

Women's Rights

“Effective participatory constitution-making has to provide for women’s equal representation in the process and outcome. No process which excludes or marginalizes the majority of the population can be representative. No constitution which has failed to fully ensure the perspectives and concerns of women can be seen as fully legitimate over time”. **Mary Robinson, Former United Nations High Commissioner for Human Rights.**

Snapshot on the representation of women in the constitution making process in Sudan in: The representation of Sudanese women in the process of making the constitution has been limited: There were no women represented in the committees established to draft the constitutions of 1956, 1964, and there were only two women in the committees of 1973, 1998, and that of the Interim National Constitution (INC 2005).

To be inline with the International human rights principles and standards, it is essential that the constitution making process reflects the following:

- In line with the Beijing Platform of Action and Program 1995, women are to be represented by at least 30 % in the constitution making structures.
- The constitution-making process needs to be participatory, inclusive, and responsive to women’s needs and rights.

Compared to Sudan’s past constitutions throughout history, the substance of the INC 2005 provided the strongest constitutional framework on gender equality and its promotion through affirmative action. **Its vital** that the gains in the INC 2005 in relation to women rights and promotion of these rights through the affirmative action not to be lost in the making of the permanent constitution but to be strengthened to advance gender equality rights and the empowerment of women.

Suggested issues for inclusion in the new permanent constitution

THE INTERIM NATIONAL
CONSTITUTION
OF
THE REPUBLIC OF THE
SUDAN,
2005

Key Provisions:

Article 31: Prohibition of discrimination on grounds of sex in relation to the right to equality before the law

Article 32: Guarantees to equal rights of men and women to the enjoyment of the civil, political, social, cultural and economic rights.

Article 32(2): Promotion of women human rights through affirmative action

Article 32(3): The state shall combat the harmful customs and traditions which undermine the dignity and the status of women



United Nations Entity for Gender Equality
and the Empowerment of Women



Prohibition of discrimination on the basis of sex and gender, and promotion of gender equality is stated in the preamble, guiding principles, in the Bill of Rights, as one of the duties of the government, on issues related to finance and economic matters, and civil service in the INC 2005. In addition to this, the following should be included:

- The rights of women should be promoted and protected as stated in the International and Regional Human Rights conventions ratified by Sudan.
- Specific provisions on gender equality and women's human rights, including such issues as criminalization of violence against women and girls, guarantees for maternal health benefits and reproductive health rights, freedom from economic and social exploitation, guarantees to property rights, rights to equality and protection for women minorities and marginalized ethnic groups. This should be complemented by provisions obliging the state to develop and adopt policies and legislations to achieve the afore-mentioned.
- Establishment of an independent Commission on Gender Equality, with meaningful representation of women and with powers to assess the observance on gender equality status, and issue binding recommendations to the state organs that have the power of law.
- Obligation to apply affirmative action for women's empowerment and representation by at least 30% in all decision-making levels both in the public and private sectors, in line with the Beijing Platform for Action.
- Provisions binding the state to the application of gender equality provisions in all processes related to public finance and budgeting for all public and administrative bodies.
- Specific provision on the invalidity of any law that discriminates against women on the basis of gender, marital status, including clear guarantees for redress and punishment in cases of non compliance.

UN WOMEN's Mandate and Areas of Focus in Sudan: Grounded in the vision of equality enshrined in the UN Charter, UN Women works on the premise that it is the fundamental right of every woman to live a life free from discrimination and violence, and that the achievement of equality between women and men as partners and beneficiaries of development, human rights, humanitarian action and peace and security is essential to building just societies. UN WOMEN's work in Sudan focuses on five thematic areas: Increasing women's leadership and participation, ending violence against women, enhancing women's economic empowerment, engaging women in all aspects of peace and security processes, and making gender equality central to national development planning and budgeting.