

REPUBLIC OF SUDAN (NORTH)

The government of Sudan led by President Omar Hassan al-Bashir continues to engage in systematic, ongoing, and egregious violations of freedom of religion or belief. With the separation of South Sudan under the Comprehensive Peace Agreement (CPA) that ended the North-South civil war, conditions for religious freedom remain poor in the North. Khartoum's May and June 2011 military incursions and attacks in Abyei and Southern Kordofan threaten to reignite the civil war. Ongoing attacks in Southern Kordofan, with credible allegations of ethnic cleansing and other gross human rights abuses, could lead to severe religious freedom violations, as they did during the civil war when hundreds of thousands of Nuba Muslims were declared apostates and targeted by al-Bashir's regime. This violence, as well as that in Darfur, highlights the conflicts between Khartoum and outlying parts of the country due to al-Bashir's policies of Arabization and underdevelopment. In 2011, USCIRF again recommends that Sudan be named a "Country of Particular Concern," or CPC, which the State Department has done since 1999.

BACKGROUND

The CPA's signing in January 2005 ended a 22-year civil war in which resistance to Khartoum's policies of forced Islamization and Arabization was a major factor. Of the two million dead and four million driven from their homes, most were Southern Christians and followers of traditional African religions. The Interim National Constitution and its guarantees of freedoms to worship and assemble, establish and maintain places of worship, and communicate with co-religionists at both the national and international levels, expired in July 2011. Despite these protections, severe religious freedom violations continued. President al-Bashir has stated that *sharia* law would be the basis of a new constitution, thus eliminating references to Sudan being a multi-ethnic, multi-religious and multi-cultural state.

The U.S. government is a guarantor of the CPA, and thus has an obligation to work with Juba and Khartoum to ensure its full implementation. Violence and failure by the two parties to come to terms on post-independence issues such as oil revenue sharing, borders, and citizenship threaten to reignite war. The Obama Administration announced an incentive based policy, and increased senior-level engagement to encourage full implementation. The U.S. is the leading donor to Sudan, having provided since 2005 nearly \$10 billion, which is targeted at CPA implementation, ending conflict and human rights abuses in the North, and technical and capacity assistance in the South. Outstanding CPA provisions include holding popular consultations in Southern Kordofan and a referendum in Abyei to determine if it will retain special status in Sudan or become part of the new Republic of South Sudan. Rather than implement these two provisions, the Bashir regime undertook military operations in Abyei in May 2011, displacing 100,000 people, and in Southern Kordofan, displacing more than 70,000.

RELIGIOUS FREEDOM CONDITIONS

All Northerners, including Christians and followers of traditional African religions, are subject to *sharia* law. The al-Bashir regime enforces its own Islamist ideology through religiously-based morality laws and imposes corporal punishments on both non-Muslims and Muslims through the Public Order Regime. The Regime comprises the Public Order Police, the Public Order Courts, the Public Order Acts, and sections of the 1991 Criminal Act on "offences of honor, reputation and public morality", including undefined "indecent or immoral acts." Public Order violations, which are vaguely codified, carry a maximum penalty of 40 lashes through flogging, a fine, or both. The Public Order laws also are used to discriminate against women.

Conversion and Blasphemy Laws: Sudanese law makes conversion from Islam a crime punishable by death. Suspected converts to Christianity are intimidated and sometimes tortured by government security personnel and also face societal pressures. In contrast, government policies and societal pressure promote conversion to Islam, including alleged government tolerance of the use of humanitarian assistance to induce conversion to Islam. Furthermore, blasphemy is illegal under Sudan's criminal laws, and blasphemy accusations have been used to intimidate those expressing disfavored views.

Restrictions on Christians: During USCIRF's December 2009 visit, Christians reported that foreign church officials are not permitted outside Khartoum, Christians are denied educational opportunities, and employment opportunities are

basically nonexistent. Muslims receive preferential access to limited government services and preferential treatment in court cases involving Muslims against non-Muslims. School textbooks negatively stereotype non-Muslims. Although the government routinely grants permits to construct and operate mosques, often with government funds, permission to build churches is difficult to obtain; since 2005, only three churches have received building permits.

Southerners' Citizenship in the North: Following the South's independence on July 9, the National Assembly revoked the nationality of all Southerners in the North, the vast majority of whom are Christian or followers of traditional religions. Over a nine-month transition period, these vulnerable persons will be required to obtain Northern citizenship (although the process to obtain such status remains undefined) or return to the South. Since independence, Southerners in both the public and private sectors have been fired. Prior to the January referendum on self-determination for Southern Sudan, NCP and Northern leaders made inflammatory statements that Southerners would lose access to services and rights should the South gain independence, leading hundreds of thousands of Southerners to repatriate to the South.

RECOMMENDATIONS FOR U.S. POLICY

USCIRF's recommendation that Sudan be designated as CPC applies to the rest of Sudan following South Sudan's independence. In addition to continuing to designate Sudan as a CPC, the U.S. Government should:

- Work with the CPA signatories, in coordination with international partners, to implement the remaining CPA provisions and prioritize citizenship protections for Southerners in the North, mirroring Southern guarantees to offer Southern citizenship to Northerners in the South;
- Consider new sanctions, or other more punitive measures, as needed, in response to Khartoum's military actions in Abyei and Southern Kordofan, and other noncompliance with CPA terms, including targeted sanctions such as asset freezes and travel bans against responsible individuals and institutions;
- Increase State Department efforts to encourage reforms and discourage regressive behavior in Khartoum; and
- Urge that the constitution-drafting process in the North be transparent and inclusive and that the new constitution include protections of freedom of religion or belief, respect for international commitments to human rights, and recognition of Sudan as a multi-religious, multi-ethnic, and multi-cultural nation.

REPUBLIC OF SOUTH SUDAN

As a result of the CPA and the January 2011 referendum, South Sudan became an independent nation on July 9, 2011. The Interim Constitution of South Sudan separates religion and state, and guarantees freedom of religion and equality before the law regardless of religious belief. A transitional constitution incorporating these religious freedom protections is in place and a more permanent constitution will be drafted over the next few years after what will be extensive consultation within South Sudan society.

USCIRF traveled to South Sudan three times between April 2010 and March 2011 to monitor respect for freedom of religion or belief in the South, and met with Southern religious and government officials to cement protections. USCIRF recognized that more education was needed regarding how religion and state should relate when the government is secular. USCIRF engagement with southern government senior officials, and civil and religious leaders, helped these actors achieve a better working relationship and understanding of the relationship between religion and the state.

USCIRF has not placed the Republic of South Sudan on either its CPC or Watch List, but will continue to work with the new nation to strengthen its religious freedom. USCIRF encourages the U.S. government to:

- Urge that the constitution-drafting process in the South be transparent and inclusive;
- Urge the incorporation in South Sudan's new constitution of international standards for freedom of religion;
- Help South Sudan build its governing structure in an inclusive and democratic way; and
- Encourage private investment in Southern Sudan while alleviating the impact of remaining U.S. sanctions on all areas under South Sudan's control.

Please see USCIRF's 2011 Annual Report for a more extensive review and recommendations on Sudan.