

REPUBLIC OF SUDAN

U.S. Commission on International Religious Freedom: 2013 Annual Report

Bottom Line: Religious freedom in Sudan remains poor due to the government's imposition of a restrictive interpretation of Shari'ah (Islamic law) on Muslims and non-Muslims alike, including use of amputations and floggings for crimes and acts of "indecentcy" and "immorality." The government continues to make arrests for Christian proselytizing and for the capital offense of apostasy, and governmental and non-governmental attacks against the Christian community continue.

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. Religious freedom conditions in Sudan remain poor due to the government's imposing a restrictive interpretation of Shari'ah (Islamic law) on Muslims and non-Muslims alike. President al-Bashir and other National Congress Party (NCP) leaders have stated that Sudan's new constitution will be based on the government's interpretation of Shari'ah. Fighting in Southern Kordofan and Blue Nile between government and opposition forces is ongoing, with credible allegations of ethnic cleansing and other gross human rights abuses. In 2013, USCIRF again recommends that Sudan be named as a "country of particular concern" (CPC), under the 1998 International Religious Freedom Act (IRFA). The State Department has designated Sudan a CPC since 1999.

Background

USCIRF identified Sudan as the world's most violent abuser of the right to freedom of religion or belief for its actions during the North-South civil war of 1983-2005. While religious freedom conditions greatly improved during the Interim Period of the Comprehensive Peace Agreement (CPA) that ended the civil war in January 2005, conditions in Sudan have deteriorated since South Sudan's independence. The government prescribes amputations and floggings for those found engaging in acts of criminality, "indecentcy," and "immorality." Officials also arrest individuals for apostasy, a crime punishable by death, and Christians for alleged proselytizing. Governmental and non-governmental attacks on the Christian community also continue. These religious freedom violations, as well as the violence in Southern Kordofan, Blue Nile, and Darfur, are the result of President Bashir's policies of Islamization and Arabization. In May 2012, the UN Security Council passed Resolution 2046 that threatens sanctions against Sudan, South Sudan and others unless progress is made on post-South Sudan secession issues, Sudan-South Sudan border security, and the conflict and humanitarian assistance needs in Southern Kordofan and Blue Nile states.

Religious Freedom Conditions

All Sudanese, including Christians and followers of traditional African religions, are subject to Shari'ah law. The ruling Party (NCP) enforces its own Islamist ideology through religiously-based morality laws and the Public Order Regime and imposes corporal punishments through the 1991 Criminal Code.

Official Enforcement of the Government's Interpretation of Shari'ah (Islamic Law): The 1991 Criminal Code allows death sentences for apostasy, stoning for adultery, cross-amputations for theft, and prison sentences for blasphemy. In 2012, two Coptic priests and three other Christians were arrested and later released for converting a young woman to Christianity; several amputation sentences were carried out by doctors as punishments for theft; and two women were sentenced to death by stoning for adultery although they were later released from prison following international outcry. Generally, those found guilty of adultery are flogged.

The government also enforces religiously-based morality laws and imposes corporal punishments on both non-Muslims and Muslims through the Public Order Regime. This Regime is made up of 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 carry a maximum penalty of 40 lashes, a fine, or both. Dozens of Muslim and Christian women and girls in Khartoum annually are flogged for indecent dress that violates the Public Order Regime. What constitutes indecent dress is not defined by law, but is left to the discretion of arresting officers and prosecuting judges. Indecency charges relating to dress or the brewing or selling of alcohol are used primarily against poor Southern Sudanese women who comprise the vast majority of the female inmate population in Khartoum. Under the guise of protecting morality and preventing co-mingling, which is deemed “prostitution,” the Public Order laws also have been used to stop co-mingling of unmarried men and women as well as target its political opponents.

Attacks and Official Discrimination against Christians: A number of churches were attacked or threatened in 2012. The most egregious incident occurred on April 21 in Khartoum, when a 300-person mob destroyed the Gerief West Bible School and damaged the Sudan Presbyterian Evangelical Church and other buildings in the church’s compound. While authorities later criticized the attack, police on site did not stop the mob until after the destruction had occurred. Two other church buildings in Khartoum were bulldozed in this reporting period, the St. John Episcopal Church of Sudan and a Catholic church building; several others were threatened with closure. Churches in the Nuba Mountains were targeted for destruction in Khartoum’s aerial bombardment campaign. A senior Christian leader from Khartoum told USCIRF in October 2011 that Christians fear for their future and safety in Sudan and that churches are no longer places of sanctuary, but government targets.

Permission to build churches is difficult to obtain; since 2005, only three churches have received building permits. Conversion from Islam is a crime punishable by death, suspected converts to Christianity face societal pressures, and government security personnel intimidate and sometimes torture those suspected of conversion.

Preferential Treatment for Muslims: Government policies and societal pressure promote conversion to Islam, including alleged government tolerance of the use of humanitarian assistance to induce conversion to Islam. The Sudanese government has implemented a number of discriminatory practices favoring Muslims, including prohibitions on foreign church officials traveling outside Khartoum and the use of school textbooks that negatively stereotype non-Muslims. Muslims receive preferential access to government employment and government services, and favored treatment in court cases involving Muslims against non-Muslims. The government routinely grants permits to construct and operate mosques, often with government funds.

Southerners’ Citizenship in the North: On March 1, 2012, the Sudanese government revoked the citizenship of all individuals who could acquire South Sudanese, and has called on them to return to South Sudan. Most of the estimated 350,000 Southerners remaining in Sudan are Christian or followers of traditional African religions. Previously, in July 2011, the government fired all Southerners it employed. In 2012, several human rights organizations reported that South Sudanese humanitarian workers employed at Christian organizations were arrested, charged with proselytizing, and deported to South Sudan and Southern university students were prohibited from attending classes or taking exams. Sudanese citizens and government representatives have closed or threatened to close churches on the grounds that they are Southern, not Sudanese. On September 27, 2012 Sudan and South Sudan signed an agreement on how to move forward on the question of citizenship rights for Southerners in Sudan and Sudanese in South Sudan. No further progress on the negotiations has been made since September 27.

Recommendations for U.S. Policy

In addition to continuing to designate Sudan as a CPC, the U.S. government should:

- Before the United States would normalize relations or lift the IRFA and IEEPA sanctions, require that the government of Sudan abides by international standards of freedom of religion or belief, including repealing the apostasy law, Public Order Regime, and laws and practices which discriminate against non-Muslim minorities;

- Urge the government of Sudan to hold a transparent and inclusive national drafting process with civil society leaders and representatives of all relevant political parties to ensure that Sudan's new constitution includes protections for 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; and support indigenous efforts to influence the process positively;
- Strengthen partnerships with and put pressure on countries with economic interests in Sudan, such as China and Qatar, to use their influence to help ensure long-term stability through full implementation of UN Security Council Resolution 2046 and resolution of long-standing political conflicts in the country; and
- Increase attention to the stalled citizenship negotiations, urge the Joint High Level Committee on Nationals to immediately meet, and provide support to the Committee to ensure that the final laws on the status and treatment of nationals in each country reflect commitments to protect against statelessness and fully respect universal human rights, including religious freedom.

Please see USCIRF's 2013 Annual Report for a more extensive review and recommendations on Sudan.