

WILDAF WEST AFRICA

Newsletter

Women in Law & Development in Africa

N°13 - January 2003

EDITORIAL

This **Special-Burkina** edition is offering you several articles from the WILDAF-Burkina network, one of the national networks that has demonstrated its knowledge in the accomplishment of its mandate and in its immense ability of diversifying its partnership.

It introduces you to Mrs Rita Dakouré, Chairperson of WILDAF-Burkina and recently nominated Chairperson of the Burkina Faso Council of State. There are also ample information on the *Convention of Women Politicians of Burkina Faso* and *FAWE/Burkina*, two member organisations of WILDAF-Burkina.

Already, 2002 has flown away and already belongs to the past. At WILDAF/FeDDAF, this year 2002 saw the beginning of an adventure filled with challenges and which will continue this year also : a complex and rather stimulating project for all, a project that brings us in contact with the stakeholders who have very often being on the fringes of our activities, the very people who have a major impact on the implementation of West African women's rights, in other words, judges, lawyers, police officers, doctors, traditional and religious leaders. This project has therefore taken us onto avenues that we know very little about but which seem to be more promising than ever for the effectiveness of women's rights.

As an example of what is possible for these stakeholders to do when they are well informed and equipped, we publish in this edition, two Court decisions based on CEDAW which may no doubt inspire several judges among those who took part in the training workshops organised by WILDAF/FeDDAF over the past months.

The *News from our Network* heading has fresh information from the regional secretariat in Harare for you, and contains some of the numerous testimonies of the participants to the sensitisation days or to the training workshops of the EU2 project.

The *Do you know that ?* heading of this first 2003 edition offers a reflection over the importance of giving media coverage to one's actions...just in time to insert some communication activities into your planning for the new year.!

Happy new year to each of you !

Suzanne Ouellet

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WARNING

**Our website address is changed.
It is now: www.wildaf-ao.org**

E-mail address: wildaf@cafe.tg

THE CONVENTION OF WOMEN POLITICIANS OF BURKINA FASO: IN ORDER THAT WOMEN ALSO BECOME POLITICAL

In his treaty on the English law in the XVIII century, Sir William Blackstone noted: "no vote can be cast by the insane, idiots, minors, foreigners, women, people convicted of betrayal, disloyalty, corruption or influence peddling or those accused of an infamy or sentenced on a criminal account." If a woman could not vote at that time, those who would have ventured into politics would have been immediately banished from the society.

Thanks to the struggles of those who came before us, the situation has fortunately changed. Yet still today, women who are into politics are rare.

In Burkina Faso, there is a legal framework favourable to the woman desirous of entering into politics as well as a favourable political will. However, the gap is vast between the existence of the texts and their application, between the speeches of politicians and the means put at the disposal of women to accompany these speeches.

Legally, these provisions exist in texts, which give free hand to women to enter into politics on the same footing as men and to seek positions in the decision-making structures. They are the national texts and international conventions ratified by the country, such as the persons and family Code, The African Charter on Human and Peoples' Rights, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Universal Declaration of Human Rights and the UN Charter.

At the political level, there is a real will to allow women to enter into the game, if we should look at the actions undertaken by the political authorities, such as the establishment of a Ministry for the Promotion of the Woman, sensitisation and existence of projects aimed at the education of the girl child, the establishment of the Department for the promotion of the education of the girl child, the creation of a fund to grant micro-credits to women and support the income generating activities.

In spite of the existence of these texts, in spite of the political speeches, the reality on the ground is disappointing.

The reason: several factors contribute to this state of affairs, especially the lack of knowledge of these favourable legal texts by the women, illiteracy, the lack of will among the women, insufficient training, the lack of financial resources, and socio-cultural prejudices.

In order to speed up things, a group of women from 16 legally recognised political parties decided to lay down their ideological differences and strive with the approval of their political parties for a much greater involvement of women in the field of politics. Hence the establishment of the *Convention of Women Politicians of Burkina Faso* (CWP/BF) in June 1994, just after the 1992 parliamentary elections, the first of the IV Republic. This organisation has been a member of WILDAF-Burkina since the beginning of the network in this country and plays a significant role in it.

The general objective of CWP/BF is to increase the rate of women's representation at all levels of decision making. More specifically, members of the Convention intend to institute consultation and bring about solidarity among women in politics for the defense of the interests of women, promotion of the massive participation of women in national politics and decision making, and break the numerous barriers hampering the effective participation of women in major national issues.

To that effect, CWP/BF went into 3 types of activities which are : training/information, institutional reinforcement and the participation in the establishment of a sub-regional network of women politicians.

The **training, sensitisation and information activities** were targeted at women members of political parties and others not involved in politics.

For example, training workshops were organised at Koudougou, Bobo-Dioulasso, Koubri and Ouagadougou. The topics treated had to do with a democratic process and women's rights.

Another example, information and sensitisation campaigns were organised in 20 districts of Burkina before each election and this since 1994. These campaigns aimed at informing the women in the districts of the existence of the CWP/BF and its objectives, sensitising the women on politics, the voting mechanisms and the importance of free choice.

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THE CONVENTION OF WOMEN POLITICIANS OF BURKINA FASO: IN ORDER THAT WOMEN ALSO BECOME POLITICAL

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However, CWP/BF which also aims at becoming a real political force within the strict respect of the autonomy of membership of its members must find the means of its ambition ; in this regard, the Convention is gradually consolidating itself by covering the 45 districts of the country. Six district offices have already been established at Bobo-Dioulasso, Kaya, Pô, Dédougou, Fada Gourma, Gaoua.

As far as CWP/BF is concerned, African women politicians should spare nothing to have a regional vision without which significant progress would be impossible. In order to contribute to the **establishment of a network of women politicians at the regional level**, copies of the constitution of CWP/BF (statutes, internal regulation) were made and distributed during the different trips of women politicians (coming from both the party in power and the opposition) of Niger, Mali, Togo, Benin, Côte d'Ivoire, Cameroon and Chad. This action allowed for the establishment of contacts among women politicians but it must be acknowledged that the establishment of such a political organisation in most African countries in search of democracy is long and exacting.

Since the beginning of the activities of CWP/BF, several significant changes have been observed in national political life ; women are decreasingly doing away with their complexes to talk of politics and claim their places, political parties are increasingly featuring women on electoral lists, an advocacy was undertaken by other associations

to allow for a full participation of women in political life, there has been an increase in the representation of women within the decision making structures. For example, the percentage of women parliamentarians has increased from 3.73% in 1992 to 11.7% en 2002.

NB: The number of women parliamentarians in Burkina Faso at the moment is 13 out of 111

Karidia ZONGO-YANOGO
CFEP-BF

The CWP/BF has, since its inception, operated thanks to the financial assistance of the Royal Embassy of Denmark, the US Embassy, the Royal Embassy of the Netherlands, the American Cultural Centre, Konrad Adenauer Foundation and Promo Femmes/Développement Solidarité.

In order to increase the decision making abilities of women in the field of politic, there is a need for governments, non governmental organisations, political parties, trade unions, the private sector, women's organisations and individuals to take the following initiatives:

- Institute special measures to increase the percentage of women who take part in political decision making;
- Guarantee for women, the right to stand for elections and occupy public or elective positions;
- Encourage women to fully use their voting right by voting in all independence and according to their own preferences;
- Fight for the consideration of the problems of women as far as the programmes of political parties are concerned;
- Establish a support network to further enable women to be eligible for elective posts at the local, district, national, regional or international levels;
- Prepare a list including qualified women within political parties and trade unions likely to occupy government posts;
- Ensure the collection of statistical information and popularise the participation of women in high level decision making structures at the national, regional and international levels;
- Ensure the promotion of qualified women to positions of responsibility at all levels of political, legislative and judicial structures with the view to ensuring a level of balance with the male counterparts;
- Encourage women in power to serve as models or to support through other means the carrier of other women illegible for position of responsibility;
- Increase the number of women who occupy leadership positions in the public and private sectors with the aim of, in future, achieving a balance with the male counterparts.

RITA DAKOURÉ: CHAIRPERSON OF WILDAF-BURKINA... AND OF THE BURKINA COUNCIL OF STATE

The recent legal system reform in Burkina Faso led to the establishment of three jurisdictions which are: the Court of Cassation, the Council of State and the Auditor General's Department. On the 22nd day of last June, Mrs Dakouré Haridiatou Rita was appointed to the position of Chairperson of the Council of State of Burkina Faso. Mrs Dakouré granted us this interview.

Wildaf West Africa Newsletter (WWAN): Mrs Dakouré, can you briefly tell us what the mandate of the Chairperson of the Council of State involves?

Mrs Rita Dakouré (RD): The Council of State is an institution set up by an Act dated 23rd May 2000. The Constitution of Burkina Faso stipulates that the Council of State shall be the Highest Administrative Jurisdiction. It shall advise the State and its Departments on administrative matters and on draft decrees. It shall also ensure that administrative acts conform to the Constitution. As the Chairperson of the Council of State, I am responsible for the administration and discipline of the Council of State as well as the management of the funds for the functioning of the institution.

(WWAN): Can you give us an insight of how you arrived at this post?

(RD): I was Examining Magistrate from 1975 to 1980, Vice Chairperson of the Regional Court of Ouaga from 1980 to 1982, Chairperson of the Labour Court of Ouaga from 1982 to 1983, Chairper-

son of the Indictments Chamber and Vice Chairperson of the Court of Appeal from 1983 to 1985, Counsellor to the Supreme Court from 1985 to 1989, State Inspector from 1989 to 1994, Director of the National School of Administration and Law (ENAM) from 1994 to 2001 and Inspector of the Judicial Services from 2001 to 2002.

(WWAN): Has the post of Chairperson of the Council of State ever been occupied by a woman?

(RD): The post was created in 2000 and it is the first time that the members have been appointed. The first Chairperson is therefore a woman. I am a pioneer.

(WWAN): Do you think that the fact of being a woman can bring an added advantage to this position? If yes, in what way?

(RD): I very much think so because a woman generally is concerned with managing resources as best as she can and especially to deliver justice impartially having been listening sufficiently to the parties.

(WWAN): Have you fixed any personal working objectives specifically related to women's rights?

(RD): Yes in the sense that I will ensure that women who work in this institution as Magistrates or any other post have confidence in themselves and should not be discriminated but also that they give the best of themselves.

(WWAN): Your appointment was as a result of the ongoing legal system reform in Burkina Faso. What are the impacts of this reform for women in particular?

(RD): The legal system reform was carried out on the basis of a large consensus in order to give the people more confidence in the legal system. The actions aimed at bringing the legal system and the people together takes account of the most impoverished and women for that matter. The Ministry of Justice and the Ministry of the Promotion of Human Rights are increasingly sensitive to the gender mainstreaming.

Thank you Mrs Dakouré and members of WiLDAF/FeDDAF wish you good luck in your new post.

Violence against women is violence against society

FAWE/BURKINA: WOMEN AT SCHOOL

FAWE (*Forum for African Women Educationalist*), established in 1992, is a regional network aimed at promoting the education of the girl child and women in Africa. The national chapter of FAWE/Burkina is one of the very dynamic members of the WILDAF-Burkina network.

The objectives of the organisation are inter alia; influencing the formulation and adoption of educational policies on the education of the girl child in order to improve the access, the maintenance and performance of the girl child in school, reinforce through advocacy and public awareness and consensus on the socio-economic advantages of the education of the girl child, undertaking experimental and innovative programmes, empower the girl child through education, influencing the repetition of and integration of successful experiments.

To achieve these objectives, FAWE/BURKINA carries out activities in the field of schooling and training of the girl child as well as in the field of literacy.

Its Preston programme, launched in 2001, is located in the Komandjari district where the percentage of children in full time education is very low (12%) and aims at increasing this percentage of girl child in full time education and establishing income generating activities for the educating mothers.

This programme provides

young girls in primary school with an assistance of school materials and monitor their schooling. It has trained teachers on the issue of girl child education. An all purpose hall built within the framework of the programme was opened in June 2002 for the teaching of the members of the Educating Mothers Association how to read and write. Scholarships have been granted to 10 deprived girl children of the Gayéri secondary school.

Apart from the Preston programme, FAWE/Burkina has **resources and training centres** in Ouagadougou and Bobo-Dioulasso. The centres admit young girl school drop outs with

the aim of combating loss of education on the part of deprived girls and rendering them economically self-sufficient.

Hence, every year these centres cater for 30 young girls in Ouagadougou and 16 in Bobo-Dioulasso who obtained their primary school certificate.

These young girls receive an all round training: social and family economy, reproductive health, women's rights, persons and family codes, initiation to income generating activities (IGA), cottage soap making, vegetable and cereal preservation, credit and petty trading management..

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Germaine is a student of the 1st batch of the Resources and Training Centre, one evening, at the Persons and Family Code classes she asks the trainer a question: "When the father dies to whom does the farmyard go?" "The mother and the children" "and when the mother dies?" "To the children. Why do you ask this question Germaine?"

Germaine has lost her mother. She lives with two sisters and two younger brothers. The two elder sisters are involved in income generating activities (they buy bread leaf on credit and sell at profit), The boys do not attend school. Only Germaine passed the Elementary school and entered into the Resources and Training centre.

"Our paternal uncles have decided to sell the farmyard and send us to the village, because they are tired of catering for us. It is our maternal uncles who provide us with 3 yoruba of maize per month for our food. The parish priest of the Saint Camille parish also helps us in addition to some other persons. My mother is no more, and my father has left us. My uncles have seized the papers covering the house, they want to sell the farmyard to send us to the village, we disagree with them".

After these explanations, all the classmates found a solution: go to the office of the mayor and claim your rights.

Germaine, armed with this knowledge, went to the office of the mayor of this district, explained her problem and she, together with her brothers and sisters, succeeded in retrieving the Urban Occupancy Permit in 2001 by claiming their right. And the good news, their father has returned.

(Interview conducted by Mrs. IDO Emilienne)

FAWE/BURKINA: WOMEN AT SCHOOL

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Also, the centres provide the young girls with information tools on the labour market and assist in orienting them towards a profession.

After one year at the centre, they are taken to specialised schools of their choice: sewing, aesthetics, hair dressing. Those who choose to do things other than the so called women's professions are oriented towards electricity, auto mechanics, building and construction and hotel business, etc.

To date, the officers of the training centres opined that about a hundred graduates have been placed in workshops.

FAWE/Burkina has also invested in the **literacy of women**, through five centres distributed in 3 districts. Depending on the needs and the languages of instruction (more or jula), the target pupils vary from one centre to the other; sometimes it is for young girls, sometimes it is for traders...

Another activity of FAWE, FEMSA (Female Education on Mathematics and Science), aims at making young girls aware that they can succeed in the mathematical sciences and technology.

Through the support courses in scientific disciplines for girls in a bid to raise their level in the said disciplines, 24 of the 35 trained by FEMSA during a

scientific camp at Bobo-Dioulasso from the 22nd August to 5th September 2001 and from 14 districts passed their GCE O' Level examination and the A' Level entrance examination for the 2001-2002 academic year.

Finally, FAWE granted over 125 **EDDI scholarships** (Initiative for

development in Africa) in secondary and university education, to girls chosen for excellence and coming from needy families.

Alice TIENDREBEGO/KABORET
*Forum for African Women
Educationalist
FAWE/BURKINA*

GOOD WEBSITES

DO YOU SURF ON INTERNET? HERE ARE INTERESTING SITES

Subject: Annotated list of Internet resources about women in Africa. Guide produced by Stanford University and frequently up-to-dated. The links concern a large array of subjects; FGM, women and arts... For example, you will find a link for The African Federation of Women Entrepreneurs (AFWE) (<http://www.afwe.org/>) or the African Women's Media Center (<http://www.iwmf.org/>)

Language : English with some French resources

Address : <http://www.sul.stanford.edu/depts/ssrg/africa/women.html>

Subject: GenderStat is an online database of gender statistics. The website is currently a work in progress, but it is already an excellent resource for statistics (often necessary in the justification of financial requests) that are available by country on gender profile summaries, basic demographic data, population dynamics, labor force structure, education and health. Also available are international comparisons on gender differences, gender and education, and reproductive health from World Development Indicators (WDI 2000).

Language : English

Address : <http://genderstats.worldbank.org>

Subject: NetAid. Service of the United Nations Volunteers. More than 10 000 volunteers for development organizations in the whole world; translations, researches, web conception, project writing... and any other service that could be realized online.

Language : English

Address : <http://app.net.org/OV>

From *La toile d'elles* number 59, July 2002 (by Femmes-Afrique). Femmes-afrique@enda.sn

If you know Internet sites which can help WILDAF members in their work don't hesitate, share this information!

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"Women's bodies have become a battleground over which opposing forces struggle"

In a new report *Progress of the World's Women 2002, Vol. 1: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peacebuilding*, Elisabeth Rehn and Ellen Johnson Sirleaf examine the international community's progress in implementing Security Council Resolution 1325 on Women, peace and security.

The report points out that in recent years, civilians are increasingly targeted and now make up over 70 per cent of the casualties in armed conflicts. All civilians are targeted, but the gender-based violence that has characterized ethnic and internal conflicts in the past decade has overwhelmingly hit women and girls.

"Women are raped as a way to humiliate male relatives, who are often forced to watch the assault. In societies where ethnicity is inherited through the male line, 'enemy' women are raped and forced to bear children. Women who are already pregnant are forced to miscarry through violent attacks. Women are kidnapped and used as sexual

slaves to service troops, as well as to cook for them and carry their loads from camp to camp. They are purposefully infected with HIV/AIDS, a slow, painful murder."

The two experts find not only that women are singled out for atrocities during armed conflict but they are left out of peace negotiations. Women insist on a new, broader vision for human security.

Based on a Press release by United Nations Development Fund for Women (New York), October 31, 2002, Posted to the web November 1, 2002

What protection for trafficked people ?

The report *Human Traffic, Human Rights: Redefining Victim Protection* by Elaine Pearson, Anti-Slavery International, 2002 reminds us that securing prosecutions of traffickers is not the same as protecting victims' rights.

This report looks at measures taken to protect trafficked people in ten different countries: Belgium, Colombia, Italy, Netherlands, Nigeria, Poland, Thailand, Ukraine, United Kingdom and United States. It includes case studies of people who have been trafficked, documenting good and bad treatment by authorities.

On the basis of the research, Anti-Slavery International makes 45 recommendations covering areas such as investigation and prosecution, residency status, protection from reprisals, in-court evidentiary protection, support and assistance and legal redress and compensation.

To get a copy : the synthesis of the report (including the recommendations) is available on the website: www.antislavery.org in PDF format (look under section Resources). To obtain the whole report, order (price : £7 and postal fee) from Becky Smaga, Publications Officer : info@antislavery.org

You are member of WiLDAF/FeDDAF West African Network and wish to publicize your activities? Your realisations? Your association ?

Send us your text (Long or short, what counts is the content!) by e-mail to WiLDAF West Africa to the following address: wildaf@cafe.tg. The deadline for the reception of the texts are : February 24 2003 (for April 2003 issue) May 26 2003 (for July 2003 issue)

Who are the Newsletter readers? The Wildaf West Africa Newsletter is distributed to WiLDAF West Africa members in 9 countries of the sub-region BUT ALSO to our partners in Europe and America.

For any question or comment, don't hesitate to contact us

APPLICATION OF CEDAW: EXAMPLES OF COURT DECISIONS

In Togo, the persons and family code does not sufficiently protect women when it comes to issues of inheritance. In spite of the fact that this code has provisions which acknowledge the right to inherit one's spouse or her ascendants to the woman, this very code in its article 391, stipulates that: «The provisions of this chapter (chapter on inheritance) shall only apply to the inheritance of those who shall have declared renouncing the customary inheritance status. This declaration may result from either a will or a right of heir to accept or to forgo an inheritance before the registrar at the registry office». Meanwhile, people generally are not aware of the existence of such a provision or even when they are, they don't do the formality of renouncing the customary inheritance status.

It is therefore common, upon the death of a father or a husband for people who have an interest to dispossess the wife on the grounds that women, by tradition, cannot inherit. Judges are often helpless before cases of litigation, pitching a women against other male claimants to the inheritance.

In a case of land dispute, pitching a woman (identified here as Mrs ME) against representatives of two groups of land owners, the plaintiff referred the case to the Court of Tsevie, situated at about thirty kilometers from Lome, in order to be declared the heiress of a property she inherited from her father. The land under dispute in fact, use to belong to a grandmother of Mrs ME whom herself has inherited it from her paternal family. The defendants were denying Mrs ME of all rights to the ownership of the property in question on the grounds that in the Ewe custom, the custom of the two parties, children do not inherit from their matrilineal side. The court was able to accede to the request of the lady by using the CEDAW provisions which prohibit all forms of discrimination based on the sexes to jeopardize, destroy, or to undermine a woman's exercising of her rights. Judge KOUNTE, Chairman of the court in question was able to, with the provisions of the convention, counter the unfavourable provisions of the persons and family code. Here are some extracts of the judgement.

Civil and Commercial Chamber of the Court of First Instance of Lome

Ordinary public hearing of Friday 9 November, 2001

Case Mrs ME

Nature of case: Land dispute

Chairman: Kounte

By summons from Lawyer Djondo Messanvi, Bailiff at the Tsevie Court, dated 6 September 2000, Mrs. ME caused to be served a writ on Mr. AG as well as the heirs of the late AK and DJ, represented by AK and DJ as it is stated in the said summons;

-call all the workers to suspend all activities on the land under dispute
-confirm the right of ownership of the plaintiff on the farm land located at (...)
-order the expulsion of the workers

as well as all who occupied the said land on their own right

In support of her action, the plaintiff stated that she is the owner of the farm land located at (...) and that she inherited it from her late father ME, who also inherited it by succession from his mother Mrs GB; and that while he was alive, Mr. ME benefited from the land under dispute in a peaceful and constant manner; that strangely enough, upon the demise of Mr. ME, the defendants started making ownership claims on the land in question, by moreover selling off a part of it to Mr. DJ; that this act being capable of seriously jeopardizing her right of ownership, she is pleading with the Court to restore her right of ownership on the land in question; During the examination of the case, the plaintiff used the same means developed in her writ of summons;

On his part, Mr. AG is craving the indulgence of the Court to dismiss the application of Mrs ME; according to the defendant, the parcel of land in question is the property of his grandfather KO as being the first occupant; which was later inherited and exploited by Mr. SO and his children AK and Ak; for the defendant, (...) part of the land under litigation was sold to Mr. A by the said AK.

According to the defendant, he only had knowledge of all this information when the case between the plaintiff and Mr. AK was brought before the chief of the village of (...) where he sits as an elder; he stated that it was during the examination of the dispute between the plaintiff and Mr. AK before the chief of (...) that he was informed that in reality, it was he who could inherit the land under dispute; it is then that he demanded and obtained from A a flat amount corresponding to the fraudulent sale of a property from which he could have benefited;

By petition dated 20 March, 2001, Mr. A pleaded the indulgence of the Court to accept his intervention in these proceedings and confirm his right of ownership to the disputed property;

In support of his application, he states that he acquired the land under litigation by purchasing it from Mr. AK for an amount of 253,070 Francs; he declared that the sale granted him took place in 1979; that it is only in 1987 that the plaintiff summoned Mr. AK before the chief of the village of (...) that at the end of the proceedings, the plaintiff's case was dismissed; that the latter waited for the demise of

Mr. AK to serve summons again this time in Court; that all these behaviours are evidence of the bad intention of the plaintiff and the little credit that one can grant her request in claiming right of ownership of the disputed property.

Whereas the request made by the plaintiff and the intervention application of Mr. A are valid in the form, and should be declared admissible;

Whereas on the merit of claiming the disputed land, Mrs ME states that she inherit the land by succession from her

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APPLICATION OF CEDAW: EXAMPLES OF COURT DECISIONS

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father, Mr. ME who on his turn inherited it by succession from Mrs. GB, mother of ME; Whereas this origin of the disputed land has been confirmed (...) as shown by the statement of Mr. MI, chief of the village of (...);

Whereas these declarations are indeed corroborated by the effective occupation of the disputed land by the descendants of Mrs GB, namely Mr. ME father of the plaintiff and Mr. AG, recognised by the defendant as one of the family members of the plaintiff; it comes out that the attachment of the property in question to Mrs GB grandmother of the plaintiff is obvious for all to see;

Whereas to deny the plaintiff of all rights to the ownership of the property, the defendant submits that Mrs ME cannot inherit the land in question because in Ewe custom, children do not inherit from their matrilineal side;

Whereas it is wrong for the defendant to refer this customary law which obviously discriminates between men and women;

Whereas in fact according to the terms of the United Nations Convention on the Elimination of All forms of Discrimination Against Women, which came into effect on 3 September, 1981 and to which Togo adhered on 26 September, 1983, one should not rely on sexes to jeopardize, destroy or undermine a woman's exercising of her right, regardless of the nature or the family status of the interested party; that as soon as this convention becomes applicable in Togo through the effect of the act of acceding, it becomes obvious that all customary laws that contravene the above mentioned convention must be done away with; that it appears that in this case, in trying to disinherit the plaintiff without providing a slightest evidence of their right of ownership of the disputed property; whereas it has been established that Mrs. ME

is the direct descendant of Mr. ME form whom the above mentioned inherits; it is wrong for the defendants to try to resist the action of the plaintiff; that in application of the terms of the above mentioned

convention, it is in order to allow the application of the plaintiff and confirm her right to the ownership of the disputed property;

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News from our network

PROJECT EU2 - PROJECT EU2 - PROJECT EU2 -

In the year 2002, the *Sensitisation and capacity building of the judicial and extra judicial stakeholders for the effective implementation of women's rights in West Africa* project, supported by the European Union, enabled national networks of WiLDAF/FeDDAF West Africa to design, produce and distribute sensitisation and training tools as well as organising sensitisation days and capacity building workshops for the target groups made up of judges, lawyers, police officers, medical doctors, traditional and religious leaders in Burkina Faso, Benin, Ghana, Mali, Nigeria, Senegal and Togo. The last activities which mainly concern a second group of judges and lawyers will take place in January and February, except for WiLDAF-Ghana which is suffering a slight delay with respect to the planned schedule.

In 2003, the project will continue with actions that will allow for consolidating the gains related to women's rights by magistrates, lawyers, police officers, medical doctors, traditional and religious leaders in the practising of their profession.

Among the actions that each national network will have to undertake, are:

- following-up on the sensitisation days and capacity building workshops; following-up contacts to remind the target groups to play their relay role and collecting the list of peers sensitised by the relays;
- the networking between the target groups and the members of WiLDAF/FeDDAF; circulation of the list of target groups and sensitised peers to members of the network and circulation of the list of WiLDAF members operating within the locality of the target groups and their peers;
- following-up contacts with all the stakeholders involved in order to ensure that their participation be real and constant with respect to the sharing of information (namely through *WiLDAF West Africa Newsletter*)
- continuing negotiations with relevant authorities for the integration of the designed modules into the training syllabus of judges, lawyers and police officers.

-The WiLDAF regional secretariat in Harare informed us that they are in constant contact with the Gender Division of the AU and are planning for a regional consultative meeting to discuss the **50% representation of women in the AU structures**. The meeting will consider issues of empowerment to enable women to be ready for such positions. The meeting is urgent because appointments of AU commissioners will be next year June/July. The process will also entail conducting workshops before June 2003, jointly with the AU Gender Division.

-The secretariat of Harare started writing a book on "The linkages between **NEPAD and CEDAW**", partly funded by UNIFEM and UNDP.

-WiLDAFnetwork plans to start preparations for **BEIJING +10**, the next World conference on Women. This will mean taking stock of achievements since Beijing + 5 and collecting information from our members on specific areas which continue to be of concern and suggesting strategies of how to deal with them. Sub-regional meetings will be organised to mobilise for the active participation of our members in the next world conference.

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APPLICATION OF CEDAW: EXAMPLES OF COURT DECISIONS

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Whereas in law, no one can sell an article belonging to another; that in considering the preceding developments; there is the need to declare null and void all the sales effected by the defendants;

Whereas the intervening party A is claiming the property in question by basing on the sale of the said property granted to him by Mr. AK;

Whereas in the light of all these, it appears that the intervening party purchased a non domino; that as the result of the consequences of the nullity of the sale concluded by Mr. Ak and co, there is the need to dismiss the action of the intervening party A;

ON THESE GROUNDS: Giving an appealable judgement publicly after full argument of both sides, in civil estate case;

NOW THEREFORE ON THE PROCEDURE, DO HEREBY: Declare the application of Mrs ME in order and thus admissible; Declare the intervention application of Mr. A in order and thus admissible,

ON THE MERITS, DO HEREBY: State that the parcel of land located at (...) is the property of Mrs. ME by admittance to the inheritance to the succession of Mrs. GB; - Consequently, dismiss the intervention action of Mr. A;

Declare the sale, concluded between Mr. AK and the above mentioned, null and void;

Award costs against the defendant and the intervening party;

Publicly done, judged and passed by the Court of First Instance of Tsevie (Togo) in its ordinary hearing of Friday, 9th November in the year of our Lord Two Thousand and One (9/11/2001) attended by Mr. KOUNTE Koffi, Chairman of the Court, assisted by Lawyer FANTODJI Oboué, in the presence of Mr. BAKAI Robert, Public Prosecutor.

The extract of the decision published below demonstrates how the juvenile judge, Mr. Etorh was able to use the provisions of CEDAW in support of the national law to recognise to the plaintiff, upon the demise of her spouse, the right to administer the asset of her under age children.

In fact, in spite of the existence of national laws protecting the rights of the surviving spouse with respect to parental authority and the administration of the estate of the deceased, there is a customary practice according to which the guardianship of under age children and the administration of the estate of the deceased be entrusted to a parent of the latter, nominated at a family meeting. This practice is most often supported by judges, since they are made to confirm the decisions of the family meeting which often give priority to the custom rather than the law.

The decision of Judge Etorh has the merit of going against a practice that has over the time acquired an authority and which used to undermine widows. This decision remedies the situation and intends to correct a discrimination against the widow. On the basis of this Court decision, the pension scheme which used to reject all decision recognising the right to widows as guardians and administrators of the estate of their under age children have favourably reconsidered the application of the plaintiff.

Civil and Commercial Chamber of the Court of First Instance of Lome

Ordinary public hearing of Thursday 18 July, 2002

Case Mrs widow TO. , Nature of case: Confirmation of legal right of administration

Chairman: Etorh

RE: Application for the confirmation of legal right of administration

Dear Sir, it is my honour to kindly request you to confirm my legal right of administration of the estate of my children following the demise of my husband, the late TO who passed away on the (...) leaving me as a widow with six under age children.

I am solely responsible for their maintenance, upkeep and education, and I kindly request you to allow my application in this regard. Your faithfully:
Signed: Mrs widow TO.

The case file was then forwarded by the Chairman of the Juvenile Court to the Public Prosecutor for him to claim the application of what may be required by law:

On the basis of which, the case was recorded on the general list of cases for hearing and in turn called for hearing on Thursday 18 July 2002 to which the plaintiff stated the facts and craved the indulgence of the Court to award the full benefit of her writ;

The Public Prosecutor who took the floor in his submissions declared the matter to be left to the discretion of the Court;

POINT OF LAW: The case in this state sought to examine the different issues of law resulting from the declarations of the plaintiff and the documents in the file. And costs?

On the basis of which, the Court on the spot and after deliberating over it passed the following judgement:

THE COURT: by application dated 18 July 2002 in Lome, the said TO, Housewife residing and domiciled at (...) brought a case before the Court sitting to

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APPLICATION OF CEDAW: EXAMPLES OF COURT DECISIONS

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confirm her legal right of administration over the estate of her under age children;

In support of her application, she states that on (...), her husband TO (...), passed away in Lome leaving her a widow with six under age children ; and that being solely responsible for the maintenance, upkeep, education and security of the children ; she is craving the indulgence of the Court to award her the full benefit of her resources;

Whereas the plaintiff included in the case file, birth certificates of the six children all under age, the marriage certificate, the death certificate of her husband, the photocopy of her identity card; that the documents thus included in the case file seem to be in order and sufficiently described the situation of the widow and her orphaned children;

Whereas, in accordance with the provisions of the United Nations Convention on the Elimination Against Women to which Togo has officially adhered to, and the persons and family code, the exercising of parental authority over the children of a couple, belongs to the surviving spouse ; that in this case the exercising of this right belongs to the plaintiff ;

Whereas the right of administration of the estate of the under age children is a component of the exercising of parental authority ; that the full benefit of her application together with all its usual obligations be awarded to the plaintiff

Whereas there is a need to settle the expenses and charged to the plaintiff;

**ON THESE GROUNDS:
Considering the provisions of the United Nations Convention on the Elimination of all forms of Discrimination Against**

Women (CEDAW), especially its article 16 and persons and family code (article 233, 242, 266 et 268);

Do hereby : declare admissible the application of the plaintiff widow TO, housewife residing and domiciled at (...).

Declare in order and valid the supporting documents attached to the case file;

Confirm the exercising of parental authority of the plaintiff over her children: (...)

Confirm her power of administration over the children's estate;

Require her to administer the estate of the children as a good head of family and to report on her administration at least once a year to the guardianship judge;

Award costs to the plaintiff;

Done, judged and passed in the Court Chambers by the Guardianship Judge at the hearing of Thursday 18 July 2002.

Can you believe that...

Up to 70% of female murder victims worldwide are killed by their male companions and as many as one-third of girls are forced into their first sexual experience

Source: WHO Report, 6.10.02 Website:
www5.who.int/violence_injury_prevention/main.cfm?s=0009

News from our network

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Testimonies of participants to the sensitisation days and the capacity building workshops within the framework of the EU2 project

(...) marriage today must be a liberal marriage. Woman must choose the person with whom she can live. It is a good philosophy because society is dynamic. Now we are undergoing a change and customs and practices may change. And this practice has been well understood by the traditional chiefs and us the religious leaders. (...)

El Hadji Kontogomde Baba, Representative of the Ouagadougou Muslim Community, during the sensitisation days for religious and traditional authorities and doctors in Ouagadougou, Burkina Faso, from 9th to 13th sept. 2002



(...) something has triggered in my mind in relation to this training and I am ready to implement what I have learnt and to share it with others and circulate it to the maximum (...)

Dr Bationo Bazona, Dori Regional Hospital, during the sensitisation days for religious and traditional authorities and medical doctors in Ouagadougou, Burkina Faso, from du 9th to 13th sept. 2002



I think that my best contribution to the improvement of the protection of women's rights today will be more focused on the level of education of our men. Every year the Army organises training at school and we are often called upon to instruct them and I think that the best way to reach the maximum of our men, to sensitise them on the protection (of women's rights), is that during the training we lay particular emphasis on this type of topic in order that every one becomes aware of it.

AKOBI Messan, Chief Director of the Office of the Chief of Defence Staff, Gendarmerie Nationale, Lomé, during the capacity building workshop for police officers and the gendarmerie in Togo from 18th to 22nd November 2002

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EVENTS

NEPAD Meeting in Dakar

The Senegalese civil society organisations will, from the 24 to 26 February 2003 in Dakar, (Senegal), organise a sub-regional meeting which will be an opportunity for the civil society to independently voice their opinion in relation to the new perspectives that NEPAD seems to have. The meeting will bring together West African civil society stakeholders and executives of the private sector and government who will deliberate over the central theme: «What will be the impact of NEPAD on the work of civil society organisations at the grassroots? What are the sector-based priorities in which it could intervene within the implementation of the NEPAD?» The Dakar conclusions would be discussed again with the other members of the civil society upon the return of the delegates into each of the country of the sub-region. WILDaf/FeDDaf will be represented there by several members of the network as well as the West African sub-regional coordinator.

Contact : Mariame Coulibaly, Réseau Africain pour le Développement Intégré (RADI), BP. 12085 Dakar Colobane (Senegal), Tel : (221) 825 75 33, Fax : (221) 825 75 36, e-mail : mariame_c@yahoo.fr

Commission on the Status of Women (CSW)

The United Nations Commission on the Status of Women (CSW) will hold its forty-seventh session from 3 to 14 March 2003, at New York Headquarters. The Commission will focus on two thematic issues:

**HAPPY
NEW YEAR
2003**

-participation and access of women to the media, and information and communication technologies and their impact on and use as an instrument for the advancement and empowerment of women; and

-women's human rights and elimination of all forms of violence against women and girls as defined in the Beijing Platform of Action and the outcome document of the Special Session for the General Assembly entitled "Women: gender equality, development and peace for the twenty-first century."

Contact :
<http://www.un.org/womenwatch>

CEDAW 28th session

The Committee will be holding its twenty-eight session at United Nations Headquarters, from 13 to 31 January 2003. The Committee will have before it the reports of the following States parties: Canada, Republic of Congo (not confirmed), Cost Rica, El Salvador, Kenya, Luxembourg, Norway and Switzerland

Reference:
<http://un.org/womenwatch/daw/cedaw>

WILDaf WEST AFRICA Newsletter

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News from our network

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Concerning the biological and social roles of men and women ...

During the capacity building workshop for police and gendarmerie officers in Togo, group works enabled the participants to deepen their knowledge on the women's rights situation. Here is the conclusion of one group made up of only men who analysed the social roles of men and women.

Qualitatively: the duties of the women are more vital, indispensable for the survival of the family nucleus. They are tiresome, less enhancing, whereas the roles of men are less constraining.

Quantitatively: the duties of women are multiple and on daily basis, and that of men are punctual.

Conclusion: The roles are complementary but there is imbalance to the detriment of women.