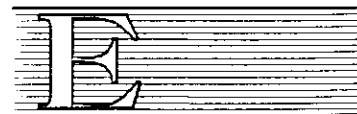


37419



Distr. : LIMITED

E/ECA/ACW/WS. WIJS/2000/1
November 2000

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL

Original: English

ECONOMIC COMMISSION FOR AFRICA

Workshop on Access by Women
to legal and judicial services
in Sub-Saharan Africa

27-30 November, 2000
Lome, Togo

**STRATEGIES FOR ENHANCING WOMEN'S ACCESS TO THEIR
HUMAN AND LEGAL RIGHTS WITHIN THE FAMILY**

I. INTRODUCTION

Society has defined the home front, the family domain, as the sphere to which women legitimately belong and in which they should exercise most of their roles and responsibilities. It is a private sphere that is mostly regulated by customary and religious rules and regulations. Modern statutory law has also legislated the domain but for the most part, it is considered a private domain that should be run by those who belong to it within the family framework.

To women and society, the family is also a source of socio-economic security. Besides giving them a sense of belonging and legitimacy according to societal expectations, it is also expected to provide real or imagined economic security for the women and to a limited extent, their families as well. At best, it should represent a source of women's economic empowerment.

Within the private sphere of the family, most African women have assigned a major productive role to play that of producing the food on which the family survives. They are also expected to play their reproductive role which entails maintaining and nurturing the family as well as taking care of the sick and the old and maintaining community ties that buttress the family.

This paper will examine what tools and entitlements within the realm of human and legal rights are available to women within the family domain to enable them to play their productive roles and fulfil their reproductive responsibilities. In so doing, it will be divided into three parts. The first part will examine the status of women's access to their human and legal rights within the family framework. The second part will examine well known constraints that women encounter in accessing their rights. The third part will propose strategies for enhancing women's access to their rights, and suggests the roles that different actors should play to this end. Strategies for forging partnerships in the enhancement of women's access to their human rights will be an integral part of the last part as will be a discussion on the role ECA could play in these partnerships.

The content of the paper is drawn from three surveys that were commissioned by ECA in Kenya, Uganda and Tanzania on " **Women's human and legal rights in the family**". Relevant ideas proposed in the ECA/World Bank Conference on " **Gender and law: East Africa speaks** " in October 1997 are

also incorporated. The recommendations of the paper were discussed and endorsed at a High Level Policy Seminar on Economic and Social Empowerment of Women organized in Lusaka jointly by the ECA Subregional Development Centre for Southern Africa, the ECA African Centre for Women and COMESA.

II. WOMEN'S ACCESS TO THEIR HUMAN AND LEGAL RIGHTS WITHIN THE FAMILY IN EAST AFRICA : SITUATIONAL ANALYSIS

A. Women's human and legal rights within the family : situational analysis

Women's human and legal rights within the family are normally regulated at the national level by family laws that include the Acts on **marriage, divorce, separation and maintenance, as well as laws related to property ownership and inheritance**. These laws that regulate women's personal relationships with others are also heavily influenced by the tradition, culture and religious beliefs of their people in their content and application. This is reflected clearly in the extent to which they regulate and facilitate women's access and control of resources. Other human rights related to access to resources are covered by different national laws and regulatory acts as well as international instruments that have been ratified by specific countries. These include **rights to personal integrity and human dignity; right not to be discriminated against on the basis of sex; reproductive rights, access to social services** etc.

We shall now focus on the different legal components on human and legal rights in the family in terms of their provisions for women's entitlements, particularly with regard to their access to productive resources.

B. Marriage, divorce, separation and maintenance laws

In all the three countries of focus, marriage and divorce are regulated by a mixture of customary, religious and statutory laws. The constitutions either allow the mix or where they do not, the application of statutory law is heavily influenced by cultural practices with little recourse. Where a decision is made to apply strictly the statutory law, women are often stigmatized for "not respecting" their traditions.

i. Kenya

In Kenya, African Customary Law caters for those who do not convert to Christianity or Islam; Islam law applies to Moslems; Hindu law to Indian immigrants and their descendants; and the English family law which has now become the statutory and civil law applies to the English immigrants and their descendants as well as the Africans who choose to be married under it.

Under Customary Law, the brideprice paid by the groom and his family gives him rights over the productive and reproductive capacity of his wife. It also gives him control and custody of the children of the marriage. The marriage is not required to be registered it; is potentially polygamous. A new wife and her children today are an economic liability to the first wife as they lay claim on the limited resources in the family. As men move into the cities in search for better economic opportunities, they are likely to be accompanied by the youngest wife with whom the income is likely to be shared disproportionately. The 1969 Commission on Marriage and Divorce in Kenya recognized the inequities of polygyny.

The Hindu, Christian and Islam marriages are grounded on values that are external to the customs and traditions of Kenya. Consequently, as they are applied to those regulated by them, they are subjected to much interpretation and differences of opinion which are heavily tinted with customs despite their religion.

It is also significant to note that the Constitution of Kenya, recognizing the diversity of the people allows the application of customary and religious laws " to the exclusion of any other law ". Unfortunately, this has contributed to the selective perpetuation of practices that hinder women's progress and discriminate against them.

Besides, discrimination on the basis of sex is not forbidden in the detailed definition of "discrimination" within the Constitution. The current debate on constitutional revision in Kenya includes amendment of Section 82 to include sex among the list of grounds on which discrimination is forbidden.

Yet another area where discrimination exists in the Constitution of Kenya is in conferring citizenship to children of mixed marriages. A Kenya woman married to a non-Kenyan cannot pass Kenyan

citizenship to her children while the reverse is true in case of a man. A non-Kenyan married to a Kenyan woman cannot obtain a dependents pass on the basis that he is presumed to be the provider of the woman. Such stereotypes sanctioned by the law puts unnecessary strain on the stability of the marriage as the unity of the family base is undermined by such inequitable laws.

The Marriage Act, Subordinate Court and Maintenance Act and Matrimonial Causes Act all provide for the maintenance of children born within recognized marriage. The same laws, however, do not make provisions for children born out of wedlock. The Affiliation Act that had succeeded in protecting the children by requiring that their fathers assure their maintenance whether they were married to their mothers or not was repealed in 1969. The Children's Bill, on the other hand, gives a child recognized by his father even though born out of wedlock, the right to inherit him after his death. This Bill places the duty to maintain children on both parents, married, separated or divorced. The implementation of the law, however, again depends on the traditional attitudes in such cases, for example, in certain ethnic groups, offsprings of unmarried parents are the responsibility of the father of the mother. Ultimately, it is the mothers who have to ensure that their children are provided for. Often they have to do the impossible to make ends meet without other support mechanisms while their fathers are indirectly encouraged by the absence of legislation not to take responsibility for their sexual behaviour.

It is therefore impossible to determine with certitude what the property rights for married women are. With regard to separation of property, under Customary Law, a divorced wife has the right to take only her personal effects. Immovable and movable property belong to her husband. Jointly owned property, however, should ordinarily be divided equally according to the statutory law unless pressure brought upon the woman on the basis of customs is brought to bear upon her.

ii. Tanzania

Three types of marriage are recognized by the Law of Marriage Act in Tanzania, monogamous, polygamous and potentially polygamous. A monogamous marriage can be converted into a polygamous marriage provided the wife consents and provided also that it was not contracted as a Christian marriage. The marriage certificate therefore must indicate whether the marriage is monogamous, polygamous or

potentially polygamous. The latter option is often manipulated by marriage officers in collusion with the men so that women realize much later that they had erroneously opted for potentially polygamous marriage instead of a monogamous one. It is also important to note that the Marriage Act expressly forbids **polyandry** (marriage by a woman to more than one man at a time).

Marriage age is stipulated as 18 for the man and 15 for the woman. Mutual consent is required by law in marriage. However, marriage to a woman of 14 is permissible provided consent is given by her father. This provision has been used by some men in an economic crunch to generate income by marrying off their minor daughters for brideprice. Besides violating her right to choose a partner, it also undercuts her potential for economic independence as she is married off before the necessary physical and psychological maturity to take on the responsibility of being the provider of food and other services in the home. It equally cuts short her education which would have enhanced her economic potential and the welfare of her children and household.

According to the Marriage Act, bride price is not required to validate the marriage. practice defies the ruling, however, and as in Kenya, it gives the man ownership of the children born in that marriage. Local Customary Law Order of 1963 validates this claim by saying that children belong to the father. In this set up, a woman cannot count on the labour of her children, especially sons, to assist her to play the productive role assigned to her. The man, on the other hand has access to her labour as well as that of the children without the obligation to share the proceeds with them.

Marriage is terminated at the death of either spouse, according to the Marriage Act and the woman is free to marry and to reside either in her matrimonial home or elsewhere. Customs differ in their demands on the widow, some demanding that she resides in her matrimonial home or else she loses her meagre entitlements while others demand that she leaves with only her personal belongings. Wife inheritance by the male members of the family is also quite common in some cultures on the basis that she was married to the family, not just to one man. The woman's right to exercise her choice is thus subordinated to custom while she additionally runs the risk of contracting STDs including HIV/AIDS.

In case of divorce, the law requires that the property acquired jointly is divided equally between spouses. Men have been known to refuse their wives divorce in spite of bringing new wives home in order to avoid equal division of property.

iii. Uganda

The Constitution of Uganda recognizes the right of men and women to marry once they attain the age of 18. It also rules that both men and women have equal rights in marriage. The Constitution further spells out parental responsibility to bring up the offsprings of the marriage who should not be separated from the home except in circumstances defined by the law. The Constitution also outlaws culture, customs and traditions that undermine the status of women and their health. Discrimination on the basis of sex is forbidden. As the natural basic unit of society, the Constitution calls for the protection of the family.

The Constitution similarly upholds the equality of husband and wife after the dissolution of marriage, similar to the Tanzania law of marriage. But both the Constitution and the Divorce Act are silent on the division of matrimonial property. The reality of the situation is consistent with most cultures whereby matrimonial property is usually registered in the man's name. After divorce, it is therefore allocated to him. To rule to the contrary requires that the wife produces proof that she contributed to the acquisition process. This is mostly impossible as women hardly think of keeping receipts, and often their contribution is in kind and therefore impossible to proof. Many are also ignorant of the law until problems arise. On the other hand, the law has not addressed these inequities that often result in the impoverishment of women after divorce.

C. Inheritance and ownership of property

i. Kenya

Section 82 of the Kenya Constitution recognizes the personal law of the various communities in matters of property ownership. Nonetheless, a woman can acquire, hold and dispose of property as she wishes(Contract Act, Registered Land Act, the English Married Women's Property Act etc) within or outside marriage.

Within customary law marriages, women have only user rights over land. While in the pre-colonial days women had control over the proceeds of their labour, the land tenure system introduced by the colonizers gave the land owners, men, rights over the fruits of their registered land whether they were responsible for their production or not. In an agricultural society such as Kenya, land is the single-most valuable productive resource. It facilitates access to other resources such as credit, is a source of income when exploited and can also be sold for a handsome profit. Yet, women can neither own nor inherit it according to most customs. As for purchasing it according to the statutory law and the Constitution, women do not have the purchasing power particularly since they have no access to credit without collateral.

Women do not inherit family property either as wives or daughters. Instead, it is inherited by males both in matrilineal and patrilineal communities. Thus, although statutory law allows daughters to inherit their parents equally with sons, the practice is very heavily influenced by tradition. Even in cases where property is in the name of the wife, e.g in cases of stocks, still the influence of the husband as the "head of the family" greatly impacts on decisions made in such matters.

ii. Tanzania

The Constitution of Tanzania provides the right to own property to women and men alike, married or single. A married couple also has the right to own property jointly.

With regard to inheritance, however, there are 4 different laws that regulate the issue, namely Customary, Islamic, State Indian Succession Act and Succession non-Christian Asiatic ordinance. The bulk of the African communities use customary laws to deal with the issue. In case of conflict of laws in application, the **mode of life test** is applied to determine how the couple conducted itself with regard to the different laws.

According to the customary law, women cannot inherit movable or immovable property. The males in the family divide up what is left among themselves including clan members. Daughters and widows are entitled to nothing. In societies where widows are entitled to some inheritance, this is applied on condition that they also accept to be inherited by the designated males in the family. In other societies, widows have the right to stay in their matrimonial homes and administer their husband's property on behalf

of their sons until the latter reach majority age. The widow has the right to choose one of her children and reside with him or her in her matrimonial home. However, a childless widow is entitled to 1/20 of half of her husband's property for each year that she was married to him. She also has usufruct land rights and 50% of the proceeds from perennial crop. A Muslim wife is entitled to 1/8 of her husband's property while according to the State Indian Succession Act, the widow inherits half of her husband's property unless otherwise contested.

As for land, Customary Law dictates that a third goes to the oldest son of the first wife and a 1/10 to 1/5 each for the other sons. If there is some left, the daughters could divide among themselves. The widow is entitled to nothing because family and clan land cannot be "alienated, which is what would happen if married widows and daughters inherited it. In the absence of male heirs, however, daughters can inherit as long as they do not dispose of the land outside the clan.

iii. Uganda

The married Women's Property Act of 1982 stipulates that women have full contractual capacity and therefore the freedom to purchase and own property. But the law presupposes that the purchaser has the money to buy or is eligible for credit to purchase property. The reality, however, is that the majority of the Uganda women as in Kenya and Tanzania, work in the agricultural sector as subsistence farmers and the products of their labour is consumed in the family. Their work, however, cannot be used as collateral for credit. Well-intentioned programmes such as the Rural Farmer's Credit Scheme which targets women specially, end up being influenced negatively by cultural practices which insist that they obtain their husband's permission to secure a loan before the local village officials give them positive letters of reference.

Similar to Kenya and Tanzania, customary norms also exclude women as heirs to land, cattle and other property. But the Succession (Amendment) Decree of 1972 which recognizes the right of women to inherit, allocates 15% of her deceased husband property and allows her to stay in the matrimonial home and adjoining land in order to administer the property. The children, male and female are entitled to equal shares of 75% of their father's property. The widow is also protected from family threats through the Administrator General's Act which makes it an offence to "intermeddle in the property of a deceased person".

The application of this law, however, is unsatisfactory. The High Court has made it mandatory for the widow to produce a letter of no objection before she can administer the property. The police has also been reluctant to protect the widow from interfering relatives with regard to property administration.

Besides, low legal literacy result in automatic application of customary practices in matters of property acquisition and inheritance. Local Councils with judicial powers have tended to reinforce cultural practices while women go along due to ignorance and sometimes fear. Besides, they may also find the social and economic costs of enforcing the law too high. Consequently, only 7% of the land in Uganda is owned by women despite the fact that they constitute 51 % of the population.

D. Status of Women's access to services.

From the above review, the dependence of the three countries on agriculture which, in turn, is dependent for the most part on women's labour (68%- 80%) is evident. Women must also fulfil the reproductive role of procreation as well as the care of their children, the sick and the old. For efficient and effective performance of these roles, they need to have access to such basic services as extension services, training, information, education as well as health services to which they can resort for themselves and their families. A brief review of the **status quo** in the three countries, however, reveals that as with productive resources, women are marginalized in their access to such services.

In Kenya, for example, total enrolment of girls in primary schools attained 49.2% in 1996 as compared to 43% in 1973 (ECA, **Economic Survey** 1997). Unfortunately, girls drop-out rates was estimated at 66% at primary school level in 1995. This was attributed to the high level of poverty under which at least 47% of the population was estimated to be living. In such circumstances, girls are a lower priority over boys to maintain in school. High rates of adolescent pregnancy also contributes heavily to the high drop out rates of girls who until 1996 were not allowed to resume school after delivery.

With regard to health, high maternal mortality and morbidity rates of women are evidence of the level of access to quality health services. Besides, the high rates of unemployment among women job seekers in the urban areas, their archaic production tools and methods in the rural areas, all witness in part

the level of access to education, skills and technology. It is thus not surprising that women constitute at least 80% of the poor and the very poor particularly among those who head households without inputs from males.

All the three countries of focus have policies to eradicate poverty and to invest more on basic social services as well as to make them accessible. In Kenya, after the 1995 World Social Summit, it was agreed that 20% of its budgetary expenditure and 20% of its aid flows would be allocated to basic social services. Once implemented, it will be a reversal of the current reduction of government expenditure in social services as a cost-sharing device following the adoption of SAPs.

In Tanzania, the Food and Nutrition Policy adopted through the Ministry of Health identified the "bad traditions and customs" as one of the causes of food and nutrition problems which affect women and children. Inadequate distribution of resources was also cited as another problem. "Heavy work load borne by women in all food production activities " and the fact that men have abandoned these activities to women were cited as factors affecting low food production. But women's lack of access to land as well as decisions that determine its utilization including its proceeds were never addressed as factors affecting production. Similarly, agricultural policy is gender neutral in matters of division of labour, decision-making, marketing and production incentives, as well as in identifying women as actors in the production process and as beneficiaries of agricultural services.

In Uganda, the Local Government Act of 1997 required the local governments "to give adequate budgetary allocations to the National Priority Programme Areas which include primary education, primary health care and rural water supply". Requirements for the design, planning and implementation of these services, however, are silent on the need for a gender perspective or the involvement of women as a specific target group. Despite the 1997 policy of Universal Primary Education for 4 children per family, 2 of whom have to be girls, there is a high drop out rate, mostly girls because of other accompanying costs that parents cannot afford, at least not for girls.

The precarious position of women under customary law which has dominated decisions related to property ownership and inheritance laws is therefore evident. While women are expected to give

themselves to the service of the family, that same family puts them at their mercy and good will at the death of their husband's. And yet, society continues to see this customary law as the soul of the African society. It is absolutely necessary that mechanisms for enforcing women's human rights as defined by statutory laws and international human rights instruments be found. Some of the statutes and policies, however, may not be outright discriminatory or unjust except by their failure to address discriminatory practices in their implementation or to provide the requisite services to women which would permit them to meet their productive obligations and to enjoy their rights.

III. CONSTRAINTS TO WOMEN'S ACCESS AND ENJOYMENT OF THEIR HUMAN RIGHTS

This review has indicated that in each of the three countries of focus, there is a legal and human rights framework within which women can claim, enjoy and protect their rights to access and control productive resources. The national Constitutions of the three countries are adequate if not progressive in cases of some in this respect. Statutory laws have also attempted to protect women's rights against the discriminatory Customary Laws thus giving options to women with regard to what personal laws to choose in regulating their family and other personal relationships. It is, however, at the point of implementation of these laws that cultural attitudes and practices dominate, and once again, women are subordinated to male priorities. But why do women allow themselves to be relegated to these positions? To what extent do they use the provisions of the law and international human rights instruments to protect themselves? A number of constraints explain the low utilization of the provisions of the law by women as we shall see below.

A. Low levels of legal literacy

One of the sure ways whereby women could ensure the protection of their rights when threatened is engaging the services of legal experts to fight on their behalf. But in the light of their weak economic status, such services are inaccessible to most women. Besides legal aid services are extremely limited as we shall discuss later, and therefore similarly inaccessible to the majority of women.

While legal services are practically inaccessible to most women by virtue of cost and limited availability of those that are free, they can only be sought by those who understand what the services have to offer to them personally. Unfortunately, the level of legal literacy is very low, both among the educated and the less educated as the surveys carried out in Kenya, Tanzania and Uganda showed. Out of the women interviewed in Kenya, only about 8% seek information on women's rights in the family, and these happen to be working in organizations that deal with human rights issues. Similarly in Uganda, awareness about women's human rights was found to be low both in the urban and rural areas. Among those interviewed 80% from the rural areas and 90% from the urban areas had not heard "anything to do with women's human rights". A few had listened to the radio but were frustrated by the non-interactive nature of the programme-- they could not ask questions or seek clarification on what they had heard.

In Tanzania, illiteracy in general is cited as aggravating legal literacy. There is also general reluctance to engage legal procedures to vindicate one's rights as they are viewed as costly, complicated and time-consuming. The literacy level which was raised in the 70s and 80s has been eroded by the absence of reading materials and the disappearance of rural libraries.

It is of interest, however, to note that lack of legal literacy is not synonymous with not having a sense of justice and fair-play. Women are keenly aware of the traditional double standards where women are subordinated to inferior status yet do most of the work to feed and maintain the family. When the concept of "rights" is introduced to them, they are able to relate it to their own experiences and to define it as " the right to live, enjoy life...right to basic human needs, shelter, clothing, sex,to have children at one's will ...to own family property equally, inherit family property...make decisions in matters that affect the family...earn an income and spend it freely...express oneself freely...right to be the only wife...right to be loved..."

B. Fear of victimization

Among the respondents interviewed, some felt that the concept of "rights" is based on foreign ideology while Africans had their own social norms clearly defined and practised. They were therefore afraid that such discussions would be highly disapproved of by their husbands and could even lead to

violence and other forms of victimization. In some communities, women who speak about their rights and attempt to vindicate them are seen as having low moral standards. Should they engage in court battles against their husbands or family members, they are then seen as traitors and are ostracized by the community.

C. Socio-cultural barriers

Some women are true believers in their customs and culture which are also reinforced by some religions in relegating women to inferior socio-economic status. This is further supported by the multiplicity of laws applicable in regulating women's personal relationships. To assert their rights therefore would be going against their basic values and beliefs and therefore would be counterproductive. Rendering them legally literate would have to be preceded by sensitizing them for attitudinal change.

D. Practical needs have priority over strategic needs

In the context of the implications of having to feed and take care of their families women may find asserting one's human and legal rights a lower priority to ensuring that there is food every day and the sick are not dying. The very poor may find the pursuit of rights a luxury, "a class-stratified issue". It was not surprising therefore when some of the women interviewed insisted on the importance of a holistic approach to rights issues. They asserted that "income generation and skills development" should be included into planned activities "in order to respond to people's basic needs in the short run and ultimately to the strategic interests".

E. Insufficient legal services

Information dissemination, training of paralegals, sensitization campaigns, provision of legal clinics and legal aid are for the most part initiatives of a few NGOs and civil society institutions who have set out to promote and protect the rights of their fellow citizens while rendering them legally literate. Government contribution in the provision of such services in the three countries is negligible. Nonetheless, they have provided an environment that has permitted the organization of such activities, a contribution that cannot be underestimated in the wake obstruction of human rights activities in some parts of the world. But the

institutions involved in these efforts are in themselves insufficient in relation to the needs of the people. In Kenya, there are approximately 10 NGOs working in the area of women's human rights. In Tanzania, they are about 26. (the data for Uganda is unavailable). Taking into consideration that women are slightly more than 50% of the population in the three countries, the NGOs involved are a drop in the bucket. Besides, as NGOs, they are to a large extent dependent on limited, unpredictable donations. It is therefore not surprising that the majority of women have not had or heard of any information on human rights. They lack adequate resources to produce sufficient sensitization materials for their catchment areas and the means to train, and sustain adequate numbers of paralegals based on demand.

But even among the few that exist, there are a number of areas that the NGOs will need to work on in order to increase their impact. Coordination and networking among the institutions delivering similar services is crucial where resources are limited and demand for services unmet. But to do this, the NGOs must adopt a strategic approach with a clear vision as to what their goals are. This way, areas of common interest and potential collaboration become clear and their clientele more comprehensively serviced.

Besides, a strategic approach to legal literacy and legal aid could also have the additional impact of being an impetus for policy and law reform as well as broader sensitization of the general public.

III. STRATEGIES FOR ENHANCING WOMEN'S ACCESS TO HUMAN AND LEGAL RIGHTS WITHIN THE FAMILY

From the information summarized on Table 1, the sample organizations depict a cross-section of the human rights services provided for women in response to the need to protect their rights. The extent to which their rights are violated despite the promulgation of legal instruments to protect them has been articulated in section II. Section III reviewed the extent to which women themselves access their rights and the constraints that they come up against in so doing. Section IV,

the last part of this paper focuses on some suggested strategies for enhancing a favourable legal environment to promote women's access to their rights within the family. The proposed strategies will be organized in three parts:

- those that need to be adopted by actors in the field of women's human and legal rights
- those that should guide partnerships among the actors
- those that should be adopted by ECA with regard to the partnerships

A. Strategies for enhancing a favourable legal environment

The following strategies are recommended for the different actors in the area of women's human and legal rights.

Governments should:

1. support the human rights awareness campaign and be seen to be supporting such women's rights international instruments as CEDAW, African Charter on Human and People's Rights etc.
2. Introduce the teaching of human rights in schools at all levels.
3. take special measures through partnerships with NGOs and other service providers to ensure that women who represent the bulk of the poor have priority access to free legal aid;
4. support the training of paralegals in sufficient numbers as a strategy for promoting legal literacy and increasing legal services for women and men.
5. take the lead in devising mechanisms to change customary laws and traditional attitudes and practices that discriminate against women particularly in matters of inheritance, access to land and credit, property ownership, marriage and divorce

6. Magistrates and judges should play the role of interpreting the law in cases of dispute to uphold justice and protect women's rights in accordance with international human rights norms, particularly in matters of inheritance, access to land and credit, property ownership, divorce, child custody etc.
7. work with NGOs and other institutions to find ways of simplifying court procedures and to render them more people friendly. Special Family Courts should be created to protect the privacy and confidentiality of the family.
8. In partnership with NGOs and other institutions establish in sufficient numbers Crisis Centres and Shelters to protect women victims of violence.
9. Support NGOs, Community-based Organizations (CBO) and other civil organizations that are working to promote and protect women's human rights and enter into strategic partnerships where indicated to accelerate legal literacy and the enjoyment of human rights by women.
10. urge lending institutions to adopt special measures to ensure that they formulate progressive policies that facilitate women's access to credit in order to enhance their chances for economic independence and enjoyment of their rights.
11. ensure that women are included in decision-making bodies such as Land Control Boards which determine and implement policies related to land appropriation, utilization etc. Besides, the informal requirement, in some countries that women are consulted before transactions on family land are enacted should be institutionalized as law.

Actors in the area of women's human and legal rights should:

1. Launch human rights campaigns to create and/or increase women's and men's awareness of their fundamental human rights and freedoms, using the media including the press, radio and television as well as public lectures, seminars, publications etc.

2. Disseminate widely in simplified local languages national laws that protect women's human rights especially those related to inheritance, property acquisition, access to land and other productive resources. They should also target special training on these laws toward law enforcement officers such as the police, prison wards.
3. Define clear, simple monitoring mechanisms of the implementation of the Dakar and Beijing Platforms for Action in the sector of women's human rights and devise appropriate strategies for lobbying governments to fulfil their obligations within the framework of their national priorities.

B. Strategies for forging partnerships

There is no doubt that NGOs and other civil society institutions have committed themselves to the promotion and protection of human rights and are determined to move them forward. For best results and impact, however, they must make a concerted effort to work in a coordinated manner, supporting one another and conserving their precious resources.

But partnerships must be meaningful and strategic in order for them to be sustainable. It is important therefore that before they are established, the postulants are able to define their strategic objectives for coming together. Some of the reasons for working together could be to:

- enlarge scope of coverage
- fill an existing gap (e.g. increase visibility, impact etc)
- strengthen capacity
- stretch resources to cover more milage

In this context, the following strategies are proposed for partnerships in the promotion and protection of women's human and legal rights:

1. Establishing joint projects to be managed by a committee appointed by the relevant organizations. Specific projects could be hosted by selected member organizations as appropriate.

2. Expanding an existing programme or activity with high visibility to include women's rights issues e.g a media programmes
3. Identifying a strategic opportunity around which short-term partnerships could be formed to make a move that would be visible and have far-reaching impact e.g. mounting a campaign on topical issues during March 8 or highlighting practices of violation of women's rights when a government is due to present a report to the Human Rights Commission or CEDAW
4. Building a partnership that is based on interdependent collaboration such that each partner has an independent role to play that feeds on to that of his/her partners in an integrated process e.g. one institution works on the promotion of legal literacy in different communities in collaboration with paralegals who are trained to provide follow-up services by another institution while yet another institution in the partnership provides credit and entrepreneurial skills to women.
5. Creating teams to lobby governments to honour their commitments with regard to protection of women's human rights

C. ECA's possible role in the partnerships

As a regional organization whose mandate is to play a catalytic role in enhancing the goals of its member States, the ECA could play the following roles:

1. Facilitating negotiations and establishment of partnerships among the interested organizations
2. Advocating for resources to facilitate the partnerships
3. Facilitating a forum whereby these experiences in partnership building are discussed and shared with others with the possibility of replication

V. CONCLUSION

Human rights are indivisible. While they address different aspects of human needs, they are an integrated, inseparable package that seeks to protect the wholeness of the individual as a unique human being as well as a member of her/his community and society at large. Focus on one set of women's human and legal rights therefore in no way minimizes the importance of other aspects. It simply shows how their violation affects the well-being of the individual and society.

And yet, no one actor, organization or institution can effectively address all the aspects of women's and legal rights given the breadth and complexity of the field. By forming partnerships, however, we increase the possibility for a holistic approach and chances for covering much more mileage in meeting this daunting challenge to African women's well-being.

Table I**Activities of sample organizations in Women's****Human Rights**

UGANDA				
Organization	Districts/Regions covered	Mode of service delivery	Follow-up mechanisms	Collaboration with other organizations
LEAP Legal Aid Project	Kampala Gulu Jinja Kabalde	<ul style="list-style-type: none"> •Sub-country seminars •Legal aide clinic 	Local human rights	FIDA FHRI, Prison Aid Foundation Gender Res. Centre on deserving clients
Foundation of Human rights initiative (FHRI)	Kampala Mukono Tororo Maska Iganga, Masindi Luwero	<ul style="list-style-type: none"> • Citizens Advice Bureau (legal counselling; education) •train paralegals •lobbying for law reform 	Committee to lobby district budget to support paralegal	Yes, organization not specified
FIDA-U	Kambala mbale, mbarara,	<ul style="list-style-type: none"> •Legal aid clinic •research for advocacy •advocacy •education programme •credit services in collaboration with Women's fund and Credit Trust under Ministry of Gender • Mobile clinic in collaboration with Agency for Cooperation and Research in Development (ACORD0) •Mobile children's desk on children rights • Sensitization material for media in different languages 	no stated	<ul style="list-style-type: none"> •Uganda Law Reform Commission • ACORD •Women's Finance and Credit Trust •refers clients to other (NGOs)
Action for Development (ACFODE)	Kiboga Rukungiri, Lira Pallisa,	<ul style="list-style-type: none"> •Legal education(one county per district) • Intends to train paralegal and law enforcement officers 		
		<ul style="list-style-type: none"> • paralegal training • educational material produced 		

UGANDA				
		<ul style="list-style-type: none"> • supports NGO (FIDA UWFCT Legal/credit project) 		
Uganda Gender Resource Centre	Kosoro Rukungiri Kabale Mbarara ₂ [Pallisa ₃ Sembadule]	<ul style="list-style-type: none"> • Training (education) • advocacy • paralegal training • legal clinics • research • information-dissemination 	local government support sought CBOs	CBOs
Organization	Districts/Regions covered	Mode of service delivery	Follow-up mechanisms	Collaboration with other organizations
TANZANIA				
Legal and Human Rights Centre	Kilimanjaro Dar-es-Salaam Arusha-	<ul style="list-style-type: none"> • Research • Paralegal training • Advocacy • Legal aid • Infodissemination • Seminars 		TAMWA Division of labour WILDAF TAWLA TLS Univ. Legal Aid Clinic CBOS
Tanzania Women Lawyers Association (TAWLA)	Dar-es-Salaam	<ul style="list-style-type: none"> • Legal aid • Law reform [Law Reform Commission] Intends to produce media materials, train paralegal and hold sensitization seminars] <ul style="list-style-type: none"> • research 		
		<ul style="list-style-type: none"> • Assists governments 		
Tanzania media women association (TAMWA)	Dar-es-Salaam 16 centres, location unspecified	<ul style="list-style-type: none"> • print media • radio • television • advocacy • crisis • research • seminars • educational material • Public campaigns • Video • Documentation Centre 	legal aid counselling 17 centres	Legal and Human Rights Cluster; Women Domestic Workers Cluster, Task Force on proposed Land Bill whither feminist, Activism Coalition

UGANDA				
Tanzania Gender Networking Programme (TGNP)	Dar-es-Salaam	<ul style="list-style-type: none"> •Sensitization •Gender studies week 		
KENYA				
FIDA-Kenya		<ul style="list-style-type: none"> •Legal aid •Sensitization campaigns •Advocacy 		
Kenya Human Rights Commission		<ul style="list-style-type: none"> •Activism (against political oppression, on land issues and political participation) 		
Legal Resources Foundation		<ul style="list-style-type: none"> •Public interest litigation •Drama 		
Coalition on violence against women (COVAW)		<ul style="list-style-type: none"> •Activism (against violence against women) •Coalition of 16 WHR organisations 		
Public Law Institute	<ul style="list-style-type: none"> •Public interest litigation •[Plans a project on legal/civic education for women in 2 Provinces] 			