

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	255
Land:	Sudan
Kilde:	United States Department of State
Titel:	2011 Report on International Religious Freedom – Sudan
Udgivet:	30. juli 2012
Optaget på baggrundsmaterialet:	30. august 2012

Title	2011 Report on International Religious Freedom - Sudan
Publisher	United States Department of State
Country	Sudan
Publication Date	30 July 2012
Cite as	United States Department of State, <i>2011 Report on International Religious Freedom - Sudan</i> , 30 July 2012, available at: http://www.unhcr.org/refworld/docid/5021058287.html [accessed 21 August 2012]
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2011 Report on International Religious Freedom - Sudan

Bureau of Democracy, Human Rights, and Labor
July 30, 2012

[Covers calendar year from 1 January 2011 to 31 December 2011]

Executive Summary

The interim constitution and other laws and policies provide for some religious freedom; however, apostasy, conversion to a religion other than Islam, blasphemy, and some interfaith marriages are prohibited. The Interim National Constitution (INC) enshrines 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 government did not demonstrate a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom. During fighting in South Kordofan, government forces shelled churches and mosques, asserting that rebels sought refuge in those locations. There were also arrests and detentions of religious figures, including a case of torture. The July separation of South Sudan vastly reduced the presence of Christians in all levels of the government, which resulted in decreased overt governmental support for Christians.

There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice, and religious prejudices remained prevalent throughout the country. Christian and some non-mainstream Islamic groups attributed many of the cases of religious intolerance to social anger about the July separation of the largely Christian South Sudan. In addition, religious observers asserted that Salafists were growing as a

proportion of the total Muslim population and that this growth was creating new sources of conflict with Christians and non-Salafist Muslims.

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 made in the Comprehensive Peace Agreement and the INC. The U.S. government made clear that respect for religious freedom was crucial to improved relations between the two countries. The U.S. government also discussed religious freedom with religious leaders, scholars, nongovernmental organizations (NGOs), and journalists as part of its overall policy to promote human rights and religious freedom.

Since 1999 the secretary of state has designated Sudan a Country of Particular Concern (CPC) under the International Religious Freedom Act (IRFA) for having engaged in or tolerated particularly severe violations of religious freedom. The most recent redesignation as a CPC occurred on August 18. As a consequence of this redesignation, the secretary of state ordered a restriction on making certain appropriated funds available for assistance to the government of Sudan.

Section I. Religious Demography

The Ministry of Information stated that 96.7 percent of the population is Muslim. Almost all Muslims in the country 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 Shia and the Republican Brothers, based predominantly in Khartoum. There is a growing percentage of citizens who are embracing Salafist-inspired Islam.

The Ministry of Information stated that Christians constitute an estimated 3 percent of the population. Christians primarily reside in Khartoum, the north, and the Nuba Mountains. It is unclear if the ministry's numbers count residents of Southern Sudanese origin whose citizenship status remained under review during the year. Khartoum has a significant Christian population, in part because of the migration of individuals from what is now South Sudan during the long civil war. This number is diminishing, however, with the separation of the South and the repatriation 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 Christian groups with smaller followings 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, and Roman Catholic Church, as well as Anglicans/Episcopalians and Jehovah's Witnesses.

The Ministry of Information stated that 0.3 percent of the population practices African traditional religious beliefs. Some Christians and Muslims also mix traditional beliefs in their religious practices.

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; however, apostasy, conversion to a religion other than Islam, blasphemy, and some interfaith marriages are prohibited. 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. There are no legal remedies to address constitutional violations of religious freedom by governmental or private actors.

The government announced that a new constitutional drafting process would draw heavily from Islamic law, but government officials stated that minority religions would be protected. The government generally respected religious institutions, but did not always actively protect the rights of religious groups against societal abuse.

Although there is no penalty for converting from another religion to Islam, converting from Islam to another religion is punishable under the law by imprisonment or death. A person convicted of conversion is given the opportunity to recant his or her conversion before capital punishment is carried out.

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

The law does not explicitly ban proselytism, although most Christian groups refrain from public proselytizing. Non-Muslim groups acknowledge that they could potentially face apostasy charges if they proselytize Muslims due to the vague wording of the apostasy law.

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

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." Authorities applied these laws more frequently against women than men, and the law was applied to both Muslims and non-Muslims. The law is vague, granting the special Public Order Police and judges wide latitude in arresting and passing sentence on accused offenders.

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 Ministry of Guidance and Social Endowments to ensure that Islamic legal regulations are upheld.

The government has codified limited aspects of Islamic law into criminal and civil laws, with penalties dependent on the religion of the accused. For example, the distribution of alcohol to Muslims is punishable by 40 lashes for a Muslim; for a non-Coptic Christian, distribution of alcohol to Muslims carries the same punishment. However, Christians typically were not punished for producing or consuming alcohol within their homes. For Copts, the minister of justice approved a set of laws for the church's members, provided by the Coptic Church in Cairo; therefore, all legal proceedings related to Copts, including alcohol-related issues, were transferred to church officials for judgment.

The Majma'a al-Fiqh al-Islami, an official body of 40 ulema (religious scholars) who are appointed by the president to four-year renewable terms, advises the government. It also 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 are not legally binding and share the public space with many other ulema representing other religious and political viewpoints.

The government supported Islam by providing funds for mosque construction throughout the country. The government 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 takfiri ideology (a form of Salafism, which includes branding anyone who does not follow their interpretation of Islam as a kafir, i.e., an apostate), violent ideology, or inciting hatred were censured by the government, either by the minister of guidance and endowments or by security services. There were no reports that any imams were imprisoned for violent rhetoric during the year.

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

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-level ministry of construction and planning, and the local planning office before constructing new houses of worship. The national ministry reportedly assists both mosques and churches to obtain duty-free permits to import furniture and religious items for their houses of worship at no charge.

The government often refused or delayed visas to foreigners affiliated with international faith-based organizations.

Under the state-mandated curriculum, all schools – including private schools operated by Christian groups – are required to teach Islamic education classes from preschool through the second year of university. Public schools are required to provide religious instruction to non-Muslims, but some public schools excuse non-Muslims from Islamic education classes. Private schools must hire a special teacher to teach Islamic subjects, even in Christian schools.

National government offices and businesses 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 activity. Christian employees are excused from work on Christian holidays.

The interim constitution specifically prohibits discrimination against candidates for the national civil service based on religion.

The Commission for the Rights of Non-Muslims in Khartoum provides a forum for dialogue on religious freedom matters. The commission provides 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 issues regular reports and recommendations to the government. The government-affiliated Sudan Inter-Religious Council also seeks to broker interfaith dialogue.

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 during the year.

During the fighting in Southern Kordofan, from June through year's end, the military shelled or otherwise attacked Catholic and Anglican churches and mosques in Kadugli, asserting that rebels and rebel sympathizers sought refuge in the locations.

On June 7 the military and police attacked a church sheltering more than 100 individuals seeking refuge from fighting. Government forces looted the building, but the United Nations reported no civilian injuries.

On June 6 the Anglican Church and the offices of the Sudan Clerics Association in Kadugli were looted and vandalized during fighting between military and rebel forces.

On May 9 agents from the National Security Intelligence and Security Service arrested Hawa Abdalla Muhammad Saleh in the Abu Shouk camp for internally displaced persons in Al-Fashir, the capital of North Darfur state. Saleh was not officially charged but was accused of possessing and distributing Bibles to displaced citizens within the camp. Saleh is an avowed Muslim and it appeared likely that the intelligence service knew there was no basis for the Bible distribution charge. She previously had been detained and tortured for six days in 2009 stemming from her human rights activism, not her religious practice. Saleh fled the country after her release.

There were reports of arrests and detentions of religious figures. On June 9 military intelligence detained Abraham Lual, a Roman Catholic priest in Kadugli, Southern Kordofan, on allegations that he supported Sudan People's Liberation Movement/Northern Sector (SPLM/N) rebels in their fight against the government. Military intelligence held the priest for three days and tortured him while in he was in detention.

On July 29 police in South Khartoum arrested 150 men, women, and children, most of Hausa ethnicity, on allegations of apostasy stemming from their interpretation of Islamic prayer. Authorities quickly released the women, children, and elderly, while 129 men remained in custody for all three crimes until arraignment on September 19. A judge freed all but four of the defendants on their own recognizance after they repented for incorrectly practicing Islam. On September 22 the judge ordered the release of all the defendants after a religious examination and instruction from the progovernmental Sudan Panel of Scholars on proper religious practice. Despite the possibility of a death sentence penalty for apostasy, the government has never carried out a death sentence in such a case.

The separation of South Sudan changed the religious balance of the country as the predominantly Christian south separated. The first government formed after the secession of South Sudan included only one Coptic deputy minister, a sharp decline from

the pre-separation Government of National Unity. However, there were prominent Coptic Christian politicians within the national assembly, Khartoum city government, and Khartoum state assembly. A Copt was named vice-chairman of the newly appointed Human Rights Commission. Christians from other denominations were rare in government positions.

The government did not implement a broad policy targeting religious minorities during the year, nor did it attempt to change laws restricting religious freedom. However, government figures continued to use Islamic rhetoric in support of official policies, and talked about the Islamic nature of the country despite the presence of religious minorities. Fighting that erupted in Southern Kordofan and Blue Nile during the year led to multiple reports of abuse of religious freedoms, although the government asserted that it was targeting rebels and not persons of any particular religious faith. Rebel forces in Southern Kordofan and Blue Nile were made up of both Muslim and Christian combatants. The fighting in Southern Kordofan did not center on religious differences, but rather on political and economic marginalization.

On multiple occasions during the year, President Omar Al-Bashir and other senior figures alluded to the Islamic identity of the country, underlining that the separation of South Sudan further entrenched the country's Muslim characteristics.

No one was charged with converting from Islam to another religion during the year. Although the legal framework allows for capital punishment for conversion from Islam, there have been no recent cases of such a penalty being carried out.

Authorities occasionally subjected South Sudanese converts to Islam to intense scrutiny, ostracism, or intimidation, or encouraged them to leave the country.

While blasphemy and defaming Islam are punishable by imprisonment, these restrictions were rarely enforced.

Christian prisoners were usually allowed to pray while in prison but were not afforded regular access to clergy and formal services.

Christian groups reported that the government often delayed the granting of permission to build churches and asserted that permission to build mosques was not subject to similar delays.

There were reports that government security services closely monitored mosques for antigovernment statements and for encouraging what authorities deemed religious

extremism. The government maintained the right to appoint and dismiss imams in most mosques.

As with all press in the country, the government maintained the right to pre-edit material published by religious institutions.

The national Ministry of Guidance and Social Endowments stated that Christian missionaries were allowed to engage in humanitarian activities and promote Muslim-Christian cooperation. While proselytization is not explicitly prohibited, non-Muslims rarely proselytize due to considerable societal pressures against doing so and worries that those who convert could face apostasy charges.

The government 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.

Although the interim constitution prohibits discrimination against candidates for the national civil service based on religion, non-Muslim individuals reported that they were discriminated against based on their religious affiliation.

The ongoing conflicts in Darfur and Southern Kordofan did not center on religious differences, but rather on political and economic marginalization. Nonetheless, religious and political affiliations were sometimes conflated, particularly in Southern Kordofan and Blue Nile states, where Christians make up a notable portion of the population. There were reports that progovernment militias in Blue Nile and Southern Kordofan used anti-Christian slogans, in addition to anti-southerner and anti-African statements, during fighting with rebels and civilians in Southern Kordofan and Blue Nile.

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 ethnicity and religion are often inextricably linked, it was difficult to categorize many incidents specifically as ethnic or religious intolerance. The separation of the South, which was home to most of the country's Christians, led to instances of social conflict between Sudanese and residents of South Sudanese origin.

Christian leaders acknowledged they usually refrained from preaching on political or other sensitive topics. Some imams avoided political topics in their preaching as well.

On August 30 a group of men wielding sticks disrupted the Sunday mass at Cita Iberel Chapel in Omdurman, stating that the persons of South Sudanese descent praying there had opted for independence and that they should thus leave and not disturb the neighborhood with their prayers. The mob injured one worshiper. Soon thereafter, church authorities contacted the Ministry of Guidance and Endowments, which promised the church police protection. On the following Sunday, the mob returned and police barred the mob from disturbing the ceremony. An employee of the ministry spoke to leaders of the mob and dissuaded them from further action against the church.

On June 28 arsonists attempted to set fire to the Lutheran Evangelical Church in Omdurman. The fire was extinguished before major damage was done. Officials from the Ministry of Guidance and Endowments met with senior figures from a neighboring mosque, who pledged to discipline the alleged arsonists. The government took no further legal action.

There were several instances of inter-Muslim religious tensions as well. For example, on December 6, arsonists, thought to be Salafist Muslims, attempted to dig up burial sites and burn the Sufi tombs of Al-Shaykh al-Arbab and Al-Shaykh al-Muqabli in Al-Aylafun, about 25 miles from Khartoum. During the year, Sufi groups reported that Salafist groups used verbal threats against Sufi religious leaders in Omdurman and Khartoum.

There were no reports of forced religious conversion. However, there was social pressure, along with economic inducements, aimed at non-Muslims to convert to Islam.

The Sudan Inter-Religious Council continued to operate during the year and held several events, especially during Christian and Muslim holy days, to promote religious coexistence and tolerance.

Although the law mandates that Christians be given two hours to pray on Sunday, in practice some employers did not comply, and there was no legal remedy for those who sought it. Public schools were in session on Sundays, and Christian students were not excused from classes. Instead, most Christians chose to worship on Friday, Saturday, or Sunday evening.

Several foreign-based Christian aid organizations maintained operations throughout the country.

Section IV. U.S. Government Policy

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 made in the

Comprehensive Peace Agreement and the INC. The U.S. government made clear that respect for religious freedom was crucial to improved relations between the two countries.

U.S. embassy officials met regularly with leaders from 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. The U.S. government sent a professor from the University of Khartoum's Islamic Studies Department to the United States for an International Visitor's Leadership Program course on religious pluralism between June 18 and July 31.

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