



Country matrix 2024

Sudan

The country matrix adopts and adheres to the coding standards adopted in the "Gender Justice and the Law" initiative.

General framework of the State

Has the State ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)? Does it have any reservations on the implementation of the provisions of the Convention?

The Republic of the Sudan has not acceded to the Convention. In 2019, the Ministry of Justice in the Sudanese transitional government announced its intention to ratify CEDAW.

Does the Constitution refer to gender equality and non-discrimination?

People are equal before the law and have the right to enjoy the protection of the law without discrimination between them on the basis of race, colour, sex, language, religious creed, political opinion, or ethnic origin or any other reason.

If customary law is a valid source of law under the Constitution, is it valid if it violates constitutional provisions on gender equality or non-discrimination?

The Transitional Constitution of 2019 does not mention customary law as a source of law.

If personal law is a valid source of law under the Constitution, is it valid if it violates constitutional provisions on equality or non-discrimination?

The Transitional Constitution of 2019 does not address the

position of Islamic jurisprudence and the principles of Shariah in the event of conflict with constitutional provisions; its position in relation to the Constitution is not clearly stated in any text.

Do national laws clearly define the mandate and jurisdiction of informal justice systems, where they exist, in terms of their enforcement of formal and informal laws, both of which must conform to international standards, including non-discrimination?

There are tribal courts in the Sudan, but their mandate is not regulated by any legislation.

Is there a law on discrimination that prohibits both direct and indirect discrimination against women?

The Transitional Constitution of 2019 addresses prohibited forms of discrimination (including discrimination on the basis of sex), but there is no general law prohibiting or differentiating between direct and indirect discrimination on the basis of sex.

Is there a national action plan or policy to address violence against women and girls that is overseen by a national mechanism with the mandate to monitor and review implementation?

The Unit for Combating Violence against Women and Children, which is the responsible

authority for coordinating between the main actors to eliminate gender-based violence in the Sudan, has developed a draft national policy to combat violence against women for the period between 2017 and 2032.

Are there budgetary commitments provided for by government entities for the implementation of legislation addressing violence against women and girls by creating an obligation on the Government to provide a budget or allocation of funding for the implementation of relevant programmes or activities?

The budget does not include commitments to implement legislation to combat violence against women.

Is there a national strategy or action plan currently in place containing measures to ensure full and equal access to the entire range of sexual and reproductive health information, services and supplies, with budgetary, human and administrative resources allocated for its implementation?

There is a relevant national strategy on reproductive health but it only covers some aspects of information, services, and supplies related to sexual and reproductive health. There is no budget specifically allocated to it in terms of financial and human and administrative resources.

Is legal aid mandated and guaranteed in criminal matters?

Legal aid is provided in criminal matters under the Transitional Constitution of 2019, which affirms the right of any person accused of a crime to obtain legal aid. This right is also reflected in article 135 of the Code of Criminal Procedure,

which confirms the accused's right to legal aid.

Is legal aid mandated and guaranteed in civil/family matters?

There is no provision in the law regarding the provision of legal aid in civil/ family matters, but there is a specialized department for legal aid in the Ministry of Justice which grants legal aid in

criminal, civil and family matters, and special priority is given to women and children.

Are there laws that explicitly require the production and/or dissemination of gender statistics?

There is no legislation referring to statistics disaggregated by gender.

Legal capacity and public life

Do women and men have equal rights to apply for passports?

Article 6 of the Passports and Immigration Act of 1994 gives men and women equal rights to apply for a passport.

men in pursuing legal proceedings and initiating them.

In personal/family law matters, are women required to obtain permission from judicial or administrative authorities, spouses and other family members prior to initiating legal action?

Women do not have the same rights as men in some family matters. Article 3 of the Civil Registry Act of 2011 expressly states that the head of the family is either the husband to his wife or wives, or a father to the non-married children, or the person appointed by the court after the death of the husband or father. This is also apparent in the provisions of the law that state that the wife comes after her husband in the hierarchy to register births in her capacity as a party authorized to report the birth of a child.

weight as a man's in most cases though there are important exceptions. In civil and commercial matters, a woman's testimony and a man's testimony carry equal weight before the law and in court. All relevant laws use language that does not differentiate between men and women in determining the requirements for witnesses and their testimony and related regulations. Personal/family and criminal laws discriminate against women through their explicit rulings requiring the testimony of a man in many hudud cases, or by requiring the testimony of two women for each man. For example, proof of adultery by law requires the testimony of four men, and in other cases the testimony of two men, or one man and two women, or four women is required.

Do women and men have equal rights to obtain an identity card?

Article 27 of the Civil Registry Act of 2011 gives men and women equal rights to obtain a personal identity card.

In civil law matters and procedures, are women required to obtain permission from judicial or administrative authorities, spouses and other family members prior to initiating legal action?

Women are not required to obtain permission from judicial or administrative authorities or from their husband or other family members before initiating legal proceedings in civil matters. All related legislation gives women equal rights to

Does a woman's testimony carry the same evidentiary weight in court as a man's?

A woman's testimony in court bears the same evidentiary

Can a woman enter into a contract the same way as a man?

Women can enter into a contract in the same way as men.

Do women and men have equal rights to own, access, and control or use property?

Article 60 of the Transitional Constitution of 2019 confirms the right to own property, and there is a legislative regulation for ownership which confirms the equality of men and women in the right to own, access and control property, whether it is personal, collective or family property.

Does the law allow for women to register businesses the same way as men?

There are no legal restrictions regarding gender for women to register businesses.

Do women and men enjoy equal rights and access to hold public and political office (legislature, executive, judiciary)?

The legislation governing the appointment of staff of the civil service, judiciary, prosecution general and parliamentary elections does not impose any restrictions on the right of women to assume public and political office.

Are there quotas for women (reserved seats) in the national parliament?

The Transitional Constitution of 2019 provides for the allocation of not less than 40 per cent of the membership of the Transitional Legislative Council

to women. The National Elections Act of 2008 states that the quota of 25 per cent should be adjusted in accordance with the new Transitional Constitution.

Is there a law that explicitly prohibits violence against women in politics and elections?

The Election Act does not contain express provisions on violence against women in politics and elections, but it contains general provisions that criminalize acts of violence or threats of violence against anyone in the electoral process, and sexual harassment, abuse, abduction, intimidation and damage to private property.

Protection from violence against women and girls in the public and private spheres

Is there legislation on domestic violence that includes all forms of physical violence?

There is no relevant law on domestic violence.

Is there legislation on domestic violence that includes all forms of sexual violence?

There is no relevant law on domestic violence.

Is there legislation on domestic violence that includes all forms of psychological/emotional violence?

There is no relevant law on domestic violence.

Is there legislation on domestic violence that includes financial/economic violence?

There is no relevant law on domestic violence.

Are there criminal and civil protection orders available for victims of violence for which a breach (constitutes a criminal offence) has legal consequences?

There are no provisions for enforcement of protection orders.

Does the law allow mitigating circumstances for femicide?

There is no specific provision in the Criminal Act that allows a reduction of the penalty imposed on offenders of so-called "honour crimes".

Does the law criminalize female genital mutilation (FGM) or cutting if practised?

In July 2020, the transitional government in the Sudan authorized a law that criminalizes female circumcision, and the text of article 141 added to the Sudanese Criminal Act states: "is considered a perpetrator of a crime whoever

removes or mutilates the female genitalia, leading to the loss of their function in whole or in part, whether within any hospital, health centre, clinic or other place. Whoever commits the crime shall be punished with imprisonment for a period not exceeding three years and with a fine“

Does the law criminalize adultery?

Adultery is a crime under articles 145 and 146 of the Criminal Act.

Do laws that criminalize rape act based on absence of consent without requiring proof of the use of physical force or penetration?

The Criminal Code, which was amended in 2020, criminalizes the act of rape committed on the basis of non-consent through an act resulting in penetration, through the use of or threat of force, or through coercion caused by the fear of the use of violence or threats, detention or persecution, temptation or the use of power. The amended

Criminal Code also increased the penalty to life imprisonment.

Does the law criminalize marital rape?

The Penal Code does not criminalize marital rape specifically. And according to the Personal Status Code, the husband has the right to his wife's obedience, and the wife must perform her marital duties.

Does the law include exoneration if the offender marries his victim?

There is no law in the Sudan that allows the rapist to marry the victim.

Is sexual harassment defined in any legislation?

The Criminal Act of 1991 was amended in 2015 to include sexual harassment.

Is there a provision in the law that criminalizes cyberviolence against women and girls?

The Cybercrime Act of 2007 punishes acts that violate public order and public morals, with an

increased penalty in the event these acts are related to an event. The Act also criminalizes any act that violates the sanctity of the private life of any individual (woman or man) or defames them. However, it does not contain an explicit and direct text specifically targeting cyberviolence against women and girls.

Are sex work and prostitution criminalized?

Articles 154 to 156 of the Criminal Act prohibit prostitution.

Are there comprehensive provisions (punitive, protective and preventive) on human trafficking in any law?

The Combating of Human Trafficking Act, which was amended in 2021, includes comprehensive provisions in this regard. The penalty for trafficking in children and women has also been increased, with the maximum penalty reaching death penalty.

Employment and economic benefits

Does the law mandate non-discrimination against women in employment?

The Labour Act does not contain a provision prohibiting discrimination on grounds of gender at work. The Transitional Constitution of 2019 affirms the principles of non-discrimination and equality between men and women, and it affirms women's right to work, but it does not

expressly prohibit gender discrimination in the workforce.

Does the law mandate equal pay for the same work as men?

Despite the text of article 49 of the Transitional Constitution of 2019, which stipulates that the State guarantees women equal economic rights, including occupational benefits, the

Labour Act does not include a provision prohibiting gender discrimination at work.

Does the law mandate equal remuneration for work of equal value?

The Employment Act of 1997 does not recognize the principle of equal pay for work of equal value. The National Civil Service Act of 2007 recognizes the

principle of equal pay for work of equal value; however, it implies that equal work depends on the type of practice of this work, as well as its nature and conditions.

Does the law allow women to do the same jobs as men?

Under the Labour Law, there are specific legal restrictions based on gender for hard labour or certain professions of a dangerous nature.

Does the law allow women to work the same night hours as men?

There are legal restrictions on night work on grounds of gender. Women can work night shifts for purposes connected to the public interest, with the permission of the work committee in her area.

Do national labour and civil service-related laws (labour codes, civil retirement acts, etc.) discriminate between men and women in terms of retirement age?

The Social Insurance Act of 1990 and the National Civil Service Retirement Act of 1993 stipulate the same age and retirement conditions for male and female workers.

Do national labour and civil service-related laws grant men and women equal rights to pass on their pensions to their spouses?

Article 32 (a) of the National Civil Service Retirement Act of 1993 affirms the right of widows or

widowers to obtain their deceased partner's pension. Article 77 of the Social Security Act of 1990 affirms the right of the widow(s) to receive the deceased husband's pension, and the right of a widower to receive the pension of his deceased wife if he is unable to work.

Does the law prohibit dismissal during pregnancy and maternity leave?

The Labour Act does not specifically prohibit dismissal of women due to pregnancy.

Does the law provide for maternity leave that meets the International Labour Organization (ILO) standard of 14 weeks?

Article 46 of the Labour Act states that the female worker is entitled to maternity leave for eight weeks with full pay. This is less than the ILO standard period of 14 weeks.

Does the law provide for paid paternity leave available to fathers?

The Labour Act of 1997 and the National Civil Service Act of 2007 do not provide for paternity leave.

Does the State provide or subsidize childcare facilities?

The labour laws do not contain any clause regarding the provision of childcare services for workers in the public and private sectors.

Does legislation tackle sexual harassment in the workplace?

The Labour Act does not contain a specific provision prohibiting sexual harassment in the workplace; however, these acts are illegal under the Criminal Act of 1991 (articles 151 and 152).

Are there provisions allowing for civil claims/remedies for sexual harassment in the workplace?

There are no legal provisions for civil claims/remedies for sexual assault and sexual harassment or to punish employers for dismissing an employee as retaliation.

Does the Labour Law provide protection for domestic workers?

The Labour Act does not include domestic workers. The Domestic Servants Act of 1955 provides some protections in terms of employment contracts, wages, leave and end-of-service benefits.

Is there a public entity that can receive complaints on gender discrimination in employment?

There is no public entity that receives complaints on gender discrimination in the workplace; however, relevant judicial and national mechanisms can be used to receive complaints.

Family matters (personal status)

Is 18 the minimum age at marriage, with no legal exceptions, for both women and men?

The Personal Status Code is marked by a lack of clarity regarding the legal age for marriage. Although the text of article 215 of the Personal Status Code states the age of majority to be 18 years old, there are other articles that allow the marriage of female children in some cases, as the law allows the marriage of a girl of the age of 10, provided that the marriage takes place in a court.

Is marriage under the legal age void or voidable?

Marriage under the legal age is not considered void or voidable.

Do women and men have equal rights to enter marriage (i.e. consent) and initiate divorce?

The husband is required to support the wife according to the Personal Status Code, and the wife owes obedience to the husband. The man has the right to end the marriage contract by divorce unilaterally, while the wife has the right to divorce for specific reasons. She can also apply for a khula divorce without giving reasons if she gives up her financial rights.

Does the law prohibit polygamy?

Polygamy is permitted under the Personal Status Code.

Do women and men have equal rights to be legal

guardian of their children during and after marriage?

The father is the guardian and is responsible for supporting the family financially.

In 2020, the Sudan abolished Article 12 of the Passports and Immigration Law, which required the approval of the guardian of the child accompanying his mother, and a certificate of completion to allow the child to leave the country with his mother.

Does the law grant women and men equal custody rights of their children?

After divorce, the mother continues to have custody of her children until the boys are 7 years old and the girls 9 years old. The mother may lose custody if she remarries unless the court allows her to retain custody in the best interest of the child.

Do women and men have equal rights to choose where to live?

The Transitional Constitution of 2019 affirms the right of the individual to move around and choose their place of residence. However, the Personal Status Code imposes some restrictions, on grounds of gender, on women's right to leave the marital residence or to choose a place to live.

Do women and men have equal rights to choose a profession?

Women and men have equal rights to choose a profession, with no restrictions on the types of jobs in which women can participate.

Do women and men have equal rights to own, access, and control or use marital property including upon divorce?

Islamic law is the main source of legislation in the Sudan. It adopts a system of separation of property between spouses on an equal basis between them in owning, accessing, and controlling or using property, both during marriage and after divorce.

Where rights to inheritance are enshrined by law, do women and men have equal rights?

The Personal Status Code sets the rules related to the inheritance of Muslims, as these follow Shariah principles. Women have the right to inheritance, but in many cases women get less than a man, as daughters receive half the share that sons receive.

Are there specialized civil courts or civil court processes for family law matters that provide for the equal rights of men and women?

There are family circuit courts, but there is no explicit and clear ruling in law about their scope. Also, family circuit courts don't define equality between men and women.

Do women have equal rights as men to pass their nationality to children?

Article 45 of the Transitional Constitution of 2019 states that a child born to a Sudanese mother or a Sudanese father has an

inalienable right to citizenship and nationality. However, the necessary amendments have not been made to the Nationality Act to regulate the enjoyment of this right.

Do women have equal rights as men to pass their nationality to a foreign spouse?

A woman cannot pass her nationality to her foreign husband.

Sexual and reproductive health and rights

Do law(s) or regulation(s) exist that guarantee access to maternal health care for all women and girls, irrespective of marital status and without third-party authorization?

The public health law does not address the maternal health issues and does not specify marital status as a condition for receiving services.

access to emergency contraception.

Is induced abortion legal at least when the life or health of the pregnant woman is at risk and in cases of rape, incest or severe fetal impairment, and is abortion decriminalized in any case for both the pregnant woman as well as health-care providers performing it (when consent is fully given)?

Abortion is permitted for certain legal reasons (i.e. to save the woman's life or protect her health, or in cases of rape, or if the fetus has died in the womb), but the law provides for criminal charges against women and health-care providers for abortion performed for any other reason.

without third-party authorization?

There is no law or regulation that addresses the issue of access to post-abortion care.

Do law(s), regulation(s) or national policies exist that make comprehensive sexual health education a mandatory component of the national school curriculum?

There is no law or regulation providing for the inclusion of comprehensive sexual health education as a component of the national school curriculum.

Do law(s) or regulation(s) exist that guarantee access to contraceptive services for all women and adolescent girls, irrespective of marital status and without third-party authorization?

There is no law or regulation that addresses the issue of access to contraceptive services.

Do law(s) or regulation(s) exist that guarantee access to voluntary HIV testing and counselling services for all women and girls, irrespective of marital status and without third-party authorization?

HIV testing and counselling are provided for women and pregnant women, but parental consent is required if adolescents want access to these services.

Do law(s) or regulation(s) exist that guarantee access to emergency contraception for all women and adolescent girls, irrespective of marital status and without third-party authorization?

There is no law or regulation that addresses the issue of

Irrespective of the legal status of abortion, do law(s) or regulation(s) exist that ensure access to post-abortion care for all women and girls, independent of their marital status and