



Plenary sitting

B8-0270/2018

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 GUE/NGL Group

B8-0270/2018

**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 including those of October 10, 2012, June 13, 2012 and December 18, 2014, October 6, 2016, November 14, 2017 and March 14, 2018,
- having regard to the statement by the UN Experts entitled “UN expert raises concerns about violence against women, calls for legal reform”, 24 April 2018,
- having regard to the statement by the UN Independent Expert on the Situation of Human Rights in the Sudan, Mr. Aristide Nononsi Khartoum, 23 April 2018,
- having regard to the UN Women, entitled “Statement: Appeal for clemency for Noura Hussein”, 13 May 2018
- having regard to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol,
- having regard to the provisions of the legal instruments of the United Nations in the field of human rights, in particular those relating to the rights of women, such as the Charter of the United Nations, the Universal Declaration of Human Rights, the Covenant International Civil and Political Rights as well as the International Covenant on Economic, Social and Cultural Rights, and the United Nations Convention on the Rights of the Child,
- having regard to the local statement by the Heads of Mission of EU Embassies entitled “European Joint Local Statement on the Case of Noura Hussein”, 15 May 2018,
- Having regard to the European Convention on Human Rights, the European Social Charter and the Charter of Fundamental Rights of the European Union,
- Having regard to the mission of Subcommittee on Human Rights in Sudan in December 2017 and the mission of GUE-NGL in December 2016,
- having regard to the African Charter on Human and Peoples’ Rights, ratified by Sudan in 1986,
- having regard to the constitution of Sudan,
- having regard to Rule 135 of its Rules of Procedure,

- A. whereas on 10 May, Noura Hussein Hamad Daoud, 19 years old, was sentenced to death for killing her husband in self-defense when he tried to rape her a second time; whereas her lawyers appealed the sentence on May 24;
- B. whereas when Noura Hussein Hamad Daoud was 16 years old she was promised against her will, to Abdulrahman Mohamed Hammad and after the first phase of the marriage (which include the signing of the contract between her father and the husband), the second phase of the ceremony took place in April of 2017; whereas after Noura Hussein refused to consummate the marriage, on May 2, 2017, Abdulrahman Mohamed asked three of his relatives to hold her while he raped her; whereas, on May 3, 2017, the husband tried to rape her again and Noura Hussein used a knife to defend herself; whereas a subsequent medical examination indicated that she had also been injured during the struggle with her husband;
- C. whereas according to the spokesperson of the High Commissioner for Human Rights "forced marriage, rape and other forms of gender-based violence against Hussein were not taken into account by the Court as evidence to mitigate the sentence, and the guarantees of fair trial and due process were not be implemented"; whereas the UN Expert on Summary Executions has argued that the imposition of the death penalty with clear evidence of self-defense constitutes an arbitrary killing;
- D. whereas in accordance with the national legislation based on Sharia, in Sudan girls may be forced to marry as of the age of 10 years and one in three women is forced to marry before they turn 18 years old;
- E. whereas Noura has been subjected to physical and mental abuse by her family and her husband, which violates articles 14 (protection of children) and 15 (marriage without free and full consent) of the Constitution of Sudan; whereas the constitution also claim that "the State shall protect women from injustice and promote gender equality," and that "all persons are equal before the law and have the right, without discrimination, to equal protection of the law" ;
- F. whereas despite the reform in February 2015 of article 149 of the Criminal Act, violence and rape in marriage are not yet penalized; whereas however that the new article 149 defines rape, as any sexual contact made by force, intimidation or coercion or abuse of power;
- G. whereas child, early and forced marriage is a widespread practice throughout the world that constitutes a violation of human rights enshrined in some international conventions; whereas it is also a form of gender-based violence and a serious violation of women's rights, including equality, access to education and the liberation from exploitation and discrimination, and which can have important repercussions on physical health and psychic of women;
- H. whereas women in Sudan suffer conjugal or family violence, genital mutilation, early or forced marriages, sometimes mass rapes, sexual exploitation by their bosses or in the context of the traffic of women together with other forms of exploitation and physical, psychological and economic violence; whereas according to the Special

Representative of the Secretary-General for Sexual Violence in Conflict in Sudan there is "a deep-seated culture of denial which enhances and feeds the culture of silence about sexual violence";

- I. whereas in Sudan, only 47% of 15 years old's girls know how to read and write; whereas, very often, child, early and forced marriages result in dropping out of school, depriving girls and women of their basic rights and increasing the likelihood of becoming victims of poverty on the basis of gender; deprived of education and future paid employment, women are more likely to fall into poverty and remain in it;
- J. whereas Sudan ranks 165 out of 188 countries in the UN Gender Inequality Index, which measures women's access to health, education and employment and their participation in politics; whereas the empowerment of women and girls and their participation in all the decisions that affect them are a key factor in ending the cycle of gender inequality and discrimination, violence and poverty, and are fundamental for, among other things, sustainable development, peace, security, democracy and inclusive economic growth;
- K. whereas, forced marriage is one of the most common causes of persecution on grounds of gender alleged by a significant number of women when requesting asylum; whereas there are still a number of impediments to recognizing forced marriage as a strong reason for granting refugee status despite being a form of persecution on the basis of gender, and constituting a serious and systematic violation of fundamental rights, which entails inhuman and degrading treatment that can constitute torture;
- L. whereas despite widespread violations of human rights in Sudan, the EU and its Member States continue to strengthen their cooperation with the government and chose the capital of Sudan to start in 2014, the Khartoum process to combat migration from Africa and give a new twist to outsourcing policies of the European Union; whereas the European Union allocates large sums of money to Sudan to control migratory flows; whereas at the end of 2017, the EU was accused of financing (directly or indirectly) the Rapid Support Forces (RSF) as border agents to contain the migration route to Libya; whereas the RSF has been implicated in serious human rights violations including attacks and looting of villages, torturers, rapes and murders; whereas the allegations by the UN Independent Expert on Sudan that Sudanese security forces were using violence, intimidation and other forms of abuse to silence women throughout the country;
- M. whereas women in Sudan suffer discrimination, arbitrary arrests and humiliating punishments; whereas according to the UN Independent Expert on Sudan, so-called crimes against public morals, such as those used against women who consider themselves dressed as "indecent", together with the humiliation of corporal punishment, violate international human rights standards ; whereas articles 151, 152, 154 and 156 of the Sudan Criminal Act reinforce restrictions on women and the way they dress and behave in public; that infractions of these laws are punishable by fines and even, in certain cases, by flogging;

- N. whereas preventing and responding to all forms of violence against women and girls, including early and forced marriage, is one of the objectives of the European Union Action Plan for Gender 2016-2020;
- O. whereas the campaigns to end the early marriage of girls and young women will not be successful if the sexuality of the adolescents is not accepted and the right to make their own decisions about their body, their relationships and their sexual activity; whereas in order to make informed decisions, it is necessary to provide adolescents and their parents with information on sexuality and modern contraceptive methods and the legal and safe interruption of pregnancy in order to reduce maternal mortality and child associated with forced marriages;
- P. whereas since the arrival in power in a coup in 1989 of General Omar El-Bashir, the country has been subjected to an authoritarian regime; whereas conflicts have multiplied causing hundreds of thousands of deaths and millions of displaced persons and refugees; whereas, despite the 2005 peace agreement, the situation remains unstable, in particular in Darfur, the Blue Nile and South Kordofan; whereas the Republic of Sudan is the only state in the world to be headed by a person who is the subject of two arrest warrants of the International Criminal Court;
1. Strongly condemns the sentence against Noura Hussein Hamad Daoud and requests the pardon of the young woman, the withdrawal of all criminal charges and the cessation of any other legal action;
 2. Urges the Sudanese authorities to take into account, in this case and in other similar cases, mitigating circumstances and the fully agreement with international standards of due process;
 3. Supports the campaign #JusticeForNoura and call on the authorities to guarantee the full protection of the physical and psychological integrity of Noura Hussein during his detention, as well as the full respect of her rights to a fair trial and appeal;
 4. Requests that Noura Hussein be provided with the necessary medical and psychological assistance as a victim and survivor of sexual violence;
 5. Condemns all forms of violence against women and recalls that they constitute a serious violation of the human rights and dignity of women and girls;
 6. Reiterates its strong opposition to the use of the death penalty in all cases and under all circumstances; considers that the death penalty violates human dignity and constitute cruel, inhuman and degrading treatment and therefore urges the Sudan authorities to introduce a moratorium on executions as a first step towards the abolition of capital punishment;
 7. Urges that immediate steps should be taken to amend the Sudan Criminal Act of 1991 and the legislation based on Sharia, in order to prevent victims of sexual violence being criminalized and to ensure that raped women and girls receive protection, ensuring that the law complies with the Sudanese Constitution and international human rights obligations;

8. Calls on the competent authorities to enact laws that protect women and girls from all forms of sexual violence, including rape, marital rape and early and forced marriage; urges the authorities to implement the recommendation of the Committee on the Rights of the Child and to amend the law on personal status to raise the age at which marriage is legally permitted from 10 to 18 years;
9. Condemns the public orders laws which is used to harass women under the pretext of indecent dressing in public or private spaces;
10. Calls Sudan to ratify the Convention against Torture (CAT) and the Convention against All Forms of Discrimination against Women (CEDAW);
11. Welcomes the presentation of the amendment to the Criminal Act aimed at criminalizing female genital mutilation and the elaboration of a five-year national plan (2018-2023) focusing on access to justice for women in Darfur;
12. Stresses that measures to combat violence against women must be accompanied by measures that address economic inequalities based on gender and that promote the economic independence of women; Calls on the authorities to address the underlying causes of the systemic marginalization of women and girls at all levels of society and in all circumstances;
13. Urges the Sudanese authorities to carry out an immediate, independent and impartial investigation into the allegations against the Sudanese security forces for the use of violence, intimidation and other forms of abuse against women;
14. Calls the Sudan's authorities to promote gender equality and women's empowerment through boosting women and women rights organisations participation in public and political life; calls for a comprehensive EU approach on violence against women and girls with increased efforts and resources to prevent and eliminate all discriminatory practices against women as well as to combat and prosecute all forms of violence including trafficking in human beings, female genital mutilation, forced sterilisation, forced pregnancy, gendercide, domestic violence and marital rape, child, early and forced marriage and gender-based violence in conflict and post-conflict situations;
15. Calls on Sudan's authorities to promote the creation and access of centres for those who escape premature marriages or from parents who force them to marry, have access to education services, psychosocial support, accommodation and other social services, as well as mental, sexual and reproductive health services and medical care;
16. Condemns child, early and forced marriage and other harmful practices imposed on women and girls; recalls that eradicating child, early and forced marriage is one of the priorities of the Union's external action in the field of the promotion of women's rights and human rights;
17. Recommends to the EU that its cooperation policies promote and protect the equal rights of women and girls in access to education, with special emphasis on free and quality primary and secondary education, including the provision of recovery and literacy programs for those who have not received formal education or have left school prematurely;

18. Highlights the urgency of informing and educating men and boys and community leaders, mobilizing them in the defence of human rights, in particular the rights of children and women;
19. Calls the EU and its Member States to facilitate their access to European asylum and ensure human rights to all migrants; strongly condemns all readmission policies, especially those relating to countries such as Sudan, where these people risk their lives and face ill-treatment contrary to the Geneva Convention; criticise the financial support of the EU for policies whose aim it is to externalise border controls without changing the current situation of the people in need in those countries; Calls for ensuring rights and a safe passage to both migrants and displaced; stresses further that development aid must not be made conditional on cooperation in migration matters such as border management or readmission agreements; denounces the diversion of part of the funds of the European Development Fund to the Trust Fund for Africa in favour of these security policies
20. Considers that the agreements that some Member States, including France, Belgium, Germany, Italy and Sweden, have with the Sudanese authorities to identify and expel migrants violate international law; condemns the deportations authorized by Belgium, of Sudanese citizens who were tortured upon returning to Sudan; stresses the obligation to grant international protection and not to return anyone to a country where there are serious reasons to believe that there is a risk of torture or inhuman treatment for the person concerned;
21. Condemns EU financial support for policies to outsource border controls; urges the EU and its Member States to clarify the financing and provision to the police and border guards of the Sudan and to the construction in Sudan of migrant centres; calls on the international community to open an independent inquiry under the auspices of the United Nations on this matter;
22. Proposes that child, early and forced marriage be expressly included as a form of human trafficking in Article 2 of Directive 2011/36 / EU on the prevention and fight against human trafficking and the protection of victims; calls on the Member States to guarantee migrant women and girls an autonomous residence permit that does not depend on the residence status of their husband or spouse, in particular for victims of physical and psychological violence, including forced or arranged marriages, and to ensure that all administrative measures are taken to protect them, including effective access to assistance and protection mechanisms;
23. Calls on the European Union to pay special attention to respect for the rights of women and girls in all trade and association agreements, including by using the human rights clause;
24. Reiterates the need to promote and protect the fundamental rights of all women and girls, in particular the right to have their sexuality and to decide freely and responsibly, in particular about their sexual and reproductive health and rights, without suffering coercion, discrimination or violence;
25. Welcomes the recent releases of people imprisoned in the framework of the protests in January and February and demands the immediate and unconditional release of all

political prisoners;

26. Instructs its President to forward this resolution to the Government of Sudan, the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the parliaments and governments of the Member States, the African Union, the United Nations Secretary-General, the Co-Presidents of the ACP-EU Joint Parliamentary Assembly and the Pan-African Parliament (PAP).