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STATEMENT ON SUDAN'S VOTER REGISTRATION, Nov. 1 – Dec. 7, 2009

Dec. 17, 2009

This statement supplements The Carter Center's initial report on the voter registration process, issued Nov. 30. With the finalization of the National Elections Commission's (NEC) voter registration figures, the Center offers these observations in order to provide an impartial assessment of the process and to demonstrate support for Sudan's electoral process.

With the end of registration, the focus now shifts to ensuring the accuracy of the voter rolls; protecting genuine expression of civil and political rights by individuals, associations, and political parties during the pre-electoral period; resolving outstanding technical and administrative issues related to elections implementation; and implementing necessary reform legislation to ensure an enabling political environment. Amidst tension between the political parties, the recent deterioration of respect for civil liberties, and a climate of rhetoric and violence, the Government of National Unity (GONU), Government of Southern Sudan (GOSS), and all political parties must take steps to improve the political environment if genuine elections are to be held.

Voter registration began in most states on November 1, although there were significant delays in Western Equatoria and Jonglei. Millions of Sudanese participated in a voter registration process that was mostly peaceful and orderly. Electoral officials made efforts throughout the exercise to conduct an inclusive registration process. According to the NEC, 75.8 percent of eligible Sudanese were registered (15.7 million of the estimated 20.7 million electorate), close to the 80 percent NEC national target. However, citizen participation and engagement was uneven across Sudan's regions.

The extension of voter registration by one week – requested by a number of political parties and agreed by the NEC – helped ensure that a greater number of registrants were able to participate. Several states reported low rates of registration as of Nov. 30, and many citizens would have been disenfranchised if registration had ended on that date. However, if the NEC and many of the state elections committees had better publicized the extended locations and schedules of voter registration centers, the extension may have reached yet more eligible voters.

With a one-week extension of registration, all states were able to register more than half of the estimated eligible voters. However, 13 states, including North Kordofan, Jonglei and the three states in Darfur, failed to reach the Commission's registration target of 80 percent of the estimated eligible voters. Given Sudan's historical imbalances and regional inequities, the uneven results are unfortunate, and suggest that insufficient voter education and logistical

preparations undermined the implementation of registration in these states. Khartoum state, an area with great diversity, registered the lowest percentage. At the same time, despite gaps in civic education efforts, election officials reported extremely high rates of registration in Unity, Western and Northern Bahr el Ghazal states in Southern Sudan, and Blue Nile and South Kordofan states in Northern Sudan.

At times, shortages in registration materials interrupted registration activities, particularly in the Southern Sudan states of Northern and Western Bahr el Ghazal, Warrap, Eastern Equatoria, Upper Nile and Unity. While the NEC took action to replenish materials, avoidable operational interruptions complicated the registration process.

Overall, the Center commends electoral officials for successfully registering a relatively high level of eligible voters. This is a positive development in Sudan's electoral process. In order to build confidence in the voters' registry, the Center urges the NEC and the state elections committees to finalize the full preliminary voters' lists without delay, make it available to political parties and national and international observers for thorough examination and audit, and increase public information efforts to emphasize the importance of public review. By ensuring that Sudanese citizens enjoy the right to an effective remedy to problems with their registration, as obliged by Sudan's international commitments,¹ the NEC will be taking an important step to build confidence in the electoral process.

Policy decisions, registration staff training, and conduct of registration

The NEC announced many decisions related to voter registration only a short time before registration began. Certain operational and policy questions were not resolved before registration started. This burdened election management bodies, and challenged the work of technical assistance providers. Registration officers were trained very late in the process, in many cases only days before registration began. To avoid similar problems during balloting, the NEC should take steps to ensure that all polling officers are well-trained in polling procedures well in advance of the April elections, which will involve polling for six levels of government and complex balloting procedures.

The NEC's decision to deploy mobile voter registration teams was intended to facilitate broad geographic coverage of the country during voter registration. However, due to the relatively short period of time spent in each location, success depended on timely dissemination of information regarding the registration schedules. In many areas, however, such information was not readily available. Despite the mobility of registration centers, many citizens travelled great distances and endured significant hardship in order to participate in the registration process. In the initial days of voter registration, there were some difficulties in providing full sets of materials, and in ensuring centers were open on time and on schedule. Many registration teams experienced difficulties in securing adequate transport as they moved from place to place. During polling, the NEC should require state elections committees to publicize a definitive list of polling centers and their dates and hours of operations well in advance of the elections, and ensure the availability of sufficient transport capacity.

The NEC's decision to issue receipts with a unique serial number to registered voters was a positive step designed to help safeguard the registration process. However, registration officials

frequently failed to inform registrants about the need to keep the registration receipt secure. Some political parties actively collected the slips of newly registered voters. Registration receipts were traded and sold in some areas. Given that many voters may not have receipts on election day, the NEC should take additional steps to ensure that polling officials can verify individual's names on the electoral registry and ensure the integrity of polling.

Carter Center observers reported that registration teams were professional and enthusiastic about their duties in most areas visited. Registration was relatively efficient and time effective. However, procedural compliance with some aspects of registration regulations was lax. In particular, registration officials often did not verify registrants' age, nationality or duration of residence, nor if registrants had registered earlier elsewhere.

Observers reported that the process was positively inclusive – citizens lacking identity documents could substantiate their identity through the use of witnesses, traditional authorities or local administrative structures, allowing a broad proportion of the population to register. In Khartoum and elsewhere in Northern Sudan, delegations of local popular committees were often present immediately outside of registration centers, and provided proof of residency certificates and witnesses, as needed. However, checks on the distribution of proof of residency documents appeared weak, and given the widespread view of the partisan nature of local popular committees, this created some perceptions of bias in the process of identifying registrants.

Registration officers often failed to inform registrants of their rights and responsibilities, including the right to view and challenge the preliminary voters' registry. As per the NEC's registration manual, in some states registration officers informed voters to return to vote in the same location, although the NEC has now announced that not all voters will cast their ballots in the same location. Potential voters must understand these aspects of the process to make access to the electoral process meaningful. Electoral officials at the national and state levels must make greater efforts to communicate consistent messages as the electoral process continues.

Center observers witnessed proxy registration on several occasions. Although proxy registration is not allowed by the electoral regulations, the incidents observed by the Center did not appear to be malicious attempts to compromise the process. Established procedures in previous registration exercises in Sudan and a lack of awareness of the new established regulations appear to be contributing factors in this behavior.

There was widespread non-compliance with registration centers' closing procedures, and many registration teams had difficulty submitting the necessary carbon copies of registration books to constituency elections officers in a timely manner.

Funding of voter registration and electoral operations

The NEC's inability to ensure that sufficient operational funds reached all the state elections committees on schedule represented a key shortcoming in the registration process. As the electoral process continues with the exhibition of voters' lists, the NEC should take steps to ensure that supplementary funds are quickly made available to the implementing state committees. Many registration officers showed dedication and commitment to the task at hand, despite having only been paid a portion of their fees and allowances.

It is apparent that the state committees continue to face difficulties in receiving funds from the NEC in Khartoum, which will likely hinder the timely finalization of the voters' lists and related preparations. Some state elections committees currently report shortages of funds to allow for data entry staff to be recruited. In addition, given the severe logistical challenges, including communications and transport limitations in Southern Sudan, it is essential to ensure the timely disbursement of financial resources throughout the remainder of the electoral process.

Civic education and inclusion of remote areas

Early registration figures suggest that the widespread absence of civic education efforts impacted participation when registration first began. As registration proceeded, civic education efforts were more successful in some areas, and registration numbers increased. The reach of formal media was limited throughout the process, but the mobilization of local community leaders, traditional authorities and religious figures was influential in making registration more successful. However, many rural areas did not receive adequate civic information on voter registration.

State elections committees should expand civic education into the most rural and distant areas to ensure that all citizens have the opportunity to participate. For particularly remote areas, the NEC should consider providing satellite communications to state elections committees and local elections teams to allow for better communications between the headquarters and field staff.

Overall, civic awareness of the registration and related electoral processes remains a serious shortcoming in the process. Key stakeholders need to take immediate action to significantly expand civic education to overcome this deficit of information and lack of awareness of the electoral process. Civic education must go beyond occasional public announcements; sustained efforts to build knowledge and confidence in the electoral process from the community level upwards should be pursued. National and international agencies can play key roles in supporting these efforts, which must be expanded now to ensure that millions of Sudanese people better comprehend their electoral rights and obligations. Voter education is vital to ensuring an informed electorate may fully enjoy their participatory rights and links directly to Sudan's obligations to ensure all citizens are able to vote on the basis of equality and non-discrimination.ⁱⁱ

Participation of women

The apparently high level of women's participation in the registration process is an important achievement. Registration of women that is broadly proportional with their share of the population is positive, especially given Sudan's challenges in ensuring gender equity. However, more will need to be done to ensure that women participate equally in all aspects of the electoral process, including as registration and polling officials. It is critical that the NEC, the GOSS, and the GONU take steps to ensure that women have greater representation at all levels of the electoral process and are equal partners in realizing Sudan's democratic transition.ⁱⁱⁱ

Participation of nomads and semi-migratory groups

Nomads and semi-migratory groups also participated in the registration process. However, officials should give consideration as to how to fully include nomadic and semi-migratory

populations in polling, as many may have travelled away from their original place of registration during the elections. Determining and raising awareness of appropriate procedures applicable to such populations will be necessary to ensure effective enfranchisement.

Participation of displaced persons

The NEC did not provide formal guidance to state elections committees on the participation of internally displaced persons (IDPs). In Khartoum and the surrounding area, registration centers allowed many IDPs to register. In Darfur, state elections committees did not and were not able to visit all IDP camps, including Kass and Kalma camps, partially accounting for the relatively low rate of registration in the three states (also see section below, on Darfur). For the electoral process, the NEC should provide clear and specific guidance, consistent with international norms, to protect the civil and political rights of IDPs.^{iv}

Role of the security forces

In most locations, with the exception of Darfur (see section below) security forces played a generally positive role in ensuring the security of registration centers. Center observers reported that most citizens were able to register free of intimidation or harassment.

Voter registration in Darfur

Due to security limitations in Darfur, Carter Center observers were not able to travel as widely as would be necessary to fully assess the quality and inclusiveness of the registration process throughout the region. Problems during the 2008 census hindered the full inclusion of certain areas of the region in the constituency delimitation process. State elections committees in Darfur were not able to access all areas of the region, particularly those not under government control, and the armed movements did not encourage registration activity.

State elections committees did not and were not able to visit all IDP camps, which partially accounts for the relatively low rate of registration in the three states. Registration is a voluntary exercise and some IDPs in Darfur chose not to participate.

In areas visited by the Carter Center mission, observers reported that Sudanese Armed Forces military units, Sudanese police, and agents of the National Intelligence and Security Service (NISS) were present at registration centers. Electoral authorities confirmed the presence of NISS agents at many registration centers. In some instances, NISS agents were actively engaged in the registration process, e.g. by laminating voter registration receipts, a practice which undermined the independence of the electoral management authorities, and which raises questions about the role of NISS in the electoral process. In North Darfur, Center observers reported the presence of vehicles with heavy mounted weapons (*technicals*) outside of registration sites, in a show of force that may have intimidated registrants.

Given the possibility of heightened tensions in the run-up to the elections, the NEC and state elections committees in Darfur should take immediate action to ensure that the presence of security forces is sufficient to ensure public order, but limited to their appropriate role. The security services should not execute tasks that are the specific responsibility of the elections

committees. By avoiding involvement of the security forces in key administrative tasks, the NEC will be better able to build confidence in the Sudanese electorate that the electoral process is free from any coercion or intimidation and is in line with national laws and international obligations.^v

For elections in Darfur to be meaningful, significant efforts are needed to educate the population about the process, including its link to the resolution of outstanding political questions in Darfur. National and international organizations and entities involved in civic education should be allowed to work unimpeded by bureaucratic or security impediments.

Most importantly, political actors must take immediate steps to build the foundations of a genuine political settlement in Darfur in advance of next year's elections. The state of emergency and extreme limitations on freedom of assembly and association stifle a free and open campaign process. The NEC and GONU must take urgent steps to implement broad civic education programs, lift restrictions on the freedoms of assembly and association, and ensure that civil society organizations can fully participate in the electoral process. These steps are critical to ensuring that the citizens of Darfur can meaningfully participate in Sudan's electoral process, as required by Sudan's national and international obligations.^{vi}

Registration of military and police forces and prisoners

The Center notes the NEC's Oct. 24 circular directing state elections committees to register military and police in registration centers closest to their temporary work location rather than their permanent residence. While this regulation was widely implemented across Sudan, it will be important that voting procedures for military and police personnel are consistent with those for other citizens and are well publicized to avoid confusion or suspicion.

With respect to prisoners, the Center's observers witnessed registration inside prisons in three states. Given the context of their participation, it is important to protect inmates from possible coercion, e.g., being forced to register or to vote. To that end, the Center urges the NEC to establish clear procedures to protect prisoners' civil rights in the electoral process, in line with the international obligations to which Sudan has committed.^{vii}

Political party activity

Carter Center observers reported that many political parties were able to deploy party agents at registration centers, although this was more limited in Southern Sudan. Party agents often demonstrated initiative and enthusiasm in their work, despite limited technical training.

Some parties, principally the NCP, collected voter registration receipts, and/or recorded the registration numbers and corresponding identifying details of registrants. While not in violation of the electoral law, party agents did not appear to explain that this practice was not an official step of the registration process, resulting in confusion for many registrants. Carter Center observers also observed representatives of the SPLM and NCP laminating registration slips and directly participating in registration activities. Such organized political party activity in close proximity to registration centers was problematic. In the future, political parties should ensure

that their members do not engage in activity that could undermine public confidence in the integrity of the electoral process.

For the polling period, the NEC should consider specifying a minimum distance from which political parties are allowed to operate, and should clearly delineate activities that are not permissible within the vicinity of polling centers (though allowing the activity of accredited political party agents).

Domestic and international observers

The Center welcomes the role of domestic election observers in the voter registration process. However, the NEC's delay in determining procedures for domestic Sudanese observer accreditation was unfortunate, and resulted in delayed deployment of Sudanese observers. In addition, at least four different types of accreditation documents were issued to domestic observer groups between the NEC and the state elections committees. The lack of clarity in procedures placed an undue burden on domestic observer groups in applying for accreditation, as well as on registration officials in allowing observers access to the process. The NEC should take steps to facilitate simple and fast accreditation procedures for domestic observers for the remainder of the electoral process, as the right for domestic observers to participate in Sudan's electoral process is a key component of both national laws and international obligations.^{viii}

After a short initial delay, The Carter Center's international observers were fully accredited by the NEC and observation of the registration process proceeded relatively problem-free. Carter Center observers were largely able to exercise freedom of movement and access to the electoral process. The Center welcomes steps taken by the NEC to process accreditation for its observers. However, while the Center is authorized as an institution to observe the entire electoral process, at present no individual Carter Center observers are accredited for the period beyond voter registration. In order for the Center to continue to conduct its observation mission, the Center reiterates its request to the NEC to provide long-term accreditation for the Center's international observers.

Overseas registration

The Center did not formally observe registration activities outside Sudan. Registration was organized by the NEC in 18 countries, but in most countries overseas registration did not exceed several hundred persons. In total, just over 100,000 persons were registered outside Sudan, with Saudi Arabia accounting for almost two thirds of all overseas registrants. Legal restrictions requiring the possession of a legal Sudanese passport and residency permit limited the registration of Sudanese refugees. Since registration and voting outside of the country is provided for by law, the NEC should ensure that overseas polling procedures are known well in advance, so that registered Sudanese can access the process effectively.

Ensuring an accurate and reliable registry

While the registration of a relatively high level of eligible voters is a positive development in Sudan's electoral process, additional steps are needed to ensure the accuracy of the voter lists

and to build confidence in the broader process. To this end, the NEC and state committees should facilitate efforts by parties and observers to verify the accuracy of the electronic registry now being compiled to ensure that data entry mistakes are rectified and double or false entries are removed. The NEC should provide guidance on how it intends to correct and safeguard electronic data registry records, and should provide political parties with the complete voter registry in a timely manner. In the four states where registration exceeded 100 percent of the estimated eligible voters, a thorough examination of the registry will be particularly important to confirm accurate registration figures.

The NEC should ensure that domestic and international observers and other interested actors are able to conduct thorough reviews and audits of the preliminary and final voters' lists. These and other such analyses will be important to ensure that any doubts about the registry are addressed.

Data entry and procedures for challenges and exhibition

Electronic data entry has begun throughout Northern Sudan, and has been successfully completed in most states. However, data entry centers are operational in only three states in Southern Sudan. State election committees in the other seven states continue to lack funds, equipment and trained personnel necessary to input the registration data. Officials in Southern Sudan estimate that at least one more month will be required to fully input registration data, which makes finalization of the voters' lists by the NEC's January 11 deadline an ambitious target. As authorities recruit staff to input the data, quality control and verification procedures should be implemented. In addition, the registry's data entry program appeared to lack an input field for the Southern Sudan Legislative Assembly, which caused data entry in one of the three operational Southern states to be temporarily suspended, pending clarification on this issue from NEC data experts. The Center encourages the NEC to provide increased technical support to the state election committees and data centers to help ensure timely and accurate compilation of the voter registry.

The Center welcomes the NEC's decision to establish five exhibition centers in each geographic constituency and to extend the viewing period, although there do not appear to be sufficient staff nor funds yet in place to manage exhibition. While exhibition of voters' lists has begun in certain states, there is a lack of public information and awareness about the process. Training of electoral staff on exhibition procedures is yet to be completed in many states. In states where exhibition has begun, the quality of implementation has been uneven; some exhibition officials are not aware that every person has the right to inspect and challenge the list. Given logistical constraints and registration teams' fatigue, state committees will likely need additional technical support and guidance from the NEC in order to mount an effective exhibition process.

Due to the delay in creating electronic lists in Southern Sudan, challenges will proceed on the basis of the posting of carbon copies of the handwritten lists. This means that there will likely be no legal review process or exhibition of the electronic lists in Southern Sudan during the formal exhibition period. The NEC should consider instituting a supplemental review process of the published electronic lists in affected states.

The exhibition period is an important opportunity for citizens to exercise their right to view the voters' lists and to seek a remedy to be added to the list, or other corrections as necessary. Widespread acceptance that the voters' list is comprehensive and accurate will help to build confidence in the electoral process.

In addition, the NEC must move forward without delay to establish and fully support the necessary complaints committees. However, the current procedures, which include complaints committees of one judge per state are unlikely to provide for an effective complaints process. The NEC should consider taking steps to expand the number of judges and other actions to assist in resolving complaints on the voters' list.

Participation of the Abyei Area in the electoral process

Registration was the first electoral activity to take place in Abyei for many years. Abyei's special status, and definition under the CPA as having geographic representation rights in both South Kordofan and Warrap states, requires special treatment by the NEC and by the relevant state committees. There is widespread confusion in Abyei over how the population will be represented in the National Assembly and state legislatures, and how registration is linked to Abyei's referendum process. The authorities should take immediate steps to address and clarify these questions to avoid fuelling suspicion and mistrust in the area. South Kordofan and Warrap state elections committees should do more to coordinate their efforts and outreach to the Abyei Area, and also make greater attempts to consult and communicate with the Abyei Area Administration, which was largely left uninformed about the registration process.

Creating a more conducive political and security environment

The Center is gravely concerned by the recent action of the security forces in Khartoum to restrict legitimate activity related to the exercise of freedom of assembly, association and speech. The Center urges the Government of Sudan to cease arbitrary arrests and to release persons detained while conducting peaceful political activities.

According to a directive issued by the Ministry of Interior on September 17, 2009, notification by a political party of intention to hold a rally is sufficient for such an event to go ahead. The Ministry should urgently clarify procedures for the holding of political rallies and events. In addition, the Ministry and other officials should take immediate steps to ensure the necessary authorizations for such public events.

The Government of Sudan should take all necessary steps to investigate claims of police brutality and take swift action against officials who are found to have perpetrated or permitted unwarranted acts of violence against civilians. If the police are to be perceived as a credible and neutral force in managing elections security, constitutional standards and freedoms must be respected.^{ix}

In Southern Sudan, the Government of Southern Sudan should take action to ensure that political party pluralism is fully protected. This must extend to the activities of all parties, including the NCP in Southern Sudan. The arson of the NCP's office annex in Wau and the looting and attempted arson of the NCP's premises in Rumbek are criminal acts. The Government of

Southern Sudan should pursue the perpetrators without delay to the full extent of the law. Obligations in public international law lay out the need for investigation by the government and redress in any cases of violations of human rights.^x

Throughout Sudan, the legitimate role of political parties must be respected, and the GONU and the GOSS should direct officials at all levels of state government to end harassment of political parties.^{xi} The African National Congress, NCP (in its Southern sector), Popular Congress Party, SPLM (in Darfur), SPLM-Democratic Change, Umma, and United Democratic Front have all reported the detention or arrest of members of their parties by various state authorities during voter registration. Political parties also have a duty to exercise restraint and demonstrate responsibility in their actions.

For the broader electoral process to succeed, progress on technical preparations must be accompanied by steps to create a genuinely inclusive environment. With only a few months until the April 2010 polling, implementation of the Permanent Court of Arbitration's ruling on Abyei, demarcation of the North-South border, the enactment and implementation of reform legislation including the National Security Forces Act, implementation of the referenda and popular consultation preparatory processes, and progress on the Darfur peace process, all remain in need of attention and action, as noted in previous Carter Center reports.

The parties to the CPA must faithfully apply all provisions of the Comprehensive Peace Agreement, and demonstrate their resolve to allow for a genuine and credible electoral process, in a positive and conducive environment.

The Carter Center Observation Mission

Following the commencement of long-term election observation activities in Sudan in February 2008 at the invitation of the GONU and the GOSS, The Carter Center deployed 32 medium and long-term observers in November and early December to assess voter registration and the broader political and electoral environment across Sudan. The Carter Center mission observed voter registration activities in more than 650 fixed and mobile registration centers in all 25 states across the country. The delegation was drawn from 21 countries: Cameroon, Canada, DR Congo, Egypt, Ethiopia, Germany, India, Ireland, Italy, Kenya, Mozambique, the Netherlands, Norway, Palestine, Serbia, Spain, Uganda, the United Kingdom, the United States, Zambia and Zimbabwe. A smaller delegation of Carter Center observers remains in place for the exhibition of and challenges to voters' lists in constituencies across the country.

The objectives of the Carter Center's election observation mission in Sudan are to: a) provide an impartial assessment of the overall quality of the electoral process, b) promote an inclusive electoral process for all Sudanese, and c) demonstrate international interest in Sudan's electoral process. The mission is assessing the electoral process in Sudan based on the Comprehensive Peace Agreement, Interim National Constitution, National Elections Act, and obligations for democratic elections contained in regional and international agreements, to which Sudan is a signatory, including the African Charter on Human and People's Rights and the International Covenant on Civil and Political Rights.^{xii}

The Carter Center conducts election observation missions in accordance with the Declaration of Principles of International Election Observation and Code of Conduct that was adopted at the United Nations in 2005 and has been endorsed by 35 election observation groups.

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The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. The Carter Center began working in Sudan in 1986 on the Sasakawa-Global 2000 agricultural project and for more than 20 years its health and peace programs have focused on improving health and preventing and resolving conflicts in Sudan. Please visit www.cartercenter.org to learn more about The Carter Center.

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- i International Covenant on Civil and Political Rights (ICCPR), Article 2 (3); African Union, Protocol to the African Charter for Human and People’s Rights (AfCHPR) on the Rights of Women, Article 25.
- ii ICCPR, Article 25, General Comment 25.
- iii AU, Protocol to the AfCHPR on the Rights of Women, Article 9 (1).
- iv UN Guiding Principles for Internally Displaced Persons (IDPs), Principle 22; Principle 29.
- v Interim National Constitution, Article 40; Article 41; ICCPR, Article 25, General Comment 25;
- vi Interim National Constitution, Article 40; ICCPR, Article 25 (a); AfCHPR, Article 13 (1).
- vii ICCPR, Article 25, General Comment 25.
- viii National Elections Act 2008, Article 105; ICCPR, Article 25, General Comment 25.
- ix Interim National Constitution 2005, Article 40
- x UN Human Rights Council, General Comment 28, paragraph 3.
- xi ICCPR, Article 19, 20, 21.
- xii Sudan ratified the ACHPR February 18, 1986, which came into force October 21, 1986. In addition, Sudan ratified the ICCPR on March 18, 1986, which entered into force March 23, 1976.