

Introduction to a Questionnaire of the IAW Commission on Health
Gudrun Haupter –Commission convenor– Email haupter@t-online.de August 2011

Adolescent pregnancies are not only a threat to the health of women and their children. Many of these pregnancies are the result of non-consensual, coerced sexual intercourse, and this is a grave violation of women's human rights.

The questionnaire is on National legislation and local norms regarding the father's financial support for ALL HIS CHILDREN. Please read the Introduction carefully, discuss it with a legal expert if necessary – and return the questionnaire until **October 15, 2011**.

Your Answer Matters ! It decides on FURTHER ACTION ON THE ISSUE !

Why do men coerce young women to have sex with them, all too often without protection?

- They do it within a general culture of risk taking (risky driving etc.).
- They use their customary prerogative as decision-makers in patriarchal societies.
- They believe the myth that sleeping with a young virgin will cure their HIV infection.
- They abuse as teachers the students' dependence: threat of bad marks if the student refuses.
- They do it because fathering children out of wedlock is without any consequences for men.

The 35th IAW World Congress in Boksburg, South Africa, unanimously approved a resolution on the urgent need of harmonizing traditional and customary norms detrimental to women, with legal norms derived from International Conventions, International standards and decisions. One important field for action is "Strengthening of legal institutions and mechanisms to influence and counter traditions and customs that continue to abuse and exploit women."

A study from Cameroon, a West African country with a high rate of adolescent pregnancies due to traditionally unequal power relations, shows that cumbersome and lengthy procedures and other constraints most often prevent rape victims from getting redress – if they seek it at all. The study carried out in all ten of Cameroon's regions by the German Technical Cooperation (GTZ) and Cameroon's National Association of Aunties, RENATA, has also recommendations by the legal consultant who supervised it. You find the study on

<http://ipsnews.net/africa/nota.asp?idnews=49135>

Even in countries without the shortcomings of the legal system described in the study women, for various reasons, are often reluctant to go to court.

Prominent recent cases show, moreover, how many other factors like the alleged victim's credibility or dubious or even criminal contacts can influence a case.

Although behavioural changes that empower women remain our ultimate goal the questionnaire seeks to explore a different line of action. It looks at a way that in many countries seems to have proved effective to make men avoid fathering children out of wedlock.

Below are comments, reflections and proposals made by sociologist Dr. Gudrun Eger-Harsch, a German individual member of IAW. They stem from communications within a project for the avoidance of unwanted/undesired early pregnancies in Togo.

Gudrun also was my advisor for drawing up the questionnaire.

Village chiefs maintained that "causes of early pregnancies are often the poverty of parents who fail to satisfy the basic needs of their girls; for one category of girls it is the prospect of easy gain; rumours circulating about contraceptive methods; parents' lack of responsibility to educate their girls, leaving them on their own; lack of manners is also a cause."

What the chiefs fail to mention: early pregnancies are necessarily linked to unprotected early sexual relations; the male behaviour of seducing very young girls without using a condom is the root cause; and an ensuing pregnancy has no consequences whatsoever for the man.

Another omission in the chiefs' list concerns the role of traditional values of Togo that teach girls to be obedient to men. This includes male desire for sexual relations. In such traditional environments girls do not dare to say No, even to unprotected sex. They also have to fear the spread of false rumours on their own behaviour and violence if they do not comply with the desire.

What does it take to break with traditional norms of impunity for men?

- Laws that punish all non consensual, coerced sexual intercourse including within marriage, with special provisions for the protection of minors.
- Judicial, administrative and police structures that enforce the law without respect of person.
- Women-friendly neutral questioning settings: no intimidating atmosphere and conditions.
- **Laws to the effect that fathers –even if they are minors– have to pay their share for the maintenance of all their children, marital or non-marital.**
- **Structures to implement and enforce such laws.**

In countries where early undesired pregnancies are a serious problem with life-long heavy consequences for the women, the children, the community and society as a whole (please see ¹), village chiefs could take the lead to make men abandon their risky behaviour if they saw to it that the men paid their share for all children they father. All local authorities who would like to reduce high numbers of adolescent pregnancies and abortions, should engage in introducing rules that make fathers pay. The change can be effected within the traditional set of rules as well as, of course, the modern legal system of countries like Togo.

The options are: prolonging the suffering of young unwed mothers and their unwanted children or helping to correct irresponsible behaviour of men who have the customary prerogatives of speech and of decision.

An additional task on the local level should be to trace the sources of false rumours on contraceptive products, and explain to the authors the responsibility they have for early unintended and unwanted pregnancies.

How can proof of paternity be established in the village setting?

- First ask the pregnant girl to name the father.
- Use the fact that in a small place people know each other and are aware of which young men have often been seen with the pregnant girl. And: In all probability the local “womanisers” are well-known.
- Men who deny being the father can be obliged to have a DNA test made.
- If this is too costly: analysis of resemblance of ear and nose of the alleged father and the child can be an alternative when the child is about 6 years old.

Thank you for mailing your reply to the attached Questionnaire until October 15, 2011.
If questions arise please contact me.

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¹ Populations with high rates of adolescent pregnancies have an accelerated speed of growth.

Questionnaire on child support/maintenance laws and their implementation

Please return this questionnaire until 15 October 2011 to: Gudrun Haupter, Convenor of the Commission on Health of the International Alliance of Women – Email: haupter@t-online.de

We appreciate your comments to any question on a separate sheet.

The aim of the questionnaire is to learn about young mothers' situation in your country – particularly about that of adolescent unwed mothers and their children.

“In 2008, women aged 15 to 19 in the developing world had an estimated 14.3 million births. 91 % of these births occurred in the regions covered in this report: five million in Sub-Saharan Africa, six million in South Central and Southeast Asia, and two million in Latin America and the Caribbean.” Quoted from a report of the Guttmacher Institute and International Planned Parenthood, IPPF. <http://www.guttmacher.org/pubs/FB-Adolescents-SRH.pdf>

Calculations and estimates of percentages of women's live births up to age 19, for the period of 2005 – 2010 for world regions respectively sub-regions, are as follows: More developed regions 11 %, less developed regions 29 %, and least developed regions 52 %. The latter percentage is also valid for Africa altogether.

In Middle Africa it was even 84 %, in West Africa 62 % and in East Africa 56 %. Rather high levels are still found in Latin America and South Central Asia with 36 % and 32 %.

By far the lowest percentage is given in Western Europe with 4 % altogether.

The data are calculated from annual values in UNFPA: the State of World Population, New York 2010, p. 99.

The questionnaire does not deal with the legal situation after sexual violence and rape.

For one thing, by far not all early pregnancies are due to coerced sex. And: Rape cases come under the provisions of Criminal Law. Child support cases come under Civil Law.

Contact information

Name of the organization, Country

Address

Web site

Name of the respondent

Name of contact person (if different from respondent, otherwise, please indicate contact details of the respondent)

Email

Phone

Fax

Please provide information on the situation in YOUR COUNTRY

1. Where are rules about child support and maintenance anchored? **

- 1.1 In modern legislation (the Family Code) Yes No
 1.2 In customary law Yes No
 1.3 In religious law (Islamic, Jewish, Hindu, etc.) Yes No

2. Who provides for the maintenance of a child ? **

2.1 In modern legislation

- father mother both other (pl. specify) _____

2.2 In customary law

- father mother both other (pl. specify) _____

2.3 In religious law (Islamic, Jewish, Hindu, etc.)

- father mother both other (pl. specify) _____

3. Do the rules apply to marital and non-marital children without distinction?

- 3.1 Modern legislation Yes No
 3.2 Customary law Yes No
 3.3 Religious law (Islamic, Jewish, Hindu, etc.) Yes No

4. If your answer is No, who provides for non-marital children? **

- 4.1 In modern law father mother both other _____
 4.2 In customary law father mother both other _____
 4.3 In religious law father mother both other _____

5. If customary and/or religious law is concurring with modern law, are there harmonization efforts under way with a view to introduce internationally agreed Conventions and legal norms ? Yes No

5.2 If your answer is Yes, please indicate whether your organization is involved Yes No

6. Are paternity complaints of women against the alleged father of their child possible? **

- 6.1 In the modern legislation Yes No
 6.2 In customary law Yes No
 6.3 In religious law Yes No

6.4 If your answer is Yes, who pays the cost of legal and administrative action ? **
 the plaintiff the defendant if proved to be the father other _____

**** means you can tick several options if applicable**

7. Are DNA tests available? Yes No
- 7.1 If your answer is Yes, who has to pay for a DNA test ordered by the court? **
 the plaintiff the defendant if proved to be the father other _____
8. Does free legal aid exist for people who cannot pay a lawyer? Yes No
9. If paternity proof is established and the father is ordered to pay for a non-marital child's support, are there effective mechanisms for enforcement? Yes No
10. In your view, are paternity complaints an efficient instrument to make men refrain from fathering non marital children? Yes No

Your comments are welcome _____

11. Please comment also on the viability of implicating village authorities in abolishing men's license to seduce adolescents (see Introduction, page 2, §§ 3,4,5) _____

12. In your opinion, are **mediation** sessions between the alleged father and the mother an option to persuade the father to either admit paternity or agree to have a DNA test?
 Yes No

Please check this website from Morocco on the issue

<http://www.womensenews.org/story/parenting/060814/womens-advocates-push-men-recognize-paternity>

13. Has your country ratified **CEDAW**, the Convention on the Elimination of all Forms of Discrimination against Women? Yes No
- 13.1 Did your government make reservations to the CEDAW regarding Marital and Family issues? Yes No
14. Has your country ratified the **CRC**, the Convention on the Rights of the Child? Yes No
- 14.1 Did your government make reservations to the CRC ? Yes No

**** means you can tick several options if applicable**

Congratulations, you are through with the Questionnaire.