

Amnesty International USA
16 Days of Activism Against Gender Violence:
Let's Challenge Militarism and End Violence Against Women
25 November – 10 December 2013

Sudan:
Women must be free to wear pants or leave their hair uncovered!

Under Article 152 in Sudan's Criminal Code, women can be stopped by police, sent before a judge, and sentenced to a public flogging for nothing more than wearing pants or leaving her hair uncovered.



Amira Osman Hamed, a computer engineer and women's rights activist, faces 40 lashes for refusing to wear a headscarf

Article 152 of the 1991 Criminal Code of Sudan, one of a number of laws and practices that make up Sudan's 'Public Order Regime', allows the police to arrest people for what they are wearing. **This law disproportionately affects women and girls** as thousands of people, mainly women and girls, are reportedly arrested every year in Khartoum, Sudan's capital, for wearing what is arbitrarily deemed "indecent" clothing. However, the majority remain silent traumatized by their arrest and punishment or fearful of stigmatization if people knew of their arrest.

Article 152 in full states:

'(1) Whoever commits, in a public space, an act, or conducts himself in an indecent manner, or a manner contrary to public morality, or wears an indecent or immoral dress, which causes annoyance to public feelings, shall be punished, with whipping, not exceeding forty lashes, or with a fine, or with both (2) The act shall be contrary to public morals if it is regarded as such according to the standard of the person's religion or the custom of the country where the act takes place.'

By placing such restrictions on what clothing is permitted for reasons of 'decency' and 'morality', **Article 152 denies people, especially women and girls, their right to [freedom of expression](#), which they should be free to exercise without coercion, harassment and discrimination.** This article can only be applied arbitrarily because decent or indecent behavior is subjective and not defined. It allows members of the Public Order Police to harass or arbitrarily detain people based on nothing more than disapproval of someone's clothing.

The punishment for indecent or immoral dress or behavior in public includes up to 40 lashes, and/or a fine. Amnesty International opposes flogging as it violates the absolute prohibition against torture and other cruel, inhuman or degrading treatment or punishment. As a party to the [Convention against Torture](#) and the [International Covenant on Civil and Political Rights](#), Sudan is required to ban flogging as a punishment.

[This year the case of Amira Osman Hamed](#), a computer engineer and women's rights activist, brought international attention to Sudan's Public Order Regime after she was charged with 'indecent dress' for refusing to wear a headscarf. She was released on bail and her trial was set to begin on 4 November. As of when this case sheet went to press, Amira's case was in court.

You can [stand with Amira Osman Hamed](#) and all Sudanese people for their right to freedom of expression!

Take Action Now!

Join us and write to the Minister of Justice urging him to abolish Article 152, drop all charges under this law, and abolish flogging as a punishment. A model letter is below:

Your Excellency,

I am writing to express my concern over the effects of Article 152 of Sudan's Criminal Code due to the restrictions that it imposes on freedom of expression and its discriminatory and arbitrary nature. Since its introduction in 1991 this law has been used to penalize women for wearing trousers, not wearing a headscarf and picnicking in public with men.

I am concerned that, by imposing restrictions on what people can wear, Article 152 violates Sudan's international obligations to safeguard freedom of expression. In addition, Article 152 is far too broad, in that it does not clearly define what is considered indecent or immoral, leaving this to the discretion of police officers and judges. In practice this can encourage harassment or arbitrary detentions by the police based on whether they disapprove of someone's clothing. The law is also discriminatory as it has been used to disproportionately target women.

Finally, the punishment of flogging violates the prohibition of cruel and degrading treatment and punishment under international human rights law. Flogging contravenes Sudan's obligations under the Convention against Torture and the International Covenant on Civil and Political Rights.

In the light of these serious flaws I urge you to:

- Repeal the public order laws, including Article 152 of the Criminal Code of 1991, because they are vague and discriminatory and fail to adhere to Sudan's obligations under international human rights law.
- Immediately stop charging people under this article and to drop all charges under this law immediately and unconditionally.
- Abolish the penalty of flogging, which violates the absolute prohibition against torture and other cruel, inhuman or degrading treatment or punishment.

I look forward to your prompt and constructive action.

Yours sincerely,

Send your letters to:

Mohamed Bushara Dousa
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cc:

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Questions? Please email us at whr@aiusa.org!

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