



MUSLIMS FOR  
PROGRESSIVE VALUES

# Muslims for Progressive Values (MPV) 2015 Written Submission for the Universal Periodic Review (UPR) of **Sudan**

## **About MPV**

Based in the United States and founded in 2007, MPV is a faith-based human rights organization with Consultative Status at the UN and advocates for egalitarian expressions of Islam, for women and LGBTI rights, for freedom of expression, and for freedom of and from religion or belief. MPV does this by creating inclusive spaces for religious discourse, the arts, and social activism. MPV also provides advocacy work on a high policy level at the UN in order to promote inclusive and tolerant understandings of Islam based on universal human rights, peace and justice.

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# **Executive Summary:**

Muslims for Progressive Values (MPV) seeks to embody and emulate the traditional Qur'anic ideals of human dignity, egalitarianism, compassion, and social justice. A significant component of MPV's advocacy work includes demonstrating Shari'a's compatibility with international human rights law and using Islamic principles to advocate for universal human rights.

Shari'a is a moral system based on the Qur'an and the authentic sayings and traditions of the Prophet Muhammad. Shari'a Laws, on the other hand, are man-made extrapolations of Shari'a, based on man-made jurisprudence and codified in legislative bodies. They are fallible and changeable.

By using international human rights law, Islamic scripture, and the Interim National Constitution of the Republic of Sudan, this submission will dismantle human rights violations occurring in Sudan. Over the years, Sudan has actively participated in improving the status of human rights by creating legislation and campaigns that condemn human rights violations; however, there is still an alarming rate of violations that are taking place.

In alignment with MPV's area of expertise, this report will explore the human rights violations that have occurred from early 2012 through mid-2015 that are related to gender equality and women's rights, Lesbian, Gay Bisexual, Transgender and Intersex (LGBTI) rights, and issues related to freedom of and from religion and freedom of expression.

# Human Rights Issues:

# I. Freedom of Expression

- I.I. The Government of Sudan has a legal obligation under the Interim National Constitution of the Republic of the Sudan and international documents, which it signed and ratified, to protect, enforce, and promote freedom of expression and opinion.<sup>i</sup> Nevertheless, the Government of Sudan has been responsible for human rights violations against activists, journalists, press groups, and protesters.
- I.II. Since 2012, the Sudanese National Intelligence and Security Service (NISS) has become increasingly powerful in Sudan. In fact, the Sudanese military and police perpetually reinforce their dominance by continually breaching freedom of expression rights.<sup>ii</sup> Their violations include: the arbitrary closure of press organizations, the use of extreme violence and the unlawful arrest and detention towards journalists, activists, and protesters.<sup>iii</sup> Several journalists have reported harassment by NISS agents.<sup>iv</sup> The NISS specifically attacks those who are in opposition of the Government, those who are not among the ethnic majority, and those who are not Muslim.<sup>v</sup> Given the National Security Act, the NISS is exonerated from violating human rights on a national level.<sup>vi</sup>
- I.III. During a protest on austerity measures in 2013, Sudanese authorities caused nearly 170 deaths via the use of firearms.<sup>vii</sup> In addition, hundreds were injured and many were arbitrarily arrested.<sup>viii</sup> To date, no investigations or trials have taken place to hold the perpetrators accountable.<sup>ix</sup>
- I.IV. Student-led protests often end in extreme violence. During a protest in March 2014, Sudanese police killed a student, Ali Abakar Musa Idris.<sup>x</sup> In protest of the killing of Ali Abakar Musa Idris, three activists were apprehended in May 2014.<sup>xi</sup> At another protest, in May 2014, at the University of Khartoum, protesters were dispersed with tear gas.<sup>xii</sup>
- I.V. Press and media organizations in Sudan are constantly monitored and shut down for censorship reasons.<sup>xiii</sup> In addition, newspaper companies are often banned from printing or their publications are removed from kiosks and stores. For example, Sudanese officials have specifically targeted newspaper company al-Tayyar.<sup>xiv</sup>
- I.VI. With the election that took place in April 2015, the Sudanese Government instigated violence at the polls, at protests, and at other public events.<sup>xv</sup> The main actor in these violations was the NISS.<sup>xvi</sup>
- I.VII. After the recent elections in April 2015, law enforcement officials arrested many individuals who oppose the Government, including opposition party members, students, human rights defenders, and political activists.<sup>xvii</sup> Many have been charged with crimes such as defamation, spreading false information, offenses against the state, and undermining the constitutional system.<sup>xviii</sup> In 2015 alone, there has been an alarming rate of arrests, detentions, and ill treatment of reputable community leaders, including congress members, lawyers, and political rights activists.<sup>xix</sup> On 16 April 2015, the NISS arrested human rights defender, Adil Bakheit, charging him with multiple crimes, some of which are punishable by death.<sup>xxxxi</sup>
- I.VIII. The Qur'an advocates for freedom of expression and justice in dealing with difference of opinions in a non-violent manner.<sup>xxii</sup> Killing an individual for exercising his/her right to free speech is contrary to a main principle of Shari'a - the right to life - and is denounced in the Qur'an.<sup>xxiii</sup> Moreover, freedom of expression

- especially in a religious context - is safeguarded by the verse “there is no compulsion in religion”<sup>xxiv</sup> and further bolstered by numerous assertions in the Qur’an that no soul is responsible for another<sup>xxv</sup>, and that no individual has the authority to punish those who believe differently than they do.<sup>xxvi</sup> Moreover, condemning an individual for challenging Qur’anic interpretation is contrary to the concept of *ijtihad*, the critical interpretation of sacred texts, which is encouraged in Islam.<sup>xxvii</sup>

## **Sudan must take the appropriate measures to ensure the full protection, enforcement, promotion and enjoyment of freedom of expression and opinion.**

## **II. Freedom of and from Religion or Belief**

- II.I. The Government of Sudan has a legal obligation to protect, enforce, and promote the freedom of and from religion or belief under 2005 Interim National Constitution of Sudan, the African Charter on Human and People’s Rights and other international instruments.<sup>xxviii</sup> Nevertheless, violations of religious freedom within Sudan continue to be perpetrated by both the State and non-state actors.
- II.II. Although the Constitution asserts freedom of religion, Article 125<sup>xxix</sup> of the Sudanese Criminal Law Act 1991 clearly restricts religious freedom and religious expression, while Article 126<sup>xxx</sup> criminalizes apostasy (*Ridda*) with the death penalty. These provisions are actively used to promote discrimination against all those who practice alternative religious beliefs.<sup>xxxi</sup> Both Article 125 and 126 of the Criminal Law Act 1991 contradict the Qur’an and 2005 Interim National Constitution of Sudan as neither criminalizes apostasy.
- II.III. The ban on apostasy was actively enforced in the case of Mariam Yehya Ibrahim, who was charged for apostasy, because she practiced Christianity and did not adopt her estranged father’s Muslim faith. She was sentenced to 100 lashes for adultery and to death for apostasy on 15 May 2014 in Khartoum. After international attention and protest, she was released from prison on 23 June 2014 and escaped the country.<sup>xxxii</sup>

- II.IV.** Non-governmental organisations (NGOs) such as REDRESS and the African Centre for Justice and Peace Studies, have stated that in Al Gadarif in May 2014 another woman had been charged with apostasy, however, charges were dropped after she converted back to Islam to avoid punishment.<sup>xxxiii</sup>
- II.V.** In 2015, Reverend Michael Yat and Reverend Peter Yein Reith from the South Sudan Presbyterian Evangelical Church were charged with undermining the constitutional system and spying, which is punishable by death or life imprisonment.<sup>xxxiv</sup>
- II.VI.** NGOs have stated on different accounts that Christian churches have been targeted by the Government. In February 2012, the Government bombed Heiban Bible College<sup>xxxv</sup> and in January 2013, it has been reported that the Sudan Pentecostal Church in the Soba Al Aradi district of Khartoum had been destroyed without prior warning.<sup>xxxvi</sup> The Sudanese Government justifies these attacks by arguing that Christian churches and groups belong to the predominantly Christian and now independent South Sudan.<sup>xxxvii</sup>
- II.VII.** In addition, the NGO Women Living Under Muslim Laws (WLUML) has pointed out that the recent legal decision in February 2015 to tighten Section 125 and 126 will “further threaten the rights of non-Muslims and apostates, but also of those with differing interpretations of Islam such as Sufis, Shi’as, reformists, or secularists”.<sup>xxxviii</sup>
- II.VIII.** The Qur’anic injunction, “Let there be no compulsion in religion”, directly refutes the detention and corporal punishment faced by those in Sudan accused of apostasy.<sup>xxxix</sup> The Qur’an provides no earthly punishment for apostasy and that one’s religion is a matter solely between the individual and God.<sup>xl</sup>

**Sudan must take all appropriate measures to ensure the full protection, enforcement, promotion and enjoyment of the freedom of and from religion and belief.**

### III. Women's Rights and Gender Equality

- III.I. The Government of Sudan has a legal obligation to protect, enforce, and promote gender equality and women's rights under its Constitution and international law.<sup>xli</sup> However, the Sudanese Government perpetuates gender disparity by maintaining laws that specifically target and penalize women and girls and has failed to address crimes related to rape and sexual violence. Over 26 laws have been identified as containing provisions that are discriminatory towards women, including the Personal Status Law.<sup>xlii</sup>
- III.II. Under Article 146 of the Sudanese Criminal Act of 1991<sup>xliii</sup>, Sudanese women are overwhelmingly accused and convicted of crimes related to sexual contact outside a legally recognized marriage: fornication and adultery.<sup>xliv</sup> An example is Meriam Yahia Ibrahim, who was charged under Article 145 and 146 of the Penal Code of Sudan<sup>xlv</sup> with adultery and sentenced to 100 lashes and death by hanging on May 15, 2014.<sup>xlvi</sup> Although Ibrahim was married, Sudanese courts did not legitimize her marriage to a South Sudanese Christian man, contradicting Sudan's constitutional standpoint on freedom of religion.<sup>xlvii</sup>
- III.III. Instances of spousal rape and domestic abuse against women are significantly unreported, due to the lack of laws addressing spousal rape, fear of blackmail, denouncement, persecutions, and accusations of other crimes.<sup>xlviii</sup> Rape victims in Sudan remain apprehensive about disclosing rape and sexual abuse crimes even after the recent amendment of the Sudanese Penal Code.<sup>xlix</sup>
- III.IV. Female Genital Mutilation and Cutting (FGM/C) remains a widely practiced cultural tradition in many parts of Sudan. According to a 2013 UNFPA Report, 37% of girls aged 0-14 in Sudan have undergone some form of FGM/C.<sup>l</sup> While the Government of Sudan has no legislation banning FGM/C, anti-FGM/C campaigns circulate throughout some regions of Sudan.<sup>li</sup>
- III.V. Sudanese women face heavy punishments for dress codes that are arbitrarily regarded as "indecent". In July 2015, ten Christian students were charged with "indecent dress" under Article 152 of the 1991 Penal Code of Sudan.<sup>lii</sup> Two of the ten girls were convicted: Ferdous Al Toum was sentenced to 20 lashes and a fine of 500 Sudanese pounds (SDG) on 16 August 2015 and Rehab Omer Kakoum was sentenced on 14 July 2015 to a fine of 500 SDG.<sup>liii</sup>

- III.VI. Rape and sexual-based violence occur at an alarming rate in the Darfur region, due to an increased rate of sex trafficking, war crimes carried out by military and rebel groups, and discrimination based on ethnicity.<sup>liv</sup> In late 2014, a mass rape occurred in less than two days in North Darfur, which was strategically planned by the Sudanese Government Forces.<sup>lv</sup>
- III.VII. Under Article 40 of the Personal Status of Muslims Act of 1991, girls as young as 10 years old are allowed to get married.<sup>lvi</sup> There are incidences of girls being married as young as 6 years old.<sup>lvii</sup> Child and forced marriages are un-Islamic as marriage prescribed in the Qur'an is between two consenting adults, officially formalized in the marriage contract.<sup>lviii</sup>
- III.VIII. All forms of violence against women and girls carried out by the Sudanese Government and individual actors are un-Islamic and in complete contradiction to the Qur'anic worldview of humanity. In fact, Islam advocates for gender justice and women's rights, as exemplified in multiple verses of the Qur'an.<sup>lix</sup>

**Sudan must take all appropriate measures to ensure the full protection, enforcement, promotion and enjoyment of women's rights and gender equality.**

## IV. LGBTI Rights

- IV.I.** The Government of Sudan has a legal obligation to protect against discrimination, to enforce and promote inclusive policy and the enjoyment of human rights, and to prevent violations of the right to association and privacy.<sup>lx</sup> However, in Sudan, LGBTI citizens face social, political, and severe legal discrimination.
- IV.II.** Homosexuality is punishable in Sudan under the Penal Code of 1991<sup>lxi</sup> Section 148<sup>lxii</sup> (Sodomy) and Section 152<sup>lxiii</sup> (Indecent Acts). The death penalty is the highest punishment for sodomy and is still being enforced in Sudan.<sup>lxiv</sup>
- IV.III.** On 25 February 2013, Sudanese police arrested and physically abused nine gay men. According to LGBTI rights activists in Sudan, a private gathering was raided and those attending were arrested and beaten by Sudanese police, leaving them severely injured.<sup>lxv</sup>
- IV.IV.** On 14 November 2014, the Sudanese Government stated that the HIV/AIDS epidemic is to be blamed on gay teenagers.<sup>lxvixvii</sup> Putting a distorted causal linkage between gay teenagers and HIV/AIDS stigmatizes LGBTI people further and also endangers important educational and health work around HIV/AIDS through the spread of misinformation.
- IV.V.** It is nearly impossible to openly support LGBTI people and not fear social and legal sanctions.<sup>lxviii</sup> Hence, most LGBTI organizations have to work in deeply clandestine structures.<sup>lxix</sup>
- IV.VI.** In actuality, individuals including Muslims, are protected by rights and freedoms granted in Islam no matter their sexual orientation or gender identity, without fear of physical or mental harm or persecution. Islam celebrates and supports pluralism, diversity, and inclusion: "Everyone acts according to his/her own disposition [shakilatihi], yet your Lord knows best who is on the most guided path"<sup>lxx</sup>, and "And among His signs is the creation of the heavens and the earth, and the variations in your languages and your colors".<sup>lxxi</sup>
- IV.VII.** Shari'a interpretations calling for punishment for homosexual acts are not founded on the Qur'an, but are rather drawn from hadith reports, which are of debatable authenticity and value. In fact, Islamic scripture explicitly acknowledges sexual variance: "the followers (of Muhammad) amongst the men who have no desires for women"<sup>lxxii</sup> and "Of the women, those not reproducing who do not hope for marriage, it is no harm for them to lay aside their clothing but abstaining is better for them, and God is Ever-Hearing, Ever-Knowing".<sup>lxxiii</sup>

**Sudan must take all appropriate measures to ensure the full protection, enforcement, promotion and enjoyment of the rights and freedoms of all LGBTI citizens.**



# Conclusion and Recommendations

MPV calls on Sudan to uphold its commitments under international and regional human rights laws, as well as its own constitutional provisions for the aforementioned rights, freedoms, and protections. Shari'a, based on the Qur'an and

the authentic sayings and traditions of the Prophet Muhammad, is aligned with these human rights norms. MPV makes the following recommendations for Sudan:

## I. Freedom of Expression

- I.I. **Uphold** freedom of expression rights guaranteed to all Sudanese citizens in the Interim Constitution of Sudan.
- I.II. **Maintain** obligations under the African Charter on Human and Peoples' Rights.
- I.III. **Repeal** legislation that gives Sudan's NISS the authority to shut down media and press organizations and to attack individuals who demonstrate.
- I.IV. **Investigate** the unlawful arrests, detentions, and abuse of protesters, human rights defenders, politicians, and journalists.

## II. Freedom of and from Religion or Belief

- II.I. **Uphold and enforce** all obligations under the International Convention on Civil and Political Rights (ICCPR), including Article 18 protecting freedom of religion and belief for all.
- II.II. **Ratify** the Second Optional Protocol to the ICCPR, aiming to abolish the death penalty.
- II.III. **Repeal** Article 125 and 126 of the Criminal Law Act 1991 and harmonize the Criminal Law Act with the Interim Constitution to ensure religious freedom.
- II.IV. **Consider** measures aimed at ensuring freedom of religion for groups that are considered minorities in Sudan.

## III. Gender Equality and Women's Rights

- III.I. **Ratify in full** the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Optional Protocol to CEDAW, without reservations.
- III.II. **Raise** the minimum age for marriage to 18 years old, in accordance to the Convention on the Rights of the Child.
- III.III. **Repeal** laws criminalizing dress codes for women such as Article 152 of the Criminal Code 1991.
- III.IV. **Support** anti-FGM/C educational campaigns about the negative repercussions of the practice and consider national legislation to prohibit FGM/C.
- III.V. **Acknowledge and act on** the issues and suggestions highlighted by UN Special Rapporteur on Violence against Women, Ms. Rashida Manjoo, in her 2015 visit to Sudan.

III.VI. **Allocate** sufficient funds to establish and maintain women's rights organizations.

## IV. LGBTI Rights

- IV.I. **Strive** to meet all international standards and obligations as set forth by the 2015 Report of the Office of the UN High Commissioner for Human Rights on Discrimination and Violence against Individuals based on their Sexual Orientation and Gender Identity (A/HRC/19/41) and the Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity.
- IV.II. **Repeal** laws criminalizing homosexuality. This includes all legislation that criminalizes private sexual conduct between consenting adults. Ensure that LGBTI individuals are not arrested on grounds of sexual orientation and/or gender identity (SOGI).
- IV.III. **Establish** a moratorium on executions with a view to abolishing the death penalty as provided by UN General Assembly resolution 62/149, adopted on 18 December 2007, and resolution 63/168, adopted on 18 December 2008.
- IV.IV. **Protect** individuals from homophobic and transphobic harassment or violence and prevent torture and cruel, inhuman and degrading treatment.
- IV.V. **Prohibit** any discrimination based on SOGI and provide education and training to prevent discrimination and stigmatization of LGBTI people.
- IV.VI. **Support** and purposefully engage in civil society campaigns that publicly advocate for and disseminate egalitarian, inclusive, non-violent, and critical interpretations and analyses of theological literature and scripture to protect LGBTI rights.

# Endnotes

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<sup>i</sup> The Interim National Constitution of the Republic of the Sudan, 2005 states in Article 39: Freedom of Expression and Media (1) Every citizen shall have an unrestricted right to the freedom of expression, reception and dissemination of information, publication, and access to the press without prejudice to order, safety or public morals as determined by law. (2) The State shall guarantee the freedom of the press and other media as shall be regulated by law in a democratic society. (3) All media shall abide by professional ethics, shall refrain from inciting religious, ethnic, racial or cultural hatred and shall not agitate for violence or war. African Charter on Human and Peoples' Rights (Banjul Charter) Article 9: Right to Receive Information and Free Expression (1) Every individual shall have the right to receive information. (2) Every individual shall have the right to express and disseminate his opinions within the law; International Covenant on Civil and Political Rights (ICCPR) Article 19(2);

<sup>ii</sup> With January 2015 amendment to Article 151 (the National Security Service) of the Constitution of Sudan, NISS has been given more authority. Thereby, paragraphs 2 and 3 of Article 151 were revoked and replaced with three new paragraphs, which extended the authority of NISS. New Article 151 (2) puts the NISS in charge of overseeing the internal and external security of the country, monitoring relevant events, analyzing their impact and danger, and adopting preventive measures against them. New Article 151(3) gives the power to the NISS to work to combat all political, military, economic and social threats as well as trans-national crime in co-ordination with other regular forces. New Article 151(4) stresses that the law shall establish the NISS courts and specify its specialty, powers, procedures, and its legal services. See more: <https://www.amnesty.org/en/latest/news/2015/04/sudan-government-stifling-media-and-civil-society/>

<sup>iii</sup> See more: <https://www.amnesty.org/en/latest/campaigns/2015/03/sudanese-national-intelligence-service-empowered-to-violate-human-rights/>

<sup>iv</sup> Amnesty International. (2015). Sudanese National Intelligence Service empowered to violate human rights. See: <https://www.amnesty.org/en/latest/campaigns/2015/03/sudanese-national-intelligence-service-empowered-to-violate-human-rights/>

<sup>v</sup> Ibid

<sup>vi</sup> Ibid

<sup>vii</sup> See more: <http://www.hrw.org/world-report/2015/country-chapters/sudan?page=2>

<sup>viii</sup> Ibid

<sup>ix</sup> Ibid

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- <sup>x</sup> Ibid
- <sup>xi</sup> Ibid
- <sup>xii</sup> See more: <http://www.reuters.com/article/2014/05/05/us-sudan-protests-idUSBREA440GN20140505>
- <sup>xiii</sup> See more: <http://www.hrw.org/world-report/2015/country-chapters/sudan?page=2>
- <sup>xiv</sup> Ibid
- <sup>xv</sup> See more: <https://www.amnesty.org/en/latest/news/2015/04/state-sponsored-assault-on-freedom-of-expression-around-elections/>
- <sup>xvi</sup> Ibid
- <sup>xvii</sup> See more: <http://www.hrw.org/news/2015/04/28/sudan-surge-detention-beatings-around-elections>
- <sup>xviii</sup> Ibid
- <sup>xix</sup> Ibid
- <sup>xx</sup> See more: <http://www.sudantribune.com/spip.php?article54656>
- <sup>xxi</sup> See more: <https://freedomhouse.org/article/sudan-arrests-another-human-rights-activist#.VaButxNViko>  
Human rights activist Sandra Farouk Kodouda was kidnapped in early April 2015 by Sudanese officials. She was returned a few days later, with many injuries showing signs of torture. See more <http://anhri.net/?p=143362&lang=en>
- <sup>xxii</sup> According to the Qur'an, difference of opinion amongst humans should be dealt with in a non-violent manner and God will be the final judge over all matter. See Qur'an 2:113: "But Allah will judge between them on the Day of Resurrection concerning that over which they used to differ."; Qur'an 4:59: "O you who have believed, obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allah and the Messenger, if you should believe in Allah and the Last Day. That is the best [way] and best in result."; and Qur'an 109:6 "For you is your religion, and for me is my religion."
- <sup>xxiii</sup> "...if anyone killed a person, other than for murder or corruption on earth, it would be as if he killed mankind altogether" Qur'an 5:32.
- <sup>xxiv</sup> Qur'an 2:256.
- <sup>xxv</sup> Qur'an 6:164: "...And every soul earns not [blame] except against itself, and no bearer of burdens will bear the burden of another. Then to your Lord is your return, and He will inform you concerning that over which you used to differ."
- <sup>xxvi</sup> "But God will judge between them on the day of resurrection in respect to that wherein they differ." Qur'an 2:113.
- <sup>xxvii</sup> See more: <http://www.gatestoneinstitute.org/3114/muslims-ijtihad>
- <sup>xxviii</sup> 2005 Interim National Constitution, Article 6 and Article 38; African Charter on Human and People's Rights (ACHPR) Article 2. ICCPR Article 18(1). International Covenant on Economic, Social and Cultural Rights (ICESCR) Article 2(1).
- <sup>xxix</sup> The *Human Rights Council, Written Statement Submitted by the Jubilee Campaign* indicates that Article 125 has been applied as a de facto blasphemy provision, criminalizing expression which is seen as insulting God or the Prophet Muhammad (pbuh) by quoting cases in which Christians were denied to build new places of worship. Read more: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/162/64/PDF/G1216264.pdf?OpenElement>.
- <sup>xxx</sup> In Article 126 of the Sudanese Penal Code, on apostasy, Muslims are forbidden from changing faith, and Muslim women are not permitted to marry Christian men. The Crime is punishable with the death penalty. See more of the Sudanese Penal Code law in Arabic: <http://www.moj.gov.sd/content/lawsv4/5/1.htm>. See also: [https://www.icrc.org/applic/ihl/ihl-nat.nsf/0/4d8b568d3792381cc12571100038b7d0/\\$FILE/Criminal%20Act%20-%20Sudan%20-%20EN.pdf](https://www.icrc.org/applic/ihl/ihl-nat.nsf/0/4d8b568d3792381cc12571100038b7d0/$FILE/Criminal%20Act%20-%20Sudan%20-%20EN.pdf)<http://www.loc.gov/law/help/apostasy/index.php#sudan>
- <sup>xxxi</sup> See more: <http://www.equalrightstrust.org/ertdocumentbank/Sudan%20-%20In%20Search%20of%20Confluence%20-%20Full%20Report.pdf>
- <sup>xxxii</sup> See more: <http://www.theguardian.com/world/2014/jul/24/sudanese-woman-meriam-ibrahim-spared-death-sentence-apostasy-italy>
- <sup>xxxiii</sup> REDRESS and the African Centre for Justice and Peace Studies, Sudan's human rights crisis: High time to take article 2 of the Covenant seriously – Submission to the UN Human Rights Committee ahead of its Examination of Sudan's Fourth Periodic Report under the International Covenant on Civil and Political Rights, June 2014, Para 140.
- <sup>xxxiv</sup> See more: [http://www.huffingtonpost.com/2015/05/21/sudan-christians-death-penalty\\_n\\_7346896.html](http://www.huffingtonpost.com/2015/05/21/sudan-christians-death-penalty_n_7346896.html)
- <sup>xxxv</sup> See more: [http://www.csw.org.uk/our\\_work\\_profile\\_sudan.htm](http://www.csw.org.uk/our_work_profile_sudan.htm)
- <sup>xxxvi</sup> See more: <http://www.equalrightstrust.org/ertdocumentbank/Sudan%20-%20In%20Search%20of%20Confluence%20-%20Part%202.pdf>
- <sup>xxxvii</sup> Read more: [http://www.huffingtonpost.com/2015/05/21/sudan-christians-death-penalty\\_n\\_7346896.html](http://www.huffingtonpost.com/2015/05/21/sudan-christians-death-penalty_n_7346896.html)
- <sup>xxxviii</sup> See more: [http://wluml.weldd.org/sites/default/files/Sudans\\_Revised\\_Penal\\_Code\\_Mixed\\_Picture\\_WLUML\\_2015.pdf](http://wluml.weldd.org/sites/default/files/Sudans_Revised_Penal_Code_Mixed_Picture_WLUML_2015.pdf)

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xxxix Qur'an 2:256.

xl Qur'an 5:3 states that Muslims are to fear God and not those who reject Islam. Qur'an 53:38-39 states that one is accountable only for one's own actions. Qur'an 109:1-6 states "Say: O you who reject faith, I do not worship what you worship, nor do you worship what I worship...To you be your religion, and to me be mine.

xli See the Interim National Constitution of the Republic of the Sudan, 2005 Article 15, Article 31 and Article 32. See the African Charter on Human and Peoples' Rights (Banjul Charter) Article 2, 18, 19; First Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa; See ICESCR Article 3.

xlii See information received by United Nations (UN) Special Rapporteur on Violence against Women, Ms. Rashida Manjoo: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16009&LangID=E#sthash.gKqEccai.dpuf>

xliii See more: [https://www.icrc.org/applic/ihl/ihl-nat.nsf/o/4d8b568d3792381cc12571100038b7do/\\$FILE/Criminal%20Act%20-%20Sudan%20-%20EN.pdf](https://www.icrc.org/applic/ihl/ihl-nat.nsf/o/4d8b568d3792381cc12571100038b7do/$FILE/Criminal%20Act%20-%20Sudan%20-%20EN.pdf)

xliv See more: <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dclid=236410>

xlv See more: [https://www.icrc.org/applic/ihl/ihl-nat.nsf/o/4d8b568d3792381cc12571100038b7do/\\$FILE/Criminal%20Act%20-%20Sudan%20-%20EN.pdf](https://www.icrc.org/applic/ihl/ihl-nat.nsf/o/4d8b568d3792381cc12571100038b7do/$FILE/Criminal%20Act%20-%20Sudan%20-%20EN.pdf)

xlvi See more: <http://www.hrw.org/news/2014/05/15/dispatches-sudanese-judge-sentences-pregnant-woman-death-and-whipping>

xlvii Ibid

xlviii See more: <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dclid=236410>

xlix With the recent amendment of the Sudanese penal code women and girls who have been raped can no longer be charged with adultery. See more: <http://www.equalitynow.org/category/country/sudan>

l See more: <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=527a03484&skip=0&query=female%20genital%20cutting&coi=SDN>

li See more: See more: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16009&LangID=E>

lii See more: <https://www.amnesty.org/en/documents/afr54/2046/2015/en/>

liii See more: <https://www.amnesty.org/en/documents/afr54/2302/2015/en/>. The punishment of flogging under the 1991 Criminal Act of Sudan violates Article 33 of Sudan's 2005 Interim Constitution, Article 5 of the African Charter on Human and Peoples' Rights and Article 7 of the ICCPR.

liv Ibid

lv See more: [http://www.hrw.org/sites/default/files/reports/sudano215\\_web.pdf](http://www.hrw.org/sites/default/files/reports/sudano215_web.pdf)

lvi See more: <http://www.girlsnotbrides.org/wp-content/uploads/2013/04/Minimum-age-of-marriage-in-Africa-March-2013.pdf>

lvii See more: [http://www.unicef.org/infobycountry/sudan\\_72877.html](http://www.unicef.org/infobycountry/sudan_72877.html)

lviii See more:

<http://static1.squarespace.com/static/55120ecae4b01593abadc441/t/5533c1e7e4b003aefe402f11/1429455335175/MPV+Position+Statement+on+Polygamy+-+Final.pdf>

lix Any law based on Shari'a stipulating the denial of fundamental and civil human rights for women and girls is not founded in Qur'anic scripture, but rather is drawn from man-made legislation throughout the centuries that reflect patriarchal values rather than Islamic values. The Prophet left no room for doubt as to how men should interact with women, saying, "The most perfect of believers in belief is the best of them in character. The best of you are those who are the best to their women" (Tirmidhi 1/217). The Qur'an promotes gender justice in numerous verses, including Qur'an 16: 97: "Whosoever doeth right, whether male or female, and is a believer, him verily we shall quicken with good life..."; Qur'an 2:228: "And women shall have rights similar to the rights against them, according to what is equitable..."; Qur'an 4:10: "live with them on a footing of kindness and equity..."; Qur'an 49:13: "O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted."; Qur'an 4:32: "And do not wish for that by which Allah has made some of you exceed others. For men is a share of what they have earned, and for women is a share of what they have earned. And ask Allah of his bounty. Indeed Allah is ever, of all things, Knowing."; Qur'an 33:35: "Indeed, the Muslim men and Muslim women, the believing men and believing women, the obedient men and obedient women, the truthful men and truthful women, the patient men and patient women, the humble men and humble women, the charitable men and charitable women, the fasting men and fasting women, the men who guard their private parts and the women who do so, and the men who remember Allah often and the women who do so - for them Allah has prepared forgiveness and a great reward."; and Qur'an 4:7: "For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much - an obligatory share."

lx ICCPR Articles 2(1), 17, 22(1), 26. UDHR Articles 2, 12, 20

lxi See more (Sudan law in Arabic): <http://www.moj.gov.sd/content/laws4/5/1.htm>

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<sup>lxii</sup> Article 148 Sodomy. (1) Any man who inserts his penis or its equivalent into a woman's or a man's anus or permits another man to insert his penis or its equivalent in his anus is said to have committed Sodomy. (2) (a) Whoever commits Sodomy shall be punished with flogging by one hundred lashes and he shall also be liable to five years' imprisonment. (b) If the offender is convicted for the second time he shall be punished with flogging by one hundred lashes and imprisonment for a term which may not exceed five years. (c) If the offender is convicted for the third time he shall be punished with death or life imprisonment.

<sup>lxiii</sup> The Penal Code further states under Article 152 Indecent Acts, that anyone who carries out acts considered "indecent or inappropriate to the public morals will be punished by flogging not exceeding 40 times or a fine or both punishments."

<sup>lxiv</sup> See more: <http://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Sudan>

<sup>lxv</sup> See more: <https://rainbowsudan.wordpress.com/2013/04/>

<sup>lxvi</sup> See more: <http://www.gaystarnews.com/article/sudan-says-gay-teen-sex-blame-aids141112/>.

<sup>lxvii</sup> This statement was based on the accounts of a medical doctor employed by Sudan ministry of health who stated that 'sodomy has had an alarming growth in the education system' and is fostering the 'spread the AIDS epidemic'. See more:

<https://rainbowsudan.wordpress.com/2013/04/>

<sup>lxviii</sup> See more: <http://76crimes.com/2014/09/16/rainbow-sudan-sogi-news/>

<sup>lxix</sup> See more: <http://www.equalrightstrust.org/ertdocumentbank/Sudan%20-%20In%20Search%20of%20Confluence%20-%20Part%202.pdf>

<sup>lxx</sup> Qur'an: 17:84

<sup>lxxi</sup> Qur'an: 30:22

<sup>lxxii</sup> Qur'an: 24:31

<sup>lxxiii</sup> Qur'an: 24:60