

SUDAN 2020 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitutional declaration signed in August 2019 includes several provisions protecting the right to freedom of religious belief and worship “in accordance with the requirements of the law and public order.” Unlike the former constitution, it makes no reference to “sharia” or Islamic religious law as a source of law, although the clause restricting the death penalty permits its imposition as sharia-sanctioned (*hudud*) punishment of certain crimes. Laws promulgated under the former constitution remained in effect while the civilian-led transitional government (CLTG) worked to amend or abolish those laws and pass new legislation within the framework of the constitutional declaration. In July, the CLTG ratified the Miscellaneous Amendments (Fundamental Rights and Freedoms) Act of 2020 (MAA), repealing the article of law that made apostasy a crime subject to capital punishment and instead criminalizing the act of accusing others of apostasy. The MAA did not repeal the article that criminalizes blasphemy, as some media erroneously reported. In July, the CLTG removed flogging as a punishment for blasphemy. Some criminal laws and practices established by the previous government led by Omar al-Bashir remained in effect, including blasphemy, and were based on that government’s interpretation of a sharia system of jurisprudence, which human rights groups stated did not provide protections for some religious minorities, including minority Muslim groups. The MAA rescinded laws under which authorities could arrest individuals for indecent dress and other reasons deemed injurious of honor, reputation, and public morality. It repealed the law prohibiting non-Muslims from drinking alcohol. In July, the rebel group Sudan People’s Liberation Movement-North (SPLM-N), active in the Blue Nile and South Kordofan States and led by Abdelaziz al-Hilu, extended and signed a cessation of hostilities. Among other measures, al-Hilu called for the separation of religion and state, with no role for religion in lawmaking. On September 3, Prime Minister (PM) Abdalla Hamdok and al-Hilu signed a declaration of principles that included the separation of religion and state. Media reported that on March 11, the government abolished all government-appointed church committees, which had been imposed under the Bashir government. In October, a judge acquitted Sudanese Church of Christ (SCOC) leadership of trespassing and illegal possession of SCOC properties charges. According to Church clergy, the SCOC dropped its lawsuit against the Ministry of Religious Affairs and Endowments (MRA) ending the long-standing ownership dispute over SCOC headquarters and other Church properties. According to Muslim religious leaders, the CLTG discontinued the practice that had been in place in years past of

security forces monitoring imams' sermons. Members of minority religious groups continued to express concerns regarding the education system, which lacked sufficient non-Muslim teachers to teach courses on Christianity and textbooks that promoted religious diversity.

Media reported several church burnings during the year. According to Radio Dabanga, unknown individuals burned down one SCOC church in Omdurman on February 29 and another in Bout Village, Blue Nile State, on March 9. Individuals attacked one SCOC church in Jabarona near Khartoum four times between December 18, 2019, and January 29. Church leaders there said they also received threats from individuals characterized as Muslim extremists living in the area. They said one threat stated, "If the government gives you permission to build a church here, they'd better be prepared to collect your dead bodies." Christian Solidarity Worldwide (CSW) reported that on August 14, unknown individuals set fire to a temporary straw church the congregation had built. SCOC members said one suspect was arrested in connection with the incident; however, arsonists who perpetrated the previous incidents remained at large. During the year, some Muslim clerics made anti-Semitic statements in response to reports that the government had begun exploring the normalization of relations with Israel. On February 5, in an interview with Tayba TV, Islamic scholar Abd al-Hayy Yousuf said, "We know that the Jews raise their children on the hatred of Muslims, and on the killing of the Arabs." On March 1, Imam Abdallah Hassan Jiballah posted a video on the internet in which he said hatred and hostility towards Jews was part of Islam, and, "If there is something [in a treaty] that negates the faith of a Muslim, yet he still normalizes relations with them, this is *haram*. Such normalization is forbidden by sharia law."

U.S. officials encouraged respect for religious freedom and the protection of minority religious groups. They urged repeal of apostasy and blasphemy laws. In addition, they highlighted the need for a new and inclusive education curriculum and urged government officials to abstain from the former regime's practices, which included confiscating and demolishing religious properties. The U.S. embassy maintained close contact with religious leaders, faith-based groups, and nongovernmental organizations (NGOs). Embassy representatives monitored the state of religious freedom in the country and stressed the importance of religious tolerance among the various religious groups.

On December 2, in accordance with the International Religious Freedom Act of 1998, as amended, the Secretary of State removed Sudan from the Special Watch List, determining that it no longer engaged in or tolerated "severe violations of

religious freedom.” Sudan had previously been designated as a Country of Particular Concern from 1999 to 2018 and was moved to the Special Watch List in 2019.

Section I. Religious Demography

The U.S. government estimates the total population at 45.6 million (midyear 2020 estimate). The Pew Research Center estimates that 91 percent of the population is Muslim, 5.4 percent is Christian, 2.8 percent follow folk religions, and the remainder follow other religions or are unaffiliated. The Office of the UN High Commissioner for Refugees reports 1,088,898 refugees and asylum seekers in the country, including 821,368 South Sudanese refugees. Some religious advocacy groups estimate non-Muslims make up more than 13 percent of the population.

Almost all Muslims are Sunni, although there are significant distinctions among followers of different Sunni traditions, particularly among Sufi orders. Small Shia Muslim communities are based predominantly in Khartoum. At least one Jewish family remains in the Khartoum area.

The Sudan Council of Churches (SCC) reports the presence of 36 Christian denominations, of which 24 are registered denominations. Christians reside throughout the country, primarily in major cities such as Khartoum, Port Sudan, Kassala, Gedaref, El Obeid, and El Fasher. Christians also are concentrated in some parts of the Nuba Mountains and Blue Nile State.

Relatively small but long-established groups of Coptic Orthodox and Greek Orthodox Christians are in Khartoum; El Obeid in North Kordofan, River Nile, and Gezira States; and eastern parts of the country. Ethiopian and Eritrean Orthodox communities largely made up of refugees and migrants are in Khartoum and the eastern part of the country. Other larger Christian groups include the Catholic Church, Episcopal Anglican Church, Sudanese Church of Christ, Sudan Evangelical Presbyterian Church, and Presbyterian Church of the Sudan. Smaller Christian groups include the Africa Inland Church, Armenian Apostolic Church, Sudan Interior Church, Sudan Pentecostal Church, Seventh-day Adventist Church, and Jehovah’s Witnesses.

Government statistics indicate less than 1 percent of the population, primarily in Blue Nile and South Kordofan States, adhere to traditional African religious beliefs. Some Christians and Muslims incorporate aspects of these traditional beliefs into their religious practice. There is a small Baha’i community.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The 2019 constitutional declaration includes provisions regarding freedom of belief and worship. As stipulated in the constitutional declaration, existing laws and institutions governing religion remain in effect while the new government works to amend and restructure them. While the previous constitution stated all national legislation should be based on sharia, the constitutional declaration makes no reference to sharia, although the clause restricting the death penalty permits its imposition as sharia-sanctioned (*hudud*) punishment for certain crimes.

The constitutional declaration also has provisions providing for access to education regardless of religion, requiring that political parties be open to citizens of all religions, and ensuring all “ethnic and cultural” groups have the right to “exercise their beliefs” and “observe their religions or customs.”

Abuses of freedom of religion are often addressed in lower courts but may be appealed to the Constitutional Court.

Laws promulgated under the former constitution remain in effect while the CLTG worked to amend or abolish those laws and pass new legislation within the framework of the constitutional declaration.

National laws concerning personal and family matters of Muslims adopted during the Bashir administration remain largely in effect and are based on a sharia system of jurisprudence. The existing criminal code states the law, including at the state and local levels, shall be based on sharia sources and include *hudood*, *qisas*, and *diyah* principles (regarding punishment, restitution, and compensation for specific serious crimes). The criminal code takes into consideration multiple sharia schools of jurisprudence (*madhahib*). The Islamic Panel of Scholars and Preachers (Fiqh Council), an official body of 50 Muslim religious scholars responsible for explaining and interpreting Islamic jurisprudence, determines under which conditions a particular school of thought will apply. Other criminal and civil laws are determined at the state and local level.

Members of the Fiqh Council serve four-year renewable terms. In the past, the council advised the government and issued fatwas on religious matters, including levying customs duties on the importation of religious materials, payment of

interest on loans for public infrastructure, and determination of government-allotted annual leave for Islamic holidays. The council's opinions are not legally binding. Muslim religious scholars may present differing religious and political viewpoints in public. The Fiqh Council mandate is unclear under the CLTG.

In July, the CLTG ratified the MAA, rescinding a provision of a 1991 law that criminalized and imposed the death penalty for apostasy (conversion from Islam to another faith). The MAA replaced the apostasy provision with an article criminalizing *takfir* (the act of declaring someone a *kafir* or nonbeliever). Those charged with *takfir* face imprisonment not to exceed 10 years, a fine, or both.

The existing criminal code's section on "religious offenses" criminalizes various acts committed against any religion. These include insulting religion; blasphemy; questioning or criticizing the Quran, the *Sahaba* (the Companions of the Prophet), or the wives of the Prophet; disturbing places of worship; and trespassing upon places of burial. In July, the CLTG removed flogging as a punishment for blasphemy. The criminal code states, "Whoever insults any religion, their rights or beliefs or sanctifications or seeks to excite feelings of contempt and disrespect against the believers thereof" shall be punished with up to one year in prison and/or a fine. The article includes provisions that prescribe penalties of up to five years' imprisonment, a fine, or both for anyone who curses the Prophet Muhammad, his wives, or members of his respective households.

In July, the CLTG repealed a provision of law under which individuals could be arrested for indecent dress and other offenses deemed injurious to honor, reputation, and public morality. The MAA in July also removed penalties for anyone who imported or distributed alcohol to any individual regardless of religion.

Some parts of the criminal code specify punishments for Muslims based on government interpretation of sharia punishment principles. For example, the penalty for adultery with a married person is hanging and for an unmarried person is 100 lashes. An unmarried man may additionally be punished with banishment for up to one year. These penalties only apply to Muslims. Adultery is defined as sexual activity outside of marriage, prior to marriage, or in a marriage that is determined to be void.

Under the law, the Minister of Justice may release any prisoner who memorizes the Quran during his or her prison term. The release requires a recommendation for parole from the prison's director general, a religious committee composed of the

Sudan Scholars Organization, and members of the Fiqh Council, which consults with the MRA to ensure decisions comply with Islamic jurisprudence.

The MRA is responsible for regulating Islamic religious practice, supervising churches, and guaranteeing equal treatment for all religious groups. The MRA also provides recommendations to relevant ministries regarding religious issues that government ministries encounter.

To gain official recognition by the government, religious groups are required to register at the state level with the MRA. The MRA determines, along with the state-level entities responsible for land grants and planning, whether to provide authorization or permits to build new houses of worship, taking into account zoning concerns such as the distance between religious institutions and population density. The allocation of land to religious entities is determined at the state level.

The Humanitarian Aid Commission (HAC), formerly known as the Higher Council for Guidance and Endowment, oversees NGOs and nonprofit organizations. Religious groups that engage in humanitarian or development activities must register as nonprofit NGOs by filing a standard application required by the HAC. Only NGOs registered with HAC are eligible to apply for other administrative benefits, including land ownership, tax exemptions, and work permits. The HAC works with the Ministry of Interior to facilitate the visa process for NGO representatives seeking to obtain visas.

Customary practice does not permit followers of Shia Islam to hold worship services; however, they are allowed to enter Sunni mosques to pray.

The MRA has federal entities in each state that coordinate travel for the Hajj and Umra.

The state-mandated education curriculum requires that all students receive religious instruction from elementary school to secondary school. The curriculum further mandates that all schools, including international schools and private schools operated by Christian groups, provide Islamic education classes to Muslim students from preschool through the second year of university. The law does not require non-Muslims to attend Islamic education classes, and it mandates that public schools provide Christian students with other religious instruction if there are at least 15 Christian students in a class. According to the Ministry of Education, following the separation of South Sudan, this number was not reached in most schools. Non-Muslim students therefore normally attend religious study

classes of their own religion outside of regular school hours to fulfill the religious instruction requirement. The Ministry of Education is responsible for determining the religious education curriculum. According to the ministry, the Islamic curriculum must follow the Sunni tradition.

Under the law, a Muslim man may marry a non-Muslim woman. In practice, Muslim men follow sharia guidance, which advises they may marry “non-Muslim women of the book,” i.e., either Christian or Jewish women. A Muslim woman, however, legally may marry only a Muslim man. A Muslim woman marrying a non-Muslim man could be charged with adultery.

There are separate family courts for Muslims and non-Muslims to address personal status issues such as marriage, divorce, and child custody, according to their religion. By law, in custody dispute cases where one parent is Muslim and the other is Christian, courts grant custody to the Muslim parent if there is any concern that the non-Muslim parent would raise the child in a religion other than Islam.

According to Islamic personal status laws, Christians (including children) may not inherit assets from a Muslim. Children of mixed (Muslim-Christian) marriages are considered Muslim and may inherit.

Government offices and businesses are closed on Friday for prayers and follow an Islamic workweek of Sunday to Thursday. A 2019 decree mandates that academic institutions not give exams on Sunday, and it authorizes Christians to leave work at 10:00 a.m. on Sunday for religious activities. Individuals may also leave work to celebrate Orthodox Christmas, an official state holiday, along with several key Islamic holidays.

An interministerial committee, which includes the Ministry of Foreign Affairs, the General Intelligence Service, and in some cases Military Intelligence, must approve foreign clergy and other foreigners seeking a residency permit.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

Investigations continued into incidents in which government forces under former President Bashir allegedly attacked protesters outside mosques during antigovernment protests that took place from December 2018 to April 2019.

In July, the rebel group SPLM-N, active in Blue Nile and South Kordofan States and led by Abdelaziz al-Hilu, extended and signed a cessation of hostilities. Al-Hilu called for the separation of religion and state with no role for religion in lawmaking. He had previously made repeated statements that sharia was incompatible with basic freedom for the people of South Kordofan and Blue Nile States and was his primary rationale for armed struggle against the Bashir government. Bloomberg News reported that on September 3 in Addis Ababa, PM Hamdok and al-Hilu signed a declaration of principles that included the separation of religion and state. In November, a follow-up workshop on the declaration of principles was held between the SPLM-N and CLTG.

CSW reported that on August 13, a judge in Khartoum sentenced a Christian woman to two months' imprisonment and a 50,000-Sudanese-pound (\$910) fine for dealing in alcohol, despite amendments to the law that exempt non-Muslims from that prohibition except in cases where they supplied alcohol to Muslims.

During the year, the MRA recovered more than 48 endowments, with assets totaling more than \$397 million, according to Minister Nasreddine Mufreh. The ministry also recovered assets from seven endowments located in Saudi Arabia. Under the former regime, sources stated that ministries funded their budgets by usurping endowments, properties, or services from the MRA. The MRA had opened its investigation into allegations of corruption pertaining to endowments and Hajj and Umra pilgrimages to Mecca in December 2019.

Although the MAA abolished the death penalty for apostasy, minority religious groups, including Shia and other Muslim minorities, expressed concern they could be convicted of apostasy if they expressed beliefs or discussed religious practices that differed from those of the Sunni majority. Some Shia said they remained prohibited from writing articles about their beliefs, and local media exercised self-censorship to avoid covering religious issues, due to concern regarding receiving a negative response from members of society.

Morning Star News reported that on March 11, the MRA abolished government-appointed committees imposed on churches under the Bashir government. Reverend Yahia Abdelrahim Nalu, head of the Sudan Presbyterian Evangelical Church, described the abolition as a positive step. Church leaders said further legal action would be needed to regain some church properties lost under the former committees.

On October 19, a criminal court in Omdurman acquitted the SCOC leadership committee of criminal trespass and illegal possession of SCOC properties. The government had reopened the 2019 case in July despite a 2018 court ruling that the SCOC national leadership committee led by Moderator Ayoub Tilliano had ownership of the SCOC headquarters in Omdurman. The case arose from a 2015 raid by security forces on the SCOC headquarters, after which the security forces confiscated all of the group's legal documents and brought charges against the leadership council for trespassing. The SCOC retained ownership of the headquarters.

In previous years, government security services reportedly monitored mosques and imams' sermons closely, and they provided talking points and required imams to use them in their sermons. According to Muslim religious leaders, the CLTG discontinued this practice. Throughout the year, religious leaders' sermons were varied and were sometimes critical of the CLTG.

Prisons provided prayer spaces for Muslims, but observers said authorities did not allow Shia prayers. Shia prisoners were permitted to join prayer services led by Sunni imams. Some prisons, such as the Women's Prison in Omdurman, had dedicated areas for Christian observance. Christian clergy held services in prisons, but access was irregular, according to SCOC and Roman Catholic clergy.

Members of minority religious groups continued to express concerns regarding the education system, which lacked sufficient non-Muslim teachers to teach courses on Christianity and textbooks that promoted religious diversity. Although the law does not require non-Muslims to attend Islamic education classes, some schools did not excuse non-Muslim students from these classes. Some private schools, including Christian schools, received government-provided teachers to teach Islamic subjects, but non-Muslim students were not required to attend those classes. Most Christian students attended religious education classes at their churches based on the availability of volunteer teachers from their church communities.

On December 30, the Islamic Edict Council of the MRA prohibited the use of sixth-grade history textbooks because the books contained content that countered Islamic doctrine. Clerics also argued the newly proposed curriculum glorified Western history.

Local parishioners continued to state that compared with Islamic institutions, Christian places of worship were disproportionately affected by unclear zoning laws.

According to CSW, the Governor of Gezira State authorized the construction of four church buildings on empty land, three for SCOC and one for an evangelical church. This was the first time land had been granted to Christians since 2005.

The CLTG granted Christian churches or their humanitarian institutions tax-exempt status, which the Bashir government had only granted to Islamic relief agencies. Christian churches reported authorities no longer required them to pay or negotiate taxes on items such as vehicles. Church officials said the CLTG also dramatically eased restrictions. The CLTG increased the number of visas and resident permits it granted foreign Christian missionaries.

In July, Minister of Justice Naserdeen Abdulbari said the MAA was necessary to guarantee freedoms outlined in the 2019 constitutional declaration. He said the Ministry of Justice had abolished the death penalty for apostasy because it threatened social peace by putting people's lives in danger, and that the new criminal law required prosecutors to protect the lives of those accused of apostasy.

In September, MRA Minister Mufreh said the 2019 constitutional declaration granted religious groups the right to worship as long as their practices did not infringe on others' rights or instigate religious strife.

The MRA Minister hosted roundtables with religious leaders and civil society throughout the year on coexistence and tolerance. In October, the Minister hosted an event on religious freedom and coexistence entitled, "A Sudan for All." PM Hamdok provided opening remarks and stated religious freedom "is the root of all human freedoms."

In May, during Juba Peace Talks between the CLTG and the SPLM-N, both sides agreed to create an independent religious freedom commission to work through religious freedom issues from the previous regime.

Section III. Status of Societal Respect for Religious Freedom

On December 28, 2019, unknown assailants burned a Sudan Interior (Baptist denomination) church, Catholic church, and Orthodox church in Blue Nile State,

according to international media. The government said a suspect was arrested and released due to lack of evidence.

CSW reported that on November 29, the trial of nine defendants accused of setting fire to a church in Omdurman began. The case continued at year's end.

According to Radio Dabanga, unknown individuals burned down an SCOC church in Omdurman on February 29 and another in Bout Village, Blue Nile State, on March 9.

In March, CSW reported that unknown individuals attacked an SCOC church in Jabarona near Khartoum four times between December 18, 2019, and January 29. Church leaders said they also received threats from individuals characterized as Muslim extremists living in the area. They said one threat stated, "If the government gives you permission to build a church here, they'd better be prepared to collect your dead bodies." Church leaders reported the incidents and threats to police. In March, MRA Minister Mufreh appointed commissioners to investigate the incidents. CSW reported that on August 14, unknown individuals set fire to a temporary straw church the congregation had built. SCOC members said one person was arrested in connection with the August incident, while perpetrators of the previous incidents remained at large.

According to *Morning Star News*, on October 6, three Christians were beaten by three Muslim men who said they were upset with the continued presence of Christians in the Alsamrab neighborhood of Khartoum North. The beatings were reported to police; media reported the victims were pressured to drop the case.

During the year, some Muslim clerics made anti-Semitic statements in response to reports that the government began exploring the normalization of relations with Israel. On February 5, in an interview with Tayba TV, Islamic scholar Abd al-Hayy Yousuf said he opposed the government's policy. Al-Hayy said, "The Jews, according to the Quran, are the slayers of the prophets. They are the shedders of blood... It was the Jews who tried, three times, to kill the Prophet Muhammad." Al-Hayy said, "We know that the Jews raise their children on the hatred of Muslims and on the killing of the Arabs."

The Middle East Media Research Institute reported that on March 1, Imam Abdallah Hassan Jiballah posted a video on the internet in which he said, "The Jews are the slayers of the prophets. They are shedders of blood who disbelieved prophets, and Allah detailed many more of their characteristics. Therefore, hatred

and hostility towards them is part of our faith.” He said, “If there is something [in a treaty] that negates the faith of a Muslim, yet he still normalizes relations with them, this is *haram*. Such normalization is forbidden by sharia law.”

In October, Unity International hosted a two-day International Religious Freedom Roundtable attended by Sovereign Council member Raja Nicola, religious leaders, and civil society members. The attendees signed a declaration on religious freedom.

Section IV. U.S. Government Policy and Engagement

Embassy staff met regularly with government officials and urged officials from the Foreign Ministry to rescind blasphemy and apostasy laws hindering religious freedom. In addition, embassy officials encouraged the government to develop an inclusive education curriculum and abstain from confiscating church property, establishing government appointed church committees, and restricting visas for foreign missionaries. To highlight efforts to address governmental interference in the internal affairs of religious groups, on January 8-10, the U.S Special Envoy for Sudan, the Charge d’Affaires, and PM Hamdok visited Kauda, a town located in South Kordofan State that was controlled by the rebel SPLM-N. During the visit, the U.S. Special Envoy and the Charge d’Affaires spoke with PM Hamdok about the separation of religion and state in an effort to broker peace in the rebel-held area.

Throughout the year, embassy officials engaged with religious leaders and civil society organizations to discuss legislation enacted under the CTLG and seek their views on actions needed to expand religious freedom. In meetings, embassy officials stressed the importance of identifying measures to collectively advance religious tolerance among the various religious groups. The Charge and embassy officials attended civil society and MRA hosted roundtables in October.

U.S. government officials, including the Secretary of State, utilized social media outlets to applaud the government’s actions to repeal laws hindering religious freedom and to create an inclusive society.

On December 2, in accordance with the International Religious Freedom Act of 1998, as amended, the Secretary of State removed Sudan from the Special Watch List, determining that it no longer engaged in or tolerated “severe violations of religious freedom.” Sudan had previously been designated as a Country of

Particular Concern from 1999 to 2018 and was moved to the Special Watch List in 2019.