

# WILDAF WEST AFRICA

## Newsletter

Women in Law & Development in Africa

N°05 December 2000

### EDITORIA

#### BEST WISHES!

After the period of assessments comes the time for resolutions and wishes. May the new year which begins be marked by significant progress in our fight for the effectiveness of women rights. This will be possible by the commitment of each and everyone of us. Best wishes also for new days filled with joy for all.

This 5<sup>th</sup> edition of our electronic information bulletin provides information on two major meetings at the end of the year 2000, both were coordinated by the WILDAF Sub-regional office for West Africa : these meetings included the regional workshop on women's access to legal and judicial services and the workshop on advocacy and lobbying within the framework of the project for the adoption of the additional protocol to the African charter of Human and Peoples' Rights relating to Women's Rights.

We also retained from the national networks two events which deserve a special attention. An official of WILDAF- MALI informed us in this edition of the participatory approach adopted in her country for the reform of the family law and the President of WILDAF- BENIN related to us with dismay the story of a woman who attempted to kill herself and her children in order to escape the violence perpetrated by her husband. Such an incident demonstrates, if need be again, the crucial importance of combating violence against women, in connection with which the just-ended sixteen-days campaign waged in the year 2000 in the national networks, is a strong expression. We will revisit the issue in our next edition.

*Enjoy reading our bulletin !*

*So long !*

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### Consult

## WILDAF WEST AFRICA Newsletter

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## REFORM OF THE FAMILY LAW : AN OFFICIAL OF WILDAF- MALI SHARES WITH US AN EXAMPLE OF PARTICIPATORY APPROACH

Having observed that there is an inadequacy between national legislation and international principles, particularly the principle of gender equality, Mali undertook to put in place a law more consistent with the commitments taken at the international level. The need for the reform of the family law in particular, further appeared as a profound aspiration of the Malian populations.

The principle for the reform having been secured, a social consensus was still necessary in its content when one knows that family law is a socially and culturally sensitive matter. The drafting of the text, and hence its future success, therefore depend on several conditions namely, the crucial need to take into account equitably the aspirations, opinions and interests of all categories of citizens ( men- women- children ) and

the participation of the various social strata, through representatives, in the process of identification of the values and principles to be promoted; this is a guarantee of the “*social positivity*” of the text. It is also necessary to find the ways and means for a specific protection of the vulnerable categories such as women and children.

To this end, consultations with men and women of different social, religious, cultural and political sensibilities have been found to be the appropriate framework for the exchange of ideas on the matter.

The procedure thus unfolded in several stages. The first phase consisted in the identification by experts of proposed elements for the reform. It was followed by a review workshop bringing together experts involved in the first phase, parliamentarians, represen-

tatives of the administration and those of civil society, particularly women rights organisations. This workshop has made it possible to acquaint the participants with the content of the work of the experts and to enrich it and provided the opportunity to establish the steering committee of the reform process. Thus, armed with these information, the workshop participants thereafter addressed regional consultations during which the conclusions and proposals of the preliminary study were subjected to the criticism of resource persons chosen according to their experience in the field concerned and their knowledge of the habits and customs of the country. The regional consultation workshops have just ended and the results sometimes show

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## SUICIDE, A WAY OUT OF VIOLENCE

On 09 October 2000, the news dropped like a bomb shell, at the head office of WILDAF/BENIN. A woman attempted to commit suicide with her two daughters.

This unimaginable act was prompted by the fact that she could no longer bear the daily assaults of her husband.

In the corridors of the hospital which we visited, we met a rather insignificant man who seemed to be waiting for someone. We learnt later that the fellow was the husband of the woman in question.

We proceeded to the office of Doctor Clément PADONOU who confirmed the news.

We then sought to see the victim in order to provide her with a bit of solace.

The doctor however objected to this, it was too early to see her, she was still reeling under the shock.

A few days later, Pélagie, as she was called, was collected by her parents. However we could still not see her. She was overwhelmed with pains.

One of her children passed away, the life of the eldest was saved by a shave.

With regard to the husband, he filed a complaint at the police station for the homicide of his son.

Two months after the drama, Pélagie agreed to receive us. Her senior sister informed us that she was calmer and for the first time she did not cry after the discussion with the psychiatrist.

On our arrival in the house of her senior uncle, we met Pélagie for the first time.

She is tall and beautiful but her eyes were void of expression as if emptied of any sentiment.

After a few minutes of discussions on issues of no importance, she relaxed little by little and began to narrate her story to us. When she knew the one who should become the father of her children (because to date, he has not married her officially) she hesitated to commit herself to him.

In order to win her over,

he was always visiting her and promised her heaven on earth.

On the advice of her friends who saw in him an ideal companion, she accepted to move in with him.

But very soon, she discovered the true colours of the latter. He was irresponsible and violent.

She became pregnant and gave birth to her first son.

Thereafter, she became pregnant again. In view of the ordeals which her husband made her endure, she lost her baby. She became pregnant again but was once again subjected to serious threats of losing her child again. The doctor then advised her to take full rest at home. She had to abandon her work in order to take care of her child.

Meanwhile, the behaviour of the man whom she considered as her husband did not improve. He continued to deprive her of food and beat her at the least opportunity. He returned home every evening very late.

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## SUICIDE, A WAY OUT OF VIOLENCE

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When she had her second son, her employer refused that she should resume duty.

She was compelled, for lack of resources, to beg her neighbours and relatives in order to feed her children.

Her husband who had moved in with another woman returned to the marital home only to harass her.

*“What are you still doing in this house? Why have you not committed suicide?”* He repeatedly asked her.

For the sake of her children, she continued to endure the worst: slaps, her luggage thrown into the street, and all this in total deprivation.

Her relatives, particularly her senior sister intervened to let the husband see reason but to no avail.

For 12 years, the noose was tightened little by little around her. She was suffering, likewise her two sons. She felt ashamed to continue to go begging her entourage.

Then on 08 October 2000,

she chose the most radical option: namely to finish once and for all with her life which for her has become synonymous with pains. Nor were her children also going to continue to suffer any longer. She bought bactericide and rat poison.

She mixed the fatal compound and served the little ones and gulped down the rest and went to sleep with the children on the husband's bed.

At four o'clock in the morning, the husband returned home, he found his family in his bed, an unusual phenomenon, which did not bother him and he went to lie in the couch in the living room.

It was only in the morning that he realised what had happened. It was however too late for the youngest child.

He had just paid with his life for the violence of his father and the awkward situation of her mother.

Pélagie is today on trial at the law court for poisoning her son.

The procedure has been set in motion and she is likely to serve a prison term with hard labour.

How many women like Pélagie are about to commit the irreparable in order to finish with violence?

This is once again an opportunity to mobilise ourselves in order to denounce the violence which are daily perpetrated against women and which, unfortunately, are considered as mere news in brief which are tersely reported by some newspapers.

We shall, on our part, assume our responsibilities at WILDAF-BENIN; we are ready to support Pélagie in her ordeal and to intensify our actions so that no other woman is compelled to commit the most painful act for a mother, namely, sacrificing her life and that of her children as a way out of daily violence.

*Geneviève BOKO-NADJO  
President,  
Wildaf-Benin*

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## **REFORM OF THE FAMILY LAW : AN OFFICIAL OF WILDAF- MALI SHARES WITH US AN EXAMPLE OF PARTICIPATORY APPROACH**

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divergent expectations of women. Thus, at Koulikoro, if the agreement is clear on the need to entrust the guardianship of minors to the widow, the repayment of the dowry, polygamy and the duty of obedience by the women are far from being unanimously accepted by the women

who had participated in the consultation. A nationwide synthesis of the results has been scheduled for March 2001 latest and should pave the way for a final bill to be submitted to the Government.

One can note with satisfaction the important role played in the process by the associations of

Women Lawyers and by WiLDAF-MALI. We hope that this participatory procedure will pave the way for a more just, egalitarian and fully effective law for the women of Mali.

**HAPPY NEW  
YEAR 2001**

### **ADDITIONAL PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS : FROM THE TRAINING WORKSHOP IN ADVOCACY AND LOBBYING TO THE REGIONAL MEETING**

Within the framework of the project for the monitoring of the NGOs' contribution to the drafting and adoption of the draft additional protocol to the African Charter on Human and Peoples' Rights relating to Women Rights, the regional workshop on training and lobbying referred to in our previous edition took place in Lome from 5 to 9 December 2000. The workshop brought together 22 participants from Burkina Faso, Côte d'Ivoire, Guinea, Mali, Senegal, Niger and Togo which included the representatives of national WILDAF networks.

Coordinated by the WILDAF sub-regional office for West Africa, the workshop made it possible for participants to familiarise themselves with advocacy and lobbying methods and to map out national plans of action with a view to ensuring the adoption, ratification and effective implementation of the protocol at the national and regional level.

The regional meeting which was expected to bring together representatives from the civil society of all the sub-regions of Africa as well as development partners is scheduled to take place in Bamako in February 2001.

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## ADOPTION IN LOME OF AN ACTION PLAN FOR WOMEN'S ACCESS TO LEGAL AND JUDICIAL SERVICES IN SUB SAHARAN AFRICA

From 27 to 30 November 2000, a workshop was held in Lome on the theme “*Women's Access to legal and judicial services in Sub – Saharan Africa*”. This meeting was organised by the Togolese Ministry of Social Affairs, Women Advancement and Protection of Children in collaboration with the Sub-regional Office of WILDAF for West Africa and with the technical support of the African Centre for Women at the United Nations Economic Commission for Africa (UN-ECA), the World Bank, UNIFEM, the Canadian Centre for International Study and Cooperation (CECI) and the Cultural and Technical Cooperation Agency (ACCT). The meeting brought together more than 90 participants from 16 Sub-Saharan French-speaking and English-

speaking countries namely, Benin, Burkina Faso, Burundi, Cameroon, Guinea Conakry, Mali, Niger, Rwanda, Senegal, Tchad, Togo with regard to the French-speaking countries and the Gambia, Ghana, Liberia, Nigeria, with regard to the English-speaking countries.

The delegation of each country was composed of one representative of the Ministry responsible for Women's Affairs, one representative of the Ministry of Justice and two representatives of the civil society including one person from a Women's Rights Promotion Association and another one from a federation of associations striving more generally for the promotion of women. Five parliamentarians from West African countries were also invited to this workshop. Falling within the frame-

work of a workshop previously organised in Cotonou in March 1998 on the theme “*What status for Women at the threshold of the 21<sup>st</sup> century?*” the objective of the Lome workshop was to encourage the discussion and the comparative analysis of the experience of the Sub-Saharan African countries in the field of women's access to legal and judicial services, with a view to strengthening the partnership between the government and civil society on the matter. The ultimate goal is to promote the full exercise of women's Rights.

The specific objectives were to evaluate the progress made in the implementation of policies and plans of action since Cotonou and foster the dialogue between the Government and civil society and between the French-speaking and the

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## ADOPTION IN LOME OF AN ACTION PLAN FOR WOMEN'S ACCESS TO LEGAL AND JUDICIAL SERVICES IN SUB SAHARAN AFRICA

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English-speaking countries on the key issues concerning the access of women to Legal and Judicial Services. Among the specific objectives, one notes again the concern to develop network opportunities for different governmental stakeholders and civil society and the identification of the legal information needs of parliamentarians with a view to strengthening their power of action for the promotion of the legal rights of women. Finally the discussions were to culminate into the adoption of a general platform identifying the strategies and actions to be put in place by the various stakeholders with a view to improving the women's access to Legal and Judicial Services.

Three main themes were discussed during the meeting: namely women's access to legal

services, women's access to judicial services and women rights within the family. The discussions consisted both in presentations in the plenary session followed by discussions and group work.

Several presentations were made on each of the three themes adopted.

Participants first of all examined the experiences in the field of legal education and legal aid in English-speaking Sub-Saharan Africa, French-speaking Sub-Saharan Africa, with for each zone, a comprehensive study and cases studies. Other presentations concerned partnership, particularly partnership between government and civil society in promoting women's access to legal services and legal information needs of parliamentarians for the promotion of women rights.

Within the framework of the access to judicial services, the existing mechanisms for conflicts resolution in Africa were then examined, be it the formal judicial system, traditional community and non community systems or alternative systems.

Participants also heard the report of two major regional studies conducted respectively by the UN-ECA on the legal and human rights of women within the family and the identification of the information necessary for the exercise of these rights and by the UNICEF on women rights and their impact on development in West and Central Africa.

The reflection on the themes tackled was deepened in the group

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**ADOPTION IN LOME OF AN ACTION PLAN FOR WOMEN' ACCESS TO  
LEGAL AND JUDICIAL SERVICES IN SUB  
SAHARAN AFRICA**

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discussions during which participants made recommendations in response to the various problems identified. The recommendations served as the basis for a multiple component plan of action for women's access to legal and judicial services in Sub-Saharan Africa as follows: partnership between government and civil society, partnership between civil society associations, identification of legal information needs of parliamentarians, access to traditional community and non community conflict resolution systems, access to alternative conflict resolution mechanisms and access to the formal judicial system.

An exhaustive content of the plan of action is available on the

WILDAF Internet sit, West Africa Sub-regional Office:

<http://www.multimania.com/cyberlys.wildaf>.

Participants decided to evaluate the plan of action in 5 years, on the occasion of the evaluation of Beijing + 10. Those who are concerned with striving to ensure women's access to legal and judicial services finally have at their disposal an efficient tool which can guide their actions.

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make people  
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