

REPUBLIC OF SUDAN

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 then-approaching independence of South Sudan in July 2011, religious freedom conditions in Sudan deteriorated in 2011, with increased reports of attacks and threats against Christian leaders and churches and arrests for apostasy. A new Sudan constitution has yet to be drafted; nevertheless, President Omar al-Bashir proclaimed that it would be based on *Shari'ah* law. Ongoing fighting in Southern Kordofan and Blue Nile between government and opposition forces, with credible allegations of ethnic cleansing and other gross human rights abuses, could lead to increased violence against civilians and severe religious freedom violations, as they did during the North-South civil war when Bashir's regime declared hundreds of thousands of Nuba Muslims apostates and targeted them. This violence, as well as that taking place in Darfur, is the result of President Bashir's policies of Islamization, Arabization and neglected development directed against the outlying parts of the country. In 2012, USCIRF again recommends that Sudan be named a "country of particular concern," or CPC, under the 1998 International Religious Freedom Act (IRFA). The State Department has designated Sudan a CPC since 1999.

Background

The signing of the Comprehensive Peace Agreement (CPA) 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 guarantees freedom to worship and assemble, establish and maintain places of worship, and communicate with co-religionists at both the national and international levels. Despite these protections, severe religious freedom violations continued in the North. Furthermore, Bashir stated that *Shari'ah* law would be the basis of the new constitution, thus eliminating references to Sudan as a multi-ethnic, multi-religious and multi-cultural state.

Religious Freedom Conditions

All Northerners, including Christians and followers of traditional African religions, are subject to *Shari'ah* law. The 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.

Apostasy Charges and Forced Renunciations of Faith: In 2011, nearly 170 persons were imprisoned and charged with apostasy, a crime punishable by death. In the past, government security personnel scrutinized, intimidated, and at times tortured suspected converts. Arrested persons include one Darfuri Christian woman accused of proselytizing, "Christianization of minors," and other activities; 150 Darfuri Hausa Muslims who practice a different version of Islam than the version espoused by the National Congress Party; and followers of other religions.

Attacks and Official Discrimination against Christians: Attacks on Christians and churches in Sudan increased in 2011. In Southern Kordofan, Sudanese Armed Forces (SAF) and paramilitary soldiers attacked churches and targeted Christians for executions and arrest because of their faith or because, as Christians, they were assumed to support the opposition Sudan People's Liberation Movement-North. In Omdurman in October 2011, Ministry of Physical Planning and Public Utilities officials threatened to close the Episcopal Church, Catholic Church, and the Church of Christ. In addition, church leaders in Khartoum reported that Ministry of Guidance and Religious Endowment officials have asked them to submit information about church activities and church members. To date, no actions have been taken against these churches or church leaders. Nationwide, extremists have threatened Christian leaders and attacked churches with impunity.

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. 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. 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. 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.

Public Order Regime: The government enforces religiously-based morality laws and imposes corporal punishments on both non-Muslims and Muslims through the Public Order Regime. This 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 carry a maximum penalty of 40 lashes through flogging, a fine, or both. Each year, dozens of Muslim and Christian women and girls in Khartoum are flogged for indecent dress in violation of 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, which 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. The government also uses the Public Order laws to target its political opponents.

Southerners’ Citizenship in the North: Following South Sudan’s independence on July 9, the National Assembly revoked the nationality of all Southerners in Sudan, of whom the vast majority are Christian or followers of traditional religions. After a nine-month transition period that ended on April 8, 2012, these vulnerable persons now are required to obtain residency or job permits or return to South Sudan. Since independence, Southerners in both the public and private sectors have been fired and 350,000 have returned to the South since October 2010. By the end of March 2012, at least 500,000 Southerners remained in Sudan and still are waiting to be returned to South Sudan or to regularize their legal status. The international community called for an extension of the April 8 deadline, but it was not extended. Although forced deportations have not occurred, isolated incidents of Southerners being arrested or harassed are reported.

Recommendations for U.S. Policy

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

- Consider new sanctions, or other more punitive measures, as needed, in response to Khartoum’s gross religious freedom and human rights violations, 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;
- 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;
- Build international pressure on Khartoum to allow for international, unrestricted humanitarian access to Southern Kordofan and Blue Nile states, and discourage nations from offering debt relief to Sudan until humanitarian access is opened to all affected persons; and
- Work with the CPA signatories, in coordination with international partners, to implement the remaining CPA provisions and prioritize citizenship protections for Southerners in Sudan.

Please see USCIRF’s 2012 Annual Report for a more extensive review and recommendations on Sudan.