

# WILDAF WEST AFRICA

## Newsletter

Women in Law & Development in Africa

N°03 August 2000

### EDITORIA

This edition is devoted to the United Nations Special Session held in New York to assess the Beijing Programme of Action five years after its adoption.

The following paragraphs highlight the impressions of one of our activists on the organisation and the conduct of the UN Special Session.

The challenges posed by the session and the results obtained are also summarised and will make it possible for us to undertake a mid-stream review of the fourth conference on women.

Finally, this edition denounces a judge who sentenced a woman to a prison term for refusing to remain, albeit against her principles, in the marital relationship because she was persistently assaulted by her husband. This miscarriage of justice is an infringement on the fundamental human rights of women that took place a few days only after this major event where African States came to reaffirm their commitment to ensure compliance with the rights of women. The injustice meted out to Aminata Diop reminds us that it is more than ever urgent to strengthen our rapid response system to the violations of women's rights.

**Enjoy your reading !**

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### Consult

## WILDAF WEST AFRICA Newsletter

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# THE EXPERIENCE OF ONE OF OUR ACTIVISTS IN NEW YORK

In my capacity as President of WiLDAF Togo, I was member of the official delegation to the 33rd Special Session of the UN General Assembly. For many of us, this was our first participation in a UN Special Session and a World Conference on women. Our expectations from the Session were many:

- Boost our experience as women's rights activists for the increased efficiency of our activities,
- Contribute to making heard the voice of thousands of Togolese women represented by the official national delegation
- Make lobbying with a view to enlisting the support of a number of partners to the concerns of WiLDAF member NGOs in TOGO and for a future cooperation in the implementation of the Beijing Platform of Action at the national level.

For seven days, at the NGO forum held on Saturday 3 June and for the entire duration of the session, we did our utmost, with the realities encountered from our arrival in New York to review our previously mapped out strategies in order to give ourselves the chance to attain our objectives

To our disappointment, at the end of the conference the result was largely below our expectations.

What happened ? Why did we have this deep sentiment of disappointment ? Are we alone in feeling this sense of disappointment?

Since the end of the Special Session to date, we have been asking ourselves these questions.

We are not sure to have found completely the explanations. However, some of them appear obvious to us today.

## **A low participation of our sub-region in the debates due to poor preparation**

The final document expected from the session was the real challenge of the meeting. This was to be obvious to all delegations prior to their departure for New York. Some certainly understood it but this was not the case for all. Nothing demonstrates this better than the state of the version of the document submitted to the delegations on the first day. The informed delegates who had wanted to make their mark on the final document had tabled numerous amendment proposals rivaling one another on the content and presentation of the document.

On the first day of the session following the official opening, committees were established for the negotiation of the draft document.

For five days, we took part in a stormy discussion in Committee III. The discussions were conducted by the same countries which submitted written amendments, namely, the delegations of the European Union, the Community of Caribbean States (CARICOM), Cuba and JUSCANZ (Japan, USA, Canada and New Zealand).

Delegations from the Holy See, Pakistan, Egypt also participated in the debates at a lesser degree. Once in a while, the delegations from

Senegal, Nigeria which chaired the Group of 77 made their voices heard. Only the SADC group represented by Namibia seemed to be organised in Africa to contribute to the debates.

One felt, through the statements of those who participated actively in the debates that such participants were conversant with the issues on the agenda owing to a thorough preparation towards their participation.

In the meeting hall, and the UN corridors, Africa was not entirely outdone. She was present by the wealth of her colours, her ceremonial dresses. She was indeed at the conference but not always at the right place. Seeing an almost dumb Africa in the negotiations and very present where no challenge was posed and by referring herself to the mood which had prevailed at the United Nations during these days, an observer remarked that he had the impression he was attending a beauty and fashion show. Others did not even hesitate to talk of "gender tourism".

African governmental delegations had the possibility of influencing the discussions. That of Togo had the possibility. However, despite our good will, we could not participate in the debate since we did not study the working document in advance in order to work on them before the opening session. Days before our departure, we asked for documents of the session which apparently were not available where they should be. We were therefore not sufficiently prepared to participate in the debates in New York.

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# THE EXPERIENCE OF ONE OF OUR ACTIVISTS IN NEW YORK

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## The sentiment of poor organisation of WILDAF as a network

Women's rights activists from the developed countries waged, day and night, a relentlessly fierce battle at all levels during the entire session. They fought to tone up the presentation of the various points of the final document. They fought in close collaboration with the governmental delegates in order to counteract the countries which were putting forward religious, cultural and traditional arguments in order to ensure that the language adopted was devoid of any firm and binding commitment for their State. Here is a very expressive event which took place at a given moment of the negotiations and which retained our attention. Two activists looking out in the galleries in one of the negotiation halls were confronted by a delegate bearing an information. The message was as follows : "On committee 1, an amendment was being introduced into paragraph 23 of the working document. This should be taken into account for the rest of the document." Soon thereafter, one of the activists began to rewrite the text which was to follow the portion in question by basing herself on the Beijing Platform while the second tried to locate a government delegate who tabled the amendment.

As far as we are concerned, these fervour and dynamism were lacking in the African NGOs. WILDAF could have organised itself to influence the debates. The network which could count on these activists members of official delegations could have made them to play a lead role and thereby remedy the shortcomings predicted by the governmental delegates.

Frequent meetings could have been organised with the members of the network present for the mapping out of an intervention strategy and for its implementation. This was lacking.

## Frustrations connected with our status as member of an official delegation

Another frustration for us laid in the fact that we could not take advantage of the hundreds of panel, forum, group discussions and workshop activities organised by the NGOs and other structures or individuals concurrently as the negotiations. The obligation to participate in the sessions on the negotiation of the final document prevented us from doing so. We were tempted to put an end to our participation in the works of Committee III in order to participate in the activities of NGOs. However, we did not pursue this line of action for the simple reason that we told ourselves that we would, even though faced with the odds, demonstrate our open-heartedness. We would at least have had the merit to have learnt to better understand the United Nations in their preparation of official documents.

## The United Nations should ascertain the availability of information and its quality

The inadequate information on the meeting process was detrimental for the success of deliberations. One was getting lost in the United Nations building in search of one place or an indication on an important activity which is taking place or programmed. Nor was there adequate information to

establish whether a special session of the General Assembly was different from a World Conference. A preliminary training in the process run for the delegates of governments and NGOs could have helped us.

## Language barrier

It also excluded thousands of women from the debates. The working document used as from Monday was not available in French and the interpretation did not always make it possible to follow easily the trend of the deliberations.

## The non-availability of the final document at the time when we were leaving New York

The session was to end on 9th June, this was possible only the following day. We left New York without the final document. It was only several days later that we had access to it by internet.

## Our conclusions

What an adventure ! But also what an opportunity to do soul-searching in order to perform better in future. We have understood that prior preparation and training are the key for an effective participation in the deliberations. The Africans that we are, we need to wake up and get down to work if we do not want to endure the pressure of the rest of the world and contribute effectively towards the progress of things.

Despite the predictions which had prevailed up to the eve of the end of the session and despite our discouraging impressions, positive points emerged from the conference and deserve the consideration of all and sundry.

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**URGENT ACTION !**  
**REACT BEFORE THE JUDICIAL AUTHORITIES**  
**OF MALI TAKE THEIR DECISION**

**The Aminata Diop Affair**

On 17 July 2000, Aminata Diop was sentenced to 2-years imprisonment with detention order by Justice Ibrahim Berthé of the Bamako District II Court of First Instance for desertion of the matrimonial home.

The sentence was handed down while a suit for divorce filed by Aminata Diop was pending before the Court of Appeal, and while the latter had been authorised to live apart from her husband since 20 March 1997.

In fact, following a first suit for divorce by the husband, the Court acting within the framework of the on-going divorce proceedings, issued a non-cohabitation order between Aminata Diop and her husband Mady Fofana. Further to this decision, Aminata Diop returned to her parents' house according to the new home stipulated by the non-cohabitation order. .

Mady Fofana having renounced his action for divorce, Aminata Diop who wanted to put an end to this situation, has in turn filed a suit for divorce against the husband on the grounds that her husband was violent to her and that she had been subjected to daily assaults since their marriage in 1994. Her case was dismissed by the Court of first instance in its decision of 15 July 1999. Justifying its decision, the Court declared that "Mrs. Aminata Diop contended that she could not call witnesses to appear in court, because most of them were her husband's friends; that in order to establish the veracity of her suit she could rely only on copies of

orders, medical certificate and a non-cohabitation order". The Court of Appeal having confirmed its decision in a ruling on 2 February 2000, Aminata Diop filed an appeal with the Supreme Court.

Even before the Supreme Court sat on the suit and finally ruled on the divorce, the husband had filed a suit for abandonment in June 2000. Further to this suit, and on the request of the Public Prosecutor, Daba DJIRE at the District II Court, Aminata Diop was summoned to appear before this Court. Then Prosecutor DJIRE confiscated Aminata's passport. Despite the assistance from her lawyers, Aminata was sentenced to 2 years imprisonment on 17 July 2000. Her defence appealed against the sentence. The country authorities including the Minister of women's affairs had been informed of this unfair decision. Through the public prosecution department, the Minister of Justice took over the case. The decision of the Court must be quashed by the Court of Appeal because it was unfair and constituted a flagrant violation of women's human rights. The decision of the Court of Appeal dismissing her divorce suit must also be set aside by the Supreme Court.

As a matter of fact, sentencing Aminata to imprisonment for deserting the matrimonial home whereas she was regularly subjected to assault and battery, the Bamako District II Court failed to recognise Aminata's right to put an end to a cohabitation which had become unbearable for her. At the same

time, the court had condemned thousands of Malian women victims of the same violence, reduced to silence and resignation, even at the expense of their life.

Likewise, by confirming the sentence of the Court which had dismissed the divorce suit filed by Aminata Diop, the Court of Appeal compelled a spouse to remain in the marital home against her will, while the right to divorce is a right recognised for all Malians. This decision is shocking, for we all know that medical certificates and orders constitute evidence of violence traditionally used and admitted by courts. How can one imagine that the friends or relatives of the husband braving social pressure, can testify against the latter.

The judgement of the court sentencing Aminata Diop to 2 years imprisonment must also be quashed, the order issued by the Court of Appeal must be set aside in order for Aminata to have the divorce pronounced and live in safety. To that end, justice should be done, and Malian authorities should take up their responsibility where necessary.

If you are sensitive to the misfortune of Aminata Diop, if you believe that all citizens have equal rights and are equal before the law, join us in our action by signing this petition to be forwarded to the government and judicial authorities.

**If you live outside Mali, return to us this text duly signed:**

- preferably by E-mail at the following address : [wildafmali@cefib.com](mailto:wildafmali@cefib.com)
- or by fax on (223) 22 19 82
- or by mail at B.P. 1823 Bamako

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## SIX DAYS OF DEBATES FOR WHAT RESULTS?

For six days a fierce battle on the content and presentation of the final document was waged at the United Nations Headquarters in New York.

It should be pointed out that the United Nations Secretary General, by convening the Special Session had wanted, in midstream, to assess the activities undertaken towards the implementation of the Beijing Platform by Governments and the various stakeholders in the promotion of women's rights five years after the adoption of the document. The session must, in addition, incorporate in its deliberations the new challenges which had emerged or assumed new dimensions since 1995 and which are serious impediments to the implementation of the Platform of Action. Governments should, in the final analysis, for the next five years, take new measures to expedite the implementation of the Beijing Declaration and Programme of Action.

### **What were the demands of African women ?**

African's demanded more frank measures on the impact of globalisation. Calling for debt relief, they expressed the wish that the Conference

should consider the structural aspects of female poverty.

The African lobby demanded considerable commitments for the participation of women in decision-making posts.

African women recalled at the conference that HIV/AIDS had attained epidemic proportions in Africa and that women were the most affected. Consequently, delegates should transcend the conflict on the language to be adopted on reproduction rights and take strong measures to deal with the scourge.

### **What were the highlights of the debates?**

In the document, several paragraphs on crucial issues such as women's human rights, sexual rights and the role of NGOs were the subject of very lively discussions despite the fact that it was agreed that the mid term review was not a session for calling into question the gains of Beijing.

The toning up of the language to be used with regard to violence perpetrated against women was extensively discussed. Delegations from the North fought strenuously so that the final document mentioned clearly the acknowledgement of the sexual rights of women including the

right to the determination of the sexual orientation of the individual.

The role of NGOs was also a thorny issue. A number of countries expressed the wish that NGOs, strong points of the Beijing Platform of action should be mentioned in the final documents only within the national and international context.

### **What did we achieve on the whole?**

In the afternoon of Saturday 10 June, the final document was adopted without voting. It was however adopted with the reservations expressed by several States on the presentation of some parts of the text.

It should be pointed out that positive results were certainly achieved but there were also failures. Women were expecting a final document with very concrete references, targets with figures, indicators, resources meant for the implementation of the Beijing Platform. Rather, the document, to a large extent, reaffirmed that the States had a responsibility to implement the Beijing Platform of Action which remained the reference

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## SIX DAYS OF DEBATES FOR WHAT RESULTS?

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document for the commitment of Governments on women's rights contained in the 12 critical fields identified in Beijing.

Increasing the rate of girls education to the same level as the education of boys

The document urged Governments to expedite the implementation of the measures aimed at increasing the rate of girl education in the primary and secondary cycles to the same level as that of boys by the year 2005. Governments must guarantee the universal access of boys and girls to primary education by the year 2015.

### **Adopting policies which take into account the sexo-specifics of health problems.**

The Governments pledged to adopt policies aimed at addressing, by order of priority, the sexo-specific aspects of new and old health problems such as malaria and HIV/AIDS. It would be necessary that men should be encouraged

to adopt safe and responsible sexual and reproductive behaviour and to use effectively methods of preventing unwanted pregnancies and sexually transmitted infections.

### **Establishing a non discriminatory legal framework for women**

Governments were encouraged to establish a non discriminatory legal framework by reviewing the legislation with a view to abolishing the provisions which discriminate against women by the year 2005 and rectifying the legal shortcomings which prevent women from enjoying some of their rights. Measures must be encouraged to ensure that motherhood, parenthood or the procreative role of women is neither used as grounds for discrimination against them and nor limiting their participation in their management of the Public Weal.

### **Defining the precise objectives for the participation of women in the management of public life**

Recognising the contribution which women can make towards the progress of societies, the Governments pledged to define the precise objectives coupled with short and long term time frames in order to enable women to have equal access as men to the management of public life at the level of decision-making posts.

### **Measures to address financial resource constraints.**

Taking into account the scarcity of financial resources for the implementation of the various measures adopted, the final document encouraged debt relief measures and the creation of a social development fund. Developed countries were encouraged to attain the 0.7% target of their gross domestic product for the official development assistance. Developing countries for their part, were to create more simplified credit packages adapted to the needs of women.

Other measures were taken concerning the place of

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## SIX DAYS OF DEBATES FOR WHAT RESULTS?

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women in armed conflicts, their place in the media and in the presentation of the environment.

### **Making the partnership with the NGOs effective in the implementation of the measures taken.**

Governments were encouraged to co-operate with the NGOs, the private sector and the civil society in the implementation of the measures adopted.

The international organisations were also urged to support Governments and their partners in their activities.

### **After New York we are bound to forge ahead**

The session adopted a document which supplements the Beijing Platform and Plan of Action. In the opinion of many session participants, the document did not entirely address their expectations. It is however a reference tool for action. Mr. Kofi ANNAN, United Nations Secretary General said five years ago, women went to Beijing by saying simply

"We are not invited guests to this earth, we are in our home". Today, I think we all know this observation was very far from the truth. I hope that the current session will make the whole world understand that not only women are in their home on this planet, but also that the future of this planet depends on them". The Secretary General knew that women are capable of achieving great things in order to ensure that there is a turning point in the development of nations.

He strongly believed in the capacity of the thousands of delegates present at the Special Session to provide the women's activists with a final document which would reflect fully all the commitments of the Beijing Declaration and Programme of Actions which would make it possible to advance with the targets set during the previous major UN events. One leader commented on the final document by saying that "it is the women's movements which have had the issue of women's rights included on the international agenda over the past 25 years.

Once again, women have come in their numbers to this Conference as they did in Beijing. It is always women who will assume the leadership by working to attain the objectives which they had fixed for themselves. We shall not retreat. We are open to any form of assistance and partnership with men, Governments, the United Nations and with any other Institution which would so desire in order to continue our struggle for the attainment of socio-economic justice and the recognition of all the human rights for all women in our diversity in this decade. Let us subscribe fully to this declaration in order to make equality, peace and development a reality for this 21<sup>st</sup> century.

**TOGETHER,  
LET'S STOP  
VIOLENCE  
AGAINST  
WOMEN**

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## LET US REACTIVATE OUR RAPID REACTION SYSTEM!

On 17 July, 2000, the magistrate's court of the Bamako Commune II in Mali sentenced Aminata DIOP to 2 years imprisonment for abandonment of the marital home. In taking such a decision, the judge infringed on the commitment made by the Malian State by ratifying the convention on the elimination of all forms of discrimination against women. The Malian State, just as the vast majority of States in the world, had pledged to establish jurisdictional protection of women's rights and guarantee, through the competent national courts, the effective protection of women against any discriminatory act.

The presiding judge, by sentencing Aminata DIOP, took a wicked decision which is an indictment on us. We must join the action of our sisters in Mali and prevent the court from adding another victim.

This is the time to stress that at WILDAF a mechanism exists namely the rapid reaction system and that we must contribute to making it functional and effective.

Before any violation or threat of violation of rights of a woman or group of women, we must activate the Rapid reaction system. If we are the first to learn of the violation, we must rapidly verify the information. Once the information is confirmed, we must inform the West African Sub-regional Office (BRASO) with suggestions on the effective actions to be taken to end the violation.

The BSRAO will disseminate, as extensively as possible, information to members, organisations with which WILDAF co-operates and all the interested persons.

These contacts will approach the competent authority in order to end the violation.

They will also react where necessary, by publishing the information in newspapers, on the radio etc. All the actions which will help to bring the violation to end will be undertaken.

Let us mobilise ourselves so that the enjoyment of all the rights to which we are entitled becomes effective.

For further information on the mechanism, contact the BSRAO.

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