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Freedom in the World 2015 - Sudan

Overview:

The year 2014 began with fragile hopes of political change when, in a widely anticipated speech in January, President Omar al-Bashir announced his willingness to revive all-party discussions on political reform and a new constitution. The opposition political alliance, the National Consensus Forces, declared its intention to take part, and al-Bashir's former-ally-turned-opponent, Hassan al-Turabi, publically made peace with the president in March.

The ruling National Congress Party (NCP)'s renewed pressure on opponents soon obscured this optimism. The so-called National Dialogue failed to achieve results, and by the spring, participants were accusing the NCP of acting in bad faith and stalling the negotiations to perpetuate its hold on power. In summer, many of Sudan's parties—the exception being al-Turabi's Popular Congress Party—had again lined up against the NCP, signing a pact with the main armed opponents of the regime, the Sudan Revolutionary Front (SRF), in August. The document called for the formation of a transitional all-party government that would convene a constitutional conference.

In October President al-Bashir was nominated as the NCP's candidate in presidential elections scheduled for April 2015. The opposition claimed this timetable was too short to conduct a meaningful National Dialogue or complete reforms needed to level the electoral field. In December, political parties, the SRF, and civil society groups issued a comprehensive plan for political and economic reform and resolution of the country's multiple conflicts. The authorities responded by arresting three of the document's the leading signatories, who remained in custody without charge at year's end.

Meanwhile, Sudan's multiple conflicts raged on: in Darfur, South Kordofan, and Blue Nile. There was a marked deterioration in the security situation in Darfur, where an upsurge in fighting displaced half a million people in the first six months of the year alone.

Political Rights and Civil Liberties:

Political Rights: 2 / 40 [Key]

A. Electoral Process: 2 / 12

Sudan is governed according to a 2005 interim constitution. Efforts have been under way to redraft the document since the independence of South Sudan in 2011, but no meaningful progress has been made. Members of the opposition see the discussions as an opportunity to tackle the root causes of Sudan's chronic problems, including poor governance, religious and ethnic chauvinism, and overcentralized rule by an out-of-touch elite. In their view, the NCP has extended the discussions in order to perpetuate the status quo. Civil society has been largely excluded from the process.

Although the first multiparty elections in 24 years were held in 2010, they were plagued by irregularities and failed to meet international standards, according to local and international monitors. Members of the lower house of the bicameral legislature, the 450-seat National Assembly, were elected using a mixed majoritarian and party-list system. State legislatures chose the 50 members of the upper house, the Council of States. All lawmakers serve five-year terms. As a result of South Sudan's secession in 2011, the two chambers were reduced to 354 and 32 seats, respectively. Sudan has not held national elections since South Sudan's independence. Under the interim constitution, the president may serve a maximum of two five-year terms.

In 2010, the Sudan People's Liberation Movement (SPLM)—the dominant party in the South—and other leading opposition parties boycotted the national presidential and some legislative elections, citing unfair campaign conditions. Al-Bashir's long-ruling NCP manipulated the census used to compile the electoral roll, overstating the population in areas of core support and undercounting opposition strongholds. Although 72 political parties

nominated candidates for the elections, many of them were not allowed to campaign freely and rarely received official permission to hold public events. The voting period was plagued by irregularities, with reports of inaccurate voter rolls, ballot stuffing, and cash handouts to NCP voters.

As a result of the boycott, al-Bashir won the presidency convincingly, capturing 68 percent of the vote. The NCP won 323 seats in the National Assembly, 91 percent of the state assembly seats in the North, and 32 seats in the Council of States.

B. Political Pluralism and Participation: 3 / 16

The NCP's dominance of the political system in Sudan was reinforced by the independence of South Sudan, which signaled the end of a power-sharing government with the SPLM and the withdrawal of the South's representatives from parliament. This was followed by a general crackdown on other political parties. Although al-Bashir announced the release of political prisoners in April 2014, the targeting of political leaders quickly resumed following the breakdown of the National Dialogue. Sadiq al-Mahdi, head of the National Umma Party (NUP), was held in May on charges of disseminating false news and inciting unrest after he criticized human rights abuses carried out by Sudan's latest brand of state-sponsored paramilitary fighters, the Rapid Support Forces. He was released the following month after his party apologized for his remarks. In August, his daughter and party deputy, Mariam, was detained in Omdurman and held for one month without charge. In June, Ibrahim al-Sheikh, head of the Sudanese Congress Party, was also detained for speaking out against the Rapid Support Forces. He was held until September.

In addition to the threat of arrest, political parties experienced problems registering with the authorities. The Sudanese Political Parties Affairs Council denied the Sudanese Republican Party recognition in May because it refused to endorse a system of Sharia (Islamic) law. An April decree requires opposition parties to seek permission to hold public meetings.

C. Functioning of Government: 1 / 12

Sudan is considered one of the world's most corrupt countries, ranking third from the bottom of Transparency International's Corruption Perceptions Index in 2014. 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. The International Crisis Group estimates that the party's top leadership owns more than 164 companies, which have their pick of government contracts. A high proportion of the national budget is spent on unspecified national security priorities. In January, Sudan's inspector general accused the central bank of hiding more than 16 billion Sudanese pounds (\$2.8 billion) of debt from its accounts. In 2013, a whistleblower who provided information about graft in the police force was sentenced to four years in prison on charges including ruining the reputation of the police.

Discretionary Political Rights Question B: -4 / 0

The government stands accused of attempting to change the ethnic distribution of the country 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. More than two million civilians were displaced. In 2009, the International Criminal Court (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 states, 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 SPLM-North.

Civil Liberties: 6 / 60 (-1)

D. Freedom of Expression and Belief: 2 / 16 (-1)

The 2005 interim constitution recognizes freedom of the press, but the 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. Members of the National Intelligence and Security Services (NISS) routinely raid printing

facilities to confiscate editions of newspapers considered to be in violation of the act. By waiting until editions are printed, the authorities impose crippling financial losses on media houses. Media workers whose reports meet with official disapproval or who cover sensitive topics risk arrest. In 2013 the government imposed a virtual media blackout during widespread protests, including the temporary closure of Sudan's leading newspapers.

This pattern of restrictions continued in 2014, with greater use of postpublication censorship and a government warning to media houses not to cross certain red lines in their coverage. At least 15 newspapers were stopped from circulating specific editions in the first three months of the year alone. In May, the license of the newspaper *al-Saiha* was suspended for one month and the authorities interrogated 13 of its journalists following publication of a series of articles on public-sector corruption. Journalist Hassan Ishaq, reporter for the privately owned newspaper *al-Jarida*, was arrested in June after reporting the speech of an opposition party leader. Ishaq complained of torture in custody but was denied medical treatment and remained in prison for more than three months.

Approximately one-quarter of the population has access to mobile broadband services. The authorities have been accused of turning off internet access in order to stifle protests such as the antigovernment demonstrations of September 2013. They have also used communications technology to monitor the online activities of activists.

Religious freedom, though guaranteed by the 2005 interim constitution, is not upheld in practice. Approximately 97 percent of Sudan's population is Muslim, nearly all of whom are Sunni. The authorities have shown increased intolerance of Christians since 2013; they have destroyed or shuttered several churches in the Khartoum area, including bulldozing an Omdurman church in February 2014. They have also closed church-affiliated nongovernmental organizations (NGOs), ordered expatriate Christian workers out of the country, and detained a number of evangelical Christians.

The law prohibits apostasy, blasphemy, and conversion to any religion apart from Islam. In May 2014, a court in Khartoum sentenced a Christian woman, Meriam Yahia Ibrahim, to death for apostasy. She was detained in prison with her young son while an appeal was lodged and gave birth to her second child while shackled. She was finally released in June following an international outcry and fled to the United States. The U.S. Commission on International Religious Freedom 2014 report 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. In March 2014, a student was shot dead and seven others were wounded at the University of Khartoum when security forces opened fire on peaceful protests against government policy in Darfur.

The NISS intimidates citizens who engage in private discussions on issues of a political nature.

E. Associational and Organizational Rights: 1 / 12

Freedoms of assembly and association are provided for by the interim constitution and by law. These were violently curtailed in September 2013, when security forces turned live ammunition on mostly peaceful street protests in Khartoum, Wad Madani, and other towns. The African Centre for Justice and Peace Studies (ACJPS), which monitors human rights in Sudan, has verified that 185 protesters, including at least 15 children, were killed by gunfire during the protests. 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.

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 the conflict-affected areas of Darfur, Southern Kordofan, and Blue Nile. In September, the NISS raided the offices of a Khartoum-based NGO, the Centre for Civil Society Development, without providing a reason. International organizations also face obstacles. In February, the authorities suspended permission for the International Committee of the Red Cross (ICRC) to work in the country, citing "technical issues." The ICRC was not allowed to resume operations until September. In November, the joint UN-African Union Mission in Darfur (UNAMID) was ordered to close its human rights office and plan an exit strategy following its attempts to investigate allegations that Sudanese troops committed mass rapes. A month later, Khartoum ordered the expulsion of two senior UN Development Programme officials, accusing them of failing to respect Sudan's sovereignty.

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, and 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 April 2013 and 2014, al-Bashir announced the release of all political prisoners. On both occasions, their cells were soon filled by other regime opponents. In the wake of the September 2013 street protests, at least 800 people were detained, including some who were arrested as they sought medical treatment. According to Human Rights Watch, many of the mostly young detainees were held for long periods incommunicado before being fined for acts of criminal damage. In one case, 12 young men who had been held for a year on suspicion of rioting were acquitted by a court in Omdurman in September 2014, only to be immediately rearrested and charged with the same offences. Meanwhile, the government has steadfastly refused to hold its security forces accountable for their handling of the 2013 protests. As of September 2014, only one case among more than 85 criminal complaints reached court, and the suspect was acquitted.

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 their relatives. Human rights groups accuse the NISS of systematically detaining and torturing government opponents, including Darfuri activists, journalists, and members of youth movements such as Girifna and Sudan Change Now. In June 2014, the courts finally decided the fates of 119 suspected members of the SPLM-North arrested in Blue Nile state in 2011. Of them, 53 were convicted of terrorist offences, and 46 of those received life sentences. According to the ACJPS, the vast majority reported being tortured in custody.

Beyond the capital and the immediate area around it, Sudan's many distinct ethnic, regional, and religious groups face political, social, and economic marginalization and the ruling elite treats them as second-class citizens. Some of these aggrieved groups have rebelled in Darfur, South Kordofan, and Blue Nile, and the state security forces and their proxies have responded 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—for which no one has been held accountable. The government's agents for these activities are regular forces, supplemented by loosely controlled paramilitaries answerable to the NISS. A new counterinsurgency militia, the Rapid Support Forces, was responsible for numerous atrocities in 2014. Numbering up to 6,000 fighters, this latest incarnation of the notorious janjaweed militias led offensives in South Darfur in February and March and South Kordofan in May and June in which civilians were deliberately targeted. The approximately one million southerners who remained in the North following South Sudan's independence also face serious discrimination.

An estimated two million people have been internally displaced by conflict in Sudan, 400,000 in 2014 alone. They face discrimination and many lack access to basic facilities and legal services. As of mid-2014, more than 240,000 refugees are also living in Sudan, originating primarily from Chad, Eritrea, and South Sudan. The authorities do not adequately protect refugees. There is particular concern that refoulement is taking place to Eritrea, where forced returnees face imprisonment.

Same-sex sexual acts are illegal, though the law does not appear to be applied. However, official and societal discrimination against LGBT (lesbian, gay, bisexual, and transgender) individuals are widespread.

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. However 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 one-quarter of the 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 provisions of Sudan's Criminal Act

outlawing “indecent and immoral acts” to prohibit women from wearing clothing of which they disapprove. Female genital mutilation is widely practiced. No laws specifically prohibit domestic violence, spousal rape, or sexual harassment. In February 2014, a woman who was gang raped in an attack filmed by her perpetrators was convicted of committing indecent acts and fined. Police refused to receive her complaint of rape.

While government officials have been accused of involvement, either through bribes or active engagement, in cases of human trafficking, Sudan has increasingly played a proactive role in addressing the problem. Following enactment of an anti-human trafficking law in March 2014, the government convened a regional conference to address the issue in October.

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](#)

2015 Scores

Status

Not Free

Freedom Rating

(1 = best, 7 = worst)

7.0

Civil Liberties

(1 = best, 7 = worst)

7

Political Rights

(1 = best, 7 = worst)

7