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FREEDOM IN THE WORLD 2019 - SUDAN

Overview:

Sudan's political system is dominated by an authoritarian president, Omar al-Bashir, and his National Congress Party (NCP), which rely on repression and inducements to maintain power. The regime violently represses regional, religious, and ethnic groups that do not share its narrow nationalist vision. Civil society encounters severe restrictions, religious rights are not respected, and the media is closely monitored.

Key Developments:

KEY DEVELOPMENTS IN 2018:

- Economic hardship and rising commodity prices sparked nationwide protests at both the beginning and end of the year. In December, largely peaceful demonstrations demanding President al-Bashir's resignation were violently suppressed by the authorities; Amnesty International reported that at least 37 people were killed in the violence. Hundreds of demonstrators were also arrested and detained without charge during the two spates of protests.
- In August, the NCP chose President al-Bashir as its candidate for the 2020 presidential election, despite the two-term limit that would require him to step down at the end of his current term. In December, a constitutional amendment was introduced in the parliament to abolish term limits, which would clear the way for al-Bashir's candidacy if passed.
- In September, in response to the worsening economic conditions, President al-Bashir dissolved the national unity government formed in 2017. The new government he subsequently formed was dominated by the NCP.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 3 / 40 (−1)

A. ELECTORAL PROCESS: 2 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 1 / 4

The 2005 constitution established term limits, allowing presidents to serve no more than two five-year terms. President al-Bashir was reelected in 2015 with 94 percent of the vote. The governments of the US, Britain, and Norway condemned the process for its "failure to create a free, fair, and conducive elections environment." During the run-up to the election, opposition leaders were detained and the government cracked down on the media. The main opposition parties boycotted the election, arguing that free and fair elections were not possible until a national dialogue on Sudan's political and constitutional future was held. A dialogue held after the election was also boycotted by most of the opposition, which claimed it was an insincere effort by the NCP to stay in power.

The dialogue resulted in the formation of a national unity government in 2017 that contained a small number of opposition representatives and established the new position of prime minister, a step intended to reduce the powers of the executive. Al-Bashir awarded the position to a close ally, Bakri Hassan Saleh, who already held the post of first vice president.

A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

The upper chamber of the bicameral National Legislature is the 54-member Council of States, whose members are indirectly elected by state legislatures. In the 426-seat National Assembly, the lower chamber, 213 members are directly elected, 128 seats are reserved for women elected by proportional representation, and 85 additional members are elected by proportional representation. Members in both chambers serve six-year terms. The opposition boycott of the 2015 parliamentary elections, which were held concurrently with the presidential election, enabled the NCP to win a large majority in the National Assembly, where it claimed 323 of 426 seats. Many of the remaining seats were taken by NCP-aligned parties. As with the presidential election, the parliamentary elections were not held in accordance with democratic standards.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

The National Election Commission is not independent; its chairman is an NCP official. In November 2018, the National Assembly approved a new election law which reduced the National Assembly to 380 seats and decreased the number of seats in the body reserved for women from 128 to 30, among other provisions. Although the government acceded to 18 of 19 demands made by the opposition on the substance of the bill, 34 opposition legislators walked out of the National Assembly before the vote in protest, reflecting a deep distrust of the NCP regime and its commitment to establishing a fair electoral framework.

In August, the NCP chose al-Bashir as its candidate for the 2020 presidential election, despite the two-term limit that would require him to step down at the end of his current term. In December, a constitutional amendment was introduced in the parliament to abolish term limits, which would clear the way for al-Bashir to run for reelection in 2020.

B. POLITICAL PLURALISM AND PARTICIPATION: 3 / 16 (–1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

Sudan has more than 100 political parties, but regulatory hurdles as well as harassment, intimidation, and detention of opposition figures prevent them from freely operating and competing. As antigovernment protests erupted across the country in December 2018 over the tripling of bread prices and worsening economic conditions, security officials cracked down on opposition parties, arresting and detaining the leader of the Sudanese Congress Party, Omar el-Digeir; and raiding an opposition gathering in Khartoum, which led to the arrests of nine members of three political parties.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4 (–1)

The harassment, intimidation, and arrests of opposition figures hinder their parties' ability to gain power. Hundreds of opposition leaders and activists were arrested in January and February 2018 for demonstrating against rising fuel prices and the government's handling of an economic crisis. Many were detained without charge for several weeks before being released, including the head of the Sudanese Communist Party and a deputy from the National Umma Party (NUP). In April, the head of the NUP, Sadiq al-Mahdi, was charged with plotting to overthrow the government. Al-Mahdi returned to Sudan in December after nearly a year in self-imposed exile, but no further legal action had been taken against him at year's end.

Several other developments in 2018 significantly reduced the ability of opposition parties to challenge the NCP. In late April, the National Consensus Forces, a coalition of center-left and left-wing opposition parties, announced it would boycott the 2020 elections. The decision by the NCP to nominate al-Bashir for another presidential term could significantly reduce the prospects for a transfer of power in 2020. In September, as the economic crisis worsened, al-Bashir dissolved the national unity government, and the new government he formed was dominated by the NCP.

Score Change: The score declined from 1 to 0 because the dissolution of the national unity government, the decision by opposition parties to boycott the 2020 elections, the announcement by al-Bashir that he intends to seek an additional presidential term (in violation of the two-term limit), and the continued harassment and arrests of opposition leaders all reduced the ability of political parties to increase their support.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 1 / 4

Al-Bashir surrounds himself with a clique of unelected internal security and military officials, who influence decision-making. The NCP has a sizable Islamist wing, although its influence over policymaking has waned in recent years.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Sudan's political system heavily favors the ethnic groups, predominantly Arab and Muslim, with populations concentrated around Khartoum. Peripheral regions—notably Darfur, the Two Areas of South Kordofan and Blue Nile, and eastern Sudan—are marginalized. A total of 128 seats in the National Assembly are reserved for women, but the election law passed by the National Assembly in November 2018 reduced that number to 30.

C. FUNCTIONING OF GOVERNMENT: 1 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4

President al-Bashir dominates the government, despite attempts to dilute the powers of the presidency by reestablishing the post of prime minister. In September 2018, al-Bashir demonstrated his continued dominance by dissolving the national unity government and replacing the prime minister.

The military and intelligence services are powerful forces in the government and support al-Bashir, while many high-level officials are drawn from the security sector.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Corruption is rampant among the NCP-linked elite and security agencies, and efforts to control the problem have been insufficient. Nevertheless, an anticorruption drive announced by the government in July 2018 led to the arrests of a number of high-profile government officials throughout the year. In September, the former head of the Political Security Department at the National Intelligence and Security Services (NISS) was sentenced to seven years in prison by a military court after his conviction on corruption charges. However, anticorruption efforts are undermined by a lack of clarity in conflict of interest laws regarding the rights of government officials to operate private companies while in office. Many high-level officials own stakes in private enterprises, contributing to widespread cronyism and facilitating the continued proliferation of patronage networks.

C3. Does the government operate with openness and transparency? 0 / 4

Sudan's government operates in an unaccountable manner. The bloated security institutions, which receive 78 percent of the national budget, are opaque and corrupt. Government ministries run large off-budget accounts and bodies intended to oversee public spending have been eroded.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION:

Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -3 / 0

The government stands accused of attempting to change the ethnic composition of Sudan through its response to an insurgency led by marginalized non-Arab ethnic groups in Darfur. Tactics include the alleged use of chemical

weapons against civilians as recently as 2016 and terror campaigns against civilians conducted by a paramilitary group, the Rapid Support Forces (RSF), under the authority of the NISS. Al-Bashir faces outstanding arrest warrants from the International Criminal Court (ICC) on charges of war crimes, crimes against humanity, and—controversially—genocide in Darfur. Accusations of ethnically targeted violence have also been leveled against the government for its handling of the wars in the Two Areas of South Kordofan and Blue Nile, where there has been repeated, indiscriminate aerial bombardment of civilians. Al-Bashir declared a unilateral cease-fire in all three areas in 2016, which—despite violations by both sides—remained in place as of the end of 2018.

CIVIL LIBERTIES: 4 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 2 / 16

D1. Are there free and independent media? 0 / 4

Sudan's media faces many obstacles due to government restrictions, censorship, and harassment of journalists by NISS agents. The media environment for journalists further deteriorated in 2018, as the government cracked down on coverage of unrest through censorship, intimidation, and arrests of journalists. In January, NISS agents seized the print runs for eight newspapers in response to their coverage of protests; the agency continued to seize entire print runs of newspaper editions without explanation throughout the year. In December, nine journalists demonstrating in Khartoum against government harassment of the media were arrested and briefly detained. In the same month, at least three reporters covering antigovernment demonstrations were assaulted by security agents.

Journalists are forbidden to publish stories about 15 so-called red line issues, including articles about the NISS and the army. In July, the NISS, after a five-year hiatus, returned to inspecting newspapers before publication and ordering the removal of articles that do not meet its approval.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 0 / 4

Freedom of religion is guaranteed under the 2005 interim constitution but is not respected in practice. Since the independence of South Sudan, the small Christian community in Sudan has faced persecution and several churches have been shuttered. In February 2018, the government razed an Evangelical Presbyterian church in Khartoum North without warning. People who convert to Christianity risk apostasy charges. In October, nine Christians in South Darfur State were detained by the NISS for five days and allegedly tortured before eight of them agreed to convert to Islam. A priest who refused to convert was arrested and charged with apostasy, and awaited trial at year's end.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

The government views students as a source of opposition and harshly responds to signs of restiveness on university campuses, often using NCP-affiliated students to attack and intimidate protesters. In January 2018, security forces used tear gas to disperse a protest at the University of Khartoum against the government's handling of the economy, and arrested three demonstrators.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

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. Authorities have increasingly used defamation laws to prosecute social media users who criticize the government.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 1 / 12

E1. Is there freedom of assembly? 0 / 4

The authorities have repeatedly used deadly force against protesters. Security forces violently cracked down on a series of demonstrations across the country in December 2018 over the poor economy, in which many protesters demanded al-Bashir's resignation. Authorities fired tear gas and live ammunition into demonstrations. According to Amnesty International, at least 37 protesters were killed in the violence in December. In the midst of the protests, the government also blocked access to social media platforms including Twitter, Facebook, Instagram, and WhatsApp, and shut down the internet on several telecommunications networks through the end of the year.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 1 / 4

Nongovernmental organizations (NGOs), particularly those that work on human rights issues, face harassment and arrest. In May 2018, human rights activist Hisham Ali Mohamed Ali, who has advocated against torture and official corruption, was detained upon arrival at the Khartoum International Airport, after being deported from Saudi Arabia. Ali remained in detention without charge at the end of the year.

The government eased some restrictions on the movement of humanitarian workers in conflict zones. In September, the government agreed to a United Nations plan to deliver humanitarian assistance to rebel-held areas of South Kordofan and Blue Nile.

E3. Is there freedom for trade unions and similar professional or labor organizations? 0 / 4

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. Workers who strike risk arrest. In June 2018, security forces briefly detained a group of teachers staging a sit-in to protest low salaries and the closure of 200 secondary schools in El Gezira State.

F. RULE OF LAW: 0 / 16

F1. Is there an independent judiciary? 0 / 4

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.

F2. Does due process prevail in civil and criminal matters? 0 / 4

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 NISS has systematically detained and tortured government opponents, including Darfuri activists, students, and journalists. Hundreds of people arrested during demonstrations in January and February 2018 were held without charge and denied legal representation, before being released in April. Dozens of additional demonstrators were arrested and detained without charge in December, and most remained in custody at year's end. Under the Police Act of 2008, police officers are immune from prosecution.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Torture and abuse of prisoners is rampant, with political detainees from Darfur and the Two Areas subject to particularly harsh treatment. Human rights abuses by the government or government-backed forces like the RSF are endemic. A report released in April 2018 by the African Centre for Justice and Peace Studies (ACJPS) documented serious abuses against civilians in South Kordofan by security forces between January and March, including rape and several killings. In Darfur, dozens of civilians were killed and thousands displaced in an upsurge in fighting during the spring between government-aligned forces and rebels in Jebel Marra. Security officials are rarely held accountable for human rights violations.

The death penalty is applied to a range of offenses and has been used against members of the political and armed opposition, particularly in Darfur. Sudanese criminal law is based on Sharia (Islamic law) and allows punishments such as flogging and cross-amputation (removal of the right hand and left foot).

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

Sudan's many 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 is widespread. Sudan passed legislation in 2014 to strengthen the rights of asylum seekers, but these rights are not respected in practice. Refugees, particularly from Eritrea, face ill treatment and deportation.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 1 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 0 / 4

The government restricts freedom of movement in conflict-affected areas, particularly in Darfur, the Two Areas, and Kassala State in eastern Sudan, where states of emergency remained in place at year's end. Women are not allowed to travel or obtain state identification without the permission of a male guardian. Authorities also seized passports and imposed international travel bans on several opposition politicians and civil society leaders during the year.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Sudanese citizens are allowed to buy land and set up businesses but encounter many obstacles in practice. Weak land rights have been a chronic driver of conflict in Sudan, exploited by corrupt government officials and unscrupulous investors to evict smallholders to make way for commercial development. In 2018, the authorities continued to use force in demolishing settlements they claimed were illegally built. In April, for example, several women and children were injured and seven people were arrested when police demolished large portions of a village in El Gezira State.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 0 / 4

Women face extensive discrimination. Islamic law denies women equal rights in marriage, inheritance, and divorce. Traditional and religious law restricts the property rights of women. Women convicted of adultery can face the death penalty. Violence against women is a major problem, particularly in conflict-affected regions, and few perpetrators are brought to justice. Police use criminal code provisions outlawing "indecent and immoral acts" to prohibit women from wearing clothing of which they disapprove.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 0 / 4

Economic mismanagement by the government and the concentration of wealth in the hands of a military, religious, and business elite linked to the NCP have deprived ordinary Sudanese of economic opportunity and condemned them to poverty.

According to the US Department of State, Sudan has failed to take adequate steps to eliminate the trafficking of persons, but the government did increase the number of trafficking arrests and prosecutions between April 2017 and March 2018.