

TRAINING MANUAL ON
WOMEN'S HUMAN RIGHTS
IN SIERRA LEONE



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Finally, we thank Denise Odah and Kafui Kuwonu for their help in putting the manual together for it edition.

This publishing is just a first edition in view of the impending training in Sierra Leone. It could be revised after use in order to better reflect the needs and aspirations of women in matters of human rights, in particular those women who are refugees or displaced.

INTRODUCTION

The last three or four decades has seen a significant rise in the nature and number of conflicts in Africa, along with the number of non-combattant civilian victims. Conflicts disrupt community and family life, leading to separation and or displacement of family members.

Women and children are the most affected target groups. Millions of women and children spend many years in refugees camp or as displaced persons within their own country, with no recognised rights.

As part of their policy of insuring that women refugees and internally displaced returnees going back to their places of origin are provided with specific assistance to ensure that they reintegrate their communities in condition of safety and dignity, UNHCR sought WILDaf assistance to train 60 female beneficiaries who are members of women organisations in Sierra Leone and Guinea and who are already committed in the struggle for the promotion and protection of women's human rights

This manual has therefore been put together for women organisations working with women refugees and internally displaced persons.

The general objective is to reinforce the capacities of women's organisations in Sierra Leone to undertake legal literacy programs with the view to assisting women to assert their rights under the law

The specific objectives are:

- -Start a process of reflection on gender and gender role and how they affect status of women and men.
- -Create awareness about national and international laws dealing with the issues.
- -Equip participants with skills to enable them carry out legal literacy and rights education in their community.

The manual is structured along the following lines:

Chapter 1: Raising awareness on gender and women's rights issues

Chapter 2: National laws

Chapter 3: Introduction to women's human rights

Chapter 4: Violence against women

This manual has to be used in conjunction with the WiLDAF manual “Legal rights organising for women in Africa” which has an extensive chapter on methodology and techniques of popular adult education

In putting together the manual, WiLDAF has drawn material from several sources:

- Guide for working with women victims of violence*, WiLDAF West Africa Office, 2000
- Gender Studies and Human Rights Documentation Centre training manual on violence*, (Accra, Ghana) (unpublished)
- Siniko Towards a Human Rights Culture in Africa: A manual for teaching human rights*, published by Amnesty International, 1 Easton Street, London, WC1X 8DJ, UK
- Rights of women* produced by the International Tribune Centre, New York, 1998
- Women’s human rights step by step*, Women, Law and Development International, 1997
- WiLDAf News (WiLDAF’ newsletter), *Women’s rights as human rights in Africa*, 1999, no 1

CHAPTER I

Raising awareness on gender and women's rights issues

Purpose

To begin to explore how gender and gender roles affect the status of women

Methodology Brainstorming and discussion, facilitator's inputs

EXERCISE 1: Identifying women's rights issues

Materials needed:

Flipchart, markers, etc

Steps

1. Ask participants to identify issues of concern to women in their everyday lives, at work, in their families, etc.
2. Write answers on a flipchart
3. Group's answers into themes
4. Discuss
 - Are the issues culture and tradition based?
 - Are the issues gender related?
 - Do the issues affect the status of women and men and how do they affect them differently

EXERCISE 2: Role play on gender

Material: Ball, flip chart

Methodology: Role-play, discussion in plenary, facilitator's input

Steps:

1. Ask participants to form a circle
2. Throw the ball to a participant, starting one of two sentences, which they have to finish ("Women are..." "Boys are...") they have to finish on catching the ball. Then throw the ball to the next person
3. Facilitator records answers on a flipchart
4. Facilitator leads a discussion, helping group to reflect on the following questions:
 - What do these messages teach boys and girls?
 - What do these answers expect from boys and girls?
 - Who benefits from these messages?
 - How do these messages contribute to the process of establishing socially constructed rules for men and women?

Exercise 3: Gender role and biological role

Steps:

- i. Divide participants into groups (not more than 6 in a group)
 - ii. Ask each group to list on a flip chart the expected roles of men and women.
 - iii. In the group, participants should identify which roles are gender-related and which are biological
 - iv. Facilitator then makes an input making the distinction between gender and biological roles
5. Facilitator's input (gender, patriarchy)

Gender is the social construction of roles assigned to men and women. Gender roles are not the same as biological roles of men and women. In other words whilst biological roles are unchangeable between the sexes, gender roles can and do change over time. Gender roles differ according to cultures, even within the same country. Very often, there is some confusion in the minds of people as to the differences between gender and biological roles. Gender roles for women are usually linked to their biological or reproductive functions and therefore they are erroneously thought to be biological roles. For example, caring for children is usually considered a biological role rather than a gender role.

When women refuse to conform to expected gender roles, they are usually disciplined and often sanctioned by society whereas men who do not fulfil their expected roles are not sanctioned. Non-conformity by women to their expected roles also leads to such women being branded and called names.

All of these can be related to patriarchy as the system that oppresses women and/or power and control as the tools for maintaining the system of patriarchy.

Discussions on gender roles usually receive a lot of resistance, usually from the dominant group, males using reasons such as traditions and religion to maintain the status quo.

See also handouts on Root Causes of Violence.

CHAPTER II

National laws dealing with identified issues

Purpose: Look at existing legislation on selected issues, implementation of the laws and any gaps in existing legislation

Methodology: group work, plenary report, facilitator's input

Material: flipchart, pens, markers, copies of the relevant legislation

Steps:

1. Refer to list of issues identified earlier. Break participants into groups.
2. Each group to take one issue.
3. Participants to identify laws, including the Constitution, that deal with that issue. How are the laws implemented. Identify any gaps in the law either by way of content or the procedure. What changes do we want to see in the law if any.
4. Report back in plenary.
5. Facilitator to make input, drawing attention to best practices in other countries.

-----HANDOUT-----

There is no statement in the Constitution that confirms the supremacy of the Constitution in Sierra Leone. What this means is that it is possible to enact legislation, which takes away rights conferred by the Constitution. Article 27 of the Constitution has general provisions against discrimination. However, sub section 4, paragraph (d) of the same article makes reservations regarding adoption, marriage, divorce, burial, devolution of property on death or other interest of personal law. Paragraph (e) of the same subsection states that, “for the application in the case of members of a particular race or tribe or customary law with respect to any matter to the exclusion of any law with respect to that matter which is applicable in the case of other persons;”

What this subsection does is that in the matter of issues which affect women, it has made it possible to use personal laws which are usually customary laws to deal with those issues. And it is well known that customary law is not women-friendly.

In some constitutions, such as that of Ghana it is stated that, “ the Constitution shall be the supreme law of Ghana and any other law found to be inconsistent with any provision of this constitution shall, to the extent of the inconsistency, be void”. This makes it possible to challenge legislation and other customary laws that appear to discriminate against women.

CHAPTER III

INTRODUCTION TO WOMEN'S HUMAN RIGHTS

Purpose: to create awareness of national and international laws dealing with women's human rights

Methodology: presentation at plenary sessions followed by discussion, group work, report back in plenary

Material: flipchart, markers, Handout

EXERCISE 1: General introduction to human rights

Steps:

1. Break participants into two groups. Give each group copies of the UDHR and chapter on fundamental rights of Sierra Leone's Constitution.
2. Each group to write on flip-chart what they see as similarities and any differences between the two documents.
3. Report back in plenary
4. Facilitator then makes presentation on UDHR, stressing the similarities in the S.L constitution.
5. Make time for questions and general discussions

-----Hand out -----

“Human rights are those rights that every human being possesses and is entitled to simply by virtue of being human. At the 1993 World Conference on Human Rights, governments reaffirmed in the Vienna Declaration that human rights are the birthright of all human beings and that the protection of human rights is the first responsibility of governments. Human rights are based on the fundamental principle that all persons possess an inherent human dignity and that regardless of sex, race, colour, language, national origin, age, class or religious or political beliefs, they are equally entitled to enjoy their rights.

Current international human rights obligations are rooted in the Charter of the United Nations. The first attempt to codify the standards was the Universal Declaration of Human Rights in 1947. The Declaration has come to be recognized as a common standard for all peoples and all nations to strive for in the promotion of human dignity. Among the rights enshrined in the Declaration are the rights to equality; freedom from discrimination; life, liberty and security of the person; freedom from slavery, torture or degrading treatment; recognition as a person before the law to seek a remedy by a competent tribunal; and freedom of expression and political participation.

In order to translate the Universal Declaration’s principles into legally binding human rights obligations – at least for the states that ratified them – the Commission drafted the first human rights *instrument*. The General Assembly eventually split it into two “covenants”, one on civil and political rights, and another on social, cultural and economic rights. This division was motivated by political considerations and reflected a compromise between states with “market-oriented” or “capitalist” economies (which tended to emphasize civil and political rights) and states with “planned” or “socialist” economies (which tended to emphasize economic and social rights). In 1966, after years of considerations by the Commission on Human Rights, the UN’s Third Committee (the General Assembly’s Committee on Human Rights) finally adopted the two separate documents: The International Covenant on Economic, Social, and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) – which together with the Universal Declaration of Human Rights became collectively known as the International Bill of Rights – took effect in 1976. The ICCPR contained an Optional Protocol (or amendment to the treaty) allowing states to permit their own nationals to lodge petitions against them and requiring separate ratification.

Since the Social Summit in Copenhagen in 1995, a new set of rights referred to as the third generation rights has emerged: the right to development.

Over the years, the principles of universal human rights have become so acceptable throughout the world to the extent that several national constitutions including the Constitution of Sierra Leone and Guinea have a whole chapter on fundamental rights and freedoms.

In 1993 the United Nations organised an international conference on human rights in Vienna, Austria. The conference confirmed the universality, indivisibility, interdependency and inalienability of human rights.

As far as women's rights were concerned, the Conference took a landmark decision in affirming that women's rights are human rights. The Conference came out with a declaration on violence, which stated that violence against women is a violation of their human rights.

**Exercise 2:
Introduction to women's
human rights**

Steps

1. Presentation on CEDAW and its protocol, the African Charter and its protocol, Declaration of Vienna on violence, the CEDAW Committee recommendation, CEDAW procedure,
2. Questions and answer

-----Hand out -----

Women's human rights: CEDAW

CEDAW is the most comprehensive and detailed international agreement in the history of women's rights. With its spirit rooted in the goals of the UN, the convention incorporates all gender provisions from several documents into one definitive international legal instrument. Yet, CEDAW also goes one step beyond earlier human rights conventions by exposing the specific inequalities that plague women's lives. In doing so, it explicitly acknowledges what previous international mechanisms have ineffectively expressed: that women's rights as human rights must be respected and observed.

The power of CEDAW stems primarily from the fact that it defines discrimination against women for the first time. This means that the Convention finally confronts the pervasive and systemic nature of violations committed against women. As Article 1 states:

The term "discrimination against women" includes any distinction, exclusion or restriction made on the basis of sex... in the political, economic, social, cultural, civil or any other fields.

Unlike previous conventions, then, CEDAW recognizes that the causes of women's inequality appear in multiple and indivisible spheres. Even more, it recognizes for the first time that the violations against women do not only occur in the political and legal realm, but are also often entrenched in religion, culture and tradition. It follows that,

while violations such as widow burning, family violence and sexual mutilation have been historically dismissed as private matters, CEDAW exposes discrimination in all its forms. In turn, this engendered legal norm establishes rights for women in areas never before subject to international standards and propels them into the political sphere.

At the same time that CEDAW identifies the particular nature of women's disadvantages, it also provides a plan of action to overcome this inequality. Article 3 requires states parties to take "all appropriate measures, including legislation, to ensure the full development and advancement of women." A framework for action is outlined in fourteen subsequent articles, which address three overlapping dimensions of women's lives: legal status, reproductive rights and cultural constraints.

Legal status

CEDAW is firmly rooted in the conviction that equality before the law is a fundamental human right, essential to the advancement of women. However, the Convention also recognizes that legal injustice continues to exist. In many countries, for example, the law requires wives to obtain their husband's signature for all legal acts, including the acquisition of a passport or the right to divorce.

Similarly, land ownership laws often prohibit women from owning land or inheriting property from a deceased father or husband. The consequence of such inequality can be extremely detrimental. As UNIFEM writes, the resulting injustices have not only undermined women's personal liberty and security; they have also undermined women's economic capacity, impoverishing millions of women and their dependants.

Because of these sweeping effects, CEDAW gives the legal status of women its broadest attention. In doing so, the Convention demands women's legal and de facto capacity in every aspect of life. State provisions include:

- 1) a restatement of measures laid out in previous documents, including the rights to vote, hold public office and exercise public functions;
- 2) the right to citizenship irrespective of marital status;
- 3) non-discrimination in education, employment and socio-economic activities, with special emphasis on the vulnerability of rural women;
- 4) full equality in civil and business matters; and
- 5) equal rights and responsibilities in marriage and family, including choice of spouse, parenthood, personal rights and command over property.

Each of these provisions binds ratifying states both to enshrine the legal status of women in law and to enforce these measures in practice. In this way CEDAW demands women's legal right to self-determination; that is, women must be treated as individuals in their own right.

Reproductive rights

Corrective measures related to reproductive rights are also incorporated into all areas of the Convention. As the Preamble states, "the role of women in procreation should not be a basis for discrimination. "The reality, however, is that substantial

reproductive discrimination does threaten women's lives. For example, because women are far more likely than men to be balancing the responsibilities of family and work, an important problem results: although women typically work longer hours than men when paid and unpaid work is combined, women receive less income, and thus are more vulnerable to poverty. Accordingly, Article 5 insists on "a proper understanding of maternity as a social function". In turn, CEDAW demands fully shared responsibility for child rearing by both sexes (Article 5) as well as childcare facilities to ease the balance between family responsibilities and work (Article 11).

A second problem related to reproductive rights is the devastating reality that thousands of women are dying each year from avoidable causes linked to pregnancy, childbirth and uncontrolled fertility. A recent *Globe & Mail* article, entitled "Birth Spells Death for Third World Women" reveals this shocking reality, noting that women's lifetime risk of dying from pregnancy in Africa is currently 1 in 6. Even more shocking is the fact that CEDAW is the only treaty to address this problem by specifically mandating provisions related to family planning.

States parties are not only obliged to provide equal access to healthcare, but they must also guarantee women's rights to decide freely and responsibly the number, spacing and timing of their children (Article 16e). In addition, states must offer information on reproductive choices so that women can make such decisions. (Article 10h). In turn, by demanding women's rights to reproductive self-determination, CEDAW finally dictates that 'the enjoyment of health – including reproductive health is one of the fundamental rights of every human being.'

Cultural constraints

A third important dimension of the Convention calls on governments to abolish stereotypes, customs and norms that discriminate against women. According to Article 5, Governments must eliminate "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."

In other words, where cultural constructs of gender obstruct women's equality, it is culture that must give way, not women's rights. This means that ratifying governments must outlaw any harmful or life-threatening practices, such as female genital mutilations, forced marriage, and dowry murders, that are so often marginalized under the guise of tradition.

Yet' CEDAW also acknowledges that legislation against culturally justified practices is not enough. Because they are often embraced with "nostalgic affection", eradication of harmful customs also requires family education. As Nahid Toubia stresses in her discussion of female genital mutilations, "criminalization and regulation are effective only once a substantial body of public opinions has been raised against the practices". Accordingly, Article 10 mandates the revision of textbooks, school programs and teaching methods in order to eliminate dangerous stereotypes. In turn, unlike other human rights treaties, CEDAW demands that governments transform not only law, but also the very societies within which these violations occur.

Reference: WILDaf News, Human rights as women's rights in Africa. Page 13.

Subsequent UN conferences such as the ICPD and Beijing have re-emphasised the rights conferred under CEDAW and also state parties' obligations to ensure the implementation of their commitments under the various UN instruments. One outcome of the Beijing Conference is the adoption of the optional protocol to CEDAW, which allows individual women or groups of women to file complaints, either by themselves or on their behalf against their countries.

OPTIONAL PROTOCOL TO THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

The Optional Protocol is a mechanism to ***access justice for women at the international level*** under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). It is applicable to situations whereby women have been denied justice at the national level and where they have exhausted all local remedies. It allows their claims to be reviewed by the commission of independent experts of CEDAW.

Previously the CEDAW Committee's was limited to monitoring compliance with the Convention through periodic government reports. Under the Optional Protocol, individuals and groups of women whose rights, under the Convention, have been violated at the national level can bring their claims to the Committee of Experts to be reviewed.

The human rights guarantees established in CEDAW are far-reaching. It seeks to eliminate discrimination against women in the exercise of their economic, social and cultural rights as well as civil and political rights in public and private or family life and perpetrated by both the state and non-state actors. The gap between what the Convention promises with regard to women's rights and the reality of women's lives remains significant. The Optional Protocol can help to bridge this gap. It must be noted that the **Optional Protocol does not create any substantive rights**.

There are 165 states that are parties to CEDAW. The majority of African countries are state parties to the Convention. Some do have reservations, which go to the heart of the Convention. For example, the Government of Mauritius does not consider itself bound by sub-paragraphs (b) and (d) of paragraph 1 of Article 11 which eliminates discrimination against women and provides equal rights and opportunities in employment.

The Optional Protocol is a separate treaty that is open to ratification by states that are already party to the Convention. **It is Optional – no government has to agree to be bound by it.**

Ratification of the OP is a key element of ***follow up to the commitment governments made at the Fourth World Conference on Women in Beijing.***

Signatures to and Ratifications of the Optional Protocol as of 30 July 2002

Signatories: 75

Parties: 43

| Participant | Signature | Ratification, Accession (a) |
|------------------------|------------------|--------------------------------|
| Andorra | 9 July 2001 | |
| Argentina | 28 February 2000 | |
| Austria | 10 December 1999 | 6 September 2000 |
| Azerbaijan | 6 June 2000 | 1 June 2001 |
| Bangladesh | 6 September 2000 | 6 September 2000 |
| Belarus | 29 April 2002 | |
| Belgium | 10 December 1999 | |
| Benin | 25 May 2000 | |
| Bolivia | 10 December 1999 | 27 September 2000 |
| Bosnia and Herzegovina | 7 September 2000 | |
| Brazil | 13 March 2001 | 28 June 2002 |
| Bulgaria | 6 June 2000 | |
| Burkina Faso | 16 November 2001 | |
| Burundi | 13 November 2001 | |
| Cambodia | 11 November 2001 | |
| Chile | 10 December 1999 | |
| Colombia | 10 December 1999 | |
| Costa Rica | 10 December 1999 | 20 September 2001 |
| Croatia | 5 June 2000 | 7 March 2001 |
| Cuba | 17 March 2000 | |
| Cyprus | 8 February 2001 | 26 April 2002 |
| Czech Republic | 10 December 1999 | 26 Feb 2001 |
| Denmark | 10 December 1999 | 31 May 2000 |
| Dominican Republic | 14 March 2000 | 10 August 2001 |
| Ecuador | 10 December 1999 | 5 February 2002 |
| El Salvador | 4 April 2001 | |
| Finland | 10 December 1999 | 29 December 2000 |
| France | 10 December 1999 | 9 June 2000 |
| Georgia | | 30 July 2002 |
| Germany | 10 December 1999 | 15 January 2002 |
| Ghana | 24 February 2000 | |
| Greece | 10 December 1999 | 24 January 2002 |

| | | |
|-----------------------|-------------------|-------------------|
| Guatemala | 7 September 2000 | 9 May 2002 |
| Guinea-Bissau | 12 September 2000 | |
| Hungary | | 22 December 2000 |
| Iceland | 10 December 1999 | 6 March 2001 |
| Indonesia | 28 February 2000 | |
| Ireland | 7 September 2000 | 7 September 2000 |
| Italy | 10 December 1999 | 22 September 2000 |
| Kazakhstan | 6 September 2000 | 24 August 2001 |
| Kyrgyzstan | | 22 July 2002 |
| Lesotho | 6 September 2000 | |
| Liechtenstein | 10 December 1999 | 24 October 2001 |
| Lithuania | 8 September 2000 | |
| Luxembourg | 10 December 1999 | |
| Madagascar | 7 September 2000 | |
| Malawi | 7 September 2000 | |
| Mali | | 5 December 2000 |
| Mauritius | 11 November 2001 | |
| Mexico | 10 December 1999 | 15 March 2002 |
| Mongolia | 7 September 2000 | 28 March 2002 |
| Namibia | 19 May 2000 | 26 May 2000 |
| Nepal | 18 December 2001 | |
| Netherlands | 10 December 1999 | 22 May 2002 |
| New Zealand | 7 September 2000 | 7 September 2000 |
| Nigeria | 8 September 2000 | |
| Norway | 10 December 1999 | 5 March 2002 |
| Panama | 9 June 2000 | 9 May 2001 |
| Paraguay | 28 December 1999 | 14 May 2001 |
| Peru | 22 December 2000 | 9 April 2001 |
| Philippines | 21 March 2000 | |
| Portugal | 16 February 2000 | 26 April 2002 |
| Romania | 6 September 2000 | |
| Russian Federation | 8 May 2001 | |
| Sao Tome and Principe | 6 September 2000 | |
| Senegal | 10 December 1999 | 26 May 2000 |
| Seychelles | 22 July 2002 | |
| Sierra Leone | 8 September 2000 | |
| Slovakia | 5 June 2000 | 17 November 2000 |
| Slovenia | 10 December 1999 | |
| Solomon Islands | | 6 May 2002 |

| | | |
|---|------------------|--------------|
| Spain | 14 March 2000 | 6 July 2001 |
| Sweden | 10 December 1999 | |
| Tajikistan | 7 September 2000 | |
| Thailand | 14 June 2000 | 14 June 2000 |
| The former Yugoslav Republic of Macedonia | 3 April 2000 | |
| Turkey | 8 September 2000 | |
| Ukraine | 7 September 2000 | |
| Uruguay | 9 May 2000 | 26 July 2001 |
| Venezuela | 17 March 2000 | 13 May 2002 |

Source: UN Division for the Advancement of Women

The Optional Protocol establishes:

A COMMUNICATION PROCEDURE through which the CEDAW Committee can review complaints to decide if rights guaranteed by the Convention **have been violated and identify remedies** to victims: and

An **ENQUIRY PROCEDURE** through which CEDAW can launch an enquiry into grave or systematic violations on its own initiative.

HOW CAN THE OP BENEFIT WOMEN? It can be a means of:

- **Catalysing changes in national laws and practices** – by encouraging and motivating governments to ensure that the Convention is implemented at the national level and national remedies are effective in order to avoid being called to account at the international level;
- **Providing redress** for individual victims of women's human rights violations;
- Improving the understanding of the rights and obligations in the Convention, by creating an avenue for CEDAW committee to interpret the Convention in greater detail;
- **Developing progressive interpretation of discrimination standards** that can inform national courts and lawmakers, in addition to other international human rights standards.
- **Providing detailed guidance to governments** that are seeking to meet their obligations under the convention;
- **Creating public awareness of human rights standards** which prohibits discrimination against women
- **Building awareness among women** of their rights as claimants.

Inquiry Procedure

Applies to SP's that have not opted out

Confidential Stages

Requirement: must be "grave or Systematic" violations

1. Grave violations = severe abuses, for example
 - Discrimination against women linked to violations of their rights to life, physical and mental integrity, and security of person (Art 8)
2. Systematic violations
 - "Systematic" refers to scale or prevalence of violations, or to existence of scheme or policy directing violations
 - Violations not rising to level of severity implied by "grave" may still be focus of inquiry if there is pattern, or abuses are committed pursuant to scheme or policy (can be as a result of social or cultural laws attitude etc.
3. Committee can us inquiry to address broad-based discrimination resulting from social and cultural factors, or widespread gap between law and policy at implementation level
4. Wide scale violations, such as trafficking in women for economic or sexual exploitation, may be more effectively addressed through inquiry than through a series of communications from individuals or groups of individuals.

Committee receives reliable information about grave or systematic violations

Committee invites SP to cooperate in the inquiry and submit observations

- SP consent and cooperation not required but desirable

Follow-up
 Committee selects one or more of its members to conduct inquiry

1. consider info and SP responses
2. visit SP (if SP consents)

Committee makes findings and recommendations based on all "available information," and submits them to SP

SP must respond to Committee's findings and recommendations within 6 months

Information made public

1. Committee may invite SP to include info on its responses to inquiry findings (discretionary) in periodic report under Convention
2. After 6 months, Committee may invite SP to inform it of measures taken.

Requirement: must be reliable information

1. Reliable = credible
2. Reliability can be assessed in light of factors such as: specificity, consistency among accounts, corroborating evidence, source's record re-credibility in fact-finding, and independence and non-partisanship of media.
3. No restriction o sources of info or format.
4. Potential sources of info
 - women's groups and NGOs
 - other UN human rights bodies or experts
 - regional human rights bodies or experts
 - press accounts
 - groups working on humanitarian assistance.

On-site visit with consent of SP may include interviews with:

- government officials
- judges
- NGOs
- alleged victims
- witnesses
- other individuals o groups with relevant info.

NGOs may submit info regarding SP's compliance with recommendations

Art 10 allows SP to exempt itself ("opt out") from inquiry procedure at time of ratification by declaring that it doesn't recognize competence of Committee under Art. 8. This declaration may be withdrawn at any time.

THE AFRICAN CHARTER ON HUMAN AND PEOPLE 'S RIGHTS

The African Charter is a human rights instrument specifically designed to respond to « African concerns, traditions and conditions. It not only covers internationally recognised individual rights but also proclaims collective rights and individual duties. The task of enforcing the rights enshrined in the Charter is entrusted to the African Commission which is based in Banjul, the Gambia.

Currently under discussion is a draft protocol to the Charter concerning the rights of women. The significance of the draft Protocol lies in the fact that it goes one step beyond the Charter by exposing the specific inequalities that plague women's lives. In so doing, the protocol explicitly acknowledges what the African charter does not ; that women's rights are human rights and must be respected and protected.

PROCEDURE UNDER THE AFRICAN CHARTER:

1. WHO CAN LAY A COMPLAINT?

- i. State partners to the charter
 - ii. Individuals or groups
- a. A complaint can be submitted by the alleged victim or his or her representative.
- i. It can be an individual or
 - ii. On behalf of a large group of persons in the situation of serious and massive violations of Human rights
- b. It must be against a state party to the charter
- c. It must be sent to the Commission Secretariat in Banjul

2. ADMISSIBILITY

For communication to be admissible it:

- iii. Must have name(s) and others forms of identification even if there is a request for anonymity
- iv. Must be compatible with Charter of the Organisation of Africa Unity or with the African Charter.
- v. Must indicate its author(s) even if the latter request(s) anonymity
- vi. It is not written in an insulting or disparaging language directed against the state under consideration and its institutions or to the Organization of African Unity;
- vii. It is not based exclusively on news disseminated through the mass media;
- viii. Is sent after exhausting local remedies if any, unless it is obvious that the process is unduly prolonged;
- ix. It is submitted within a reasonable period from the time local remedies are exhausted or from the date the commission is seized of the matter and
- x. Does not deal with cases, which have been settled by the state involved in accordance with the principles of the Charter of the United Nations, the OAU charter or the Provisions of the present charter.

After complaint declared admissible:

- a. Parties are then notified of date when communication will be considered

MEASURES:

- a. Communication can suggest interim measures
- b. Or on site investigation
- c. Reach an amicable settlement

The commission has no power to enforce its decision. However, publicity can be used to deter future violations.

EXERCISE 3: Convention on the status of the rights of refugees

Methodology: brainstorming, Role-play, Discussion and presentation by the facilitator

Steps

1. *Start by brainstorming in order to find out what participants think about refugees. Write the word "refugee" on the board or on a large piece of paper stuck on a wall, and ask the group to say the first things that the word makes them think of.*
2. *After you have gone round all the participants and there is nothing more to add, then introduce the information on refugees.*

-----Handout -----

Information about refugees

Every year tens of thousands of people have to leave their homes and often their countries because of persecution or war. These people become refugees. They nearly always have to move suddenly, leaving their possessions behind, tearing families apart. Many are never able to return to their homes. In 1992 there were almost 19 million refugees in the world.

Most refugees seek safety in a neighbouring country. Others have to travel long distances to find safety. Refugees often arrive at airports, seaports and land entry points, far from their native land, asking for entry.

In 1951, the United Nations adopted the **Convention Relating to the Status of Refugees**. More than half of the countries in the world have agreed with the convention. They give protection to refugees and agree not to force them to return to their country to risk persecution or death. Article 33 of the Convention says: “No Contracting State shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, region, nationality, membership of a particular social group or political option.”

This also applies if a government wants to send a refugee to another country from which the refugee might be sent home. Also, governments must hear the claim of a refugee who wants to find safety (seek asylum) in their country. This principle applies to all states, whether or not they are party to the 1951 Convention.

According to the Convention, a refugee is someone who has left their country and is unable to return because of a real fear of being persecuted because of their race, religion, nationality, membership of a social group, or political opinion.

The 1951 Convention also says that refugees should be free from discrimination and should enjoy their full rights in the country where they go to be safe. Also, many articles of the Universal Declaration of Human Rights protect refugees. However, countries disagree about who is a “genuine” refugee. The media and politicians often demand limits on the number of refugees, saying that they cause racial tension, and shortages of housing and jobs.

In recent years the governments of many of the world's richest countries have reduced the number of refugees they allow in, for two reasons. First, air travel has become cheaper, meaning that more refugees from developing countries want to enter developed countries. Second, the world economic downturn has reduced the need for large workforces. This means that refugees who used to come as migrant workers now have to apply for refugee status.

To justify restrictions on refugees, rich countries often say that refugees are not victims of oppression, but just want a better standard of living. They call them “economic migrants”. To protect the rights of refugees the office of the **United Nations High Commissioner for Refugees (UNHCR)** based in Geneva was established by the UN General Assembly on 14 December 1950.

Governments often argue that refugees’ fears are exaggerated or untrue. Refugees are protected from this argument by organisations, which use evidence of human rights violations in the refugee’s country to persuade the government to let them apply for asylum.

In 1969, as a result of increased political tension on the African continent due to agitations for independence the Heads of states and governments of the OAU,

adopted the Convention Governing specific Aspects of Refugee Problems in Africa. This convention entered into force on June 20, 1974.

Under Article 1.1 of the OAU convention, a refugee was defined to mean ‘-----every person who, owing to well-founded fear of being prosecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unwilling to avail himself of the protection of that country, or who, not having a nationality or being outside his former habitual residence as a result of such events is unable or, owing to such fear is unwilling to return.

The term refugee was further extended to apply to (article1.2) -----“ every person who, owing to external aggression, occupation or foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.”

Taking into account the events on the continent when the Convention was adopted, the Convention's, Article 3 (1) and (2) make it an obligation for the would be refugee and the state parties to -----“abstain from any subversive activities against any member state of the OAU and “undertake to prohibit refugees residing in their respective territories from attacking any member state, by any activity likely to cause tension between member states and in particular by use of arms, through the press or by radio.”

3. Role play:

Read out the following scenario (if you wish, you can invent imaginary names for country X and Y):

“It is a dark, cold and wet night on the border between country X and country Y. A column of refugees has arrived, fleeing from the war in X. They want to cross into Y. They are hungry, tired and cold. They have no money, and no documents. The immigration officials from country Y have different points of view – some want to allow the refugees to cross, but others don't. The refugees are desperate, and use several arguments to try to persuade the immigration officials.”

-Ask one third of the group to imagine that they are the immigration officers from country Y. Give this group the “immigration officers” “arguments and options”.

-Ask another third to imagine that they are refugees. Give this group the “Refugees” arguments and options”.

-Tell the players that they can use the arguments on their cards and any other relevant arguments they can think of. If it helps, draw a line on the floor to symbolize the border. Tell them that when the role-play begins, they have ten minutes to reach some sort of conclusion, which may be one of the options listed, or another solution.

-It is up to you and the group to decide whether the “refugees” and the “immigration officers” will put their arguments as a group, or whether they will individually take responsibility for putting individual arguments

-Ask the remaining third of them to act as observers. (Half can monitor the “immigration officers”, and half can monitor the “refugees”).

- Give the “refugees” and the “immigration officers” a few minutes before the role-play to read through their arguments and options and to decide on tactics
- Start the role-play. Use your own judgement about when to stop.
- After the role-play, discuss it using the following questions. This is important to draw out the learning points.

Questions:

- How did the situation work out? What happened?
- How did it feel to be a refugee?
How did it feel to be an immigrant officer?
- Refugees have a right to protection under the 1951 Convention Relating to the Status of Refugees. Were these refugees given their right to protection? Why or why not?
- Do you think that a country should have the right to turn away refugees?
- Would you do this yourself? What if you knew they faced death in their own country?

Choices:

- If there is time, do the role-play again, but the group members who were immigration officers must now be refugees. At the end ask them how did it feel to be playing the other role?
- The Office of the United Nations High Commissioner for Refugees (UNHCR) is the UN agency set up to provide support and assistance to states to provide protection for refugees. You may want to find out where their office is located in your country and invite them to come to speak to your group.
- Ask group members to write an imaginative account of the scene at the border. The account could be from the point of view of a refugee child.
- As an action, group members could gather essential items and deliver them to refugees who are sheltering in your country.

“Immigration officers” arguments and options:

You can use these arguments and any others you can think of:

- They are desperate, we can't send them back.
- If we send them back we will be responsible if they are arrested, tortured or killed
- We have legal obligations to accept refugees.
- They have no money, and will need state support. Our country cannot afford that.
- Can they prove that they are genuine refugees? Maybe they are just here to look for a better standard of living?
- Our country is a military and business partner of country X. We can't be seen to be protecting them.
- maybe they have skills, which we need?
- There are enough refugees in our country. We need to take care of our own people. They should go to the richer countries.
- If we let them in, others will also demand entry.

- They don't speak our language, they have a different religion and they eat different food. They won't integrate.
- they will bring political trouble.

Before the role-play, think about the following options:

- Will you let all of the refugees across the border?
- Will you let some across the border?
- Will you split them up by age, profession, and wealth...?
- Will you do something else instead? What?

Refugees' arguments and options:

You can use these arguments and any others you can think of:

- It is our right to receive asylum
- Our children are hungry; you have a moral responsibility to help us.
- We will be killed if we go back
- We have no money
- We can't go anywhere else
- We only want shelter until it is safe to return
- Other refugees have been allowed into your country

Before the role-play, think about the following options:

- Will you split up if the immigration officers ask you to?
- Will you go home if they try to send you back?

Extract from: *Siniko Towards a Human Rights Culture in Africa: A manual for teaching human rights* published by Amnesty International

-----Hand out-----

Women refugees' rights

The main instrument that deals with refugees is the 1951 convention relating to the status of refugees. There are other conventions and instruments that deal with the rights of refugees. These are:

- Universal Declaration of Human Rights (UDHR)
 - Convention against Torture and other cruel, inhuman or degrading treatment or punishment (CAT)
 - International Covenant on Civil and Political Rights (ICCPR)
 - Convention relating to the Status of Refugees and Protocol relating to the status of Refugees (CRSR)
- African Charter on Human and People's rights

General protection:

-A refugee is anyone who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, or membership of a particular social group or political opinion, is outside the country of her nationality and is unable or unwilling to avail herself of the protection of that country.

CRSR 1:2

-You have the right to seek asylum from persecution in another country

UDHR 14 – ICCPR 13 – African Charter Art. 12: 3

-You must not be returned to a country if your life or freedom would be threatened because of your race, religion, nationality, social group or political opinion or if you are in danger of being tortured

CRSR 33 – CAT 3

-You must not be punished for entering a country illegally, provided you have reported without delay to the authorities and have shown a good reason for your illegal entry.

CRSR 31

-If you are a refugee, you cannot be expelled without a fair hearing before the law. You must also be given a reasonable period in which to apply for legal admission to another country.

CRSR 32

Rights in the country in which you have taken refuge

-You have the same rights as national citizens to practice your religion

CRSR 4

-You have the right to retain the same personal status including your marital status, as you enjoyed in your home state.

CRSR 12

-You have the same rights as other aliens to property, leases and contracts

CRSR 13

-You have the same rights as national citizens to join trade unions and non-political and nonprofit associations

CRSR 15

-You have the same rights as national citizens to use the justice system

CRSR 16

-You have the same rights as other aliens to work

CRSR 17, 18, 19

-You have the same rights as other aliens to housing

CRSR 21

-You have the same rights as other national citizens to elementary education and as aliens to all other levels and types of education as well as to scholarships and the recognition of foreign qualifications

CRSR 22

-You have the same rights as nationals to public assistance

CRSR 23

-You have the same rights as nationals to receive wages and the benefits of collective bargaining, as well as social security, sickness, injury, maternity, retirement and death benefits.

CRSR 24

-You have the same right to freedom of movement as other aliens

CRSR 26

-You must be given the necessary identity papers and travel and administrative documents

CRSR 25, 27, 28 – GC 64aviii

You may transfer the assets you have brought with you to your new country of settlement.

CRSR 30

Additional Protection for Women Refugees

-You have the right to all basic services including food, water, health, sanitation, and education and wage-earning opportunities.

GC 64ix – PFA 147f

-You should be protected from physical dangers, including sexual violence.

GC 54:2 – GC 60b – GC73a – PFA 147c

-If you are at risk, you should be given special priority for resettlement.

GC 54:4; GC 60c; GC 64axi

-If you have suffered sexual abuse you should receive counselling and other services.

GC 64avi; GC 73f – PFA 147i

-Countries should pass and enforce laws and develop educational materials and training that prevent and combat sexual violence against refugees.

GC 73b

-Women refugees are an important economic force and need to participate in the planning of refugee protection and assistance programmes

GC 54: GC 60g; GC 64:2 and ai – PFA 147a

-Women's issues should be included in all plans for refugees.
GC 54:6; GC 60a and h; GC 64av – PFA 147a and o

-To ensure that women and men refugees are treated equally, actions may have to be taken to specifically help women.
GC 64 para 5 – PFA 226

-Those who have committed crimes against refugee women should be prosecuted
GC 64avii

Extract from: *-Siniko Towards a Human Rights Culture in Africa: A manual for teaching human rights* published by Amnesty International, 1 Easton Street, London, WC1X 8DJ, UK

Exercise 4: Comparison of the national laws with the international laws in groups.

Steps:

1. Ask participants to form groups.
 2. Each group to take the issues that they first identify in exercise 3
 3. Groups to compare national laws to international conventions. What are the differences between local legislation and international? Which is more favourable to address the issue?
 4. In plenary: groups report back and discussions
 5. Facilitator's input will be drawing attention to how the international conventions are to be applied locally
- Hand out?

CHAPTER IV

VIOLENCE AGAINST WOMEN

Purpose: To explore participants' knowledge, understanding, misunderstanding and position on violence against women and to begin to identify myths about violence, to begin to link violence to other social justice, equity and governance issues such as human rights, citizenship, poverty, health and education, so that violence is not seen in isolation, to begin to explore laws that deal with gender violence.

Methodology:

Exercise in plenary, facilitator's input

Material: Flipchart, paper, copies of the laws, case studies from Arusha, posters,

EXERCICE 1: Defining violence

Steps :

1. Participants individually answer the question: "Violence is..." and paste it on the wall for a gallery walk. Participants are asked to review the first postings on the wall. Group discussion can follow in which they agree with personal statements and are given time to add or subtract.
2. Use posters depicting acts of violence or a newspaper article on violence to get the group to address the same question. These tools can be used to get them to answer the question... Violence is... for the above mentioned gallery work.
3. Facilitator then summarises and does a presentation on the U.N. definition of violence, highlighting the gaps between the national laws and the international instruments; do the national laws cover all the forms of violence stated in the international instruments? Is there any gap in the definition of each form of violence by the national laws?

Facilitator's input:

United Nations Definition

The official Definition of violence against women comes from the Declaration on the Elimination of Violence against Women adopted by the General Assembly of the United Nations in 1993.

“The term violence against women means 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 deprivations of liberty, whether occurring in public or private life”.

Other details in the Declaration stipulate that violence encompasses but is not limited to:

-Physical, sexual, psychological violence occurring in the family, including battering, sexual abuse of female children, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation.

-Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution.

-Physical, sexual and psychological violence perpetrated or condoned by the state wherever it occurs.

(Articles 1 and 2 of the UN Declaration on Violence against Women, 1993)

Important Ingredients of the UN definition of Violence

-First, the definition is a gendered definition of violence, which is crucial to showing that the victims could not just as easily have been men. The risk factor for women is their being female.

-Second, the definition identifies physical, sexual and psychological violence and traditional practices harmful to women, recognizing that there are ranges of violence that can be perpetrated by the state.

-Third, the UN definition recognized that violence is not a neutral thing; it causes harm and or suffering

-Fourth, it recognizes the distinction between the private and public spheres. This is apparent for instance, when personnel from some state agencies refer reported cases of violence, which they consider to be a private matter, back to the family.

-Fifth, this definition is also situated squarely within the discourse on human rights. It is particularly important to locate the definition of violence against women within the wider international and national policy agenda indicating that violence is not separated from other policy issues such as governance, citizenship, development, health, education, crime or social care.

Women and Armed conflict:

War devastates all of civil society – men and women. But armed conflict, political instability, civil unrest, occupation and other situations of upheaval inflict particular sufferings upon women in the form of systematic murder, torture and sexual abuse, including rape. Women are also more likely to become the victims of trafficking and involuntary prostitution in times of war and upheaval, often with the complicity of governments and military authorities. Adolescent and young girls are particularly vulnerable in these circumstances.

Women are increasingly the specific targets of aggression during conflict – sometimes due to their perceived power and resistance to the status quo; sometimes due to their perceived vulnerability. There is growing evidence that war and civil unrest not only endanger women in the public sphere, they also intensify violence against women in the home. It appears that men who are unable to protect their women from violation may compensate by exercising violent control over their wives. A 1988 report of the UNHCR observes that “refugee women frequently suffer family violence due to pent-up frustrations and fragmentation of community life”.

VIOLENCE IN SIERRA LEONE:

The National Report to the Beijing Conference in 1994, identified violence as a national problem that is common in both urban and rural areas, and is an issue that is not limited by class or ethnic affiliations. It is also stressed that violence has been a long-standing problem, which is often hidden, hardly discussed and apparently, ignored by government or persons in authority.

The Statutes

In Sierra Leone, there is no specific law, which protects women against domestic violence. However, under existing statutes, women are given the same protection as men against all types of violence. For example, a person who has been violent to a woman, whether in domestic or public environment can be charged under the Offences Against the Persons Act 1861 with the offences of:

- i. Wounding with intent (section 18)
- ii. Malicious wounding (section 27)
- iii. Assault occasioning actual bodily harm (section 47)
- iv. Aggravated assault on females and boys under fourteen years of age (section 43)

He can also be charged under the Common Law, with the offence of “common assault”.

The Social Realities

Analysis of the nature and level of most forms of domestic violence against women in Sierra Leone is constrained by the obvious and acute problem of data collection. Available information indicates that some of the factors leading to domestic violence include suspected infidelity by the woman, her demands for money which the man considers as untimely or unreasonable, and alleged failure of the woman to look after the house and provide proper care for the children.

In general domestic violence is regarded as unacceptable and unnecessary, but many men and women do not appear to be aware of the availability of the various statutes under which culprits can be prosecuted, as a means of minimising beating and other violent acts on women.

Violence against women in Sierra Leone has become more open and less private with the onset of the rebel war. The war has led to an increase in beatings, rape and sexual harassment of young displaced women, and refugees. Women have become more vulnerable to violence while the sexual exploitation of girls has increased.

A critical situation in Sierra Leone is the culture of silence. Even where such violence is reported to the enforcement agencies, there is often a failure to protect the victims or punish the offenders. This is further compounded because, as research has revealed, women do not normally have access to information about the legal instruments that provide them with protection, and because the society is generally indifferent to scandals involving sexual violence.

Facilitator's input on the different forms of violence:

The different forms of violence

| Physical | Psychological and Emotional | Sexual |
|---|--|---|
| Assault and battery Punching Kicking Hitting with an object Slapping Hair pulling Pushing Pinching Biting Burning Bump Twisting arms Death Choking Etc. | Fear Name-calling Pressuring Teasing Threats Blackmailing Criticising Intimidation Isolation from friends and family Manipulating Possessiveness Bigamy Slandorous Defamation Insult Adultery Forced marriages Dowry or bride price Levirate or wife inheritance Harmful widowhood practices Charlatanism and mysticism Repudiation Putdowns | Sexual assault Rape Incest Forced sex Abortion Touching Females' genital mutilations Voyeurism Exhibitionism Sex after beating Sodomy Etc. |

EXERCICE 2: Different forms of violence

Steps:

1. Case studies: Ask participants to form groups to enact role-play in the case study. Discussion of issues raised in the role-play
2. Discussion of issues raised in the role-play
3. Presentation on different forms of violence

Scenario 1

A couple is seen engaged in what appears to be a discussion. The discussion is quiet in the beginning. However, as it progresses, the man gets agitated and raises his voice. The woman responds to the man's agitation and raises voice, which makes him angry. He starts to get physical by pushing the woman around and ends up beating the woman.

Scenario 2

A couple is in a room having drinks. They are on intimate terms, holding hands and touching each other. The woman then withdraws, asking the man to stop. The man ignores her, saying, "all you women are the same. You want it but you pretend you don't". The woman struggles with him and ends with the man pushing her down on the floor, obviously with the intention of forcing himself on her.

Scenario 3

A couple is seen in a household situation. The woman is heard begging the man for money for household expenses. The man shouts at the woman that he does not have money that she is wasteful and does not use wisely money given to her. Later, woman sees man out with girlfriend, buying expensive gifts for her.

EXERCICE 3: Impact of violence

Steps:

1. Brainstorming: Ask participants to brainstorm on what are the impacts or effects of violence.
2. The facilitator writes the answers on the flipchart.
3. The facilitator will facilitate discussion on the list
4. Presentation by the facilitator on the impacts of violence

Handout:

Impacts/consequences of violence:

The different forms of violence have different consequences or impacts on the victim. Below is a table of the consequences. Whilst it is easy to identify the consequences of physical, sexual or economic abuse, it is very difficult to identify those of psychological abuse. Indeed, oftentimes, the impact of physical or sexual abuse has psychological manifestations. Psychological abuse often has long lasting impact, which may need professional care.

| PHYSICAL | PSYCHOLOGICAL | SEXUAL | ECONOMIC | OTHER |
|--|---|--|--|---------|
| Bruises Broken bones Fractures Swollen face Rashes Broken teeth Open wounds STDs/HIV/Aids Pregnancy Pain Death | Fear, anger, depression, guilty feelings, aggressive behaviour, withdrawal, mood swings, inability to learn, low self esteem, ambivalence, insomnia, internalised blame, Helplessness, hope, isolation, anxiety | Shock, frigidity, promiscuity, inability to build an intimate relationship with anyone, | Loss of income, poverty, neglect to maintain, financial dependence on men | divorce |

EXERCISE 4: Root causes of violence.

Steps

1. Brainstorming: The facilitator asks the participants what they think the root causes of violence are.
2. The answers are listed on a flipchart.
3. The facilitator comments and makes a presentation on the causes of violence

Facilitator's notes:

In making an input, the facilitators should refer to some of the issues identified by the participants. How do these relate to causes of violence? Which are symptoms, which structural? When the group identifies a symptom, ask them to dig deeper and identify the structural cause? What issues do these raise with regard to the status of women? What about gender roles? What role does religion or tradition play in causing violence? How do they play a role in violence? All of these can be related to patriarchy as the system that oppresses women and/or power and control as the tools for maintaining the system of patriarchy.

For example,

Women as property raises the issues of:

- A man being the owner
- As an owner the man has the right to discipline his wife – this lends itself to sanctioning violence against women under the guise of chastisement, correction, training
- As property, women are not seen as equal to men – they are inferior and he is superior
- As property a woman does not have the same rights as other citizens, in other words she is not a full citizen
- Women seen as being less than full citizens do not have the rights to participate in decision-making.
- Seen as property, women are not seen as capable of making inputs.
- "Women as property" is a notion promoted by tradition, religion, family.

Power and control

Power and control chart

The chart is a helpful tool in understanding the overall pattern of abusive and violent behaviour used by an abuser to establish and maintain control over his partner. Very often, one or more violent incidents are accompanied by an array of these other types of abuse, less easily identified but firmly establishing a pattern of intimidation and control.

Power, in relation to others, is associated with **influence, authority, ascendancy and control**. In feminist analysis, power is situated in the context of relations between men and women. Kelly defines power “not as property”, a tangible thing that you can hold, but “a relation which structures interventions between men and women in all areas of social life”. Power in relation to another can thus be intimate and non-intimate, it can take place in either the private or public sphere, it can both be interpersonal and in relation to institutions.

Power also manifests itself at a number of different levels, all of which may interact. At the personal level, power is enacted through interpersonal relations, and **may increase or decrease depending upon such factors as age, sex, race, class and education**. Consequently, certain groups of people will have more power than others. Kelly argues that while factors such as class and/or race privilege certain groups of men and give them power over others, **men as a group, always have more power than their female counterparts”**

Power at a personal level is **often influenced** by what we refer to as **social power**. Structures such as Government, the police, and or the World Bank and social institutions such as marriage, patriarchy and imperialism can be said to represent power at the social level. Here, institutions rely upon, create or re-create forms of structural power. **Power in an intimate relationship then, between two or more persons, may be influenced by social institutions such as patriarchy**. Such interactions between different levels of power reveal the possibility of **accumulation of power**, reinforcing Kelly’s argument of privileging certain groups. This sort of power represents what feminists have called “Power over”. **Women for instance have more limited spaces and opportunities where they can exercise power over another person**. The two most frequent groups of persons, who women can exercise power over, are children and other women. Often however, when women exercise power, it does not have the same legitimacy as does power exercised by men.

Power works hand in hand with control, often viewed as a mechanism or means through which **power is restrained, regulated, directed or maintained**. **Control relies upon various means, such as the threats or the actual use of force and coercion**, which can be direct or indirect, to achieve its end. More specifically, power can be mobilised by different **agents in different ways**. The police for instance, may use physical force, whereas a religious leader may use ideological force. Men, as seen, use a variety of techniques to control female partners and/or children including, physical force, refusing to provide household money, **threatening to take on another wife and with-holding school fees to name a few**. At a personal level,

Kirkwood states that **control exists** “when one person has greater influence over the other person’s behaviour or perspectives than does the person herself”. At both the personal and social levels, control is the mechanism for ensuring that power remains with the dominant group or individual.

-----Handout-----

Social context of violence:

Violence against women is influenced by social attitudes and values which see men as naturally superior to women and make it a man’s right and responsibility to control women’s behaviour. What is considered acceptable behaviour is determined by the man and society and failure by the woman to comply with the socially acceptable behaviour leads to violence.

Social structures such as the legal system, the community, including family and friends, the educational system, mass media, religion and culture have contributed in many ways to the violent behaviour of men against women. For example, the legal system has often considered violence by men against women as a private domestic matter and therefore is reluctant to press charges, despite the fact that if this same behaviour occurred between strangers on the street, it would be treated as criminal act.

Family members and friends contribute to violence in a number of ways. They make excuses for the man’s behaviour, they may refuse to believe the woman, they may pressure the woman to stay to preserve the family unit. Sometimes they blame the woman for the violence committed against her.

The education system also reflects, teaches and therefore perpetuates social attitudes and values about women. Traditionally, women have been steered towards jobs and careers that are inferior in status and remuneration. Family life education has often supported a traditional, rigid patriarchal family structure that sees the father as the head of the household and every one subservient to him.

In all parts of the world, women are considered as inferior to men. There is a Christian saying that woman was created with a rib taken from man’s body. Therefore she must be totally submissive and obedient to man.

The mass media also perpetuates stereotypes by representing males as superior, unemotional, powerful, controlled and aloof and representing females as seductive, passive and weak. The stereotypes are harmful as they affect attitudes and expectations of others.

Socialisation of women:

The victimisation of women is the other side of control by men. It is a process that develops in all societies in which men can legitimately resort to violence to reduce women to a state of powerlessness.

This process which makes women tolerate violence starts from childhood. Very early in life, the little girl learns to live with violence in her environment, both at home and outside. Often she is afraid but learns to hide, control and silence her fears, otherwise she will be seen as a coward, weakling or a “girl”.

Little by little, over the years, fear ceases to be an alarm and becomes second nature. Always on the lookout, the young woman learns to anticipate the worst and that becomes a way of reacting to any new situation. If she is abused, she blames herself for it. At the time of the abuse, whatever form it takes, the woman experiences a number of feelings; injustice, dispossession, humiliation and anger. Very soon however, she forgets her legitimate anger and minimises the seriousness of the abuse suffered and even takes responsibility for it. She doubts her own perception of the reality and her first reaction and ceases to mention the abuse for fear that she will suffer more ridicule or be blamed.

Thus she ends up seeing herself as a fragile, dependent and emotional being. On the other hand, if she adheres to the traditional image and roles of women, she is assured of certain benefits (a husband, children = security). She is taken care of socially, economically and even emotionally. She will be protected by a man on whom she depends for everything. However, the day the supposed protector becomes the abuser, she is trapped. Gender violence thrives on victimisation of women because it makes women have doubts all the time. Doubting one's perception is in itself a form of violence since it makes abuse seem inevitable and justified. The woman believes the man has every right to abuse her, to the point of killing her. She comes to accept the responsibility for the man's violent behaviour.

The Truth and Reconciliation Commission

TRCs have been set up over the years particularly in South America to promote healing and reconciliation, to find out the truth of what happened, to help victims and to prevent repetition of abuses, which have taken place during a period of internal conflict. It has become an accepted means of building trust and reconciliation to bring about peace and human development. The most well known one is the TRC set up in South Africa after the lifting of apartheid. Ghana has also established a TRC after years of military and other kinds of misrule in order to promote reconciliation in the country. Sierra Leone, in line with the Lome Peace agreement, and after ten years of internal conflict of unsurpassed violence and human rights abuses, has passed an act to establish a Truth and Reconciliation Commission. This body has the function to investigate the causes, nature and extent of the abuses that occurred between 1991 at the start of the conflict and the signing of the Lome Peace Agreement in July 1999. The TRC may last for a period of 18 months.

It has been set up,

- Create an impartial record of violations of human Rights and Humanitarian Law
- Address impunity
- Help victims
- Promote healing and reconciliation
- Prevent repetition of the abuses

It is an independent body and the members will be selected to ensure objectivity, impartiality and independence. Of the seven commissioners, four will be Sierra Leoneans and three will be selected internationally.

The TRC will look into all abuses committed by all the parties to the conflict. This includes RUF, CDF, AFRC, Government forces and officials, civilians as well as any other body.

Everyone can appear before the TRC and the TRC will encourage this. Perpetrators who are unwilling to do so can be compelled to testify by the commission. It can summon anyone to testify including former or government officials. If necessary it will conduct an investigation to establish the truth as well as the role of both internal and external factors in the conflict.

The TRC has discretion to permit people to give information on a confidential basis, and the TRC cannot be compelled to disclose any information given in confidence. The TRC will also have special measures to protect witnesses and victims to ensure that those who give information do not face further intimidation or fear for their lives or physical injury. There are special provisions provided for children but not specifically for women except under its functions to help restore human dignity of victims of victims who have suffered sexual violations.

The TRC will use the existing community and traditional structures for public sessions as well as to make use of traditional methods of conflict resolution.

The Government shall faithfully and timely implement the recommendations of the TRC that are directed to it and will facilitate the implementation of any recommendations that may be directed to others. In terms of follow up, guidelines for reparations and measures aiming at preventing the recurrence of the abuses will be included in the TRC's final report in the form of recommendation to the government and other bodies. A special committee will be set up after the TRC to monitor the effective implementation of all recommendations concerned.

NB

The TRC is different from the special court. The TRC is not a court of law, appearing before it will not lead to imprisonment.

THE SPECIAL COURT FOR SIERRA LEONE

At the request of the Government of Sierra Leone, the UN Security Council adopted a resolution in August 2000 requesting negotiations for creation of a court to prosecute” crimes against humanity, war crimes and other serious violations of international humanitarian law” and to try those “persons who bear the greatest responsibility” for those crimes.

The court for Sierra Leone is different from the International Criminal Court for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR)

- It is based on an agreement between the UN and Sierra Leone
- Consequently, it cannot claim superiority over courts outside Sierra Leone nor can it order accused individuals located in another state to surrender to its jurisdiction

The court’s jurisdiction will include acts in violation of international humanitarian law as well as certain crimes under Sierra Leonean law.

Staff for the court will be composed of both Sierra Leoneans and people from other countries.

It will try cases occurring since November 30th 1996, the date of signing the Abidjan accord between the RUF and the Sierra Leone government

The statute for the court explicitly includes gender-based violence in its definition on several categories of crimes that the court has power to prosecute. This includes “rape, sexual slavery, enforced prostitution, forced pregnancy and any other form of sexual violence” as prosecutable crimes when “committed.... as part of a widespread or systematic attack against any civilian population” All these are described as violations of humanitarian law as enshrined in common article 3 and the Additional Protocol 11(This applies to internal conflicts). The court can also prosecute gender-based violence against girls under the age of fourteen, which is in harmony with Sierra Leonean Law.

PRESENTATION OF WILDAF

WILDAF is a Pan African network bringing together 500 organisations and 1200 individuals with a view to promoting a culture for the exercise and respect of women's rights in Africa. WILDAF has the status of a non-profit making non governmental organisation. The network was established at the regional conference held in Harare in Zimbabwe, in February 1990 and whose theme was "Women, right and development: network for empowerment in Africa". It promotes mainly the effective utilisation by women in Africa of a variety of strategies including the law, for the self-development of the community, the sub-region and the region. Sub-regional offices enable the network to be closer to its members functioning in West, East and Southern Africa.

WILDAF IN WEST AFRICA

WILDAF is present in West Africa in 10 countries namely, Benin, Burkina Faso, Côte d'Ivoire, Guinea, Ghana, Mali, Nigeria, Liberia, Senegal, Togo and envisages to extend to Niger. The WILDAF Office in West Africa has been opened since April 1999 in Lome, Togo.

OUR PROGRAMMES

1. *Capacity building of national networks of women's rights in order to contribute towards the implementation of women's human rights*

Activities

Training in various themes including:

- networking
- strategic planning
- elaboration of projects and fund raising
- legal education of women
- women's participation in political life
- assistance to women victims of violence

Institutional support to the national networks

Advocacy and lobbying activities at national and regional levels

Publication (French-English)

- Legal rights organising for women in Africa - A Trainer's Manual
- Guide for working with women victims of violence
- Training manual for women in politics

- Advocacy document for the draft additional protocol to the African Charter of Human and Peoples' Rights relating to women's rights.

2. *Communication*

Production of the bimonthly information bulletin "WiLDAF West Africa Newsletter"

In addition, we facilitate the exchange of materials which will ensure that member organisations accede easily to important information likely to reinforce the programmes on women's rights in their respective countries.

3. *Advocacy*

WiLDAF/FeDDAF in West Africa just as at the regional level maintains an institutional presence at the sessions of the main regional and international sessions dealing with women's human rights. The goal is to represent, undertake supervision and advocacy on behalf of network members on issues which concern women in Africa.

WiLDAF/FeDDAF in West Africa has a relatively large network of organisations and individuals in 10 countries ready to respond to the urgent appeals for solidarity and protest actions.

Activities

- Advocacy before and during the session of:
 - the African commission of Human and Peoples' Rights
 - the Organisation of African Unity
 - the Commission on the Elimination of all forms of Discriminations against Women.
 - the United Nations Commission of Human Rights
- Emergency response system to respond to violations of women's rights

Membership of WiLDAF/FeDDAF

Membership of WiLDAF/FeDDAF is flexible and open to individuals of any profession involved in the initiatives on the women's rights and non governmental organisations and institutions working or having an interest in the field of women's rights. WiLDAF/FeDDAF currently has members throughout Africa.

Categories of membership

1. Full members

- i. Africans and African institutions based in Africa
- ii. Africans and African institutions in the diaspora

2. Associate members

- i. Non-Africans living in Africa
- ii. Non-African organisations based in Africa.