

The Politics of Women's Representation in Sudan: Debating Women's Rights in Islam from the Elites to the Grassroots

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R 2010: 2

CMI CHR.
MICHELSEN
INSTITUTE

Project number
29011

Project title
UD: Women and peacebuilding in Sudan

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List of Abbreviations and Acronyms

ANC	African National Congress
BBSAWS	Babiker Badri Scientific Association for Women's Studies
CEDAW	Convention to Eliminate all forms of Discrimination Against Women
CPA	Comprehensive Peace Agreement
DUP	Democratic Unionist Party
FGM	Female Genital Mutilation
FPTP	First Past The Post system
Frelimo	Front for the Liberation of Mozambique
GoNGO	Government-operated Non-Governmental Organization
ICC	International Criminal Court
IDP	Internally Displaced Person
IIS	Institute of Inclusive Security
INC	Interim National Constitution
MP	Member of Parliament
NCP	National Congress Party
NEA	National Election Act
NGO	Non-Governmental Organization
OECD	Organization of Economic Co-operation and Development
PNC	Popular National Congress
UP	Umma Party
SCP	Sudanese Communist Party
SDG	Sudanese Pound
SDWU	Sudanese Democratic Women's Union
SPLM	Sudanese People's Liberation Movement
SPLM/A	Sudanese People's Liberation Movement/Army
SSDF	South Sudan Democratic Forum
SWAPO	South West Africa People's Organization of Namibia
SWGU	Sudanese Women General Union
SWU	Sudanese Women's Union
UN	United Nations
UNSCR	United Nations Security Council Resolution
USD	United States Dollar

List of Arabic Words

Ansar	Followers
Bayt eta'a	House of obedience; the police return a disobedient wife to her husband's house if she left the house without his permission
Dawa	Call to Islam
Fitna	Anarchy, used to describe sexual chaos
Fatwa	Legal opinion about Islam
Galabiyya	Long shirt / tunic worn by men
Hadana	Child custody
Hadith	Narrations originating from the words and deeds of Prophet Muhammad
Hafiza	Someone (f.) who knows the Koran by heart
Hijab	Headscarf
Hurriya	Freedom
Idda	Three-month waiting period after divorce
Islah	To reform, repair
Jabal	Mountain
Jihad	Struggle, striving for God
Khalwa	Religious classes, teaching women to memorize the Quran by heart
Khul	Divorce by mutual consent
Mahr	Dowry
Maslaha al-Tifl	The well-being of the child
Muhsan	Execution by stoning for a married adulterer
Musawa	Equality
Mutawinat	Cooperation
Nafaqa	Maintenance; husband shall provide for wife and children
Niqab	Face veil leaving only a slit for the eyes
Nushuz	Disobedience (wife towards husband)
Quran	Literally translates into "the recitation"; is the direct word of Allah revealed to Prophet Muhammad
Ridda	Apostasy
Salaf	Pious ancestors
Salam	Peace
Sharia	Islamic law
Sheikh	Islamic scholar. Sometimes the term is used for a wise elder
Sunna	The Sunna comprises Prophet Muhammad's words, actions, and practices
Talaq	Divorce that a man can obtain outside the court by uttering "I divorce you"
Tarbiyya	Educate and bring up people
Tatliq	Divorce granted to a wife by the court
Umma	Religious community, community of the believers
Ulema	Learned religious leaders
Wali	Male guardian
Zar	Spirit possession

1. Introduction¹

The problem inherent in the international discourse on gender and peacebuilding is that it presupposes a common agenda among all women across religion, ethnicity and class in any given post-conflict situation. The existing literature seems to express the belief that as long as women are included in political decision-making institutions, their representation will ensure that the situation for all women, from the elite to the grassroots, will improve. Women's political participation is regarded as not only desirable but vital to the advancement of gender equality. This report explores the validity of this position in the context of women's representation in Sudan, a multi-religious country with a long history of civil war between the Muslim north and the predominantly non-Muslim south (1983-2005).

This raises two questions:

1. To what extent are Sudanese elite women's perceptions of gender equality unitary?
2. To what extent do Sudanese elite women represent grassroots women's priorities and attitudes?

The report builds on fieldwork conducted in Khartoum, Sudan in 2006, 2007, 2008 and 2009. The approach of this project is twofold and multidisciplinary. We have examined attitudes towards gender equality both among *Muslim women in the elite and among the grassroots*. The project links elite and grassroots perspectives, thus attempting to overcome generalizing either-or perspectives where elites tend to be demonized or the grassroots tend to be overlooked or rendered insignificant. We have been in contact with a diverse set of women's organizations and political parties (see appendix 1).

Our findings from Sudan suggest that Muslim female activists are disunited and politicized. Several articles within the Muslim Family Law (1991), the Criminal Law (1991) and the Public Order Act (1996), codified during the reign of the Islamists, discriminate against women. These laws are unconstitutional. In contrast to what the discourse on women and peacebuilding suggests, women in parliament have not been able to bridge the political and religious divides and stand together as women in order to reform these laws in a more gender-equitable direction. But women are continuously and bravely putting women's issues on the agenda, despite authoritarian constraints such as a weak parliament, lack of judicial independence and media censorship. It is important to note that Sudanese Muslim women's perception of gender equality is not unitary. Whereas liberal Muslim activists advocate for gender equality in all areas of law, conservative Muslim activists do not deem gender equality either necessary or desirable. They all frame their arguments within Islam, offering different interpretations of Islamic law (Sharia).

Among the priorities of women's political organizations, whether they promote liberal or conservative positions on gender equality, is improving the situation of grassroots women. The purpose is not only to mobilize the female constituency before the upcoming elections. The political organizations engage in various activities to raise grassroots awareness of women's issues in general, improve women's opportunities to exercise control over their lives, and build their capacities. The various organizations use economic empowerment through vocational training, religious enlightenment, and education, mainly literacy training, as means to achieve their ends. Our

¹ This project is funded by the Norwegian Ministry of Foreign Affairs. We would like to thank our Sudanese informants for taking the time to answer our many questions, engage in a critical dialogue and give us a glimpse into their life world. We have been amazed at their willingness to speak to us, to engage with us and to make room in their busy schedules. We would also like to thank our local research assistant, Rasha Abdel Hafiz.

findings suggest that activism that targets women at the grassroots is not always developed in dialogue with the women that are to be reached. This may be due to capacity issues, but also because the political priorities of the women's organizations take precedence over empowering grassroots women by allowing them to participate in the decision-making processes of projects that directly affect them. It appears to be a problem for the organizations to strike a viable balance between including women and giving them decision-making power on the one hand, and getting the political message across on the other.

2. Sudanese Women's Movement: A Historical Overview

There is a long and rich history of women's activism in Sudan. The first group of politically organized women emerged from the Sudanese Communist Party, which itself had been active since the end of the Second World War in the cause of Sudanese national independence. The party was formed in 1946 and was the first party in Sudan to open up its membership to both men and women and to establish emancipation of women as one of its goals. In 1951 the Sudanese Women's Union (SWU) was formed as the successor to the women's league and began to assume leadership, for which the name of the SWU became famous during critical periods in recent history.² Their participation in the popular October revolution in 1964 was heroic and legendary and the most concrete result for women was the extension of universal suffrage in Sudan, a political right neither the colonial nor the first post-independence regimes had extended to women.³ Dr. Nafisa Ahmed al-Amin and Professor Ahmed M. Magied write:

Women, together with other sectors of the society, went out of their homes under the leadership of the Sudanese Women Union in a manner that had not been witnessed before. They were exposed like their fellow men to different sorts of harassment and dangers including gunfire from live ammunition. A great number of them were wounded (...). This increased the vigor of the popular revolution (...) the distinguished role played by women in bringing about the downfall of the first military rule, pushed women's issues to the forefront of the agenda (...) Women gained full political rights and took part for the first time in Sudanese history in the general election.⁴

Fatima Ahmed Ibrahim, one of the founders of the women's union and an active communist, was the first woman to be elected to parliament in 1968.⁵ The pioneer Fatima Ahmed Ibrahim was alone able to achieve a lot for Sudanese women. She was an important actor at a critical juncture in Sudanese history, as she became the first female representative in parliament.⁶ In 1968 the parliament passed most of the women's rights that her party demanded: the right to enter all fields of work, equal pay for equal work, paid maternity leave and the right of girls to higher education.

² Carolyn Fluehr-Lobban. *Islamic Law and Society in the Sudan* (London: Frank Cass, 1987): 99-102.

³ Sudan has since independence fluctuated between military and 'democratic' or civil regimes. Democracy was attempted at independence in 1956 (-1958) and again after the October revolution in 1964 (-1969) and in 1985 (-1989). After three experiments with democracy, it has ultimately failed to consolidate.

⁴ Nafisa Ahmed al-Amin and Professor Ahmed M. Magied. "A history of Sudanese women organizations and the strive for liberation and empowerment" (The Ahfad Journal Vol 18 No 1 June 2001): 11-12.

⁵ Fatima Ahmed Ibrahim writes: "In the campaign for gaining more political rights for women, I presented my candidacy in the election and I became the first woman to be a member of parliament in the Sudan, the Middle East and Africa in 1965. I was the third in the order of the list of all candidates and the first in the party's list of candidates. In 1968 the Sudanese parliament passed all the rights which I demanded and they were: The right to enter all the fields of work (...) [including] the judiciary, jurisdiction based on Shari'a⁵ and the diplomatic corps. Women succeeded to enter all the fields of work (...); Equal pay for equal work and equality in allowances, remunerations, and all terms and conditions of work and in the right for promotion to the highest grades, and the right of pension and all they became a reality.; The maternity paid leave: Four weeks before delivery and eight week after it, together with hours for natural feeding.; Cancellation of the, monthly payment law, which compel women to resign after marriage to work under a temporary, month by month contract (...); Entering the female graduates of secondary schools and higher institutes into permanent service in the same manner as their male colleagues (...)." See <http://www.ibn-rushd.org/pages/int/Awards/2006/documents/cv-long-en.html>

⁶ This corresponds with Ayata's and Tütüncü's findings from Turkey, namely that you can have critical acts without a critical mass. See A. G. Ayata and F. Tütüncü "Critical Acts without a Critical Mass: The Substantive Representation of Women in the Turkish Parliament" (Parliamentary Affairs, 61(3), 461-475 2008).

During the military government under Nimeiri (1969-1985), the Sudan Women's Union (SWU) reorganized into the Sudanese Democratic Women's Union (SDWU). The objectives remained the same. During the reign of Nimeiri, the SWU was able to consolidate the gains: full equality in wages, which had been only proportionate in 1968. This change was effected after the enactment of the labor law of 1973; the pension law of 1975 secured pensions for disabled working women. Additionally, employment terms for women were improved by granting longer birth leave (two months instead of four weeks). Working mothers were allowed one hour for breastfeeding and the right to leave of absence for a maximum of four years.⁷ The 1973 constitution guaranteed women the right to be elected at all levels and to participate fully in political life (article 45 and 46). After the overthrow of Nimeiri in 1985, the new civil government put in place a provisional constitution which reinforced the same political rights for women. Additionally, the transitional government ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in 1986.⁸

Although the main focus of the women's union was women's rights within the public sphere related to work, education and political participation, they also worked on civil rights demands such as protection against compulsory marriage, marriage of minors and polygamy. But the woman's union was very careful not to directly criticize *Sharia* (Islamic law) or the religious clergy (*ulema*) or other members of the religious establishment; at the same time, they did raise issues and initiate debate on topics related to the status of women in Islamic law. The question of the "house obedience" (*bayt etaa*) was long the subject of resistance by women activists. This law stipulated that a woman who leaves her husband's house without his permission should be brought back to the husband's house by the police. The women's union had pointed to the injustice and repressive character of police-enforced obedience of wives on numerous occasions. When Nimeiri seized power in a military coup in 1969 with the support of the communist party, one of the first acts regarding women by Nimeiri and the minister of justice, Babiker Awadalla was to abolish house obedience and the element of police force in it. Regarding Islamic law and women's civil rights, no other reforms occurred as a result of government intervention. Instead, the law continued to evolve through judicial circulars.⁹ It is a common misunderstanding that Islamic law only came to Sudan with the Islamist coup d'état in 1989. Throughout Sudan's history, the area of women's personal status and civil rights (marriage, divorce, custody of children, inheritance, and maintenance) has been regulated by Islamic law.¹⁰ Historically, the area of civil rights has *not* been the primary focus of the women's movement. According to a human rights activist:

It is a long journey. The Sudan Women's Union was successful very early (...) but they were not aware of the effect of religion and culture on women's rights,

⁷ Nafisa Ahmed al-Amin and Professor Ahmed M. Magied. "A history of Sudanese women organizations and the strive for liberation and empowerment" (The Ahfad Journal Vol 18 No 1 June 2001): 17-18.

⁸ Sonia Aziz Malik. "Women's political rights, decision-making, representation and good governance" in Balghis Badri. *Sudanese Women Profile and Pathways to Empowerment*. (Ahfad University for Women, Institute of Women, Gender and Development Studies. 2008): 143.

⁹ Carolyn Fluehr-Lobban. *Islamic Law and Society in the Sudan* (London: Frank Cass, 1987): 99-102.

¹⁰ In Islamic family law (also termed personal status law), judicial circulars served to instruct the application of the Shari'a since before independence in 1956. After the British gained control of Sudan, two sets of courts functioned: religious courts dealt with family law, while the British courts handled civil law. After independence, an Islamization of the legal system was initiated and in 1967 the Islamic law courts act was passed. In 1972 the judicial authority act was passed, effectively merging the civil and Islamic law courts. But in September 1983, Nimeiri, who made a shift from communism to Islamism, made Islamic law the sole source of all law, not only family law. For more information, see Abdullahi Ali Ibrahim, who in his book from 2008 *Manichean Delirium: Decolonizing the Judiciary and Islamic Renewal in the Sudan, 1898-1985*, describes the Islamization of the legal system. He describes well how the Islamization of the legal system is closely linked to processes of decolonization. For more information about the September laws, see Aharon Layish and Gabriel Warburg. *The Reinstatement of Islamic Law in Sudan: An Evaluation of a Legal Experiment in the Light of its Historical Context, Methodology, and Repercussions*. (Brill: Leiden. 2002).

particularly the family law. They thought it would “fall” by itself and they didn't take the battle.¹¹

Another critique of the women's movement in Sudan is that it is situated within an urban educated elite circle of women. According to Balghis al-Badri (2005), there has been historically and is presently a gap between the elites and grassroots which is important to take into consideration:

The civil society scene is vibrant; while not united in vision and goals, it is diverse in source of funding and capacities; all are still mainly based in Khartoum, elitist in speech and do not reach the majority of the population.¹²

Given the enormous problems Sudan faces in terms of poverty, illiteracy, and logistics, the fact that the majority of the people – the grassroots – remain far from the elite when it comes to priorities and goals comes as no surprise.¹³ The general literature on women's movements in the Middle East and northern Africa at large suggests that there is a gap between women elites and “ordinary” women at the grassroots¹⁴. Additionally, the peacebuilding literature points to this issue. Speaking about East Timor, Susanne Alldén writes that

the divide between (...) the elite and the grassroots is perhaps the most pressing issue that needs to be addressed in the near future. This is not only relevant for women's activism but necessary for the entire Timorese population.¹⁵

2.1 Islamism and Discriminatory Laws: A Review of the Status Quo

On June 30, 1989, the third parliamentary period in Sudan's history abruptly ended in a bloodless coup d'état. Sudan thereby joined Iran and became the second country in the world and the first Sunni country to be governed according to Islamist principles.¹⁶ The coup fuelled intense debates about the rights of women living under Islamic law. Sudan's 1998 Islamist Constitution, article 21, states that

¹¹ Interview with Nahid Muhammad Hassan, a medical doctor and a human rights activist, November 8 2009.

¹² Balghis al-Badri “Feminist Perspectives in the Sudan – an Analytical Overview”. (Paper presented at the workshop “Feminist Perspectives” at the Free University Berlin, May 26-27, 2005): 4.

¹³ Badri (ibid.: 5) writes: “The majority of the contemporary Sudanese citizens are living in the rural Sudan where poverty is estimated to affect 85% of the people and women are suffering hardship in finding water, collecting fuel wood and cultivating fields under harsh conditions with simple technologies only. 85% of the farmers are women particularly located in the Western and Southern Sudan. Poor women in urban centers sell food in urban markets and pursue several activities including begging, liquor brewing or prostitution to meet their family needs (...) According to statistics 35% of all women are currently seeking employment, which is due to increasing inflation and structural adjustment programs that severed social safety net interventions and hinder finding employment outside the public sector. This means men often can no longer be the sole breadwinners to satisfy their family's needs. This indicates that more Sudanese women are productive, be it in the formal, the informal, the agricultural or in the pastoralist sector.” (CBS 2005, Joint Assessment Mission Draft Report).

¹⁴ Ellen L. Fleischmann. *The Nation and its "New" Women. The Palestinian Women's Movement 1920-1948*. (Berkeley: University of California Press, 2003); Margot Badran. *Feminists, Islam, and Nation: Gender and the Making of Modern Egypt*. (Princeton: Princeton University Press, 1995); Beth Baron. *The Women's Awakening in Egypt: Culture, Society, and the Press*. (New Haven: Yale University Press, 1994); Elizabeth Thompson. *Colonial Citizens: Republican Rights, Paternal Privilege, and Gender in French Syria and Lebanon*. (New York: Columbia University Press, 2000); Margaret Lee Meriwether and Judith E. Tucker (eds.). *A Social History of Women and Gender in the Modern Middle East*. (Boulder: Westview Press, 1999), Hilde Kjøstvedt. “Her voice, Palestinian” *A Study of Women's Rights Conceptions among Ordinary Palestinian Women on the Occupied West Bank*. (Masters Thesis, University of Bergen, 2007).

¹⁵ Susanne Alldén. “Post-Conflict Reconstruction and Women's Security: Analyzing Political Outputs in East Timor” (Umeå Working Papers in Peace and Conflict Studies, no 1, 2007): 18.

¹⁶ Abdullahi A. Gallab. *The First Islamist Republic: Development an Disintegration of Islamism in the Sudan* (Aldershot: Ashgate, 2008).

[a]ll persons are equal before the law. Sudanese are equal in the rights and duties of public life without discrimination based on race, sex or religion. All persons are equal in eligibility for public office and civil service positions without preference due to wealth.

This constitution reiterated and reinforced the equal political rights of the 1973 Constitution. Additionally, the Islamist constitution ensured that for the first time in Sudanese history, mothers can pass citizenship to their children. Article 22 states that “everyone born of a Sudanese mother or father has the inalienable right to Sudanese nationality, its duties, and obligations”, and thereby repealed the nationality law of 1993, which reinforced the nationality act of 1957. As far as women’s education, work and political rights are concerned, the Islamists did not limit the rights of women. In today’s Sudan women are working as professionals, serving as ambassadors, university professors, doctors, lawyers, engineers, senior army officers, journalists, and teachers. However, the Islamists did restrict women’s rights in certain areas. For example, the passport and emigration act of 1994 stipulates that women need the written approval of their male guardian (husband, father, brother) in order to travel.¹⁷ But according to Asma Muhammad Taha, the daughter of the late Mahmoud Muhammad Taha, who was executed for apostasy in 1985, “pushing for equality in the public sphere does not matter unless you do not reform the most important area: family law (...)”.¹⁸

The Muslim Family Law (1991)

The Islamists codified the personal status law or family law in 1991.¹⁹ Many women activists describe the law as discriminatory. The women represented in political decision-making bodies in Sudan today thus have a unique historical opportunity to reform the family law and better the civil rights of Sudanese women.

Here are the main elements of the Muslim family law:

Marriage:

- The age of consent for marriage is puberty. According to the law, both parties have to consent to marriage. However, the woman needs a male guardian (*wali*) to validate the marriage.
- The bridegroom is obliged to give the bride a dowry (*mahr*). The law explicitly states that the dowry is considered the property of the wife (Articles 27-28).
- A man is also allowed to marry up to four wives, although he has to treat all his wives justly (Article 51(d)).

Maintenance (*nafaqa*):

- The man is the breadwinner of the family (Article 51).

¹⁷ Mutawinaat group. *Review of Sudanese Legislation Discriminating against Women*. (Unpublished report, Khartoum 1997).

¹⁸ Interview with Asma Muhammad Taha, Republican Brothers, November 3 2009.

¹⁹ Islamic law in Sudan developed through judicial circulars throughout most of the 20th century. According to Fluehr-Lobban, the first codification in 1991 did not “break new ground in legal innovation”. But the longer history of Islamic law in Sudan is one “of an enlightened and liberal interpretation” of family law, wherein Sudan “has been a leader in legal reform, anticipating innovations which were not introduced into other Muslim regions until years or even decades later”. Carolyn Fluehr-Lobban. “A Comparison of the Development of Muslim Family Law in Tunisia, Egypt, and the Sudan” in *Law and Anthropology Yearbook*, (Vienna: University of Vienna, 1996): 365; Carolyn Fluehr-Lobban. “Personal Status Law in Sudan” in *Everyday Life in the Muslim Middle East* edited by Donna Lee Bowen and Evelyn A. Early (Indiana University Press: Bloomington and Indianapolis 1993): 117.

- A man can deny his wife the right to work outside the home, even in cases where he himself fails in his financial obligation (Articles 91 to Article 95).

Divorce:

- A husband can divorce (*talaq*) his wife outside the court for no reason whatsoever. The divorce will come into force when he utters the divorce sentence "I divorce you". The husband has the right to take the wife back if he revokes the divorce sentence within the *idda*. *Idda* is a waiting period of three months after the divorce.
- The wife can only obtain a divorce in court (*tatliq*: a divorce granted by a judge) on certain conditions stipulated by the law. They are: (1) if the husband fails to fulfill his financial obligation to support her; (2) if her husband has more than one wife and she can prove that her husband does not treat all his wives justly; (3) if the husband has a defect she did not know about before marriage; (4) if the husband suffers from an incurable mental illness; (5) if the husband is impotent; (6) if he behaves cruelly; (7) if he is abroad for more than one year; and (8) if the husband is sentenced to prison for more than two years. The wife can also obtain a divorce if a judge declares her to be disobedient (*nushuz*) to her husband (Articles 151-203).
- The wife is entitled to financial maintenance (*nafaqa*) up to six months after the divorce. The husband is the financial provider for the children even when they are in the custody of the mother. The father is financially responsible for his daughters until marriage and for his sons until they provide for themselves.
- In 1998 the law was amended and also allowed for *khul* (divorce by mutual consent) on the condition that the wife pays back the dowry (*mahr*).

Custody:

- The mother has custody (*hadana*) of her daughters until they are 9 years old and of her sons until they are 7 years old. After this, the principle "the best interests of the child" (*maslaha al-tifl*) applies in some cases. But if the woman remarries, the father will automatically get custody of the children.

Inheritance:

- The inheritance laws are in accordance with the classical *Sharia*. A woman inherits half the amount of property inherited by her brother(s). The reasoning behind the inheritance law is that the husband is the breadwinner of the family. So a woman's inheritance is then considered her own property, while a man's inheritance will be used to fulfill his financial obligations to the family.²⁰

The Criminal Law (1991)

In 1991, the criminal law was also codified. There are three elements of the law which particularly concern women: dress (article 152), adultery/fornication (article 145-146), and apostasy (article 125-126).

Dress:

Article 152 of the criminal law stipulates that

²⁰ Qanun al-' Ahwal al-Shakhsiyya lil-Muslimin (The Muslim Personal Status Law). (Khartoum, 1991).

whoever commits in a public place an act or conducts himself in an indecent manner or a manner contrary to public morality or wears an indecent or immoral uniform which causes annoyance to public feelings, shall be punished with whipping not exceeding 40 lashes or with a fine or with both. The act shall be considered contrary to public morality if it is so considered in the religion of the doer or the custom of the country where such act has occurred.²¹

It is important to note that the law does not speak about *hijab* (headscarf). In December 1991, *hijab* became the official dress code for women by presidential decree, but this is not mentioned in the criminal law. Because the article in the criminal law is vague, what is considered decent/indecent dress is in the eyes of the beholder, i.e. the public order police. In praxis this article discriminates against women (Muslim as well as non-Muslim). Article 152 and the issue of dress gained a lot of international attention in relation to the journalist Lubna Ahmad al-Hussein. On July 3, 2009, the public order police arrested Lubna for wearing trousers. Many describe the arrest of Lubna as political as she had written a critical article about the government before the arrest. Wearing trousers and western dress is becoming more common in Sudan among the younger generation. Nonetheless, these types of arrest are not uncommon. It is a great concern for women activists.

Adultery/fornication:

The issue of adultery/fornication is a highly sensitive issue. Articles 145-146 stipulate that

there shall be deemed to commit adultery: (a) every man who has sexual intercourse with a woman without there being a lawful bond between them (b) every woman who permits a man to have sexual intercourse with her without there being lawful bond between them (...) whoever commits the offence of adultery shall be punished with (a) execution by stoning where the offender is married (*muhsan*) (b) 100 lashes where the offender is not married (non-*muhsan*).²²

The standard of evidence in these cases is extremely strict: four witnesses must see the actual penetration in order for the court to convict. The death penalty for adultery has never been executed in Sudan. It is nonetheless problematic that the law does not clearly differentiate between adultery/fornication and rape. If a woman reports rape and it becomes a court case, she might end up being convicted for adultery/fornication.²³

²¹ The Qanun al-Jana'a (Criminal Act) 1991.

²² Ibid.

²³ Interviews at Mutawinaat (meaning in English is "cooperation"): Samia al-Hashmi, lawyer and leader of Mutawinaat, September 27, 2009, Leila al-Hajj, lawyer, November 9, 2009, Hadiye Ghasim, lawyer, November 9, 2009. Mutawinaat is a voluntary group promoting the legal, social and economic rights of women and children. The group was established in 1988 with a number of female lawyers offering legal aid in court. In 1990 the group was registered with the official authorities. In 1994 they established an independent office: the legal aid office and the development office. The legal aid office offers direct aid through representation in courts and various legal awareness programs.



A hijab poster (Photo: Liv Tønnessen)

Apostasy:

Articles 125-126 stipulate that

there shall be deemed to commit the offence of apostasy every Muslim who propagates for the renunciation of the creed Islam or publicly declares his renouncement thereof by an express statement or conclusive act. Whoever commits apostasy shall be given a chance to repent during a period to be determined by the court; where he insists upon apostasy, and not being a recent convert to Islam, he shall be punished with death (...) whoever by any means publicly abuses or insults any religion, their rights or beliefs or sanctifications or seeks to excite feelings of contempt and disrespect against the believers thereof, shall be punished with imprisonment for a term not exceeding one year or with a fine or with whipping which may not exceed 40 lashes.

Why is apostasy important concerning women's rights? Apostasy does not merely criminalize conversion from Islam, but might also include criticism of the consensus of the religious clergy in Islam. The debates on women's issues are sensitive and strong language is used. Some proponents interpret Islam in a way that goes against the majority opinion. Mahmoud Muhammad Taha, the founder of the Republican Brothers,²⁴ was executed for apostasy in 1985 for his extremely liberal

²⁴ You can read more about the Republican Brothers on their website http://www.alfikra.org/index_e.php

Taha's perhaps most famous book is *The Second Message of Islam* where he advocates for equality between men and women. The most prominent contemporary scholar who propagates Taha's ideas is Abdullahi Ahmed An-Na'im.

interpretations of Islam, particularly regarding women. In other words, the rulings on apostasy hinder free debate generally and on women's rights particularly.²⁵

The Public Order Act (1996)

This is a state act which is applicable merely in Khartoum state, not a national act. The public order act was issued under signature of Badr Eddin Taha Ahmed, Governor of Khartoum State on March 28, 1996 by decree. On October 22, 1996, the Khartoum State Council ratified in session no. 27 in term no. 4 the temporary decree known as the Khartoum State Public Order Act 1996 in its original form. The law puts restrictions on music at public and private parties; stipulates that public transportation must be segregated between men and women (25% of seats to be reserved for women);²⁶ prohibits begging and vagrancy; and regulates women's hairdresser's salons and tailors, in which women must be at least 35 of age and righteous and of good reputation in order to work; prohibits *zar* (a religious custom which involves the possession of an individual (usually female) by a spirit);²⁷ prohibits the selling of food and drink during Ramadan; and prohibits dancing between men and women.²⁸

2.2 The Comprehensive Peace Agreement (CPA) and the National Interim Constitution: Victories and Problem Areas

During the peace process in Sudan women were merely "guests at the table". Many women in Sudan would describe the CPA as "gender blind". The interim national constitution (2005), on the other hand, is "gender sensitive" and speaks directly to women. For the first time the bill of rights in the constitution explicitly ensures women and men equal rights in article 32:

The State shall guarantee equal right of men and women to the enjoyment of all civil, political, social, cultural and economic rights, including the right to equal pay for equal work and other related benefits. (2) The State shall promote woman rights through affirmative action. (3) The State shall combat harmful customs and traditions which undermine the dignity and the status of women. (4) The State shall provide maternity and child care and medical care for pregnant women.²⁹

The above-mentioned laws which are discriminatory against women are thus unconstitutional. All laws are supposed to be reviewed in light of the new constitution, but so far the parliament has not yet been presented with reviewed and amended draft laws on the family law, the criminal law or the public order act.

It is important to note that there is a contradiction in the constitution concerning women's civil rights in matters such as marriage, divorce, inheritance, maintenance and financial custody of children, and alimony. In the name of religious freedom, the CPA and the constitution have left the civil rights of women to the religious communities in the country - Islamic, Christian, and traditional African beliefs. Article 15 (2) stipulates:

The family is the natural and fundamental unit of the society and is entitled to the protection of the law; the right of man and woman to marry and to found a family

²⁵ Interview with Asma Muhammad Taha, lawyer and daughter of Mahmoud Muhammad Taha, October 3, 2009.

²⁶ It is important to note that separation between the sexes is not generally enforced on vehicles of public transportation.

²⁷ For more information about Zar, see Janice Boddy. *Wombs and Alien Spirits: Women, Men and the Zar Cult in Northern Sudan*. (Madison: The University of Wisconsin Press, 1989).

²⁸ The Public Order Act (1996).

²⁹ National Interim Constitution (2005).

shall be recognized, according to their *respective family laws*, and no marriage shall be entered into without the free and full consent of its parties.³⁰

In other words, there is not a universal family law for Sudanese women. Their civil rights depend on which religious or tribal community they are affiliated with. As such, citizenship in Sudan is not only gendered (differs between men and women), but differs between women. The situation is different for Muslim women and non-Muslim women. For Muslim women, the codified Islamic family law – the Muslim Family Law of 1991 (described above) - which regulates their civil rights, still has legal force in today's Sudan. This law is supposed to be reviewed and debated in the national parliament. But there exists no codified law for the civil rights of non-Muslim women in Sudan. The state has abdicated from its responsibility for this sphere of family law concerning non-Muslim women.³¹ A woman human rights activist states:

The battles we have today are also a consequence of the shortcomings of civil society. We have mainly focused on political rights. We need to focus on civil rights and social rights. In those areas we are not so empowered. It is clear when it comes to law reform. We are not ready. The laws need a critical reading.³²

³⁰ Ibid.

³¹ Prior research indicates that there are discriminatory elements in both Christian family law and customary family law; “gendered citizenship in Sudan has manifested itself in the absence of ‘equality before the law’ not only between men and women in general, but also between Sudanese women across religious and tribal affiliation (...) in terms of the de facto plural legal framework, my findings suggest that existing family law seems to systematically disadvantage southern Sudanese women.” Liv Tønnessen. “Gendered citizenship in Sudan: competing debates on family laws among northern and southern elites in Khartoum”. (The Journal of North African Studies Vol. 13 No. 4 December 2008): 457.

³² Interview with Nahid Jbar Allah, woman activist and advisor in the council for child rights, in Khartoum, November 8, 2009. This corresponds to Sondra Hale's critique of particularly the communist or leftist women's movement in Sudan. Sondra Hale. *Gender Politics in Sudan: Islamism, Socialism and the State*. (Westview Press, 1997).

3. Women's Representation in Post-Conflict Contexts

This part situates our research questions within the literature on political representation and institutional measures to advance the representation of women, such as quotas. Representation of women in political decision-making bodies forms the theoretical backdrop to peacebuilding initiatives in post-conflict states such as Sudan, particularly after UNSC resolution 1325. International initiatives thereby reinforce a focus on the importance of political rights and legal reform. There has been a great deal of pressure from the international community and donors concerning the importance and significance of a quota for women in parliament.³³



Workshop organized by Inclusive Security in Khartoum 2006 (Photo: Liv Tønnessen)

In October 2000 the UN Security Council passed Resolution 1325 on Women, Peace and Security (UNSCR 1325),³⁴ calling upon states and all other actors party to a peace process to ensure

³³ The organization Initiative for Inclusive Security has been an advocate for this and has been a principal agent in the establishment of the woman's caucus in the Sudanese parliament and in the capacity training of female parliamentarians. For more information about Inclusive Security see the following link http://www.huntalternatives.org/pages/7_the_initiative_for_inclusive_security.cfm

³⁴ UNSCR 1325 reaffirms "the important role of women in the prevention and resolution of conflicts and in peacebuilding, and ... [stresses] the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security". It also mandates that states "ensure increased representation of women

women's full participation. Norway played an important part in the Sudanese peace negotiations that culminated in the signing of the CPA, and continues to take a strong interest in the process in Sudan.³⁵ In April 2005, Norway hosted a donor conference for Sudan in Oslo. At the conference, a group of 50 Sudanese women presented a common women's agenda for post-war reconstruction. Among the recommendations and priorities formulated at the conference were a minimum 30% "women's representation at all levels and in all sectors", including decision-making positions and constitution-making and -review processes.³⁶ The 2008 National Elections Act (NEA) guarantees a 25% women's quota in Sudan. This is a milestone and an important victory for Sudanese women. It is particularly important as Sudan is facing elections this year. Women's representation has been lower (not exceeding 2%) during periods with semi-democratic elections compared to periods of authoritarian rule during which women have been appointed.³⁷ At present, women make up 13% of the parliamentarians, which is the highest in Sudanese post-independence history.³⁸

Sudan is one of many post-conflict countries that have taken steps to increase women's political participation. The dominant parties in South Africa (ANC), Mozambique (Frelimo), and Namibia (Swapo) established women's quotas on candidate lists. In most of the 14 countries where the 30% target has been reached (namely, Rwanda, Sweden, Denmark, the Netherlands, Norway, Belgium, Costa Rica, Austria, Germany, Argentina, Iceland and Mozambique), some kind of affirmative action measure has been instituted. These can take the form, for example, of reserved seats in parliament (quota), or electoral candidate quotas endorsed by political parties. It is encouraging to note that a number of post-conflict countries – Rwanda, Mozambique, South Africa, Namibia, East Timor, Uganda and Eritrea – appear in the top 30 countries with regard to women's participation in legislative bodies, with women legislators averaging between 25 and 30%. Entering a clause about a specific quota for women in the legislative body is widely regarded as an efficient way to make sure a sizeable proportion of the members of that body are women. In countries where women's participation in politics at state level have been low or decreasing, it is a way to kick-start processes that other countries have spent several generations in achieving. In fact, in most OECD countries women hold under 25% of the seats in parliament – and in France and the United States, for

at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict". United Nations, *Security Council Resolution 1325 on Women and Peace and Security* (2000) [accessed on May 24, 2007]; see <http://daccessdds.un.org/doc/UNDOC/GEN/N00/720/18/PDF/N0072018.pdf?OpenElement>

³⁵ *Peacebuilding – a Development Perspective*, MFA Strategic Framework 2004, see <http://www.regjeringen.no/upload/UD/Vedlegg/Utvikling/peace-engelsk.pdf>

In the Action Plan for Women's Rights and Gender Equality in Development Cooperation 2007-2009 the government's focus on women, peace and security is incorporated into a wider framework of women's equal opportunities and rights in developing countries. *The Action Plan for Women's Rights and Gender Equality in Development Cooperation 2007-2009*, 2007, see <http://www.regjeringen.no/upload/UD/Vedlegg/Utvikling/ActionPlanwomensRights.pdf>

³⁶ "Sudanese Women's Priorities and Recommendations to the Oslo Donors' Conference on Sudan". Appendix IV in *Centrality of Women's Leadership and Gender Equality*, Report written by Kari Karamé et al. on behalf of UNIFEM, Norwegian Ministry of Foreign Affairs and NUPI in connection with the Oslo Donors' Conference, April 2005. The strong emphasis on political participation and inclusion was reinforced at a workshop organized by the Initiative for Inclusive Security³⁶ in Khartoum in November 2006, in which we participated (Tønnessen). One important objective from this workshop was to fulfill a nationwide 30% quota for women's political participation at all levels of government and "to enhance cooperation among women at all levels, especially in political decision-making". See *Inclusive Security: Women Waging Peace. Implementing Peace in Sudan*, <http://www.huntalternatives.org/download/290-strategizing-for-peace-the-critical-role-of-women-in-sudan.pdf>

³⁷ Sonia Aziz Malik: "Women's political rights, decision-making, representation and good governance" in Balghis Badri: *Sudanese Women Profile and Pathways to Empowerment*. (Ahfad University for Women, Institute of Women, Gender and Development Studies. 2008): 143.

³⁸ The representatives in the current parliament are appointed while awaiting the elections next year. In accordance with the CPA, the 450 seats are allocated as follows: the National Congress Party (NCP) is represented by 52%; the Sudan People's Liberation Movement (SPLM) is represented by 28%; other Northern political forces shall be represented by 14% (Ansar al-Sunna (AS), Muslim Brotherhood (MB), a fraction of the Umma party (UP) and a fraction of the Democratic Unionist Party (DUP)); other Southern political forces shall be represented by 6% (National Democratic Front (NDF), Sudan Democratic Forum (SDF)).

example, countries with considerably longer democratic traditions and where attitudes towards gender equality issues are perceived to be less contested than is the case in Sudan, women's share in the legislative seats is below 15%.³⁹ The use of quotas can facilitate at least *formal access* for women the political system. Quotas have placed many women in political decision-making positions, for example in Rwanda, where women now constitute 48.8% of the lower house.

The idea behind this line of thought is based on critical mass theory, which is disputed among scholars. According to its proponents, the presence of a critical mass⁴⁰ of women explains increased legislative attention to women's issues: "By creating a critical mass, women have increased their possibilities to influence decisions affecting their lives and that of their families".⁴¹ The "critical mass" theory proposes that there is a need for a *significant* minority of women representatives in political bodies in order to pave the way for social change. What exactly constitutes a critical mass in terms of numbers is definitely dependent on contextual variation (identified as ranging from 10 to 40 % depending on the study). In general, one may say that a critical mass is present when women's representation increases due to the fact that legal and other political actions are taken to empower and to improve the situation for female politicians themselves and for women in general.⁴² Critical mass thus implies that the process becomes self-sustained once a certain number of women are involved.⁴³ While the critical mass theory has been developed largely on the basis of empirical examples from Western European contexts, this line of thinking is clearly present in the arguments of those who are in favor of a women's quota in post-conflict counties generally and in Sudan particularly. The Sudanese women's activist and professor at Ahfad University for Women, Balghis al-Badri, writes, with explicit reference to experiences from other countries, that it is necessary for women to be represented in legislative bodies to make these bodies pay attention to women's issues.⁴⁴ She argues that significant questions related to improving women's position in Sudan will be disregarded and marginalized if left to the decisions of an all-male or strongly male-dominated National Assembly:

[T]he hope is that the method to obtain a large number of women in Parliament inspires [a raising of] consciousness concerning the issues of women, contributing to the solution of many of the problems that women suffer from (...) and denying them opportunities, resources, development, capacity building, and self-realization.⁴⁵

Badri also sees the link between an increased presence of women in parliament and the strengthening of the influence of the women's movement at large and of women's lobby groups specifically that will combine their efforts to achieve legislation contributing to improving policies and budgets that strengthen women's situation in Sudan in general. Critical mass theory or the "strength in numbers" argument has obvious points but the idea of 'critical mass' is controversial and contested among scholars. Overall, there is a lack of empirical evidence supporting the theory. However, grassroots activists and parliamentary politicians agree that Sudanese women as a group are at a disadvantage vis-à-vis men, and that something should be done to address it.

³⁹ <http://www.oecd.org/dataoecd/45/63/37964630.pdf> - figures from 2005.

⁴⁰ It has often been argued theoretically that a 'critical mass,' ranging from 10 to 35% women, is needed before major changes in legislative institutions, behavior, policy priorities, and policy voting occurs.

⁴¹ Zeitlin and Mpoumou "No human security without gender equality". Found at <http://www.vvao.nl/docs/UNPAN018180.pdf>

⁴² Dahlerup. D.: "Comparative Studies of Electoral Gender Quotas" (paper presented at an IDEA workshop in Lima, Peru, 23-24 February 2003). See: http://www.quotaproject.org/CS/CS_Dahlerup_25-11-2003.pdf

⁴³ Sarah Childs and Mona Lena Krook. "Gender and Politics: The State of the Art" (Politics Vol. 26 (1), 18-28, 2006).

⁴⁴ Balghis al-Badri: "The Women's Electoral Quota in the Forthcoming Election Law in Sudan" (original in Arabic) (Dept. of Women and Gender Studies, Ahfad University for Women, undated).

⁴⁵ Ibid.: 8

The question we want to investigate critically is whether a descriptive “strength in numbers” representation of women in parliament leads to substantive representation, that is, “performing acts in favor of women [...] that deal with issues of specific importance to women situated in the private and/or public sphere and/or aiming at feminist goals”.⁴⁶

3.1 Sudan – Electoral Law and the Women's Quota

In this paragraph we briefly outline the legal basis for a women's quota in the Sudanese National Election Law. There is a widely held belief that a quota of 25% for women at all levels of government was agreed upon in the CPA.⁴⁷ In fact, while the CPA recommends that women should be included in drafting legislation, it does not specifically mention how this is to be done, let alone provide for a quota. The CPA, while paying close attention to other principles of power sharing, has been criticized for being “gender blind”.⁴⁸ Anne Itto (2006) writes that SPLM/A women proposed

[...] a minimum quota of 25 per cent for the representation of women in the civil service, legislative and executive at all levels of government, as provided for by the SPLM/A constitution. One senior male member of the SPLM/A delegation laughed and asked me where the women would be found to fill these positions. The 25 per cent quota was eventually accepted in the larger group, where there were at least three women, but then the all-male SPLM/A drafting committee reduced this figure to 5 per cent. The SPLM/A Chairman raised this to 10 per cent as a compromise. Later on we learned that it had been dropped altogether when government negotiators refused a quota for women in power sharing on the grounds that they had not been fighting women.⁴⁹

Similarly, the Interim National Constitution (INC) of the Republic of Sudan (2005) does not specifically mention a quota. But article 32 declares that the state “shall promote women's rights through affirmative action”.⁵⁰ One manifestation of such affirmative action is the 2008 National Elections Act (NEA), which is where the women's quota is actually specified. The NEA defines a “Women List” as a “separate closed list relating to women which contains 25% of the total number of any Legislative Assembly and nominated by a political party”.⁵¹ In addition to the Council of States, the Sudanese National Legislature consists of a National Assembly of 450 elected members. 15% of these members shall be elected on the basis of proportional representation at the level of the 25 federal states, and 60% shall be elected by majority vote (FPTP) to represent geographical constituencies in the Republic of Sudan as such. The remaining 25% of the seats (112 out of 450) are allocated specifically to women. According to Article 29 of the NEA, these seats “shall be elected on the basis of proportional representation at the State level from separate and closed party lists”.⁵² Each voter shall cast one vote for the one women list of his or her choice, and the voter cannot delete any names or change the order of the names on the list.

While 25% of the seats are reserved for women, there is at least a theoretical possibility that more women will win seats as parties may nominate them for election in the proportional and constituency-based elections. The parties are *not* obliged to produce a women list; indeed, for some

⁴⁶ K. Celis, S. Childs, J. Kantola and M. L. Krook. “Rethinking Women's Substantive Representation”, (Representation, 44 (2), 99-110 2008): 101.

⁴⁷ See i.e. <http://www.mwcoalition.org/quotas/id11.html>; and: <http://www.sudantribune.com/spip.php?article26295>

⁴⁸ Anne Itto (2006): *Guests at the table? The role of women in peace processes*. See: <http://www.c-r.org/our-work/accord/sudan/women.php>

⁴⁹ Ibid.

⁵⁰ The Sudanese Interim National Constitution, 2005: 14, see http://www.sudan-embassy.de/c_Sudan.pdf

⁵¹ National Election Act 2008, Article 3 – Interpretation.

⁵² This is also the ratio adopted for the Southern Sudan Legislative Assembly and the state legislative assemblies.

of the smaller parties doing so may prove to be an economic challenge since the party has to pay 100 Sudanese pounds (about 45 USD) per nominated candidate. The women list is, however, meant to ensure that the National Assembly will have *at least* 25% female members. In the general literature on women's representation and quotas reserved, seat quotas are regarded as more problematic than party quotas, particularly because it becomes a question of whether women receive seats through election or appointment. Related to the manner in which they gain their seat women could be regarded as second-rate MPs. Further, if women deputies do not have clearly defined constituencies they do not have an independent base of political power. Reserved seats may also lead to a lack of incentive in the system to stand for regular constituency seats.⁵³

The Sudanese Women Parliamentarians Caucus was established in April 2007 and is open to all female parliamentarians in the legislature. All female members of parliament participate in the Caucus but not all parties are represented since the Ansar al-Sunna and Muslim Brotherhood parliamentarians are all men. The objectives of the Caucus are to strengthen cooperation between female parliamentarians and increase their capacity to work in parliament.⁵⁴ The Caucus is to a certain extent employed to handle political issues, reviewing the budget to ensure sensitivity to gender issues and travelling in Sudan to encourage women to vote and put themselves forward as candidates.⁵⁵ Samia Hassan Sidahmed of the NCP, president of the Caucus, cites the 25% women's quota as among the victories of the Caucus, which worked in cooperation with civil society organizations.

Making space for more women in the legislature is an obvious starting point, but it is no panacea. Representation entails making women's voices present in political organs. But what are Sudanese women's voices? The concept of critical mass makes a problematic assumption: that (all) female representatives identify just as women and act for other women.⁵⁶ Louise Vincent writes that a "woman's perspective" tells us little about what such a perspective might be and is falsely universalizing in its premise (...) Simply to 'include' women or women's voices (and these, it must be remembered, will not be representative in any way of a general category of 'women' since no such thing exists) in a politics that is flawed (...) will have little transformative effect."⁵⁷ Scholars are now criticizing the premises of critical mass theory.⁵⁸ The two questions of this research project are thus important insofar as they relate to whether women in parliament share an identity as women across political, ethnic and religious divides (*To what extent are Sudanese elite women's perceptions of gender equality unitary?*); and whether women in parliament represent women at the grassroots (*To what extent do Sudanese elite women represent grassroots women's priorities and attitudes?*). The project investigates women's interests within the local Sudanese context and takes into account the multiplicity of women's perspectives within and outside parliament.

⁵³ Drude Dahlerup. "Electoral Gender Quotas: Between Equality of Opportunity and Equality of Result", (Representation, 43(2), 73-92 2007).

⁵⁴ Statutes of the Sudanese Women Parliamentarians Caucus, undated – Chapter II, § 5.1.

⁵⁵ Barker, R. and O'Neill, J., "Women Parliamentarians: Caucusing for Equality and Effectiveness" quoted in Governance and Social Development Resource Centre Helpdesk Resource Report: *Cross-party Caucuses*, see <http://www.gsdr.org/docs/open/HD593.pdf>, accessed October 14, 2009.

⁵⁶ Sarah Childs and Mona Lena Krook, "Gender and Politics: The State of the Art" (*Politics*, Vol. 26 (1), 18-28, 2006).

⁵⁷ Louise Vincent. "Current Discourse on the Role of Women and Conflict Transformation: A Critique". Found at <http://www.iknowpolitics.org/en/node/1120>

⁵⁸ Seyla Benhabib points out that "there is not a single organization with the agenda of which a majority of women would agree [...] Relishing in diversity, basking in fragmentation, enjoying the play of differences, and celebrating opacity, fracturing, and heteronomy". S Benhabib, *Democracy and Difference: Contesting the Boundaries of the Political* (Princeton: Princeton University Press, 1996): 29. See also Ann Phillips. (ed.) *Feminism and Politics* (Oxford: Oxford University Press, 1998). Iris Marion Young *Inclusion and Democracy*. (Oxford: Oxford University Press 2000).

4. To what Extent are Sudanese Elite Women's Perceptions of Gender Equality Unitary?

Our findings suggest that women's issues are politicized. Women in parliament have not been able to bridge the political, ethnic and religious divides and stand together as women. In fact, women's issues in Sudan are very politicized and sensitive. Except for the debate on the electoral law and the women's quota itself, discriminatory laws concerning women have not yet been reviewed and amended. Although there has not been a substantive representation of women in parliament thus far (except for passing the election law with the 25% quota), there is generally a high degree of awareness and activism on women's issues in Sudan. Even the quota (women's list) itself was fiercely debated. On July 7, 2008, 300 Sudanese women demonstrated against the separate list. The demonstration was coordinated by the political women's platform and groups belonging to the Sudanese women's movement. "We are not different as women, we are different as political parties", said one of the demonstrators, Mariam al-Mahdi from the opposition party UP.⁵⁹ One of the most important debates in contemporary Sudan concerns women's civil rights and the Muslim family law. The area of women's civil rights has been forsaken historically by Sudanese women's activists for women's political and economic rights. We will take the debate on the Muslim family law to illustrate the diverse perceptions among women themselves on whether a gender-equal reform of the law is necessary or even desirable. The language used in the debate is fierce where competing interpretations of Islam are at stake. It is difficult to imagine one women's movement with a coherent agenda, even if you merely take Muslim women as a topic of investigation.

4.1 The Debate on the Muslim Family Law

So far the family law, the criminal law and the public order act have not been debated in parliament. According to Grace Alex Albery from SPLM,

there has not been done anything on women in parliament. There is no legislation on women. The family law has not been brought to the committee. You are not free to discuss in the committee. We wait for laws from the council of ministers [...] we do not talk about CEDAW anymore, we have given up. Maybe it will be ratified in Southern Sudan when we become independent.⁶⁰

Women within civil society and opposition parties are challenging the discriminatory laws elaborated on in this article. But they are not united in their views or strategies. There are two important aspects to take into consideration:

I. There is no activism which suggests a move in the direction of a universal family law that guarantees the civil rights of *all* Sudanese women, Muslim and non-Muslim. Women are working and strategizing within their own religious/tribal communities. The strategies for change thus differ between Sudanese women. This in turn contrasts with much of the literature on women and peacebuilding, which claims that "on the basis of their women's interests, they are able to form coalitions bridging deep political, ethnic and religious divides".⁶¹ The argument that women have the same interests simply because they/we are women, propagated by organizations active in Sudan

⁵⁹ See: <http://www.sudantribune.com/spip.php?article27793>

⁶⁰ Interview with Grace Alex Albery, MP for SPLM, October 20, 2009.

⁶¹ Tsjeard Bouta and Georg Frerks, *Women's roles in Conflict Prevention, Conflict Resolution, and Post-Conflict Reconstruction* (Netherlands Institute of International Relations, 2002): 8.

such as the Initiative for Inclusive Security (a US-based NGO), does not represent the politically polarized environment in which women's rights are discussed.

2. This article takes the debates concerning the Muslim family law as a point of departure. This debate illustrates the competing perspectives between women activists on the subject. There is nothing to suggest that Muslim women's perceptions of gender justice are unitary. On the contrary, women's issues are extremely politicized. However, they all frame their arguments within Islam, offering different interpretations of Islamic law (*Sharia*) in order to change the current law. We have been in contact with a diverse set of organizations and political parties on the subject. To summarize the debate, there are mainly two opposing views or two competing interpretations of Islam at stake. These are positions and not a description of actors. Women activists from different political parties and civil society hold variations of these positions. Not only women participate in this debate, but men fiercely discuss women's rights in Islam.

The Liberal Position

The liberal position holds that there is no contradiction between Islam and gender equality.⁶² It is important to note that the liberal position does not constitute a coherent group, but diverse groups of actors from different civil society organizations and political parties. This position is often linked with regional developments in other Muslim countries such as Morocco, where there has been a reform of family law. Sadiq al-Mahdi states:

There are two approaches to the family law. The first is secular and the Tunisian way. The second is Islamic and the Moroccan way. I think the second way, the Islamic way, is the best. I want to reform the article concerning wali for marriage, the right of a wife to reject a second wife, the right of divorce; I want to delegitimize child marriages. I want to prohibit FGM. All of this can be well argued from an Islamic point of view (...).⁶³

The main areas of criticism of the current Muslim family law are related to the age of consent for marriage, which is puberty. This involves girls marrying at an early age. These child marriages have devastating health and physiological consequences for the girls and activists advocate raising the minimum age of marriage. Also, women activists claim that Sudan ought to follow the Hanafi law school, which states that a woman should contract herself in marriage. Judicial circular 35 from

⁶² The reinterpretation of Islamic sources in order to achieve equal rights for women within an Islamic framework is often referred to as Islamic feminism. Islamic feminists challenge traditional interpretations of the Islamic texts and received notions of interpretive authority, both in Muslim majority societies as well as in the diasporic Islamic world. With their new interpretations they have contributed to the transformation of the legal, political and social rights of Muslim women. For an overview on Islamic feminism see Margot Badran. "Toward Islamic Feminisms: A Look at the Middle East". In A. Afsaruddin (ed.) *Hermeneutics and Honor: Negotiating Female "Public" Space in Islamic Societies*. (Cambridge, Massachusetts: Harvard University Press, 1999). For accounts from Islamic feminists see Amina Wadud. *Inside the gender jihad: women's reform in Islam* (Oxford: Oneworld Publ., 2006). Amina Wadud. *Qur'an and woman: rereading the sacred text from a woman's perspective* (New York: Oxford University Press, 1999). See Leila Ahmed, *Women and Gender in Islam* (New Haven: Yale University Press, 1992). Ziba Mir-Hosseini. *Islam and gender: the religious debate in contemporary Iran*. (London: Tauris, 2000). Ziba Mir-Hosseini. "The Quest for Gender Justice: Emerging Feminist Voices in Islam" (*Islam* 21 (36) 2004). Fatima Mernissi. *Women's rebellion & Islamic memory* (London: Zed Books, 1996). Fatima Mernissi. *Women and Islam: an historical and theological enquiry* (Oxford: Blackwell, 1991). Fatima Mernissi. *The veil and the male elite: a feminist interpretation of women's rights in Islam* (Reading, Mass.: Addison-Wesley, 1991). Azizah Y. Al-Hibri. "Muslim Women's Rights in the Global Village: Challenges and Opportunities", *Journal of Law and Religion* 15 (1-2): 37-6 2000. Ali Shaheen Sardar. *Gender and Human Rights in Islam and International Law: Equal Before Allah, Unequal Before Man?* (The Hague: Kluwer Law International, 2000). Asma Barlas. *Believing Women in Islam: Unreading Patriarchal Readings of the Qur'an*. (Austin: University of Texas Press, 2002).

⁶³ Interview with Sadiq al-Mahdi, Leader of the Umma Party, October 28, 2009.

1933 instituted a Maliki law school practice, which is also followed in the present family law, under which a woman needs a *wali* or male guardian to contract the marriage. A judicial circular from 1960 stated a legal preference for the Hanafi School, but this was again changed by the Islamists in 1991. When arguing for their cause, namely full equality, women activists would often refer to the paradox that a woman has the right to become the president of Sudan in accordance with the constitution, but not to contract her own marriage in accordance with the Muslim family law (1991). The arguments for gender equality are often linked to international law, especially CEDAW. This movement for equality through a feminist reading of Islamic sources, especially the *Quran*, is also linked to global Islamic feminist networks, such as sisters in Islam.⁶⁴

Women activists who hold the liberal position also deem it important to raise awareness of the rights that women have within the current law. Article 142 stipulates that a woman can put conditions in her marriage contract. Gamar Habani, who is in charge of human rights at the SWGU, states:

Article 142 gives the woman the right to put her conditions. But in practice we do not use this. Women are shy to use it. When my daughter gets married, I am going to write a bill of rights in her contract. Allah gave me that right.⁶⁵

Habani has a weekly column in the Nuun newspaper, which belongs to SWGU. She frequently addresses issues of human rights and discriminatory laws. The Republican Brothers also refer to article 142. They advocate for and put into practice within their community a marriage contract which sets the dowry (*mahr*) to a symbolic amount and stipulates that wife and husband have an equal right to divorce and that the husband is not allowed to take a second wife (polygamy). Nahid Muhammad Hassan, a human rights activist, states on polygamy:

We did not start this debate against polygamy. It is an old debate. There are a lot of *hadiths* saying that Prophet Muhammad (puh) did not accept polygamy. There is one *hadith* saying that he refused permission for his cousin to take another wife. (...) In the *Quran*, *surat al-nisa*, it is stated that polygamy is only allowed on certain occasions when we are at war and there are a lot of widows and orphans. It was the tradition at that time. Polygamy was allowed at that time. The *Quran* verses should be interpreted as an attempt to advise against this practice.

The above quote illustrates how Islamic sources are being (re)interpreted in a gender-equal direction. The prevailing and dominant interpretation is that in Islam men are allowed to take four wives.

The main propagators of the liberal position we find among the political parties and civil society organizations in opposition to the government, that is, UP led by Sadiq al-Mahdi, the Republican Brothers, the SCP, activists at Ahfad University for Women, Mutawinaat and Musawah. These actors do not see any contradiction between Islam and gender equality and thus between Islam and CEDAW. It is important to note that some Islamist women, especially those active within SWGU, also raise concerns about issues such as early marriage and the importance of the marriage contract. However, most Islamists merely propagate equality between men and women when it comes to “public” rights such as work, education and participation in decision-making bodies. Many would refrain from equality between men and women within the “private” sphere of the family and thus uphold a patriarchal view of the family with a male breadwinner.

⁶⁴ http://www.sistersinislam.org.my/index.php?option=com_frontpage&Itemid=1

⁶⁵ Interview with Gamar Habani, human rights at SWGU, November 1, 2009.

The Conservative Position

The conservative position upholds patriarchy. This position rejects equality between women and men within family law. Gender equality is deemed neither necessary nor desirable.

The Salafists are one of the main groups propagating this position. Salafists are Sunni Muslims who take pious ancestors (*salaf*) of Islam's early period as exemplary models. Salafists are often referred to as Ansar al-Sunna, the followers of the Sunna, that is, Prophet Muhammad's deeds and actions. Ansar al-Sunna in Sudan is not organized as a political party, but it does have three members in parliament and state ministers. Female followers of Ansar al-Sunna advocate a qualitatively different Islamic direction to the one propagated by the liberal position, not only concerning Muslim family law. Ansar al-Sunna propagates social separation in work, education and in the preaching of Islam (*dawa*)⁶⁶ between men and women. They advocate upholding the Muslim family law from 1991 and an MP from Ansar al-Sunna stated that he even wished to limit a woman's right to divorce (*tatliq*). In his opinion the right to divorce is a prerogative of the man in Islam (*talaq*).⁶⁷ According to Surayha Ahmad Muhammad Kheir, the leader of the newly established women's centre for Ansar al-Sunna,

the family is the most important thing. It is important to maintain the family as an institution and women as mothers. We believe in *Islah*, to repair. We do not believe in divorce. This stems from the *Quran*. Islam does not like divorce. We try to convince women not to seek divorce.⁶⁸

Ansar al-Sunna adheres to the most conservative of the four law schools in Islam, the Hanbali School, which is also followed in Saudi Arabia. Historically in Sudan the more lenient Hanafi and Maliki schools have dominated the legal system and the understanding of women's rights within the Islamic law.

Although Ansar al-Sunna is not directly questioning women's right to participate in society and politics, it is calling for a more conservative dress code (face veil, *niqab*) and greater segregation between women and men at universities and workplaces in order to avoid *fitna*, which is a word used to describe the sexual chaos in which a lack of segregation between the sexes will ultimately result. It also defends FGM/C (the Sunna circumcision, not the pharaonic) within an Islamic frame of argument.⁶⁹ Many conservative Islamists, from the NCP in particular, would also uphold a conservative position on family law and FGM. Ahmad Ali al-Imam, the president's advisor on shari'a, issued a fatwa (legal opinion) in 2004 which stipulates that the Sunna circumcision is islamically justified.⁷⁰ Conservative forces within the ruling party are working to sustain the Muslim family law of 1991. The female parliamentarians from NCP do not deem the Muslim family law important to discuss and amend. Raga Hassan Khalifa from NCP says that "the Muslim Family law was codified after the 1990 founding conferences. There are some minor problems in the law (...) the law itself is not a big problem".⁷¹

The literature on women's representation thus has a Western or "feminist" bias as it wrongly presumes that women hold feminist goals about gender equality in public and private spheres of

⁶⁶ Literally translated, *dawa* means "issuing a summons" or "making an invitation".

⁶⁷ Interview with Dr. Salih al-Toom, MP for Ansar al-Sunna and professor at the University of Khartoum, September 28, 2009.

⁶⁸ Interview with Surayha Ahmad Muhammad Kheir, leader women's center Ansar al-Sunna, October 29, 2009 (Translated from Arabic).

⁶⁹ Interview with Surayha Ahmad Muhammad Kheir, leader of women's center Ansar al-Sunna, November 12, 2009.

⁷⁰ Interview with Dr Ahmed Ali al-Imam, the president's advisor on *sharia*, February 21, 2007.

⁷¹ Interview with Raga Hassan Khalifa, MP for NCP and President of the Sudan Women's General Union, October 25, 2009.

law. The debate on family law illustrates that not all women deem gender equality desirable. Elite women's perceptions on gender equality and Islam are not unitary. Whether there will be a reform of the discriminatory laws depends on the outcome of next year's election and thus whether women who hold conservative or liberal positions regarding women's rights in Islam win seats in parliament. But it is also related to parliament as an institution and the political system. Who is represented is an important question, especially in Sudan, considering the fact that women's issues are extremely politicized. Regardless of who is represented, the parliament's independence, strength and ability to act is significant.

4.2 The Political Environment and the Strength and Independence of the Parliament

The general impression from interviews with parliamentarians is that women's issues are rather discussed outside parliament within civil society organizations. Samia Hassan Sidahmed, who is the leader of the women's parliamentary caucus and a member of parliament from NCP, says "we need change [of the family law], but we cannot do it in parliament, have to work through civil society".⁷² Many female representatives in the national assembly wear several hats at the same time. Many of the Islamist women representing the NCP in parliament are also active in the SWGU. The SWGU is a governmental organization within which Islamist women tend to be more critical of the discriminatory laws of the current government. It is thus important to note that there are internal critiques of the laws by Islamist women, but these are not voiced in parliament. Although there has not been substantive representation of women in the national assembly thus far (except for passing the election law with the 25% quota), there is generally a high degree of feminist awareness and activism about women's issues in Sudan.

Although Sudanese women have a unique historical opportunity to act, it is a fact that the parliament is not independent and is relatively weak. This is also related to the fact that the most important discussions and the possibilities for influencing the revision of laws are in the drafting process before the laws are discussed and voted 'for' or 'against' in parliament. The national assembly is relatively weak compared to the executive branch, which seems to amend laws at its own convenience. Yasir Arman, the deputy secretary general of SPLM for Northern Sector, describes the political environment in the national assembly:

⁷² Samia Hassan Sidahmed, MP for NCP and leader of the women's parliamentary caucus, October 14, 2009.



A debate about women's rights and the discriminatory laws in Sudan at the University of Khartoum
(Photo: Liv Tønnessen)

The political environment in parliament is in transition. It is a transitional parliament, you know; a parliament of one party for 16 years. What we inherited was the legacy of a one party system; one voice; one idea and no tolerance, acceptance of others, their identity, their views and their cultures. They are ready to violate the assembly to preserve the legacy.⁷³

This became clear during the introduction of the new draft of the child act where there have been intense discussions about article 13 of the draft law, which criminalized female circumcision (FGM). About 89% of Sudanese women are circumcised.⁷⁴ The most invasive form (so-called pharaonic; infibulation with excision) and the Sunna circumcision (clitoridectomy) are both practiced. Efforts were made to prohibit FGM in 1946 under British rule. Pharaonic circumcision was in fact prohibited under the 1925 Penal Code, with less severe forms allowed. Civil society organizations generally and the Babiker al-Badri Association in particular have been trying to eradicate the practice for over 50 years. In 1992, the National Program for Eradication of Harmful Traditional Practices was established by the current Islamist government. In Sudan the practice has been perpetuated for many generations. As such, the practice has been institutionalized as a habit or

⁷³ Interview with Yasir Arman, deputy secretary general of the Sudan People's Liberation Movement (SPLM) for the Northern Sector and MP, October 27, 2009.

⁷⁴ M. Mazharul Islam and M. Mosleh Uddin. "Female Circumcision in Sudan: Future Prospects and Strategies for Eradication" (International Family Planning Perspectives Volume 27, Number 2, June 2001).

custom that became an integral part of the social system. The reasons behind the perpetuation of the practice are complex and should be evaluated.⁷⁵ Despite the efforts of numerous civil society organizations, opposition parties and government initiatives, article 13 was taken out of the draft child law. Many would explain this by referring to international developments and mobilization by religious conservatives who propagate that the Sunna circumcision is Islamic (whereas they argue that the pharaonic circumcision should be abolished). Nahid JbarAllah, who works for the council for child rights, explains:

Regarding the child act a lot of efforts were made [...].It was a great opportunity after the CPA and the bill of rights in the interim constitution. It is clearly stated that all Sudanese laws should comply with international standards. [...] The review was done for the child act and laws in light of CRC [child rights convention]. [...] After many consultations, the council for child affairs, in which I am a technical advisor, decided to criminalize FGM in article 13. This was a consequence of hard work by civil society in cooperation with governmental bodies. [...] In the same period the national strategy for abolishing FGM was finalized. It is a governmental policy. The first draft of the child act was submitted to the council of ministers in February 2009. The article 13 was dropped. Civil society organizations issued a memo and a campaign to reinsert article 13. It was a strange situation considering the national strategy to abolish FGM, which is a governmental initiative. These documents are signed by the President himself as part of the national empowerment policy. The problem is the political balance and the influence of the Islamic fundamentalists is becoming stronger. [...] It is a matter of political balance. We are not democratic. We are a dictatorship. [...].⁷⁶

There are many different and challenging interpretations of Islam at stake. The President has ultimately opted for the conservative one in this particular case. Many pointed to the fact that the International Criminal Court's (ICC) charges against President Bashir has strengthened his ties with the religious conservatives, often referred to as Islamic fundamentalists. Especially after the ICC charges and the escalating conflict in Darfur, the President has increasingly tended to describe international human rights organizations such as the UN as imperialist and human rights as alien, secular and western and thus contrary to Sudanese culture. The human rights strategy propagated by civil society generally and in the FGM case in particular has thus been counterproductive.⁷⁷ Sadiq al-Mahdi, the leader of one of the opposition parties, says:

Dictators want to smear human rights as alien in order to continue to oppress people. It is not about foreign domination or cultural specificity. This needs to be confronted. They reject the human rights movement because it interferes with their authority.⁷⁸

⁷⁵ It is important to note that it is not only Muslims who are currently practicing FGM. Southerners, especially those residing in the north, have to some extent adopted the practice of female circumcision. It is still considered stigmatizing not to be circumcised (ghalfa). Historically, female circumcision in Sudan was an attribute of female slaves (ghalfa, not circumcised). Rogaia Mustafa Abusharaf. *Transforming displaced women in Sudan: politics and the body in a squatter settlement*. (Chicago: The University of Chicago Press, 2009).

⁷⁶ Interview with Nahid Jbar Allah, woman activist and advisor in the council for child rights, November 8, 2009.

⁷⁷ Ibid.

⁷⁸ Interview with Sadiq al-Mahdi, leader of the Umma Party, October 28, 2009.



An anti-FGM poster (Photo: Liv Tønnessen)

Nahid Muhammad Hassan, a doctor and activist, believes that the ICC charges forced the president to compromise with what she calls the fundamentalists (i.e. Ansar al-Sunna).⁷⁹ So although there are forces both within the government itself and within opposition parties and civil society organizations that favor eliminating FGM, the President ultimately opted to listen to or rather compromise with the religious conservative forces within his own party. This illustrates that despite focus and pressure from elite women on this important issue, the weak parliament and the political environment was not conducive to criminalizing FGM.

4.3 Other Arenas for Debate: Media and the Judiciary

But there are of course other arenas in addition to parliament in which women activists fight their battles, such as the media and the judiciary. Although the media is censored, the government does allow critical voices to be heard on these issues. But during the Lubna Ahmad al-Hussein case, only the pro-regime newspapers were allowed to write about it. Lubna is a journalist and activist who came to international attention in July 2009 when she was prosecuted for wearing trousers (see *Islamism and Discriminatory Laws: A Review of Status Quo/Dress*). International media attention proved vital for women primarily adhering to the liberal position to put article 152 on the agenda. Although only the pro-regime newspapers were allowed to write about it, the case prompted a series of public lectures, workshops and activism among women concerning these issues. According to Rasha Awad, a journalist for al-Hurriyah (freedom) and a member of the Umma Party, journalists frequently write about the public order act, the criminal act and the Muslim family law. In her opinion these laws are unconstitutional. However, although it reports important debates, which are surprisingly critical, the Khartoum-based media does not have a great outreach. On a trip to Dar as-Salam, Jebel Aulie, an area about 1.5 hours from the capital, the women there had not even heard about Lubna Ahmad al-Hussein. In the western and eastern regions, local and often regime-controlled media prevail. So although opposition voices are allowed a critical space by the government, they speak primarily to a relatively educated audience within the capital.

The discriminatory laws described in this article are, according to Rasha Awad and others, unconstitutional and violate the bill of rights in the new interim constitution. It is possible for a woman activist to bring a case to the constitutional court. But the judiciary is not considered independent. Rasha Awad says: "The judiciary is not independent. NCP people there. Difficult to take cases like this to the constitutional court."⁸⁰ The lack of independence between the branches of government is a democratic problem. However, there have been court cases where women activists (Islamist and non-Islamist) have brought a case to the constitutional court and won. They challenged decree no. 84 issued by Magzoub al-Khalifa Ahmad, the governor of Khartoum state on September 4, 2000. The decree stipulated that

As the state in its effort to respect women and to reserve her dignity, and to put her in her right position coping with 'the civilized trend' and religion, beliefs and the Sudanese traditions, I issue the following: Banning all women's work in the following places: 1. fuel stations 2. Hotels, restaurants and cafeteria and similar establishments rendering direct service 3. Rendering room services.⁸¹

The women most affected by this decree were female street vendors selling coffee and tea. The case was led by Samia Hashmi, a lawyer who is the leader of the Mutawinaat group.⁸² This was a minor case on an issue where there is a consensus among women activists (except the Salafist women).

⁷⁹ Interview with Nahid Muhammad Hassan, doctor and woman activist, November 8 2009.

⁸⁰ Interview with Rasha Awad, journalist al-Hurriyah and member of the Umma Party, October 25, 2009.

⁸¹ Decree No. 84 for 2000, translated by Mutawinaat.

⁸² Interview with Samia Hashmi, lawyer and leader of Mutawinaat, September 27, 2009.

There is agreement about a woman's right to work and participate in social and economic life. The major disagreements do not concern women's rights in the public sphere, but in the private sphere, i.e. family law. It is unlikely that a case taken to the constitutional court on the family law would be equally successful. But Asma Muhammad Taha, the daughter of the late Mahmoud Muhammad Taha, who was executed for apostasy (*ridda*) in 1985, is preparing a case on apostasy in the constitutional court. She says:

I have contacted some other lawyers to prepare a constitutional case against the *ridda* verses in the criminal act. We have been personally affected by it. We cannot speak about freedom without this. They can call you an apostate at any time (...) the article should be abolished. It contradicts the Constitution.⁸³

It is interesting to note that the debate on apostasy (see Islamism and Discriminatory Laws: A Review of Status Quo/Apostasy) is considered a vital "battle" for women activists in Sudan. It is a women's issue which is locally grounded and thus not universally valid and it is related to wider battles for freedom of speech and democracy in Sudan.

⁸³ Interview with Asma Mahmoud Muhammad Taha, lawyer and member of the Republican Brothers, November 3, 2009.

5. To what Extent do Sudanese Elite Women Represent Grassroots Women's Priorities and Attitudes?

There is an assumption behind the literature on 'critical mass' not only that elite women's interests at the elite level are unified, but also that elite women represent grassroots women's interests. The above discussion illustrates that elite women agree on certain issues when it comes to improving women's situation, but they also disagree on substantial issues – both in terms of what women's issues are and also how they can be resolved or changed. To understand the dynamics between the feminist claims of the elites and women's interests at the grassroots, we have looked into the priorities and discourses among women's grassroots organizations operating in Khartoum. A focus on their localized practices will shed light on the ways in which overarching political debates are interpreted, adopted, rejected and transformed by grassroots women. We have found that while at the elite level the concern for the grassroots is clearly manifest in terms of both discourse and practical projects, communication between the two levels is the weak spot. Grassroots women welcome initiatives to improve their situation, but are rarely invited to take part in the discussion of what these initiatives should consist of and how they are to be implemented.

5.1 Grassroots Initiatives of Leading Women's Groups in Khartoum State

The three organizations presented here represent three gender perspectives and priorities for women, and also differ according to the methods used when accessing the grassroots. The organizations are all to a greater or lesser extent associated with political parties and/or political movements.

The Islamists: Sudan Women's General Union (SWGU)

Decidedly the largest group, SWGU, is closely affiliated with NCP. The current president of the union, Raga Hassan Khalifa, also represents the NCP in the National Assembly. Also, President al-Bashir's wife Fatima Khalid is honorary president of the SWGU. As such, SWGU belongs to the Islamist and pro-government organizations in Sudan. SWGU was formed in 1990 and by its own words "extend[s] from the centers to the local levels to the rural areas and grassroots to form sub-branches. The total number of branches and sub-branches is about 27000."⁸⁴ SWGU is open to women of all religions and its membership amounts to about 4 million women⁸⁵. "The idea behind the Ittihad [the SWGU] is to link the elite and the grassroots",⁸⁶ says Hassan Khalifa, who maintains that the reason why the SWGU was established as an NGO was to facilitate work with the grassroots:

The elite women work hard to reach the grassroots women. We have branches all over Sudan, including in Darfur. I went there and stayed for 25 days. Elite women go to the grassroots in order to communicate the mission of the *Ittihad*. Grassroots women also come to Khartoum to get training and to attend the general conference

⁸⁴ "Sudanese Women General Union (SWGU)" information leaflet, undated.

⁸⁵ Ibid., and also "Sudanese Women General Union, Secretariat of Statistic, Researches and Information: Throughout the history of the Sudanese Women General Union 1990-2004", Khartoum, undated.

⁸⁶ Interview with Raga Hassan Khalifa, October 25, 2009.

and workshops. We have organized seven conferences which have gathered women from all of Sudan. There is a strong connection between the elite and the grassroots.⁸⁷

There are three main areas which SWGU deem important for women at the grassroots: education (literacy training), economic empowerment and religious enlightenment. The SWGU has 12 large centers in Khartoum state.⁸⁸ One is located in Dar as-Salam in Jabal Awlia. The center is located one hour's drive from central Khartoum, in an area where most of the buildings are small and made from mud. This is also the case for the SWGU center, which is made up of two adjoining one-room houses, a small front yard and a larger back yard. One house serves as the organization's office and the other contains an exhibition of handicraft items the members have made, such as ceramic cups and bowls, embroidered tablecloths and pillowcases and straw baskets. The items are sold from the house, but not outside at the nearby market in Jabal Awlia. The back yard serves as a kindergarten, which is used by approximately 30-40 boys and girls. While the children are present, a group of nine women are sitting in the shade at the end of the yard, listening to an old sheikh reciting the *Quran*. Some of the women follow the recitation in their own textbooks. Although the women tell us that they do sometimes discuss the religious text with reference to women's issues, they also say that such discussion amounts to the sheikh giving explanations of what they have just read. The women say they attend the *khalwa* to make sure they pray in a correct manner, and some want to become *hafiza*, i.e. to learn the *Quran* by heart.



Khalwa class in Jabal Awlia with the Sheikh in the corner (Photo: Liv Tønnessen)

⁸⁷ Ibid.

⁸⁸ Interview with Nagwa Yousif Ismail, head of education at SWGU, October 7, 2009.

According to Hassan Khalifa, “the work in the *Ittihad* is based on voluntary work. (...) The women in the elite and at the grassroots are happy to volunteer. It is self-satisfaction for them to participate. It is one of the founding principles of the *Ittihad*.” However, this is a subject of concern to the women involved at the local center we visited. There are no economic incentives for them to participate in the activities, and although they think that knowledge improves a woman’s self-esteem, the economic conditions in the area are hard and all the women need to work to support their families. They work in the informal labor market, mainly as peddlers selling various items in the streets. SWGU centrally supplies money to cover the rent of the premises, but the women at the center claim this is going to stop after two years. Ideally they want a bigger center with room for more activities, as this was promised to them from the start. Presently they do not even think they will be able to keep the center as it is running if the rent money is cut. They want closer contact with SWGU centrally to present their concerns and wishes, but all attempts so far have fallen on deaf ears: “Raga Hassan Khalifa came here a year ago to open the center, but since then, we have not seen anyone from the leadership. They say we have to manage on our own. With what?”

Economic concerns frame our impression of the center also in other ways. After our second visit, we discovered that there had not been any literacy training for the women for several months. At most, 20-25 women aged 30 and above attended the literacy training, which also includes basic mathematics. Some of the women had been to school when they were children, but forgotten what they had learned. However, the literacy training at the center stopped because the teacher resigned. She was a local woman with some university training who was unable to find a paid job, but had to resign because she could not combine the teaching with her domestic chores. Now they want to hire a new teacher, but as they cannot offer any salary, no one is interested. To volunteer for the women located centrally in Khartoum, who get salaries as MPs or civil servants, is quite differently perceived than amongst the women at the grassroots in Jabal Awlia, who do not have the same economic means.

In our discussions with the volunteers at the center, the economic situation of the women and their families was a topic which framed all our visits. The Islamist ideological stance is based within a patriarchal view of the family. It is maintained that the man is the financial breadwinner of the family (*nafaqa*). The woman is only to work outside her home if she herself chooses to and the money she earns is hers to keep and she is thus not obliged to spend it on other family members (her husband and children). Maha Freigoun at the central SWGU says:

For us Muslims, *nafaqa* is by *Sharia* law for the man to pay for his family; take care of his family. Non-Muslims are not seeing the *nafaqa* within the Islamic picture, but in terms of economic dependency. But I’m a working woman earning my own money. But I keep my money for my own, not for any other person. I can do whatever I want with it. My father, my brother and my husband should pay for whatever I need. There is no obligation for a woman.⁸⁹

When we asked the women in Jabal Awlia about this Islamist ideal concerning *nafaqa*, the women at the centre all laughed. They laughed because it is an ideal which is removed from their everyday lives. *They* are the ones who provide economically for themselves and their children, they say, and definitely not their husbands. All women must work, because the men do not. Electricity bills arrive in the name of the husband, but are paid with the money the wife has earned. Ideally they wish they could rely on the husband to look after them financially, but the situation is that many women must resort to legal action to get money for the household. Maintenance cases form the majority of family law cases in the local court in Jabal Awlia, and practically all the women waiting at the court are there to claim maintenance from their husbands. What they would like from SWGU is legal aid for

⁸⁹ Interview with Maha Freigoun, SWGU, October 29, 2009.

these women. Our impression is that civil rights within the Muslim family law, particularly related to economic concerns, is important and affects grassroots women's everyday lives.



A little boy waiting while his mother is in class (Photo: Liv Tønnessen)

The Liberalists: Babiker Badri Scientific Association for Women's Studies (BBSAWS)

The BBSAWS was established in 1979 following a decision made at the Symposium on the Changing Status of the Sudanese Women, held by the Ahfad University for Women in Omdurman. Its headquarters are located inside the university campus and leadership and activists are closely related to the university as employees and (former) students. The Ahfad University is affiliated with the opposition party UP led by Sadiq al-Mahdi through researchers and activists such as Balghis al-Badri. The association was named after Sheikh Babiker Badri, who was a pioneer in the education of women in Sudan.⁹⁰ BBSAWS is described as a voluntary, non-political, non-profit NGO "dedicated to enhancing women's status and for achieving equality, empowerment, development and the full realization of their human capacity".⁹¹ To achieve this, BBSAWS takes an academic approach, strengthened by its association with the Ahfad University, and organizes workshops, study groups and lectures as well as doing research on women's issues.

In recent years the organization has focused on women and the peace process, and currently works on women and elections. An overall theme, however, is combating FGM/C. BBSAWS is a membership-based organization of which "[a]ll Sudanese women who can contribute in fulfilling its objectives can become members".⁹² When it comes to outreach to the grassroots, BBSAWS works to implement development projects in rural areas and to enhance women's productive, reproductive and community roles in rural areas. To do this they help train women in income generation skills, home economics, reproductive health, literacy, and awareness raising. BBSAWS is one of the most vocal and longstanding critics of FGM in Sudan. They were one of the important actors advocating to criminalize FGM in the draft Child Act. The overall ideology of the organization must be viewed in light of its liberal position on gender equality. It advocates for complete equality between men and women in the family law and concerning education, work and representation in decision-making institutions. Because of this, its literacy training courses are at times regarded by the government as political activities rather than education. We were told beforehand that we might encounter questions by the security police during our visit. We did not encounter such problems, but we were left with the impression that it was a concern for the organization.

⁹⁰ See <http://www.ahfad.org/babiker%20badri.html>

⁹¹ Ibid.

⁹² Ibid.



Dar as-Salam, the school where the literacy classes were held (Photo: Liv Tønnessen)

At present BBSAWS runs a literacy training course that also includes some income generating activities in the Dar as-Salaam refugee camp on the outskirts of Khartoum. We were told by the volunteers centrally that the literacy training course was a gateway to educating women about the bad effects of FGM. We went to a literacy training course in Dar as-Salam about two hours' drive from central Khartoum. Dar as-Salam was an IDP camp about 30 years ago. We learnt that three to four lessons of about two hours each are set aside for one particular topic, on which the women learn the vocabulary and also the skill involved with producing a certain item (cooking, handicraft). The method has been tested by the association before, and it has been found that women learn faster and better when they have something tangible to hang the theoretical knowledge on. About 30 women attend the course, which at the day we are there focuses on teaching women how to make lemonade concentrate for sale. The vocabulary is repeated before the actual ingredients are handed out to the participants, who group together to work. It is the women themselves that decide on the topics that they are going to learn. The training of trainers-principle has been utilized; the teacher has been trained by BBSAWS in certain themes, but that does not limit the possible topics. One time the women wanted to learn about first aid and then a nurse from the nearby clinic was hired to lead the course. The course lasts for six months, after which women are tested. The goal is that all the participants should be able to read and write at the end, and that they have learned a number of practical skills that will help them engage in some income-generating business.

BBSAWS is able to carry out only one such course at a time, because they are expensive. One six-month course may cost between 7 and 10 000 SDG (2700 – 5400 USD), which must cover the teacher's training and salary, rent, teaching materials and so on. The funding for the courses does not come from Ahfad, but from international organizations such as UNICEF, which supplied the participants' notebooks. If more funds could be raised, though, more courses would be held because the demand is high. Considering that Dar as-Salam was an IDP camp about 30 years old, most of the participants are IDPs from the Kordofan and Darfur regions. There, we were told, girls seldom went to school, both because there were few schools in general and because many did not see the need to educate girls. For that reason, the women that participate in the BBSAWS literacy training are mostly in their 40s and 50s. Still, however, certain tribal leaders in the camp keep the women of the tribe from attending the course. This problem was also part of the reason why BBSAWS chose to mix literacy training with income generating skills – the economic incentive persuaded some, but not all, of the tribal leaders to let “their” women attend. For the women themselves, we got the impression that the classes were also social events where women were able to gather and meet with friends and “gossip” about everyday life.

There is an apparent dilemma here. It is commendable that women at the grassroots are invited to set the agenda for the courses that are directed at them. The combination of literacy and practical training is a good idea and persuades more women to participate because they see the potential for economic empowerment alongside the empowerment that literacy brings. Restrictive elements in the women's communities cannot as readily dismiss literacy training as “selfish” or inducing women to disobey their husbands when at the same time the training includes skills that may benefit the whole community in the longer run. The courses attempt to be inclusive on two levels – in respecting the participants' needs and in aiming to attract women from the more gender-conservative groups. This, however, limits BBSAWS's ability to introduce “sensitive” themes into its courses – such as discussion of FGM practices. Organizations such as BBSAWS need to choose whether to include as many women as possible, and especially those who are hardest to reach, or whether to champion certain sensitive causes. This is particularly relevant in the case of FGM, the total eradication of which has figured high on BBSAWS's agenda since 1979, and on which the organization has had considerable influence.



Literacy class in Dar as-Salam (Photo: Liv Tønnessen)

During our short visits to BBSAWS, it was difficult to raise the issue of FGM with the participants themselves as this is a very personal and sensitive issue. But other secondary literature on the topic suggests that many Sudanese women at the grassroots consider FGM empowering, which contrasts with the views of many elite activists who propagate that FGM is a violent and harmful practice that should be criminalized. Rogaia Mustafa Abusharaf's narratives from Sudanese women are valuable to consider. Her informants narrate about FGM as upholding tradition, preserving the dignity and reputation of women, and they regard it as an empowering bargaining tool within the marriage;

Pharaonic circumcision is good for women. It protects the dignity of women. The woman has control over her body, and she will not run around with men (...) Women are very, very strong. I swear that in some houses the woman is so strong that her husband cannot breathe without her consent. I think it is true because of her power over her sexual desire. Men are weak, weak, weak. They will do everything to appease a woman for sex. And the circumcised woman understands how to take advantage of the problem and turn it around for her own end (...) circumcision gives a woman that power.⁹³

⁹³ Rogaia Mustafa Abusharaf. *Transforming displaced women in Sudan: politics and the body in a squatter settlement*. (Chicago: The University of Chicago Press, 2009): 93-94.

The narrative above illustrates the complexity of the issue of FGM in Sudan. About 89% of Sudanese women are circumcised and it is needless to say that it is a considerable problem. It becomes evident that legal reform in parliament which criminalizes FGM is perhaps a sign of substantive representation of women, but it would not solve the problem of FGM in Sudan. Criminalizing FGM might be an important tool for combating the practice, but it is deeply rooted in Sudanese society and needs a multilevel and comprehensive understanding and approach. A legal reform in parliament is not enough.

The Conservatives: Ansar al-Sunna

Not much written information exists on the Ansar al-Sunna in Sudan, although their following is steadily growing in numbers, at least in the city of Khartoum. This group is often ignored by the international community and also local women's organizations. For this reason, there is not a lot of knowledge about the activities and views of female followers of Ansar al-Sunna. Ansar al-Sunna is a Salafist movement with a conservative, even fundamentalist persuasion.⁹⁴ Salafists are easily recognizable – the men because they always sport a beard and wear short *galabiyyas* or pants that reach down to the middle of the ankle, and the women because they wear the *niqab* (face veil) and are thus fully covered in public. The organization has currently three male representatives in parliament and some ministers. The Ansar al-Sunna mainly undertakes religious activities for men and women, though they observe strict segregation between the sexes.



Girls in Niqab at Ahfad University (Photo: Liv Tønnessen)

Ansar al-Sunna opened a women's center in 2007, which we visited on several occasions. The women are active within the movement, mainly in Islamic preaching (*dawa*). "The main activity of Ansar al-Sunna is *dawa*", says Surayha Ahmad Muhammad Kheir, the leader of the Ansar al-Sunna women's centre in Khartoum.⁹⁵ *Dawa* aims at making Muslims better Muslims by acquainting them with Islam, teaching them the Quran and the right way of Islam. Ansar al-Sunna regards Sufism, which is widely practiced in Sudan, as "un-Islamic" and Sufi Muslims are often the target for *dawa*.

⁹⁴ Ansar al-Sunna is the largest of several Salafist groups in Sudan.

⁹⁵ Interview with Surayha Ahmad Muhammad Kheir, October 29, 2009.

The women's center offers *khalwa*, lessons that teach women how to recite the *Quran* by heart and according to the correct rules of pronunciation, intonation and caesuras established by Prophet Muhammad. Salma Ahmad Nageeb describes these *Quran* classes as a new form of women's space: "between advancing one's knowledge of religious affairs, developing new social circles and interests, and gaining experience of political organization" these religious organizations form new spaces for women.⁹⁶ It is interesting to note that with the establishment of the women's center of Ansar al-Sunna, women are taking an active part in the internal organization of the movement. This is something new within the organization. There is also an internal discussion as to whether women can participate in politics. The women at the center are positive, but they regard their primary duties as being in the household as mothers and wives.⁹⁷ Kheir asserts that the women will also take part in the upcoming elections, but as yet no concrete plan exists for putting female candidates forward. It is not clear in what ways women are to participate in the elections. But she states that there is no Islamic argument against women's political participation and representation in parliament. However, this is a continuing debate among Ansar al-Sunna members and as of today there is no consensus.



Ansar al-Sunna Poster at the University of Khartoum (Photo: Liv Tønnessen)

⁹⁶ Salma Ahmad Nageeb. *New Spaces and Old Frontiers: Women, Social Space, and Islamization in Sudan*. (Lanham, Md.: Lexington Books, 2004): 91.

⁹⁷ Interview with Surayha Ahmad Muhammad Kheir, leader of the women's center Ansar al-Sunna, Khartoum, November 12, 2009.

At the woman's centre, women of all ages attend *khalwa* classes to learn the *Quran*. Anyone can join, and before they do the women are interviewed in order to determine their level of knowledge. *Khalwa* classes are a part of Ansar al-Sunna's aim to educate and bring up the people (*tarbiyya*), which starts with the education of the self, then with the family, and then with the community at large. It is a strategy of Islamization from below; a good Muslim will contribute to a wholesome Muslim family. This again will contribute to a good Muslim society (*umma*), which ultimately culminates in a good Muslim state. Ansar al-Sunna places strong emphasis on the family as an important and vital basic building bloc of society. Women as mothers and wives are elevated as Islamic ideals. Women are called to *dawa* and to attend *khalwa* classes in order to improve and strengthen the family; "a woman's jihad is in her house", to bring up her children in the correct path of Islam.⁹⁸ These women are against legal reform in parliament which threatens the family. Their views are conservative and they advocate restricting a women's right to divorce in the current family law. They also applauded the abolition of article 13 in the child act, which criminalized FGM. It is their view that the Sunna circumcision is justified in Islam. However, Kheir made it clear that they did try to persuade women not to perform the pharaonic circumcision, but this usually done on an individual basis by the Ansar al-Sunna women at the center. These views are in agreement with the Ansar al-Sunna men currently represented in parliament.⁹⁹ Other activities of the Ansar al-Sunna include lectures and workshops through which these ideals are communicated. But they also include activities which reinforced these ideals. They arrange cooking classes and handicrafts. The rationale for doing so is to make women better housewives and mothers. So in contrast to other organizations we visited, there were no literacy classes. The sole focus is on Islam. But their consciousness about women's rights within Islam was evident, although they advocated for a conservative interpretation of Islam. We attended several *khalwa* classes and were fortunate enough to talk to some of the teachers and participants. Our impression is that there was little discussion of the religious texts among the participants. But the center did function as a social meeting place where women could get Islamic answers to everyday issues. Overall, we perceived it as a one-way communication of the Ansar al-Sunna ideology downwards with little or no reflection of grassroots women's problems and challenges related to poverty, domestic violence and illiteracy.

⁹⁸ In Arabic the word *Jihad* is a noun meaning "struggle". Jihad appears frequently in the Qur'an and common usage as the idiomatic expression "striving in the way of Allah" (*al-jihad fi sabil Allah*). According to John Esposito, Jihad requires Muslims to "struggle in the way of God" or "to struggle to improve one's self and/or society". The four major categories of jihad that are recognized are Jihad against one's self (*Jihad al-Nafs*), Jihad of the tongue (*Jihad al-lisan*), Jihad of the hand (*Jihad al-yad*), and Jihad of the sword (*Jihad as-sayf*). John Esposito. *Islam: The Straight Path* (New York: Oxford University Press 1988).

⁹⁹ Interview with Salih al-Toom, MP for Ansar al-Sunna and professor at the University of Khartoum, September 28, 2009 and October 12, 2009.

6. Conclusion

Since before gaining independence Sudan has seen an unprecedented amount of female activism and progress in the public arena. By the 1970s, the women's movement had fought for and secured important concessions in terms of workers' rights and rights to education and political participation. After the civil war ended in the signing of the CPA in 2005, the women of Sudan have, in line with UNSCR 1325, taken steps to ensure that women's political participation increases further. The 25% women's quota was implemented in the National Elections Act of 2008, making sure that at least 112 of the 450 representatives of the National Assembly are women after the 2010 election. At present, Sudan has the highest number of female parliamentarians in the country's history (13%). The 25% quota is a milestone and an important victory for Sudanese women. Historically, Sudanese women activists have forsaken women's civil rights. Nahid Jbarallah stresses that "[p]olitical rights are not an objective in itself. It is just a frame for other rights, to protect other rights. Civil rights are an objective in itself."¹⁰⁰

Several articles within the Muslim Family Law (1991), the Criminal Law (1991) and the Public Order Act (1996), codified during the reign of the Islamists, discriminate against women and girls when it comes to social and civil rights. These laws are unconstitutional. Increasing the percentage of female representation in the legislature is clearly meaningful in a society where women are still discriminated against legally. But the problem inherent in the international discourse on gender and peacebuilding is that it presupposes a common agenda among all women across religion, ethnicity and class in any given post-conflict situation. The existing literature seems to express the belief that as long as women are included in political decision-making institutions, their representation will ensure that the situation for *all* women, from the elite to the grassroots, will improve. Women's political participation is regarded as vital and a sufficient advance to gender equality. This implies that women have a common gender equality agenda. This report challenges that position by showing that Muslim female activists are disunited and politicized. Setting aside the fact that Sudan is a multiethnic and multi-religious country split for decades by bloody civil wars, we find that even among the politically active elite women in the Muslim community there are large gaps in opinion on how to address and amend gender discrimination and women's concerns. There is no such things as a common women's agenda; rather, Sudanese women have multiple and competing agendas.

Further, the literature on women's representation has a feminist bias as it wrongly presumes that all women hold common goals about gender equality in public and private spheres of law. Sudanese elite women's perception of gender equality is not unitary. The debate on the family law illustrates this. Whereas liberal activists advocate for gender equality within the family law, conservative women do not deem gender equality either necessary or desirable. Moreover, except for the women's quota itself, discriminatory laws concerning women have not yet been reviewed and amended in parliament. In other words, increased representation of women in parliament has not yet led to substantive representation of women. It is important to note that there are important authoritarian constraints which form the backdrop of Sudanese women's activism; a weak parliament, lack of judicial independence and media censorship. But women are continually and bravely putting women's issues on the national agenda. Our impression is that the level of consciousness around women's issues is very high, whether their activism promotes liberal or conservative positions on gender equality within the frame of Islam.

¹⁰⁰ Interview with Nahid Jbar Allah, woman activist and advisor in the council for child rights, in Khartoum, November 8, 2009.

Increased representation or “strength in numbers” does not automatically translate into legal reform of discriminatory laws concerning women, that is, if women agree on what is considered discriminatory. Simply to “include” some elite women’s voices in a politics that is flawed will have little transformative effect for Sudanese women generally. Legal reform as a tool to better the situation of women is important, but it is not enough. The rights claim must be closely linked to development and fighting poverty. Our impression is that the political and social interests of the elite-driven women’s organizations take precedence over contributing to empowering grassroots women

Among the priorities of the women’s political organizations is activism at grassroots level. The purpose is not only to mobilize the female constituency before the elections, but also to raise awareness on women’s issues in general and improve women’s opportunities to exercise control over their lives and capacities to elevate their standard of living. We question whether the political elites represent grassroots women’s needs and wishes, and how elite and grassroots communicate their priorities to each other. At the elite level, the discourse does not always take grassroots women’s socio-economic interests to heart, but instead revolves around a “correct” interpretation of Islam. For example, the Islamists and the Salafists propagate a patriarchal understanding of the family with a male breadwinner at the grassroots, who are working to support their families because their husbands are not able to. Indeed, the most frequent court case in Sudan is *nafaqa*.

Nonetheless, the plight of the poor illiterate Sudanese woman is presented as a genuine concern by elite women. Several projects are planned, aiming to raise women’s rights awareness and equip women with the skills needed to improve their position intellectually and economically – specifically religious and literacy training and income generating projects. Our impression is that grassroots women are rarely invited to take part in the discussion of what these initiatives should consist of and how they are to be implemented. There are practical reasons for this – women’s groups reaching out to the grassroots often have limited resources and a clear agenda, shaped by the political affiliation of the organization in question. The dilemma is whether or not the grassroots should be engaged on their own premises at the price of discarding an ideological project of women’s empowerment, whether that ideological project promotes liberal or conservative positions on gender equality. Grassroots activities are also constrained by the authoritarian structures. The women’s groups which are not affiliated with the ruling Islamist party are still at a disadvantage with respect to those with power and control.

Appendix 1. Method: Multidisciplinary Approach

The approach of this project is two-fold and multidisciplinary. During fieldwork in and around Khartoum (September–November 2009), we examined attitudes towards gender equality both among the elite and among the grassroots. We interviewed representatives from the two Islamist political parties the National Congress Party (NCP) and the Popular National Congress (PNC); the two traditional sectarian political parties the Democratic Unionist Party (DUP) and the Umma Party (UP); the Sudanese Communist Party (SCP); Hizb al-Wasat (the middle party); the Sudan People's Liberation Movement (SPLM); and the South Sudan Democratic Forum (SSDF). We also interviewed representatives from the Babiker Badri Scientific Association for Women's Studies (BBSAWS), which focuses primarily on female genital mutilation/cutting (FGM/C); Mutawinaat, which is an organization of female lawyers; the Sudanese Women General Union (SWGU), which is an Islamist governmental organization; Musawah, which translates into equality and is linked to the international organization Sisters in Islam; activists at the Ahfad University for Women; the Republican Brothers, which is a Sufi movement based on the ideas of Mahmoud Muhammad Taha, who was executed for apostasy in 1985; Asma, a communist women's organization; Ansar al-Sunna, which is a conservative Islamic movement; and the Muslim Brotherhood.

To complement data obtained through interviews conducted in Arabic and English, we used the method of participant observation in order to access information on what people *do* rather than what they *say* they do. We have studied the relationship between political discourses at the elite level and how they are interpreted, understood, and transmitted by organizations that operate on the grassroots level, participating in and observing the activities of the women involved in these organizations. We accessed the grassroots activities of three organizations – the Sudanese Women General Union, the Babiker Badri Scientific Association for Women's Studies, and the Ansar al-Sunna – that represent different perceptions of gender equality. We also attended relevant lectures and public discussions and collected written sources in Arabic and English relevant for our topic of investigation.

Access to the Field

Through prior research and fieldwork (2006, 2007, and 2008) in the region, we have built up a network of professional contacts that has facilitated access to political elites and experts on the topic of investigation. We obtained research visas to Sudan and we did not need any governmental permission in order to conduct interviews with elites.

In this project we have chosen to look at grassroots women located in or close to the city of Khartoum, to see to what extent the debates on and among women at the political elite level are transmitted down towards the women of the grassroots, and whether or not there is any communication of priorities from the grassroots to the elites. There are practical advantages for doing so – not least because distances in Sudan are enormous and a much longer period of field research is needed to conduct fieldwork in remote areas. At an hour's drive from central Khartoum, people live in mud huts with limited access to electricity and no piped water or sewage. The problem is, however, not only one of logistics and distance, but of bureaucracy as well. Visiting other states requires travel permissions from the relevant authorities in Khartoum. They may be difficult to obtain. Even when travelling inside Khartoum state we needed to be able to produce letters stating our intent addressed to the general security forces. This was especially the case when we were approaching areas where IDP camps are located – and the outskirts of the city of Khartoum are crowded with such camps. Many of the organizations we wanted to visit had activities going on

inside these camps, and we were not allowed to visit them without a permit, which we did not manage to obtain during the fieldwork.

The highest priority during the fieldwork was the “do no harm” principle. By that we mean that if the organizations in question which arranged the activities at grassroots level were reluctant to take us along to observe, we did not press the issue. Some of the organizations are affiliated with political parties that are in opposition to the government, and they were afraid that our presence would draw unwanted attention to their activities from representatives from the authorities. We were at one point invited to go with activists from the Babiker Badri Scientific Association for Women's Studies (BBSAWS) to an area called Dar as-Salaam in the outskirts of Khartoum where women participated in literacy classes. As this was the opening day, where representatives of the authorities had been invited, it was decided that we should postpone our visit.

That said, it was an overall characteristic that despite the fact that the organizations claimed they conducted several activities aimed at women of the grassroots, it was difficult to get access to these activities. Sometimes, upon repeated questioning, it turned out that the activities mentioned were still at a planning stage and had not yet been carried out. For several organizations, it was a question of finance. The plans were there, but the funds were not. However low-key the activities might be, money was still needed to provide transport, teaching materials, or to rent facilities. At other times, we were informed of past activities that had taken place but were no longer ongoing.

When we finally were granted access, our intention had been to observe the activities in an unobtrusive manner, but there would be small chance of that. Because we had to arrange a date beforehand, the involved parties were well aware of our arrival, and we were mostly accompanied by one of the activists from the organization centrally. The presence of foreigners off the beaten track or in the outskirts of the city seemed like a novelty to most of the women, so it was impossible to avoid a certain level of commotion, at least in the beginning. These are all factors that impaired our ability to observe, as far as possible, the activities in their “real” or “natural” state. This ideal is naturally a contradiction and impossible in itself. Despite all these challenges, we believe that we managed to get some impression of the organizations' grassroots activities.

List of Interviews

1. Hasan al-Turabi, leader of the Popular National Congress
2. Samia Hassan Sidahmed, leader of women's caucus in parliament and MP for the National Congress Party
3. Sadiq al-Mahdi, leader of the Umma Party
4. Raga Hassan Khalifa, president of the Sudan Women's General Union and MP for the National Congress Party
5. Agoun Luis, MP for the Sudan People's Liberation Movement
6. Salih al-Toom, MP for Ansar al-Sunna
7. Asma Mahmoud Muhammad Taha, lawyer and daughter of the late Mahmoud Muhammad Taha and member of the Republican Brothers
8. Dr Isam Yousif Badri, MP for the Muslim Brotherhood
9. Enam Hassan, lawyer and member of the Democratic Unionist Party
10. Dr. Stan Slaus, MP for the South Sudan Democratic Forum (vice/deputy in the committee for women, children and family)
11. Fatima Muhammad al-Fadl, MP for the National Congress Party
12. Gamar Habani, human rights section of the Sudan Women's General Union
13. Omar al-Garay, Republican Brothers
14. Ghazi Salah Diin, the president's advisor on peace and the parliamentary leader of the National Congress Party
15. Grace Alex Albery, MP for the Sudan People's Liberation Movement
16. Hadiya Ghasim, lawyer, member of the Mutawinaat organization
17. Hassanet Awad Satti, African International University and the Sudan Women's General Union
18. Nagwa Yousif Ismail, head of education at the Sudan Women's General Union
19. Howaida al-Attbani, secretary general of the women's research center and professor at the peace institute at the University of Juba
20. Manal Mohmed Ahmed at BBSAWS
21. Wala Salah Mohammed, the former and first female president of the student union from the Democratic Front University of Khartoum
22. Javana Lucka, MP for the South Sudan Democratic Forum
23. Leila al-Hajj, lawyer, Mutawinaat organization
24. Lubaba al-Fadl, professor at the University of Khartoum and an Islamist in opposition
25. Maha Freigoun, Sudan Women's General Union
26. Mediha Jama', a communist at Alag center
27. Nahid JbarAllah, activist and technical advisor at the council for child rights
28. Nahid Muhammad Hassan, a doctor and activist within the Musawah (equality) network
29. Rasha Awad, journalist in al-Hurriyah and member of the Umma Party
30. Samia Hashmi, activist and lawyer, Mutawinaat organization
31. Sara Nugudallah, president of the political bureau of the Umma Party
32. Sheikh Muhammad Abdel Karim, professor at the University of Khartoum, a Salafist but not a member of Ansar al-Sunna
33. Surayha Ahmad Muhammad Kheir, leader of the women's center at Ansar al-Sunna
34. Tayyoub Zein Abdiin, professor at the University of Khartoum
35. Yasir Arman, Deputy Secretary General of the Sudan People's Liberation Movement, Northern Fraction
36. Yusuf al-Koda, leader of Hizb al-Wasat (the middle party)
37. Sawsin al-Showia, leader of Asma
38. Aziza Rajab Saeed, member of Hizb al-wasat
39. Hiber Nour al-Daim, MP for the Muslim Brotherhood

40. Sadiq Abdallah Abdallah Majid, leader of the Muslim Brotherhood
41. Suad al-Fatih, Vice President of NCP and MP for NCP
42. Balghis al-Badri, Umma Party and professor at Ahfad University for Women
43. Badria Suleiman, leader of the legislative committee in parliament for NCP
44. Ihsan Ghabshawi, former minister of health and active in the international women's union
45. Wisal al-Mahdi, wife of Hasan al-Turabi
46. Mohammed Abu Zeid Mustafa, state minister of culture and youth
47. Dr. Abdullah Tuhami, in the Ansar al-Sunna leadership and vice wali of river Nile state
48. Khalid Sheikhna, a TV preacher from Ansar al-Sunna
49. Tayyob Mustafa, the president's uncle, former minister of communication, editor of Intibaha and leader of the forum for a just peace
50. Farida Ibrahim, the president's advisor on legal affairs
51. Aisha Ghabshawi, professor at Omdurman Islamic University and member of NCP
52. Abdul Rahim Ali, leader of the Shura council in NCP
53. Suad Abu Qashawa, professor at the university of Khartoum and member of the leadership of NCP
54. Ahmad Ali al-Imam, the president's advisor on Shari'a
55. Muhammad Ibrahim Nugud, leader of the Sudanese Communist Party
56. Miriam Sadiq al-Mahdi, Umma Party and daughter of Sadiq al-Mahdi
57. Rababa Abu Ghazayza, judge of the Supreme Court
58. Philister Baya, Southern Women Solidarity for Peace
59. Rose Paulino, Southern Sudan Network for Peace and Development
60. Sonia Aziz Malik, activist lawyer and lecturer at Ahfad University for Women
61. Agnes Nyoka, MP for the Sudan People's Liberation Movement
62. Ann Itto, former state minister of agriculture from SMPL

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INDEXING TERMS

Sudan

Women

Islam

Peacebuilding



The international discourse on gender and peacebuilding presupposes a common agenda among all women across religion, ethnicity and class in any given post-conflict situation. The literature seems to express the belief that as long as women are included in political decision-making institutions, their representation will ensure that the situation for all women, from the elite to the grassroots, will

improve. Women's political participation is regarded as not only desirable but vital to the advancement of gender equality. This report explores the validity of this position in the context of women's representation in Sudan, a multi-religious country with a long history of civil war. The approach of this project is two-fold and multidisciplinary, examining attitudes towards gender equality among Muslim women both at the elite and at the grassroots levels. The findings from Sudan suggest that Muslim female activists are continuously and bravely putting women's issues on the agenda, despite authoritarian constraints such as a weak parliament, lack of judicial independence and media censorship. It is however important to note that Sudanese Muslim women's perception of gender equality is not unitary. Whereas liberal Muslim activists advocate for gender equality in all areas of law, conservative Muslim activists do not deem gender equality neither necessary nor desirable. They all frame their arguments within Islam, offering different interpretations of the Islamic law.