



Plenary sitting

B8-0267/2018

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))

Elena Valenciano, Victor Boștinăru, Soraya Post
on behalf of the S&D Group

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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 UN Security Council resolution 2400 (2018) adopted at its 8177th meeting, on 8 February 2018,
- having regard to the statement by the President of the UN Security Council in connection with the Council's consideration of the item entitled "*Reports of the Secretary-General on the Sudan and South Sudan*" 31 January 2018,
- having regard to the Joint UN Statement on clemency for Noura Hussein Statement by UN Women, jointly issued with UNFPA and the UN Office of the Special Adviser on Africa of 13 May 2018,
- having regard to the EU delegation joint local statement on the case of Noura Hussein of 15 May 2018,
- having regard to the African Charter on Human and Peoples' Rights, of June 1981,
- having regard to the International Covenant on Civil and Political Rights,
- having regard to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),
- having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,
- having regard to the revised Cotonou Partnership Agreement,
- having regard to Article 123 of its Rules of Procedure,

- A. Whereas at age 16 Noura Hussein’s family attempted to force her to marry a man, despite the fact that Islam prohibits marriage without consent;
- B. Whereas Nora Hussein’s husband repeatedly raped her, as she had been unwilling to consummate a marriage that she never wanted; Whereas in an attempt to escape an attempted rape Hussein fatally wounded the man in an act of self-defense, following which her father turned her into the police and her entire family disowned her;
- C. Whereas Hussein was held in Omdurman jail until April 29, 2018, when she was found guilty of premeditated murder; Whereas on sentencing, the man’s family chose the death penalty as a suitable “punishment” for Hussein;
- D. Whereas Sudanese courts have judged Noura Hussein guilty of intentional murder despite the fact that she was defending herself from being raped by a man she was forced to marry when she was just a young teenager;
- E. Whereas Hussein’s forced marriage, rape and other forms of gender-based violence against her were not taken into account by the Court as evidence to mitigate the sentence, and that the most stringent guarantees of a fair trial and due process were not fulfilled in this case;
- F. Whereas Hussein’s legal team had until May 25 2018 to submit an appeal. Whereas intimidation and harassment from the Sudanese National Intelligence Security Services (NISS), has prevented Hussein’s lawyer Adil Mohamed Al-Imam, from publicly discussing the case;
- G. Whereas the case has brought international condemnation of Sudan’s appalling women’s rights record, under which the legal age of marriage is 10 and marital rape is legal; Whereas the #JusticeForNoura campaign has collected almost 800,000 signatures and over 150,000 letters have reportedly been sent directly to Sudan’s Ministry of Justice; Whereas UN Women, UNHCR, UNFPA have all called on the Sudanese government to grant clemency;
- H. Whereas in Sudan, almost one in three women are married before they turn 18, and marital rape is not yet illegal;
- I. Whereas Sudan is one of seven countries (including the United States, South Sudan, Somalia, Iran, Tonga and Palua) still not party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
- J. Whereas Sudan is ranked 165 out of 188 countries on the UN’s Gender Inequality Index, which measures women’s access to health, education and employment and their political participation compared with men; Whereas evidence shows that where women are not politically, culturally and economically equal to men, they will be subject to gender based violence, regardless of their faith, race or nationality;
- K. Whereas the EU is currently funding €275 million worth of projects in Sudan mainly through the European Development Fund (EDF), the European Instrument for Democracy

and Human Rights (EIDHR), the Instrument contributing to Security and Peace (IcSP); Whereas Sudan has not ratified the revised version of the Cotonou Agreement;

1. Deplores and condemns the sentencing to death of Noura Hussein. Calls on the Sudanese authorities to commute the death sentence and fully take into consideration the fact that Hussein was acting in self-defense against the attempt by a man and his accomplices to rape her;
2. Recalls that according to international standards, the imposition of the death penalty against clear evidence of self-defense constitutes an arbitrary killing, particularly where women have been charged with murder when defending themselves.
3. Recalls the principle of the Universal Declaration of Human Rights stating that "*marriage shall be entered into only with the free and full consent of the intending spouses*";
4. Notes that whilst the case is still going through a judicial process, Sudanese authorities still have an opportunity to show they do not condone rape or gender based violence, and therefore save the life of a young woman whose existence has already been devastated for reasons beyond her control;
5. Calls on the Sudanese authorities to ensure full protection for Hussein's physical and psychological integrity during her detention, as well as full respect for her rights to a fair trial and appeal in line with international standards;
6. Strongly condemns early and forced marriage and violence against women and girls in Sudan and elsewhere. Points out that the the current appeal of Hussein's sentence, which is limited to the formal and legal aspects of the conviction, without any consideration of the facts, is not sufficient under the International Covenant on Civil and Political Rights, which Sudan has ratified;
7. Underlines the EU's opposition to the death penalty, whatever the place and circumstances. Remains fully committed to the universal abolition of the death penalty which is a serious violation of Human rights and human dignity. Reiterates its support once again for an immediate moratorium on the death penalty while working towards its definitive abolition;
8. Expresses its deep concern at the continual and frequent violations of women's rights in Sudan, with particular regard to Article 152 of the Criminal Code. Calls on Sudan the six remaining states which have not yet ratified Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) to do so without further delay;
9. Reiterates that it is imperative that key laws in Sudan, including the 2010 National Security Act and laws regulating media and civil society, are reviewed and reformed, in order to bring them into line with international standards which uphold the freedoms of expression, assembly and association; Expresses concern regarding the wide-ranging powers of arrest and detention conferred upon the National Intelligence and Security Services (NISS) which arbitrarily arrest and detain people who, in many cases, are tortured and subjected to other ill-treatment with NISS officers immune from prosecution;
10. Calls on the EU High representative/Vice President to raise this case at the highest levels and for the EU delegation to step up efforts to confront and educate against gender based violence through EU cooperation programmes. Invites the EU and its Member States to provide support to those within Sudan who are genuinely seeking change, and to provide civil society organisations with technical assistance and capacity-building programmes to improve their human rights advocacy and rule of law capabilities and enable them to contribute more effectively to the improvement of human rights in Sudan;

11. 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 (PAP).