

UNIVERSAL HUMAN RIGHTS

Time: 45 mins

Objective: Following the training course, participants will be able to

- Define human rights.
- Develop a working definition of human rights.
- Understand the principles of the Universal Declaration of Human Rights.

Methodology:

- Brainstorm with participants on the definition of human rights
- Record their suggestions on a flipchart paper
- Ask participants to create a working definition on human rights
- Later explain the definition and principles of UDHR from the training manual

Material:

- Flipchart
- Markers
- Handouts on human rights

UNIVERSAL HUMAN RIGHTS

A) What are human rights?

Human rights are those rights that every human being possesses and is entitled to enjoy by virtue of being human. Human rights are based on the fundamental principle that all persons possess an inherent human dignity and that regardless of sex, race, color, language, national origin, age, class, or religious or political belief, they are equally entitled to enjoy their rights.

At the 1993 world Conference on Human Rights, governments reaffirmed in the Vienna declaration that human rights are the birthright of all human beings and that the protection of human rights is the first responsibility of governments.

b) Universal Declaration of Human Rights (UDHR)

This body was established in 1945 by the United Nations to oversee and implement the UN human rights system as a result of traumatic events of the twentieth century, which included wars, repression and genocide in the world.

The **UDHR** functions to oversee and implement the below listed rights;

- The right to equality
- Freedom from discrimination
- The right to life, liberty and security of a person
- Freedom from slavery, torture or degrading treatment
- The right to be treated equally before the law
- Freedom of expression and political participation
- The right to an adequate standard of living
- The right to education
- The right to the highest attainable standards of health
- The right to family life

WOMEN ARE PRIMARILY AFFECTED BY VIOLENCE AND DISCRIMINATION

Time: 30 mins

Objective: Following the training course, participants will be able to:

- Know what is meant by the phrase “discrimination against women.’
- See facts and figures that show a worldwide discrimination against women in all sectors of life.

Methodology

- Brainstorm with participants on what is meant by the word ‘discrimination’
- Probe in more by discussing, between men and women, who are mostly discriminated against
- Present the handout on facts and figures relating to discrimination against women in the world

Materials

- Flipchart paper
- Markers
- Handout on facts and figures

WOMEN ARE PRIMARILY AFFECTED BY VIOLENCE AND DISCRIMINATION

I. Facts and Figures

Education and Work

- Around 100 million children have no access to primary education, of whom at least 60% are girls.
- Women make up more than 2/3 of the world's illiterate adult population, numbering 960 million.
- Women bear more than half of all work done. More than three quarters of men's working time is spent in paid employment, whereas only a third of women's work is paid.
- Women in paid employment earn around 75% of that earned by men.
- Girls aged between 12 and 17 make up over 90% of household staff - the most common form of work for working children.

Health and Discrimination

- Between 60 and 100 million girls have been aborted, killed, undernourished or terribly neglected because of their gender – girls are less likely to reach adulthood. In several regions of the world, the number of men is 5% higher than that of women.
- This unfair, targeted treatment of girls in terms of food and health has led to a situation in which the growth of 450 million adult women has been stunted as a result of malnutrition.
- More than 16.4 million women are today suffering from HIV/AIDS. In several regions of Africa and Asia five times more girls are HIV positive than boys. In Botswana one woman in three between 15 and 45 is HIV positive!

Violence

- One woman in five is a survivor of violence on a worldwide scale.
- Between 40 and 60% of all sexual crimes are carried out on girls under the age of 16.
- The majority of people smuggled into countries illegally are women, especially women to be sold or passed on to the sex industry. Many of these women were kidnapped or sold by their own families.

Refugees

- Around 50 million people are currently on the run, approx. 75-80% of these are women and children.
- 80% of hand-held weapon survivors in war are women.

- More than 300,000 young people serve as child soldiers, many of whom are female refugees.

Poverty

- According to estimates, around 1.3 billion people live in absolute poverty on an income of less than one US dollar a day. 70% of these people are women.
- The number of women living in poverty has risen by 50% since 1970, the number of men by 30%.

[Evelin Kurs, taken from: Forum, Paper from the UNESCO School's Project, Issue 3/2002: "Frauen und Mädchen der Welt" ("The World's Women and Girls"), hrsg. v. Deutsche UNESCO-Kommission e. V, Bonn]

UNIVERSAL MOBILISATION TO PROTECTING WOMEN'S RIGHTS

Time: 1 hour

Objective: Following the training course, participants will be able to:

- Define women's rights.
- Know some historical trends relating to universal mobilizations.
- Know and understand the functions of these institutions and instruments that protect women's rights.

Methodology:

- Brainstorm with participants as to their knowledge on any women's rights movement
- Explain the background of women's rights movements
- Name and explain the roles and responsibilities of some women's rights instruments and institutions in the world

Materials

- Flipchart paper
- Markers
- Handout on universal mobilizations on women's rights

UNIVERSAL MOBILISATION TO PROTECTING WOMEN'S RIGHTS

A) What are women's human rights?

Women's human rights also include those rights that applied specifically to women and are found in specialized instruments such as the convention on the elimination of all forms of discrimination against women.

In the 1980s and 1990s, due to a lot of advocacy by women within the UN system as well as from non-governmental organizations (NGOs), progress occurred in the form of the development of women-specific instruments and institutions to help protect the rights of women in the world.

This includes:

- ❑ **The Convention to Eliminate All Forms of Discrimination Against Women (CEDAW)**
This is the first legally binding international instrument to enter into force in 1981. It prohibits all forms of discrimination against women and obliges governments to take affirmative steps to advance the equality of women to men in society.
- ❑ **The Declaration on the Elimination of All Forms of Violence Against Women**
This instrument was adopted in 1994 by the general Assembly, which recognizes the right of women to be free from violence, and the obligations of governments to take steps to eliminate violence against women.
- ❑ **The Special rapporteur on Violence Against Women**
This was established in 1994, and has the responsibility to investigate and make reports on cases of violence against women worldwide.
- ❑ **The Optional Protocol to CEDAW**
This was adopted by the General Assembly in 1998. It permits individual complaints to be made to the CEDAW committee by people in those states that have ratified the protocol.

In response to avoiding marginalization and discrimination, women began to push for full integration of women into the mainstream of the human rights system.

THE CONVENTION THAT ELIMINATES ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Time: 1hr 30

Objective: Following the training course, participants will be able to:

- Know the history of this convention
- Understand the objective of the convention
- Know its specific contents on Violence against women
- Understand some factors responsible for violence against women

Methodology

- Brainstorm with participants on their knowledge about this convention.
- Brainstorm and discuss with the participants violence committed against women.
- Explain the principles and objective of the convention from the manual.
- Explain factors responsible for violence against women.

Material

- Flipchart paper
- Markers
- Handout on CEDAW

PRESENTATION OF THE CONVENTION THAT ELIMINATES ALL FORMS OF DISCRIMINATION AGAINST WOMEN

This convention was adopted by the UN General Assembly on December 18, 1979 (resolution/180) and entered into force on September 3, 1981.

This convention identifies areas where gender-based discrimination is most marked, covering civil, political and social rights. It includes provision on the suppression of prostitution and trafficking in women; participation of women in public life of state; equality in nationality laws; equality in access to; and in all other aspects, education, equality in employment, equality in access to health services, equality in other areas of economic and social life, equality before the law, and equal rights in the family, in particular; before, during and after marriage.

Objective of this convention;

The principal objective of this convention is to eliminate all forms of discrimination between women and men and the achievement of women's equality.

Specific content towards violence against women

The Declaration to Eliminate All Forms of Violence Against Women defines violence against women as any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harms or suffering to women, including threats of such acts, forceful commands or deprivation of liberty, whether occurring in public or in private life.

It asserts that states should exercise the diligence to prevent and investigate violent acts, in accordance with National legislation, and punish acts of violence against women, whether those acts are perpetrated by state representatives or by private persons. In addition, it states that states should not invoke any custom, tradition or religious consideration to avoid their obligations with respect for violence against women.

FACTORS RESPONSIBLE FOR VIOLENCE AGAINST WOMEN

- Women's invisibility in formal political institutions. For example, worldwide women hold only 10% of parliamentary seats.
- Women's unequal status in the legal system and the injustice they continue to face because of their gender.
- The continuation of harmful traditional practices rooted in cultural assumptions and/or religious practices.
- The growth of religious and cultural extremism and fundamentalism, which narrowly define women's choice and restrict their movement.
- The multiple roles women have to perform in productive and reproductive work, paid and unpaid.

- The effects of globalization, including migration of women for employment, which also creates vulnerability to violence and exploitation.
- The effects of armed conflicts, including increased incidents of violence against women, further economic hardship and demands of caring for those injured and traumatized by war.

These obstacles that women face can only be avoided when states expand their understanding and responsibility. Accountability is therefore an important component in implementing, enforcing and asserting human rights instruments from a women's rights perspective.

The republic of Guinea adopted the Convention that Eliminates All Forms of Discrimination and Violence Against Women in 1982. Therefore Guinea has the obligation to defend women in its territory regardless of their nationality.

THE STATUS OF A REFUGEE

Time: 1 hour

Objective: Following the training course, participants will be able to:

- Know the definition of the term ‘refugee’.
- Know the 1951 Convention on the Status of a Refugee.
- Know the basic rights and obligations of a refugee.
- Know the obligations of the country of asylum to a refugee.

Methodology

- Brainstorm with participants as to whether a refugee has rights and obligations in a country of asylum
- Explain what the 1951 Convention says on the status of a refugee
- Discuss with them their rights and obligations in a country of asylum and what are expected from the government in protecting these rights

Material

- Flipchart paper
- Markers
- Handout on the status of a refugee

INTRODUCTION TO THE STATUS OF A REFUGEE

Who is a refugee?

A refugee is a person who flees to a foreign country in an attempt to avoid danger, prosecution, war etc. that exists in his or her home country.

The Status of a Refugee came into force in 1951 and points out that a refugee has the same rights like a citizen of the country of exile in which he/she lives, but in certain circumstances, those rights are limited. Guinea adopted this convention in 1965. It points out the below important rights:

- The right to non–discrimination
- Freedom of religion
- The right to legal services (tribunal)
- The right to work
- The right to housing
- The right to education
- The right to assistance and public safety
- The right to circulate in the territory in which he /she resides
- The right to not be deported by Host Country unless the refugee constitutes a threat to national security or public order.

A refugee, whatsoever nationality he or she possesses in the country where he or she seeks asylum, lives under the national law of that state. For example, refugees in Guinea live under the code of the Republic of Guinea. They have rights and obligations created by this law, which means justice can prosecute them but law can also defend them.

There are many articles in the Guinean code of law that apply to the protection of women from violence such as physical (beating, cutting, stabbing, burning etc), sexual (rape, sexual exploitation, sexual harassment, etc) and psychological (forced marriages, intimidation, threats, etc).

In conclusion, the law also prohibits and punishes those who attempt, even not successfully, to inflict physical or sexual injuries on women, and likewise prohibits and punishes those who assist others in committing violence against women.

THE GUINEAN CODE OF LAW ON VIOLENCE AGAINST WOMEN

Time: 2hr30 min

Objective: Following the training course, participants will be able to:

- Know the context of the Guinean code of law on violence against women.
- Understand the difference between criminal and civil codes of law.
- Know the sanctions or penalties of various criminal and civil cases perpetrated against women as written in the Guinean Code of law.
- Understand the necessary procedures to follow during criminal and civil cases.

Methodology:

- Brainstorm with participants on the key terms 'criminal and civil case'
- Explain the main terms, and give examples on types of violence
- Advance necessary sanctions or penalties with articles found in the Guinean Code of Law on violence against women
- Explain the procedures to follow during criminal and civil cases

Material:

- Flipchart paper
- Markers
- Handout on the Guinean Code of Law

THE GUINEAN CODE OF LAW ON VIOLENCE AGAINST WOMEN

CRIMINAL/CIVIL CASES AND THEIR SANCTIONS

a) Rape

Any act of sexual penetration by force or any means is covered in article 321 and is punishable for a term of 5–10 years in prison. The punishment is more severe and may mount to 10–20 years, if:

- The survivor is under 14 or a minor
- The rapist was a person who abused his authority
- The rape was carried out under armed threat
- The survivor was a pregnant woman, handicapped, blind or having other vulnerabilities
- Two or more persons perpetrated the rape

b) Attempted Rape

This involves no penetration but the perpetrator engaged in some act of demonstrating that he planned to rape the survivor. Those found guilty of attempted rape receive the same penalties as those who actually commit rape. This same principle is true for all crimes of a sexual or physical nature; an attempt to commit the crime is treated as though the crime was committed.

c) Domestic Violence

The Guinean Penal Code: Articles 295 – 298 deals with crimes such as molestation, beatings and domestic abuse. These crimes are punishable according to the injury inflicted. For example, if the survivor was severely injured or beaten, which may prevent her from engaging in daily activities for less than 20 days, the punishment is 16 days to 2 years depending on the nature of the crime. If the injury prevents the survivor from engaging in daily activities for more than 20 days, the punishment is 2 – 5 years in prison.

d) Sexual Exploitation:

This is the abuse of power and position by refugee relief workers, government employees or anyone who requests sexual favors from refugees in exchange for goods, services or jobs provided by their organizations. Perpetrators of sexual exploitation will be sanctioned for 2–5 years in prison and a fine of 1million FG. It can also be applied to any sexual relations with a minor (Article 331 of the Penal Code gives a penalty of 1 month--2 years in prison with a fine of 200,000 FG), and pimping, which is an act or activity designed to organize and/or aid the prostitution of others is punishable in Article 328 – 331 of the Penal Code. The penalty is 6 months--2 years in prison and a fine of up to 400, 000 FG.

f) Paternity

Paternity can be defined as related rights between the father and his child. In the Guinean Codes of Law, there are texts that explain certain situations that concern paternity, which can be explained as below:

A) In the context of married and unmarried persons:

With regards to married persons, the fatherhood is determined in article 301 in the Guinean Civil Code, which states that, in the case of a child born by a married woman six months or plus after the marriage, the father is said to be the husband. In what concerns unmarried persons, the law talks about affiliation between a child and his parents which can be established if the parents live together: fatherhood is established if the man with whom the woman lives says that he is the father or if two or more persons attest that this man is the father of the child.

B) Paternity search

In article 375 of the Civil Code, there are some actions that are taken in the search of paternity when a person wants to know his or her father. The law says that this initiative can be taken either by the child or his or her mother if the child is not at the age of maturity (from 21 years and above).

C) Timeline to exercise the search of paternity

In article 375 of the Guinean Civil Code of Law, she who wants to search for the real or biological father of her child should do this 2 years after the birth of the child, or 2 years after separation with the presumed father of the child; the person can do this when the father doesn't support the child. The law also states that if the search of the father by the mother was not possible during the time that the child was young, the child him/herself can ask for a judicial action in search for his/her biological father one year after the matured age, which means during his 22nd year.

Note that actions taken for the search of the father of a child by the mother cannot be possible if, during the time of her pregnancy, the mother never possessed good behavior or she had sexual relationships with other men or a man that is different from the person presumed to be the father during the time of her pregnancy.

The mother cannot also search for the father of her child if, during the time of her pregnancy, the presumed father was far away from her, or the father was having some physical incapacities, like impotency.

D) Feeding Allowance

This is a sum of money given periodically (either each month or each three months) to feed a person to whom you are obligated. In article 371 of the Guinean civil code, it is stated that children born unto the union of two persons that are not married can benefit from feeding rights except in the case of adultery or incest (that is to say, a father who is already married to another woman or vice versa or a child born unto the union of a brother and a sister or a mother and her son, have no right to feeding allowance). Apart from these conditions above, all children born outside marriage have the right to a feeding allowance.

Within a marriage, the father has to give a special sum for feeding his child. This sum will be fixed by the tribunal with respect to the needs of the child and also the amount that the father earns like salary per month.

But apart from this article, our country (Guinea) has accepted international conventions that address the rights of a child that need to be applied by the Republic of Guinea. In this convention, it is stated that all children, born under marriage or not, or by adultery, have rights to be fed, lodged and taken care of by the father.

Child custody

Child custody is defined as an advantage recognized by a person that exercises parental authority (that is to say the power or authority that the law declares to a father or mother in keeping their child [minor] and taking care of his/her well-being). This obliges the parents to care for the child and supervise his/her activities.

In the Guinean law, the power is given to the father of the child. Therefore, during the course of marriage, this parental authority is announced by the father. In the case of the father's death, the family will decide as to whom will take care of the child, giving authority to the mother, the elder brother of the father or to another person with regards to the best interest of the child.

With regards to the international conventions that the Republic of Guinea accepted, this power is confided to the father and the mother of the child during the course of marriage.

In terms of divorce, the Guinean law states that if the child is seven years old, the father has the right to automatically keep the child in his custody but, in common agreement with the mother, the father can decide to give the child to the mother and the father will be responsible to feed and take care of his child.

In terms of divorce as stated in the International Convention on the Right of a Child, the keeping of a child can be given to the father and even the mother based on the superior interests of the child.

The Civil procedure

In order to prosecute cases based on child custody, paternity, allowance for feeding and others, the law states that there is a procedure to follow.

In order to access this procedure, the interested person can address him/herself to the judge. In addressing oneself to the judge, there are two ways to do this:

1. The first step takes place when there is a problem between the two parties.
2. In the absence of a problem, the interested person demands the judge to do some official rights. For example, you have a child with a girlfriend but there is no problem between the two of you. You go to the justice in order for the law to determine the rights of the parents towards the child. This is done by a written request.

Specific procedures on divorce, paternity, feeding allowance and child custody

a) In the aspect of divorce

Divorce is done when a judge puts an end to an official marriage before the law.

To put in for a divorce, one of the married couple can do either of the following processes:

- Address a written letter demanding divorce to the clerk of the court office. In this case, the judge will try to bring the two parties together for reconciliation. If both of them decide to divorce, the judge will put an end to the union and will ask the person requesting divorce to introduce a request for divorce to be sent to the court. This document is called a summons.
- In the second aspect, if both married couples agreed to divorce, they should address a letter requesting divorce to the judge who will accord them to be divorced.

b) Feeding allowance

To ask for feeding allowance, a letter of request needs to be addressed to the judge who will take a decision.

c) Paternity

A person that wants to search for the father of her son or a person searching for his/her father should address a written letter to the court wherein an invitation will be sent to the other party to present him/herself in court.

d) Child Custody

To demand a court hearing on a child custody case, the process is the same as giving feeding allowance.

Different ways to address oneself to Justice

We can address ourselves to the justice. For example, if a decision has been taken by the court but the verdict is not satisfactory, either the person who demanded a judgment into the case or the defendant in the same case can ask the tribunal or court to repeat the analysis of the judgment.

The Penal procedure

When a person commits a crime against the law, we can engage in two types of requests to justice:

A) Public Action

We say public when a prosecutor decides to put in place a procedure to punish the perpetrator. The survivor herself can also demand to put in place a public action.

B) Civil Action

Civil action can be taken when a survivor of violence perpetrated by another person demands from the court that she wants the perpetrator to correct his offense or action. This action does not merit a penal procedure wherein the perpetrator needs to go to prison, but it involves certain fines to be paid to the survivor for losses.

Note that in the penal procedure, when a person commits a crime, the law permits a competent person or persons to prosecute him. In this aspect the law says that if it was a crime like rape, you can pursue a civil action during a period of ten years, and if it was an offense, the pursuing period is three years. In the case of infringements or minor offense, the pursuing period is one year.

If these time lines expire and there was no action taken, no one can file in a case. Concerning civil actions, the law gives thirty years to the person that invites the opponent to court.

Right to a lawyer

A survivor has the right to take a lawyer immediately and even after the violence had been committed, and the legal aid clinic can offer you on a free of charge basis, a lawyer to defend your case.

ANNEX: THE ARC LEGAL AID CLINIC

Background: With regards to scandals on sexual exploitation of refugee women and girls by some humanitarian NGOs workers in 2002, which led to investigations and sanctions given to perpetrators, it was deemed necessary that there should exist a program or organization that would be able to defend the legal rights of refugee women and children against all forms of physical, sexual and domestic violence. This call brought about the opening of the Legal Aid Clinic for women and children. The first office was opened in N'Zérékoré during March 2003, and had proven effective and satisfactory to women in terms of its services delivered.

Objective: To offer legal services or assistances to refugee women and children.

Clinic Mandate:

- The Legal Aid Clinic can help by giving legal advice on problems or questions.
- It can also help mediate or resolve problems between two parties e.g. husband and wife
- If this mediation fails and the survivor wants to press charges, the legal aid clinic can provide you with a lawyer to defend you in court.

Cases to be handled by the Clinic

Physical and sexual violence (rape, beating, etc.)

Domestic violence

Forced prostitution, child prostitution and pimping

Sexual exploitation

Threats

Paternity

Kidnapping.

Clinic Schedule

The legal Aid clinic is based in Kissidougou, but during the course of the week, an assistant lawyer and a legal assistant will visit a camp to receive information and referrals from NGOs for legal services. Below is the schedule:

- Kissidougou: from Monday to Thursday, from 9hr – 4pm
- Telikoro: every Tuesday, from 10hr – 3pm at the Women Center
- Boreah: every Wednesday, from 10hr – 3pm at the Women Center
- Kountayah: every Wednesday, from 10hr – 3pm at the Women Center

