

# Sudan Case Study

The United Nations Economic and Social  
Commission for Western Asia (ESCWA) and Office of  
the UN High Commissioner for Human Rights  
(OHCHR)

## Status of Women in the Judiciary



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# Introduction

- Historical background: Sinar Sultanate; Ottoman ear; Mahdia era; condominium era; independence, 1956.



# Methodology

- Interviews, surveys, focus group discussions.
- Nine female judges were interviewed, 3 hrs, in addition to a judge from the Constitutional Court.
- Lawyers, dean of the faculty of law, the University of Khartoum, a law student.
- Current and historical information. Data and information were obtained from the Sudanese Judiciary.



# Meetings

- 9 female judges from different grades (4 from high court; 1 from court of appeal: 1 from public court; Districts Courts: 1<sup>st</sup> class, 1 court of 2<sup>nd</sup> class, 1 court of 3<sup>rd</sup> class).
- Chief justice
- 1 judge from the Constitutional Court
- 6 male/female lawyers (focus group)
- Dean of the Faculty of Law, UoK, and others.
- A female graduate

# Female Judges Focus Group









# Lawyers Focus Group





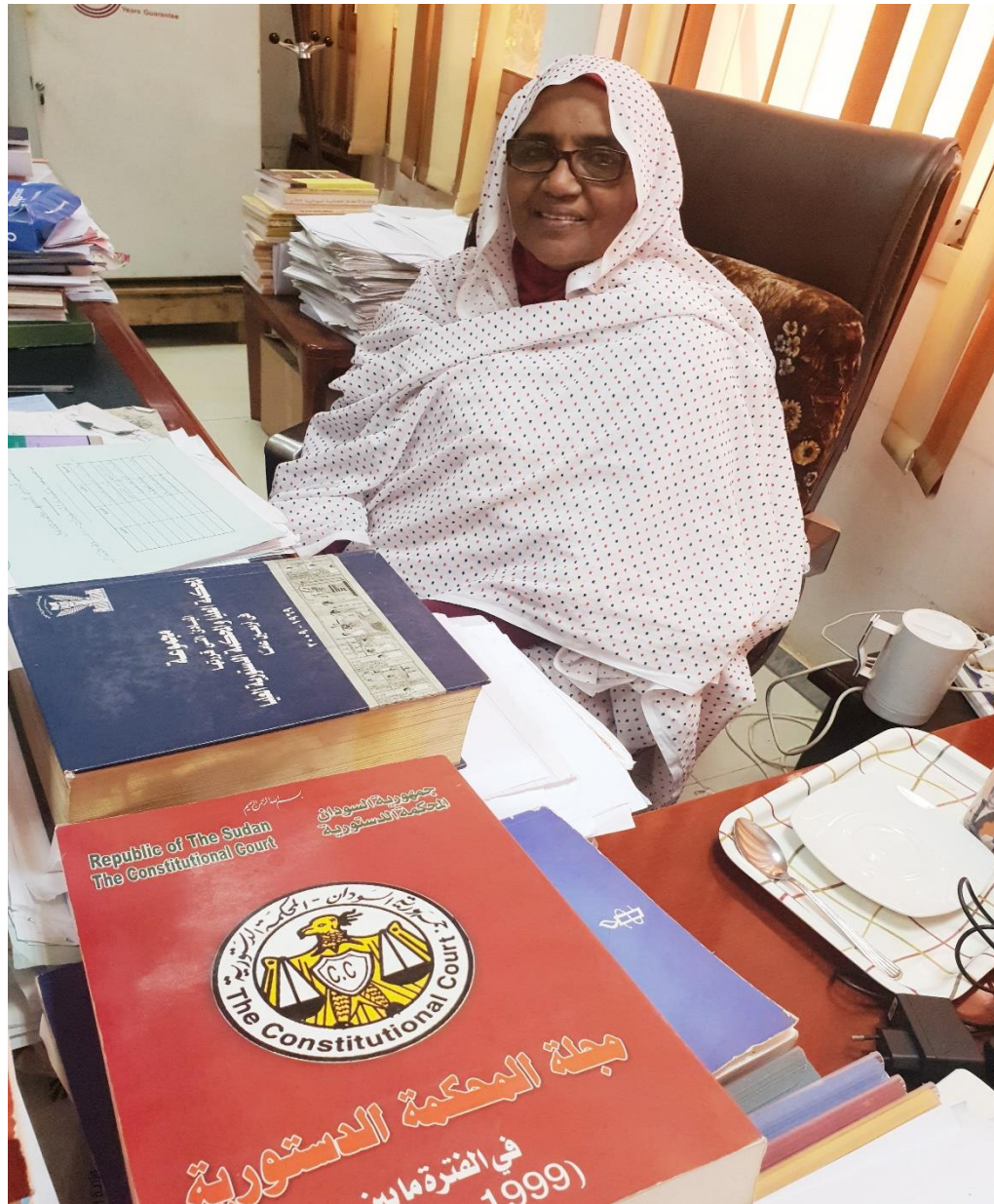
# Dean, Faculty of Law, U. of Khartoum



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# Constitutional Court Female Judge



# Late Chief Justice



## Stat and data

- Women judges represent 13% of the total number of judges (164 out of 1248).
- High Court: 33
- Court of Appeal: 11
- Public Courts: 3
- Court of First Class Magistrate: 18
- Court of Second Class Magistrate: 47
- Court of Third Class Magistrate: 52
- Technical office, 3 women and 7 men.
- Women lawyers: 32% (10,300 out of 32,314)





# Statistics

- (A) Judges
- Total number of ALL judges: 1248
- Total number of female judges: 164
- % of female judges: 13%

## Statistics

- **Judges:**
- **Breakdown by type and level of court**
- **The National Supreme Court: 33**
- **The Court of Appeal: 11**
- **The Public Court (Province Court): 3**
- **District Courts:**
  - **Court of First Class Magistrate: 18**
  - **Court of Second Class Magistrate: 47**
  - **Court of Third Class Magistrate: 52**
- **Constitutional Court: 1 judge out of 7/9**



# Departments and units within the judiciary

- Technical Office, 3 women and 7 men.
- There are other departments, such as scientific research, documentation management, judicial inspection and control, in which a woman judge participates.
- A woman judge is a member of the National Commission for Judicial Service. Another woman judge also served as the head of the judiciary of the Khartoum North area in 2015-2016. However, there is a practical need to appoint more female judges to preside over the judicial organs.



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# Statistics

## (B) Bar Association

- 10,300 female lawyers out of 32,314
- 32%



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## (c) Law schools

- Faculty of law, University of Khartoum.
- 2015/2016
- 2016/2017

# Intake

	2015/2016	2016/2017
Intake	74	81
Females	35	52
Males	39	19
% of female students	47%	76%





# Graduates

	2015/2016	2016/2017
<b>Total</b>	<b>102</b>	<b>79</b>
<b>Females</b>	<b>75</b>	<b>60</b>
<b>Males</b>	<b>27</b>	<b>19</b>
<b>% of female graduates</b>	<b>74%</b>	<b>76%</b>



# Employment opportunities for graduates

- In recent years, the Faculty of Law, University of Khartoum, has seen an increasing number of women studying law. Over 70% of those graduated from the college in the two academic years 2015-2016 and 2016/2017 were females. This is an indication of the desire of Sudanese women to enter into the field of legal work in all its forms.



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- However, despite the growing number of women graduates, the problem remains on how to achieve **equal employment** opportunities after graduation. In this area, two issues must be addressed. Firstly, how to achieve **gender-balance**, and secondly; **diversity** must be observed among women at the time of employment so as to prevent employment on a political, tribal or geographical basis.

# Admission

- Role of the National Judicial Service Commission
- Law certificate.
- Bar Examination Certificate.







Ref:  
Date :

التمرة :  
التاريخ :

### الموضوع : تعيين مساعدين قضائيين

- تعلمن** المفوضية القومية للخدمة القضائية عن حاجتها إلى تعيين مساعدين قضائيين على أن تتوافر في المتقدم الشروط الآتية:-
- 1- أن يكون من خريجي احد كليات القانون أو الشريعة والقانون المعترف بها .
  - 2- أن لا يزيد عمره عن ثلاثين عاماً .
  - 3- أن يكون له إلمام بالحاسوب مع إجادة اللغة الإنجليزية .
  - 4- أن يكون المتقدم قد أدى الخدمة الوطنية .
  - 5- يخضع المتقدم لامتحانات تحريرية وأخرى شفوية .
  - 6- أن لا يكون قد سبق له التقديم من قبل في وظائف القضائية وتم إستبعاده .
- تقدم الطلبات للامانة العامة للمفوضية القومية للخدمة القضائية بمقرها برئاسة السلطة القضائية الخرطوم شارع الجامعة مصحوبة بصور من المستندات الآتية:-
- 1- الشهادة الجامعية موقعة من التعليم العالي .
  - 2- شهادة تنظيم مهنة القانون
  - 3- شهادة الميلاد
  - 4- الرقم الوطني
  - 5- بطاقة اداء الخدمة الوطنية
  - 6- الذين يعملون بجهات حكومية عليهم تقديم طلباتهم عبر مؤسساتهم .
- على أن يبدأ التقديم يوم الأحد 2018/1/14 م حتى الخميس 2018/2/8 م**

سر الختم صالح علي  
قاضى المحكمة العليا

الامين العام للمفوضية القومية للخدمة القضائية

## Highlights of some experiences

- A judge said she chaired a committee to investigate rape allegations in Darfur in xxxx and that she helped the rape survivors through providing advice.
- Another experience showed the ability of women judge to adapt to international human rights law. As a judge in matters of "personal status of non-Muslims", she ruled in favour of a former ambassador to the Sudan to adopt a foreign child residing in the Sudan in accordance with the Convention on the Rights of the Child.
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# Formation of the Chambers in the Court of Appeal and the Supreme Court

- Chairperson of each appellate chamber/panel/circuit is decided by seniority regardless of gender. However, the fact is that women judges are not involved in review panels on death penalty cases. This is largely the case for judicial review of personal status, where the inclusion of female judges is confined to specific cases. Paradoxically, however, there is a special chamber to review decisions of the Public Registrar composed of two female judges and one male judge.

بسم الله الرحمن الرحيم

## المحكمة القومية العليا

الدائرة الإدارية

أمام السادة :-

سمية حسن محمد النو رئيساً  
اثيلات سلمان محمد أبو صالح عضواً  
سناء محمد أحمد الحلو عضواً

فيما بين:

◀ طاعن ▶ كمال الدين محمد عثمان وآخرون

/ ضد /

◀ مطعون ضدها ▶

وزارة التعليم والبحث العلمي

التمرة : م ع / ط اس / ١٤٥ / ٢٠١٧ م

المحكمة القومية العليا

الدائرة الإدارية

التاريخ : ١٤ / ٤ / ٢٠١٨ م

التمرة : م ع / ط اس / ١٤٥ / ٢٠١٧ م

كمال الدين محمد عثمان وآخريين

/ ضد /

وزارة التعليم العالي والبحث العلمي

السيد / مراقب محكمة القاضي المختص بنظر الطعون الإدارية - بالمحكمة العليا



## Promotions/progression:

- Is stipulated in the law of the judiciary and is carried out according to the grades obtained in the judicial inspection process and statistics relating to the number and quality of cases that have been dealt with by each judge.



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# Training

- There is a training department within the judiciary and training includes all judges with no exception. The Judicial Training Institute is an independent, non-judicial institution, which also provides training opportunities for judges as appropriate.



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# Challenges/Barriers

- Enormous.
- (A) recruitment policy
- State's adopted-ideology can have negative influence on the chances of women assuming judicial functions.
- women are not appointed judges in the criminal field. The duties of women judges are limited to personal status and civil cases and to the Child's Court.
- Panels and circuits in the Supreme Court, which review cases of death penalty and which consist of five judges, do not have a female judge. Not including female judges.

- Town courts: there are other judicial courts where there are no women such as rural and town courts except in very rare cases such as in Nyala and El Geneina.



- The absence of formal initiatives that lead to attract and recruit women to the judiciary. The lawyers attribute this to the ideological orientation in the early years of the military coup in Sudan, in power since 30 June 1989.
- As for the informal initiative, the group of lawyers believe that civil society, especially women's organizations, are in a state of clash with the justice system. Informal initiatives, including from civil society, which encourage recruiting more women to the justice system in general, are therefore lacking. It is for civil society to exert efforts to lobby for the recruitment of women in the judiciary.



- (B) Operational challenges
- lack of nurseries and child care. Add a psychological dimension in the context of the need for a sense of family security and the needed balance to focus on judicial work with pure mind. It also shows that particular descriptions and characteristics linked to sex should be seen as a positive attribution and not the other way round.



- Personnel Deployment, redeployment and housing is one of the operational challenges facing women judges particularly in rural areas where the working environment lacks proper and adequate facilities for women including housing.



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- (C) societal challenges
- At the societal level, challenges are enormous and characterized by the patriarchal and masculine view that surrounding the judicial profession. For example, some men refuse to deal with a woman judge in personal status cases, just because she is a woman.
- In normal life, and at the societal level, the society's view over woman judges was a big challenge, some people in the neighborhoods where women judges resided are afraid of dealing with women judges.



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- (D) work related challenges
- Despite enjoying respectful and good relations with lawyers, there is still the negative view of some lawyers that women judges cannot master their courts
- The delay in implementing their decisions, particularly decisions against prominent officials



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# Main Findings

- 13% women judges (164 out of 1245). Stats:
- The State's adopted-ideology can influence largely the chances of women assuming judicial functions. The chances becomes slimmer whenever the State applies strict interpretation of Islamic jurisprudence, which nullifies women's competence to assume, inter alia, judicial functions.
- The more interaction between lawyers and women judges, the more friendly atmosphere is created, and the more swift and smooth settlement of disputes is realized.





- Lawyers reiterated that women can be influential in advancing judicial work and administration of justice.
- Lack of formal and informal initiatives that encourage recruiting more women to the judiciary



# Recommendations

- The need to raise awareness about the appointment of more women judges because it is guaranteed in the Constitution of the Sudan and international covenants, and reflects the need of society in having women judges.
- To solicit more women to join the judiciary, the focus should be on new graduates and new lawyers.
- Formation of a lobbying group for more women in the judiciary.



- Activate the role of lawyers in raising awareness to influence decision-makers towards the participation of women in the judiciary so that the judicial institution is convincing and appealing to citizens within the framework of equality and non-discrimination.
- Shed more light on women judges and their experiences in the judiciary.
- Reinstate former judges and re-recruit women in the judiciary in a better way and build upon the positive process.



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- Pay attention to accurate statistics in all institutions of the justice system and law enforcement agencies in order to benefit from the statistics in a scientific and practical way to empower women and create balance in these institutions.
- Realize gender balance in primary courts and appellate courts including the composition of the appeals chambers and circuits.
- Improve the working environment for women judges.
- Take into account family circumstances of women judges.



- Make available postgraduate studies and exchange experiences with regional and international judicial bodies.
- Expand opportunities for women judges to preside over the judicial organs at state level and different administration units.
- Encourage secondment opportunities for women or find suitable alternatives by way of incentives.
- Create opportunities for female under graduate law students to conduct field visits to judicial bodies and courts.





- Arrange and encourage the organization of a periodic gathering for female judges to exchange experiences, highlight their role, build on the pros and encourage female judges to take leading roles as appropriate.
- Review the historical practices that limit the involvement of women judges in criminal appellate circuits and conduct a study to review such practices and draw lessons thereof.
- The role of the media: provide opportunities for female judges to appear in the media and encourage this.



- Civil society should exert efforts to lobby for the recruitment of women in the judiciary.



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