

Model letter

To the Minister of Justice

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,