



SUDAN

Key Findings

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. These violations are the result of President Bashir's policies of Islamization and Arabization. The government of Sudan prosecutes persons accused of apostasy, imposes a restrictive interpretation of Shari'ah (Islamic law) and applies corresponding *hudood* punishments on Muslims and non-Muslims alike, and harasses the country's Christian community. President al-Bashir and other National Congress Party (NCP) leaders continue to state that the country will be governed by Shari'ah law. In 2015, USCIRF again recommends that Sudan be designated as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA). The State Department has designated Sudan as a CPC since 1999, most recently in July 2014.

Background

More than 97 percent of the Sudanese population is Muslim. The vast majority of Sudanese Muslims belong to different Sufi orders, although Shi'a Muslims and Sunni Muslims who follow the Salafist movement are

For more than 20 years, the 1991 Criminal Code, the 1991 Personal Status Law of Muslims, and state-level "public order" laws have restricted religious freedom for all Sudanese.

These laws contradict Sudan's constitutional and international commitments to freedom of religion or belief and related human rights. The 1991 Criminal Code imposes the ruling NCP's interpretation of Shari'ah law on Muslims and Christians: it allows death sentences for apostasy, stoning for adultery, cross-amputations for theft, prison sentences for blasphemy, and floggings for undefined "offences of honor, reputation and public morality," including undefined "indecent or immoral acts." Prohibitions and related punishments for "immorality" and "indecent" are implemented through state level Public Order laws and enforcement mechanisms; violations carry a maximum penalty of 40 lashes, a fine, or both.

Government policies and societal pressure promote conversion to Islam. The government is alleged to tolerate the use of humanitarian assistance to induce conversion to Islam; routinely grants permits to construct and operate mosques, often with government funds; and provides Muslims preferential access

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also present. Christians are estimated at three percent of the population and include Coptic, Greek, Ethiopian, and Eritrean Orthodox; Roman Catholics; Anglicans; Presbyterians; Seventh-day Adventists; Jehovah's Witnesses; and several Pentecostal and evangelical communities.

to government employment and services and favored treatment in court cases against non-Muslims. The Sudanese government prohibits foreign church officials traveling outside Khartoum and uses school textbooks that negatively stereotype non-Muslims. Permission to build churches is impossible to obtain, and destruction of churches has increased since 2011.

Religious Freedom Conditions 2014–2015

Implementation of Apostasy Prohibitions

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. Since 2011, more than 170 persons have been arrested and charged with apostasy; almost all recanted their faith in exchange for having the charges dropped and being released from prison.

On May 15, 2014, the government of Sudan sentenced Meriam Yahia Ibrahim Ishag to death by hanging because, although she said she was raised a Christian, a family member said she was raised a Muslim and thus was guilty of apostasy for converting. In addition, because the court did not recognize her marriage to a Christian man, she also was found guilty of adultery and sentenced to 100 lashes. While imprisoned in the Omdurman Federal Women's Prison with her two-year-old son, Meriam gave birth on May 27 to a baby girl. On June 23, an appeals court cancelled the apostasy charges and death sentence and ordered her

ongoing. Throughout the reporting period, the lawyers were harassed and threatened with death for being “un-Islamic.”

Application of Shari'ah Law Provisions

The government continued to apply the Shari'ah-based provisions of the 1991 Criminal Code and Public Order laws, although there were fewer reported incidents during this reporting period. As in previous years, there were several known amputation sentences for those found guilty of theft. Dozens of Muslim and Christian women were flogged or fined for “indecent” dress. What constitutes indecent dress is not defined by law, but is left to the discretion of arresting officers and prosecuting judges. Under the guise of protecting morality, the Public Order Laws also prohibit the co-mingling of unmarried men and women, which is deemed “prostitution.”

Destruction and Confiscation of Churches

The Sudanese Minister of Guidance and Religious Endowments announced in July 2014 that the government no longer will issue permits for the building of new

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release from prison, finding that she was not an apostate. The next day, she and her family were detained at Khartoum's airport as they sought to leave the country. From June 27 until July 24, when she was permitted to leave Sudan, Meriam, her American citizen husband, and their two children took refuge at the U.S. Embassy in Khartoum.

In October, Meriam's lawyers challenged the constitutionality of the prohibition on conversion from Islam contained in article 126 of the 1991 criminal code. They argue that it violates article 38 of the interim constitution, which guarantees freedom of religion or belief and states that “no person shall be coerced to adopt such faith, that he/she does not believe in.” The case is

churches, alleging that the current number of churches is sufficient for the Christians remaining in Sudan after South Sudan's 2011 secession. In 2014, Sudanese authorities bulldozed the Sudanese Church of Christ. In the last few years, at least 11 churches have been attacked either by government officials or societal actors.

Throughout this reporting period, the government of Sudan continued efforts to confiscate church property. In 2014 and early 2015, both the Bahri Evangelical Church and an Anglican church in Khartoum continued legal battles to maintain ownership of their churches and the land they occupy. On December 2, Sudanese authorities partially destroyed the Bahri Evangelical Church and arrested 37 congregants protesting

the action. They were later released. Authorities also arrested Rev. Yat Michael and Rev. Peter Yein for “instigating Sudanese citizens against their government;” the two clergymen remain detained.

U.S. Policy

The United States remains a pivotal international actor in Sudan. U.S. government involvement was vital to achieving the Comprehensive Peace Agreement (CPA) that ended the North-South civil war and to bringing about the referendum on South Sudan’s independence, as well as ensuring that its result was recognized. The U.S. government continues multilateral and bilateral efforts to bring peace to Southern Kordofan, Blue Nile, and Darfur, including supporting African Union peace talks.

In 1997, President Bill Clinton utilized the International Emergency Economic Powers Act (IEEPA) to sanction Sudan, based on its support for international terrorism, efforts to destabilize neighboring governments, and prevalent human rights and religious freedom violations. These sanctions imposed a trade

mitment to promote freedom of expression through access to communications tools.”

Neither country has had an ambassador to the other since the late 1990s, after the U.S. Embassy bombings in East Africa and U.S. airstrikes against al-Qaeda sites in Khartoum, but successive U.S. administrations have appointed special envoys to Sudan. The current U.S. Special Envoy to Sudan and South Sudan is Donald E. Booth.

In February 2015, Sudanese Foreign Minister Ali Kharti and Presidential Assistant Ibrahim Ghandour made separate trips to Washington, DC. After the Ghandour visit, U.S. Deputy Assistant Secretary of State for Democracy, Human Rights and Labor Steve Feldstein was granted permission to travel to Sudan. From February 22-26, DAS Feldstein met with Sudanese government leaders and representatives of non-governmental organizations in Khartoum, as well as civil society activists, humanitarian groups, and internally displaced persons (IDPs) in Blue Nile State.

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embargo on the country and a total asset freeze on the government. Since 1997, an arms embargo, travel bans, and asset freezes have been imposed in response to the genocide in Darfur. With the 1999 designation of Sudan as a CPC, the Secretary of State has utilized IRFA to require U.S. opposition to any loan or other use of funds from international financial institutions to or for Sudan. In an attempt to prevent sanctions from negatively impacting regions in Sudan under assault by the NCP government, the sanctions have been amended to allow for increased humanitarian activities in Southern Kordofan State, Blue Nile State, Abyei, Darfur, and marginalized areas in and around Khartoum. In February 2015, the United States allowed the exportation countrywide of communication hardware and software, including computers, smartphones, radios, digital cameras, and related items, as part of a “com-

U.S. public advocacy about religious freedom conditions in Sudan in this reporting period. The White House, Secretary of State John Kerry, the U.S. Embassy in Khartoum, the State Department, and Members of Congress vigorously advocated on Meriam Ibrahim’s behalf. On May 14, the United States, Canada, the United Kingdom, and the Netherlands issued a joint statement expressing their concern over the apostasy ruling and noting an individual’s right to change faith. U.S. Embassy officials observed her May 15 hearing and offered her refuge before she could leave the country. DAS Feldstein met with religious leaders and raised religious freedom concerns with Sudanese officials during his February 2015 trip to the country.

U.S. government assistance programs in Sudan support conflict mitigation efforts, democracy promotion, and emergency food aid and relief supplies. The United

States remains the world's largest donor of food assistance to Sudan, providing needed aid, either directly or through third parties, to persons from Darfur, Abyei, Southern Kordofan, and Blue Nile.

Recommendations

With the Bashir regime taking steps that would move Sudan toward a more repressive state, the U.S. government should increase efforts to encourage reforms and discourage regressive behavior. The normalization of relations with Sudan and any lifting of U.S. sanctions must be preceded by demonstrated, concrete progress

- Create a Commission on the Rights of Non-Muslims to ensure and advocate religious freedom protections for non-Muslims in Sudan;
- Issue a decree ending the use of corporal punishments for hudood offenses that violate “public order” as enumerated in the 1991 Criminal Code Act and state-level public order laws; and
- Hold accountable any person who engages in violations of freedom of religion or belief, including attacking houses of worship, attacking or discriminating against a person because of their

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by Khartoum in implementing peace agreements, ending abuses of religious freedom and related human rights, and cooperating with efforts to protect civilians. In addition to recommending that Sudan continue to be designated as a CPC, USCIRF recommends the U.S. government should:

- Seek to enter into a binding agreement with the government of Sudan, as defined in section 405(c) of IRFA, which would set forth commitments the government would undertake to address policies leading to violations of religious freedom, including but not limited to the following:
 - End prosecutions and punishments for apostasy;
 - Maintain all of the provisions respecting the country's international human rights commitments and respect for freedom of religion or belief currently in the interim constitution;
 - Lift government prohibitions on church construction, issue permits for the building of new churches, and create a legal mechanism to provide compensation for destroyed churches and address future destructions if necessary;

religious affiliation, and prohibiting a person from fully exercising their religious rights.

- Work to ensure that Sudan's future, permanent 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;
- Continue to support national dialogue efforts with civil society and faith-based leaders and representatives of all relevant political parties;; educate relevant parties to the national dialogue about international human rights standards, including regarding freedom of religion or belief; and work with opposition parties and civil society to resolve internal disputes related to freedom of religion or belief;
- Encourage and support civil society groups to monitor implementation of the Public Order Regime and advocate for its repeal; and
- Urge the government in Khartoum to cooperate fully with international mechanisms on human

rights issues, including by inviting further visits by the UN Special Rapporteur on Freedom of Religion or Belief, the Independent Expert on the Situation of Human Rights in Sudan, and the UN Working Group on Arbitrary Detention.