

AFRICA **FOR** 
WOMEN'S
RIGHTS
RATIFY & RESPECT!



**Dossier
of Claims**

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The Coalition would also like to thank the patrons of the campaign – Nobel prize laureates, writers, artists, institutional patrons – that have rallied to our motto "Ratify and Respect" and brought their support to publicize and build awareness on the campaign and the concerns relating to the situation of women's right in Africa.

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INTRODUCTION

States gathered in Beijing for the Fourth World Conference on Women in 1995, declared **“women’s rights are human rights”** and set themselves the goal of **“achieving equal rights and inherent dignity for men and women”**. Today, fifteen years after the Beijing conference, this goal remains far from fulfilment, and a lack of political will on the part of states remains the main obstacle to positive developments for the respect of women’s rights.

In the majority of countries in Africa, women continue to face discrimination, violence and violations of their fundamental freedoms. Although legislative progress has been achieved in some countries, discriminatory practices remain widespread across the continent.

Despite the ratification by most African states of international and regional instruments protecting the rights of women, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), its Optional Protocol, and the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol), their provisions are widely violated, due to legislative deficits or lack of adequate measures to enable their effective implementation.

On 8 March 2009, over one hundred organizations, present throughout the continent, launched the Campaign **“Africa for women’s rights: ratify and respect!”**. This initiative aims to put an end to discrimination and violence against women in Africa, calling on states to ratify international and regional instruments protecting women’s rights, to repeal all discriminatory laws, to adopt laws protecting the rights of women and to take all necessary measures to ensure their effective implementation.

The Campaign was launched at the initiative of the International Federation for Human Rights (FIDH), in collaboration with five non-governmental regional organisations: the African Center for Democracy and Human Rights Studies (ACDHRS), Femmes Africa Solidarité (FAS), Women's Aid Collective (WACOL), Women in Law and Development in Africa (WILDAF) and Women and Law in Southern Africa (WLSA). These organisations make up the Steering Committee responsible for the coordination of the Campaign.

The Campaign has also received the support of Desmond Tutu, Nobel Peace Prize laureate 1984, Shirin Ebadi, Nobel Peace Prize laureate 2003, Nadine Gordimer, Nobel Prize in Literature 1991, Wole Soyinka, Nobel Prize in Literature 1986, artists Angelique Kidjo, Youssou N'Dour and Salif Keita, as well as Soyata Maiga, Special Rapporteur of the African Commission on Human and Peoples' Rights on the Rights of Women in Africa and many others.

The Coalition of the Campaign stresses the urgency of the implementation and respect of the rights of women. Each and every violation of women's human rights is a violation of the principle of the universality of human rights.

A "DOSSIER OF CLAIMS" TO SUPPORT THE CAUSE OF WOMEN

The Dossier of Claims is the outcome of investigations conducted by national human rights and women's rights organizations in their respective countries and reflects the situation of women's rights in over thirty African countries. It contains key demands to eliminate discrimination and violence against women. These "claims" are directed towards national governments, since strengthening respect of women's rights is primarily a question of political will. The Dossier is composed of a series of notes, detailing the main violations of women's rights in each country. Each note underlines – where they exist – any positive measures that have been taken over recent years, and identifies the main obstacles to respect of women's rights in law and practice.

In addition to its informative and awareness-raising functions, this Dossier constitutes an important advocacy tool at the disposal of all those involved in campaigning for women's rights. The claims formulated in the Dossier will be brought to the attention of the competent authorities at the national, regional and international levels. The Dossier is also a tool for all those whose aim is to achieve full equality between men and women, an essential condition for the fulfillment of universal human rights.

During the African Review Conference in preparation for Beijing + 15, which took place in November 2009 in Banjul, African governments reaffirmed their willingness to engage in the fight against inequality and to implement anti-discriminatory measures for the protection of women's rights, and extended deadlines for implementing the Beijing Plan of Action for a further five years. The Coalition of the Campaign considers that today it is not the time to set deadlines but to take prompt action to achieve the objectives of full gender equality that have already been defined. It is therefore imperative that states implement, without delay, all the "claims" presented this Dossier, formulated by African women and men.

With this Dossier of Claims, the Coalition of the Campaign **"Africa for women's rights: ratify and respect!"**, calls upon all African governments to **RATIFY** the women's rights protection instruments and to **RESPECT** them in law and practice.

Women's rights protection instruments ratified by Benin:

- **CEDAW:** ratified in 1992
- **CEDAW Protocol:** signed in 2000, not ratified
- **Maputo Protocol:** ratified in 2005

Ratify! Although Benin has ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), as well as the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), the Government has yet to ratify the Optional Protocol to CEDAW.

Respect! While the law in Benin does not contain provisions that discriminate against women, women's rights continue to be violated in practice. The Coalition of the Campaign is particularly concerned by the following violations of women's rights in Benin: discrimination within the family; violence against women; obstacles to freedom of movement; and limited access to education, decision-making positions and healthcare.

/ Some positive developments...

The Coalition of the Campaign acknowledges the recent adoption of several laws and policies aimed at improving respect for women's rights, including:

- The adoption of the new Family Code in August 2004, that gives precedence to statutory law and renders customary law obsolete. The new Code establishes gender equality concerning the legal age for marriage (fixed at 18 for both men and women), parental authority and inheritance and prohibits levirate and polygamy.
- The adoption of a law concerning the land tenure system in October 2007 that provides for equal access to natural resources in general and to farmland in particular, and specifically prohibits discrimination on the basis of gender or social background (art. 11).
- The adoption in April 2007 of a national policy to eliminate gender inequality in education and training.

/ But discrimination and violence persist

Although laws provide for equal rights between men and women, their effective enforcement comes up against serious obstacles including women's lack of knowledge of the law and deeply rooted discriminatory traditions.

• Discrimination in the family

Although the new Family Code prohibits polygamy, the status of marriages concluded before this law was passed remains unclear. Before the law was adopted, it was estimated that between 15% and 41% of marriages were polygamous, depending on the region. Forced marriages remain widespread. Despite provisions in the Family Code

establishing equal rights to inheritance, in practice women continue to be refused the right to inherit property in certain regions.

When Ayaba, an only child, lost her father, her uncles seized all her father's property on the grounds that their niece, as a girl, should not inherit property.

Case documented by the WILDAF Benin

Women continue to be subjected to widowhood rites. For example, in some rural communities, for periods of several months following the death of their husbands, widows are not allowed to go out of the house, or wash for several days etc. Unable to work, such women find themselves isolated and in situations of extreme poverty.

• Violence

There is no specific law punishing violence against women, which remains widespread. Such violence, particularly within the home, is considered a private matter and women are often reluctant to report it. The practice of vidomegon, whereby a poor family sends their child to live with a better off family to be cared for and educated, is increasingly affecting young girls (90% to 95% of cases are girls) and is encouraging the growth of a new form of economic and in some cases sexual slavery. Numerous young women employed as servants are victims of exploitation and abuse.

The law prohibits trafficking in children but does not sanction trafficking in women.

The 2003 law prohibiting female genital mutilation (FGM) and the awareness-raising campaigns that accompanied it throughout the country have contributed to reducing this practice. Nonetheless, in some regions, FGM persists, notably in the northeast of the country where, according to UNICEF in 2005, almost 58% of women were estimated to have suffered some form of genital mutilation.

• Obstacles to freedom of movement

Certain traditions deprive women of their freedom of movement and confine them indoors. In the Ouémé Valley during the period of "ORO" worship in August, women are forced to remain inside for 17 days.

• Obstacles to access to education

Poor educational facilities and a lack of schools and teachers in Benin represent major obstacles to girls' education. The attendance rate among girls is very low and preference is often given to boys' schooling. Large numbers of girls leave school early, often as a result of teenage pregnancy. Illiteracy levels among women are extremely high: it was estimated that around 80% of women and girls aged between 15 and 49 years were illiterate in 2005.

• Under-representation in public and political life

Women in Benin are poorly represented in public and political life. The government has not adopted any special temporary measures, such as quota systems, arguing that such measures could be considered contrary to the principle of gender equality enshrined in the country's constitution. In the last legislative elections in 2007, only 9 women were elected out of 83 members of parliament (10.8%).

• Obstacles to access to health

Despite the adoption in 2003 of a new law on sexual and reproductive health and several initiatives aimed at improving women's access to maternal healthcare services, efforts are still falling short, particularly in rural areas. Women in Benin have extremely limited access to family planning services. The low rate of contraceptive use results in a high rate of abortions, sometimes in secret and carried out in dangerous conditions that put the woman's life at risk.

The Coalition of the Campaign calls on the authorities of Benin to:

- **Take measures to ensure effective enforcement of the Family Code**, in particular those provisions regarding polygamy and inheritance.
- **Strengthen laws and policies to protect women from violence and support victims**, including by: adopting a specific law to prohibit all forms of violence against women, including domestic violence and marital rape; allocating additional financial resources to combating domestic violence; taking measures to put an end to the practice of *vidomegon*; strengthening legal protection for women working as domestic servants; adopting a law to sanction trafficking in women.
- **Eliminate obstacles to the education of girls and women**, in particular by: ensuring equal access to all levels of education; adopting measures to retain girls within the education system, including pregnant pupils; increasing the budget for education to improve educational infrastructure and teacher training; establishing courses for adults to reduce illiteracy.
- **Take measures to increase women's participation in public and political life**, in particular by adopting special temporary measures, such as quota systems.
- **Ensure women's access to quality health-care**, including obstetrics and family planning, in particular by: ensuring access to contraception, particularly in rural areas; and taking measures to allow women access to safe abortions with a view to reducing levels of maternal mortality.
- **Adopt all necessary measures to reform and eliminate discriminatory cultural practices and stereotypes**, by disseminating simplified versions of legal texts to the general public and adopting awareness-raising programmes aimed at men and women, including government officials and religious, traditional and community leaders.
- **Ratify the Optional Protocol to CEDAW.**
- **Implement all recommendations issued by the CEDAW Committee** in July 2005.

PRINCIPAL SOURCES

- Focal Points: WILDAF-Benin
- Ligue pour la défense des droits de l'Homme (LDH)
- Recommendations of the CEDAW Committee, July 2005
- Inter-Parliamentary Union, www.ipu.org
- Amnesty International, www.amnestyinternational/benin
- UNICEF, www.unicef.org

For more information on women's rights and the actions of the campaign in Benin, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINTS IN BENIN

WILDAF – Benin



WILDAF-Benin is a member of the pan-African network WILDAF. Created in 1999, its main activities include: the establishment of a shelter and legal advice centre for women; training for legal personnel; fighting harmful traditional practices concerning widows; and implementing awareness-raising campaigns.

www.wildaf-ao.org

Women's rights protection instruments ratified by Botswana:

- **CEDAW:** ratified 1996
- **CEDAW Protocol:** ratified 2007
- **Maputo Protocol:** not signed

Ratify! While Botswana has ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and its Optional Protocol, Botswana has so far failed to ratify – or even sign – the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).

Respect! The Coalition of the Campaign is particularly concerned about the following continued violations of women's human rights in Botswana: application of discriminatory customary laws; access to property; violence against women; access to decision-making positions; access to employment and health services; and the persistence of discriminatory stereotypes and patriarchal attitudes.

/ Some positive developments...

The Coalition of the Campaign acknowledges several developments in recent years aimed at improving respect for women's rights, including:

- The adoption of the Domestic Violence Act in 2008, which criminalises many acts of gender-based violence and provides some protection to the victims.
- The adoption of the Abolition of Marital Power Act in 2007 which abolished the common law principle of marital power, according to which the husband was the sole administrator of the family estate, and replaced it with the principle of equality of the spouses with respect to the joint matrimonial assets. However, customary and religious marriages are unaffected by these reforms. The Act also abolished the common law principle of unity of matrimonial residence and allows women to choose their place of residence.
- The adoption of the Children's Act 2009 (not yet in force) under which birth certificates contain the names of both parents.

/ But discrimination and violence persist

IN LAW

Botswana has a dual legal system, under which customary law is applied alongside common law. While there have been several reforms of discriminatory provisions under the common law, customary law remains particularly prejudicial to women's rights, perpetuating unequal power relations between men and women and strengthening stereotypes on the role of women in society.

Although the **Constitution of Botswana** contains a provision on non-discrimination, under clause 15(4)(c) the prohibition does not apply to: "adoption, marriage, divorce, burial, devolution of property on death or other matters of personal law".

Customary law remains deeply discriminatory against women, in particular in the areas of family and property law. For example:

Marriage: While the Marriage Act was amended in 2001 to specify 18 years as the minimum age for marriage for both sexes with parental consent, many marriages take place under customary law according to which there is no such limit. The principle of marital power continues to apply to marriages under customary and religious law. Women are considered legal minors and require their husband's consent to buy or sell property and land, apply for a bank loans, and enter into legally binding contracts. Customary law authorises polygamy with the consent of the first wife, but it is not a common practice.

Separation: In case of separation, custody is traditionally granted to the husband's family. Mothers have only the right to visit. Although the Affiliation Proceedings Act of 1999 mitigated discrimination against children born out of wedlock, allowing women or care-givers to seek maintenance from the father; under customary law an unmarried mother has no right to receive such maintenance. The mother's own father has a duty to support the child.

Inheritance: A widow has no right to inheritance from her husband; all property passes to the eldest son. If the husband had no sons, his eldest daughter can inherit but in such case property is administered by her male guardian.

IN PRACTICE

• Violence

Violence against women remains highly prevalent. Although the Domestic Violence Act 2008 criminalised many forms of violence against women, under customary law and common rural practices men are perceived to have the right to "chastise" their wives. The majority of crimes are unreported and those complaints that are registered are rarely effectively investigated and prosecuted. In 2009, it was estimated by the United Nations that 3 in 5 women in Botswana have experienced some form of domestic violence. Botswana has also recently seen an increase in cases of murder of women by their partners.

By law, the minimum sentence for rape is ten years, however, the majority of perpetrators are not prosecuted or convicted. Marital rape is not criminalised. As a result post exposure prophylaxis (PEP) is not provided to married women who have been raped by their spouses. The Domestic Violence Act contains other significant gaps. For example, it empowers police officers to remove survivors of domestic violence from their residences but does not provide for the creation of shelters for victims of violence. Botswana currently has one such shelter, run by a NGO.

• Under-representation in political life

While the Southern African Development Community (SADC) Declaration on Gender and Development includes a commitment to achieving at least 30% representation of women in political and decision making structures by 2005, Botswana has failed to take effective measures to increase representation, for example by introducing a quota system. In 2008, there were only 7 women in the 61 seat National Assembly, 4 women in the 24 member cabinet and 4 women in the 35 seat House of Chiefs (an advisory upper chamber to the National Assembly). There were 3 female judges in

the 13 seats High Court. In the October 2009 elections, of a total of 117 candidates, only 10 were women and only two were elected to parliament.

• **Obstacles to access to education and employment**

Whilst some efforts have been made by the government to increase girls' access to education, girls continue to drop out of education due to pregnancy, early marriage or to earn money to support their families. Although the law prohibits sexual harassment, it remains a serious problem both in schools and in the workplace.

The Coalition of the Campaign calls on the authorities of Botswana to:

- **Reform or repeal all discriminatory statutory laws**, in conformity with CEDAW, including by abolishing article 15(4)(c) of the Constitution and widely disseminating statutory laws protecting women's rights.
- **Harmonise civil, religious and customary law**, in conformity with CEDAW and ensure that where conflicts arise between statutory legal provisions and customary or religious law, the statutory provisions prevail.
- **Eliminate discrimination against women concerning access to property**, including by raising awareness on land and property rights, especially of rural women, and expanding legal assistance to women wishing to file claims of discrimination.
- **Strengthen laws and policies to protect women from violence and support victims**, including by criminalising marital rape; establishing a legal aid system for women victims of violence; ensuring effective prosecution and punishment of offenders; implementing awareness-raising programmes for the general population; and establishing shelters for women victims of violence.
- **Increase women's representation in decision-making positions**, in conformity with CEDAW and the SADC Declaration on Gender and Development, including through the adoption of temporary special measures such as quotas.
- **Increase women's access to education and employment**, including by addressing socio-economic and cultural factors that impede access to education; and enforcing legislation on sexual harassment.
- **Ensure women's access to health services**, including by intensifying efforts to combat HIV/aids; providing PEP to women victims of rape, including marital rape; and reforming the Penal Code to decriminalise abortion in all circumstances.
- **Ensure women's access to justice**, including by adopting specific law to implement CEDAW into national legislation and enable its provisions to be invoked before the national courts; implementing training for all law enforcement personnel; ensuring that women are aware of their rights; providing access to free legal representation.
- **Eliminate discriminatory cultural practices and stereotypes**, including through awareness-raising programmes targeting women and men, traditional and community leaders and the media.
- **Ratify the Maputo Protocol and the SADC Protocol on Gender and Development.**
- **Implement all recommendations issued by the CEDAW Committee**, in February 2010.

Employment legislation has been reformed to remove some discriminatory provisions (in particular those prohibiting women from working in mines, industrial and agricultural work at night) and in 2008 women were authorised to serve in the military. Yet, women mainly occupy junior positions or are employed in the informal sector and thus have no access to social security benefits. Although there have been increases in women occupying high level positions in the private and public sector, they remain under represented (31% in 2007). Women's limited access to property and credit also form major obstacles to the establishment of businesses.

• **Obstacles to access to health**

The very high prevalence of HIV/ AIDS and the practice of unsafe abortions remain a major problem. The Criminal Code criminalises abortion, unless pregnancy is a result of rape, defilement, or incest, poses a physical or mental health risk to the pregnant woman, or if the unborn child would suffer from or later develop serious physical or mental abnormalities or disease.

• **Obstacles to access to justice**

Obstacles include a lack of information on women's rights and the laws protecting them, social pressure, a culture of silence and legal costs. Law enforcement agents have not been sufficiently trained on how to deal with cases of gender-based violence. Furthermore, there is no specific law implementing CEDAW in national legislation and enabling its provisions to be invoked before the courts.

PRINCIPAL SOURCES

- Focal Points: DITSHWANELO and Emang Basadi
- Shadow report submitted to the CEDAW Committee, Botswana Council of NGOs (BOCONGO), October 2009
- Inter Parliamentary Union, www.ipu.org
- Wikigender, www.wikigender.org

For more information on women's rights and the actions of the campaign in Botswana, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINTS IN BOTSWANA

DITSHWANELO - The Botswana Centre for Human Rights



DITSHWANELO - The Botswana Centre for Human Rights is an NGO established in 1993. It is the only organisation in Botswana dealing with the full range of human rights issues. It works towards achieving gender equality by incorporating it in actions to advocate for legislative changes, providing information to the public and offering paralegal services.

www.ditshanelo.org.bw

EMANG BASADI



The EMANG BASADI Women's Association was established in 1986 to lobby against discriminatory laws. Emang Basadi seeks to raise awareness on women's rights through lobby, advocacy and capacity building and provides legal aid and counselling services for the empowerment of women.

Women's rights protection instruments ratified by Burkina Faso:

- **CEDAW**: ratified in 1987
- **CEDAW Protocol**: ratified in 2005
- **Maputo Protocol**: ratified in 2006

Respect! Although Burkina Faso has ratified the main international and regional women's rights protection instruments, their provisions remain widely violated in law and practice.

The Coalition of the Campaign is particularly concerned by the following continued violations of women's rights in Burkina Faso: persistent discriminatory legislation; violence against women; harmful traditional practices, including early and forced marriage and female genital mutilation; unequal access to property and obstacles to access to justice.

/ Some positive developments...

The Coalition of the Campaign welcomes the adoption, in April 2009, of the law establishing a quota for women's representation on electoral lists. The law requires each political party to submit a list of candidates which includes a minimum of 30% women in local and national elections. Those parties that fail to comply receive a 50% cut in funding.

This new law should help to improve women's participation in the country's political life, which continues to be dominated by men. Despite the increase in the number of women members of the National Assembly (from 3 in 2000, to 13 in 2005, then to 17 of a total of 111 MPs in 2009), representation remains low (15%). It is also regrettable that the law applies only to electoral lists, and not to nominative and elective posts.

/ But discrimination and violence persist

IN LAW

Numerous discriminatory laws persist in Burkina Faso. The *Code des personnes et de la famille* (Family Code), which was adopted in 1989, two years after the ratification of CEDAW, is particularly discriminatory. For example:

- The minimum age for marriage is 17 years for women and 20 years for men. In addition, civil courts can authorise exceptions to be made for women from age 15 years (and men from age 18) (art. 238).
- Divorced women, widows or women whose marriage has been 'cancelled' may not remarry before the expiration of a period of 300 days. This period is reduced to one month if the woman is able to produce a medical certificate demonstrating that she is not pregnant (art. 246).

- In the event of a disagreement of the spouses on the family's place of residence, the place shall be chosen by the husband (art. 294).
- Polygamy is authorised, but the law recognizes monogamy as the common law form of marriage (art. 232).

IN PRACTICE

• Discrimination in the family

Despite the legal prohibition of early and forced marriage (*Code des personnes et de la famille*, art. 234), these practices remain widespread in Burkina Faso. Poverty and the prospect of a dowry pushes families to arrange religious marriages for their daughters as soon as they reach puberty, from age 11. Most of these young girls are illiterate, which facilitates their submission to their husbands and hinders their access to employment. Early pregnancy also has serious consequences on the health of young girls, including obstetrical fistulae.

Although the law provides that in the event of a spouse's death, custody of children shall be transferred to the surviving spouse (*Code des personnes et de la famille*, art. 519), in practice the deceased's parents often obtain custody. In some cases, the in-laws refuse to grant the widow custody, yet leave her in charge of the children. Violations of women's inheritance rights are also widespread. The Family Counsel designates a person from the husband's family to administer the assets of children under 18. This customary practice is so firmly rooted in tradition that very few women, even educated women, are able to challenge their in-laws and demand their inheritance rights.

• Violence

Persistent patriarchal attitudes, stereotypes taught to children, as well as discriminatory customs and traditions all contribute to the submission of women to the husband's authority and perpetuate violence against women. Despite recommendations by the CEDAW Committee in 2005, the government has failed to adopt legislation sanctioning domestic violence. As a result, perpetrators of domestic violence continue to benefit from impunity.

Despite the adoption of a law prohibiting female genital mutilation (FGM) in 1996, as well as the formation in 1988 of a National Committee to fight FGM, the practice remains widespread in certain regions, such as the Mossi Plateau.

• Obstacles to access to property

Although women in Burkina Faso make up approximately 51% of the working population in agriculture, and play a dominant role in agricultural and pastoral activities, they own less than 20% of land. This situation persists despite agricultural and land ownership legal reforms which grant women equal access to arable land and housing, and despite the provisions of the *Code des personnes et de la famille* protecting women's right to land ownership and to inherit.

Women are also marginalised in relation to access to financial services in Burkina Faso. Many types of loan remain inaccessible to women, because banks and loan providers consider them as high-risk clients. Since most women are not landown-

ers, they are unable to produce the type of guarantees that are commonly required. Hence, they have no choice other than to refrain from a loan application or accept extremely high interest rates, trapping them in poverty and debt.

• **Obstacles to access to justice**

Significant obstacles remain to women's access to justice, in particular lack of information on their rights, costs of proceedings and lack of training of police and judicial staff on laws aimed at protecting women's rights.

The Coalition of the Campaign calls on the authorities of Burkina Faso to:

- **Reform or repeal all discriminatory laws**, in conformity with CEDAW and the Maputo Protocol, in particular within the *Code des personnes et de la famille*.
- **Take all necessary measures to ensure the effective implementation of the laws on inheritance and custody of children.**
- **Strengthen laws and policies to combat violence against women**, and in particular: adopt a specific law on violence against women, including domestic violence; take all necessary measures to ensure effective implementation of the law on early and forced marriage and the law prohibiting female genital mutilation, including by implementing education programmes aimed at raising public awareness; put in place appropriate services to support of victims and facilitate their access to justice (free help lines, specialist police and medical services, legal aid and shelters for victims of violence).
- **Take all necessary measures to improve women's access to education, employment, land and loans**, with a particular focus on the situation of women in rural areas.
- **Implement education and awareness-raising programmes**, on women's rights and redress mechanisms for violations, aimed at men and women, including government officials, religious leaders, community and traditional leaders; implement specific training for legal personnel responsible for applying laws to protect women's rights.
- **Ensure effective implementation of the law on quotas and extend its application to nominative and elective posts**, in particular within Ministries and government administration.
- **Implement all recommendations issued by the CEDAW Committee** in July 2005.

PRINCIPAL SOURCES

- Focal Points: MBDHP, WILDAF-Burkina Faso, RECIF/ONG-BF
- CEDAW Committee recommendations, July 2005
- MBDHP, Alternative Report to the CEDAW Committee, July 2005, www.fidh.org
- WILDAF-AO, “*The Situation of Women in Burkina Faso*”, December 2004, www.wildaf-ao.org/fr
- Inter-Parliamentary Union, www.ipu.org

For more information on women’s rights and the actions of the campaign in Burkina Faso, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINTS IN BURKINA FASO

Mouvement Burkinabé des Droits de l’Homme et des Peuples (MBDHP)



MBDHP is a human rights NGO, established in 1989 and based in Ouagadougou. MBDHP’s actions to promote and protect women’s rights include: legal advice; advocacy; training; and awareness-raising programmes.

www.mbdhp.org

WILDAF-Burkina Faso



WILDAF-Burkina Faso is a member of the Pan African network, WILDAF. WILDAF-Burkina Faso was established in 1998 in Ouagadougou and has 27 member organisations across the country. Its activities include: legal advice; training; research; investigations; social and economic assistance and simplifying legal texts.

www.wildaf-ao.org

Réseau de Communication d’information et de formation des femmes dans les ONG (RECIF/ONG-BF)



RECIF in Burkina Faso aims to contribute to strengthening the position and decision-making powers of women within associations through communication, information and training activities. It aims to ensure that women are included and socially recognised.

www.recif.bf

Women's rights protection instruments ratified by Burundi:

- **CEDAW**: ratified in 1992
- **CEDAW Protocol**: neither signed nor ratified
- **Maputo Protocol**: signed in 2003

Ratify! Although Burundi has ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), it has still not ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol), or the Optional Protocol to CEDAW.

Respect! The Coalition of the Campaign remains particularly concerned by: the persistence of legislative provisions that discriminate against women; the legal vacuum in the area of succession, marriage regimes and gifts; the perpetration of sexual and domestic violence with almost total impunity; and the limited access by women to education, the labour market and health care.

/ Some positive developments...

The Coalition of the Campaign acknowledges some positive developments relating to women's rights in Burundi over recent years, including:

- The adoption in March 2005 of a Constitution guaranteeing the principle of equality between women and men (art. 13).
- The adoption in April 2009 of a new Penal Code strengthening the repression of sexual and domestic violence and sexual harassment (art. 560) and prohibiting polygamy (art. 530).
- The 2005 Constitution provides for a minimum of 30% of women in the Government (art. 129), in the National Assembly (art. 164) and in the Senate (art. 180). The new electoral law of 2009 provides that Communal Councils must be composed of 15 members with at least 30% women (art. 181). No similar measures have been adopted at the provincial level.

/ But discrimination and violence persist

IN LAW

In Burundi, the persistence of violations of women's human rights is encouraged by the maintenance of discriminatory legislation. For example:

The Penal Code: The voluntary termination of pregnancy is criminalised (art. 510).

The Family Code: Article 88 specifies a different minimum legal age for women to that of men and article 122 states that the man is considered to be the head of the family.

The Citizenship Code prohibits a woman from Burundi married to a foreigner from passing on her nationality to her spouse or to their children.

Customary law is recognised by law and has harmful repercussions for women's rights, notably in the area of succession, marriage regimes and gifts. A draft Family Code guaranteeing equality on these matters has been pending since 2008.

IN PRACTICE

• Violence

Despite the adoption of a repressive Penal Code, cases of sexual violence are widespread. Amicable settlements are often preferred, and encouraged by some government officials and police officers. Moreover, numerous obstacles inhibit women's capacity or willingness to press charges: long and costly legal proceedings, fear of stigmatisation and reprisals, generalised corruption, etc.

According to information obtained by the United Nations Integrated Office in Burundi (BINUB), in 2009 the great majority of cases of sexual violence were attributable to civilians (between 80 and 100%), with minors being the main victims (between 67 and 72% of cases). The perpetration of sexual violence by police officers has also been deplored by the UN Independent Expert on Burundi. According to his last report (2008), some of this violence even occurred in police premises.

• Obstacles to access to education and employment

90% of the population of Burundi live in rural areas in widespread poverty. Women are particularly vulnerable to these economic problems because of the persistence of deeply-entrenched patriarchal and stereotypical behaviour on women's role and responsibilities. The general poverty in which women – especially rural and older women - live limits their access to adequate education, health services, social security and land and banking services.

“Poverty is taking on a feminine face in Burundi. Tackling the feminisation of poverty needs to be at the centre of current discussions, so that recently-announced gender policies and initiatives to stimulate the country's economy do not leave women by the wayside,” **DUSHIREHAMWE, Veilleuse No. 7**

Despite the introduction of free primary education for all in 2005, there remains a large disparity between boys and girls as concerns education, particularly in secondary and higher education. In the labour market, women are discriminated against in terms of security of employment, payment of leave entitlements and maternity allowances. The high unemployment level and the concentration of women in the informal sector also contribute to increasing their vulnerability.

• Obstacles to access to health

Notwithstanding the commitment announced by the Government in 2006 to introduce free healthcare for women, in practice they have very little access to adequate health services, in particular to information on prenatal and postnatal care and family planning. The maternal mortality rate is high, notably because of the lack of obstetric care, the significant number of early pregnancies and the practice of non-medically supervised abortions. Additionally, family planning centres often lack qualified personnel. According to UNICEF, at the end of 2007 the proportion of births attended by qualified staff was only 41.1%.

The Coalition of the Campaign calls on the authorities of Burundi to:

- **Take all necessary measures to guarantee that perpetrators of sexual and domestic violence and of sexual harassment are prosecuted and punished**, in accordance with the provisions of the new Penal Code, notably by ensuring training of judges and law-enforcement personnel; by harmonising the Code of Criminal Procedure; and by adopting measures ensuring judicial independence to be guaranteed.
- **Raise people’s awareness on the provisions of the new Penal Code**, in particular as concerns the repression of sexual and domestic violence and of sexual harassment.
- **Intensify efforts to encourage women’s participation in political life**, by no longer considering the 30% quotas as an upper limit; by widening this measure to the nomination of provincial governors; and by encouraging women’s participation in the various local administrative bodies.
- **Improve access of women to family planning** and to the use of contraceptive methods and legalizing abortion.
- **Harmonise the minimal age of marriage** for women and men (art. 88) and eliminate the status of the husband as the head of the family (art. 122).
- **Guarantee women’s equality in law in matters of succession, marriage regimes and gifts**, ensure its effective application, especially in rural areas, and raise awareness of the population on the provisions of this new law.
- **Amend the Citizenship Code** to bring it into conformity with the provisions of Article 9 of the CEDAW Convention.
- **Take all necessary measures to guarantee equality of access of women and men to all levels of education and employment**, and to eliminate deeply-entrenched patriarchal and stereotypical social behaviour regarding women’s role and responsibilities.
- **Improve access to health services and healthcare**, notably by intensifying efforts to improve health infrastructures; by improving access to prenatal, postnatal and obstetrics services; and providing family planning centres with adequate resources and qualified personnel.
- **Adhere to commitments made during the Universal Periodic Review by the United Nations Human Rights Council**, in particular those relating to the intensification of efforts undertaken to implement the recommendations of the CEDAW Committee, the adoption of legislation guaranteeing equality between men and women, notably in the area of family law and succession, the adoption of measures necessary to modify the Family Code, and the intensification of work on the equality of the sexes, notably as concerns the rights of women to inheritance and to property.
- **Ratify the Maputo Protocol and the Optional Protocol to CEDAW**.
- **Implement all the recommendations made by the CEDAW Committee** in April 2008.

PRINCIPAL SOURCES

- Focal Point: Ligue ITEKA
- Dushirehamwe, www.dushirehamwe.org
- Centre de paix pour les femmes (CPF), Interview of Perpetue Kanyange, CPF President, www.africa4womensrights.org
- Recommendations of the CEDAW Committee, April 2008
- United Nations Integrated Office in Burundi (BINUB)
- Interim Report of the United Nations Independent Expert charged with examining the situation of human rights in Burundi, August 2008
- UNICEF, www.unicef.org

For more information on women's rights and the actions of the campaign in Burundi, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINT IN BURUNDI

Ligue ITEKA



The Ligue ITEKA was created in 1991. Its vision is that of a united and democratic Burundi, in which peace and security hold sway and are solidly grounded in law. Its mission is to defend and promote human rights and to guard against their violation. The ITEKA League has sections in all of the country's 17 provinces. It has eight specialised commissions, including the Commission on Women and Children.

www.ligue-iteka.africa-web.org

Women's rights protection instruments ratified by Cameroon:

- **CEDAW:** ratified in 1994
- **CEDAW Protocol:** ratified in 2005
- **Maputo Protocol:** signed in 2006, not ratified

Ratify! Cameroon has ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and its Optional Protocol, but has still not ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).

Respect! The Coalition of the Campaign is particularly concerned by the following continued violations of women's rights in Cameroon: persistent discriminatory legislation; violence against women, including harmful traditional practices such as early and forced marriage and female genital mutilation; and limited access to education, public and political life and health services.

/ Discrimination and violence persist

IN LAW

Cameroon's laws remain deeply discriminatory towards women and, despite observations and recommendations made by the CEDAW Committee to the Cameroon government in 2000 and 2009, no legal reforms have been undertaken to increase protection of women's human rights. Furthermore, customary law is applied alongside statutory law, creating numerous contradictions and inconsistencies.

PENAL CODE

- Adultery is systematically punishable if committed by a woman, but is only punishable when committed by a man if it is "habitual" or takes place in the matrimonial home (art. 361).
- Abortion is criminalised, except if the mother's life is in danger or if pregnancy is the result of rape (arts. 337 and 339).
- Rape is criminalised, unless it takes place within marriage (art. 296).

CIVIL CODE

- The minimum age for marriage is 15 years for girls and 18 years for boys (art. 52). Girls under 18 are not required to consent to marriage, parental consent is sufficient (art. 49).
- The man can choose which matrimonial regime applies (monogamy or polygamy). If no choice is made, the couple is married under common law, which allows polygamy and community of marital property. The payment of dowries is authorised (art. 70).
- The husband is considered to be the head of the family (art. 213). He also has the sole right to determine the family domicile (arts. 108 and 215) and, in the interest

of the household and the children, may prevent his wife from taking employment (Regulation 81-02, implementing the Civil Code).

–Women are not entitled to full use and enjoyment of property (arts. 1421 and 1428). The husband has the right to administer communal marital property, thereby giving him the right to sell or mortgage the couple's property without his wife's consent. These provisions are contrary to the Constitution.

IN PRACTICE

Customs and traditions in Cameroon weigh heavily against the implementation of statutory laws. In rural areas customary courts often settle property and domestic disputes.

• **Discrimination in the family**

Early and forced marriages are widespread, especially in rural areas and some girls as young as 12 are married. The practice of levirate, according to which widows are forced to marry the brother of the deceased husband, is also very common, since widows are considered as property to be bequeathed. According to tradition, only male children are permitted to inherit property.

• **Violence**

Violence against women and girls is highly prevalent, in particular within the family, and remains widely socially accepted. Marital rape is not a criminal offence. The government has not established shelters or legal aid clinics and victims generally suffer from a culture of silence and impunity.

There are no laws prohibiting traditional harmful practices, and female genital mutilation (FGM) and the practice of breast ironing persist in parts of the North and the South-West of the country: it is estimated that 20% of women are victims.

Although Cameroon adopted a law against trafficking in children and slavery in 2005 (Law no. 2005/015) and has ratified the United Nations Convention against Transnational Organised Crime and its two optional protocols, trafficking, exploitation and prostitution of girls and women remain widespread.

• **Obstacles to access to education**

The literacy rate for the 15-26 age group is 72% for boys and 59% for girls. This disparity can be explained in part by families' decisions to favour boys' education if financial resources do not permit sending all children to school. Although some efforts have been made by the government to promote girls' access to education, there remain fewer girls than boys in secondary and higher education. Girls are especially affected by the lack of infrastructure, educational materials and the shortage of qualified teachers. Only a handful of girls have been able to benefit from the scholarship policy (even though the policy imposed a quota of 40% girls). In rural areas, the quality of education is far lower than in urban areas.

• Under-representation in political life

Although labour law guarantees gender equality, providing for equal access to employment and equal wages for equal work, women are still employed mainly in the informal sector: agriculture and household services. Women are thus generally excluded from social security benefits. Furthermore, sexual harassment in the workplace is very common and is not punished by law.

Following the September 2007 elections, out of 180 parliamentarians elected, only 25 (13.8%) were women.

The Coalition of the Campaign calls on the authorities of Cameroon to:

- **Reform or repeal all discriminatory measures in statutory law**, in conformity with CEDAW, in particular the provisions of the Family Code concerning age of marriage, consent, polygamy, marital power and property; and the provisions of the Penal Code on adultery and rape.
- **Harmonise customary law with statutory law**, in conformity with CEDAW, and ensure that in case of conflict statutory law prevails.
- **Strengthen laws and policies to combat violence against women**, and in particular: adopt a specific law on violence against women, including domestic violence and marital rape; criminalise harmful traditional practices such as female genital mutilation and breast ironing and implement awareness-raising programmes targeting the general population; establish appropriate services to support victims and facilitate their access to justice.
- **Take all necessary measures to improve access to education for women and girls**, in particular by establishing a mechanism to monitoring primary education for girls, with a particular focus on rural areas; and by carrying out public awareness-raising campaigns on the importance of education for girls and women.
- **Take all necessary measures to improve women's access to public and political life**, especially to decision-making positions, including by adopting special temporary measures such as a quota system; and adopting legislation criminalising sexual harassment.
- **Ensure women's access to healthcare**, in particular by developing healthcare infrastructure, intensifying the fight against HIV/AIDS; taking steps to reduce the maternal mortality rate; and legalising abortion for non-medical reasons.
- **Adopt all necessary measures to reform or eliminate discriminatory cultural practices and stereotypes**, including by implementing awareness-raising programmes for all segments of the population, including religious, customary and traditional leaders.
- **Ensure women's access to justice**, including by providing information on recourse mechanisms to victims of violations; and implementing training programmes for legal personnel responsible for applying laws protecting women's rights.
- **Ratify the Maputo Protocol.**
- **Implement all recommendations issued by the CEDAW Committee** in February 2009.

• Obstacles to access to health

Health services remain inadequate, in particular in rural areas, in the face of high prevalence of HIV/AIDS and very high maternal mortality rates (1000 per 100,000 births in 2005). HIV is more prevalent amongst women (4.3%) than men (1.2%). Child mortality rates are also very high (close to 9% in 2007), due to the lack of post/prenatal care. As a result of the criminalisation of abortion and the lack of sex education, non-medicalised abortions are common, endangering the lives of women.

PRINCIPAL SOURCES

- Focal Point: MDHC
- CEDAW Committee recommendations, February 2009
- UNICEF, State of the World's Children 2009, www.unicef.org
- AFROL Gender Profiles, www.afrol.com

For more information on women's rights and the actions of the campaign in Cameroon, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINT IN CAMEROON

Maison des Droits de l'Homme au Cameroun (MDHC)

MDHC is a network of human rights organisations based in Youndé. MDHC provides legal advice, representation and support to victims of human rights violations.

Women's rights protection instruments ratified by Cape Verde:

- **CEDAW:** ratified in 1980
- **CEDAW Protocol:** not signed
- **Maputo Protocol:** ratified in 2005

Ratify! Although Cape Verde has ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), it has yet to ratify the Optional Protocol to CEDAW.

Respect! The Coalition for the Campaign commends the level of compliance of Cape Verde's laws with international and regional women's rights protection instruments. However, the Coalition remains concerned about certain violations that persist in practice, in particular: violence against women and limited access to education, employment, decision-making positions and healthcare.

/ Some positive developments...

The Coalition of the Campaign acknowledges several developments in recent years aimed at improving respect for women's rights, including:

- The adoption of a series of legislative reforms to bring Capverdean laws in line with international obligations, including reforms to the Criminal Code adopted in 2004, which increased sentences for perpetrators of crimes of sexual violence and added a provision specifically criminalising domestic violence.
- The promulgation of Decree n° 62/2005 setting up legal centers to promote access to justice.
- The adoption of the National Gender Equality and Equity plan (2005-2009), and the implementation of campaigns to raise awareness on women's rights.
- The adoption of a National Action Plan to fight gender violence (2009-2011).

/ But discrimination and violence persist

IN LAW

Although the law in Cape Verde guarantees equal rights to men and women, traditional patriarchal stereotypes on the roles and responsibilities of women and men within the family and society remain deeply rooted and prevent the effective implementation of laws protecting women's rights.

IN PRACTICE

• Discrimination in the family

While the law fixes the minimum legal age for marriage at 18 years for both women and men, it can be lowered to 16 with parental consent, for example in the case of pregnancy, encouraging early marriages.

• Violence

While several reforms have been adopted to strengthen laws protecting women from violence, Cape Verde still has not adopted a specific law criminalising violence against women (a draft law is currently before Parliament). In the absence of adequate legal protection, domestic violence remains highly prevalent.

Cape Verde has ratified the Protocol to the United Nations Convention against Transnational Organized Crime on prevention, suppression and punishment of trafficking in persons, especially women and children, but remains a transit country for trafficking of women and girls. With the development of the tourism industry, and despite laws imposing 2-8 year prison sentences on anyone caught practising, aiding or abetting prostitution, sexual exploitation of women in Cape Verde is widespread.

• Obstacles to access to education

As a result of major efforts to increase girls' access to education at all levels, Cape Verde has one of the highest school enrollment rates in Africa. Equal numbers of girls and boys are enrolled at all levels of the education system (88% of girls and boys attend primary schools and 60% attend secondary schools). Nevertheless, illiteracy rates amongst women remain high at 38% (44% in rural areas). Many pregnant girls leave school, owing to a measure adopted in 2001 which "requires the temporary suspension of pregnant student", and rarely re-enroll after giving birth.

• Under-representation in public and political life

Women's participation in certain nominated posts has increased, for example judicial appointments (47% of judges are women) and ministerial positions (8 of the 22 ministers in the government appointed in July 2008 are women). In relation to elected office, however, the situation is different. The Electoral Code of 1999 establishes various measures for the promotion of women in public and political life but these measures are unimplemented. Following the last legislative elections in January 2006, only 13 out of 72 members of parliament were women (18%).

Despite legislative measures aimed at guaranteeing equal employment rights to men and women (eg. Constitution, art. 61, Electoral Code, arts. 420 and 404), women continue to face de facto discrimination in recruitment, receive lower salaries for the same work and have limited access to traditionally 'male' professions. Legal provisions on maternity leave in the private sector are inadequate.

• Obstacles to access to health

While Cape Verde has made major efforts to improve women's access to reproductive care, maternal mortality rates remain high, in large part owing to deaths related to non-medical abortions. This reflects the inadequacy of family planning services

(although these are provided free to pregnant women and children up to two years of age) and sexual education programs, which do not focus sufficiently on preventing unwanted pregnancy.

PRINCIPAL SOURCES

- Focal Points: AMJ, REDEMEC
- CEDAW Committee recommendations, August 2006
- OIF, “*Cape Verde, towards gender equality*”, <http://genre.francophonie.org>

The Coalition of the Campaign calls on the authorities of Cape Verde to:

- **Take all necessary measures to fight discrimination within the family**, including by abolishing the provision that allows marriage at 16 with parental consent.
- **Strengthen laws and policies to combat violence against women**, in particular: adopt the draft law on violence against women; establish appropriate services to support victims, including shelters, and facilitate their access to justice, including by establishing a specific court to deal with cases of violence against women.
- **Take all necessary measures to improve access to education for women and girls**, and reduce female illiteracy, in particular by: ensuring that pregnant girls remain within the school system; implementing courses for adults especially in rural areas; and ensuring that girls participate in all types of curricula, especially in scientific and technical specializations.
- **Take all necessary measures to ensure women’s participation in public and political life**, including by eliminating discriminatory practices concerning differences in salaries and recruitment practices; and by adopting special temporary measures to promote women’s representation in elected decision making positions.
- **Improve women’s access to healthcare**, in particular by increasing family planning programs and ensuring women have access to contraception, especially in rural areas.
- **Adopt all necessary measures to reform or eliminate discriminatory cultural practices and stereotypes**, including by implementing awareness-raising programmes on women’s rights targeting the general population.
- **Ensure women’s access to justice**, including by providing information on recourse mechanisms to victims of violations; and implementing training programmes for legal personnel responsible for applying laws protecting women’s rights.
- **Ratify the Optional Protocol to CEDAW.**
- **Implement all recommendations made by the CEDAW Committee** in August 2006.

For more information on women's rights and the actions of the campaign in Cape Verde, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINTS IN CAPE VERDE

Associação Caboverdiana de Mulheres Juristas (AMJ)



AMJ works for the eradication of discrimination against women, equal opportunities for men and women, respect for children's rights and promotion of the rule of law. AMJ provides legal assistance and support to women victims of violence.

Rede de Mulheres Economistas de Cabo Verde (REDEMEC)

REDEMEC is a women's rights organisation. Its actions include advocacy before national authorities, organisation of meetings and conferences.

Women's rights protection instruments ratified by Chad:

- **CEDAW:** ratified in 1995
- **CEDAW Protocol:** not signed
- **Maputo Protocol:** signed in 2004, not ratified

Ratify! Although Chad ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) in 1995 it has not ratified either the Optional Protocol to CEDAW or the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).

Respect! The Coalition of the Campaign is particularly concerned by: the persistence of discriminatory legislation; discrimination within the family; violence against women; violations of women's inheritance rights; and limited access of women to education, employment, decision-making positions, health and justice.

/ Some positive developments...

The Coalition of the Campaign acknowledges the recent adoption of several laws and policies aimed at improving respect for women's rights, including:

- The adoption of Law No. 06/PR/2002 of 15 April 2002, which prohibits female genital mutilation, early marriage, domestic and sexual violence.
- The revision in 2005 of Article 222 of the Constitution which establishes the supremacy of international treaties over domestic laws.

/ But discrimination and violence persist

IN LAW

In Chad, statutory law applies alongside customary law and Muslim law. The Constitution of 1996 prohibits customs that promote inequality between citizens (art. 161). It specifies that: "The rules of custom and tradition governing systems of matrimonial property and the inheritance of property may only be applied with the consent of the parties". In the absence of consent, statutory law applies. However in practice customary and religious law continue to govern many aspects of family life (parental authority, inheritance etc.), especially in the North of the country.

Moreover, several statutory laws remain discriminatory, especially within the area of the family. For example:

- The French Civil Code 1958, which is still in force, provides that the legal minimum age for marriage is 15 years for girls and 18 years for boys (art. 144). The Criminal Code 1967, which qualifies as rape any customary marriage consummated before the girl has reached 13 years of age, de facto recognises 13 years as a legal age for marriage (art. 277).

- According to the Criminal Code, the consent of the female is not a condition for marriage (art. 289 -2).
- According to Ordinance no. 3 INT of 1961 regulating civil status, a dowry is a prerequisite for marriage and polygamy is authorised. When a husband takes a second wife, the first is entitled to ask for the dissolution of her marriage, but she must reimburse her dowry and the other expenses connected with the marriage.

IN PRACTICE

• Discrimination in the family

There is no legislation specifically relating to the family. Women are thus excluded from legal protection. On 8 March 2005 the President of Chad, Idriss Déby, announced his intention to promote the rapid adoption of a Family Code advocating gender equality, however this legislation is still at the draft stage.

Early and forced marriages are especially widespread in Chad. In 2004, it was estimated that 49% of girls between 15 and 19 years of age were married, divorced or widowed. Polygamy, which is frequently practised, affects more than one third of married women. According to tradition, only men have parental authority and, in case of divorce, mothers can only obtain custody of the children up to the age of 6 years.

• Violence

Violence against women remains highly prevalent, and in the absence of adequate protection from the law, impunity is widespread. Although the Law on reproductive health adopted in April 2002 prohibits some forms of violence against women such as female genital mutilation (FGM), early marriage and domestic and sexual violence, the decrees implementing this law have never been published.

The Criminal Code does not sanction certain forms of violence such as incest, forced marriage, marital rape or sexual harassment and these cases are often dealt within the family setting or by traditional authorities.

Moreover, there are no facilities to support women who are victims of violence. With regard to rape, although it is illegal, the law does not specify any criminal sanction and although the police sometimes arrest and detain those who commit rape, cases of sexual violence very rarely reach the courts.

Female genital mutilation (FGM) is still practised throughout the country. It is estimated that almost half the women in Chad have been subjected to a more or less severe form of FGM. Infibulation, in particular, is practised in the eastern part of the country.

Sudanese refugees and internally displaced women in East Chad are particularly vulnerable to sexual violence. A survey carried out by the United Nations Population Fund (UNFPA) in 2009 revealed that the prevalence of sexual violence is 15 to 20% in the displacement camps. The main perpetrators of these crimes include soldiers from the Chad National Army (ANT).

• Obstacles to access to property

Although property and inheritance laws do not contain discriminatory provisions, in practice many women do not receive any inheritance because the estate is plundered by the men in the family. In cases of dispute, the local authorities generally find in

favour of men in accordance with tradition. In practice, it is also very difficult for women to gain access to land, since traditions reserve this right to men.

- **Obstacles to access to education, employment and public and political life**

50% of women were in primary education and 5% in secondary education for the period 2000-2007. The number of early marriages contributes to the low proportion of girls in secondary education.

Although the reform of the Labour Code in 1996 and the revision of the general collective agreement in 2002, provided for equal access to employment for men and women, women in Chad continue to face many obstacles. The majority work in the informal sector for salaries inferior to those of men and in precarious conditions. Women have very little access to positions of responsibility and are largely under-represented in political life. During the last legislative elections in 2002, out of 30

The Coalition of the Campaign calls on the authorities of Chad to:

- **Reform all discriminatory laws** in conformity with CEDAW, in particular discriminatory provisions within the Criminal Code and the Civil Code.
- **Adopt laws protecting women's rights in family matters**, in conformity with CEDAW, and ensure that discriminatory provisions of customary law do not apply.
- **Strengthen laws and policies to combat violence against women**, and especially: reform the Criminal Code in order to sanction any form of violence, including marital rape; adopt and publish decrees implementing the Law on reproductive health 2002 and take all the necessary steps to ensure that it is fully applied; allocate additional financial resources in order to establish victim support services, legal aid services and shelters, with the aim of combating domestic violence; and strengthen efforts to combat FGM.
- **Ensure equal access for women to property**, including land, inherited property and bank loans.
- **Adopt measures to eliminate obstacles to the education of girls and women**, in particular so as to ensure that girls stay in the educational system, including pregnant and married students; and establish awareness programmes in order to overcome stereotypes and traditional attitudes.
- **Adopt measures to ensure women's access to healthcare**, including obstetric care and family planning; and ensure access to contraception, so as to reduce the number of clandestine abortions.
- **Take the necessary steps to ensure women's access to justice**, especially by ensuring the training of judicial and police personnel; by establishing information campaigns targeting women and informing them of their rights; and by providing free legal aid for women victims.
- **Take all necessary steps to reform or eliminate discriminatory cultural practices and stereotypes**, especially through awareness-raising programmes targeting men and women, government officials, religious leaders, community and traditional leaders.

women candidates, and a total of 155 members of parliament, only 9 women were elected (5.8 %) (the previous parliament had 3 women, or 2.4 %). There are no laws establishing temporary special measures such as quotas.

• **Obstacles to access to health**

Although the Law on reproductive health of 2002 provides for the right to safe, effective and affordable local health services and special assistance for those with HIV, in practice access to such services, including contraception and family planning, remains very limited for Chadian women. Chad has the highest rate of maternal mortality in the world with 1,500 deaths per 100,000 births in 2005.

• **Obstacles to access to justice**

Chadian women encounter immense difficulties in accessing justice and asserting their rights. Legal costs are particularly high, there is insufficient awareness of women's rights and the laws that protect them and a lack of training of police and legal personnel. Finally, religious leaders who wield considerable authority among the population often interpret the law to the detriment of women.

PRINCIPAL SOURCES

- Focal Points: LTDH, ATPDH
- Universal Periodic Review, Chad, July 2009
- UNICEF, www.unicef.org
- AWID, Association for Women's Rights and Development, www.awid.org

For more information on women's rights and the actions of the campaign in Chad, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINTS IN CHAD

Ligue Tchadienne des Droits de l'Homme (LTDH)



LTDH was established in 1991 in N'Djamena. Its Gender Commission fights all forms of discrimination against women: awareness-raising campaigns on laws protecting women's rights and violence against women; advocacy for conformity of domestic laws with international instruments protecting women's rights.

www.laltdh.org

Association tchadienne pour la promotion et la défense des droits de l'Homme (ATPDH)



Established in 1991, ATPDH promotes and protects human rights. It is independent, apolitical and secular. Through activities including legal advice, investigation, advocacy, education and awareness-raising, it focuses on the following themes: combating impunity; physical integrity and forms of torture; the rights and obligations of prisoners; the protection of women and children; public freedoms.

Women's rights protection instruments ratified by Côte d'Ivoire:

- **CEDAW:** ratified in 1995
- **CEDAW Protocol:** not signed
- **Maputo Protocol:** signed in 2004, not ratified

Ratify! Although Côte d'Ivoire ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in 1995, the government has never submitted a report on implementation of its provisions to the UN Committee in charge of monitoring its application (CEDAW Committee). Côte d'Ivoire has not ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) or the Optional Protocol to CEDAW.

Respect! The Coalition of the Campaign is particularly concerned by: persistent discriminatory legislative provisions; discrimination within the family; violence; limited access to education, property, health services and justice; and under-representation in public and political life.

/ Some positive developments...

The Coalition of the Campaign acknowledges the recent adoption of several policies aimed at improving respect for women's rights, including:

- The establishment in 2006 of the Equality and Gender Directorate within the Ministry of the Family, Women and Social Affairs, responsible for coordinating government activities in the fight against gender discrimination and the adoption of the National Policy on Equal Opportunities, Equity and Gender in April 2009 to promote the consideration of gender in the public and private sectors.

/ But discrimination and violence persist

IN LAW

Many discriminatory provisions persist in Ivorian legislation, including:

Within the family: The Civil Code provides that the man holds the status of head of the family (art. 58). The husband chooses the family residence (art. 60). The husband has the right under common law to administer and dispose of marital property (art. 81). A divorced woman cannot remarry during a period of 300 days from the date the divorce is pronounced (arts. 25 and 26). A woman can be punished for adultery wherever the offence is committed, while the man is only punished in the case of habitual adultery or adultery that takes place in the marital home (Criminal Code, art. 391).

According to the Law on Succession 1964 (n° 64-374), "property is passed to the parents and his spouse, in that order".

Employment law: A woman may only take employment if such work does not clash with the “interests of the family” (Civil Code, art. 67). Women are forbidden to do certain types of work specified by decree (Labour Code, art. 23). If the type of work does not appear in this list, employers can nevertheless require women to undergo tests to establish whether they are strong enough to conduct such work. Thus, for example, women have limited access to the police force. The pension allocated to the widower of a female civil servant is lower than the one allocated to the widow of a male civil servant (Civil Service Code, Law n° 92570 1992).

IN PRACTICE

• Discrimination in the family

The abolition of polygamy by the Civil Code has had the perverse effect of increasing cases of repudiation and eviction of women. They find themselves with no protection or legal recourse and often with the responsibility of looking after children. In addition, forced and early marriages remain very common. In 2008, it was estimated that over one third of girls were married before the age of 18 years.

In spite of the 1983 law on marriage that provides for a regime of separation of marital property, most couples still chose the common law regime that gives the husband alone the right to administer the common property in the marriage.

• Violence

Despite the adoption in 1998 of a law punishing some forms of violence against women (Law n° 98-757), and a law criminalising rape (Law n° 81-640), perpetrators of these crimes continue to benefit from general impunity, partly due to a culture of silence. During the armed conflict between 2002 and 2007, crimes of sexual violence were perpetrated on a large scale by members of armed groups. Such crimes have since become ‘normalised’ and victims of such crimes rarely file complaints for fear of social stigmatisation or reprisals by the perpetrator or his family.

Although female genital mutilation (FGM) has been a crime since 1998, it is still practised, especially in rural areas and amongst the Muslim population, partly as a result of the failure of government to implement awareness-raising programmes.

• Obstacles to access to education

The general level of schooling in Côte d’Ivoire is very low, especially for girls: in the northern areas of the country, under the influence of tradition, the population remains reluctant to educate girls, who are often responsible for domestic tasks. In 2009, only 49% of girls were educated at primary school level as opposed to 61% of boys, and over 75% of girls received no secondary school education. The literacy rate for young women aged between 15 and 25 was only 40%.

• Under-representation in public and political life

Women are poorly represented in political life in Côte d’Ivoire: during the last elections, held in 2000, only 18 women were elected out of 224 members of parliament (8.9%). In 2009, there were only 8 women mayors, one woman village chief (of a total of 1500), and one woman held the post of president of a regional council. No legal steps

have been taken to promote parity. Although women can now enter the police force, they are often relegated to low-status roles such as traffic police and administrative positions. Women still do not have access to posts within military police.

• **Obstacles to access to property**

Ivoirian women have limited access to property, especially in rural areas, not because of discriminatory legislation but because of socio-cultural pressures and women's lack of knowledge of their rights.

• **Obstacles to access to health**

The generalisation of rape has contributed to making Côte d'Ivoire the country with the highest rate of HIV/AIDS in West Africa. Although this rate decreased significantly

The Coalition of the Campaign calls on the authorities of Côte d'Ivoire to:

- **Reform or abolish all discriminatory legal provisions**, in accordance with CEDAW, in particular within the Civil Code, the Labour Code, the Civil Service Code and the Criminal Code.
- **Strengthen laws and policies to combat violence against women**, including by establishing awareness-raising campaigns and training programmes for legal personnel and health professionals; by ensuring that perpetrators are prosecuted and punished; and sensitizing the population on the harmful effects of FGM.
- **Promote access to education for girls**, by guaranteeing free, compulsory schooling up to the age of 15 and by taking steps to encourage girls to enrol in higher education.
- **Reinforce women's access to decision-making positions**, in particular by adopting temporary special measures including a law on quotas.
- **Guarantee women's access to land and property**, by implementing awareness-raising programmes for women on their rights, especially in rural areas.
- **Guarantee women's access to health**, including by promoting access to family planning, especially in rural areas; by decriminalising abortion; and by adopting the draft law on the fight against HIV/ AIDS.
- **Guarantee women's access to justice**, in particular by setting up education and awareness-raising programmes for all those responsible for the application of laws relating to women's rights; by informing women of existing recourse mechanisms for violations; and by setting up legal assistance services for victims.
- **Submit the initial report on implementation of CEDAW provisions** to the CEDAW Committee which is overdue since 1996.
- **Ratify the Maputo Protocol, the Optional Protocol to CEDAW and the Rome Statute of the International Criminal Court.**

since 1990 (from 14% to 4.7%), it remains 3 to 4 times higher than in neighbouring countries. Apart from a pre-draft law, which has seen no progress (which would establish prison sentences for voluntary contamination), the authorities have not made any legislative commitments to assist victims of HIV/AIDS.

Abortion is an offence that incurs a prison sentence resulting in widespread practice of non-medical abortions.

• **Obstacles to access to justice**

It is difficult for Ivorian women to obtain access to justice, particularly due to a lack of information concerning their rights and the laws that protect them, for fear of being rejected by their families, and because of the significant costs of trials.

PRINCIPAL SOURCES

- Focal Points: WILDAF-Côte d'Ivoire, AFJCI, MIDH, LIDHO
- UNICEF, The State of the World's Children, 2009: www.unicef.org

For more information on women's rights and the actions of the campaign in Côte d'Ivoire, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINTS IN CÔTE D'IVOIRE

WILDAF-Côte d'Ivoire



WILDAF-Côte d'Ivoire is a member of WILDAF, a Pan African network whose objective is to promote and enforce human rights in general and those of women in particular. The network has existed in Côte d'Ivoire since 1999. Its main activities are: the establishment of support and advice centres for women victims of violence; and actions to combat violations of children's rights.

www.wildaf-ao.org

Association des Femmes Juristes de la Côte d'Ivoire (AFCJI)



AFCJI aims to promote and raise awareness on women's rights and children's rights, including socio-economic rights, the right to health and a healthy environment and fighting violence against women. AFCJI provides legal assistance to destitute women and women in detention; and implements awareness-raising and advocacy campaigns.

www.afjci.org

Mouvement ivoirien des droits humains (MIDH)



MIDH is a human rights NGO. It carries out legal and investigative activities, principally on the issue of democracy human rights and non-violence. It provides legal advice; organises fact-finding missions, advocacy, and human rights education.

Ligue ivoirienne des droits de l'Homme (LIDHO)



LIDHO, created in 1987, works for the promotion and protection of human rights. LIDHO aims to contribute to the strengthening of the Ivorian judicial system, respect for civil, politic, economic and social rights and the abolition of all forms of discrimination, especially against women, children and people affected by HIV/AIDS.

www.lidho.org





Desmond Tutu, Nobel Peace Prize laureate, Campaign Patron

I call upon all leaders to promote and protect equal rights for women and girls. Violence against women cannot be tolerated in any form, any context, in any circumstances by any religious leader, political leader or by any government.

As people of faith and concerned global citizens, we cannot embrace justice, peace and love if we fear to speak out, condemning violence against women as wrong.(...) A society that permits violence against women is a society that is on the way out.

Speech made on the occasion of the International Day for the Elimination of Violence Against Women, November 2009

DEMOCRATIC REPUBLIC OF CONGO (DRC)

Women's rights protection instruments ratified by DRC:

- **CEDAW:** ratified in 1986
- **CEDAW Protocol:** not signed, not ratified
- **Maputo Protocol:** ratified in 2009

Ratify! Although the Democratic Republic of Congo (DRC) ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the Protocol to the African Charter Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), it has still not ratified the Protocol to the CEDAW.

Respect! The Coalition of the Campaign is concerned by: the persistence of discriminatory legislation, notably in the Family Code; sexual violence perpetrated with complete impunity in conflict zones, as well as in zones of relative stability; traditional harmful practices such as early and forced marriage; limited access to education, health and employment.

/ Some positive developments...

The Coalition for the Campaign acknowledges several developments relating to the protection of women's rights in DRC:

- The adoption in July 2006 of two laws on sexual violence (laws No06/018 and 06/019). However, these laws have not been effectively implemented.
- The adoption in January 2009 of a child protection law (law No09/001), which contains provisions protecting children from all forms of exploitation and sexual violence and guaranteeing the rights of pregnant women.
- The ratification in February 2009 of the Maputo Protocol.

/ But discrimination and violence persist

IN LAW

The persistence of violations of women's rights is encouraged by the existence of discriminatory legislation. For example:

The Family Code contains provisions that are particularly discriminatory against women. Article 352 sets a minimum age of marriage for women that is different to that for men (18 for men, 15 for women). Article 355 states that "Women may not remarry until a period of 300 days has passed from the time of dissolution or annulment of the previous marriage. This period ends in the event of childbirth".

Other provisions of the Code impose the marital subjugation of women. Article 444 states that the husband is the head of the household, that he owes protection to his wife and that the wife must obey him. Article 445 states that the married couple contribute to the moral and material management of the household under the leadership of the husband. According to article 450, apart from some exceptions, “the wife cannot appear in court on civil matters, acquire, sell or undertake commitments without the authorisation of her husband. If the husband refuses to authorise his wife, authorisation may be given by a judge. The husband can give general authorisation, but he still retains the right to revoke it”. According to article 454, only the husband has the right to establish the marital home or residence. Article 467 establishes discrimination in the area of adultery, as it penalises adultery by the husband only in certain circumstances, while adultery by the wife is punishable in all circumstances.

The Nationality Law: Although article 5 of this law (Law No004/24 of 2004) permits women to pass on their Congolese nationality to their descendants, in the same way as men, article 30 states that women may not retain their Congolese nationality if they marry a foreigner.

IN PRACTICE

• Violence

DRC has been for many years the scene of armed conflicts, during which rape has been used as a weapon of war, deployed systematically and on a huge scale. Such crimes are now being committed in zones of relative stability. Thus, despite the adoption of two laws criminalising sexual violence in 2006, cases of sexual violence continue to be reported daily with almost systemic impunity of the perpetrators.

According to the UN Special Rapporteur on Violence Against Women, who visited DRC in July 2007, allegations of rape by members of the DRC Armed Forces (FADRC) and the Congolese National Police (PNC) are numerous. Numerous obstacles limit women’s ability lodge complaints: prolonged, costly legal proceedings, fear of stigmatisation and reprisals, etc. The defects of the Congolese legal justice system reduce to zero the chances of perpetrators of sexual crimes being brought to justice and punished. The lack of training for police and legal personnel also undermines women’s access to justice.

• Obstacles to access to education, economic vulnerability

Although a large part of the Congolese population lives in extreme poverty, women are made even more vulnerable to economic difficulties by the persistence of deep-rooted patriarchal and stereotyped behaviour with regard to their role and responsibilities.

While articles 43 and 44 of the Constitution enshrine the provision of free, obligatory primary education and the elimination of illiteracy, there is a wide disparity between boys and girls in education, particularly at secondary level and beyond. The high rate of girls dropping out of school is largely attributable to early and forced marriage and teenage pregnancy.

• Obstacles to access to health

The prolonged armed conflict has had an extremely negative effect on maternal mortality which may be explained by the lack of access to obstetric care, inadequate healthcare centres, limited use of existing services during pregnancy and childbirth, limited access to reproductive health and sexual hygiene services for women (particularly those living in rural areas) and low levels of education. The lack of information on HIV/Aids helps the virus to propagate, and women are the main victims.

The Coalition of the Campaign calls on the authorities of DRC to:

- **Repeal all legislation that discriminates against women**, in conformity with CEDAW and the Maputo Protocol, particularly the provisions of the Family Code and those of the Nationality Law.
- **Take all necessary measures to put an end to discriminatory practices**, in particular early and forced marriages.
- **Take all necessary measures to prosecute and punish perpetrators of sexual violence**, in particular by providing training to judges and law enforcement personnel on the provisions of the 2006 laws; by providing women with legal aid and organising awareness-raising campaigns.
- **Take all necessary measures to guarantee equality of access to all levels of education and employment**, avoiding school drop-outs of girls; increasing the level of literacy of women; taking measures to eliminate existing stereotypes on the role and responsibilities of girls and women.
- **Take all necessary measures to increase women's participation in political life**, including through the adoption of the draft law on quotas.
- **Improve access for girls and women to healthcare services**, particularly by intensifying efforts to improve the overall healthcare infrastructure, by providing better access to prenatal, postnatal and obstetric services; by providing family planning centres with adequate funds and qualified personnel, particularly in rural areas.
- **Take all necessary measures to ensure access of women to justice**, including by training judges, lawyers, public prosecutors and police officers on the content of national and international texts aimed at protecting women's rights, simplifying and disseminating these texts so as to make them accessible and comprehensible to the whole population, particularly in rural areas; creating legal aid and financial assistance structures to enable victims of violence and discrimination to go to court.
- **Take all necessary measures to implement all the recommendations made by the CEDAW Committee** in August 2006.
- **Keep to the commitments made during the Universal Periodic Review of the DRC before the UN Human Rights Council.**
- **Ratify without delay the Protocol to CEDAW.**

• Under-representation in public and political life

In 2010, women make up only 8.4% of members of the National Assembly and 4.6% of senators. There is no law or policy to ensure the application of the principles of fair representation and non-discrimination against women (as provided for by article 14 of the Constitution). Electoral law does not set minimum quotas, but merely calls for the representation of women to be taken into account in the compiling of electoral lists.

PRINCIPAL SOURCES

- Focal Points: LIFDED, Group Lotus, ASADHO, Ligue des électeurs
- CEDAW Committee Recommendations, August 2006
- FIDH, Democratic Republic of the Congo: Breaking impunity
www.fidh.org
- Interparliamentary Union, www.ipu.org

For more information on women's rights and the actions of the campaign in DRC, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINTS IN DRC

Ligue des femmes pour le développement et l'éducation à la démocratie (LIFDED)



LIFDED, which is based in Kinshasa, organises awareness-raising campaigns and training sessions on women's rights, peaceful conflict resolution, non-violence, peace building, elections and good governance.

Groupe Lotus

Groupe Lotus is a human rights NGO based in Kisangani. Established in 1991 on the initiative of a group of academics, its mission is to modify the norms and practices of Congolese society in order to ensure respect of human rights.

Association africaine de défense des droits de l'Homme (ASADHO)

ASADHO's mandate is to promote and protect human rights. It has 22 sections and representation across the DRC. ASADHO regularly holds conferences, seminars and workshops on women's rights. It also lobbies the Congolese authorities to improve conditions for women in childbirth, particularly those detained in prison.

Ligue des électeurs

Set up in 1990, the League of Electors aims to support democratic development, by defending human rights and promoting an electoral culture. The League trains members of civil society, organises awareness-raising activities on human rights; and conducts international missions to monitor and observe elections.

Women's rights protection instruments ratified by Djibouti:

- **CEDAW:** ratified in 1998
- **CEDAW Protocol:** not signed
- **Maputo Protocol:** ratified in 2005

Ratify! Although Djibouti has ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Protocol to the African Charter on Human Rights and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), it has still not ratified the Optional Protocol to CEDAW.

Respect! The Coalition of the Campaign is particularly concerned by the following continued violations of women's rights in Djibouti: persistence of discriminatory laws; violence against women; and limited access to education, decision-making positions and health care.

/ Some positive developments...

The Coalition of the Campaign acknowledges the recent adoption of several policies aimed at improving respect for women's rights, including:

- The creation of a Ministry for the promotion of women, family and social affairs in 2008.
- The establishment of a centre, operational since 2007, to provide information and support to women victims of violence.
- The establishment since 2004 of an Action Plan to promote girls' access to education, as well as literacy programmes for adults particularly targeting women.

/ But discrimination and violence persist

IN LAW

Although the Constitution establishes the principle of equality between men and women, discriminatory laws persist, in particular within the **Family Code**, adopted in 2002. For example:

Conditions for marriage: According to article 7 "marriage is only valid with the consent of the two spouses and the woman's guardian". The fixing of the dowry (*Mahr*) is a further condition for the validity of a marriage.

Forced and early marriages: Although article 13 fixes the minimum legal age of marriage at 18 years, article 14 provides that: "Marriage of minors who have not reached the legal age of majority is subject to the consent of their guardians".

Marital power: According to article 31: "The wife must respect the prerogatives of the husband, as head of the family, and owes him obedience in the interest of the family. The husband and wife must fulfil their marital duties, in conformity with practice and custom."

Polygamy is authorised under article 22. Although this clause makes it possible for a wife to challenge her husband's new marriage, many marriages remain polygamous (estimated at 11.2% in 2004).

Remarriage: According to articles 42 and 43, a woman cannot remarry after a divorce or the death of her husband for a period of three months in the case of divorce (or following birth if she is pregnant) and four months and ten days in the case of death.

Customary law, based on Sharia law, continues to be applied in many cases. It is deeply discriminatory in particular in the areas of succession, divorce and freedom of movement. For example, under customary law, women do not have the right to travel outside the country without the authorisation of an adult male relative.

IN PRACTICE

The effective implementation of laws protecting women in Djibouti comes up against major obstacles, in particular: women's lack of knowledge of the law; extreme poverty and lack of resources; as well as the weight of tradition and stereotypes concerning the role of women in society.

• Violence

Although the Djibouti Criminal Code penalises rape, torture and 'barbaric acts' (art. 324 and subsequent articles), domestic violence and marital rape are not expressly criminalised. Domestic violence is widespread in Djibouti and rarely exposed. Such violence is often dealt within a family or traditional context.

Despite efforts made by the government since 2005, including the implementation of awareness-raising campaigns involving religious and community leaders, female genital mutilation (FGM) persists in Djibouti. In 2008, it was estimated that 93% of women had undergone a form of FMG, operated traditionally on girls between 7 and 10 years old. The most severe form of FMG, infibulations, continues to be widely practised, especially in rural areas. Although the 1995 revision of the Criminal Code criminalised FGM and provided for a sentence of 5 years imprisonment and a fine of one million Djibouti francs (art. 333), nobody has ever been prosecuted under this provision.

• Obstacles to access to education

Although schooling is free and, since 2002, compulsory up to the age of sixteen, and despite incentive measures (free school meals, distribution of school equipment, clothes for newly enrolled girls, provisions for families who send their daughters to school, etc), the rate of school attendance for girls remains very low: 34% in primary and 17% in secondary schools during the period 2000-2007. In urban and rural areas alike, sending children to school often involves too great an expense for a family on a low income and priority is often given to the schooling of boys, considered to be the future heads of families.

• Under-representation in political life

Women in Djibouti remain under-represented in posts of responsibility and are generally excluded from decision-making posts in the public sector; they make up only 9% of state officials at the highest levels. In the last legislative elections in February 2008, only 9 women were elected out of 65 members of parliament (13.8%). A law

establishing a quota system was adopted in 2002, but it fixes the quota for the minimum number of women in elective and administrative functions at only 10%.

• **Obstacles to access to property**

In spite of the provisions of the Family Code establishing equal rights to property for men and women (art. 101 and subsequent articles), in practice women often find themselves deprived of inheritance in favour of the men in their families.

The Coalition of Campaign calls on the authorities of Djibouti to:

- **Reform all discriminatory legislation** in conformity with CEDAW and the Maputo Protocol, including discriminatory provisions within the Family Code.
- **Harmonise civil, religious and customary law**, in conformity with CEDAW and the Maputo Protocol, and ensure that when conflict arises, statutory law prevails including in matters of inheritance, divorce and freedom of movement.
- **Strengthen laws and policies to protect women from violence and support victims**, including: by adopting a specific law to prohibit all forms of violence against women, including domestic violence and marital rape; implementing training programs for legal personnel responsible for implementing laws protecting women from violence; organising public awareness-raising campaigns; allocating additional financial resources to the fight against domestic violence; and strengthening the operational mandate of the centre to support women and girls victims of violence.
- **Eliminate obstacles to the education of girls and women**, in particular by: ensuring equal access to all levels of education; adopting measures to retain girls within the education system, including pregnant pupils; launching awareness-raising programmes to overcome stereotypes and traditional attitudes; and increasing the budget for education to improve educational infrastructure and teacher training.
- **Increase women’s participation in public and political life**, including through the reform of the law on quotas to increase the minimum percentage.
- **Ensure women’s access to quality health-care**, including obstetrics and family planning, in particular by: ensuring access to contraception, particularly in rural areas; and allocating additional funds to health, in order to expand the healthcare infrastructure and increase the number of qualified personnel, particularly in rural areas.
- **Adopt all necessary measures to reform and eliminate discriminatory cultural practices and stereotypes**, by disseminating simplified versions of legal texts to the general public and adopting awareness-raising programmes aimed at men and women, including government officials and religious, traditional and community leaders.
- **Ratify the Optional Protocol to CEDAW.**

• Obstacles to access to health

Women in Djibouti suffer from a lack of adequate access to health care services, due to the lack of health infrastructure and human and financial resources. High fertility rates, poor provision of emergency obstetric care and the persistence of harmful traditional practices (excision including infibulations) seriously affect women's health and explain the high maternal mortality rates (estimated at 650 per 100,000 births in 2005).

PRINCIPAL SOURCES

- Focal Point: LDDH
- UNICEF, www.unicef.org
- Inter-parliamentary Union, www.ipu.org
- OIF, www.genre.francophonie.org
- UNDP Djibouti

For more information on women's rights and the actions of the campaign in Djibouti, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINT IN DJIBOUTI

The Ligue Djiboutienne des des Droits de l'Homme (LDDH)



Created in 1999, LDDH conducts many activities for the promotion and defence of human rights in Djibouti: monitoring human rights violations, prevention of social conflict, fighting impunity, training and information.

www.iddh-djibouti.org

Women's rights protection instruments ratified by Ethiopia:

- **CEDAW:** ratified in 1981
- **CEDAW Protocol:** not signed
- **Maputo Protocol:** signed in 2004, not ratified

Ratify! Although Ethiopia ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in 1981, the government has not yet ratified its Optional Protocol or the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).

Respect! The Coalition of the Campaign is particularly concerned by the following continued violations of women's rights in Ethiopia: persistence of discriminatory laws; discrimination within the family; violence against women, including harmful traditional practices such as female genital mutilation; and limited access to education, property, healthcare and justice.

/ Some positive developments...

The Coalition of the Campaign acknowledges the recent adoption of several laws and policies aimed at improving respect for women's rights, including:

- The adoption of amendments to the Family Code in 2001 which raised the minimum legal age for marriage to 18 for both men and women (art. 7); abolished the provision conferring marital power on the husband as the head of the family; and added additional grounds for divorce (art. 76) by mutual consent of the spouses.
- The adoption of a the Criminal Code in 2005 which criminalised several harmful traditional practices, such as abduction (art. 586), female circumcision, infibulations or other harmful practices (art. 565, 566 & 567), early and forced marriage (art. 648), widow inheritance and polygamy (art. 650). It also criminalized domestic violence (art. 564).
- The adoption of the National Action Plan for Gender Equality 2006-2010 in 2005.

/ But discrimination and violence persist

IN LAW

The Constitution recognises the application of customary and religious laws alongside statutory law, in particular in the area of family law, which are particularly discriminatory against women (art. 34). Under this provision, disputes concerning marital, personal and family rights can be settled by Sharia courts.

IN PRACTICE

• Discrimination in the family

The practice of early marriage is common, particularly in rural areas. For example, in the Amhara region of Northern Ethiopia (where parents consent to their daughters' consummated marriages when they are still as young as 10 or 12), 48% of women are married before the aged of 15. In 2005, it was estimated that 27 % of girls under 19 years are married. Despite the criminal prohibition on polygamy, it remains prevalent in rural Ethiopia.

Although article 34(5) of the Constitution requires the consent of both parties for a dispute to be submitted to the jurisdiction of a Sharia court in the field of marital, personal and family rights; in practice women often accept settlement of their dispute before such court due to social pressure.

• Violence

Domestic violence is highly prevalent in Ethiopia and widely socially condoned. A study conducted by the World Bank in July 2005 concluded that 88 percent of rural women and 69 percent of urban women believed their husbands had the right to beat them. Moreover the courts do not tend to consider domestic violence as a serious justification for granting a divorce.

Abduction of women, although a criminal offence, is still considered as a legitimate way of procuring a bride (especially in southern Ethiopia). It is estimated that approximately 8% of married women in the country have been abducted and forced into marriage. Although cases of abduction and rape are sometimes reported to the Ethiopian authorities, prosecutions are uncommon and rarely successful. Marital rape is still not recognised under the Criminal Code 2005.

Finally, although the Criminal Code, as well as the Constitution (article 35(4)), condemn harmful traditional practices, female genital mutilation (FGM) remains widely practised in Ethiopia, especially in the regions of Somali, Afar, Dire Dawa, Oromia and Harar. It is estimated that around 74% of the female population undergoes FGM. No criminal prosecutions have ever been brought against perpetrators of FGM.

• Obstacles to access to education

Although there has been progress in access to all levels of education in Ethiopia, men have benefited more than women. Women who are married at an early age do not tend to go to school (it is estimated that only 9% of married girls attend school). It is estimated that rate of literacy for women over 15 is 23% whereas it is 50% for men. Women make up less than 30% of the undergraduate enrollment and 10% of graduate enrollment.

• Obstacles to access to property

In nearly all regions of the country women have a very little access to land. When a husband dies, other family members often claim the land over his widow. As a result of their lack of ownership of property, women also have a relatively limited access to bank loans and micro-financing. In addition, married women often need the hus-

band's permission to obtain loans. Although the law does not discriminate against women in matters of inheritance, in practice, due to tradition or custom, women and girl children are excluded from inheriting property. In some Muslim families, male children can receive two thirds of the estate whereas females receive only one third and sons inherit family land.

The Coalition of the Campaign calls on the authorities of Ethiopia to:

- **Reform or repeal all discriminatory legislative provisions**, in accordance with CEDAW.
- **Harmonise statutory, religious and customary law** in accordance with CEDAW, and ensure that where there is contradiction, statute law prevails.
- **Ensure the effective application of the revised Family Code** in all regions.
- **Strengthen laws and policies to combat violence against women**, in particular by including a provision sanctioning marital rape in the Criminal Code; establishing a legal aid system to provide assistance to women victims of violence; ensuring effective prosecution and punishment of offenders; implementing awareness raising programmes for the general population and training for all law enforcement personnel; and establishing shelters for women victims of violence.
- **Take all necessary measures to combat the practice of FGM**, in particular by ensuring that perpetrators are prosecuted; and by carrying out awareness-raising campaigns.
- **Take measures to eliminate obstacles to education**, by ensuring equal access at all levels of education, retaining girls in school and enable girls who give birth to return to education, as well as developing awareness raising programmes to overcome stereotypes and traditional attitudes.
- **Take measures to increase women's access to property**, including land and inheritance.
- **Take all necessary measures to ensure women's access to healthcare**, including obstetric care and family planning, including ensuring access to contraception, in particular in rural areas; and providing access to safe abortions.
- **Take all necessary measures to ensure women's access to justice**, in particular by training police and legal personnel; ensuring women's access to legal aid; and inform women of their rights and legal recourse mechanisms.
- **Adopt all necessary measures to reform or eliminate discriminatory cultural practices and stereotypes**, including through awareness raising programmes targeting women and men, traditional and community leaders.
- **Ratify the Optional Protocol to CEDAW and the Maputo Protocol.**
- **Implement all recommendations issued by the CEDAW Committee** in January 2004.

• Obstacles to access to health

Ethiopian women have limited access to prenatal and postnatal care and family planning services. It is estimated that only 10% of Ethiopian births were attended by skilled birth attendants. Levels of maternal and infant mortality rates are high and HIV/AIDS remain prevalent among women. Early pregnancies also has serious consequences on the health of young girls, including obstretical fistulae. These high rates can also be explained by the lack of access to information on women's reproductive health and rights; FGM; early marriage and non-medically supervised abortions.

• Obstacles to access to justice

While women have legal recourse via the police and courts, societal norms and problems within the justice system (poor documentation, inadequate investigation and lack of special handling of cases involving women) prevent them from seeking legal redress, particularly in rural areas. In addition, under the traditional justice system, according to which conflict resolution takes place before Elders' Councils, women are not allowed to participate in proceedings concerning them.

PRINCIPAL SOURCES

- CEDAW Committee Recommendations, January 2004
- World Health Organisation, www.who.int
- UNICEF, www.unicef.org
- Wikigender, www.wikigender.org

For more information on women's rights and the actions of the campaign in Ethiopia, see: www.africa4womensrights.org

Women's rights protection instruments ratified by Gambia:

- **CEDAW:** ratified in 1993
- **CEDAW Protocol:** not signed
- **Maputo Protocol:** ratified in 2005

Ratify! Although Gambia has ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa (Maputo Protocol), it has not yet ratified the Optional Protocol to CEDAW.

Respect! The Coalition of the Campaign remains particularly concerned by the following violations of women's human rights in Gambia: the persistence of discriminatory laws; discrimination within the family; violence against women; unequal access to property, education and employment; under-representation in decision-making positions; and lack of access to health services.

/ Discrimination and violence persist

IN LAW

Gambia has a plural legal system consisting of legislative, customary and Islamic Sharia law. The three bodies of law create contradictions and inconsistencies and there are many discriminatory provisions in all three sources of law, particularly in the areas of family and property law. Four types of marriages are legally recognised in Gambia: Christian, Muslim, customary and civil marriages.

DISCRIMINATORY PROVISIONS IN STATUTORY LAW INCLUDE:

Constitution: Section 33(5) of the 1997 Constitution explicitly exempts laws on inheritance, marriage, burial, divorce and adoption from the prohibition on gender discrimination.

Succession laws: The 1992 Wills Act provides that under testament women cannot receive property over the limits laid down by Sharia law (ie. one third of the estate).

DISCRIMINATORY PROVISIONS IN CUSTOMARY AND RELIGIOUS LAW INCLUDE:

- Polygamy is authorized under Sharia and customary law and is widely practised.
- Although under the Criminal Code 'defilement' of girls under 16 is a criminal offence, under customary laws girls of 13 years are often married off by their parents, especially in rural areas. In 2009, it was estimated that 39% of women between the ages 15 to 19 were married, widowed, or divorced.
- Under customary law, a wife cannot inherit her husband's property unless she remarries into her husband's family.

- In the event of divorce, under customary law, women often have to return gifts and any dowry paid by the man. Men can re-marry immediately but women have to wait for three months.
- Under Sharia law, the testimony of two women is equal to that of one man.

IN PRACTICE

• Violence

The criminal law prohibits rape, including marital rape, and assault, but there is no law expressly prohibiting domestic violence. Domestic and sexual violence are widespread yet they remain underreported. A culture of silence prevents victims from coming forward and such violence is often considered as a private family matter outside the jurisdiction of law enforcement. There is no law prohibiting sexual harassment.

Female genital mutilation (FGM) is not legally prohibited and remains widespread throughout Gambia. An estimated 70 to 80% of the female population has undergone some form of FGM. Prevalence varies among different ethnic groups (amongst the Mandingoes and the Sarakoles it is estimated that FGM affects 100% of women, amongst the Peuls 90% and amongst the Jolas 65-70%).

Although the Children's Act 2005 and the Trafficking in Persons Act 2007 prohibit all forms of trafficking in persons, and provide for heavy penalties (life imprisonment for trafficking persons under 18 years and minimum 15 years imprisonment for trafficking adults), Gambia remains a country of departure, transit and destination for trafficked persons, particularly women and girls for sexual exploitation. Although the Trafficking in Persons Act provides for a national agency against trafficking to be established, no such body has yet been formed.

• Obstacles to access to property

Although there is no legal provision prohibiting women owning property, traditional and cultural practices, particularly in rural areas, prevent women's access to land (despite women comprising 70% of those working in the agricultural sector). Land in rural areas is usually owned or managed by the head of a household, who is always male.

• Obstacles to access to education and employment

Enrollment of girls in schools is extremely low, especially at secondary and higher levels, and dropout rates are high, in part due to the high number of girls employed as domestic servants and the high prevalence of early marriages, as well as traditional views of women's roles. In 2005, the illiteracy rate for women was estimated at 65.8%.

The participation of women in the labour market is low, especially in the formal sector and in decision-making positions. In 2005, it was estimated that women make up only 4.9% of the formal sector, while they represent 61.9% of the informal sector.

• Under-representation in political life

Although representation of women in politics has slightly increased, (in particular, in 2007 of 3 women ministers, including the Vice-President of the Republic.), representation remains low. In 2009, there were four women in the 53-seat National Assembly (two elected and two nominated by the president) and six women in the 18-member cabinet, including the vice president.

The Coalition of the Campaign calls on the authorities of The Gambia to:

- **Reform or repeal all discriminatory legislation** in conformity with CEDAW and the Maputo Protocol.
- **Harmonise civil, religious and customary law**, in conformity with CEDAW and the Maputo Protocol and ensure that where conflicts arise between statutory legal provisions and customary law, the statutory provisions prevail.
- **Strengthen laws and policies to protect women from violence** including by adopting specific legislation criminalising domestic violence, marital rape, FGM and sexual harassment; ensuring the effective prosecution and punishment of perpetrators; establishing a legal aid system to provide assistance to victims; implementing training for all law enforcement personnel; establishing shelters for women victims of violence; and implementing awareness-raising programmes targeting the general population, especially in rural areas.
- **Adopt all necessary measures to reform or eliminate discriminatory cultural practices and stereotypes that discriminate against women**, including through awareness-raising programmes targeting women and men, traditional and community leaders.
- **Eliminate obstacles to the education of girls and women**, including by adopting measures to ensure equal access at all levels of education, to retain girls in school, including pregnant students; and implementing awareness-raising programmes to overcome stereotypes and traditional attitudes.
- **Increase efforts to ensure women's equal access to employment**, including by enacting measures to combat sexual harassment in the workplace, ensuring employment legislation applies to private sector employers and regulating the informal sector.
- **Strengthen efforts to increase women's access to health-care facilities**, to increase knowledge of and access to affordable contraceptive methods, improve sex education and establish family planning services.
- **Take measures to eliminate discrimination against women with respect to ownership of land**, including by raising awareness on land and property rights, especially of rural women, and expanding legal assistance to women wishing to file claims of discrimination.
- **Ratify the Optional Protocol to CEDAW.**
- **Implement all recommendations issued by the CEDAW Committee**, in July 2005.

• Obstacles to access to health

Despite the provision of free maternal health care services in government-run hospitals, maternal mortality is high (690 per 100,000 births) as a result of the lack of access to prenatal and post-natal care and the large numbers of teenage pregnancies arising from early marriages.

PRINCIPAL SOURCES

- Focal Point: FLAG
- Recommendations of the CEDAW Committee, July 2005
- FIDH, Note on the situation of Women in Gambia, 2005
- UPR, Summary of stakeholders information, 2010, www.ohchr.org
- Wikigender, www.wikigender.org

For more information on women's rights and the actions of the campaign in Gambia, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINT IN GAMBIA

The Female Lawyers Association of Gambia (FLAG)



The Female Lawyers Association of Gambia (FLAG) is an NGO which aims to contribute to the protection of the rights of women and children in the Gambia. FLAG's objectives are to eliminate violence, promote freedom of expression and educate women to enable them to participate effectively in the development process of the country. FLAG'S main activities include providing legal assistance, advocacy and awareness-raising campaigns.

www.flag.gm

Women's rights protection instruments ratified by Ghana:

- **CEDAW**: ratified in 1986
- **CEDAW Protocol**: signed in 2000
- **Maputo Protocol**: ratified in 2007

Ratify! Ghana has ratified both the main international and regional instruments protecting women's rights: the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) and the Protocol to the African Charter on Human and Peoples' Rights of Women in Africa (Maputo Protocol), without reservations. Ghana has also ratified the Optional Protocol to CEDAW.

Respect! The Coalition of the Campaign remains particularly concerned by the following violations of women's rights in Ghana: the persistence of discriminatory laws; violence against women; unequal status in marriage, family, and inheritance matters; unequal access to employment, decision-making, and lack of access to quality health services.

/ Some positive developments...

The Coalition of the Campaign acknowledges the recent adoption of several laws and policies aimed at improving respect for women's rights, including:

- The adoption of the Human Trafficking Act 2005 which criminalises human trafficking and imposes a sentence of a minimum of 5 years imprisonment for offenders.
- The establishment of the Domestic Violence Victim Support Unit (DOVVSU) in 2005 within the police service to provide basic support to victims and assist in rehabilitation and reintegration into society. However, at present, the DOVVSU lacks necessary financial and human resources to provide effective services to victims.

/ But discrimination and violence persist

IN LAW

Ghana has a plural legal system consisting of statutory, customary, and religious laws, which creates contradictions and inconsistencies particularly in the areas of marriage and family laws and inheritance and property rights.

STATUTORY LAWS

Criminal Offences Act: Marital rape is not criminalised under this law on the basis that consent is implicit within a marriage and cannot be rescinded (s. 42(g)).

Citizenship: Article 7(6) of the Constitution and Section 10(7) of the Citizenship Act add an additional requirement for foreign spouses of Ghanaian women to acquire citizenship.

RELIGIOUS AND CUSTOMARY LAWS

Marriage: Although marriages under the Marriage Ordinance are required to be monogamous, polygamy is permitted under both the Marriage of Mohammedans Ordinance of 1907 and customary law. Nearly all marriages in Ghana are customary.

Custody: The Children's Act of 1998 grants parental authority and custody rights to both the mother and father equally. However, under customary law, children are deemed to belong to the father's extended family and upon dissolution of marriage, the husband usually acquires custody of the children.

Inheritance: Under Muslim law, women receive smaller shares of inheritance and family property than their male counterparts.

IN PRACTICE

• Discrimination in the family

Despite the Children's Act of 1998, which sets the minimum age of marriage at 18 years, customary practices of early marriages remain. An estimated 16% of women between 15-19 years of age are currently married, divorced or widowed.

About 22% of Ghanaian women are estimated to be in polygamous unions, and 40% of women in northern regions live in polygamous relationships.

• Violence

Despite the adoption of the Domestic Violence Act 2007, domestic violence remains extremely prevalent in Ghana. It is estimated that 1 in 3 women in Ghana experience it within the family. Statistics from the DOVVSU in 2008 showed that 12,245 cases were reported to the unit in that year. Problems include a general lack of public awareness of legal provisions and insufficient support for victims. Although the Domestic Violence Act prohibit doctors from charging fees for the medical reports required to bring complaints, in practice doctors continue to charge victims resulting in many abandoning their formal complaints.

Rape is criminalised under the Criminal Code but perpetrators are rarely prosecuted and convicted. As of September 2008, the DOVVSU noted few reports of rape, 110 arrests, and only 7 convictions.

Ghana was the first African country to criminalise female genital mutilation (FGM) under the Criminal Code Amendment Act of 1994, yet the practice continues. Its prevalence depends on the ethnic group and region and is difficult to evaluate since data is not available for all groups. In the Bawku area (upper east region), for example, it is estimated that 85% of girls undergo FGM. In Accra and Nsawam (south), FGM reportedly affects girls who have migrated from the north of Ghana and from neighbouring countries.

A new law has recently been adopted to amend Section 796A of the Criminal Code. The law redefines FGM and punishes those who aid and abet in the practice of FGM.

Slavery and involuntary servitude are criminalised under article 26 of the Constitution of Ghana. In 1998, parliament enacted an amendment prohibiting "ritual or customary servitude," and the Human Trafficking Act was adopted in 2005. Yet, the practice of ritual slavery (*trokos*) continues in the Volta region. According to this practice, when

a relative commits a crime, the family must offer the local shrine a virgin daughter from 8-15 years of age to become a “slave of the gods.” The priest of the shrine exerts full ownership rights and is permitted to beat the girl, demand sex and labour from her, and deny her food, education, and basic health rights. To date, the government has not enforced any legal measures with regard to involuntary servitude.

In some of the poorest parts of the country (mainly the Northern, Upper East, Upper West), belief in witchcraft remains widespread. Many poor, often elderly women are accused of being witches and are confined in “witch camps”.

• **Obstacles to access to employment and under-representation in political and public life**

Although existing legislation provides for equal rights to employment, women continue to suffer discrimination, in large part due to a lack of monitoring and enforcement mechanisms. In 2007, it was estimated that 86% of working women were employed in the informal sector. Only 4% of working women were employed in the formal public sector and only 6% in the formal private sector. Women in urban areas who manage to obtain the necessary skills and training encounter resistance in entering non-traditional fields.

The Coalition of the Campaign calls on the authorities of Ghana to:

- **Reform or repeal all discriminatory statutory laws** in conformity with CEDAW and the Maputo Protocol.
- **Strengthen other measures to protect women from violence and support victims**, including by removing obstacles to victims’ access to justice; ensuring effective prosecution and punishment of offenders; implementing training for all law enforcement personnel, and increasing financial resources allocated to domestic violence programs and services.
- **Improve access, quality, and efficiency of public health care**, strengthen efforts to reduce the incidence of maternal and infant mortality, to increase knowledge of and access to affordable contraceptive methods, improve sex education and establish family planning services.
- **Adopt all necessary measures to reform or eliminate cultural practices and stereotypes that discriminate against women**, including through awareness-raising programmes targeting women and men, traditional and community leaders.
- **Ratify the Optional Protocol to CEDAW.**
- **Implement all recommendations issued by the CEDAW Committee** in 2006.

Although the government developed a white paper on Affirmative Action in 1998, aimed at increasing women's representation in public life, no such policy has been adopted and women continue to be significantly under-represented in decision making positions.

Although there is a female speaker of parliament, female attorney general, and female chief justice, Ghana's parliament only has 19 women of a total of 230 members.

• **Obstacles to access to health**

The adoption of the Reproductive Health Policy and Strategic Plan for Abortion Care has resulted in many improvements to women's access to health services (more clinics established in districts across the country, traditional birth attendants provided with skills training, free pre-natal care for women). However certain significant challenges remain: application of customary practices, difficult access to hospitals etc. Ghana has a high mortality rate (560 per 100,000 births in 2005), resulting from unsafe abortions, low rates of contraceptive usage and lack of sex education.

PRINCIPAL SOURCES

- Focal Point: WILDAF-Ghana
- CEDAW Committee recommendations, August 2006
- Ghana WILDAF Shadow Report to the CEDAW Committee, 2006.
- Wikigender, www.wikigender.org

For more information on women's rights and the actions of the campaign in Ghana, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINT IN GHANA

WILDAF-Ghana



WILDAF-Ghana is a member of the pan African network WILDAF.
www.wildaf.org

Women's rights protection instruments ratified by Guinea-Bissau:

- **CEDAW**: ratified in 1985
- **CEDAW Protocol**: ratified in 2009
- **Maputo Protocol**: signed in 2008, not ratified

Ratify! While Guinea-Bissau has ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Optional Protocol to CEDAW, it has still not ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).

Respect! The Coalition of the Campaign is particularly concerned by the following continued violations of women's rights in Guinea Bissau: persistence of discriminatory legislation; discrimination within the family, violence against women, including female genital mutilation; limited access to education, decision-making positions, health services and justice; and the particular vulnerability of women in rural areas.

/ Some positive developments...

The Coalition of the Campaign acknowledges the recent adoption of several laws and policies aimed at improving respect for women's rights, including:

- The ratification in 2007 of the UN Convention Against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.
- The ratification of the Optional Protocol to CEDAW in August 2009.
- The introduction of strategies specifically targeting women in the National Strategy to Reduce Poverty.

/ But discrimination and violence persist

IN LAW

In Guinea-Bissau, although customary law does not represent a formal source of law, it continues to be applied alongside statutory law.

STATUTORY LAW

Although article 25 of the Constitution establishes equality between men and women, many provisions of the Civil Code and Family Code, inherited from the colonial period (1966) remain discriminatory, including:

Legal age of marriage: the legal age for marriage is 14 years for women and 16 years for men.

Marital authority: According to section 1674 of the Civil Code, the husband is the head of the family. He can thus represent his wife and make decisions on all matters concerning their married life. According to article 1686, a wife cannot do busi-

ness without the consent of the husband, unless she is the administrator of all the couple's assets.

Administration of the couple's assets: Art. 1678 of the Civil Code establishes that the couple's assets belong to the husband as head of the family. The wife can only administer assets if the husband is prevented from doing so.

The Coalition of the Campaign also regrets the absence of an explicit provision within the Constitution stipulating that international and regional conventions take precedence over national laws. Finally, although articles 24 and 25 of the Constitution guarantee the principles of equality and non-discrimination, there is no precise definition of the term discrimination, in conformity with CEDAW.

CUSTOMARY LAW

Numerous provisions of customary law are discriminatory and widely applied, including the authorisation of early and forced marriages, polygamy and levirate.

IN PRACTICE

The effective application of laws protecting women's rights conflicts runs up against the widespread patriarchal conception of society, especially in rural areas.

• Discrimination in the family

Society in Guinea-Bissau is deeply patriarchal and authority is perceived to reside with the father as head of the family. Polygamy remains a common practice. Concerning inheritance, customary law applied by certain ethnic groups is particularly discriminatory against women, allowing inheritance only from father to son.

• Violence

In the absence of a specific law prohibiting violence against women, violence including incest and domestic violence are particularly widespread. Although rape is criminalised, the law is rarely applied and perpetrators rarely prosecuted, notably because of a lack of resources. Female genital mutilation (FGM), or "fanado", is not criminalised. The World Health Organization estimates that around half of women in Guinea-Bissau have been subjected to FGM, rising to 70% or 80% in the rural Fula and Mandingue communities.

• Specific vulnerability of rural women

The situation of rural women (the majority of women in Guinea-Bissau) remains extremely precarious. These women live in extreme poverty. They have very little access to education, to health and other basic social services, to land ownership, to credit or to technology. Moreover, discriminatory customs and harmful traditional practices, such as early and forced marriage, polygamy and levirate are particularly widespread in rural areas.

• Obstacles to access to education

Despite efforts made by the government in the area of education, including school lunch programmes, a system of micro-loans for parents who send their daughters to school, literacy programmes aimed at women and girls and a resolution of the

Council of Ministers in 2006 establishing a 50% quota for educational grants to girls, women and girls continue to suffer from a lack of access to education. According to UNICEF, only 11% of girls attend primary school and 6% secondary school (figures for the period 2000-2007).

The Coalition of the Campaign calls on the authorities of Guinea-Bissau to:

- **Reform all discriminatory legislation** in conformity with CEDAW, particularly the discriminatory provisions of the Civil Code and the Family Code; and ensure - by adopting a provision in the Constitution - that international conventions have supremacy over national laws.
- **Harmonise civil and customary law**, in conformity with CEDAW, in order to prohibit forced marriage, levirate marriage, genital mutilation and other traditional practices harmful to women.
- **Strengthen laws and policies to protect women from violence and support victims**, including by adopting a specific law to prohibit all forms of violence against women, including domestic violence and spousal rape; adopting the draft law to criminalise FGM; strengthening the political and operational mandate of the Institute for Women and Children; and allocate additional financial resources to the fight against domestic violence.
- **Adopt measures aimed at eliminating obstacles to the education of girls and women**, in particular by: taking measures ensure equal access to all levels of education ensuring, to retain girls within the education system, including pregnant; launching awareness programmes to overcome stereotypes and traditional attitudes; increasing the budget for education to improve educational infrastructure and teacher training; and establishing courses for adults aimed at reducing high levels of illiteracy among women.
- **Take measures to encourage women's participation in public and political life**, in particular by adopting the bill on quotas.
- **Take measures to ensure that all women have access to healthcare**, including obstetrics and family planning, in particular by: ensuring access to contraception, particularly in rural areas; allocating additional funds to health, particularly in rural areas.
- **Take emergency measures to improve the particularly vulnerable situation of women in rural areas.**
- **Take all necessary measures to ensure women access to justice**, including by implementing training programmes for police and all legal personnel.
- **Adopt all necessary measures to reform or eliminate discriminatory cultural practices and stereotypes**, including awareness-raising programmes targeting men and women, governmental, traditional and community leaders.
- **Ratify the Maputo Protocol.**
- **Implement all the recommendations issued by the CEDAW Committee** in August 2009.

• Under-representation in political life

The level of participation of women in political and public life remains very low. During the last legislative elections in November 2008, only 10 women were elected out of 102 members of parliament (i.e. 10%).

• Obstacles to access to health

Despite efforts made by the government to reduce maternal mortality rates and to combat the country's HIV/Aids epidemic, women suffer from a lack of access to adequate health services, notably because of inadequate health infrastructure and human and financial resources. Thus, the maternal mortality rate is particularly high (1100 per 100,000 births in 2005).

• Obstacles to access to justice

Women in Guinea-Bissau face extreme obstacles in seeking justice to assert their rights. This is principally due to a lack of information on women's rights and the laws that protect them, the cost of proceedings and lack of training for police and legal personnel.

PRINCIPAL SOURCES

- Focal Point: LGDH
- Recommendations from the CEDAW Committee, August 2009
- UNICEF, www.unicef.org
- Interparliamentary union: www.ipu.org
- Wikigender, www.wikigender.org

For more information on women's rights and the actions of the campaign in Guinea-Bissau, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINT IN GUINEA-BISSAU

Liga Guineense dos direitos do homen (LGDH)



Created in 1991, LGDH aims at the promotion and protection of human rights, defense of peace and conflict prevention. Through a public denunciation, advocacy, lobbying and legal assistance to victims, it seeks to contribute to respect of the rights of women and children, freedom of the press, freedom of expression and the fight against torture.

www.lgdh.org

Women's rights protection instruments ratified by Guinea-Conakry:

- **CEDAW:** ratified en 1982
- **CEDAW Protocol:** not signed
- **Maputo Protocol:** signed in 2003

Ratify! Guinea-Conakry has ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), but has not ratified its Optional Protocol. Furthermore, although the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) was signed in 2003 and has been ratified by the National Assembly, the formal ratification instruments have never been deposited with the African Union and remain with the Ministry of Foreign Affairs.

Respect! The Coalition of the Campaign is particularly concerned by the following continued violations of women's rights in Guinea-Conakry: persistence of discriminatory legal provisions; harmful traditional practices including early and forced marriages and feminine genital mutilation; violence against women perpetrated with total impunity; and limited access of women to education, health, employment, decision-making positions and justice.

/ Some positive developments...

The appointment by decree of 168 women in the administration in 2008, following intense advocacy work from civil society organisations.

/ But discrimination and violence persist

IN LAW

In Guinea-Conakry three types of law are applied, customary, religious and statutory law, creating confusion that undermines respect for women's rights. A draft Family Code (*Code des personnes et de la famille*), a draft Code on children, as well as amendments to the Civil Code, have been under preparation for several years but have not yet been adopted.

Statutory law, especially the Civil Code, contains many discriminatory provisions, including:

Marriage: The minimum legal age for marriage is 17 for women and 18 for men, and the Public Prosecutor is authorized to waive the limitation under certain conditions (art. 280).

Marital and parental authority: "The husband is the head of the family" (art. 324). Thus, he chooses the place of residence for the family (art. 247 and 331) and may object to his wife exercising the profession of her choice (art. 328). In cases of divorce, a woman only has custody of children until they are aged 7 years (art. 359).

Adultery is considered a ground for divorce if committed by the wife. If committed by the husband, it will only be considered as such if the act took place in the family home (art. 341 and 342).

IN PRACTICE

• **Discrimination in the family**

Early and forced marriages are common in most ethnic and religious groups and the practice of sororate persists (obligation for the sister of a deceased wife to marry her brother-in-law). In 2005, the UN estimated that 46% of girls between the age of 15 and 19 were married, divorced or widowed. Although polygamy is explicitly prohibited by the Civil Code (art. 315), it is estimated that about half of Guinean women are in polygamous unions.

• **Violence**

Domestic violence and rape are defined as offences under the Criminal Code, but in practice widespread impunity seriously limits the reporting of violence against women. Only 8 cases of rape were reported to the police in 2008. Marital rape is not criminalised.

On 28 September 2009 and the days that followed, “at least 109 women have been victims of rape and sexual violence, including sexual mutilation and sexual slavery” according to the United Nations International Commission that investigated the massacre that took place in Conakry Stadium during a rally of opposition forces. None of the perpetrators and key leaders identified by the Commission of Inquiry as senior officials of the junta have yet been prosecuted.

Guinea-Conakry is a country of origin, transit and destination for trafficking in women and children for the purposes of forced labor and sexual exploitation to destinations including Côte d’Ivoire, Benin, Senegal, Nigeria, South Africa, Spain and Greece. Although Guinean law prohibits forced labor and exploitation of vulnerable people, insufficient measures have been taken by the Government to fight the causes and extent of trafficking.

Female genital mutilation (FGM) has been illegal since 2000 but continues to be practised in all regions of the country, regardless of levels of socioeconomic development. Perpetrators of FGM are never prosecuted. In 2005, it was estimated that 96% of women and young girls were victims of FGM.

• **Obstacles to access to health**

Guinean women suffer difficulties in accessing adequate health services, especially obstetric care and family planning (particularly in rural areas). The maternal mortality rate is one of the highest in sub-Saharan Africa (980 for 100 000 births in 2006).

• **Obstacles to access to education**

Although education is free, the schooling of the Guinean population in general and girls in particular, remains low. The rate of illiteracy of women and girls is very high as well as the dropout rate, due in part to the prevalence of early marriages, preg-

The Coalition of the Campaign calls on the authorities of the Guinea-Conakry to:

- **Reform or repeal all discriminatory legislative dispositions**, in conformity with CEDAW, including provisions of the Civil Code and adopt non-discriminatory laws in the area of the family.
- **Harmonise statutory, religious and customary law**, in conformity with CEDAW, and ensure, where conflicts arise that statutory law prevails.
- **Strengthen laws and policies to protect women from violence**, including: by amending the Criminal Code so as to extend the provisions concerning rape to marital rape; allocating additional financial resources to the fight against domestic violence; and adopting a law that prohibits trafficking of women.
- **Bring promptly to justice those responsible for crimes committed on and around 28 September 2009**, including those responsible for rape and other crimes of sexual violence; and the Guinean justice system is unable to prosecute and punish perpetrators, facilitate, in accordance with the principle of complementarity, refer such crimes to the ICC.
- **Adopt measures aimed at eliminating obstacles to the education of girls and women**, notably by: ensuring equal access to all levels of education; retaining girls within the educational system, including pregnant students; launching awareness-raising programmes; and setting up classes for adults aimed at reducing high levels of illiteracy among women.
- **Take measures to increase women's participation in public and political life**, in particular: by adopting temporary special measures, including a system of quotas, to ensure increased representation of women in decision-making positions; and taking measures to end discrimination against women in employment, in conformity with article 18 of the Constitution.
- **Take measures to ensure that all women have access to quality healthcare**, including obstetrics and family planning.
- **Take all necessary measures to ensure women's access to justice and fight impunity**, including: developing awareness-raising campaigns and trainings those responsible for implementing laws that protect women (police, health and judiciary personnel); enacting legislation that enables organizations defending human and women's rights to file complaints on behalf of victims and to participate in civil action proceedings.
- **Adopt all necessary measures to reform or eliminate discriminatory cultural practices and stereotypes**, through simplification of legal documents and awareness-raising programmes targeting women and men, including governmental actors, traditional and community leaders.
- **Ratify the Optional Protocol to CEDAW and complete the ratification process of the Maputo Protocol**.
- **Implement all recommendations issued by the CEDAW Committee** in August 2007.

nancies and domestic trafficking. The rate of schooling of girls in Guinea is 69% in primary education and 20% in secondary education (2003-2008).

• **Obstacles to access to employment and under-representation in public and political life**

Although the Guinean Constitution (art. 180) provides for equal access to employment, women continue to suffer from professional segregation and many occupy unskilled and low-paid jobs. Women are over-represented in the informal sector that provides no social protection and are under-represented in decision-making positions, including within the National Assembly (19 women MPs out of 114), the diplomatic service and local administration.

• **Obstacles to access to justice**

Access to justice is almost impossible due to lack of information on rights and laws that protect women, high illiteracy rates among women, and procedural costs. Moreover, lack of training of police and judiciary personnel on laws protecting women's rights, undermines the success of complaints and discourages victims from seeking justice.

PRINCIPAL SOURCES

- Focal Points: WILDAF-GC, OGDH, CONAG-DCF
- Recommendations of the CEDAW Committee, August 2007
- Report of the UN International Commission of Inquiry to investigate the facts and circumstances of the events of 28 September 2009 in Guinea, 2009
- UNICEF, www.unicef.org
- OIF, www.genre.francophonie.org

For more information on women's rights and the actions of the campaign in Guinea-Conakry, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINTS IN GUINEA-CONAKRY

WILDAF-Guinea Conakry



WILDAF-GC is a member of WILDAF, a Pan African network whose objective is to promote and enforce human rights in general and those of women in particular. WILDAF-GC participates in national, regional and international campaigns and meetings and provides support to women victims of violence.

www.wildaf-ao.org

Organisation guinéenne pour la défense des droits de l'Homme (OGDH)

Established in 1990, OGDH promotes and protects human rights through training and seminars on human rights and reports on the human rights situation in Guinea.

Coalition nationale de Guinée pour les droits de la Citoyenneté des femmes (CONAG-DCF)

CONAG-DCF is a coalition of eight human rights organisations in Guinea. It conducts field activities and advocacy work at the national and international level.

Women's rights protection instruments ratified by Kenya:

- **CEDAW:** ratified in 1984
- **CEDAW Protocol:** not ratified
- **Protocole de Maputo:** signed in 2003

Ratify! Although Kenya ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1984, it has not yet ratified the Optional Protocol to CEDAW or the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).

Respect! The Coalition of the Campaign remains particularly concerned about the following continued violations of women's rights: the persistence of discriminatory laws and traditional harmful practices, in particular in the area of the family; violence; obstacles to access to education; under-representation in political life; and obstacles to access to property and health services. The Coalition of the Campaign is also concerned about delays in adoption of legislation that eliminates discrimination and protects women's human rights. Bills pending before parliament include: the Family Protection Bill 2007, the Marriage Bill 2008, the Domestic Violence Bill 1999, the Matrimonial Property Bill 2008, the Equal Opportunities Bill 2008 and the Affirmative Action Bill 2000.

/ Some positive developments...

The Coalition of the Campaign acknowledges the recent adoption of several laws and policies aimed at improving respect for women's rights, including:

- The adoption of the Sexual Offences Act (SOA) in 2006 (enacted in 2008). This Act Harmonises sexual violence legislation into a single law, provides a comprehensive definition of rape, introduces minimum sentences, criminalises sexual harassment and expands sexual offenses to include: gang rape, deliberate infection with sexually transmitted diseases, trafficking for sexual exploitation and child pornography.
- The adoption of two Regulations in 2008 to guide judicial officials in the implementation of the Sexual Offences Act: the Sexual Offences Regulations and the Sexual Offences Dangerous Offenders DNA Data Bank Regulations.
- The introduction, in 2008, of government subsidies to secondary schools to cover tuition and related costs. As a result, the number of students in secondary education, in particular female students, has increased.

/ But discrimination and violence persist

IN LAW

Kenya has a unified legal system based on the common law system. However, according to the Constitution, family law continues to be governed by customary Christian, Islamic and Hindu laws, alongside statutory law. Despite ongoing discussions on the

harmonisation of such laws, discriminatory provisions remain widespread within each source of law with regard to marriage, divorce and custody of children. Qadis' courts apply personal status law for the Muslim population.

DISCRIMINATORY PROVISIONS OF THE COMMON LAW INCLUDE:

Constitution: While article 70 provides for equality between men and women, article 82(4) exempts certain laws from the prohibition against discrimination in the areas of adoption, marriage, divorce, burial, devolution of property on death and other matters of personal law, as well as tribal and customary laws. Furthermore articles 89 and 91 prohibit women passing their nationality to their husbands and restrict their rights to transfer nationality to their children.

Family law: According to the Matrimonial Causes Ordinance, children are defined as males who have not attained the age of 16 and females who have not attained the age of 13 (art. 2). Wives can be prosecuted for adultery but husbands cannot be (art. 11).

Freedom of movement: Under the Domicile Act women must have their husbands' or fathers' consent to obtain passports (Ch. 37).

Property: The Law of Succession Act terminates the inheritance rights of widows if they remarry. A widow cannot be the sole administrator of her husband's estate unless she has her children's consent (art. 35).

DISCRIMINATORY CUSTOMARY AND RELIGIOUS LAWS INCLUDE:

Marriage: Whilst statutory law fixes the minimum age for marriage at 18 (Children's Act, 2001), customary and religious laws authorise early marriages. Customary and Muslim laws authorise polygamy.

Divorce: Muslim laws provide for men to repudiate their wives (unilateral termination of marriage by pronouncing the intention to divorce three times). Under Muslim laws women cannot divorce their husbands.

Custody: Under customary law, the father has custody of the children.

IN PRACTICE

• Discrimination in the family

In addition to the application of discriminatory statutory, customary and religious laws, discriminatory traditional practices include the payment of a bride price, and wife inheritance, or levirate, wherein a widow is "inherited" by a male relative of her deceased husband.

• Violence

Domestic violence remains widespread and perpetrators continue to benefit from impunity. There is no specific legislation criminalising domestic violence. Marital rape is not criminalised. A Domestic Violence Bill, which includes a provision sanctioning marital rape, has been pending since 1999. Law enforcement officials are generally reluctant to investigate domestic violence reports as they are considered "domestic issues."

Rape is extremely prevalent. Although the Penal Code, section 139, criminalises rape and provides for a sentence of up to life imprisonment, the rate of reporting and prosecution remains low due to victims' fear of retribution, police reluctance to intervene, poor training of prosecutors, and unavailability of medical personnel.

The traditional practice of ritual “cleansing” of widows, which involves forcing them to have sex with a social outcast, usually without protection, persists in some communities. Women living in the Internally Displaced Persons camps across Kenya are also particularly vulnerable to rape and other crimes of sexual violence.

Despite legal prohibition (Children’s Act, 2001), female genital mutilation (FGM) remains widely practiced, with prevalence varying considerably depending on ethnic group. In addition, the legal prohibition does not apply to women over the age of 18. In 2009, it was estimated that 40% of women have undergone FGM in Kenya.

• **Obstacles to access to education**

Despite the provision of free and compulsory primary and secondary education, girls’ access to education remains limited, in part due to traditional attitudes, as

The Coalition of the Campaign calls on the authorities of Kenya to:

- **Reform or repeal all discriminatory statutory laws** in conformity with CEDAW and the Maputo Protocol, including discriminatory provisions within the Constitution, Matrimonial Causes Ordinance, Domicile Act and the Law of Succession Act.
- **Harmonise statutory, customary, and religious laws in conformity with CEDAW and the Maputo Protocol** and ensure that where conflicts arise the statutory provisions prevail.
- **Strengthen measures to eliminate discrimination within the family**, including by urgently adopting the Family Protection Bill (2007) and the Marriage Bill (2008).
- **Strengthen laws and policies to protect women from violence and support victims**, including by adopting the Domestic Violence Bill; extending the prohibition of FGM to adult women; removing obstacles to victims’ access to justice; ensuring effective prosecution and punishment of offenders; implementing training for all law enforcement personnel and health workers; increasing financial resources allocated to domestic violence programs and services; implementing public awareness campaigns targeting women and men, traditional and community leaders and adopting a zero tolerance policy on all forms of violence against women.
- **Ensure women’s access to education** including by implementing the provision of the Education Act concerning the right of pregnant girls to continue education; and addressing socio-economic and cultural factors that impede access to education.
- **Ensure women’s representation in decision-making positions**, including by adopting the Affirmative Action Bill 2000.
- **Ensure women’s access to property**, including through the adoption of the Matrimonial Property Bill 2008 and through measures facilitating women’s access to land.
- **Ensure women’s access to health**, and strengthen efforts to reduce the incidence of maternal mortality, by increasing knowledge of and access to affordable contraceptive methods and reproductive health services, improving sex education programmes and establishing family planning services.
- **Ratify the Optional Protocol to CEDAW and the Maputo Protocol.**

well as high dropout rates due to pregnancy and early and forced marriage (estimated 80,000 annually). The Education Act provides for the right of pregnant girls to continue education until and after giving birth, but pregnant girls continue to be expelled from schools.

• Under-representation in political life

Kenyan women continue to remain underrepresented in political and public life. In 2009, women composed 9.8% of elected members in Parliament, 5.8% of ministers in Government, and 27% of ambassadors and high commissioners in the diplomatic service. There are no women judges in the Court of Appeal. Despite lobbying efforts by women's rights organizations, the Affirmative Action Bill 2000, which imposes a 30% quota for all government appointments remains pending.

• Obstacles to access to property

Although the Law of Succession Act provides for the surviving spouse to inherit the entire marital estate, many widows are deprived of inheritance (art. 35). The husband's family often evicts the widow from her home and confiscates other marital property. The Matrimonial Property Bill 2008, aims at removing these inequalities, but remains pending. Women constitute 75% of the agricultural workforce, however they only hold 6% of all land titles.

• Obstacles to access to health

The maternal mortality rate (560 per 100,000 births) remains high, due to lack of skilled birth attendants, malaria, HIV/AIDS, low rates of contraceptive usage, and unsafe abortions. Women lack access to quality sexual and reproductive health services, family planning services, contraception and sexual education.

PRINCIPAL SOURCES

Focal Point: KHRC

CEDAW Committee Recommendations, July 2007

OMCT, Alternative Report to the UN Committee against Torture, June 2009

Wikigender, www.wikigender.org

For more information on women's rights and the actions of the campaign in Kenya, see: www.africa4womensrights.org

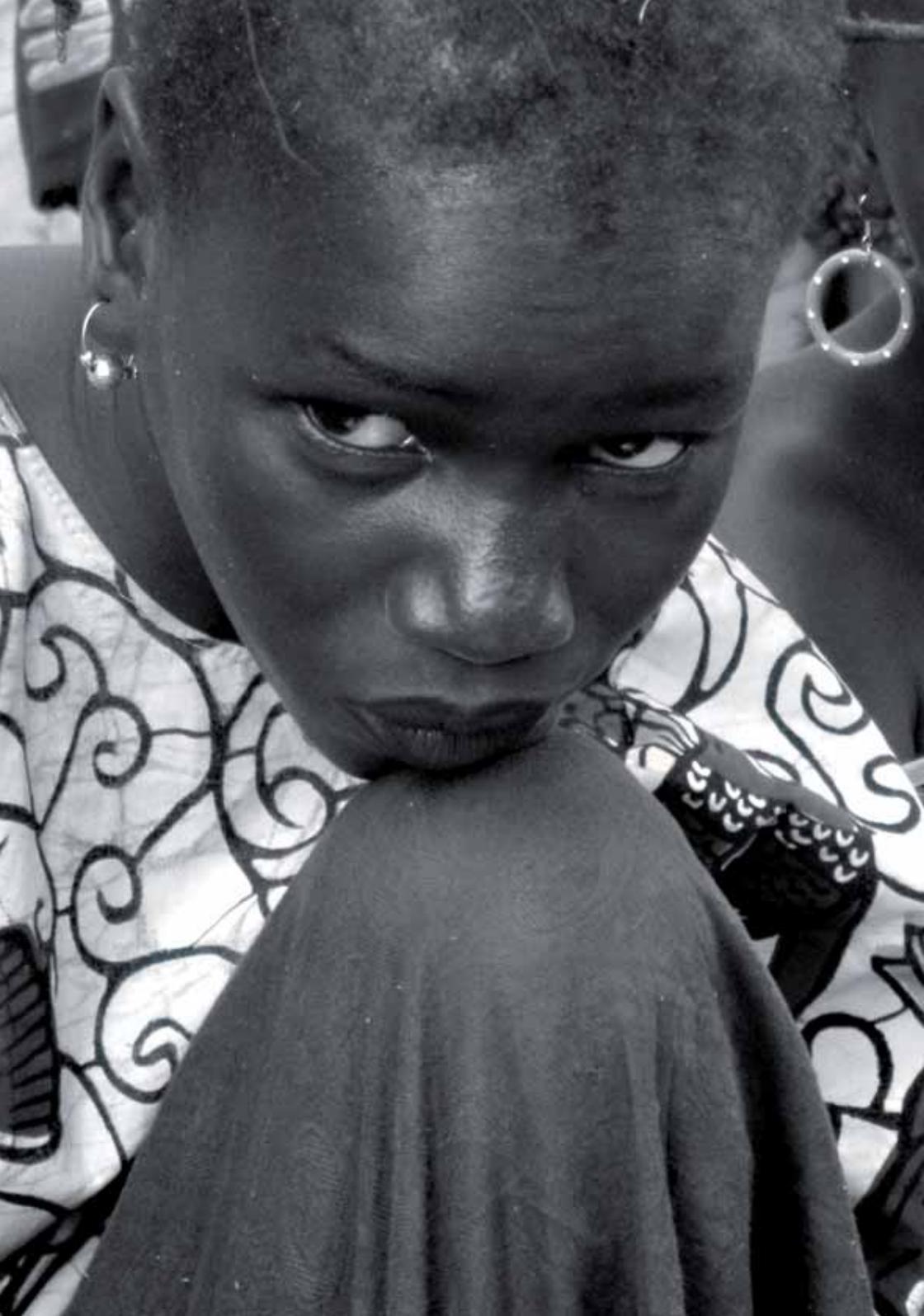
THE CAMPAIGN FOCAL POINT IN KENYA

Kenya Human Rights Commission (KHRC)



KHRC is an independent human rights NGO, established in 1992 with the vision of entrenching human rights and democratic values in Kenya. The Mission of KHRC is to promote, protect and enhance the realisation of all human rights for all individuals and groups. One of the main objectives within KHRC's Strategic Plan for 2008-2012, is mainstreaming equality, non discrimination, and respect for diversity.

www.khrc.or.ke





Angélique Kidjo,
Artist, Campaign Patron

Women's rights is an issue I am particularly concerned about. During the course of my travels, I have had the opportunity to meet many women, some victims of violence, injustice or discrimination. I have said it and will continue to do so, women are the backbone of our continent. Women's rights are human rights and every woman should be considered equal to men.

I have been supporting the campaign "Africa for women's rights: ratify and respect" since 2009. I have followed the few positive developments that occurred, over this year, regarding the situation of women in Africa. But they remain woefully insufficient and there are so many more struggles to fight. All the fundamental rights of women, including access to effective healthcare, to their own property and land, the right to speak out and to go to school, to have access to and be represented in every sector of society, these rights must be reflected in national laws and those laws must be properly implemented.

It is only by mobilising together that our combat will grow stronger and we will achieve progress.

Women's rights protection instruments ratified by Liberia:

- **CEDAW:** ratified in 1984
- **CEDAW Protocol:** signed in 2004
- **Maputo Protocol:** ratified in 2008

Ratify! Liberia has ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) without reservations. However, Liberia has not yet ratified the Optional Protocol to CEDAW.

Respect! Despite the ratification of the CEDAW in 1984, it has yet to be incorporated into Liberian law and is not justiciable in Liberian courts. The Coalition of the Campaign remains particularly concerned by the following continued violations of women's rights in Liberia: the persistence of discriminatory laws; unequal status within the family; violence against women; and limited access to education, employment, decision-making positions and health services.

/ Some positive developments...

The Coalition of the Campaign acknowledges the recent adoption of several laws and policies aimed at improving respect for women's rights, including:

- The enactment of the 2008 Gender and Sexually Based Violence Act, which provides for the establishment of a specialized court to try cases of sexual violence.
- The enactment of the 2006 Law on rape which includes spousal rape within the definition of rape.
- The creation of the National Gender-based Violence Plan of Action (2006) and the National Policy on Girls' Education (2006)
- The election of Ellen Johnson-Sirleaf as President in 2005, making Liberia the first African country to elect a woman President.
- The ratification of the Maputo Protocol in 2008.

/ But discrimination and violence persist

IN LAW

Liberia has a dual legal system consisting of statutory and customary law. While Liberia has made efforts with the support of the United Nations Mission in Liberia to review national laws that discriminate against women, discriminatory statutory and customary laws remain in force particularly in the areas of family law.

Discriminatory provisions in **statutory law** include:

Nationality and Citizenship: Under the 1973 Alien and Nationality Law, a child born abroad to a Liberian mother and a non-Liberian father is not automatically granted the mother's nationality.

Discriminatory provisions under **customary law** include:

- Married women are not allowed to appear before traditional courts without their husbands.
- Women have no right to parental authority and no right to custody of children in the event of divorce or upon the husband's death despite the passage of a new civil law on shared custody.
- Although civil law allows for equal rights to inheritance and property, customary law does not allow for married woman to inherit from their husbands.
- Polygamy, although prohibited under statutory law, is permitted under customary law.

IN PRACTICE

• **Discrimination in the family**

The custom of early marriages remains widespread and many girls are married at age 12 or 13. In 2004, it was estimated that 36% of girls between age 15 and 19 years were married, divorced or widowed. More than one third of married women in Liberia between the age of 15 and 49 live in polygamous marriages.

• **Violence**

Domestic violence, although prohibited by law, remains a widespread problem. Crimes of sexual violence are highly prevalent in Liberia. During the conflict, women and girls were particularly vulnerable to such crimes, which were generally committed with complete impunity. Under the Gender and Sexually Based Violence Act 2008, the crime of rape carries a sentence from 7 years to life imprisonment, however implementation of the law is inadequate. Despite recent government efforts, there remain insufficient services to support victims and access to justice is limited.

There is no law prohibiting female genital mutilation (FGM) and this practice remains widespread. An estimated 50% of women in Liberia have undergone some form of FGM.

Despite the passage of the 2005 Anti-Human Trafficking Act, human trafficking remains a serious problem in Liberia particularly for domestic work and other labour. Young women are especially at high risk for trafficking. Although penalties for trafficking range from one year to life imprisonment, enforcement remains weak.

• **Obstacles to access to education and employment**

Despite ongoing efforts aimed at increasing enrolment and retention of girls in schools, structural and traditional barriers to the education of girls persist, including gender-based stereotypes and harmful traditional practices such as early marriage and teenage pregnancies. Furthermore, girls are vulnerable to sexual harassment in schools in the absence of laws penalising such harassment. Liberian women also face obstacles concerning access to employment. Women are highly concentrated in the informal sector and lack rights and social benefits including maternity protections.

• Under-representation in political life

Although there have been some efforts made to increase women's participation in public and political life, there remains a low level of participation of women at the highest levels of decision-making due in part to prevailing social and cultural attitudes. As of 2008, there were 4 female ministers, 12 female deputy ministers, 5 women in the Senate, 9 women in the House of Representatives, 5 female county superintendents, 1 female mayor of Monrovia, and 2 female Supreme Court associate justices.

The Coalition of the Campaign calls on the authorities of Liberia to:

- **Reform or repeal all discriminatory statutory laws** in conformity with CEDAW and the Maputo Protocol.
- **Harmonize statutory and customary laws** in conformity with CEDAW and the Maputo Protocol and ensure that where conflicts arise between statutory provisions and customary law, statutory provisions prevail.
- **Strengthen other measures to protect women from violence and support victims**, including by removing obstacles to victims' access to justice; ensuring effective prosecution and punishment of offenders; implementing training for all law enforcement personnel; and establishing shelters for women victims of violence.
- **Increase efforts to ensure women's equal access to education and employment**, including measures to ensure equal access at all levels of education and by regulating the informal sector.
- **Improve access, quality, and efficiency of public health care**, strengthen efforts to reduce the incidence of maternal and infant mortality, increase awareness of and access to affordable contraceptive methods, improve sex education and establish family planning services.
- **Adopt all necessary measures to reform or eliminate cultural practices and stereotypes that discriminate against women**, including through awareness raising programmes targeting women and men, traditional and community leaders.
- **Ratify the Optional Protocol to CEDAW.**
- **Implement all recommendations issued by the CEDAW Committee** in July 2009.

• Obstacles to access to health

Liberia's health-care infrastructure was strongly affected by the conflict. Liberia lacks basic resources and capacity to implement its health-care policies. Liberia has high rates of maternal mortality (1200 per 100,000 births), due in part to the lack of sexual and reproductive health services and post-natal care, the lack of sex education and contraceptive usage, and the high rate of teenage pregnancy. HIV/AIDS is prevalent, particularly amongst women.

PRINCIPAL SOURCES

- Focal Point: RWHR
- CEDAW Committee Recommendations, July 2009.
- Wikigender, www.wikigender.org

For more information on women's rights and the actions of the campaign in Liberia, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINT IN LIBERIA

Regional Watch for Human Rights (RWHR)



Regional Watch for Human Rights (formerly Liberia Watch for Human Rights) monitors compliances with human rights standards, assesses human rights situation in West African countries, and pressurizes governments and other influential actors to change their practices in order to improve respect for human rights.

<http://blog.rwhr.org>

Women's rights protection instruments ratified by Mali:

- **CEDAW:** ratified in 1985
- **CEDAW Protocol:** ratified in 2000
- **Maputo Protocol:** ratified in 2005

Respect! Although Mali ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) without reservations in 1985, the government has never incorporated its provisions into domestic law. Mali has also ratified the Optional Protocol to CEDAW and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol), but the provisions of all these instruments continue to be widely violated.

The Coalition of the Campaign is particularly concerned by: the persistence of discriminatory laws; discrimination within the family; violence against women, including female genital mutilation (FGM); and limited access to education, employment, decision-making positions, property, health and justice.

/ Discrimination and violence persist

IN LAW

In Mali, customary law – which is particularly discriminatory against women – applies in parallel to statute law. In some northern regions, “Cadi” (Islamic law) justice also applies.

Statutory law in Mali contains many discriminatory provisions, for example:
Discrimination within the family:

According to the *Code du mariage et de la tutelle* of 1962, the minimum age for girls to marry is 15, whereas it is 18 for boys (art. 4). Girls can be married before the legal age if there is judicial authorisation. These early marriages apply to some 71% of young girls in Mali. The husband is considered head of the family and, for example, has the right to decide where the family will reside and the wife has a duty to obey the husband (art. 34).

Similarly, article 86 of the Parental Code limits the exercise of parental authority to the father. Polygamy is authorised under articles 7 and 8 of the *Code du mariage et de la tutelle*, and it is estimated that 40% of the population live in polygamous marriages. In cases of divorce, article 81 of the *Code du mariage et de la tutelle* provides that the husband can ask for restitution of the “benefits that he provided to his wife.”

In July 2009, the National Assembly adopted the new Family Code, under preparation since 1996. However, following demonstrations by the country's most conservative forces, the President of the Republic sent the Code back to the National Assembly in August 2009 for a second reading. More than six months later, this second reading has still not occurred.

The text approved by the National Assembly contained a number of provisions protecting women's rights: raising the minimum age of marriage for girls to 18; removing the obligation for a woman to obey her husband (although the husband remains head of the family); recognising civil marriage as the only valid form of marriage; and giving women increased rights in questions of succession. The Coalition of the Campaign regrets however that, contrary to Mali's regional and international obligations, the text is silent on a number of grave violations of women's rights such as female genital mutilation and marital rape.

Transfer of nationality: According to the Citizenship Code, a woman can only pass on her nationality to her children in very limited circumstances (art. 8), whereas a man has the right to pass on his nationality automatically.

Employment: Article 38 of the *Code du Mariage et de la tutelle* forbids a woman conducting a commercial business without her husband's authorisation.

IN PRACTICE

• Discrimination in the family

The coexistence of customary, Islamic and statutory law exacerbates inequalities within the family. Moreover, laws protecting women's rights are often not implemented. For example, even though the *Code du Mariage et de la tutelle* authorises women to request divorce, they rarely do so as a result of social pressures. A number of harmful traditional practices persist, such as levirate and sororate (whereby men 'inherit' their brother's widows or marry their wife's sister). Force-feeding, whereby young girls are forced to ingest large quantities of food in order to gain weight to prepare them for marriage is also wide-spread, especially in the northern regions.

• Violence

A legal vacuum persists on female genital mutilation (FGM) and other practices that are harmful to women's health, domestic violence and sexual harassment. The absence of legislation perpetuates these practices, especially as they seem to be tolerated by the Malian authorities. In all regions, it is estimated that 90% of women have been excised by the age of 4 years, and even earlier in urban areas - the average age of excision in Bamako is 1 year.

• Obstacles to access to education and employment

While governmental action to promote education has enabled a substantial increase in school attendance rates by girls, inequalities remain, notably in rural areas and within nomadic populations, and these steadily increase at higher levels of education. Girls leave school earlier, partly as a result of early pregnancies and because families often consider that male children are a better investment.

Discrimination in employment is also widespread, especially in rural areas. The majority of Malian women continue to work in the informal sector or to occupy subordinate positions, where they are paid less than men doing the same work.

• **Under-representation in political life**

Notwithstanding the increase in the number of women in the National Assembly, which has risen from 3 in 2000 to 13 in 2005 and then to 15 of 147 members of parliament in 2009 (15.3%), women's participation in political life remains low. There is no law setting quotas for the representation of women in politics or other decision-making

The Coalition of the Campaign calls on the authorities of Mali to:

- **Reform or repeal all discriminatory laws**, in accordance with CEDAW and the Maputo Protocol, in particular the discriminatory provisions of the *Code du mariage et de la tutelle*, the Citizenship Code and the *Code de la parenté*.
- **Organise the second reading of the Family Code** by the National Assembly as soon as possible; ensure that this process does not result in the diminution of guarantees of women's rights; and carry out awareness-raising programs to promote understanding and acceptance of the Code by the Malian population.
- **Harmonise statutory, religious and customary law** in accordance with CEDAW and the Maputo Protocol, and ensure that where there is contradiction, statutory law prevails.
- **Strengthen laws and policies to combat violence against women**, in particular by adopting a specific law prohibiting all forms of violence against women, including domestic violence and marital rape; providing additional financial resources to combat domestic violence; adopting a law criminalising FGM and ensuring that perpetrators are prosecuted and punished; and implementing awareness-raising campaigns.
- **Take measures to eliminate obstacles to education and employment**, in particular by ensuring that girls (including students who are pregnant) are able to remain in the educational system; increasing the budget allocated to education to increase educational infrastructure and teacher training; introducing courses for adults designed to reduce the high level of illiteracy among women; and carrying out awareness-raising programs on the need for girls' education.
- **Take measures to ensure women's access to healthcare**, including obstetrics and family planning, in particular by carrying out awareness-raising campaigns to inform the population (especially in rural areas) about contraceptive methods; and increasing the budget for the establishment of health facilities and training of medical personnel, in particular in rural areas.
- **Take all necessary measures to ensure women's access to justice**, in particular by: training police and legal personnel; ensuring women's access to legal aid; and informing women of their rights and recourse mechanisms.
- **Implement all recommendations issued by the CEDAW Committee** in February 2006.

positions. However, in 2005 a law was adopted linking the amount of financial assistance provided by the state to political parties to the number of women elected.

• **Obstacles to access to property**

While statutory law provides for women's access to property, matters of inheritance and access to land are mainly governed by customary law, which provides that women do not have access to land ownership, despite their extensive participation in agriculture. Customary law also provides that daughters can only inherit half the share received by sons.

• **Obstacles to access to health**

Mali has high rates of maternal mortality, due to the absence of appropriate health-care and limited recourse to existing maternal health and sexual hygiene services, especially in rural areas, as well as the persistence of FGM, early marriage and non-medically supervised abortions.

• **Obstacles to access to justice**

Although women's access to justice is provided for by law, women's capacity to exercise this right is limited by obstacles such as legal costs, lack of information about their rights and the absence of legal aid.

PRINCIPAL SOURCES

- Focal Points: AMDH, WILDAF-Mali
- FIDH Report, 2006, www.fidh.org
- UNICEF, www.unicef.org
- Inter-Parliamentary Union, www.ipu.org
- Wikigender: www.wikigender.org

For more information on women's rights and the actions of the campaign in Mali, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINTS IN MALI

Association malienne des droits de l'Homme (AMDH)



AMDH was created in 1988. Its headquarters are in Bamako but it has sections in all 8 regions of the country. AMDH aims to promote and protect human rights, notably by ensuring the primacy of law, ensuring the respect of rights and freedoms and raising awareness among the population and authorities of Mali's international obligations.

WILDAF-Mali



WILDAF-Mali is a member of the Pan African network WILDAF. It aims to promote and strengthen strategies that link the law to development, in order to increase women's participation and influence at all levels and thereby to contribute to the emergence of a culture of respect for women's rights in Africa.

www.wildaf-ao.org

Women's rights protection instruments ratified by Mauritania:

- **CEDAW**: ratified in 2001 with a general reservation
- **CEDAW Protocol**: not signed, not ratified
- **Maputo Protocol**: ratified in 2005

Ratify! Although Mauritania has ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), it entered a general reservation whereby only those articles which comply with Sharia Law and the Mauritanian Constitution would be applied. The Coalition of the Campaign emphasises that this restriction violates international law in that it goes against the object and purpose of the Convention. Mauritania has also ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), but has still not ratified the Optional Protocol to CEDAW.

Respect! The Coalition of the Campaign is particularly concerned about the following continued violations of women's rights in Mauritania: the persistence of discriminatory laws; harmful traditional practices, including early and forced marriages and female genital mutilation; violence against women; slavery; limited access to education, employment and healthcare.

/ Some positive developments...

The Coalition of the campaign acknowledges several developments in recent years aimed at improving respect for women's rights, including:

- The adoption of a law in 2007 criminalising slavery.
- The adoption of a decree in 2006 establishing a quota of 20% of women on the list of candidates for municipal and parliamentary elections. As a result of this reform, women represent 33% of those elected at the municipal level, 17.9% in the Senate and 17% in the National Assembly.
- The adoption of a legislative provision making access to basic education mandatory for children between the ages of 6 and 14.

/ But discrimination and violence persist

IN LAW

Mauritanian law remains deeply discriminatory, especially in the area of the family. Discriminatory legal provisions include the following:

According to the **Family Code** (*Code du Statut personnel*), adopted in 2001, women remain perpetual minors:

The minimum legal age of marriage is 18 years (art.6). However, a minor can be married with the consent of his/her legal guardian (*weli*) provided the latter perceives "an evident interest" in the marriage. Although article 5 states that consent is a condition for the validity of marriage, according to article 9, "the silence of the young

girl equates consent". A married woman does not have the legal right to manage her property, nor that of her children, without the consent of her husband. Polygamy is authorised provided the woman does not oppose it in her marriage contract (art. 28). This is the case in the majority of marriages due to women's lack of knowledge of their rights. With respect to divorce, the woman owes compensation if she is in the wrong (art. 102). A woman loses custody of her children if she remarries. In the case of death of the working woman, whatever position she occupied, her family is not entitled to a pension.

According to the **Nationality Code 1961**, the woman does not enjoy the same rights as the man with respect to transferring her nationality to her children (art. 13).

The **Criminal Code** prohibits all forms of abortion, punishable by a fine and imprisonment (art. 293).

IN PRACTICE

As a result of lack of access to information, a large number of women enter into religious marriages, without any legal protection, since religious marriage is not recognised under law. The practice of marriage of girls under the age of 18 persists.

• **Discrimination in the family**

The Association des Femmes Chefs de Famille has recorded numerous cases of minor girls forced into marriage. Oumoukheiry Mint Sidi Mohamed was forced into marriage at age 4, and then divorced at age 6; Maya Mint Mohamed whose father died when she was 11, was married to a 49-year old man; 10-year old El Mounna Mint Sidi Boya was married to a 65-year old man.

Source: AFCF

Moreover, the practices of levirate and sororate (mandatory custom for a widow to marry the brother of her deceased husband or a sister to marry the husband of her deceased sister) remain particularly widespread.

Miss Houraye DEMBA is a 14-year orphan who was forced to marry the husband of her older deceased sister. Brought to the attention of the justice system, charges were dropped on the grounds that the marriage had been consummated although the young girl declared that she had been kidnapped and raped.

Source: Association Mauritanienne des Droits de l'Homme

• **Violence**

There is no specific law prohibiting violence against women, and the state has not put into place the necessary policies to combat this scourge. Domestic violence, rape and other forms of sexual abuse remain highly prevalent. While rape is an offence under the Criminal Code (arts. 309 and 310) perpetrators are rarely prosecuted. Furthermore, women victims of rape can be prosecuted for the crime of Zina (adultery punishable by a prison sentence of 2 to 5 years under Sharia Law and the Criminal Code). Marital rape is not criminalised.

Excision is still practised in Mauritania. Regulation 2005-015, which provides legal protection for the child, punishes excision only when it “causes harm” (art. 12). In addition, adult women are not protected by this law.

The practice of force-feeding which consists of fattening young girls by feeding them large quantities of food remains widespread and there is no law prohibiting this practice. Young girls are force-fed by using coercive measures which can be very violent. Thus, a 2001 demographic survey revealed that 62% of women who have been force-fed have been beaten and one third of women have been subjected to the use of zayar. In 2008, AFCF documented 148 cases of young girls and women victims of forcefeeding, of whom 12 died following the administration of bird pills.

• Slavery

Despite the adoption of a law in 2007 criminalising slavery and slavery-like practices in 2007, as well as amendments to the Labour Code to prohibit forced labour, slavery persists in Mauritania, particularly in the form of exploitation of domestic workers. These women are particularly vulnerable to abuse, including sexual abuse. In 2008, AFCF documented 202 cases of girl domestic workers victims of sexual abuse.

The Coalition of the Campaign calls on the authorities of Mauritania to:

- **Reform or abolish all discriminatory laws**, in conformity with CEDAW and the Maputo Protocol, in particular within the *Code du Statut personnel*, the Nationality Code and the Criminal Code.
- **Strengthen laws and policies to combat violence against women**, in particular by adopting a specific law criminalising all forms of violence against women; ensuring the prosecution of perpetrators; putting an end to charging victims of rape with the crime of zina; extending the prohibition on FGM to adult women; and establishing shelters for women victims of violence.
- **Take all necessary measures to ensure access to education for girls and women**, including by establishing a strict mechanism to monitor girls’ education and ensure that they remain in school.
- **Take all necessary measures to ensure women’s access to health**, including family planning; establish sex education for girls and boys; and decriminalise abortion.
- **Raise awareness on women’s human rights**, by implementing training for all those involved in the application of laws, including government officials, judges, lawyers, police and religious and traditional community leaders; put in place legal assistance services for women victims (emergency numbers, counselling and legal aid); and integrate civic education and human rights, including women’s rights, into the school curriculum.
- **Ratify the Optional Protocol to CEDAW.**
- **Withdraw the general reservation to CEDAW and implement all recommendations issued by the CEDAW Committee** in May 2007.

• Obstacles to access to education

Despite laws making access to basic education mandatory for all children in Mauritania up to 14 years, and sanctioning the refusal to send a child to school, girls continue to suffer from a lack of access to education. The rate of illiteracy among women remains very high. The number of girls in school falls sharply from the age of 12 years, when they can work and become potential wives.

• Obstacles to access to employment

Although Mauritanian legislation provides for equal rights with respect to employment, no specific measures have been taken to eliminate discrimination against women, for example guaranteeing equal pay for equal work. Furthermore, no law prohibits sexual harassment. Women are overrepresented in the informal sector which does not provide for any social protection and do not have access to certain jobs: for example within the judiciary and high-level positions within the civil service.

• Obstacles to access to health

Women and girls, particularly in rural areas, do not have access to adequate health care services, especially with respect to prenatal and postnatal care and family planning. Thus, the rate of teenage pregnancies remains very high, as do the infant and maternal mortality rates. Finally, the absolute prohibition on abortion results in grave harm to women and encourages recourse to non-medical abortions.

PRINCIPAL SOURCES

- Focal Points: AMDH, AFCF
- Association mauritanienne des pratiques ayant effet sur la santé des femmes et des enfants (AMPSFE)
- Recommendations of the CEDAW Committee, June 2007
- AFCF, Analysis of the Code du Statut personnel

For more information on women's rights and the actions of the campaign in Mauritania, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINTS IN MAURITANIA

Association Mauritanienne des Droits de l'Homme (AMDH)



MDH was established in 1991. Its mission is to promote and protect human rights in Mauritania and the sub-region through monitoring, education, awareness raising and simplification of human rights and legal texts. Activities on women's rights focus on providing legal representation, training and conducting advocacy.

<http://www.amdhrim.com/>

Association des Femmes Chefs de Famille (AFCF)

AFCF is a women's rights NGO, which campaigns for the eradication of violence against women, trafficking, the mistreatment of minor domestic girls and force-feeding. AFCF trains women leaders and works to promote political participation of women, improvement of national justice, ratification and respect of international conventions, withdrawal of reservations to CEDAW and the implementation of laws protecting women's rights.

Women's rights protection instruments ratified by Mozambique:

- **CEDAW:** ratified in 1997
- **CEDAW Protocol:** ratified in 2008
- **Maputo Protocol:** ratified in 2005

Respect! Although Mozambique has ratified the main international and regional women's rights protection instruments, their provisions are often violated in law and practice.

The Coalition of the Campaign is particularly concerned by the following continued violations of women's rights in Mozambique: the persistence of discriminatory laws; violence against women; limited access to property, education and healthcare; and obstacles to access to justice.

/ Some positive developments...

The Coalition of the Campaign acknowledges the recent adoption of several laws and policies aimed at improving respect for women's rights, including:

- The adoption of the new Family Code in December 2004 which provides for gender equality in all matters of family law (consent to marriage, divorce procedures, custody of children, sharing of household assets, etc.) and prohibits all practices that discriminate against women concerning polygamy, inheritance, minimum legal age for marriage, treatment of widows etc.
- Improvements in women's political representation. During the December 2004 elections, 87 women were elected to the National Assembly, of a total of 250 members (34.8%). The Prime Minister, 24 ministers, 2 deputy ministers and 2 province governors are women.
- The adoption on 21 July 2009 of a law on domestic violence.
- The ratification of the Optional Protocol to CEDAW in 2008.

/ But discrimination and violence persist

IN LAW

Although Mozambique has adopted several laws to protect women from discrimination and violence, several discriminatory laws and regulations persist:

- Several provisions of the Criminal Code, which dates back to the 19th century, are still awaiting reform.
- Amendments to the law on domestic violence (arts. 35 and 36) which stipulate that the law must be applied taking into consideration the need to "protect the family". Furthermore, the law on domestic violence does not sanction marital rape.
- Abortion is only allowed under limited circumstances according to a Ministerial Decree of 1978 (only three hospitals are permitted to perform abortions). The criminalization of abortion in the vast majority of situations causes the deaths of

thousands of girls each year. The Minister of Health submitted a law to parliament in 2009, but it remains pending.

- The inheritance law, awaiting review, contradicts the new Family Code concerning women's property rights.
- The new Family Code of 2004 has been amended to delete provisions regarding the recognition of common law marriage. Yet, in Mozambique, 54% of "unmarried" couples are in de facto marriages.

IN PRACTICE

The weight of traditions, which continue to be protected in order to safeguard the "Mozambican identity", together with the patriarchal vision of society, keep Mozambican women in a position of inferiority and impede the effective application of laws protecting their rights. Furthermore, it is not unusual for representatives of religious communities and traditional leaders to accuse women's associations of advocating "immorality" and "wanting to destroy the family".

• Discrimination in the family

Although forbidden by law (article 30 of the Family Code sets the minimum age for marriage at 18 years, for both girls and boys), early marriage is common, especially in the rural areas (in 2004, it was estimated that 21% of girls were married by the time they were 15). This is one of the main reasons for the low school enrolment rate for girls and the very high rate of early pregnancy (it is estimated that 24% of women between ages 15 and 19 already have 2 children). The government has taken measures to raise awareness of the general population on these problems, but there are no specific penalties for forced marriage.

Furthermore, although article 16(2) of the Family Code requires marriages to be monogamous, polygamy remains common, especially in rural areas. Regarding inheritance, customs are especially discriminatory. Widows are often expelled from their family home and receive no inheritance from their husbands.

• Violence

Although the adoption of the law on domestic violence in 2009 represents significant progress, its impact on the Mozambican society has been limited. A "domestic violence" unit has been created within the Ministry of the Interior but its means are too meagre to allow for effective action.

Domestic violence enjoys considerable social legitimacy stemming from a widespread view that the man, as the head of family, has the prerogative to use force to solve marital disputes conflicts. **WLSA Mozambique**

Rape accounts for half the reported cases of violence against women. Sexual abuse at school, including harassment of girl students by their teachers or by fellow students, has increased alarmingly. According to the Mozambican law, incest is rape with aggravating circumstances, but there is no specific government policy to control this type of violence. There is no sanction for marital rape.

• Obstacles to access to property

Although the Land Law adopted in 1997 and the Family Code 2004, explicitly provide for equal property rights, in practice the application of these provisions is problematic. Yet women account for more than half of those working the land. In this area, resistance to the law is especially strong due to the weight of traditions.

• Obstacles to access to education

Many schools and health care facilities were destroyed during the civil war and by the natural disasters that struck the country in 2000, 2001 and 2007. Lack of schools is one of the reasons for the massive female illiteracy and the low female enrolment rate although, theoretically, primary school education (7 years) is compulsory. The

The Coalition of the Campaign calls on the authorities of Mozambique to:

- **Reform all discriminatory legislation** in conformity with CEDAW and the Maputo Protocol, particularly the discriminatory provisions of the Criminal Code, the Family Code, the law on domestic violence and inheritance law.
- **Strengthen laws and policies to protect women from violence and support victims**, including by: adopting all necessary measures to ensure the effective implementation of the law on violence against women, including domestic violence, and adopting measures to sanction marital rape; allocating additional financial resources to the fight against domestic violence; adopting measures, including severe sanctions, to eliminate sexual abuse of young girls in school.
- **Eliminate obstacles to the education of girls and women**, in particular by: ensuring equal access to all levels of education; adopting measures to retain girls within the education system, including pregnant pupils; and launching awareness raising programmes to overcome stereotypes and traditional attitudes.
- **Take measures to guarantee women's access to adequate health care**, including obstetrical care and family planning; ensure access to contraception.
- **Take all necessary measures to ensure women's access to justice**, in particular by addressing the shortage of judges, facilitating women's access to these positions and ensuring training of police and legal personnel.
- **Adopt all necessary measures to reform or eliminate discriminatory cultural practices and stereotypes**, including awareness-raising programmes targeting men and women, governmental, traditional and community leaders.
- **Ensure the implementation of all recommendations issued by the CEDAW Committee** in June 2007.

annual national budget allocates 20% to education but only some 40% of children go to school. Notwithstanding the state's awareness-raising campaign (radio and TV flashes, input from national celebrities and religious leaders) and the creation of boarding houses for girls who live too far away from school, most families still only consider sending their sons to school. Early marriage is also a major cause for girls to drop out of school.

• **Obstacles to access to health**

Besides the common health problems facing the whole population – 52% of the country benefits from health coverage – women also have to confront problems linked to maternal, sexual and reproductive health. Furthermore, AIDS affects more women than men. Although the government has introduced free prenatal care, the maternal death rate is still a high (480 per 100,000 births), although only half of what it was ten years ago.

• **Obstacles to access to justice**

Women's access to justice is impeded due to a lack information on their rights and the laws that protect them, the cost of proceedings and the lack of training of police and legal personnel. The creation of community tribunals to make up for the shortage of judges and lighten the burden of the official state courts has not improved the situation. The community tribunals are composed of only 10% women and are apply traditional law, which is particularly discriminatory against women.

PRINCIPAL SOURCES

- Focal Point: WLSA-Mozambique
- Liga Moçambicana dos direitos humanos (LMDH), www.lmdh.org.mz
- FIDH and LMDH, Women's rights in Mozambique, May 2007, www.fidh.org
- CEDAW Committee Recommendations, June 2007
- Inter-Parliamentary Union, www.ipu.org

For more information on women's rights and the actions of the campaign in Mozambique, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINT IN MOZAMBIQUE

WLSA-Mozambique



WLSA-Mozambique is a member of the regional network Women and Law in Southern Africa (WLSA). The organisation seeks to promote gender equality through the identification of favourable initiatives and obstacles to legislative and political changes.

www.wlsa.org.mz

Women's rights protection instruments ratified by Niger:

- **CEDAW**: ratified in 1999 with reservations to articles 2(d) and (f); 5(a); 15(4); 16(1)(c)(e) and (g)
- **CEDAW Protocol**: ratified in 2004
- **Maputo Protocol**: signed in 2004

Ratify! Although Niger ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) more than 10 years ago, it has done so with numerous reservations which leave it devoid of meaning. Furthermore, Niger has still not ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).

Respect! The Coalition of the Campaign remains particularly concerned by: the overlapping of different sources of law creating legal uncertainty; the absence of legislation governing marriage and divorce; harmful traditional practices such as early and forced marriage and female genital mutilation; trafficking in women and girls; and limited access for women to education and employment.

/ Some positive developments...

The Coalition of the Campaign acknowledges some recent positive developments concerning women's rights in Niger:

- The adoption in June 2006 of the Reproductive Health Act, the aim of which is to improve access to reproductive and sexual healthcare and services although it prohibits voluntary termination of pregnancy when continuation of the pregnancy puts at risk the life the mother, or in the case of risk of severe disorder for the unborn child.
- The 2000 law on quotas for women in political life, increasing the percentage of women in parliament from 1.2% (1 woman out of 83 deputies) to 12.3% (14 women out of 113 deputies) between the 1999 and the 2004 elections. However, these percentages remain very low and percentage of women in the government and the administration remain below the minimum set by law (only 6 women are ministers out of 27 members of the government, i.e. 23.07%).
- The adoption in 2008 of the Ministry for the Promotion of Women and Child Protection in order to combat discrimination against women.

/ But discrimination and violence persist

IN LAW

Legal uncertainty is particularly detrimental to women's rights and is the result of the multiple sources of law recognised by the Constitution of Niger: statutory law, customary law and religious (Islamic) law. No judicial decision has been published since 1996.

Many discriminatory laws persist in Niger, including:

In family matters: A family code has been in preparation since 1976. Despite amendments made to the act regulating certain aspects of personal and family law according to customary rules (Act No. 62-11), several discriminatory acts and customary practices remain, in particular with regards to divorce, child custody and inheritance. Polygamy is authorised. Repudiation is also authorised but there are currently proposals to enact legislation to prohibit it.

Nationality Law does not allow a Niger woman to transmit her nationality to her foreign husband.

The **General Status of the Civil Service** (Statut Général de la Fonction Publique) prevents women from having access to certain institutions.

IN PRACTICE

• Violence

Since the legal age for marriage is not defined, early and forced marriages are very widespread.

“A 15-year-old girl in her second year at secondary school was removed by force from school and married to a rich businessman. To convince the girl’s parents, the suitor made a promise to let the girl live with her sisters until she was 17. But two weeks after the wedding, the businessman went to get the girl and raped her before taking her back to her parents”.

Case documented by the ANDDH

Female Genital Mutilation (FGM) is punished by a fine and a jail sentence, and it is estimated that between 1998 and 2006 its practice on girls aged 15 to 49 was reduced by 50% (5% to 2.2%). However, ethnic and regional disparities remain which are detrimental to the Tillabéri, the urban community of Niamey and Diffa, in the western part of Niger, where 66% of women are victims of these practices.

The practice of slavery, which affected almost 870,000 persons in 2002, was criminalised in 2003 but remains widespread.

On 27 October 2008, the Court of Justice of the Economic Community of West African States (ECOWAS) issued a ruling holding the Republic of Niger “responsible for the inaction” of its administrative and judicial services in the case of *Adidjatou Mani Koraou*. Dealing for the first time with a case of slavery, the court considered that the Niger judges had not fulfilled their duty of protection of the victim. The victim had been sold as a fifth wife at the age of 12 years for 240,000 francs CFA (366 Euros). This historic ruling opened the way for these practices that are not sufficiently resisted by the authorities to be contested in law.

A more recent phenomenon, the “Hadj credit”, according to which Niger women are sent to Saudi Arabia to pay the costs of pilgrimage (Hadj) is particularly troubling.

Hadizatou was sold as a slave to a man who abused her and fathered several children with her, while forcing her to work for him in the fields without any remuneration.

Cases documented by the NGO Dimol

• Obstacles to access to education and employment

Victims are forced to drop-out of school due to early marriage and domestic work. In 2005, the rate of literacy for women was 15.1% compared with 42.9% for men. Despite legislation in favour of gender equality in employment, the proportion of women in the public sector and formal private sector jobs remains very low. For example, in 2005, women accounted for only 22.15% of civil servants, compared with 81.65% of men.

The Coalition of the Campaign calls on the authorities of Niger to:

- **Reform all discriminatory laws**, in conformity with CEDAW including the Family Code, the Law on Nationality and the General Status of the Civil Service.
- **Harmonise statutory law, customary law and religious law with the provisions of the CEDAW.**
- **To take all necessary measures to combat all forms of violence against women**, including public awareness campaigns; training programmes for representatives of the State, members of the judiciary, and health care and social workers; measures aimed at providing victims with legal, medical and psychosocial support; as well as legal proceedings and punishing those who commit acts of violence against women.
- **To intensify efforts to combat the trafficking, forced labour and sexual exploitation of women and girls**, including the adoption of specific legislation, legal proceedings and the punishment of offenders and adoption of measures to rehabilitation and social reintegration measures for victims.
- **To take all the necessary measures to guarantee the access of girls and women to education and work**, including a guarantee of compulsory, free schooling up to the age of 15 years; measures to encourage girls to enrol for higher education; eliminating stereotypes in the roles of women and men in study programmes and school manuals; measures to encourage literacy among women, particularly in rural areas; adopting a quota mechanism, if necessary, to encourage the access of women to work in all sectors.
- **To take all the necessary measures to improve the access of women, particularly rural women, to health care**, including improving the access of women to family planning, and in particular the use of condoms to prevent early pregnancies, clandestine abortions and the spread of HIV; sex education for girls and boys with emphasis on the prevention of early pregnancies; and the legalisation of abortion for non-medical reasons.
- **To take measures to ensure the access of women to justice**, including simplification of texts in order to make them more accessible and comprehensible to the whole population, particularly in rural areas, setting up centres to provide legal aid, as well as financial aid to allow victims of violence and discrimination to seek justice.
- **Withdraw all the reservations to the CEDAW and accelerate the ratification process of the Maputo Protocol.**
- **Implement all recommendations issued by the CEDAW Committee** in May 2007, which has not received feedback until now.

• Obstacles to access to justice

Due to lack of information on their rights and the laws that protect them, as well as the costs of proceedings; women have a limited access to justice, worsened by the lack of training of the police and the judicial personnel. In addition, Islamic texts are often interpreted to the detriment of women's rights.

PRINCIPAL SOURCES

- Focal Points: ANDDH, Dimol, CONGAFEN
- List of concerns submitted by FIDH and ANDDH to the CEDAW Committee, 2007, www.fidh.org
- Recommendations of the CEDAW Committee, June 2007
- Timidria NGO
- OIF, genre.francophonie.org
- UNDP, www.undp.org
- Inter-Parliamentary Union, www.ipu.org
- UNICEF, www.unicef.org

For more information on women's rights and the actions of the campaign in Niger, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINTS IN NIGER



Association nigérienne pour la défense des droits de l'Homme (ANDDH)

ANDDH is a human rights NGO founded in 1991. Its mission is to promote basic freedoms and democracy in Niger. Its actions on women's right include: advocacy workshops, training on the Maputo Protocol, awareness raising campaigns and legal assistance.

www.anddh-niger.org

“Dimol”, Santé de la reproduction pour une maternité sans risques

The NGO “Dimol” was founded in February 1998, its mission being to help to reduce risk factors associated with maternity by prevention, early treatment of cases and social reintegration. Its activities include: advocacy targeting religious and political leaders, training for parliamentarians and campaigns on the Maputo Protocol and the Optional Protocol to CEDAW.

www.dimol.c.la

Coordination of NGOs and Niger Women's Associations (CONGAFEN)

CONGAFEN, established in 1995, coordinates the actions of NGOs and associations working to promote women's rights in Niger. The role of CONGAFEN is to reinforce collaboration between NGOs and women's associations; to increase the organizational and institutional capacities of its members; and to act as an intermediary between the State and partner organizations.

www.congafen.africa-web.org

Women's rights protection instruments ratified by Nigeria:

- **CEDAW**: ratified in 1985
- **CEDAW Protocol**: ratified in 2004
- **Protocole de Maputo**: ratified in 2005

Respect! Although Nigeria has ratified the main international and regional women's rights protection instruments, discrimination against women persists widely both in law and practice. The Coalition of the Campaign is concerned that 25 years since Nigeria's ratification of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), the government has failed to adopt a law to allow CEDAW to be invoked before Nigerian courts.

The Coalition remains particularly concerned by the following violations of women's rights in Nigeria: persistence of discriminatory laws; lack of harmonisation between statutory and customary laws and application of Sharia laws in the northern states; violence against women, including widowhood rites; and obstacles to access to employment, decision-making positions and health services.

/ Some positive developments...

The Coalition of the Campaign acknowledges the adoption of several laws and policies aimed at improving respect for women's rights, including:

- The passage of the Gender and Equal Opportunities Law 2007 by the states of Anambra and Imo, providing for affirmative action measures to redress under-representation of women in appointive and elective positions and prohibiting discrimination in areas such as education and employment.
- The adoption of laws protecting the rights of widows in several states: Enugu (2001), Oyo (2002), Ekiti (2002), Anambra (2004), and Edo (2004). However, implementation of these laws remains inadequate.

/ But discrimination and violence persist

IN LAW

Nigeria is a federal republic with 36 states, which each adopt distinct federal laws. Nigeria has a tripartite legal system consisting of statutory, customary, as well as, in the northern states, sharia laws. The three bodies of law create contradictions and inconsistencies and discriminatory provisions are widespread within each source of law particularly in the areas of family and property law.

Discriminatory **statutory laws** include:

Constitution: Article 26(2) limits the rights of Nigerian women to transmit their nationality to foreign spouses. Article 29(4) deems a woman to be of full age upon marriage, which lends support to early marriages and contradicts the minimum age

requirement (18 years for men and women) set by the Child's Right Act 2003.

Criminal Code: Very strict evidential requirements are imposed to prove the crime of rape, making convictions almost impossible (s. 358, requirement of corroborative evidence). Abortion is criminalised (ss. 228-230).

Discriminatory **customary and religious laws** include:

Marriage: In the southern region, customary laws allow marriage of girls between 12 and 15 years, while in other regions marriage is authorised from 9 years. A 2004 United Nations report estimated that 28% of girls between 15 and 29 years were married, divorced, or widowed. Polygamy is authorized and widely practiced under both customary and Sharia laws. Nearly one third of Nigerian women are in polygamous unions.

Divorce: Sharia law recognizes four main types of divorce. The *talaq* procedure can only be initiated by the husband. It allows him to repudiate the marriage by announcing out loud that he intends to divorce his wife. The *khul'u* procedure allows a woman to request a divorce by paying a "ransom" to her husband in order to terminate the marriage. The *khul'u* is settled in court. The *tafriq* and *faskh* procedures also require court intervention. Divorce is pronounced following an investigation into the truth of the wife's accusations.

Violence: Under the Penal Code of Northern Nigeria, husbands are permitted to beat their wives provided it does not rise to the level of "grievous hurt" (s. 55). Under Sharia law, the husband can withdraw maintenance if his wife refuses sexual intercourse. Under Sharia law (eg. Kano State Sharia Penal Code), a woman alleging rape must produce 4 witnesses to the rape. If the rape is not proved she can be punished for adultery with a prison sentence or flogging.

Ownership of property: Under customary law, only men have the right to own land. Sharia law does not allow women access to real property. Under customary law, a widow cannot inherit marital property.

IN PRACTICE

• Violence

Despite intensive lobbying efforts of women's rights organisations in Nigeria, the legislature has yet to pass into law 9 draft bills on violence against women, including bills prohibiting domestic violence, female genital mutilation, and sexual offences.

Domestic violence is extremely prevalent in Nigeria. It is estimated that 20% of women are victims of domestic violence and such violence is generally condoned by society. There is no specific legislation sanctioning domestic violence and marital rape is not criminalised. It is almost impossible to obtain convictions for rape due to strict evidential requirements. In addition, women tend not to report rape for fear of shaming themselves and their family members, and aware that the authorities generally refuse to file their complaints. When complaints are filed, investigations are often abandoned.

Despite the passage of laws in several states prohibiting female genital mutilation (FGM), and the adoption of a National Plan of Action aimed at reducing the prevalence and incidence of FGM, the practice remains widespread. A 2007 World Health Organization study reported that FGM is practised in the vast majority of Nigerian

states. It is estimated that across the country 20% of women aged 15 – 49 have undergone some form of FGM and the areas with the highest prevalence are southwestern Nigeria (56.9%), southeastern Nigeria (40.8%), and southern Nigeria (34.7%).

Although laws protecting the rights of widows have been adopted in several states, across the country women continue to be subjected to widowhood rites. Such rites include forcing widows to drink the water used to bathe the husband's corpse, or to crawl over his corpse. According to the practice of levirate, a widow can be forced to marry to her deceased husband's male relative.

Despite the adoption of the Trafficking in Persons Prohibition Law Enforcement and Administration Act in 2003 (amended in 2005) and the establishment of the National Agency for the Prohibition of Trafficking in Persons, trafficking remains widespread.

The Coalition of the Campaign calls on the authorities of Nigeria to:

- **Reform or repeal all discriminatory statutory laws** in conformity with CEDAW and the Maputo Protocol, including provisions within the Constitution and the Criminal Code.
- **Harmonise statutory, customary, and religious law in conformity with international and regional instruments on women's rights** and ensure that where conflicts arise between formal legal provisions and customary law, the formal provisions prevail.
- **Strengthen legislation and other measures to protect women from violence and support victims**, including by adopting specific legislation to criminalise domestic violence, marital rape and other crimes of sexual violence; and reforming the evidence requirements to prove rape; removing obstacles to victims' access to justice; ensuring effective prosecution and punishment of offenders; implementing training for all law enforcement personnel; and establishing shelters for women victims of violence.
- **Increase efforts to ensure women's equal access to employment and decision-making positions**, including by strengthening measures to combat sexual harassment in the workplace and implementing temporary special measures, including quotas.
- **Improve women's access to health, including by** strengthening efforts aimed at reducing the incidence of maternal and infant mortality; increasing knowledge of and access to contraception; improving sex education and establishing family planning services.
- **Adopt all necessary measures to reform or eliminate discriminatory cultural practices and stereotypes**, including through awareness-raising programmes targeting women and men, traditional and community leaders.
- **Implement all recommendations issued by the CEDAW Committee** in July 2008

• **Obstacles to access to employment and under-representation in political and public life**

Women have higher rates of illiteracy than men and are predominantly employed in the informal sector and thereby restricted from accessing social security benefits. Sexual harassment remains prevalent. Women continue to be seriously underrepresented in decision-making positions. Despite the 35% minimum quota stipulated in the National Gender Policy, in 2010 women represented 6.9% of members of the House of Representatives and 8.3% in the Senate.

• **Obstacles to access to health**

Healthcare facilities are inadequate in quality, number, and funding. Lack of access to prenatal and post-natal care, obstetric services and family planning information, contributes to the high maternal mortality rate. Nigeria has the world second highest maternal mortality rate (1,100 per 100,000 births in 2007). Other contributing factors include unsafe abortions, inadequate post-abortion care, early and child marriages, early pregnancies, high fertility rate and inadequate family planning services, the low rates of contraceptive usage, lack of sex education.

PRINCIPAL SOURCES

- Focal Points: BAOBAB, CLO, WILDAF-Nigeria
- CEDAW Committee recommendations, July 2008
- Nigeria CEDAW NGO Coalition Shadow Report to CEDAW June – July 2008
- Wikigender, www.wikigender.org

For more information on women's rights and the actions of the campaign in Nigeria, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINTS IN NIGERIA:

BAOBAB for Women's Human Rights



BAOBAB is a not-for-profit NGO with the mandate to promote and protect women's rights under religious, statutory, and customary laws in Nigeria. Activities include media awareness, capacity building, and producing publications on women's rights issues.

www.baobabwomen.org

Civil Liberties Organization (CLO)

CLO is Nigeria's first and largest, independent, not for profit human rights organisation founded in 1987. CLO has six zonal offices, 37 state branches and 111 units in the local government areas and tertiary institutions in Nigeria.

<http://www.clo-ng.org/>

WILDAF-Nigeria



WILDAF-Nigeria is a member of the pan-African network, WILDAF. The sub-regional coordination of WILDAF West Africa covers 8 countries including Nigeria.

<http://wildaf-ao.org>

Women's rights protection instruments ratified by the Republic of Congo:

- **CEDAW**: ratified in 1982
- **CEDAW Protocol**: signed in 2008
- **Maputo Protocol**: ratified in 2007

Ratify! Although the Republic of Congo ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in 1982 and the Protocol to the African Charter on Human Rights and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) in 2007, the government has still not ratified the Optional Protocol to CEDAW.

Respect! The Coalition of the Campaign is particularly concerned by the following continued violations of women's rights in Republic of Congo: persistence of discriminatory legislation, discrimination within family, violence against women; and limited access to education, decision-making positions, healthcare and justice.

/ Some positive developments...

The Coalition of the campaign acknowledges the recent adoption of several laws and policies aimed at improving respect for women's rights, including:

- Ratification of the Maputo Protocol in 2007.
- Establishment of the Ministry for the Promotion of Women and the Integration of Women in Development in 2005.
- Establishment of a Commission in August 2009 in charge of drafting and reviewing the laws of the Republic of Congo, with a focus on the Family Code and the Criminal Code, with a view to reforming certain discriminatory provisions.
- Adoption of a new electoral law in May 2007, which encourages female candidates to stand in parliamentary elections. However, the law stipulates a minimum quota of only 15% women candidates to be presented by each party (art. 61).

/ But discrimination and violence persist

IN LAW

In the Republic of Congo, customary law, which is particularly discriminatory against women, continues to apply alongside statutory law. The latter also contains several discriminatory provisions, mainly within the Family Code and the Criminal Code:

FAMILY CODE

Minimum age for marriage: According to article 128, "marriage is prohibited for men under 21 years of age and for women under 18 years of age. Nevertheless, the Public Prosecutor...may grant exceptions for serious reasons".

Dowry: Articles 140 and 141 specify the dowry as a condition of marriage (fixed at a maximum amount of 50.000 F.CFA).

Choice of residence: According to Article 171, “The family’s residence shall be chosen by the spouses in joint agreement. In the absence of such agreement, the residence shall be chosen by the husband. In such case, the wife shall live with the husband and he shall be under an obligation to receive her. However, if the place of residence chosen by the husband presents physical or moral danger for the family, the wife may be permitted a residence of her own and for her children, to be designated by a judge.”

Parental authority: According to Article 168, the wife “may not exercise the role of head of the family”, unless the father is incapable of doing so on the grounds of health, absence or physical distance from the family.

Polygamy is authorised (arts. 121 and 136).

CRIMINAL CODE

The criminal code contains various discriminatory provisions, particularly those concerning adultery (arts. 336 and 337). Thus, if the husband commits adultery, he can be punished with a fine whereas, when committed by the wife, adultery can be punished by a prison sentence.

IN PRACTICE

In Republic of Congo, the effective implementation of laws on the protection of women’s rights comes up against major obstacles including the persistence of customary law and discriminatory traditions and stereotypes on the role of women in society.

• Discrimination in the family

Although women’s rights to inheritance are protected by the Family Code in the event of the husband’s death (arts. 798 to 806), in practice these provisions are often not respected, particularly in customary or de facto marriages, and wives are often expelled from their homes.

The limits fixed by the Family Code on the dowry are very often ignored and the amount that is asked tends to vary according to the level of education of the wife, reaching, in certain cases, amounts of more than one million F. CFA.

• Violence

Although several forms of violence against women are sanctioned by criminal law, including crimes of sexual violence committed during armed conflict, such violence remains widespread. Complaints are rarely filed and perpetrators rarely prosecuted, in part due to the stigmatisation of victims, a lack of information on their rights and available recourse mechanisms, as well as the high cost of legal proceedings and the imposition of amicable settlements. Marital rape is not criminalised.

Crimes of sexual violence are particularly prevalent in displaced persons’ camps, established in the wake of the armed conflicts that have embroiled the country over recent years. Women form the majority of the main population in such camps. Women from certain minorities, such as the *Pygmy*, are also extremely vulnerable to sexual violence.

Although female genital mutilation (FGM) and female circumcision in particular, are not part of traditional culture in Congolese society, this practice still persists,

mostly within the West-African communities. FGM is not specifically sanctioned by the country's laws and can thus only be prosecuted under provisions contained in criminal law on "assaults and injuries" which carry low sentences.

• **Obstacles to access to education**

Although, according to Congolese law, girls and boys have equal access to education, the enrolment rate of girls remains low (52% in primary and 39% in secondary

The Coalition of the Campaign calls on the authorities of the Republic of Congo to:

- **Reform all discriminatory legislation** in conformity with CEDAW and the Maputo Protocol, in particular discriminatory provisions within the Family Code and the Criminal Code.
- **Harmonise civil, religious and customary law**, in conformity with CEDAW and the Maputo Protocol, and ensure that when conflict arises, statutory law prevails.
- **Strengthen laws and policies to protect women from violence and support victims**, including by: adopting a specific law to prohibit all forms of violence against women, including domestic violence and spousal rape; implementing training programmes for legal personnel responsible for enforcing laws protecting women; implementing public awareness raising campaigns; and allocating additional financial resources to the fight against domestic violence.
- **Eliminate obstacles to the education of girls and women**, in particular by: ensuring equal access to all levels of education; adopting measures to retain girls within the education system, including pregnant pupils; launching awareness raising programmes to overcome stereotypes and traditional attitudes; and increasing the budget for education to improve educational infrastructure and teacher training.
- **Take measures to encourage women's participation in public and political life**, in particular by adopting the draft law establishing a quota for women's representation in decision-making bodies.
- **Ensure women's access to quality health-care**, including obstetrics and family planning, in particular by: ensuring access to contraception, particularly in rural areas; and allocating additional funds to health, in order to expand the healthcare infrastructure and increase the number of qualified personnel, particularly in rural areas.
- **Take all necessary measures to ensure women's access to justice**, including by addressing the shortage of judges, facilitating women's access to these positions and ensuring training of police and legal personnel.
- **Adopt all necessary measures to reform or eliminate discriminatory cultural practices and stereotypes**, including awareness raising programmes targeting women, men and governmental, traditional and community leaders.
- **Ratify the Optional Protocol to CEDAW.**
- **Implement all recommendations issued by the CEDAW Committee** in January 2003.

education), in part due to early marriage and pregnancy, as well as the poverty of parents.

• **Under-representation in political life**

Despite Article 8 of the Constitution which ensures the participation of women in public administration and “guarantees their representation in all political, elective and administrative functions”, as well as the provisions of the electoral law adopted in 2007, the level of participation of Congolese women in public and political life and their share of representation at the highest levels of decision-making are very low. Thus, only 10 women (10.7%) were elected in the last parliamentary elections in 2007, representing 2 fewer women than in the outgoing Parliament. In addition, no political party is led by a woman.

A draft law on the representation of women in decision-making bodies, currently under examination, provides for a quota of a minimum of 30% representation of women as ministers, members of parliament and within government.

• **Obstacles to access to health**

Women suffer inadequate access to health services, mainly owing to a lack of health infrastructure as well as insufficient human and financial resources. The country has a particularly high rate of maternal mortality (740 per 100,000 births in 2005). Women are generally more affected by HIV/AIDS than men. The low use of contraceptives also contributes to the high rate of early pregnancies.

• **Obstacles to access to justice**

Women in Republic of Congo face many obstacles seeking access justice, mainly due to a lack of information on their rights and on the laws that protect them, as well as the cost of proceedings and the distance of courts and tribunals. There are only a dozen county courts and four appeal courts in the country, hence the common resort to customary justice and/or amicable settlement.

PRINCIPAL SOURCES

- Focal Point: OCDH
- CEDAW Committee Recommendations, January 2003
- Inter-Parliamentary Union, www.ipu.org
- UNICEF: www.unicef.org
- OIF, www.genre.francophonie.org

For more information on women’s rights and the actions of the campaign in the Republic of Congo, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINT IN THE REPUBLIC OF CONGO

Observatoire Congolais des Droits de l’Homme (OCDH)



Created in 1994, OCDH is a non-profit, and non-partisan NGO whose mission is to promote, defend and protect democracy, the rule of law and human rights. Its activities include seminars, training sessions and awareness-raising campaigns, lobbying and advocacy work; and providing legal and medical assistance to victims.

<http://blog.ocdh.org/>

Women's rights protection instruments ratified by Senegal:

- **CEDAW**: ratified in 1985
- **CEDAW Protocol**: ratified in 2000
- **Maputo Protocol**: ratified in 2005

Ratify! Although Senegal has ratified the main international and regional women's rights protection instruments, many of their provisions continue to be violated in law and practice.

The Coalition of the Campaign remains particularly concerned by the following violations of women's rights in Senegal: persistent discriminatory legislation, notably in family law, harmful traditional practices, such as early and forced marriage and female genital mutilation, widespread violence against women, limited access to education, employment, decision-making positions, health services and land.

/ Some positive developments...

The Coalition of the Campaign acknowledges the recent adoption of several laws and policies aimed at improving respect for women's rights, including:

- The appointment of women to decision-making positions, in particular within the legal profession. However, women remain widely under-represented in public and political affairs.
- The adoption of a law amending the Criminal Code and introducing tougher penalties for crimes of violence against women in 1999. The law defines and punishes previously unrecognised crimes – incest, rape, sexual harassment, excision and domestic violence. However, the Coalition of the Campaign is concerned that penalties include hard labour in violation of the International Covenant on Civil and Political Rights ratified by Senegal in 1978.
- The National Strategy for Gender Equality adopted up in 2005 for the period until 2015 which focuses on increasing women's social standing, enhancing their potential, raising their economic status in rural and urban areas and setting up workshops to exchange and raise awareness of these issues.

/ But discrimination and violence persist

IN LAW

Laws in Senegal remain deeply discriminatory, particular in matters relating to the family. There are numerous discriminatory provisions within the Family Code of 1972:

Marital and parental authority: According to article 152, the husband is head of the family with authority over the household and children. Article 277 states, "During the marriage [parental authority] is exercised by the father as head of the family". The husband has the choice of family residence; the wife is obliged to live there with him and he is obliged to take her in (art. 153). Moreover, article 3 provides: "Any legitimate

child carries the father's name. Where a child is disowned, he takes the mother's name". According to article 4, "A child born outside marriage takes the mother's name. Where a child is recognised by the father, he takes the latter's name".

Marriage: Within marriage, women are subject to many discriminatory measures. The minimum legal age for marriage is 18 years for men and 16 years for women (art. 111). Women may not remarry until a period of 300 days has elapsed from the date the previous marriage was dissolved (art. 112). The authorisation of payment of a dowry by the husband (art. 132) promotes the perception of the wife as the property of the husband. Although article 110 provides that marriage between a brother-in-law and sister-in-law is forbidden, it permits levirate and sororate (traditional practices where a man may marry his dead brother's widow or his dead wife's sister) where the marital union that led to the alliance was dissolved as a result of death. Article 133 authorises polygamy.

According to article 375, household expenses are the responsibility of the husband. Where the dowry system of marriage applies, under the terms of article 385, any property given to a woman when she marries by persons other than her husband and that are subject to the rules of dowry (property, assets deposited at the bank and animals) are handed over to the husband. For as long as the marriage lasts, he manages these as a "good husband and father".

IN PRACTICE

• Violence

Although article 320 of the Criminal Code of 1999 punishes rape, it is considered a minor offence and not a crime. Moreover, despite the law prohibiting the practice of excision in any form (Law N°99 05 of 1999), it remains prevalent (28% of women are estimated to have been victims of the practice during the period 2002-2007), in large part due to the absence of measures to raise awareness on the issue. Domestic violence has also been criminalised since 1999, but is still seen as socially acceptable. Many women remain unaware that such violence is prohibited.

Forced marriages, prohibited under article 108 of the Family Code, and early marriages are still practised in Senegal. In addition, religious marriages continue to be widely practised due to ignorance of and lack of access to civil marriage. Persistence of marriages concluded outside the legal framework intensifies discrimination against women, in particular in cases of divorce. Women are left without any rights to custody of children or maintenance.

• Obstacles to access to land

Although the Family Code 1972 grants men and women equal access to land, customs prevent them being treated equally in practice. According to tradition women cannot inherit land and husbands can oppose the acquisition of land by their wives.

• Obstacles to access to education

Although the law makes schooling compulsory for children aged 6 to 16 years at free state-run establishments (Law 2004-37 of 2004), statistics show that this provision is not fully implemented. It is estimated that half of all adults (57%) are illiterate, the majority of them women. Financial reasons are partly to blame for non-attendance at school, as young girls are often obliged to work to help support the family.

• Obstacles to access to health

Access to healthcare, particularly pre- and post-natal care, remains inadequate, partly because of the high costs, as demonstrated by high infant mortality rates (i.e. among children under 5 years), that reached almost 12% in 2007.

• Obstacles to access to employment and under-representation in political and public life

During the legislative elections in June 2007, 33 women were elected to parliament out of a total of 150 representatives (i.e. 22%). Following elections to the Senate in August 2007, there are 40 women of a total of 100 senators (only 3 women were elected by indirect ballot and the remaining 37 were appointed by the President of the Republic). In addition, despite the police force and customs service being open to women since 2007, recruitment of women to the latter remains ineffective.

The Coalition of the Campaign calls on the authorities of Senegal to:

- **Reform all discriminatory legislative provisions**, in conformity with CEDAW and the Maputo Protocol, in particular the provisions of the Family Code concerning marital authority, parental authority, choice of residence, property, divorce, minimum age for marriage, levirate, sororate and polygamy.
- **Strengthen laws and policies to combat violence against women and to support victims**, in particular by: adopting a specific law criminalising all forms of violence; ensuring the effective enforcement of laws prohibiting female genital mutilation and early and forced marriages; strengthening services to support women victims of violence; facilitating access to justice (free help-lines, training of legal personnel, police services and specialist medical staff, provision of legal aid); and implementing awareness-raising programmes for the general population.
- **Strengthen measures aimed at improving women's access to education and training** including establishing a rigorous mechanism for monitoring girls' education at primary level to ensure attendance, particularly in rural areas.
- **Strengthen measures aimed at improving women's access to healthcare** focusing, in particular, on the situation of women in rural areas.
- **Increase women's access to decision-making posts**, in particular by adopting special temporary measures, such as a quota system.
- **Adopt all necessary measures to reform or eliminate discriminatory cultural practices and stereotypes**, through awareness-raising programmes targeting the general population.
- **Implement all recommendations issued by the CEDAW Committee** in 1994 that remain unimplemented and submit the 3rd periodic report to the CEDAW Committee which is more than 10 years overdue.

PRINCIPAL SOURCES

- Focal Points: ONDH, RADDHO, SWAA Senegal and WILDAF Senegal
- UNICEF, The State of the World's Children 2009, www.unicef.org
- UNICEF, L'excision au Sénégal, August 2008, www.unicef.org

For more information on women's rights and the actions of the campaign in Senegal, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINTS IN SENEGAL

Organisation nationale des droits de l'Homme (ONDH)



ONDH is a human rights NGO created in 1987. It is independent of all political, religious or economic groups. ONDH's activities on women's rights focus include: providing legal assistance and support to women victims of violence; advocacy and regular training sessions on human rights.

www.ondh-radiab.org

WILDAF Sénégal



WILDAF-Senegal is a member of WILDAF, a Pan African network whose objective is to promote and enforce human rights in general and those of women in particular. Based in Dakar it was created in 1992. Its main activities include: awareness-raising programmes; campaigns for equal representation of men and women in decision making bodies; and support and assistance to victims of violence.

wildafsen@hotmail.com

Society for Women against AIDS in Africa (SWAA Senegal)



SWAA, created in 1988 in Harare (Zimbabwe), is an NGO bringing together representatives from 33 African countries in the fight against AIDS. SWAA Senegal was founded in 1989. Its activities include: information, education, training, research and advocacy.

www.swaainternational.org

Rencontre africaine pour la défense des droits de l'Homme (RADDHO)



RADDHO is an NGO with no religious or political affiliations, established in Dakar in 1990. It aims to promote and protect human rights in Senegal and across Africa. RADDHO monitors respect for human life and dignity, promotes the full exercise of citizenship rights, in particular effective implementation of equal rights of all citizens, and contributes to the emergence and consolidation of the rule of law and democracy in Africa.

www.raddho.africa-web.org



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**Tiken Jah Fakoly,
Artist, Campaign Patron**

[Female circumcision and forced marriages] are topics that are rarely discussed by men. Yet, these are practices imposed on women by men(...). Nobody will come and change Africa for us. My mission is to challenge conventional thinking, to fight very important battles that are rarely discussed on our continent.

(...) Women are the basis for development in Africa. If in Africa today, we gave the power to women, many things would change.

L'Humanité, 17 July 2008

Women's rights protection instruments ratified by Sierra Leone:

- **CEDAW:** ratified in 1988
- **CEDAW Protocol:** signed in 2000
- **Maputo Protocol:** signed in 2003

Ratify! While Sierra Leone has ratified the Convention on Elimination of all forms of Discrimination Against Women (CEDAW) without reservations, it has not yet ratified the Optional Protocol to CEDAW and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).

Respect! The Coalition of the Campaign remains particularly concerned by the following violations of women's rights in Sierra Leone: the persistence of discriminatory laws; violence against women; unequal status in marriage, family, and inheritance; unequal access to education, employment, decision-making, and property; and lack of access to health services.

/ Some positive developments...

The Coalition of the Campaign acknowledges the recent adoption of several laws and policies aimed at improving respect for women's rights, including:

- The adoption of the Domestic Violence Act in 2007, criminalising domestic violence.
- The adoption of Registration of Customary Marriages and Divorce Act in 2007, which sets the legal age for marriage at 18, requires the consent of both parties to marriage and the registration of all marriages, empowers both spouses to acquire property and provides that gifts, payments, or dowries are non-refundable.
- The adoption of the Devolution of Estate Act in 2007, which requires property to be equally distributed between the deceased's spouse and children and criminalises expulsion of widows from their homes after the death of the husband.

/ But discrimination and violence persist

IN LAW

Sierra Leone has a plural legal system consisting of statutory, customary, and religious laws. The three bodies of law create contradictions and inconsistencies particularly in the areas of marriage and family law. A Commission was created in 2007 to eliminate discriminatory measures, however, discriminatory provisions remain widespread within each source of law.

STATUTORY LAWS

Constitution: Under section 27(4), the prohibition on discrimination does not apply with respect to adoption, marriage, divorce, burial, devolution of property on death, or other personal law issues.

Criminal Code: Abortion is criminalised. Several provisions discriminate against women with regard to their legal capacity. For example, a male juror must be over the age of 21, while a woman juror must be over the age of 39 (Criminal Procedure Act 1965, s.15).

CUSTOMARY AND RELIGIOUS LAWS

Islamic, Christian, and customary laws remain deeply discriminatory against women. In general, customary law governs matters of marriage, divorce, property and inheritance. For example:

Discrimination within the family: Under customary law, women must obtain parental consent to marriage. Although prohibited by statutory law, polygamy is authorised and widely practiced under customary and Islamic. Approximately 70% of marriages take place outside of statutory law and an estimated 43% of women between the ages of 15-49 are in polygamous unions.

According to customary law, women are considered perpetual minors. A woman cannot file a legal complaint without her husband's consent.

Violence: Customary law permits the physical chastisement of women. There is no minimum age for sexual intercourse and a minor's consent to sex is not required.

Inheritance and Property: Under customary law, a woman cannot inherit her deceased husband's property.

IN PRACTICE

• **Discrimination in the family**

Despite the adoption of the Child Rights Act and the Registration of Customary Marriages and Divorce Act in 2007, which set the legal age to marry at 18, early marriages continue to take place. In 2007, it was estimated that 62% of girls under the age of 18 were married.

• **Violence**

Despite the passage of the Domestic Violence Act in 2007, domestic violence against women remains widespread and is surrounded by a culture of silence, especially in the northern provinces.

Rape and sexual slavery were used as weapons of war during the civil war ending in 2002. In 2002, the government established a Truth and Reconciliation Commission, which made specific recommendations for the rehabilitation, psychological recovery, and social reintegration of victims. However, insufficient attention has been given to the Commission's findings and victims find themselves marginalised in society. Since the end of the war, rape and sexual violence remain highly prevalent. Although rape is criminalised (carrying a prison sentence of up to 14 years), in practice rape cases are frequently settled outside of court, in part due to insufficient training of victims' lawyers. Families often settle by accepting monetary compensation or by forcing the victim to marry the perpetrator especially when the rape has resulted in pregnancy. A draft law on sexual violence is currently pending.

There is no law in Sierra Leone prohibiting female genital mutilation (FGM), and the practice is widely condoned and even supported by politicians and community members. In 2007, it was estimated that 94% of women in Sierra Leone between the ages

of 15-49 have been subjected to some form of FGM. It is practiced by all Christian and Muslim ethnic groups.

Although the Anti-Trafficking Act of 2005 prohibits human trafficking, this practice remains widespread, with women and young girls as the main targets. Women and children are trafficked from the provinces to work in the capital as labourers and commercial sex workers and to the diamond areas for labour and sex work.

• **Obstacles to access to property**

Although women constitute the majority of agricultural labourers, they do not have full access to land, which is governed by customary rules. The land generally belongs to the family and is most often administered by the male head of the household. In parts of northern and western Sierra Leone, a woman can only access land through her husband or male relatives.

The Coalition of the Campaign calls on the authorities of Sierra Leone to:

- **Reform or repeal all discriminatory statutory laws** in conformity with CEDAW to ensure conformity with international and regional instruments on women's rights, including discriminatory provisions within the Constitution, Criminal Code and Family Code.
- **Harmonise statutory, customary, and religious laws in conformity with international and regional instruments on women's rights** and ensure that where conflicts arise between formal legal provisions and customary law, the formal provisions prevail.
- **Strengthen other measures to protect women from violence and support victims**, including by removing obstacles to victims' access to justice; ensuring effective prosecution and punishment of offenders; implementing training for all law enforcement personnel; and establishing shelters for women victims of violence.
- **Increase efforts to ensure women's equal access to education and employment**, including measures to ensure equal access at all levels of education and by regulating the informal sector.
- **Increase women's access to political life**, including by adopting temporary special measures, such as quotas.
- **Improve access, quality, and efficiency of public health care**, strengthen efforts to reduce the incidence of maternal and infant mortality, to increase knowledge of and access to affordable contraceptive methods, improve sex education and establish family planning services.
- **Adopt all necessary measures to reform or eliminate cultural practices and stereotypes that discriminate against women**, including through awareness-raising programmes targeting women and men, traditional and community leaders.
- **Ratify the Optional Protocol to CEDAW and the Maputo Protocol.**
- **Implement all recommendations issued by the CEDAW Committee** in June 2007.

• Obstacles to access to education

The civil war in Sierra Leone has had a negative impact on the educational infrastructure constituting a particular obstacle for the educational opportunities of girls and young women. As of 2004, 71% of women and girls were illiterate. The high dropout rate of girls can be partly explained by the prevalence of early and forced marriage and pregnancy. New laws provide for girls to return to school after giving birth, but they are seldom enforced.

• Obstacles to access to employment and under-representation in political and public life

There are currently no measures in Sierra Leone to accelerate the achievement of de facto equality between women and men in political and public life, education, and employment in the formal economy and the proportion of women in each of these fields remains very low. Most illiterate women work in the informal sector and do not benefit from a social security scheme. Women remain underrepresented in political life. In 2007, 15% of Members of Parliament, 30.4% of the judiciary, and 10.5% of magistrates were women. Only 4 women held cabinet positions.

• Obstacles to access to health

Healthcare services for women are woefully inadequate. Health clinics are understaffed and personnel are undertrained and often unpaid. Sierra Leone's maternal mortality rate is the highest in the world (2,000 of 100,000), as a result of lack of access to pre-natal and post natal care, lack of contraceptive usage and family planning (only 4% of women have access to family planning services), cultural barriers, financial barriers, lack of skilled birth attendants, health issues including malaria, HIV/AIDS and unsafe abortions. The President has announced the forthcoming creation of a free medical scheme for pregnant and lactating mothers and children under 5.

PRINCIPAL SOURCES

- Focal Point: FAWE
- CEDAW Committee recommendations, June 2007
- CEDAW NGO Coalition Shadow Report to the CEDAW Committee, May 2007
- Wikigender, www.wikigender.org

For more information on women's rights and the actions of the campaign in Sierra Leone, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINT IN SIERRA LEONE

Forum for African Women Educationalists (FAWE)



FAWE is a pan-African Non-Governmental Organisation working in 32 African countries to empower girls and women through gender-responsive education. FAWE works hand-in-hand with communities, schools, civil society, NGOs and ministries to achieve gender equity and equality in education through targeted programmes which influence government policy, build public awareness.

www.fawe.org

Women's rights protection instruments ratified by South Africa:

- **CEDAW:** ratified in 1995
- **CEDAW Protocol:** ratified in 2005
- **Maputo Protocol:** ratified in 2004

Respect! Over the past decade South Africa has ratified the main international and regional women's rights protection instruments; and national statutory laws tend to respect the principle of equality between women and men. Yet, the continued application of discriminatory customary laws and persistent patriarchal traditions lead to widespread violations of women's human rights. The Coalition of the campaign remains particularly concerned about: discrimination within the family; violence against women, including trafficking; unequal access to property; discrimination in employment; and access to health services.

/ Some positive developments...

In addition to the ratification of all the main women's rights protection instruments, the Coalition of the Campaign acknowledges several other developments in recent years concerning women's rights:

- The adoption of the Criminal Law (Sexual Offences) Amendment Act 2007 which modifies the definition of consent and the evidential requirements for proving rape (including abolition of the cautionary rule against complainants' evidence and providing that no negative inference can be drawn from a delay in reporting rape).
- The adoption of the Criminal Law (Sentencing) Amendment Act 2007, which establishes minimum sentences for rape. This amendment was intended in particular to prevent courts failing to impose minimum sentences on the basis of absence of physical injuries, the "cultural beliefs" of the perpetrator, or the behavior of the victims or her relationship to the perpetrator.
- The adoption of National Instructions for Police on Sexual Offences, which sets out how police investigations should be conducted in such cases.
- Concerning representation of women in parliament, following the 2009 parliamentary elections, 178 out of a total of 400 members of the lower house are women (44.5%). In the upper house, 16 of 54 members are women (29.6%). At ministerial level and deputy minister level respectively 42% and 39% are women.

/ But discrimination and violence persist

South Africa has a hybrid legal system composed of statutory and customary law. Laws protecting women's rights are ineffectively implemented, due to lack of training of law enforcement personnel, general lack of awareness of women's human rights and generalised impunity for violations.

• Discrimination in the family

Legally both civil and customary marriages are recognised. Religious marriages have been recognised by the courts and laws recognising such marriages are currently under consideration.

Under customary law, polygamy is authorized (although it is rarely practised). Indeed, the current President, Jacob Zuma, whose role is to guarantee the application of the Constitution, which provides for equality between men and women, openly defends polygamy and married his fifth wife in 2010.

The Recognition of Customary Marriages act requires a court application if a spouse in an existing customary marriage wants to take on a new wife. However, the need to register customary marriages is not well-known and many women within customary marriages do not know about their rights as outlined in the new legislation.

• Violence

Despite the adoption of specific legislation to protect women from domestic violence, including marital rape, (Domestic Violence Act 1998), such violence remains widespread. The implementation of the law is curtailed, due to deeply rooted social attitudes which condone violence against women, lack of resources, and inadequate training of doctors, police and court personnel. Efforts undertaken by the government, including the financing of shelters for victims and training for police, have so far proved inadequate.

South Africa has the highest recorded incidence of rape in the world. Over a nine month period, during 2007-2008, 36,190 complaints of rape were recorded by the police. . Yet, the large majority of rapes committed go unreported. Reported cases are generally not effectively investigated and prosecuted, in part due to lack of training of law enforcement officials. According to a 2008 study, only 4.1% of reported cases result in convictions. The government abolished specialist sexual offences units in favour of a decentralized approach to the investigation of these cases. This has led to deterioration in how rape cases are dealt with by the police. In 2009, the Minister of Police announced government's intention to reverse this decision but this has not been implemented.

There are extensive reports of rape, sexual abuse, sexual harassment and assaults of girls at school by teachers, students, and other persons in the school community. Although the law requires schools to disclose sexual abuse to the authorities; administrators often conceal sexual violence or delay disciplinary action.

Violence against those accused of witchcraft occurs, especially amongst elderly women. There have been reports of women accused of witchcraft being driven from their villages in rural communities, assaulted, exiled, and in some cases, murdered.

The Children's Act 2005 (signed into law in 2008) prohibits trafficking of children, and the new Sexual Offences Act of 2007 prohibits any trafficking for sexual purposes. The Prevention of Trafficking Bill is currently at parliamentary stage and aims to comply with government's international obligations in relation to trafficking. The precise extent of trafficking operations in South Africa is unknown.

• Obstacles to access to health

Poverty and HIV/AIDS remain the two key inter-linked drivers of maternal and infant mortality. South Africa has the highest prevalence of HIV/AIDS worldwide. In 2009, the Government announced that it would expand access to anti-retroviral treatment for women and children who are living with HIV/AIDS.

The Coalition of the Campaign calls on the authorities of South Africa to:

- **Harmonise statutory and customary laws** in conformity with CEDAW and the Maputo Protocol and ensure that, where conflicts arise between statutory legal provisions and customary law, the statutory provisions prevail.
- **Strengthen measures to protect women from violence and support victims**, including by ensuring effective prosecution and punishment of perpetrators; implementing training for all law enforcement personnel, in particular concerning implementation of the Domestic Violence and Sexual Offences Acts and the related National Instructions; reinstating specialist sexual offences units; adopting a policy to increase the responsiveness of health services to domestic violence cases; and implementing awareness-raising programmes informing the population of women's rights and mechanisms of access to justice.
- **Take all necessary measures to increase women's access to employment**, including by addressing socio-economic and cultural factors and enforcing legislation on sexual harassment.
- **Adopt all necessary measures to reform or eliminate cultural practices and stereotypes that discriminate against women**, including through awareness-raising programmes targeting women and men, traditional and community leaders and the media.
- **Implement all recommendations issued by the CEDAW Committee**, in June 1998, and submit the long overdue combined 2nd and 3rd periodic report to the CEDAW Committee.

PRINCIPAL SOURCES

- Lawyers for Human Rights (LHR)
- First monitoring report of the Shukumisa Campaign, Sexual violence, calling the system to account, available at www.tlac.org.za
- Inter Parliamentary Union, www.ipu.org
- Wikigender, www.wikigender.org

For more information on women's rights and the actions of the campaign in South Africa, see: www.africa4womensrights.org

Women's rights protection instruments ratified by Tanzania:

- **CEDAW**: ratified in 1985
- **CEDAW Protocol**: ratified in 2006
- **Maputo Protocol**: ratified in 2007

Respect! Although Tanzania has ratified the main international and regional women's rights protection instruments, many of their provisions continue to be violated in both law and practice.

The Coalition of the Campaign remains particularly concerned about the following violations in Tanzania: the persistence of discriminatory laws; violence against women; unequal access to education, employment and health services; and violations of the right to property.

/ Some positive developments...

The Coalition of the Campaign acknowledges the adoption in recent years of a number of laws and policies aimed at improving respect for women's rights, including the reform of property laws to establish equal rights to acquire, own and use land (Village Lands Act No. 5) and the implementation of programmes to promote women's access to education (Education Sector Development Programme (2000-2015)).

Advances have also been made in women's political participation. In 2005, the 14th amendment to the Constitution increased the number of seats reserved for female Members of Parliament from 15 to 30 percent. After the 2005 general elections, 98 of a total of 321 MPs were women (30.4%). The Tanzanian government has stated that it aims to increase the number of female MPs to 50 percent by 2010 in conformity with the Southern African Development Community's (SADC's) Protocol on Gender and Development of 2008. However, the representation of women in other areas of public and professional life remains low.

The Coalition also welcomes the ratification of the Optional Protocol to CEDAW in 2006 and the Maputo Protocol in 2007.

/ But discrimination and violence persist

IN LAW

Many discriminatory legislative provisions remain in force in Tanzania. Propositions for amendments to some of these laws, which would remove some discriminatory

provisions, have met with strong resistance and reforms have stalled. Examples of discriminatory legislation include:

FAMILY LAWS

Under the Law of Marriage Act 1971, polygamy is authorised (s.10), whilst women are expressly prohibited from having more than one husband (s.15). Proposed amendments to the Marriage Act would not remove these provisions. The legal minimum age for marriage is 15 years for girls and 18 years for boys (s.13). The Penal Code allows for the marriage of girls under 15, provided that the marriage is not consummated before the age of 15" (s.138). A marriage contract can be concluded without the consent of the bride, on the basis of an agreement reached between the father of the bride and the groom (s.17).

The Law of Persons Act allows for the payment of a bride price. Upon payment, the wife becomes the "property" of the husband and the husband's family.

PROPERTY LAWS

Three systems of law apply to inheritance according to the Judicature and Application of Laws Act 1920:

Statutory law: the Indian Succession Act 1865 provides for one-third of the estate to pass to the widow and two-thirds to the children. If there are no children, then the widow is entitled to half of the estate (the other half passes to the deceased's parents or other blood relatives).

Islamic law: provides for widows to receive one-eighth of the deceased husband's property if there are children and one-fourth if there are no children.

Customary laws: under the Local Customary Law (Declaration No. 4) Order 1963, a widow cannot inherit property of the deceased husband.

The government has stated its intention to review discriminatory laws that prevent women from inheriting property, but no amendments have yet been introduced.

NATIONALITY LAWS

The Citizenship Act limits women's right to transfer their nationality to their children and foreign husbands (ss. 7(5), 10, 11).

IN PRACTICE

• Violence

Domestic violence and sexual violence are highly prevalent in Tanzania. Customs and traditional practices condone the harassment and abuse of women and a culture of impunity prevails. Cases of violence are underreported and those that are reported are often settled out of court. Existing laws do not adequately protect women from violence. The Penal Code does not contain a specific provision on domestic violence and does not criminalise marital rape. In 2001, the Tanzanian government adopted a National Plan of Action to Combat Violence Against Women and Children (2001 – 2015), but the effective implementation of this plan has been hindered by inadequate funding and the lack of a comprehensive legal aid system that can be accessed by women. In 2008, the Government announced its intention to amend laws that perpetuate gender-based violence but no such reforms have been introduced.

Despite the adoption of the Sexual Offences Special Provisions Act (SOSPA) in 1998 which prohibits female genital mutilation (FGM) of girls under the age of 18 years, and the National Plan of Action to Combat FGM (2001- 2015), FGM continues to be practised, in particular in the regions of Arusha, Dodoma, Kilimanjaro, Kigoma, Manyara, Mara and Morogoro. The continued legality of the practice upon women over 18 years of age is also of grave concern. In addition, the law does not provide for a minimum sentence, which has resulted in courts exercising their discretion to impose marginal sentences on offenders.

The Coalition of the Campaign calls on the authorities of Tanzania to:

- **Reform or repeal all discriminatory legislation** in conformity with CEDAW and the Maputo Protocol, including discriminatory provisions within the Law of Marriage Act, the Penal Code, the Law of Persons Act, the Indian Succession Act 1865, the Local Customary Law Order and the Citizenship Act.
- **Harmonise civil, religious and customary law**, in conformity with CEDAW and the Maputo Protocol and ensure that where conflicts arise between statutory legal provisions and customary law, the statutory provisions prevail.
- **Strengthen laws and policies to protect women from violence** including by: amending the Penal Code to add a specific provision on domestic violence, criminalising marital rape and all other sexual offences; establishing a legal aid system to provide assistance to victims; implementing training for all law enforcement personnel on violence against women and providing gender-sensitive support; and establishing shelters for women victims of violence.
- **Strengthen measures aimed at eliminating FGM**, including by: extending the prohibition to include women over 18 and establishing a minimum sentence commensurate with the seriousness of the crime; ensuring the effective prosecution and punishment of offenders; and implementing awareness-raising programmes particularly targeting the most affected regions.
- **Reform or eliminate discriminatory cultural practices and stereotypes**, including through awareness-raising programmes targeting women and men, traditional and community leaders.
- **Eliminate obstacles to the education of girls and women**, including by adopting measures to retain girls in school; and implementing awareness-raising programmes to overcome stereotypes and traditional attitudes.
- **Ensure women’s equal access to employment**, including by strengthening measures to combat sexual harassment in the workplace.
- **Strengthen efforts to increase women’s access to health-care facilities**, to increase knowledge of and access to affordable contraceptive methods, improve sex education and establish family planning services.
- **Eliminate discrimination against women with respect to ownership of land**, including by raising awareness on land and property rights, especially of rural women.
- **Implement all recommendations issued by the CEDAW Committee** in July 2008.

• Obstacles to access to education and employment

Although some progress has been made in increasing girls' access to education, including the recent achievement of gender parity in primary school enrolment, fewer girls enter secondary school and university as well as vocational and technical education. Traditional attitudes represent significant obstacles to girls' education and there are high drop-out rates due to early marriages, pregnancies and domestic responsibilities. Girls who become pregnant are often expelled from Tanzanian schools.

The public sector remains male dominated and the majority of women are in lower or middle level jobs. Many women in the informal sector are in a precarious situation, in particular those working in the agricultural sector, as well as small business, food processing and handicrafts. They lack job security and access to social benefits. Sexual harassment also constitutes a serious problem for women workers.

• Obstacles to access to health

The maternal mortality rate remains very high (950 per 100,000 births in 2005), and life expectancy of women has decreased in recent years. Many women do not have access to sexual and reproductive health services and there are no family planning services.

• Obstacles to access to justice

Under the Constitution of 1977, every person in Tanzania is entitled to own property. The Land Act No. 4 of 1999, as amended in 2004, and the Village Lands Act No. 5 of 1999 reversed discriminatory customary practice connected with women's rights to land. However, despite these provisions, women, in particular those in rural areas, lack effective access to ownership of land, largely due to a lack of awareness of these laws or on how to enforce their rights. Whilst 63% of the female labor force is engaged in agricultural labor, only 19% of women own titled land. Furthermore, the amended land laws do not address the issue of discriminatory inheritance rights.

PRINCIPAL SOURCES

- Focal Point: LHRC
- CEDAW Committee, Concluding Comments, July 2008
- Alternative report to the CEDAW Committee 2008, Tanzania CEDAW NGO Coalition

For more information on women's rights and the actions of the campaign in Tanzania, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINT IN TANZANIA

Legal and Human Rights Centre (LHRC)



LHRC is an independent NGO with the mission of achieving a just and equitable society, by empowering the public and promoting, reinforcing and safeguarding human rights and good governance in Tanzania.

www.humanrights.or.tz

Women's rights protection instruments ratified by Togo:

- **CEDAW**: ratified in 1983
- **CEDAW Protocol**: not signed
- **Maputo Protocol**: ratified in 2005

Ratify! Although Togo ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in 1983 and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) in 2005, it has not ratified the Optional Protocol to CEDAW.

Respect! The Coalition of the Campaign is particularly concerned by the following continued violations of women's rights in Togo: the persistence of discriminatory laws; harmful traditional practices, including forced and early marriages and feminine genital mutilation; limited access property, education, employment and health.

/ Some positive developments...

The Coalition of the Campaign acknowledges some positive developments for women's rights in Togo over recent years, including:

- The ratification of the Maputo Protocol in October 2005.
- The adoption of a law on sexual and reproductive health in 2007. This law prohibits rape, female genital mutilation (FGM), early and forced marriage, exploitation and sexual harassment.
- The adoption of measures to promote the access of girls and women to education and employment, including lower tuition fees for girls and the establishment of quotas in sectors that are traditionally reserved to men (police, water services, forestry and the army). Text books have been revised to remove discriminatory portrayals of women.
- The adoption in 2009 of a law on legal aid.

/ But discrimination and violence persist

IN LAW

Several discriminatory laws persist, in particular within the Family code, adopted in 1980, including:

Polygamy (art. 42): is authorised, even if monogamy was chosen when the marriage was contracted, in the case of a medically confirmed and definitive sterility of the wife (art 51)

Legal age for marriage (art. 43): the legal minimum age for marriage is 20 years for men and 17 years for women. The court can waive the minimum requirement for serious reasons.

Remarriage (art. 53): a widow must wait for a period of 300 days before remarriage.

Levirate (art. 54): is implicitly authorised by article 54 when the husband dies since this article only prohibits it if the marriage has “ended by a divorce”.

Parental authority: “the husband is the head of the family” (art. 101) and as such, he is in charge of choosing the place of residence of the family and can object to his wife exercising a profession separate from his own (art. 109).

Inheritance: Although national law provides for equal access to inheritance (art. 402), section 391 provides that it applies only to those who have waived customary rules in matters of succession.

IN PRACTICE

Traditional harmful practices remain deeply rooted, such as forced or early marriage, female genital mutilation (FGM), levirate and repudiation.

• Violence

Domestic violence, including marital rape, is widespread in Togo. Women’s lack of information and knowledge regarding their rights and the mechanisms that exist to protect them, coupled with extremely stigmatising perceptions of rape victims, are major obstacles to the denunciation by women of violence. Sexual harassment has been prohibited by Presidential Decree but remains prevalent.

Togolese women were victims of targeted political violence during the last elections. An international fact-finding mission of the United Nations mandated to establish responsibility for violations committed during the presidential election of May 2005, found that torture, rape and other sexual violence had been perpetrated against Togolese women.

Despite the adoption in 1998 and 2007 of two laws explicitly prohibiting female genital mutilation (FGM), they remain widely practised, and according to 2006 statistics affect 12% of girls in Togo. Circumcision is mostly practised in the North, the percentage of circumcised women is the highest in the Central region (33.4%) followed by the Savannah region (23.1%), the Kara region (14.1%), the Plateaux region (10.6%) and the Maritime region (1.4%).

• Obstacles to access to education

Women’s illiteracy rate is extremely high (60.5% in rural areas and 27.6% in urban areas in 1998). Furthermore, while 72% of girls are enrolled in primary education, they are only 14% in secondary education (2003-2008). One of the causes of this record drop-out rate is the high number of early pregnancies and marriages and a circular (N°8478/MEN-RS) impeding pregnant girls from attending school presents a further obstacle.

• Obstacles to access to health

Access to adequate health care including pre and post-natal care is deficient in Togo, especially in rural areas. The maternal mortality rate is alarmingly high (480 per 100 000) due, notably, to haemorrhage, eclampsia and sepsis demonstrating the disastrous combination of the lack of obstetric services and the consequences of induced abortions and teenage pregnancies. Sex education is non-existent, as is the use of contraceptives (17% for 2003-2008) and family planning. As a result, the prevalence of HIV / AIDS is increasing, affecting 2.4% of the women aged 15-24

(2007), against 0.8% for men of the same age, and reaching a national prevalence rate estimated at 3.2% (2007).

• **Under-representation in political life**

Notwithstanding the provisions of the Global Political Agreement (adopted in August 2006), the roadmap for an inter-Togolese dialogue, no law in favour of quotas to ensure women's representation in politics has been adopted and the number of women in decision-making positions in public and political life remains low. In the parliamentary elections (2007), only 10% (7 seats) of the 81 deputies elected were women. The only action taken by the government to increase women's representation in politics has been to reduce the deposit required from women candidates for parliamentary elections to 75% of the sum required from men. In the field of employment, women face serious discrimination, as evidenced by recruitment procedures, unequal wages and occupational segregation.

The Coalition of the Campaign calls on the authorities of Togo to:

- **Repeal or reform all discriminatory legislation** in conformity with CEDAW and the Maputo Protocol.
- **Strengthen laws and policies to protect women from violence and support victims**, including by: adopting a law prohibiting marital rape, sexual harassment and all forms of sexual abuses; allocating additional financial resources to fight violence against women; creating more shelters for victims; and implementing campaigns to increase public awareness.
- **Adopt measures aimed at eliminating obstacles to the education of girls and women**, notably by: repealing the circular that prohibits access to schools for pregnant pupils; retaining girls within the education system; and setting up courses for adults aimed at reducing high levels of illiteracy among women.
- **Take measures to encourage women's access to employment and their participation in public and political life**, including: the adoption of temporary special measures, such as a system of quotas, to increase representation of women in the civil service, magistracy, diplomatic bodies and all decision-making positions; and the number of women candidates in parliamentary elections.
- **Take measures to ensure that all women have access to quality healthcare**, including obstetrics and family planning, notably by: ensuring access to contraception; raising awareness on the harmful effects of early pregnancies, particularly in rural areas; adopting a policy to fight the spread of HIV/AIDS and ensuring better care of people infected with HIV/AIDS, especially women.
- **Take all necessary measures to ensure women's access to justice and fight against impunity**, including by: ensuring the criminal prosecution of perpetrators of violence against women; developing awareness campaigns for the general population and training for those responsible for implementing the laws that protect women.
- **Ratify the Optional Protocol to CEDAW.**
- **Implement all recommendations issued by the CEDAW Committee** in January 2006.

• Obstacles to access to justice

Obstacles to justice include women's lack of information on the laws that protect them, the cost of procedures and corruption of the legal system. Lack of training of police and legal personnel to deal with women's specific problems and their lack of knowledge of the laws aimed at protecting women's rights, also discourage victims from seeking justice.

PRINCIPAL SOURCES

- Focal Points: LTDH, WILDAF-Togo
- CEDAW Committee Recommendations, February 2006
- Togo, Monitoring the Declaration of Commitment on HIV: Report on core indicators, 2008
- UNHCR, www.unhcr.org
- UNICEF, www.unicef.org

For more information on women's rights and the actions of the campaign in Togo, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINT IN TOGO

Ligue Togolaise des Droits de l'Homme (LTDH)

LTDH was established in July 1990 in Lomé. It was the first NGO in Togo with the mission of promoting and protecting all human rights. IT represented across the country by local chapters and counts over 4200 members.
www.ltdhtogo.com

WILDAF-Togo

WILDAF-Togo is a member of the Pan African network WILDAF.
www.wildaf-ao.org

Women's rights protection instruments ratified by Tunisia:

- **CEDAW:** ratified in 1985 with a general declaration and reservations to articles 9(2), 16 and 15(4)
- **CEDAW Protocol:** ratified in 2008
- **Maputo Protocol:** not signed, not ratified

Ratify! Although Tunisia has ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), it entered a general declaration stating that only those provisions that are consistent with the Tunisian Constitution will be applied. Tunisia also entered reservations to the following articles: art. 9(2) concerning transmission of nationality; art. 16 concerning marriage and inheritance; and art. 15(4) concerning the choice of residence. The Coalition of the Campaign underlines that these reservations violate international law in that they are incompatible with the object and purpose of the Convention.

The Coalition of the Campaign also regrets that Tunisia has not ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).

Respect! The Coalition is particularly concerned by the following continued violations of women's rights in Tunisia: the unequal status of the woman in the family and marriage; limited access to inheritance, higher education and political and public life; and insufficient access to and implementation of laws on violence and sexual harassment at the workplace.

/ Some positive developments...

The Coalition of the campaign acknowledges several developments in recent years aimed at improving respect for women's rights, including:

- The criminalisation of domestic violence in the Penal Code in 2005 (art. 218) and the establishment of a national plan to fight domestic violence.
- The ratification in 2008 of the Optional Protocol to CEDAW.

/ But discrimination and violence persist

IN LAW

Many discriminatory provisions persist within statutory law, in particular in the Personal Status Code (*Code du Statut personnel*). Moreover, judges often use Sharia as a source of customary law in matters concerning family law and inheritance.

Discrimination within the family

Marriage: Although the minimum legal age of marriage has been set at 18 years, marriage of minors is still authorised in some cases, with the consent of a guardian and the mother (art. 5, Personal Status Code). The obligation to pay a dowry before

the marriage can be consumed promotes the perception of the wife as a property (arts. 3, 12 and 13, Personal Status Code). Although the Code provides for two marriage regimes, the common property regime and the separate property regime, by default marriages are concluded according to the separate property regimes (art. 7, Law no. 98-91 1998).

Parental authority: Although both parents have custodianship and guardianship of children, the man is head of the family and must provide for the needs of the family (arts. 37 et 38).

Divorce: In case of divorce, the woman is subjected to a period of widowhood of three to four months before being allowed to remarry (Art. 20, Book III). Further, although the mother is allowed to assume sole custodianship of a child, she must not be married, while the husband must have “available to him, a woman who will carry out the responsibility of custody of children” (art. 58).

Transmission of nationality: According to the Nationality Code, the father automatically transmits his nationality to his children while the mother does not (art. 6).

Obstacles to access to property

Concerning inheritance, according to the Personal Status Code, male heirs can inherit twice or three times as much as the female, the argument often being that women have no responsibilities to their husbands and children. Further, by virtue of Sharia law on inheritance, nothing can be bequeathed between a non-Muslim wife and her Muslim husband. Children of such a marriage are considered to be Muslim and cannot inherit from their mother. Discriminatory provisions applied to non-Muslim women limit their rights to own, manage, inherit or transfer their property (Circular dated 1973).

IN PRACTICE

• Discrimination in the family

During a marriage, property acquired by the woman is often held in the name of her husband according to tradition. The common property regime is not well known and therefore seldom applied. Despite the existence of a legal provision guaranteeing maintenance in cases of divorce to assist impoverished women with dependent children (Law no. 93-0065 of 1993) there are still cases of women in need who receive no assistance because of lack of funding or information about this provision.

• Violence

In general, the application of the law against domestic violence is very limited due to the refusal of the police to intervene, considering such violence as a private matter. Moreover article 218 of the Criminal Code states that the withdrawal of complaints by the victim puts an end to proceedings. Although marital rape has been criminalised, no prosecutions were launched in 2008.

• Obstacles to access to education and employment

The lack of orientation of women towards universities contributes to their marginalisation and limits their social advancement. Often, because of tradition, women's access to jobs is hindered because of a discriminatory promotion policy, especially for pregnant women and mothers. Although sexual harassment has been recognised as a punishable offence (Law 2004-73) it is still widespread in the workplace.

• **Under-representation in political life**

Although the law sets a quota of 30% female representation in the majority party in Parliament, the provision is too finely targeted and therefore insufficient.

• **Obstacles to access to health**

Women's access to healthcare facilities is limited because of rising costs and too few family planning centres. Stigmatisation by medical personnel of women who come for abortions is widespread, in particular due to lack of awareness.

The Coalition of the Campaign calls on the authorities of Tunisia to:

- **Revise all discriminatory provisions in statutory law**, in compliance with CEDAW, in particular provisions of the Personal Status Code concerning marriage, parental and marital authority, divorce, inheritance, as well as provisions of the Nationality Code concerning transmission of nationality to the children.
- **Strengthen measures to fight violence against women**, in particular by ensuring prosecution and punishment of perpetrators.
- **Strengthen measures to ensure access of women to education and employment**, in particular by ensuring their access to higher education; and by revising the law on harassment at work to make it more effective.
- **Strengthen women's access to decision-making positions**, in particular by extending the law on quotas to all aspects of public and political life.
- **Strengthen measures to improve women's access to health**, by reinforcing their access to family planning centres, low-cost medical care; and raising awareness of medical personnel on practices such as abortion.
- **Ratify the Maputo Protocol.**
- **Withdraw all reservations to CEDAW.**
- **Implement all recommendations issued by the CEDAW Committee** in June 2002.

PRINCIPAL SOURCES

- Focal Points: ATFD, LTDH
- CEDAW Committee recommendations, June 2002
- www.juristetunisie.com

For more information on women's rights and the actions of the campaign in Tunisia, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINTS IN TUNISIA

Association tunisienne des femmes démocrates (ATFD)

ATFD was established in 1989 to fight for equality, democracy and secularity. ATFD provides legal assistance for women, especially through its support centre that offers psychological and legal assistance to advice to women and helps them to find jobs.

Ligue tunisienne des droits de l'homme (LTDH)

Created in 1976, LTDH is a NGO with the mission of promoting and protecting human rights in Tunisia.

Women's rights protection instruments ratified by Uganda:

- **CEDAW:** ratified in 1985
- **CEDAW Protocol:** not ratified
- **Maputo Protocol:** signed in 2003

Ratify! Although Uganda ratified the Convention on Elimination of all forms of Discrimination Against Women (CEDAW) in 1985, it is yet to ratify its Optional Protocol and has not ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).

Respect! The Coalition of the Campaign is particularly concerned about the following continued violations of women's human rights in Uganda: persistent discriminatory laws and customs; physical violence; unequal access to property; and limited access to justice.

/ Some positive developments...

The Coalition of the Campaign acknowledges the recent adoption of several laws and policies aimed at improving respect for women's rights, including:

- The adoption of the Female Genital Mutilation Act in December 2009, which criminalises female circumcision. The Act is expected to come into force in 2010.
- The adoption of the Domestic Violence Act in November 2009, criminalising domestic violence.
- The adoption of the Anti-Trafficking in Persons Act in 2008, which prescribes penalties from 15-years to life imprisonment.
- The launch by the government in November 2009 of a Road Map aimed at reducing maternal mortality, however, this campaign is silent on unsafe abortions.

/ But discrimination and violence persist

IN LAW

In Uganda statutory law is applied alongside customary and religious laws. While the Constitution of 1995 provides for equal rights between men and women (article 33) and holds laws and customs that violate the constitutional guarantees on equality to be void (Article 33(6)); discriminatory statutory, customary and religious laws remain in force.

Discriminatory **statutory laws** include:

Property: According to the Succession Act, property is apportioned among the deceased's family members according to fixed proportions and widows stand to inherit 15%. If there is more than one wife, the property is shared.

Under Section 27 of the Succession Act, girls cannot inherit their father's property. FIDA-U and other women's rights organisations successfully petitioned the

Constitutional Court to declare this provision unconstitutional, however, the Attorney General has yet to reform the Succession Act to address this issue.

Most areas of family law are currently regulated by discriminatory **customary and religious laws**, for example:

Marriage and divorce: Although under statutory law, the minimum legal age of marriage is 18 years for both men and women, according to customary law marriages are frequently arranged for minors, especially in rural areas. In 2004, it was estimated that 32% of girls between 15 and 19 years of age were married, divorced or widowed.

Polygamy is authorised under customary and Islamic law and women in polygamous relationships have no protection in the event of dissolution of the union.

In some ethnic groups, custom also provides for men to “inherit” the widows of their deceased brothers (levirat).

Custody of children: Although the Status of Children Act 1996 provides that both parents are responsible for supporting children, under customary law men have sole parental authority.

A draft marriage and divorce law was presented to Parliament at the end of 2009. The draft law grants women the right to divorce spouses for cruelty, the right to choose their spouse and prohibits the practice of levirat. It also provides for equal division of property and finances in the event of divorce. However, the draft does not prohibit polygamy nor does it prohibit the “bride price” but only provides for it to be non-refundable. The proposed law would govern Christian, Hindu, and traditional marriages but not Muslim marriages. Thus many women in Uganda – where an estimated 12% of the population are Muslims – would be excluded from its application.

Property: According to customary law, women do not have the right to own or inherit property.

IN PRACTICE

Although several laws have recently been enacted to improve the situation of women, their implementation is hindered by traditions and deeply entrenched patriarchal attitudes, especially in rural areas. Years of armed conflict in the northern parts of the country have also contributed to massive violations of women’s human rights.

• Violence

There is widespread violence against women in Uganda and perpetrators benefit from generalised impunity, in part due to widespread social attitudes condoning such violence. Law enforcement officials rarely intervene in cases of domestic violence and wife beating is viewed as a husband’s prerogative.

Rape is a serious problem in Uganda. Indeed, most rape cases are unreported and most recorded complaints are not investigated. In 2008, of the 477 rapes that police recorded, 115 were taken to court; there were no convictions. Rape was widely used as a weapon of war during the civil war since 1986. An undetermined number of women and girls were victims of abduction, rape and sexual slavery, perpetrated by rebel forces and the Ugandan People’s Defense Force (UPDF).

Female genital mutilation (FGM) remains a common practice within the Sabinu Tribe, in the Kapchorwa district in the East and the Pokot ethnic group along the north-eastern border.

• **Obstacles to access to education**

Girls and boys have equal access to education in law, and they are represented almost equally in lower grades; however, the proportion of girls in higher school grades remains low, partly due to the fact that families traditionally favor boys when

The Coalition of the Campaign calls on the authorities of Uganda to:

- **Reform or abolish all discriminatory laws**, in conformity with CEDAW.
- **Take all necessary measures to enforce constitutional provisions rendering void discriminatory laws and customs**, including implementation of campaigns to raise awareness of community and religious leaders on women's rights.
- **Ensure the full implementation of the Domestic Violence Act 2009 and the Female Genital Mutilation Act 2009**, including by ensuring that victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished; implementing training for law enforcement personnel, the judiciary and health workers; implementing public awareness campaigns and adopting a zero tolerance policy on all forms of violence against women.
- **Eliminate all forms of discrimination with respect to the ownership, co-sharing and inheritance of land.**
- **Increase women's access to education**, including by expanding free education and addressing socio-economic and cultural factors that impede access to education.
- **Take all necessary measures to ensure women's access to justice**, including by ensuring that women are aware of their rights and of mechanisms of access to justice; and providing access to free legal representation.
- **Strengthen efforts to address stereotypical attitudes about the roles and responsibilities of women and men**, including educational measures, awareness-raising and public education campaigns directed at women and men.
- **Include women, from all ethnic groups, in national reconciliation and peace building initiatives**, in accordance with UN Resolutions 1325 and 1820, and ensure that such initiatives include measures of accountability, redress and rehabilitation for women and girls who have been victims of violations.
- **Ratify the Maputo Protocol and the Optional Protocol to CEDAW.**
- **Implement all recommendations issued by the CEDAW Committee**, in August 2002

financially supporting their education. Parents' inability to afford schooling correlates highly with the occurrence of child labor in rural areas. According to estimates in 2007, only 66 percent of females are literate compared with 82 percent of males. The drop-out rate of girls is higher due to other factors e.g. access to sanitary facilities, school-feeding, etc.

• **Obstacles to access to property**

Although there are no laws preventing women from owning land in Uganda, the custom of male inheritance has resulted in the vast majority of women being excluded from land ownership. Whilst women do most of the agricultural work, it is estimated that they own only 7 percent of agricultural land. To counter this trend and curb the widespread dispossession of wives and widows, activists have campaigned for reforms to Uganda's property laws to provide for spouses to be deemed co-owners of "family land," ie. land on which the married couple lives and depends.

• **Obstacles to access to justice**

Ugandan women do not have adequate access to justice to claim, in particular as a result of inadequate information on their rights and laws protecting them, social pressure, cost of procedures and lack of training of law enforcement personnel trained on women's rights.

PRINCIPAL SOURCES

- Focal Points: FHRI, FIDA-U
- Recommendations of the CEDAW Committee, August 2002
- AFROL, Gender profile, www.afrol.com
- Inter Parliamentary Union, www.ipu.org
- Wikigender, www.wikigender.org

For more information on women's rights and the actions of the campaign in Uganda, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINTS IN UGANDA

Foundation for Human Rights Initiative (FHRI)



FHRI is an independent, non-partisan human rights NGO established in 1991. FHRI conducts human rights monitoring, promotes access to justice for poor and vulnerable groups and raises awareness. FHRI's main activities on women's rights include: promoting access to justice; providing pro-bono legal assistance to women victims of violations; and raising awareness on domestic violence and women's rights.

www.fhri.or.ug

Association of Women Lawyers in Uganda (FIDA-U)



FIDA-U is an independent, non-partisan, non-profit making civil society organization, composed of Ugandan women lawyers, which aims to achieve observance of the law, human rights and gender equality.

www.fidauganda.org

Women's rights protection instruments ratified by Zimbabwe:

- **CEDAW:** ratified in 1991
- **CEDAW Protocol:** not ratified
- **Maputo Protocol:** ratified 2008

Ratify! Although Zimbabwe has ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), it has not yet ratified the Optional Protocol to CEDAW.

Respect! The Coalition of the Campaign remains particularly concerned by the following violations of women's human rights in Zimbabwe: the persistence of discriminatory laws; discrimination within the family; violence against women; obstacles to access to employment; under-representation in political life; and inadequate access to health services.

/ Some positive developments...

The Coalition of the Campaign acknowledges the recent adoption of several laws and policies aimed at improving respect for women's rights, including:

- The adoption of a provision within the Constitution (amended in 2005) prohibiting laws that discriminate on the basis of sex (s. 23). However, a new Constitution is currently under discussion.
- The prohibition of marital rape within the Criminal Law Act (Codification and Reform) 2006 (s.68(a)) marital rape.
- The adoption of the Domestic Violence Act 2007, which includes prohibition of any cultural or customary rites and practices that discriminate against women such as female genital mutilation, child marriages or forced marriages.
- The ratification in 2008 of the Maputo Protocol and the South African Development Community (SADC) Protocol on Gender and Development.

/ But discrimination and violence persist

IN LAW

Zimbabwe has a hybrid legal system composed of statutory and customary law. Whilst statutory law tends to conform to CEDAW, discriminatory customary laws continue to apply, especially in rural areas.

The law recognises three types of **marriage**: civil marriage, registered customary marriage and unregistered customary marriage. The predominance of registered and unregistered customary marriages contributes to the vulnerability of women within the family:

- Early and forced marriages under customary law are widespread. In 2004, the United Nations estimated that 23% of girls between 15 and 19 years were married, divorced or widowed.
- Although polygamy is prohibited under statutory law, it is authorised under customary law and continues to be practised in rural areas.
- Whilst civil marriage grants spouses equal rights to parental authority, under customary marriage men have the right to custody of children.
- The custom of the bride price (*lobola*), which is authorised under statutory law, also contributes to women's vulnerability within the family.
- Under the rules of customary marriage, widows cannot inherit their husband's property and daughters can inherit from their father only if there are no sons.

IN PRACTICE

• Violence

Despite the adoption of legislation, including the Domestic Violence Act 2007 and reforms to the Criminal Law Act in 2006, violence against women, particularly domestic violence, remains widespread and perpetrators continue to benefit from impunity. The lack of training of law enforcement personnel, the lack of awareness of women's human rights, the fear of social stigma and reprisal contribute to the ineffectiveness of such laws. Since the criminalisation of marital rape, only one case of marital raped has been tried in court.

• Obstacles to access to employment and decision-making positions

Women in Zimbabwe generally have lower incomes and less job security than men. Most women are employed in the agriculture, forestry, farming industries and the domestic sector, in which salaries tend to be low.

Women remain underrepresented in decision-making positions. Despite ratification of the South African Development Community (SADC) Protocol on Gender and Development, which sets a target of 50% representation of women in all decision-making bodies by 2015, women are poorly represented in the government of national union of Zimbabwe. Only 4 women were nominated amongst the 35 members of the new government. Following the 2008 elections, women represented 15% of members of the lower House of Parliament and 24% of the upper House.

• Obstacles to access to health

HIV/ AIDS is particularly prevalent amongst women. The 2005/2006 Zimbabwe Demographic and Health Survey (ZDHS) revealed an average prevalence rate among young people of age 15 to 24 of 11.25% among females and 4.45% among males. Other studies shows that young women make up almost 80% of all infections in the 15 to 24 years age group. The rate of maternal mortality remains very high (880/100,000 births), in part due to the practice of non-medicalised abortions. Abortion is criminalised. Women in rural areas face major obstacles to accessing health services, including having to travel long distances.

PRINCIPAL SOURCES

- Focal Point: Zimrights
- UNFPA, www.unfpa.org
- Zimbabwe Demographic and Health Survey (ZDHS)
- Wikigender, www.wikigender.org

For more information on women's rights and the actions of the campaign in Zimbabwe, see: www.africa4womensrights.org

The Coalition of the Campaign calls on the authorities of Zimbabwe to:

- **Ensure that the new Constitution contains provisions guaranteeing the principle of equality and non-discrimination between men and women.**
- **Reform or repeal all discriminatory legislation** in conformity with CEDAW and the Maputo Protocol.
- **Harmonise statutory religious and customary law** in conformity with CEDAW and the Maputo Protocol and ensure that where conflicts arise between formal and legal provisions and customary law, the formal provisions prevail.
- **Take all necessary measures to guarantee the effective implementation of the laws criminalising domestic violence and prohibiting discriminatory customary practices;** provide support to victims, including by establishing a legal aid system; implement awareness-raising programmes for the general population and training for all law enforcement personnel.
- **Increase efforts to ensure women's equal access to employment and decision-making positions,** including by strengthening measures to combat sexual harassment in the workplace, ensuring employment legislation applies to private sector employers and regulating the informal sector; and implementing quotas on representation of women in political positions.
- **Ensure women's access to health services,** including obstetric care and family planning; launch awareness campaigns to inform the public about contraception and provide contraceptives in order so as to reduce the number of illegal abortions; decriminalise abortion; and ensure access to sexual and reproductive health education.
- **Provide the Ministry of Women Affairs, Gender and Community Development with the necessary material and financial resources** to enable it to carry out its mandate.
- **Adopt all necessary measures to reform or eliminate discriminatory cultural practices and stereotypes,** including through raise awareness programmes targeting women and men, traditional and community leaders.
- **Ratify the Optional Protocol to CEDAW.**

THE CAMPAIGN FOCAL POINT IN ZIMBABWE

ZIMRIGHTS



ZimRights, an indigenous non-profit NGO founded in 1992, is a network of human rights activists, with a strong grassroots representation. Zimrights holds inclusive human rights and civic education workshops and its members often participate in gender sensitisation workshops.

www.zimrights.org





**M^e Soyata Maiga, Commissioner
and Special Rapporteur of the African Commission
on Human and People's Rights on the Rights
of Women, Campaign Patron**

As part of my mandate as Special Rapporteur on the rights of women in Africa and as member of the African Commission on Human and Peoples' Rights, as well as in my struggle as a lawyer and as an African woman, I strongly support the civil society organizations that launched and work daily for this ambitious campaign, in order to demonstrate to that our commitment is an essential, urgent and universal movement.

I reiterate the importance of the claims of this campaign, especially those that are included in this Dossier. I call upon all states that still have not done so, to speed up the ratification process of the Maputo Protocol, CEDAW and its Optional Protocol. I also on states parties to these texts to bring their national legislation into conformity and ensure their effective implementation.

We must all, men and women, mobilise support to this crucial campaign "Africa for women's rights, ratify and respect!"



CAMPAIGN DECLARATION

We, the undersigned national, regional and international human rights and women's rights organisations, present throughout Africa.

CONCERNED BY:

- Persistent widespread discrimination and violence against women: In the majority of African countries discrimination remains rooted in law and practice: women are denied equal rights to inheritance, property, custody and guardianship of children, and are subjugated to their husbands. Women have unequal and limited access to education, health, justice and public affairs. Violence continues to be perpetrated against women in both the public and private spheres. Across the continent women continue to suffer domestic and sexual violence, harmful traditional practices, such as female genital mutilation, widowhood rites, wife inheritance, forced and early marriage. In a number of countries recent escalation of political violence has particularly targeted women. In times of armed conflict, women are often the first victims, with sexual violence used as a weapon of war.

- Weak adherence to international and regional women's human rights protection instruments: International law requires states to take all necessary measures to end discrimination and ensure respect for women's human rights. However, whilst almost all African states have ratified the Convention on the elimination of all forms of discrimination against women (CEDAW), 8 states have entered reservations to this Convention, which undermine the very principle of non-discrimination; and 34 states have not ratified its Optional Protocol, which allows individual women to seek redress for violations. Further, 5 years after its adoption, 24 states have still not ratified the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa.

- The failure of states to make the necessary legal and political reforms to end violations of women's human rights: Even states that have adhered to these instruments have so far failed to take the measures required to ensure their implementation. States continue to maintain laws that expressly or indirectly discriminate against women and fail to adopt legislation and policies to

protect women from violence and discrimination. Where such laws do exist, violations often go unpunished and impunity prevails. Insufficient efforts are made to raise awareness on women's human rights and to guarantee access to independent and impartial justice. Many states do not even comply with the obligation to submit periodic reports on the implementation of international and regional instruments, reflecting a serious lack of commitment to protect and promote women's human rights.

RECOGNISING:

- **The need for mobilisation:** All civil society organisations, both human rights NGOs and women's rights organisations, need to work together to combat discrimination and violence against women, which harm entire societies and future generations.

REITERATE that national governments have the primary responsibility of ensuring respect for women's human rights. Culture, tradition and religion cannot be invoked as justifications for violations of women's human rights. The elimination of discrimination and violence against women is above all a matter of political will.

HEREBY launch a Campaign to mobilise all African and international actors for the realisation of gender equality and women's human rights in Africa.

CALL UPON African states to take all necessary measures to ensure respect for women's human rights, including civil, political, economic, social and cultural rights, and in particular to:

- Ratify without reservations the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, CEDAW and the Optional Protocol to CEDAW;
- Bring national legislation in conformity with the provisions of international and regional women's human rights protection instruments, by abolishing discriminatory laws and adopting laws to protect women's human rights;
- Put in place all necessary measures to ensure the effective application of these laws.

CALL UPON all national, regional and international actors to join the Campaign so that, together, we can achieve gender equality and full respect of women's human rights.

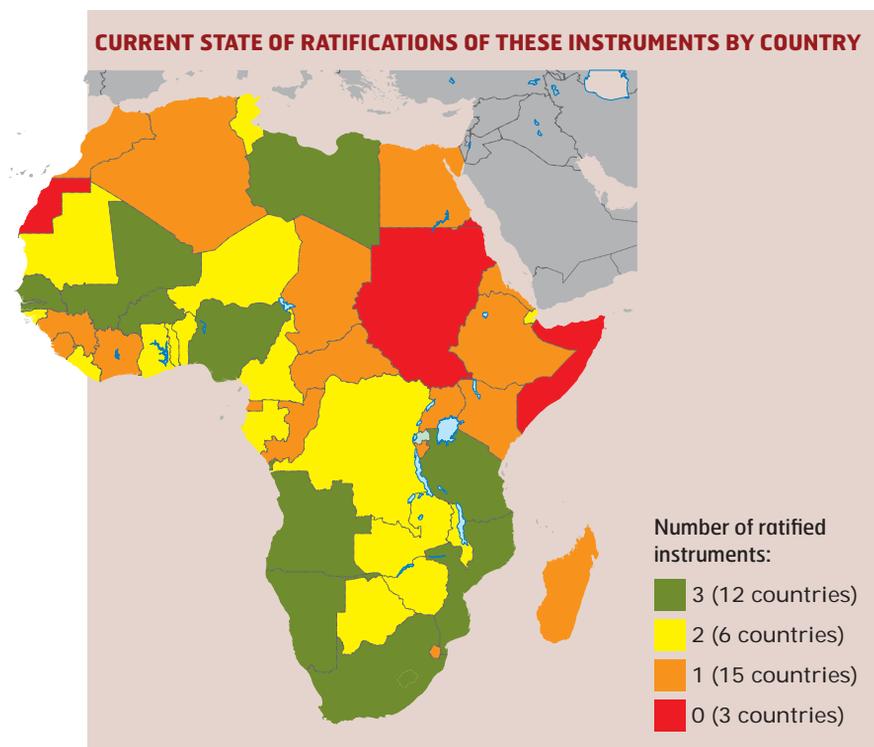
Join our campaign by signing the Campaign Declaration:
www.africa4womensrights.org

RATIFICATION MAP

The principal regional and international instruments for the protection of women's rights are:

- The UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)
- The Optional Protocol to CEDAW
- The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol)

The Coalition of the Campaign calls upon African states to demonstrate their commitment to women's rights by ratifying these three key instruments.



ACRONYMS AND ABBREVIATIONS

ACDHRS	African Center for Democracy and Human Rights Studies
ACHPR	African Commission on Human and Peoples' Rights
AU	African Union
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CEDAW Committee	Committee on the Elimination of Discrimination Against Women
CEDAW Protocol	Optional Protocol to the Convention on the Elimination of all forms of Discrimination Against Women
FAS	Femmes Africa Solidarité
FGM	Female Genital Mutilation
FIDH	International Federation for Human Rights
Maputo Protocol	Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
NGO	Non Governmental Organisation
OHCHR	United Nations Office of the High Commissioner on Human Rights
OIF	International Organisation of the Francophonie
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational Scientific and Cultural Organisation
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
WACOL	Women's Aid Collective
WHO	World Health Organisation
WILDAF	Women in Law and Development in Africa
WLSA	Women and Law in Southern Africa

THE CAMPAIGN FOCAL POINTS

Benin

- Ligue pour la défense des droits de l'Homme (LDDH)
- WILDAF Bénin

Botswana

- Ditshwanelo – Botswana Centre for Human Rights
- Emang Basadi

Burkina Faso

- Mouvement burkinabé des droits de l'Homme et des Peuples (MBDHP)
- Réseau de communication, d'information et de formation des femmes dans les ONG (RECIF/ONG-BF)
- WILDAF Burkina Faso

Burundi

- Ligue burundaise des droits de l'Homme (ITEKA)
- Centre de paix pour femmes
- Dushirehamwe

Cameroon

- Maison des droits de l'Homme (MDH)

Cape Verde

- Rede de Mulheres Economistas de Cabo Verde (REDEMEC)
- Associação Caboverdiana de Mulheres Juristas (ACMJ)

Republic of Congo

- Observatoire congolais des droits de l'Homme (OCDH)

Cote d'Ivoire

- Mouvement ivoirien des droits humain (MIDH)
- Association des femmes juristes de la Côte d'Ivoire (ACJCI)
- WILDAF Côte d'Ivoire
- Ligue ivoirienne des droits de l'Homme (LIDHO)

Democratic Republic of Congo

- Association africaine de défense des droits de l'Homme (ASADHO)
- Groupe Lotus
- Ligue des électeurs (LE)
- Ligue des femmes pour le développement et l'éducation à la démocratie (LIFDED)

Djibouti

- Ligue djiboutienne des droits humains (LDDH)

Eritrea

- Human Rights Concern Eritrea (HRCE)

Gambia

- Female Lawyers Association Gambia (FLAG)

Ghana

- WILDAF Ghana

Guinea Bissau

- Liga Guineense dos Direitos do Homen (LGDH)

Guinea Conakry

- Organisation guinéenne pour la défense des droits de l'Homme (OGDH)
- Coalition nationale de Guinée pour les droits de la citoyenneté des femmes (CONAG-DCF)
- WILDAF Guinée Conakry

Kenya

- Kenya Human Rights Commission (KHRC)

Lesotho

- WLSA Lesotho

Liberia

- Regional Watch for Human Rights (RWHR)
- Association of Female Lawyers (AFELL)

Mali

- Association malienne des droits de l'Homme (AMDH)
- WILDAF Mali

Malawi

- WLSA Malawi

Mauritania

- Association mauritanienne des droits de l'Homme (AMDH)
- Association des femmes chefs de famille (AFCF)

Mozambique

- Liga Moçambicana dos Direitos Humanos (LDH)
- WLSA Mozambique

Niger

- Association nigérienne pour la défense des droits de l'Homme (ANDDH)
- Coordination des ONG et associations féminines nigériennes (CONGAFEN)
- Dimol – Santé de la reproduction d'une maternité sans risque

Nigeria

- BAOBAB of Women's Human Rights
- Civil Liberties Organisation (CLO)
- WILDAF Nigeria
- Women's Aid Collective (WACOL)

Rwanda

- Association pour la défense des droits des personnes et libertés publiques (ADL)
- Collectif des ligues pour la défense des droits de l'Homme (CLADHO)
- Ligue rwandaise pour la promotion et la défense des droits de l'Homme (LIPRODHOR)

Senegal

- Organisation nationale des droits de l'Homme (ONDH)
- Rencontre africaine pour la défense des droits de l'Homme (RADDHO)
- SWAA Sénégal
- WILDAF Sénégal

Sierra Leone

- Forum for African Women Educationalists (FAWE)

Somalia

- Coalition for Grassroots Women Organisation (COGWO)

South Africa

- Lawyers for Human Rights (LHR)

Sudan

- African Center for Justice and Peace Studies (ACJPS)

Swaziland

- WLSA Swaziland

Tanzania

- Legal and Human Rights Centre (LHRC)

Tchad

- Association tchadienne pour la promotion et la défense des droits de l'Homme (ATPDH)
- Ligue tchadienne des droits de l'Homme (LTDH)

Togo

- Ligue togolaise des droits de l'Homme (LTDH)
- WILDAF Togo

Tunisia

- Association tunisienne des femmes démocratiques (ATFD)
- Ligue tunisienne des droits de l'Homme (LTDH)

Uganda

- Foundation for Human Rights Initiative (FHRI)
- Association of Women Lawyers in Uganda (FIDA-U)

Zambia

- WLSA Zambia

Zimbabwe

- Zimrights
- WLSA Zimbabwe

THE CAMPAIGN STEERING COMMITTEE

International Federation for Human Rights (FIDH)

FIDH is a federation of 155 national human rights organisations. FIDH's core mandate is to fight violations of all human rights – civil, political, economic, social and cultural rights – and to hold perpetrators of violations accountable. FIDH's members are independent of all political or religious affiliation. They act within their respective countries to protect fundamental human rights and freedoms. FIDH supports its member organisations at the local, regional and international levels.

www.fidh.org and <http://blog.gardonslesyeuxouverts.org>



African Centre for Democracy and Human Rights Studies (ACDHR)

Established in 1989, the Centre's main objective is to give meaning to Article 25 of the African Charter on Human and Peoples' Rights, which requires States Parties to, "promote and ensure, through teaching, education and publication, respect of the rights and freedoms contained in the Charter and to see to it that these freedoms and rights, as well as corresponding obligations are understood." The Centre aims to compliment the African Commission on Human and Peoples' Rights to serve the entire African continent in its mission of promoting human rights and democracy through training, action-oriented research, legal service, publications, documentation and networking.

www.acdhrs.org



Femmes Africa Solidarité (FAS)

FAS is a non-governmental organisation (NGO) working to engender the peace process in Africa. Since its inception in 1996, FAS has worked to foster, strengthen and promote the leading role of women in the prevention, management and resolution of conflicts on the African continent. FAS recognises that women are disproportionately affected by violent conflicts. FAS undertakes advocacy campaigns at the national, regional and international levels, raising awareness on the rights of African women and their crucial role in promoting peace and security.

www.fasngo.org



Women's Aid Collective (WACOL)



Founded in 1997, WACOL is an independent, non-governmental, non-profit organisation, committed to helping women and young people in need. The aim of WACOL is to increase legal protection and fight for better choices for abused women and children, facilitate flow of information and experiences between organisations, and develop appropriate information, education and communication materials to be used in advocacy to promote and protect the human rights of women and young people.

Women in Law and Development in Africa (WILDAF/FEDDAF)



Established in 1990 with the objective of promoting and strengthening respect for women's rights in Africa, WILDAF/FEDDAF is a Pan African network bringing together 500 women's rights organisations and 1200 individuals, in 27 countries. WILDAF/FEDDAF advocates for respect for women's rights at the national, regional and international levels, through law reforms and measures to ensure their implementation in practice. WILDAF/FEDDAF regularly disseminates training manuals and advocacy documents to its network.
www.wildaf.org

Women and Law in Southern Africa (WLSA)



WLSA is a regional NGO specialised in research on women's rights, present in 7 countries in Southern Africa. WLSA conducts strategic research and investigations in the socio-legal field. On the basis of the results of its research, WLSA develops advocacy actions, calling for legal reforms and changes to practices that discrimination against women. In order to share the results of its research throughout its network, WLSA organises seminars and training sessions and disseminates tools and methodologies related to gender studies.
www.wlsa.org.zm

THE CAMPAIGN PATRONS



Desmond Tutu, South African Archbishop, Nobel Peace Prize Laureate 1984 for his opposition to apartheid



Shirin Ebadi, Nobel Peace Prize Laureate 2003, Iranian lawyer



Nadine Gordimer, Nobel Literature Prize 1991, South-african writer



Wolé Soyinka, Nobel Literature Prize 1986, Nigerian writer



Maryse Condé, Writer from Guadeloupe



Angélique Kidjo, Artist from Benin



Tiken Jah Fakoly, Artist from Cote d'Ivoire



Youssou N'Dour, Senegalese Artist and goodwill ambassador to the United Nations and UNICEF



Rachid Taha, French-Algerian artist



Bafing Kul, Artist from Mali



Jane Birkin, English actress and singer



Salif Keita, Artist from Mali

The campaign is also supported by **institutional patrons** within the African Union, the African Commission on Human and Peoples' Rights and the United Nations.

Maitre Soyata Maiga, Special Rapporteur of the African Commission on Human and Peoples' Rights on the Rights of Women

Reine Alapini-Gansou, Chairperson of the African Commission on Human and Peoples' Rights

Pramila Patten, independent expert, UN Committee on the Elimination of All Forms of Discrimination Against Women

Juge Sanji Monageng, Judge of the International Criminal Court, former Chairperson of the African Commission on Human and Peoples' Rights

Angela de Melo, Director of the Human Rights, Human Security and Philosophy Department, UNESCO

Zainabo Sylvie Kayitesi, President of the Working Group on the death penalty of the African Commission on Human and Peoples' Rights

**For further information, visit the Campaign blog:
www.africa4womensrights.org**

The blog, with information in English and French, is maintained by the organisations participating in the Campaign across Africa. You will find the Campaign Declaration, to be signed online, regularly updated information on women's rights in Africa and details of the Campaign actions undertaken across Africa.

Join our facebook group :

[Africa for Women's Rights - Ratify and Respect!](#)

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AFRICA FOR WOMEN'S RIGHTS

RATIFY & RESPECT!



On 8 March 2009, over one hundred organizations, present throughout the continent, launched the Campaign “Africa for women’s rights: ratify and respect!”. This initiative aims to put an end to discrimination and violence against women in Africa, calling on states to ratify international and regional instruments protecting women’s rights, to repeal all discriminatory laws, to adopt laws protecting the rights of women and to take all necessary measures to ensure their effective implementation.

The Dossier of Claims is the outcome of investigations conducted by national human rights and women’s rights organizations in their respective countries and reflects the situation of women’s rights in over thirty African countries. It contains key demands to eliminate discrimination and violence against women. These “claims” are directed towards national governments, since strengthening respect of women’s rights is primarily a question of political will.

In addition to its informative and awareness-raising functions, this Dossier constitutes an important advocacy tool at the disposal of all those whose aim is to achieve full equality between men and women, an essential condition to fulfillment of universal human rights.

**For more information, visit the Campaign blog:
www.africa4womensrights.org**