

# SUDAN 2021 INTERNATIONAL RELIGIOUS FREEDOM REPORT

## Executive Summary

The country's civilian-led transitional government, installed in August 2019, was led until October 25, 2021, by Prime Minister Abdalla Hamdok, who headed the Council of Ministers. On October 25, Sovereign Council Chair and head of the Sudanese Armed Forces (SAF) General Abdel Fattah al-Burhan dissolved the cabinet, declared a State of Emergency, and detained Prime Minister Hamdok, along with other senior government officials. On November 21, Prime Minister Hamdok's dismissal was reversed, and at year's end he was attempting to forge a political consensus that would allow the naming of a new government. As of year's end, the country remained under a State of Emergency, without a Council of Ministers. An undersecretary named by Prime Minister Hamdok on December 2 was charged with running the Ministry of Religious Affairs (MRA), with its activities severely limited.

The constitutional declaration signed in August 2019 includes several provisions protecting the right to freedom of religious belief and worship "in accordance with the requirements of the law and public order." Unlike the former constitution, it makes no reference to sharia as a source of law, although the clause restricting the death penalty permits its imposition as sharia-sanctioned (*hudud*) punishment for certain crimes. Laws promulgated under the former constitution remained in effect while the civilian-led transitional government (CLTG) worked to amend or abolish those laws and pass new legislation within the framework of the constitutional declaration. The Miscellaneous Amendments (Fundamental Rights and Freedoms) Act of 2020 (MAA) repealed the law criminalizing apostasy, although some criminal laws and practices established by the previous government led by Omar al-Bashir remained in effect, including those dealing with blasphemy. Those criminal laws and practices were based on that government's interpretation of a sharia system of jurisprudence, which human rights groups stated did not provide protections for some religious minorities, including minority Muslim groups. In March, General al-Burhan and the rebel group Sudan People's Liberation Movement-North (SPLM-N), active in the Blue Nile and South Kordofan States and led by Abdul Aziz al-Hilu, signed a declaration of principles agreement that outlined priorities for restarting peace talks. The declaration prioritized unification of the armed forces and the separation of religion and state, a key demand of the SPLM-N. On February 19, General Intelligence Services (GIS) officers reportedly detained the president of a Christian youth organization in Wad Madani in Gezira State. Local parishioners continued to state that compared with Islamic

institutions, Christian places of worship were disproportionately affected by unclear zoning laws. According to Muslim religious leaders, the CLTG discontinued the practice of security forces monitoring imams' sermons. Members of minority religious groups continued to express concerns regarding the education system, which lacked sufficient teachers equipped to teach courses on Christianity and textbooks that promoted religious diversity. On January 7, Prime Minister Hamdok, following criticism from Muslim clerics, instructed the National Center for Curricula and Educational Research in Khartoum to stop work on developing new school curricula, and established a committee that included religious leaders to review the education program.

Media reported a Sudanese Church of Christ (SCOC) church located in Jabarona near Khartoum that was attacked four times between December 2019 and January 2021, was rebuilt during the year. Church leaders stated that during the period of reconstruction, they received threats from individuals whom they characterized as Muslim extremists living in the area. On July 2, five armed men reportedly attacked an advisor to the MRA in Khartoum, threatening to kill him if he continued to publicly press the government to return church properties confiscated during the Bashir regime. On January 3, a youth set fire to an SCOC church in Tamboul, Gezira State. During the year, Shia *housseiniyas* (places of worship) remained closed, but followers of Shia Islam continued to enter Sunni mosques to pray.

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

## **Section I. Religious Demography**

The U.S. government estimates the total population at 46.8 million (midyear 2021). 2020 Pew Research Center data estimates that 91 percent of the population is Muslim, 5.4 percent Christian, 2.8 percent follow folk religions, and the remainder follow other religions or are unaffiliated. Some religious advocacy groups estimate non-Muslims make up more than 13 percent of the population. The

Office of the UN High Commissioner for Refugees reports 1,141,313 refugees and asylum seekers in the country as of year's end, including 801,014 South Sudanese refugees.

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

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

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

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

## **Section II. Status of Government Respect for Religious Freedom**

### **Legal Framework**

The 2019 constitutional declaration includes provisions regarding freedom of belief and worship. As stipulated in the constitutional declaration, existing laws and institutions governing religion remain in effect while the current government works to amend and restructure them. While the previous constitution stated all national legislation should be based on sharia, the constitutional declaration makes

no reference to sharia, although the clause restricting the death penalty permits its imposition as sharia-sanctioned (hudud) punishment for certain crimes.

The constitutional declaration also has provisions for access to education regardless of religion. It requires that political parties be open to citizens of all religions, and ensures all “ethnic and cultural” groups have the right to “exercise their beliefs” and “observe their religions or customs” “in accordance with the requirements of the law and public order.”

Abuses of freedom of religion are often addressed in lower courts but may, in theory, be appealed to the Constitutional Court. As of the end of the year, however, the Constitutional Court had not been established.

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

Members of the Fiqh Council serve four-year renewable terms. In the past, the council advised the government and issued fatwas on religious matters, including the levy of customs duties on the importation of religious materials, payment of interest on loans for public infrastructure, and determination of government-allotted annual leave for Islamic holidays. The council’s opinions are not legally binding. Muslim religious scholars may present differing religious and political viewpoints in public. The scope of the Fiqh Council mandate was unclear under the CLTG and remained so following the military takeover.

In July 2020, the CLTG ratified the MAA, rescinding a provision of a 1991 law that criminalized and imposed the death penalty for apostasy (conversion from Islam to another faith). The MAA replaced the apostasy provision with an article criminalizing *takfir* (the act of declaring someone a *kafir*, or nonbeliever). Those charged with *takfir* face imprisonment not to exceed 10 years, a fine, or both.

The criminal code's section on "religious offenses" criminalizes various acts committed against any religion. These include insulting religion; blasphemy; questioning or criticizing the Quran, the *Sahaba* (the Companions of the Prophet), or the wives of the Prophet; disturbing places of worship; and trespassing upon places of burial. In July 2020, the CLTG removed flogging as a punishment for blasphemy. The criminal code states, "Whoever insults any religion, their rights or beliefs or sanctifications, or seeks to excite feelings of contempt and disrespect against the believers thereof" shall be punished with up to one year in prison and/or a fine. The article includes provisions that prescribe penalties of up to five years' imprisonment, a fine, or both for anyone who curses the Prophet Muhammad, his wives, or members of his respective households.

In July 2020, the CLTG repealed a provision of law under which individuals could be arrested for indecent dress and other offenses deemed injurious to honor, reputation, and public morality. The MAA also removed penalties for anyone who imported or distributed alcohol to any individual, regardless of religion.

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

Under the law, the Minister of Justice may release any prisoner who memorizes the Quran during his or her prison term. The release requires a recommendation for parole from the prison's director general, a religious committee composed of the Sudan Scholars Organization, and members of the Fiqh Council, which consults with the MRA to ensure decisions comply with Islamic jurisprudence.

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

To gain official recognition by the government, religious groups are required to register at the state level with the MRA. The MRA determines, along with the state-level entities responsible for land grants and planning, whether to provide authorization or permits to build new houses of worship, taking into account

zoning concerns such as the distance between religious institutions and population density. The allocation of land to religious entities is determined at the state level.

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

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

The state-mandated education curriculum requires that all students receive religious instruction from elementary school to secondary school. The curriculum further mandates that all schools, including international schools and private schools operated by Christian groups, provide Islamic education classes to Muslim students from preschool through the second year of university. The law does not require non-Muslims to attend Islamic education classes, and it mandates that public schools provide Christian students with other religious instruction if there are at least 15 Christian students in a class, although the government does not always provide sufficient resources for carrying out this provision, or sufficient resources for hiring the requisite number of teachers overall. According to the Ministry of Education, following the separation of South Sudan in 2011, this number was not reached in most schools. Non-Muslim students therefore normally attend religious study classes of their own religion outside of regular school hours to fulfill the religious instruction requirement. The Ministry of Education is responsible for determining the religious education curriculum. According to the ministry, the Islamic curriculum must follow the Sunni tradition.

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

There are separate family courts for Muslims and non-Muslims to address personal status issues such as marriage, divorce, and child custody, according to their

religion. By law, in custody dispute cases where one parent is Muslim and the other is Christian, courts grant custody to the Muslim parent if there is any concern that the non-Muslim parent would raise the child in a religion other than Islam.

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

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

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

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

### **Government Practices**

The country's civilian-led transitional government, installed in August 2019, was led until October 25, 2021, by Prime Minister Hamdok, who headed the Council of Ministers. On October 25, General al-Burhan dissolved the cabinet, declared a State of Emergency, and detained Prime Minister Hamdok, along with other senior government officials. On November 21, Prime Minister Hamdok's dismissal was reversed, and at year's end, he was attempting to forge a political consensus that would allow the naming of a new government. As of year's end, the country remained under a State of Emergency, without a Council of Ministers, with the state led by military authorities and a number of civilians appointed by Prime Minister Hamdok following his restoration.

After the military takeover in October, authorities dismissed the Minister of Religious Affairs. On December 2, Prime Minister Hamdok named new undersecretaries at 20 ministries, including the MRA, and charged them with leading those institutions. MRA activities were limited in the wake of the political crisis that ensued following the military takeover.

International media reported that in March, Sovereign Council Chair al-Burhan and SPLM-N leader al-Hilu signed a declaration of principles agreement that outlined priorities of the peace talks. The agreement prioritized unification of the armed forces and the separation of religion and state, the latter a key demand of the SPLM-N. In September 2020, al-Hilu and Prime Minister Hamdok had also signed a declaration of principles that included the separation of religion and state. Media outlets reported that the peace talks were ongoing in June, but that they stalled prior to the military takeover in October. As of year's end, al-Hilu and the Sudan Liberation Movement's Abdel Wahid al-Nur remained non-signatories to the Juba Peace Agreement and expressed their opposition to the military government.

Some criminal laws and practices continued to be based on the Bashir government's interpretation of a sharia system of jurisprudence, which human rights groups stated did not provide protections for some religious minorities, including minority Muslim groups.

According to the religious freedom advocacy NGO CSW, on February 19, General Intelligence Services (GIS) officers detained Osama Saeed Musa Kodi, the president of a Christian youth organization, in Wad Madani, Gezira State. They reportedly told Saeed Christianity was evil and accused him of trying to "brainwash" local residents. They ordered Saeed, a member of the Episcopal Church of Sudan, to stop criticizing officials in Gezira for not allowing the reconstruction of a SCOC church that arsonists burned in January and warned he could be killed if he continued. According to CSW, Saeed sustained injuries while in custody.

According to CSW, on December 27, members of the government-appointed church committee of the SPEC changed the locks to the church in Kosti, White Nile State. CSW stated that this prevented access by the "properly-constituted committee." According to CSW, on November 15, an administrative court judge dismissed the case the SPEC had filed to remove the government-appointed church committee. The SPEC stated it had hoped the ruling would implement the 2015 Court of Appeals decision that the government erred by giving administrative control of SPEC churches to government-appointed committees. In 2020 the MRA abolished the government-appointed committees imposed on churches under the Bashir government. However, some continued to operate at year's end. Despite the 2015 court ruling, the government had not officially recognized the committee led by SPEC leader Rafat Obid as the legitimate body to administrate on behalf of the church. CSW reported that in response to an accusation by a member of the



government-appointed church committee, authorities arrested Obid and charged him with “impersonating others” under Article 113 of the Criminal Act. They released him on bail on June 28.

The government did not report the result of investigations into incidents in which government forces under former President Bashir allegedly attacked protesters outside mosques during antigovernment protests that took place from December 2018 to April 2019, or whether such investigations continued as of year’s end.

During the year, the Gezira State general prosecutor charged Nada Hamad Koko and Hamoda Teya Kaffi with adultery. In 2018 Kaffi converted to Christianity, after which the court granted a divorce decree from his wife Koko and annulled the marriage, as the law prohibited a Muslim woman from being married to a non-Muslim man. Koko also converted to Christianity in 2020, and the couple reunited in 2021. Koko’s family then filed the criminal case against the couple. The prosecutor did not recognize Koko’s conversion to Christianity, and at year’s end the couple was still awaiting trial.

Christians reported being subject to punishment for selling alcohol, despite amendments to the law that exempt non-Muslims from the prohibition except in cases where Muslims were supplied alcohol. Police reportedly continued to arrest individuals selling alcohol (mostly women) and punishments usually took the form of a fine, or limited prison time if the original fine went unpaid. Punishments varied based on the location of the arrest and the judge's discretion.

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

According to the SCOC, government officials in Gezira State in December 2020 allocated vacant land for the construction of three church buildings, two for SCOC and one for an evangelical Christian church. Church representatives stated, however, that as of year’s end, they had not received deeds to the land. According to the SCOC, this was the first time authorities granted land to Christians since 2005.

According to Muslim religious leaders, the CLTG discontinued the practice of security forces monitoring imams’ sermons, and sermons remained varied and sometimes critical of the CLTG.

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

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

Local media reported that on January 7, the Prime Minister instructed the National Center for Curricula and Educational Research in Khartoum to stop work on developing new school curricula and established a committee that included religious leaders to review the education program. In a press statement, Prime Minister Hamdok said the decision was made because the National Center's curricula proposals were controversial. According to local media, the proposed new textbooks were widely criticized, in particular by Muslim clerics, and Center director Dr. Omal El Garai had received death threats. On January 8, El Gari resigned. In a press statement, he criticized the government for "handing over the revolution to supporters of the former regime, the forces of religious obsession, and blind extremism."

Christian churches continued to report that the CLTG continued to grant churches and their affiliated humanitarian institutions tax-exempt status. The Bashir government had only granted such status to Islamic relief agencies. Leaders of religious institutions said they must formally request permission to import items such as vehicles into the country, but that these items continued to be tax-exempt. While some church officials encountered challenges requesting visas and resident permits for foreign Christian missionaries, the officials stated that the CLTG largely continued to ease restrictions.

In 2020, the CLTG and the SPLM-N agreed to establish an independent religious freedom commission to work through religious freedom issues from the previous regime. As of year's end, the commission had not been created.

According to the Sudan Tribune, on July 16, Khartoum State granted the Orthodox Church in Sudan approval to build a place of worship on land it owns in Omdurman after the urban planning department had denied permission because development on the land was only authorized for residential purposes.

### **Section III. Status of Societal Respect for Religious Freedom**

Individuals from minority religious groups, including Shia and other Muslim minorities, stated they avoided expressing beliefs or discussing religious practices that differed from the Sunni majority. Local media stated they exercised self-censorship to avoid covering religious issues, due to concern about receiving negative reactions or reprisals from the majority Sunni community.

Media reported an SCOC church located in Jabarona near Khartoum was attacked four times between December 2019 and January 2021. The church, which was burned, was rebuilt during the year in the same location. Christian congregants resumed their activities and reported that they did not encounter issues following the reconstruction. Church leaders stated that during the period of reconstruction, they received threats from individuals whom they characterized as Muslim extremists living in the area.

CSW reported that on July 2, five armed men attacked Boutrous Badawi, an advisor to the MRA, in Khartoum while he was on his way home. Badawi reported that one man held a gun to his head and threatened to kill him if he continued to publicly press the government to return church properties confiscated during the Bashir regime, or to speak publicly about issues surrounding the SPEC committees. Badawi reported the attack to the police. CSW further reported that in a second incident on October 27, two persons followed and attacked Badawi.

CSW reported that on January 3, a 13-year-old boy set fire to a church in Tamboul, Gezira State, belonging to the SCOC. According to CSW's sources, an adult had provided the boy with the gasoline used to ignite the fire. Police filed a case against the boy on January 6 but did not charge the adult.

CSW reported that on November 29, 2020 the trial began in the case of nine defendants accused of setting fire to a church in Omdurman. The case was continuing at year's end.

On May 11, the 29th day of Ramadan, members of neighborhood Resistance Committees and grassroots civil society groups led demonstrations to commemorate the June 3, 2019 massacre of prodemocracy protesters. Some demonstrators protested Israeli government actions in Jerusalem and burned an Israeli flag.

Media outlet Sudan *Akhbar* reported that activists organized a demonstration on May 18 in solidarity with the Palestinian cause at Jackson Square in Central Khartoum. Activists denounced what they said was Israeli aggression in the Gaza Strip and the CLTG's steps toward normalizing ties with Israel.

In February, businessman Abu al-Qassem Bortoum hosted an interfaith event to promote religious tolerance, following the signing of the Abraham Accords in January. The event included prominent Muslim, Jewish, Christian, and Hindu participants and attracted international media attention.

On January 6, protestors rallied and burned Israeli flags outside the cabinet offices in Khartoum after the government signed the Abraham Accords, which was seen as a step toward normalizing ties with Israel.

During the year, Shia husseiniyas remained closed, but followers of Shia Islam continued to enter Sunni mosques to pray, hosted informal gatherings in their homes, or used open spaces to worship together.

In August, the NGO Sudanese Human Rights Initiative hosted a two-day workshop for journalists. The Minister of Information and Culture, advisor to the Minister of Religious Affairs, and representatives of the Ministry of Justice attended the seminar to discuss the role media could play in promoting and protecting religious freedom.

Many minority religious groups reported that they experienced delays when trying to register as a religious organization. They reported that the MRA was working with select groups but that smaller groups were still awaiting guidance and updates on their registration applications.

Throughout the year, a private citizen, with permission from the MRA, worked toward restoring the Jewish cemetery in Khartoum.

#### **Section IV. U.S. Government Policy and Engagement**

U.S. embassy officials met regularly with government officials to encourage respect for religious freedom and the protection of minority religious groups. They urged officials from the Ministry of Foreign Affairs to rescind blasphemy laws hindering religious freedom. The Charge d’Affaires encouraged the government to develop an inclusive education curriculum, and to refrain from the former regime’s abuses of religious freedom, which included confiscating and demolishing church property, establishing government-appointed church committees, and restricting visas for foreign missionaries.

Throughout the year, embassy officials engaged with religious leaders, faith-based groups, and civil society organizations, including SPEC, the Sudan Council of Churches, the Evangelical Church of Bahri, and the Catholic Archbishop of Khartoum to discuss legislation enacted under the CTLG and seek their views on actions needed to expand religious freedom. In meetings, embassy officials stressed the importance of identifying measures to collectively advance religious tolerance among the various religious groups.