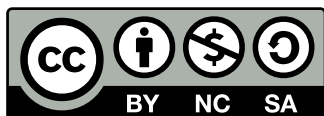


ADVANCING THE VOTING RIGHTS OF INTERNALLY DISPLACED COMMUNITIES IN SUDAN



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International IDEA
Strömsborg
SE-103 34 Stockholm
SWEDEN
Tel: +46 8 698 37 00
Email: info@idea.int
Website: <<https://www.idea.int>>

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Zeinab Elnour Abdelkarim



International IDEA

Strömsborg
SE-103 34 Stockholm
SWEDEN
+46 8 698 37 00
info@idea.int
www.idea.int

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Acronyms and abbreviations

ACHPR	African Charter on Human and Peoples' Rights
CAT	Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment
CPA	Comprehensive Peace Agreement
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil society organization
DDR	Disarmament, demobilization and reintegration
EDR	Election dispute resolution
EMB	Electoral management body
GoS	Government of Sudan
HAC	Humanitarian Aid Commission
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICGLR	International Conference on the Great Lakes Region
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance
IDMC	Internal Displacement Monitoring Centre
IDPs	Internally displaced persons
IGAD	Intergovernmental Authority on Development
IOM	International Organization for Migration
JIPS	Joint IDP Profiling Service
JPA	Juba Peace Agreement
NCP	National Congress Party
NEA	National Elections Act 2008
NEC	National Elections Commission
NGO	Non-governmental organization
SAF	Sudan Armed Forces

SLM	Sudan Liberation Movement
SPLM	Sudan People's Liberation Movement
SPLM-N	Sudan People's Liberation Movement-North
UDHR	Universal Declaration of Human Rights
UNAMID	United Nations – African Union Mission in Darfur
UNHCR	United Nations High Commissioner for Refugees
UNITAMS	United Nations Integrated Transition Assistance Mission in Sudan
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNOHCHR	Office of the United Nations High Commissioner for Human Rights

EXECUTIVE SUMMARY

In Sudan's upcoming transitional elections, the participation of internally displaced persons (IDPs)¹ raises complex political, technical, and logistical issues. Internal displacement—and the attendant loss of access to homes, livelihoods, personal documentation and social networks—negatively affects the ability of IDPs to assert and enjoy their full range of fundamental rights, including the right to vote and participate in governmental and public affairs. Voters' inclusion and active political participation are critical to ensure these transitional elections serve as peace- and confidence-building exercises. Safeguarding IDPs' ability to exercise voting rights freely and fully will be an essential measure of the effectiveness and legitimacy of these electoral contests, the resulting governance structures and future political processes.

The IDP voting was extremely limited in Sudan's 2010 and 2015 general elections, and several factors contributed to IDPs' disfranchisement. Escalating violence deterred voting registration and limited the number of polling stations in IDP camps. Also, intimidation by armed groups discouraged political participation, and IDPs' fears of losing land in their place of origin restricted voting in their host communities (The Carter Center 2010). As long as it persists, the state's inability to uphold IDPs' voting and political rights

In Sudan's 2010 and 2015 general elections, escalating violence deterred voting registration and limited the number of polling stations in IDP camps.

¹ The IDPs are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border. See the 'Guiding Principles of Internal Displacement' (UN Commission on Human Rights 1998).

The JPA fell short of addressing the longstanding drivers of instability and inequality in Darfur.

will further their marginalization, reduce government accountability, and decrease the chance of durable solutions for IDPs' settlement.

The fall of the National Congress Party (NCP) government in 2019 brought concerns about political representation and land claims among communities on different sides of the Darfur conflict, fuelling further violence since then. Those displaced and dispossessed by the conflicts hoped that a new government would enable restitution and improved access to land and resources. However, those who benefitted from the conflict feared that any such steps by a new government would cut off access to vital grazing lands, some of which are also rich in gold (Rift Valley Institute 2022). The Juba Peace agreement (JPA) (GoS 2020)² signed between Sudan's transitional governments and the Sudan Revolutionary Front on 3 October 2020 attempted to address essential questions about land rights and political representation in Darfur. However, the JPA fell short of addressing the longstanding drivers of instability and inequality in Darfur or the security vacuum left by the African Union – United Nations Hybrid Operation in Darfur (UNAMID) upon its withdrawal (UNAMID's mandate expired at the close of 2020). The JPA thus failed to stop the resurgence of violence, which in some areas resulted in the highest displacement figures since 2014, particularly in West, South, and North Darfur states (IDMC 2021). An increase in conflict triggering further displacement will remain possible in Darfur and the Two Areas, especially if the implementation of the negotiated peace agreement continues to lag or does not generate total buy-in from the remaining armed movements and parties to local conflicts (Marsden 2020). Unfortunately, the JPA's implementation has been stalled since the coup of 25 October 2021. The record of implementing similar peace accords in Sudan has been dismal, especially in respect of delivering tangible benefits to the people in the conflict-prone areas.

The JPA thus failed to stop the resurgence of violence, which in some areas resulted in the highest displacement figures since 2014.

Sudan's upcoming transitional elections are likely to be part of a negotiated political agreement framework led by the United Nations Integrated Transition Assistance Mission in Sudan (UN

2 On 18 October 2020, in a joint session of the Sudan Sovereignty Council and the Cabinet of Ministers (Joint Council), constitutional amendments were passed to integrate the JPA into the 2019 Constitutional Charter. Pending the formation of the Transitional Legislative Council, the Joint Council acts as an alternative legislative council per article 25(3) of the Charter.

Security Council 2021), supported by the African Union and the Intergovernmental Authority on Development (IGAD). It is not unusual for such a political agreement to stipulate the interim governance structure and the timing and sequencing of transitional elections. For the negotiated agreement to produce trust and contribute to the consolidation of democracy, peace and security, the implementation of certain agreed-upon measures must be swift and come well in advance of the transitional elections. Some of these measures include the formation of a broad-based interim government; initiation of the constitution-building and electoral legal reform processes; restructuring and reforming the security forces; disarmament, demobilization and reintegration (DDR) of the JPA signatory armed groups; repatriation of refugees and the resettlement of displaced people; and the establishment of the rule of law. Recognizing that politics has a wider constituency beyond the political elite is also fundamental to any political solution. Therefore, negotiators must think about the creation of a decision-making environment that is underpinned by an informed understanding of the local context; inclusive and transparent processes that bring together different political and social groups to weigh on the design of the electoral processes would encompass the masses that have borne the brunt of Sudan's armed conflicts—particularly IDPs, minorities, women and young people.

Negotiators must also unequivocally support IDPs' rights to safe and voluntary return to their communities or integration and relocation with host populations. All IDPs—particularly those who face extra barriers within their communities due to their gender, age, disability, religion or ethnicity—must have sufficient access to electoral processes to ensure representation of their interests.

International IDEA produced this paper as an output of its Sudan project to guide and inform fact-based stakeholders' engagement in electoral legal reform. The paper aims to raise decision makers' awareness about the protection deficit concerning IDPs' human rights and improve understanding of the need for reform: in particular, to protect IDPs' right to vote and participate in governmental and public affairs, including their right to access the means necessary to do so. It puts forth for consideration by political actors and other electoral stakeholders a set of recommendations and options for reforms to

All IDPs—particularly those who face extra barriers within their communities due to their gender, age, disability, religion or ethnicity—must have sufficient access to electoral processes to ensure representation of their interests.

guarantee that universal suffrage extends to the internally displaced. Rather than only highlighting best practices, the lead author of this paper strived to ensure that the recommendations and options reflect local ownership and leadership by engaging with Sudanese stakeholders on the substance of how national laws, policies and peacebuilding initiatives could contribute to the protection of IDPs.

Chapter 1

OBJECTIVES AND SCOPE

The right to participate in political and public life, directly and indirectly, is one of the core elements of human-rights-based approaches aimed at ending marginalization and discrimination (UNOHCHR 2014). Political and public participation rights play a crucial role in promoting democratic governance, the rule of law, social inclusion and economic development, and the advancement of all human rights. Unfortunately, people forced to flee or leave their homes or places of habitual residence to avoid armed conflict, violence, violation of their human rights and disasters are generally unable to assert or enjoy their political and public participation rights. Many obstacles can impede IDPs' right to vote and stand for public office, including ongoing conflict, restrictive residency or documentary requirements, discriminatory laws and practices, inability to access polling registration, and lack of knowledge about political and elections processes. As a result, IDPs often do not have a voice in the political and economic decisions that affect their lives.

This paper aims to inform deliberations on the legal and technical apparatus necessary to protect IDPs' voting rights and ensure their meaningful political participation in Sudan's transition. It will draw special attention to groups facing compounded marginalization within internally displaced communities, such as women, young people, persons with disabilities, ethnic and religious minorities, and other marginalized populations. The paper will also shed light on approaches and tools that community leaders, local activists and institutions can use to advocate for legal reform and policy outcomes to help IDPs attain political equality, peace and security.

Many obstacles can impede IDPs' right to vote and stand for public office, including ongoing conflict, restrictive residency or documentary requirements, discriminatory laws and practices, inability to access polling registration, and lack of knowledge about political and elections processes.

The paper discusses aspects of Sudanese constitutional law, the Juba Peace Agreement, the electoral legal framework, and other national legislation affecting IDPs' political rights. It is vital to review existing regulations, political agreements and procedures to identify obstacles to IDP enfranchisement and the required extent of reform and amendments. The paper will examine Sudan's legislation, policies and practices against a common international understanding of the principles, norms and obligations that protect human rights; and which define credible, democratic elections. These include the Guiding Principles on Internal Displacement (UN Commission on Human Rights 1998) endorsed by the 2005 UN World Summit (hereafter 'the Guiding Principles'). Although this instrument is not binding on UN Member States, it has gained broad international understanding and acceptance as reflecting principles consistent with international human rights and serves as an international standard guiding government when confronted with the protection and assistance needs of IDPs.

The paper emphasizes aspects of the electoral framework that must be in place to guarantee the inclusiveness, transparency and integrity of electoral processes and contribute to the ability of IDPs to participate freely and fully in them. It focuses on the following elements of the electoral process:

- voting rights;
- voter registration;
- voter information and education;
- voting process;
- election security; and
- election dispute resolution.

The paper also assesses the national, regional and local electoral management bodies' (EMBs) ability to facilitate IDPs' political and electoral participation. It is critical to understand whether the EMBs do, in fact, control electoral resources and services and whether they can make decisions impacting IDPs in the electoral process. Furthermore, the paper will identify existing resources and capacity within the Government of Sudan (GoS) and non-governmental actors that, if deployed appropriately, can reduce barriers and risks to enfranchisement.

The paper further examines the country's political, cultural and historical context; and analyses living conditions within IDP and host communities to identify these barriers. This examination involves analysing conflict dynamics, power structure, legal identity, land issues, resource-sharing and governance structure. The paper also considers the in-country political developments and external influence by neighbouring foreign actors, which may risk IDPs' enfranchisement.

The study covered by this paper included in-person and virtual interviews, targeted focus groups, and small-scale information gathering and research to fact-check findings and supplement data available (from international and national institutions, census information, and public opinion surveys). Stakeholders consulted include parties to the JPA, political party representatives, the Voluntary Return and Resettlement Commission, the Humanitarian Aid Commission, the office of the Darfur Governor, staff of the EMBs, members of the judiciary, and international implementers serving the IDP communities. The latter include the Internal Displacement Monitoring Centre (IDMC), Joint IDP Profiling Service (JIPS), IOM, United Nations Development Programme (UNDP), United Nations High Commissioner for Refugees (UNHCR), Women Environment Programme, United Nations Children's Fund, UNOCHA, UN-Habitat and INGO Forum.

Budgetary, security and operational constraints made obtaining data representative of the IDP communities a challenge during the production of this paper. The lead expert on this paper conducted no field trips to camps and villages of IDPs or sample surveys as part of this study. The study relied on IDP data collected and compiled by various intergovernmental organizations listed above and non-governmental organizations such as the IDMC. The paper acknowledges the limitation of population movement tracking systems, including massive population flows that overwhelm capacity; limited access to specific routes and locations due to instability; the unwillingness of individuals to provide information; and political pressures to suppress accurate reporting on IDP movements (Sarzin 2017).

Finally, it is essential to note that translations of all legislation and regulatory frameworks reviewed by this study are not official. However, the lead expert on this paper and the International IDEA Sudan team have done their due diligence to ensure that the recommendations and analyses included do not stem from flawed translated texts.

Chapter 2

INTRODUCTION AND COUNTRY CONTEXT

Protracted displacement is widespread in Sudan, and over 3.7 million people lived in displacement in the country as of July 2022 (IOM Sudan 2022).³ Natural disasters, food insecurity, armed conflicts, clashes between nomads, and intercommunal disputes over land, grazing routes and other resources are key causes and triggers of displacement. The first civil war between north and southern Sudan, which began with the country's independence in 1956 and ended with the signing of the Addis Ababa Accord in 1972 (granting southern Sudan broad regional autonomy on internal matters), was one of the leading causes of displacement (World Bank 2017). The droughts and famines that struck the country in the mid-1980s also affected an estimated 8.4 million people in Darfur, Kordofan, central, northern and eastern regions, causing dramatic food shortages, impoverishment and massive displacement. Of about 2.5 million displaced, an estimated 1.8 million persons migrated to Khartoum (Tufts/IDMC 2008). The impact of droughts, the introduction of Islamic laws, the discovery of oil, the unilateral abrogation of the Addis Ababa Accord by president Jaafar El-Nimeiri in June 1983 and the dissolution of the southern regional government fuelled endemic tensions between the north and south. These reignited the second civil war and triggered the displacement of an estimated three million people from the south (Encyclopaedia Britannica n.d.). Since the signing of the Comprehensive Peace Agreement in 2002, oil-rich areas along the North – South border have continued to spawn serious conflicts leading to more displacement of inhabitants (Moro 2009).

Protracted displacement is widespread in Sudan, and over 3.7 million people lived in displacement in the country as of July 2022.

³ In Sudan, census data on IDPs from 2008 are flawed and there are no comprehensive statistics available from the national authorities on the total number and conditions of IDPs.

Armed conflict continues to be the primary reason for most displacements across Sudan, followed by communal clashes due to ethnicity or fights over land or livestock.

An estimated 59 per cent of displacement in Sudan happened between 2003 and 2010 at the height of the Darfur crisis: when Sudanese Government forces and rebel groups conducted attacks against civilians throughout Darfur, including torturing, killing, destroying villages, pillaging and forced displacement (IOM Sudan 2022). The country's successive wars in the South and Darfur gave rise to one of the world's most significant displacement crises when, in 2005, IDP numbers peaked at 6.1 million (including those displaced in areas that are now part of South Sudan (IDMC n.d.)). A further 27 per cent of IDPs left their home areas between 2011 and 2016 when fighting between government forces and the Sudan People's Liberation Movement-North (SPLM-N) in South Kordofan and the Blue Nile states resumed in mid-2011 (IOM Sudan 2022). Estimates suggest that the conflict has severely affected or displaced more than 1.1 million people within the Two Areas and caused more than 234,000 people to flee to neighbouring countries (GlobalSecurity.org n.d.).

Most of Sudan's 3.7 million IDPs live across the five Darfur states and South and West Kordofan. The four states with the highest concentration of IDPs are South Darfur (29 per cent), North Darfur (23 per cent), Central Darfur (15 per cent), and West Darfur (13 per cent). As of July 2022, there were an estimated 3.01 million IDPs across the five states of Darfur, representing 83 per cent of Sudan's total IDP population (IOM Sudan 2022). The number of displaced within the region of Darfur is significant, given that it is estimated by recent census projections to have a population of 11.2 million people (UNOCHA 2022b). Armed conflict continues to be the primary reason for most displacements across Sudan, followed by communal clashes due to ethnicity or fights over land or livestock. It is important to note that although most IDPs seek refuge within the same state where they reside, many flee to other states and cities of Sudan. Seventy per cent of the IDP population live in formal camps or settlements, and the remaining 30 per cent reside within host communities, informal shelters, abandoned buildings, schools, public buildings and rented accommodations. Women comprise about 52 per cent of Sudan's displaced, and 23 per cent are eligible voters (IOM Sudan 2022).

Despite the recently signed JPA between the transitional government and some non-state armed groups, 2021 has seen the highest displacement figures since 2014. Displacement in 2021 impacted around 442,000 people, five times the number thought to be displaced in 2020 (IDMC 2021). Some attributed this wave of violence to a premature decision by the UN Security Council to end the mandate of UNAMID on 31 December 2020 and hand over its primary role to the Government of Sudan (Day 2020). UNAMID mandate-related activities had centred mainly on supporting the peace process, protecting civilians, mediating intercommunal conflicts, and facilitating the delivery of humanitarian assistance (UN Peacekeeping 2022). Political polarization, violence, worsening food insecurity, the country's severe economic crisis, and fear of losing control over resources or power among the different tribes all intensified insecurity in 2022, contributing to a sharp rise in violence and displacement. Intercommunal clashes between January and July of 2022 resulted in 177,350 new displacements, including 126,000 newly displaced people in Darfur and over 38,000 people in the Blue Nile (UNOCHA 2022b).

The displacement situation in Sudan continued to worsen during the rainy seasons of 2022. Over 258,000 people were affected by torrential rains and floods across the country, according to local officials at the Humanitarian Aid Commission. The most affected states were Gedaref, Kassala, White Nile, River Nile, Central Darfur, South Darfur, and West Darfur (IOM Sudan 2022).

Since 1988, the GoS has developed several initiatives to respond to the IDP crisis and mitigate the adverse effects of displacement at the policy and institutional levels. For example, the government released that year its first national IDP policy through the Council of Ministers Resolution No. 301, and in 1995, it set up the Humanitarian Aid Commission (HAC), which is responsible for managing IDPs' protection and assistance. Also, in 2002, the GoS revised its 1990 national IDP policy, committing itself to creating an IDP department within the HAC and an IDP Support Fund. None of these initiatives materialized, however, and the government's response to internal displacement remained insufficient.

Subsequently, in July 2004, the GoS and the Sudan People's Liberation Movement (SPLM) signed the Policy Framework for the Return of Displaced Persons in a Post-Conflict Sudan (USAID 2004), reaffirming their commitment to the Guiding Principles. The two parties further pledged to uphold the protection of IDPs under the Comprehensive Peace Agreement (CPA) they signed on January 2005. A High-level Committee on Internally Displaced Persons and Returns was formed in July 2007. In 2009, the GoS adopted a new National Policy on Internally Displaced Persons, acknowledging its sole responsibility for protecting the civil, political, economic, social and cultural rights of the country's IDPs and recognizing their right to equal participation in public affairs. However, the policy emerged primarily to meet commitments enshrined in the CPA and the 2004 Policy Framework. The government's failed commitments marred the implementation of the policy, particularly in Darfur, where voter registration during the 2010 national elections was flawed and did not account for many of the IDPs living in camps and areas under rebel control (IDP Action 2010).

Unfortunately, failed commitments to IDPs in the Darfur region have been ongoing for almost two decades. In 2004 and 2005, the GoS and some parties to the conflict signed several protocols, declarations and agreements committing themselves to a ceasefire and improvement of the humanitarian situation in Darfur. Similar commitments were made to improve the IDPs' situation under the 2006 Darfur Peace Agreement and the Doha Document for Peace in Darfur signed in 2011. Neither the peace agreements nor the initiatives preceding them succeeded in ending the Darfur conflict or improving the IDPs' situation.

Likewise, commitments to the IDPs under the 2020 JPA remain in doubt in the wake of the October 2021 coup and, again, lack of implementation. At the local level, the JPA is seen as an overtly political process concerned mainly with apportioning political representation to its signatories, leading to new conflicts and backlash from those communities which believe the new political dispensation does not serve their interests (XCEPT 2022).

Furthermore, building trust between the authorities and the displaced is a huge challenge because of impunity for arbitrary attacks and

Building trust between the authorities and the displaced is a huge challenge because of impunity for arbitrary attacks and serious human rights violations by elements of Sudan's security and military forces and pro-government armed groups against IDPs over the years.

serious human rights violations by elements of Sudan's security and military forces and pro-government armed groups against IDPs over the years. Sudan national authorities have been perpetrators of displacement over the years, being responsible for successive waves of conflicts in the south of Sudan and Darfur, involving aerial bombings of villages, sexual violence against women and girls, as well as forced displacement of civilians in oil-rich areas to allow for oil exploration. Government-forced displacement has been well-documented by the UN International Commission of Inquiry on Darfur (UN Security Council 2005), the UN Secretary-General's Representative on IDPs (UN Commission on Human Rights 2006), and the Office of the Prosecutor to the International Criminal Court (ICC 2015).

More importantly, the government's ability to prevent displacement or provide long-lasting solutions for IDPs remains severely constrained by the fact that it does not have full territorial control due to ongoing conflicts in parts of the country and the presence of non-state armed groups that are yet to sign the JPA. Nonetheless, the government is still obliged by the Constitution and its commitments under international law to uphold the rights of IDPs, strengthen national legislation and ensure the latter is in line with international standards on displacement. Further, the GoS is obligated to update its national policy on internal displacement to meet commitments it has made under the JPA.

The government is still obliged by the constitution and its commitments under international law to uphold the rights of IDPs, strengthen national legislation and ensure the latter is in line with international standards on displacement.

Chapter 3

VOTING RIGHTS

It is crucial for legislation and process reform initiatives to consciously and meaningfully engage IDPs, displacement-affected communities, tribal leaders, civil society and local authorities to build broad support for these efforts.

The IDPs who have attained the age of majority are entitled to the full range of rights enjoyed by other persons in the country under international and national laws, including the right to participate in governmental and public affairs. The practical realization of IDPs' political participation, however, does not depend only on the recognition of such rights in the country's legal and regulatory framework but on the actual level of IDPs' enjoyment of these rights and involvement in the public affairs of their communities. Hence, it is critically important for the legitimacy of the country's upcoming elections that the transitional government does its due diligence to remove all obstacles impeding IDPs from freely exercising their right to political participation. National legislation and process reforms must safeguard the IDPs' right to political participation through substantive, procedural and institutional regulations (Grace and Mooney 2007). It is also crucial for legislation and process reform initiatives to consciously and meaningfully engage IDPs, displacement-affected communities, tribal leaders, civil society and local authorities to build broad support for these efforts. The direct involvement of these stakeholders will inform and guide the development of future national strategies and legislation, building on realities, solutions and challenges faced by local governments and IDPs (GP20 Initiative 2020). Any legislation or process reform initiative must give special attention to the representation of women, youth and other marginalized groups within the IDP communities in their consultative efforts, recognizing their unique needs and vulnerabilities.

This section provides a detailed analysis of Sudan's commitments under international law, its Constitution, electoral administration framework, and other domestic administrative decrees and secondary legislation regulating aspects of the electoral process relevant to IDPs' enfranchisement. The analysis covered in this section will focus primarily on the current legal framework's technical, operational and legal omissions impacting IDPs' political participation. It takes into consideration the recent political turmoil that swept the country after the October 2021 takeover by the military, which abolished several tenets of the Constitutional Charter and stalled the implementation of the JPA. It recognizes that ongoing political negotiations to renew Sudan's democratic transition may result in a new interim constitution or an overhaul of the existing electoral framework.

Ongoing political negotiations to renew Sudan's democratic transition may result in a new interim constitution or an overhaul of the existing electoral framework.

3.1. INTERNATIONAL AND REGIONAL LEGAL FRAMEWORKS

As a member of the United Nations, Sudan has pledged to promote universal respect for and observance of human rights and fundamental freedoms outlined in the Universal Declaration of Human Rights (UDHR). Article 21(3) of the UDHR provides that 'The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures'. Among the critical precepts that stem from this statement are that citizens, including IDPs, must have an equal voice in the political processes of their country; they should be able to freely express their will, without discrimination, through a secret ballot in periodic and genuine elections. The UDHR affirms that everyone shall enjoy all rights and freedoms outlined in the Declaration without distinction, including race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth, or other status.

Sudan is also a party to the International Covenant on Civil and Political Rights (ICCPR), which asserts under article 25 that:

every citizen shall have the right and the opportunity without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country.

(International Covenant on Civil and Political Rights 1976: 13)

The ICCPR allows the state to derogate political rights in times of emergency. Such derogation must be regulated by law and strictly limited to avoid it being deliberately used to deprive IDPs of the right to vote.

Although it is common for the right to political participation to be made contingent on citizenship, age or residency, the ICCPR prohibits unreasonable restrictions. The ICCPR stresses the importance of scrutinizing conditions impeding citizens' full and free participation in genuine elections. General Comment 25—issued by the UN Human Rights Committee to further define and clarify the rights contained in the ICCPR—has specified, for example, that residence requirements must be reasonable and not imposed in such a way as to exclude the homeless from the franchise (UNHRC 1996). The Committee further emphasized under article 11 that states must take adequate measures to ensure that all persons entitled to vote can exercise this right. As with the UDHR, the ICCPR specifies that rights to political participation must be guaranteed without distinction of any kind (article 2). The ICCPR also guarantees several related freedoms, such as the freedom of opinion and expression (article 19) and the freedom of peaceful assembly and association (article 20).

However, it is important to note that article 4 of the ICCPR allows the state to derogate political rights in times of emergency. Such derogation must be regulated by law and strictly limited to the extent required by the exigencies of the situation to avoid it being deliberately used to deprive IDPs of the right to vote and restrict the impact of their electoral participation on electoral results. The state is expected to adopt legislation that carefully and clearly defines the extent to which the constitutional order can be changed in the event of an emergency. Derogations from treaty obligations are acceptable only as long as they are objective, non-discriminatory, consistent with principles of the rule of law and the convention, proportionate,

necessary and pursue a legitimate aim. The continued exclusion of IDPs in Sudan from the electoral processes under emergency law could seriously affect the peace process, security and the quality of the country's democratic transition.

Additionally, as a member state of the International Conference on the Great Lakes Region (ICGLR)⁴, Sudan, in November 2004, signed the Pact on Security, Stability, and Development in the Great Lakes Region and its Protocol on the Protection and Assistance to Internally Displaced Persons. The ratification of the Pact commits the signatories to respect and use the Guiding Principles (article 58). Notably, Sudan is yet to ratify the African Union Convention on the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention). Nevertheless, Principle 1(1) of the Guiding Principles states that IDPs 'shall enjoy in full equality, the same rights, and freedoms under international and domestic law as other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced'. It further states under Principle 22(1)(d):

Internally displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of...[t]he right to vote and participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right."

(UN Commission on Human Rights 1998: 14)

The right of IDPs to participate fully and equally in public affairs at all levels upon return to their place of origin or resettlement is reaffirmed by Principle 29(1). Sudan is also a party to other international human rights treaties and regional human rights instruments that underscore the right to political participation, especially for historically marginalized groups. Examples of these include the African Charter on Human and Peoples' Rights (ACHPR); the International Convention on the Elimination of All Forms of Racial Discrimination (CERD); the

The continued exclusion of IDPs in Sudan from the electoral processes under emergency law could seriously affect the peace process, security and the quality of the country's democratic transition.

⁴ ICGLR is an intergovernmental organization of 12 member states: Angola, Burundi, Central African Republic, Republic of Congo, Democratic Republic of Congo, Kenya, Rwanda, South Sudan, Sudan, Tanzania, Uganda and Zambia.

Convention on the Rights of Persons with Disabilities (CRPD); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED).

Displaced women are disproportionately affected by displacement compared to displaced men, which requires tailored protection and support to ensure their ability and safety to exercise their rights.

It is important to note that Sudan is yet to ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which calls for states to eliminate all forms of discrimination against women in the political and public life of the country (article 7(a)). However, the 2019 Constitutional Charter embodied the principle of promoting gender equality across multiple articles. For example, under article 49(1), the state must eliminate discrimination against women and ensure their rights as stipulated in international declarations and conventions. The Charter also obligates the state to guarantee women's equal civil, political, social, cultural and economic rights (article 49(2)), including using extraordinary measures to accelerate de facto equality between men and women in the enjoyment of these rights (article 49(3)).

Displaced women are disproportionately affected by displacement compared to displaced men, which requires tailored protection and support to ensure their ability and safety to exercise their rights. Women's gender, social and cultural norms often impede them from having their voices heard or participating in decision making that affects them. Principle 4 of the Guiding Principles emphasizes that the state should address the unique needs of displaced women to ensure their full and equal access to rights and services. Additionally, the ICGLR Protocol on the Protection and Assistance of Internally Displaced Persons, to which Sudan is a signatory, contains other provisions that obligate the GoS to take special protection measures for displaced women. For the envisioned transitional elections to be credible, all eligible voters, including displaced women, must have the opportunity to cast their vote in secret, free from intimidation, and to have their vote counted as part of the official electoral result.

Sudan's 2019 Constitutional Charter and its subsequent 2020 and 2021 amendments compel the state to guarantee all citizens' human rights and fundamental freedoms and respect perennial values of equality, justice and human dignity.

3.2. NATIONAL LEGAL FRAMEWORK

Sudan's 2019 Constitutional Charter and its subsequent 2020 and 2021 amendments (hereinafter referred to as 'the Charter') compel

the state to guarantee all citizens' human rights and fundamental freedoms and respect perennial values of equality, justice and human dignity (article 4(2)). Under the Charter, IDPs must enjoy the same rights and freedoms protected by international and national law as other persons in the country. Chapter 14 of the Charter (articles 43–62) contains a list of fundamental rights and privileges guaranteed to the people of Sudan against violations by the state, including the right to public and political participation and freedom of speech, assembly, association and movement, and to a free press. The Charter precludes the state from excluding, limiting or suspending any of these rights or liberties except by law (article 43(3)). It further obligates the state to protect, promote and guarantee these rights and freedoms without discrimination based on race, religion, culture, sex, colour, gender, social or economic status, political opinion, disability, regional affiliation, or any other basis (articles 4(1) and 43).

Article 67(11) of the Charter also affirms that the state must ensure and protect the rights of IDPs and refugees to participate in general elections and the national constitutional conference. More importantly, the state must guarantee that such enjoyment and protection meet its commitments under relevant international and regional human rights treaties, covenants and instruments ratified by the GoS (article 42(2)).

Furthermore, under Chapter V of the JPA, parties to the agreement reaffirm their commitment to guaranteeing IDPs the effective enjoyment of all rights and freedoms enshrined in Sudan's national legislation and international human rights instruments to which Sudan is a party (clause 2.1). The JPA further states under clause 2.5 that IDPs shall enjoy, in full equality, the same rights and freedoms as other persons in Sudan, including the freedom of movement and the right to reside in any place of their choosing within the country. The JPA recognizes that citizenship shall be the basis for all IDPs' equal political and civic rights and obligations, and it precludes discrimination against any of their rights or freedoms on the ground of their displacement (clause 2.77). The JPA also obligates the state to issue all documents necessary for IDPs to enjoy their rights, including facilitating the issuance of new or replacement documents for those lost or destroyed during displacements, such as passports, birth certificates and property title deeds (clause 2.7.8).

Progress in implementing the JPA has been lagging, particularly in establishing the Commission for Refugees and IDPs, integrating rebel forces into the government security apparatus, forming a joint security force to protect civilians in the Darfur region, and releasing the National Plan for the Protection of Civilians.

However, progress in implementing the JPA has been lagging, particularly in establishing the Commission for Refugees and IDPs, integrating rebel forces into the government security apparatus, forming a joint security force to protect civilians in the Darfur region, and releasing the National Plan for the Protection of Civilians. Also, the transitional government failed to fill the security vacuum created by the departure of the United Nations – African Union (UNAMID) hybrid peacekeeping operation in December 2020. As a result, violence in Darfur continued, leading to loss of life and widespread displacement of civilians, notably in West Darfur state. According to the UN, 65,000 were displaced by communal fighting in April 2021 (UNOCHA 2021), and another 125,000 were displaced in April 2022 following clashes between Arab nomads and Masalit tribes in Kereneik (UNOCHA 2022a; UNOCHA n.d.).

The National Elections Act 2008 (NEA) and its amendments failed to include any special provisions or measures that consider the distinct circumstances of IDPs, hampering their full access to voter registration, electoral campaigning, and access to voting.

Whether the JPA is another stillborn peace agreement incapable of safeguarding IDPs' political participation, like its predecessors—the Darfur Peace Agreement of 2006 and the Doha Darfur Peace Agreement of 2011—will depend on the parties' commitment to its terms and the transitional government's ability to have it signed by all factions of the Darfur rebel groups. To date, two of Darfur's most powerful rebel groups have not signed the JPA, including SPLM-N (led by Abdelaziz Adam Al-Hilu) and the Sudan Liberation Movement (SLM) (led by Abdel-Wahid Mohamed Nour). Many argue that the prospect of a successful peace process is already in jeopardy, mainly because it failed to be an inclusive process or address the causes of the conflict and due to an apparent lack of commitment by the parties to a sustained process. Despite its imperfections, the agreement creates a framework for addressing inequality and resolving conflicts that have plagued the country since its independence (International Crisis Group 2021).

The IDPs often faced challenges in exercising their political participation rights during past elections, even though Sudan's existing legal framework guarantees their right to vote, be elected and participate in public and political affairs at all levels of governance without discrimination. In Darfur, the continuing state of emergency, the ongoing communal and armed conflicts, the repression of civil liberties, and the state's incapacity to adopt adequate measures for enfranchising IDPs during the 2010 general elections impeded

their political participation (The Carter Center 2010). Also, the National Elections Act 2008 (NEA) and its amendments failed to include any special provisions or measures that consider the distinct circumstances of IDPs, hampering their full access to voter registration, electoral campaigning, and access to voting. The following sections of this paper will discuss the challenges facing the IDPs in exercising their political participation rights in greater detail.

Chapter 4

VOTER REGISTRATION

Under article 21 of the NEA, a Sudanese citizen must be 18 years old, competent and listed in the voter register to be eligible to vote. To register as a voter in any electoral district, an eligible citizen must have been a resident of the district for three months or more, and hold a valid identification document or a certificate attested to by the local people's committee or the civil administration (NEA article 22(2)). Such requirements often exclude many IDPs from the voter registration process, especially when proof of identity or other personal documentation is hard to obtain, lost, destroyed or confiscated during the displacement. Replacing these documents is often administratively challenging, costly and takes time (JIPS 2019). Moreover, depending on the nature of the conflict, the displacement and the frequency of movement, IDPs may have difficulties meeting the three-month residency requirement.

Unfortunately, unlike security forces and nomads, IDPs are not exempt from the residency requirement. For the former groups, the National Elections Commission (NEC), under article 22(2)(a) of the NEA, has issued special voter registration rules. The lack of similarly special rules or guidance on IDP voter registration during the 2010 national elections led to the disenfranchisement of many, especially those who did not meet the residency requirement and could not safely return to cast their ballots in their places of origin (The Carter Center 2010).

Although IDPs are not covered by article 22(2)(a), the NEC must still, under article 10(2)(s) of the NEA, release clear and specific guidance to resolve any issues or processes necessary for voter registration,

voting and counting. Inclusive legal, regulatory and policy frameworks are required to protect IDPs' liberty of movement and freedom to choose their place of residence, as guaranteed by article 60(1) of the Constitutional Charter. Failing to have the proper regulatory and policy frameworks for IDP voter registration in previous elections meant the NEC fell short of protecting every citizen's freedom to choose their residence and the right to move freely, without fear or harm, for political participation.

More importantly, article 25(1) of the NEA further compounds the disenfranchisement of IDPs since the NEC must finalize and publish the registered voter lists three months before election day. Hence, IDPs who do not relocate to their home constituencies or resettle at least six months before an election cannot register to vote. This requirement may leave many IDPs vulnerable to forcible return or resettlement where their life, safety, liberty or health would be at risk, contrary to Guiding Principles 14–15. Also, it may disenfranchise those who are displaced multiple times as they flee shifting violence in search of protection and assistance and/or who relocate due to seasonal flooding.

As such, and for a country with so much internal displacement, the existing framework for voter registration is gravely inadequate. The NEA must provide voter registration rules that consider the situation of IDPs, including their lack of access to documentation and the need for flexible options in transferring their registration or casting their ballots. For their part, the respective national and local authorities must issue in a timely fashion all documents necessary for IDPs to enjoy and exercise their legal rights, such as personal identification or certification documents (NEA, article 22(2)(c)). Under Principle 20(2) of the Guiding Principles, government authorities shall facilitate the issuance of new identification records or the replacement of documents lost during displacement without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence to obtain these or other required documents.

The NEC is encouraged to seek feedback from IDPs when formulating processes or procedures related to displacement, particularly in learning from the challenges they faced during previous elections. Obstacles impeding IDPs' political participation are often context-

IDPs who do not relocate to their home constituencies or resettle at least six months before an election cannot register to vote.

specific, and the NEC must investigate to resolve them appropriately and sensitively. For example, due to concerns about their security, IDPs may not want to identify themselves, be classified as displaced, or otherwise draw attention to themselves by participating in registration efforts. They may live in informal settlements and be unable to prove their residency or have encountered targeted discriminatory practices hindering their access to civil identification or voter registration sites. Elections observers have cited distance, insecurity and the state of emergency as factors restricting IDPs' movement and access to registration sites in previous elections (The Carter Center 2010).

Also, the NEC is encouraged to actively engage in raising IDPs' knowledge about the electoral processes. The IDPs often lack the necessary information about voter registration procedures and requirements (see Chapter 5: Voter information and education). Therefore, the NEC must collaborate with local communities, civil society and international non-governmental organizations (NGOs) serving IDPs to disseminate information, materials and programmes designed to inform potential voters about registration requirements: who is eligible to vote, where and how to register, how the electorate can ensure their names are on the voter lists, and how to file complaints contesting the eligibility of other voters. Carefully researched and targeted voter education campaigns can also help alleviate intersecting discrimination facing vulnerable groups within IDP communities, such as women, young people, persons with disabilities and the elderly. Any voter education campaign should consider factors such as gender, low literacy rates, diverse local languages, generational gaps and the high proportion of first-time voters. Research can help to determine information gaps within the target communities, types of effective messages, and efficient means for their delivery and transmission. Furthermore, the NEC should consider conducting regular information sessions through its field offices with IDPs and other electoral stakeholders on voter registration issues, and respond swiftly and positively to any concerns or criticisms raised.

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Furthermore, the NEC's election operational plan must ensure sufficient time and financial resources are available to implement special provisions for IDPs' enfranchisement. The NEC, under article

10(2)(c) and (g) of the NEA, has a legal duty to ensure the ease and transparency of the voter registration process and remove any obstacles that might prevent or discourage voters from registering or updating their records. The voter registration processes must allow adequate time for IDPs to have an opportunity to register and for voter registration officials to verify and confirm the accuracy of the voter register.

Currently, the NEA and the NEC regulations do not specify clearly what personal information and data voter registration officials will collect about IDPs and publicly list on the voter register. However, the voter registration form used by registration officers in previous voter registration drives captures the name, age, sex and residence address of eligible voters (Abdelkarim 2022). The European Union's Election Observation Mission to Sudan's 2010 general elections reported that the lack of data for identifying citizens on the national voter register did not allow for any meaningful cross-checking of double or multiple registrations (EU 2010). To prevent unlawful or fraudulent registration, the NEC must address the gaps in its regulatory framework ahead of future voter registration drives and improve the quality and reliability of the voter register data-capturing system.

More importantly, the NEC must enhance its processes for public inspection of voter lists by IDPs and other electoral stakeholders. It must allow them sufficient time to verify the accuracy of recorded data and lodge administrative and legal challenges to errors, omissions and improper inclusions in the voter lists. International observers of Sudan's 2010 general elections criticized the NEC for failing to display the preliminary voter lists properly, such as to allow sufficient time for the 'exhibition and objections' phase required by the NEA (EU 2010).

The NEC's operational planning must be underpinned by training electoral officers at all levels on the rights of IDPs. Training should cover all phases of the electoral process to build capacity and enhance electoral staff's awareness to protect and assist IDPs. The NEC is encouraged to draw upon expertise and training materials developed by international organizations serving IDPs, such as the OHCHR, UNDP, International IDEA and IOM.

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Chapter 5

VOTER INFORMATION AND EDUCATION

Given the sensitive nature of the upcoming political transition, it is prudent for the NEC to develop a strategy for delivering a satisfactory, neutral, and adequately funded voter education and information outreach campaign targeting IDPs.

Ensuring that IDPs receive appropriate, targeted information goes beyond registration issues to involve all phases of electoral and political processes. Vote casting, standing for elections, election campaigning and election dispute resolution are all processes that IDP voters need to gain a better understanding about. In past elections, the NEC was reluctant to engage in conducting voter education or public information campaigns (either directly, or through electoral stakeholders) since it has no explicit obligation under the law to do so (see Scanteam 2010: 44–48). However, under article 10(1) of the NEA, the NEC does have a general obligation to ensure and guarantee citizens their political rights to nominate contestants and freely express their will in a secret ballot in every periodic election or referendum. Hence, given the sensitive nature of the upcoming political transition, it is prudent for the NEC to develop a strategy for delivering a satisfactory, neutral, and adequately funded voter education and information outreach campaign targeting IDPs. The NEC should consider mobilizing electoral stakeholders' networks and access to IDP communities to expand the reach of its voter education and information campaign (Abdelkarim 2022).

The NEC should consider conducting its voter information outreach through a range of channels accessible to IDPs, including radio and TV spots, printed materials, and face-to-face efforts coordinated with grassroots groups and civil society organizations (CSOs)—for example, community gatherings, storytelling, songs, drama, theatre, murals and mock elections. Voter information outreach efforts usually focus on disseminating basic information enabling qualified citizens to exercise their rights, such as the date, time, place and

methods of voting; the type of election; ID documents necessary to establish eligibility; registration requirements; and how to file a complaint.

More importantly, voter education campaigns must go beyond the technical aspects and emphasize the importance of IDPs' political participation in a functioning and healthy democratic polity. Such campaigns can also stabilize communities suffering from violent conflict and its aftermath (USIP 2010). Observers of the 2010 general elections reported that IDPs shied from participating in voter registration drives for fear of losing rights to their land in their original places of residence, or access to social welfare inside their camps (EU 2010). With the right enabling environment, voter education can sensitize IDPs and host communities about the real and perceived obstacles to political participation and engagement in public affairs. These voter education campaigns can help solidify democratic norms and practices and remove misunderstandings around special measures to place IDPs on an equal legal and material footing with their fellow voters. International donor-supported programmes, in coordination with civil society, media and local communities, will be vital for these campaigns. National authorities must grant all relevant electoral stakeholders (including civil society, media and international NGOs) timely and appropriate access to IDP camps and host communities to conduct or support such campaigns.

As mentioned, voter education and information outreach campaigns are more effective when developed in close coordination with IDPs and host communities to ensure these cover knowledge gaps, address misperceptions these communities may have about electoral and political processes, and are tailored to the needs of marginalized groups and minorities within the displaced. For example, women's access to education and other empowerment opportunities is little to none within Sudan's IDP communities, part of a broader set of gender and social norms that significantly impede their political participation. They remain disproportionately affected by illiteracy and face considerable difficulties acquiring basic education and knowledge (UN Women/UNDP 2015). Therefore, a carefully targeted and coordinated voter education campaign that recognizes embedded power dynamics and addresses patriarchal norms is key to enhancing their political participation. Also, there is an evident

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need to work with IDP men and community leaders to deconstruct gender inequalities by engaging them in accountable practice for women (UNHCR 2019). At the most basic level, voter education and information materials must be gender-sensitive and designed to be relevant and accessible to women. It is also vital to be cognisant of women's safety, security, and limited mobility while designing and implementing voter outreach campaigns; fear of harassment, violence, intimidation and discrimination can be a deterrent to IDP women's receptivity to engage with these efforts.

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During the transitional period, it is vital for the government and other electoral stakeholders' outreach efforts to move beyond promoting general democratic principles, and related issues underpinning the transition itself, such as the JPA, national dialogue, constitutional reform, transitional justice, peacebuilding and the upcoming elections. The government must provide an educational system in schools and beyond that increases IDP civic engagement, promotes tolerance, furthers peace and reduces the long-term costs of the conflict in certain parts of the country. It must provide considerable resources and sustained commitment to civic education in IDP communities, its content and methods to be more inclusive of the country's diverse tribal, religious, ethnic and linguistic identities (USIP 2010). The government has an obligation under the Constitution and international law to ensure inclusive and equitable quality education to all and protect the right to education in times of insecurity, conflict and displacement (Hausler et al. 2012). It can no longer afford to treat displacement as short term, only offering temporary learning spaces and providing limited school supplies, given that most of these communities have been displaced for years or even decades (UNESCO 2019).

Chapter 6

VOTING PROCESS

The IDPs faced significant barriers to exercising their right to vote in Sudan's 2010 national and 2015 local elections. The lack of absentee voting arrangements for IDPs and continued security concerns in their place of origin exacerbated IDPs' exclusion from these elections. Furthermore, and as mentioned, fear of losing humanitarian assistance or the right to their land in their place of origin led many IDPs not to participate at their place of displacement (The Carter Centre 2010).

Wherever IDPs choose to vote, they, like any other electorate, must be able to cast their ballots in a safe and secure environment. Under no circumstances should displaced voters be required to return to or traverse unsafe areas to exercise their right to vote. Adequate measures and special arrangements, such as absentee voting facilities, must be in place to enable IDPs to cast their ballot in the electoral constituencies of their original places of residence, should they so choose. If, on the other hand, IDPs prefer to cast their ballots in the districts where they temporarily reside, they must be permitted to do so, and without any penalty such as loss of benefits or forfeit of their right to return. Emphasis should be made in the law—and incorporated in national voter education campaigns—that IDPs' participation in the elections at their temporary place of residence in no way abrogates their right to return (Grace and Fischer 2003).

Special voting arrangements for IDP voters, such as absentee voting, can open the elections up for manipulation as various groups attempt to convince IDPs to vote in certain districts through intimidation and coercion. This illustrates the need for safeguards in the

electoral process to limit possible manipulations; however, under no circumstances should the ability of the IDP to freely participate in the process be compromised. IDPs' participation is critically important for the legitimacy of the democratic process; allowing IDPs to choose the district in which they cast their vote gives them greater freedom and ultimately increases the likelihood of their participation (Prather and Herron 2007).

Absentee voting can be logistically complicated and costly. It requires special procedures, security, and an intensive voter education and information drive to succeed.

Absentee voting can be logistically complicated and costly. It requires special procedures, security, and an intensive voter education and information drive to succeed. The NEC should strongly consider establishing dedicated absentee polling station centres at or near IDP communities, staffed by fellow IDPs and other poll workers who are well-versed in the voting process and understand the special needs of the community they serve. Avoiding mixing displaced voters with regular voters during the voting process will help the NEC to reduce queues and overcrowding at polling stations, as congestion is more likely where voters have varying identification and balloting needs.

The NEC must also develop regulations and strategies to mitigate the practice of family, tribe and clan voting. The regulations must underline that secret voting is not only a voter's right but also an obligation (OSCE/ODIHR 2013); likewise, the NEC must build the capacity of IDPs to participate in the electoral process meaningfully by raising awareness about the right to a secret ballot and explaining the security features embedded in the voting process to protect the confidentiality of the ballot. The NEC should also consider enacting election-day procedures to protect the secrecy of the vote and conduct poll worker training to ensure compliance with them. These procedures may include ensuring sufficient space between voting booths, using suitable privacy screens, allowing only one voter inside the booth, and prohibiting public disclosure of the vote cast (Ace Project n.d.a).

Unfortunately, family voting is a cultural norm in some IDP communities where the male head of the family can influence other family members' voting choices, especially women, by instructing them on how to cast their votes. Also, it is common for the IDP camp leader or the clan leader to instruct camp residents or community members to vote for the group's benefit if there is a perceived threat

or benefit of a particular candidate winning. Coercion, intimidation and threats are often used to force the IDPs and women within the group to follow the voting instructions of their family, tribe or clan (Bardall 2011). These illegal acts are often carried out in private and are thus hard to detect. They can involve violence and erode the overall integrity of the electoral process and, with it, the credibility, legitimacy and trust in the results. It is illegal under the NEA to entice or influence the voters' choice, and the law provides appropriate criminal penalties to deter violations and prevent harm to suffrage rights (article 88(1) and (2)). However, the willingness of the police to investigate allegations or incidents of coerced voting, and the ability of the public prosecutor and the judiciary to uphold the law and enforce accountability, is limited in most jurisdictions hosting IDP communities. Mobilizing the necessary resources and capability to investigate and prosecute those who try to manipulate, intimidate or unduly influence voters for political gain must take place ahead of contests and be applied to any absentee voting process.

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Chapter 7

ELECTION SECURITY

Electoral stakeholders, particularly the NEC and its national security partners, are responsible for undertaking and enforcing security arrangements throughout the electoral cycle to ensure these processes' integrity, safety and security—and guarantee sufficient conditions for IDPs' political participation.

Inclusive, free and fair elections can play a critical role in Sudan's political transition, helping to promote peaceful, democratic political transformation that leads to increased stability and prosperity. Secure and resilient electoral processes during the country's transition are therefore vital for building public confidence in the electoral and political processes and conferring legitimacy on the election results and elected officials. By contrast, insecure or uncertain electoral environments have the potential to become flashpoints for political violence, exacerbate existing disparities and pose further obstacles to equal and effective participation and representation.

An election is a highly complex process that is vulnerable to a range of security risks and threats. These can be the by-product of several factors, such as choice of the electoral system (majoritarian elections have been shown to produce high-stakes electoral contests associated with greater levels of electoral violence), EMB structural deficiencies, impunity of military and security forces, absence of checks and balances, ethnic polarization, communal conflict, armed violence, malpractice and fraud (Alihodžić and Asplund 2018). In this context, electoral stakeholders, particularly the NEC and its national security partners, are responsible for undertaking and enforcing security arrangements throughout the electoral cycle to ensure these processes' integrity, safety and security—and guarantee sufficient conditions for IDPs' political participation. The NEC must consider conducting an election security assessment to identify potential risks and vulnerabilities in the political, economic, social, security and public administration sectors. The assessment should identify priority areas for electoral security intervention throughout the electoral cycle

and develop a framework for monitoring and evaluating the same (USAID 2013).

The NEC must also take targeted preventive measures to address several risks and reoccurring challenges (i.e. those already identified by local and international observers in past elections) that have the potential to hinder IDPs' political participation and the security and integrity of the upcoming election. Against the backdrop of surging violence across multiple regions of Sudan, deepening humanitarian and economic crisis, and stalled political transition, below are several security threats that the NEC must prioritize mitigating ahead and during the upcoming elections in coordination with the national security forces and other electoral stakeholders. Integrating effective security policies and practices into the electoral processes, and allocating and coordinating the necessary resources, can help pre-empt risks, mitigate their impact and reduce the threats to free and fair elections.

7.1. ELECTORAL VIOLENCE

Violence poses significant challenges to the security of the upcoming elections and can be detrimental to IDPs' political participation. Violence can happen in all phases of the electoral cycle, including at the announcement of elections, party primaries, voter registration or election day. Political actors commonly use coercion to influence the course and outcome of electoral contests, and this involves violence against persons, property and infrastructure. Both state and non-state actors may promote violence to undermine the democratic character of the elections, substituting free choice with coercion or deterring participation (Birch, Daxecker and Höglund 2020).

Violence in conflict-prone societies can also be triggered by a perceived risk of exclusion from the political and decision-making process due to fear of marginalization, ethnic discrimination, election fraud or other deviations from the democratic norms. A perceived risk of exclusion can easily raise the stakes of upcoming elections and incite some groups to resort to violence (Höglund 2009). Also, in the absence of serious peacebuilding interventions and commitment to resolving the causes of conflict, communal and tribal violence is

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almost inevitable due to the presence of non-state armed groups and the GoS's inability to exert full territorial control of the state. Intercommunal and tribal clashes rooted in long-standing issues over land ownership and ethnic representation flared up several times across multiple regions in Sudan during 2022, triggering more displacement and causing fatalities, injuries and property damage. The fall of the NCP government in 2019 does not automatically resolve the years of instability and conflict in Darfur, South Kordofan, Blue Nile and eastern Sudan.

To prevent and mitigate the risk of electoral violence, electoral stakeholders should consider, among others: increasing political inclusion, improving the conduct of the election, and transforming popular attitudes about the electoral context. Prevention and intervention strategies can target a range of electoral actors and include activities such as capacity building of the EMB, police training, security planning, developing codes of conduct for political parties, peace messaging, national dialogues, power-sharing pacts, stakeholder forums and grassroots peace advocacy by civil society groups (Birch and Muchlinski 2018).

Prevention of election-related violence is a complex task that might go beyond the mandate, capacity and expertise of a single organization or community of practice. It requires establishing an early warning system and a collaborative platform to bring together relevant organizations, institutions, capabilities and communities of practice to react to and mitigate early signs of violence throughout the entire electoral cycle (Alihodžić 2012).

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7.2. SECURITY FORCES' INVOLVEMENT

Holding credible transitional elections hinges on the ability of the existing and emerging electoral, civic and political actors to overcome numerous challenges. The involvement of law enforcement, national security and military personnel in providing electoral security will be one of these challenges since these forces are perceived as biased in favour of remnants of the former regime and the military establishment. Security forces have been the perpetrators of electoral violence in past elections and have repeatedly violated human rights

by, among other things, using excessive and lethal force against peaceful assemblies (Human Rights Watch 2010). Cases of security forces' brutality and violent suppression of peaceful demonstrations using tear gas, live ammunition, rubber bullets, water cannon, batons and other weapons have been documented by international human rights organizations (Amnesty International 2022). Security forces have also arbitrarily arrested members of political parties or activists and interrupted or refused permission for public events, including activities led by CSOs (Amnesty International 2022). Forced displacement by GoS security forces and pro-government armed groups has also been well-documented by the UN International Commission of Inquiry on Darfur (UN Security Council 2005), the UN Secretary-General's Representative on IDPs (UN Commission on Human Rights), and the Office of the Prosecutor to the International Criminal Court (ICC 2015). More specifically, the suspension of the Khartoum Massacre Investigation Committee, reinstatement of the Emergency Act, and systematic violations of fair trial and due process (including the rights to access a lawyer and to be heard before a judicial authority) exhibit a pattern of immunity given to security forces by the military generals who orchestrated the 25 October 2021 coup (Salih 2022).

If allowed to persist unchecked, civil and political rights violations by security forces and non-state actors will continue to seriously undermine the prospects for free, fair and credible elections and eventually close the door to resolving Sudan's political gridlock. The Sudan Armed Forces (SAF) and other signatories to the JPA must demonstrate a serious commitment to reforming the security sector and ending impunity: both for ongoing grave human rights violations and those committed during the past few decades in Sudan, particularly in conflict-affected regions, through prompt, impartial and thorough investigations (UNHRC 2022). Those responsible should be held to account through fair trials that respect international human rights standards. In addition, DDR commitments made under the JPA Security Arrangement Protocol—to disarm and demobilize signatory armed groups' forces, and reintegrate them into the military and other security institutions—must be upheld by all parties and finalized ahead of future elections. A flawed security sector reform or a failed DDR process can lead to increased risk of violence and diminished capacity of all parties to manage it (Höglund, Jarstad and Kovacs

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2009). In certain parts of the country, demilitarization remains elusive since some armed groups have yet to sign the JPA and are not covered by the DDR process.

The NEA is silent on the role and scope of involvement by law enforcement and security forces in the electoral process, and the required level of their coordination with the NEC throughout the electoral cycle to ensure its safety and security. Law enforcement and security forces are usually engaged in all phases of the electoral process to protect persons, property, election materials, election information, election technology, communications systems, officials and institutions involved in the process. They gather security intelligence, help investigate electoral offences and solve certain logistical problems. Given the heightened level of engagement by the security forces in the electoral processes and to mitigate the lack of trust in their neutrality, legal reforms must consider clarifying the parameters for security forces' engagement. This would include mandating impartiality, high ethical conduct, transparency and accountability, and respect for the principles of electoral democracy. The law should also be clear on the consequences of non-compliance by these forces and uphold citizens' rights to effective remedies. For their part, security forces should consider reviewing their rules of engagement and policies on the use of force ahead of the elections to ensure actions taken by their personnel to neutralize genuine security threats are not politicized.

Given the heightened level of engagement by the security forces in the electoral processes and to mitigate the lack of trust in their neutrality, legal reforms must consider clarifying the parameters for security forces' engagement.

To help create a safe environment enabling IDPs to participate in electoral processes without fear or intimidation, the NEC and security forces should consider drawing from the experience of other countries in this area. Some of the appropriate measures may include, for example:

1. Conduct training for security forces on appropriate behaviour and emergency responses. Security personnel need to acquire a general understanding of electoral processes, fully understand their role in securing them, and gain familiarity with what constitutes an electoral offence under the law. They must understand that they are prohibited from obstructing the electoral process, interfering with its procedure, or intimidating or influencing voters in any way. Training, delineation of the chain

of command and division of responsibilities with the electoral authority must also cover how cooperation and consultation with electoral staff will work in practice. For example, although they are expected to secure the vicinity of the polling, counting and registration centres, they cannot enter them except on the presiding officer's request to maintain order and for that specific request (Tip 2006).

2. Explicitly address internal displacement in the training and the deployment plan of the security forces. That is, the particular needs of IDP communities and voters, and the security risks peculiar to their environment should be reflected on and taken into account.
3. Set up a joint operation center to coordinate security and electoral operations throughout the electoral processes. This is a way to improve information gathering by different agencies on electoral risks, and develop effective prevention and mitigation strategies (International IDEA 2016). The NEC should meet regularly with the security forces to discuss polling day security, national security during the election period, and any other logistical assistance that may be required (ACE Project n.d.b).
4. Undertake vulnerability mapping in IDP communities as part of the election security assessment. Vulnerability mapping can help the NEC make informed election decisions about the location, staffing, security and layout of polling stations, and assist it and security forces in understanding, analysing and responding to outbreaks of election-related violence. The NEC should consider collaborating with international and non-governmental organizations to enhance the quality of these risk assessments (UN Women/UNDP 2015).
5. Coordinate consultative meetings between IDP communities and local security personnel. Offering an opportunity to exchange expectations and explain the role of the security forces in an election, these meetings can be highly productive in alleviating concerns (Ace Project n.d.b).

7.3. HATE SPEECH

Sudan's sustained history of ethnic intolerance provides ample grounds for the manipulative use of hate speech in pursuing political

Political elites have used hate speech to galvanize support along every possible line of diversity, including ethnicity, geopolitics and religion, to retain or obtain political power.

power. Political elites have used hate speech to galvanize support along every possible line of diversity, including ethnicity, geopolitics and religion, to retain or obtain political power. On 3 November 2022, the UN Special Adviser on the Prevention of Genocide expressed grave concern over a reported resurgence of ethnic clashes in the Blue Nile region, noting the violence and reprisal attacks have been fuelled by hate speech and incitement to hatred, exacerbated through social media and at tribal gatherings (UN News 2022). Encouraging ethnic division has also become a strategic aspect of elites' public speaking on the campaign trail in a bid to manipulate tribal affiliations. A speech by the Head of the Transitional Council while travelling to his hometown in July 2022 was met by a public outcry denouncing the practice (Al-Sudani News 2022).

The NEA currently does not regulate hate speech; therefore, future electoral legal reform should consider adopting recommendations by the UN Committee on the Elimination of Racial Discrimination under its General Recommendation No. 35 on Combating Racist Hate Speech.

Hate speech not only harms the individual or groups targeted but also strikes at the heart of the country's renewed commitment under the 2019 Constitutional Charter to democratic transformation and the fundamental rights of equality and non-discrimination (articles 4 and 43). According to the UN Strategy and Plan of Action on Hate Speech, tackling hate speech is crucial to prevent armed conflict, atrocity crimes and terrorism; end violence against women and other serious human rights violations; and promote peaceful, inclusive and just societies. The said strategy and action plan define the term hate speech as:

Any kind of communication in speech, writing or behaviour, that attacks or uses pejorative discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender, or other identity factors.

(United Nations 2019: 2)

Parties to the JPA agreed to issue strict legislation criminalizing all kinds of racism. They committed to adopt clear state policies to combat different forms of racial attitudes, discrimination, and ethnic and religious supremacism through educational curricula and the media. However, the NEA currently does not regulate hate speech; therefore, future electoral legal reform should consider adopting recommendations by the UN Committee on the Elimination of

Racial Discrimination under its General Recommendation No. 35 on Combating Racist Hate Speech.

As a signatory to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Sudan is encouraged to consider declaring and sanctioning as offences punishable by law:

- a. All dissemination of ideas based on racial or ethnic superiority or hatred by whatever means;
- b. Incitement to hatred, contempt or discrimination against members of a group on grounds of their race, colour, descent, or national or ethnic origin;
- c. Threats or incitement to violence against persons or groups on the grounds in (b) above;
- d. Expression of insults, ridicule or slander of persons or groups or justification of hatred, contempt or discrimination on the grounds in (b) above, when it clearly amounts to incitement to hatred or discrimination;
- e. Participation in organizations and activities which promote and incite racial discrimination.

(UN CERD 2013: 2–3)

Also, as a party to the ICCPR, Sudan is required by article 20 of that Covenant to prohibit by law ‘any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence’. Understandably it can be difficult to determine when a speech meets the threshold of incitement to discrimination, hostility, or violence, and, therefore, should be prohibited. To assist courts and tribunals in making this determination, the UN developed a set of criteria known as the Rabat Plan of Action⁵ to assess, on a case-by-case basis, the social and political context, the status of the speaker, the intent to incite the audience against a target group, the content

⁵ It encompasses recommendations and conclusions from several OHCHR expert workshops held in Geneva, Vienna, Nairobi, Bangkok and Santiago de Chile. It was adopted at the wrap-up meeting in Rabat from 4 to 5 October 2012.

and form of the speech, the extent of dissemination of the speech and the likelihood of harm.

Countering hate speech can only be effective through a holistic and multifaceted approach that aims at strengthening adherence to the principles of democracy, human rights and the rule of law and promoting diversity and respect for human dignity.

Countering hate speech can only be effective through a holistic and multifaceted approach that aims at strengthening adherence to the principles of democracy, human rights and the rule of law and promoting diversity and respect for human dignity. As such, public officials, politicians and other public figures have an obligation and a moral responsibility to refrain from using hate speech and should promptly condemn its use by others. Also, public and private institutions, including elected bodies and political parties, should consider adopting self-regulatory instruments, such as codes of conduct and ethical charters, which prohibit and sanction the use of hate speech by their members. Likewise, the media should play an important role in limiting the impact of hate speech by providing accurate, unbiased information and not giving excessive visibility to instances of discriminating or hostile language, including by political leaders. Similarly, as part of its media monitoring of candidates and political parties' campaigns, the NEC must be able to recognize and sanction hate speech. The NEC should also consider collaborating with the Ministry of Education, civil society and the media to address hate speech as part of a national civic education campaign to promote tolerance, non-discrimination and co-existence, and raise awareness about how hate speech is distinguished from freedom of opinion and expression.

It is important to note that in the absence of durable political arrangements, powerful actors will likely continue to invest in hate speech (and other features of societal polarization) for as long as they perceive gains in doing so. While this does not relieve duty-bearers of their obligations to confront hate speech, it does mean that a discourse of 'unity' can be premature if it overlooks existing patterns of difference and marginalization (see Ezeibe and Ikeanyibe 2017). Even once achieved, power sharing sets up its own dilemmas of how not to entrench divisions or reward violence, again calling for multiple actors and institutions to pool their efforts (International IDEA 2019).

Chapter 8

ELECTION DISPUTE RESOLUTION

A credible, impartial and competent task force for handling electoral matters in IDP communities at the regional and local level can help pre-empt and defuse unnecessary disputes, and will be critical to the legitimacy of the entire electoral process. Accessible complaint mechanisms will guarantee IDPs' rights to due process and equal protection under the law; irrespective of the details of these mechanisms, the ability of the NEC and respective authorities to investigate the asserted facts rapidly and competently is essential to strengthening public confidence. Especially in communities torn by war, conflict, violence and intimidation, where certain segments of the society enjoy impunity, instilling justice and demonstrating that no one is above the law can prevent future political and electoral rights violations. It also demonstrates to the IDP electorates that the NEC and other responsible authorities are acting to protect and promote all citizens' rights and safeguard the integrity of the elections (Ipp and Hoverter 2005).

By the same token, if election dispute resolution (EDR) mechanisms are perceived as inadequate, this can contribute to widespread protest and violence during the electoral cycle as voters find no other avenues to express their grievances (Asamoah 2019). The independence, credibility and impartiality of the NEC and the judiciary are prerequisites for effective EDR mechanisms. Essential also is that these mechanisms offer an effective, appropriate and enforceable resolution to a given complaint: both in respect of the particular dispute and for establishing confidence in the rule of law and democratic governance in general.

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To enhance the ability of the different competent bodies to deal promptly and uniformly with the diverse types of complaints that will inevitably arise throughout the electoral processes, the NEC must further clarify the provisions of the elections law.

In past elections, the NEC adopted only minimal rules, regulations and instructions on EDR. To enhance the ability of the different competent bodies to deal promptly and uniformly with the diverse types of complaints that will inevitably arise throughout the electoral processes, the NEC must further clarify the provisions of the elections law. The rules and regulations must state who exactly can file a complaint, on what basis, to what department or body, how that complaint or appeal will be managed, how the parties to the complaint will be notified, and how the decisions will be enforced, published and archived. To help inform IDPs and expedite the review process, the NEC should also consider updating templates and forms for complaints to include the type of information and supporting documents required. However, such standard forms should not be used as a premise for rejecting complaints that do not comply with the form (Abdelkarim 2022).

Information on existing EDR remedies should be disseminated in a language and format IDPs can understand. Relevant institutions involved in the EDR processes should be geographically and economically accessible. EDR mechanisms to provide remedies must be simple enough to allow access to all victims, regardless of education, social status, gender, age, and take into consideration the specific obstacles IDPs face, such as loss of documentation, trauma and fear of further victimization. EDR mechanisms must also be conflict-sensitive and designed to avoid creating divisions among the victim population or reinforcing existing social and economic inequalities (OSCE/ODIHR 2019).

Chapter 9

CONCLUSIONS AND RECOMMENDATIONS

Sudan's internal displacement struggle today is no less acute or pressing than it was decades ago. Significant new internal movements associated with conflict and flood disasters took place in 2022 in the Blue Nile, the Red Sea and Darfur regions adding thousands more to those already living in displacement for years or, in some cases, for decades. Sudan's IDP crisis will remain unsolved unless the current government and armed groups demonstrate commitment, capabilities and willingness to collaborate and invest resources to end it.

Enabling IDPs to become active participants in the country's transition and ongoing civic processes would not only help them overcome social and political exclusion but also increase the credibility of these processes, foster acceptance of their outcomes, and reduce the sources of conflict. Facilitating IDPs' political participation requires addressing the reasons for displacement and specific legal, political and operational measures only parties to Sudan's current political impasse can undertake. Below are several recommendations that this paper puts forward for consideration by the government, armed groups, political forces, the NEC, IDPs, host community leaders and civil society.

1. Establish a clear institutional framework for implementing commitments to IDPs' right to political participation under the Constitutional Charter, the JPA and national legislation, including a well-defined delineation of responsibilities across government

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institutions, adequate resources, and appropriate monitoring and evaluation mechanisms.

2. Establish without further delay the Commission of Refugees and Internally Displaced to coordinate the implementation of cross-government commitments on durable solutions for IDPs, including with the NEC. Without a national body with a clear mandate and special responsibilities for protecting the internally displaced, the government response will continue to be ad hoc, limited and ineffective.
3. Enable the National Human Rights Commission to monitor the protection of IDPs' human rights: during displacement, resettlement or return to their place of origin to ensure full and free enjoyment of these rights, including the right to political participation.
4. End arbitrary attacks against IDPs and ensure accountability for human rights *violations* by security and military forces and pro-government armed groups to build confidence in the political transition and electoral processes.
5. Permit peaceful civil and political organization outside and during an electoral period. IDPs should be assured that their exercise of civil and political rights during and between elections will not lead to adverse action against them.
6. Adopt a comprehensive, holistic approach to the civic and political rights of IDPs as integral to those of the Sudanese society at large. Take the necessary measures to ensure and protect freedom of opinion, freedom of expression, freedom to peaceful assembly and association, the equal right to form and register political parties, the equal right to vote, the right to participate in public affairs, and the right to form and participate in civil society organizations, private sector bodies and trade unions.
7. Ensure adequate and advanced planning for the upcoming electoral events by enacting without delay the legal framework on the mandate and composition of the new elections commission, including the nomination and selection criteria for appointing members of the commission. Legislators must aim for a more inclusive representation of the various components of the Sudanese society in the composition of the elections commission, particularly women.
8. Ensure national legislation, policies and regulations explicitly and transparently protect the political rights of IDPs to overcome

their political exclusion and strengthen the credibility of the electoral processes. In particular, reform the NEA, its bylaws and complementary regulations to ensure electoral processes, systems and procedures do not exclude IDPs from participating in electoral events. Specifically, the NEA must provide rules and allow for regulations that consider the situation of IDPs, including their lack of access to documentation and their need for flexible residency requirements and options in transferring their registration or casting their ballots.

9. Consider engaging the IDP communities in any national dialogue about possible electoral and political reform. Ensure IDPs are consulted on obstacles impeding their electoral rights and political participation and allow them to participate in the design and definition of special rules, procedures and policies destined to protect their political rights during displacement.
10. Address the unique needs of displaced women, young people, the elderly, persons with disabilities and minorities within the IDP communities to ensure their full and equal access to political rights and electoral processes. As part of this, ensure voter outreach campaigns make information available and accessible to all IDPs and pay attention to those with specific needs and vulnerabilities.
11. Increase resources for voter and civic education campaigns in IDP communities in collaboration with donors, governmental and non-governmental organizations, civil society and local communities. It is crucial to inform IDPs and host communities about the electoral process in a language they understand and to ensure adequate and safe access to information about the candidates' and political parties' platforms. Measures taken to place IDPs in legal and material equity with their fellow voters must be destigmatized to remove any misunderstanding that these extraordinary measures were arbitrary or politically motivated or grant any preferential treatment to IDPs.
12. Bring together teachers, education officials and experts to discuss the status of Sudan's current civic education in the school curriculum and explore avenues for future reforms. Consider expanding the national civic education efforts to include higher education and adult learning programmes and cover issues such as the JPA, national dialogue, constitutional reform, transitional justice, peacebuilding and the upcoming elections.

13. Provide IDPs with the option of absentee balloting, mainly when security or environmental conditions are not yet conducive for return. Consider establishing dedicated absentee polling stations for IDP voters to effectively manage their influx and special needs, rather than having them vote in the same station as regular voters.
14. Enact election-day procedures to protect the secrecy of the vote and conduct poll worker training to ensure compliance. These election-day procedures should prescribe measures such as ensuring sufficient space between voting booths, using suitable privacy screens, allowing only one voter inside the booth, and prohibiting public disclosure of the vote cast.
15. Conduct an election security assessment to identify potential risks and vulnerabilities in the political, economic, social, security and public administration sectors that might undermine the integrity of the electoral processes. The assessment should identify priority areas for electoral security intervention throughout the electoral cycle and develop a framework for monitoring and evaluating the proposed interventions. The assessment must include a vulnerability mapping exercise in IDP communities to reveal the susceptibility of voters, especially women, to being wrongfully prevented from, or influenced in, the exercise of their vote.
16. Train NEC electoral workers and government officials on the needs and rights of IDPs, especially those in direct contact with the internally displaced at the local and state level, including police and military personnel, and their corresponding roles as duty-bearers.
17. Create an IDP unit or focal point within the NEC responsible for consulting with election officials across the different governorates and representatives of public agencies responsible for IDP protection and with IDPs themselves.
18. Set up a joint operation centre comprising the NEC and different security institutions to coordinate security and electoral operations throughout the electoral processes.
19. Demonstrate a serious commitment to reforming the security sector and uphold the terms of the JPA Security Arrangement Protocol to disarm, demobilize and reintegrate the forces of the signatory armed groups into the military and other security

institutions. The Protocol's commitments must be upheld by all parties and finalized ahead of future elections.

20. Prevent, mitigate and lower the risk of electoral violence by increasing political inclusion, improving the conduct of the election and transforming popular attitudes about the electoral context. Interventions can target a range of electoral actors and include activities such as the capacity building of the EMB, police training, security planning, political parties' codes of conduct, peace messaging, national dialogues, power-sharing pacts, stakeholder forums and grassroots peace advocacy by civil society groups.
21. Declare hate speech an offence punishable by law and sanction it effectively in accordance with General Recommendation No. 35 on Combating Racist Hate Speech issued by the United Nations Committee on the Elimination of Racial Discrimination. Encourage the NEC to monitor, recognize and sanction hate speech as part of its media monitoring of candidates' and political parties' campaigns. Encourage also the NEC to collaborate with the Ministry of Education, civil society and the media to address hate speech as part of a national civic education campaign to promote tolerance, non-discrimination and peaceful coexistence, and raise awareness about how it is distinguished from freedom of opinion and expression.
22. Encourage public and private institutions, including elected bodies and political parties, to adopt self-regulatory instruments, such as codes of conduct and ethical charters, which prohibit and sanction the use of hate speech by their members. Likewise, encourage the media to provide accurate, unbiased and responsible information in matters relevant to individuals or groups vulnerable to discrimination or hatred.
23. Create and disseminate information on existing election dispute resolution (EDR) remedies to IDPs in a language and format they can understand. Relevant institutions involved in the EDR processes should be geographically and economically accessible to IDPs. EDR mechanisms must be simple enough to allow access to all voters, regardless of education, social status, gender and age, and take into consideration the specific obstacles IDPs usually face, such as loss of documentation, trauma and fear of further victimization. EDR mechanisms must also be conflict-sensitive and designed to avoid creating divisions

among the electorate or reinforcing existing social and economic inequalities.

24. Clarify further EDR rules and regulations, including who exactly can file a complaint, on what basis, to what department or body, how that complaint or appeal will be managed, how the parties to the complaint will be notified, and how the decisions will be enforced, published and archived. The NEC should also consider updating templates and forms for complaints to include the type of information and supporting documents required to help inform IDPs and expedite the review process. However, such standard forms should not be used as a premise for rejecting complaints that do not comply with the form.

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About the author

Zeinab Elnour Abdelkarim is a seasoned legal expert on elections and constitutional laws and a specialist with over two decades of experience in elections and political processes, good governance, conflict mitigation, civil society strengthening, and institutional reform. She served as the Regional Director for the Middle East and North Africa programmes at the International Foundation for Electoral Systems from 2009 to 2019. She led several legal and needs assessment missions across the region to assess the prospects for open, competitive and credible elections based on input from a wide spectrum of local stakeholders, including government officials, political party representatives, judiciary and legal practitioners. She has authored and contributed to numerous briefing papers and publications related to the electoral legal framework in the Middle East and North Africa and testified on issues facing democracy and governance in the region before the Helsinki Commission and the US House Foreign Affairs Committee.

Abdelkarim holds an LLB degree (with honours) from the University of Khartoum, Faculty of Law, and an LLM degree from Wayne University Law School. After receiving her bachelor's degree in law, she joined the law firm of Mahmoud El Sheikh Omer in Khartoum, Sudan, as an attorney and legal counsellor from 1988 to 1993. Abdelkarim currently serves as a member of an advisory board formed to guide the overall strategic direction of International IDEA's Sudan programme and contribute to enhancing the relevance and quality of the programme activities.

She is a strong advocate for citizens' political and human rights, particularly those pertaining to protecting minority groups, gender equality, freedom of expression, freedom of assembly, freedom of religion and social welfare.

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We produce comparative, policy-friendly knowledge and provide technical assistance on issues relating to elections, parliaments, constitutions, money in politics and political representation, all under the umbrella of the UN Sustainable Development Goals. We assess the performance of democracies around the world through our unique Global State of Democracy Indices and reports. Our work is expanding to address issues related to climate change and democracy.

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<www.idea.int>



International IDEA
Strömsborg
SE-103 34 Stockholm
SWEDEN
+46 8 698 37 00
info@idea.int
www.idea.int

This report aims to raise decision makers' awareness about the protection deficit concerning the human rights of over 3.7 million people currently living in displacement in Sudan and improve their understanding of the need for reform to protect IDPs' right to vote and participate in governmental and public affairs.

The report highlights obstacles that impede IDPs' right to vote, including ongoing conflict, restrictive residency or documentary requirements, discriminatory laws and practices, inability to access polling registration, lack of knowledge about politics and elections processes and inadequacy of election dispute resolution mechanisms. It also examines Sudan's legislation, political agreements, policies, regulations and procedures. It also emphasizes aspects of the electoral framework to guarantee inclusiveness, transparency and integrity of electoral processes. Additionally, it puts a set of recommendations and options for reforms.

Lastly, security, budgetary and operational constraints made obtaining data representative of the IDP communities a challenge during the production of this report. Therefore, the author relied heavily on IDP data collected and compiled by various intergovernmental, governmental and nongovernmental organizations.

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