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ACHPR, ACDHRS Hold Consultative Workshop on the Role of the Focal Point for Human Rights Defenders

The African Commission on Human and Peoples' Rights (ACHPR) in collaboration with the African Centre for Democracy and Human Rights Studies, (ACDHR) held a two-day Consultative Workshop on the Role of the Focal Point for Human Rights Defenders at the Kairaba Beach Hotel in Banjul, from March 19-20, 2004.

The Workshop, which brought together a number of notable human rights defenders from the United Nations Office of the Special Representative of the Secretary General on Human Rights Defenders, the Inter American Commission on Human Rights, Amnesty International and various human rights stakeholders working in Africa, discussed various issues relating to the mandate of the Focal Point.

Speaking at the Opening Ceremony, the Secretary to the African Commission, Mr. Germain Barricako, said that the African Commission had always recognised the important

role that human rights defenders play in relation to its activities. The appointment of the Focal Point for human rights defenders, he said, is in part, to answer to the clarion calls that had been repeatedly made at the African Commission Sessions, and



**Commissioner Johm
(Focal Point for HRD)**

moreover, to look into ways and means of facilitating the work of human rights defenders, who are still being harassed across the continent.

In this line therefore the

African Commission thought it necessary to convene such a meeting in order to give the Focal Point a soft landing.

Similarly, the Executive Director of the African Centre for Democracy and Human Rights Studies, Mrs Hannah Forster, stated that the African Commission had indeed taken a bold step in appointing a Focal

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EDITORIAL

African Governments and their Peoples

What is really happening to us? Is it true to say that our “hardcore” natural resources had actually become a cause to us rather than a blessing? Difficult to answer to some extent, but if we want to judge from the scenarios that we had witnessed in Angola, Liberia, Sierra Leone, Nigeria, Sudan and the Democratic Republic of Congo, then one is bound to be convinced that the gold, oil, diamonds, iron ore, bauxite and timber that we possess are responsible for the problems confronting Africa today.

What is most interesting to note is that in most instances, it is the people living within the areas where the resources are located, who are the poorest of the poor. In these areas there is absolute government neglect of the ordinary people. No standard hospitals, schools, roads, electricity supply or even pipe borne water. These people, who are often within the minority groups, are perpetually marginalised by their governments, while politicians and military officers within the government ranks enrich themselves. Do we need to recall the situation of the Ogoni people in the Niger Delta?

Some people are of the view that most African leaders are guilty of enriching themselves at the detriment of their people. National resources are exploited and the revenues stashed away in foreign banks. They have become like the merchants of the high seas, whose only worry is to maximise profits. They are no longer the leaders who serve their people. It is disappointing to notice that in most of our towns, and capitals, there is a glaring

absence of basic amenities, while telecommunications facilities are nothing to talk about. Agriculture continues to be neglected in the hardcore resource countries, because governments are rushing after the diamonds, the oil and the gold. Eventually, the majority of the population cannot afford a balanced diet. This is why, if you take a look at the development index, you are baffled to see that a country like Sierra Leone is labelled as one of the poorest countries in the world.

Today we are told that Jebel’Aweinat in Northern Darfur, is one of the richest mineral regions of the entire Sahel, with foreseeable deposits of uranium. May be, this is probably why the Sudanese government has embarked on a relentless and devastating bombardment of the Darfur region, in order to drive the original inhabitants away from these areas. The atrocities being committed in Darfur are a cause of serious international concern. May be the magnitude is different but we have seen situations in Nigeria where government forces brutally suppressed demonstrations in the Niger Delta .

Governments must respect their peoples’ right to self-determination. A country’s natural resources should be properly managed for the benefit of the entire citizenry. Marginalisation of minorities, indiscriminate killing of ethnic minorities and the plundering of the national resources for the benefit of a few people has no place in a civilised democracy. We believe that the respect to life and the integrity of the individual irrespective of religion, ethnicity, sex and status should be upheld at all times.

Consultative Workshop

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Point for human rights defenders in Africa. The appointment of the Focal Point, she said, is the first step towards the implementation of the Grand Bay and Kigali Declarations.

According to Mrs. Forster, since the 29th Ordinary Session of the African Commission in Libya in 2001, the issue of human rights defenders had continued to appear on the agenda of the NGO Forum. This had been precipitated by the fact that human rights defenders had continued to suffer untold hardships as victims of exile, torture, arbitrary arrest and unlawful detention while others disappear without any trace.

Mrs Forster assured the Focal Point that the African Centre and its partners will continue to work with the African Commission.

During the two-day workshop, the group reviewed the terms of reference of the Focal Point as well as discussed possible activities for the Focal Point. The issue of finance and strategies to mobilise funds to support the activities of the Focal Point were also discussed.

It could be recalled that during the 34th Ordinary Session of the African Commission in Banjul, in November 2003, the African Commission appointed Commissioner Jainaba Johm as the Focal Point on Human Rights Defenders in Africa. The introduction of this mechanism, therefore, is in line with the ideals expressed in the 1996 Grand Bay Declaration adopted by the OAU in 1996, which calls on African Governments to take “appropriate steps to implement the UN Declaration on Human Rights Defenders in Africa” and the Kigali Declaration adopted by the African Union in 2003, which recognises the important role that human rights defenders play in the promotion and protection of human rights in Africa.

The Sudanese Government's Gun Barrel Politics in Darfur

Eva Dadrian

Once again the military regime of Khartoum has proved that old habits die-hard. By trying once again to solve the Darfur crisis through the barrel of the gun, is a clear indication that Khartoum has learned nothing from the 20 year-old-war it fought against its own citizens in Southern Sudan. Despite agreeing recently that a ceasefire is necessary to stop the bloodshed in Darfur, and despite claiming this week that the "war in Darfur" is over, the regime has stepped up its military operations in the province and with the same token has rejected the invitation to a conference on Darfur proposed by the Centre for Humanitarian Dialogue, a Swiss non-governmental peace group, to be held February 14 and 15 in Geneva.

While fighting the so-called "insurgents" the Sudanese armed forces and other paramilitary units – the Popular Defence Forces - have simultaneously targeted civilians, allegedly accused of supporting the rebellion. More than 600,000 people have fled from their destroyed villages and have taken refuge in other towns in makeshift camps under trees with almost no food, water or shelter, while more than 100,000 fled to neighbouring Chad. Khartoum announced that major military operations in Darfur are over but villages are still being attacked and burned by the Janjaweed, the Khartoum-backed

armed militias, and government Antonov planes continue to bomb, indiscriminately, villages as near as 60 kilometres from Al Fasher, the capital of Northern Darfur.

A ceasefire negotiated in neighbouring Chad (Abeche 1) seeking to end the conflict collapsed because the government has not kept its part of the deal, i.e. stop all its military operations and especially rein in the Janjaweed. In fact Osman Youssef Kibir, the governor of North Darfur, has admitted that militiamen acting in the name of the government executed civilians in his province, although he denied that the government bore any responsibility for their acts. Last week, the government overrun a number of camps held by the fighters of the Movement for Justice and Equality (MJE), one of the fighting factions in Darfur. Then it turned its wrath against the other faction, the Sudan Liberation Army and has surrounded Jebel Marra, their stronghold, with the full might of its armed forces and its allies.

The situation in Darfur is far from being "under control", as claimed by the Sudanese President Omar al-Beshir. The rebellion will continue as long as Khartoum refuses to acknowledge any political motivation for the unrest in the province, rejects a political solution to the crisis and blaming

it instead on "armed criminal gangs and outlaws", who it says are aided by tribes from Chad.

Much of the tension in Darfur results from the same issues that led Southern Sudan to take up arms back in 1983 -- a central government that exploits local resources, imposes its cultural beliefs on the indigenous African population and consistently plays off local tribes and ethnic groups against each other for short-term gains. The Darfur Liberation Front -- which later changed its name to the Sudan Liberation Movement/Army (SLM/A) -- took up arms last February because the Khartoum government had "introduced policies of marginalisation, racial discrimination and exploitation that had disrupted the peaceful coexistence between the region's African sedentary and Arab nomad communities". Since the rebellion erupted the province is a war zone, with tremendous suffering inflicted on the civilian population by the army and the armed militias. SLA complains that the government in Khartoum, like all its predecessors, is dominated by the northern Arab elite and has ignored their needs. They argue that Darfur too should be offered a slice of a power-sharing deal and that its natural resources developed for the benefit of the local population. Calling for a

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A Culture that Says No to Gender Violence

*A paper presented at the SIMMA Vocational Training Centre
by the Executive Director of ACDHRS*

Looking around us in our various walks of life, we know that the HIV/AIDS epidemic is ravaging the world population in both developed and developing countries. However, the damage being caused by the virus in Africa is worthy of much attention. My address today will focus on HIV/AIDS and the challenges it presents to the groups that are involved and working for women and girls in Africa generally. I will endeavour to draw examples from various countries on the continent and indeed from The Gambia.

SITUATION OF VIOLENCE AGAINST WOMEN AND GIRLS

Distinguished Ladies and Gentlemen,
African girls and women face numerous human rights abuses at all stages of life

- At birth, when the male/boy child is preferred to the female/girl child
- in school or as is increasingly the situation of girls affected by HIV/AIDS, out of school;
- as adults, in long term minors where decision-making authority over sex is dependence and inequality under the law limit the options for redress;
- in widowhood, where gender discrimination is the rule rather than the exception for inheritance and control of property

- in war and civil strife where rape is used strategically as a weapon

Sexual abuse, violence, coercion and discrimination are the overarching violations that girls and women face at all stages of life.

THE EQUATION OF HIV/AIDS, WOMEN AND GIRLS

To quote Stephen Lewis, UN Secretary General's Special Envoy on HIV/AIDS in Africa -

'If it can be said, as it can, that by the year 2020, the number of deaths from AIDS in Africa will approximate the number of deaths in military and civilian combine, in both world wars of the 20th Century, then it should also be said that a pronounced majority of those death will be women and girls. The roll on women and girls is beyond worrying; it presents Africa and the world with a practical and moral challenge which places gender at the centre of the human condition. The practice of ignoring a gender analysis has turned out to be lethal... for the African Continent, it means economics and social survival. For the women and girls of Africa, it is a matter of life or death'.

AIDS has already claimed over 20 million lives in Africa. In the midst of neglect and denial, millions of Africans had already died before the epidemic was registered or publicly recognised as a problem. It is a pity that policymakers are still not taking account of the extent to which AIDS prevalence in

Africa is a direct result of relentless human rights abuses that women and girls suffer because of their gender.

I am inclined to agree with the analysis that the protection of girls and women is key to turning around the continent's AIDS crisis. The challenge of protecting women and girls from AIDS-related human rights abuses is enormous. The abuses which are many and varied, include:

- rape within and outside of marriage
- other sexual violence and coercion abetted by poverty
- domestic violence
- unequal property and inheritance rights
- divorce laws that exacerbate women's economic dependence on their husbands
- discriminatory barriers to education and health facilities

All these human rights abuses have existed for a long time and many have been life threatening, but with HIV/AIDS, they are lethal on a massive scale.

HIV/AIDS impoverishes families, when

- families decide to use scarce resources on boys' education
- girls are more readily called to care for the sick or earn income in times of need
- scarcity of anti-retroviral treatment is the rule rather than an exception which means...

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Article XIX Hold Conference on the Declaration of Principles of Freedom of Expression

A two- day conference on Freedom of Expression organised by the African Commission on Human and Peoples' Rights in collaboration with Article XIX, the Media Institute of South Africa, the Media Foundation for West Africa and the Commonwealth Office took place at the Burger's Park Hotel in Pretoria, South Africa, from February 19- 20 2004.

The two- day Conference was basically aimed to raise awareness on the Declaration of Principles on Freedom of Expression in Africa. The conference was also able to discuss the activities of the African Commission in relation to the promotion and protection of freedom of expression in Africa, media professionalism, women's limitation to freedom of expression and the issue of national security, public order and freedom of expression.

In giving the Welcome Address at the conference, the Executive director of Article XIX, Mr. Andrew Puddhepatt, said that the Declaration of Principles on Freedom of Expression, which has been adopted by the African Commission can be considered as one of the strongest declarations on freedom of expression anywhere in the world. Mr. Puddhepatt lamented that most often, countries do commit themselves in signing and ratifying conventions, yet still what actually exist on the ground in these countries is quite different from the reality. He therefore called on policy makers and members of civil society in general to ensure that the principles of this important declaration are made known to the majority of Africans.

In the same vein, the Focal Point on Freedom of Expression at the African Commission on Human and Peoples' Rights, Commissioner Andrew Chigovera, thanked the various parties involved in the organisation of the conference. According to Commissioner Chigovera, the African Commission has been able to utilise its interpretative role under the African Charter to develop jurisprudence on the right to freedom of expression and other human rights issues.

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Election Watch *Mauritania*

One international election observer had once reported after monitoring numerous elections on the continent that: elections in Africa have some very peculiar characteristics. In every country, he said, there is at least one form of election abnormality that is unique to that country. To discuss the validity of this statement will surely generate a heated debate. However, what is certain is that for the past two decade in Africa, we have seen some serious election manipulations, which were designed to keep incumbent presidents in power. These abnormalities include: the twisting of the constitution, arbitrary arrest of opposition leaders and their supporters, kidnapping, executions, ritual sacrifice, labelling of opposition leaders as foreigners, registrations of other nationals as legitimate voters, disappearance of ballot boxes and other outrageous forms of rigging.

November 7 , 2003 witnessed another milestone in the election history of Mauritania. President Maaouya ould Sid' Ahmed Taya, had in his own perception, created the enabling environment for a free and fair elections. However, a thorough analysis of the run up to the elections, brings to light, the continuous harassment and intimidation of the opposition, and the fact that several political parties remained banned during the course of the year. According to Human Rights Watch, (HRW) local government officials deliberately refused to meet with opposition leaders, in an attempt to frustrate their efforts in mobilising their supporters.

On the other hand, reports indicated that during the presidential elections campaign, the government had provided the opposition parties access to the country's electronic media. This is indeed a good gesture, but is this the only thing that they need? Obviously no.

Despite all the difficulties associated with the elections, six presidential candidates, including the first female presidential aspirant in Mauritania, Madam Aicha Mint Jeddane decided to take on incumbent President Ahmed Taya and his Social and Democratic Republican Party (PRDS).

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Gun Barrel Politics

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separation of state and religion, the SLA/SLM have spelled out their objective "to create a united democratic Sudan" where the unity of the country will ultimately be based on the right to self-determination of the various peoples of Sudan. Also, they are asking for the establishment of an economy and a political system that addresses the uneven development and marginalisation that have plagued the country since independence. Yet these claims have had no effect on the government. It continues refusing to acknowledge the political motivation for the unrest and accuses Eritrea and the Sudan People Liberation Army (SPLA) of supporting and arming the rebels.

Darfur is the most underdeveloped region in the country and is prone to drought and famines, two factors which have fuelled conflict between nomadic Arab tribes, armed by the government, militias and local African villagers. Libya, who backs the Zaghawa, "a useful long term leverage weapon against N'djamena" according to Al Fazzan, the former Libyan ambassador to Cairo and who is now representing his country in Damascus, has offered to solve Darfur's "tribal dispute" by inviting the Arab herders and pastoralists of Darfur into Libya. There, they will receive new territories, pastures and water points and

even the Libyan nationality. Tripoli wants, at all costs, to unite with Sudan and Egypt and recently Kadhafi has proposed a draft constitution for a tripartite union to form the Golden Triangle, his 35 year-old dream. Sudan may be an oil producer at the rate of 330,000 barrels per day, but the oil bonanza has only begun in 1999. With the exception of the capital, there is practically neither proper health services nor education and no communications infrastructure in the country. Neglected by successive governments, the peripheral regions - Darfur, Kordofan, Nuba Mountains and the Eastern Province - can easily claim to benefit from "sustained underdevelopment".

Parallel to the issues of neglect and underdevelopment, racial discrimination and exploitation have poisoned inter-tribal co-existence. Pastoralism and farming have historically been and remain the most viable economic sectors in the province. It could be argued that land has long been at the heart of many conflicts in Africa, either between the indigenous black African populations and new comers - the case of Zimbabwe - or between farmers and pastoralists like in Darfur. During British colonial rule, the conflicts over pastures and water points were solved through the local tribal administration. Good neighbourhood still prevailing in those days, the pastoralists were allowed to move into the grazing areas with their cattle, sheep and camels, only after farmers had harvested their fields. But at independence, in

the rush to modernise the country and move away from "old traditions", the new rulers of Sudan dismantled the local tribal administration and never replaced it. In the early 1980s, as drought and underdevelopment reduced pastures and water resources, the struggle for survival intensified for the nomadic pastoralists. During the 1986-89 premiership of Sadiq Al-Mahdi (Umma Party) the problem resurfaced when the nomadic tribes of the region, commonly known as the Baggara, moved indiscriminately into farming lands. These actions were made possible by a deliberate government policy and with the tacit approval of local government officials. The Baggara were even given weapons to "defend" themselves in case they were attacked by the indigenous farmers. Needless to say that often the weapons were used to take over lands and water points from the indigenous farmers.

Since then, Darfur has been the scene of attacks by armed groups on indigenous farmers. The present government reacted by detaining incommunicado in various prisons around the country, community leaders and alleged critics of its policies in the province. Following unrest in and around Geneina, Northern Darfur (2001) where hundreds of Massaleet were killed and dozens of villages burnt to the ground, Special Courts were established to deal with "murders, armed attacks

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Gun Barrel Politics

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and banditry". These courts have handed down death sentences and cruel, inhuman and degrading punishments – cross amputation, public flogging - after unfair and rushed trials.

Armed conflict and deliberate government strategies have largely been responsible for the long history of wars and of famines in Sudan. The current fighting, primarily along ethnic lines, is the result of that strategy. For almost twenty-five years, famine and scorched earth policy have been regarded as the outcome of a political process of depleting a region from its native population and transferring the resources of the region from the weak – the indigenous people - to the politically strong – Khartoum northern elites.

Various armed militia groups, the Janjaweed in the case of Darfur and the Muraheleen in the Nuba Mountains and in Southern Sudan, have been the vehicles for the regime policies and have been utilized as proxies by Khartoum. Their task is to attack and plunder the people of a given region and take their reward – the war booty - in the form of looted cattle, crops etc. A few years ago, these groups did not have any political agenda in Darfur, but today this has changed. Their political agenda is to assist the government in 'arabising' the region and taking over its natural resources –

oil and minerals. The army and the security forces, the specially created Popular Defence Force (PDF), support these militias whose main task is to terrorise and isolate the local populations by forcibly preventing them from working in their fields and looking after their animals. By burning crops and looting cattle, the Janjaweed militias have created and maintained artificial scarcities of food, driving the farmers from their land and pushing them towards urban centres or to the arid, desolate parts of the province. It is true that the raiding, displacement, and asset destruction did not affect all parts of Darfur simultaneously but they have created a situation of extreme instability whereby ordinary economic activities and survival strategies became impossible.

In addition, the nature of inter-tribal clashes in Darfur has been exacerbated by an inflow of arms from neighbouring countries, Chad and the Central African Republic (CAR). Tribal groups, militias, dissidents, rebel groups as well as ordinary civilians have easy access to small arms. However, in this particular instance, local politicians as well as the central government have fuelled the rivalry between farming settlers and semi-nomadic communities. Neighbouring states also have interests in Darfur. The Zaghawa of Darfur have helped Idriss Deby gain power in N'djamena in 1990 and with their kin tribe in Chad they form the backbone of Deby's army and security forces. Libya has its own

agenda, especially since Col Kadhafi has turned its attention to Africa and to the mineral-rich Sahel countries. In Northern Darfur, bordering Egypt and Libya, lies Jebal 'Aweinat, one of the richest mineral regions of the entire Sahel with foreseeable deposits of uranium, while Southern Darfur is known for its oil, iron ore and copper deposits.

The government has come under serious criticism from humanitarian and human rights organisations about attacks on civilian targets and the deteriorating security situation in Darfur. There is no circumstance that justifies deliberate attacks on civilians or military operations that endanger civilian lives. These are all grave violations of human rights and the laws of war. But since the Sudanese leaders and their friends, especially Libya, which became a member of the UN Human Rights Commission last year, have halted the work of the UN Rapporteur for human rights in Sudan during the Commission annual meeting in Geneva (April 2003) violations of human rights have doubled in Darfur. Already in November 2002, Gerhart Baum, the UN Special Rapporteur on the Situation of Human Rights in Sudan, expressed concern over the slow progress achieved by the Khartoum government in redressing the human rights situation. He referred particularly to the negative role of the nomadic Arab tribes

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Gun Barrel Politics

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(mainly the Baggara and Misariyyah) from which government formed Murahleen (nomadic) militias, which were deeply implicated in abductions and the targeting of civilians. Yet this has been crippled because civilians' cattle and grain are looted, agriculture land devastated, homes burnt, mills destroyed. Thousands of Fur, Zaghawa and Massaleet are unable to go back to their villages, plant or replace their herds.

During a consultative meeting that took place in Nairobi in January between Vice President Ali Osman Taha and Ahmed Diraiqe, the leader of the Sudan Federal Democratic Alliance (SFDA) and former governor of Darfur (1980-1983) the government accepted that a ceasefire would be agreed and implemented under the supervision of international monitors, and negotiations opened with the Darfur fighters in order to reach a political settlement to the issue. But it seems that diplomatic and political solutions have been put aside and the government will pursue its military policy.

Culled from Pambazuka news

Culture that Says No to Gender Violence

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that people are dying, not living with AIDS

- women widowed by AIDS suffer injustices of both statutory and customary laws which militate against their being able to retain marital property
- stigma often leads to their being abandoned and abused



*Mrs. Hannah Forster
(Executive Director, ACDHRS)*

- millions of children abandoned to AIDS face a wide array of human rights abuses more frequently and deadly among girls than boys
- women and girls in households infected by AIDS and by poverty find their choices and possibilities limited and have to turn to the sex trade or situations of lodging or work that expose them to sexual abuse or violence, thereby increasing the risk that

they themselves will die of AIDS.

- the orphaning of children is a consistent feature of AIDS deaths

To review the situation further, **orphaned children/young adults** are often subjected to

- physical and sexual violence by their guardians in the absence of parental care
- trafficking for their labour
- abuses associated with living in the streets
- abusive treatment in schools i.e. sexual and physical violence

Even for those **families not directly stricken** by AIDS, entrenched poverty and the favouring of boys over girls education, and the lack of legal protection against discrimination and exploitation contribute to situations in which they turn to the sex trade for survival i.e. sex in return for money, food or other elements of survival. To make things worst, negotiations for condoms are practically non-existent.

Child trafficking is a long-standing crime in many parts of Africa. Orphans and other children without parental care are more vulnerable to being lured into trafficking with the promise of schooling or lucrative work. In such circumstances, girls are usually preferred where they are used for domestic work or work in streets and markets where sexual violence is a high risk.

Girls in school usually face sexual abuse in school or on their way to or from school. We frequently hear of girls raped and sexually harassed by teachers or school administrators – an abuse of

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Open Letter to President Obasanjo

Dear Sir,

OPEN LETTER TO YOUR EXCELLENCY AND REQUEST FOR RELEASE OF OPUTA PANEL REPORT.

We hereby request your Excellency to release the report of the Oputa Panel on Human Rights Violations against Nigerians.

We wish to urge your Excellency to make urgent arrangement to release the report for the consumption and judgement of the public.

The above request is a product of our strong conviction that releasing the report will improve your human rights records and disabuse the minds of critiques that you are committed to improving human rights condition of Nigerians.

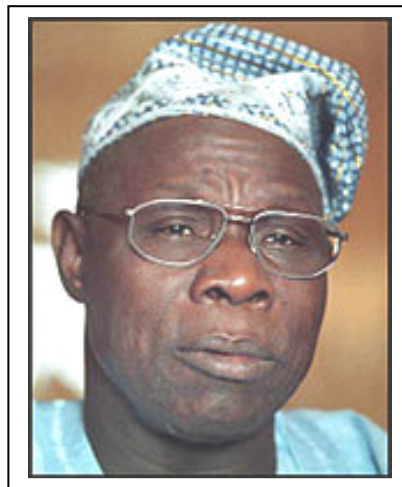
Not a few Nigerian Public undoubtedly desire, as ourselves, for the release of the report which is reasonably believed to be overdue.

What is more, it is our belief that a government proclaiming relentless commitment to transparency and accountability would not gross over a report which has become the soul and heart of public convergence on the legitimacy of your government and credibility of your excellency's leadership.

Releasing the report for public deliberation will further improve your ratings and portray your

government as people-centred and responsive.

The CD believe that your excellency will use his good offices to do all possible to, ensure that the report see the light of the day. It is only in this way that you can rekindle the wayning confidence of the public in your government's ability to deal with the past in order not to make the present situation 'business as usual'.



(President Obasanjo)

HUMAN RIGHTS SITUATION IN NIGERIA

Already your Excellency would have hopefully been concerned with Public outcry against seeming deteriorating human rights regimes under your leadership.

Just recently the Human Rights Watch released some occurrences similar to the era of the demonic Abacha regime, the allegations which your government considered

'irresponsible, jaundiced and misconceived'.

The truth of the matter is that substance of that allegation in our opinion, was not soberly considered, perhaps your response would have been different, but for us not to be guilty of conspiracy of silence, we would like to remind your excellency of some of such elements contained in the reports which remain validly honest.

The Abacha dark era, which you referred to during your recent meeting with leaders and Representatives of Civil Society Groups in Abuja did not start in a day. It developed gradually until it reached its crescendo in 1995 when you yourself became a victim.

It is unfortunate that despite 'democracy' in the land, its management by your government has failed to unleash its value and dividend on citizens' existence to the extent that today democracy has failed to improve the social existence of the "animal called man and woman."

Despite the end of military rule since 1999, it would appear those on whom power is trusted, ever since, are yet to be fully exorcised of military vestiges. It is a case of military leaders handing over to military men civilian outfits.

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FOCUS ON NGO

BAOBAB for Women's Human Rights

VISION

That women's human rights become an integral part of everyday life.

MISSION STATEMENT

BAOBAB works to promote and protect women's human rights principally via improving knowledge, exercise and development of rights under religious, customary and statutory laws.

History

BAOBAB For Women's Human Rights is a non profit, non-governmental women's human rights organization, which focuses on women's legal rights issues under the three (3) systems of law - customary, statutory and religious laws in Nigeria. The organization evolved from an ad hoc group of activists, social scientists, lawyers, and specialists in Muslim laws and Arabic who were responsible for executing the Women and Laws Nigeria project, under the auspices of the International Solidarity Network of Women Living Under Muslim Laws from 1993 to 1996. This three-year multi disciplinary research project on women's legal rights generated a wealth of data which, in order to be efficiently utilized, needed an organizational structure from which outreach work could be planned and executed in the states under study. BAOBAB was formally constituted in 1996.

BAOBAB operates from a national office in Lagos and with outreach teams in 14 states across Nigeria. These are: Adamawa, Borno, Edo, Kaduna, Kano, Katsina, Kogi, Kwara, Lagos, Osun, Oyo, Plateau, Taraba and Zamfara. The organization works with women, legal and paralegal professionals, human rights NGOs and members of the general public.

BAOBAB's stated mission is "to promote women's human rights principally via improving knowledge, exercise and development of rights under religious laws, customary laws and statutory laws." We believe our activities during the past few years illustrate our commitment to this mission.

BAOBAB's OBJECTIVES:

The objectives of BAOBAB are to:

- promote knowledge, development and exercise of women's rights
- protect and defend the rights of women
- raise awareness of women's human rights, abuse of these rights and other legal issues as they affect women, with a view to determining policies which can best promote all human rights
- further the construction of truly universal and relevant human rights
- support and strengthen women's and other human rights focused organizations and individual activists

BAOBAB's STRATEGIES:

The following strategies are employed in order to achieve the objectives of the organization:

- outreach activities (public awareness, paralegal training, etc)
- carrying out social and legislative advocacy
- publishing, including but not limited to, books, pamphlets and posters
- ongoing comparative analysis of women's human rights activities in different societies (local, regional and international)
- interdisciplinary teaching
- popular education and training
- conducting research on women's human rights

- exchange and development of ideas
- disseminating information regarding women's human rights
- capacity building for other women's groups and NGOs through training, skills building etc.
- networking in Nigeria, within Africa and worldwide
- collaborating with like-minded organizations in mutually agreed campaigns and programmes.
- documenting legal issues as they affect women
- participating in academic discussions and serving as a research centre for women's rights in law
- furthering the appreciation and observance of women's rights through activities such as sponsoring training and education programmes

PROGRAMME AREAS

There are various inter-related activities geared towards the achievement of the objectives of BAOBAB. These are grouped into five working groups namely:

- I. Research, Documentation and Capacity Building**
- II. Information, Education, Communication and Networking**
- III. Peace-Building, Mediation and Counselling**
- IV. Litigation and Interpretation of Laws**
- V. Mobilization and Advocacy**

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Culture that Says No to Gender Violence

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power by those in authority over children. The possibility of their being raped or harassed by fellow students is very high and is sometimes condoned.

Married women may not be anymore protected from high risk of AIDS than other women and girls. Married women often face violence and are abused if they feel brave enough to demand a condom; to refuse sex from their husbands or long term partners.

Studies show that men were often ready to beat their wives rather than confront the reality of AIDS or even allow their wives to seek HIV testing and counselling. Women are normally confronted with the presumption that marriage entails automatic consent to sexual relations of which the husband dictates the terms. It is taboo to question such a presumed right even when one knows that the husband is suffering from some sexually transmitted disease.

Divorce, property laws and customary practices support these presumptions that disadvantage women who try to escape abusive marriages. With few exceptions across Africa, marital rape is not recognised as a crime and domestic violence is seen as a right of married men.

HIV/AIDS will cause many millions of African women to be widowed and widowed at a younger age than would have otherwise been the case. Gender inequality in property and inheritance laws pose a grave threat to women in these circumstances.

The rights of women to own, inherit, manage and dispose of property are under constant attack from customs, laws and individuals who believe women cannot be trusted with or do not deserve to own or control property. The negative impact of property rights violations including poverty, disease, violence and homelessness, are only aggravated and become more lethal for women who face stigma of having been widowed by AIDS or who are themselves HIV-positive.

The customary practices of **'wife inheritance'** by relatives of late husband or **ritual 'cleaning'** (usually unprotected sex with a man who is a social outcast), demonstrate that many African women have no say over the abusive use of their bodies and are therefore put at risk of contacting and spreading HIV/AIDS.

Customary law is a major obstacle to the realization of women's equal rights in Africa. These laws are mostly unwritten, constantly evolving and prone to subjective interpretation. In some countries, there are as many customary laws as there are ethnic and tribal communities. Although CEDAW has been ratified by most African countries, which obliges then to eliminate customary laws and practices based on the idea of inferiority of women (or of men) or on stereotypes of women, its application still goes unchallenged in many countries.

Rape as a weapon of war is among the most horrific gender-based violations of human rights in Africa. Sexual violence in war is in unison with the near universal subordination of women and girls on the continent. Women and girls in DRC, Sierra Leone, Northern Uganda, Burundi have recounted their experiences during their countries' civil conflicts. Rape is

used to terrorise the population and destabilize the economy when women's economic activities are impeded by fear and violence.

Some strategies for creating a culture that says NO to gender violence

Hopefully, these considerations could contribute.

- **legal and judicial remedies** for women and girls and inadequate or non-existent. The stigma that rape victims undergo compel them not to report such cases, thereby making their perpetrators safe from prosecution. Moreover where girls and women find the courage to file complaints, law enforcement officials are rarely trained for sensitive and effective handling of sexual and domestic violence cases.
- actions to promote **equal access to health services and education**
- promote **equality in property inheritance laws, divorce and related economic independence**
- measures to **protect women and girls from sexual abuse and domestic violence**
- ensure that **perpetrators are brought to justice**
- **provide training** for health care providers to ensure that women and girls receive appropriate and discreet **counselling and information about HIV/AIDS and reproductive health concerns.**

(Contd. on page 12)

Culture that Says No to Gender Violence

(Contd. from page 11)

It is a discredit to most countries, particularly in Africa that it took the crisis of such a proportion as HIV/AIDS to focus attention on human rights abuses of women and girls. The protection and fulfilment of the rights of African women and girls is a central strategy in the fight against HIV/AIDS. This implies action rather than the usual rhetoric, adequate resources, coordination across sectors and real participation by women in decision-making.

All hands are needed on deck if HIV/AIDS and gender inequality are to be conquered once and for all in our march towards creating a world that says NO to gender violence.

In conclusion, I would wish to urge all of us here today, especially the youths present – boys and girls of today but the adults of tomorrow, to be alive to the fact that we are all responsible for what obtains around us. We should all try to ensure that there is gender equality in our homes and systems that downgrade one sex over the other brings about potential risks. Let us remember that society is made up of men and women, boys and girls like all of us here and it would not do for one group to dominate the other. I challenge all of you to contribute in your various ways to make sure that our children would be able to stand up and say NO to gender violence.

I thank you for your kind attention.

Election Watch

(Contd. from page 5)

Without doubt, the main contenders in the November elections were Mohamed Khounaould Haidalla, Ahmed ould Daddah of the Rally for Democratic Forces (RFD) and Messaoud Boulkheir of the Popular Progressive Alliance (AAP).

The official announcement of the elections results did not come as a surprise to many people. Pundits had already predicted a landslide victory for President Taya. The official statements revealed that President Taya scored 67.2% of the total number of votes cast, while the main opposition challenger, Mohamed Haidalla scored 18.7 %, with ould Daddah of the RFD bagging 6.9% while ould Boulkheir managed 5%.

The opposition were quick to cry foul. They accused the government of President Taya of using “Fraudulent means to win the elections.” Opposition supporters in the capital Nouakchott, questioned the arrest of the main opposition leader, ould Haidalla a day before the elections, on the pretext that he was planning a coup. Mr. Haidalla was released on election day and rearrested a day after the elections, which opposition supporters say was a ploy improvised by the government, so that Haidalla will not be able to challenge the validity of the results in court.

What ever that case, it has been confirmed that President Taya has secured another term in office. However, questions concerning whether the elections were free and fair, remain debateable.

Open Letter to President Obasanjo

(Contd. from page 9)

(1) It is not irresponsible or jaundiced to claim that more people have died in Nigeria since your assumption of office than it was under the demonic Abacha regime, especially if we consider the ODI and TIV-Jukum Massacre. Such deaths would have been averted by a human right focused government.

(2) Harassment of critics can even be deduced from some of your Excellency's statements, one of which is that you do not believe in "constructive criticism".

Labour leaders have been harassed and perhaps if you recheck your statement during the last labour strike and your conclusion that the action of Labour in concert with political parties was subversive.

(3) Such allegations in the past have landed some Activists in detention on charges of treason. The cries of labour leader against what they sensed as threat to their lives especially by Comrade Adams Oshiomole is a pointer to the usual harassment which the Human Rights Watch report referred to.

(4) Frequent de-accreditation of media practitioner covering Aso Rock beat on filmiest excuse is a pointer which confirm that freedom of expression is under threat, what else will confirm these allegations?

(5) It is on record that some people died allegedly from police guns during the last public protest against petroleum price increase in Yaba/Lagos.

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Open Letter to President Obasanjo

(Contd. from page 12)

Who can we say that the police went to Lagos to protect before killing the felled Comrades? Must the police kill at all, if truly we are in a democracy?

(6) Also it is no more a secret unknown to your excellency that some labour Activists who came out to ensure that petroleum prices remained at the agreed price of N34 from the stakeholders meeting were arrested in Abuja, by the police - an Agent of the state, even though they were charged to Court, the arrest, detention and ultimate incarceration in the prison graphically demonstrated deteriorating situation of human rights in our country.

(7) Recently those who demonstrated against the seeming harsh condition of living in the country were arrested at Yaba on 3rd of December for their effrontery to show dissent. How else can we value the right to complain against what one does not like?

There is no doubt that your regime is reform focused but such intended reforms are presumably meant to better the lives of the people and not to mortgage it.

The need to maintain law and order should not be at the expense of the Liberty of Nigerians, while creating conducive atmosphere for growth should not be achieved with forcing a situation of social quietism.

The cause of promoting democracy stability and development should be a collective commitment and your government must not project itself as more patriotic than the

other members of Nigeria Civil Society.

Given the above, the credibility of your government, human rights records could not remain validly adjudge from your personal view, hence the civil society, the CD in particular will remain resolute and unrelenting in its assumption of the mouthpiece of democracy and good governance.

We in the civil society will not succumb to any state blackmail in this regard and it in this wise we are requesting your excellency to release the report of Oputa Panel for Nigerians on whose behalf you set it up, at least to start up a new regime of governmental transparency and accountable leadership.

Yours sincerely,

Mashood Erubami

Article XIX

(Contd. from page 5)

He emphasised that in the Commission's decisions in relation to the freedom of expression, it had been made very clear that the rights guaranteed to the individual by the African Charter cannot be undermined by differing lesser protection at the national level.

The Commissioner added " In Communications 102/93 the Commission held that competent authorities should not enact provisions that limits the exercise of the right to freedom of expression, in a manner that overrides constitutional provisions or

undermines fundamental rights guaranteed by the constitution and other international human rights documents." He stated that he is looking forward to the recommendations that would be made at the end of the two- day conference, which he would forward to the African Commission.

After the presentations of the opening ceremony, the participants at the conference looked into ways and means of creating awareness on the Declaration. It was indicated that media practitioners should endeavour to ensure that the Declaration reaches their audiences through their various channels of communication. Organisations working on the freedom of expression across the continent, were also called upon to hold seminars and workshops wherever possible, to sensitise people on the Declaration. It was also mentioned that the Declaration should be translated into other African languages to facilitate reading for the majority of the African population, who are not literate in English. Participants called on State Parties to the African Charter to harmonise their laws with the Declaration.



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Coming Events

- *12th training course on the Use of International Human Rights Procedures*
- *NGO Forum*
- *Launching of Mediation Centres*