

AFRICAN UNION COMMISSION



**AFRICAN UNION ELECTION OBSERVATION MISSION TO THE APRIL 2015
PRESIDENTIAL AND PARLIAMENTARY ELECTIONS IN THE REPUBLIC OF
SUDAN**

FINAL REPORT

JULY 2015

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LIST OF ABBREVIATIONS

ACDEG	African Charter on Democracy, Elections and Governance
APRM	African Peer Review Mechanism
AU	African Union
AUC	African Union Commission
AUEOM	African Union Electoral Observer Mission
CPA	Comprehensive Peace Agreement
COMESA	Common Market for Eastern and Southern Africa
CSO	Civil Society Organisations
DUP	Democratic Unionist Party
EISA	Electoral Institute for Sustainable Democracy in Africa
EMB	Electoral Management Body
FPTP	First Past The Post
ICCPR	International Covenant on Civil and Political Rights
IDP	Internally Displaced Person
IGAD	Inter-Governmental Authority for Development
NCP	National Congress Party
NEC	National Electoral Commission
NISS	National Intelligence and Security Service
NUP	National Umma Party
OAU	Organisation of African Unity
PAP	Pan African Parliament
PCP	People's Congress Party
PPAC	Political Parties Affairs Council
PR	Proportional Representation
PSC	Peace and Security Council (AU)
SPLA	Sudan People's Liberation Army
SPLM	Sudan People's Liberation Movement
SPLM-N	Sudan People's Liberation Movement-North
UDHR	Universal Declaration of Human Right

EXECUTIVE SUMMARY

The April 2015 presidential and legislative elections in Sudan were an important test of the country's political unity and stability. They were the second elections since the signing of the Comprehensive Peace Agreement (CPA) in 2005 and the first after the separation of South Sudan from Sudan. Despite widespread boycott by the main opposition parties, sections of civil society groups and international organizations and partners present in Sudan, including the United Nations (UN) and its agencies, the elections went peacefully. While voting was generally peaceful, however, the voter turnout was low prompting the National Electoral Commission (NEC) to extend voting by an extra day.

The African Union Election Observation Mission's findings and assessments of the April 2015 Sudanese elections focused mainly on the management of operations on election days and the immediate post-election phase. The Mission's overall findings and assessment are as follows:

- The overall environment on election days was peaceful, despite the boycott by a significant number of opposition parties and some civil society groups;
- The legal framework for the elections provides for the conduct of democratic elections. However, changes made prior to the 2015 elections raised serious concerns among stakeholders. For instance, there were concerns about limitations on civil and political rights of citizens by especially the National Intelligence and Security Services (NISS) whose powers were increased as a result of these amendments;
- From a technical point of view, the NEC administered the elections well and in accordance with Sudan's legal framework. Despite significant challenges faced in organising the elections, such as inadequate support and funding, the NEC met all legal deadlines for the elections;
- Stakeholders raised a serious concern about the constituency boundary delimitation process as well as the quality and accuracy of the voters' register, which was updated prior to the elections. The AUEOM notes that these concerns arose mainly due to the fact that information for these processes were not effectively disseminated and key stakeholders not adequately involved;

- The election campaign period was generally peaceful but largely passive and invisible. The incumbent president and the National Congress Party (NCP) largely dominated the campaign. ‘Smaller’ parties were unable to mount significant campaigns due to lack of funding by the state;
- There was generally low voter turnout throughout the days of voting. The low voter turnout prompted NEC to extend voting by an extra day throughout the country to boost the numbers. The AUEOM, however, found this decision as technically unjustified;
- Women were generally well represented on election days as voters, polling personnel, political party or candidate agents and domestic observers; and
- Polling personnel largely demonstrated good knowledge of voting procedures, save for few instances where AU observers noted variations in the application of procedures.

In view of its findings and observations on election days, the AUEOM concluded that the elections were conducted in accordance with the legal framework of Sudan and the results generally reflected the will of voters, despite general boycott by some opposition parties and civil society groups.

The AUEOM provides the following recommendations to improve the conduct of future elections and to ensure peace and stability in Sudan:

- The Government of Sudan should take steps to heal the political and social divisions exposed by the elections and advance the national dialogue process;
- The Government should review some of its policies that are deemed restrictive to the full realisation of fundamental human rights and freedoms provided and protected by the Constitution;
- The NEC should ensure that future decision to extend voting days is based on sufficient technical or logistical reasons and clear information disseminated in time to all stakeholders;
- The NEC to take practical measures to address the prevalent and widespread perception of its biasness and lack of independence;

- The Government to consider provision of public funding to registered political parties on an equitable basis consistent with the legal framework to ensure fairness and a level playing field for all contestants;
- Political parties including the opposition must ensure continuous engagement in the electoral process to enhance its credibility and transparency;
- In the interest of the nation, political parties must give the national dialogue process a chance to increase the possibility of sustainable peace and stability in the country; and
- The international community including the AU and UN should remain engaged and support the national dialogue process aimed at seeking peaceful resolution of the deep-rooted problems of Sudan.

I. INTRODUCTION

1. Following an invitation from the authorities of the Republic of the Sudan, the Chairperson of the African Union Commission (AUC) approved the deployment of an African Union Election Observation Mission (AUEOM) to observe the 13-16 April 2015 presidential and parliamentary elections.
2. The Mission was headed by His Excellency Chief Olusengun Obasanjo, former President of the Federal Republic of Nigeria and consisted of a core team of 3 members based in Khartoum and 20 Short-Term Observers (STOs) drawn from the Pan-African Parliament, African Election Management Bodies (EMBs) and civil society organisations from 14 African countries.¹ The AU observers were deployed in 7 out of the 18 states of Sudan from 13 to 17 April 2015.
3. Prior to the deployment of the AUEOM, the AUC deployed a team of 4 election experts to Sudan from 1 to 10 March 2015 to assess and report on the pre-election environment. The report of the pre-election assessment mission indicated that the conditions for a free and fair election as stipulated in relevant AU instruments for democratic elections in Africa did not exist. Therefore, the expert mission recommended that the African Union should not deploy an observer mission in such circumstance. Despite this, the AU Peace and Security Council (PSC), which has a mandate of ensuring peace, security and stability on the continent, decided on 8 April 2015 for the deployment of an observer mission. The PSC's decision was based on the fact that the AU has played and continues to play a key role in the ongoing political dialogue process in Sudan, and that it was important to maintain contact with all stakeholders, in order to assist them resolve the numerous challenges facing the country.
4. The AUEOM observed the 13 to 16 April 2015 General Elections within the letter and spirit of relevant African Union instruments, especially the Constitutive Act of the Union adopted in July 2000; the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa (AHG/Decl.1 XXXVIII) adopted in 2002; the African Union Guidelines for Election Observation and Monitoring Missions, adopted in July 2002; the African Charter on Democracy, Elections and Governance, which entered into force in February 2012, and the African Peer Review Mechanism (APRM) process. Other relevant international instruments, such as the Universal Declarations of Human Rights (UDHR) adopted by the UN General Assembly in

¹ These are: Algeria, Djibouti, Ghana, Kenya, Malawi, Nigeria, Saharawi, Sierra Leone, South Africa, Tanzania, Tunisia, Uganda, Zambia and Zimbabwe.

December 1948; the International Covenant on Civil and Political Rights (ICCPR), which entered into force in March 1976; the Declaration of Principles on International Election Observation, endorsed by international observer groups including the African Union at the UN Headquarters in 2005, also guide the Mission on the conduct of elections. The Mission was further guided by the Constitution and legal framework for election in the Republic of Sudan.

5. The AUEOM's findings and recommendations are based on its direct observations, as well as its consultations with key electoral stakeholders in the Republic of Sudan.
6. This report presents the AUEOM's overall and final assessment of the April 2015 General Elections in Sudan and provides in-depth analysis of the Mission's observations, findings and recommendations.

II. OBJECTIVES AND METHODOLOGY OF THE MISSION

a. Objectives

7. The objectives of the AUEOM to Sudan were:

- To make an independent, impartial and objective assessment of the April 2015 General Elections in Sudan, including the degree to which the conduct of the elections meets regional and international standards for democratic elections;
- To offer recommendations for improvement of future electoral processes in the country; and
- To demonstrate AU's solidarity and support for Sudan's elections process to ensure that the conduct of genuine elections will contribute to the consolidation of peace and stability in the country.

b. Methodology

8. To achieve its stated objective, the AUEOM undertook the following activities:

- Deployed twenty (20) STOs in teams of two (2) from 13 to 16 April 2015 to cover 7 states across Sudan². Prior to their deployment, the STOs took part in a briefing and orientation session on 12 April 2015. This provided an opportunity them to be trained on the African Union observation methodology, reporting, safety and security procedures, as well as the AU code of conduct for observers;
- During the period of their deployment, the STOs held consultations at state and constituency levels with representatives of NEC, political parties, the police, CSOs and other stakeholders to assess their perceptions about the preparations for and credibility of the elections;
- In addition to consultations by STOs, the AUEOM leadership also held high-level consultation with a cross-section of stakeholders, including the President of the Republic of Sudan, the Chief Justice, the Ministry of Interior, the

² These include: Khartoum, etc.

Chairman and commissioners of NEC, the Human Rights Commission, political parties (including those that boycotted the elections), members of the diplomatic corps and other international election observation mission delegations present in Sudan;

- On election days, AU observer teams visited 536 polling stations in their areas of deployment. They observed the opening, voting, closing and counting procedures;
- The observers returned to Khartoum on 18 April for post-election debriefing on their findings and observations. The STOs departed Sudan on 20 April;
- The AUEOM issued a statement on its preliminary findings and conclusion of the voting process at a press conference held in Khartoum on 17 April 2014;
- After the election, the AUEOM continued to observe the post-election process including the vote tabulation and the announcement of provisional results; and
- The AUEOM technical team left Khartoum on 24 April 2015.

III. BACKGROUND AND CONTEXT OF THE 2015 GENERAL ELECTIONS

9. The Republic of Sudan attained independence in 1956. For all but 11 of the 59 years since its independence, the Republic of Sudan has been engulfed in civil conflict, particularly the conflict between the North and the South, which erupted a year before even Sudan gained its independence.
10. The conflict between the North and the South officially ended in 2005, following the signing of the Comprehensive Peace Agreement (CPA) that year. The CPA was mediated by the Intergovernmental Authority on Development (IGAD) of East Africa, as well as a consortium of donor countries collectively represented by the 'Troika' (Norway, United Kingdom and United States of America), who acted as guarantors of the peace agreement.
11. Among other things, the parties to the CPA – that is, the Government of the Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) – agreed on power-sharing and the conduct of a referendum to decide on whether the South should remain a part of Sudan or become independent. In the referendum that was conducted in January 2011, the people of South Sudan overwhelmingly voted for independence, thus paving the way for the separation of the South from the North³ on 9 July 2011.
12. It is important to note that the separation of South Sudan from the Sudan does not itself resolve the plethora of problems that the country faces. The long years of conflict have devastated the country and deprived it of stability, growth and development. To date, the country continues to face serious political divisions and rebellion in its peripheral states of Darfur, Blue Nile and South Kordofan.
13. In the run up to the 2015 elections, the second since the signing of the CPA and the re-establishment of multiparty politics (the first were held in 2010), the country remained politically divided, due to the stalled national dialogue process and ongoing rebellion in the peripheral states.
14. The national dialogue was an initiative to bring together all the political stakeholders in the country, especially political parties, to address in a comprehensive and lasting manner the numerous challenges facing Sudan, including ending the rebellions in

³ On 7 February 2011, the South Sudan Referendum Commission published the final results, with 98.83% voting in favour of independence.

the peripheral states of Blue Nile, South Kordofan and Darfur states. The initiative was launched by the President on 27 January 2014.

15. Although some limited positive developments was noted after the launch of the national dialogue process, such as the signing of a Road Map Agreement and the release of some opposition political figures, the process never got to proceed beyond that, due to serious differences between the government and the opposition parties over the conduct of the 2015 elections. The position of opposition parties was that the elections should be held after the national dialogue, which they believe would create conditions for free, fair and credible elections. The government, however, insisted on holding the elections in order not to violate the constitution and create a political vacuum that could have untenable consequences for the peace and stability of the country. In the end, the government proceeded with the conduct of the elections and majority of the main opposition parties and some civil society organisations, therefore, boycotted the elections.

IV. PRE-ELECTION FINDINGS AND OBSERVATIONS

a. Constitution and Legal Framework

16. The 2015 elections were primarily regulated by the Interim National Constitution of 2005 (as amended) and the National Elections Act of 2008 (as amended), as well as rules and regulations established by the NEC. The Political Parties Act of 2007 governs the activities of political parties and candidates during and after an electoral period.
17. The AUEOM notes that the constitutional and legal framework for the conduct of elections in the Republic of Sudan provided a good basis for the conduct of democratic elections. Within this framework, the AUEOM notes that the fundamental rights⁴ and freedoms of Sudanese citizens are solidly guaranteed. Part Two of the Constitution contains a Bill of Rights, which include the right to personal liberty⁵ and dignity, freedom of movement and of residence⁶, the right to a fair trial⁷, freedom of expression and the media⁸, freedom of assembly and of association⁹, the right to vote¹⁰, the right to equality before the law¹¹ and equal protection of the law – all of which are critical to ensure citizens electoral and political participation.
18. Notwithstanding the above provisions, the AUEOM noted reports of violations of political and civil rights of citizens to an extent that some parties or groups found it difficult to carry out legitimate activities relating to the electoral process.
19. The AUEOM also notes that, since the last general elections in 2010, some amendments were made to the Constitution and the Elections Act. Some of these amendments, in the opinion of the Mission, were quite positive. For instance, amendment made to increase women's representation in the National Assembly from twenty-five per cent to thirty per cent. Some amendments were, however, deemed controversial and generated serious criticisms from stakeholders in the country, such as the amendment granting powers to the President to appoint State Governors, who were hitherto elected, and the amendment granting more powers to the National Intelligence and Security Service (NISS), powers they were reported to

⁴ Part Two of the Constitution.

⁵ Article 29.

⁶ Article 42.

⁷ Article 34.

⁸ Article 39.

⁹ Article 40.

¹⁰ Article 41.

¹¹ Article 31.

have used to suppress activities opposition parties, the media and civil society groups in the country.

b. The Electoral System

20. Sudan uses a mixed system, which combines both the first-past-the-post (FPTP) and the proportional representation (PR) systems. The FPTP system was used in the election of members from geographical constituencies, which comprised 60 per cent of the 450 National Assembly representatives. The PR system was used in the election of women and political party list candidates, comprising 25 per cent and 15 per cent, respectively.¹²

21. While the electoral system accorded opportunity for women to be represented in parliament through the 25 per cent reserved seats, the AUEOM noted the position of some women's groups that this should not be attached to political parties, but rather made open to competition by all women.

c. Election Administration and Preparations for the Elections

22. Article 141 of the Interim National Constitution establishes the NEC as the competent body for the administration and management of elections in Sudan. The National Elections Act (2008) further specifies the powers of the NEC and describes how it will be organised to carry out its executive, administrative, and financial business, as well as how it will be structured to administer elections. The NEC is also responsible for organising, implementing and overseeing referendum.

23. The NEC has nine (9) members, who are appointed by the President of the Republic, in consultation with the First Vice President and approval of two-thirds of the members of the National Assembly. The Commissioners serve for a six (6) year term, renewable only once.

24. The day-to-day administration of NEC is carried out by a Secretariat based in Khartoum. A Secretary-General, who is appointed by the Chairperson of the Commission and approved by two-thirds majority of the Commission members, oversees the NEC's Secretariat. The NEC also has structures in all the eighteen (18) states in Sudan. The state structures of NEC are managed by a State High Committee, consisting of five (5) experienced, independent and non-partisan members. The Committee oversees the conduct of elections at state and local

¹² Article 32 of the Act.

levels. The State High Committees may, with approval from the Commission, form temporary branch committees in each geographical constituency or election centre.

25. In preparations for the 2015 elections, the AUEOM noted that the NEC carried out the following activities: a revision of the voters register to include citizens who have turned 18 years or who did not register themselves in 2010 elections; demarcation of geographical constituencies boundaries; candidates nominations; recruitment and training of ad hoc staff; procurement, printing and delivery of sensitive and non-sensitive materials, including ballot papers; civic and voter education; and accreditation of domestic and international observers.
26. Overall, the AUEOM notes that the NEC was well prepared for the elections. The procurement, printing and delivery of both sensitive and non-sensitive materials, as well as other activities were done in a timely manner and in compliance with the electoral calendar issued by the NEC and the legal framework of Sudan.
27. The AUEOM noted, however, reports of limited outreach of voter education campaigns. While the NEC is legally responsible for voter education, the Mission noted that, the boycott by political parties and some civil society groups may have impacted on the reach and effectiveness of voter education campaigns.

d. Boundary Delimitation

28. Chapter 5 of the National Elections Act (2008) mandates the NEC to delimit constituencies for legislative assembly elections. In doing so the NEC is required to use the population census results. The Act also sets conditions in which constituencies are formed, including ensuring that no constituency crosses State boundaries and that the total population of each constituency does not differ by more than 15% of the target population. The NEC is also required to take into account other factors, such as geography and population movements.
29. While the AUEOM was not present when constituency boundaries were delimited, the AU pre-election assessment mission report indicated that some of the stakeholders it consulted expressed dissatisfaction with the level of transparency of the delimitation process, in particular, the lack of clear information on the criteria used to determine the state geographical constituencies. But at the time the AUEOM arrived in the country, these concerns were not specifically raised to the mission's leadership or its observers.

e. Voter Registration

30. The Interim National Constitution of Sudan guarantees the right of all Sudanese citizens who are aged 18 or older to be registered as voters¹³. Section 2 of the National Elections Act of 2008 provides in detail the eligibility criteria, the conditions of registration, and the organization of the electoral register. The Act provides that registration is a basic right and an individual responsibility. The Act also mandates the NEC to prepare, organize and revise the electoral register, as well as make rules that will prescribe the methods and means of voter registration. In doing so, the law provides that the NEC must make the electoral register available for public display to allow for revisions of voters' details and objection to entries and the final register must be published three (3) months before the date of polling. The Commission is also required to provide a free copy of the final electoral register to registered political parties (if they so request).
31. According to the report of the AU pre-election assessment mission, the NEC carried out the voter registration process for the 2015 elections from October to December 2014. The process involved mainly updating the electoral register to include names of eligible voters and deletion of those who have died. At the end of the exercise, about 13, 342, 962 eligible voters were reported to have been registered.
32. While the AUEOM was not present when the voter registration process was carried out, however, it noted with satisfaction that the legal framework adequately provides for an inclusive, non-discriminatory electoral register, and is in general accordance with the provisions of the African Union principles for democratic elections¹⁴. In particular, the Mission welcomes the provision in the legal framework that allows Sudanese citizens living abroad to be registered as voters.
33. The AUEOM also commended the NEC for its ability to update and compile the voters register on time, paving the way for the holding of the 2015 elections.
34. The adequacy of the electoral framework on the registration of voters, notwithstanding, the AUEOM notes with concern some of the issues raised by stakeholders it consulted with and also highlighted in the report of the AU pre-election assessment mission in Sudan about the registration process. These include the general lack of information about the registration process and the disenfranchisement of a large number of internally displaced persons (IDPs) in

¹³ See Article 41 of the Constitution.

¹⁴ See OAU/AU Declaration on the Principles Governing Democratic Elections in Africa.

Darfur and South Kordofan.¹⁵ While the AUEOM could not verify the accuracy of the figure cited in the pre-election assessment mission report, the Mission urges the NEC and other stakeholders to ensure that future registration process is as inclusive and transparent as possible in order that the actual conduct of compiling the register is in conformity with the legal framework of Sudan, as well as regional and international standards for democratic elections.

35. While the inadequacy of information regarding the registration process may be partly blamed on the boycott of the elections by political parties and civil society organisations (CSOs), the AUEOM noted that the NEC has responsibility under law to promote civic and voter education on the democratic principles and values of elections in general.

f. Civic and Voter Education

36. NEC is mandated to conduct and oversee implementation of voter education programs by civil society groups and other relevant stakeholders.
37. The AUEOM was deployed few days to election and, therefore, was not able to assess the effectiveness of voter education campaigns, however, the Mission noted reports and feedback from consultations with stakeholders that the voter education campaign was limited in its reach and largely ineffective. Part of the reasons for this was insufficient funding and boycott by political parties and CSOs. The AUEOM was informed that, unlike in the previous general elections when multiple donors funded civic and voter education activities, external funding for the 2015 elections was almost non-existent. Funding for the 2015 election was mainly from NEC budget. Thus, as a result of budget constraint and boycott by these actors, the NEC alone could not sufficiently undertake and promote effective civic and voter education sensitization. This limitation was evident on election days, when observers reported that many voters appeared confused by voting procedures and required assistance from polling personnel.

g. Political Party and Candidates Registration

38. Political parties play an important role in any democratic elections. By competing in elections and mobilizing citizens behind particular visions of society, parties offer citizens meaningful choices in governance and avenues for political participation and

¹⁵ The pre-election assessment reported indicated that about 2.6 million IDPs in Darfur were not registered. This constitutes about one-third of the population of Darfur. This figure cannot, however, be verified.

shaping of their country's future. Thus, the importance of political parties in a democracy cannot be overemphasized, as modern representative governance cannot be conceived without them.

39. In Sudan, political parties and candidates' registration and related activities are regulated by the Political Parties Act of 2007. The law established the Political Parties Affairs Council (PPAC) as an independent body tasked with the authority to register and regulate activities of political parties and candidates. The National Elections Act further regulates the nomination of candidates and outlines the eligibility criteria¹⁶.
40. In the run up to elections, the AUEOM noted that a total of 82 political parties were registered but only 42 actually took part in the elections, and a total of 16 candidates (6 from political parties and 10 independents) contested the presidential elections¹⁷.
41. In its consultations with stakeholders, the AUEOM notes that the requirements for registering political parties and candidates are not widely considered as stringent save for a few parties who complained about the difficulty of garnering the required number of signatures to be registered. The AUEOM is of the view that the high number of registered political parties in the country is indicative of an acceptable legal framework.
42. While there was high number of registered political parties and candidates, the Mission noted that the level of freedom enjoyed by parties and candidates was generally unsatisfactory. During interactions with several stakeholders, the Mission received reports of restriction imposed on activities of opposition parties and candidates, forcing some of them to quit the electoral contest. The AUEOM also noted the explanation given by the authorities in Sudan on the issue of restriction vis-à-vis addressing security challenges in the country. While the explanation seems plausible given the state of emergency in some parts of the country, the Mission noted some of the measures adopted may have impacted on fundamental freedoms and human rights, which could have helped enhance the quality and competitiveness of the elections.
43. The restriction of activities of opposition parties not only undermines the competitiveness of the elections – as was evidenced in the boycott of the elections

¹⁶ See Chapters 6 & 7 of the National Elections Act of 2008.

¹⁷ Figures submitted by the Political Parties Affairs Council (PPAC).

by some of the parties considered as “main” opposition to the government – it also contributed to the generally the low voter turnout during the election days.

h. Electoral Campaign

44. Electoral campaign is regulated by the National Elections Act (2008), which stipulates the rights and duties of candidates and political parties during an electoral campaign period. Such rights include the enjoyment of unrestricted freedom of expression by political parties and candidates – except where this amounts to incitement to public disorder or hatred or discrimination – and access to the use of public media on an equal basis.
45. The NEC is charged with the responsibility of regulating campaign programmes, including the use of public media to ensure equal use by all parties for the purposes of their electoral campaigns.
46. The campaign period for the 2015 elections officially began on 24 February 2015 and ended on 10 April 2015. The stipulated period of campaign was done in general accordance of the Elections Act, which provides that such period must not be more than seventy (70) days and not less than thirty (30) days prior to election days.
47. While the AUEOM was not present at the beginning of the electoral campaign period, it however observed campaign events on the last day of campaign in Khartoum. The Mission observed that the last day of campaign was generally peaceful. The Mission also observed that political parties and candidates were in general compliance with the campaign rules and regulations, as no party or candidate was seen or reported to carry out campaign activities during the campaign silence period, including, of course, on polling days.
48. However, in its interactions with stakeholders, the AUEOM noted that the electoral campaign was largely affected by the restrictive political environment. It also noted that the electoral campaign was dominated by the incumbent President and the NCP, and the lack of state funding made other parties to be largely passive and invisible.

i. Campaign Finance

49. The National Elections Act and the Political Parties Act of 2007 regulate campaign finance in Sudan, including sources and use¹⁸. According to these Acts, political parties and candidates are expected to raise funds only from contributions and donations from Sudanese individuals, corporations, and businesses, which are to be made public and registered with the Political Parties Affairs Council. The Council is also obligated to provide financial support to all registered parties and candidates on equal basis. However, financial donations and contributions from individuals or organizations are prohibited. The use of state resources for electoral campaign is also prohibited, except the public media.
50. Both the NEC and the Political Parties Affairs Council (PPAC) are mandated to ensure transparency in the use of campaign finance. Article 70(1) of the Elections Act requires candidates and political parties to submit to the Commission financial account of their electoral campaigns - both incomes and expenditures - within a period not exceeding thirty days from the official announcement of the final election results. The Political Parties Act also empowers the PPAC to establish rules regulating the expenditures of political party funds.
51. The AUEOM noted that the campaign finance rules contained in the Elections Act and Political Parties Act are quite comprehensive and largely satisfy Sudan's international commitments in this area¹⁹.
52. However, an important shortcoming in the 2015 elections relating to campaign finance is the lack of capacity by the NEC and the PPAC to enforce violations of campaign finance rules, particularly when committed by 'powerful' individuals within the state. For instance, the AUEOM received reports from candidates and political parties of abuse of state resources by the incumbent President and his party, which the NEC was unable or unwilling to take action against. The use of state resources, particularly government-owned vehicles, for party campaigning is a violation of the elections law and of Sudan's international obligations with respect to campaign finance. Furthermore, the AUEOM was not aware of any limitation or ceiling in place on campaign expenditures, thus opening the process to the influence of money. To increase transparency in the process, the AUEOM is of the opinion that candidates and parties should submit an interim report of their campaign expenditures before

¹⁸ See Articles 67 and 68 of the National Elections Act of 2008 and Article 21 of the Political Parties Act of 2007.

¹⁹ See Article 10 of the AU Convention on Preventing and Combating Corruption adopted in 2003 in Maputo, Mozambique. In addition, the AU Convention requires Member States to adopt measures to foster transparency and accountability in the management of public affairs, which includes elections.

election, so as to enable voters evaluate contributions and spending by candidates and parties before voting.

j. Women and Minority Participation

53. The African Charter on Democracy, Elections and Governance (ACDEG) recognizes the centrality of gender balance and equality in governance and development processes²⁰. The Charter also recognizes the contribution of ethnic, cultural and religious diversity to the strengthening of democracy and citizen participation. In this regard, the Charter proscribes all forms of discrimination, especially those based on gender, religious and ethnic grounds²¹. Therefore, as a signatory to the Charter, the Republic of Sudan is obligated to promote equality for women and minority groups in public and private institutions and to eliminate all forms of discrimination against them.
54. Conscious of its obligations with respect to gender, the Government of Sudan not only introduced an electoral quota system to ensure women representation, but also increased the percentage of women representation in the legislature from 25 to 30 percent, in the run up to the 2015 election.
55. On election days, AU observers reported that women were well-represented in polling stations as polling officials, party agents and domestic observers. In most of the polling stations visited, observers reported that women were in the majority in these categories.
56. However, while the introduction of the electoral quota and the high representation of women in polling stations were applauded, AUEOM notes that, overall, there was low number of women candidates participating in the 2015 elections.²²
57. The AUEOM thus encourages the Government and stakeholders in Sudan to take further steps to ensure greater numbers of women as candidates, as reflected in Sudan's regional and international obligations, in particular, the AUEOM encourages Sudan to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the UN Convention on the Political Rights of Women.

²⁰ ACDEG, Art. 2(11), Art.3 (6).

²¹ ACDEG, Chapter 4.

²² For example, out of a total of 16 presidential candidates, only one was a woman.

k. The Media

58. An independent and vibrant media plays an important role during democratic elections by educating voters about issues, thus giving them opportunity to assess the different political visions expressed by political parties and candidates in order to make informed decisions and choices.
59. Media in Sudan is regulated by the Press and Publishing Act of 2008. The Act obliged media practitioners to cover the electoral process in an accurate, balanced and impartial manner. The national television and radio were obliged to provide equal coverage to all contestants. Political parties and candidates were allowed access to the media on a non-discriminator basis.
60. Although the AUEOM did not monitor media coverage of the elections, it was informed by stakeholders that the public media was largely dominated by news coverage of the President and the NCP. The report of the AU pre-election assessment mission also stated that the media landscape in the run up to the 2015 elections was characterised by censorship and harassment of independent media houses. Despite the guarantees of freedom of expression in the Constitution of Sudan, the AUEOM received reports of arrests and detention independent journalists who criticised the government or call into question the manner of handling of the conflict in the country. The AUEOM could not verify some of these reports given the limited time available to it before the election days.
61. In line with its national and international obligations on media freedom, the AUEOM encourages the Government of Sudan to uphold its commitment to the principles of media freedom and create conducive conditions for independent media and journalists to exist and operate within the law.

I. Civil Society

62. Civil society organisations play a pivotal role in enhancing the monitoring and enhancing the transparency of democratic elections. Civil society organisations normally undertake domestic observation activities, which help to mobilize support for the electoral process, disseminate important information about the election elections, and discourage potential fraud.
63. For the 2015 elections, the AUEOM noted that a number of civil society organisations that were active in the previous elections boycotted the process. However, on election days, the AUEOM observed the presence of citizens' or

domestic observer groups in some polling stations visited, though their presence was quite limited and not widespread.

V. ELECTION DAY FINDINGS

64. On election days, AUEOM observers visited a total of 536 polling stations where they observed the opening, voting, closing and counting process. Voting was originally scheduled to take place over a period of 3 days, from 13 to 15 April 2015, but was later extended to 16 April nation-wide, and to 18 April for Al-Gezira state due to logistical challenges experienced in the latter. According to the legal framework, polling runs from 08.00 a.m. in the morning to 17.00 p.m. The Mission's findings on election days operations are as follows:

a. Opening Process

65. The AUEOM teams observed poll opening procedures at seven (7) polling stations. Most of the polling stations observed were opened on time. There were, however, slight delays in some polling stations, but these did not compromise the overall time allocated for voting. Most of the stations that opened late were due to the late arrival of polling personnel and election materials.

66. The AUEOM assessed the overall opening process as good in majority of the polling stations visited.

b. Voting Process

67. The AUEOM noted that voting was generally conducted in an orderly, calm and peaceful atmosphere in all polling stations visited across the country, with the exception of South Kordofan state and other places where incidents of violence was reported by the media.

68. The Mission observed that most of the polling stations were located in public places with easy access for voters, especially the disabled, elderly and pregnant women, who were mostly given priority for voting by polling officials. The location and layout of polling stations also ensures secrecy of the ballot and contributed to overall transparency of the voting process.

69. AU observers also noted the sufficiency of election materials in all polling stations visited, which allows for a timely and smooth voting process throughout the three days of voting. The Mission, however, noted the delay and subsequent extension of voting in some polling stations in Al-Gezira state, which was caused by logistical errors in the delivery of election materials by polling officials. While this situation did

not negatively impact on the overall voting process in the state, it highlights the need for proper logistic planning by officials at state level.

70. While voting went on peacefully, the AUEOM observed that the turnout was generally low throughout the voting days²³. AU observers reported short queues in all polling stations visited throughout the voting days. The Mission noted that the low voter turnout even on the third day prompted NEC's decision to extend voting by an extra day. However, the Mission is of the opinion that the extension was not technically justified because, the three days stipulated for voting were sufficient enough for voters who had intention to participate to be able to do so.

c. Closing Process

71. The April 2015 polls officially closed on 16 April at 7pm after four days of voting. In polling stations visited, AU observers reported the closing took place in generally peaceful atmosphere. The observers noted the closing time was respected, and those in line at 7pm were allowed to vote.

d. Election Personnel

72. AUEOM observed with satisfaction that polling personnel were in sufficient numbers in all polling stations visited and that they demonstrated good knowledge of polling procedures, except in few cases where there were notable variations in the application of polling procedures largely due to misinterpretation of procedures. The variations referred to, in the opinion of the AUEOM, did not have any negative impact on the electoral process or its outcome.
73. The AUEOM was further encouraged by the fairly large number of election personnel who were women. The Mission was impressed by the high participation of women on election days as polling officials, security officials, political party agents, and as voters. There was a remarkable attempt by stakeholders to ensure gender balance in most of the polling stations visited.

e. Security of the Elections

74. The AUEOM observed that security for the April 2015 elections was effectively managed by national security agencies. The maximum security provided prevented the occurrence of any election-related violence, except in South Kordofan and other places, where incidents of security threats by the SPLM-N were reported.

²³ The average voter turnout figures observers reported was between 20 and 30%.

75. While the police and, sometimes, the intelligence agency presence was observed in all polling stations visited, AU observers noted that these were largely unobtrusive and professional.

f. Independent Election Observers and Party Agents

76. The AUEOM observed that only a few international organisations observed the 2015 polls.²⁴ The Mission also observed the presence of few representatives from African Election Management Bodies as well as delegations from the Russian and Chinese diplomatic missions in Sudan.²⁵

77. The Mission also noted that only a handful of domestic observers were involved in this process. This was despite official information from the NEC that it had accredited in excess of 200 domestic observer groups.

78. The Mission further noted that, apart from the NCP agents, very few agents from other parties and candidates were seen in polling stations visited by AU observers.

79. The AUEOM noted that the low participation of international and domestic observers and party agents did not contribute to enhancing the overall transparency and credibility of the election process.

²⁴. These were the IGAD, COMESA and the League of Arab States, in addition to the African Union.

²⁵. The AUEOM met with the EMB representatives from Mozambique and Nigeria as well as Chinese Embassy delegation.

VI. POST-ELECTION DEVELOPMENTS AND FINDINGS

a. Counting and Transmission of Results

80. In accordance with the NEC procedures, counting did not start until the morning of 17 April. The AU observers only visited a limited number of polling stations during the counting process, as some observer teams were slated to return to Khartoum at the close of polls. But almost in all polling stations visited during counting, AU observers noted the counting process was conducted in the presence of party representatives and local monitors, and the integrity of the counting process was protected. AU observers also noted a high level of understanding of counting procedures by NEC staff, although in some instances, procedures, especially those related to reconciliation of ballots, were inconsistently applied.

b. Results Management and Tally Process

81. While the AU short-term observers were all withdrawn following the close of polls on 16 April and conclusion of counting process on 17 April, the core team, however, remained deployed until 24 April 2015. The AUEOM core team followed the tabulation process only at national level. The team was generally satisfied with the fairly fast tracked process of tabulating and transmission of results, which enabled NEC to announce the provisional results within a short period after the end of voting.

c. Announcement of Results

82. The NEC released provisional results of the elections on 20 April 2015. The final results of the presidential and parliamentary elections were released on 27 April 2015. According to the results announced by NEC, President Omar Hassan al-Bashir won re-election with total votes of 5,252,478 or 94.05 per cent of the vote. His nearest rival, Fadl el-Sayed Shuiab of the Federal Truth Party (FTP) scored 79, 779 votes or 1.43 per cent. The official figure for invalid votes for the presidential election results was 506,549. Below is a table showing the final results of the presidential elections.

Final results for the presidential elections announced by NEC on 27 April 2015

Candidate	Party	Votes	Percent age
Omar al-Bashir	National Congress	5,252,478	94.05
Fadl el-Sayed Shuiab	Federal Truth	79,779	1.43
Fatima Abdel Mahmoud	Sudanese Socialist Democratic Union	47,653	0.85
Mohamed Al Hassan	National Reform	42,399	0.76
Abdul Mahmoud Abdul Jabar Rahamtalla	Union of the Nation's Forces	41,134	0.74
Hamdi Hassan Ahmed	Independent	18,043	0.32
Mohamed Ahmed Abdul Gadir Al Arbab	Independent	16,966	0.30
Yaser Yahiya Salih Abdul Gadir	Independent	16,609	0.30
Khairi Makhit	Independent	11,852	0.21
Adel Dafalla Jabir	Independent	9,435	0.17
Mohamed Awad Al Barow	Independent	9,388	0.17
Asad Al Nil Adel Yassin Al Saafi	Independent	9,359	0.17
Alam Al Huda Ahmed Osman Mohamed Ali	Independent	8,133	0.15
Ahmed Al radhi Jadalla Salem	Independent	7,751	0.14
Isaam Al Ghali Tadj Eddin Ali	Independent	7,587	0.14
Omar Awad Al Karim Hussein Ali	Independent	6,297	0.11
Invalid/Blank votes		506,549	
Total		6,091,412	100
Registered voters/ turnout		13, 126, 989	46.40

Source: NEC (<http://nec.org.sd>).

83. Parliamentary election results were released after the announcement of presidential results on 27 April 2015. The ruling NCP won 323 of the 426 seats in the National Assembly, followed by the original Democratic Unionist Party (DUP) which won 25 seats, the Independent candidates won 19 seats, the DUP (led by Jalal al-

Digair) won 15 seats and the remaining seats went to others.²⁶ The table below shows the full results of the parliamentary election.

Final results for the parliamentary elections announced by NEC on 27 April 2015

Party	Seats won
National Congress	323
Democratic Unionist Party (Original)	25
Independents	19
DUP (led by Jalal al-Digair)	15
Others	44
Invalid/blank votes	
Total	426
Registered voters/ turnout	

Source: NEC (<http://nec.org.sd>).

84. The AUEOM noted that, overall, the post-election period remained largely peaceful. However, some opposition parties and candidates who took part in the elections have challenged the results announced by the NEC²⁷. Some have reportedly stated that they do not recognise the poll and its outcome, and have called on their supporters to topple the government²⁸.

²⁶ Source: Sudan News Agency (<http://sudanow.info.sd/omer-al-bashir-declared-winner-of-sudans-elections/>). Accessed 30 April 2015.

²⁷ Sudan Tribune Newspaper online reported about 126 petitions (3 for presidential and 123 for parliamentary elections) were submitted to the Supreme Court. All were dismissed except 3. (www.sudantribune.com/spip.php?article55009) (Accessed May 18, 2015)

²⁸ <http://www.usnews.com/news/world/articles/2015/04/27/sudans-al-bashir-re-elected-with-94-percent-of-the-vote> (Accessed May 5, 2015).

VII. CONCLUSIONS AND RECOMMENDATIONS

a. Conclusions

85. Notwithstanding considerable political acrimony in the run up to the April 2015 elections and a few isolated incidents of attacks, in particular in South Kordofan state, calm prevailed on election days. The AUEOM is of the opinion that, while there were serious and critical issues facing Sudan, the elections itself presents an opportunity to stakeholders to prepare for and carry the national dialogue forward. The AUEOM, therefore, calls upon the Sudanese political leaders and the Sudanese people in general to take bold steps towards a genuine, inclusive and purposeful political and social dialogue on the country's future.
86. In view of its overall consideration of all other factors, the AUEOM reached the conclusion that the results of the 2015 General Elections reflected the will of the voters in Sudan.

b. Recommendations

87. In view of the issues highlighted in this report, the AUEOM offers the following recommendations for consideration and action by the stakeholders in Sudan in order to improve future electoral processes in the country. Discussion on implementation of the following recommendations should be considered as soon as possible in order to address in a timely manner the shortcomings identified in the April 2015 electoral process.

The Government of Sudan should:

- Take concrete steps to heal the political and social divisions exposed by the elections and advance the national dialogue process in order to address the myriad of challenges the country stills faces.
- Address some of the policies that are deemed restrictive to the full realisation of fundamental human rights and freedoms of citizens as provided for and protected by the Constitution. In particular, relax restriction on Sudanese civil society, political participation of opposition groups, press freedom and independent media.

- Give serious and urgent attention to the security concerns and on-going conflicts in Darfur, South Kordofan and Blue Nile states. These concerns must be addressed side by side with the suggested political and social dialogues. This can be done in such a way that the social and political dialogues and the addressing of the security concerns feed into each other, thereby leading to complete peace for sustainable development and progress.
- Adopt policies that enhance the independence, integrity and a positive public perception of the EMB by all electoral stakeholders. It should also ensure that the security services, are not viewed as instruments for the harassment of opponents of the government of the day, but are viewed as truly national institutions.
- Consider reinstating the elective principle under which State Governors were selected before to ensure their accountability to their constituents in the states.
- Ensure that NISS personnel do not abuse their statutory powers, especially when it comes to respect for the civil and political rights of Sudanese citizens.

The National Assembly (Parliament) should:

- Review the legal framework on the funding of political parties to ensure that the State takes some responsibility of funding legitimate party activities to enhance political party participation in the electoral process. This should also play a role in levelling the political playing field for political parties in the electoral process.
- Parliament must also use the legislative framework to create an effective media regulatory framework that ensures adherence to international, continental, and regional standards and best practices for democratic electoral processes;
- Review the legal framework governing the EMB to ensure that it balances the interests of an independent body that operates with due regard to notions of justice and fairness. In particular, the security of tenure of members of the Commission must be enhanced;

- Consider ratifying the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the UN Convention on the Political Rights of Women. These instruments provide good basis for advancement of women's political rights in the country.

The National Elections Commission should:

- Carry out continuous and thorough training for its polling officials, and implement enhanced supervision of staff on polling days in order to ensure greater harmonisation in the implementation of instructions and procedures. Such training should include documentation recognised by law for the identification of voters.
- Ensure adequate logistical arrangements are put in place before polling days to ensure that there are no unnecessary delays resulting from error in the delivery of voting materials. Accuracy must be emphasised in the distribution of voting materials.
- Ensure that any decision to extend the voting period be made in time and properly disseminated to stakeholders. Such decisions must be premised on sound and sufficient technical reasons.
- Adopt an open-door policy with all its stakeholders, especially political parties and civil society groups.
- Take measures to address perceptions of bias and lack of independence. Such measures could include nationwide sensitisation and ensuring professional conduct in the administration of election at all levels of Commission.
- Ensure wide dissemination of information on the electoral process and electoral activities, especially during boundary delimitation and updating of the voters register. In view of the significance of voter education in any electoral process, the Mission recommends that substantial funding be provided for voter education activities in order to reach a majority of voters.
- Enhance the security features of the indelible ink and ensure that it differs in colour to the henna used by Sudanese women.

- Take measures together with relevant stakeholders to prevent the abuse of state resources during election campaigns. To limit the influence of money and increase transparency in the process, candidates and parties should submit an interim report of their campaign expenditures before election, so as to enable voters evaluate contributions and spending by candidates and parties before voting.

Political Parties Should:

- Engage in the electoral process to ensure its transparency and credibility.
- Give national dialogue a chance to increase the possibility of sustainable peace and stability in the country.
- Take measures to increase the participation of women within the party structures and activities to complement the legislative measures that have already been taken thus far. In particular, boost the number of women candidates in geographical constituency elections.
- Create positive relationship and effective avenues of communication with the NEC to address some of the shortcomings in the administration of elections.
- Train party agents to understand the electoral process as well as their role in the process, and ensure that agents cover all polling centres on Election Day to enhance the transparency of the process.

International Community should:

- Remain engaged and support the national dialogue process aimed at seeking peaceful resolution of the deep-rooted problems of Sudan.

Civil Society Organisations Should:

- Strengthen their capacity and remain effectively engaged in the electoral process to enhance its transparency and credibility.

1. Deployment Plan

Team #	Name	Nationality	States	City of Deployment
1.	Mission Leadership Team <ul style="list-style-type: none"> H.E Chief Olusegun Obasanjo 	Nigerian	Khartoum	Khartoum
2.	<ul style="list-style-type: none"> Hon.Habiba Bahloul Iyanla Pentchev 	Algerian South African	Khartoum	Khartoum
3.	<ul style="list-style-type: none"> Hon. Hasna Houmed Bilil Yosra Mkadem 	Djibouti Tunisian	Khartoum	Bhari
4.	<ul style="list-style-type: none"> Hon. Roy Kachale Banda Susan Mwape 	Malawian Zambian	Khartoum	Omdurman
5.	<ul style="list-style-type: none"> King Rudi Norman Prof. Yakubu Ibrahim 	Malawian Nigerian	Al-Gezira	Wad Medina
6.	<ul style="list-style-type: none"> Hon. Siniya Ahmed Nah Ismail Amin Tarawile 	Sahrawi Sierra Leonean	Al-Gezira	Wad Medina
7.	<ul style="list-style-type: none"> Dominico Chidakuza Anne Nderi 	Zimbabwean Kenyan	Sennar	Sinja
8.	<ul style="list-style-type: none"> Timothy Muraya Kariuki Samuel Terperthey Tetteh 	Kenyan Ghanaian	Gedaref	Gedaref
9.	<ul style="list-style-type: none"> Stanley Masket Biliati Ampwera Meshach 	Malawian Ugandan	White Nile	Kosti Rubak
10.	<ul style="list-style-type: none"> Emmanuel Kawishe Abdul-Latif Ibrahim 	Tanzanian Ghanaian	Red Sea	Port Sudan
11.	<ul style="list-style-type: none"> Steven Duwa Phiri 	Malawian Nigerian	Northern	Dongola