

INTERNATIONAL

Unwed Zimbabwean fathers denied visitation rights

Mercedes Sayagues
Special to Sentinel-Voice
HARARE (AIA/GIN) —

A recent court ruling that the fathers of children born out of wedlock do not have an automatic right to visit their children has stirred up male outrage in Zimbabwe.

The denial of access is regardless of whether fathers pay child support or are listed on the birth certificate.

The response of irate men was loud and fast. "In African custom, children belong to their fathers," thundered an editorial in *The Herald*, the government-owned daily newspaper.

But lawyers and female activists disagree. Traditionally, children born to an unmarried woman belong to her father and her family. Since a woman used to be considered a legal

minor, incapable of owning property or entering a contract, her family took over her responsibilities. The woman's illegitimate children then had her family's surname.

Only if the father paid seduction damages and compensation acknowledging paternity to the woman's family could he claim full guardianship and custody of the child.

Contrary to an idealized version of rural life, out-of-wedlock pregnancies were and are frequent in Zimbabwe. A 1995 survey in areas of Matabeleland by Women and Law in Southern Africa found "an extremely high incidence of non-marital births, with some families having as many as half a dozen."

"Many kids are raised by

their mother's families without any stigma. Who is going to make an inquiry about your origin these days?" asked Lydia Zigomo, director of the Zimbabwe Women's Lawyers Association.

Furthermore, the study found that "only a small percentage of men appear to show any commitment and responsibility toward their non-marital children."

But the ruling has annoyed chiefs and pastors, who feel their authority over women and children will be eroded by laws such as the Legal Age of Majority Act, which makes legal adulthood age 18 for men and women alike.

It has also angered traditionalists who see an encroachment of state law over customary practices.

The court's decision

follows an old Roman Dutch common law, which declares the mother of an illegitimate child its sole and exclusive guardian.

The rationale was to promote the institution of marriage by denying its benefits to those outside of it, and to punish men who father out of wedlock by giving them obligations without visitation rights.

"This is a backward ruling because it doesn't take into account changes in culture and modern international conventions," said jurist Welshman Ncube.

The Convention on the Rights of the Child, signed by more than 200 countries and ratified by Zimbabwe in 1990, states in Article 2(1) that no child shall be discriminated against because of his or her parental

status.

It grants children, whether born in or out of wedlock, the right to know and maintain links with both parents. Similar provisions are found in Articles 3 and 19(2) of the Charter on the Rights and Welfare of the African Child, signed in 1990.

Some feel the ruling empowers single mothers. "Most men take a walk the moment you become pregnant. They may return when you are thin, with a new girlfriend on the side," said Thoko Matshe, director of the Zimbabwe Women resource Network. "Now men will have a harder job to convince the mother that they really care for the child."

However, she adds that children have a right to know both parents. But a woman has the right not to

acknowledge the father. She must be consistent throughout, and not call on the father later on to find out the child's totem or to receive lobola payments.

"I have a right, under African culture, not to say who the father of my child is," Matshe said.

One puzzling aspect is that, following Roman Dutch law, fathers' access is not tied to support payments.

Article 18(1) of the Convention and Article 20 of the Charter enshrine the principle that both parents, married or unmarried, have common responsibilities for the upbringing of the child.

But a survey by WLSA in Zimbabwe found out that 80 percent of women and 60 percent of men approved of maintenance for children (See *Visiting*, Page 20)

WORLD BRIEFS

AIRPLANE BOMBING SUSPECTS
TRANSFERRED TO NETHERLANDS

UNITED NATIONS (IPS) — UN Secretary-General Kofi Annan earlier this month said that he hopes for an end to Libya's isolation from the outside world after two of its citizens were handed over to stand trial in the Netherlands in a suspect bombing. Annan said he was "gratified and relieved" that the Libyan government had turned over Abdel Basset al-Megrahi and Lamén Khalifa Fhimah, accused of the 1988 bombing of Pan Am flight 103 over Lockerbie, Scotland that killed 270 people. For years the U.S. and British governments, whose citizens accounted for a majority of the victims, insisted that only a U.S. or British trial of the suspects would be acceptable. But, Washington and London later agreed to a trial in the Netherlands. Annan credited South African President Nelson Mandela and Saudi Crown Prince Abdullah for their mediation, which helped to convince Libyan leader Col. Muammar Qadhafi to also accept a Netherlands-based trial. "I trust that the outcome of the trial will lead to a full and permanent resumption of normal relations between (Libya) and the rest of the international community," Annan said. Yet there are still hurdles before Libya can resume normal relations with the United States and Britain, which had maintained a hard line even as support for the UN sanctions was withering.

MORE THAN 100 SIERRA LEONE
REFUGEES DETAINED IN GUINEA

CONAKRY (IPS) — More than 100 refugees from Sierra Leone have been detained by Guinean police and gendarme on allegations that they are either rebels or rebel sympathizers. The move to round up the refugees, which began at the beginning of the month, was prompted by recent cross-border raids by Sierra Leonean rebels, who have launched attacks on Guinean border towns and villages. "We have to be vigilant in our drive to maintain security," said a senior gendarme in the commune of Ratoma, east of the capital of Conakry. "Rebels from Sierra Leone have been bold to attack, loot and kill innocent Guineans on a number of occasions," he said, adding that, "Guinea is now taking precautionary measures" to stop the rebels from attacking again in the future. But human rights observers and the Sierra Leonean refugee community in Guinea have expressed dismay at what they call the high-handedness of the Guinean security forces. They also complain that the overcrowded camps are poor, with scarce food and medical aid, prompting refugees to flee the camps for metropolitan cities like Conakry.

Tutsi testifies defendant ordered his murder

L A U S A N N E , Switzerland (AP) — A Tutsi witness told the war crimes trial of a former Rwandan mayor last that he was beaten and left for dead and his brother murdered on the orders of the defendant.

The man, who was not identified and who was hidden from the public as he testified, said the attacks took place in front of Fulgence Niyonteze, who is being tried by a Swiss military court on charges including murder and incitement to murder.

Niyonteze denies the charges. The witness, one of 11 testifying anonymously,

said that he and his brother were arrested by Niyonteze, a police officer and a group of soldiers at a roadblock after they left the Kabgayi refugee camp to look for food.

He said Niyonteze ordered the two men to be killed, and he was beaten by the soldiers with the barrels of their guns. He was thrown into a ditch but climbed out again and saw his brother killed by the policeman.

The soldiers then bayoneted him and threw him back in the ditch, where he lay with two corpses until evening, when he managed to return to the refugee camp.

Niyonteze, 34, was the mayor of Mushubati, in the Rwandan province of Gitarama, 30 miles southwest of the capital Kigali, during the central African nation's 1994 genocide.

He is suspected by prosecutors of inciting Hutu extremists to kill Tutsis and moderate Hutus and of supplying them with weapons. As well as the murder charges, he is accused of breaches of the Geneva Convention.

Charges of genocide and crimes against humanity were dropped against Niyonteze earlier this week when the

court ruled they could not be tried under Swiss law. The trial is expected to last until the end of the month.

Niyonteze is being tried in a Swiss court because he sought asylum here in 1994 before becoming a war crimes suspect and his extradition has not been requested by the international tribunal on Rwanda in Arusha, Tanzania.

More than 500,000 minority Tutsis and politically moderate Hutus were massacred in the Hutu government-orchestrated genocide, which ended when Tutsi-led rebels won power in July 1994.

Disagreements end African summit prematurely

CAIRO, Egypt (AP) — A six-nation African summit ended a day earlier than scheduled because of disagreements about the delegation of Niger, whose president was shot dead two weeks ago.

The summit barred Niger's team, led by prime minister, Ibrahim Assane Mayaki, from the meeting of the Sahel and Saharan group held in the Libyan coastal town of Sirte, Libyan television reported Thursday. Sirte is 250 miles east of the Libyan capital of Tripoli.

President Ibrahim Barre Mainassara, who was assassinated by his presidential guards, was to have attended.

The head of Mainassara's guards, Commandant

Daouda Malam Wanke, became president last Sunday and kept Mayaki in his post. Mainassara was popular among leaders at the summit, some of whom apparently were not pleased that Mayaki would serve the new president.

Last Wednesday's opening session was delayed after participants condemned the assassination in Niger and discussed steps to deal with it, according to Libyan media.

A statement by the group said what happened in Niger sets "a totally unacceptable and dangerous precedence."

Egypt's Middle East News Agency, quoting unidentified sources, said Mali and Chad strongly objected to Niger's delegation.

Two meetings eventually

were held, the second of which did not include Mayaki.

The leaders signed an agreement to give freedom of access to the group's citizens and establish an African bank for development and trade, the TV broadcast said.

Mainassara was one of the leaders who formed the Sahel and Saharan group last year

to confront financial problems in Africa. Other countries of the group are Libya, Sudan, Mali, Chad and Burkina Faso.

"We hope this march will continue until our African continent is united," Libyan leader Moammar Gadhafi said Wednesday as he welcomed new members Eritrea and the Central African Republic.

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