

SUDAN



Empowered lives
Resilient nations



© UNFPA Sudan

Gender Justice & The Law

DOES THE LAW ENSURE
GENDER EQUALITY AND
PROTECTION FROM
VIOLENCE?

The colour-coded representation below provides a comparison of the laws identified in the country profile with international human rights standards, the recommendations of the UN Committee on the Elimination of Violence against Women and country recommendations under the country's respective Universal Periodic Reviews.

YES

The law provides for gender equality and/or protection from gender-based violence and is substantially compliant with international standards. A green category does not indicate that the law is perfect or that gender justice in the relevant topic area has been fully achieved.

NO

The law does not provide for gender equality and/or there is no or minimal protection from gender-based violence.

Partly

Some gender justice aspects of the law have been addressed, but important gender inequalities remain.

No available data or inadequate information.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Sudan has not acceded to CEDAW. In 2018, Sudan announced its intention to ratify CEDAW with reservations to some articles.

Constitution

Article 31 of the Sudan Interim Constitution as amended in 2017 states that all persons are equal before the law and are entitled to equal protection of law without discrimination as to sex (and other listed categories).

NATIONALITY LAW

NATIONALITY

The Interim Constitution provides that a child born to a Sudanese mother or father has an inalienable right to citizenship and nationality. Amendments to the nationality law have been approved for consideration of Parliament.

CRIMINAL LAWS

Domestic violence

Sudan does not have domestic violence legislation.

Marital rape

Marital rape is not specifically criminalized. The wife owes a duty of obedience to her husband and is required to fulfil conjugal duties in the marriage.

Rape (other than of a spouse)

Rape is criminalized by Article 149 of the Criminal Act 1991. The death penalty applies in some circumstances.

Exoneration by marriage

There is no marry-your-rapist law in Sudan.

Abortion for rape survivors

Under Article 135 of the Criminal Act 1991, abortion is legal if the pregnancy is the result of a rape which occurred not more than 90 days before the pregnant woman has desired to have the abortion.

Sexual harassment

Article 151 of the Criminal Act was amended in 2015 to criminalize acts of sexual harassment.

Honour crimes: Mitigation of penalty

There is no specific provision in the Criminal Act allowing for reduction in penalty for perpetrators of 'honour' crimes.

Adultery

Adultery is an offence under Articles 145 and 146 of the Criminal Act.

Female Genital Mutilation / Cutting (FGM/C)

A proposed amendment to the Criminal Act to criminalize FGM/C was adopted by the Council of Ministers in 2016.

Human trafficking

The Combating of Human Trafficking Act of 2014 provides comprehensive measures against trafficking.

Sex work and anti-prostitution laws

Prostitution is prohibited by Articles 154–156 of the Criminal Act.

PERSONAL STATUS LAWS

Minimum age of marriage

Article 15 of the Interim Constitution protects children from early marriage. The Personal Status Law is unclear regarding the age of legal marriage. Article 215 of the Personal Status Law states that the age of majority is 18. However, other articles allow underage marriages in some cases.

Male guardianship over women

A woman requires permission of a guardian to marry. The woman's consent is also required, but the guardian can conclude the marriage contract first and seek the woman's consent later.

Marriage and divorce

The Personal Status Law requires the husband to maintain the wife. The wife owes obedience to the husband. A husband can divorce by repudiation (talaq). A wife has the right to divorce on specified grounds. She can also apply for a khul'a divorce without grounds if she forgoes financial rights.

Polygamy

Polygamy is permitted by the Personal Status Law.

Guardianship of children

The father is the guardian and is responsible for providing financial support.

Custody of children

After divorce, a mother's custody of her children continues till boys reach seven years and girls reach nine years. A mother may lose custody if she remarries unless a court permits her to retain custody in the best interest of the child.

Inheritance

The Personal Status Law defines the rules of inheritance for Muslims, which follow Sharia principles. Women have a right to inheritance, but in many cases receive less than men. Daughters receive half the share that sons receive.

LABOUR LAWS

Right to equal pay for the same work as men

The Labour Act of 1997 recognises the principle of equal pay for equal work.

Dismissal for pregnancy

There is no specific prohibition against dismissing women because of pregnancy in the Labour Act. However, the Interim Constitution provides that the State shall protect motherhood and women from injustice and promote gender equality. Civil servants have rights under the Civil Service Law.

Paid maternity leave

Article 46 of the Labour Act states that a female worker is entitled to 8 weeks of maternity leave with full pay. This is less than the ILO standard of 14 weeks.

Legal restrictions on women's work

Article 19 of the Labour Act prohibits women from working in occupations that are hazardous, arduous, or harmful to their health.

Domestic workers

Domestic workers are not covered by the Labour Act. Some protections are provided by the Domestic Servants Act of 1955 in terms of contracts of employment, wages, holidays, and gratuity on termination of service.