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Human rights situations that require the Council's attention

Written statement* submitted by the Jubilee Campaign, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 August 2012]

* This written statement is issued, unedited, in the language received from the submitting non-governmental organizations.

Human rights and freedom of religion or belief in Sudan**

Background

The Jubilee Campaign, together with Christian Solidarity Worldwide (CSW), seeks to draw the Human Rights Council's attention to the situation of human rights and freedom of religion or belief (FoRB) in the Republic of the Sudan. The area which now comprises the Republic of Sudan and the Republic of South Sudan has long been riddled with religious and social tensions. While over 90% of northern Sudan identify as Muslim, concentrated Christian communities exist and practice in South Sudan. An issue of particular contention was Northern Sudan's intention to implement Islamic or Sharia law. As highlighted by the United States Commission on International Religious Freedom in May 2011, attempts by the government in northern Sudan "to impose its version of Sharia law and enforce religiously-based morality laws" entailed such negative consequences for religious freedom as "the criminalization of conversion from Islam" (apostasy) and "the denial of the rights of non-Muslims to public religious expression."¹ Division over such issues can be seen as underlying both outbursts of violence and outright civil war between northern and southern Sudan in 1955-1972 and 1983-2005. In a referendum held in July 2011, southern Sudan voted in overwhelmingly in favour of independence. Since then however, concerns remain over the imposition of extremist Islamic laws in northern Sudan. Indeed, with the secession of southern Sudan, it can be argued that the Christians and other religious minorities which remain in northern Sudan find themselves in an increasingly precarious situation.

Worrying developments in the Republic of Sudan

Prior to the Republic of South Sudan gaining independence from its northern neighbor, article 1 of Sudan's constitution defined the state as "multi-religious" and attempted to guarantee the freedoms to worship and assembly for all people regardless of their religious affiliation.² While this freedom may have been inadequately enforced and explicitly violated, at least Sudan's former constitution therefore legally recognized and enshrined the universal human right to religious freedom. However, breaking from this tradition, on 12 October 2011 President Omar Al-Bashir announced that the Republic of Sudan would adopt an entirely Islamic constitution and use Sharia law as the main source of legislation.³ In support of this, Al-Bashir observed that 98% of northern Sudan was now Muslim and claimed that the country's official religion should recognise this fact. While these sentiments may elicit some sympathy, the designation of Sudan as an Islamic country governed chiefly by Sharia law arguably reveals a worrying intention to define the country over-and-against those in areas such as South Kordofan, who do not hold to the government's interpretation of Islam.

Sharia law and its effects

Concerns over the criminalization of apostasy and the erosion of religious freedom in Sudan remain. Although article 126 of the 1991 Sudanese Penal Code prohibits apostasy, arrests for this crime were almost non-existent prior to the referendum of July 2011.

** Christian Solidarity Worldwide, an NGO without consultative status, also shares the views expressed in this statement.

¹ 'Sudan: US Freedoms U.S. Report', <http://ncadc.org.uk/coi/2011/06/sudan-religious-freedoms-u-s-report/>.

² 'Sudan: mounting concerns regarding imminent adoption of entirely Shari'a constitution as pressure on churches intensifies', 18/10/2011, <http://dynamic.csw.org.uk/article.asp?t=press&id=1246>.

³ Ibid.

Following this event however, the number of people charged with apostasy has risen exponentially. In July 2011 alone, over 170 people were arrested in the Republic of Sudan for apostasy, a charge which continues to carry a maximum sentence of the death sentence. A further threat to freedom of religion following South Sudan's independence concerns Sudan's blasphemy laws. These laws have reportedly been used to intimidate those expressing perspectives different from those of the Islamic government. While non-Muslims are allowed to engage in humanitarian activities, as a result of Sudan's blasphemy laws they are forbidden from proselytizing within the country and appear to face unique difficulty in acquiring permission to build places of worship. Moreover, those practicing an unaccepted version of Islam also face discriminatory action. According to the African Centre for Justice and Peace Studies, more than 150 members of the Darfur Hausa ethnic group were arrested on July 29th 2011 for practicing a version of Islam which differed from that of the government.⁴ They were subsequently released, on the condition that they renounce their faith and agree to follow the regime's interpretation of Islam.

Concerns over intimidation and violence

There have also been disturbing reports that Christian communities in Sudan have increasingly become the targets of violence and discrimination. In January 2012, two Catholic priests were kidnapped in the city of Rabak.⁵ Although these men were subsequently released, this case may be seen as paradigmatic of the increased violence which has been directed against Christians since South Sudan's independence. Another way in which this is highlighted is through the plight Christian churches. There have been reports of churches being destroyed, particularly in areas with a high concentration of Christians, such as the Nuba Mountains and South Kordofan. Both the Sudanese Armed Forces (SAF) and the paramilitary Popular Defense Front (PDF) have been accused of targeting Christian pastors and attacking churches in northern Sudan. Recently, these attacks have included the demolition of Saint John Episcopal Parish Church in Haj Yousif and group-violence against two independent churches in the same district.⁶ In the latter case, although Sudanese civilians were responsible for the attacks, the authorities' commitment to preventing this violence is highly debatable, as demonstrated by the police forces' subsequent prevention of members of the church from clearing the damage.⁷ Indeed, police forces in northern Sudan risk can be seen to fundamentally undermine religious freedom through their actions. Last December, three members of the Sudan Church of Christ in Khartoum were detained. Subsequently, they were released after security officers with a warning to cease "Christian activities."⁸ More alarming still, Church groups and other minority groups have reported 'ethnic cleansing' in South Kordofan,⁹ following the large-scale killing of rebels there by Sudanese government forces.¹⁰

⁴ 'Sudan: Why Do People Want Change in Sudan? A Barbaric Penal Code Is One Reason', allAfrica, 16 July 2012, <http://allafrica.com/stories/201207180107.html>.

⁵ 'Sudan: Priests kidnapped as tensions grow', allAfrica, 20 January 2012, <http://allafrica.com/stories/201201231697.html>.

⁶ 'Presbyterian church attacked in Khartoum, Sudan', CSW, 30/04/2012, <http://dynamic.csw.org.uk/article.asp?t=news&id=1222>.

⁷ Ibid.

⁸ 'Sudan's Continuing War on Religious Freedom', World Affairs, <http://50.56.48.50/article/sudans-continuing-war-religious-freedom>.

⁹ 'African Centre for Justice and Peace Studies, "On the Brink Again: Conflict and Ethnic Cleansing in South Kordofan," July 2011, <http://www.scribd.com/doc/60090813/On-the-Brink-Again-Conflict-and-Ethnic-Cleansing-in-South-Kordofan>.

¹⁰ 'South Kordofan unrest: Sudan 'kills hundreds' of rebels', BBC News 1 November 2011, <http://www.bbc.co.uk/news/world-africa-15529551>.

Recommendations to the Human Rights Council

- To urge the Sudanese government to fully investigate violations of religious freedom, including violent attacks, intimidation and the demolition of places of worship.
 - To urge the Sudanese government to ensure that religious freedom for peoples of all religion are properly safeguarded within its constitutional framework.
 - To urge the Sudanese government to end intimidation and harassment in the Nuba Mountains and South Kordofan.
 - To raise serious concerns with the Sudanese government over reports of ethnic cleansing in South Kordofan; to urge the Sudanese government to investigate these allegations.
 - To urge the Sudanese government to ensure freedom of religion to the fullest extent, including the right to change religion.
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