



**THE OTHER
SIDE OF
A COIN -**

**A CASE STUDY
OF AJEGUNLE
COMMUNITY**

**A PUBLICATION OF
AJEGUNLE COMMUNITY PROJECT**

64A KIRIKIRI ROAD,

OLODI APAPA

LAGOS – NIGERIA

TEL: 234 – 803 330 7190

Email; ajegunlecommproject@yahoo.co.uk; rasiatdaniju@yahoo.com

(C) All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any mean, electronic, mechanical, photocopying, recopying, recording or otherwise, without proper acknowledgement or prior permission of Ajegunle Community Project.

Table of Content

Acknowledgement

Acronyms

Foreword

Introduction

Part One: The Concepts of Project

Part Two: Summary of the Workshop

Part Three: Papers Presented

Appendixes:

A The Universal Declaration of Human Rights

B African Charter on Human and People's Rights

C Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa.

Acknowledgement

Ajegunle Community Project (ACP), will like to appreciate and acknowledge the funding support from CORDAID Netherlands, in carrying out this project.

We also want to say a big thank you to all the participants at the workshop, without them we couldn't have had a successful deliberation and outcome. Our appreciation goes to Lagos State Ministry of Women Affairs and Poverty Alleviation, Lagos State Ministry of Health, Lagos State ministry of Youth, Sports, and Social Development, Lagos State Ministry of Justice and Office of the Public Defender (OPD), The Nigerian Police, Lagos State Police Command, Ajeromi Ifelodun and Apapa Local Government Welfare Departments, Ajeromi Ifelodun And Apapa General Hospitals, Private Hospitals in Ajegunle, Men and Women of the press and other participants from the community.

We also acknowledge the entire ACP staff for their commitment and dedication to work, finally our appreciation goes to our editor.

Acronyms

ACP	-	Ajgunle Community Project
GBV&D	-	Gender Based Violence and discrimination
NGOs	-	Non Governmental Organizations
CSOs	-	Community Based Organizations
YFC	-	Youth Friendly Center
ASP	-	Assistant Superintendent of Police
WAPA	-	Women Affairs and Poverty Alleviation
MDG	-	Millennium Development Goal
CEDAW	-	Convention on Elimination of Domestic Violence Against Women
UDHR	-	Universal Declaration of Human Rights
ICCPR	-	International Covenant On Civil And Political Rights
ACHPR	-	African Charter On Human and Peoples Rights
VVF	-	Vesico Vagina Fistula
RVF	-	Recto Vagina Fistula
VAW	-	Violence Against Women
FGM	-	Female Genital Mutilation
UN	-	United Nations

Foreword

“A small group of thoughtful
people can change the world.
Indeed it is the only thing
that ever has.”
Margaret Mead

The book titled **The Other Side of the Coin** is among many other attempts being made by Ajegunle Community Project towards the elimination of gender based violence within their community. The Coin here symbolically refers to life of the two sexes and gender - female and male and the corresponding perceived roles. On one side of the **Coin**, is the male who has been understood by many generations as a superior sex of power based on the existing patriarchal order of gender where the male dominates the female. This order suppresses women, restricts the full development of their potential, prevents them from exercising their rights, makes them live for others, forces them to exercise their reproductive functions, and usurps their right to self-determination. Yet the **Coin** is incomplete without the other side that makes procreation possible.

For many years, women's rights activists and feminist movements have been fighting on many fronts to deconstruct patriarchy and eliminate violence against women. This struggle has highlighted the need to develop long- and medium-term strategies to generate the cultural, economic, and social changes necessary to transform the gender configuration that sustains this type of violence.

Similarly, various actions have been implemented that aim at providing women with strategies and resources to deal with the violence they face on a daily basis. Thus, many practical solutions have been proposed to manage and prevent situations of violence.

Though the story may sound the same all over the world, but the gravity and intensity vary from country to country and community to community. In Nigeria in general and in Ajegunle community of Lagos in particular which is our scope for this book, it is sad to note that women are still regarded at the 'bottom of the ladder' considering the low level of understanding of gender issues by the men at the helm of affairs. Cultural and traditional practices which reinforce negative gender roles are best unfair to females. As such socio-economic roles; assets and production resources; human development and participation in decision making are largely men's prerogative.

On December 18, 1979 the United Nations adopted the Convention on the Elimination of All Forms of Discrimination Against Women, also known as "The Treaty for the Rights of Women" or "CEDAW." The call for a Women's Convention emerged from the First World Conference on Women in Mexico City in 1975. Until the General Assembly adopted the Convention in 1979, no international document comprehensively addressed women's rights within the political, cultural, economic, social, and family life. Often called an international "Bill of Rights" for women, CEDAW is the culmination of more than thirty years of work by the United Nations Commission on the Status of Women. The creation of this treaty was the first critical step in developing appropriate human rights language for women. (**Rights That Benefit the Entire Community** Compiled and Edited by Leila Rassekh Milani, Sarah C. Albert and Karina Purushotma)

In November 2005 the African Union's Solemn Declaration on Gender Equality in Africa came into force. Not only does the declaration support the spirit and the letter of the United Nation's Convention on the elimination of all forms of discrimination against women, it endorses the protocol to the African Charter on Human and People's Rights on the Rights of Women. The African Union (AU) has undertaken to work towards parity between men and women in socio-political and economic reality of each country.

In June of each year the heads of state of the AU member states are required to report on progress made in terms of the Solemn Declaration, the Convention on the Elimination of all forms of Discrimination against Women. Each year the AU commissioner for social affairs dutifully reports progress made and the collective efforts of the continent are noted with dignity and solemn respect. But underneath the protocols, conventions and resolutions the reality for women in many countries on our continent has not been great progress.

The 1999 constitution of Nigeria preaches non-discrimination between female and male, yet the wordings itself as contained in the constitution remain masculine. Again most policies are gender blind and we do know that the implication of this is that the peculiar needs of female and males are not taken care of in that situation. Gender blind refers to policies, strategies, programmes and interventions that do not take into account the different needs of women and men; also refers to interventions that do not use gender analysis to identify and recognise the socio-cultural contexts, economic and biological differences and related needs of women and men. (Rikke Ingrid Jensen et al). consequently, female needs are hardly genuinely considered in the male dominated patriarchal society.

Token attempts being made in Nigeria to promote gender equality include the creation of Ministry for Women Affairs. With the challenges faced by the ministry, stakeholders are beginning to wonder if it is a blessing at all to women.

Possible priority intervention would be genuine efforts at deconstructing patriarchal structures within different levels of the Nigerian society that inhibits

female's attainment of potentials. This will ensure that female have the same rights and opportunities as male, including the ability to participate in public life.

Also Gender mainstreaming as a strategy to ensure that female and male's concerns and experiences are integral to the design, implementation, monitoring and evaluation of all legislation, policies and programmes.

In conclusion, deliberate efforts must be made to enact laws and policies that would encourage the upliftment of women from their obscure position and most importantly, government agencies like the Police who are responsible for the protection of ALL Nigeria citizens must be alive to their duties and responsibilities without discriminating against women and girls. The outcome of this is a community free of targeted abuse or where a victim of such abuse can comfortably report the perpetrator to the police irrespective of who is involved. However, the victim who often a time is a woman or a young girl should at least expect to be treated fairly by the security agents or relevant authorities and her case attended to accordingly is not always that lucky. ACP efforts in the project that culminated in this book has successful collaborated the appropriate agencies as reflected in this book.

Bridget Osakwe Usifo

June 2009

Concept

In 2007, Ajegunle Community Project (ACP) received a project fund from CordAid of the Netherlands with the title **Documentation of Reported Gender Based Violence Cases in Nigeria and Establishment of Information Network with Abuse Help Agencies - A Case Study of Ajegunle Community.**

The project emanated as a follow up to focus group discussion carried out at ACP secretariat, where it was discovered that due to the peculiar nature of gender based violence in Ajegunle, most victims find it difficult to report the cases because the perpetrators are mostly relatives or acquaintance. The victims that summon up courage to report to the police are either asked to go home and settle it amicably or the cases neglected or abandoned without giving it any due attention. Again the issue of condemning attitude towards single parents has contributed to teenage pregnancies and abortion which is on the increase; in most case the victims are stigmatized. Hence there is need for ACP to collaborate with Help Agencies like the Nigeria Police, Hospitals, Customary Courts and Local Council offices to document and give proper attention to cases of Women Abuse in Ajegunle.

Also, a part of the project focuses on training workshop for Help Agencies on Gender based violence. The workshop dwelt on the causes and consequences of gender based violence, how to help women who disclose their experience of violence and on strategies to prevent gender – based violence in their communities.

The Police and Domestic Violence

Past experiences have shown that domestic violence is treated as a trivial issue by the Nigerian Police Force. This implies that a husband has the right to beat his wife for the purpose of trying to correct her according the custom and tradition'. The existence of flaws such as this, coupled with the socio-cultural belief that the family is a private entity and sacrosanct, calling for no outside interference, has contributed greatly to the lackadaisical attitude of law enforcement agent to cases of domestic violence, except in extreme situations of death or permanent disability or disfigurement.

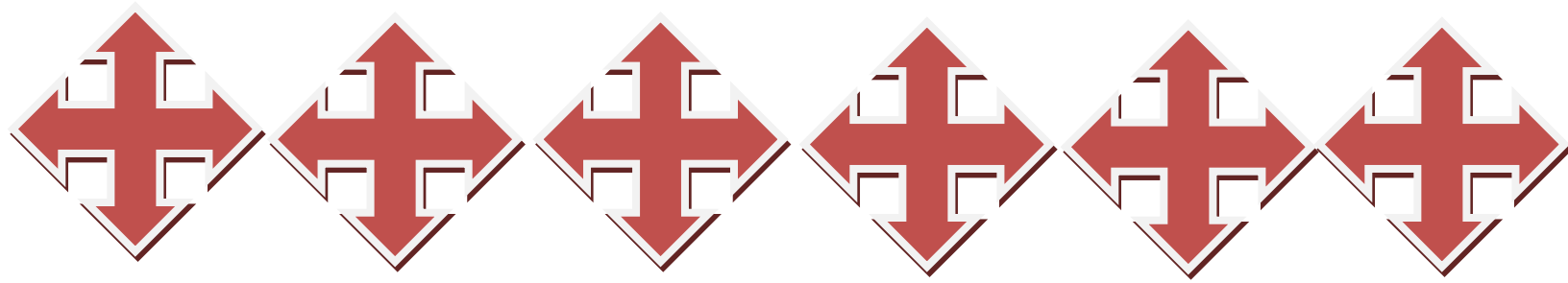
The police are only willing and ready to intervene in domestic violence when a life has already been lost, or the victim permanent disfigured, or treated as murder. Before then, wife battering is regarding as a family problem to be settled in the privacy of the home. In fact, very few women report incident of domestic violence to the police for fear of reprisals or ridicule. In doing so, they suffer further brutality at home in silence. The role of the police in mapping out strategies to combat the phenomenon of domestic violence is not only central to curbing the problem, but also very urgent. There is an urgent need to sensitize and educate officers and men of the police on the importance of treating the problem of domestic violence with every amount of seriousness. Violence against women in general and domestic violence in particular, should not be considered less serious than other crimes that come under felony.

ACP worked with the Police in Ajegunle Community to have **Women Desk** in Police Stations where cases of domestic violence that are brought to the police station recorded in a Logbook designed for Data gathering. In this book, which contains contain information like Name, Address (where possible), nature of violence / abuse against women, medical report form a doctor, evidence of torn or bloody clothing, police report with date and signature of a senior officer, name

and address of witness (if available), etc and other details of women complaints taken for appropriate response.

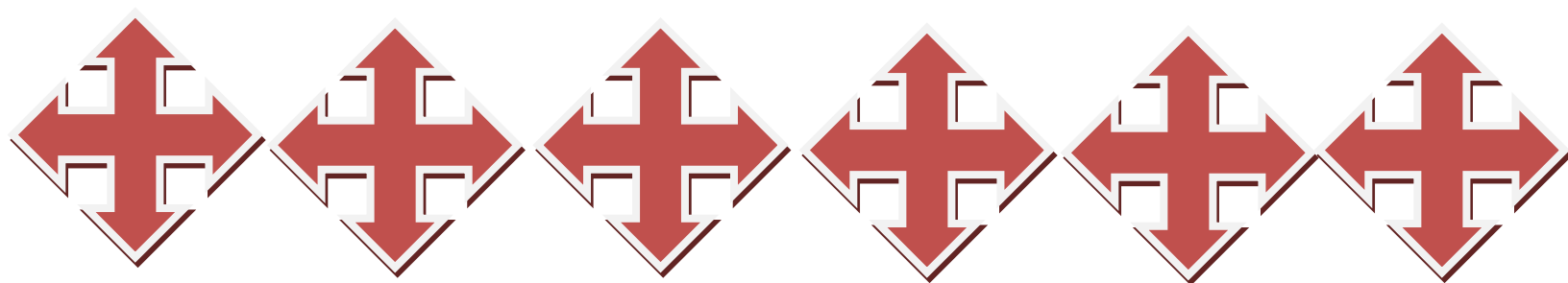
Outcome

- ❖ ACP having sufficient empirical data through the log book.
- ❖ Prevent to a larger extent the rise of Gender Based Violence especially wife battering, assault and rape that is rampant in Ajegunle.
- ❖ Ensuring that offenders(s) of Gender Based Violence are brought to book.
- ❖ The education of the grassroots women through Help Agencies on Gender Based Violence related issues. For example, the first 30 women, sparsely distributed, that would constitute the Help Agencies would certainly inform people around them of their new roles. Thus, they would have reached out to a minimum of 5 women in their respective areas. Therefore, a minimum of at least 150 i. e. 5×30 would have been educated on Gender Based Violence related issues.
- ❖ Because they are all women (Help Agencies Attendant), it would give abused women the confidence to express themselves whenever they are abused.
- ❖ All these would act as check on the perpetrators since it would now be generally known that violence against women in any form would no longer be tolerated, since the police would be actively involved.



PART ONE

Introduction



Welcome Address
By:
Alhaja Roli Raliat Daniju,
Executive Director, ACP

Good morning the distinguished Lagos State Honourable Commissioners for Women Affairs and Poverty Alleviation (WAPA), Youths, Sports and Social Welfare, Health, Justice, The Public Relations Officer of the Police, Medical Personnel, Lawyers from Customary and Magistrate Courts, Social Welfare departments of Ajeromi Ifelodun and Apapa Local Government Council, Men and Women of the Nigerian Police Force, Community Leaders, Parents and Gentlemen and Ladies of the press.

It is my pleasure to welcome you on behalf of the Ajegunle Community Project (ACP) to this event, despite your busy schedule at your respective jobs and businesses.

Let me seize this opportunity to briefly introduce our organization for the benefit of those who do not know us. ACP, as we are popularly called, is a not for profit making and non-governmental organization committed to reducing social inequalities among the Grassroots Women and the Girl-Child.

Though we have since our establishment engaged in series of activities in furtherance of our objectives, we have had a major focus on the issues of violence against women and sexual violence in our society.

The objectives of the programme is to establish an information link between ACP and the Help Agencies in Ajeromi-Ifelodun and Apapa, so as to help in giving due attention to reported Gender Based Violence and Discrimination cases. This will in-turn help to determine the prevalence and nature of such abuses. Also to increase the general understanding of Gender Based Violence and Discrimination, and to reduce the Help Agencies resistance to working with victims of such violence.

Gender Based Violence is a universal abuse of women's human rights. It is the violence directed against women, most of the time by their intimate partner or family member. It is any act that results in physical, sexual or psychological harm or suffering to women, including threats of such act, like coercion or arbitrary deprivation of liberty whether occurring in public or private life.

Until recently, our Government and policy makers viewed violence against women as a relatively minor social problem affecting a limited number of women.

It is a general view that cases of violence against women could be addressed by combined effort of International Organizations and committed Non-Governmental Organizations such as Ajegunle Community Project. These efforts have resulted in a profound transformation in public awareness regarding the issues of Gender Based Violence.

Gender Based Violence can be viewed in three different forms these are: Physical, Sexual and Psychological. The physical form can occur both in public and in the home. This form of Gender based violence includes acts such as slapping, kicking, pouring acid and any other corrosive substance. In this form, a woman or young girl could be assaulted by someone who is not related to her in anyway or by a family member.

The second form of Gender Based Violence is the sexual form. This includes rape, incest and sexual harassment.

The last but not the least is the psychological form. This form is not immediately obvious to the eyes. It includes threats to life, threats to physical abuse, verbal abuse resulting in deep rooted fear and trauma to the victim, neglect and abandonment, physically, sexually and financially.

In view of the national commitment to achieving the Millennium Development Goal (MDG) on equal participation in political participation by 2015 and the various commitments Nigeria have

made to Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the protocol to the African Charter on Human and People's Rights on the Rights of women in Africa, it is imperative that all these Gender-Based Violence and abuse be stopped forth-with.

Thank you for listening, I hope we all have a productive training and deliberation. Let us join hands together in giving due attention and assistance to victims of Gender Based Violence.

Thank you.

Key Note Address Delivered By:
The Honorable Commissioner For Health Lagos State

Protocol

I am highly honoured to be invited to this event. I want to seize the opportunity to commend the initiative and efforts of Ajegunle Community Project in getting together people to talk about gender violence and to want to do something about it.

Gender Based Violence is the universal abuse of human rights. It can be said to encompass all forms of physical, mental social, economic and political acts of violence directed against the target which may be male or female. Gender Based Violence focuses more on women because of their vulnerability; they are preponderantly and disproportionately the victims and survivors of it. It is therefore not surprising that the third millennium development goal is aimed at reducing gender inequality and empowering women.

Common violations of women's human rights are rape, domestic violence, genital cutting, sexual slavery, discrimination and trafficking, socio-political marginalization, inadequate access to health care and low economic status.

As a result, women suffer a variety of medical problems including a high risk of HIV/AIDS and other sexually transmitted infections,

unwanted pregnancy, reproductive dysfunction, scarring and serious gynecological problems, and trauma with symptoms of post traumatic stress disorder and depression.

Recent studies in sub - Saharan African provided evidence that a lack of food and other resources, lack of control over sexual relationships, inequitable access to testing and treatment and the persistence of HIV-related stigmatizing beliefs and gender discriminatory attitudes are all contributors to gender inequality in HIV/AIDS infections.

The Lagos State Ministry of Health is looking forward to benefiting from the outcome of the survey. It will add to body of knowledge (Which is presently very lean) on gender violence and discrimination. It is understood that most cases do not get reported due to more violent reprisal, and as the saying goes, if it is not documented it never happens. In pursuing this investigation therefore, it is suggested that reasons for abuse and the management be investigated in depth.

Government is calling on the private sector to partner with her with a view to synergies and obtain more mileage in sensitizing and sanitizing the society on Gender Based Violence.

Government on her part is providing gender friendly schooling environment, pro-people and pro-poor healthcare services, free legal support, more virile police force, ridding the streets of urchins and miscreants, women empowerment programmes and rehabilitations centers.

Thank you for your audience.

Dr. Jide Idris

Hon Commissioner For Health
Lagos State

LAGOS STATE COMMISSIONER'S OF JUSTICE'S KEYNOTE ADDRESS

Mr. Patrick Olowojaiye delivered a keynote address on behalf of Honorable Commissioner for Justice, Lagos State. He postulated that Lagos State is a Mega City with an ever-increasing population going up to seventy million (17Million) and majority of the population are in the lower cadre of the economy struggling to survive. This he averred has increased the level of social disorder in the state.

Furthermore, he said when one hear the word *Violence*, a lot of issues come to one's mind, which could be mental capacity of the person in question, frustration, or because the person is willing to infringe violent on another person. Mr. Olowojaiye went further to say that; it would take a holistic approach in tackling Gender Based Violence related problems.

Also, he said he was happy that there are various professionals from *Help Agencies* that deals on violent related cases from their day-to-day duty. He said there was a report in the *Daily Sun Newspapers* of a girl that was maltreated by her parents and his Ministry was there to intervene in the matter and appropriate action was taken. He said the ministry is not resting on its oars in monitoring social problems and ensuring that citizens get justice when they are maltreated.

Moreover, he said the ministry has established ***Office of the Public Defender*** to provide legal assistance to the poor so that they can have access to justice through its Legal aid, adding that the office would be extended to Ajeromi-Ifelodun and other areas to treat the problem of people's rights violation. He commended the Police for the professional display in doing their work, but he does not rule out the fact that there are bad eggs among them. He reiterated that the Lagos State Government is doing all it can so that citizens of Lagos get justice when they are unlawfully violated.

Note:

This keynote address was not presented in paper.

LAGOS STATE COMMISSIONER OF YOUTH, SPORTS AND SOCIAL DEVELOPMENT'S ADDRESS

Lagos State Commissioner of Youth, Sports and Social Development, Prince Adeniji Adele represented by Doctor Alejo, in his address submitted that "no doubt, cases of crimes are on the increase in Nigeria and indeed in Lagos State and by extension Ajegunle and Apapa areas, but most of these cases are not being recorded if at all reported."

According to him, it is heart warming to see an organization like ACP taking a bold step to create awareness in terms of management of information about gender based violence and discrimination in the community. This gesture he said is worthy of commendation.

Speaking further, the commissioner said that the Lagos State government is very much aware of some of the factors that lead the youth to committing crimes-chief of which he said is unemployment which government has decided to confront through its various agencies.

The commissioner of youth believed that government initiatives would go a long way in getting the youths actively engaged thereby reducing their disposition to violence and crimes.

He therefore made a passionate appeal to voluntary youth organizations/clubs to cooperate with government in tackling youth crimes in the state by jointly rising up against gang violence, illicit use of drugs and alcohol, rape, kidnappings, armed robbery, prostitution and all other forms of anti-social behaviours

Note:

This keynote address was not presented in paper

AREA "B" POLICE COMMAND REPRESENTATIVE'S SPEECH

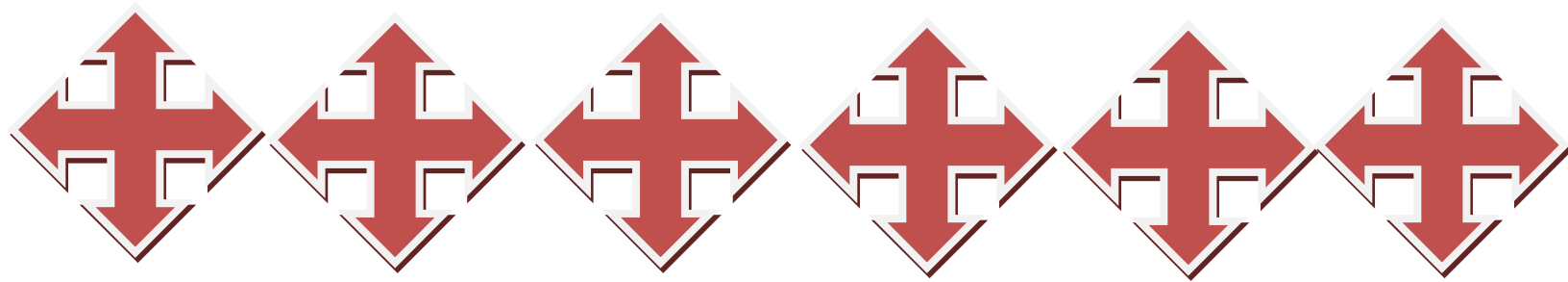
Area "B" Police Commander Apapa represented by (ASP) Camillus Udeh, who was ushered to the high table, addressed the participants. He said Gender Based Violence is an issue that is not strange to the Area "B" Police Command.

However, he commended the Ajegunle Community Project for its efforts in ensuring that the authority addresses crimes related to Gender Based Violence. He informed the participants that the Area B Police Command has a Human Rights office and well trained officers that can handle Gender Based Violence related issue. More importantly, he said women and young girls are more vulnerable. He charged participants not to hesitate in reporting Gender Based Violence cases to the Police Station; "they should not hide it or keep it to themselves because they are not doing the community any good if they do".

He admonished that parents should lay good example for their children and wards because they are the future hope of the society. Adult should ensure they correct young ones when he/she is doing something bad.

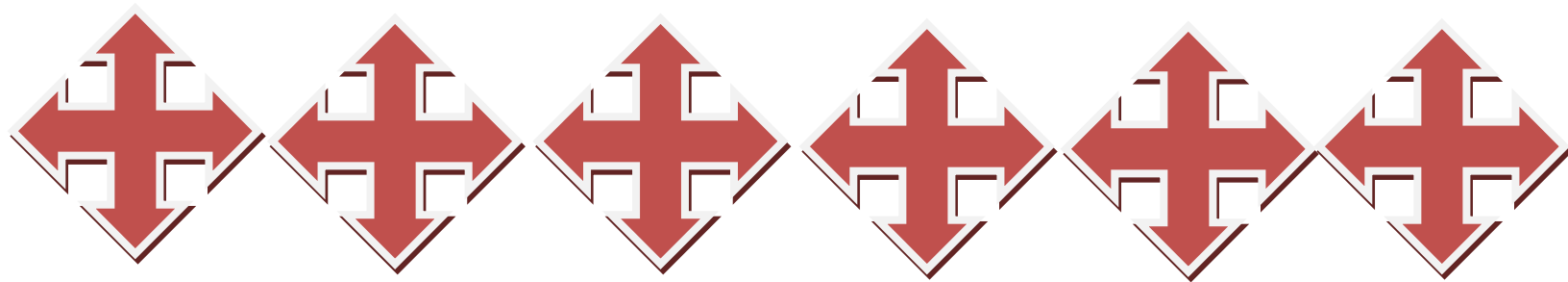
Note:

This address was not presented in paper



PART TWO

Papers Presented



UNDERSTANDING WOMEN'S RIGHTS
By
Naomi E.N. Akpan-Ita (Ms)
Executive Director,
Impact for Change and Development (IMPACT)

WOMEN'S RIGHTS..... I have often heard people ask "*Why Women's rights?*" "*Why not men's rights?*" "*Does this mean that men do not have rights?*" "*Why should women's rights be given special attention?*" "*Why special instruments for the protection of the rights of women?*" "*Do the general human rights instruments not protect women as human beings? So why special instruments for the protection of women?*". My aim is to make a presentation on the subject matter that would enable you as representatives of help agencies have answers to these questions.

To do justice to this paper, it may be needful to have a good understanding first of what Human rights are. This paper will thus begin by examining what human rights are, what women's rights are and why the need for women's rights. We would then look at women's rights instruments and forms of infringement and finally scratch the surface of strategies for the promotion and protection of women's human rights.

WHAT ARE HUMAN RIGHTS

These are rights naturally accruable to every person by virtue of his/her existence as a human being. Human rights are of two categories – the first consist of Civil and Political rights otherwise known as liberty oriented rights or first generation rights. The second category consists of the economic social and cultural rights. They are also known as security oriented or second-generation rights.

The Nigerian Constitution under Chapter IV enumerates the following as fundamental rights.

- * Right to life.
- * Right to dignity of human persons.
- * Right to personal liberty.
- * Right to fair hearing.
- * Right to compensation for property compulsorily acquired.
- * Right to private and family life.
- * Right to freedom of thought, conscience and religion.
- * Right to freedom of expression.
- * Right to peaceful assembly and association.
- * Right to freedom of movement.
- * Right to freedom from discrimination on the grounds of ethnic group, place of origin, circumstance of birth, sex, religion or political opinion.

The above rights are classified under Chapter IV of the Constitution as Fundamental Rights. However, there are other rights under the Fundamental Objectives and Directive Principles of State Policy provided under Chapter II of the Constitution. These include the right to:

- (i) Free and compulsory education.
- (ii) Adequate health care, gainful employment.
- (iii) Shelter, food etc.

The former are justiceable rights, i.e. citizens could go to court to enforce them if denied. The later rights are however non-justiceable, i.e. these set of rights are not enforceable in the court. They are aspirations attainable if and when the State has the resources.

SO WHY WOMENS RIGHTS?

Taking a trip down the annals of history most early peoples in the western world considered women to be inferior to, or less than, men. Through [laws](#) and [mythology](#) (stories describing beliefs), the view that women were weak was passed on from one generation to the next. This inferiority of women to men was even more pronounced in such cultures as existed in the African setting. However, some [ancient civilizations](#) knew powerful women. For example, [Queen Hatshepsut](#) ruled [Egypt](#) as a mighty pharaoh in the 15th century BC.

In Nigerian history, stories of Queen Amina of Northern Nigeria, Moremi of Western Nigeria and more recently, Margaret Ekpo of Eastern Nigeria depict women who were in leadership positions in society. For many women however, their lives and future tended to be tied (and for many women are today still tied) to the fortunes of their husbands or other male relatives.

During the late 1700s, in a time called the [Enlightenment](#), or the Age of Reason, some free-thinking women began planting the seeds of change. For example, in 1792 English author [Mary Wollstonecraft](#) wrote [A Vindication of the Rights of Woman](#). She boldly proposed that women receive the same opportunities as men in education, work, and politics. Before we begin to view the demand for equal rights and equal opportunities for women and men as haven been Western orchestrated, in Nigeria, some women such as Queen Bakwa Turunku (mother of Queen Amina) believed in the promotion of equal opportunity for men and women.

In the sixteenth century, Queen Bakwa Turunku was a notable leader in Hausa land who promoted the course of women and believed in equal opportunity irrespective of sex. Amina was 16 years old when her mother became queen and in recognition of her military skills and war-like nature, she was given the traditional title of *magajiya*. She honed her military skills and became famous for her bravery and military exploits, and was referred to as "Amina daughter of Nikatau, a woman as capable as a man."

Recognition of the rights of women as a special category of rights within the mainstream of human rights is traceable to the United Nations Charter formulated after World War II. Article 3 states that one of the purposes of the UN is the promotion and encouragement of respect for human rights and fundamental freedoms for all without distinction as to race, sex, language and religion.

Subsequent international instruments such as Universal Declaration of Human Rights –(UDHR) -paragraph 1 of Article 2, International Covenant on Civil and Political Rights (ICCPR), International Covenant on Social and Political rights (ICESCR), African Charter on Human and Peoples Rights – Article 2, Section 39 of the 1979 Republican Constitution of Nigeria, have all avowed similar objectives as the UN Charter.

This same ideal is also found in section 44 of the 1999 Constitution of Nigeria.

Global activities to realize the promises of these Human rights instruments for all persons soon brought to light the fact of exclusion from "Human" of some categories of persons (such as women) within society. In spite of all of these instruments, equality of the genders still remains a mirage due to administrative impediments and inhibitions erected and maintained against women.

In order to call special attention to the rights of women, the international community devoted time and resources to advocacy which resulted in the promulgation and promotion of a number of

women's rights instruments basically focused on the promotion of the rights of women.

WHAT ARE WOMENS RIGHTS

Millions of women throughout the world live in conditions of abject deprivation of, and attacks against, their fundamental human rights for no other reason than that they are women.

Women's rights, as a term, typically refers to the [freedoms](#) inherently possessed by women and girls of all ages, which may be institutionalized, ignored or illegitimately suppressed by law, custom, and behavior in a particular society.

These liberties are grouped together and differentiated from broader notions of [human rights](#) because they often differ from the freedoms inherently possessed by or recognized for men and boys, and because activism surrounding this issue claims an inherent historical and traditional bias against the exercise of rights by women.

Modern sociological theories maintain that the differences between men and women are, at least in part, socially constructed 'differences', (i.e. determined through history by specific human groups), rather than biologically determined, immutable conditions.

Issues commonly associated with notions of women's rights include, though are not limited to, the right to:

- Bodily integrity and autonomy (reproductive rights);
- Vote (universal suffrage);
- Hold public office;
- Work;
- Fair wages or equal pay;
- Own property;
- Education;
- Serve in the military;
- Enter into legal contracts; and
- Have marital, parental and religious rights.

Today, women in most western nations can vote, own property, work in many different professions, and hold public office. These are some of the rights of the modern woman. But women have not always been allowed to do these things, unlike the majority of men throughout history. Proponents of Women's rights have waged and in some places continue to wage long campaigns to win the same rights as modern men and be open to equal opportunity in society. Today women in some conservative [Arab countries](#) still do not have the right to vote and many women in Nigeria are yet to enjoy the rights of inheritance.

It has been opined by women's rights activists that women's cannot be attained until safety of the female half of every population is ensured. This safety can only be reflected by the complete

eradication of all forms of violence against women by the elimination of all forms of discrimination against women.

INTERNATIONAL AND LOCAL INSTRUMENTS FOR THE PROTECTION OF WOMEN'S RIGHTS

Women's rights instruments have been the bedrock for the advocacy and promotion of the rights of women world over. Such instruments target the various areas in society and family where the rights of women have not been accorded the same level of respect as that of men. These instruments seek to provide a platform for the protection and promotion of women's right by completely eradicating discrimination against women.

Examples of international, regional and national instrument for the promotion of the rights of women include the following:

- **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**, entered into force Sept. 3, 1981.
- **Convention on the Political Rights of Women**, entered into force July 7, 1954.
- **Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (ACHPR protocol)**, Adopted by the 2nd Ordinary Session of the Assembly of the Union, Maputo, entered into force Nov. 25, 2005.

- **Declaration on the Protection of Women and Children in Emergency and Armed Conflict,**
- **Beijing Declaration and Platform of Action**
- **Convention against Transnational Organized Crime,**
- **United Nations High Commissioner For Human Rights Principles and Guidelines on Human Rights and Trafficking**
- **International Conference on Population and Development (ICPD), 1994**
- **1999 constitution of the Federal Republic of Nigeria**
- **State legislations – Edo State Legislation against Female Circumcision, Enugu State legislation against obnoxious widowhood practices, etc.**

For emphasis we shall concentrate on CEDAW as the principal instruments for the protection and the promotion of women's right today.

The Convention on the Elimination of all Forms of Discrimination against Women (the CEDAW Convention) is a human rights treaty for women. The UN General Assembly adopted the CEDAW Convention on 19th December 1979. It came into force as a treaty on 3rd September 1981; thirty days after the twentieth member nation became a States party to it. CEDAW is one of the most highly ratified international human rights conventions, having the support of 185 States parties one of which is our own beloved fatherland, Nigeria.

This is one of the many benefits of the CEDAW Convention; it can stand as a treaty that has achieved a global consensus and thus reflects the normative standards applicable to women's human rights. However, as we speak, CEDAW is yet to be domesticated by many countries that signed and ratified the convention without reservations even after 26 years of its coming into force.

INFRINGEMENTS OF WOMENS HUMAN RIGHTS

There are a variety of violations of women's rights both at international and national level. For the purpose of situating this paper within our context we will be limiting our discuss to the Nigeria scenario as follows:

1. VIOLENCE AGAINST WOMEN (VAW):

Violence against women is a violation of article 1 of the CEDAW in so far as it constitutes a discrimination that comprises or nullifies the enjoyment of individual rights and freedoms. The protocol to the ACHPR on the rights of women also protects women against specific forms of violence through several articles such as right to dignity, to life, to integrity to security and calls for the elimination of practices injurious to women. Women world over; in many African countries, are subjected to various forms of (VAW).

Forms of violence against women largely experienced in Nigeria include: Physical violence such as battery; Sexual violence (such as

rape and incest), psychological violence, traditional practices that are harmful to health (e.g. female Genital Cutting, forced marriage, widowhood practices)

Attacks on physical violence alone represent about 34.43% of cases of violations of rights, sexual violence 24.5% and psychological violence 5.13%. 66% of reported cases of violence had women as their target.ⁱ

2. VIOLATION OF MARITAL RIGHTS

CEDAW obliges states to take all necessary measures to eliminate discrimination against women in all marriage-related issues in family relationships. In particular, they are requested to ensure on the basis of equality between men and women the same right to contract marriage, to freely choose a spouse, the same rights and responsibilities during marriage and upon its dissolution. The convention further mentions equal rights as parents on issues concerning children and acquisition and management of property. The protocol to the ACHPR on the rights of women clearly expresses the same request.

Forms of violations of Marital Rights include: non-contribution to marital responsibility (e.g. woman providing money to feed the entire family daily. Refusal to do so often leads to physical violence), denial of the right to have custody of the children, equal rights in separation or divorce

3. BREECHES OF INHERITANCE RIGHTS OF WOMEN AND GIRLS

Principles of equality of men and women as stated by CEDAW means equality in rights of inheritance. CEDAW stipulates and emphasizes the need to ensure the same right for each wife in acquisition, management and enjoyment of property freely and the same rights and responsibilities in matters of guardianship. Violations of Inheritance rights account for a considerable percentage of infringements against women's rights in Nigeria, particularly in the Eastern parts of the country. It is very ironical that the proponents of ideals such as education for the girl child and exposure of women to equal opportunity in the public realm would openly deny women of inheritance within the family circles in the name of 'culture and tradition' as has been witnessed with many very well read men(including professors and university dons).

OTHER DIFFERENT BUT NOT LESS IMPORTANT BREECHES

These include breeches of the

- Right to Employment(women are excluded from certain categories of employment)
- Right to women's Real Property (ownership of landed property)

STRATEGIES FOR PROMOTION AND PROTECTION OF WOMEN'S RIGHTS

Everybody has a stake in ensuring the wellbeing of half of the country's population! Government – Executive, Legislative and Judiciary arms, the private sector, Public sector, nongovernmental organizations /civil society organizations, the family and individuals all have roles to play to ensure the realization of the human rights of women.

One of the greatest challenges to the promotions of women's rights is the fact that women are ignorant of their rights, also that those who have the responsibility and duty to protect and promote such rights based on women's rights instruments are either very ignorant of their responsibilities or are shirking such responsibility with impunity.

Fiscal allocations to relevant sector of society toward ensure the promotion of the rights of women; passage of laws that would domesticate relevant international treaties and conventions, a proactive judiciary, programmes by CSOs for the enlightenment and promotion/promotion of the rights of women, large scale public awareness programmes to debunk myths and misconstrued facts, support of CSO and government efforts by the private sector, gender sensitive policies and societal attitudinal change towards women are some of the strategies proffered for the realization of the rights of women in Nigeria

Although we cannot deny the efforts that CSOs have made in this regard, there is need to synergize our approach in order to eliminate all forms o violence against women which we see as the bedrock of violation of the rights of women. So, joint and well organised effort

must be geared towards eliminating violence against women and girls by investing in prevention, protection and advocacy strategies.

CONCLUSION

Our collective duty, irrespective what sector of society we find ourselves – government, private sector, civil society or family - is to expose and denounce as human rights violations those practices and policies that silence and subordinate women. We must reject specific legal, cultural, or religious practices by which women are systematically discriminated against, excluded from political participation and public life, segregated in their daily lives, raped in armed conflict, beaten in their homes, denied equal divorce or inheritance rights, killed for having sex or refusal to do so, forced to marry, assaulted for not conforming to gender norms, and sold into forced labor. Arguments that sustain and excuse these human rights abuses - those of cultural norms, "appropriate" rights for women, or western imperialism - barely disguise their true meaning: that women's lives matter less than men's. Cultural relativism, which argues that there are no universal human rights and that rights are culture-specific and culturally determined, is still a formidable and corrosive challenge to women's rights to equality and dignity in all facets of their lives.

We must establish synergy for a fight against the dehumanization and marginalization of women. We must promote women's equal

rights and human dignity. The realization of women's rights is a global struggle based on universal human rights and the rule of law. It requires all of us to unite in solidarity to end traditions, practices, and laws that harm women. It is a fight for freedom to be fully and completely human and equal without apology or permission. Ultimately, the struggle for women's human rights must be about making women's lives matter everywhere all the time. In practice, this means taking action to stop discrimination and violence against women.

We all have an opportunity to get involved; Nigeria is yet to pass the bill for the domestication of CEDAW, what can you do as an individual, a group, policy maker, legislator to promote the passage of this bill into law?

This is a window of opportunity, what will you do with it?

THANK YOU FOR YOUR ATTENTION.

REFERENCES

Human Rights Watch -Women's Human Rights (Discrimination - Domestic Violence - Trafficking - Education - Family).

Women's rights - Wikipedia, the free encyclopedia.htm

<http://www.nigeriarights.gov.ng/about.html>

**A GENERAL OVERVIEW
OF
GENDER BASED VIOLENCE
BY: MRS. OLUSHOLA AKAI
PROGRAMME MANAGER,
AJEGUNLE COMMUNITY PROJECT (ACP).**

INTRODUCTION

Violence against women is not an affliction of the African society but a universal phenomenon the only difference seems to be that while the western world is making steady progress in terms of women emancipation and empowerment, the fortunes of the African woman continuously nose-dive. Gender Based Violence is common to literate and non literate women in Africa especially in Nigeria, our men hide under the cloak of religion and Cultural to unleash violence on the opposite sex. Whether the Bible or Quoran, religious texts are often misquoted and misinterpreted to justify some barbaric acts while the women's cry for help from society appears to be in vain. Women continue to be at the background not because they are biologically inferior but because of socio-cultural prejudice handed down from generation to generation in a male dominated world.

Violence against women defined by the UN General Assembly, as “ Any act of gender –based violence that result in, or is likely to result in, physical, sexual or Psychological harm or suffering to women , including threats such as acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

Violence Against Women, which manifest in various forms, is recorded at all levels of society. Wife/date beating, early /childhood marriage (often attended with the consequences of Vesico Vagina Fistula (VVF) and Recto Vagina Fistula (RVF) , due to early pregnancy from such marriage, sexual abuse including rape, defilement and sexual harassment, in human widowhood rite (Maltreatment of widows), denial of reproductive rights, economic social and political subjugation of women (women in some communities do not have land tenure rights), lack of access to credit facilities, health, education and others, lack of inheritance rights, Female Genital Mutilation (FGM) (Including female circumcision and infibulations), marrying of women without their consent, denial of child custody and denial of freedom of religion.

SOME TYPES OF VIOLENCE

- **Domestic violence:** This is violence within the home. It is carried out mostly by close members of the family i.e. the spouse or relatives, against women and children. These acts include

marital rape (forced sex); beating, verbal abuse; incest; Female Genital Mutilation forced marriage and child marriage; femicide; not being allowed your rights (e.g. to choose a husband, or to choose the number of children you wish to have): denial of good food even during pregnancy as culture might forbid it, denial of time for relaxation; and denial of right to accumulate wealth even when women actually do most of the work(e.g. in Gembu, Mambilla Plateau and Taraba States). It also includes refusal to permit women to work, to control their own income, to go to school.

- **Emotional and Psychological Abuse:** These are acts of violence that is not necessarily physical. They are acts that cannot normally be seen. These include all forms of cruelty, e.g. by relegating a woman by treating her as if she was a child, by ignoring her, by refusing her any affection or sexual satisfaction. It includes forcing a woman (married or not) to have sex when she doesn't feel like it. Also, it includes lack of moral support and the effects of sharing a husband. It also includes attempting to control a woman's relationship with the wider community, friends, colleagues or relatives. In addition, it includes telling someone they are incompetent, or worthless, or inferior.
- **Sexual Harassment:** This act of violence is usually in the workplace. It may also be in a public or private place- the streets, in parties, in schools, as well as of domestic workers or office

workers etc. Sexual Harassment may include refusal to employ; threat of sack /lack of job security; slow promotion because you are born a woman or you refuse sexual advances. It can also be - seen as jeering: talking about sex in front of women, treating women as sex objects in any way (including making sexist jokes), whistling; or touching the buttocks or breasts.

- **Rape:** It is defined as any form of sexual intercourse without free mutual consent between those involved. Sexual intercourse that involves force, threat, blackmail, deceit or coercion is rape even when there is no penetration. Sexual intercourse with a child is also rape, as children cannot consent freely in full knowledge of what they are doing. A woman is raped if sexual intercourse takes place without her consent. Rape can happen any where, in the home, in the workplace, on the street or on the farm, in schools and universities, at social occasions.
- **Trafficking:** This involves the procuring and transfer of women and girls with or without their consent for commercial sex work, forced domestic labour or other type of slavery like practices both within and outside the country. For example girls are taken from their communities to cities and the male (husband and sons) members of the household rape them.
- **Forced Prostitution:** this is when women (including wives, daughters, female wards and house girls) are forced into

prostitution. Women are forced to use their bodies to get gain for their male relatives or for their bosses in many ways e.g. giving sex in order to get jobs for their husbands, or to secure contracts for their employers.

- **Some widowhood rites:** These are the acts against women that have just lost their husbands, which make widows suffer even more. In some culture a widow is forced to drink the water that is used to wash the husband's corpse. She is not allowed to keep any of the husband's property. Too often widows are not even allowed to keep their property or joint property they have contributed to acquiring. A widow is often accused of being the cause of her husband's death. Some cultures treat widows as an inheritable part of the husband's. In some places there is also physical assault by shaving her hair and forcing the woman to look as unattractive as possible. In some places widows may also be forced to marry some relative of her deceased husband.

WHERE DOES VIOLENCE OCCUR?

Violence against women cuts across all culture and tradition, across class, ethnic and religious barriers. In fact one thing that is universal is acts of violence against women. Muslim, Christian and Animist men have been known to abuse their wives and daughters or sons.

Violence against women often take place privately, within the household, as well as publicly. Violence against women is usually worse in situations where women have little or no power against the

abuser. E.g. where women are dependent on their father or husband and have little or no power against the abuser.

HOW DO YOU RECOGNIZE VIOLENCE?

- Perpetrators of violence are often very difficult to identify because they seem like normal people to us. Most violence men are not violent anywhere else but in the home.
- Thus it is very difficult to recognize when violence has occurred unless the victim can admit it has happened. Unfortunately, often, a woman will deny, even when asked, that she have been beaten. That she has had violence committed against her may be denied or internalized. This explains the cases of an apparently happy woman later going mad, due to the stress and injury of being battered and abused.
- Signs of violence can present themselves in various ways. These include being too quiet, ulcer, hypertension, emotional disturbance, black eyes, stiff walk, limping and other forms of illness, a tendency to have too many “accidents”, as well as the obvious bruises, and swelling and broken limbs, tendency to commit suicide.
- The behavior of members of the household towards a violent father/husband may show extreme defense (i.e. fear). For instance, the house becomes unnaturally quiet upon his appearance, no joyous screams of “Baba Oyoyo!”

-
- It may increase the mother's violence against her own children i.e. a battered woman may also batter her children.(Ripple effect on the children).
 - Children that are sexually abused often withdraw and become quiet. Frequently they have learning and behavioural disorders (e.g. wetting the bed, refusal to leave the mother). They may also develop a fear of strangers or dislike of a previously liked person (like an uncle or family friend).
 - Violence reduces efficiency in the workplace, which results in lack of promotion or loss of job or frequent queries.

WHY DO WOMEN NOT SEEK HELP FASTER?

- Instead of recognizing that no one deserves violence, women often blame themselves for acts committed against them.
- This may be because of the social belief that is culturally permissible for a husband to beat up his wife or a father to beat his children. In this view women ought not to complain.
- Similarly, too often society (including relatives and friends who should know better) assume that a woman who has been violently abused has done something to deserve it- despite the fact that the huge majority of violent acts are triggered by very trivial things. And that violence should never be justified!
- After a long time of being abused, women may become accustomed to it and fearful and therefore unable to take steps to leave the situation of abuse.

-
- Sometimes there is cycle of beatings, followed by remorse and promises never to do it again, followed by yet more beatings. Continual abusers often say they are sorry, they didn't mean it, and it will never happen again until the next time.
 - Women may also fear being stigmatized; or divorced; or in future, inability to find a husband.
 - Most women do not know there is sometimes a possibility of getting justice from the police or the courts.
 - There is a (justifiable) fear that the police or other authorities will not take a woman seriously when she complains about being abused, whether physically or emotionally.
 - Women are usually branded as troublesome and blamed for having invited the violence.
 - Religious texts are misquoted and taken out of context to justify violence.
 - Also a woman may fear that if she complains, the person abusing her may abuse her or some one she cares about, even more than before, for having dared to complain.
 - Women may fear that they will lose their children if they complain.
 - Women may fear that they will be destitute as a result of complaining.

WHAT YOU CAN DO TO STOP VIOLENCE AGAINST YOU, AND WHERE TO GO TO GET HELP.

THERE ARE SOME POSSIBLE ACTIONS YOU CAN TAKE. WHAT YOU CHOOSE TO DO DEPENDS ON YOUR OWN SITUATION.

- Hospital and clinics are the first place to go if there is injury or illness from violence.
- Find a sympathetic ear, e.g. relatives (like your mother, sister, aunt, grandmother, brother) or friends, or even colleagues etc. to talk with. You may wish to ask them to intervene and raise the issue with your abuser.
- Where available, go to counseling centers run by the Social Welfare Department of Government, or in your school or university or work place.
- Go to NGOs (Non-Governmental Organizations), CBOs (Community Based Organizations) that have been set up for that purpose or are sympathetic.
- Tell your abuser that you have told people about him, or that you have reported him, or that you may charge him to court. This is sometimes sufficient to stop him.
- Report to the Traditional Council, Family or the Police.
- Leave and take the children. You do not have to stay and suffer abuse. And you will most likely be protecting the children by removing them. And, especially if you have, got a divorce on the ground of abuse, then you will also have a good chance at keeping custody of the children. The courts are supposed to consider the welfare of the children above anything else.
- Seek redress in court.

Despite the enormity of these crimes against women, Law enforcement agents continue in their lackadaisical attitude to the problem considering it interference into domestic issues and an invasion of privacy. Domestic violence is no less a crime than any other crime and that the United Nations declaration on violence against women states that violence against women is a crime and must be treated as such including when it occurs in the family.

THE ROLE OF LAW IN DEALING WITH DOMESTIC VIOLENCE:

Women folk should not always look up to Nigerian laws to liberate them. The Law had fail women because of the product of patriarchal society. Police look at the case of domestic violence against women as provocative. Torture is regarded as a violation of fundamental human right, domestic torture is not regarded. When a man is kicked and thoroughly beaten by the military or other security agents or individual, it is regarded as violence and the case should be reported and treated accordingly.

It is also taken serious by human rights organization, but when a man kicks and butts his wife around, the society do not see it as violence because it is done against a woman and in the home or intimate relationship. Gender bias mostly comes under the guise of privacy because the abuse is systematic and the law intentionally ignores it. Cases of violation are often excused, for instance, when a girl reports a case of rape, the Police starts by questioning her about her outfit as

at the time of the incident etc. Thus instead of tackling the crime committed and going in search of the offender the victim becomes the villain. When a case of wife battery is reported, they started by asking the woman, what did she do to offend her husband, what did she say, why did she insult her husband and so on, instead of tackling the issue of battery.

It is time to work collectively to eradicate violence against women as it is harmful not only to the woman but to the entire nation.

Thank you for your attention, God Bless.

STRATEGIES TO PREVENT GENDER-BASED VIOLENCE IN NIGERIA

By:

**Bridget Usifo Osakwe
Program Manager,
Women In Peace building Network (WIPNET)
WANEP Nigeria**

I would like to start this presentation by thanking the Executive Director of Ajegunle Community Project, Alhaja Roli Raliat Daniju for her commitment to this community. I am happy to share my thought and experiences on this topic. Therefore I have decided to make it a discussion paper by speaking to the pertinent issues of gender-based violence.

GENDER-BASED VIOLENCE DEFINED

The term gender-based violence started attracting attention during the United Nations Decade for women between 1975 – 1985 and culminated when it appeared very conspicuously in the United Nations definition of violence against women in 1993. The UN Declaration on the Elimination of Violence against Women defines violence against women as: “...any act of **gender-based violence** that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.

This statement defines violence against women as acts that cause, or have the potential to cause harm, and by introducing the term “gender based” emphasizes that it is rooted in inequality between women and men. Gender based violence means any acts or threats of acts intended to hurt or make women or girls suffer physically, sexually or psychologically, and which affect them simply because they are women. The term gender based violence is often used interchangeably with violence against women. These definitions point at violence against women as a result of gender inequality.

What then is gender inequality? It can be described as discrimination in opportunities and responsibilities and in access to and control of resources that is rooted in the socio-culturally ascribed notion of masculinity as superior to femininity. A typical example here is where male children are encouraged to go further in their education while their female are forced to get married.

And during Project Alert’s national research on violence against women in Nigeria, some ‘homemade’ definitions of violence against women in Nigeria were sort as contained in “Beyond Boundaries: Violence Against Women in Nigeria” (2001). Mrs Ainoje, a market woman in Edo State defines it as **“those bad bad things that men do to we women because we be women”**; while Hajiya Habiba, in Adamawa State considered it as **“the bad ways women are treated in the family and in the society”** and Peace Epelle in Rivers State

says it is the “**maltreatment of women physically and emotionally**”. The above definitions come from the 3 major ethnic divide in Nigeria, thus it shows that the setting may change but violence against women share a common theme of “**acts that are socially tolerated in parts because the victims are female**”

Some issues of Gender-based/Violence Against Women in Nigeria

Domestic Violence

- 1) Women battering
- 2) Acid bathe
- 3) Murder
- 4) Incest
- 5) Economic disempowerment
- 6) Psychological violence

Sexual violence

- 1) Rape/child sexual abuse
- 2) Sexual Harassment
Educational institutions
Workplaces
- 3) Forced sex in marriage – marital rape

Harmful Traditional Practices

- 1) Female Genital Mutilation
- 2) Child marriage

-
- 3) Forced marriage
 - 4) Widowhood Rites
 - 5) Widow disinheritance
 - 6) Female disinheritance
 - 7) Male-child preference
 - 8) Girl-child neglect

Trafficking in Women/girls

- 1) Forced prostitution
- 2) Debt bondage
- 3) Deceit
- 4) Exploitation
- 5) Forced labour

State Violence

- 1) Extra-judicial killings
- 2) Discrimination in policies and practice e.g. bail
- 3) Sexual violence
- 4) Lack of protection

STRATEGIES FOR PREVENTING GENDER-BASED VIOLENCE

To address the issue of gender inequalities with its attendant result of gender-based violence, several approaches have been adopted at various times and situations. However, gender mainstreaming has been identified as a strategic tool towards achieving greater equality between men and women as endorsed in the Beijing Platform for

Action from the United Nations (UN) 4th World Conference on women in 1995.

The strategy of mainstreaming is defined as “...the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.” (Gender Mainstreaming, an Overview (United Nations))

There is no set formula or blueprint that can be applied in every context, mainstreaming as a strategy should be adapted to the particular situation or subject under consideration. What is important is that analytic approach and questions asked must be appropriate to the specific concern. According to the UN, what is common in mainstreaming in all sectors or development issues is that a concern for gender equality is brought into ‘mainstream’ of activities rather than dealt with as an ‘add-on’. Gender mainstreaming is therefore a radical process which addresses issues from the root i.e. the root causes of gender imbalances in the society.

The UN in its pursuance of the promotion of gender equality recommends that the first steps in the mainstreaming strategy are the assessment of how and why gender differences and inequalities are relevant to the organization under discussion. Also, there is the need to identify where there are opportunities; and narrow these inequalities. And finally, deciding on the approach to be taken.

We may wish say that the above is policy issue in planning at international level. However ithe strategy could be used by any person or group who is interested in making an effort in preventing gender-based violence. Moreso, we all have a role to play in preventing gender-based violence as the pendulum could swing either way any day.

In retrospect, let us examine our minds individually how we have contributed to gender-based violence. We may not be direct perpetrators but what could we have done differently both in personal lives and in the course of duty?

The customary position which reflects cultural practices in Nigeria considers gender-based violence as appropriate way of correcting women's behaviour. In fact various studies show that the customary courts do not see gender-based violence just as criminal offence as any other crime. While they do not regard a man as having the right to beat his wife, the courts often seem to excuse him for doing so. Surveys have shown that there is widespread acceptance of gender-

based violence in Nigeria including Lagos. This acceptance is reflected in the court thus in non-legal language, a husband for instance is likely to be excused or pardoned by the court for having assaulted his wife.

A lot of women do seek help from families and friends before resorting to the police. This is because they are afraid of what will happen when they report their case. Even though it may be very difficult for the women to pursue a case against their perpetrators, it is sure worthwhile to report a case of gender-based violence to the police. Taking legal action and following through is intended to persuade other perpetrators as the justice system is meant not to tolerate violence.

Professionals such as health workers, social workers, Police and the legal system can provide very important services that will make victims of gender-based violence situation more bearable. They help the situation by showing the perpetrator that his behaviour is unacceptable and will be punished by the law.

Health care providers include everyone that is involved in handling any form of health problem or the other within the community either in the hospitals, pharmacies, clinics, traditional healers, etc. They are principally those that are consulted on health issues of any kind and when violence is perpetrated on the woman. She goes to the health care providers for relief, succour and treatment of injuries sustained

in the attack. It is therefore imperative for the health-care providers to be able to assist the woman appropriately by identifying actual causes of illness/injuries and take required steps treat the woman accordingly.

Medical doctors can do so much to help their patients who are victims of gender-based violence but they often miss the opportunity of helping a victim by being unaware, indifferent or even judgmental at times. And it is a general knowledge that health care providers rarely screen their patients for partner abuse during regular office visits.

The ***Population Reports Vol. XXVII, Number 4*** puts it thus “Health care providers can help solve the problem of family violence if they learn how to ask clients about violence, become better aware of signs that can identify victims of gender-based violence and help women protect themselves... one day after reading an educational booklet on domestic violence, Richard Jones, former president of the American College of Gynaecologists and Obstetricians, asked a long-time patient whether her husband had ever beaten her. To his amazements, she replied, “Doctor Jones, you can’t imagine how long I’ve been waiting for you to ask me that question” reported in the newsletter of Centre for Health and Gender Equity”.

Health-care system has a responsibility and a unique opportunity to address gender-based violence, particularly to prevent family violence before it becomes life threatening. "Health care providers

are in a unique position to help victims of gender-based violence who seek routine and emergency medical care. But too often doctors are not trained on how to respond to abuse and provide victims with the support and services they need," as observed by Debbie Lee, Managing Director of Family Violence Prevention Fund in the U. S.

According to the Centre for Health and Gender Equity, the best way to uncover a history of abuse in female clients is to ask about it. Nonetheless, several types of physical injuries, health conditions and patient behaviour should raise healthcare providers' suspicion of domestic violence. When the following signs, or "red flags" are present, providers should be sure to ask about possible abuse, remembering to be empathic and respectful of their patient's privacy.

Signs include:

- ⇒ A history of chronic and unexplained physical symptoms;
- ⇒ Sleeping problems;
- ⇒ Anxiety, depression, self-destructive behaviours;
- ⇒ Problems with alcohol and drugs
- ⇒ Extreme Obesity;
- ⇒ Abdominal or pelvic pain
- ⇒ Painful defecation or painful urination;
- ⇒ Sexual problems, lack of pleasure;
- ⇒ Pregnancy of unmarried girls under age 14;
- ⇒ Sexually transmitted infections in children or young girls;
- ⇒ Vaginal itching or bleeding

⇒ Vaginismus (spasms of the muscles around the opening of the vagina).

Situating this to the discussion on hand in relation to police, raises double concern. On one hand the police has the responsibility to protect citizens against any form of violence. While on the other hand may be a perpetrator as an individual or in the course of duty. Alemika (2003) raised this concern in CLEEN report on Police Accountability in Nigeria when he asked 'who shall police the police'. This question is very relevant mostly in situations whereby police are involved in perpetuating gender-based violence.

The resultant effect of this is apprehension and fear of repeat victimization, women tend not to report initial violence incidents to the police. Moreover, just because a woman has reported once to the police does not necessarily mean she will report further incidents. The interviews with women in a recent survey suggested that they reported only those incidents that they perceived as being major, in particular failing to report harassment that consisted of a high number of seemingly minor incidents.

When a woman goes to the police station to make a report several things may happen. We have known many cases assisted by NGO's where the police refused to take the report of women mostly in cases of domestic violence until we insist.

The police often referred the women back to the family where the abuse is taking place for peaceful settlement. While referral back to the family speak to the recognition that the police have for more informal systems of resolution, it also indicates a separation between what they perceive to be public and private issues. Treason for instance would not be referred back to the family for resolution nor would murder or robbery, because these are seen as crimes, whereas violence against women is seen as a family and private affair.

On the part of the police, they have argued that the Police Act and Regulations do not empower the Nigerian Police to effectively intervene in issues considered as family matters such as domestic violence. To further stress police challenges in handling cases of violence against women, a very senior police officer in an interview with Project Alert blamed patriarchy within our society for police poor handling of cases involving women. He argued that the society has subjugated women to the background for so long and that the police officers are products of the same society.

Police are lukewarm in following up on reported cases of family violence. Apart from questioning the woman about her conduct of being a good wife, the police would some times enquire if the woman cooked the food on time or washed his clothes, etc. When questioned on their attitude, reasons cited include culture and tradition; women persuasion from family to drop the case;

unaffordability of the required money for case record and medical examination, and other excuses.

In the cases of rape and sexual violence, the female victim is doubly humiliated by being asked questions like; why were you there? Is this your first time? Did you take his money and so many unimaginable assertions to justify men's right to abuse women/girls and/or trivialized a crime.

Suggestions

- * While gender-based violence remains an underreported crime, the women who summoned up courage to go to the police should be treated fairly; a crime is a crime whether committed within the family sphere or in the public.

- * NGO should work closely with the police and provide specific interventions that support engagement with the social workers, healthcare providers, and criminal justice system in order to increase rates of reporting and arrests.

- * The 'patchiness' of appropriate police responses to gender-based violence still needs to be addressed. Ajeunle Community Project has risen to the occasion by developing a pilot log-book for proper documentation of cases and channel of reporting of gender-based violence.

-
- * Healthcare providers must look out for the above signs and question female patients appropriately to elicit desired responses. More so, medical personnel should willingly collaborate the police and the public in effective healthcare delivery. Most importantly, relevant medical personnel should be ready to give evidence of their findings wherever and whenever necessary.

 - * Lastly everyone concerned as stakeholders in public interest, endeavour to view each case on its merit considering the fact that it could be my mother or sister tomorrow.

In conclusion, I will like to implore all present today to ponder on the issues raised in this discussion. Consider your mothers, daughters, sisters, wives and all the women and girls in your lives. Think about how gender-based violence affects them individually; think about the consequences and impact of gender-based violence in their entire life span; and reflect on how you as an individual feel about gender-based violence. In all these, remember that you may not be able to change the past, but you have the capacity to influence the future with your actions.

APPENDIX A

ATTENDANCE LIST

S/N	NAME	ADDRESS	TELEPHONE
1.	Mary John	3 Odofin Street	
2.	Mrs. Margaret Akowei	35, Aro St Amukoko	07039397848
3.	Mrs. Ebi Jtoko	7A Agugu Street	08023804968
4.	Naomi Akpan –Ita	29A, Ogunlona Gbagada	01-8133993
5.	Olori Bajulaiye	10 Lawal St	
6.	Patrick Olowojaiye	Ministry of Justice Alausa	08024795770
7.	Dr. Sikuade Jagun	LSMOH	
8.	Liadi R. Abimbola	Gen. Hospital Apapa	
9.	Gilbert Ekezie	The Commoners Newspaper	08035161153
10.	ASP, Udeh Camillus	Area “B” Apapa	08037157402
11.	Muritala Balogun (ASP)	Amukoko Division	08035530990
12.	Mrs. Shola Akai	Project Manager	
13.	Alhaja Roli Raliat Daniju	Executive Director	
14.	Mrs. Joy Onorilepe	St Mary Catholic Cardoso	0802586804
15.	Dr Helen Ocheja	Cardoso Ajegunle	08034391791
16.	Famotu Solomon A.	Ajeromi Gen Hospital Ajegunle	08056010524
17.	B.J Lawal	57 Ifelodun St	017499439
18.	Taiwo Daniju	ACP	08033547411
19.	Kehinde Edremoda	ACP	08023013330
20.	Bukola Adelehin	WANEP – NIGERIA	08023021631
21.	Dr. Alejo Adegboega	Asst. Director Min. of Youth and sport Alausa	0802328854
22.	Insp O. Ndukwe	Amukoko Division	08033349454
23.	Dr. Akinwande	Merit Media	08033708070
24.	Morufu Raimi	4 Alabaoro Ifelodun	08034984479
25.	Mrs. Mubo Akosile	ACP Staff	
26.	Owpede B.O	LSMOH	08066443737
27.	Alimi Yusufu		
28.	Dr. Ade Sanano	Apapa General Hospital	08037144371
29.	Mr. Ajimo Gabriel	ACP Staff	
30.	Isaac Benson	2 Turner Close Amukoko	08057927820
31.	Uncle P.		
32.	Tunrayo Dyadu	Merit Medical Center	08036883528
33.	Mrs. Titi Olaibi	Blk 73 Flat 1 Amuwo Odofin Mile 2	08022529204
34.	Goriola Tope	ACP Staff	08082713176
35.	Idowu Adetokun . M.	42 Bale Street	08029093608
36.	Barr. Funmi Daniju	ACP	08033835919
37.	Alex O. Chris	2 Agbe St	08060655003

38.	Mrs. A.A. Kareem	Customary Court Apapa Local Govt.	08023028195
39.	Olorunfemi O.B	Min. Y.S.S. D. Araromi Area office	08033198108
40.	Orekoya, S.B.	Apapa Local Govt.	08029271763
41.	Enochi Daniel	Embassy Hotel	
42.	Mrs. Tinuke Molade	1 Molade Olodi Apapa LG	08083475220
43.	Abiola Oluwa	Apapa LG	
44.	Abidde Eneyidede	27 Ibitoye Street Ajegunle Apapa LG	08038500066
45.	Mr. Lucky Atalaye	38, Okorogbo St Ajegunle	08033463604
46.	Mr. S.A Akinlawon	5 Garuba Lane, Okoya	08056444367
47.	Mrs. Chika Ekeopara	37 Kirikiri Road	08029173554
48.	Henry Onwuualieze	Galaxy TV	08034965526
49.	Mr. O.A Balogun	Akere PHC AJIF	08033320265
50.	Mrs. Toyin Akinlosotu	OPD Lagos	08028290675
51.	Odusola Beatrice	Tolu Medical Centre	01-7916646
52.	Mrs. J.O Fadege	6 Akinbo St	08058118926
53.	Hilda Esin		07028103553
54.	Yetunde Oladeinde	The Sun	08056125673
55.	Kazeem Adeokun	Galaxy	08054259121
56.	Olu Ojo	Galaxy	08066036499
57.	Omolara Akinloye	The Nation Newspaper	08023551485
58.	Ngozi Okpalakunne	Daily Champion	08023469507
59.	Gbenga Olajobi	National Mirror	08035796890
60.	Iremeka Chijiore	The Guardian Newspaper	08037613380
61.	Alex Okunimah	ACP Staff	08084332974

APPENDIX B

The Universal Declaration of Human Rights

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realisation of this pledge,

Now, therefore, the General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance,

both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

- 1 Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
- 2 No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

- 1 Everyone has the right to freedom of movement and residence within the borders of each State.
- 2 Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

- 1 Everyone has the right to seek and to enjoy in other countries asylum from persecution.
- 2 This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

- 1 Everyone has the right to a nationality.

-
- 2 No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

- 1 Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- 2 Marriage shall be entered into only with the free and full consent of the intending spouses.
- 3 The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

- 1 Everyone has the right to own property alone as well as in association with others.
- 2 No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

- 1 Everyone has the right to freedom of peaceful assembly and association.
- 2 No one may be compelled to belong to an association.

Article 21

- 1 Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- 2 Everyone has the right to equal access to public service in his country.

-
- 3 The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and international co-operation and in accordance with the organisation and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

- 1 Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- 2 Everyone, without any discrimination, has the right to equal pay for equal work.
- 3 Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- 4 Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

- 1 Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
- 2 Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

-
- 1 Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
 - 2 Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
 - 3 Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

- 1 Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
- 2 Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised.

Article 29

- 1 Everyone has duties to the community in which alone the free and full development of his personality is possible.
- 2 In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
- 3 These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Adopted on December 10, 1948
by the General Assembly of the United Nations (without dissent)

The Universal Declaration of Human Rights (Summary Version)

The General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1 **Right to Equality**

Article 2 **Freedom from Discrimination**

Article 3 **Right to Life, Liberty, Personal Security**

Article 4 **Freedom from Slavery**

Article 5 **Freedom from Torture and Degrading Treatment**

Article 6 **Right to Recognition as a Person before the Law**

Article 7 **Right to Equality before the Law**

Article 8 **Right to Remedy by Competent Tribunal**

Article 9 **Freedom from Arbitrary Arrest and Exile**

Article 10 **Right to Fair Public Hearing**

Article 11 **Right to be Considered Innocent until Proven Guilty**

Article 12 **Freedom from Interference with Privacy, Family,
Home and Correspondence**

Article 13 **Right to Free Movement in and out of the Country**

Article 14 **Right to Asylum in other Countries from Persecution**

Article 15 **Right to a Nationality and the Freedom to Change It**

Article 16 **Right to Marriage and Family**

Article 17 **Right to Own Property**

Article 18 **Freedom of Belief and Religion**

Article 19 **Freedom of Opinion and Information**

Article 20 **Right of Peaceful Assembly and Association**

Article 21 **Right to Participate in Government and in Free
Elections**

Article 22 **Right to Social Security**

Article 23 **Right to Desirable Work and to Join Trade Unions**

Article 24 **Right to Rest and Leisure**

-
- Article 25 **Right to Adequate Living Standard**
Article 26 **Right to Education**
Article 27 **Right to Participate in the Cultural Life of
Community**
Article 28 **Right to a Social Order that Articulates this
Document**
Article 29 **Community Duties Essential to Free and Full
Development**
Article 30 **Freedom from State or Personal Interference in the
above Rights**

African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force Oct. 21, 1986: [excerpts] . . .

Preamble

The African States members of the Organization of African Unity, parties to the present convention entitled "African Charter on Human and Peoples' Rights",

Recalling Decision 115 (XVI) of the Assembly of Heads of State and Government at its Sixteenth Ordinary Session held in Monrovia, Liberia, from 17 to 20 July 1979 on the preparation of a "preliminary draft on an African Charter on Human and Peoples' Rights providing inter alia for the establishment of bodies to promote and protect human and peoples' rights";

Considering the Charter of the Organization of African Unity, which stipulates that "freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples";

Reaffirming the pledge they solemnly made in Article 2 of the said Charter to eradicate all forms of colonialism from Africa, to coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa and to promote international cooperation having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights;

Taking into consideration the virtues of their historical tradition and the values of African civilization which should inspire and characterize their reflection on the concept of human and peoples' rights;

Recognizing on the one hand, that fundamental human rights stem from the attributes of human beings which justifies their national and international

protection and on the other hand that the reality and respect of peoples rights should necessarily guarantee human rights;

Considering that the enjoyment of rights and freedoms also implies the performance of duties on the part of everyone;

Convinced that it is henceforth essential to pay a particular attention to the right to development and that civil and political rights cannot be dissociated from economic, social and cultural rights in their conception as well as universality and that the satisfaction of economic, social and cultural rights is a guarantee for the enjoyment of civil and political rights;

Conscious of their duty to achieve the total liberation of Africa, the peoples of which are still struggling for their dignity and genuine independence, and undertaking to eliminate colonialism, neo-colonialism, apartheid, zionism and to dismantle aggressive foreign military bases and all forms of discrimination, particularly those based on race, ethnic group, color, sex, language, religion or political opinions;

Reaffirming their adherence to the principles of human and peoples' rights and freedoms contained in the declarations, conventions and other instrument adopted by the Organization of African Unity, the Movement of Non-Aligned Countries and the United Nations;

Firmly convinced of their duty to promote and protect human and people' rights and freedoms taking into account the importance traditionally attached to these rights and freedoms in Africa;

Have agreed as follows:

Part I: Rights and Duties

Chapter I -- Human and Peoples' Rights

Article 1

The Member States of the Organization of African Unity parties to the present Charter shall recognize the rights, duties and freedoms enshrined in this Chapter and shall undertake to adopt legislative or other measures to give effect to them.

Article 2

Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind

such as race, ethnic group, color, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.

Article 3

1. Every individual shall be equal before the law.
2. Every individual shall be entitled to equal protection of the law.

Article 4

Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.

Article 5

Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.

Article 6

Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.

Article 7

1. Every individual shall have the right to have his cause heard. This comprises:
 - (a) the right to an appeal to competent national organs against acts of violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force;
 - (b) the right to be presumed innocent until proved guilty by a competent court or tribunal;
 - (c) the right to defence, including the right to be defended by counsel of his choice;

-
- (d) the right to be tried within a reasonable time by an impartial court or tribunal.
 2. No one may be condemned for an act or omission which did not constitute a legally punishable offence at the time it was committed. No penalty may be inflicted for an offence for which no provision was made at the time it was committed. Punishment is personal and can be imposed only on the offender.

Article 8

Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.

Article 9

1. Every individual shall have the right to receive information.
2. Every individual shall have the right to express and disseminate his opinions within the law.

Article 10

1. Every individual shall have the right to free association provided that he abides by the law.
2. Subject to the obligation of solidarity provided for in 29 no one may be compelled to join an association.

Article 11

Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others.

Article 12

1. Every individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law.

-
2. Every individual shall have the right to leave any country including his own, and to return to his country. This right may only be subject to restrictions, provided for by law for the protection of national security, law and order, public health or morality.
 3. Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with laws of those countries and international conventions.
 4. A non-national legally admitted in a territory of a State Party to the present Charter, may only be expelled from it by virtue of a decision taken in accordance with the law. 5. The mass expulsion of non-nationals shall be prohibited. Mass expulsion shall be that which is aimed at national, racial, ethnic or religious groups.

Article 13

1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.
2. Every citizen shall have the right of equal access to the public service of his country.
3. Every individual shall have the right of access to public property and services in strict equality of all persons before the law.

Article 14

The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.

Article 15

Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work.

Article 16

1. Every individual shall have the right to enjoy the best attainable state of physical and mental health.

-
2. States Parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick.

Article 17

1. Every individual shall have the right to education.
2. Every individual may freely, take part in the cultural life of his community.
3. The promotion and protection of morals and traditional values recognized by the community shall be the duty of the State.

Article 18

1. The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical health and moral.
2. The State shall have the duty to assist the family which is the custodian of morals and traditional values recognized by the community.
3. The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.
4. The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs.

Article 19

All peoples shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another.

Article 20

1. All peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self- determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen.
2. Colonized or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognized by the international community.

-
3. All peoples shall have the right to the assistance of the States parties to the present Charter in their liberation struggle against foreign domination, be it political, economic or cultural.

Article 21

1. All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it.
2. In case of spoliation the dispossessed people shall have the right to the lawful recovery of its property as well as to an adequate compensation.
3. The free disposal of wealth and natural resources shall be exercised without prejudice to the obligation of promoting international economic cooperation based on mutual respect, equitable exchange and the principles of international law.
4. States parties to the present Charter shall individually and collectively exercise the right to free disposal of their wealth and natural resources with a view to strengthening African unity and solidarity.
5. States parties to the present Charter shall undertake to eliminate all forms of foreign economic exploitation particularly that practiced by international monopolies so as to enable their peoples to fully benefit from the advantages derived from their national resources.

Article 22

1. All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.
2. States shall have the duty, individually or collectively, to ensure the exercise of the right to development.

Article 23

1. All peoples shall have the right to national and international peace and security. The principles of solidarity and friendly relations implicitly affirmed by the Charter of the United Nations and reaffirmed by that of the Organization of African Unity shall govern relations between States.

-
2. For the purpose of strengthening peace, solidarity and friendly relations, States parties to the present Charter shall ensure that:
 - (a) any individual enjoying the right of asylum under 12 of the present Charter shall not engage in subversive activities against his country of origin or any other State party to the present Charter;
 - (b) their territories shall not be used as bases for subversive or terrorist activities against the people of any other State party to the present Charter.

Article 24

All peoples shall have the right to a general satisfactory environment favorable to their development.

Article 25

States parties to the present Charter shall have the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the present Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood.

Article 26

States parties to the present Charter shall have the duty to guarantee the independence of the Courts and shall allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present Charter.

Chapter II -- Duties

Article 27

1. Every individual shall have duties towards his family and society, the State and other legally recognized communities and the international community.
2. The rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest.

Article 28

Every individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.

Article 29

The individual shall also have the duty:

1. To preserve the harmonious development of the family and to work for the cohesion and respect of the family; to respect his parents at all times, to maintain them in case of need;
2. To serve his national community by placing his physical and intellectual abilities at its service;
3. Not to compromise the security of the State whose national or resident he is;
4. To preserve and strengthen social and national solidarity, particularly when the latter is threatened;
5. To preserve and strengthen the national independence and the territorial integrity of his country and to contribute to its defence in accordance with the law;
6. To work to the best of his abilities and competence, and to pay taxes imposed by law in the interest of the society;
7. To preserve and strengthen positive African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and, in general, to contribute to the promotion of the moral well being of society;
8. To contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of African unity.

Part II: Measures of Safeguard

Chapter I -- Establishment and Organization of the African Commission on Human and Peoples' Rights

Article 30

An African Commission on Human and Peoples' Rights, hereinafter called "the Commission", shall be established within the Organization of African Unity to promote human and peoples' rights and ensure their protection in Africa.

Article 31

1. The Commission shall consist of eleven members chosen from amongst African personalities of the highest reputation, known for their high morality, integrity, impartiality and competence in matters of human and peoples' rights; particular consideration being given to persons having legal experience.

2. The members of the Commission shall serve in their personal capacity. . .

Article 41

The Secretary-General of the Organization of African Unity shall appoint the Secretary of the Commission. He shall also provide the staff and services necessary for the effective discharge of the duties of the Commission. The Organization of African Unity shall bear the costs of the staff and services. . . .

Chapter II -- Mandate of the Commission

Article 45

The functions of the Commission shall be:

1. To promote Human and Peoples' Rights and in particular:
 - (a) to collect documents, undertake studies and researches on African problems in the field of human and peoples' rights, organize seminars, symposia and conferences, disseminate information, encourage national and local institutions concerned with human and peoples' rights, and should the case arise, give its views or make recommendations to Governments.

-
- (b) to formulate and lay down, principles and rules aimed at solving legal problems relating to human and peoples' rights and fundamental freedoms upon which African Governments may base their legislations.
- (c) co-operate with other African and international institutions concerned with the promotion and protection of human and peoples' rights.
2. Ensure the protection of human and peoples' rights under conditions laid down by the present Charter.
 3. Interpret all the provisions of the present Charter at the request of a State party, an institution of the OAU or an African Organization recognized by the OAU.
 4. Perform any other tasks which may be entrusted to it by the Assembly of Heads of State and Government.

Chapter III -- Procedure of the Commission

Article 46

The Commission may resort to any appropriate method of investigation; it may hear from the Secretary General of the Organization of African Unity or any other person capable of enlightening it.

Communication From States

Article 47

If a State party to the present Charter has good reasons to believe that another State party to this Charter has violated the provisions of the Charter, it may draw, by written communication, the attention of that State to the matter. This communication shall also be addressed to the Secretary General of the OAU and to the Chairman of the Commission. Within three months of the receipt of the communication, the State to which the communication is addressed shall give the enquiring State, written explanation or statement elucidating the matter. This

should include as much as possible relevant information relating to the laws and rules of procedure applied and applicable, and the redress already given or course of action available.

Article 48

If within three months from the date on which the original communication is received by the State to which it is addressed, the issue is not settled to the satisfaction of the two States involved through bilateral negotiation or by any other peaceful procedure, either State shall have the right to submit the matter to the Commission through the Chairman and shall notify the other States involved.

Article 49

Notwithstanding the provisions of 47, if a State party to the present Charter considers that another State party has violated the provisions of the Charter, it may refer the matter directly to the Commission by addressing a communication to the Chairman, to the Secretary General of the Organization of African Unity and the State concerned.

Article 50

The Commission can only deal with a matter submitted to it after making sure that all local remedies, if they exist, have been exhausted, unless it is obvious to the Commission that the procedure of achieving these remedies would be unduly prolonged.

Article 51

1. The Commission may ask the States concerned to provide it with all relevant information.
2. When the Commission is considering the matter, States concerned may be represented before it and submit written or oral representation.

Article 52

After having obtained from the States concerned and from other sources all the information it deems necessary and after having tried all appropriate means to reach an amicable solution based on the respect of Human and Peoples' Rights, the Commission shall prepare, within a reasonable period of time from the notification referred to in 48, a report stating the facts and its findings. This

report shall be sent to the States concerned and communicated to the Assembly of Heads of State and Government.

Article 53

While transmitting its report, the Commission may make to the Assembly of Heads of State and Government such recommendations as it deems useful.

Article 54

The Commission shall submit to each ordinary Session of the Assembly of Heads of State and Government a report on its activities.

Other Communications

Article 55

1. Before each Session, the Secretary of the Commission shall make a list of the communications other than those of States parties to the present Charter and transmit them to the members of the Commission, who shall indicate which communications should be considered by the Commission.
2. A communication shall be considered by the Commission if a simple majority of its members so decide.

Article 56

Communications relating to human and peoples' rights referred to in 55 received by the Commission, shall be considered if they:

1. Indicate their authors even if the latter request anonymity,
2. Are compatible with the Charter of the Organization of African Unity or with the present Charter,
3. Are not written in disparaging or insulting language directed against the State concerned and its institutions or to the Organization of African Unity,
4. Are not based exclusively on news discriminated through the mass media,
5. Are sent after exhausting local remedies, if any, unless it is obvious that this procedure is unduly prolonged,

-
6. Are submitted within a reasonable period from the time local remedies are exhausted or from the date the Commission is seized of the matter, and
 7. Do not deal with cases which have been settled by these States involved in accordance with the principles of the Charter of the United Nations, or the Charter of the Organization of African Unity or the provisions of the present Charter.

Article 57

Prior to any substantive consideration, all communications shall be brought to the knowledge of the State concerned by the Chairman of the Commission.

Article 58

1. When it appears after deliberations of the Commission that one or more communications apparently relate to special cases which reveal the existence of a series of serious or massive violations of human and peoples' rights, the Commission shall draw the attention of the Assembly of Heads of State and Government to these special cases.
2. The Assembly of Heads of State and Government may then request the Commission to undertake an in-depth study of these cases and make a factual report, accompanied by its findings and recommendations.
3. A case of emergency duly noticed by the Commission shall be submitted by the latter to the Chairman of the Assembly of Heads of State and Government who may request an in-depth study.

Article 59

1. All measures taken within the provisions of the present Chapter shall remain confidential until such a time as the Assembly of Heads of State and Government shall otherwise decide. . . .
2. The report on the activities of the Commission shall be published by its Chairman after it has been considered by the Assembly of Heads of State and Government.

Chapter IV -- Applicable Principles

Article 60

The Commission shall draw inspiration from international law on human and peoples' rights, particularly from the provisions of various African instruments on human and peoples' rights, the Charter of the United Nations, the Charter of the Organization of African Unity, the Universal Declaration of Human Rights, other instruments adopted by the United Nations and by African countries in the field of human and peoples' rights as well as from the provisions of various instruments adopted within the Specialized Agencies of the United Nations of which the parties to the present Charter are members.

Article 61

The Commission shall also take into consideration, as subsidiary measures to determine the principles of law, other general or special international conventions, laying down rules expressly recognized by member states of the Organization of African Unity, African practices consistent with international norms on human and people's rights, customs generally accepted as law, general principles of law recognized by African states as well as legal precedents and doctrine.

Article 62

Each state party shall undertake to submit every two years, from the date the present Charter comes into force, a report on the legislative or other measures taken with a view to giving effect to the rights and freedoms recognized and guaranteed by the present Charter. . . .

APPENDIX C

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of man and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal right of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, of all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, and in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Appendix 1: Treaty Text

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

PART I

Article 1.

For the purposes of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2.

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

Article 3.

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4.

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.
2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Article 5.

States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6.

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

PART II**Article 7.**

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular,

shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8.

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 9.

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

PART III

Article 10.

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in preschool, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with

-
- qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
 - (d) The same opportunities to benefit from scholarships and other study grants;
 - (e) The same opportunities for access to programmes of continuing education including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
 - (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
 - (g) The same opportunities to participate actively in sports and physical education;
 - (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11.

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
 - (a) The right to work as an inalienable right of all human beings;
 - (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
 - (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining,

including apprenticeships, advanced vocational training and recurrent training;

- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
 - (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
 - (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
- (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
 - (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
 - (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
 - (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.
3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12.

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13.

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

Article 14.

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.
2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
 - (a) To participate in the elaboration and implementation of development planning at all levels;
 - (b) To have access to adequate health care facilities, including information, counselling and services in family planning;

-
- (c) To benefit directly from social security programmes;
 - (e) To obtain all types of training and education, formal and non formal, including that relating to functional literacy, as well as, inter-alia, the benefit of all community and extension services, in order to increase their technical proficiency;
 - (f) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;
 - (f) To participate in all community activities;
 - (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
 - (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

PART IV

Article 15.

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16.

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
 - (a) The same right to enter into marriage;
 - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
 - (c) The same rights and responsibilities during marriage and at its dissolution;
 - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
 - (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
 - (f) The same rights and responsibilities with regard to guardianship, ward ship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
 - (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
 - (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

PART V

Article 17.

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention.

The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

-
6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.
 7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.
 8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.
 9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

Article 18.

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:
 - (a) Within one year after the entry into force for the State concerned; and
 - (b) Thereafter at least every four years and further whenever the Committee so requests.
2. Reports may indicate factors and difficulties affecting the degree of fulfillment of obligations under the present Convention.

Article 19.

1. The Committee shall adopt its own rules of procedure.
2. The Committee shall elect its officers for a term of two years.

Article 20.

-
1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.
 2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

Article 21.

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.
2. The Secretary-General shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

Article 22.

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

PART VI

Article 23.

Nothing in this Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

- (a) In the legislation of a State Party; or
- (b) In any other international convention, treaty or agreement in force for that State.

Article 24.

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

Article 25.

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26.

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 27.

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28.

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect

addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 29.

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may at the time of signature or ratification of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.
3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 30.

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.

APPENDIX D

PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA

The States Parties to this Protocol,

CONSIDERING that Article 66 of the African Charter on Human and Peoples' Rights provides for special protocols or agreements, if necessary, to supplement the provisions of the African Charter, and that the Assembly of Heads of State and Government of the Organization of African Unity meeting in its Thirty-first Ordinary Session in Addis Ababa, Ethiopia, in June 1995, endorsed by resolution AHG/Res.240 (XXXI) the recommendation of the African Commission on Human and Peoples' Rights to elaborate a Protocol on the Rights of Women in Africa;

CONSIDERING that Article 2 of the African Charter on Human and Peoples' Rights enshrines the principle of non-discrimination on the grounds of race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status;

FURTHER CONSIDERING that Article 18 of the African Charter on Human and Peoples' Rights calls on all States Parties to eliminate every discrimination against women and to ensure the protection of the rights of women as stipulated in international declarations and conventions;

NOTING that Articles 60 and 61 of the African Charter on Human and Peoples' Rights recognise regional and international human rights instruments and African practices consistent with international norms on human and peoples' rights as being important reference points for the application and interpretation of the African Charter;

RECALLING that women's rights have been recognised and guaranteed in all international human rights instruments, notably the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol, the African Charter on the Rights and Welfare of the Child, and all other international and regional conventions and covenants relating to the rights of women as being inalienable, interdependent and indivisible human rights;

NOTING that women's rights and women's essential role in development, have been reaffirmed in the United Nations Plans of Action on the Environment and Development in 1992, on Human Rights in 1993, on Population and Development in 1994 and on Social Development in 1995;

RECALLING ALSO United Nations Security Council's Resolution 1325 (2000) on the role of Women in promoting peace and security;

REAFFIRMING the principle of promoting gender equality as enshrined in the Constitutive Act of the African Union as well as the New Partnership for Africa's Development, relevant Declarations, Resolutions and Decisions, which underline the commitment of the African States to ensure the full participation of African women as equal partners in Africa's development;

FURTHER NOTING that the African Platform for Action and the Dakar Declaration of 1994 and the Beijing Platform for Action of 1995 call on all Member States of the United Nations, which have made a solemn commitment to implement them, to take concrete steps to give greater attention to the human rights of women in order to eliminate all forms of discrimination and of gender-based violence against women;

RECOGNISING the crucial role of women in the preservation of African values based on the principles of equality, peace, freedom, dignity, justice, solidarity and democracy;

BEARING IN MIND related Resolutions, Declarations, Recommendations, Decisions, Conventions and other Regional and Sub-Regional Instruments aimed at eliminating all forms of discrimination and at promoting equality between women and men;

CONCERNED that despite the ratification of the African Charter on Human and Peoples' Rights and other international human rights instruments by the majority of States Parties, and their solemn commitment to eliminate all forms of discrimination and harmful practices against women, women in Africa still continue to be victims of discrimination and harmful practices;

FIRMLY CONVINCED that any practice that hinders or endangers the normal growth and affects the physical and psychological development of women and girls should be condemned and eliminated;

DETERMINED to ensure that the rights of women are promoted, realised and protected in order to enable them to enjoy fully all their human rights;

HAVE AGREED AS FOLLOWS:

Article 1 - Definitions

For the purpose of the present Protocol:

- a) "African Charter" means the African Charter on Human and Peoples' Rights;
- b) "African Commission" means the African Commission on Human and Peoples' Rights;
- "Assembly" means the Assembly of Heads of State and Government of the African Union;
 - "AU" means the African Union;
 - "Constitutive Act" means the Constitutive Act of the African Union;
 - "Discrimination against women" means any distinction, exclusion or restriction or any differential treatment based on sex and whose objectives or effects compromise or destroy the recognition, enjoyment or the exercise by women, regardless of their marital status, of human rights and fundamental freedoms in all spheres of life;
 - "Harmful Practices" means all behaviour, attitudes and/or practices which negatively affect the fundamental rights of women and girls, such as their right to life, health, dignity, education and physical integrity;
 - "NEPAD" means the New Partnership for Africa's Development established by the Assembly;
 - "States Parties" means the States Parties to this Protocol;
 - "Violence against women" means all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war;
 - "Women" means persons of female gender, including girls;

Article 2 - Elimination of Discrimination Against Women

-
1. States Parties shall combat all forms of discrimination against women through appropriate legislative, institutional and other measures. In this regard they shall:
 - a) include in their national constitutions and other legislative instruments, if not already done, the principle of equality between women and men and ensure its effective application;
 - b) enact and effectively implement appropriate legislative or regulatory measures, including those prohibiting and curbing all forms of discrimination particularly those harmful practices which endanger the health and general well-being of women;
 - c) integrate a gender perspective in their policy decisions, legislation, development plans, programmes and activities and in all other spheres of life;
 - d) take corrective and positive action in those areas where discrimination against women in law and in fact continues to exist;
 - e) support the local, national, regional and continental initiatives directed at eradicating all forms of discrimination against women.
 2. States Parties shall commit themselves to modify the social and cultural patterns of conduct of women and men through public education, information, education and communication strategies, with a view to achieving the elimination of harmful cultural and traditional practices and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes, or on stereotyped roles for women and men.

Article 3 - Right to Dignity

- Every woman shall have the right to dignity inherent in a human being and to the recognition and protection of her human and legal rights;
- Every woman shall have the right to respect as a person and to the free development of her personality;
- States Parties shall adopt and implement appropriate measures to prohibit any exploitation or degradation of women;
- States Parties shall adopt and implement appropriate measures to ensure the protection of every woman's right to respect for her dignity and

protection of women from all forms of violence, particularly sexual and verbal violence.

Article 4 - The Rights to Life, Integrity and Security of the Person

1. Every woman shall be entitled to respect for her life and the integrity and security of her person. All forms of exploitation, cruel, inhuman or degrading punishment and treatment shall be prohibited.
2. States Parties shall take appropriate and effective measures to:
 - a) enact and enforce laws to prohibit all forms of violence against women including unwanted or forced sex whether the violence takes place in private or public;
 - b) adopt such other legislative, administrative, social and economic measures as may be necessary to ensure the prevention, punishment and eradication of all forms of violence against women;
 - c) identify the causes and consequences of violence against women and take appropriate measures to prevent and eliminate such violence;
 - d) actively promote peace education through curricula and social communication in order to eradicate elements in traditional and cultural beliefs, practices and stereotypes which legitimise and exacerbate the persistence and tolerance of violence against women;
 - e) punish the perpetrators of violence against women and implement programmes for the rehabilitation of women victims;
 - f) establish mechanisms and accessible services for effective information, rehabilitation and reparation for victims of violence against women;
 - g) prevent and condemn trafficking in women, prosecute the perpetrators of such trafficking and protect those women most at risk;
- prohibit all medical or scientific experiments on women without their informed consent;

-
- provide adequate budgetary and other resources for the implementation and monitoring of actions aimed at preventing and eradicating violence against women;
 - ensure that, in those countries where the death penalty still exists, not to carry out death sentences on pregnant or nursing women.
 - ensure that women and men enjoy equal rights in terms of access to refugee status, determination procedures and that women refugees are accorded the full protection and benefits guaranteed under international refugee law, including their own identity and other documents;

Article 5 - Elimination of Harmful Practices

States Parties shall prohibit and condemn all forms of harmful practices which negatively affect the human rights of women and which are contrary to recognised international standards. States Parties shall take all necessary legislative and other measures to eliminate such practices, including:

- creation of public awareness in all sectors of society regarding harmful practices through information, formal and informal education and outreach programmes;
- prohibition, through legislative measures backed by sanctions, of all forms of female genital mutilation, scarification, medicalisation and para-medicalisation of female genital mutilation and all other practices in order to eradicate them;
- provision of necessary support to victims of harmful practices through basic services such as health services, legal and judicial support, emotional and psychological counselling as well as vocational training to make them self-supporting;
- protection of women who are at risk of being subjected to harmful practices or all other forms of violence, abuse and intolerance.

Article 6 - Marriage

States Parties shall ensure that women and men enjoy equal rights and are regarded as equal partners in marriage. They shall enact appropriate national legislative measures to guarantee that:

- no marriage shall take place without the free and full consent of both parties;

-
- the minimum age of marriage for women shall be 18 years;
 - monogamy is encouraged as the preferred form of marriage and that the rights of women in marriage and family, including in polygamous marital relationships are promoted and protected;
 - every marriage shall be recorded in writing and registered in accordance with national laws, in order to be legally recognised;
 - the husband and wife shall, by mutual agreement, choose their matrimonial regime and place of residence;
 - a married woman shall have the right to retain her maiden name, to use it as she pleases, jointly or separately with her husband's surname;
 - a woman shall have the right to retain her nationality or to acquire the nationality of her husband;
 - a woman and a man shall have equal rights, with respect to the nationality of their children except where this is contrary to a provision in national legislation or is contrary to national security interests;
 - a woman and a man shall jointly contribute to safeguarding the interests of the family, protecting and educating their children;
 - during her marriage, a woman shall have the right to acquire her own property and to administer and manage it freely.

Article 7 - Separation, Divorce and Annulment of Marriage

States Parties shall enact appropriate legislation to ensure that women and men enjoy the same rights in case of separation, divorce or annulment of marriage. In this regard, they shall ensure that:

- separation, divorce or annulment of a marriage shall be effected by judicial order;
- women and men shall have the same rights to seek separation, divorce or annulment of a marriage;
- in case of separation, divorce or annulment of marriage, women and men shall have reciprocal rights and responsibilities towards their children. In

any case, the interests of the children shall be given paramount importance;

- in case of separation, divorce or annulment of marriage, women and men shall have the right to an equitable sharing of the joint property deriving from the marriage.

Article 8 - Access to Justice and Equal Protection before the Law

Women and men are equal before the law and shall have the right to equal protection and benefit of the law. States Parties shall take all appropriate measures to ensure:

- effective access by women to judicial and legal services, including legal aid;
- support to local, national, regional and continental initiatives directed at providing women access to legal services, including legal aid;
- the establishment of adequate educational and other appropriate structures with particular attention to women and to sensitise everyone to the rights of women;
- that law enforcement organs at all levels are equipped to effectively interpret and enforce gender equality rights;
- that women are represented equally in the judiciary and law enforcement organs;
- reform of existing discriminatory laws and practices in order to promote and protect the rights of women.

Article 9 - Right to Participation in the Political and Decision-Making Process

1. States Parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that:
 - a) women participate without any discrimination in all elections;
 - b) women are represented equally at all levels with men in all electoral processes;

-
- c) women are equal partners with men at all levels of development and implementation of State policies and development programmes.
 2. States Parties shall ensure increased and effective representation and participation of women at all levels of decision-making.

Article 10 - Right to Peace

1. Women have the right to a peaceful existence and the right to participate in the promotion and maintenance of peace.
2. States Parties shall take all appropriate measures to ensure the increased participation of women:
 - a) in programmes of education for peace and a culture of peace;
 - b) in the structures and processes for conflict prevention, management and resolution at local, national, regional, continental and international levels;
 - in the local, national, regional, continental and international decision making structures to ensure physical, psychological, social and legal protection of asylum seekers, refugees, returnees and displaced persons, in particular women;
 - in all levels of the structures established for the management of camps and settlements for asylum seekers, refugees, returnees and displaced persons, in particular, women;
 - in all aspects of planning, formulation and implementation of post conflict reconstruction and rehabilitation.
3. States Parties shall take the necessary measures to reduce military expenditure significantly in favour of spending on social development in general, and the promotion of women in particular.

Article 11 - Protection of Women in Armed Conflicts

- States Parties undertake to respect and ensure respect for the rules of international humanitarian law applicable in armed conflict situations which affect the population, particularly women.

-
- States Parties shall, in accordance with the obligations incumbent upon them under the international humanitarian law, protect civilians including women, irrespective of the population to which they belong, in the event of armed conflict.
 - States Parties undertake to protect asylum seeking women, refugees, returnees and internally displaced persons, against all forms of violence, rape and other forms of sexual exploitation, and to ensure that such acts are considered war crimes, genocide and/or crimes against humanity and that their perpetrators are brought to justice before a competent criminal jurisdiction.
 - States Parties shall take all necessary measures to ensure that no child, especially girls under 18 years of age, take a direct part in hostilities and that no child is recruited as a soldier.

Article 12 - Right to Education and Training

1. States Parties shall take all appropriate measures to:
 - a) eliminate all forms of discrimination against women and guarantee equal opportunity and access in the sphere of education and training;
 - b) eliminate all stereotypes in textbooks, syllabuses and the media, that perpetuate such discrimination;
 - protect women, especially the girl-child from all forms of abuse, including sexual harassment in schools and other educational institutions and provide for sanctions against the perpetrators of such practices;
 - provide access to counselling and rehabilitation services to women who suffer abuses and sexual harassment;
 - integrate gender sensitisation and human rights education at all levels of education curricula including teacher training.
2. States Parties shall take specific positive action to:
 - a) promote literacy among women;
 - b) promote education and training for women at all levels and in all disciplines, particularly in the fields of science and technology;

-
- c) promote the enrolment and retention of girls in schools and other training institutions and the organisation of programmes for women who leave school prematurely.

Article 13 - Economic and Social Welfare Rights

States Parties shall adopt and enforce legislative and other measures to guarantee women equal opportunities in work and career advancement and other economic opportunities. In this respect, they shall:

- a) promote equality of access to employment;
- b) promote the right to equal remuneration for jobs of equal value for women and men;
- c) ensure transparency in recruitment, promotion and dismissal of women and combat and punish sexual harassment in the workplace;
- d) guarantee women the freedom to choose their occupation, and protect them from exploitation by their employers violating and exploiting their fundamental rights as recognised and guaranteed by conventions, laws and regulations in force;
- e) create conditions to promote and support the occupations and economic activities of women, in particular, within the informal sector;
- establish a system of protection and social insurance for women working in the informal sector and sensitise them to adhere to it;
- g) introduce a minimum age for work and prohibit the employment of children below that age, and prohibit, combat and punish all forms of exploitation of children, especially the girl-child;
- h) take the necessary measures to recognise the economic value of the work of women in the home;
- i) guarantee adequate and paid pre and post-natal maternity leave in both the private and public sectors;
- j) ensure the equal application of taxation laws to women and men;

-
- k) recognise and enforce the right of salaried women to the same allowances and entitlements as those granted to salaried men for their spouses and children;
 - l) recognise that both parents bear the primary responsibility for the upbringing and development of children and that this is a social function for which the State and the private sector have secondary responsibility;
 - m) take effective legislative and administrative measures to prevent the exploitation and abuse of women in advertising and pornography.

Article 14 - Health and Reproductive Rights

1. States Parties shall ensure that the right to health of women, including sexual and reproductive health is respected and promoted. This includes:
 - a) the right to control their fertility;
 - b) the right to decide whether to have children, the number of children and the spacing of children;
 - c) the right to choose any method of contraception;
 - d) the right to self protection and to be protected against sexually transmitted infections, including HIV/AIDS;
 - e) the right to be informed on one's health status and on the health status of one's partner, particularly if affected with sexually transmitted infections, including HIV/AIDS, in accordance with internationally recognised standards and best practices;
 - f) the right to have family planning education.
2. States Parties shall take all appropriate measures to:
 - a) provide adequate, affordable and accessible health services, including information, education and communication programmes to women especially those in rural areas;
 - b) establish and strengthen existing pre-natal, delivery and post-natal health and nutritional services for women during pregnancy and while they are breast-feeding;

-
- c) protect the reproductive rights of women by authorising medical abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus.

Article 15 - Right to Food Security

- a) provide women with access to clean drinking water, sources of domestic fuel, land, and the means of producing nutritious food;
- b) establish adequate systems of supply and storage to ensure food security.

Article 16 - Right to Adequate Housing

Women shall have the right to equal access to housing and to acceptable living conditions in a healthy environment. To ensure this right, States Parties shall grant to women, whatever their marital status, access to adequate housing.

Article 17 - Right to Positive Cultural Context

1. Women shall have the right to live in a positive cultural context and to participate at all levels in the determination of cultural policies.
2. States Parties shall take all appropriate measures to enhance the participation of women in the formulation of cultural policies at all levels.

Article 18 - Right to a Healthy and Sustainable Environment

1. Women shall have the right to live in a healthy and sustainable environment.
2. States Parties shall take all appropriate measures to:
 - a) ensure greater participation of women in the planning, management and preservation of the environment and the sustainable use of natural resources at all levels;
 - promote research and investment in new and renewable energy sources and appropriate technologies, including information technologies and facilitate women's access to, and participation in their control;
 - protect and enable the development of women's indigenous knowledge systems;

c) regulate the management, processing, storage and disposal of domestic waste;

- ensure that proper standards are followed for the storage, transportation and disposal of toxic waste.

Article 19 - Right to Sustainable Development

Women shall have the right to fully enjoy their right to sustainable development. In this connection, the States Parties shall take all appropriate measures to:

- a) introduce the gender perspective in the national development planning procedures;
- b) ensure participation of women at all levels in the conceptualisation, decision-making, implementation and evaluation of development policies and programmes;
- promote women's access to and control over productive resources such as land and guarantee their right to property;
- promote women's access to credit, training, skills development and extension services at rural and urban levels in order to provide women with a higher quality of life and reduce the level of poverty among women;
- take into account indicators of human development specifically relating to women in the elaboration of development policies and programmes; and
- ensure that the negative effects of globalisation and any adverse effects of the implementation of trade and economic policies and programmes are reduced to the minimum for women.

Article 20 - Widows' Rights

States Parties shall take appropriate legal measures to ensure that widows enjoy all human rights through the implementation of the following provisions:

- a) that widows are not subjected to inhuman, humiliating or degrading treatment;
- b) a widow shall automatically become the guardian and custodian of her children, after the death of her husband, unless this is contrary to the interests and the welfare of the children;

c) a widow shall have the right to remarry, and in that event, to marry the person of her choice.

Article 21 - Right to Inheritance

1. A widow shall have the right to an equitable share in the inheritance of the property of her husband. A widow shall have the right to continue to live in the matrimonial house. In case of remarriage, she shall retain this right if the house belongs to her or she has inherited it.
2. Women and men shall have the right to inherit, in equitable shares, their parents' properties.

Article 22 - Special Protection of Elderly Women

The States Parties undertake to:

- provide protection to elderly women and take specific measures commensurate with their physical, economic and social needs as well as their access to employment and professional training;
- ensure the right of elderly women to freedom from violence, including sexual abuse, discrimination based on age and the right to be treated with dignity.

Article 23 - Special Protection of Women with Disabilities

The States Parties undertake to:

- ensure the protection of women with disabilities and take specific measures commensurate with their physical, economic and social needs to facilitate their access to employment, professional and vocational training as well as their participation in decision-making;
- ensure the right of women with disabilities to freedom from violence, including sexual abuse, discrimination based on disability and the right to be treated with dignity.

Article 24 - Special Protection of Women in Distress

The States Parties undertake to:

- ensure the protection of poor women and women heads of families including women from marginalized population groups and provide the an

environment suitable to their condition and their special physical, economic and social needs;

- ensure the right of pregnant or nursing women or women in detention by providing them with an environment which is suitable to their condition and the right to be treated with dignity.

Article 25 - Remedies

States Parties shall undertake to:

- provide for appropriate remedies to any woman whose rights or freedoms, as herein recognised, have been violated;
- ensure that such remedies are determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by law.

Article 26 - Implementation and Monitoring

- States Parties shall ensure the implementation of this Protocol at national level, and in their periodic reports submitted in accordance with Article 62 of the African Charter, indicate the legislative and other measures undertaken for the full realisation of the rights herein recognised.
- States Parties undertake to adopt all necessary measures and in particular shall provide budgetary and other resources for the full and effective implementation of the rights herein recognised.

Article 27 - Interpretation

The African Court on Human and Peoples' Rights shall be seized with matters of interpretation arising from the application or implementation of this Protocol.

Article 28 - Signature, Ratification and Accession

1. This Protocol shall be open for signature, ratification and accession by the States Parties, in accordance with their respective constitutional procedures.
2. The instruments of ratification or accession shall be deposited with the Chairperson of the Commission of the AU.

Article 29 - Entry into Force

-
1. This Protocol shall enter into force thirty (30) days after the deposit of the fifteenth (15) instrument of ratification.
 2. For each State Party that accedes to this Protocol after its coming into force, the Protocol shall come into force on the date of deposit of the instrument of accession.
 3. The Chairperson of the Commission of the AU shall notify all Member States of the coming into force of this Protocol.

Article 30 - Amendment and Revision

1. Any State Party may submit proposals for the amendment or revision of this Protocol.
2. Proposals for amendment or revision shall be submitted, in writing, to the Chairperson of the Commission of the AU who shall transmit the same to the States Parties within thirty (30) days of receipt thereof.
3. The Assembly, upon advice of the African Commission, shall examine these proposals within a period of one (1) year following notification of States Parties, in accordance with the provisions of paragraph 2 of this article.
4. Amendments or revision shall be adopted by the Assembly by a simple majority.
5. The amendment shall come into force for each State Party, which has accepted it thirty (30) days after the Chairperson of the Commission of the AU has received notice of the acceptance.

Article 31 - Status of the Present Protocol

None of the provisions of the present Protocol shall affect more favourable provisions for the realisation of the rights of women contained in the national legislation of States Parties or in any other regional, continental or international conventions, treaties or agreements applicable in these States Parties.

Article 32 - Transitional Provisions

Pending the establishment of the African Court on Human and Peoples' Rights, the African Commission on Human and Peoples' Rights shall be seized with matters of interpretation arising from the application and implementation of this Protocol.

Adopted by the 2nd Ordinary Session of the Assembly of the Union

Maputo , 11 July 2003