

**WOMEN'S ISSUES IN DARFUR**

Prepared by: Sophie Zahariadakis  
Date: August 12, 2007  
For: STAND Canada

## 1. Women's Status

*“The Darfurian Sudanized woman is (ideally) circumcised, secluded at home, economically dependant on her husband, meek in her behaviour, and dressed in the thoub.”<sup>i</sup>*

Despite the negative image painted by the above description, some scholars have found that Darfurian women are in fact hard-working and play a significant role in their families.<sup>ii</sup> It is characteristic of households in Darfur to be headed by women, who “take on domestic and productive roles, working inside and outside the home.”<sup>iii</sup> Women “share most of the jobs designated elsewhere as men’s work,” such as farmers, butchers, and construction workers.<sup>iv</sup> In the Manawashai town of southern Darfur, women artists are visible “with their artistic products in [the] marketplace.”<sup>v</sup> “Many stores and cafes are owned and run by women between the ages of thirty and seventy”, such as Asha, a women from Manawashai, who “owns a café with her husband, selling and buying food and different kinds of handicrafts.”<sup>vi</sup> Muhammad argues that “women artists in Manawashai in particular and in the Darfur in general, have created jobs for men.”<sup>vii</sup> This conclusion comes from the “growing number of men who were working as dealers for women’s products... marketing [the] products abroad in Libya, Chad, and Central Africa.”<sup>viii</sup>

On the other hand, it is important to recognize that “women [in Darfur] are also responsible for specific duties, such as domestic ones.”<sup>ix</sup> Women have long been responsible for food preparation and preservation.<sup>x</sup> This is reflective of the tasks of women in Sudan in general, who are said to “make a major contribution to the production of basic food, do the bulk of such sex-related tasks like domestic cooking and cleaning, looking after children, and collection of water, firewood and charcoal.”<sup>xi</sup> A recent study conducted in the Nyala District, Darfur of internally displaced persons found that “women head 65-85% of internally displaced households in South Darfur” and that “women expressed limited rights to marriage, movement, education and access to health care”<sup>xii</sup>

### Gender Relations

Several academics suggest the prevalence of gender inequality in Darfur, as well as in Sudan more generally.<sup>xiii</sup> Holy found that amongst the Berti of Darfur, “men make all the major political and economic decisions”.<sup>xiv</sup> Holy concluded that the Berti model of gender relations is specifically that of “male dominance and female subordination.”<sup>xv</sup> As well, the results of a study conducted in the Nyala District of IDP’s suggest that men control many aspects of women’s lives.<sup>xvi</sup> Of the 1274 female respondents in the study<sup>xvii</sup>:

- “49% reported the right to refuse sex
- 43% felt that a man has the right to beat a disobedient wife
- At the time of marriage, 61% of women felt pressured and 80% consented to marry.
- Of women desiring but not using birth control, 63% reported their husbands would not allow birth control use
- 67% of respondents reported they must ask permission of a family member to access health care all or most of the time
- 77% agreed a good wife should obey her husband even if she disagrees.
- 51% felt a wife must have sex with her husband even if she does not want to have sex.”<sup>xviii</sup>

In Sudan in general, women are “grossly underrepresented in the formal or modern sector” of the economy and “lag behind... men in school attainments.”<sup>xxix</sup> An article in 1988 stated that there are “fewer girls than boys attending school” in Sudan, and there are significant “differences in the content and curricula” offered to both sexes.<sup>xx</sup> These findings are particularly distressing given the fact that a female’s education and training has been repeatedly found to have a positive effect “for the whole family’s welfare, as well as for its individual members”<sup>xxi</sup> For instance, “where the mother of the household has above average education she is more likely to enter the labour market and use her supplementary income to raise the standard of well-being of the family.”<sup>xxii</sup>

Recommendations: Given these findings, it is unsurprising that “the majority of women (68-88%) favoured equal access to education and work opportunities, legal protection of women’s rights, and freedoms of association and expression”.<sup>xxiii</sup> Ending the subordination of women in the post-conflict stage will require hard work in a variety of interrelated areas, including the creation of opportunities and equal access to education, the advancement of women’s economic status, the break down of cultural and gender traditions, and the establishment of human rights laws that are consistent with international standards.

## 2. Female Circumcision

Female circumcision (FC) is a common practice in Sudan in general, and Darfur in particular.<sup>xxiv</sup> There are at least three types of FC practiced in the Sudan; the first type being “sunna”, followed by “intermediate”, and then “infibulation”, the most severe.<sup>xxv</sup> Infibulation is defined as “the removal of the entire clitoris, the labia minora and the labia majora, leaving the two raw edges to adhere, which produces a lengthwise scar”.<sup>xxvi</sup> Several academic sources have cited strikingly high percentage rates of FC in the region. For instance, El-Tom states that “the rate of infibulation is 100% in the [Umkeddada District of Darfur]”.<sup>xxvii</sup> A study done by Lawry et al. of internally displaced persons in the Nyala District, South Darfur cited that “87% of women reported female circumcision.”<sup>xxviii</sup> Moreover, in Northern Sudan, it has been reported that over 95% of women experience FC at a young age.<sup>xxix</sup>

On the one hand, FC is viewed as “the subordination of women to men”, and an “affront to basic human rights and dignity.”<sup>xxx</sup> Men are perceived as imposing this practice upon women to “subjugate and humiliate” them, as well as to fulfill certain sexual pleasures.<sup>xxxi</sup> Matias argues that FC has a significant gender delineation function; namely, “as men are believed to be hard, and women soft, the operation must enhance these qualities in both genders” (by circumcising the “softer” foreskin of men and the erectile or “harder” clitoris of women).<sup>xxxii</sup> Moreover, FC has long been criticized for the serious health consequences it poses, which can include “infections, urinary complications, shock, tetanus, haemorrhage, and retention cysts”.<sup>xxxiii</sup>

On the other hand, the practice of FC does include several positive features. It is argued that some individuals perceive FC as “an important step in the rites of passage and particularly in transforming the child into an adult”, “a reproductive aid and ... a boost for fertility”, and “that it makes women clean, beautiful, sweet-smelling and marriageable.”<sup>xxxiv</sup> According to El-Tom, “FC provides an opportunity [for the family] to act as hosts for extended family” members or the community at large, resulting in a renewed status and sense of belonging for the family.<sup>xxxv</sup> Moreover, “the occasion can equally be a source of pride for the circumcised. It is a chance to be the focus of celebration, to know one’s worth, and an opportunity to receive gifts from all relatives and family friends”.<sup>xxxvi</sup>

**Recommendations:** Given the high rate of FC in Darfur, much attention should be paid to this practice in the post-conflict stage. Lawry et al. recommended that “the high prevalence of this traditional practice emphasizes the need for national policies, culturally-sensitive educational programs, and appropriate health care including obstetric and gynaecologic services.”<sup>xxxvii</sup> Any positive features that FC may include should be taken into consideration. More research is required to decide whether campaigns designed to eliminate FC altogether in the region should be undertaken.

### 3. Sexual Violence Against Women

Mass sexual violence against women and children in Darfur is unprecedented; it is estimated that women and girls comprise almost 90% of the victims in the Darfur conflict.<sup>xxxviii</sup> The janjaweed and Sudan's armed forces are the main perpetrators of such sexual assaults. Evidence suggests that women and young girls are particularly "vulnerable to rape whenever they venture out of the refugee camps in search of water or firewood".<sup>xxxix</sup> A recent study by Lawry et al. in the Nyala District, South Darfur found a "predominance of women and child foragers", underscoring the continued risk these individuals face "and the need to find alternative provisions for assuring fuel for households in IDP camps".<sup>xl</sup>

Not only are women's rights violated by such mass sexual violence, but it is virtually impossible for women who have been raped in the Darfur region to lay rape charges.<sup>xli</sup> The reason for this is that legal officers automatically reduce a woman's allegations of rape to assault, and any woman who persists is required to provide four male witnesses to support her rape accusations. All four of the male witnesses should have witnessed the actual penetration, a standard which is prejudicially high because most women do not "have the luxury of having witnesses to their rape."<sup>xlii</sup> "Women's rights in Darfur are [thus] freely violated because of gender based discrimination in [the Sudanese laws]."<sup>xliii</sup>

The ICC has recently been seen as "the only hope for many women and girls in Darfur to see justice done."<sup>xliv</sup> The UN Security Council recently referred the situation in Darfur to the ICC. The 1997 Rome Statute establishing the ICC

"identifies crimes of sexual violence such as rape, sexual slavery, enforced prostitution and forced pregnancy as crimes against humanity when they are committed as part of a widespread or systemic attack directed against a civilian population. The ICC has created a Victims and Witnesses Unit with its Registry at The Hague to provide protective measures, security arrangements, counselling and other assistances for witnesses and victims."<sup>xlv</sup>

**Recommendations:** Focus in the post-conflict stage should be placed on victims of sexual violence to ensure that they have a fair and effective avenue for justice. If the Sudanese laws cannot provide satisfactory results, the ICC is an institution which should play a role in ensuring that justice is served for these young girls and women.

#### 4. Women's Health

A study conducted in the Nyala District of Darfur sheds lights on the dire health of internally displaced women in Darfur. In particular, Lawry et al. concluded that there was “a poor state of reproductive health” in the district, with inadequate “family planning and provisions for safe motherhood (prenatal, delivery and postpartum care).”<sup>xlvi</sup> “The findings indicate[d] limited sexual and reproductive rights that may negatively impact health and the already high maternal mortality rate.”<sup>xlvii</sup> Moreover, the study found that “nearly half of women surveyed reported difficulties breastfeeding”, which supports the claim that “displaced women in emergency situations are... at increased risk of breastfeeding difficulties.”<sup>xlviii</sup> Finally, a relatively high percentage of feelings of depression were found, and “attempts among women and household suicide prevalence were still alarmingly high in contrast to general rates worldwide.”<sup>xlix</sup> These findings were based on some of the following statistics:

- “68% used no birth control
- 81% of women desired no birth control, and 96% used no contraception or the natural/rhythm method.
- 56% of respondents reported gynaecological symptoms.
- 67% of respondents reported they must ask permission of a family member to access health care all or most of the time
- 31% of respondents met criteria for major depressive disorder and 63% reported symptoms of depression including feeling down, depressed, and hopeless
- 98% felt that counselling provided by international agencies would be the most helpful”<sup>1</sup>

Recommendations: Lawry et al. “emphasize[d] the need for infant feeding counselling and education programs”, and recommended that any “programs [implemented in Darfur] must integrate women’s rights to ensure health and rebuilding of communities in Darfur.”<sup>1i</sup>

## 5. Human Rights & Legal Aid

A rights-based interventionist movement is occurring in Sudan, organized by female lawyers who are “using their limited funds to teach IDP’s to think about and mobilize their human rights.”<sup>lii</sup> Legal aid organizations conduct human rights trainings not only in IDP camps, but also in prisons. According to Massoud, “if IDP women are not working within the IDP camps or in the cities as maids or cooks... then they are likely to be found in prison.”<sup>liii</sup> Although exact figures were unavailable, many lawyers and IDPs admitted that a frequent crime women are imprisoned for is brewing or selling alcohol. “In southern Sudan... alcohol brewing was a common means for women to earn a living.”<sup>liiv</sup> Unfortunately, “the brewing and sale of alcohol is criminalized under Sudanese law.”<sup>liv</sup>

One legal aid organization, who provides food to the children of inmates who are raised in prison, took the opportunity to begin a training program for the inmates “to mobilize their human rights.”<sup>livi</sup> Once word spread regarding the legal aid, the prison warden directed the lawyers to stop, because “we were giving the women in the prison the chance to express... their opinions about the law, [which] they have to right [to do].”<sup>lvii</sup> In response, the lawyers threatened to cease their efforts in the prison, including their support of inmates’ babies. “Without resources to feed the infants, the warden acquiesced to the lawyers demands” and allowed the legal aid to continue.<sup>lviii</sup> Massoud concluded that “as a result of being trained about human right laws, the women prisoners subsequently began to talk with one another about Sudanese laws and their own criminal sentences, ‘critically analyzing them.’”<sup>lix</sup>

Recommendations?

Conclusion

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<sup>i</sup> Alex De Waal, “Who are the Darfurians? Arab & African Identities, Violence and External Engagement” (2005) 104:415 *African Affairs* at 196.

<sup>ii</sup> Baqie Badawai Muhammad, “Famine, Women Creative Acts, and Gender Dynamics in Manawashai, Darfur, Western Sudan” (2002) 2:1 *Jenda: A Journal of Culture and African Women Studies* at 1-2.

<sup>iii</sup> *Ibid.* at 2, 10.

<sup>iv</sup> *Ibid.* at 2.

<sup>v</sup> *Ibid.* at 9.

<sup>vi</sup> *Ibid.* at 9-10, 12.

<sup>vii</sup> *Ibid.* at 15.

<sup>viii</sup> *Ibid.*

<sup>ix</sup> *Ibid.* at 3.

<sup>x</sup> *Ibid.* at 7.

<sup>xi</sup> William J. House, “The Status of Women in the Sudan” (1988) 26:2 *The Journal of Modern African Studies* at 278.

<sup>xii</sup> Lynn Lawry, Glen Kim & Rabih Torbay, “Basic Needs, Mental Health, and Women’s Health Among Internally Displaced Persons in Nyala District, South Darfur, Sudan” (2007) 97:2 *American Journal of Public Health* at 2.

<sup>xiii</sup> Ladislav Holy, “Gender and Ritual in an Islamic Society: The Berti of Darfur” (1988) 23:3 *Man, New Series* at 471. See also *supra* note xii at 2, 6.

<sup>xiv</sup> *Ibid.*

<sup>xv</sup> *Ibid.*

<sup>xvi</sup> *Supra* note xii at 2, 6.

<sup>xvii</sup> *Ibid.* at 5.

<sup>xviii</sup> *Ibid.* at 2, 6.

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- <sup>xix</sup> *Supra* note xi at 278.
- <sup>xx</sup> *Ibid.* at 282.
- <sup>xxi</sup> *Ibid.* at 280.
- <sup>xxii</sup> *Ibid.*
- <sup>xxiii</sup> *Supra* note xii at 6.
- <sup>xxiv</sup> M. Mazharul Islam & M. Mosleh Uddin, “Female Circumcision in Sudan: Future Prospects and Strategies for Eradication” (2001) 27:2 International Family Planning Perspectives at 71. See also *supra* note xii at 6.
- <sup>xxv</sup> Abdullahi Osman El-Tom, “Female Circumcision and Ethnic Identification in Sudan with Special Reference to the Berti of Darfur” (1998) 26:2 GeoJournal at 163.
- <sup>xxvi</sup> B. Badri et al., “Female Circumcision: Attitudes and Practices” (1990) 4 Africa Series Women, Law Develop., in *supra* note xxv at 163.
- <sup>xxvii</sup> *Supra* note xxv at 164.
- <sup>xxviii</sup> *Supra* note xii at 6.
- <sup>xxix</sup> *Supra* note xi at 278-279.
- <sup>xxx</sup> *Ibid.* at 279.
- <sup>xxxi</sup> *Supra* note xxv at 166.
- <sup>xxxii</sup> A.S. Matias, “Female Circumcision in Africa” (1996) Africa Update III, (Internet Issue), in *supra* note xxv at 164.
- <sup>xxxiii</sup> *Supra* note xxvi at 219, in *supra* note xxv at 168.
- <sup>xxxiv</sup> *Supra* note xxv at 163-164.
- <sup>xxxv</sup> *Ibid.* at 167.
- <sup>xxxvi</sup> *Ibid.*
- <sup>xxxvii</sup> *Supra* note xii at 8.
- <sup>xxxviii</sup> Christine Butegwa, “Women in Darfur Look to ICC” (2006) 55 AR, online: Institute for War and Peace Reporting <[http://www.iwpr.net/?s=f&o=259915&p=acr&l=EN&apc\\_state=hena-women%20in%20darfur%20look%20to%20icc\\_2\\_\\_\\_\\_\\_publish\\_date\\_1\\_10\\_compact](http://www.iwpr.net/?s=f&o=259915&p=acr&l=EN&apc_state=hena-women%20in%20darfur%20look%20to%20icc_2_____publish_date_1_10_compact)>
- <sup>xxxix</sup> *Ibid.*
- <sup>xl</sup> *Supra* note xii at 8.
- <sup>xli</sup> *Supra* note xxxviii.
- <sup>xlii</sup> *Ibid.*
- <sup>xliiii</sup> *Ibid.*
- <sup>xliv</sup> *Ibid.*
- <sup>xlv</sup> *Ibid.*
- <sup>xlvi</sup> *Supra* note xii at 7.
- <sup>xlvii</sup> *Ibid.*
- <sup>xlviii</sup> *Ibid.*
- <sup>xlxxlix</sup> *Ibid.* at 6, 8.
- <sup>l</sup> *Ibid.* at 6.
- <sup>li</sup> *Ibid.* at 7-8.
- <sup>lii</sup> Mark. F. Massoud, “Rights in a Failed State: Internally Displaced Women in Sudan and Their Lawyers” (2006) 21 Berkeley J. Gender L. & Just. at 3.
- <sup>liii</sup> *Ibid.* at 6, 8.
- <sup>liv</sup> *Ibid.* at 6.
- <sup>lv</sup> *Ibid.* at 5.
- <sup>lvilvi</sup> *Ibid.* at 6.
- <sup>lvii</sup> *Ibid.* at 7.
- <sup>lviii</sup> *Ibid.*
- <sup>lix</sup> *Ibid.* at 6.