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**Sexual consent**

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**Notes to broadcaster**

Sexual consent is the voluntary agreement that a person gives to his or her partner before participating in a sexual activity. This sexual consent must be based on a free and informed choice. If a person refuses to participate in sexual activity and is forced to do so, it is an assault. However, the notion of "non-consent" is not widely used in everyday language, including in Burkina Faso. Without fully understanding the notion of consent, some young and older people may encounter problems in their intimate relationships. To shed light on the grey areas surrounding this notion, we interviewed two legal experts and two students from Burkina Faso.

This radio script is based on real interviews. You could use it as inspiration to research to write a radio script on a similar topic in your region. Or you might choose to produce this script on your station, using voice actors to represent the speakers. If so, please make sure to tell your audience at the beginning of the program that the voices are those of actors, not t of the people involved in the original interviews.

The estimated running time for this item, with signature tune, intro, and extro, is 20 minutes.

SIGNATURE TUNE

**HOST:** Hello and welcome to our program on sexual consent. We know that many people are not quite sure what consent means. What is consent? How can consent be understood for a married couple? Or, for example, if one or both partners have consumed alcohol or drugs? Today we will examine these issues and talk about the importance of sexual consent. We will hear from four speakers: First, Abdoulaye Soma, Professor of Law in several universities, who is also Chairman of the Burkina Faso Society of Constitutional Law, and Executive Director of the Centre d'Études et de Recherche sur le Droit International Général et les Droits de l'Homme. Then, Christiane Nikiema Sai, member of the Association of women lawyers, and two young students who will share their experiences with us. But first, let me introduce Professor Abdoulaye Soma.

**HOST:** Professor Abdoulaye Soma, thank you for agreeing to participate in this interview. First of all, what is sexual consent?

**ABDOULAYE SOMA:** It is an agreement between two people who are at least the age of sexual majority, which is 15 in Burkina Faso, that they are both willing to perform acts of a sexual nature.

**HOST:** How do you think people in Burkina Faso perceive this subject?

**ABDOULAYE SOMA:** The issue of sexual consent is quite delicate, especially in a fairly traditional society like ours. Many people believe that marriage doesn’t require consent before sexual intercourse. But this is incorrect.

**HOST:** Do you think it is necessary in our cultural context to obtain consent before having sex?

**ABDOULAYE SOMA:** We live in a context in which sex itself is taboo. It is worth noting that in the more or less distant past, women had to be submissive to their husbands. They had to submit to their husbands’ sexual desires. Their consent was, we could say, ignored. The many national, regional, and international struggles for women's rights have been generally successful in ensuring that women's consent is taken into account, but compliance with the principle of sexual consent is not yet fully achieved.

We believe that there is a need to obtain consent in our cultural context before having sex. Sexual intercourse is an act that involves physical intimacy with a person and consequently the ability of that person to decide what happens with their own body. Sexual intercourse without the consent of one of the partners would mean violating that person’s control of their own body. As this right is protected by almost all international and regional human rights agreements, it is therefore necessary to obtain consent before sexual intercourse.

**HOST:** What does the law say about sexual consent in Burkina Faso?

**ABDOULAYE SOMA:** Burkina Faso does not yet have a specific law on sexual consent. The Burkina Faso Criminal Code defines rape as an act of sexual penetration of any kind committed against another person by violence, coercion, or surprise. In this definition, we see the importance of obtaining consent before any sexual intercourse. Without consent, sexual intercourse becomes like rape. At the very least, the consent of the sexual partner protects against a conviction for rape.

**HOST:** What are the penalties prescribed by law in this regard?

**ABDOULAYE SOMA:** If non-consensual sex is included in the rape, the penalty is the same as that applicable to rape. The new criminal code in Burkina Faso provides for a jail sentence of 7 to 10 years and a fine ranging from 600,000 FCFA to 2,000,000 FCFA (US $1,030 to US $3,440).

**HOST:** Thank you, Professor Abdoulaye Soma. Now we turn to another expert in the field. Mrs. Christiane Nikiema Sai, can you tell us about your organization?

**CHRISTIANE SAI:** Thank you for the opportunity you are giving us this morning. The Association of Women Lawyers (AFJ) was set up in 1993 to meet the needs of women who have difficulty exercising their rights. The AFJ is active in several areas, including: training, raising awareness, advocacy, research, and analysis. In terms of human rights, our objective is to contribute to women’s and girls’ enjoyment of sexual and reproductive health rights.

**HOST:** Is a married person always required to obtain consent before sexual intercourse?

**CHRISTIANE SAI:** Of course. Consent is the agreement that is given any time you want to participate in sexual activity, even if it is with your regular partner. It means that, when the person wants to perform a sexual act, he or she must make sure that you are consenting. Even in couples, you have sexual habits and over time there are practices that one of you wants to include in the sexual activity but the other may not agree. In such cases, you always need your partner’s consent to continue. Generally speaking, we—civil society actors—refer to it as "marital rape." People say, "No, you can't talk about marital rape because they are married and the woman belongs to the man. She has to accept it and even when you and your husband sleep together, you shouldn't turn your back on him, you should always be available and willing to have sex. People may hold these attitudes, but in reality it is violence. Because the sexual act is performed without the other person's consent, it is therefore not acceptable.

**HOST:** Does consenting to the sexual act count if one of the partners is in intoxicated before the act?

**CHRISTIANE SAI:** Consent has to be agreed on at the beginning. However, while the person may agree to participate in the sexual act, if you notice that your partner has changed her or his mind, then you have an obligation to stop. For example, if your partner passes out while you are engaged in sexual intercourse, you must stop, because their consent is no longer informed. You need informed consent. And when that is no longer the case, if your partner is no longer conscious, you must stop.

**HOST:** What are the possibilities of justice or compensation?

**CHRISTIANE SAI:** This is something very serious, so when you are a victim of sexual violence, you must contact the police and, where relevant a relevant court official to ensure that the law is applied and the person who committed the act is punished.

**HOST:** What does your association recommend as assistance or advice for potential victims?

**CHRISTIANE SAI:** The Association of Women Lawyers has two legal clinics: in Ouagadougou and Bobo-Dioulasso. We also have mobile clinics to travel to the field. We reach out to the public so that people who are victims of violence, people who need legal advice, can have access to information. As soon as you inform us, the problem is identified and you are assigned a lawyer who will handle your case and a psychologist to assist you. In general, victims of sexual violence are different from those who have been victims of assault, because the former case involves intimacy—to some extent the soul of the person that has been touched. So you need a psychologist to really help the person deal with the trauma. These services are free of charge.

**HOST:** What do you observe in the field about the extent of the problem?

**CHRISTIANE SAI:** I must say that non-consensual sex is an ongoing problem because when we look at the statistics from the clinics, we see that the number is constantly increasing. When we go out in the field, we are approached by parents who tell us that their children are victims. Maybe they don't report it. After outdoor dance parties, rapes are committed. People drink alcohol, people take drugs, and in the end the children have sex, resulting in pregnancy, and then we cover it up, we don't talk about it. This is a recurring problem and a lot of effort is required to solve it.

**HOST:** Who is to blame for the problem?

**CHRISTIANE SAI:** It's everyone's fault. It is up to the young people, but these young people no longer have any clear guidelines for behaviour. In any case, their bodies belong to themselves and they have an obligation to take care of them. Also, the fault is with the parents because they are responsible for educating their children. If you do not provide children with the necessary information, they will get it somewhere else. But what kind of information will they receive? They will go to friends who don't know any more than they do, they will go to social networks, the Internet and all that—things that won't help them. But if you allow people who have knowledge and well-organized programs to help young people and provide them with information about sexual education, young people will receive the right information. At the policy level, there is a need for well-developed, well-implemented policies that are designed to ensure that young people can enjoy their sexual and reproductive health.

**HOST:** Thank you, Mrs. Christiane Sai. Dear listeners, stay with us. In a few moments, we will return with the testimony of two young students on the issue of sexual consent.

**HOST:**  Now that we have heard from the experts, we will hear from two students who will share their experiences. Ms. Ouattara Madjara, you are a second-year student in biological science at the Nazi Boni University of Bobo-Dioulasso. Have you ever been a victim of a situation where there was non-consent?

**OUATTARA MADJARA:** I have been a victim. I'm not married. Two months ago, my boyfriend and I were in the process of separating. He kept telling me that he wanted to see me so we could talk about our relationship because he couldn't move on. At first, I was reluctant. But he managed to convince me and promised me that it was just to talk. I went to his house because I never imagined him being brutal. In the middle of the discussion, he started to touch me and I wanted to resist. But this seemed to excite him more. He was stronger than I was. Despite my tears of opposition, he managed to undress me and satisfy his desire.

**HOST:** How did you react?

**OUATTARA MADJARA:** I left his house in tears. He called me all the time, but I didn't answer. I was thinking of calling the police about the situation, but since I left on my own, I didn't think it made sense. But I didn't want to see him anymore. He insisted and then contacted my sister, who helped him. He came to my house with a gift and I forgave him. But I ended our relationship because I don't see myself with a man who can't restrain himself.

**HOST:** What advice can you give to people who might be in the same situation as you?

 **OUATTARA MADJARA:** For those of you who have been through the same situation as I have, I suggest that you think carefully. It’s true that it’s not easy to control yourself in front of a person you love, but as a human being with consciousness and the ability to make choice, you need to have a little self-esteem. So everyone should assume his or her responsibility.

**HOST:** Thank you, Ms. Ouattara Madjara. Finally, we will talk with a student at the Institute of Information and Communication Sciences and Techniques. Siboné Abdoul Aziz, what is your understanding of sexual consent?

**SIBONÉ ABDOUL AZIZ:** On this issue, I would say that in everything we do with others in our daily lives, including sexual relations, before interacting with someone, we need a minimum of consent—we must be on the same wavelength. Before starting a sexual relationship with someone, the person must consent. That is a prerequisite. People can’t proceed without this agreement. Otherwise, we will end up with what is commonly referred to as rape.

**HOST:** Do you think a married person is always required to obtain the consent of his or her spouse before sexual intercourse?

**SIBONÉ ABDOUL AZIZ:** Yes, in everything you do in life, you must obey this rule: consider the opinions of others. This is also true in a couple. When a person forces his spouse to perform an act within the household, nothing will work in the couple anymore. Imagine a man who forces his wife to have sex at night. When he wakes up in the morning, what will the family mood be? The situation can make the wife feel tense and moody, and can even affect children.

**HOST:** Have you ever forced a person into having a sexual relationship without consent?

**SIBONÉ ABDOUL AZIZ:** No, I have never forced anyone to have sex.

**HOST:** From the very first moments of your relationships, you didn't have to coerce a girl?

**SIBONÉ ABDOUL AZIZ:** Actually, in our cultural context, girls generally do not rush to accept sex from the very first moment—even if they long for it. Therefore, you must remain respectful and in order to remain respectful, you must be patient, and the consent will be mutual. Otherwise, you would have forced the person, abused her, which is really unacceptable.

**HOST:** What advice can you give to people about relationships that do not pay sufficient attention to the consent of one of the spouses before sexual intercourse?

**SIBONÉ ABDOUL AZIZ:** For any activity that is done with other people, there is a need to ensure that the other people approve or endorse it. Especially when it involves sex, since sex is something sacred in our traditions. So forcing someone to have sex is really regrettable, awful. Coercion is equivalent to rape, which is punishable by law.

**HOST:** We are approaching the end of our program. We note that all four of our guests unanimously condemned acts of sexual violence and advocated mutual consent. In the event of proven non-consensual sex, though there is still no specific law on sexual consent in Burkina Faso, the law provides for punishment and jail terms for perpetrators of sexual violence.

 We are delighted to hear that Siboné, a man, strongly recommends gentleness and tact to achieve consent before acting. As for Madjara, who was a victim and wasn’t able to denounce the abuse, she condemned all forms of sexual assault.

 The fact that sex is a taboo subject in Burkina Faso, combined with the unequal place of women in our country, makes it difficult to investigate the phenomenon of non-consent. But we must work together towards raising awareness among all citizens.

 We would like to thank Professor Soma, Mrs. Christiane Sai, Siboné, and Madjara for their contributions to our listeners. We'll meet next time. Until then, stay well.

**Acknowledgements**

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**Sources of information:**

Interviews with:

Professor Abdoulaye Soma, Chairman of the Burkina Faso Society of Constitutional Law

(SBDC) and Executive Director of the Centre d'Études et de Recherches sur le Droit International général et les droits de l'Homme (CERDIH).

Christiane Nikiema Sai, Lawyer, member of the Association of Women Lawyers of Burkina

Faso, Assistant Coordinator at the AFJ.

Ouattara Madjara, 2nd year student in biological science at the Nazi Boni University of

Bobo-Dioulasso.

Siboné Abdoul Aziz, 2nd year communication student at ISTIC, Burkina Faso.

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