

Human Rights Council

Forum on Minority Issues

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Minorities in the Criminal Justice System

Agenda item 4

My name is Nagwa Shagga, on behalf of the Nuba people of Sudan and Nuba Mountains People's Foundation. I will be speaking about issues concerning Nuba who are Christian.

According to section 152 of 1991 of Sudan Criminal Law, women can be stopped by police, sent before a judge, and sentenced to a public flogging for wearing trousers or even skirts as in some cases. However, the section also mentions that this provision should not be applied to those who are not Muslims.

However, on 25 June 2015, 12 Christian girls belonging to the Nuba community were detained at a police station in Khartoum by the public order police for indecent dress. At the police station the girls, aged between 17 and 23, were made to undress in order for the police to collect further evidence. Fortunately, two were released by the police on the same day when they reconsidered their opinion about their dress.

However, the 10 other girls were charged for crimes against public morality under section 152. In fact, these young women were attending a service in a church and were wearing trousers and skirts. They were arrested right near the church. Therefore, it was both clear that they were Christians and that there were no violations of public morality.

Fortunately, the 10 girls were not flogged and subsequently released. This was due to the intense efforts of the Nuba community and civil society organizations which condemned the arrests. Still, the girls were fined, and so found guilty despite not having broken the law.

This is therefore one of many examples where the legislation is wrongly applied by the judges, ignoring an exception which the Christian minority should enjoy. Moreover, the case is an example of harassment by the police as the girls were treated in a degrading manner. There has been no possibility of filing a complaint against this mistreatment by the police.

Therefore, I recommend that:

The criminal justice system must fully implement legal provisions intended to protect minority rights in accordance with recommendation no. 16 in addition to no. 49.

Thank you.