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Sudan, the case of Meriam Yahia Ibrahim

European Parliament resolution of 17 July 2014 on Sudan – the case of Meriam Yahia Ibrahim (2014/2727(RSP))

The European Parliament,

- having regard to the joint statement of 10 June 2014 by the President of the Commission, the President of the European Council and the President of Parliament, together with those participating in the high-level meeting with religious leaders of that date,
 - having regard to the statement of 15 May 2014 by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on the death sentence passed for apostasy in Sudan,
 - having regard to the Universal Declaration of Human Rights of 1948 and the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,
 - having regard to the International Covenant on Civil and Political Rights,
 - having regard to the African Charter on Human and Peoples' Rights,
 - having regard to the second revision of the Cotonou Agreement in 2010,
 - having regard to the EU Guidelines on freedom of religion or belief of 2013,
 - having regard to the First Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa,
 - having regard to the Arab Charter on Human Rights,
 - having regard to the rights of children,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas in late 2013 Meriam Yahia Ibrahim (daughter of an Ethiopian Christian mother and a Sudanese Muslim father), who was raised as a Christian, was accused of adultery by her father's side of the family after they reported her to the authorities for her marriage to a Christian man; whereas the accusation of apostasy was added in December 2013;
- B. whereas the verdict of the court of first instance was delivered on 12 May 2014, sentencing Meriam Ibrahim, then eight months pregnant, to a hundred lashes on charges of adultery and to death by hanging on charges of apostasy, but giving her three days to renounce Christianity; whereas Meriam Ibrahim was convicted under Islamic sharia law, in force in Sudan since 1983, which outlaws conversions on pain of death; whereas on 15 May 2014 the verdict was reconfirmed, as Meriam Ibrahim chose not to convert to Islam;
- C. whereas on 27 May 2014 Meriam Ibrahim gave birth to a baby girl, Maya, in prison;

whereas it is alleged that Meriam Ibrahim's legs were kept in shackles and chains while she was in labour, seriously endangering the health of both mother and child; whereas this constituted a gross violation of women's and children's rights;

- D. whereas on 5 May 2014 her case was successfully transferred to the Appeal Court;
 - E. whereas Meriam Ibrahim was released from Omdurman Women's Prison on 23 June 2014 after the Appeal Court found her not guilty of both charges, but whereas she was arrested again at Khartoum airport as the family was about to depart for the USA, for allegedly attempting to leave the country with forged travel documents issued by the South Sudan Embassy in Khartoum;
 - F. whereas Meriam Ibrahim was freed again on 26 June 2014 and took refuge in the United States embassy with her family, and whereas negotiations are ongoing to enable her to leave Sudan, where she faces death threats from extremist Muslims;
 - G. whereas freedom of thought, belief and religion is a universal human right that needs to be protected everywhere and for everyone; whereas Sudan has ratified the relevant UN and African Union conventions and thus has an international obligation to defend and promote freedom of religion or belief, which includes the right to adopt, change or abandon one's religion or belief of one's own free will;
 - H. whereas the African Charter on Human and Peoples' Rights, ratified by the Republic of Sudan, includes the right to life and the prohibition of torture and cruel, inhuman or degrading punishment and treatment, but whereas the death penalty, flogging, amputation and other forms of corporal punishment are still being carried out in that country for a number of criminal offences;
 - I. whereas the Sudanese authorities disproportionately convict women and girls of ill-defined crimes for private, personal decisions that should never have been criminalised in the first place, and whereas women disproportionately face cruel punishment such as flogging, in violation of their human rights to dignity, privacy and equality;
 - J. whereas Sudan has acceded to the Arab Charter on Human Rights, Article 27 of which provides that persons from all religions have the right to practise their faith;
 - K. whereas the Republic of Sudan is bound by the human rights clause of the Cotonou Agreement¹ and by the International Covenant on Civil and Political Rights²;
 - L. whereas, notwithstanding the declaration of a national dialogue by President Omar al-Bashir in January 2014, Meriam Ibrahim's detention and inhumane treatment are emblematic of a worrying crackdown by the Sudanese authorities against minorities, human rights activists, student protesters, journalists, political opponents and rights-based organisations, in particular those promoting women's rights and youth empowerment;
1. Condemns the unjustified detention of Meriam Ibrahim; calls on the Government of Sudan

¹ Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States of the other part, signed in Cotonou on 23 June 2000.

² UN General Assembly Resolution 2200A (XXI) of 16 December 1966.

to repeal all legislation that discriminates on grounds of gender or religion and to protect the religious identity of minority groups;

2. Stresses that it is degrading and inhumane for a pregnant woman to give birth while chained and physically detained; calls on the Sudanese authorities to ensure that all pregnant women and labouring women in detention receive appropriate and safe maternal and newborn health care;
3. Reaffirms that freedom of religion, conscience or belief is a universal human right that needs to be protected everywhere and for everyone; strongly condemns all forms of violence and intimidation that impair the right to have or not to have, or to adopt, a religion of one's choice, including the use of threats, physical force or penal sanctions to compel believers or non-believers to renounce their religion or to convert; highlights the fact that adultery and apostasy are acts which should not be considered to be crimes at all;
4. Recalls that Sudan has ratified the relevant UN and African Union conventions and thus has an international obligation to defend and promote freedom of religion or belief, which includes the right to adopt, change or abandon one's religion or belief of one's own free will;
5. Demands that the Sudanese Government – in line with universal human rights – repeal any legal provisions that penalise or discriminate against individuals for their religious beliefs or for changing their religion or beliefs or for inducing others to change their religion or beliefs, especially when cases of apostasy, heterodoxy or conversion are punishable by death;
6. Stresses that such laws are inconsistent with Sudan's 2005 Interim Constitution, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and urges Sudan to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty¹;
7. Calls on Sudan to issue an immediate moratorium on all executions with a view to abolishing the death penalty and all forms of corporal punishment;
8. Notes with concern the continued and frequent violation of women's rights in Sudan, notably Article 152 of Sudan's Criminal Code; urges the Sudanese authorities to expeditiously sign and ratify the Convention on the Elimination of All Forms of Discrimination Against Women;
9. Notes with concern that impunity for serious human rights violations remains a widespread and serious problem in Sudan, as in the case of the Darfur conflict, where the authorities have not prosecuted the vast majority of serious crimes committed, including crimes of sexual violence; calls on the Sudanese Government to investigate and prosecute those responsible for human rights abuses, including killings, torture and ill-treatment of detainees, and rape and other sexual violence;
10. Reiterates its strong attachment to the strict separation between religion or belief, on the one hand, and the state, on the other, which implies the rejection of any religious interference in the functioning of government, as well as non-discrimination with respect to religion or

¹ UN General Assembly Resolution 44/128 of 15 December 1989.

belief;

11. Calls on the Government of Sudan to accede to the First Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa and to the Protocol of the Court of Justice of the African Union, both adopted in Maputo, Mozambique, on 11 July 2003;
12. Calls on the Government of Sudan to undertake, with the support of the international community, urgent legal reform in order to protect fundamental human rights and freedoms, ensure the protection of every individual's human rights and address, in particular, discrimination against women, minorities and disadvantaged groups;
13. Expresses its support for efforts to achieve an inclusive negotiated solution to the situation in Sudan, and supports the efforts of civil society and opposition parties to promote the peace process;
14. Calls on the EU to play a leadership role in pushing for a strong resolution on Sudan at the next Human Rights Council session in September 2014 which addresses the serious and widespread violations of human rights and international humanitarian law in the country;
15. Instructs its President to forward this resolution to the Council, the Commission, the Member States, the Government of Sudan, the African Union, the Secretary-General of the United Nations, the Co-Presidents of the ACP-EU Joint Parliamentary Assembly and the Pan-African Parliament.