

Women and Public Order in Khartoum, Sudan

Restrictive interpretation of Islamic morality is enforced through criminal code in northern Sudan. **Curtis F. Doebbler** describes the repressive effect of these laws on the women who must live under them.

For a young woman living in Khartoum, Sudan, everyday life is full of concern about one's public behaviour. There are the traditions of elders that often have to be respected at least in their presence. There are prevalent harmful practices for which there is the social pressure of adherence. There are the pressures of war that means an increasing number of women in the capital are becoming single parents. There is the lack of adequate hygiene, health care and education that leads to the almost inescapable subordination of women. And there are the pressures of a conservative Islamic government that encourages men to ensure that women follow the strict rule of a religious state that imposes these laws. Perhaps the most imposing of these laws is the

definitions, articles 5 through 25 contain prohibitions or restrictions on activities, and article 26 contains the penalties. The latter article includes imprisonment for less than five years, a fine, both of these first two, lashings, forfeiture of property, and cancellation of a license. The provisions of the law that contain prohibitions or restrictions include restrictions on private parties (art. 5), particularly those with music (art. 6 and 7); restrictions on women working as hairdressers that require them to be of good moral character (art. 16); special licenses for women's hairdressers (art. 18); and the separation of men and women when queuing (art. 20). Although these are rather minor restrictions they reinforce gender-based stereotypes that disadvantage women by making them appear less capable than men or deserving of

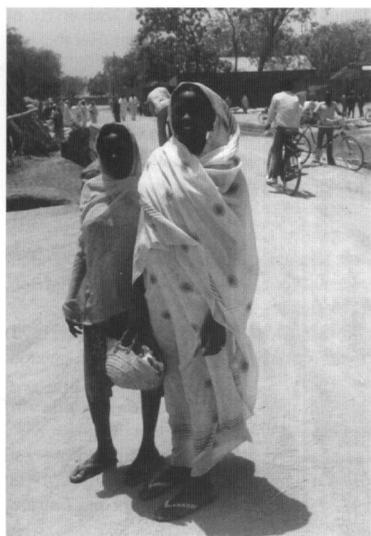
After the picnic had been underway for some hours, government security and police approached the students, beating some of them and arresting many of them.

Khartoum State Public Order Act (KSPOA).

The KSPOA, which dates from 1996, is the reason for the anxieties of many young women in Sudan. It forms the foundation of the laws governing the treatment of women in the capital city of Khartoum and thus expresses an unmistakable message of the national government as well as the state government of Khartoum. Khartoum State Governor Badr Eddin Taha Ahmed originally promulgated this local law on 28 March 1996. The Khartoum State Council ratified it on 22 October 1996 when it was sitting under the Chairmanship of Retired Major-General Kamal Abashr Yasin. It contains 26 articles. Article 4 contains some

patronizing protection. Other provisions of the KSPOA do this in forms that provide restrictions on men. For example, article 14, paragraphs a. and b., prohibit men from working in a women's hairdressers or even from entering such premises. And finally, several provisions of the law reflect restrictive interpretations of Islam, which in turn encourages the religion, and the laws it has influenced, to be interpreted in ways that restrict women's rights.

The KSOPA also plays a role in encouraging restrictive interpretations of the *Criminal Code of 1993* which in itself "revolves around and finds its basis and spirit in Islamic law," according to Ahmed Ali Hamo (1992). In Khartoum State several provisions of this law have been interpreted as restricting women's freedoms. The vague prohibition of publicly immoral behavior in article 152, for example, has led to the prosecution, conviction and lashing of women for wearing jeans in public. On 13 June 1999, the students of the Nubian Association at Ahlia University held a picnic in Buri, Khartoum along the banks of the Nile River. Although under law no permission is necessary for such a picnic, the students nevertheless sought and received permission from the local authorities. After the picnic had been underway for some hours, government security and police approached the students, beating some of them and



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arresting many of them. All of the petitioners were arrested for violations of the so-called 'public order laws' (article 152 of the *Criminal Law of 1991*) because they were inappropriately dressed (wearing jeans) or acting in a manner (sitting too close to boys) considered immoral by the security officials who arrested them and the local court before which they were tried. On 14 June 1999, after a group trial that lasted less than a half hour, the convicted women were sentenced to fines and up to forty lashes. Women from southern Sudan

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bear an additional burden of discrimination. Because they often are single parents – a situation that many northerners find immoral, do not speak good Arabic, and traditionally do not work in a Muslim society, they are frequently treated in a discriminatory manner. Instead of taking steps to redress this discrimination, the government of Sudan inadvertently – or intentionally – takes steps that aggravate it. *The Criminal Law of 1991* is part of this problem because it includes punishments for acts that are otherwise tolerated in the indigenous society from which the southern women come. Indeed the act itself recognizes this by excluding its application in the south of Sudan. Southern women who have migrated to the north, however, may not take advantage of this exception. Brewing alcohol, traditional marriages (the prohibition of prostitution is applied to convict women who have contracted marriage in accordance with their traditional, rather than Islamic, practices), dancing with men, even being with men in some situations, are all acts for which women who have been displaced from southern Sudan have been convicted and punished with imprisonment and/or lashings in accordance with the Criminal Law. Moreover, the government of Sudan invests few resources in education or social services for displaced women. Instead, it prefers to take actions aimed at forcing the displaced out of Khartoum and back to the south, the avowed policy of the government

since 1986. This policy, like the others already referred to, disproportionately affects women and children who are an estimated three-quarters of the estimated two million internally displaced persons in Khartoum state. Such excesses are inconsistent with the international human rights obligations that the government of Sudan has undertaken in ratifying the *African Charter of Human and Peoples' Rights* and the *International Covenant of Civil and Political Rights*. These instruments prohibit both discrimination against women as well as inhumane and degrading treatment and punishment. The government of Sudan has refused to ratify the *Convention on the Elimination of All Forms of Discrimination Against Women*. The implementation of these instruments would go far to provide women in Sudan

with the confidence that their government views them as partners in the struggle to bring peace to the country and to entrench long-term development. More importantly, these instruments require that some basic human rights be raised above the struggle for appropriate religious and political identities that has often been a preoccupation of the country and an element of the ongoing war. To be able to form a common identity of the Sudanese people women need to be included as equal partners. *The Khartoum State Public Order Act* and the provisions of the Criminal Law that support it

are obstacles to the development of a common Sudanese identity that includes women.

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References:

The Criminal Act 1991 for the Sudan (official English translation), Khartoum: The Ministry of Justice.

Khartoum State Public Order Act (1996), *Laws of Khartoum State, Temporary Decree of Khartoum State Public Order Act 1996* ratified in Session No. 27 in Term No. 4 on 22 October 1996.

Mohamed-Salih, Mahamed A. and Mohamed-Salih, Margret A. (eds.), (1987), *Family Life in Sudan*. Khartoum: Graduate College Publications.

Hale, Sandra (1997), *Gender Politics in Sudan: Islamism, Socialism and the State*. Oxford: Westview Press.

Hamid, G.M. (1996) *Population Displacement in the Sudan: Patterns, Responses, Coping Strategies*. New York: Center for Migration Studies.

Hamo, A.H. (1992), *Lectures on the Criminal Law of the Sudan, 1991*. Khartoum: International Printing House.