

**IMPLEMENTATION OF THE SOLEMN DECLARATION ON GENDER EQUALITY
IN AFRICA**

SHADOW REPORT OF THE WEST AFRICAN CIVIL SOCIETY ORGANIZATIONS

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Title : Implementation of the Solemn Declaration on Gender Equality in Africa
Shadow report of the West African civil society organizations

Year : January 2007

Publication of : Women in Law and Development in Africa/Femmes, Droit Et Développement en Afrique, West Africa sub-regional office (WiLDAF/FeDDAF-WASRO)

Type setting : Aldus Informatique

Cover page by : Decor La Grâce : Tel. (228) 2714093 / 906 29 96

Printed by : Aldus Press: Tel. (228) 222 65 89 / 904 48 01

Supported by : Open Society Initiative for West Africa (OSIWA)

This report is also available on WiLDAF/FeDDAF–WASRO website: www.wildaf-ao.org

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ACKNOWLEDGMENT

The West Africa sub regional office of WILDAF/FeDDAF would like to thank the Open Society Initiative for West Africa (OSIWA) for its financial support which permitted the publication of the West African organisations shadow report.

Our thanks also go to the consultants, members of the national monitoring committees of the protocol and the organizations in Benin, Burkina Faso, Côte d'Ivoire, the Gambia, Ghana, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo which worked out the national alternative reports from which this synthesis was made possible.

FOREWORD

WILDAF West Africa Regional Office (WASRO) is happy to publish this first shadow report on the implementation of the Solemn Declaration on Gender Equality in Africa (SDGEA), in 14 countries in West Africa: Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, The Gambia, Ghana, Guinea, Liberia, Mali, Niger, Sierra Leone, Senegal and Togo. This report has been specifically prepared to coincide with the 8th Summit of African Union Heads of State to take place in Addis Ababa, Ethiopia from 29 to 30 January 2007. A formal presentation of the report will be made to Heads of State at the Summit.

The report is a synthesis of national reports from the 14 participating countries. It critically examines how member states of the African Union have adhered to commitments made in July 2004 when the Solemn Declaration on Gender Equality in Africa was endorsed. Focusing on women's human rights, the report assesses state commitments to promotion of women's human rights in relation to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

It draws very important conclusions that must be seriously taken on board by Heads of State. One of the main conclusions is that efforts to promote and to protect women's human rights, a key responsibility for member states of the African Union, have been marginal. In fact, state compliance with some of the provisions of the Solemn Declaration is in relation to measures and actions prior to 2004. This is indicative of the fact that commitments under the Solemn Declaration have not received serious attention by States. It is for these reasons that this Shadow Report draws attention to the urgency for concrete actions through a showing of strong political will by states to promote women's human rights.

A second shadow report which will follow from the AU Summit of 2007 will focus on measures towards continued implementation of the Solemn Declaration. Our expectation is that in West Africa leaders will score full marks on their implementation for the benefit of women who constitute 50% of the human resource, and consequently the economic development and well being of people in the sub-region.

Publication of the report has been made possible with financial support from Open Society Initiative for West Africa (OSIWA). We also acknowledge efforts made by our colleagues from the 14 WILDAF networks who dedicated time and resources to compile national reports for this synthesis.

INTRODUCTION

Two decades after the Nairobi Forward-Looking Strategies, eleven years after the Beijing Women's Conference on gender equality and empowerment of women, the member States of the African Union adopted the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Protocol on Women's Rights) during the Maputo Summit on 11 July 2003. The Protocol which entered into force on 25 November 2005 is the result of several years of struggle by African women. In July 2004, African leaders also adopted the Solemn Declaration on Gender Equality in Africa. (Solemn Declaration)

Obviously, these two events marked a decisive turning point in the history of women's organisations' struggle for the promotion and protection of African women's rights, but they are not an end in themselves. Today, implementation of the Protocol and other commitments made by Heads of State and governments is a major concern, because it is the only thing that could enable women to effectively enjoy their human rights and to participate in the development of Africa as stakeholders and beneficiaries.

The Heads of State of the African Union will meet in January 2007. As agreed, they will assess the implementation of the Solemn Declaration. This forthcoming summit gives us the opportunity, as civil society concerned with monitoring implementation of the Solemn Declaration, to assess commitments made by the Heads of State.

The two instruments are related. Therefore a joint assessment is in order. Indeed, in section 9 of the Solemn Declaration, African leaders committed to "sign and ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, by the end of 2004, and to support the launch of sensitisation campaigns aimed at ensuring the entering into force of the Protocol before 2005 and to usher in a new era for the implementation and extension of the Protocol by the State parties and other national, regional and international instruments on gender equality".

This report therefore refers to both the Solemn Declaration and the Protocol on Women's Rights. It gives an account of the implementation of the Solemn Declaration in the 14 countries of the West African sub-region, namely: Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, The Gambia, Ghana, Guinea, Liberia, Mali, Niger, Nigeria, Sierra Leone, Senegal and Togo.

In the countries covered by this survey, despite progress made in education, legal status, training, access to means of production, roles and positions of women, who constitute over half of the population, we more than ever call the attention of the international community for strong and sustained actions. It is still the case that in many countries, traditions, religious interpretations, cultural, customary and political standards continue to determine gender relations in favour of men.

The report is structured in two main parts. The first part presents the status of the implementation of the commitments made by States in the area of women's human rights as recognised by the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and reaffirmed in the Solemn Declaration on

Gender Equality in Africa. The second part highlights constraints and challenges that face countries in achieving targets under the two regional documents. The report ends by making recommendations to speed up implementation of the Solemn Declaration on Gender Equality in Africa and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

Methodology

In preparing the report, the method used consisted of an identification of indicators likely to help assess implementation of commitments made by the States with respect to women's rights in Africa. Proposed indicators were prepared for validation by representatives of women's rights organisations. For lack of resources to organise a workshop on this issue, WILDAF took advantage of the opportunity presented by the 50th session of the United Nations Commission on the Status of Women (CSW) by organising a parallel activity to the Session. The workshop focused on follow-up indicators of Protocol on Women's Rights. About thirty representatives of women's rights organisations in Africa participated in this meeting.

Subsequently, WILDAF, together with other African women's networks committed themselves in a follow-up action to monitor implementation of the Solemn Declaration on Gender Equality in Africa through an assessment of state commitments and actions. The indicators that were validated in New-York thus served as a basis for the assessment. Through an inclusive and participatory process, the indicators were improved upon by including comments from participants at the workshop that was dubbed 'Gender on my Agenda'.

Terms of reference for the gathering of data and preparation of national reports were then drafted and sent to the countries. Thus, the report is a summary of reports produced at national level based on indicators identified by women's organisations themselves.

FIRST PART: THE IMPLEMENTATION OF COMMITMENTS MADE BY STATES WITH RESPECT TO WOMEN'S HUMAN RIGHTS IN AFRICA.

In conformity with section 9 of the Solemn Declaration, the Heads of State committed themselves to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa by the end of 2004, undertake sensitisation campaigns for its entry into force before 2005 and to facilitate its application and extension. Regarding women's rights, this commitment is of importance because it creates conditions without which African women cannot claim rights recognised by the regional instrument. It is thus normal that the assessment of the implementation of the Declaration first of all takes stock of compliance with this commitment. The other areas covered by the indicators selected relate to violence against women, marriage, and access to justice, participation in decision-making and in peace making.

1. Ratification, entry into force and extension of the Protocol, and other national, regional and international instruments.

1.1. Commitments made through the Solemn Declaration (commitment 9).

“Undertake to Sign and ratify the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa by the end of 2004 and to support the launching of public campaigns aimed at ensuring its entry into force by 2005 and usher in an era of domesticating and implementing the Protocol as well as other national, regional and international instruments on gender equality by all States Parties; “

1.2. Progress made.

Two years after its adoption, the Protocol on Women’s Rights entered into force on 25 November 2005 with 15 ratifications, and 38 signatures.

The Protocol on Women's Rights has been popularised through the number of copies printed and distributed by civil society organisations, and the number of workshops organised at national and regional levels on the instrument are anything to go by. There is also a simplified version intended for awareness-raising among population groups in urban and rural areas.

It is therefore obvious that the process of ratification and dissemination of the Protocol on Women's Rights has made some progress. However, it should also be acknowledged that it is civil society organisations that have so far been the most active in advocacy for its ratification as well as its dissemination. Given the Protocol's significance to the development of African women, progress is slow and below expectation. It is disappointing that over 3 years after the adoption of the Protocol, and despite the renewed commitment through the Solemn Declaration on Gender Equality in Africa, barely half of the African Union member countries have ratified the instrument.

2. Violence against women

2.1. Commitment made through the Protocol and the Solemn Declaration

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Articles 3, 4 and 5)

Article 3 : Right to Dignity

- 1. 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;*
- 2. Every woman shall have the right to respect as a person and to the free development of her personality;*
- 3. States Parties shall adopt and implement appropriate measures to prohibit any exploitation or degradation of women;*
- 4. 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;*
- h) *prohibit all medical or scientific experiments on women without their informed consent;*
- i) *provide adequate budgetary and other resources for the implementation and monitoring of actions aimed at preventing and eradicating violence against women;*
- j) *ensure that, in those countries where the death penalty still exists, not to carry out death sentences on pregnant or nursing women.*
- k) *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:

- a) *creation of public awareness in all sectors of society regarding harmful practices through information, formal and informal education and outreach programmes;*
- b) *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;*
- c) *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;*
- d) *protection of women who are at risk of being subjected to harmful practices or all other forms of violence, abuse and intolerance.*

The Solemn Declaration on Gender Equality in Africa (Commitment 4)

“Initiate, launch and engage within two years sustained public campaigns against gender based violence as well as the problem of trafficking in women and girls; Reinforce legal mechanisms that will protect women at the national level and end impunity of crimes committed against women in a manner that will change and positively alter the attitude and behaviour of the African society;”

2.2. Progress made.

All member states of the African Union have in place either bill or laws aimed at protecting women against some forms of violence. For example, rape is prohibited in all the countries. However, the expectation is that efforts at addressing violence against women should be holistic and not fragmented. Therefore measures including laws must cover all forms of violence that women suffer. In some states, sexual harassment, domestic violence and even female genital mutilations are yet to be prohibited by specific laws.

Apart from national policies for the promotion of women rights, it is not all countries that have a policy for controlling violence against women, coupled with plans of actions and programmes.

Sustained public awareness-raising campaigns on violence against women are yet to take off. Only annual campaigns with limited impact as they are not supported with sufficient resources are conducted by civil society organisations and the ministries in charge of women’s affairs. These campaigns target both women and men. Capacity building programmes aimed at raising awareness of women on their rights and claiming them are implemented mainly by civil society organisations and sometimes by the ministries in charge of women affairs.

Every country has at least a legal instrument for protection women against violence. Either the country’s constitution reaffirms the principles contained in the Universal Declaration of Human Rights, or provisions of criminal codes prohibit violence. However, legal provisions only take account of some forms of violence. In all the countries assessed, the criminal codes prohibit some forms of physical and sexual violence against both women and men. These include assault and battery, sexual offences such as rape, incest and indecent assault. Other examples are procurement for purposes of prostitution. Some countries have taken further steps to pass laws that deal with specific types of violence against women. Hence, female genital mutilation is prohibited in Benin, Burkina Faso, Togo, Côte d’Ivoire, Ghana, Guinea and Senegal. Ghana now has a Human Trafficking Act, and Sierra Leone is in the process of passing such a law. Ghana’s criminal code also prohibits the customary practice of ‘Trokosi’, a kind of traditional servitude of girls and women. While trafficking in women and children is a problem throughout the West African sub-region, a number of countries are yet to pass laws prohibiting the practice. In Ghana, there are also efforts to pass a Domestic Violence Act.

In most countries, the Persons and Family code (PFC) contains provisions that lay emphasise on protective measures in favour of women. Benin and recently Togo are

the only countries that have taken steps in 2006 towards making laws to prohibit sexual harassment.

Implementation of laws that protect women from violence remains a challenge for many countries. Hence, domestic violence for instance continues to be phenomenal. Policies and programmes to combat violence against women exist in few countries. Only Senegal, Niger and Ghana have adopted them.

In Togo, in the absence of these policies and programmes, selective activities are conducted by civil society and state organisations. They consist of training workshops and organisation of annual campaigns on various forms of violence against women. The same civil society organisations carry out legal assistance and psychological and social management actions for victims of violence. The country is yet to have sustained awareness-raising campaigns on violence against women in line with commitments by the leaders to the Solemn Declaration.

In order to ensure good application of the law and better management of victims of violence, special units have been established in the police forces of some countries, such as Sierra Leone, Ghana, and Nigeria. They aim to deal with all cases of violence perpetrated against women, men and children within the domestic setting. Officers in charge of these specialised police units have received training in gender, human rights generally and women's human rights that make them competent to deal with such cases. For instance, in Sierra Leone, the National Commission for Democracy made up of two women and one man also handles issues of violence.

The table below presents a summary of the assessment of laws, policies and programmes in the area of violence against women in the countries.

Table N°1: legal framework and policies and program mes on violence against women issues in countries

	<i>Bills forbidding and punishing all forms of female exploitation and all forms of harmful treatment specifically all forms of violence : physical, psychological and sexual</i>	<i>Effective implementation of law concerning women</i>	<i>Existence of policies and programmes against violence women</i>	<i>Mechanism of implementation of policies and programmes / level of implementation</i>	<i>Existence of capacity building programmes that enable women to be aware of their rights</i>
Benin	<ul style="list-style-type: none"> - Bill n° 2003-03 of 03/03/2003 on suppression of female genital mutilation - Bill n° 2003-04 of 03/03/2003 on sexual and reproductive right - Bill n°2002-07 of 24 August 2004 on family code - Bill n°2005 – 31 of 05 April 2006 on prevention, charge taken and HIV/AIDS Control - Bill n°2006-04 of 05 April 2006 on children displacement and children trafficking - Bill on sexual harassment adopted in 2006 (not yet promulgated) 	All these bills are not applied	<ul style="list-style-type: none"> - Government Action Plan (PAG II) 2001-2006 (Point 5, page 11) - Women national policies promotion (PNPF), adopted on January 31, 2001 - Programme against violence against women (scheduled for 2007) - Training plan of agents relay to vulgarise bills especially bill on women genital mutilation. - Poverty reduction strategies document DSRP 1 (2003-2005) - Policy document that will ameliorate women's access to land - Measures of free education for the girl child in primary school in rural areas - inter-ministerial decree n°16 / MEPS / METFP /CAB/DC/SGM of October 1, 2003 on sanction imposed to sexual violence perpetrator in schools 	<ul style="list-style-type: none"> - Ministry in charge of women - Civil Society Organisations - NGO - Local and international partners 	- Multi-sectoral action plan for the implementation of national women promotion politics Plan of Action (2002-2006)
Burkina Faso	<ul style="list-style-type: none"> - Bill N°043/96 ADP November 13, 1996 on criminal Code (CP) making provision of violence and punishment. - Family code of Persons (CPF) entered into force on August 04, 1990 	<ul style="list-style-type: none"> - Inequity in women treatment, Serious obstacles on effectiveness of women's rights. - harmful and demeaning practices affect women empowerment 	<ul style="list-style-type: none"> - Women promotion national Policy (improvement of the social and legal status of the woman) - regular activism on violence against women - Translation and popularization of the texts in the national languages for a better knowledge of the women's rights. 	<ul style="list-style-type: none"> - Ministry in charge of women - Civil Society Organisations - NGO - Local and international partners 	

			<ul style="list-style-type: none"> - Establishment of a National Committee of Fight Against the Practice of Excision (CNLPE) and the reception and the orientation reserved to the women in distress. - Reproduction translation of the Family Code in two national languages (mooré and dioula) for its popularization. - Development of a "national plan of fighting against the sexual violence against children" 		
Cape Verde	<ul style="list-style-type: none"> - Cape Verde's Constitution Act of 1991 - Family Code of 2000 - Guide for Cap Verde Women - Labour law prohibiting discrimination in the access to work - electoral Code of 1999 supporting the political parties which introduces to at least 25% women at the elections 	All these bills are not applied	<ul style="list-style-type: none"> - Institute of the Female Condition created in 1994 - Gender Policy (participation of men and the women in all the national standards of living) - activism programme against violence on women PNIEG 2004 - 2008 	<ul style="list-style-type: none"> - Ministry in charge of women - Civil Society Organisations - NGO - Local and international partners 	
Côte d'Ivoire	<ul style="list-style-type: none"> - Constitution Act N° 2000-513 N° 2000-513 of August 1, 2000 in its articles 2 and 3 - Bill N° 98-757 of December 23, 1998 bearing repression of certain forms of violences with regard to the women and female genital mutilations in its article 2. - the penal code N° 81-640 of 31 July 1981 sanctioning the rape and the sexual harassment - Bill n° 64-375 of October 7, 1964 relating to the marriage, modified by law N 83-800 of August 2, 1983 relating to the conclusion and the form of the marriage, and the minimum age 	All these bills are not applied	<ul style="list-style-type: none"> - Action plan for women 2003-2007 (programme II) aiming to protect women and girls against violence 	<ul style="list-style-type: none"> - Ministry in charge of family and social affairs - national committee against violence against women and children 	

	<p>of the marriage</p> <ul style="list-style-type: none"> - Law N 98-756 of 23 December 1998 amending and supplementing law N 81-640 of 31 July 1981 instituting a penal code. - - Law n° 64-379 of October 7, 1964 relating to the successions; 				
Gambia	<ul style="list-style-type: none"> - Constitution Act adopted by a référendum on 7th August 1996 - (Criminal Code) 	All these bills are not applied	<ul style="list-style-type: none"> - Global education programme on peace - National policy for the women's development in the framework of Beijing 1999 – 2009 	<ul style="list-style-type: none"> - Ministry in charge of women - Civil Society Organisations - NGO - Local and international partners 	
Ghana	<ul style="list-style-type: none"> - Constitution Act 1992 - Penal Code Act 1994 (Section 69A) Act 1998 (section 314A Section 14 section 101 section 107 et 106 ;Section 554) - Human trafficking Act 2005 (act 694) 	<p>Ineffectiveness of the laws. For instance in certain areas of the country, there still persist the prohibited female genital mutilations since 1994. Thus for example in the district of Kassena-Nankana in the area is, 77% of women aged between of 15 and 49 years were excised.</p>	<ul style="list-style-type: none"> -- national Policy on gender and children - Action plan for gender equity - Poverty reduction strategies document (II). 	<ul style="list-style-type: none"> - Ministry in charge of women and children - Law reform Commission - Special units were created in the police to manage violence against women and children. 40 of these units exist in all the country. 	
Guinea	<ul style="list-style-type: none"> - Guinean Fundamental Law in particular in its article 8 - Law L/2000/AN/010 of bearing 10 July 2000 Health of the Reproduction - Penal code and the code of penal procedure adopted in 1998, with special provisions for the woman in pregnancy or in state of breast feeding 	All these bills are not applied	<ul style="list-style-type: none"> - national Policy of the women promotion adopted in December 1996, revised and validated in October 2006 by holding account of dimension kind - specific Policy in favour of the schooling of the girl 	<ul style="list-style-type: none"> Three (3) committees of equity exist at the level of the 3 government departments in charge of the questions of education - Government departments - Partners in Development - Association of the 	

				women on the field - civil society organisation	
Liberia	<ul style="list-style-type: none"> - Constitution act - Article XXVIII of the Comprehensive Peace Agreement (CPA) 	All these bills are not applied	<ul style="list-style-type: none"> - Lobbying for the promotion and the advancement of women's and children rights - Sensitizing on the Constitution and the other national and international laws and instruments through the countries 	<ul style="list-style-type: none"> - Ministry in charge of women - Civil Society Organisations - NGO - Local and international partners 	
Mali	<ul style="list-style-type: none"> - No internal text devotes the violence against women concept - Constitution of the Republic of Mali (article1) - Law N°01-079 of August 20, 2001 bearing Penal code - Law N°62- 17 AN RM of February 3, 1962 bearing Code of the marriage and the supervision - Constitution Act (article 1) - Bill N°01-079 of 20 August 2001 bearing criminal code - Bill N°62- 17 AN- RM of 3 February 1962 bearing marriage and guardianship code <p>Law N°02-044 of June 24, 2000 relating to the health of the reproduction - Law N° 02-049 of bearing 22 July 2002 law of orientation on health</p>	All these bills are not applied	<ul style="list-style-type: none"> - National gender policy - Justice decade programme (PRODEJ) - Program of medical and social development (PRODESS) 1998-2003 which grants a place of choice to the health of the reproduction 	<ul style="list-style-type: none"> - Ministry in charge of women - Civil Society Organisations - NGO - Local and international partners 	
Niger	<ul style="list-style-type: none"> - Labour law, law of July 16, 1962 - Code of Nationality, ruling of August 23, 1984 - Penal code - the protocol to the African Charter on human and peoples rights on the rights of women is not yet adopted - on June 03, 2006, the National Assembly rejected the Bill carrying 	All these bills are not applied	<p>Framework of NGOs/Associations and PTF concentration on the violences against women is created since 2004.</p> <ul style="list-style-type: none"> - Creation of a network for the eradication of the obstetrical fistula. Its gathered NGOs/Association and PTF 	<ul style="list-style-type: none"> - Ministry in charge of women - Civil Society Organisations - NGO - Local and international partners 	

	<p>ratification of the protocol with pretext, the existence of certain contrary provisions to socio cultural realities of Niger.</p> <ul style="list-style-type: none"> - Since 2004 a bill on violence, the trafficking of the women and children was worked out by the Ministry for Justice and awaits its adoption by the National Assembly 				
Nigeria	<ul style="list-style-type: none"> - Criminel Code) Southern Nigeria - Constitution of the republic of Nigeria - Law adopted by the federal government against some harmful practise such as the female genital mutilation 	All these bills are not applied	<ul style="list-style-type: none"> - Creation of legal framework for the protection of women and the girls against violence. <p>Certain States (Edo Bayelsa, Delta Cross-river and Ogun) promulgated the laws against the genital mutilations</p>	<ul style="list-style-type: none"> - Ministry in charge of women - Civil Society Organisations - NGO - Local and international partners 	
Sierra Leone	<ul style="list-style-type: none"> - Constitution of the Republic - Law on education, the young people, the handicapped people and the girl child 	All these bills are not applied	<ul style="list-style-type: none"> - National policy on gender - National policy of poverty reduction - Policy of free access to the drugs for pregnant women and breast feeding, children and aged people. 	<ul style="list-style-type: none"> -Ministère du bien être social et de l'enfance - Comité de coordination de l'exploitation sexuel 	
Senegal	<ul style="list-style-type: none"> - Ratification of the optional protocol to the CEDAW by the law of June 10, 2000 - Constitution of 2001 guaranteeing the equity and the equality of gender in article 7 of its preamble - Family law - Bill against discrimination with regard to the people living with the VHI/SIDA, the protection of the women and the girls against the rapes and all other forms of violence, the criminalisation of the voluntary transmission of the HIV 	Insufficient and unsuited provision to meet the legitimate needs for the women. It is within this framework that it is necessary to locate the law n° 99-05 of bearing 19 January 1999 modification of certain provisions of the penal code which represses the excision, the sexual harassment and marital violence, the voluntary aggravated assault carried to a woman especially in the event of rape	<ul style="list-style-type: none"> - Family and social decade development plan, - Creation of national gender and equity unit. - Creation of an Observatory of the Women's rights and of the Child and tools of follow-up - Association of the women Lawyers of Senegal (AFJS) like Advisory Association near the President of the Republic. - the institutionalization of national fifteen days of woman and the great award of the Head of the State for the promotion of the Senegal woman (decree 90-269 of 10 March 1980 and 	<ul style="list-style-type: none"> - Ministry in charged of women and the family - Direction of the Family - Women national advisory - gender reinforcement national project on gender - National Centre of Assistance and training - Projects of fight against poverty for the economic and social promotion of women 	

			<p>decree n° 01434/MDS/CAB of 13 November 1989 modified in 1991 and 1998).</p> <ul style="list-style-type: none"> - Document of Strategy of Poverty Reduction (DSRP) and analyses it according with the gender the indicators of the DSRP. - Perspective for final validation of the government of a medical assumption of responsibility husband and children by the paid woman, as well as the question of the tax equal treatment between men and women - . - Public awareness campaign edition 2006, "Stop violence against women and to the girls" - National Action plan for Woman (PANAF). - national Strategy for gender Equity (SNEEG) over 2005-2015 – - the Ministry in charge of Woman, Family and the social Development worked out and implement a vast training scheme in order to prepare the political and administrative authorities on the integration of the gender in the policies, programs and projects of development. - the Ministry in charged of the issues of gender equality , in connection with the Ministry for the Economy and Finances, set up a working group Gender and Budget which reflects on the practical methods of integration of the economy and the equality of the sexes in the macroeconomics - Programme of free Caesareans and the childbirth, exemption from payment of the treatment of the pregnant women 	
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			with malaria and obstetrical and in emergency		
Togo	<ul style="list-style-type: none"> - Constitution act of October 14, 1992, amended, - decree n°80-16 of January 31, 1980 creating family code - Penal code of Togo (article 81) which prohibits and punishes any exploitation of women and any treatment degrading her and specifically all physical, psychological and sexual violence - Law N°98-016 prohibition of the female genital mutilations in Togo - Law on the protection of the people living with the HIV/AIDS 	All these bills are not applied	<ul style="list-style-type: none"> - There are no policies and programmes on violence against women at national level but only of the specific actions on the level of the organizations of the civil society (WILDAAF/FeDDAF, GF2D etc) - the Togolese State financed, on the instigation of UN, a study relating to the sexual exploitation of the children which is in the process of validation. 	<ul style="list-style-type: none"> - women association on the field - Civil society organisation 	

3. Rights in marriage

3.1. Commitment made

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Article 6).

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:

- a) *no marriage shall take place without the free and full consent of both parties;*
- b) *the minimum age of marriage for women shall be 18 years;*
- c) *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;*
- d) *every marriage shall be recorded in writing and registered in accordance with national laws, in order to be legally recognised;*
- e) *the husband and wife shall, by mutual agreement, choose their matrimonial regime and place of residence;*
- f) *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;*
- g) *a woman shall have the right to retain her nationality or to acquire the nationality of her husband;*
- h) *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;*
- i) *a woman and a man shall jointly contribute to safeguarding the interests of the family, protecting and educating their children;*
- j) *during her marriage, a woman shall have the right to acquire her own property and to administer and manage it freely.*

Solemn declaration: Commitment 6

“Ensure the active promotion and protection of all human rights for women and girls including the right to development by raising awareness or by legislation where necessary;”

3.2. Progress made.

All the countries have specific laws or a code of persons and family that regulates marriage. However, some laws are outmoded and should be revised to conform with the spirit of Article 6 of the Protocol. The provisions relating to polygamous marriage, management of the family and decision-making within the family, authority over children and divorce and inheritance do not grant equal rights to women and men as they do not consider men and women as equal partners. Efforts are made in some countries such as Benin, Burkina Faso, Cape Verde, to adopt laws that favour equality and partnership between men and women within the family.

According to existing provisions, marriage is concluded with the full and free consent of the spouses before the Registrar and is written and registered. This means that forced marriage is prohibited.

In Mali, contrary to what is provided for in Article 6, the principle of polygamy enshrined by the Code of Marriage and Guardianship authorises the husband to have up to four (4) wives. In Mali, customary or religious marriages are registered but these are not recognised by the State.

Since 2005, Benin stands out in West Africa as the only country that has established monogamy as the only legal form of marriage. We would wish that this measure, which is consistent with Article 6 of the Protocol, is emulated by other states. The choice between polygamy and monogamy is still possible in many countries such as Mali, Togo, Burkina Faso, Guinea, Ghana, Senegal, Sierra Leone, and Niger where there is no provision that promotes monogamy as recommended by Article 6 of the Protocol.

The lawful age of entering into marriage is at least 18 years for boys and girls in most of the countries. In Guinea, this is 17 years for girls, in Mali the Code of Marriage and Guardianship authorises marriage of girls at the age of 15 years and 18 years for boys. The age thus set for girls is low with regard to the provisions of Convention on the Rights of the Child and the Protocol on Women's Rights in Africa.

Similarly, among some ethnic groups in Mali, child marriages are common and are often practiced before the age of 15.

With respect to whether or not to take the name of the husband, in most of the countries, the married woman maintains her maiden name to which she may add her husband's name. Côte d'Ivoire grants the married woman the choice to continue using her maiden name or the name of her husband. In Guinea the married woman may have double nationality, the one of her husband and her own.

A married woman can also acquire her own properties, freely administer and manage them according to the legal provisions in Benin, Côte d'Ivoire, Ghana, Guinea and Togo.

According to provisions in force, divorce or legal separation could only result from a judicial decision. However, in some countries, the practice of repudiation based on customs or religion is still wide-spread. For as long as a court does not order separate residence, no spouse can leave the marital home or compel the other to do so. Sharing of household assets is based on whether the spouses had agreed to jointly own properties or agreed that each spouse should retain ownership of his/her property.

On the contrary in Mali, as far as inheritance is concerned, the law provides that the sharing of assets is in accordance with the customs of the parties. Thus, cases of inheritance can be subjected to Muslim religious law, customary law, or according to the civil code. In the first two cases, women are discriminated against; some customary laws in some cases go as far as considering women as part of the property to be inherited. As far as Islam is concerned, the woman's portion of the legacy is usually lower than that of the man. The same discrimination against women in issues of inheritance exists in Togo, Senegal and Sierra Leone due to the

application of Islamic law or customary law. In Sierra Leone and Togo, a process is underway to correct this inequality.

In all the countries, although some progress has been made with respect to the implementation of an appropriate legal framework, the rights are not effectively applied.

4. Rights in terms of access to justice

4.1. Commitment made

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

Women and men enjoy equal rights before the law and enjoy the right to protection and equal benefits of the law. The State shall take all appropriate measures to that effect. **(Article 8).**

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;
 - c) 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;
 - d) 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;
 - e) 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.

Solemn declaration: Commitment 2

“Ensure the full and effective participation and representation of women in peace process including the prevention, resolution, management of conflicts and post-conflict reconstruction in Africa as stipulated in UN Resolution 1325 (2000) and to also appoint women as Special Envoys and Special Representatives of the African Union; “

4.2. Progress made

All the countries have made efforts in the area of the right of access to justice for their citizens. However, there is no specific provision that facilitates women's access to justice.

All the countries have made efforts in the area of the right of access to justice for their citizens. Access and assistance to legal and judicial services are guaranteed to

all citizens without distinction. A legal assistance system for the destitute is provided. There are no specific provisions in any of the countries to facilitate women's access to justice.

In Benin, Burkina Faso and Senegal, legal assistance is free of charge in criminal cases where the citizens cannot afford the services of a lawyer. This provision facilitates to a very large extent, women's access to justice.

Furthermore, some NGOs have centres that provide legal counselling and legal assistance free of charge to women and girls in difficult situation. These NGOs also deal with dissemination of laws by translating them into local languages and by broadcasting them through the media. Some NGOs also organise visits to prisons to inquire after the conditions of detention of women. In most of the countries, there is a department that exclusively deals with issues of women in prisons.

5. Right to participate in political and decision-making process

5.1. Commitments made

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

Undertaking positive actions to promote participatory governance and equal participation of women in the political life of their countries, through an affirmative action and a national law and other measures to ensure the full participation of women (Article 9)

Solemn Declaration on Gender Equality in Africa (commitment 5)

5.2. Progress made

Despite some progress reflected by figures, women continue to be under represented or absent in political decision-making bodies. No legal discrimination based on sexes prevents them from acceding to positions of responsibility in the same capacity as men. They can hold public offices as their male counterparts irrespective of their sex. However, in electoral processes and in decision-making bodies for instance, the number of women represented as candidates is still insufficient.

One of the major challenges for the States remains the adoption and application of political measures to encourage women to participate in policy-making. Some measures in this area were taken before the adoption of the Solemn Declaration in Niger and Senegal but they do not aim at parity. In Togo where a global political agreement was signed in August 2006 between the Government and the opposition, providing for the participation of women in politics, the recommended measures do not aim at an attainable quantified objective.

In most of the countries, there is lack of enthusiasm to adopt these measures which is reflected by the refusal to take the demands of women organisations into consideration as it is the case in Mali, or the refusal of political parties to enforce these measures when they are adopted: this is the case of Senegal and Niger.

The table below shows the proportion of women in decision-making bodies.

Table: Recap of the representation of women in decision-making bodies

	Executive (Government)		Legislative (Parliament)		Judiciary	
	Men	Women	Men	Women	Men	Women
Benin		22.7%		7.2%		2 (Constitutional Court)
Burkina Faso			99	13 (10.90 %)		
Cape Verde						
Côte d'Ivoire	30	6 (13.88%)	205	18	7	2 (Constitutional Board)
The Gambia						
Ghana	31	2 (6.1%)	191	19 (10%)	8	2 (20%) Supreme Court
Guinea	28	4 (15.62%)	92	22 (19.29%)	14	3 (21.42%)
Liberia						
Mali						
Niger			113	14		
Nigeria						
Sierra Leone						
Senegal	31	9 (22.5%)	97	23 (19%)		15%
Togo	29	5	77	4	7	0 (Constitutional Court)

Source: National reports on the implementation of the commitments

No country has a specific law on gender parity. Before the adoption of the Protocol, Niger initiated a law establishing the quota system in 2000. However, this law granted women only 10% of the elective functions and 25% in nominative functions (Government or Administration). Thanks to this law, 14 Nigerian women out of 113 members were elected as members of Parliament. It should be noted that this law did ensure equal distribution as stated in the commitments.

In Togo, a visible observation is the under-representativeness of women in decision-making bodies and positions (elective or nominative). *The All-Inclusive Government set up following the global political agreement has only 5 women ministers out of the 34 ministers which represent 14.7%.*

Also, one of the recommendations of the political agreement signed on 20 August 2006 under the inter-Togolese Dialogue, upon insistence of civil society organisations, is « *to work to ensure equal representation of women in electoral processes and in the national political life* ». From this perspective, political parties should make it a rule to have a minimum of female candidates in the forthcoming parliamentary elections; this measure shall be coupled with incentives for the parties. But so far, the 2004 political parties' charter contained no specific measure relating to the promotion of women within political parties.

In Mali, the civil society organisations requested for a 30% quota for women in elective positions from the Parliament, but this request was dismissed.

Benin, Ghana and Senegal have worked on minor miracles. In these countries women are occupying positions that they have never occupied since independence. Particularly in Senegal, since 2006, women have entered military and paramilitary bodies such as the Gendarmerie and Customs, which were till then the exclusive reserve of men.

In Sierra Leone the current participation of 3 women in the Government represents a 60% progress. In the same country, 12 women sit in the Parliament out of a total of 84 members.

Some countries where efforts have been made in the area of women's participation in decision-making.

Benin

- **Liberal, scientific and technical professions:** 21.6% of women, but they occupy only 16.8% of management and supervision functions.
 - **Civil service:** about 26.8% of women who are concentrated in social ministries (61% of them).
 - **Constitutional Court:** two (02) women out of seven (07) members (we have to recall that this institution has been headed by a woman since 1993),
 - **Town and Communal councillors:** 46 women out of 1199 in 2002 (today 47 out of 1152 according to the SNU data of July 2006)¹
 - **Members of Parliament:** 6 women out of 83 in 2001 (the same number in 2006),
 - **Presidential elections of March 2006:** candidacy of (02) two women
 - **Ministers:** five (5) women out of 22 in April 2006,
 - **High Court of Justice** headed by a woman since 2003
 - **Economic and Social Council,** two (02) women counsellors out of thirty (30)
 - **High Audiovisual and Communication Authority,** one (01) woman out of 12 counsellors
-

- **Office of the President:** two 2 women in charge of missions out of ten (10) and one (01) technical counsellor out of twenty (20)

Senegal

Current Government: 9 women ministers out of 40, including 1 Minister of State, or 22.5%

Advisors to the President of the Republic: 20% of women;

Advisors to the Prime Minister: 26% of women

Parliament: 23 women members of parliament out of 120, or 19%

Council of the Republic for Economic and Social Affairs: 31 women out of 110, or 28% of women

The judiciary: 15% of high positions of responsibility are held by women

Ambassadors: 3 women out of 35

Territorial Command: 1 woman Deputy Governor, 1 woman Prefect, 1 woman Deputy Prefect, for a potential of 101 positions in Governorate and prefectures

Regional Councils: 470 regional councillors including 61 women, or 14.5%; there is one woman President of Regional Council out of 11

Town councils: 1133 women out of 4216 Councillors, or 27% and 6 women mayors out of 103, or 5.8%

Village councils: 9092 councillors of including 1043 women, or 11.3%, one woman is president of village council

Village system of chiefs: over 14 000 villages, 3 are headed by women.

Ghana

Sectors	Total No.	FEMALE	%	MALE	%
Ministries	20	2	10	18	90
Ministries of State	33	2	6.1	31	93.9
Chief Directors	31	5	16.1	26	83.9
Regional Ministries	10	0	0	10	100
Deputy Regional Ministers	5	1	20	4	80
Members of State Council	24	4	17	20	83
Members of Parliament	200	19	10	181	90
Ambassadors	45	4	9	41	91
Directors in Ministry Departments	11	2	18	9	82
District Chief Executives (Autonomous regions)	110	7	6	103	94
Region Governors	10	0	0	10	100
District Assembly Appointees	1843	655	35.5	1,188	64.5
Army Officers	4	0	0	4	100
Commissioners of Police	11	2	18	9	82
Financial and banking Institutions	15	2	13	13	87
Justice and Supreme Court	10	2	20	8	80

Source: Ministry of Women and Children's Affairs, 2003

Côte d'Ivoire

Periods	Institutions	Total	Number of women	Percentage
2006	National Reconciliation Government	6	36	13.88%
2006	Parliament	223	18	8.07%
2006	Town Council	197	9	4.56%
1997	Village System of chiefs	8549	3	0.03%
2006	CEI	31	5	16.12%
2005	Constitutional Council	7	2	28.57%
2005	Eco and Social Council	120	24	20%
2005	General Councillors	56	1	1.78%
2006	National Reconciliation Council	35	1	2.85%
2006	Local and regional reconciliation committees	15	1	6.66%
2006	Presidential Unit in charge of Natural Disasters	25	5	20%

Source: Office of Prime Minister

After all is said and done, the challenge facing the leaders is for them to take the appropriate measures to ensure a representation of women in decision-making bodies at all levels and to fully implement laws and rules aimed at controlling all forms of discrimination against women.

6. Right to peace (Article 10)

6.1. Commitments made

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

Women have a right to peaceful existence and are entitled to participate in the promotion and peace keeping. The States shall take the appropriate measures to ensure an increased participation of women in peace and culture education programmes; conflict prevention, management and settlement mechanisms and process at local, national and regional, continental and international levels (...). The States shall take the necessary measures to significantly reduce military expenditure in favour of social development in general and promotion of women in particular.

Article 10: Right to peace

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;
 - f) 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;
 - g) 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;
 - h) 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.

Solemn Declaration on Gender Equality in Africa (Commitment 2)

“Ensure the full and effective participation and representation of women in peace process including the prevention, resolution, management of conflicts and post-conflict reconstruction in Africa as stipulated in UN Resolution 1325 (2000) and to also appoint women as Special Envoys and Special Representatives of the African Union; “

In the Solemn Declaration on Gender Equality in Africa, the African Heads of State agreed to ensure full participation and representation of women in peace process, including conflict prevention, management and settlement and post-conflict reconstruction in Africa as stated in the Resolution 1235 of the United Nations (2000) and to appoint women as Special envoys of the African Union.

6.3. Progress made

Efforts have been made for democracy to take root in the countries. We observe that some countries are experiencing political changes, organisation of free and transparent elections, respect of basic human rights and establishment of good governance. These factors contribute to maintain a climate of peace and tranquillity that is necessary for the functioning of the States.

However, the observation is that few countries have taken specific measures to reduce military expenditures in favour of social development in general and promotion of women in particular.

Despite the social and political crisis which started since 2002, Côte d'Ivoire has increased the budget allocated to the Ministry of Family, for its current expenditures. The budget increased from F CFA 4,217,198,000 in 2005 to FCFA 8,034,160,000 in 2006.

There are few countries that were able to adopt adequate policies that made it possible for women to be stakeholders involved in conflict prevention, management, and settlement and peace-building according to commitments made. The function of special envoy or representative of the African Union and ECOWAS and issues

relating to conflict management in general, seem to be the prerogative of men. However, some progress has been recorded in some countries.

In Côte d'Ivoire, women have been appointed as persons in charge of the scientific committee of the national reconciliation forum, the Inter-departmental Committee for the management of toxic waste and the National Commission for investigation on the toxic waste in 2006.

In Togo, two women's associations participated in the national dialogue that resulted in the signing of the global political agreement of 20 August 2006.

In 2002, Mali involved women in the settlement of two major conflicts that affected Northern Mali.

In Senegal, in the case of the Casamance conflict, many women associations mobilised themselves for a lasting return of peace in that country. To that effect, actions such as marches of women, prayers of women in the sacred woods and capacity building in peace building for the leaders of Casamance women's associations with the financial support of the AFDS (Agency of the Social Development Fund) were conducted.

Since the end of the rebellion in 1995, Niger has also made efforts to establish a high commission for the restoration of peace, setting up of a commission for social dialogue and a high council for political dialogue.

It should also be pointed out that many women's organisations established in the various countries are working and striving for peace, security, stability and good governance by sensitising population groups.

The assessment of the implementation of the *Solemn Declaration on Gender Equality* in Africa shows that most of the reforms and measures considered as being in conformity with the protocol belong to a period prior to the adoption of the Declaration. In fact, few actions have been taken in the countries to implement the commitments taken by the Heads of State.

SECOND PART: CONSTRAINTS, CHALLENGES AND ACTION PROPOSALS

1. Constraints and challenges.

The implementation of the Solemn Declaration comes up against many obstacles that are real challenges to be taken up if we intend to give African women the chance to take advantage of the commitments made in their favour.

A declaration still little-known by stakeholders who are expected to contribute to its implementation

The text of the Solemn Declaration is known to the senior officers of the ministries in charge of women affairs who strive to integrate it into the gender policy and programmes they seek to implement. However, the Declaration is still little-known by the other government stakeholders and officers of the ministries who are ignorant of

its scope. The same is true concerning the Protocol and other international women's rights instruments that are also unknown by the judicial stakeholders in charge of its application and by the population groups including women.

Resistance of conservative religious and customary forces

The observation on the ground revealed that the resistance of conservative forces working on the basis of religious convictions or traditional beliefs and customs, played a decisive role in slowing down the progress made.

For example, this observation is valid for the ratification of the Protocol on women's rights in Africa as shown by the case of Niger. The bill relating to the ratification of the Protocol was dismissed on 3 June 2006 by Niger despite the preliminary lobbying work done by the organising committee of the civil society, the development partners and the Ministry in charge of women's affairs. On 10 September, a communiqué released by women of the Muslim associations group of Niger shows that conservative forces will continue to stand in the way of the ratification of the Protocol in this country as elsewhere, in the name of religion. Socio-cultural inertia also explains that law reforms with respect to the family and the status of persons are taking long to yield results as is the case in Mali, and that women hardly show up in politics as candidates and elected persons. Finally they are the cause of unjust provisions that feature in almost all parts in the national legal system and the difficulties in respect of the application of the texts that protects the victims of violence against women or other violation of rights to obtain redress.

Administrative complexity and difficult political context.

Administrative complexity, difficult political context and the cost of public services, namely justice, are also major obstacles that hinder the implementation of the commitments made by the Heads of State.

The non ratification of the protocol in Guinea is an illustration of the difficulties relating to both administrative complexity and political context of the country. In Guinea, in spite of the authorisation of the Protocol ratification by the Parliament since 22 October 2004 and despite the sensitisation and the advocacy with the relevant authorities, the country since then has not yet brought in the ratification instrument. Likewise, administrative complexity is a disincentive for women's access to justice. The difficult political context arising from difficulties related to democratisation is an obstacle to an effective emergence of women onto the political scene. To that effect, it should be recalled that the lack of democratic culture and good governance in some countries is a threat to peace.

Lack of resources allocated for the fulfilment of the commitments made

Finally, the implementation of the Solemn Declaration on Gender Equality requires resources. However, we observed that nowhere in the budgets was there allocation of resources supposed to be used to that effect. On the contrary, national mechanisms for the promotion of women also face their usual problem of lack of financial, human and material resources.

2 . Acting, in order to avoid disappointment

While assessing the progress made, civil society organisations are of the opinion that they have not lived up to the hopes and expectations aroused by the adoption of the Solemn Declaration on Gender Equality in Africa. Women have proudly welcomed the step taken by the Heads of State, for this was the indication of the commitment the African leaders attach to the welfare of women who represent half of their population, and the development of the continent. It is more than ever important to act in a way that this hope is not dashed and that the image thus shown to the world is preserved.

The implementation of the Solemn Declaration on Gender Equality requires the expression of a stronger political will that only action can convey.

The States should take up their responsibilities in the face of the numerous constraints and obstacles that prevent from really taking action.

In the face of the pressure from conservative forces, traditional or religious, the States should make a clear choice in favour of the welfare, promotion of women and development. Women's struggle for their promotion is not consistent with the positive African values to which they are also attached.

Considering the scarcity of resources, drastic measures should be taken to give priority to the implementation of women's human rights, important pillar of policies for poverty reduction and any other development platform at international, regional and national levels. Allocation of appropriate resources is the condition under which the mainstreaming of the gender perspective in development policies, plans and programmes could really have an impact in the daily lives of women and on the development of our countries.

We urge our leaders to be more daring in their efforts to make public services more accessible to women and to invest in the capacity building of the stakeholders whose intervention is necessary for the effective enjoyment of the rights recognised to them.

Apart from these general recommendations, we also make other recommendations in a number of areas, particularly recommendations whose implementation will make it possible for concrete advancements to be made in the fulfilment of the commitments made by the States in favour of women.

2.1. The ratification and entering into force of the Protocol to the African Charter on Human and Peoples' Rights on the rights of women in Africa

We urge the States that are yet do so, to reinforce the legal framework for the promotion of women's rights, a prerequisite for the effective respect of these rights, by totally ratifying the Protocol to the African Charter on Human and Peoples' Rights on the rights of women in Africa. Still with a view to reinforcing and to making the legal framework for the promotion of women's rights consistent, those States that have expressed reservations about the

Convention on the Elimination of all forms of Discrimination Against Women should withdraw these reservations.

The ratification not being an end in itself, we urge those countries that have already ratified the Protocol to take measures for its effective application at national level. This involves:

- The dissemination of the instrument. The translation and dissemination of the Protocol, which is the only regional instrument on women's rights in national languages of the sub-region, could enable population groups and particularly women, mostly illiterates in French, to own it so as to contribute to its respect and application. This action should require the involvement of decision makers, the media, opinion leaders, civil society organisations, judicial and extra-judicial stakeholders, etc.
- The adoption of legislative reforms necessary for the domestication of the instrument and harmonisation of the content of the legislation with the promoted regional standards.

2.2. Fighting against violence on women.

Pursuing the implementation of specific legislations on violence against women at national level and ensuring that the perpetrators of violence are punished in accordance with the law.

Adopting consistent plans of action in all the countries to fighting against violence on women.

Promoting national in-depth studies on the phenomenon of violence against women.

Supporting and strengthening civil society initiatives aimed at providing multi-form assistance to women victims of violence, and ensuring that the latter obtain redress.

Building the capacities of the judicial stakeholders and the representatives of the law that play a role in the management of the victims of violence.

2.3. Rights under marriage.

The family code reforms shall be initiated or speeded up in order to ensure that, in conformity with the Protocol to the African Charter on Human and Peoples' Rights on the rights of women in Africa
, and the principle of gender equality promoted by the Solemn Declaration:

- **Monogamous marriage is encouraged as the legal form of marriage most compatible with the equality of the sexes;**
 - **The management of the family is collegial and thus encourages the equal participation of men and women in decision-making in families;**
 - **Men and women exercise parental control over their children;**
 - **The married woman fully enjoys her legal rights;**

- **The same rights are guaranteed to men and women in case of divorce;**
- **Children irrespective of their sexes, inherit their parents on equal footing;**

2.4. Rights of access to justice

Measures should be taken by States to ensure that the **legal assistance systems put in place in the countries are operational and accessible to women in the rural and urban areas, desirous of demanding their violated rights.**

2.5. Right to participate in the political and decision-making process.

Take positive discrimination measures without which the principle of equal participation of men and women in the management of national affairs would only be a mirage for a long time.

2.6. Right to peace

Reinforce democracy and good governance through the **effective participation of men and women in the management of public affairs, the respect of the real will of the citizens expressed during elections, an equitable redistribution of the national resources throughout the entire country**, in order to create the conditions conducive for peace and prevent conflicts.

Speed up the equal participation of men and women in the peace process at all levels and at all stages.

Promote the appointment of women as special envoys and representatives of the African Union.