

Brief Overview of Key Gender Issues

DARFUR

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I. Overview

This note is intended to inform the World Bank's evolving strategy for engagement in Darfur with respect to key conflict and gender issues. The purpose of this review is to enable an understanding of key gender considerations and to ensure their incorporation into identified operational and analytical priorities. The analysis provides a brief delineation of key gender issues and disparities in the Darfur region through an initial review of available literature and interviews with key stakeholders.¹ Findings presented within this analysis reflect consideration for the development priorities outlined within the World Bank's Operational Policy on Gender and Development (OP/BP 4.2),² the Africa Regional Strategy, the WDR 2011 and WDR 2012, previous Bank initiatives within Sudan both through the 2005 DJAM process as well as through the World Bank administration of the National Multi-Donor Trust Fund in Sudan. This review also incorporates priorities emerging from the 2012 Darfur Joint Assessment Mission, the Doha International Donor Conference for Darfur and the attendant strategy document, "Developing Darfur: A Recovery & Reconstruction Strategy."

Development and recovery challenges in Darfur are

1 Interviews were conducted among others with UNEP, UNFPA, UNHCR, UNICEF, UN OCHA, UN Women, and WHO, as well as with DFID, Norway, the Netherlands, Care International Switzerland (CIS) Sudan, Norwegian Church Aid, Plan International, Darfur Development and Reconstruction Agency (DRA), Sudanese Women Leaders Coalition, and the Development Studies & Research Institute (DSRI) with the University of Khartoum.

2 The World Bank's Operational Policy on Gender and Development (OP/BP 4.2) is to assist member countries to reduce poverty and enhance economic growth, human well-being and development effectiveness by addressing the gender disparities and inequalities that are barriers to development, and by assisting member countries in formulating and implementing their gender and development goals.



enormous and the region is still the focus of the country's largest humanitarian relief operation ten years after the onset of the crisis. Recent UN estimates indicate that 3.4 million people require continuing humanitarian support, including 1.4 million people receiving food assistance in IDP camps (UN and Partners 2013). Improved security conditions, particularly in West Darfur, have enabled returns of over 200,000 people to their communities of origin. Violence persists, however, as demonstrated by inter-tribal clashes in Jebel Amir over gold mine rights in January, contributing to displacements of well over 100,000 people (OCHA 2013a). 22,000 were further displaced in tribal conflicts between Misseriya and Salamat tribes in Central Darfur, while gun battles recently broke out between Sudanese security forces and paramilitary groups in July in Nyala, Darfur's largest city (OCHA 2013b). Continuing clashes, combined with increasing reports in banditry, criminal behavior, and periodic drought and flooding all contribute to ongoing conditions of insecurity and vulnerability, and impede broader efforts for early recovery and development.

Economic and human development indicators in Sudan are among the lowest in the world and gender disparities are significant.

According to the 2009 National Household Baseline Survey, 63 percent of the population lives below the poverty line in Darfur, as compared with a national average of 46.5 percent and, for instance, 26 percent in Khartoum State (SCBS 2009). Sudan ranks among the lowest group of countries in terms of human development, rated 169 out of 187 countries (UNDP 2012). With respect to gender equity issues, Sudan ranks 128 out of 146 countries, reflecting extreme disparities across the country. Protracted conflict and displacement in Darfur in particular have worsened socio-economic indicators and exacerbated gender disparities by impeding livelihood opportunities and access to basic services. Health and education indicators are generally lower in Darfur than in other states in Sudan. Women and children are among the most vulnerable groups in Darfur and protection concerns, particularly for female IDPs, are considerable. While civil society and women's advocacy groups in Darfur are vibrant, they do not necessarily hold a unified agenda on key gender issues and reflect instead a diversity of opinion rooted in social, economic, political and religious differences, particularly on the debate between gender equality and Islam.

In the context of this note, gender refers to the socially constructed roles of and relationships between women and men. These roles are influenced by variables such as age, race, class and ethnicity, and are mutable over time, subject to learning and evolving contexts. Diagnosis and analysis of gender-based differences has important implications for poverty reduction and sustainable development particularly in the context of persistent instability. Identifying and understanding the unique barriers and opportunities men, women, boys and girls confront helps to ensure that interventions, project activities and analytical work promote equitable realization of economic, political and social gains.

Drawing from these priorities, this analysis attempts to expand the conversation further, investigating factors influencing gender disparities across social, economic and cultural categories. The analysis is not comprehensive, but highlights key barriers to gender equality with an aim toward identifying potential gender-responsive actions to address them in the near-term. The following note includes a summary of (i) the legal framework and features of political participation, (ii) key gender issues related to human development, including livelihoods considerations, and (iii) protection concerns related to sexual and gender-based violence and forced displacement.

II. Legal Framework and political participation

Darfur is subject to the same laws, covenants and treaties governing the rest of Sudan. Legal rights and obligations in Darfur are therefore enshrined within the 2005 Interim Constitution and reflect adherence to a combination of Islamic *Shari'a* law and a formal system based on British Common Law. Interwoven within these systems are customary institutions as administered by traditional authorities, as formalized, for example, within the Native Administration.

The signing of the Doha Document for Peace in Darfur (DDPD) in May, 2011 has added an interrelated and overlapping layer of governance within this context. The DDPD provides the overarching framework for comprehensive peace in Darfur, although the primary signatories only include the Government of Sudan and the Liberation and Justice Movement.³ Among other provisions, the DDPD calls for the creation of an interim governing body known as the Darfur Regional Authority (DRA), which was established at the end 2011 and assumed full legislative and executive functions in early 2012. According to Article 59 of the DDPD, the DRA is intended to serve as the principle implementation instrument of the DDPD, as well as the primary vehicle for coordination, planning and development of recovery and reconstruction projects (DDPD 2011).

In principle, the DDPD incorporates gender considerations within several key provisions. Article 1 of the DDPD calls for the promotion and protection of human rights and fundamental freedoms, and includes reference in particular to the needs of women, children and vulnerable groups during early recovery, reconstruction, rehabilitation and education policies and programmes. Article 7 outlines provisions for the creation of a National Civil Service, which may include affirmative action provisions taking into consideration the need for gender balance among civil service officers. Article 10 outlines core competencies for the DRA, including responsibility for several gender issues such as women's advancement, motherhood and childcare and the development of a gender policy. Under Article 16, the DDPD calls for socio-economic development and improvement in human resource development, with particular emphasis on educational attainment and the elimination of illiteracy among women. Article 27 further

3 Recent articles indicate that negotiations continue between the Government of Sudan and a splinter group of the Justice and Equality Movement (JEM) group and may lead to a signing of the DDPD in advance of the Doha conference scheduled for April. <http://www.sudantribune.com/spip.php?article45259>

outlines a system of grants to be dedicated toward development initiatives related to poverty alleviation, attainment of the MDGs and realizing gender equity. Article 55 further enshrines the role of women and youth related to prevention and resolution of conflicts (DDPD 2011).

These statutes, taken in conjunction with gender equality principles outlined within the Interim Constitution,⁴ present an optimistic picture for the advancement of women's rights. Protection and enforcement of these provisions, however, has been and will likely remain a significant challenge in Darfur. Notably absent from the DDPD is a concrete quota mechanism targeting women's participation in legislative bodies, an omission criticized during a recent DJAM consultation with Darfuri women held in Khartoum in September 2012 (Elkarib 2012). Women's participation in the political sphere has progressed moderately in Sudan due in large part to the National Election Law of 2008, which specifically establishes an affirmative action target of 25 percent for women's representation within legislative positions. While the target remains unfulfilled, as of 2010, women occupied 13 percent of parliamentary positions, the highest number in Sudan's history (Sherwood 2012). Presence in office does not necessarily translate into active participation, however nor does it imply inclusion. One report notes that the few women occupying public office tend to reflect Sudan's most elite voices and are not representative of broader spectrum of interests (Sherwood 2012), particularly of rural communities. Women's participation in Darfur, more particularly, has been dramatically constrained with few women occupying positions of authority both in legislative bodies as well as within tribal authorities. This absence underscores concerns that without a concrete target mandating participation, women, as well as consideration for broader gender issues, will be left out of decision-making fora and transitional processes (Elkarib 2012).

Women's civil rights in Sudan in general are further constrained by a number of other legal statutes and in particular by interpretations of the application of Shari'a law. The 1998 Constitutional Act identifies *Shari'a* as the primary interpretative source of Sudanese law and in principle *Shari'a* recognizes equality of men and women before the law. Several articles as codified within the 1991 Family Law, the Criminal Law and the 1996 Public Order Act, however, are perceived as discriminatory against women and girls. Under the Family Law, age of consent for marriage is set at puberty and requires approval from a guardian for women and girls. A man is entitled to deny his wife the right to work outside

4 Further elaboration on the on the Interim Constitution and legal framework in Sudan as a whole will be provided within the broader review of gender issues in Sudan.

the home. While men are allowed to divorce their wives without justification, women require consent from the court under very specific circumstances. Definitions of rape as articulated within the Criminal Act are problematic as they place the burden of proof on the survivors of violence. In the absence of sufficient evidence, survivors run the risk of being tried for adultery or for false accusation (Fournier 2008).

In the context of Darfur, exposure to prolonged conflict has rendered an already complex legal and judicial system inadequate. There is a reported absence of trained judges with little to no legal education to administer the law (Fournier 2008). Out of 93 judges in Darfur, only two of them are female. Furthermore, out of 33 prosecutors, only two are women (UNAMID 2012). While it is notable that there are female judges at all, and indeed, Sudan is one of the few Islamic countries to have female judges (Tonnessen and Roald 2007), the number of female actors in judicial institutions is small and Shari'a law is predominantly administered by men. There is evidence of its misapplication in accordance with religious and social norms that ultimately disfavor women.

Customary institutions in Darfur further entrench conservative cultural norms which constrain women's political, social and economic participation. Outside of the statutory court system, informal judicial mechanisms were formalized by the British under the Native Administration for local mediation and dispute resolution. Purview of this system and of the associated traditional authorities include local justice and administration, and in particular management of land (Tubiana et al 2012). Dismantled in 1972 under President Nimeiri, customary courts were revived and reformed under the formal justice system. The role of the Native Administration has been severely weakened however, as subsumed by the civilian administration and in the absence of sufficient resources. Perceived politicization of appointments further contributes to public resentment and undermines the legitimacy and influence of traditional authorities (Tubiana et al 2012). At the same time, however, the system does still have a role in peace building and local dispute resolution and among the series of recommended governance initiatives, the Darfur Development Strategy calls for a strengthening of the structures of the Administration.

Women have largely been excluded from the Native Administration and from leadership positions among traditional authorities in Darfur. There have been small steps toward women's participation in traditional structures, with the first and only woman, Fatima Mohammed al-Fadul Adam Rijal, appointed to the Native Administration in 2011 and an increasing number of *sheikhas*—female local leaders—appointed particularly in IDP camps where the proportion of women and girls is high (Tubiana et al 2012). This progress is limited, however, with most female leaders attending primar-

ily to women's affairs. Furthermore, there are perceptions that traditional structures and customary courts perpetuate patriarchal and social norms that may circumscribe women's access to justice, with particularly serious implications for disputes related to land or sexual and gender-based violence. One of the key priorities articulated by women's groups during the 2012 DJAM consultations, therefore, was to ensure that reforming the Native Administration does not impede or negatively impact women's opportunities for judicial recourse (GoS 2013).

Civil society groups and local NGOs present a natural entry point for promoting gender equality in Darfur, demonstrating an ability to provide needed social services within local communities, to address gender equality issues and to provide mechanisms for dispute resolution and peacebuilding (DCPSF 2011). Although there are a number of civil society groups in Darfur, however, many of which address gender or women's rights issues, the ability of these groups to operate freely is severely constrained by government interference, restriction or cooption. CSOs are often directed by political and ethnic allegiances and over-represent educated, elite and often urban populations, excluding the perspective of rural constituencies (Murphey and Tubiana 2010). There is evidence of political manipulation of CSOs and of the government creating and controlling its own civil society organizations in order to direct engagement and debate at the grassroots level (Murphey and Tubiana 2010). The ability of civil society gender advocates to lobby and demand for greater participation and accountability therefore remains underdeveloped (Elkarib 2012).

Furthermore, efforts to advance a program for gender equity or women's rights, particularly with respect to application or interpretation of Shari'a law, are complicated by the absence of a coherent vision between interest groups. Several reports note that the perspective and position among Darfuri women and rights groups are not homogenous, but rather reflect a plurality of political, social, economic, tribal and religious views (Shearwood 2012; Elkarib 2012). As in the rest of Sudan, efforts to address provisions perceived as discriminatory in the legal code by women's advocacy or civil rights groups are complicated by the diversity of and often polarizing perspectives on women's civil and social rights and gender equality. Liberal Muslim activists advocate for abolition or amendment of discriminatory articles to mitigate again gender inequalities mandated by law. More fundamentalist Islamic gender advocates appear to prefer maintenance of the status quo and in certain cases, such as divorce, even more rigorous interpretations of Islamic law (Tønnessen and Granås Kjølsvæd 2010). Coordinating and directing this diversity of positions into a unified platform remains a significant challenge.

III. Key Gender Issues

The following section outlines key gender issues in Darfur, including (i) health and education; (ii) livelihoods and land tenure; and (iii) key protection issues including sexual and gender-based violence and forced displacement.

A. Human Development

Prolonged conflict and instability, combined with poor governance, environmental degradation, and recurrent drought and flooding have had a devastating impact on the country's social and economic development. Darfur has an estimated population of roughly 7.5 million people with 52 percent of the population falling under the age of 16 and 70 percent under the age of 30 (UN and Partners 2013). According to the 2009 National Baseline Household Survey, poverty rates reported across the North, South and West Darfur are 69 percent, 61 percent and 56 percent respectively (NBHS 2009). Nearly 58 percent of the population has access to improved water sources, with significant variation across the region (with 60 percent in North Darfur, roughly 45 percent in West Darfur and 70 percent in South Darfur).⁵ Despite relatively high access rates, however, ground water resources are modest particularly in areas of high density such as Nyala and El Fasher. Rapid urbanization, coupled with population growth has resulted in aquifers unable to provide sufficient water resources to meet high levels of demand. Water scarcity and gaps in service is a key challenge in more rural areas and constitutes a particular constraint for IDP communities.

Food insecurity persists across the Darfur, although regional variations do exist across the five states. Generally, food security conditions have been adversely affected by rising food prices and related high inflation, continuing insecurity, disruptions in trade flows, and by poor local production in certain areas (FEWS 2012). According to the World Food Programme's Food Security Monitoring System, sorghum prices are 43 percent higher in North Darfur and 18 percent higher in West and Central Darfur than the year before. While decent harvests have yielded adequate cereal supplies in South and East Darfur, prices remain higher than the year preceding as well (WFP 2013). As a result, reflecting an increase in food insecure households among IDP and resident communities

5 Relevant statistics reflect the original administrative division of Darfur into the three states of North, West and South Darfur. Two additional states, Central and East Darfur, were created in 2012, however. As feasible, analysis will cover the five states, however most statistical information available refers to the former three states.

(WFP FSMS 2012a). WFP data reveals in particular that gender plays significant role in the food security status of households in Darfur. 34 percent of female-headed households were reported to be severely food insecure as compared with only 9 percent of male-headed households (Lind and Nicol 2012).

Education

According to the Statistical Yearbook of the Ministry of General Education, gross enrollment rates as of 2009 are indicative of the impact of violence, conflict and instability in the region, with the lowest enrolment rates reported for emergency-affected environments.⁶ The gross enrolment rate for primary school for Sudan is 73 percent. Primary school enrolment rates in Darfur, however, fall much lower with an average of 54 percent in Darfur in general at 66 percent, 86 percent and 40 percent in North, West and South Darfur respectively. (Federal Ministry of General Education 2009). Rates in North and South Darfur, which fall among the bottom five enrolment rates for all of Sudan, may reflect the impact of protracted conflict and efforts now to catch up to other states (World Bank 2012). Regional disparities for enrolment rates for secondary school are also significant at 21 percent, 25 percent and 17 percent for North, West and South Darfur as well, as compared with 61 percent in Khartoum and 57 percent in Gezeira (ESR 2010).

Disaggregated data regarding gender disparities in education are not readily available for Darfur. Assessing the overall status of female education in Sudan, however, provides some insight to conditions confronting female enrolments rates in the Darfur region. Generally, gender disparities within formal government schools are small, with enrolment rates increasing for girls with rising levels of education. Girls accounted for 46 percent of enrolments in primary school, 49 percent in secondary school and 56 percent in higher education, all suggesting higher retention rates of females versus males in higher levels of schooling.

Outside of the formal system, however, gender disparities appear more severe. Compared to government schools where girls account for 47 percent of enrolments, nomadic, IDP and village schools maintain shares of female enrolments

of 38 percent, 44 percent and 41 percent respectively. According to the World Bank report, these numbers suggest that girls are less likely to be enrolled in school among more marginalized and vulnerable populations, a finding particularly relevant for the Darfur context. The report goes further to note the compounding effects of poverty, rurality and gender on likelihood of attending school. According to the report, children in rural areas, children from poorer households and girls are all at a disadvantage in terms of access to schooling. Moreover, a poor girl living in a rural environment is 25 percent less likely to have access to school than a rich boy living in an urban center. (World Bank 2012)

Lack of access to conflict-affected areas by humanitarian partners continues to hinder implementation of education programming. According to the UN Mid-Year Work Plan 2012 Review report, gender ratio targets set in the 2012 Work Plan were not met due to lack of access to engage in community mobilization activities to help support the achievement of gender targets (UN and Partners 2012). Factors impeding access to education may also include distance to schooling, costs of education (e.g. school fees, uniforms, etc.), domestic burden (chores), and early/forced marriage. (DJAM Gender Working Group, Basic Services Cluster and World Bank 2012). Insufficient school facilities, particularly for girls, is an additional barrier, as is the supply and retention of qualified teachers particularly within more remote communities.

Health

According to the 2006 Sudan Household Health Survey,⁷ the maternal mortality rate in Darfur is 1,142 per 100,000 live births, with respective rates of 346, 1,056 and 1,581 per 100,000 live births in North, West and South Darfur. Infant mortality rates in the region average 72 out of 1,000 live births, with 69, 93 and 67 deaths per 1,000 in North, West and South Darfur respectively (UN and Partners 2013). At 170 per 1,000, child mortality in Darfur is among the highest in world. Primary causes of maternal mortality include hemorrhage, infection, hypertension and unsafe abortion, while other indirect factors include malaria, anemia and hepatitis. (UNICEF and UNFPA 2010) Conflict has devastated the medical infrastructure, with 28 percent of primary health clinics reported as non-functioning, while others lack appropriate

6 As with many other sectors, the availability of recent sex-disaggregated data for education in Darfur is limited or out of date. Most reports refer back to statistics from the 2006 Sudan Household Health Survey or to State Ministry of Education data from 2005 (see e.g. the DJAM Gender Working Group, Basic Services Cluster). Several reports also note severe discrepancies between the various sources and therefore available statistics should be interpreted with caution.

7 Statistics from a more recent 2010 Household Health Survey are also available, reporting a maternal mortality ratio of 216 per 100,000 with rates of 334, 322 and 177 in South, West and North Darfur (SHHS 2010). Interviews with several organizations, however, reveal that these and other statistics are highly contested and may not reflect the reality on the ground. The 2010 Household Health Survey, therefore, does not appear to be cited by many resources.

equipment and supplies. While most facilities further suffer from the absence of trained medical workers or midwives, which negatively impacts maternal mortality rates, several reports also note that many women continue to seek care from traditional birth attendants rather than trained practitioners. Indeed, a survey of 881 mothers in Darfur in 2009 revealed that over 50 percent of respondents were assisted during delivery by untrained birth attendants, while 73 percent of mother reported that their last delivery took place at home (UNICEF and UNFPA 2009). This may be due in part to financial constraints as most women cannot afford more comprehensive care (UNICEF and UNFPA 2005). Access to emergency obstetric care is also extremely limited and contributes further to high mortality rates.

As with other basic services, health care provision in Darfur, and access to reproductive health care in particular, are characterized by insufficient infrastructure and staff, by poor implementation and referral capacities, and by constraints to service delivery resulting from ongoing conflict and instability. Humanitarian organizations continue to report severe restrictions in access to affected populations all over Darfur, but particularly within the Jebel Marra region (United Nations and Partners 2013). Bureaucratic impediments also delay delivery of key services, including, for example, requisite security clearances for humanitarian personnel traveling to certain regions and cumbersome administrative procedures surrounding the importation and delivery of medical drugs entering the country (IDMC 2010).

Additionally, certain parts of Darfur continue to experience gaps in health care delivery extending from the withdrawal of INGOs from the region. The expulsion of INGOs from Darfur in 2009 led the Ministry of Health to take over in part the administration and delivery of essential services across a number of clinics, in partnership with other international agencies such as WHO, UNICEF and UNFPA. Lack of implementation and financial capacities, combined with the loss in services from the exiting NGOs apparently affected 1.5 million beneficiaries accessing health services in Darfur (UNFPA 2010). According to an assessment conducted in early 2009, the expulsion of 16 NGOs resulted in a loss of 16 percent health delivery capacity and 30 percent of therapeutic feeding capacity (Government of Sudan and United Nations 2009). In 2012, the withdrawal of two more organizations from West Darfur resulted in the transfer of 35 health clinics to the Ministry of Health, which lacks the financial resources to manage the clinics at the same capacity (United Nations and Partners 2012). Continuing displacement resulting from floods, inter-tribal fighting and other conflicts further stretches these limited capacities as populations move to camps seeking safety and essential services.

Despite significant challenges and reportedly low coverage, however, several reports note that certain populations in Darfur, in particular IDPs, have better access to health services, which are free in camps, than other urban or rural populations, particularly those in remote areas where access to services is extremely limited and also more expensive. According to the Darfur Development Strategy, NGOs still manage or maintain 142 health centers and 103 basic health units, which constitute 66 percent and 24 percent of available health centers and units respectively in the region (GoS 2013).

Socio-cultural factors play a significant role in the health status of women in Darfur and in Sudan in general. Family planning decisions, e.g. access to contraceptives, may be restricted in health clinics and subject to consent of husbands. (DJAM Basic Social Services Cluster 2012). Early marriage is considered a significant factor in high maternal mortality rates, as is the practice of female genital mutilation/cutting (FGM/C), which can contribute to obstructed labor and fistulas. FGM/C in particular is a widespread practice in Sudan, with 89 percent of women between the ages of 15-49 having undergone some form of FGM/C (2006 Sudan Household Health Survey), with incidence rates of at least 74 percent of Type III FGM/C, or infibulation.⁸ Prevalence of FGM/C varies by region, with the highest rates reported in South Darfur at 71 percent. West Darfur, by comparison, reports a rate of only 46 percent (Ahmad and Nylund 2009). While there have been some achievements in moving toward abandonment of the practice nationally (DFID 2012), migration of displaced populations resulting from conflict has led some non-practicing communities to begin to adopt the practice where previously it did not exist (DJAM Gender Working Group 2012).

B. Livelihoods and land tenure

Years of extended conflict, combined with displacement, climatic shocks and food insecurity have dramatically altered livelihood and survival strategies in Darfur. Rural livelihoods are traditionally comprised of a mixed portfolio featuring agriculture and pastoralist activities, as supplemented by engagement in other sectors such as trade, gathering of food and natural resources, remittance and labor migration. (Young 2006, as featured in Lind and Nicol 2012). The experience of protracted violence and insecurity, however, has proved disruptive to livelihood activities, as affected by such factors as systematic asset stripping, production and market failures, lack of access to natural resources and constraints on remittances (CIS 2013). Fear and actual threat of conflict

8 According to WHO, Type III FGM/C entails “Excision of part or all of the external genitalia and stitching/narrowing of the vaginal opening (infibulation).” (UNFPA: <http://www.unfpa.org/gender/practices2.htm>)

deter seasonal migration of IDPs to plant and harvest fields, impede free movement of livestock herds, and restrict activities of women, in particular the collection of firewood and wildfoods. Growing reports of banditry and criminality impede transport of needed goods and food stuff, increasing transport costs and prices associated with food, inputs and medicine (Lind and Nicol 2012).

Interconnected demographic shifts are contributing to environmental degradation, exerting pressure on already scarce resources, and affecting opportunities for sustainable livelihood and durable recovery. These shifts include urbanization, rapid population growth and the emergence of a dramatic youth bulge that will ultimately create demand for livelihoods and employment opportunities that do not currently exist (OCHA Sudan 2010). Continuing violence has contributed to rapid urban growth as populations seek security and basic services in cities and towns and along networks connecting them. Reports indicate that 50 percent of the Darfur population currently resides in urban centers, a significant proportion of which are extremely poor and vulnerable (UN and Partners 2013). Dramatic population growth has witnessed the expansion of Darfur's population from 1.3 million in 1973 to 7.5 million today (Lind and Nicol 2012). With roughly 43 percent of the population under the age of 16, the demand for education, basic services, and livelihood and employment opportunities far exceeds the capacity of government as well as social and economic resources to respond. These demographic shifts have catalyzed an enduring transition from subsistence rural livelihoods to urban market-oriented activities that is unlikely to reverse and will require particular consideration to address effectively.

Prior to the most recent conflict, women engaged in a variety of livelihood activities including agriculture and cultivation activities, small animal rearing and assorted income generating activities such as handicrafts. Women also travel extended distances to collect wildfoods, water and firewood (DJAM Natural Resource Management Cluster 2012). Following the onset of violence, however, women, particularly those in IDP camps, maintain fewer livelihood options. While cultivation activities and food production have resumed in certain areas, many women, including returnees and IDPs, report having limited, adequate income generating opportunities. Women in the traditional sector have access only to low-paying, low status, seasonal work, while others report working as domestic servants, making bricks or working in construction (UNICEF and UNICEF 2005). Darfuri migrants in urban centers such as Kharotum, for example, reportedly engage in small restaurants, tea and food sales and selling small vegetables. However, these women frequently engage informally, without health or tax licenses and frequently risk harassment from male customers (Young et al 2005).

Conflict, urbanization and irregular migration have contributed to an increase in the number of female headed-households and thus an increased need for women to engage in income generating activities and alternative coping strategies for household survival. Several reports cite that 60 percent of women constitute the active labor force for agricultural and rural production activities, while interviews with local organizations underscored the critical role women currently play and will continue to play in transitioning households and communities from basic survival strategies into a more enduring phase of recovery. Barriers to women's economic empowerment, however, are significant. In addition to extreme vulnerability to insecurity and the impact of environmental degradation, women also confront a heavy domestic burden with insufficient options for childcare and support, illiteracy and lack of formal education, insufficient opportunities for technical training and business skills development, lack of access to financial services, and lack of access to factors of production including land, markets and inputs such as seeds and tools.

Lack of access to agricultural resources and services and, importantly, to land presents one of the more significant challenges to livelihoods development for women in Darfur and in Sudan as a whole. The customary land tenure system in Darfur, or hakura, traditionally negotiates land arrangements that balance the rights of pastoralists, farmers and other groups by clarifying land allocations for different tribes and managing access to resources. The primacy of hakura has deteriorated, however, in part as consequence of the 1971 Unregistered Land Act, in which the government assumed control of all unregistered land including traditional hakura tracts. Protracted conflict and displacement have further eroded traditional land tenure arrangements, and the hybrid approach between customary structures and the newer regulations has been criticized as ineffective in land allocation and management of resources (OCHA 2010). Scarcity of land and disputes over tenure arrangements, particularly between agricultural and pastoralist groups, constitute a significant trigger for conflict and instability in the region. Accusations of land grabs and illicit occupation of land previously owned by displaced populations are also persistent and contribute to perceptions of ongoing marginalization and disempowerment (OCHA 2010).

Against the backdrop of these complex dynamics influencing land tenure, women's access to land and property is further constrained by traditional norms that circumscribe ownership rights. Although women in principle have equal access to land use under the law, very few women hold direct ownership rights. Women in Sudan traditionally gain access to land through male relatives or partners, rather than being directly allocated ownership (DJAM Gender Working

Group 2012). Patriarchal norms and customary institutions disenfranchising women more broadly also exclude women from accessing property and land assets as male partners or relatives may be disinclined to transfer ownership. Insecure land tenure can further prevent women from receiving collateral often needed for credit, for membership in cooperatives and for access to extension and production technology. Clarifying and improving land tenure and ownership rights, e.g. through laws and regulations or through improved interaction with customary institutions, is therefore a critical need to enable women's economic empowerment and engagement with livelihoods and income generating activities.

Lack of access to land is also connected to other critical issues affecting livelihoods development for women including natural resource management and use. As mentioned, women are principal participants in cultivation and other productive activities, including grazing of small ruminants and collection of wildfoods and firewood. Women therefore interact with natural resources as a natural part of their lives as household providers and farmers. In addition to restrictions in land ownership, environmental degradation and desertification have accelerated during the course of conflict in Darfur, increasing pressure and competition over land and resources and exacerbating social/conflict fissures. This process of deterioration has serious implications for women's abilities to support their families and earn an income. There are also implications for safety as deforestation and desertification have necessitated women to travel longer distances for firewood and other resources, increasing their vulnerability to physical and sexual assault.

Impediments confronting youth engagement in livelihood and income generating activities constitutes another significant challenge for populations in Darfur. As described, demographic shifts in the region have given rise to a dramatic youth bulge, with 50 percent of the population falling under the age of 15 and 70 percent of the population under 30. Conflict, displacement, and rapid urbanization have coalesced to create conditions for which a large proportion of youth are ill-equipped to seek and engage in livelihood activities, while urban environments in particular are ill-equipped to provide the education, vocational training and income generating opportunities needed to support them. While correlations between Darfur's youth bulge and increases in crime and banditry are inconclusive, several reports reflect generally on the potential risks presented by large populations of unemployed, potentially disaffected youth, noting that broader social and economic exclusion may precipitate instability or participation in illicit networks.

IV. Protection

A. Displacement

Return and resettlement of refugees and IDPs in Darfur constitutes a significant challenge in Sudan, particularly in the face of ongoing insecurity and conflict, frequently between SAF forces, militias and other armed groups, as well as between different tribal groups. As mentioned, tribal conflict in April between the Misseriya and Salamat tribes in Central Darfur displaced over 22,000 people from rural homes to urban areas (OCHA 2013b). UN OCHA estimates report that 1.9 million people are displaced in the Darfur region, of which 1.7 million are registered for humanitarian support (e.g. food distributions) in camps or camp settings. Several sources further report that women and children constitute at least 75 percent of these populations (UNAMID 2012). Refugees within the Darfur region are estimated to be 419,000, while roughly 241,000 Sudanese refugees are located in other countries (UNHCR 2009). According to recent reports from UNHCR, some 30,000 refugees crossed the border into Chad following inter-tribal fighting in Jebel Amir in January (OCHA 2013a). Heavy rains across multiple states in Darfur in 2012 and 2013 have caused severe flash flooding, resulting in casualties and extensive loss of property, further affecting and displacing several thousand people (including many already displaced) (OCHA 2012a).

Simultaneous to displacement, however, refugee and IDP returns to areas of origin in Darfur continue with an estimated 165,000 IDPs returning and 39,000 verified refugee returns since January 2011 (OCHA 2012b). As mentioned, displaced and returning populations alike face a number of critical challenges including continuing exposure to insecurity and violence, lack of access to basic services, lack of access to livelihood opportunities, disputes over land with other returning populations, and absence of credible rule of law institutions such as the police and security forces.

Dependence on humanitarian organizations and government institutions for basic support is extremely high. According to the WFP's February 2012 Food Security Monitoring System (FSMS) update, food security in IDP camps in certain states has deteriorated as compared with levels in 2011 and 2010 (WFP 2012). In particular, food insecurity has increased slightly in camps in North and West Darfur, due in large part to rising food prices and decreasing purchasing power resulting from inflation (WFP 2012).

Sexual and gender-based violence among displaced populations is prevalent. Women and girls are particularly vulnerable to sexual violence and abuse, both within and outside

of camps. Women and girls are frequently victims of assault particularly when traveling outside of camps looking for firewood or grass or when trying to engage in cultivation activities. Women and girls continue to travel, however, to find needed resources and also because men and boys risk being killed by comparison. In a 2009 letter addressed to the President of the Security Council, the Chairman of the Security Council Committee concerning Sudan described that women in the Hasa Hisa camp in Zalingei reported up to 35 cases of harassment and rape per week during the rainy season when communities engaged in cultivation (IDMC 2010). In response, UNAMID troops have taken on broader activities related to civilian protection, in part providing escorts in certain areas for people moving outside of camps.

A December 2008 report by the Women's Commission describes how overcrowding in IDP schools may also expose female students to greater risk of violence. Due to restrictions in class size, many students are required to attend afternoon classes. Girls attending these sessions must walk home in the evenings and are thus more vulnerable to assault (IDMC 2010).

Several reports cite an absence of trust among IDPs for government institutions or resources in Darfur. This presents a particular challenge in cases of SGBV as IDPs are less likely to report cases of violence or abuse out of fear or mistrust toward government bodies such as the police or security forces. Even more damaging, a victim of sexual violence is apparently less likely to seek emergency medical care in part out of shame or fear stigma, but also out of distrust for medical clinics supported by the government.

B. Sexual and Gender-Based Violence

As mentioned above, sexual and gender-based violence against women in Darfur is widespread, particularly among IDP populations but also for women residing outside displacement camps. Although prevalence statistics are not readily available, sexual and physical assault of women and girls throughout the crisis in Darfur has constituted a systematic pattern of attack perpetrated by armed forces, including members of the government's SAF, as well as by armed militia and opposition groups. Rape has been used as a mechanism to destabilize, destroy and displace populations, to build fear and to humiliate and disempower local communities, as men are unable to protect their wives and relatives (Medecins Sans Frontieres 2005). According to Alex de Waal and Julie Flint, describing the immediate onset of the conflict in 2003-04, "rape was so ubiquitous that it appeared to be an instrument of policy to destroy the fabric of the targeted communities..." (Flint and de Waal 2005).

Rape carries extreme social stigma, as well as potential

legal implications. Women and girls are therefore often reluctant to report cases of rape or to seek medical attention or psychosocial support. A culture of impunity prevails as there is little legal recourse for victims of violence, as well as little political will to investigate or prosecute allegations of rape, particularly against government forces, which are often immune to legal action under the 1991 Criminal Law. Sudan's laws governing action against rape moreover often expose women to further abuse and stigmatization. The Sudanese Criminal law defines rape as sexual intercourse by way of adultery or sodomy between a man and a woman who are not married to each other (Human Rights Watch 2006). Victims of sexual violence carry the burden first of acknowledging publically to the assault and then carrying the evidentiary burden of proving they did not consent to intercourse (which often requires finding male witnesses to attest to the rape). If they are unable to do so, women risk being held liable for committing a sexual act outside of marriage (zina) or potentially for raising a false accusation (quadf) (Redress 2008). Legal recourse for cases of rape therefore presents the possibility for punishment of the survivor and provides a strong disincentive for reporting.

The national government has taken some steps to address violence against women. In 2005, a state plan was introduced to combat violence against women, resulting in the creation of a new implementation unit within the Ministry of Justice. A no tolerance policy for sexual violence was further announced in 2007, as well as a commitment to the provision of medical care for survivors and punishment for perpetrators. The government also established Family and Child Protection Units. The Ministry of Justice issued two circulars in 2004 amending the Criminal Code calling for an increase of female police officers and repealing requirements for the completion of Police Investigation Form 8—a police form used in cases of SGBV in order to facilitate access to medical resources. Furthermore, a code of conduct for the Armed Forces was developed in 2007 which recognized in principle international crimes, including acts of rape committed in the context of war (Redress 2008). Within the Darfur Strategy, the government and state committees in Darfur reconfirm their commitment to increased security for women and girls, prosecution of perpetrators, improved access to judicial mechanism for recourse and provision of medical and psychosocial care (GoS 2013).

Despite these efforts, several reports also describe an active climate of denial within government and judicial institutions, which do not acknowledge that a problem of sexual violence against women exists. Several organizations report interference on the part of the government toward efforts to document the scope and magnitude of sexual violence, including intimidation and threats of jail. In an effort to circumvent potential government obstruction toward SG-

BV-oriented initiatives, several local and international organizations reported efforts to adopt alternative platforms for engagement, for example by leveraging reproductive health programs addressing health response and service needs for survivors. Despite government commitments to addressing SGBV as outlined within the Darfur Development Strategy, a similar approach will likely be necessary for future analytical and operational initiatives.

Additionally, misconceptions regarding use of Police Investigation Form 8 continue to discourage reporting of SGBV and block victims from accessing medical resources. Although completion of Form 8 is no longer required to receive medical treatment, the form is still necessary if victims would like to file a legal claim. Victims, frequently illiterate or with low levels of education, are often unable to fill out the forms themselves while the police are often untrained,

unhelpful or disinclined to provide support. Lack of understanding regarding the form often presents an additional barrier and disincentive for women seeking redress for violence perpetrated against them.

Other forms of gender-based violence prevail as well. Patriarchal practices such as early marriage and polygamy persist. There is no recognition of the offense of marital rape and domestic violence is increasingly evident, particularly in IDP camps, likely extending from conditions of extreme psychosocial trauma as well as from dislocation of male identities as the result of displacement. Attitudinal surveys with local populations reveal a persistent belief that assault and disciplining one's spouse is an accepted and acceptable practice in the home. Again, however, there is an absence of sufficient data.

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