

# United Nations Human Rights Council

## Universal Periodic Review of the Republic of the Sudan

### I. Methodology

1. This submission was prepared through the collection of information from reports by and discussions with Sudanese stakeholders on the ground and Sudanese diaspora, following the developments in Sudan, coupled with news articles and data from NGOs.
2. It should be noted that the information and recommendations collected herein are in light of the situation in Sudan as reported in March 2021.

### II. Acceptance of international treaty obligations

3. Sudan has ratified the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and the Convention on the Rights of Persons with Disabilities.
4. In February 2021 Sudan's Sovereign Council and Council of Ministers approved two draft laws to join the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) of 2006, and the Convention against Torture and Cruel Punishment (UNCAT) of 1984.

#### Recommendations

Jubilee Campaign urges the Republic of Sudan to:

5. Ratify, in addition to the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, the CAT, Art. 22, Individual complaints procedure under the Convention against Torture and;
6. Ratify the CCPR-OP1 – the Optional Protocol to the International Covenant on Civil and Political Rights.

### III. Freedom of religion or belief

7. Sudan has made several remarkable improvements towards religious freedom. Many of these have taken place in the legal framework of the country and redefine the core basis of key institutions. The repeal of the apostasy law and the separation of religion and state are two such notable changes. The key challenges for Sudan will be to ensure the implementation of these developments in all spheres of life and to fight against the impunity of the past 30 years of discrimination against religious and ethnic minorities. Many Sudanese remain wary of the military council as its influence threatens to

usurp chances of lasting and progressive change.

### **Major Legal Achievements**

1. The new 2019 Interim Constitutional Declaration signed into force on 4 August 2019 contains several provisions regarding freedom of religion or belief. Article 56 mentions explicitly every person's right to, "profess or express their religion or belief through worship, education, practice, performance of rituals, or celebrations, in accordance with the requirements of the law and public order;" and, "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 accept."<sup>1</sup>
2. Article 66 of the Interim Constitutional Declaration lift the rights of ethnic and minority groups and their right to exercise their belief and develop their culture freely, as well as raising their children in those cultures and customs.
3. On July 13, 2020, Sudan passed a novel amendment, Law No. 12 of 2020, which replaced 15 problematic articles of its former Penal Code of 1991,<sup>2</sup> among them the apostasy law which mandated the death penalty for anyone who leaves the state religion. The repeal of the apostasy law in Sudan is a momentous step and should be an example for other countries to follow who impose severe restrictions on the fundamental freedom to choose their religion or belief. Sudan has effectively implemented the recommendations of the Special Rapporteur on freedom of religion or belief and the UN Secretary General.<sup>3</sup>
4. The Law No. 12, which abolishes the crime of apostasy, further replaces the related penal code provision with "a newfound provision prohibiting the labeling of any group of individuals as 'infidels.' (Law No. 12, art. 2(a)(21), amending Penal Code art. 126.)."
5. Law No. 12, art. 2(a)(20) also amends Penal Code art. 125 whereas the new law abolishes the penalty of flogging imposed on individuals for blasphemy. However, the law retains the other penalties imposed by the penal code, including imprisonment for up to six months and a fine.
6. In September 2020, Sudan's transitional government, notably Prime Minister Abdalla Hamdok, signed a declaration that enforces the separation of religion

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<sup>1</sup> Sudan's Constitution of 2019

<sup>2</sup> Library of Congress, "Sudan: New Law Amending Penal Code Takes Effect", *Global Legal Monitor*, 23 July 2020.

<sup>3</sup> UN Human Rights Council, *Report of the Special Rapporteur on freedom of religion or belief*, 5 March 2019, A/HRC/40/58., para. 58.; UN Human Rights Council, Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, *Capital punishment and the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty*, A/HRC/42/28 (28 August 2019), available from [undocs.org/en/A/HRC/42/28](https://undocs.org/en/A/HRC/42/28), para. 46.

and state.<sup>4</sup>

### Effects of legal reforms

7. In March 2020, the new transitional government in Sudan returned some of the confiscated property back to churches.<sup>5</sup>
8. The Republican *jumhhurriyun*, a sect of Islam, which Sudan banned earlier and had executed its leader Ustaz Muhammed Taha, is able to meet again.
9. Foreign faith-based aid organizations are able to function in the country. In 2009 and 2011 several foreign aid workers and missionaries were expelled from the country.<sup>6</sup> In 2020 these organizations were able to function openly in the country again.<sup>7</sup>
10. The first International Religious Freedom Roundtable was held in Sudan with members of the different religious communities present.<sup>8</sup>
11. In December 2019, the transitional government of Sudan declared Christmas as a public holiday, whereas prior there had been restrictions on Christmas celebrations.<sup>9</sup>

### Existing Issues

12. Muslim radicals continue to attack and target Sudanese churches and houses of religious worship. Below are some of the notable cases:
  - a. On 28 December 2019, a group of unidentified individuals set fire to three churches in Bout town, Blue Nile State; the attacked churches include Sudan Interior Church, Catholic Church, and Orthodox Church. Following the arson, the churches were restored, but they were once again set ablaze on January 16, 2020<sup>10</sup>
  - b. The Sudanese Church of Christ, located in Jabarona, Khartoum State, was attacked four times between December 2019 and January 2020. Around the same time, church leaders were told by local Muslim extremists that “if the government gives you permission to build a

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<sup>4</sup> Mohammed Alamin, “Sudan Ends 30 Years of Islamic Law by Separating Religion, State”, *Bloomberg*, 4 September 2020.

<sup>5</sup> “Sudanese Government Return Confiscated Truck to Church, After 8 Years”, *International Christian Concern*, 30 March 2020; “Sudanese Government Ordered to Return Church Property”, *Mission Network News*, 1 Oct. 2018.

<sup>6</sup> “Sudan's President Orders All Foreign Aid Groups to Leave Country within a Year”, *The Guardian*, 16 March 2009. ; “Khartoum Expels Foreign Aid Agencies from Eastern Sudan”, *BBC News*, 1 June 2012.

<sup>7</sup> “Samaritan's Purse Joins Fight Against COVID-19 in Sudan”, *Samaritan's Purse*, 24 July 2020.

<sup>8</sup> “Declaration for Freedom of Religion Signed in Sudan”, *Radio Dabanga*, 27 October 2020 ; “Sudanese Christian and Muslim Leaders Agree on Declaration Promoting Religious Freedom”, *Barnabas Fund*, 3 November 2020.

<sup>9</sup> Michael Atit, “Sudan Declares Christmas Public Holiday”, *Voa*, 24 December 2019.

<sup>10</sup> World Watch Monitor, “Sudan: Three churches burned down twice within one month”, 3 February 2020.

church here they better be prepared to collect your dead bodies.”<sup>11</sup>

- c. In February 2020, the Sudanese Church of Christ was set on fire in Omdurman city, Khartoum state by unknown bandits.<sup>12</sup>
- d. In March 2020, a group of militants set fire to the Presbyterian Evangelical Church in Bout, Blue Nile state. The entire building, along with the furniture and religious texts inside, was completely decimated.

13. Radical Muslim citizens have harassed and committed violent actions against Sudanese Christians:

- a. On 6 June 2020, mosque leaders in Khartoum encouraged their congregation to eliminate all South Sudanese Christians from their “Muslim area.” In the following days, attacks against such individuals were undertaken by radical Muslims. 18-year-old Christian, Ariere Sathor, was left in critical condition, and 10 South Sudanese Roman Catholics sustained minor injuries.<sup>13</sup>
- b. In June 2020, in Omdurman, a group of radical Muslim men stabbed and killed a South Sudanese Christian man and attacked four other South Sudanese Christian women, one of whom sustained serious injuries. During the attack, the radical Muslim perpetrators shouted “Allah Akbar.”<sup>14</sup>

14. Certain Sudanese authorities and actors with suspected ties to the national security personnel have harassed and persecuted Christians:

- a. On 27 January 2020, Sudanese Christian businessman Ashraf Samir Mousad Obid was arrested at Khartoum Airport immediately following his return to the nation after he spent five years in exile. In 2015, Obid escaped Sudan after facing harassment and persecution after he sold some land to a Baptist church one year prior. Following his arrest this January, Obid was subsequently released but was told he was prohibited from leaving the country again.<sup>15</sup>
- b. On 9 October 2020, 17-year-old pastor’s son and member of the Khartoum National Presbyterian Church, Levi Hakim, was ambushed and physically assaulted by a group of Muslim radical men who

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<sup>11</sup> Christian Solidarity Worldwide, “CSW urges government action in case of Khartoum church attacked four times by extremists”, 18 March 2020.

<sup>12</sup> Dabanga Sudan, “Two churches torched in Sudan”, 18 March 2020.

<sup>13</sup> Morning Star News, “Christians Attacked in Sudan after Incitement by Mosque Leaders in Khartoum”, 24 June 2020.

<sup>14</sup> *ibid.*

<sup>15</sup> Christian Solidarity Worldwide, “Christian businessman detained at airport upon return from exile”, 28 January 2020.

claimed they were enraged over the “presence of Christians in the area.” They later also assaulted his 16-year-old and 20-year-old aunt Nyawal Paul. The family attempted to file a report to the police, but “one of the men cautioned me to drop the case, or else they will deal with us.”<sup>16</sup>

- c. In February 2021, Christian leaders reported how masked men, believed to be national security personnel, seized, handcuffed and blindfolded Osama Saeed Kodi, chairman of the Christian Youth Union of Al Jazirah state. They then beat him brutally on his chest and right leg and threatened to kill him if he continued voicing objections to the burning of a Sudanese Church of Christ (SCOC) worship hall in Tambul; they released him only after a few hours.

15. Risk of discrimination as a result of new legislation separately regulating non-Muslim worship and Muslim worship

- a. On the 24<sup>th</sup> February 2021 the Minister of Religious Affairs released a document that regulates the right to worship concerning Christian houses of worship. We are concerned by the legal disparity in regulation of Christian worship and Muslim worship, as well as fears raised by the Sudanese Council of Churches on the government’s involvement in internal decisions of the church, especially Art. 11 managing the certification of lands for churches. The article requires, for the certification of a church, confirmation “that there are Christians in the concerned area through the application attached to the housing certificate from the neighborhood committee”; however, there is neither a clear indication whether there is a minimum numeric quota, nor whether refugee populations will have the right to access places of worship. With consideration of attacks by Muslims radicals targeting Christians for their presence in allegedly “Muslim areas,” regulations that place a minimum numeric pre-requisite on the right to establish a church is problematic.

16. Personal status laws and family laws need to be reformed and aligned according to Article 56 of the Interim Constitutional Declaration and recent legal reforms. For example, to ensure the non-discrimination of women born of a Muslim father to choose their religion or belief, by not automatically registering them as Muslims and subjecting them to Islamic laws in regards to divorce and custody rights.

**Recommendation(s)**

Jubilee Campaign urges the Republic of Sudan to:

17. Eliminate provisions criminalising blasphemy to ensure conformity with international obligations related to freedom of religion or belief;

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<sup>16</sup> Morning Star News, “[Three Young Christians Assaulted in Khartoum North, Sudan](#)”, 9 October 2020.

18. Ensure that domestic family and custody laws do not discriminate against non-Muslim religious minorities, including Christians;
19. Combat impunity by ensuring swift and effective investigations into reports of abuse of power by police and security forces;
20. Ensure that all allegations of human rights violations at the hands of armed forces, police, and National Intelligence and Security Service, including the Rapid Response Force, are investigated and prosecuted according to the law (A/HRC/33/8 - Para. 141);
21. Continue to ensure the right to freedom of assembly and the right to protest;
22. Ensure that State police forces make just and proportional use of force in all circumstances, including where necessary in response to protest activity;
23. Develop a code of conduct, or similar type of document, solidifying the respect for human rights, with special emphasis on freedom of conscience and the equality of women and minorities, within the armed forces and the police by the next reporting period;
24. Intensify its commitment to working constructively with religious and other minorities to ensure the legal reforms are practically effective;
25. Ensure the removal of security officials who do not uphold human rights norms of freedom of expression and religion – including the rights of minorities – by the next reporting period;<sup>17</sup>
26. Eliminate all obstacles that make it difficult for Sudanese Christians and other non-Muslim religious minorities to educate children according to their religious and/or spiritual convictions;
27. Prosecute all perpetrators of harassment and violence against religious minorities;
28. Continue to engage with civil society and work with UN Special Procedures and members states to work on legal capacity-building and reform;’
29. Consider establishing an office of and an ombudsman for religious minorities to raise their grievances during the next reporting period.
30. Strengthen legal protection for Christians by ensuring the judicial return of property confiscated by the former Bashir government, by the next reporting period. Where the return of property cannot be secured, the government must ensure that individuals and churches are compensated accordingly;

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<sup>17</sup> Morning Star News, “Christian Leader in Sudan Detained and Beaten, Sources Say.” February 22, 2021.

31. Ensure regulations and rights regarding places of worship do not place undue burden or registration requirements on churches and other previously-persecuted and discriminated-against religious groups;

Jubilee Campaign urges the Human Rights Council to:

32. Engage actively with Sudan regarding follow-up steps, providing support in legal capacity and legal reform, and ensuring the non-discrimination of earlier marginalized religious and ethnic groups.

Jubilee Campaign urges Human Rights Council member states and observing states to:

33. Ensure that nonhumanitarian aid is conditional on Sudan making meaningful reforms that (1) ensure the rights of minorities and women, (2) promote freedom of conscience and religion (3) and advance freedom of expression; during the next reporting period;
34. Encourage Sudan in its continuous steps towards improvement and ensuring the effective implementation of legal reform during the next reporting period;
35. Engage actively in promoting civil society voices working to bring Sudan's legal reforms in the field of religious freedom and freedom of expression in line with international human rights norms.

### **Advanced Questions**

36. What progress has been made, and what support does the transitional government need, to ensure the judicious and effective return of confiscated property to affected churches and individuals?
37. How will the Sudanese government ensure a harmonious environment for the opening of non-Muslims places of worship? How will the Sudanese government ensure that the registration requirements – included in the document to regulate Christian religious places of worship – do not hinder the right to build places of worship?
38. Could the Sudanese government provide an explanation as to the removal of the Minister of Education who belonged to the *jumhhurriyun* party?
39. Could the Sudanese government provide an explanation regarding why no Christian is represented in the Committee for Religious Affairs? How will the transitional government ensure the visibility and effective participation of Christians in the Committee in light of such an exclusion?

## IV. Women's Rights

### Achievements

40. Law No. 12 introduces an amendment to the penal code that criminalizes the act of female genital mutilation (FGM) for the first time in the country's history.<sup>18</sup> It also increases the penalty for the crime of rape from imprisonment for a maximum of 10 years to life imprisonment.
41. In November 2019, Sudan's transitional government repealed the nation's 1992 Public Order Act which punished women and girls by flogging and/or whipping for wearing trousers, refraining from wearing head-coverings, or interacting with men.<sup>19</sup>
42. In July 2020, Sudan's transitional government amended the Personal Status Law of 1991 to allow women the right to travel abroad without their husband's permission or accompaniment and promised to review other discriminatory aspects of the law. As of 24 March 2021, no final proposal has been released.<sup>20</sup>

### Existing Issues

43. Approximately 12.4% of all Sudanese girls are forced into child marriages when they are below the age of 15 years.<sup>21</sup>
44. Domestic violence against women in Sudan remains a serious issue, and it has observably increased during the COVID-19 pandemic. Many of such incidences occur within the context of early/child marriages.<sup>22</sup>
45. Women's equal representation in the new Sudanese transitional government has not yet been fully achieved despite that women were the driving force of the revolution.<sup>23</sup> The Sovereign Council, a major executive body, includes 11 members total, of which only two are women. As women were the backbone of the revolution, it is important that they are represented more equitably in government roles, as it would also aid further promotion of women's rights

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<sup>18</sup> Library of Congress, "[Sudan: New Law Amending Penal Code Takes Effect](#)", *Global Legal Monitor*, 23 July 2020.

<sup>19</sup> The New York Times, "[Sudan Overturns Moral Policing Law and Disbands Al-Bashir's Party](#)", 29 November 2019.

Nita Bhalla, "'The revolution isn't over' say Sudan's frontline female protesters", *Reuters*, 19 September 2019.

<sup>20</sup> Naba Mohiedeen, "[Sudanese Women Welcome Freedom to Travel Abroad with Children](#)", *VOA News*, 14 July 2020.

<sup>21</sup> Emmanuel Akinwotu, "[Sudan says it will stamp out child marriage and enforce ban on FGM](#)", *The Guardian*, 27 November 2020.; Leah Benque, "[Children in Sudan: Inequality, poverty, and disease](#)", *Humanium*, 24 September 2019.

<sup>22</sup> Michael Atit, "Reports of Gender-Based Violence Increase in Sudan During COVID Lockdown", *VOA News*, 26 May 2020.

<sup>23</sup> "[Sudan Celebrates International Women's Day.](#)" *Radio Dabanga*, 9 Mar. 2021.

and equality.<sup>24</sup>

### **Recommendations**

Jubilee Campaign urges the Sudanese Transitional government to:

46. Continue efforts to ensure the eradication of child marriage;
47. Ensure the recently-passed FGM law is implemented by the next reporting period;
48. Work actively to ensure women's representation in decision-making bodies in Sudan;
49. Ratify the Convention on the Elimination of All Forms of Discrimination against Women;
50. Ensure that the final proposed New Personal Status Laws adhere to international norms and legislations.

Jubilee Campaign urges the Human Rights Council and observing states to:

51. Support the Minister of Justice in his work within the committee to reform the Personal Status Laws in line with international human rights norms;
52. Continue to encourage and support Sudan in meaningful reforms that empower women and ensure the non-discrimination of minority women.

## **V. Justice, Accountability and Rule of Law**

53. During the week of February 14th, a Memorandum of Understanding was signed between Sudan and the International Criminal Court (ICC) regarding the investigation into events in Darfur. Senior Janjaweed commander Ali Kushayb will be facing trial in The Hague.<sup>25</sup> It is not yet clear whether Kushayb's case is the only one that will be transferred to the ICC.

### **Recommendations**

Jubilee Campaign urges the Sudanese Transitional government to:

54. Ensure the rights of the victims of the armed conflict to truth, justice, and reparation during the next reporting period;
55. Fully cooperate with the International Criminal Court and protect witnesses.

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<sup>24</sup> Sydney Young, "The Women's Revolution: Female Activism in Sudan", *Harvard International Review*, 25 May 2020.

<sup>25</sup> Madhur Bhatt | Hidayatullah National Law U. (2021, February 18). [Sudan signs ICC cooperation agreement for Darfur trial.](#)