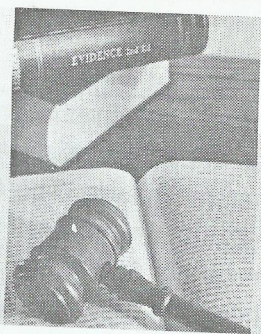


# RAPPORTEURS REPORT



## DAY 1

The Congress was declared open in a well impressive and attended opening Ceremony. Dignitaries present included the Assistant Inspector of the Nigeria Police Force, the Chief Judge of the Federal High Court, Abuja, Nigeria, Hon. Justices of the Supreme Court of Nigeria, Judge of the Court of Appeal, High Court Judges and Past Country Vice Presidents of FIDA Nigeria, representatives from Kenya, Cameroon, and Liberia.

The Regional Vice President Hon. Justice (Mrs) Elsie Thompson welcomed all participants to take advantage of the paper presentations and become well seised of the African Protocol On the Rights of Women (APW). She noted that same is very crucial to Africa more particularly in litigating and will be another giant stride towards articulating the way forward for women in Africa

Goodwill messages were received from the President of the ECOWAS Commission Dr Mohammed Ibn Chambas represented by Oby Onuoha, Center for Reproductive Rights New York represented by Ximena Andion Ibanez, Hon Justice (Mrs) Mary Odili (JCA), Hon Justice Gummi, CJ of the Federal High Court Abuja represented by Hon. Justice A. U. Inyang, the Inspector General of the Nigeria Police Force represented by the Assistant Inspector General of the Nigeria Police Force Mrs Ivy Okoronkwo, and Dr. Ejike Orji of IPAS, Nigeria.

The remark of Hon. Justice (Mrs) Mary Odili (JCA) was of particular

interest, she emphatically noted that her membership of FIDA built her capacity and contributed immensely to her success as a Governor's wife. The International Secretary of FIDA Mrs Stella Ugboma on behalf of the International President gave a goodwill message. She stated that if the 30% affirmative action must be attained, FIDA as a body must be vocal on issues pertaining to women and ensure that its position is communicated to the relevant authorities. She encouraged FIDA to remain proactive in its course.

## SESSION 2

### PRESENTATION OF THEME PAPER: The APW-Prospects and Challenges

#### CHAIR OF SESSION: HON. JUSTICE (MRS) MARY ODILI (JCA)

Presenter: **Prof. Mrs Ayo Atsenuwa**

The facilitator noted that the statistics on gender based violence is on the increase. The adoption of the Protocol to the African Charter on the Rights of the Woman in Africa was adopted by the Heads of States and Government of the African Union in July 2003, 15years after the African Charter on Human and Peoples Rights, (1981) came into force. The Protocol affirms the equal rights of Men and Women on the African continent.

The Protocol Bill though premised on legal liberalism standard lacked depth in clarifying the context of human rights when applied to the specific context of the African women's lives realities.

The African Protocol On Women (APW) is the first International Convention that addresses specifically the various contexts in which discrimination persists. The adoption represents a milestone in the struggle to ensure and strengthen the rights of women in

Africa. It explicitly articulates a woman's right to abortion when pregnancy endangers the life or health of a pregnant woman or when it results from sexual assault, rape or incest; prohibits female genital mutilation; specifies the minimum age of marriage at 18; the choice for monogamy as the preferred form of marriage and asserts a widow's right to child custody, inheritance and the right to re-marry a person of her choice.

The APW has experienced challenges, which have hindered the full implementation of the provisions of the protocol. The low level of governmental commitment evidenced by low level of ratification and implementation of the instrument at the state levels. 20 out of 53 African Union States have ratified same since after 4 years of its adoption. The limited level of the awareness of the APW and the widespread 'gender ignorance' within the legal field has made not much impact on the reality of the Protocol. FIDA standing on the threshold of opportunity must therefore take up leadership role in the struggle for the advancement of women's rights advancement. In conclusion, she stated that it is only a test of cases in court that can determine the extent we can implement the Protocol.

## SESSION 3 (PLENARY SESSION)

### CHAIR: MRS. HASHIYA BEN UMAR

#### PAPER 1: TRAFFICKING IN WOMEN: WHAT MANDATE FOR FIDA?

An expository presentation was made by ACP Emmanuel Ojukwu. He described the Legal framework on Trafficking, the Push and Pull factors that accentuate trafficking and identified the Recruitment and Exploitative Strategies adopted by the Traffickers.

He further pointed out three reasons why FIDA is to be involved in this clarion call to put an end to Women Trafficking. He advocated

for the domestication of the Protocol amongst others as FIDA mandate and concluded upon these words- "I sympathize with the woman who does not feel the pain when the whip is on another woman's waist"

**PAPER 2: REPRODUCTIVE HEALTH AND RIGHTS- Justice C.C Nweze (JCA)**

The erudite presentation acknowledged the need to adopt the harmonization process to litigation, ability to utilise arguments hinged on the provisions of the APW and comparative laws in handling cases. Participants were challenged to TAKE ACTION by acceding to having test cases before the African Commission and the ECOWAS Courts.

**DAY 3 - 26TH JUNE, 2008**

The congress commenced at precisely 9:55am with an opening prayer.

**SESSION 4: PLENARY SESSION**

**CHAIR OF THE SESSION: CHIEF MRS STELLA OMIYI**

**PAPER 3: INCREASING WOMEN PARTICIPATION IN POLITICS AND DECISION MAKING IN AFRICA - Wanirat Mustapha Aliyu**

The presenter highlighted the history of instruments on Women Right and the APW which addresses the shortcomings of International in relation to African Women.

She noted that women who make up more than 45% representation of the Nigerian population have often not being equally represented in the Political arena. The APW if domesticated will provide the legal tool for the enforcement of Women Right, She made a clarion call as a matter of urgency to FIDA to advocate for

Electoral Reforms, entrenchment of Affirmative Action, Inclusive Participation and Gender Neutrality of Women amongst others as the way forward to getting more women to participate in politics

**PAPER 4: LEGAL ADVOCACY STRATEGIES TO USE THE APW**

Ximena Andion Ibanez of the Center for Reproductive Rights (CRR) New York, approached her paper in three dimensions: Legal Advocacy Strategies, Case Studies and Relevancy to Africa and challenges offered by APW.

The objective of Legal Adovocacy is to have Government Accountable for Human Rights Violations, get tangible remedies and redress to victims. Case studies in respect of Sexual violence in schools, Access to abortion, Coercive sterilization of women and Maternal mortality were highlighted in the course of presentation. She advocated for the Ratification, domestication and Implementation of the Protocol, noting that same is the most comprehensive Human Rights instrument on Women. It includes cultural, political, economic, and socialrights. It covers issues of public and private Acts, Deals with peace and conflict situations; and issues of non discrimination and equality.

**SESSION 5**

**CHAIR OF THE SESSION: MRS. STELLA UGBOMA**

**PAPER: SPECIAL PROTECTION FOR ELDERLY WOMEN - Mrs. Seinye Lulu-Briggs**

The elderly are persons above 60 years of age. They were identified as subjects of discrimination, viewed as useless because they are mostly frail and suffer ill health. Key issues in terms of Protection,

Participation and Perception are fundamental in addressing the rights of the elderly as granted in Recommendations and Treaties between International bodies.

The presenter noted that the elderly amidst the legal are very much vulnerable as a demographic group with the elderly women at great risk of having their rights violated.

The elderly women represent 55% of the populace and 60% in the oldest category, thus special considerations must be given to them vis-a-vis the provisions of Article 22 of the APW.

The Presenter with passion shared her experience in the Care for Life Program, an initiative founded by her in 2001. She noted that the Program's primary goal is to identify and assist the elderly, infirm, provide accommodation for those without identifiable families, feed and clothe, provide monthly stipends, medical services and caregivers, build recreational centres for the use of the elderly. The paper also elucidated recommendations towards making radical awareness and interventions for the course of the elderly. Reiteration of the APW as a laudable instrument with its focus on the upliftment of women in all spheres was made.

The Presenter, concluded by requesting African States to take up rights based approach now. She reiterated that the elderly will always form part of our population and therefore their plight should not fall on deaf ears.

#### **PAPER 6: ECONOMIC EMPOWERMENT AND SUSTAINABLE DEVELOPMENT-Elizabeth Olofin**

The presenter identified that the Government of any nation state remains an important factor in creating enabling environment for sustainable development in terms of the democratization and non

democratization of the state, budgetary and expenditure policies, structure for Transparency and Accountability and Macro Economic Stability amongst others.

The African continent in the world market cannot be underplayed following its strategic position and therefore the need to address the issue of underdevelopment in terms of education, health issues, and research. Education is the only way out of poverty. The women must access entrepreneurship education and financial literacy.

Collaboration effected by identification of developmental partners such as telecommunication and technologies related that could create a catalytic effect should be accessed. This will enhance service delivery to the public.

#### **SESSION 6: COUNTRIES REPORT ON THE IMPLEMENTATION OF THE AFRICAN PROTOCOL ON WOMEN (APW)**

##### **CAMEROON**

The highlights of the report of Vera Nchotu Minang representing FIDA Cameroun are as follows:

- Protocol has been ratified
- The Government Penalizes trafficking in persons.
- The result of FIDA Cameroon's awareness program are:
- Free primary education
- Minimal cost for secondary education.
- Vocational centres for schools drop outs.

##### **HEALTH**

- No discrimination.
- Special attention on maternal and child health.
- Vaccinations of Pregnant women against tetanus.
- Special care for HIV Positive mothers.

- Trained Birth Attendants on the increase.

### INFRASTRUCTURE

- Concentration in urban areas. Rural woman still challenged.
- Increase in prevention of fight against AIDS. Rate of prevalence is 7% for women and 5% for men.
- High level of children infected with aids.
- Female condoms not yet pluralized and more expensive than male condom.
- Violence against women on the increase.
- Abortion is legal.
- Female Genital Mutilation (FGM) is still practiced and there is yet no law prohibiting same.

### POLITICS

Women are free to participate in politics. However, the true position is that no woman has been able to make it to the top. The FIDA Centre encourages women to vie for political offices. FIDA Centre did extra enlightenment campaigns to get women to participate. Finance however, has set limits. Out of the 46 candidates only 4 were women and none of them elected at the last elections in the country. The Political constraints are enormous.

### ECONOMIC

No discrimination against women. Because women are generally unemployed, they have no retirement benefits and therefore suffer at old age. Banks do not assist as women lack collateral with which to attract facilities.

### SOCIO-CULTURAL

No discrimination

### INHERITANCE

No uniform law. Different laws gave women the right to inheritance. The Supreme Court of Cameroon decided in a recent case that a woman can inherit.

### LIMITATIONS

S. 361 Penal Code

Burden of proof is higher for the woman than the man in the case of adultery. For a woman a single act is enough.

S.49 of Marriage Ordinance recognizes polygamy as a type of marriage.

Article 77 Civil Marriage Act requires women to observe 188 days for mourning.

### CALL TO ACTION

- Advocacy to the Government to expunge discriminatory provisions.
- Legislation against Violence before the parliament.
- FIDA Legal Clinic providing pro-bono legal representation - See People of Cameroun Vs Athaji Aboki.

### REPORT FROM KENYA

The Kenyan report was presented by Annie Wesley Swen. She reported Federation of women lawyers (REP) is an off shoot of International Federation of Women Lawyers.

The basis of the protocol is found in Article 66 of the African Charter on Human Rights (ACHR). The Charter promotes the customs and culture of the African people without looking at the discriminatory practices in the custom that affect women.

### THE STATUS OF KENYA.

Kenya is one of the 23 countries that have signed the protocol but

has not ratified. The Minister of Justice who is a FIDA member has played a part towards the implementation of the protocol. The Minister has been very supportive and has set up a committee to look into all the provisions of the protocol for its domestication.

Kenya has had one constitution, i.e. the independent constitution. The Constitution make up is a draw back in a way.

Article 14 of the Constitution on Reproductive Health Rights of Women is already in our constitution and has witnessed a lot of work in her terms of reduction of Maternal Mortality in women and malaria.

However, there are some draw backs, the debate on abortion comes to mind. In Kenya abortion is illegal apart from the special circumstances allowed by law. It is a controversial issue as the law still holds it to be illegal; Sexual Education is not talked about in schools in Kenya.

However, great strides have been made in some areas.

- Increased recognition of the Traditional Birth Attendants (TBA): Structures have been put in place to provide safe delivery. However, a lot of violation still occurs. She noted that the need to ratify the protocol stems from the fact that even the medical person who provide this services usually violate the rights of women.
- Article 6- Equality in Marriage is another stride made by government in Kenya. The government has drafted Bills on Gender and there is also the Marriage Bill. All marriages must be registered. On the other hand, in Kenya we have relied on the divorce cases. When a woman applies for

claim of property she must claim contribution with receipts to get a 50- 50 division in a divorce case. This is a draw back. The Gender bills have been brought to the parliament and it is hoped that it will be passed.

### STRATEGIES DEVELOPED TO ENSURE THE RATIFICATION OF THE PROTOCOL.

- Constant engagement with our legislature- FIDA constantly educates parliamentarians on gender bills. And they work very closely with the female parliamentarian and educate them on gender sensitive legislations.
- FIDA Award Taskforce did a lot towards the implementation of the protocol even though not ratified yet.
- The family division of the High Court has been set up by the government

### IPAS

IPAS Country Director, Nigeria, Dr. Ejike Orji reported that IPAS is an International N.G.O. based in 40 countries, and her focus is on Women's Health and Reproductive Rights and Choices.

### STRATEGIES:

- Use of Media to enlighten.
- Advocacy for necessity to budget for maternal health.
- 7 States providing free maternal health services.
- Partnerships with other NGOs like FIDA.
- Team approach.
  - Training
  - Empowering
  - Advocacy
  - Monitoring

- IPAS is presently working in 17 States in Nigeria and with seven women groups amongst which viz:
  - FIDA
  - Medical Women -National Council of Women Society (NCWS)
- Collaborations with professional organizations.
- Collaboration with the media for coverage on maternal health issues.
- Improvement on women's health as they await treatment.
- Trend analysis show clients saved from post abortion complications.
- Collaborating with schools of midwifery to improve training of midwives.

### MATERNAL MORTALITY

Giving women choice to information and option to her health is key.

#### Maternal death Causes:

- Haemorrhage
- Pre- Eclampsia
- MDG- maternal mortality to be reduced by 75% by 2020.
- Nigeria is still about the highest contribution to maternal mortality. A giant indeed.

Obstructed labour

Unsafe abortion 760, 000 Self induced abortion can lead to maternal death.

- Complications
  - Infertility
  - Infant mortality

### Tale of 3 countries

Religion/Morality/Culture should be separated for maternal health issues and definite steps should be taken to curb maternal death.

70% of Nigeria women live below poverty line.

Ten times riskier to have a baby in Nigeria than in Saudi Arabia.

Unsafe abortion is still as true as it was 38 years ago

Women are dying because security is yet to make a decision that the lives of women are worth saving. He advocated that FIDA be the voice of these helpless women.

DAY 4 27<sup>TH</sup> JUNE, 2008

### SESSION 7

#### Wrap Up

#### Communiqué

#### CHAIR OF SESSION: HON. JUSTICE (MRS) ELSIE THOMPSON-Region Vice President (RVP)

Participants reviewed the papers presented and there was further discussion as to the way forward.

The Rapporteurs presented the communiqué which was considered by the Participants. The communiqué duly endorsed by the participating Countries Representatives is as included in this report.

The delegates at the Congress then proceeded to the National Assembly to present the Communiqué and the African Protocol on Women for domestication. Hon. Justice (Mrs) Elsie Thompson leading the delegation was received by the Deputy Speaker of the Federal House of Representatives Rt. Hon Ahaji who represented the Speaker Rt. Hon. Oladimeji Bankole who was away on a National assignment. Present also were some members of the

National Assembly. In the course of the presentation of the Communiqué, the Deputy Speaker communicated the Assembly's Cooperation and collaboration in working towards the Domestication of the CEDAW and other requisite Conventions that will advance the course of women and Children.