



Sudan's Fragile Transition: Toward a Gender-Sensitive Approach

Ensuring progress on gender-equality and safeguarding the transition by empowering women and civil society.

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**POLICY
BRIEF**
July 2020

**RETHINKING
SECURITY IN
2020 SERIES**

Introduction:

Women were at the forefront of the Sudanese Revolution (they accounted for an estimated 70% of protesters),¹ protesting systemic gender injustices and the rampant nature of sexual and gender-based violence (SGBV). The transitional government has undertaken legal reforms to address these demands but could risk leading an incomplete fight against SGBV unless pertinent measures for practical implementation are adopted. Moreover, women's overwhelming presence in a revolution fueled by public discontent regarding the state of the economy² is also explained by the gendered nature of economic inequalities and indicates the importance of moving the narrative beyond SGBV. Addressing the roots of the problem requires a comprehensive understanding of structural inequality. Socioeconomic inclusion and popular support of the government— PM Abdalla Hamdok's

¹ <https://www.bbc.com/news/world-africa-47738155>

² See prior article on Sudan for more context: Lowings, B. (2019) *Sudan: Military and Economy in the Fall of Bashir*. [Online] Available at: <https://www.bic-rhr.com/sites/default/files/inline-files/Sudan%20Economy%20and%20Military%20in%20Fall%20of%20Bashir.pdf>

KEY TAKEAWAYS

- Sudan's government has shown commitment to addressing gender-injustices but needs a practical implementation strategy.
- The state of the economy, coupled with the COVID-19 crisis, creates a particularly threatening situation for many women, notably those working in the informal sector.
- CSOs are essential to a peaceful transition and can help ensure that the principal stakeholders of social programs, like the FSP, have their needs met effectively.
- Institutional reforms are still awaited but might not suffice to tipping the balance of power toward civilian control.

cabinet has been struggling with a near-bankrupt treasury and underwent a reshuffle following popular demand – will be crucial factors in securing stability and keeping the transition on track in the face of a powerful military's reluctance to change. If gender is treated as a peripheral matter, and women are not meaningfully included in the political process and given an equal voice, the opportunity for achieving an optimal transition could be missed.

The fight against Sexual and Gender Based Violence

The Sudanese government has recently signed two international UN agreements of high significance: the Framework of Cooperation, pursuant to UN Security Council resolutions (UNSCR) 1960³ and 2467,⁴ and the National Action Plan for the implementation of UNSCR 1325 on Women, Peace and Security.⁵ These international agreements constitute milestones in the ongoing political transition and more particularly in the effort toward gender equality. In addition, several legal measures have been taken, such as the abrogation of laws restricting freedom of dress, movement and work; the criminalization of female genital mutilation (FGM); and the establishment of a 40% quota for female representation in the Transitional Legislative Council (TLC). Though these steps testify to the commitment and dedication of the Sudanese government to gender equality and women's empowerment, much remains to be done.

Women's rights activist and recipient of the 2020 Martine Anstett human rights Prize, Tahani Abbas, insisted: "*there is no meaning of banning FGM while other forms of abuse are still there; this is why we are sticking with the importance of joining, signing and ratifying the international Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).*"⁶ Sudan

is one of only five countries⁷ that have not signed the treaty. While CEDAW⁸ has been at times criticized for being culturally assimilationist and essentialist, its potential to foster transformative equality and offset the historic silencing of women has been widely acknowledged.^{9 10}

Nevertheless, official commitments and legal reforms do not necessarily translate into effective implementation. For instance, ensuring the actual enforcement of the ban on FGM will be challenging due to the traditional significance of the practice in some communities. As explained by *Plan International*, the practice is based on "*deeply rooted social norms, misconceptions and damaging gender stereotypes*"¹¹ and therefore cannot be expected to simply disappear with a legal ban. For example, FGM has been on the rise in Gambia¹² and Guinea¹³ despite its criminalization in both countries. This shows that legal provisions are not sufficient. In the case of Sudan, to successfully transition to the rule of law, the government ought to ensure that the ban on FGM is effectively enforced throughout the whole territory.

More broadly, local law enforcement officers should receive sensitization training to women's rights, and a sanction system should be set-up to deter officers from breaching those rights. Promoting the localization of knowledge would advance the role of local, national, and regional actors in humanitarian action¹⁴ and make

abuses-in-sudan-activists/1836307

⁷ The four other non-signatory states are: the Holy See, Iran, Somalia and Tonga

⁸ <https://www.ohchr.org/documents/professionalinterest/cedaw.pdf>

⁹ Raday, Frances. (2012). 'Gender and democratic citizenship: the impact of CEDAW'. Oxford University Press and New York University School of Law.: <https://bit.ly/30bXpbx>

¹⁰ Cultural relativism¹⁰ – the argument that rights and rules about morality depend on cultural context – must not be employed to protect patriarchal power by dubbing it as culture.

See: Merry, Sally E. (2006) 'Conflict in Culture, Tradition and Practices: Challenges to Universalism'. *Universalism and Cultural Relativism*.

¹¹ <https://reliefweb.int/sites/reliefweb.int/files/resources/Plan%20International%20Sudan%20PRESS%20statement%20-%20FGM%20Criminalised%20in%20Sudan.pdf>

¹² [https://www.28toomany.org/static/media/uploads/Law%20Reports/gambia_law_report_v1_\(september_2018\).pdf](https://www.28toomany.org/static/media/uploads/Law%20Reports/gambia_law_report_v1_(september_2018).pdf)

¹³ [https://www.28toomany.org/static/media/uploads/Law%20Reports/guinea_law_report_v1_\(september_2018\).pdf](https://www.28toomany.org/static/media/uploads/Law%20Reports/guinea_law_report_v1_(september_2018).pdf)

¹⁴ Humanitarian Policy Group and ICVA. *Localisation in Humanitarian Practice*. <https://www.icvnetwork.org/>

³ <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/WPS%20SRES%201960.pdf>

⁴ https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2467.pdf

⁵ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N00/720/18/PDF/N0072018.pdf?OpenElement>

⁶ <https://www.aa.com.tr/en/africa/fgm-ban-is-breakthrough-to-end->

services more sensitive to the specific needs of local communities. This entails making sure that local women-focused civil society organizations (CSOs) have the resources to sustainably improve gender equality within their communities.¹⁵

At the macro level, it is particularly important that Sudan ratify CEDAW and most importantly join the Optional Protocol,¹⁶ which provides a communications procedure for the submission of individual complaints that allege a violation of rights protected under CEDAW.

A Socioeconomic Conception of Justice: From Victimization to Empowerment

While it is highly important to address SGBV, it is oftentimes the only aspect of women's rights violations that is given substantive attention, overshadowing other gendered harms.¹⁷ Women in post-conflict and post-authoritarian societies often describe their experiences in terms of social and economic rights violations, such as displacement, food scarcity, and exclusion from housing and healthcare.¹⁸ Emphasizing SGBV without also *"highlighting women's active roles as citizens, peacemakers and combatants contributes to the notion that women have only been passive victims of armed conflict at the hands of male perpetrators – and, implicitly, that women's voices only need to be heard on crimes of a sexual nature, rather than on all aspects of justice and peacebuilding."*¹⁹

The COVID-19 pandemic has shed light on the gendered nature of socioeconomic inequalities. In addition to greater risk of exposure to the virus — due to greater contact with health services through reproductive care services and predominance as healthcare workers²⁰ — women are subjected to more acute financial hardship in consequence to their role as primary caregivers.

Women are also much less likely to be enrolled in health insurance.²¹ This is explained by their prevalence in the informal sector, a socioeconomic phenomenon which embodies structural gender inequality and discrimination. Women face structural barriers to employment in the formal sector, which has led many to look for alternatives in the informal sector. Labor market discrimination, lack of education, and reproductive responsibilities, are some of the reasons explaining the particularly difficult task for women to compete as expensive labor, especially in the face of privatization which introduced more constraining hiring criteria.²² Furthermore, factors such as age, wealth status, education level, and proximity to health care facilities, significantly affect informal worker's engagement in the health insurance system.²³ This shows that inequalities are not only gendered but also intersectional.

The economic empowerment of women could also indirectly support the efficiency of the justice process. UN Women gives evidence of this in a report²⁴ on Kosovo where a micro-grant project had the added benefit of "enabling survivors to start a dialogue within their families about their situation and past experiences."²⁵ The project also demonstrated the positive impact financial independence had on the participant's mental health and gave the survivors a sense of justice, which enhanced their confidence in the reparations process and willingness to participate in justice processes. Hence, on the longer-term, the Sudanese government should implement social programs aimed at advancing the financial emancipation of survivors of SGBV.²⁶

system/files/versions/ICVA_ODI_Localisation_paper.pdf

¹⁵ https://womendeliver.org/wp-content/uploads/2019/09/WD_Humanitarian-Paper-WEB.pdf

¹⁶ <https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCEDAW.aspx>

¹⁷ <https://www.unwomen.org/en/digital-library/publications/2019/06/a-review-of-un-women-programming-on-gender-sensitive-transitional-justice>

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

²⁰ <https://reliefweb.int/report/sudan/covid-19-crisis-women-sudan>

²¹ <https://erf.org.eg/publications/factors-influencing-informal-workers-participation-in-health-insurance-in-sudan-evidence-from-khartoum-and-kassala-states/>

²² https://www.researchgate.net/publication/330506071_PRIVATISATION_AND_WOMEN%27S_EMPLOYMENT_POSITION_IN_SUDAN

²³ <https://erf.org.eg/publications/factors-influencing-informal-workers-participation-in-health-insurance-in-sudan-evidence-from-khartoum-and-kassala-states/>

²⁴ <https://www.unwomen.org/en/digital-library/publications/2019/06/a-review-of-un-women-programming-on-gender-sensitive-transitional-justice>

²⁵ Ibid.

²⁶ <https://www.unwomen.org/en/digital-library/publications/2019/06/a-review-of-un-women-programming-on-gender-sensitive-transitional-justice>

Controlling the Balance of Power: A Bottom-Up Strategy

Already, the government has launched a social program that could serve as a model for further expansion. In order to mitigate the inflationary burden of the controversial²⁷ decision to lift subsidies on fuel, the government created the Family Support Program (FSP) which consists in providing direct cash transfers amounting to SDG 3,000 (approximately €45) to 80% of Sudanese families. The program is financed in part by international donations pledged on 25 June and is supported logistically by the *World Food Programme*.²⁸ The pilot phase was launched on July 1st. Worthy of attention though, is the World Bank's evaluation of the social risk of the project as substantial.²⁹ "*Social exclusion of beneficiaries in remote and conflict-driven areas*" and "*insufficient community engagement*" are major concerns.

A second opportunity for socioeconomic empowerment could be modeled after the *Women Food and Beverage Sellers Union's* activities, which played an important role in providing urgent support to vulnerable informal working women in Khartoum. Its head, Awadiya Kuku, facilitated the distribution of 1,500 ATM cards loaded with an amount of SDG 3,000 (she is expecting 3,000 additional cards). The union also seeks to legalize informal tea-selling work to secure financial stability for these women.³⁰ This shows that CSOs can play a central role in ensuring that projects like the FSP match the stakeholders' needs and create a link between the policy sphere and the communities it aims at supporting.

The Sudanese people are expressing frustration with the current state of institutional affairs and a lack of accountability. The establishment of transitional institutional bodies did not mark a clear break from the old Bashir regime. Most notably, one of the eleven members of the collective head of state — the *Sovereign Council* (SC) — serving as its deputy, is former Bashir ally: General Mohamed Hamdan Dagalo, known as "*Hemedti*." He is the leader of the *Rapid Support Forces* (RSF) formerly known as Janjaweed; a militia responsible for atrocities committed in the Darfur conflict.³¹ This past was echoed in the Khartoum massacre in June 2019 when the RSF used lethal force against peaceful protesters. Hundreds of thousands of people have returned to the streets once again, in demonstrations that have been coined the 'March of the Millions',³² to denounce a lack of justice and the slow pace of institutional reforms.³³

The balance of power in transitional periods that follow the fall of an authoritarian regime is always very delicate. Sudan is not an exception. The military is determined to protect the status quo and, although the government is civilian-led and the SC is a hybrid civilian-military body, the balance of real power remains in favor of military generals.

There are institutional means for shifting the balance of power. First, Lieutenant General al-Burhan's chairmanship of the SC is limited to a 21 month period, at the end of which he should be replaced by a civilian. However, this leaves another year of military leadership. Second, the appointment of the TLC, new civilian governors, and the Constitutional Conference Commission, should help counterweight the military generals'

²⁷ The administration's decision to lift subsidies on fuel is unpopular with the opposition — the Forces for Freedom and Change — and the public who feared that it would contribute to greater inflation. Transport costs have indeed gone up, which in turn has led to an increase in the price of basic goods like wheat. Nevertheless, the removal of subsidies was necessary to alleviate the financial burden it inflicted on the national treasury.

²⁸ <https://www.wfp.org/news/sudan-government-and-wfp-sign-agreement-sudan-family-support-programme>

²⁹ <http://documents1.worldbank.org/curated/en/184011587760394407/pdf/Concept-Environmental-and-Social-Review-Summary-ESRS-Sudan-Family-Support-Program-SFSP-P173521.pdf>

³⁰ <https://www.dabangasudan.org/en/all-news/article/covid-19-lockdown-extended-in-sudan-s-capital>

³¹ See prior article on Sudan for more context: Lowings, B. (2019) *Sudan: Mapping Transitional Justice Strategies for Effective Democratic Transition*. [Online] Available at: https://www.bic-rhr.com/sites/default/files/inline-files/Sudan%20Mapping%20Transitional%20Justice_1.pdf

³² <https://www.dabangasudan.org/en/all-news/article/march-of-the-millions-begins-across-sudan>

³³ <https://theconversation.com/why-protesters-are-fed-up-with-sudans-tricky-transition-142070>

excess of power. Indeed, a primary function of the TLC will be to oversee the SC and the new civilian governors are replacing many military ones. Moreover, the TLC would somewhat counterbalance the lack of female representation in the SC (2 out of 11) due to its 40% female quota. Unfortunately, all these institutional reforms have been delayed; only civilian governors have finally been appointed on 23 July. According to the *Chr. Michelsen Institute*, past experiences of TJ processes in Latin America – specifically the Argentinian failure – teach us that governments should avoid to “engage in activities that provoke the military into reactions that can threaten their fragile power.”³⁴ This argument might come across as promoting non-action but the primary aim of a newly installed democratic government is to survive politically. Substantive change can only come about through slow and cautious steps if the government wants to avoid a backlash from the military that would jeopardize the transition.

One thing is clear: the Revolution that led to the ousting of Bashir, as well as the later uprising that forced the military to compromise and agree to a civilian-military power-sharing deal, were both grassroots movements that initiated change from the bottom-up. If the civilian-led government risks too much by reforming the institutions of governance too fast, it should strengthen civil society to allow a progressive shift in the balance of power. Therefore, the Forces for Freedom and Change (FFC) and Hamdok must come together to fulfill the promises of the constitutional declaration and appoint the TLC in continuity with the appointment of new civilian leaders.

Furthermore, it is essential to include more women in the political transitional process, as they currently remain sidelined, which threatens their own interest and impedes the civilian struggle for democracy. The announcement of new governors sparked feminist protests due to the underrepresentation of women in yet another high-level political position (2 out of 18).³⁵ The TLC’s 40% female representation quota should be raised to 50%, as demanded by women’s rights

coalition *MANSAM* – major actor of the Revolution and part of the FFC. Women constitute half of society and are undoubtedly the driving force of the Revolution. They not only deserve equal political power; they are essential to the political transformation of Sudan. A ‘gender lens’ therefore must be present in all circumstances, not only for the sake of marginalized groups, but for the benefit of Sudan’s transition.

A gender-sensitive transition puts gender at the center of the process and conceptualizes it as a lens that helps develop a more comprehensive outlook on a broad range of issues. Hence, a ‘gender lens’ can unveil the ways certain policies affect women’s lives differently than men’s³⁶ and brings in a new perspective to enhance the transitional process. It is imperative that the gender dimension of the transition not be treated as a subsidiary matter.

Peace processes that involve both men and women substantially are statistically more likely to succeed: 64% less likely to fail and 35% more likely to last at least 15 years.³⁷ Men and women, due to their gendered experience of conflict, tend to have different but complementary perspectives on what peace and security mean and on methods to achieve them.³⁸ Qualitative and quantitative researches by the *International Peace Institute* found that “when women were able to influence the process, the likelihood that an agreement will be reached in the short term while also making it more likely that the peace that results will be more sustainable [increased.]”³⁹ Improving the participation of women in peace processes broadened the set of issues at the negotiating table and promoted ‘positive’ peace – understood as “the absence of structural violence and a reinforcement of those factors that sustain peace.”⁴⁰

However, even if a 50% quota is observed, a meaningful representation of women’s interests

³⁴ <https://www.cmi.no/publications/7071-is-sudan-ready-for-transitional-justice>

³⁵ <https://www.dabangasudan.org/en/all-news/article/appointment-of-new-governors-triggers-protests-in-sudan>

³⁶ https://www.ictj.org/sites/default/files/1_Gender%20%26%20TJ%20-%20Overview%20-%20Speaker%20Notes.pdf

³⁷ <https://www.cfr.org/womens-participation-in-peace-processes/>

³⁸ <https://www.ipinst.org/wp-content/uploads/2015/06/IPI-E-pub-Reimagining-Peacemaking.pdf>

³⁹ *Ibid.*

⁴⁰ *Ibid.*

and the achievement of gender-mainstreaming – that being the integration of “*a gender equality perspective at all stages and levels of policies, programs and projects*”⁴¹ – are not guaranteed. Hence, the TLC should also be designed to promote intersectional representation. Women of different geographic, social, and ethnic backgrounds should be given equal voices. Moreover, to ensure that gender-mainstreaming goals are realized, the government should endeavor to promote and strengthen CSOs focused on gender-equality and women’s empowerment such as Awadiya Kuku’s *Multipurpose Women’s Cooperative Union* which the SC has tried to silence.⁴² Local CSOs in particular must be given more credibility as they hold the advantage of having local knowledge and are best suited to represent the interests of the main stakeholders. Creating or improving communication channels is important in making sure financial support is carried out intelligently and a two-way communication, built on mutual interests, provides local CSOs with the technical support they need and the government with valuable local expertise. The acknowledgment of local CSOs’ unique expertise should translate into their institutionalization and prompt a bottom-up dynamic that puts the main stakeholders at the center of the political process.

Nevertheless, it ought to strive for a more gender-responsive and intersectional approach to social policies.

- **CSOs, and more particularly CSOs focused on gender-equality, should be supported to strengthen civil society and progressively tip the balance of power away from the military.**

In conclusion, progress made on women’s rights should not overshadow the remaining efforts to be made to ensure the transition is truly inclusive. Decades of gender injustices cannot be fixed merely through legal reforms. Substantial progress on this topic demands thorough efforts from the new government. The discourse must away shift from a portrayal of women exclusively as victims and acknowledge the gendered and intersectional nature of socioeconomic inequalities. The adoption of a gender lens will be crucial in formulating policies that effectively support the whole of civil society. Finally, gender-mainstreaming is not a peripheral matter but a central objective that can play a crucial role in Sudan’s transition to democracy. The civilian-led government can tip the balance of power by empowering civil society, especially those who have been marginalized for so long.

Key Insights and Conclusions:

- **The many reforms undertaken by the government to fight gender-injustice are good starting points but might overlook practical challenges. An active effort is required to effectively enforce new policies in a truly inclusive manner.**
- **The all too common mistake of treating women exclusively as victims must be avoided. Women’s voices need to be heard, not only on crimes of a sexual nature, but on all aspects of justice, most notably in terms of structural socioeconomic inequalities.**
- **PM Hamdok’s government must further its efforts to show the Sudanese people its commitment to their well-being through programs like the FSP.**

⁴¹ <https://www.coe.int/en/web/genderequality/what-is-gender-mainstreaming>

⁴² <https://www.sudantribune.com/spip.php?article69425>

BIC Policy Recommendations:

Towards the Sudanese Government:

- Ratify both CEDAW and the Optional Protocol without reservations to establish a mechanism of accountability at the international level.
- Set-up sensitization trainings on women's rights and gender mainstreaming, while implementing a sanction system for law enforcement officers who fail to safeguard these rights.
- Foster stronger links with, and provide adequate resources and funding to community-level CSOs, especially women-focused ones, and institutionalize their role as direct partners.
- Legalize and formalize some parts of the informal work sector such as tea-selling or domestic work, for example by including informal workers in social protection frameworks and introducing a gradual taxation program.
- Ensure emergency COVID-19 social protection structures are made available to informal workers through close cooperation with unions, especially in remote and conflict-driven areas.
- Prioritize the formation of the TLC and expand the set 40% female representation quota to 50%, as initially demanded by the women's coalition MANSAM.

The BIC is an independent, non-profit, think-and-do tank based in the capital of Europe that is committed to developing solutions to address the cyclical drivers of insecurity, economic fragility, and conflict the Middle East and North Africa. Our goal is to bring added value to the highest levels of political discourse by bringing systemic issues to the forefront of the conversation.



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