

SUDAN 2012 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The Interim National Constitution (INC) and other laws and policies restrict religious freedom and, in practice, the government generally enforced legal and policy restrictions on religious freedom. The INC cites Islamic law as a source of legislation in the country, and the official laws and policies of the government and the ruling National Congress Party (NCP) favor Islam. The trend in the government's respect for religious freedom did not change significantly during the year. Official ambivalence about religious freedom often resulted in individual cases of abuse and mistreatment. In October the security services detained, and ultimately deported, several foreign English teachers on suspicion of proselytizing. There were credible reports that state governments and local authorities razed two churches. President Bashir and other senior leaders asserted the country should adopt an Islamic constitution that strengthened Islamic law.

There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice. Hostility toward predominantly Christian South Sudanese living in Sudan sometimes took the form of government intimidation and harassment. However, because of the link between ethnicity and religion, it was difficult to categorize these incidents specifically as religious intolerance.

The U.S. government encouraged respect for religious freedom in its discussions with the government and urged it to fulfill the promise of religious freedom and tolerance enshrined in the country's legal and historic traditions. U.S. embassy officials made clear that respect for religious freedom was crucial to improved relations between the two countries. The U.S. embassy held several outreach events involving religious figures from across the religious spectrum. The embassy discussed religious freedom with religious leaders, scholars, journalists, and nongovernmental organizations (NGOs).

The secretary of state re-designated Sudan a Country of Particular Concern (CPC) in August 2011 under the International Religious Freedom Act (IRFA) for having engaged in or tolerated particularly severe violations of religious freedom. As a result of its CPC designation, which began in 1999, the country was ineligible for aid under Section 116 of the Foreign Assistance Act of 1961.

Section I. Religious Demography

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The population is approximately 26 million, according to the 2008 census. The Culture and Information Ministry estimates that 97 percent of the population is Muslim. Almost all Muslims are Sunni, although there are significant distinctions between followers of different Sunni traditions, particularly among Sufi orders. In addition, there are small Muslim minorities, including Shia and the Republican Brothers, based predominantly in Khartoum, and a growing, yet still small, percentage of Salafists.

The Culture and Information Ministry estimates that Christians make up 3 percent of the population. Christians primarily reside in Khartoum, the north, and the Nuba Mountains. It is unclear whether these numbers include residents of Southern Sudanese origin whose citizenship status remains under review. Khartoum's significant Christian population decreased with the migration of many Christians of southern heritage to South Sudan.

There are very small but long-established groups of Orthodox Christians in Khartoum and other cities, including Coptic Orthodox and Greek Orthodox. There are also Ethiopian and Eritrean Orthodox communities, largely made up of refugees and migrants, in Khartoum and the east. Other smaller Christian groups include the Africa Inland Church, Armenian (Apostolic) Church, Sudan Church of Christ, Sudan Interior Church, Sudan Pentecostal Church, Sudan Evangelical Presbyterian Church, Presbyterian Church of the Sudan, the Seventh-day Adventist Church, the Roman Catholic Church, Anglicans, and Jehovah's Witnesses.

The Culture and Information Ministry indicates that less than 1 percent of the population adheres to African traditional religious beliefs. Some Christians and Muslims also adhere to some aspects of traditional beliefs.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The interim constitution and other laws and policies provide for some religious freedom, but prohibit apostasy, conversion to a religion other than Islam, blasphemy, and some interfaith marriages. The interim constitution preserves Islamic law as a source of legislation. The interim constitution denies recognition to any political party that discriminates based on religion and specifically prohibits discrimination against candidates for the national civil service based on religion. There are no legal remedies to address constitutional violations of religious freedom by governmental or private actors.

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The law punishes conversion from Islam to another religion by imprisonment or death, although the government did not charge anyone with the crime during the year. By law, a person convicted of conversion has an opportunity to recant. The law does not explicitly ban proselytizing, but the vaguely worded apostasy law criminalizes both apostasy and acts that encourage apostasy.

The penalty for blasphemy and “defamation” of Islam is up to six months in prison, flogging, and/or a fine.

Under the government’s interpretation of Islamic law, Muslim men may marry Christian or Jewish women, but a Muslim woman cannot marry a non-Muslim man unless he converts to Islam.

Public order laws, based largely on the government’s strict interpretation of Islamic law, are in force in Khartoum State and prohibit indecent dress and other “offences of honor, reputation, and public morality.” The vaguely worded law grants the special public order police and judges wide latitude in arresting and passing sentence on accused offenders.

By law, the justice minister can release any prisoner who memorizes the Quran during his prison term, in conjunction with a recommendation for parole from the prison director-general and a religious committee that consults with the Ministry of Guidance and Social Endowments to ensure that decisions comply with Islamic legal regulations.

Criminal and civil laws include some limited aspects of Islamic law, with penalties dependent on the religion of the accused. For example, the penalty for a Muslim or a non-Coptic Christian convicted of distribution of alcohol to Muslims is 40 lashes, but the authorities typically do not punish Christians for producing or consuming alcohol within their homes. Coptic Church officials handle all legal proceedings related to Copts, including alcohol-related issues, under the terms of Coptic Church-provided laws approved by the justice ministry.

The president appoints an official body of 40 Muslim religious scholars to four-year renewable terms to advise the government and issue scholarly religious opinions (fatwas) on matters including levying customs on the importation of religious materials and paying interest on loans for public infrastructure. However, its opinions are not legally binding. Other Muslim religious scholars are free to present differing religious and political viewpoints in public.

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The labor law provides for reduced working hours during the Islamic holy month of Ramadan, when most Muslims fast.

To claim exemption from taxes and import duties, religious groups must register as nongovernmental, nonprofit organizations by submitting formal applications to the Ministry of Guidance and Social Endowments. The ministry regulates religious practice, to include activities such as registering Christian churches and reviewing Friday sermons at mosques. The ministry reportedly assists both mosques and churches in obtaining duty-free permits to import furniture and religious items for houses of worship. Before building new houses of worship, all religious groups must obtain permits from the Ministry of Guidance and Social Endowments, the state-level ministry of construction and planning, and the local planning office.

The state-mandated curriculum requires all schools, including private schools operated by Christian groups, to teach Islamic education classes from preschool through the second year of university. Public schools must provide religious instruction to non-Muslims, but some public schools excused non-Muslims from Islamic education classes. Private schools, including Christian schools, must hire a special teacher to teach Islamic subjects, but non-Muslim students are not required to attend those classes.

National government offices and businesses follow the Islamic workweek, with Friday as a day of prayer. The law requires employers to give Christian employees two hours before 10 a.m. on Sunday for religious activity. Christian employees receive leave from work on Christian holidays.

The Sudan Inter-Religious Council is a body of scholars, half of whom are Muslim and half Christian, which advises the Ministry of Guidance and Social Endowments and seeks to broker interfaith dialogue. It is partially government-funded and the state appoints some of its members.

The government observes the following religious holidays as national holidays: the Birth of the Prophet Muhammad, Coptic Easter, Israa Wal Mi'Raaaj, Eid al-Fitr, Eid al-Adha, Islamic New Year, and Christmas (for Christians only).

Government Practices

There were reports of abuses of religious freedom, including reports of imprisonment and detention.

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Most non-Muslim groups refrained from public proselytizing because, under the vaguely worded apostasy law, the government could charge them with supporting apostasy. The government stepped up its efforts to prosecute suspected proselytizers. In October the security services detained several foreign English teachers on suspicion of proselytizing. Authorities held two individuals for several weeks before ultimately deporting them, along with several family members, without court proceedings. The instructors were members of an explicitly Christian organization and incorporated discussion of their faith into their language instruction, but firmly denied they were engaged in proselytizing. In early December, the police arrested two Coptic priests and briefly detained a Coptic bishop for allegedly converting a Muslim woman to Christianity. In late December, the Coptic Church issued an apology for the incident, and called the actions of the two priests an “individual affair.” At year’s end, the two priests remained in prison without charge. The woman was not charged.

There were reports that government security services closely monitored mosques. The authorities imposed sanctions ranging from arrest and detention to stern official warnings against imams accused of making anti-government statements, inciting hatred or espousing violent or takfiri ideology (a form of Salafism that brands as an apostate anyone who does not follow the Salafist interpretation of Islam). In May the security services arrested Sheikh Masad Bahsir Alsedaira, a member of the Association of Islamic Scholars, for accusing President Bashir of being a non-believer. At year’s end, the sheik remained in detention.

There were credible reports that state governments and local authorities razed two churches. In June authorities in Khartoum State overrode a longstanding informal agreement and destroyed a building in use as an Episcopal church. Two days later, local authorities in Khartoum State razed a Catholic Church under similar circumstances.

Government officials continued to use Islamic rhetoric in support of official policies. President Bashir and other senior figures frequently alluded to the Islamic identity of the country, noting that the separation of South Sudan further entrenched the country’s Muslim characteristics. The government stated that a new constitutional drafting process would draw heavily from Islamic law. Nevertheless, government officials also publicly asserted that the government would protect members of minority religious groups.

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The government occasionally enforced laws against blasphemy and defaming Islam. At year's end, a number of cases were reportedly active in the court system.

The government dissolved the Commission for the Rights of Non-Muslims in Khartoum. The commission was created by the 2005 Comprehensive Peace Agreement as a forum for dialogue on religious freedom matters and an advocate for non-Muslims arrested for violating Islamic law.

Khartoum State authorities formed the Higher Council for Peaceful Coexistence during the year. It reportedly conducted some activities jointly with the Sudan Inter-Religious Council.

The government maintained the right to pre-edit material published by religious institutions.

Prisons provided space for Islamic prayer but no dedicated areas for Christian observance. Prison authorities usually allowed Christian prisoners to pray while in prison and sometimes allowed Christian ministers to hold services in prisons, although access was irregular.

Christian groups reported that the government often delayed permission to build churches, and asserted that permission to build mosques was not subject to similar delays. Some Christian churches reported they were required to pay taxes on items such as vehicles.

The government restricted foreigners from entering the country expressly for Christian missionary work. Some churches reported the government refused work, travel, and exit visas to church employees of foreign origin. The Ministry of Guidance and Social Endowments stated that Christian missionaries had permission to engage in humanitarian activities and promote Muslim-Christian cooperation, but foreign Christian religious workers experienced lengthy delays in obtaining visas, and the government often refused or delayed visas to foreigners affiliated with international faith-based groups.

Although the interim constitution prohibits discrimination against candidates for the national civil service based on religion, non-Muslims reported that this occurred.

There were prominent Coptic Christian politicians within the National Assembly, Khartoum city government, and Khartoum state assembly. A Copt became vice-

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chairman of the newly appointed Human Rights Commission. Christians from other denominations were rare in government positions, although a Protestant held the politically significant post of state minister of water resources and electricity. President Bashir supported Muslim diversity in the Ministry of Guidance and Social Endowments when he elevated the Sufi minister of state to acting minister upon the incumbent's death in an August plane crash.

There were reports that pro-government militias in Southern Kordofan, where continuing conflict stemmed from political and economic marginalization rather than religious differences, used anti-Christian slogans, in addition to anti-southerner and anti-African statements. The government asserted that it was targeting rebels and not persons of any particular religious faith. Rebel forces in Southern Kordofan included both Muslim and Christian combatants.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice. Because of the link between ethnicity and religion, it was difficult to categorize many incidents specifically as ethnic or religious intolerance. Ongoing tensions and periodic armed conflict with predominantly Christian South Sudan led to instances of social conflict between Sudanese and residents of South Sudanese origin. The government did not always actively protect the rights of religious groups against societal abuse.

On April 21, rioters in Khartoum brushed aside inadequate local police forces and burned an evangelical church compound used by a mix of Eritrean, Ethiopian, and Sudanese worshippers. An imam at a mosque in the area reportedly called upon his followers to "take the land back from the southerners." The attack came one day after South Sudanese forces seized the Sudanese town of Heglig, and one week after a local government representative began efforts to confiscate the property. At year's end, the authorities had not charged any of the attackers.

In December unknown persons put up posters throughout Khartoum urging Muslims not to celebrate Christmas and the New Year, asserting that celebrating the holidays of unbelievers was akin to being an unbeliever.

The growing proportion of Salafists in the Muslim population created conflict with non-Salafist Muslims. On January 29, members of the Ansar al-Sunna group in Khartoum urged the public to refrain from celebrating the Prophet Mohammed's

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birthday. Sufi activists harassed Ansar al-Sunna group members. Violent clashes between the two groups the next day left between 35 and 50 injured.

There was social pressure, along with economic inducements, aimed at non-Muslims to convert to Islam, although there were no reports of forced conversion. While the law does not explicitly prohibit proselytizing, non-Muslims rarely proselytized due to considerable societal pressures against doing so and worries that those who converted could face apostasy charges.

Some employers did not comply with the law allowing Christians two hours to pray on Sunday and there was no legal remedy for those who sought it. Public schools were in session on Sundays, and did not excuse Christian students from classes. Most Christians chose to worship on Friday, Saturday, or Sunday evening.

Section IV. U.S. Government Policy

The U.S. embassy encouraged respect for religious freedom in its discussions with the government and urged it to fulfill the constitutional promise of religious freedom. U.S. embassy representatives made clear that respect for religious freedom was crucial to improved bilateral relations.

U.S. embassy officials met regularly with leaders of Muslim and Christian groups in Khartoum and elsewhere, noting the importance of religious tolerance and the extent of U.S. interest and concern. Embassy officials also regularly met with religious leaders, NGOs, and journalists to gather their perspectives on the state of religious freedom. In August, embassy officials hosted an interfaith iftar at the embassy; Christian religious figures and imams from Salafist and Sufi mosques attended.

Each year since 1999, the secretary of state has designated Sudan a Country of Particular Concern (CPC) under the International Religious Freedom Act for having engaged in or tolerated particularly severe violations of religious freedom. Consequently, the country was ineligible for aid under Section 116 of the Foreign Assistance Act of 1961.