

WILDAF



Effective implementation of women's rights in West Africa



**WHAT RESPONSIBILITIES FOR JUDICIAL AND
EXTRA JUDICIAL STAKEHOLDERS?**

**Case study: Benin, Burkina Faso, Ghana, Mali,
Nigeria, Senegal and Togo**

A publication :



**WILDAF/FeDDAF
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www.wildaf-ao.org

WILDAF/FeDDAF West Africa
B.P. 7755
Lomé, Togo
Telephone: (228) 222 26 79
Fax: (228) 222 73 90
Email: info@wildaf-ao.org
Website: www.wildaf-ao.org

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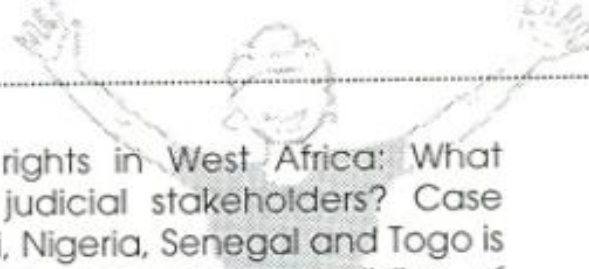
"Governments should:

...

i) Provide gender-sensitive human rights education and training to public officials, including, inter alia, police and military personnel, corrections officers, health and medical personnel, and social workers, including people who deal with migration and refugee issues, and teachers at all levels of the educational system, and make available such education and training also to the judiciary and members of parliament in order to enable them to better exercise their public responsibilities;

Beijing Platform for Action, 232 i)





Effective implementation of women's rights in West Africa: What responsibilities for judicial and extra judicial stakeholders? Case studies: Benin, Burkina Faso, Ghana, Mali, Nigeria, Senegal and Togo is prepared as part of the project "Sensitisation and capacity building of judicial and extra judicial stakeholders for sustainable implementation of women's rights in West Africa". The said project aims at sensitising and building the capacity of a critical mass of magistrates, lawyers, policemen, doctors, local authorities and religious leaders for a better appreciation of women's rights in Benin, Burkina Faso, Ghana, Mali, Nigeria, Senegal, and Togo, countries, which are all parties to the Convention on the Elimination of All forms of Discrimination against Women (CEDAW).

This document is a synthesis of national reports on the extent to which beneficiaries of the project have applied the knowledge and skills acquired during the training in their work. It demonstrates the possibility of stakeholders whose actions impact on the advancement women's rights to contribute positively to the effective implementation of commitments made by states under international and national women's rights documents once they receive information and training. It is therefore absolutely necessary that constraints faced by these stakeholders are removed to foster an optimal environment within which they can assist in the respect for and promotion of the rights of women.

This synthesis is therefore directed to:

- ◆ **Decision makers such as governments and legislators** who have to adopt appropriate legislative and other measures for a sustainable implementation of women's rights;
- ◆ **Judicial and extra judicial stakeholders** who can use examples of best practices shown by the survey and emulate their colleagues in order to push forward women's rights;
- ◆ **Civil society organisations** to continue their efforts to educate women; to enhance their own capacities and to continue to build the capacity of other stakeholders;
- ◆ **Public** who needs to refrain from putting social pressure on victims, but to better understand and help them in their attempt to seek justice and peace;
- ◆ **Development partners** to continue supporting civil society organisations and government in the implementation of programmes and policies designed for the advancement of women's rights.



We hope that this document will be a valuable working book and reference for all persons involved in the implementation of women's rights.

Kafui Adjamagbo-Johnson
WILDAF/FeDDAF's sub regional Coordinator for West Africa



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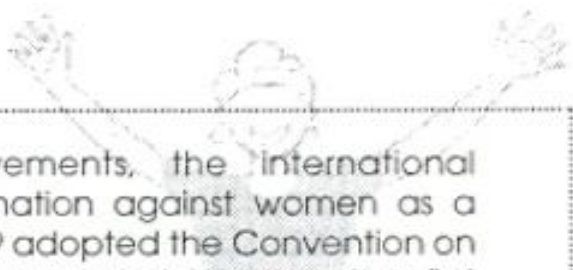
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Introduction



Under pressure from women's movements, the international community finally recognized discrimination against women as a violation of rights and in December 1979 adopted the Convention on the Elimination of All Forms of Discrimination against Women, the first reference instrument for women's rights worldwide. The World Conference on Human Rights held in Vienna in 1993 marked a more significant stage in the elaboration of a legal framework on the protection of women's rights by expressly affirming that women's rights form an integral part of human rights and should be given the same level of respect and protection as all human rights. This progress was consolidated by the Beijing Fourth World Women's Conference which, in 1995, demanded that countries take appropriate measures to ensure that women effectively enjoy their rights.

African countries were not left behind in this evolution in women's rights. In fact, most of them, especially in West Africa, are signatories and/or have ratified the instruments referred to as well as the Dakar Platform for Action which made women's rights one of its priorities for African women. Furthermore, African women worked assiduously for a regional instrument on the protection of their human rights. The process of drawing up a Protocol to the African Charter on Human and People's Rights on the Rights of Women, which began in 1995, led to the adoption of the said Protocol at the Summit of Heads of State and Governments of the African Union in July 2003.

In spite of the progress made in the definition of a legal framework for the protection of women's rights, much remains to be done for the effective enjoyment of these rights. Most African countries have not yet initiated the reforms that are necessary for the harmonization of their national legislation with regional and international instruments. In their daily lives, women continue to be victims of various forms of discriminations and are deprived of enjoying rights that are universally recognized.

The evaluation of past activities for the promotion of respect for women's rights revealed that the effective application of these rights do not depend solely on women.

This situation led WILDAF/FeDDAF to assign itself the mission to work towards the emergence of a culture where women's rights are exercised and respected. The network with numerous organizations has implemented actions that enable women to know their rights and to claim them. The evaluation of one of such projects revealed that the effective application and respect for women's rights do not depend solely on women themselves, nor do the actions by associations and non-governmental organizations, but also on other categories of actors who are aware of the problems that women face. These are:

- ◆ Judicial actors such as magistrates, lawyers and the officials of Criminal Investigations Department (CID) who intervene in solving conflicts involving women;



- ◆ Extra-judicial actors such as traditional and religious heads, who are key actors and form an integral part of the informal conflict resolution process; and doctors who have to treat female victims of violence and who sometimes play decisive roles in establishing the proof needed to protect the rights of these women.

The problem of inadequate protection and respect for women's rights led to the project "Sensitizing and strengthening of capacities of judicial and extra-judicial actors for the enforcement of women's rights in West Africa", executed by WILDAF/FeDDAF West Africa. The project aims at sensitizing and strengthening the capacity of a critical group of actors cited above to improve their contribution to the enforcement of women's rights. The project was implemented in seven (7) countries, namely: Benin, Burkina Faso, Ghana, Mali, Nigeria, Senegal and Togo.

The project which began in January 2002 sought to implement the following activities:

- ◆ A workshop on the appropriation of the project by the national networks of the seven countries;
- ◆ Production of training modules and sensitisation materials on women's rights;
- ◆ Organisation of 14 days of national information days for the sensitization of traditional and religious leaders; and medical doctors;
- ◆ In all, 21 national training workshops for magistrates, lawyers and staff of the CID, follow-up negotiations with the competent authorities for the integration of the modules in the curricula for the training of participants from October 2002 to June 2003;
- ◆ The integration of training modules in the curricula of the training structures for these participants is still being negotiated;
- ◆ The production and dissemination of newsletters of WILDAF/FeDDAF titled "West Africa Newsletter"; this newsletter will serve as a medium of exchange for targeted participants and other stakeholders of the project such as organizations that give legal assistance to women;
- ◆ Nine hundred and fifty-four (954) judicial and extra-judicial participants have been trained or sensitized in the seven (7) countries of the project. They have accepted to reach out to 10 of their counterparts each.



Three (3) main results were expected from the project:

- ◆ That a critical group of magistrates, lawyers, policemen, doctors, traditional and religious authorities trained will be sensitive to gender issues and difficulties that women face in enjoying their rights;
- ◆ That a majority of the magistrates, lawyers, policemen, doctors, and traditional leaders who have been sensitized or trained will apply the knowledge acquired in the exercise of their professions, particularly in conflict resolution;
- ◆ That the majority of women who suffer various forms of abuse; and violation of other rights will be better attended to and taken care of by the various stakeholders trained under the project.

Evaluation

Aside the above listed activities, an evaluation which consisted of a short study and data collection of cases from both judicial and extra-judicial actors in the application of the knowledge and skills acquired in their professions was carried out. It aimed amongst others to assess their sensitivity to gender issues particularly how these actors have applied international women's rights principles as enshrined in international and national documents in matters brought before them.

Methodology

The methodology used for the evaluation combined research into the archives of institutions in which the target groups operate, holding open discussions with them and using bibliographical data on the rights of women.

A sample was constituted in all countries from the list of participants drawn up following the sensitization and training workshops. For each country fifty (50) persons made up of ten (10) for each target group of magistrates, policemen, doctors, traditional and religious authorities were selected¹. Within each target group, seven (7) were chosen from persons trained and three (3) from persons reached by the latter.

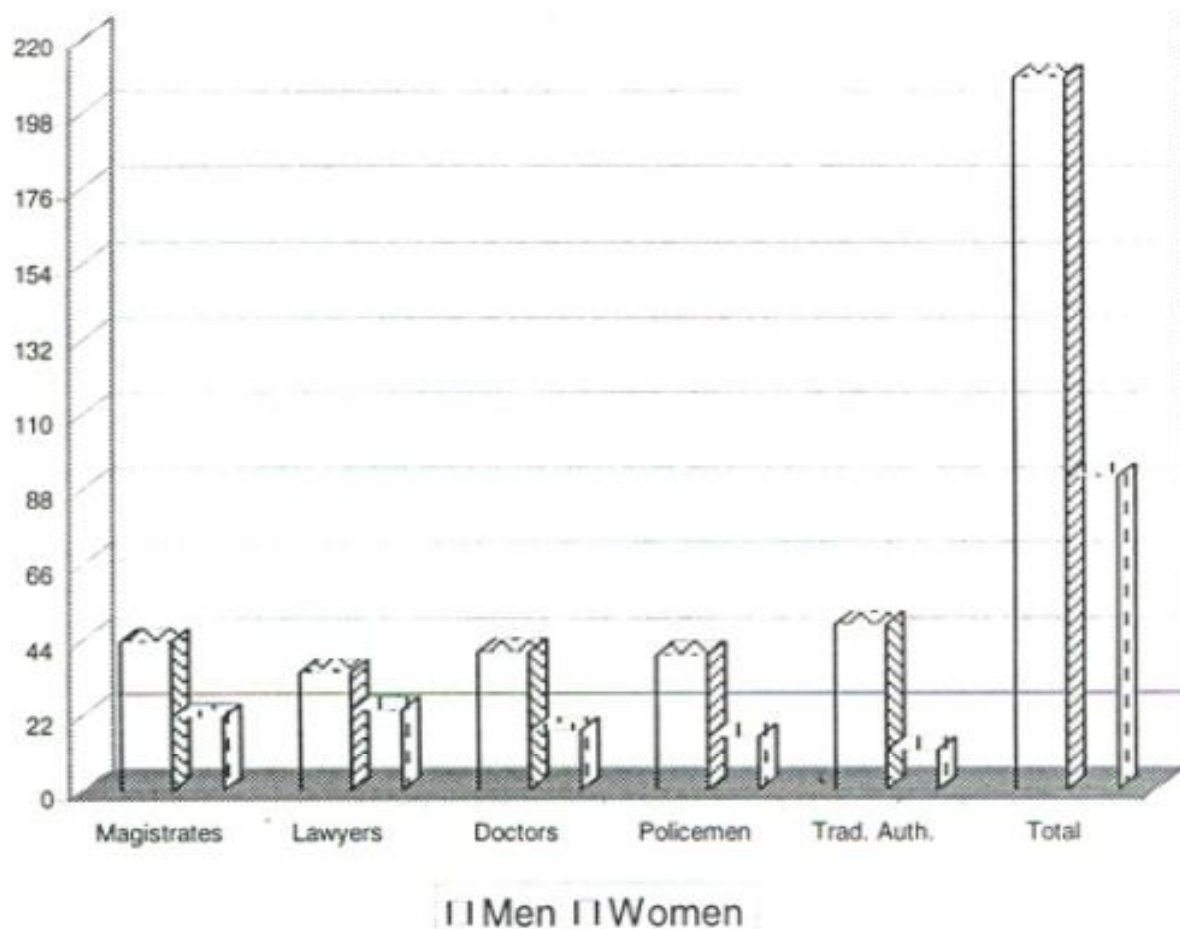
Two issues were considered during the constitution of the samples, just as was done during the recruitment for the training and sensitization activities: equal representation of women and men as much as possible, and coverage of all the regions from which the target groups that were trained or sensitized. However, during the analysis of the statistical data on the

¹ The actual number of persons interviewed by country varies between 31 and 50.



judicial and extra-judicial participants considered under the evaluation, it was established that the proportion of males was higher than females. A total of 92 women and 209 men were interviewed.

Graph 1: Distribution by sex of the number of persons interviewed



Generally the gap between the number of women and men has doubled, but the number depends on the category of participants considered. Thus, there are four times less the number of female traditional leaders than men trained and interviewed (12 against 49). Likewise, the women interviewed at the level of CID officers represent almost a third of the men. But in the group of lawyers, they represent a little more than half of the number of men (24 against 35).

The implementation of the rights of women are in the hands of men

This tendency indicates clearly that the effective implementation of women's rights remains in the hands of men. This shows that support given by men to efforts to ensure the protection of these rights is a sine qua non condition for the equality of men and women. These observations also show that it is pertinent to enhance the capacity of these men who play a key role in the effective implementation of the rights of women through information sharing and sensitization to gender issues.

Concerning the *methodology for data collection* on the implementation of women's rights, open discussions were held beforehand with target groups belonging to the sample group. This aimed at establishing first contact with the target group participating in the data collection, in order to have a general idea of the perception of the impact of the project on their daily work and for them to facilitate access to primary data.

This shows that support given by men to efforts to ensure the protection of these rights is a *sine qua non* condition for the equality of men and women.

Research was then carried out into the archives of the institutions where the target groups work in order to put together the materials to be analysed. This collection took place in the jurisdictions where the magistrates worked, in lawyer's chambers, police stations, doctors' offices, and with traditional and religious authorities. The basic documentation thus obtained and analysed was made up of diverse materials: court rulings, dossiers where lawyers had to defend female clients, cases brought before traditional and religious authorities involving women, cases of violence brought before doctors, cases brought to the police, and the manner in which they were handled. Six hundred and thirty nine (639) cases were thus analysed. They covered the seven countries of the project.

Table 1: Breakdown of number of cases treated by profession

	Benin	Burkina	Ghana	Mali	Nigeria	Senegal	Togo	Cumul
Magistrates	28	26	36	47	ND	11	17	165
Lawyers	10	15	7	40	ND	6	ND	78
Doctors	11	24	11	39	ND	9	24	118
Policemen	17	19	ND	20	ND	12	ND	68
Trad. Auth.	10	14	ND	39	ND	12	29	104
Total	76	98	100	185	33	50	97	639

Open and in-depth discussions were held with target groups after access to the archives and a preliminary analysis of the information obtained was done. Meetings were held with the target groups who produced the primary data, in order to better understand and refine the analysis. It was also aimed at receiving complimentary data on cases received as well as difficulties that actors encountered in their efforts to get women's rights respected through cases brought before them; and the solutions and strategies that they had proposed to deal with the cases. The analysis of data obtained was done in accordance with the table of utilisation conceived for each type of data obtained from the target groups, and by referring to available bibliography on women's rights at the national, regional and international levels.

"Effectiveness of women's rights in Africa: what are the responsibilities of judicial and extra-judicial actors?" is the synthesis of the reports produced



from research carried out in Benin, Burkina Faso, Ghana, Mali, Nigeria, Senegal and Togo from September 2003 to January 2004. It is established from these that women are victims of a variety of violations of rights for which they reported to judicial and extra-judicial actors (Chapter I). The analysis of action to fight these violations shows that it is possible to obtain the effective contribution of these stakeholders for the implementation of the rights of women (Chapter II). However, efforts must still be made to create optimum conditions that will enable them to carry out their mission of contributing to the respect of women's rights as part of human rights (Chapter III).



Women in Law and Development in Africa/Femmes, Droit et Développement en Afrique (WiLDAF/FeDDAF), West Africa sub-regional office, was founded in April 1997. There are 8 countries with functional networks: Benin, Burkina Faso, Ghana, Guinea, Mali, Nigeria, Senegal and Togo. WiLDAF/FeDDAF's mission is to promote women's rights in West Africa.

*Its motto, **To promote a culture for the exercise and respect for women's rights**, gives a good indication of the two sides of its mandate: work on a local basis in each country of the sub-region for the implementation of women's rights AND promote on every platform the advancement of women in all spheres of the society.*

WiLDAF/FeDDAF West Africa
B.P. 7755
Lomé, Togo
Phone: (228) 222 26 79
Fax: (228) 222 73 90
Email: info@wildaf-ao.org
Web: www.wildaf-ao.org

