

White Paper Policy Analysis:  
Sexual Violence against Girls and Women in Darfur

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In 2003, a conflict broke out between the Arabs and the blacks in Darfur, and the Darfur Genocide began; it continues today. While there are a number of different human rights violations occurring, one of the gravest is the sexual violence taking place against women. In fact, during the months of April and June of 2009 (after some peacekeeping units had arrived), United Nations “human rights monitors” found 21 cases of sexual violence involving 54 women.<sup>1</sup> Nearly a quarter of the women in these cases were under 18.<sup>2</sup> However, this does not illustrate the true magnitude of the problem. Indeed, the UN believes that this accounts for only a “small fraction”<sup>3</sup> of the sexual violence. As with all types of sexual violence, the social and psychological repercussions are both deeply harmful and long lasting.

In Darfur, the largely Arab Muslim government is attacking the black Africans. The group responsible for the genocide is a government-backed organization called the *janjaweed*. With the government’s support, they have killed 300,000 innocent individuals.<sup>4</sup>

Over the past few years, with the help of non-governmental organizations such as the African Union and the United Nations, millions have been moved to displaced persons camps. Unfortunately, this has not ended the plight of women. When they leave the camps for food or water, they are often harassed or raped by either the Sudanese police or the *janjaweed*. In fact, the amount of sexual violence has actually increased after the creation of the camps.

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<sup>1</sup> *World Report 2010* (New York, 2010), 170.

<sup>2</sup> *World Report 2010*, 170.

<sup>3</sup> *World Report 2010*, 170.

<sup>4</sup> *The New York Times*, “Sudan,” April 15, 2010, <http://topics.nytimes.com/top/news/international/countriesandterritories/sudan/index.html?scp=1-spot&sq=Sudan&st=cse>.

It is not a simple matter of choice that women leave the camps; it is a matter of survival. In addition, male family members cannot accompany the women, as they are often simply killed by the *janjaweed* (and the rape occurs nonetheless). As one eighteen year-old woman who has been raped numerous times noted, ““It is better for me to be raped than for my brother to be killed.””<sup>5</sup>

One cannot attribute simple randomness or lack of order to the large number of rapes. In a report, Refugees International wrote that rape is ““an integral part of the pattern of violence that the government of Sudan is inflicting upon the targeted ethnic groups in Darfur.””<sup>6</sup> In addition, the laws of Sudan make rape quite easy. Under Sudanese law, to prove rape a woman must have four male witnesses. Due to the vast desert climate that is Darfur, women often are forced to trek long distances for food and water and thus are alone for long periods of time, leaving them exposed to the *janjaweed*. In addition, when it is one woman’s word against a man’s, in Sudan the man’s will win each time.

This is unfortunately not the only legal sticking point, however. Sudanese law also grants immunity to a wide range of military personnel, including the *janjaweed*. Thus, even if a woman did have four male witnesses, if the perpetrator of the rape were a member of the *janjaweed*, then no punishment would be given.<sup>7</sup>

This current conflict is by no means the first that Sudan has undergone. As with many African nations, two groups who had existed nearby one another for hundreds of years were, all of a sudden, thrust into the same country by European powers, and

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<sup>5</sup> Craig Timberg, “For Darfur Women, Survival Means Leaving Camp, Risking Rape,” *The Washington Post*, July 14, 2004,

<http://www.washingtonpost.com/wp-dyn/content/article/2006/09/15/AR2006091501157.html>.

<sup>6</sup> Nora Boustany, “Janjaweed Using Rape as ‘Integral’ Weapon in Darfur, Aid Group Says,” *The Washington Post*, July 2, 2007,

<http://www.washingtonpost.com/wp-dyn/content/article/2007/07/02/AR2007070201627.html>.

<sup>7</sup> SaveDarfur, *Fact Sheet – Violence against women*, [http://www.savedarfur.org/page/-/PDFs/VAW\\_Fact\\_sheet\\_0908.pdf](http://www.savedarfur.org/page/-/PDFs/VAW_Fact_sheet_0908.pdf).

conflict ensued. Indeed, there has been virtually continuous civil war since the country attained its independence in 1956. The current conflict pits the lighter-skinned Arab Muslims against black Muslims who converted to Islam (and historically are more closely related to the blacks in the south). The majority of the conflict in Sudan has featured Arabs fighting black Africans.

In the region of Darfur, there had been a certain amount of low-level conflict for a long while. As in the rest of Sudan, there was a divide between the Arabs and the blacks. Arabs were predominantly parts of nomadic groups, and their herds grazed on the farms of the mostly black sedentary farmers (who, in Darfur, are exclusively Muslim)<sup>8</sup>. This coexistence, initially, was beneficial to both; it provided food for the Arabs' herds and free manure for the blacks' fields.<sup>9</sup>

However, changes began to occur which disrupted the balance. Blacks began to purchase their own livestock, desertification became worse, and population increased. Thus, the blacks decreasingly allowed Arabs' stock to graze, leading to an increasing amount of conflict and tension.

Because of the affiliation of the government (they are Arabs), officials sided with the Arab nomads. The government did little to protect the land rights of the sedentary farmers and on occasion even supported attacks on the blacks' land.<sup>10</sup> Frustrated, black farmers marched on Khartoum, armed. In addition, in February of 2003 a newly-formed group known as the Sudan People's Liberation Movement (SPLM) began to spar with government officials such as the army and the police. A second, similar group known as

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<sup>8</sup> Makau Mutua, "Racism is at root of Sudan's Darfur Crisis," *The Christian Science Monitor*, July 14, 2004, <http://www.csmonitor.com/2004/0714/p09s02-coop.html>.

<sup>9</sup> Amnesty International, *Shield the Women of Darfur*, <http://www.amnestyusa.org/violence-against-women/shield-the-women-of-darfur/shield-the-women-of-darfur/page.do?id=1108218>.

<sup>10</sup> Amnesty International, *Shield the Women of Darfur*.

the Justice and Equality Movement (JEP) formed shortly thereafter. These groups attempted to keep the conflict strictly political and not racial, insisting that they were targeting the government.<sup>11</sup> Nevertheless, the seeds of the Darfur genocide were sown.

Within a month, the Sudanese government retaliated and began using force against the blacks. It was also at this time that the government gave the *janjaweed* the power to “to attack, burn and loot villages in rural areas and to kill villagers in order to drive them away from their homes.”<sup>12</sup> It appears that racism is the cause of this genocide, and the action the blacks took provided an excuse for the Arabs to attack and slaughter.<sup>13</sup>

A few years later, individuals began moving into the displaced persons camp, assisted by the African Union. Since then, the United Nations has also come to assist the African Union. The UN and AU led relief movement is the most expensive in the world, totaling \$1.6 billion per year.<sup>14</sup>

Since the beginning of the camps, Darfur has been in a state of constant flux. As recently as 2009 the government, in a battle with the Justice and Peace Movement, displaced an additional 40,000 people through “indiscriminate force through aerial bombing, often in combination with ground forces, to attack civilian populations linked to rebel movements.”<sup>15</sup> In addition, this past year the Justice and Peace Movement signed a treaty with the government before rescinding it after President Omar al-Bashir refused to appear before the International Criminal Court after being charged with war crimes.<sup>16</sup>

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<sup>11</sup> Amnesty International, *Shield the Women of Darfur*.

<sup>12</sup> Amnesty International, *Shield the Women of Darfur*.

<sup>13</sup> Mutua, *Racism is at root of Sudan's Darfur Crisis*.

<sup>14</sup> *The New York Times*, “Between War and Peace,” January 1, 2010, [http://www.nytimes.com/slideshow/2010/01/01/world/20100101DARFUR\\_5.html](http://www.nytimes.com/slideshow/2010/01/01/world/20100101DARFUR_5.html).

<sup>15</sup> *World Report 2010*, 170.

<sup>16</sup> Marlise Simons and Neil MacFarquhar, “Court Issues Arrest Warrant for Sudan’s Leader,” *The New York Times*, March 5, 2009, [http://www.nytimes.com/2009/03/05/world/africa/05court.html?\\_r=1](http://www.nytimes.com/2009/03/05/world/africa/05court.html?_r=1).

This ICC decision has had serious repercussions. As a result, the Sudanese government is restricting the work of many non-governmental organizations, which have greatly improved the lives of many of the displaced people. For instance, Oxfam, a British charity, estimates that the revocation of their license in Sudan could affect as many as 600,000 people; the Dutch unit of Doctors without Borders (the largest in Sudan) has also been forced to stop practicing.<sup>17</sup>

Currently, fewer atrocities are going on in the Darfur region as the nation braces for the first multiparty election in the country's history. However, the legitimacy of the election is doubtful; it appears overwhelmingly likely that al-Bashir will win again, meaning no change in the status of Darfur.

It is interesting to note the similarities between the Rwandan Genocide and the Darfur Genocide. Both were caused by racial tensions and were part of a larger conflict between the two racial groups. However, unlike in Rwanda, the current conflict in Darfur is not a nationwide civil war; Sudan's 21 year civil war ended in 2005.<sup>18</sup>

To combat the consistent violation of women's rights, there are two steps that need to be taken; first, one must address the genocide. It is the lawlessness provided by the genocide that has enabled the widespread rape to occur. Then, groups must help to ensure equality for women.

The genocide is a difficult issue to solve. For the United States, physical force does not seem an option; there is a war going on already, and the last US incursion into Africa (Somalia) was a disaster. It could send troops to Sudan not to attack but rather to

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<sup>17</sup> Simons and MacFarquhar, "Court Issues Arrest Warrant for Sudan's Leader."

<sup>18</sup> *World Report 2010*, 169.

assist in protecting civilians. However, this would probably gain little to no public support, and it again is likely not feasible.

With that said, the United States certainly can and should play a large role in helping to end the genocide, namely through political and economic pressuring of Sudan. Currently, the Obama Administration is pursuing the route of tough economic sanctions against Sudan until the situation improves in Darfur.<sup>19</sup> In addition, Obama is offering incentives should the Sudan government comply. However, this did not work effectively with the Bush Administration (the genocide continued), and so in all likelihood it will not be effective now either. The way to ensure its efficacy is to make the sanctions more global; the United Nations, with heavy United States backing, should state that all nations must place economic sanctions on Sudan or face a hefty fine. It may be difficult due to Sudan's close connection with other Arab countries which support his regime (at one point, he even housed Osama bin Laden and 5000 of his comrades).<sup>20</sup> Thus, special economic pressure would be placed on those countries to comply. Economic sanctions could be placed on all countries that do not comply with the sanction on Sudan.

The second way of curbing the genocide as a whole is to apprehend those responsible through the International Criminal Court (ICC). Specifically, al-Bashir and leading *janjaweed* members should be brought before the court. There are both practical and psychological reasons for this. First, bringing them to trial would take them out of the picture in Sudan, helping to improve conditions (al-Bashir and the *janjaweed* are the two driving forces of the genocide). Second, it would also psychologically help those who

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<sup>19</sup> *The New York Times*, "Sudan."

<sup>20</sup> *The London Telegraph*, "Profile: Omar al Bashir," March 5, 2009, <http://www.telegraph.co.uk/news/newstopics/profiles/4944799/Profile-Omar-al-Bashir.html>.

have been harmed; the idea that justice has been served would provide some semblance of closure.

Unfortunately, it would be quite difficult to force al-Bashir to face the court; he would hardly submit himself. In addition, after the actions al-Bashir took after being charged, it does not seem a wise course of action to place a lot of pressure on him to go before the ICC. Instead, the international community could offer al-Bashir and Sudan large incentives to arrest *janjaweed* members and force them to go before the court. One NGO believes that the Sudanese government should focus on arresting *janjaweed* commander Ali Kosheib, government minister Ahmed Haroun, and those under the command of these two leaders.<sup>21</sup> This way, though the leader of the entire operation may not be gone, his henchmen would be.

Next, a neutral third party should help broker peace agreements between the government and the rebel groups, giving large financial benefits to the Sudanese government and easing sanctions if peace were to be made.

It would also help the situation in Darfur to allow for more journalistic coverage. Sudan is a dangerous place for journalists, who are often harassed; newspapers are also heavily censored.<sup>22</sup> Allowing for information to spread would help the international community better combat the genocide and provide a clearer picture of exactly what is going on in Darfur. The UN and AU could help protect these journalists.

Discussed above are the means to helping to curb or end the Darfur Genocide as a whole; if the Sudanese government were to follow any, it would receive some sort of

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<sup>21</sup> SaveDarfur, *Violence*.

<sup>22</sup> *World Report 2010*, 172.



economic compensation. Countries around the world could help collect the aforementioned financial benefits; the United States could lead the way.

In addition to these ideas, however, action must be taken to help curb the sexual violence. Once more, if the Sudanese government were to enact any of these propositions, it could receive either a financial benefit or a relaxing of the complete sanction.

First, more African Union and United Nations troops should be allowed into Darfur. The joint effort, called the United Nations-African Union Mission in Darfur (UNAMID) has been successful but needs to do more. There should be enough troops so that when a woman needs to venture out into the desert for food or water, a troop can accompany her, thereby drastically decreasing the likelihood of sexual violence.

Second, the Sudanese government should abolish the unfair laws towards women. According to SaveDarfur, an NGO which assists the persecuted blacks in Darfur, “The Sudanese legal structure is more likely to persecute those who report incidents of rape than those who committed the crimes.”<sup>23</sup> This demonstrates the horrific state of the legal system, especially for women. In fact, as noted before, it takes four male witnesses to report a rape; female individuals have little to no power legally. Ideally, if one woman can show evidence of a rape, that should be enough. Women and men should be on equal footings on front of the law. Unfortunately, this goes against the teachings of the radical Muslim government. In addition, polygamy is rampant throughout Darfur; thus, women are not seen to be as valuable as men (one man needs more than one woman as one woman simply is not enough). Polygamy, while not as easily controlled, serves to illustrate the simple point that women are seen as second-class citizens. The government

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<sup>23</sup> SaveDarfur, *Violence*.

needs to address this and should be given economic motivation by the international community to do so. The UNAMID effort could help to enforce the new laws.

Next, members of the *janjaweed* have immunity as they are part of the military. Any time military personnel are given a *carte blanche*, only bad can result. The *janjaweed* must be held accountable for their actions, and the immunity should be repealed. If al-Bashir is unwilling to arrest the *janjaweed*, then he should at least remove this immunity, again while being offered economic incentives.

According to *The London Telegraph*, al-Bashir is “a calculating strategist who will do anything to stay in power.”<sup>24</sup> Thus, it seems likely that he would give in to at least some of the demands.

There are clearly a number of upsides to the policy recommendation set out. First, if followed to the letter, the genocide could be ended, and women could become equal to men in front of the law. In addition, it would allow for a rebuilding of Sudan. While a civil war ended in 2005, conflict in Darfur has plagued the country since then and, once and for all, could be ended. In addition, arresting the leading members of the *janjaweed* and high-ranking government officials would send a powerful message, both internally and internationally. It would truly signal a new era in Sudan; those responsible for the genocide would be removed, and those raped or those whose families were killed could finally have some closure. It would demonstrate that atrocities will not be tolerated. In addition, from an economic standpoint, Sudan would be able to better utilize the Darfur region (a large part of the country), and economic sanctions (which are currently in place) would be lifted.

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<sup>24</sup> *The London Telegraph*, “Profile.”

However, there are downsides to the recommendations as well. With harsh sanctions proposed by the United Nations and sanctions on those who do not cooperate, Sudan and potentially other Arab nations that support Sudan could band together against the rest of the UN. This is a dangerous idea; there needs to be cooperation more than ever between the Arab countries and the rest of the world. There does not need to be another potential sticking point in the relationship.

In addition, if too much is demanded of al-Bashir, the plan could backfire. In the past, he has harmed those of Darfur after an international decision that adversely affects him has been announced (the ICC's decision, for instance). He could potentially do the same and demand that the sanctions are lifted or he will force other NGOs (which are saving lives) to leave the country. Essentially, al-Bashir could hold the Darfur blacks hostage, ordering that the international community comply with his demands or he might inflict further harm. In other words, demanding too much of al-Bashir could lead to worsening conditions in Sudan and potentially an international splintering.

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