



Plenary sitting

B8-0271/2018

29.5.2018

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on Sudan, notably the situation of Noura Hussein Hammad
(2018/2713(RSP))

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on behalf of the ALDE Group

B8-0271/2018

**European Parliament resolution on Sudan, notably the situation of Noura Hussein Hammad
(2018/2713(RSP))**

The European Parliament,

- having regard to its previous resolutions on Sudan,
 - having regard to the International Covenant on Civil and Political Rights of 1966 to which the Republic of Sudan is a state party since 1986,
 - having regard to the UN Convention on the Rights of the Child to which Sudan is a State Party since 1990,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) adopted in 1979 and the Declaration on the Elimination of Violence Against Women (DEVAW) adopted by the UN General Assembly in 1993,
 - having regard to the resolution 62/149 of the UN General Assembly on 18 December 2007, reaffirmed on 2008, 2010, 2012, 2014, and 2016, calling for a moratorium on the death penalty presented by the EU,
 - having regard to the first Protocol to the African Charter on Human and Peoples' Rights adopted in 1981 on the Rights of Women in Africa,
 - having regard to the articles 16 and 21 of the African Charter on the Rights and Welfare of the Child which entered into force on 29 November 1999,
 - having regard to the Sudan's Constitution of 2005,
 - having regard to Article 96 (human rights clause) of the Cotonou Agreement signed by the Sudanese Government in 2005,
 - having regard to the 2030 Agenda for Sustainable Development,
 - having regard to Rule 135 of its Rules of Procedure,
- A. whereas Sudan ranks 171st out of 186 countries on the Human Development Index (HDI); whereas the UN Committee on the Rights of the Child (CRC) and the UN Human Rights Committee – two authoritative independent expert bodies on international human rights law – have expressed serious concern about the situation of women's human rights in Sudan; whereas the legal system in Sudan is based on Islamic Sharia Law;

- B. whereas Pramila Patten, the United Nations expert on sexual violence in conflict noted following her visit to Sudan, from 18 to 25 February 2018, that there is a deep-seated culture of denial of sexual violence; whereas forced marriage, marital rape, gender-based violence are considered something normal in Sudan, and all these forms of violence are justified with tradition, culture, and religion; whereas to date the Special Prosecutors Office has not investigated a single case of conflict-related sexual violence;
- C. whereas the International Criminal Court's mandate to address impunity for war crimes, crimes against humanity and genocide also includes atrocities commonly experienced by women, including a broad range of sexual and gender based crimes; whereas the ICC issued, on 4 March 2009, an arrest warrant for President Omar al Bashir of the Republic of Sudan on charges of five counts of crimes against humanity: murder, extermination, forcible transfer, torture, and rape;
- D. whereas Noura Hussein was forced by her family to get married with Abdulrahman Hammad when she was a child of 16 years; whereas Noura said that she was first raped by her husband with the assistance of members of his family; whereas, as Amnesty International said, "on 2 May 2017, three men held Noura Hussein down while Abdulrahman raped her" ;
- E. whereas Noura then fatally stabbed her husband to death defending herself when he was trying to rape her again the following day; whereas Noura, 19 years old now, was handed a death sentence by the Central Criminal Court of Omdurman for killing the man her father compelled her to marry; whereas this sentence has been appealed;
- F. whereas a global campaign "Justice for Noura" seeks to overturn the death penalty has been launched all over the world; whereas the intimidation of defence lawyers goes to the core of a fair trial process, whereas Noura having been raped requires psychological support,
- G. whereas the case of Noura has cast international scrutiny on women's rights and shone a spotlight on the issues of forced marriage and marital rape in Sudan, where the legal age of marriage is only 10 and marital rape is legal;
- H. whereas, women and children's rights activists have increasingly campaigned against forced marriages of girls and marriage of underage girls, a widespread phenomenon in Sudan;
- I. whereas the Human Rights Watch (HRW) said in his World Report 2017 that Sudanese security forces have used sexual violence, intimidation and other forms of abuse, to silent female human rights defenders across the country; ; whereas Noura's lawyer was barred by the National Intelligence Security Services 'NISS' from holding a news conference amid an intensifying campaign of intimidation; whereas Nahid Gabralla, director of SEEMA, a non-governmental organization working with victims and survivors of gender-based violence in Khartoum, the capital city of Sudan, campaigning in support of Noura, has been jailed several times as Sudan is restricting freedom of speech ;

- J. whereas the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) sent on 17 May 2018 a letter of urgent appeal to the Republic of the Sudan regarding the case of Noura;
1. Considers that Noura Hussein is a victim of the harmful practice of child marriage and rape and the sentence against her is an intolerable act of cruelty; Strongly urges the Sudanese Government to ensure the non-execution of the death sentence pronounced against the young Noura; regards that the death penalty is the ultimate cruel, inhuman and degrading punishment, and to apply it to Noura only highlights the failure of the Sudanese authorities to acknowledge the violence she endured;
 2. calls on Sudanese Government to comply with national law and international human rights standards, including the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, as well as the Protocol of the Court of Justice of the African Union, adopted on 11 July 2003;
 3. reminds the Sudanese Government that criminalisation of Noura for defending herself from assault is a violation of her rights under Articles 14 (protection of children) and 15 (no marriage without free and full consent) of the Sudanese constitution and under international law ;
 4. calls on the Sudanese Government to review and overturn the sentence given by the Central criminal court of Omdurman; urges the Government to take measures towards ensuring accountability of those who officiated the forced marriage of Noura and the family members of the deceased husband that assisted him in her rape; urges the Sudanese authorities to tackle child and forced marriage and marital rape;
 5. regrets the banning by the National Intelligence Security Services “NISS” of the press conference organised by Noura's defence team after she was sentenced ; strongly condemns the harassment of human rights activists and lawyers with regard to the case of Noura;
 6. appeals to the Sudanese government to comply with the UN moratorium on the death penalty, points out to the Sudanese Government that better protection of women’s human rights and the criminalisation of marital rape could help save many lives and prevent outcomes like that in Noura’s case;
 7. instructs its President to forward this resolution to the Council, the Commission, the Government of Sudan, the African Union, the United Nations Secretary General, the Co-Presidents of the ACP-EU Joint Parliamentary Assembly and the Pan-African Parliament.