

Status of Human Rights in Sudan for the 39th Session of the Universal Periodic Review

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting human rights around the world. The ECLJ holds Special Consultative status before the United Nations Economic and Social Council. The purpose of this report is to discuss the status of human rights in the Republic of Sudan (Sudan) for the 39th Session of the Universal Periodic Review (UPR).

Background

2. Sudan is a country located in Northeast Africa, with an estimated population of 44.5 million people¹. The country is predominately Muslim with approximately 91% of the population identifying as Muslim, 5% as Christian, 2.8% as folk religions, and the rest as Buddhists, Jews, Hindus, and unaffiliated². According to a human rights watch group, Sudan is ranked as the 13th worst place for Christians to live due to extreme persecution, both at the societal and governmental levels³.

3. Sudan's previous review was held on 4 May 2016⁴. As a result of the review, Sudan received 244 recommendations 179 of which were supported by Sudan⁵. Three of the recommendations supported by Sudan were that it 1) “[m]ake progress towards the abolition of the crime of apostasy and the elimination of other laws and practices contrary to freedom of religion and/or belief”, 2) “[t]ake effective measures to respect the right to freedom of religion without discrimination”, and 3) “[r]evise the 1991 Penal Code and abolish the penalization of apostasy”⁶.

Legal Framework

4. Sudan currently operates under what has been termed the “Constitutional Charter for the Transitional Period of 2019” (Charter)⁷. This Charter was signed into law following a military coup in 2019 that ousted then-President Omar Al-Bashir”. The Charter has been amended since its signing, and the three-year transitional period will bring further changes⁸. However, currently under Article 4 of the Charter:

1. The Republic of Sudan is an independent, sovereign, democratic, parliamentary, pluralistic, decentralized state, where rights and duties are based on citizenship without discrimination due to race, religion, culture, sex, color, gender, social, or economic status political opinion, disability, regional affiliation or any other cause.

2. The state is committed to the respect of human dignity and diversity; and is founded on justice, equality and on the guarantee of human rights and fundamental freedoms⁹.

5. Article 56 of the Charter addresses religion within the country:

Every person has the right to freedom of religious belief and worship. They shall have the right to profess or express their religion or belief through worship, education, practice, performance or rituals, or celebrations, in accordance with the requirements of the law and public order. No one shall be compelled to convert to a religion they do not believe in or to practice rites or rituals they do not voluntarily accept¹⁰.

6. In 2020, the interim government amended the penal code of 1991, and replaced article 126 with new language. Under the previous penal code “[w]hoever commits apostasy shall be given a chance to repent, during a period to be determined by the court; where he insists upon apostasy, and not being a recent convert to Islam, he shall be punished to death”¹¹. Furthermore, the only way to avoid being executed is to recant¹².

7. Under the revised penal code, article 126 now states:

Anyone who publicly declares the apostasy of a person, sect or group of persons to express their religion or beliefs, or announces the expiation of that person or that group or declares killing someone lawful, shall be punished with imprisonment for a period not exceeding ten years, or with a fine or both¹³.

8. Sudan is also bound to the international treaties to which it is a party to. Under Article 18 of the International Convention on Civil and Political Rights (ICCPR):

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually, or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice¹⁴.

Religious Freedom in Sudan

9. The military coup ousting President Omar-al-Bashir has so far paved the way for a more open and free Sudan.

10. On August 4, 2019, the Transitional Military Council as well as an opposition movement known as the Coalition of Forces for Freedom and Change (FFC) signed the Charter. This would, among other things, fully repeal the Transitional Constitution of 2005. The Charter has eliminated using Sharia law as its basis for legislation and as previously stated, guarantees human rights and fundamental freedom for all regardless of religious affiliation.

11. Furthermore, until 2020 apostasy was considered a criminal offense. For example, on 13 October 2018, security officials came into a home where 13 Christians were gathered and arrested them¹⁵. Three of the men were released when it became apparent that they were from southern Sudan and had a Christian background. The rest were held in prison and accused of apostasy¹⁶. While in prison they were beaten and put under pressure to recant their Christian faith. The men were later released on 21 October after being forced to pay a fine¹⁷.

12. In a televised interview in July 2020, Sudanese Justice Minister Nasredeen Abdulbari stated that “[w]e cancelled the Article 126 of the Sudanese Criminal Law and have ensured religious freedom and the equality in citizenship and rule of law”¹⁸. He then further stated his commitment to protecting human rights:

All these changes are aiming at achieving equality in front of the laws. We have dropped all the articles that had led to any kind of discrimination. We ensure our people that the legal reformation will continue until we drop all the laws violating the human rights in Sudan¹⁹.

13. However, while the laws have changed, public perception and attitudes do not change overnight. Christians, particularly those who converted from Islam, are still at risk of being attacked, discriminated against, and ostracized by members of their community and even friends and family²⁰.

14. In January 2020, the Director of the Educational Curricula Center, Omar Ahmed Al-Qarray, received death threats after including picture of “The Creation of Adam” by famous painter Michelangelo²¹. He was tasked with rewriting the school curricula in order to rid the curriculum of material influenced by the Muslim Brotherhood²². The inclusion of this famous painting sparked outrage in the Muslim community and Al-Qarray was on the receiving end of many death threats and some schools even threatened to not teach the material over the inclusion of the painting²³. As a result of the backlash, Prime Minister Abdalla Hamdok halted the introduction of the new curricula²⁴.

15. In June 2020, Muslim men carried out an attack stabbing a Christian to death and wounding four other South Sudanese²⁵. This attack came after mosque leaders in east Khartoum Sudan called to rid the “Muslim area” of South Sudanese Christians²⁶. That same month, three Muslim men with rods, sticks, and rifles beat two Christians as they were leaving a market. Both men were in critical condition after being beat on the head²⁷.

16. On 19 February 2021, a Christian leader in Sudan was arrested and beaten after he spoke against a church building being burned²⁸. Masked men who are believed to national security personnel arrested the chairman of the Christian Youth Union of Al Jazirah state²⁹. He was beaten and they threatened to kill him if he continued being vocal about the burning of a Sudanese Church of Christ worship hall. He was released a few hours later³⁰.

Conclusion

17. Now that a new government has taken over, we are encouraged by the work Sudan has done in such a short time to expand religious freedom within the country. However, it is critical that Sudan uphold its commitment to religious freedom and we encourage them to continue the work they have already begun doing. Furthermore, we urge Sudan to commit to creating a permanent Constitution which further enshrines protections for religious freedom.

¹ Sudan, PEW-TEMPLETON, available at <https://worldpopulationreview.com/countries/sudan-population>.

² Religions in Sudan, PEW-TEMPLETON, available at http://www.globalreligiousfutures.org/countries/sudan#/?affiliations_religion_id=0&affiliations_year=2010®ion_name=All%20Countries&restrictions_year=2016.

³ Sudan, OPEN DOORS, available at <https://www.opendoorsusa.org/christian-persecution/world-watch-list/sudan/>.

⁴ Universal Periodic Review – Sudan, available at <https://www.ohchr.org/EN/HRBodies/UPR/Pages/SDIndex.aspx>.

⁵ UPR of Sudan – Second Cycle Thematic List of Recommendations, available at http://lib.ohchr.org/HRBodies/UPR/Documents/Session25/SD/UPR25_Sudan_recommendations.docx.

⁶ *Id.*

⁷ Sudan: Interim Constitutional Declaration Signed, (9 Oct. 2019), <https://www.loc.gov/law/foreign-news/article/sudan-interim-constitutional-declaration-signed/>.

⁸ *Id.*

⁹ Constitutional Charter of the Transitional Period of 2019 art. 1, available at https://www.constituteproject.org/constitution/Sudan_2019.pdf?lang=en.

¹⁰ *Id.* at art. 56.

¹¹ The Criminal Act 1991 art. 126, available at <https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/0/B9EEBA1CA8F54121C1256DC9005573F2>.

¹² *Id.* at art. 126.

¹³ General Administration of Legislation – Department of the Official Gazette, The Official Gazette Issue no. 19014 on 13-07-2020, available at <https://redress.org/wp-content/uploads/2020/07/2-Sudan-Amendments-July-2020-English-REDRESS-translation.pdf> (unofficial translation).

¹⁴ International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171 art. 18.

¹⁵ Sudan: 13 Christians Arrested in Darfur, Another Church Told to Hand Over Property, WORLD WATCH MONITOR (17 Oct. 2018), available at <https://www.worldwatchmonitor.org/2018/10/sudan-13-christians-arrested-in-darfur-another-church-told-to-hand-over-property/>.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Changes in Criminal Law as Sudan Annuls Apostasy Death Sentence, ALJAZEERA (12 Jul 2020), available at <https://www.aljazeera.com/news/2020/7/12/changes-in-criminal-law-as-sudan-annuls-apostasy-death-sentence>.

¹⁹ *Id.*

²⁰ Sudan, OPEN DOORS, available at <https://www.opendoorsusa.org/christian-persecution/world-watch-list/sudan/>.

²¹ Inclusion of “The Creatin of Adam” In Education Curricula Sparks Controversy in Sudan, ASHARQ AL-AWSAT (5 Jan. 2021), available at <https://english.aawsat.com/home/article/2722971/inclusion-‘-creation-adam’-education-curricula-sparks-controversy-sudan>.

²² *Id.*

²³ *Id.*

²⁴ Letter From Africa: How a Text Book Exposed a Rift in Sudan’s New Government, BBC (10 Feb. 2020), available at <https://www.bbc.com/news/world-africa-55935513>.

²⁵ Christians Attacked in Sudan After Incitement by Mosque Leaders in Khartoum, MORNING STAR NEWS, 24 Jun. 2020, available at <https://morningstarnews.org/2020/06/christians-attacked-in-sudan-after-incitement-by-mosque-leaders-in-khartoum/>.

²⁶ *Id.*

²⁷ *Id.*

²⁸ Christian Leader in Sudan Detained and Beaten, Sources Say, MORNING STAR NEWS (22 Feb. 2021), available at <https://morningstarnews.org/2021/02/christian-leader-in-sudan-detained-and-beaten-sources-say/>.

²⁹ *Id.*

³⁰ *Id.*