



---

TEXTS ADOPTED

---

**P8\_TA(2018)0233**

**Sudan, notably the situation of Noura Hussein Hammad**

**European Parliament resolution of 31 May 2018 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 has been a state party since 1986,
- having regard to the UN Convention on the Rights of the Child to which Sudan has been a State Party since 1990,
- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to the UN General Assembly resolution of 19 December 2016 on child, early and forced marriage,
- having regard to Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) adopted by the UN General Assembly in 1979, and the Declaration on the Elimination of Violence Against Women (DEVAW) adopted by the UN General Assembly in 1993,
- having regard to UN General Assembly resolution 62/149 of 18 December 2007, presented by the EU and reaffirmed in 2008, 2010, 2012, 2014 and 2016, calling for a moratorium on the death penalty,
- 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 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 urgent letter of appeal regarding the case of Noura Hussein Hammad sent on 17 May 2018 by the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) to the Republic of the Sudan,

- having regard to 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 Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas Noura Hussein Hammad was forced by her family to marry Abdulrahman Hammad when she was a child of 16; whereas Noura has stated that she was first raped by her husband with the assistance of members of his family; whereas, according to her testimony, on 2 May 2017, three men held Noura Hussein down while Abdulrahman raped her; whereas Noura stabbed her husband to death in self-defence when he attempted to rape her again the following day; whereas a subsequent medical examination indicated that she had also been injured during the struggle with her husband;
  - B. whereas Noura Hussein Hammad was held in Omdurman prison until 29 April 2018 when she was found guilty of premeditated murder; whereas Noura Hussein Hammad, now 19 years old, was sentenced to death by the Central Criminal Court of Omdurman for killing the man her father compelled her to marry; whereas on sentencing, the man’s family chose the death penalty as a suitable ‘punishment’ for Hussein; whereas an appeal has been lodged against her sentence;
  - C. whereas the Office of the High Commissioner for Human Rights has gathered information that 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; whereas the UN Expert on Summary Executions has argued that the imposition of the death penalty when there is clear evidence of self-defence constitutes an arbitrary killing;
  - D. whereas Sudan ranks 165th out of 188 countries on both the Human Development Index (HDI) and the UN’s Gender Inequality Index; whereas the UN Committee on the Rights of the Child (CRC) and the UN Human Rights Committee 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; whereas evidence shows that where women are not politically, culturally and economically equal to men, they will be subjected to gender-based violence, regardless of their faith, race or nationality;
  - E. whereas the Sudanese Constitution provides that the ‘state shall protect women from injustice and promote gender equality’; whereas Pramila Patten, the UN Special Representative 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 in Sudan; whereas forced marriage, marital rape and gender-based violence are considered normal in Sudan, and all these forms of violence are justified by citing grounds of tradition, culture and religion; whereas to date the Special Prosecutor’s Office has not investigated a single case of conflict-related sexual violence;
  - F. whereas the mandate of the International Criminal Court (ICC) 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 the Sudan on charges of five counts of crimes against humanity: murder, extermination, forcible transfer, torture, and rape;

- G. whereas a global campaign ‘Justice for Noura Hussein Hammad’, seeking to overturn the death penalty, has been launched; whereas, as of May 2018, almost one million people have signed a petition entitled ‘Justice for Noura Hussein Hammad’; whereas the intimidation of defence lawyers represents an attack on the fair trial process, whereas, having been raped, Noura Hussein Hammad requires psychological support;
- H. whereas the case of Noura Hussein Hammad has drawn international attention to women’s rights and put the issues of forced marriage and marital rape in Sudan, where the legal age for marriage is only 10, under the spotlight; whereas marital rape was only recognised by Sudanese law in 2015; whereas, however, the judicial authorities refuse to recognise it as a crime;
- I. whereas, women’s and children’s rights activists have increasingly campaigned against forced marriages of girls and the marriage of underage girls, a widespread phenomenon in Sudan; 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;
- J. whereas both Human Rights Watch (HRW) and the UN Independent Expert on Sudan in his World Report 2017 have stated that Sudanese security forces have used sexual violence, intimidation and other forms of abuse to silence female human rights defenders across the country; whereas Noura Hussein Hammad’s lawyer was barred by the National Intelligence Security Services (NISSs) from holding a news conference amid an intensifying campaign of intimidation; whereas Nahid Gabralla, director of SEEMA, a non-governmental organisation working with victims and survivors of gender-based violence in Khartoum, the capital city of Sudan, has been jailed several times while campaigning in support of Noura Hussein Hammad, as Sudan is placing restrictions on freedom of speech;
- K. whereas Sudan is one of seven countries still not party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
- L. whereas the EU is currently funding EUR 275 million worth of projects in Sudan, mainly through the European Development Fund (EDF), the European Instrument for Democracy and Human Rights (EIDHR) and the Instrument contributing to Security and Peace (IcSP); whereas Sudan has not ratified the revised version of the Cotonou Agreement;
- M. whereas women in Sudan suffer from 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 deemed to be ‘indecently’ dressed as, 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; whereas breaches of these laws are punishable by fines and even, in certain cases, by flogging;

- N. whereas the EU supports Sudan with a mix of development and humanitarian assistance, but also provides support to the country's highly controversial border control and counter-trafficking and counter-smuggling operations, inter alia via the so-called ROCK project;
1. Deplores and condemns the sentencing to death of Noura Hussein Hammad; calls on the Sudanese authorities to commute the death sentence and fully take into account the fact that Ms Hussein was acting in self-defence against the attempt by a man and his accomplices to rape her;
  2. Calls on the Sudanese authorities 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; recalls that, according to international standards, the imposition of the death penalty against clear evidence of self-defence constitutes arbitrary killing, particularly in instances where women have been charged with murder when defending themselves;
  3. Reminds the Sudanese authorities of their obligation to guarantee fundamental rights, including the right to a fair trial; insists that all necessary measures must be taken to ensure that Noura Hussein Hammad's trial genuinely meets the highest standards of fairness and due process;
  4. Reiterates that it is imperative that key laws in Sudan, including the 2010 National Security Act and laws regulating the 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 NISSs, which arbitrarily arrest and detain people who, in many cases, are tortured and subjected to other ill treatment, with NISS officers immune from prosecution;
  5. Notes that while the case is going through the judicial process, the Sudanese authorities still have an obligation to show they do not condone rape or gender-based violence, and, therefore, to save the life of a young woman whose existence has already been devastated for reasons beyond her control; calls on the Sudanese authorities to ensure that all cases of gender-based and sexual violence, including marital rape and domestic violence, are prosecuted and that perpetrators are held to account; urges the Sudanese authorities to tackle child and forced marriages and marital rape;
  6. 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;
  7. Regrets the banning by the NISSs of the press conference organised by Noura Hussein Hammad's defence team after she was sentenced; strongly condemns the harassment of human rights activists and lawyers in relation to the case of Noura Hussein Hammad;
  8. Urges the Sudanese authorities to ensure the full protection of Noura Hussein Hammad's physical and psychological integrity during her detention, as well of that of her lawyers and family;

9. 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 constitutes cruel, inhuman and degrading treatment; appeals to the Sudanese authorities to comply with the UN moratorium on the death penalty; calls on Sudan to ratify the Convention against Torture (CAT) and CEDAW;
10. Points out to the Sudanese authorities that better protection of women's human rights and the criminalisation of marital rape could help save many lives and prevent outcomes such as that in Noura Hussein Hammad's case;
11. Strongly condemns early and forced marriage and violence against women and girls in Sudan and elsewhere; points out that the current appeal against 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; 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;
12. Strongly requests that the EU and its Member States ensure that the implementation of projects with the Sudanese authorities observe the 'do no harm' principle, which would rule out cooperation with actors responsible for human rights violations;
13. Instructs its President to forward this resolution to the Council, the Commission, the President 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.