

Sudan

Country:

Sudan

Year:

2016

Freedom Status:

Not Free

Political Rights:

7

Civil Liberties:

7

Aggregate Score:

6

Freedom Rating:

7.0

Overview:

In national elections held in April 2015, President Omar al-Bashir and the ruling National Congress Party (NCP) retained their hold on the executive and legislature. Al-Bashir faced few credible opponents, and opposition parties accused the NCP of sabotaging the electoral process. Opposition leaders had called for the elections to be postponed, arguing that a credible vote would be impossible without improvements to the country's National Dialogue, an easing of political repression, and meaningful action toward ending Sudan's multiple armed conflicts. Their requests were largely ignored, and a mass boycott and public apathy toward the electoral process fueled low turnout in April. The National Dialogue, a series of consultations on political and constitutional reform, resumed in October; most opposition figures as well as the European Union, United Nations, and other international bodies refrained from participation.

Violence in Darfur continued. The prosecutor's office of the International Criminal Court (ICC) tracked more than 500 crimes reportedly carried out by government-backed forces, resulting in 1,200 deaths, between December 2014 and June 2015; these included aerial bombardment, ground attacks, indiscriminate killing of civilians, rape, and forced displacement. Armed conflict also continued in the states of South Kordofan and Blue Nile, where the African Centre for Justice and Peace Studies documented more than 250 attacks on civilians between January and September 2015.

In June, President al-Bashir, who is wanted by the International Criminal Court (ICC) on charges of genocide, crimes against humanity, and war crimes stemming from his role in the Darfur conflict, traveled to South Africa for an African Union (AU) conference. The ICC criticized the South African government for allowing him to enter and leave the country without executing the arrest warrant against him.

Political Rights and Civil Liberties:

Political Rights: 2 / 40 [Key]

A. Electoral Process: 2 / 12

Sudan is governed according to its 2005 interim constitution. Efforts to redraft the document have been under way since the independence of South Sudan in 2011, but no meaningful progress has been made. Civil society has been largely excluded from the process. Constitutional amendments passed in January 2015 gave the president the power to directly appoint state governors and strengthened the already powerful National Intelligence and Security Service (NISS).

Members of the lower house of the bicameral legislature, the 426-seat National Assembly, are elected using a mixed majoritarian and party-list system. State legislatures choose the members of the upper house, the 56-seat Council of States. All lawmakers serve five-year terms. Under the interim constitution, the president may serve a maximum of two five-year terms. Al-Bashir has held executive power since 1989, but has claimed that the limits of the 2005 constitution—under which an election was first held in 2010—do not apply retroactively.

National elections were held in April 2015. All the main opposition parties boycotted the polls, allowing al-Bashir to win another term in office with 94 percent of the vote. The NCP won 323 of 426 seats in the National Assembly, with many of the remaining seats captured by government loyalists. Although the elections were extended by one day in order to boost participation, voter turnout stood at 46 percent, as reported by the National Election Commission. Critics of the government insisted the low turnout was a result of lack of choice; an NCP spokesman, however, stated that the turnout was the result of outdated voter rolls.

The government and security forces subjected opposition figures to harassment and arrest in the lead-up to the elections, but the voting period itself was largely peaceful. The AU sent a small observation mission to Sudan against the wishes of its own pre-election assessment team. In its final report, AU observers reported that the result reflected the will of the voters but noted that a failure to respect basic freedoms and human rights had weakened the process. The United States, the United Kingdom, and Norway—which did not send monitors—issued a joint statement expressing regret over Sudan's "failure to create a free, fair, and conducive elections environment."

The National Election Commission is not independent; its chairman is an NCP official. In June 2014, the National Assembly passed amendments to Sudan's 2008 electoral legislation, largely without consultation with the main opposition leaders. Among other modifications, the amendments increased the statutory seats in the National Assembly—which had decreased after the independence of South Sudan—to 426.

B. Political Pluralism and Participation: 3 / 16

The NCP dominates the political system in Sudan and uses intimidation, arbitrary arrest, and onerous regulations, often using the state security apparatus, to prevent other parties from operating freely. Some of the June 2014 amendments appeared to be designed to enhance the electoral prospects of small parties, notably by increasing the number of seats determined by proportional representation from 40 to 50 percent and eliminating the 4 percent threshold for representation. Nevertheless, the political arena remains heavily favorable to the NCP. Political parties have experienced problems registering with the authorities. The Sudanese Political Parties Affairs Council denied the Sudanese Republican Party (SCP) recognition in 2014 because it refused to endorse a system of Sharia (Islamic law).

Opposition leaders and activists are routinely arrested and held without charge, often for extended periods. In 2014, the head of the National Umma Party, his deputy, and the head of the Sudanese Congress Party were all detained in separate cases and held for several weeks before being released without charge. In the lead-up to the April 2015 elections, opposition figures faced harassment, arrest, and detention. NISS agents detained members of the SCP and perceived supporters of the armed opposition Sudan Revolutionary Front. On several occasions, authorities denied opposition parties permits for rallies and forums, including at parties' own headquarters.

C. Functioning of Government: 1 / 12

Power and resources are concentrated in and around Khartoum, while outlying states are neglected and impoverished. Members of the NCP, particularly those from favored ethnic groups, tightly control the national economy and use the wealth they have amassed in banking and business to buy political support.

Sudan is considered one of the world's most corrupt countries, and ranked 165 of 168 countries and territories surveyed in Transparency International's 2015 Corruption Perceptions Index. High-ranking members of the party retain prominent commercial interests that heavily benefit from government contracts. In 2015, legislators discussed a draft bill for the creation of a national anticorruption commission; the bill had not been adopted at year's end.

A high proportion of the national budget is spent on unspecified national security priorities. In January, legislators passed a freedom of information law; however, enforcement and awareness of the law remained unclear at year's end.

Discretionary Political Rights Question B: -4 / 0

The government stands accused of attempting to change the ethnic distribution of Sudan through its ongoing response to an insurgency led by marginalized Muslim but non-Arab ethnic groups in Darfur. In 2004, government-supported Arab militias known as *janjaweed* began torching villages, massacring inhabitants, and raping women and girls. The military also bombed settlements from the air. As of the end of 2014, the United Nations estimated that more than 2.5 million people had been displaced by the violence. In 2009, the ICC issued an arrest warrant for al-Bashir on charges of war crimes and crimes against humanity in Darfur; a charge of genocide was added in 2010.

Accusations of ethnically targeted violence have also been leveled against the government for its handling of the wars in South Kordofan and Blue Nile, which began in 2011, in which Sudan's military has launched aerial bombardments and engaged in indiscriminate shelling of civilian areas thought to be strongholds of support for the militant group Sudan People's Liberation Movement–North.

Civil Liberties: 6 / 60

D. Freedom of Expression and Belief: 2 / 16

The 2005 interim constitution recognizes freedom of the press, but media face significant obstacles in practice. The 2009 Press and Publication Act allows a government-appointed press council to prevent publication or broadcast of material it deems unsuitable, temporarily shut down newspapers, and impose heavy fines for violations of media regulations. Approximately one-quarter

of the population has access to mobile broadband services. The authorities have been accused of restricting internet access in order to stifle protests.

NISS officers routinely raid printing facilities to confiscate editions of newspapers considered to be in violation of the Press and Publication Act. By waiting until editions are printed, they impose crippling financial losses on media houses. On a single day in February 2015, state authorities confiscated the print runs of 14 newspapers without explanation. Media workers whose reports meet with official disapproval or who cover sensitive topics risk arrest and detention. In the run-up to the April elections, the NISS summoned newspaper editors to warn them to avoid election coverage, particularly opposition calls for a boycott. In December, police arrested the editors of the newspapers *Al-Saiha* and *Al-Tayar* and charged them with a range of offenses—including undermining the constitution, which carries the death penalty. The papers had published articles considered to be critical of the government.

Religious freedom, though guaranteed by the interim constitution, is not upheld in practice. Approximately 97 percent of Sudan's population is Muslim, nearly all of them Sunni. The authorities have shown increased intolerance of Christians since 2013; they have destroyed or shuttered several churches, refused permits for new churches, closed church-affiliated nongovernmental organizations (NGOs), ordered expatriate Christian workers out of the country, and detained a number of evangelical Christians. Security forces detained Peter Yen Reith, a Christian pastor from South Sudan, in January 2015 and charged him with offenses including spying, which carries the death penalty; Reith had traveled to Khartoum in search of his colleague Yat Michael, who was detained the previous month and faced similar charges. The pastors, who had reportedly been targeted because their church had refused to give up land to the authorities, were held in detention until August. That month, a Khartoum court acquitted them of the most serious charges but convicted Michael on the charge of disturbing the peace and Reith on the charge of participation in a criminal group. The law prohibits apostasy, blasphemy, and conversion to any religion apart from Islam. The 2015 report of the U.S. Commission on International Religious Freedom recommended that the U.S. State Department renew its designation of Sudan as a country of particular concern.

Respect for academic freedom is limited. The government administers public universities, monitors appointments, and sets the curriculum. Authorities do not directly control private universities, but self-censorship among instructors is common. The authorities have adopted an increasingly confrontational approach toward universities, which have emerged as a center of opposition to the government.

The NISS intimidates individuals who engage in private discussion of issues of a political nature, and reportedly monitors private communications without adequate oversight or authorization.

E. Associational and Organizational Rights: 1 / 12

Freedoms of assembly and association are provided for by the interim constitution and by law. These freedoms were violently curtailed in September 2013, when security forces used live ammunition against mostly peaceful protests in Khartoum, Wad Madani, and other towns. The African Centre for Justice and Peace Studies, which monitors human rights in Sudan, has verified that 185 participants, including at least 15 children, were killed by gunfire during the demonstrations. On the eve of the one-year anniversary of the protests, the authorities preemptively rounded up nearly 60 activists in order to prevent further disturbances. Public assembly was also curtailed around the April 2015 elections, with security forces particularly cracking down on signs of dissent in Darfur. In April, police fired tear gas at protesters at Al-Fashir University in Darfur who were calling for a boycott of the vote. At least 29 students were arrested, 17 of whom were charged with offenses that carry the death penalty. The same month, police and soldiers fired live rounds during a protest at a camp for internally displaced people in central Darfur.

The operating environment for NGOs is challenging. All NGOs must register with the governmental Humanitarian Assistance Commission (HAC). The HAC regularly places restrictions or bans on the operations of NGOs and the movements of their workers, particularly in Darfur, Southern Kordofan, and Blue Nile. In January, the authorities ordered the closure of a cultural center in Omdurman and the Sudanese Writer's Union without explanation. In March, NISS officers raided a training session of the Khartoum-based NGO TRACKS, and later arrested a participant, charging him with crimes against the state.

Trade union rights are minimal, and there are no independent unions. The Sudan Workers' Trade Unions Federation has been coopted by the government, which also must approve all strikes.

F. Rule of Law: 0 / 16

The judiciary is not independent. Lower courts provide some due process safeguards, but the higher courts are subject to political control. Special security and military courts do not apply accepted legal standards. Sudanese criminal law is based on Sharia and allows punishments such as flogging and cross-amputation (removal of the right hand and left foot). In 2013, Sudan's deputy chief justice confirmed that 16 cases of amputation had been carried out since 2001. In May 2015, a court in Darfur ordered the amputation of the right hands of three men who were convicted of theft. The accused were not provided legal representation.

Security forces have detained hundreds of opposition supporters since 2011, when street protests against the government and the economic situation in Sudan began. Following the September 2013 protests, at least 800 people were detained, including some who were arrested as they sought medical treatment. The government has not held security forces accountable for their handling of these events.

The 2010 National Security Act gives the NISS sweeping authority to seize property, conduct surveillance, search premises, and detain suspects for up to four and a half months without judicial review. The police and security forces routinely exceed these broad powers, carrying out arbitrary arrests and holding people at secret locations without access to lawyers or family members. Human rights groups accuse the NISS of systematically detaining and torturing government opponents, including Darfuri activists and journalists. Three leading activists who were arrested in 2014 after signing a document calling for peace and political transition were released without charge in April 2015. In August, 17 political activists, mainly from the SCP, were detained and interrogated before being released without charge; several reported being beaten in custody.

The government has met attempted rebellions in Darfur, South Kordofan, and Blue Nile with indiscriminate violence, including the bombing of civilians, targeted killings, forced displacement of communities, the burning of villages, and the use of rape as a weapon of war. The executors of these activities are regular forces, supplemented by paramilitary groups under the loose authority of the NISS. One counterinsurgency group, the Rapid Support Forces, has reportedly murdered civilians, committed mass rapes, poisoned wells, and looted livestock during campaigns in Darfur and South Kordofan since its establishment in 2013.

Beyond the capital, Sudan's many distinct ethnic, regional, and religious groups face political, social, and economic marginalization. Same-sex sexual acts are illegal, though this prohibition does not appear to be strongly enforced. Official and societal discrimination against LGBT (lesbian, gay, bisexual, and transgender) individuals are widespread. Sudan passed legislation in 2014 to strengthen the rights of asylum seekers, but there are strong concerns about enforcement. In 2014, more than 70 asylum seekers were forcibly repatriated to Eritrea, where they were likely to face persecution.

G. Personal Autonomy and Individual Rights: 1 / 16

The government restricts freedom of movement in conflict-affected areas, particularly in Darfur, South Kordofan, and Blue Nile, where a state of emergency is in place.

Under a political agreement reached by Sudan and South Sudan in 2012, southerners living in Sudan were guaranteed rights of residency and movement as well as the rights to engage in economic activity and acquire property. The agreement, which has yet to be fully implemented, does not address the question of citizenship, putting some people at risk of being reclassified as “foreigners” even if they have lived in Sudan their entire lives.

Female politicians and activists play a role in public life in Sudan, and women are guaranteed 30 percent of seats in the National Assembly. In daily life, however, women face extensive discrimination. Islamic law denies women equitable rights in marriage, inheritance, and divorce. Traditional and religious law restricts the property rights of women. A widow can only inherit an eighth of her husband’s estate, with the rest being divided among her children. Women convicted of adultery can face the death penalty. Police use criminal code provisions outlawing “indecent and immoral acts” to prohibit women from wearing clothing of which they disapprove.

Sudan strengthened its laws on gender-based violence in February 2015, establishing the offense of sexual harassment and amending the definition of rape to bring it closer to international standards. However, women at high risk for sexual violence, particularly from security forces, who use rape as a weapon of war. In one of the worst recent examples, more than 200 women and girls were raped, some of them repeatedly, when soldiers entered the Darfur town of Tabit in October 2014. The authorities have blocked efforts by the United Nations to investigate the crime. Female genital mutilation continues to be widely practiced.

While state officials have been accused of involvement in cases of human trafficking, either through bribes or active engagement, the government has increasingly played a proactive role in addressing the problem, and passed an antitrafficking law in 2014. The Sudanese military and Darfur rebel groups continue to use child soldiers.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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