

Mandates of the Working Group on the issue of discrimination against women in law and in practice; the Independent Expert on the situation of human rights in the Sudan; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on violence against women, its causes and consequences

REFERENCE: UA
SDN 6/2015:

27 August 2015

Excellency,

We have the honour to address you in our capacity as Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice; Independent Expert on the situation of human rights in the Sudan; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and Special Rapporteur on violence against women, its causes and consequences pursuant to Human Rights Council resolutions 23/7, 27/29, 25/13, and 23/25.

In this connection, we would like to refer to our urgent appeal dated 16 July 2015 regarding the arrest of 12 female students and charges against ten of them for "indecent dress", and bring to the attention of your Excellency's Government additional information we have received regarding the subsequent **sentencing of Ferdous Al Toun and Rehab Omer Kakoum charged with "indecent dress" under Article 152 of the 1991 Penal Code of Sudan which carries the penalty of flogging and heavy fines.**

According to information received:

While cases against eight of the ten female Christian students charged with "indecent dress" under Article 152 of the 1991 Penal Code of Sudan have concluded with either a not guilty verdict or a fine being imposed, two young women have been sentenced with flogging and/or heavy fines.

On 14 July 2015, Rehab Omer Kakoum was sentenced to a fine of 500 Sudanese pounds (SDG). On 16 August 2015, Ferdous Al Toun was sentenced to be flogged 20 lashes and a fine of 500 Sudanese pounds SDG. Both girls have filed appeals, but no date has yet been given for the appeal trials.

Regarding the other eight women charged with "indecent dress", on 12 August 2015, [REDACTED] and [REDACTED] were convicted and sentenced to pay a fine of 50 SDG each. On the same day, [REDACTED] and [REDACTED] were declared innocent. On 16 August 2015, [REDACTED] was found not guilty and released.

While we do not wish to prejudge the accuracy of these allegations, we are very concerned at the physical and psychological integrity of Ferdous Al Toum, as well as the psychological integrity of Rehab Omer, with regard to the alleged sentence of flogging and heavy fines. We would also like to reiterate our serious concern that the offence of indecent dress and the penalty of public flogging for women, which is a continuing practice in the country contrary to international standards on prohibition of torture or inhuman treatment, are used to punish women in a discriminatory way.

Furthermore, we reiterate concern expressed in communications JUA SDN 8/2013, JUA SDN 9/2013, JUA SDN 5/2015 with regard to the existence of legislation that permits corporal punishment and legislation that criminalizes "indecent dressing" which is used disproportionately against women and based on gender stereotypes, and the devastating consequences that such violence has on women's physical and psychological integrity and well-being.

In this regard, we would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified, inter alia, in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Sudan signed on 4 June 1986. We would also like to bring to your Excellency's attention articles 1 and 4 (b) of the United Nations Declaration on the Elimination of Violence against Women.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

As it is our responsibility, under the mandates entrusted to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations?
2. Please provide the details, and where available the results, of any investigation and judicial or other inquiries carried out in relation to this case.
3. Please provide information on the measures envisaged to ensure that Sudanese legislation complies with international human rights law and in particular,

including the repealing of Article 152 of the Criminal Code and the abolition of the penalty of flogging, which violates the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment.

While awaiting a reply, we urge your Excellency's Government to overturn the convictions and set aside the sentences issued against Ferdous Al Toum and Rehab Omer Kakoum and release them immediately and unconditionally. We encourage again your Excellency's Government to engage in a comprehensive review of the provisions of Sudan's 1991 Criminal Code with a view to removing all provisions that discriminate against, or have a discriminatory impact on women, including article 152 in conformity with Your Excellency's Government obligations under international human rights law. We further reiterate our previous encouragements for your Excellency's Government to consider becoming a State party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

We are intending to publicly express our concerns in the near future as we are of the view that the information upon which the press release is going to be based is sufficiently reliable to indicate a matter warranting immediate attention. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Eleonora Zielinska
Chairperson-Rapporteur of the Working Group on the issue of
discrimination against women in law and in practice

Aristide Nononsi
Independent Expert on the situation of human rights in the Sudan

Juan E. Méndez
Special Rapporteur on torture and other cruel, inhuman or degrading
treatment or punishment

Dubravka Šimonovic
Special Rapporteur on violence against women, its causes and
consequences

