

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	418
Land:	Sudan
Kilde:	US Commission on International Religious Freedom (USCIRF)
Titel:	Report on freedom of religion and belief based on visit to Khartoum and North Darfur in May 2018.
Udgivet:	Juni 2018
Optaget på baggrundsmaterialet:	25. september 2018



UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

COUNTRY UPDATE: SUDAN

June 2018

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*To elevate and promote
international religious
freedom as a norm
and practice.*

Insights from USCIRF's Visit to Khartoum and North Darfur States

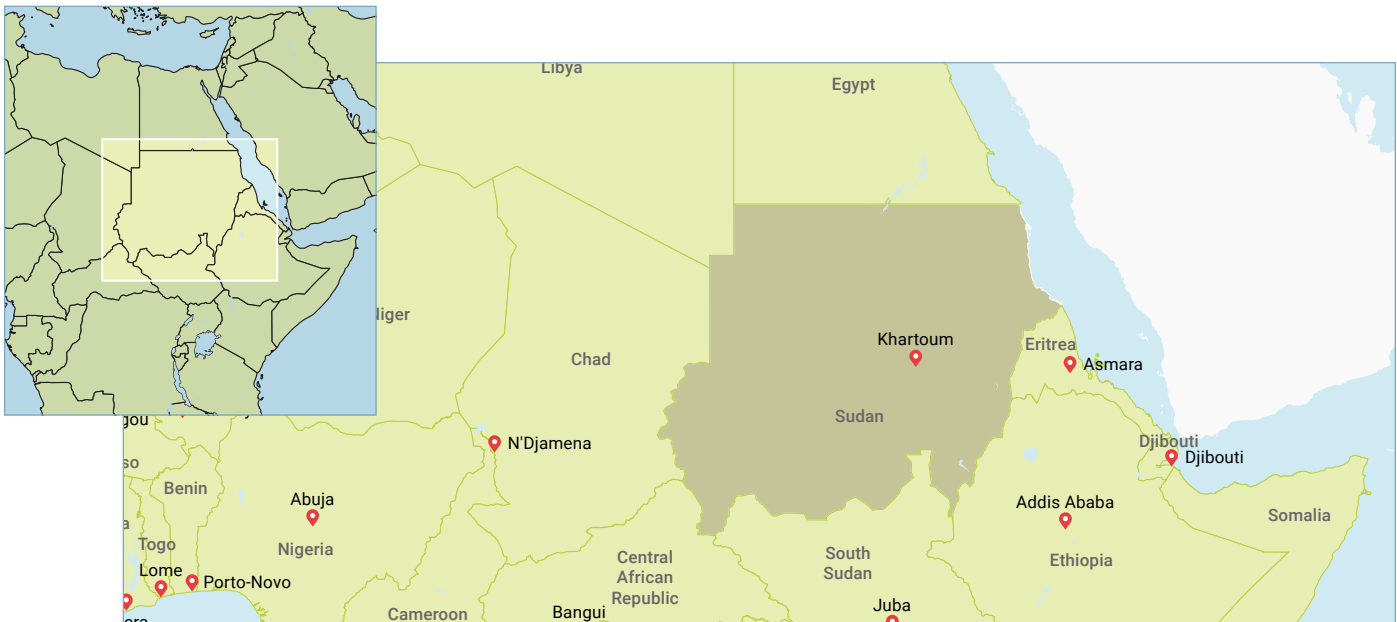
By Ferdaouis Bagga, Policy Analyst

Overview

Since the lifting of select sanctions on Sudan in October 2017, the U.S. government has increased its attention to religious freedom concerns in its bilateral relationship with the Sudanese government; the year ahead could be critical for progress. A complex tension remains, however, between traditional and state-sponsored religious ideology and the movement for improving religious freedom and related human rights. In Sudan, expressing beliefs that differ from or challenge the government's political and religious authority remains a highly risky act. Students can be expelled or arrested for talking about their differing religious beliefs or engaging in political activities. Muslims who seek to advance progressive values around women's rights may be monitored and harassed. Christian denominations continue to find their property rights infringed and leadership positions challenged or removed. Human rights defenders or journalists who attempt to address religious issues face censorship, intimidation, arrest, and detention. Nevertheless, many individuals and groups continue to take serious risks in working for change and equal rights in their country.

A delegation of the U.S. Commission on International Religious Freedom (USCIRF) visited Khartoum and North Darfur states in May 2018 to learn about specific violations and barriers to religious freedom perpetrated both by state and non-state actors. The USCIRF delegation met with a wide range of interlocutors, including Sudanese government officials, members of civil society, women's rights activists, human rights defenders, religious leaders, representatives of religious minority communities, and journalists, among others. This report highlights information provided to USCIRF in four significant areas:

1. the supremacy of the government's interpretation of Islam;
2. state enforcement of its interpretation of Islam resulting in the violation of women's rights;
3. oppression of Christians and other minority religious and non-religious persons; and
4. censorship of religious freedom concerns.



Supremacy of State Interpretation of Islam

USCIRF met with several religious leaders, including members of the Fiqh Council, which utilizes multiple Islamic schools of thought to issue rulings on Islamic law. Yet no Shi'a Muslim scholar is on the council. Authorities in the Fiqh Council, Ministry of Guidance and Endowments, and Supreme Islamic Council were often resistant to what they view as practices of “the West” that are incompatible with their predominantly Muslim society—even as such practices may relate to international human rights standards.

Civil society largely considers legislative reform a top priority for advancing religious freedom in Sudan. Article 126 of the criminal code outlaws apostasy, which is defined as propagating for the renunciation of Islam or the declaration of renouncing Islam “by an express statement or conclusive act.” USCIRF heard from multiple individuals who have been accused of apostasy under this law.

Public order laws, which are contained in section 15 of the 1991 criminal code as well as local or state laws, are based on the government’s interpretation of Sunni Islam and effectively enforce religious principles on all citizens. These laws contain prohibitions on activities such as adultery, the consumption and possession of alcohol and *shisha* (a water pipe used for smoking flavored tobacco), prostitution, defamation, separation of men and women

in certain public spaces, as well as obscene dress and indecent and immoral acts. Public order police (also referred to as morality police) sometimes take bribes or arrest and bring cases before public order courts, which can then impose sentences of imprisonment, flogging, and a wide range of fines. Human rights groups have thoroughly reported on the impacts of public order laws and how they are broad enough to become a tool for discrimination against individuals based on gender and ethnicity. During USCIRF’s visit, various authorities denied that the laws discriminate. One government official affirmed the purpose of public order laws is to keep order in line with the religious identity of the population and Islamic principles—and they are not just relevant for Muslims. He went on to say that these laws help keep women’s practices in accordance with Islam.

At the same time, many Sudanese citizens disagree with the government’s interpretation of Islam in some areas. If they discuss non-mainstream views, people may be publicly insulted and discriminated against, accused derogatorily of being Shi’a, arrested and detained for long periods of time without charge, or accused of apostasy. Schools may teach students that these differing views are destructive or *kafir*. Many people fear being monitored and punished for any criticism of the government’s enforcement and interpretation of religion.



(L) USCIRF stands in front of a former Sudan Evangelical Presbyterian Church (SPEC) church demolished in February 2018, where a new wall was erected along the perimeter of the property. (R) Remainder of a wall inside the destroyed SPEC church.

State Interpretation of Islam and Violations of Women's Rights

During its visit, USCIRF met with more than 35 Sudanese women, the Fiqh Council, the Ministry of Guidance and Endowments, and other male religious authorities, and gained more insight into the dominance of men in decision making in communities and the Islamic legal system. This contributes to a disproportionate and negative impact on women of all religions or beliefs. According to some Muslim women, no problem exists within the religious texts, but rather, with the interpretation and customs emanating from the patriarchal political system, which distort Islam and often conflict with the Qur'an.

Nevertheless, Sudan does have strong female representation in the parliament—having achieved a 30 percent proportion of seats. At the state level, women are turning their attention to addressing the gender gap in localities. Many of these legislators have been essential to the social movements to end child marriage and female genital mutilation in the country. By contrast, a lack of female inclusion and leadership is notable in religious scholarship and decision making.

Women are particularly impacted by public order laws and societal restrictions based on religion which impede their freedom to manifest their own beliefs. Women are expected to adhere to the decisions and expectations of male members of their families and communities, such as in cases of marriage and dress. Muslim women may not marry a non-Muslim man, but a Muslim man can marry a non-Muslim woman. During USCIRF's visit, male religious authorities described how these laws help

protect their mothers and sisters, and argued it is rare that one would find a woman indecently dressed in the street. Yet women are regularly arrested for indecent dress, often at the discretion of male police officers.

Child marriage is still legal and common in Sudan: if a male guardian and court agree, a girl could be married as young as 10 years old. For many, this is a practice supported by Islam, while for others it is a justification that religious leaders and judges can impose marriage on a child who is not yet able to make her own decisions. During USCIRF's visit, government officials appeared to be broadly against child marriage. Dialogue and debate are taking place, and for some the question is whether a person is an adult at 17 or 18. More education and attention to the issue of child marriage is still needed, as some officials were unaware that child marriage was still legal.

A recent child marriage case repeatedly highlighted to USCIRF is that of Noura Hussein, recently convicted in the murder of her husband to whom she was forcibly married at age 16. She stabbed her husband in self-defense when facing another attempt at marital rape, and after other experiences of abuse by the husband and family members. Some interlocutors seemed hopeful for a lesser verdict—*diyya* (blood money)—rather than the death penalty. But a week after USCIRF's visit, the court sentenced her to death by hanging. Her legal team is in the process of appealing the sentence, and her story has motivated international outcry, including a [European Parliament resolution](#) on the case.

Sudan has made significant progress in the eradication of female genital mutilation, and four states have adopted laws against the practice. Yet it persists as citizens endure social pressure to refrain from reporting on neighbors out of respect and cultural norms. Furthermore, the practice offers financial benefits for the practitioners; so many cases in both rural and urban areas go unaddressed. Supporters have typically used religion, tradition, and health to justify the practice. According to interlocutors, a group of religious individuals has even launched a counter-attack targeting campaigns to eradicate female genital mutilation.

Oppression of Christians and Other Religious and Non-Religious Minorities

Minority religious communities, including Christians and non-Sunni Muslims, face unique discrimination in Sudan. Seizure and demolition of churches continues to be a key religious freedom issue, and some view the demolitions as part of a systemic campaign against Evangelical churches. Government authorities tolerate proselytization by certain Muslim preachers, but not all, and it is prohibited for Christians. Christians repeatedly reported the inability to obtain permits to build churches or to obtain papers to validate their ownership of existing churches. Internal church conflicts have also contributed to property disputes, where some pastors claim the government is supporting opposition church leaders to falsely represent the church and sell their property.

Various ethnic groups, many who are Christian or follow a combination of Christian and other beliefs, are doubly marginalized and degraded, in comparison to white Arab and foreign Christians. These include Nuba and Fulani, as well as displaced persons from Eritrea and South Sudan. Eritreans were described as the “minority of the minority.”

USCIRF visited several churches, including one belonging to the Sudan Presbyterian Evangelical Church (SPEC) that was fully demolished on February 11, 2018. This is the most recent SPEC church destroyed. Church leaders still had an active appeal against the decision when public order police seized money and belongings from the church and destroyed the building. Church officials stated that the man who claims ownership of the property was working with the government, and he now has possession of the seized belongings as well. SPEC members said that their court sessions to reclaim their lost property have been repeatedly postponed.

Sudanese officials stated that demolitions occurred when properties did not comply with new zoning regulations, and some officials promised compensation for churches. They said that mosques, too, were impacted, with different officials citing that either 11 or 45 had been demolished. One official provided USCIRF with a document containing photos of six destroyed buildings as evidence.

At the site of the Soba Al Aradi church, which had been destroyed in May 2017, Sudanese Church of Christ (SCOC) members relayed the heartbreak in the community at the time of the attack. There was a collective response from both Christian and Muslim neighbors who ran out, many crying, to try and protect the church and block the demolition. Authorities allegedly arrived with 13 police on motorbikes to secure the site and begin demolition; however, they left midway because of the community’s response. Church members pointed out the nearest mosque to the site, which was built around a year before, while the SCOC church was built in 1986. They were not given any compensation for their church nor provided a new location by the government.

Christian leaders continue to be arrested and detained without charge on a regular basis. Pastors informed USCIRF that even when they have success in civil court cases, there is no change, and the decisions are ignored. Christian clergy are often prosecuted under articles 182 and 183 for “criminal mischief” and “criminal trespass” respectively, when they are found to be preaching, proselytizing, or protesting or criticizing government actions. Most of the persecution is felt at the hands of state authorities, but pastors also cited societal discrimination. Some Muslim clerics were said to speak hatefully about Christians during Friday sermons or around Christmas time.

Defenders of religious freedom have also been targeted and harassed by government authorities. One human rights lawyer, Mohaned Mustafa Elnour Ahmed, who helped start a wave of Muslims defending non-Muslims and taking their cases to court, was repeatedly harassed. Over the past decade security forces have reportedly broken into his office and home at least five times and once arrested his wife. In 2017 security forces again broke into his family’s home and stole personal belongings—including his children’s toys. Most recently, in April 2018, authorities destroyed his home. Ahmed had ongoing cases against the National Intelligence and Security Service (NISS), including a general who had



SCOC members show USCIRF the interior of their partially-destroyed church in Soba Al Aradi. One wall has been reconstructed in a makeshift manner, and members still worship there. When authorities came to demolish the church, Christian and Muslim neighbors ran out to protest and attempted to block the demolition.

allegedly tortured Christians. He and his family finally fled from Sudan in fear for their lives, but now dread the repercussions that other human rights defenders remaining in Sudan may face in continuing their work.

Non-Sunni Muslims, including Shi'a Muslims, Quranists (Muslims who believe solely in the teaching and authority of the Qur'an), or the Sudanese Republican Movement, also constitute minorities. Government authorities initially denied any Shi'a Muslims are living in Sudan, emphasizing homogeneity—"we are all Sunni and Sufi"—and added that, in any case, all Shi'a Muslims support Iran. USCIRF met with representatives of the Shi'a community, who have faced both societal and official discrimination. Their members have been accused of apostasy and denied public places of worship. They may be confronted for having books about Shiism and have received personal threats. They noted that in the religious social hierarchy in Sudan, Shi'a Muslims have no place in society. The Sudanese Republican Brothers and Sisters, too, have faced significant oppression. This religious group has attempted to register as a political party and has tried to push boundaries on issues such as personal status laws and women's equality in Islam.

Sudanese people who are non-religious are similarly at risk of societal and state violations. One case repeatedly raised was that of Mohamed Salih, who attempted to change his identification card from saying "Muslim" to "non-religious" in May 2017. As an acceptable justification also used in other apostasy cases, Salih was declared mentally unfit to stand trial. He also attempted to challenge article 126 in the Sudanese Constitutional Court, to no avail.

Censorship of Religious Freedom Concerns

During its visit, USCIRF heard the views of more than a dozen journalists who agreed that in Sudan, one cannot cross the "red lines" in news coverage. Such red lines include writing pieces that are critical of the government, of church demolitions, and the experiences of Shi'a Muslims, among other things. A key barrier to monitoring and reporting on religious freedom issues in Sudan is basic access to information. Members of the media shared their challenges with authorities' obstructions, including confiscating or withholding documents. Several journalists had either been detained or interrogated in the past.

Traditional media outlets do not feel free to report on issues around public order laws or human rights and religious freedom issues. They regularly and systematically face intimidation by the NISS that may seize printed newspapers to prevent their dissemination, and arrest and detain journalists. Security forces are also known to warn journalists directly against covering certain issues, such as the current conflicts, or cash and fuel crises.

In keeping behind these red lines, journalists practice self-censorship or turn to social media and international outlets. A new law under consideration, however, would add restrictions to online media and social media groups.

Conflict, Youth, and Vulnerability

According to the United Nations Office for the Coordination of Humanitarian Affairs, in Darfur 3.14 million people are in need of humanitarian assistance and 1.6 million internally displaced persons (IDP) reside in 60 camps. In North Darfur State there are an estimated 480,828 IDPs. USCIRF visited the Zamzam camp in the desert of North Darfur, where some IDPs have lived for over a decade. The community is almost entirely Muslim except for reportedly one Christian family. Camp residents expressed concern over the mistreatment of non-Muslims around Sudan, including the targeting of churches. They shared the magnitude of their suffering in Zamzam, their fear of returning home amid the ongoing conflict, and the threat of armed groups. Food insecurity is the top concern, and according to camp representatives the World Food Program recently reduced food rations to cover only about a third of the camp population. The U.S. Agency for International Development (USAID)—the largest contributor to emergency food assistance in Sudan—significantly reduced its contributions in fiscal year 2018. Children at the camp lack adequate education, support their families through difficult physical labor and fetching water from long distances, and are vulnerable to being recruited into armed forces. Security services have reportedly bribed individuals to recruit youth and bring them out of the camp. Camp residents said they

ultimately receive no support from the government; support is all from international donors. One resident referenced a Qur’anic verse about providing food to people in need as an illustration of how the Sudanese government is not following its own religion’s guidance.

Children are not only at risk of being recruited or conscripted into armed forces from IDP camps but may also be recruited from *khalawa* or religious schools that exist across the country. Sudanese citizens explained how some of these boarding schools prey on the vulnerability of the poor who send their children to the schools that serve as a tool of the Sudanese government to cultivate supporters as well as gain new recruits for various war fronts. The schools are criticized as providing vastly inadequate education, forcing children to work, and inflicting other forms of child abuse on the young students. Students are sometimes taught intolerant views that disrupt their relationships with their families. For example, children may be taught not to eat with their parents if their parents do not pray five times a day, or that their mother is not a good Muslim if she is not veiled. Some civil society members said this is a key area in need of further research, particularly to determine how these schools could contribute to violent extremism. Some interlocutors were concerned that extremism and terrorism could soon be a real threat in Sudan.



USCIRF delegation visiting the Mahmoud Mohamed Taha Cultural Center with members of the Republican Brothers.

Conclusion

Several interlocutors emphatically informed USCIRF that there is no religious freedom in Sudan, and that what is imposed presently does not represent “true Islam.” It remains the selective religious interpretation of government authorities. Sudanese religious communities, lawyers, journalists, and non-governmental organizations are bravely fighting for human rights on a daily basis, but they need greater international support. Engagement by Sudanese authorities during USCIRF’s visit was encouraging, but also comes in the midst of bilateral negotiations aiming at the removal of Sudan from the U.S. list of designated State Sponsors of Terrorism. As the United States works to improve relations with Sudan, improvements for religious freedom remain a difficult yet essential goal. Since 2015, the United States has proffered a Religious Freedom Action Plan with recommended reforms to the Sudanese government. Such reforms include ceasing discriminatory practices against non-

Muslims and enhancing compliance with international human rights standards. Yet Sudan has not committed to begin reforms. Sudanese officials informed USCIRF they were open to engaging with the United States and might respond to the Action Plan, or present their own, by the end of the year. Given the current U.S. administration’s heightened focus on international religious freedom, how well Sudan responds and addresses proposed reforms in the year ahead could significantly influence progress in the ongoing bilateral negotiations.



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