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BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR International Religious Freedom Report 2010 November 17, 2010

The interim national constitution (INC) provides for freedom of religion throughout the entire country. The INC enshrines Shari'a (Islamic law) as a source of legislation in the North, however, and the official laws and policies of the Government of National Unity (GNU) favor Islam in the North. The constitution of Southern Sudan provides for freedom of religion in the South, and other laws and policies of the Government of Southern Sudan (GoSS) contributed to the generally free practice of religion.

The GNU generally did not vigorously enforce its strictest restrictions on religious freedom; it generally respected religious institutions but did not respect religious plurality in the North. The GoSS generally respected religious freedom in the 10 states of the South. There was no change in the status of respect for religious freedom by either the GNU or the GoSS during the reporting period.

There were some reports in the North of societal abuses and discrimination based on religious affiliation, belief, or practice, and religious prejudices remained prevalent throughout the country. In the South there were no reports of societal abuses of religious freedom or discrimination against individuals on the basis of their religious affiliation, belief, or practice, and prominent societal leaders took positive steps to promote religious freedom.

The U.S. government discusses religious freedom with government officials, religious leaders, scholars, nongovernmental organizations (NGOs), and journalists as part of its overall policy to promote human rights and better understand the state of religious freedom in the country. Since 1999 the U.S. secretary of state has designated Sudan a Country of Particular Concern annually under the International Religious Freedom Act for particularly severe violations of religious freedom. The most recent redesignation occurred on January 16, 2009.

Section I. Religious Demography

The country has an area of 967,500 square miles and a population of 41million. An estimated four-fifths of the population live in the 15 states of the North and are generally from Arabic-speaking Semitic groups. The remaining one-fifth lives in the South and is mostly Nilotic.

An estimated 60 percent of the population is Muslim. Islam is the predominant religion in the North. Almost all Muslims are Sunni, although there are significant distinctions between followers of different Sunni traditions, particularly among Sufi brotherhoods. In addition there are small Muslim minorities, including Shi'a and the Republican Brothers, based predominantly in Khartoum.

Christians constitute an estimated 5 percent of the population; they are concentrated in the South and the Nuba Mountains. Approximately 25 percent of the population practices a mixture of either Christianity or Islam in tandem with indigenous beliefs. Khartoum has a significant Christian population, in part because of migration during the long civil war. The Roman Catholic Church of Sudan and the Episcopal Churches of Sudan estimate they have six million and five million baptized followers, respectively, although active churchgoers are far fewer.

There are very small but long-established groups of Orthodox Christians in Khartoum and other Northern 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 Christian groups with smaller followings include the Africa Inland Church, Armenian (Apostolic) Church, Sudan Church of Christ, Sudan Interior Church, Jehovah's Witnesses, Sudan Pentecostal Church, Sudan Evangelical Presbyterian Church (in the North), Presbyterian Church of the Sudan (in the South), and the Seventh-day Adventist Church of Sudan.

An estimated 10 percent of the population holds African traditional religious beliefs, which are prevalent in rural areas throughout the country.

Religion plays a prominent role in the complex system of political alliances. Northern Muslims have dominated the political and economic system since independence in 1956. After the April 2010 election, the GNU appointed both Muslims and Christians to prominent executive positions. There are prominent Coptic politicians within the national assembly, Khartoum city government, and Khartoum state assembly.

The dominant political power, the National Congress Party (NCP), draws its support from mainly Arab Muslims in the North. Northern opposition parties draw their support from various Sufi brotherhoods: the Umma Party is closely connected with Arab followers of the Ansar sect. and the Democratic Unionist Party with the Khatmia sect. Opposition

parties also typically include non-Arab Muslims from the North, East, and Darfur regions.

The Sudan People's Liberation Movement (SPLM), the dominant political power in the South, draws its support from Southern Christians but regularly engages with Muslim opposition parties and rebel groups in Darfur and the East. The SPLM claims to aspire to lead a secular state, where all religious faiths are practiced and given full freedom.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The INC provides for freedom of religion throughout the entire country, but disparities in the legal treatment of religious minorities exist between the North and South. The INC preserves Islamic law as a source of legislation in the North. The constitution of Southern Sudan provides for freedom of religion, and other laws and policies of the GoSS contributed to the generally free practice of religion. However, some judges in the South reportedly continued to follow Islamic law legal procedures. The INC and the GoSS constitution both deny recognition to any political party that discriminates on the basis of religion. There are no legal remedies to address constitutional violations of religious freedom by governmental or private actors.

Although there is no penalty for converting from another religion to Islam, converting from Islam to another religion was punishable by imprisonment and even death in the North; however, the GNU has never carried out a death sentence for apostasy. Under Islamic law a Muslim man may marry a non-Muslim, but a Muslim woman cannot marry a non-Muslim unless he converts to Islam. This prohibition, however, was not observed or enforced universally in the South or among the Nubians. Authorities in the North occasionally subjected converts to intense scrutiny, ostracism, or intimidation, or encouraged them to leave the country.

Blasphemy and defaming Islam were punishable by imprisonment in the North, although these restrictions were rarely enforced. In the South there are no penalties for apostasy, blasphemy, or defaming religion, and proselytizing is common.

The GNU has codified limited aspects of Shari'a into criminal and civil laws, with penalties dependent on the religion of the accused. For instance, the distribution of alcohol to Muslims is punishable by 40 lashes for a Muslim; for a Christian, distribution of alcohol to Muslims may carry the same punishment. However, Christians typically were not punished for producing or consuming alcohol within their homes. For Coptics the Minister of Justice approved a set of Coptic laws for its members in the North, provided by the Coptic Church in Cairo; therefore, all legal proceedings related to Coptics, including alcohol related issues, were transferred to church officials for judgment.

There is an official body of 40 ulema (religious scholars), known as the Majma'a al-Fiqh al-Islami, who are appointed by the president to four-year renewable terms. This body advises the GNU and issues fatwas (Islamic rulings) on matters including levying customs on the importation of religious materials and paying interest on loans for public infrastructure. However, this body's opinions were not legally binding and shared the public space with many other ulema representing other religious and political viewpoints.

The GNU supported Islam by providing funds for mosque construction throughout the North. The GNU also exerted influence over the established Muslim hierarchy by retaining the right to appoint and dismiss imams in most mosques in the North. Reportedly, imams found to be espousing "takfir" (accusing others of apostasy) ideology, violent ideology, or inciting hatred will be censured by the government.

Article 25 of the 1992 Prisons and Treatment of Prisoners Law states that the minister of justice can release any prisoner who memorizes the Qur'an during his prison term, in conjunction with a recommendation for parole from the prison director-general and a religious committee that consults with the national Ministry of Guidance and Social Endowments to ensure that Islamic law regulations are upheld. This law may encourage non-Muslims to convert to Islam to take advantage of the parole option.

The labor law provides for reduced working hours during the Muslim holy month of Ramadan, when most Muslims are fasting, but does not provide for similar treatment for Christians during their holidays.

The GNU observes the following religious holidays as national holidays: the Birth of the Prophet Muhammad, Coptic Easter, Israa Wal Mi'Raaj, Eid al-Fitr, Eid al-Adha, Islamic New Year, and Christmas. The GoSS observes traditional Christian holidays and some Islamic holy days.

The law required religious groups to register with the GNU as NGOs, although this requirement was not enforced. Religious organizations must register as nongovernmental, nonprofit organizations to claim exemption from taxes and import duties. All religious groups must obtain permits from the national Ministry of Guidance and Social Endowments, the state ministry of construction and planning, and the local planning office before constructing new houses of worship. The national ministry reportedly assisted both mosques and churches in obtaining duty-free permits to import at no charge furniture and religious items for their houses of worship.

Shari'a apostasy penalties within the legal code and the 1962 Missionary Act limited Christian missionary activities in the North. The GNU customarily delayed for long periods the issuance of visas to foreigners affiliated with international faith-based organizations. The GoSS did not restrict the presence of foreign missionaries and does not require them to register.

Under the state-mandated curriculum, all schools in the North—including private schools operated by Christian groups—are required to teach Islamic education classes from preschool through the second year of university. All classes must be taught in Arabic, although English may be taught as a foreign language. Public schools were required to provide religious

instruction to non-Muslims, but some public schools excused non-Muslims from Islamic education classes. Private schools must hire a special teacher for teaching Islamic education, even in Christian schools.

National government offices and businesses in the North follow the Islamic workweek, with Friday as a day of prayer. Employers are required by law to give their Christian employees two hours before 10 a.m. on Sunday for religious purposes. In practice many employers did not comply, and there was no legal remedy. Public schools are in session on Sunday, and Christian students were not excused from classes. Instead, most Christians worship on Friday, Saturday, or Sunday evening.

GoSS offices and businesses in the South follow the Monday-through-Friday workweek, with Sunday as a day of religious observance. Employers in the South generally did not give their Muslim employees two hours on Friday for religious purposes as required by national law. Schools in the South were in session on Friday, and Muslim students were not excused from class.

The Commission for the Rights of Non-Muslims in the National Capital provided a forum for dialogue on religious freedom matters. The commission provided a mechanism to address issues such as those involving non-Muslims arrested for violating Islamic law by advocating on behalf of non-Muslims with law enforcement agencies. It also issued regular reports and recommendations to the government.

Restrictions on Religious Freedom

The GNU generally did not vigorously enforce its strictest restrictions on religious freedom; it generally respected religious institutions but did not respect religious plurality in the North. The GoSS generally respected religious freedom in the 10 states of the South. There was no change in the status of respect for religious freedom by either the GNU or the GoSS during the reporting period.

The GNU restricted foreigners from entering the country expressly for Christian missionary work, but it permitted foreign Christian leaders to enter in support of their local congregations. Foreign Christian religious workers, including priests and teachers, experienced lengthy delays in obtaining visas. Several U.S.-based Christian aid organizations maintained large operations throughout the North. The national Ministry of Guidance and Social Endowments stated that missionaries were allowed to engage in humanitarian activities and promote Muslim-Christian cooperation but were not permitted to proselytize within Northern Sudan.

Overwhelmingly Muslim in composition, the ruling NCP favored members of its political and tribal clique. Opposition political parties, often composed of adherents of various Sufi sects and non-Arab Northern Muslims, were systematically excluded from the political process and national policymaking. Although the INC and the GoSS constitution specifically prohibit discrimination based on religion for candidates for the national civil service, the selection process favored party members and friends of the NCP.

Christian leaders acknowledged that they usually refrained from preaching on political or other sensitive topics. Some Muslim imams avoided political topics in their preaching as well. The GoSS did not appear to monitor religious activities at mosques or churches in the South.

Anti-Semitic rhetoric was common in both the official media and statements by NCP officials in the North but not in the South.

Many Southern Christians living in the North were economic migrants and were subject to social, educational, and job discrimination. Christian leaders cited educational requirements as exacerbating problems in the relationship between the Muslim majority and the Christian minority and as further marginalizing the place of Christianity in Northern society.

Abuses of Religious Freedom

On September 7, 2009, a court found Lubna Hussein guilty of immoral or indecent dress. Hussein was sentenced to either pay a fine or serve one month in jail. She was released on September 8 when the fine was paid on her behalf. Hussein's appeal of the conviction was pending at the end of 2009. On September 18, 2009, Hussein left the country; at the end of the reporting period, she had not returned to face charges.

In August 2009 Southern Kordofan police arrested three men, including one Popular Defense Forces commander, for their alleged role in attacks on Episcopal and Catholic churches in Southern Kordofan. The men were subsequently charged with criminal mischief under the 1992 criminal code. As of October 2009, a reconciliation mechanism was underway to address the underlying causes of the conflicts and redress the victims. Reportedly, a judge was to make a final decision on the case on June 1, 2010, but the hearing was postponed.

On November 18, 2009, police reportedly arrested 16-year-old Silva Kashif for indecent dress; she was wearing a skirt. Authorities lashed Kashif 50 times.

The ongoing conflicts in Darfur do not center on religious differences, but rather on political and economic marginalization.

Forced Religious Conversion

There were no reports of forced religious conversion. However, there was considerable social pressure and economic inducements on non-Muslims in the North to convert to Islam.

Improvements and Positive Developments in Respect for Religious Freedom

The Commission for the Rights of Non-Muslims in the National Capital, the national Ministry of Guidance and Social Endowments, and the Interreligious Council sponsored various fora to promote Muslim-Christian cooperation and national unity during the reporting period.

Section III. Status of Societal Respect for Religious Freedom

There were some reports of societal abuses and discrimination based on religious affiliation, belief, or practice in the North, and religious prejudices remained prevalent. Muslims in the North who expressed an interest in Christianity or converted to Christianity faced severe social pressure to recant. In the South there were no reports of religious freedom violations by societal actors, and prominent societal leaders took positive steps to promote religious freedom. At most ceremonial public events in the South, leaders from all major religious groups were present.

Some universities in the North continued to pressure women to wear headscarves to classes, although social pressure for women to wear headscarves in public in the North decreased overall.

Section IV. U.S. Government Policy

The U.S. government encouraged respect for religious freedom in its discussions with the GNU and urged it to fulfill the promise of religious freedom made in the Comprehensive Peace Agreement and the INC. The U.S. government made clear that respect for religious freedom is crucial to improved relations between the two countries.

U.S. embassy officials met regularly with leaders from Muslim and Christian groups in Khartoum, Juba, and elsewhere, noting the importance of religious tolerance and the extent of U.S. interest and concern. Embassy and consulate officials also regularly met with religious leaders, NGOs, and journalists to gather their perspectives on the state of religious freedom.

Since 1999 the U.S. secretary of state has designated Sudan a Country of Particular Concern annually under the International Religious Freedom Act (IRFA) for particularly severe violations of religious freedom. The most recent redesignation occurred on January 16, 2009. The secretary of state, under the IRFA, designated the use of the voice and vote of the U.S to oppose any loan or other use of funds from international financial institutions to or for the country. This is in accordance with 1621 of the International Financial Institutions Act, pursuant to section 402(c)(5) of the same act.

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