Women's Studies International Forum 41 (2013) 122–131

Contents lists available at ScienceDirect

Women's Studies International Forum

journal homepage: www.elsevier.com/locate/wsif

The women's quota in conflict ridden Sudan: Ideological battles for and against gender equality

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ARTICLE INFO

Available online 25 April 2013

SYNOPSIS

This article explores women's substantive representation in Sudan's National Assembly. It examines the extent to which female legislators in the National Assembly represent women's interests, paying special attention to legislative initiatives and accomplishments following the signing of the peace agreement in 2005. The article highlights polarization rather than cooperation between women activists and women in the government as an important factor in explaining the lack of legislative accomplishments. There are competing gender ideologies between women activists demanding gender equality (*musawah*) and female legislators calling for gender equity (*insaf*). They are operating from isolated islands. The article argues that this limits the possibilities for a reform of Sudan's laws. Further, the increasingly polarized political landscape, limits the possibilities for even minor reforms on women's issues in the few areas where there is in fact a broad agreement between women activist and women in government on what constitutes acting in the interest of Sudanese women. Particularly after the International Criminal Court issued an arrest order for President Bashir in 2009, he has on more occasion than one turned to the religiously conservatives for support. While the religiously conservatives have the president's ear, the reformist voices within the government are marginalized, including the women.

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Introduction

This article explores women's substantive representation in Sudan's National Assembly.[1] It examines the extent to which female legislators in the National Assembly represent women's interests, paying special attention to their policy priorities, legislative initiatives and accomplishments. It looks at the period following the signing of the Comprehensive Peace Agreement (CPA) between the ruling Islamist National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM), which ended Africa's longest running civil war. It investigates particularly the period after the elections in 2010 and the subsequent 25% increase of female parliamentarians in the country's National and State Assemblies of which the overwhelming majority were from the Islamist state party, NCP.

Our findings suggest that the strategy of Islamist women within the government is to work inside the gender machinery of the state, but in doing so they are largely bypassing the National Assembly. Female legislators have not even been able to initiate a parliamentary debate on law reforms suggested by Islamist state organizations, institutions and ministries because they are weary of confrontation with conservatives in the National Assembly. During the CPA period, the quota itself stands out as the only legislative accomplishment thus far, partly because women's mobilization for the quota took place across party lines and ideological boundaries and partly because the initiative was not met by a counter-mobilization by the religiously conservative elements. The article highlights polarization rather than cooperation between women activists and women in the government as an important factor in explaining the lack of legislative accomplishments and debates.

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0277-5395/$ – see front matter © 2013 Published by Elsevier Ltd.
http://dx.doi.org/10.1016/j.wsif.2013.03.006

The NCP has succeeded in creating rift between women activists and women in government and this has weakened the opportunities for a strong and independent women's movement. The governmentalization of women's rights combined with an increasingly polarized political setting where the President, with an arrest order hanging over his head from the International Criminal Court (ICC), is seeking support from conservative elements inside and outside NCP, the article argues that this limits the possibilities for a reform of Sudan's laws.

The article attempts to contribute to the literature explaining why women parliamentarians in some countries have succeeded and others have failed in passing legislation to advance women's rights across Africa parliaments (see for example Britton, 2005; Burnet, 2008; Muriaas & Wang, 2012; Powley & Pearson, 2007; Waylen, 2007; Bauer 2012). Bauer and Britton (2006) highlight several sub-Saharan African cases where women legislators have had a positive impact on institutional cultures within parliaments, on legislation and on civil society. National women's movements and organizations (often with links to a global feminist movement) are identified by many as crucial in ensuring that women's legislators promote an agenda in which women's issues are prominent (Htun & Weldon, 2010; Tamale, 2000; Tripp, Casimiro, Kwesiga, & Mungwa, 2009; Weldon, 2002a, 2002b). According to Htun and Weldon (2012: 560), "a *strong*, *autonomous feminist movement* is both substantively and statistically significant as a predictor of government action to redress violence against women". Tripp (2008: 68) highlights the autonomy of the women's movement in Uganda as critical to its success (See also Tripp, 2006). Disney (2006: 31) says that in the reform of the family law in Mozambique, female legislators were able to work closely with women activists to push for a progressive version of the law. This also resonates with the literature on Northern Africa in explaining the *Mudawana* family law reform in Morocco in 2004 (Moghadam & Gheytanchi, 2010; Pruzan-Jørgensen, 2012). In sum, the literature puts emphasis on the autonomy and independence of women's movements coupled with women's ability to form broad coalitions across political parties, ethnic, and religious divides.

In explaining why broad and sustainable coalitions are not made between female legislators and women activists, several factors are mentioned in the literature including patronage politics, patriarchal norms, social authoritarianism, and parliamentarians' professionalization while in office (Bauer & Britton, 2006; Britton, 2005; Sater, 2012). This article highlights competing gender ideologies between women activists demanding gender equality (*musawah*) and female legislators calling for gender equity (*insaf*) as an additional factor in authoritarian Sudan. The Sudanese government has successfully polarized the two groups' positions between a "Westernized" and foreign stance on Sudanese womanhood emphasizing equality versus an "Islamic" and authentic stance on womanhood emphasizing equity. The government sidelines women activists as "Westernized" as they call for the ratification of international conventions and solidarity with a global feminist movement; deeming 'feminism' and claims to gender equality alien to Sudanese culture and society. This is partly cause by the fact that women activists embed their claim for gender equality in a broader call for democracy and human rights which threatens the foundation of the increasingly authoritarian regime. They refuse to cooperate with the government out of fear to give their autocratic rule legitimacy. Against this backdrop, cooperation and dialog between female legislators and women activists are difficult even on the few issues where there is in fact an agreement on what constitutes acting in the interest of Sudanese women.

The analysis is based on both authors' long term engagement and work on women in Sudan. The article builds on extensive interviews (70) in English and Arabic with female (and some male) legislators in the National Assembly and Khartoum State Assembly, female ministers and government officials, women activist, female (and some male) politicians, and international and UN organizations in, December, 2010, May 2011, May and October 2012 and February 2013.[2] The interviewees were recruited through our network of contacts that we have obtained through many years of engagement with Sudanese women. Many of the people interviewed for this study, socialized and discussed formally and informally with on previous occasions and field visits. We asked open ended questions on the policy priorities, initiatives for law reform/new laws, possibilities and constraint in post-CPA facing women in these endeavors, the working relationship/cooperation/dialog between the female legislators and other government institutions as well as civil society, the history and development of the woman's movement, and more specific questions regarding issues we knew were hotly debated like FGM, CEDAW and early marriage.

From conflict to peace: opportunities missed for Sudanese women?

Although there is considerable variation across Africa, the most significant advances with regards to women-friendly legislation have been made in post-conflict states covering a range of regime types, according to Bauer & Britton (2006: 11), see also Tripp et al., 2009; Waylen (2007), referring to South Africa, suggests that the political opportunity structure provided by a political transition opens up new possibilities for women. She suggests it was critical that there were opportunities in the reconstitution of post-Apartheid South Africa for women to make a difference. During the transition, women built a broad coalition with more than 100 women's organizations which laid the basis for future legislative changes (Britton, 2005). The end of armed conflicts in various countries have opened up new windows of opportunity for the mobilization of women and allowed them the chance to take part in the processes of constitution and lawmaking (Bauer and Britton, 2006).

Sudan is a particularly interesting case considering the fact that other post-conflict states have seen particularly significant advances (Tripp et al., 2009). The country has been in a state of perpetual conflict that stretches back long before independence in 1956. The current Islamist government in Khartoum, which has been in power since the coup d'état in 1989, continues the failure of previous governments to provide peace, stability, and democracy. Throughout its existence the Sudanese state has been characterized by a series of dichotomies: of Islamic law (Islamism versus secularism), of ethnicity (Arab versus African), and of centralization (Khartoum versus the rest of the country). The signing of the CPA sets the framework for a return to multi-party elections which had

eluded the country for nearly two decades. It represented a major opportunity for positive change and sustainable peace despite the outbreak of armed conflict in Darfur.

Although women were largely excluded from the negotiation table, the CPA opened up a political space, albeit limited, to openly criticize the status quo including the Islamist government's gender policies and laws. Despite the fact that the peace agreement was largely gender blind, the Interim National Constitution included clauses of gender equality and affirmative action (Itto, 2006). The Constitution stipulates in Article 15 on Family, Women and Marriage that "the State shall emancipate women from injustice, promote gender equality and encourage the role of women in family and public life" and in Article 32 on the Equal Rights of Men and Women that "the equal rights of men and women to the enjoyment of all civil and political rights and all social, cultural and economic rights, including the right of equal pay for equal work, shall be ensured". Although women did not participate in drafting the constitution, they put it on the political agenda. Women from various political parties discussed the draft constitution and wrote a memo where they urged the final version to be gender sensitive (Badri, 2003).

In the wake of the CPA, women activists have particularly been preoccupied with law reform in an attempt to cease the moment that the equality clauses in the Interim National Constitution (2005) offered them. Following the peace agreement, committees were appointed to revise laws in light of the Constitution. Hopes were high as several processes were initiated by the government while the activists formed separate groups for discussing the same laws. There is a range of 'Islamic' laws codified during the last 23 years of Islamist rule in Sudan, particularly The Muslim Family Law (1991), The Criminal Law (1991) and The Khartoum Public Order Act (1996) which contradicts the equality stipulations in the Constitution. These laws are heatedly debated in post-CPA Sudan and regarded as obstacles for achieving full gender equality in the country. The family law in particular has become a "benchmark of feminist struggle" (Joseph, 2000: 20). But the government initiated law review processes have largely excluded civil society and so far these laws have not been amended.

There were attempts to bring Sudanese women together to write a charter. In April 2005, the Norwegian Ministry of Foreign Affairs, in preparation for Oslo Donors Conference, supported Sudanese women to prepare the "Oslo Women's Priorities for Recovery and Reconstruction" (Karamé, 2005). Later the American NGO, The Institute of Inclusive Security, facilitated workshops and seminars to get northern and southern Sudanese women together in the same room to talk. But these attempts largely failed in building a platform in which both parties were committed. At a workshop on political participation in 2006 organized by Inclusive Security in which Sudanese women's priorities were written down and later hand delivered to the Norwegian minister of development, the Islamist women from NCP were large absent. The most successful attempt was funded by the Dutch Embassy in an organization called Sudanese Women Empowerment for Peace (SUWEP).[3] But the outbreak of armed conflict in Darfur and in the east made it even more difficult to gather women across divides. Women in the regions remain distrustful towards women in the center of Khartoum because of decades of political, economic and cultural marginalization. Northern and Southern Sudanese women were not able to build a broad and sustainable coalition and remained fragmented throughout the post-CPA period. According to Balghis Badri at Ahfad University for Women, "the Sudanese women's movement do not take advantage of the right times of history. Like after the popular revolution in 1985, we signed the convention for political and civil rights, but not CEDAW. We missed our chance".[4] Sudan, together with the U.S., Somalia and Iran, has not ratified the Convention for the Elimination of Discrimination against Women (CEDAW).

The large international presence in the country following the peace agreement made available resources to advance women's rights. The women's movement has not been dormant before the CPA, but the new windows of opportunity offered by the peace agreement created a space for mobilization and action (Itto, 2006). After the war ended, there was an explosion of NGOs; Sudan has never seen so many NGOs working within the field of gender and women's rights as after the CPA (Ahfad University for Women, 2012). The international presence offered Sudanese activists capacity building, funding to establish NGOs and run programs and exposed them to activists in the region and globally working to better the situation of women within a range of areas like for example political representation and peace building.

At the same time as the post-CPA period opened up for the mobilization of women, it also saw the emergence of other forces which used this new space to forward views to limit rather than expand women's rights. Among these forces is Salafism prominent, a conservative Wahhabi inspired Islamic trend emphasizing religious piety and public morality; a version of Islamic practice and politics which has come to the surface in countries rocked by the Arab spring like Egypt and Tunisia. The largest Salafist group, Ansar al-Sunna, has partly been coopted by the government. It is a missionary (*dawa*) group, but has participated politically with individual candidates on NCP's party lists. The group has members of parliament and some ministers in the current government. Their ideology on women's rights is more conservative than that of the Islamists, aimed at gender segregation by for example advocating the use of face veil (*niqab*). Other more radical and potentially violent Salafist groups are vocal, but lack the social basis of Ansar al-Sunna. The radical groups face surprisingly few restrictions in their activities from the government some of which is to issue fatwas against those who step outside of what they regard as the boundaries of Islam like for example the communists and progressive Islamic thinkers. This article helps illustrate that political transitions such as the one offered by the CPA in Sudan open up space for the mobilization of women's movements, but it has equally been conducive for the growth of movements and actors opposed to gender equality.

With the secession of South Sudan in July 2011, the political liberties enjoyed after the peace agreement are starting to shrink as Sudan is contemplating a new constitution amidst the breakout of armed violence at the border between the two new states and an arrest warrant hanging over the Sudanese president's head from the ICC for crimes against humanity and war crimes in the western province of

Darfur. Oppositional politicians, human rights activists, including women activists, are facing restrictions.[5] To give one recent example, members of a youth group called Girifna which translates into "we are fed up" are facing charges of terrorism.[6] Girifna was one of many groups which demonstrated against the government last year in what was an attempt to follow Egypt and Tunisia in ousting the government. The government successfully suppressed the "Arab spring" in Sudan. President Bashir said to the protesters "those who expect an Arab Spring will not see it because Sudan has a hot summer that will burn its enemies and grill them".[7] The president has also stated that the new constitution will serve "as a template to those around us. And our template is clear, a 100% Islamic constitution, without communism or secularism or Western (influences)".[8] There is widespread discontent, not only from the political opposition but from Islamists themselves.[9]

Women's mobilization for the quota: broad coalition for women's political representation

The 25% women's quota came about through a broad mobilization of Sudanese women. It is based on the experience of continuous low representation that Sudanese women in the country's elected and appointed parliaments throughout post-independence, that they saw the need for it (Badri, 2007, 2008).[10] During Islamist and military reign (1989–present), women's representation in the legislature has been between 4% and 9% in the period between the first parliamentary elections in 1996 until the signing of the CPA in 2005. Then it increased in 2005 as part of the CPA framework to 13% (Abdel Aal, 2008; Kuku, 2009). In the words of a woman activist the quota "breaks the silence in decision-making of a patriarchal political system".[11]

The women's movement in northern Sudan has long historical roots going back to before the country's independence in 1956. It has had its support base among the educated in the urban centers of the Sudan. Already in 1952, the Sudan Women's Union was established which was a political turning point. In the 1958 elections, educated women were allowed to vote. All Sudanese women were allowed to vote following the October revolution in 1964. Fatima Ahmed Ibrahim, from the Sudanese Communist Party was the first woman to be elected to parliament in 1965. She was backed by a strong woman's movement at that time. Following a socialist coup d'état in 1969, some of Fatima Ahmed Ibrahim's demands which she fought for in the parliament were made into laws, Most of these laws were within the area of women's economic and working rights; equal pay for equal work for professional women, an extension of paid maternity leave from four to six weeks and the right of 1 h of lactation during the work day, a guarantee that women would not lose their jobs upon marriage, and securing women's pension rights. At this point in time, the family law was not on the agenda of women activist. It was considered 'private' and outside the realm of politics.[12]

Sudanese women's activists were supported by an array of international initiatives and platforms to increase women's representation in decision-making. The increased and continuous engagement of the international community after the signing of the CPA has encouraged and pushed for the quota with funding from various sources including the Frederich Ebert Foundation (Abbas, 2010). UNDP's capacity building project for women in political parties resulted in the "Women in Political Parties Forum" which played a noticeable role in the mobilization for the quota. Initially, they aimed to include a quota in the Political Parties Act, but were unsuccessful. Then, they mobilized for a quota in the 2008 Election Law. The mobilization for the quota included a wide range of activities; preparatory workshops, papers, memorandums, position papers, radio and television programs and press conferences. In the mobilization process women cooperated and coordinated their activities despite their divergent interests, ideologies and political affiliations. In the words of Niemat Kuku, "women came together from different political parties and ideologies to promote women's participation".[13] Although Southern Sudanese women got a 25% women's quota already in 2005 as it is stipulated in the South Sudan Interim Constitution, Southern Sudanese women supported the national quota at the same time SPLM were preparing for the referendum in January 2011 and later the secession of South Sudan in July 2011.

Although the initiative for the quota originated in civil society, it did not meet much resistance among Islamist women within NCP, mainly because it is regarded as in line with the party's gender ideology. Both Islamists and women activists and politicians mobilized for the quota together. They advocated a 30% women's quota for which most political parties agreed. They referred to the 2005Constitution as the primary national legal framework, particularly emphasizing article 32 (2) stating that "the State shall promote woman rights through affirmative action". The fact that they were able to mobilize together, was identified as crucial for its success by the actors involved. According to a woman advocate for the quota, Samira Mahdi from the Democratic Union Party;

> "the mobilization for the quota was successful because we were organized and united in our advocacy strategy. We met all political leaders to guarantee their support. In addition, we organized demonstrations to the parliament and these had wide media converge."

Eventually, the 2008 Election Law was passed in the National Assembly with a reserved quota for in the country's National and State Assemblies.[14] 112 (25%) would be filled through separate and closed women's lists.[15] The form the quota took was regarded by many women activists as giving political parties little incentives to nominate them in 'core' geographical constituencies or party lists (Abbas, 2010: 105). The biggest accomplishment of the quota was how it came about, namely through a broad mobilization of women across ethnic, religious, ideological and party lines.

The high hopes and expectations from women activists to the legal changes the quota would bring for women, were replaced with disappointment during the 2010 elections. The SPLM was rather uninterested in the national election and focused on the southern states in preparation for the referendum and later the secession of South Sudan. The NCP used state resources for its campaigns while constraining and restricting other political parties from access to resources and

media. Major political parties in opposition boycotted the elections altogether. The Islamists therefore won the overwhelming majority of the seats reserved for women in the northern states; only two seats were won by SPLM and one from the Umma Federal Party. This meant that the National Assembly after the secession of the South does not represent a diversity of political parties or women's voices, but is largely dominated by the NCP.

Competing gender ideologies: female legislators and women activists standing against each other

The dominant gender ideology represented in the National Parliament is the one advocated by the ruling party; an Islamist ideology emphasizing the principle of equity (*insaf*). Equity within an Islamic frame emphasizes piety, distinguishing it from equality, which they consider Western and secular and thereby irrelevant to Muslim Sudanese society. Although the female legislators elected to the National Assembly are not pro-equality in terms of women's rights, does not mean they cannot initiate legislation in women's interest in areas such as FGM, maternal mortality, and education within the paradigm of equity. As rightly pointed out by Celis and Childs (2011) substantive representation of women does not equal the *feminist* substantive representation of women. We do not regard Islamist women in a perspective rendering them some sort of false consciousness, but we do acknowledge that our analysis "is embedded in feminist theory" (Dahlerup, 2009: 10). We are cognizant of the fact that female legislators in African parliaments "have an agenda that is demonstrably broader" than those in Western parliaments, including poverty reduction and HIV/AIDS (Bauer & Britton, 2006).[16] In this article, we look more narrowly at law reform; mainly because it has been identified by both women in government and by women activist as important in the post-CPA period. In the words of Attiyat Mustafa, the head of the Violence against Women's Unit and a member of parliament for the NCP; "this is an era of law reform".[17]

The Islamist agenda: gender equity (*Insaf*) embedded within authoritarianism

Islamists, generally speaking, promote the paradigm of gender equity (*insaf*) in the official articulation of the state. The Islamist gender ideology as it is postulated by the state machinery builds strongly on the concept of *qawama* (male guardianship) where women and men have different, and complementary, roles and responsibilities because they are born biologically different. According to Islamists, the ideal man has the role of protector and caretaker, whereas the ideal woman has the role of the nurturer and caregiver. The Muslim Family Law (1991) builds on this patriarchal principle. However, the Islamists do not view *qawama* as unfair or discriminatory; rather they see it as a form of affirmative action. It is seen as perfectly compatible with the Constitution and especially the articles on affirmative action towards women.

Not surprisingly, the interviews conducted for this study suggest that overall gender equality is not a policy priority for the female legislators in the National Assembly. This is demonstrated in their rejection of CEDAW, which they deem of no relevance to Sudanese society. In the words of female legislators both in the present and in the previous National Assembly, it stands "against Sharia law. Specifically article 16 which refers to absolute equality between men and women"[18]; "CEDAW conflicts with our religion"[19]; "I have participated in debates about CEDAW inside and outside Sudan. And I disagree with it because it conflicts with Sharia". But their rejection of CEDAW remains ambivalent as Islamists' claim to women's political participation is embedded in the convention. Their rejection is thus selective and a demonstration of what they regard as an alternative way to women's empowerment; one that takes route through Islam and not Western feminism. In their opinion, women's right to political participation originates in Islamic tradition itself and against this backdrop increasing the number of women in parliament is seen as showing the world a modern face of Islam; it is not seen as blind adoption of international norms (for more on the debate on CEDAW and Islam, see Tønnessen, 2013 and Tønnessen, 2011a, 2011b).[20]

Interestingly, Islamists reject CEDAW as 'Western' and argue for gender equity, but at the same time Islamist women demand equal opportunity to education and work and argue for equal pay for equal work. To advocate the women's quota, therefore, was in line with their ideology as they do not regard religion as an obstacle to women's political participation. Islamists legitimized the claim for women's increased political participation in Islam. Points of reference were made to the ideological founder of the Islamist movement in Sudan, Hasan al-Turabi, who already in 1973 argued for women's political role in an Islamic state (Al-Turabi, 1973). Turabi and many Islamist women with him argue for women's political participation referring to women's and men's biological differences and the need to have both 'soft' and 'hard' elements included in decision-making.[21] Therefore, the initiative did not face any counter-mobilization by the conservative elements in the NCP.

But women's participation in political and public life is conditioned upon a certain type of Islamic dress and moral behavior. Nageeb and others point out that the "woman question" has served as a driving vessel in the political project labeled "the civilization project" by the Islamist stakeholders (Al-Bashir, 2003; Hale, 1997; Nageeb, 2004; Tønnessen, 2011a, 2011b). The centrality of "family" to the Islamist political project as it has been codified in state laws is closely related to *control* of women's dress, interaction with men outside the family and behavior in public spaces, including educational institutions and work places, but also spaces of leisure, and even the streets and public transportation (Nageeb, 2004).[22] One of the laws which are supported by female legislators is the Khartoum Public Order Act (1996) which stipulates the modest dress of women and the proper moral behavior of men and women in public spaces. In the words of a female legislator: "I fully support the public order act as it is needed to monitor women dress and discipline men's and women's interaction in public".[23]

Interviews demonstrate that emerging reformist voices within NCP. One of the issues in the current family law that is a concern to most of the Islamist women is early marriage. In the 1991 law a judge can affirm a marriage for a minor of ten years amending prior legal marriage age of eighteen years (Fluehr-Lobban, 2012: 139). A reform within this area of law

is important, because it has become a widespread practice during this regime. According to the Sudan Household Health Survey (2006), within the group of women between the age of 15 and 48, around 37% were married before the age of 18, and 12.5% before the age of 15 (15–48).[24] The arguments used by Islamist women inside and outside of the National Assembly for abolishing the practice of child marriages relate to reducing maternal mortality rates and also increasing women's participation in both education and in the labor force. According to Attiyat Mustafa, who by most is regarded as a conservative, "the family law is perfect except for the early marriage. We need to decide what the proper age of marriage is. Now it is 10".[25] On early marriage it seems like even the conservative female members of the National Assembly and women in the NCP more generally see the need for a minor reform.

Samia Hassan Sidahmed, who is the leader of the women's parliamentarian caucus and a member of parliament from NCP, admits the need for minor legal reforms of the family law but says that "we cannot do it in parliament" (quoted in Tønnessen & Kjøstvedt, 2010: 22). She says further that they have to work outside the National Assembly to initiate reform. This is particularly interesting because many of the female legislators wear several hats at the same time, with one foot in the National Assembly and the other in Islamist organizations or government institutions. To give an example, the leader of Sudan Women's General Union, Raga Hassan Khalifa, is also a member of parliament for NCP. But while in the National Assembly they do not voice the emerging critiques. In the words of an Islamist outside of the National Assembly who have joined the opposition; "the women in parliament are marginalized. They cannot talk about the sensitive issues; FGM, early marriage and polygamy".[26]

In many ways, they seem to grow more conservative the very moment they enter the halls of the National Assembly. This mirrors the limitations by party patronage put forward in the general literature (See for example Muriaas & Wang, 2012; Bauer & Britton, 2006). They have been put in "positions of recipients of political favors" to the NCP and the president (Sater, 2012: 73). While in parliament, the women therefore perform loyalty to the NCP and the president. In the words of an Islamist female minister, "you do not want to rock the chair you sit in".[27] If women from the NCP step outside of the ideological limits, they risk marginalization. In the words of a civil society actor; "the Islamist women themselves risk being attacked by their own party members if they start listening to the women activists".[28] Against this backdrop, women walk a fine line in finding spaces for action that stretch, but do not overstep, the ideological boundaries set in place by the Islamist state.

In the post-CPA period there has been little legislative assertion and even parliamentary debates within the area of women's rights both before and after the quota. This supports the literature stating that there is not necessarily a link between descriptive and substantive representation (Celis and Childs, 2008; Childs & Krook, 2006). But, the women in parliament have so far given legitimacy to laws ensuring the rise of military budgets, the lifting of subsidies on sugar and bread, renewed war at the borders between the north and the south and support of a president and government indicted by the ICC. You have seen similar tendencies like in Rwanda where women have contributed in strengthening an authoritarian state. The difference between the two cases is that in Rwanda, female legislators have simultaneously been able to push through several new laws to advance women's rights (Longman, 2006: 133).

But there are initiatives in the wake of the law reform processes which started after the CPA (The Women's Human Rights Center, Ministry of Welfare and Social Security, 2013). The strategy is to work inside the gender machinery of the state (but outside the National Assembly) to initiate a process of law reform. In that process, female legislators engage mostly with the Islamist women's organizations and government units, institutions and ministries like the Violence against Women's Unit headed by Attiyat Mustafa. The current minister of Social Welfare and former head of National Council for Child Welfare, Amira al-Fadil, have taken steps to criminalize FGM and initiated a review of Sudan's law in a gender perspective. In the SWGU, to which most of the Islamist women representing the NCP in parliament are active in, have supported some of al-Fadil's efforts.[29] But there are conflicts between the initiatives and the personalities. So far there is no broad agreement on the reforms suggested, with the exception of early marriage.

The Islamist women are well aware that the Salafists in particular will mobilize against them. They are concerned about the growing influence of these forces. Their strategy is to emphasize the Islamic perspective trying to get the conservatives to embrace the concept of law reform in itself; among those conservatives are also some female legislators within the National Assembly. According to an Islamist woman heavily involved in the law review processes:

> "Islam is not the problem. It is very civilized. It is a beautiful religion for women. But the extremists, the Salafists, are against the concept of law reform. They say Islamic law is the Quran and Sunna and it cannot be changed. We are throwing a stone in stagnant water. We will meet resistance. Some sections of society are against it".[30]

So far, the attempts to work from the inside have failed. This was demonstrated in the effort to criminalize FGM. It should be noted that this took place before the quota was implemented and thus the initiative itself does not come as a consequence of an increase of female legislators. This is the only occasion in post-CPA Sudan in addition to the quota that Islamists and women activists in civil society have actually cooperated to a certain extent. However, the inclusion of civil society actors was only partial and there was neither a broad coalition nor a broad mobilization set in place. The efforts have been pushed and supported by UNICEF and UNFPA, but also International organizations like Save the Children Sweden. This was partly facilitated by the fact that Sudan is signatory to the Convention on Child Rights. The National Council for Child Welfare drafted a Child Law which in its article 13 criminalized FGM, which was a clear recommendation from the child rights commission. It supports the literature which highlights the importance of international convention as a framework for action (Bauer & Britton, 2006; Tripp et al., 2009), but it took almost 20 years from Sudan signed the convention until the new Child Rights Law came about in 2010. The law went through all the way to the

council of ministers where it was about to be approved with article 13 in it, but then the President himself turned up and ordered it removed. The law never reached the National Assembly with article 13.

To work within the area of FGM awareness and eradication has not been considered a particularly sensitive area of intervention, at least compared with sexual and domestic violence and the family law, because leading Islamists like Hasan al-Turabi has spoken out against the practice and has not circumcised his daughters. But with the initiatives to criminalize it, conservative forces within NCP and Salafists started to mobilize against it using Islamic arguments. Although they stand against the pharaonic version (infibulation with excision), they advocate the Sunna form (clitoridectomy) using religious arguments. The events are described by an interviewee closely involved in the process in the following manner:

> "We attempted to insert an article, article 13, in the National Child Law. But it was dropped by the President. He was under pressure from the ICC. He started to talk to the Salafists who advocate the Sunna circumcision. They say it is Islamic. Against this backdrop, the criminalization of FGM was portrayed as an intrusion from the West; That the National Council for Child Welfare, a government institution, was working for the UN. (…). The "no" came from the supreme leader himself."[31]

There are several factors which converged in order to stop the law criminalizing FGM. Even if some civil society organizations like Babiker al-Badri Scientific Association was included, there was not a broad coalition of women mobilizing together. It demonstrated not only that there is a disagreement from within NCP on FGM, but also that there are some female parliamentarians who continue to defend the Sunna circumcision; "I know that there are two types of FGM. We should criminalize the pharaonic one, but we should allow for the Sunna."[32]

Further, the law was coupled with growing international pressures and economic sanctions, whereby the president found himself pushed into the corner. The law came at a time when he was facing indictment and arrest order form the ICC on charges on crimes against humanity and war crimes in Darfur. The secretary general of the National Council for Child Welfare at the time was accused by high ranking members of the National Assembly of "running the errands of the West".[33] The intimate working relationship with the UN was counter-productive against this political backdrop. Criminalization of FGM was seen as blind compliance with Western (neo-colonial) legal norms. The Salafists mobilized against the criminalization deeming it un-Islamic. Events and workshops on FGM were hijacked by Salafists. In the end, the President listened to the conservative tendencies rather than the reformist women within his own party, using anti-Western rhetoric. This suggests that the reformist voices are marginalized.[34]

The feminist agenda: gender equality (*Musawah*) embedded within democracy

There are self-declared feminists in Sudan who in the eyes of some Islamist officials are running the errands of the West, because they argue for the ratification of CEDAW, seek support in a global feminist movement, and use human rights arguments to justify their demand for gender equality and democracy. The group of feminists and activists includes a diverse set of actors advocating gender equality who are currently in stark opposition to the current regime. In the words of Asha al-Karib, a woman activist in the organization Sudan Organization for Research and Development:

> "We are challenging the dominant discourse. We have a clarity of who we are and what we want, namely gender equality. We have had a greater exposure to women's experiences in the world. The previous movement did not challenge the discourse. We are doing that now. By "we" I mean the progressive movement who believe in gender equality and believe in equality more generally".[35]

While some activists are secular at heart and others have an Islamic basis, they employ religious arguments to argue for law reform to foster women's equal rights. This is partly a pragmatic move to counter the government attempts to sideline them as "Western" and thus foreign to Sudanese culture whereby they try to abolish the distinction between opposition to the state and opposition to Islam. It is also partly an Islamic feminist project which genuinely believes that gender equality is part and parcel of the religious sources.

They thus try to detach gender equality with its wrongful association with Western domination and situate it within Islam itself. As pointed out by Samia Hashmi, a female lawyer and activist, "Women have become critical symbols between Islam and the West. But what the government is practicing is not Islam, it is oppression".[36] As such, the international dimension has reinforced the polarization between the two positions rather than enabled a dialog and common platform between women across political parties and ideological divides.

Family law is a major focus in their advocacy work embedded in a fundamental rejection of the notion of *qawama*. As in other countries in Africa and beyond (Htun and Weldon, 2011), family law remains a contentious political field of feminist intervention inside and outside of parliament. Child marriages, polygamy and male guardianship are high on the agenda. An alternative family law has been proposed by Asha al-Karib (SORD, 2011). This is presented as an alternative to the status quo and the strong governmentalization of women's rights. It is clear that there are pockets of agreement, for example on child marriages. But there are also major disagreements, particularly regarding male guardianship (*wali*) for marriage, polygamy, and inheritance. According to the 1991 law, a woman needs a male guardian (*wali*) to validate the marriage (article 25). This follows the practice of the Maliki law school, and it thereby revoked a judicial circular from 1960 based on the legal preference of the Hanafi law school, according to which a woman can contract marriage herself without a male guardian (Fluehr-Lobban, 1987). While women activists argue for the reinstatement of the Hanafi interpretation, Islamist women insist on the continued practice of Maliki. According to women activists the 1991 law is built on a philosophy that "women are less than men" and it therefore needs a radical reform that eradicates the principle of *qawama* it builds on, not a minor one which continues to support a view that women are under the guardianship of men.[37] While the

government do not want to support initiatives taken in civil society, women activists principally do not support the law reform process run by Islamist women. In fact they are concerned that this law reform is only initiated to point out the discrepancies between the Interim National Constitution and the laws, so that they can take away the gender equality clauses in the new "100% Islamic constitution". They are therefore facing an unpredictable legal map. Since Sudan has not ratified CEDAW, activist argue, they can potentially lose their main legal framework for advocating change.

Women activists are largely excluded from the formal law review processes initiated by the government. The lack of influence of women outside NCP on those inside it is striking (Abbas, 2010: 107). As many interviewees say, women are working against each other rather than with each other to push for a reform.[38] In the words of Fahima Hashim from Salmmah Center, the consequence is that "there is no coherent women's movement in Sudan. We are operating from isolated islands".[39] Competing ideologies are given as a major reason for this. According to Samia Nihar, "there is a clear division among women along ideological lines".[40] Particularly the government's rejection of CEDAW is fore fronted as a source of continued division between the two groups. In the words of an activist, "CEDAW is like the devil to them. Instead of moving forward, this regime has taken us backward".[41]

The ideological division is not only embedded in gender, but also in a broader call for democracy and human rights. While law reform within the area of women's rights does not directly threaten an increasingly autocratic state, calls for freedom and multiparty rule does. Women activists are largely (but not entirely) overlapping with members of oppositional political parties. This makes it difficult for reformist women in the government to reach out for support in civil society because women activists are so strongly demanding the end of the regime in which they are participating. They refuse to cooperate with the government out of fear to give their authoritarian rule legitimacy. According to Asha al-Karib "the government is against human rights. (…) We are dealing with a one party government which stands against women's rights. It is a tough job."[42] This confrontational line mirrors that of the oppositional political parties who decline to take part in the constitution-making processes initiated by the government unless the president guarantees that it is a genuinely inclusive invitation aimed at political reform. They refuse, because they are afraid that the Bashir will force through his '100% Islamic constitution' no matter what while wrongfully presenting it to the public as an outcome of an inclusive process.

Women activist thus see their work during the post-CPA period as preparation for when this regime will fall, more than an attempt to try to influence its policies. According to Balghis Badri at Ahfad University for Women;

> "Women know where and how to make pressure when there is a regime change. Now we are present in all spheres (…). Although this regime is oppressive, there have never been so many women NGOs and never been so much awareness. There is more engagement. We have had more exposure to the international community; we have started to learn and see; we have started to mature during this repressive regime. We are ready!".[43]

Conclusion

The article argues that the competing gender ideologies and consequent polarization between women activist and women in National Assembly limit the possibilities for a broad coalition and subsequent united pressure for a reform of Sudan's laws. The current government has succeeded in creating an ideological rift between women activists and women in government and this has weakened the opportunities for a strong and independent women's movement, something which several scholars identify as crucial for legislative assertion within the area of violence against women. This article contributes to the scholarly debate by emphasizing competing gender ideologies in explaining why female legislators in Sudan have failed in initiating and passing legislation to advance women's rights. This ideological divide weakens the reformists working from within the government to initiate reform, because they cannot rely on the backing, support and broad mobilization of women to push, lobby and make a roar in media, the streets and inside and outside the National Assembly. The fact that they were able to do this in the mobilization for the quota itself, demonstrates that they are successful when they work in tandem. The quota was a rare occasion during the current regime, when women activists and women in government have mobilized together across ethnic, religious, ideological and political divides. The only other occasion this broad mobilization took place during the last 23 years of Islamist rule was when the governor of Khartoum, Magzoub al-Khalifa Ahma, issued a decree in 2001 banning women from working in services rendering direct service to men like restaurants, petrol stations etc. According to the governor, women's morality was compromised when they rendered direct service to men, and this improper behavior was not in accordance with Islam. Women activists and Islamist women came together, organized demonstrations and eventually took the decree to the constitutional court. They resisted this attempt to restrict their presence in the public sphere, arguing successfully that it limited women's exercise of their constitutional right to work They won the case and the decree was deemed unconstitutional (Tønnessen, 2011a, 2011b).

The article demonstrates further that "feminist pressure alone does not suffice; there must be openings, needs, or elective affinities with the state" (Htun & Weldon, 2011: 4). At the same time as the peace agreement opened up for the mobilization of Sudanese women, it also saw the emergence of other forces which used this new space to forward views to limit rather than expand women's rights. The results of these negotiations depend on patterns of state building, but also coalitions between social actors and their ability to take advantage of political opportunities and openings in the state (Charrad, 2001; Htun & Weldon, 2011; Moghadam & Gheytanchi, 2010) In the wake of the Arab spring, there is an emergence of conservative religious forces in the politics of Egypt and Tunisia. The Salafists has entered the political landscape also in Sudan and president Bashir has turned to

them for support, particularly after increased national and international pressures. The president's Salafist turn is described by the one spearheading the reformists in NCP as the "acts of a drowning person clinging to a straw".[44] When women within the government attempted to criminalize FGM, their counter-mobilization proved successful. While the Salafists have the president's ear, the reformist voices within NCP are marginalized, including the women. At the time of writing, the woman behind the attempt to criminalize FGM has resigned from her post as minister of Social Welfare. This she did after a workshop launching a report suggesting reforms in the country's family law and criminal law. The reforms suggested from Islamist women are considered against Islam by these conservative religious forces and they are mobilizing against it deeming them against religion. But the importance of these voices should not, however, be underestimated. They are, at the very least, showing an alternative way of interpreting Islam; an understanding of religion that allows for the expansion of women's rights. They are showing that Islam is not only a constraint (Creevey, 2006), but also offers a possible framework for the expansion of women's rights in Sudan.

Acknowledgements

Funding for this article was provided by the Norwegian Research Council on a collaborative project between Chr. Michelsen Institute (CMI) and the Regional Institute of Gender Peace Diversity and Rights at Ahfad University for Women.

Endnotes

[1] Following the division made by Franceschet, Krook, and Piscopo (2012) between descriptive (standing for women), substantive (acting for women) and symbolic (role modeling women) representation.

[2] Interviews in May 2012 were conducted by our research assistant, Nuha Ahmed Mohamed, with an interview guide developed by the authors. All other interviews were conducted by the authors.

[3] Interview on October 8, 2012, with Zaynab Elsawi, leader of SUWEP.

[4] Interview on October 15, 2012, with Balghis Badri, Professor at Ahfad University for Women and member of the Umma Party.

[5] "Sudanese security agents break into home of opponent in capital" *Sudan Tribune*, January 22, 2013, http://www.sudantribune.com/spip.php?article45268.

[6] "Sudanese activists to stand trial on terrorism-related charges", *Sudan Tribune*, July 26, 2012, http://www.sudantribune.com/spip.php?article43377.

[7] "Protesters hoping Arab Spring will face hot summer in Sudan — Bashir", *Sudan Tribune*, June 11, 2012, http://www.sudantribune.com/spip.php?iframe&page=imprimable&id_article=43240.

[8] "Sudan's Constitution to be "100 Percent Islamic", Says President Bashir", *Pan-African News Wire*, July 8, 2012, http://panafricannews.blogspot.com/2012/07/sudan-constitution-to-be-percent.html.

[9] "The Sudanese Islamic Movement: a parastatal tareeqa", *Sudan Tribune*, November 21, 2012, http://www.sudantribune.com/spip.php?article44594.

[10] The political representation of women has historically remained low in the post-independence period, both in elected (1956–1958, 1964–1969, 1985–1989) and appointed (1958–1964, 1969–1985, 1989–2010) National Assemblies.

[11] Interview on October 22, 2012 with Niemat Kuku, woman activist at the Gender Center for Research and Training in Khartoum.

[12] Interview on October 9, 2012, with Nefissa Ahmed al-Amin, Founding member of Sudan Women Union.

[13] Interview with Niemat Kuku.

[14] Out of 450 seats in the National Assembly 270 (60%) would be filled by simple majority to represent the geographic districts in every state. 112 (25%) would be filled through separate and closed women's lists at the level of states, where each voter votes for one women's list only (and for the whole list as opposed to specific individuals on it). For lists to qualify for a seat they must receive no less than 4% of the vote. The seats designated to the women's lists shall then be allocated on the basis of the number of votes obtained by each list. 68 (15%) would be filled from party lists based on proportional representation (National Elections Act 2008).

[15] The quota did not only increase the number of female parliamentarians at the national and state level, the number of women candidates running in the election increased; within the ten states of South Sudan reached 782 and those running for the national and state assemblies in the north were 2778. In addition, four women ran for governor and for the first time in Sudanese history a woman ran for President (Badri, undated:1).

[16] Even if we look at these areas, the competing gender ideologies are at play. For example, the Islamists insist on the role of the man as the caretaker of the family which affects policies for poverty alleviation. Also, the debate about condoms as a means to prevent HIV/AIDS has been controversial and hotly debated in the National Assembly.

[17] Interview on May 26, 2011, in Khartoum with Attiyat Mustafa, Member of parliament for NCP and head of the VAW unit.

[18] Interview on May 4, 2012, in Khartoum with Balghis Ittigani, Member of parliament for NCP.

[19] Interview on May 1, 2012, in Khartoum with Hawwa Abdel Shafi, Member of parliament for NCP.

[20] Interview on May 4, 2012, in Khartoum with Amani Abdelrazik Suleiman, Member of parliament for NCP.

[21] Interview on October 17, 2012, in Khartoum with Hasan al-Turabi, leader of the Popular National Congress Party.

[22] Interview on October 10, 2012, in Khartoum with Raga Hassan Khalifa, Member of parliament for NCP and head of SWGU.

[23] Interview on May 2, 2012, in Khartoum with Alawiya Abdel Gadim, Member of parliament for NCP.

[24] Sudan Household Survey, 2006, http://www.irinnews.org/pdf/pn/SHHSreport.pdf.

[25] Interview with Attiyat Mustafa.

[26] Interview on October 22, 2012, in Khartoum with Lubaba al-Fadl, Islamist activist in the Popular National Congress.

[27] Interview on May 25, 2011, in Khartoum with Afaf Abdel Rahim, Minister of Social Welfare for NCP, Khartoum state.

[28] Interview on October 10, 2012, in Khartoum with Aisha al-Karib, women activist in SORD. She has a background in the Sudan's Communist Party.

[29] Interview on October 10, 2012, in Khartoum with Raga Hassan Khalifa, Member of Parliament for NCP and head of SWGU.

[30] Interview on February 28, 2013, in Khartoum with Soad Abdel Aal, Islamists and head of Women's center for human rights under the Ministry for Social Welfare and Security.

[31] Interview on October 22, 2012, in Khartoum with Samira Amin Ahmed, UNICEF.

[32] Interview on May 3, 2012, with Fatima Abdelrahman Abdallah, Khartoum Legislative Assembly.

[33] Interview with Samira Amin Ahmed.

[34] Although women failed to criminalize FGM at the national level, they were able to push through a criminalization of FGM in five state assemblies, more specifically in Gedarif, South Kordofan, Red Sea, Western Darfur and Southern Darfur. This illustrates that the state does not operate as a unitary whole and that there are different political dynamics at play in the capital and at the local level. These variations need to be studied in future research. The authors were unable to get travel permits; some of the other states are currently conflict zones and difficult to access. Preliminary interviews in Khartoum made it clear that the process took different shape in each of the states.

[35] Interview with Aisha al-Karib.

[36] Interview on May 21, 2011, in Khartoum with Samia al-Hashmi, woman activist and lawyer Mutawinaat.

[37] Interview on May 25, 2011, in Khartoum with Aisha al-Karib.

[38] Interview on October 17, 2012 in Khartoum with Miriam Sadiq al-Mahdi, Umma party.

[39] Interview on October 8, 2012, in Khartoum with Fahima A. Hashim, woman activist and leader of Salmah Center.

[40] Interview on October 14, 2012 in Khartoum with Samia Nihar, women activist and researcher at DSRI, University of Khartoum.

[41] Interview on October 10, 2012, in Khartoum with Sawsan Hassan Elshowaya, Asmaa society for development.

[42] Interview with Aisha al-Karib.

[43] Interview with Balghis Badri.

[44] Interview on March 6, 2013, in Khartoum with Ghazi Salah al-Din al-Atabani, parliamentary leader for NCP.

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