



**A Joint Submission on freedom of religion and belief in Sudan by: Sudanese Human Rights Initiative( SHRI)**



**A Joint Submission on freedom of religion and belief in Sudan , Submission for the UN Universal Periodic Review (UPR) of Sudan**

**March 20121 Submission for UN Universal Periodic Review (UPR) of Sudan 2021**

Sudanese Human Rights Initiative( SHRI)

the Sudanese Human Rights Initiative (SHRI) based in Khartoum, Sudan. SHRI is a nongovernmental Sudanese organization founded by Sudanese lawyers in 2008, in response to human rights violations committed by the state. SHRI was established with the goal to defend the rights of Sudanese people and to build the capacities of Sudanese civil society to do the same. SHRI has now more than 500 members, and an expansive network of lawyers, human rights defenders and journalists.

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## **Summary**

This submission highlights key area of concern regarding Sudan's compliance with its international human rights obligations. In particular, this submission focuses on the situation of freedom of religion and belief in Sudan, particularly the lack of registration and legal status of non-Muslim in Sudan and how this results in restrictions on their freedom of assembly and expression, arbitrary arrests and detentions, and restrictions on their religious and cultural rights.

## **Methodology**

The information contained in this report was gathered through consultations, desk research as well as interviews conducted with SHRI contacts and members of the many religious bodies inside Sudan between April 2019 and March 2021. SHRI held 12 roundtable consultations and workshops in nine Sudanese states and 15 bilateral meetings with stakeholders representing 18 geographical regions in around Sudan via training workshops in Red Sea, river Nile, Kassal, Blue Nile, North Darfur, Khartoum.

A big roundtable consultation occurred in Khartoum On Saturday 31st October 2020, discussed the submission the National Consultation Roundtable.

SHRI extends its deepest gratitude to all those that provided their time and insight and to the Netherland embassy for providing the generous funding

## **Follow up to the previous review Implementation of Recommendations from Cycle Two in 2016**

During the second Universal Periodic Review (UPR) of Sudan in 2016, different States made a total many recommendations on the situation of freedom of religion or belief in Sudan

- Six recommendations focused on freedom of religion or belief and all were 'supported' by Sudan except one from Ireland (para 142.18). Although the recommendation urged the state to "abolish the crime of apostasy," similar to other recommending States, it is most likely that this was accepted after the revolution , on Jul 2020, The Sovereignty Council of Sudan officially abolished the death penalty for apostasy on 10 July after the Chairman of the Council, Lt Gen Abdelfattah El Burhan, signed several new laws and amendments. The article has historically been used to target religious minorities and restrict freedom of expression. Sudan's Criminal Code contains several other provisions which limit personal freedoms and criminalise blasphemy. There was no indication that these provisions had been amended.
- Italy (para 140.25) and Australia (para 140.25) recommended Sudan to revise its 1991 Penal Code and abolish the criminalisation of apostasy. Spain (para 140.24) also recommended the abolition of apostasy and other laws contrary to freedom of religion or belief. Poland (para 138.28), Honduras (para

141.17) and Slovakia (para 138.95) recommended the adoption of legislative measures to “ensure full respect for freedom of religion or belief and the human rights of the persons belonging to ethnic and religious minorities, in line with the international human rights law.”

- The 2019 Constitution guarantees the freedom to worship and assemble, establish and maintain places of worship. Despite these protections, severe violations of freedom of religion or belief persist in areas in Sudan. Post revolution, the freedom to worship and hold open air meetings is not possible; the Christian community finds itself unable to express its faith publicly.

- Furthermore, in April 2019 it was announced that no new permits would be issued for the construction of Christian churches. Between 2019 and 2020, there have been incidents of four churches in the Blue Nile State being the subject of arson attacks. The churches, belonging to the Sudan Internal Church, the Catholic Church and the Orthodox Church, were burned to the ground on 28 December and rebuilt, only to be attacked again on 16 January. On 21 January 2020, Sudan’s Minister of Religious Affairs, Nasr al-Din Mufreh, disputed the reports arguing that only one church had been affected by arson, and that the police had arrested one person who was released due to insufficient evidence. The government statement said that this church would be rebuilt.

- The claims of churches whose property the former regime destroyed or confiscated must also be addressed. The Minister of Religious Affairs and Endowments stated he is working with the Minister of Justice to compile documentation for churches to reclaim their land and property that was seized and/or destroyed in years past. However, stakeholders informed SHRI that no church has seen property restored to its rightful owners, and these efforts are currently hampered by convoluted bureaucratic processes. Further, the Transitional Government had not issued any permits for new churches.

- In the context of urban development plans it is essential that provisions are made for measures of compensation regarding the destruction of places of worship, in particular by providing sites for the construction of such places. The State should exercise its responsibility to protect places of worship and ensure that they are shielded from religious extremism, obscurantism and from the consequences of the conflict in the South to the Sudan.

Background and framework Background and framework

**State religion**

In the post December 2019 Revolution , Sudanese government delegates have rejected the recommendations made in the final report after a four-day long workshop in Juba organized to facilitate negotiations between the Sudanese government and the Sudan People's Liberation Movement-North under the leadership of Abdelaziz El Hilu (SPLM-N El Hilu) on the controversial issue of secularism and self-determination.

The Sudanese govt rejects advice of Juba workshop on secularism, Member of the Sovereign Council Lt Gen Shamseldin Kabashi stated that sharia would be the basis of a new new Sudan , thus eliminating references to Sudan being a multi-ethnic, multi- religious and multi-cultural state. This announcement was promptly criticized by opposition and civil society leaders, who are calling for an inclusive and transparent constitution-drafting process. On 27 July,20.

the SPLM-N led by El-Hilu and the elected SPA signed the Declaration of Principles. Most of the principles pertaining to FoRB clearly state that Sudan must be a secular state to ensure everyone can enjoy the right to freedom of thought, conscience religion and belief, regardless of creed.

Up to date, the government enforces religiously based morality laws and imposes corporal punishments on both non-Muslims and Muslims through the Regime, despite provisions in the political agreement and the 2019 Constitution document that non-Muslims be provided alternatives to the punishments prescribed for Muslims. It's clear that there are division among the government collation where the military side who are following part of old policy interested to have Islamic state, one the other side, the civilian side interested to have secular state, there are no any agreeable solution in this fragile transitional where the same old region laws and regulations of State religion applied

### **Sudan's laws violates the right to enjoy freedom of religion and belief**

The Transitional Government has taken some concrete steps to advance the protection of religious freedom within a number of key areas. In December 2019, the Transitional Government repealed the repressive public order law that the former regime of al-Bashir systematically used to punish individuals, particularly women, who did not conform to its strict interpretation of Sunni Islam. Both Muslims and non-Muslims suffered the consequences of this harsh law.

- In July 2020, the Transitional Government adopted the Miscellaneous Amendments Act, which repealed the apostasy law, ended flogging for blasphemy, banned female genital mutilation (FGM), permitted non-Muslims to drink alcohol, and abolished the guardianship law that required women to get a permit from a male guardian when traveling abroad with their children. Whilst welcome, these reforms do not go far enough in amending the laws of the al-Bashir regime. Significantly, blasphemy is still a criminal offence, punishable with up to six months imprisonment.

- Although limited positive developments since the revolution but still Sudan's Criminal Code contains several other provisions which limit personal freedoms and criminalise blasphemy. There was no indication that these provisions had been amended, which in March 22, 1991 the Sudanese government introduced the penal code, based upon an interpretation of Shari'a (Islamic Law). The code applies in all Sudan. including the capital, Khartoum. The code is based upon a penal code drafted by Dr

Hassan al Turabi, leader of the Moslem Brothers and then-Attorney General, in 1988. In the criminal law of the year 1991,

### **Freedom to worship,**

Although limited positive developments since the revolution but it's still very challenges holding open air meetings for non-Muslim minority is not easy. In order to assemble legally in public, permission must be obtained from the government. This permission is often denied. Our network in Port Sudan- red Sea State and in Al-afshir north Darfur State have confirmed that even till now after the revolution they are not able to gather to celebrate Christmas and other religious events due to the fears of intercommunal conflict and they frightened that they may face reprisal if the community saw them celebrating the even publicly.

Furthermore, in 24 February 2021, it was announced a new regulation introduced by the government that no new permits would be issued for the construction of Christian churches unless been approved by the Ministry of Guidance and Endowments. A number of religious leaders denounce the new move by the minister of the Ministry of Guidance and Endowments where the new regulation made it very difficult to obtain permit where its requested churches to have certain number of the people in any location before they apply for the permit and this number should be higher where the place has few number of people won't be able to obtain and also it has to be submitted to the areas according to Sudanese law,

This policy although it looks to regulate the permit but it's very restrictive more than the old regime policies. For example, on 3 January 2021, a widespread criticism of a recent decision by Gezira state to prohibit the reconstruction of the a church building in Tamboul, This decision was based on recommendations from the Security Committee in Tamboul, which had allegedly consulted local Muslim religious leaders and concluded that a church presence would 'dismantle the social fabric, disturb the public, threaten security and stir up strife.

The government of Sudan normally grants permits to construct and operate mosques and supports mosque construction and even the Sudan government provides funds for them however the government does not give a permission to build churches. Since the uprising signing in 2019, only four churches have received building permits and are reportedly under construction. 20 December, Churches granted land for construction in Gezira state a decision by the Governor of Sudan's Gezira state, Abdalla Ali Ahmed Idriss, to authorise the construction of four church buildings on empty land. Three plots of land have been given to the Sudanese Church of Christ (SCOC), with a fourth given to the Evangelical Church.

Churches built without official permission, by owners who register land for personal rather than church use, exist at the authorities' sufferance. Even legally recognized church-owned properties are vulnerable to official harassment, recently, Churches targeted despite positive developments, violations committed against Christian and their properties prior to the 2019 Revolution remain unaddressed.

The Minister of Guidance and Endowment (MoGE did make changes, making promises without action. Accountability for past violations remains key to the success of the Transitional Government.

During the reporting period, attacks on churches by suspected extremists. The systematic targeting of this place of worship and the threats issued against the community are severe violations of the right to freedom of religion or belief. Greatly alarmed by the series of attacks on the Sudanese Church of Christ in Jabarona.

The Sudanese Church of Christ in Jabarona on the outskirts of the capital city was attacked on 18 December, 14 January, 21 January and 29 January. During each incident, the attackers attempted to burn down parts of the place of worship. After the initial attacks, the leaders removed all furniture and made sure that no one remained in the building overnight. Meanwhile, the Sudan Internal Church, the Catholic Church and the Orthodox Church in Bout Town, El Tadamon locality, Blue Nile state were attacked on 28 December 2019 and again on 16 January 2020.

However, Subsequently, on 9 March extremists razed the Sudanese Evangelical Presbyterian Church (SEPC), in Bout town to the ground. There has been a rise in attacks on churches in Khartoum and Blue Nile State since December 2019. However, the government has responded differently to incidents in the two states. After the Sudanese Church of Christ (SCOC) Jabarona was attacked on multiple occasions in December and January, the Ministry of Religious Affairs appointed a five-person commission to investigate the incidents.

A church building belonging to the Sudanese Church of Christ (SCOC) in Tamboul, Gezira state, was burned down on 3 January. a thirteen-year-old set fire to the church using petrol from a motorcycle after an adult instructed him to do so. Police filed a case against the boy on 6 January, but have refused to charge the adult believed to have provided the petrol. The church, which was built on registered land belonging to one of the church elders in 1997, has historically experienced harassment from some local , as well as Sudanese authorities. On several occasions, church leaders have been interrogated by members of the General Intelligence Service (GIS), most recently in late 2020 when church elder Ibrahim Toto Kafi was interrogated.

### **Ministry of Guidance and Endowments**

the Awqaf and Religious Affairs Act 2008 is the body that religious organizations are under supervision of Ministry of Guidance and Endowments , which was created by act . There were also additional local sate acts in Sudan called Awqaf and Religious Affairs Act in any one of the 18 states in sudan, however , the new minister revoked all laws and he has abolished them then he has now all the power over religious affairs in Sudan which raise many concern over his absolute power

After, he abolished the minister of religious affairs on the state level, he is entrusted with wide powers over religious institution. It has become now part of the local state minister of social development affairs. Given said that, there are no any improvement on the state local level where the minister staying in Khartoum won't be able to manage the whole 18 states.

The New amendment of the Awqaf and Religious Affairs Act 007 created centralized body by the Ministry of Ministry of Guidance and Endowment and abolished all the local states in the 18 states and it in the hand of the minister in Khartoum .

The ministry, followed the old regime policies and reestablished a section for Churches affairs in the Ministry that limited its activity in the beginning to helping churches in their dealings with other governmental departments. It turned its main concern to monitoring and supervising the Christian institutions. The general atmosphere now is that of suspicion due to the fact that it had been controlled by the during the former Basher regime but the new minister but has not appointed any new members to the office and he has only one staff and still it need to be filled.

There are only one few non Muslim working in the whole Ministry of Guidance and Endowments and it gives you sense of the situation of non Muslim. The new minister of Ministry of Guidance and Endowments requested the scholars council to be part of the minister, also he has requested the Prime Minister to transferred Muslim Zak to be part of The Ministry of Ministry of Guidance and Endowments

The Ministry of Ministry of Guidance and Endowments has been working independently, without forming consultative forums. This lack of participation has impacted negatively on the accuracy of recent legislation. Seeking input from a consultative forum, including experts from civil society, lawyers and academia as the bottom up approach is important to the success of the Transitional Government and the reform process

The only big conference organized by the minister on FORB have faced huge criticism from different non Muslim, the conference dominated by Muslim and the people who have presented the papers were all Muslim scholars,, they are two papers from non Muslim, the objective was to discuss freedom FORB from the Muslim perspective, although the **Ministry of Guidance and Endowment** a lot of financial support from UNDP to organize the conference organized but its important in any future event that the donors fund goes to the aims of the project. This conference was the same old regime policies just propaganda to tell the outside world that freedom of religion or belief conferences been conducted but it has no any significant change on the ground

## **Registration**

SHRI notes the measures to ease restrictions on the travel of foreign religious officials visiting Sudan and on the distribution of religious publications. SHRI encourages the extension of these positive measures in order to enable non-Muslim Sudanese to avail themselves of all the rights and freedoms associated with citizenship.

No any reform made toward the Organization of Voluntary and Humanitarian Work Act, it was passed by the National Assembly on 21 February 2006 during the former regime era. The NGO Act came into

force on 16 March 2006 upon signature by the President. The NGO Act controls and restricts NGO activity rather than facilitate freedom of association. Key problems with the NGO Act include: Excessive executive control over NGO funding. All NGO funding must be approved by the Humanitarian Aid Commission (HAC) and foreign funding must be approved by the Minister of Humanitarian Affairs. This constitutes an unreasonable interference in the activities of NGOs and donors by the Executive. It is also practicably unworkable.

The government dissolved the Islamic Daawa Organization and revoked its Act 1990, their HQ and other office was taken , although it clear that Islamic Daawa Organization were supported by former regime policed and it promulgated to shower the organization with immunities and privileges by the former regime but correct review of its work needed and it was good idea to appoint new committee to continue the humanitarian work as the organization has many schools and other

On 16 APRIL 2020, Kosti — Minister of Local Government, the Supervisor of the White Nile State, Dr. Adam Al-Dei, on Thursday, issued a decree dissolving the Islamic Dawa Organization in the state. The decision was taken in accordance with decision issued by the Committee for Dismantling Empowerment

## **DUE PROCESS (Fair trial)**

Defendants are in most cases related to freedom of religion tried by courts where due process is not adhered to, including the right to a lawyer and a fair trial. These courts do not meet Sudanese or international fair trial standards. Judges issue summary rulings and are frequently denied the right to appeal the decision.

SHRI has documented case of a criminal court in Omdurman, Sudan, acquitted eight leaders of the Sudanese Church of Christ (SCOC) of all charges against them on 19 October 2020. The case was opened against the elected president and seven senior leaders of the SCOC after the denomination challenged a government decision to impose an unelected leadership committee on the church. The eight leaders were initially arrested on 23 August 2017 and accused of refusing to hand over administrative control of the church to an unelected church committee led by Mr Angelo Alzaki and appointed by the Ministry of Guidance and Religious Endowments during the regime of former president Omar al Bashir.

In February, 2021, Sudanese intelligence officers detained, interrogated and mistreated Osama Saeed Musa Kodi, the president of a Christian youth organization, in Wad Madani in Gezira state on 19 February. Mr Kodi was held incommunicado for several hours before being released later that evening. Mr Kodi, who belongs to the Episcopal Church of Sudan and lives in Wad Madani, has been actively involved in assisting the Sudanese Church of Christ following an arson attack that destroyed its building in Tamboul, Gezira state,

Mariel Bang, 35, died when a mob of young Muslim men shouting “Allah Akbar” (God is Greater) attacked the group of Christians with knives and batons at random. He is survived by his wife and four children. Another man and three women were seriously injured in the attack. sources report that the mobs were threatening to burn down the neighborhood where South Sudanese live in makeshift



shelters.

A 39 people who were arrested appeared before different public order courts, on the same day, all charged with causing a public disturbance. The judges in one of the courts did not allow lawyers to represent the defendants.

There are new development, a trial of nine defendants accused of setting fire to a church in Omdurman, Khartoum, commenced on 29 November at Dar-alsalam Criminal Court, marking the first prosecutions for damaging a church in the nation's history. A total of 14 individuals are accused of the church attacks; one is being tried in a separate court for minors, while the remaining four are believed to be in hiding.

The trial relates to a series of attacks on a church building belonging to the Sudanese Church of Christ (SCOC) in Jabarona, Omdurman, which have taken place since December 2019. The church was initially attacked by extremists four times between December 2019 and January 2020

. SHRI welcomes a ruling by Sudan's Court of Appeal for land belonging to the Baptist Church, which has been confiscated by the National Intelligence and Security Service (NISS), to be returned. In 2012, NISS seized the land in Khartoum Bahri, preventing the Baptist Church from using it for any purpose. The decision by NISS was part of a wave of repression against Christians between 2011 and 2013 that included the forced deportation of foreign Christians and the closure of church-run schools and training centres.

On 9 September, three Court of Appeal Judges ruled that the decision made by NISS in 2012 was invalid, and the land must be returned to the Baptist Church. The written judgement was not communicated to the Church until October. The case was initially submitted to the administrative court in 2017 in a bid to overturn the decision by NISS to seize the land on the basis that the agency had no right in law to make such an order.

The court ruled in favour of the Baptist Church; however NISS appealed to the Court of Appeal, which has now ordered it to return the land to the Church. Failure to comply with the Court of Appeal's ruling would be a worrying indicator of a continuing disregard by the NISS for the right to freedom of religion or belief during this transitional era. We urge NISS to abide by the recent decision and to cease all and any further interference in the affairs of the Baptist Church and other religious minorities in Sudan.

In a statement to the United Nations Human Rights Council on 25 September, Sudan's new Minister of Justice, Mr Nasredeen Abdulbari, stated that the extensive powers granted to NISS under former President al Bashir had been limited. The new Minister of Guidance and Religious Endowments, Nasreddin Mofarah, has also made statements which affirm Sudan's religious diversity.

## **Discrimination.**

There is discrimination in granting governmental approvals required for the construction and use of places of worship. Although permits are routinely granted to build mosques, permission to build churches is usually withheld. Churches built without such official permission exist at the authorities' sufferance. Church-owned properties that are legally recognized are nevertheless vulnerable to seizure in a legal atmosphere in which government action is not constrained by an independent judiciary. Sudanese Authorities Demolish Church Building While Leaving Mosque Standing.

### **Discrimination on the basis of religion or belief/inter-religious discrimination/tolerance.**

in that a few non-Muslims are appointed to high office and there are some instances of non-Muslim participation in public life. The vast majority of non-Muslim Sudanese, however, suffer systematic discrimination, repression, and degradation every day simply because of their status as non-Muslims.

On 8 February 2021, following a third reshuffle, the Sudanese Prime Minister, Abdalla Hamdok, announced a new cabinet that includes seven former-rebel chiefs as ministers. However, once again, no Christian was appointed to the cabinet, undermining hopes of greater inclusivity.

Non-Muslims Non-Muslims in Sudan continue to hold a tenuous position under a regime. Non-Muslims are theoretically excluded, for example, from high-level government office, the judiciary, the military, and any position in which a non-Muslim would exercise authority over a Muslim. More restrictions and discrimination apply to believers in non-scriptural religions than to Christians and Jews, but even the status of the latter groups is totally inconsistent with the requirements of international human rights law .

### **Children In Sudan,**

The domestic adoption is one of this practices, it has been enforced that no single male permitted to adopt and the practice allows single female to adopt , the age requirement for adopting parents age 30 to 50 years 10 however one of the discriminatory methods in domestic child adoption which is based on religion where non Muslim female is not allowed to adopt a child as the adoption is only allowed for the Muslim female and it should be noted that this is discriminatory practice has been enforced in Sudan . shri conducted 11 Interviews with a government social worker Maygoma Institution SHRI has found the Maygoma Institution which the region's largest institution for babies has this condition and no-Muslim is not allowed to adopt child . children born out of wedlock should not be made to suffer the consequences of this discriminatory practices and which will let people to persuade the children born out of wedlock and accept and to raise them.

The custody of the child in Sudan which is regulated by Article 114 of the Personal Status of Muslims Act of 1991 , This custody of the child in sedan family law violates the children right where its against the best interest of the child where according to the General Principles Regarding the Rights of the Child The Best Interests of the Child and also against the principle no 9. No Discrimination. 18. Right of

## Religious Instruction

### **family act - governing marriage**

Sudanese legal provisions governing marriage and divorce do not apply to non-Muslims:

In mixed marriages, the marriage contract is drawn up according to the national laws of each spouse. However, the effects of a marriage, such as child custody, are regulated by the laws of the husband's country; thus, a mixed marriage in which the husband is a Sudanese citizen would be governed by Sudanese personal status laws. It states that that the custody of the child has to be with the one who has better religion and it states that the best religion is the islam, there are many cases when the court ordered the child has to be with the muslin parent and it has been in the case 1992 when the supreme court issues judgment that Islam should be the best for the child, his article will provide a brief overview of Sudan's political history and current ..... Relevant formal laws include the Civil Transactions Act, 8.

### **the Marriage contract ,**

Marriage contract , marriage has been not changed, and defined it as "a contract between a man and a woman on the intention of getting together, in legitimate manner in which they practice pleasure of intercourse." However, an adult woman is not entitled to marry by her own, and if she does, her legal guardian has the right to cancel the contract if he sees the husband lacking efficiency Marriage contract

The 1991 family law provides that a male guardian (wali) should only arrange the marriage of his ward with her permission and consent (article 34(1)). However, a subsequent section of the article on consent essentially gives the wali the power to contract a marriage without the permission of his ward, so long as she consents later on. A contract concluded by the guardian before securing his ward's consent may be termed voidable, but her refusal to consummate the marriage does not automatically void the contract. Rather, the woman must petition the court and prove that she did not consent to the marriage. many women stay in such marriages to avoid the social scandal of taking their fathers or brothers to court."

### **Inheritance law**

The Personal Status Law established the rules of inheritance according to Islamic law. The main violation of those rules to international legitimacy of human rights is that the law makes a no right for non-Muslim to inherit Muslim so in case of the one changed his religion from aslim to other religion that means will not inhernt the musailm unlike the inheritance based on fixed proportions of the total inheritance [ spouses, husbands and parents]]. Also, in case the of heirs by fixed proportions, the husband inherits half the legacy of his wife in the absence of descendants at all, and a quarter of the legacy when there is entitled Islam belief is one of the condition to Inheritance; the inherited has no right to change his Islam belife completely due to this article 351

### **Temporary Restrictions on Marriage.**

A woman is temporarily barred from marriage when she is in iddat, , the waiting period following divorce or death of the husband. Iddat lasts four months and ten days for a widow and approximately three months for a divorcee, after which she may remarry. The iddat period is designed to ensure that a woman is not pregnant from her previous marriage. For a Muslim man, marriage is permissible only with an individual who practices one of the "religions of the Book" (Judaism, Christianity or Islam). There are many traditional African believers in Sudan, particularly in the Blue Nile and South Kordofan, who will lose the right to marry a Muslim woman although the 2019 constitutional document recognizes their belief.

A Muslim woman may not marry a non-Muslim unless he accepts Islam. Since it is the father who confers religion to children under Islamic practice, this means the children will automatically be Muslims.

S. 19-E)14 Calls for family law reform in Sudan also coincided with calls to ratify the 1979 Convention for the Elimination of Discrimination of Women (CEDAW), as Sudan remains one of only a few countries that has still not ratified what is globally known as the "Women's Rights Convention."

The debate about Sudan's possible amend reform family law started after the 2019 revolt, one of the key priorities. Sudan's justice minister established on October 2020, a new committee to reform the Muslim family law and they are not dealing non-Muslim law. Its good development but many recommend that is better to first discuss to adopt civil family law additionally that can cover both family laws applied in Sudan, there is a law named non-Muslim family law and non-Muslim law, scholars argue that Sudan is very diverse and there are many communities and it is appropriate to put together all non-Muslim in one direction and the other community -Muslim. It should be noted that one of the newly committee member has resigned, M.s Sumaya Shambati apologizes for participating in the committee to amend the Personal Status Law due to many reasons over the way the committee mandate and work.

### **Further Points for Sudan to Consider**

#### **Promoting Religious Freedom through Reform of the Education System**

Promoting Religious Freedom through Reform of the Education System, The director of the National Centre for Curricula and Educational Research, Dr Omar El Garai, submitted his resignation to Prime Minister Abdallah Hamdok in January 2021, following the PM's decision to suspend the Centre's development of the new curricula and form a new committee. El Garai's National Centre was, until January, tasked with the reform of Sudan's education system. Progress was being made on wide-ranging reform of institutions in the educational system; for example, the Ministry of Education was working on implementing a comprehensive curricula reform to replace intolerant content in textbooks issued by the former regime with new materials and accompanying teacher training. The hate campaign against El Garai, including death threats, led by a number of scholars, is not driven by motives of preserving religion but is rather a political campaign aimed at obstructing change in the country. The

PM instructed the National Centre to stop developing new school curricula as their proposals were causing controversy in the country. It is concerning to note that reform of Sudan's education system has been halted. These important revisions will be essential in promoting inclusivity and religious tolerance among the next generation of Sudanese citizens.

## **A. Recommendations**

We recommend the government of Sudan to:

- i. Uphold and enforce its international obligations to safeguard the freedom of religion or belief, pursuant to Article 18 of the ICCPR.
- ii. Protect all places of worship and ensure that such places are shielded from religious extremism, obscurantism and from the consequences of the conflict in the South.
- iii. Lift all restrictions on the construction of new places of worship.
- iv. Expediate the process to restore the land and property that was confiscated from churches or destroyed during the al-Bashir regime.
- v. Reform the educational system of Sudan to promote inclusivity and religious tolerance.
- vi. Cooperation with and respect for international human rights mechanisms. Extend a standing invitation to UN human rights special procedures to visit the country and assist the government with any necessary human rights reforms. Protect the rights of everyone to freedom of assembly and expression, regardless of their citizenship, in accordance with international human rights law. Cease and investigate the widespread practices of intimidation and harassment of non-Muslim, who, as a result, have refrained from organizing public political and cultural gathering. Immediately cease the practice of pre-emptive detention and the wide-scale use of security forces used to intimidate non-Muslim residing in Sudan.
- vii. Ensure the rights of non-Muslim to practice and manifest their religion, and to participate in their cultural events. Ensure the compatibility of legislation on hudud offences with human rights and urges that hudud penalties, because they are of exclusively Islamic origin, should not be applied to persons who are not Muslims because hudud penalties are of exclusively Islamic origin. Respect internationally established norms in the field of human rights, including the freedom to change one's religion and the freedom to manifest one's religion of belief either individually or in community with others and in public or private, subject to any necessary restrictions provided by law.
- viii. recommends the revision of the Organization of Prisoners and Treatment of Inmates Act (1992), so that any early release is not applied in a discriminatory manner. Recommends that all the limitations on the construction of new places of worship be abolished.
- ix. As regards the destruction of places of worship in the context of urban development plans, it is essential that provision should systematically be made for measures of compensation, in particular by providing sites for the construction of places of worship. The State should exercise its responsibility with respect to the protection of places of worship, to ensure that such places are shielded from religious extremism, obscurantism and the consequences of the conflict in the south to the Sudan.
- x. The government removes the restrictions on the travel of Sudanese and foreign religious officials.