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U.S. DEPARTMENT of STATE

Sudan

International Religious Freedom Report 2004

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The Constitution provides for freedom of religion; however, in practice the Government continues to place many restrictions on non-Muslims, non-Arab Muslims, and Muslims from tribes or sects not affiliated with the ruling party. The Government came into power through a coup in 1989 with a goal of Islamization, and it treats Islam as the state religion, declaring that it must inspire the country's laws, institutions, and policies. The country has been locked in civil war many years. A major step towards peace was achieved with the signing of the three latest Naivasha Protocols on May 26, 2004 and the Nairobi Declaration on June 5; however, a comprehensive peace agreement has not yet been reached in the north-south peace process. The issue of how Islamic law (Shari'a) will be applied throughout the country has been settled by these protocols, but they have not yet been implemented.

In the west in the three Darfur states, a war between government-supported militias drawn from largely pastoralist, Arabized Muslim tribes and largely non-nomadic African Muslims continued throughout the reporting period, resulting in ethnic cleansing and redistribution of African Muslim populations in the region. Many observers believe it is primarily an ethnic and racial conflict rather than a religious one.

There was no significant change in practice concerning the status of respect for religious freedom during the period covered by this report. The Government continued to enforce numerous restrictions against non-Muslims, non-Arab Muslims, and those Muslims not from tribes or sects affiliated with the ruling party. While it remains to be seen what effect the Naivasha Protocols and other agreements will have in practice, these agreements clearly establish the principle of freedom of religion throughout the country and grant specific states (including those covered by the protocols: Southern Kordofan/Nuba Mountains, Abyei, and Upper Blue Nile) powers over judicial and social matters and primary and secondary education to ensure this in practice at the state and local level. Under the agreement, in the capital, non-Muslims may not be subjected to the harsher forms of physical punishments provided for by Shari'a, but may face "remitted penalties."

Relations among religious groups improved somewhat during the period covered by this report. There was increased dialogue among the various religious communities under the auspices of the Sudan Inter-Religious Council (SIRC), a government-supported organization formed in December 2002, and the Sudan Council of Churches (SCC), although confidence among members of different religions is not high.

The U.S. Government continued to promote religious freedom and human rights in the country with the Government and the public throughout the reporting period. The U.S. Government has made it clear to the Government that the problem of religious freedom is a serious impediment to an improvement in the relationship between the two countries. High-level U.S. officials and U.S. Missions to international forums have consistently raised the issue of religious freedom with both the Government and the public. Since 1999, the Secretary of State has designated Sudan a country of particular concern under the International Religious Freedom Act for particularly severe violations of religious freedom.

Section I. Religious Demography

The country has a total area of 1,556,108 square miles, and its population is an estimated 30 million. The country is religiously mixed, although Muslims have dominated national government institutions since independence in 1956. Accurate figures are unavailable due to poor census



data and the last 2 decades of civil war, but most estimates put the Muslim population at approximately 65 percent, including numerous Arab and non-Arab groups; Christians at approximately 10 percent; and traditionalists at 25 percent. Muslims predominate in the north, but there are sizable Christian communities in northern cities, principally in areas where there are large numbers of internally displaced persons (IDPs). It is estimated that over the last 40 years, more than 4 million southerners have fled to the north to escape the war. Most citizens in the south adhere to either Christianity or traditional indigenous religions (animists); however, there are some Muslim adherents as well, particularly along the historical dividing line between Arabs and Nilotic ethnic groups. There are reports that Christianity is growing rapidly in the south, especially in areas outside of government control. There also is evidence that in the south many new converts to Christianity continue to adhere to elements of traditional indigenous practices. Catholics estimate their number at 5 to 7 million; Episcopalians estimate 4 to 5 million followers. There are small but long established populations of Greek Orthodox and Coptic Rite Christians, mainly around Khartoum and northern cities. The once 25,000-strong Greek community has been reduced to approximately 500. The Coptic community estimates its numbers in the past were between 400-500,000, most located throughout the north in Khartoum, North Darfur, and the Nuba Mountains, but many, mainly for economic reasons, have left the country or converted to Islam.

The Muslim population is almost entirely Sunni but is divided into many different groups. The most significant divisions occur along the lines of the Sufi brotherhoods. Two popular brotherhoods, the Ansar and the Khatmia, are associated with the opposition Umma and Democratic Unionist Parties respectively.

The country's religious divergence is aggravated by the perception among southerners and non-Arab Muslims that they are second-class citizens. Northern Arab Muslims have dominated political and economic structures since independence in 1956. Southerners began an armed struggle to protest religious, political, and economic discrimination even before independence. The southern ethnic groups fighting the civil war seek some form of regional self-determination; the south will vote on unity or independence in a referendum in 6 years after a comprehensive peace agreement is implemented, following a pre-transition period of 6 months.

At the end of the period covered by this report, the north-south peace process was entering its final phase and negotiations between the two sides concerned finalization and implementation of the agreements. Shari'a law and its application to non-Muslims in the capital was a contentious issue during the negotiations, but it and the other major issues underlying the north/south conflict have been largely resolved in the agreements. Shari'a generally is to continue to be the basis of the national legal system as it applies in the north; national legislation applicable to the south is to be based on "popular consensus, the values, and the customs of the people." In states or regions where a majority hold different religious or customary beliefs than those on which the legal system is based, the national laws may be amended to accord better with such beliefs. Throughout the country, the application of Shari'a to non-Muslims is to be limited, and courts may not exercise their discretion to impose the harsher physical forms of Shari'a penalties on non-Muslims.

In the west in the three Darfur states, a war between militias drawn from largely pastoralist, Arabized Muslim tribes (government-supported) and largely non-nomadic African Muslims throughout the reporting period, resulting in ethnic cleansing and redistribution of African Muslim populations in the region. Many observers believe it is primarily an ethnic conflict.

Section II. Status of Religious Freedom

Legal/Policy Framework

The Constitution provides for freedom of religion; however, in practice the Government continues to impose many restrictions on non-Muslims, non-Arab Muslims, and those from tribes and sects not affiliated with the ruling party, such as in Darfur and the Nuba Mountains. Although the Government has not interfered with actual worship and does not arrest or detain persons for practicing their religion per se, it treats its form of Islam as the state religion and has declared that Islam must inspire the country's laws, institutions, and policies. The Constitution provides that, "Shari'a and custom are the sources of legislation."

Religious organizations and churches are subject to the same restrictions that are placed on

nonreligious corporations. Religious groups, like all other organizations, are supposed to be registered to be recognized or to assemble legally. However, registration reportedly is no longer necessary; and the churches, including the Catholic Church, have declared they are not nongovernmental organizations (NGOs) and declined to register. Registered religious groups are supposed to be exempt from most taxes, but the churches say they are still subject to taxes and import duties. Applications to build mosques generally are granted in practice; however, the process for applications to build churches is more difficult. The Guidance and Endowment Minister has denied building permits to most non-Muslim religious groups, alleging that local restrictions prohibit building places of worship in residential neighborhoods due to considerations of noise, numbers of worshippers, and other factors. The last permit was issued around 1975.

There have been improvements in relations among the various religious communities under the auspices of SIRC and the SCC, which represents 12 church denominations. The SCC acknowledges an increase in the amount of dialogue but does not believe there has been enough improvement in the nature of the dialogue to change religious relations. The SCC continues to express reservations about SIRC's power to create change. In Nairobi and Juba, southerners have created the New Council of Churches.

In December 2003, the Government invited Franklin Graham, an evangelical preacher, to visit the country. Graham received a warm welcome, and the state TV station covered his visit. Government officials have attended church services on Easter and Christmas to show solidarity and address the non-Muslims, but the Government will not allow Christians to enter mosques during Muslim festivals.

The Government, through the Guidance and Endowment Ministry, claims that it practices religious tolerance. However, non-Muslims, as well as non-Arab Muslims and Muslims from tribes and sects not affiliated with the ruling party, such as in Darfur and the Nuba Mountains, continued to express concern that they are treated as second-class citizens and discriminated against not only in such religious matters as in the issuance of permits for the building of churches, but also with respect to jobs and other societal relations. They noted that a majority of Christians are from tribes in the south, not affiliated with the ruling party, which Christians claim puts them at a disadvantage. Non-Muslims and a large number of Muslims are outspoken about their unease with the general application of Shari'a law to their communities, especially but not limited to non-Muslims.

Restrictions on Religious Freedom

The problems non-Muslims have encountered in obtaining legal permits for new church construction continued. The SIRC reported that the Guidance and Endowment Ministry has new regulations for church construction permits; however, it was unknown how these regulations affected church construction during the reporting period.

While non-Muslims may convert to Islam, the law makes apostasy (conversion from Islam to another religion) punishable by death.

The Government continued to restrict the activities of Christians, followers of traditional indigenous beliefs, and other non-Muslims, although two Jehovah's Witnesses confirmed their increased ability to move around the country and open places of worship without restriction.

The Government restricts at least one Islamic group, Taqfir al-Hijra, which conducted violent acts against other Muslims.

The Government considers itself an Islamic government, and Islamization is an important objective. Muslims may proselytize freely in government-controlled areas. The Government has been less restrictive of Christian groups with an historical presence in the country and also in areas controlled by the Sudan People's Liberation Army (SPLA) in the south.

Missionaries continued to operate in the south, running food relief operations, medical clinics, and churches, with some operations also in government-controlled areas. Christian religious workers, including priests and teachers, like almost all visitors, experience delays in getting visas to visit the country. The visas are generally issued, sometimes after very lengthy delays or

after the person can no longer travel. The Government controls the travel of all visitors to a number of conflict areas by refusing or delaying travel permit issuance.

Religious minority rights are not protected, since the Government treats Islam as the "state" religion with an open policy of Islamization freely promulgated, despite the constitutional provision for freedom of religion.

Despite an official policy of local autonomy and federalism, many non-Muslims, as well as non-Arab Muslims and Muslims from tribes and sects not affiliated with the ruling party, such as in Darfur and the Nuba Mountains, state that they are treated as second-class citizens and discriminated against in government jobs and contracts in the north and government-controlled southern areas. Several thousand experienced workers, who were non-party affiliated Muslims, were replaced at the state-owned Sudan TV station with hard-line party Muslims or friends and relatives of the leadership. It is not clear if this personnel action had a religious aspect or was political in nature, a problem in cases involving Muslim groups not affiliated with the ruling party. Few non-Muslim university graduates are able to find jobs commensurate with their training.

Some non-Muslim businessmen complained of petty harassment and discrimination in awarding of government contracts and trade licenses. There also were reports that some Muslims received preferential treatment regarding limited government services, such as access to medical care, and of preferential treatment in court cases involving Muslim against non-Muslim.

There were reports that some conversions were taking place in order to secure jobs and more equal treatment, especially as to food, housing, and social support services, which are largely available only through Islamic charities.

The Government forbids the use of English as a language of instruction in the public schools, although it permits the teaching of English as a foreign language. Private schools may choose their own teachers, but all courses and curriculum, including those of private Christian schools, from pre-school through university, must follow the State-ordered model. Although public schools may excuse non-Muslims from classes on Islam, without providing those students a Christian teacher for that time, Muslim teachers go to private Christian schools to teach Islam to students there.

The Government monitors some religious and quasi-religious Islamic groups, particularly those that oppose the Government through political platforms or violence against government-affiliated mosques.

Friday is the official day of rest and worship. Sunday is not recognized as the Sabbath for Christians, although employees are ostensibly given 2 hours before 10 a.m. to be used for religious purposes. In practice, for the great majority of non-Muslims, this time is not granted. Employers sometimes prevent Christians in the north from leaving work to worship, and many worship on Friday or Sunday evenings. Public schools are in session on Sunday, and Christian students are not excused from class or from taking exams on Sundays in these schools.

While the Government permits non-Muslims to participate in services in existing, authorized places of worship, it continued to deny permission to construct new churches. The Guidance and Endowment Minister claims his ministry has granted permission for new places of worship, but that the local authorities have denied this permission based on criteria developed for their areas, such as that no similar church may be within a certain radius of the proposed construction and that there be a minimum number of worshippers for that church in the locality.

The problem of building shops in and around a Christian cemetery reportedly was solved when the Governor of Khartoum intervened and prohibited the building of any shops in the area. Owners had apparently attempted to build their shops inside the cemetery fence to avoid paying taxes.

There is a shortage of space within the city, and the cemeteries of Christians and Muslims are becoming more crowded. Christians may be buried in Muslim cemeteries if they are buried in the Muslim manner--without any cross or tomb and with the body positioned with the head facing Mecca.

The Khartoum State government continues the practice of razing the residences and temporary religious buildings constructed by IDPs, although at times the Government has razed the houses and spared makeshift churches. IDPs from the south are generally Christians and practitioners of traditional indigenous religions; IDPs from Darfur are mainly Muslim. While planning continues for procedures to grant the IDPs legal title to land in other parts of the Khartoum area and to move squatters in advance of demolitions, in practice the demolitions have taken place before the moves and the squatters have been forced to live and worship in shanties made from plastic bags and cardboard boxes. The Government has justified these actions on the basis that the squatters do not own the land they are occupying or that they are preventing its rightful use by others.

Islamic family law applies to Muslims and not directly to those of other faiths, to whom religious or tribal laws apply. Certain Islamic legal provisions as interpreted and applied by the Government and many traditional practices discriminate against women. In accordance with Islamic law, a Muslim woman has the right to hold and dispose of her own property without interference, and women are ensured inheritance from their parents. However, a widow inherits one-eighth of her husband's estate; of the remaining seven-eighths, two-thirds goes to the sons and one-third to the daughters. It is much easier for men to initiate legal divorce proceedings than for women. Because under Islamic law, a non-Muslim woman is viewed as taking on the religion of her husband at marriage, a Muslim man may marry a Christian or Jew. The children will be considered Muslim. The same is not true for a Muslim woman, who cannot legally marry a non-Muslim unless he converts to Islam. Since traditionalist marriages are not licensed or recognized as official by the State, this prohibition is usually neither observed nor enforced in areas of the south not under government control or among Nubans (most of whom are Muslims).

Various governmental bodies have decreed that women must dress modestly according to Islamic standards, including wearing a head covering. Christian women are required to cover their heads to have their photo taken for the official identity card. There was an unconfirmed press report in April that police flogged a Christian woman for inappropriate dress (lack of a headscarf and clothing that was too tight); however, in general, police enforcement of such decrees is rare. At times police on university campuses are stricter about women following a dress code, but women are often seen in public wearing trousers or with their heads uncovered. These acts are violations of regulations against indecency, but the Public Order Police generally only issued warnings for improper dress. In 2000, the governor of Khartoum State issued a decree forbidding women from working in businesses that serve the public, such as hotels, restaurants, and gas stations. In 2001, the constitutional court overturned the decree, and women are employed throughout society and work in many service industries, especially restaurants and hotels.

The Government considers abandoned children or those of unknown parentage, regardless of presumed religious origin, to be both citizens and Muslims, and whom may only be adopted by Muslims. Non-Muslims may adopt only non-Muslim children. No equivalent restriction is placed on Muslims adopting orphans or other children. In accordance with Islamic law, children adopted by Muslims do not take their adopted parents' name and are not automatic heirs to the parents' property.

In general, non-Muslims are allowed to worship freely in their places of worship. Although Christians in the north are not generally given time off on Sunday for prayer, in the south Muslims are given a half-day off on Friday. In some parts of the south, the SPLA reportedly has occupied churches, along with other buildings, to use during the conflict. The Catholic Church established the New Sudan Council of Churches in the south, which has different programs from the SCC in Khartoum, such as peace building and conflict resolution.

The Government controls importation of any kind or quantity of religious publications, and local printings require the National Press Council's pre-approval of content. The Government also controls issuance of licenses and charges customs duties for printing presses.

Newspaper suspensions continue, but not specifically for religious reasons as in the period covered by the previous report. For example, any mention of Darfur has been the main excuse for shutting down the press, including the English-language Khartoum Monitor, as well as numerous Arabic papers.

- Islam pervades the educational curriculum and state-controlled television stations.
- In government-controlled TV emphasizes prayers and Islamic programs, the SIRC is planning to increase the current 1-hour weekly program for Christians. In the south, there are nearly three television stations featuring a number of Christian programs.

According to representatives of the Catholic Church, since the current Government took power in 1989, production and consumption of alcohol has been prohibited, and altar wine has not been allowed in any church service.

Abuses of Religious Freedom

Since the north/south civil war resumed in 1983, an estimated 2 million persons have been killed in the violence or have died from the effects of humanitarian needs; approximately 4 million have been displaced internally as a result of fighting between the Government and insurgents in the south. In addition, more than 1 million persons have been internally displaced within Darfur and 200,000 refugees have fled to Chad.

There is a religious aspect to the north/south civil war—the Government is dominated by northern Arab Muslims, while the southern ethnic groups fighting the civil war largely follow traditional indigenous religions or Christianity. The Government declared a "jihad" (Muslim holy war) against the southern rebels. With the peace negotiations that began in June 2002 nearing conclusion, this rhetoric has diminished. The Government continues to insist that Shari'a form the basis of a unified state, while southerners insist on secular law. Discussions and seminars on Shari'a are numerous, and opinions vary about the extent of Islamization required and how strict or liberal Arab Islam should be vis-à-vis other religions and ethnicities.

Security forces hold wide authority and monitor both churches and mosques. Security and police forces have not detained persons because of practicing their religious beliefs and have not interfered with actual religious worship, which are not illegal activities. Christian women are still arrested for making and distributing homemade brews, but the Government claims the arrests are made only because alcohol is illegal and violates criminal law. There have been complaints about the public order police (religious police) jumping walls and entering non-Muslim houses to check for alcohol. These police have been known to harass non-Arab Muslims, as well. The public order police have the security forces' support but have been less invasive than in previous years. One Pentecostal minister, an advisor to the Guidance and Endowment Minister, said he raised these issues with the Government's Human Rights Advisory Council and the Interior Ministry, but they both support the police. Since these actions have been more against dark non-Arabs, regardless of religion, there is concern among southerners about how they will be treated under a unity government after a comprehensive peace agreement is signed and implemented.

In 2002, police arrested approximately 50 members of a radical Muslim group who considered anyone outside their group to be infidels and subject to punishment. Some members of the group were alleged to have blown up a mosque in Khartoum during Ramadan, killing worshippers. All the followers except those suspected of actually being involved in the bombing were released after lengthy dialogue with Islamic scholars.

The Government officially exempts the 10 southern states, in which the population is mostly non-Muslim, from Hudud law—the part of Shari'a which permits physical punishments, including flogging, amputation, and stoning. In the last year, there were a number of sentences of flogging and cross-amputation, but few were carried out. However, in Darfur, these sentences are given to non-Muslims as well as Muslims. According to officials, under Hudud there must be four witnesses to adultery. In a recent case, a Christian girl in Darfur became pregnant and was sentenced to flogging; the Muslim man allegedly involved in the incident was acquitted of any wrongdoing. Fear of imposition of Shari'a outside Khartoum on non-Muslims and African Muslims is one of the factors that has fueled support for the civil war.

- In 2002, the Episcopal Church reported that armed police, without warning, forced the church staff from a church guesthouse. The eviction order arose from a dispute over land owned by the former bishop, dismissed from the church in 2003, who was the Episcopal Archbishop and purported to sell the property. The Church filed a lawsuit for eviction and to reconcile the land ownership problem.

Local officials in Renk demolished an Episcopal school located in the path of a new highway. The SIRC worked with local officials and the Episcopal Church to reach an agreement whereby the local officials agreed to provide the church with new land and some funds to compensate for the building. However, the church noted that in February and March, security forces disrupted work on the new school and there had been no further compensation.

Forced Religious Conversion

Although some non-Muslims have converted under pressure to obtain or keep a job, for promotions and job advancement, or for other social services or benefits, there was no evidence of such forced conversions in the period covered by this report. However, some church leaders say that security forces in the south, in an attempt to garner votes for the referendum on north-south unity scheduled to be held 6 years after the peace agreement is signed, are rewarding persons for converting to Islam and that the Government's military forces are forcing some conversions to Islam. Abandoned children taken off the streets are considered to be Muslim regardless of their origin, but the Government does not view this assumption of religion as forced conversion. Some Christians report pressure on their children in school as the teachers and other parents ask them why they are not Muslims. Teachers and media characterize non-Muslims as non-believers. In the south, non-Muslim widows whose husbands were killed in the war receive no benefits, while Muslim widows may qualify for land and government benefits or for assistance from Islamic charities; some women are believed to have converted to be eligible for such private or governmental assistance.

There were no reports of the forced religious conversion of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

Abuses by Terrorist Organizations

There were no reported abuses targeted at specific religions by terrorist organizations during the period covered by this report.

Section III. Societal Attitudes

There continued to be improved dialogue and interaction between Muslims and Christians through SIRC, although feelings of mistrust and lack of confidence remained among non-Muslims. Different religious groups also conduct dialogue through the SCC. There were several conferences on religion hosted by international NGOs that resulted in spirited discussion but reached no consensus, particularly on the interpretation and application of Shari'a law and its prescribed Hudud punishments.

Catholic Church officials continued to have doubts about working with the SIRC because they believe it is totally government-controlled, it does not represent grassroots communities, and its board is made up of selected Muslim clergy and SCC staff who make all the decisions.

Section IV. U.S. Government Policy

The U.S. Government continued to encourage respect for religious freedom. The U.S. Embassy has made it clear to the Government that improving relations among the many religions, recognizing traditions and education, allowing free movement and entry visas for visiting religious teachers and clerics, not prohibiting printing of religious materials, and promoting and supporting religious freedom through actions as well as words will help to develop a more positive relationship between the two countries. Since 1999, the Secretary of State has designated Sudan as a country of particular concern under the International Religious Freedom Act for particularly severe violations of religious freedom.

The Charge met on a regular basis with leaders from many Muslim sects and Christian groups in Khartoum and on trips outside the capital, noting the importance of religious tolerance and the extent of U.S. interest and concern. U.S. Embassy officers consistently raised religious freedom issues at all levels of government and discussed possible benchmarks the U.S. Government could use to judge improvement of human rights for eventual relaxing or lifting of economic sanctions. Particular concerns included permits to build new churches, visas and travel permits,

and religious publications. In March, the Director of the U.S. State Department's Office of International Religious Freedom met with government and religious leaders in Khartoum to discuss the status of religious freedom in the country.

U.S. diplomatic efforts to bring about peace have continued to focus on promoting religious dialogue through the SIRC and SCC, and the Embassy has promoted relationships with religious leaders from both Muslim and Christian traditions. Public diplomacy outreach has included several programs discussing religious freedom.

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