD, 2018). Households mainly use remittances for consumption spending, education, and health care, with little remaining for investment (Strachan, 2016, p. 20). Lack of access to an account at

a financial institution and other financial services, curtails options for receiving remittances through formal channels and for investing remittances. In the Sudan only 12.3 per cent of the population enjoy financial inclusion. Moreover, irregular migrant workers from the Sudan often cannot access official remittances channels in the countries they wish to remit from (such as in the Middle East or South Africa), as they do not have the formal identification that is necessary for the Know Your Customer⁶ requirements for cross-border transfers (Isaacs, 2017).

The MOL reports that most remittances are sent through informal channels. Official remittances data is therefore likely to be imprecise. Since the lifting of US economic sanctions, bank transfers to and from the Sudan have become easier, and this has facilitated remittances (*Middle East Monitor*, 2018). US sanctions against the Sudan began in 1992, and have since been changed several times. In January 2017, three important parts of the sanction regime were suspended, and in October 2017, lifted. These sanctions included prohibiting US individuals and entities from engaging in trade or financial transactions with Sudanese individuals or entities. This measure resulted in a partial international blockade on the Sudanese banking system (Small Arms Survey, 2018, pp. 16, 24).

On 31 December 2017, the Government announced that special rates for the transfer of foreign currency to the Sudan would be introduced, to encourage the Sudanese diaspora to transfer foreign currency through the country's banking system (*Middle East Monitor*, 2018). However, informants for this study highlighted lack of trust in the Government as a key stumbling block preventing the Sudanese diaspora from using formal channels to remit.

Assessment

The Sudan should enhance remittances transfers through formal channels by building the public's trust in formal channels for remitting; assisting Sudanese and migrants to obtain access to bank accounts and financial services; and by making it financially attractive to remit through formal channels.

6.2.3 Thematic Area 3. Promoting social integration and inclusion

6.2.3.1 Public education and awareness-raising campaigns on the contribution of migrants

Overview

There are no education or public awareness-raising campaigns regarding the contribution that migrant workers are making to the Sudan, or Government-driven efforts to integrate migrant workers into Sudanese society. Informants for this study reported that there are tensions between Sudanese and migrant workers/refugees, who are seen to be competing with them for jobs and limited services and housing. Yemenis and Syrian refugees can be seen as a threat, as some of them are highly skilled. They compete on an equal footing with Sudanese for employment, as they do not require work permits.

⁶ Know Your Customer requirements, whereby formal identification is required from a customer in order to do business with that customer, are used by financial institutions across the world to prevent money laundering and international crime.

The UNHCR implements activities to promote the integration of refugees and harmonious relations between refugees and their host communities. It provides services to hosting communities that are only available in the refugee camps (UNHCR, 2018). The Government and the UNHCR have collaborated on self-reliance mechanisms for refugees. The Government has given refugees access to land in the Um Gargour and Abuda Camps, and those in the Kilo 26 and Fau 5 Camps have access to irrigation in order to farm. The UNHCR recognizes the state of the Sudan's economy, and its poverty and unemployment levels, as major reasons for refugees' lack of access to work permits and the labour market. Therefore, the UNHCR and other agencies have advocated for integration through self-reliance mechanisms, especially employment in the informal labour market (Zetter and Ruaudel, 2016, pp. 106, 109).

Assessment

The ways in which refugees and migrants currently contribute to the Sudan's development and society, as well as additional contributions they could make in future, should be identified. This process should include identifying scarce skills, and refugees and migrants who can temporarily fill those skills gaps, as well as the training of Sudanese to acquire those skills.

Public-awareness campaigns on migrants and refugees and how they currently contribute, and could contribute in future, to Sudanese society should take place. This should help to promote harmonious relations between migrants, refugees, and host communities, and facilitate their integration into these communities.

6.2.3.2 Family reunification, and access to employment for family members and education for children

Assessment

The Alien Affairs Regulation, 2006, states that a resident permit issued to an foreign national is also valid for his wife and minor children (article 21(f)), who can therefore accompany a male migrant worker to live in the Sudan. It does not clarify whether this applies to husbands and children in the case of a female migrant worker obtaining a residence permit. This ambiguity should be clarified, and female migrant workers should be given the same family reunifications rights as male migrant workers.

Spouses and children of working age need to acquire their own work permits in order to legally work in the Sudan. Children are allowed to access the education system in the Sudan.

6.3 Pillar III. Enhancing the protection of migrant workers and their families

6.3.1 Thematic Area 1. Protection of migrant workers' human rights

6.3.1.1 Protecting the rights of migrants

Overview

The Government commits to the promotion of human rights in the Sudan's National Interim Constitution, 2005, which in principle should apply to all people and be upheld by the Constitutional Court. The Ministry of Justice reports that they develop an annual report on the state of human rights in the Sudan, which is a self-assessment and cannot be shared externally. Moreover, an Advisory Council on human rights counsels the Government on human rights.

Some regular migrant workers in the Sudan are covered by the provisions of the Labour Act, 1997, which promotes the protection of labour rights, including employment contracts; working hours and leave; and after service benefits. In addition, the Act protects workers by stipulating that their entitlements are prioritized over other debts owed by employers, and should be paid to them, after the payment of judicial fees (article 71).

The Labour Act, 1997, excludes certain categories of workers.⁷ States can also issue labour laws that cover some of the categories excluded from the Labour Act. These state-level laws could not be obtained for this study, neither could any other laws pertaining to categories of workers that are excluded from the Labour Act, 1997.

The Labour Act, 1997, establishes in article 70 the National and Federal Labour Relation Councils. Their role of the Councils includes aiding relations between employers and workers with a view to generate good working conditions and productivity. To enforce their rights and solve disputes with employers, workers can appeal to labour offices in the different states of the Sudan. Discussions with informants suggest that migrant workers do appeal to these offices for assistance, which is provided. The extent to which this mechanism is effective may differ from state to state, and would require more investigation to arrive at a comprehensive picture.

The Labour Act, 1997, does not apply to free zones and markets. In these areas relations are regulated by the contract between the employer and the employee, a copy of which needs to be sent to the National Council for Free Zones and Free Markets. The contract should contain minimum protection provisions for workers, such as a minimum wage and leave. But there is no known legal document that informs these contracts. If disputes arise in the free zones and markets, specialized courts should be set up by the Head of the Supreme Court. To this end, a tribunal has been set up in the Red Sea free zone (UNCTAD, 2015, p. 21).

⁷ These categories of workers are listed in section 6.1.4.1 above.

Assessment

The legal framework governing migrant workers in the Sudan, in its entirety, is not clear. There is no evidence to suggest that migrant workers are informed of their rights or how their rights can be enforced. Further investigation would be needed to determine the entire legal framework governing migrant workers across the Sudan, and how effectively migrants' rights are enforced across all 18 states of the Sudan.

6.3.1.2 Protecting migrants from forced labour and exploitation

Overview

The Sudan's National Interim Constitution, 2005, forbids slavery and forced labour in its Bill of Rights. Compulsory labour is only allowed as a penalty upon conviction by a competent court of law. Human trafficking is outlawed by the Combating of Human Trafficking Act, 2014. The law criminalizes some forms of trafficking, but does not define exploitation (US Department of States, 2018). Forced labour is not explicitly mentioned in the law.

Over the reporting period of the US State Department's *TIP Report 2018*, the Sudanese Government reported investigating 99 trafficking cases, several of which were cases of suspected forced labour, and which resulted in the conviction of seven traffickers under the 2014 anti-trafficking law, with sentences ranging from three years to death. A number of activities were implemented by the Government to enhance anti-trafficking capacities. The MOI launched the Trafficking Unit under the Organized Crime Directorate in 2017, and trained 100 detectives across eight states (Kassala, Gedaref, Red Sea, Blue Nile, Khartoum, Gezira, Nile River, and Northern State) on investigation procedures for trafficking cases. Eighty-three male and female law enforcement officers, judges, prosecutors, defence lawyers, and social workers in eight states received a training on "Strengthening the Capacity of the Criminal Justice System in Sudan to Address Human Trafficking", which was co-organized by the Government's Judicial and Legal Sciences Institute and the Ministry of Justice. In August 2017, 20 representatives from the judiciary, the Criminal Prosecution Office, the Office of the Attorney General, law enforcement branches, the Ministry of Justice, and social workers participated in developing a training curriculum on identifying and prosecuting human trafficking cases using the 2014 anti-trafficking law. In October 2017, the Police Training Authority trained law enforcement personnel on victim identification, care, and protection principles (US Department of States, 2018). Moreover, the Regional Operational Centre on Trafficking (ROCK), which is supported by the EUTF, was launched in 2017. ROCK supports joint trafficking investigations of source, transit, and destination countries, including through the collection, exchange, and analysis of trafficking-related information (EUTF, n.d.).

Assessment

Legislation and policies to protect migrant workers from trafficking and exploitation are in place, and enforcement should be further strengthened, including through the full implementation of the National Action Plan to Combat Human Trafficking.

6.3.2 Thematic Area 2. Social security and social protection

6.3.2.1 National labour laws and social protection laws apply to migrant workers

Assessment

Some migrant workers are covered by the provisions of the Labour Act, 1997. The Act contains various provisions to offer protection to workers, such as regulations regarding employment contracts, working hours and leave (including maternity leave and sick leave), and workplace inspection. The entire legal framework that applies to migrant workers is unclear, which hampers the ability of migrants to know their rights and insist on their enforcement. Ministries do not have all the information at hand, and at times provide contradictory information on the most recent laws that apply. The entire legal framework for migrant workers should be clarified, placed on an online portal where it can be easily accessed, and captured in a concise document that should be disseminated to labour offices, the SBEF, the SWTUF, and embassies. Awareness raising on the rights of migrant workers should take place, including with ministries, labour offices, employers, and migrant workers. A system should be introduced to systematically and regularly inform migrant workers of their rights and the enforcement mechanisms available to them.

6.3.2.2 Social security coverage and portability

Overview

The Social Insurance Act, 1990, obligates employers to contribute to the National Fund for Social Security and covers some migrant workers, as clarified below. The employer pays the contribution to the Fund, which consists of 25 per cent of the employee's monthly salary – 17 per cent of which is covered by the employer and 8 per cent by the employee. The Fund provides retirement and disability pensions, and pension entitlements to family members in case of the death of the pension holder. In article 4(2) of the Act, the following categories that pertain to migrant workers are excluded from the Fund:

- ▶ foreign nationals who are diplomats or work for an IO, and who entered the country for this purpose;
- ▶ agricultural, pastoral, and forestry workers, except those working for employers normally employing 30 or more people;
- ▶ home workers;
- ▶ members of the employer's family;
- ▶ domestic workers who work in households; and
- ▶ workers undertaking an apprenticeship, who are learning an occupation and do not receive wages.

Foreign workers associated with approved investment projects do not need to comply with this Act (UNCTAD, 2015, p. 21).

Assessment

Some migrant workers participate in the National Social Security Fund, but these benefits are not portable. Others, such as domestic workers and the self-employed are excluded. The Sudan does not have bilateral, regional, or multilateral agreements to provide social security coverage and benefits, or to provide for the portability of social security entitlements conferred to regular or irregular migrant workers.

6.3.3 Thematic Area 3. Labour inspection for migrant workplaces

Overview

Labour inspection is governed by the Labour Act, 1997. Inspections by a labour officer, or a person authorized to undertake inspections, can take place at any time during working hours in order to investigate compliance with the Labour Act (article 61). Industrial safety inspectors are appointed to inspect industrial operations and factories, which can take place at any time during working hours, and during which they can examine equipment; take samples for further investigation; and investigate accidents (articles 87–88). During these investigations, employers and owners are obliged to cooperate with inspectors and provide them with the requested information. Regular inspections are conducted by the states' labour offices, and companies can be inspected following the reporting of an incident. The inspections related to the workplaces of migrant workers fall under the remit of the federal level of Government, and thus the MOL (UNCTAD, 2015, p. 21). The economic free zones and markets are not governed by the Labour Act, and it is not clear how the workplaces of migrants in these areas are inspected. No legal document regulating the employment of workers in these areas could be identified.

Assessment

Inspection of migrant workers' workplaces is taking place, but the extent to which this monitoring is effective across all 18 states of the Sudan, and the extent to which inspectors are adequately trained on migrant workers' rights, would need further investigation. In a country dealing with several socio-economic challenges, labour inspection is under resourced and requires reinforcement. The lack of clarity of the legal regime governing migrant workers, in its entirety, hinders effective monitoring of migrant workers' rights. The regime in its entirety should be clarified, and inspectors should be trained on it, and retrained at regular intervals.

6.3.4 Thematic Area 4. Facilitating reception and return

Overview

No pre-departure or on-arrival training is provided to migrant workers, and the Sudan does not have a reintegration strategy. The Labour Migration Policy Workshop of December 2017 recommended that migrant workers should be given pre-departure training to inform them of their rights (MOL and IOM, 2017, p. 1).

On 28 June 2018 the European Union, the IOM, and the Sudanese Government launched the three-year Migrant Protection and Reintegration for the Sudan programme, which is funded by the EUTF and implemented by the IOM. The programme's activities will focus on return and reintegration procedures; safe, humane, and dignified voluntary return processes; and sustainable economic and social reintegration for returning migrants and their communities. Community-based projects in areas of return will aim to ensure the self-sufficiency of returnees and social stability in their communities. The IOM has provided voluntary return services to more than 639 Sudanese migrants from Libya since June 2017. More than 600 returnees have received counselling; 60 have started small businesses; and 194 will commence entrepreneurial development and vocational training (IOM, 2018).

Assessment

There is a strong need for pre-departure training, especially for migrant workers migrating for work to the Gulf countries and the Middle East, where exploitation has been reported. A pre-departure training curriculum should be developed that includes:

- ▶ training on migrants' rights; labour rights;
- ▶ health and safety issues;
- ▶ basic financial literacy;
- ▶ working and living conditions in the country of destination; and
- ▶ information on how migrants can seek help, in case of distress.

This should be made a requirement for employment agencies to deploy migrants abroad.

On-arrival training or information should be provided in the Sudan to incoming migrant workers, and should cover:

- ▶ the legal framework governing migrant workers;
- ▶ their rights;
- ▶ access to services, such as education, health, and finance;
- ▶ cultural awareness; and
- ▶ the dispute settlement mechanisms available to them.

In addition, the Sudan should consider the development of a return and reintegration strategy, or include return and reintegration in the planned labour migration policy. The Sudan should explore these possibilities through a whole-of-government approach that engages the various relevant ministries, and engage in consultations with IOs and NGOs active in this field, as well as social partners. The engagement of these different actors should allow for the development of a comprehensive picture of the challenges of reintegration and common objectives to work towards; the specification of roles different stakeholders need to play in the reintegration process; and the coordination that needs to take place among stakeholders.

7. Recommendations

Pillar I. Strengthening labour migration governance

Thematic Area 1. Capacity to collect, analyse, and share labour migration data

- ▶ The Sudanese Government should develop a Labour Market Information System; regularly collect data on the supply and demand for labour; and use it to identify skills shortages and develop a skills inventory.
- ▶ The Government should improve the sharing and analysis of migration data among relevant government ministries, and apply it to labour migration policy development.
- ▶ The Government should undertake research on labour migration flows between the Sudan and the other IGAD Member States to better understand these flows, and to identify opportunities for enhancing labour migration that aids economic development and meets skills gaps.
- ▶ The Sudan and the other IGAD Member States should put in place routine sharing of data and analysis on labour supply, labour demand, and skills shortages, with a view to identifying opportunities to enhance labour migration and fill skills gaps.

Thematic Area 2. Coordination on labour migration

- ▶ The Government should establish the NCM as a multi-stakeholder forum that brings together relevant government ministries and agencies, IOs, NGOs, and academia, and use it as a platform for discussion and collaboration on labour migration.
- ▶ The relevant regional economic communities and the AU should institute the sharing of labour market information and profiles of good practices on labour migration in existing forums, such as the IGAD RCP, COMESA RCP, AU meetings, and meetings of the JLMP.

Thematic Area 3. Capacity to formulate and implement policy

- ▶ The ILO and IOM should implement a comprehensive training programme for the MOL and other relevant government agencies that covers all aspects of labour migration (including bilateral labour agreements; private employment agencies; migrants' rights; protection; social integration; remittances; return and reintegration etc.) in order to arrive at a shared, solid understanding of labour migration policy issues.
- ▶ The Government should enhance inter-ministerial coordination on labour migration policy development, and clarify the labour migration policy development process; its objectives; and how it is linked to the national migration policy development process and the national employment policy.
- ▶ The Government should develop the labour migration policy through a whole-of-government approach that engages all the ministries and agencies whose work touches on labour migration, such as the MOI, MOL, MOFA, the Central Bureau of Statistics, the NPC, and ministries working on economic, social, health and gender issues. In addition, academia, civil society, and social partners should also be engaged in development of the policy.

- ▶ The Government should ensure that the labour migration policy development process takes into account and is coherent with employment, education, and other national policies, in recognition of the wide social and economic implications of labour migration and the need to have synchronized, mutually reinforcing policies.
- ▶ The Government should undertake research on the contribution of labour migration and migrant workers to the Sudan – including employment creation and capital formation – as well as research on the contribution of Sudanese migrant workers to their home country. These findings should inform the labour migration policy development process.
- ▶ The Government should ensure that the labour migration policy comprehensively addresses the protection concerns of incoming and outgoing migrant workers, and that steps are taken to put in place the necessary protection mechanisms.
- ▶ The Government should ensure that BLAs comprehensively cover working conditions and migrants' rights, including wages; working environment and health and safety standards; labour inspection; social security and portability of social security benefits; family reunification possibilities; and labour dispute settlement and protection mechanisms.
- ▶ The Government should dedicate a budget to the National Action Plan to Combat Human Trafficking 2018–2019, and implement its activities aimed at promoting regular labour migration and protecting migrant workers.
- ▶ The Sudan should sign, ratify, and domesticate the ILO Migration for Employment Convention (Revised), 1949 (No. 97); the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The labour migration policy development process should be used to raise awareness on these Conventions, with a view to obtain signature of these Conventions.

Thematic Area 4. Regulating employment agency practices

- ▶ The Government should strengthen its promotion of written, understandable, and enforceable employment contracts, and require written employment contracts for work of less than three months duration. Contracts should be in a language that the migrant worker understands.
- ▶ The Government should clarify in one policy document and through an online immigration portal how the legal authority between the central and state levels of government is divided, and how employment contracts are regulated and enforced. Awareness raising on this policy document and online portal should be conducted by the MOL, labour offices, Sudanese embassies, the SBEF, IOs, and NGOs that assist migrants.
- ▶ The MOL should strengthen its coordination with PEAs.
- ▶ The Government (specifically the MOL) should include respect for migrants' rights in the Regulations that govern the licensing system of PEAs, and monitor PEAs with regards to respect for migrants' rights.
- ▶ The MOL, in consultation with the ILO and IOM, should develop a pre-departure training curriculum and obligate PEAs to provide or facilitate pre-departure training for migrant workers who use their services to engage in labour migration. The MOL should supervise pre-departure training.

- ▶ The Government (specifically the MOL) should put in place complaint and dispute settlement mechanisms for Sudanese migrant workers abroad, in addition to the current services provided by Sudanese embassies.
- ▶ The Sudan should sign, ratify, and domesticate the ILO Private Employment Agencies Convention, 1997 (No. 181), and the MOL and other relevant ministries should be trained on the Convention, with a view to address the gaps in its PEA regulatory framework.
- ▶ The Government (specifically the MOL) should specify in the regulatory framework for PEAs all recruitment and placement related costs (such as travel and visa expenses and medical checks), and require that the employer or PEA should pay for these costs, and not the employee.

Pillar II: Advancing opportunities for regulated labour migration and decent work

Thematic Area 1. Labour mobility schemes to support labour market needs

- ▶ The Government should undertake consultations with the private sector, the SBEF, the SWTUF, and migrant workers to understand the opportunities and challenges faced in the employment of migrant workers, and their concerns. The resulting recommendations should be used to simplify and reduce the administrative procedures for migrant workers, the families of migrant workers, and business persons, including regulations regarding entry, residence, establishment, and exit.
- ▶ The Government should abolish exit visas for foreign and Sudanese migrant workers.
- ▶ The Government should clarify the different steps of the migratory process, and the fees involved, in one succinct document and on the proposed online immigration portal. This document and portal should be easily accessible; widely disseminated by the MOL, labour offices, Sudanese embassies, and the SBEF; and made available in the English language.
- ▶ The Government should develop temporary work schemes to support labour market needs and the development of the economy.
- ▶ The Government should provide visas on arrival for short-term visits and business persons.
- ▶ The Government should include measures to engage the diaspora in the Sudan's development in the planned labour migration policy.
- ▶ The Government should review and consider abolishing the tax policy that requires returning Sudanese to pay tax for the time they spent working abroad, with a view to encourage circular and return migration and to collect more accurate labour migration data.
- ▶ The Government should allow dual nationality for all persons with a Sudanese parent (regardless of the sex of that parent), and reinstate Sudanese nationality for all the South Sudanese who lost it due to the Sudanese Nationality Act (Amended), 2011.
- ▶ The Government should identify critical skills and develop measures to address and prevent the loss of critical skills, including through labour exchanges and fine-tuning the educational and training system so that it produces skills that are required in the labour market.
- ▶ The Government should make up-to-date information on investment rules and regulations, including immigration procedures, available on the proposed online immigration portal, and raise awareness of the portal through Sudanese embassies.

Thematic Area 2. Supporting functions for participation in the labour market, including access to information, education, training, skills recognition, and finance

- ▶ Sudanese ministries and agencies should develop a common understanding of the rules and systems that govern labour migration and the opportunities available to migrant workers.
- ▶ The Government, labour offices, IOs, and NGOs should disseminate information to migrants on: the rights of migrant workers; the legal regime governing labour migration; and the opportunities available to migrants in the Sudan, such as access to finance, education, and skills recognition. This information should also be made available on the proposed online immigration portal.
- ▶ IOs and NGOs should develop vocational training and educational opportunities for migrant workers.
- ▶ The Government should harmonize the Sudan's curricula, examinations, standards, certification, and accreditation of educational and training institutions with those of other IGAD Member States.
- ▶ The Government should build trust in formal channels for remitting, and make it financially attractive to remit through formal channels.
- ▶ The Government should enhance the financial inclusion of Sudanese and migrants by facilitating their access to bank accounts and financial services.

Thematic Area 3. Promoting social integration and inclusion

- ▶ The Government should identify the current and possible future contributions of refugees and migrants to the Sudan's development and society, including through temporarily filling skills gaps and training Sudanese to acquire those skills, and implement public awareness campaigns on these contributions.
- ▶ The Government should ensure that female migrant workers are given the same family reunification rights as male migrant workers.

Pillar III. Enhancing the protection of migrant workers and their families

Thematic Area 1. Protection of migrant workers' rights

- ▶ The Government should clarify the entire legal framework governing migrant workers; place this information in an easily understandable format on the online immigration portal where it can be easily accessed; and capture it in a concise document that should be disseminated to labour offices, the SBEF, the SWTUF, employers, and embassies. Awareness raising on the rights of migrant workers should take place, including with ministries, labour offices, employers, and migrant workers. A system should be introduced to systematically and regularly inform migrant workers of their rights and the enforcement mechanisms available to them.
- ▶ The Government should strengthen enforcement of legislation and policies to protect migrant workers from trafficking and exploitation, and implement the National Action Plan to Combat Human Trafficking.

Thematic Area 2. Social security and social protection

- ▶ The Government should ensure that all migrant workers can benefit from social security and put in place measures, such as bilateral and multilateral agreements, to ensure that social security benefits are portable.

Thematic Area 3. Labour inspection for migrant workplaces

- ▶ The Government should strengthen labour inspection services, including through regular training and ensuring that these services have the necessary resources.

Thematic Area 4. Facilitating reception and return

- ▶ The Government should provide on-arrival training/information to incoming migrant workers, which will cover the legal framework governing migrant workers; their rights; access to services, such as education, health, and finance; cultural awareness; and the dispute settlement mechanisms available to them.
- ▶ The Government should consider the development of a return and reintegration strategy or include return and reintegration in the planned labour migration policy. It should explore these possibilities in consultation with IOs and NGOs active in this field, as well as social partners. These consultations should be used to craft a comprehensive picture of reintegration challenges; common objectives to collectively work towards; the specification of the roles different stakeholders need to play in the return and reintegration process; and the coordination that needs to take place among stakeholders.

Appendix I – List of key informants

Central Bureau of Statistics

Kamal Eldin Ahmed Ismail, Director of Planning Department

Centre d'études et de documentation économiques, juridiques et sociales (CEDEJ – Centre for Economic, Judicial, and Social Study and Documentation)

Jean-Nicolas Bach, Director, CEDEJ Khartoum

Azza Ahmed Abdel Aziz, Associate Researcher

Chamber of the Federal Government

Siddig Gomaa Bab Elkhar, Under Secretary

Sawsan Omer, International Relations Department

Commission of Refugees

Ahmed Elgizouli Morowa, Commissioner

Department for International Development (DFID), United Kingdom

Ben Fisher, Conflict Advisor

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)

Pierre Jaubert, Regional Coordinator Sudan-Eritrea, Better Migration Management Programme

Christin Weigt, Junior Advisor, Better Migration Management Programme

European Union Delegation to the Sudan

Michele Rescaldani, Programme Manager, Resilience and Sustainable Development

International Organization for Migration

Hawazin Satti, National Associate Migration Officer

Milen Emmanuel, Consultant

Ministry of Foreign Affairs

Mohamed Idris, Director General African Affairs

Abdalla M.A. Wadi, Ambassador

Khalid Mahmoud, Ambassador

Yasir Ibrahim Ali, Ambassador

Ministry of Interior

Bahr Eldin Abdalla, Deputy Director

Kwthar Hassan Ali, Passport Project Manager

Khalid Elhaj Mohamed, Passport Police

Hassan Abdalla Elfki, Passport Police

Mamoun Eltahir Ali, Captain

Ministry of Investment

Ahlam Madani Mahdi, Director General, General Administration of Investor Services

Ministry of Justice

Widad Khalafalla Abd Elrahman, Legal Advisor

Khalid Ibrahim Yassin, Legal Advisor

Ministry of Labour and Administrative Reform

Ahmed Eltayeb Elsamani, Under Secretary

Abubakr Ibrahim Bakhit, Director General of Employment and Migration Directorate

Thorya Hamed Farah, Director, Labour Statistics

Salwa Mohamed Abdalla, Director, Organisational Management

Mohamed Elgorashi, Senior Labour Administrator

Marwan Mohamed, Legal Counsel

Elm Moon Elhassan Mohamed, State Coordinator

Khalid Alsir Mohamed, External Relations Department

Insaf Basheer Hassan

Ministry of Social Insurance and Development

Sif Eldin Abd Elrahim, Director, Planning, Policy, Statistics and Research Department

Omima Osman Khalid, Director, External Cooperation Department

Ministry of Youth and Sports

Huda Mohamed Yaseen, Youth Health Coordinator

Sayed Elhadi Mohamed, General Programme Manager

Murtada Abd Elmutalib, Youth Projects Coordinator

National Population Council

Limia Abdelgfar, Secretary General

Elham Abdalla, Director of Planning

Sudanese Business Employer Federation

Elfatih Abass Elgourashi, Deputy Secretary of the Secretariat of Labour Relations

Sudanese Secretary of Working Abroad

Hassan Babikher Ahmed, Director General, Migration and Organisation

Abd Elrahman Sidahmed, Deputy Secretary General

Khalid Lord, Director, Sudan Centre for Migration and Development

Sudanese Workers Trade Union Federation

Sirral Khatim Alamin Mohamed, Secretary General

Atif Mokhtar Hassan, Executive Manager

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