

Special Rapporteur on the Rights of Women in Africa - 730S

Oct 29, 2022

INTRODUCTION

1. In accordance with Rules 25(3) and 64 of the Rules of Procedure (2020) of the African Commission on Human and Peoples' Rights (the Commission) and in line with its **Resolution ACHPR/res.38 (XXV) 99 of 5 May 1999**, I present this Report in my capacity as the Special Rapporteur on the Rights of Women in Africa (SRRWA).

2. The Report, which is presented in **five (5) parts**, covers activities carried out during the intersession period after the 71st Ordinary Session of the Commission, held virtually from **21 April to 12 May 2022**. **Part one** covers my activities as SRRWA; Part two shows the Letter of Appreciation sent to a State Party and Press Statement published during the period under review; Part three presents Side-Events I partook on the margins of this Session; Part four gives an overview of the status of women and girls during the inter-session period; and finally, Part five of the Report highlights conclusions with recommendations.

PART ONE: ACTIVITIES AS SPECIAL RAPPORTEUR ON THE RIGHTS OF WOMEN IN AFRICA

A. Meeting on Engaging with regional human rights mechanisms to strengthen protection: the African human rights system

3. On 18 May 2022, I attended the referenced online event which was organised by the Global Protection Clusters- Human Rights Engagement Team, within the framework of the Humanitarian Networks and Partnership Week 2022.

4. I made a presentation on 'Gender dimensions of humanitarian crises and internal displacement: Engagement with the African Human Rights System,' where I stated that the rise of terror groups like al-Shabaab and Boko Haram have exacerbated conflict in a number of countries and what is emerging in their tactics is a dual role for women, where they are weaponised (as suicide bombers for examples) and as specific targets. I also mentioned the fact that in addition to being weaponised, as the terror activities escalate, so does the number of internally displaced persons (IDPs), of which women and children are disproportionately affected.

5. I also highlighted the fact that in IDP camps, women lack access to reproductive healthcare which contributes to unplanned pregnancies and deliveries without access to health services. In addition, sexual exploitation of women and girls is also a common characteristic often due to insecure lodgings and general deterioration of morals in a crisis. My presentation also accentuated why women get affected the most during such crises including the fact that while men are likely to easily migrate for better economic prospects, women are usually not able to easily migrate because of their care responsibilities, resulting in crippling poverty and food insecurity.

6. I concluded my presentation by making proposals on how protection clusters can interact with the SRRWA to better protect women's rights during crises, including data collection to provide a wealth of information for the SRRWA to make interventions through fact-finding missions; Resolutions, Letters of Appeal, amongst other strategies of interventions. I also informed the Meeting about other opportunities for intervention including Shadow Reports on the situation of women, which will assist the SRRWA to constructively put questions to State Parties in the consideration of their State Reports, and inform recommendations on how best the State can protect the rights of women who are IDPs or in a humanitarian crisis.

B. Ending Gender Discrimination in African Nationality Laws

7. On 31 May 2022, I was invited to give a keynote address to the above mentioned activity organised by the Global Campaign for Equal Nationality Rights, a coalition of national and international organizations, independent activists, and UN partner agencies working to end gender discrimination in nationality laws. The purpose of the Meeting was to mobilize a wider group of African Civil Society Organizations (CSOs) to collaborate on efforts to achieve gender-equal nationality rights across the continent, given the centrality of nationality rights to women's status as equal citizens and their equality in the family, as well as the links between equal nationality laws and sustainable development.

C. Virtual Consultation Meeting on Shadow Reporting Guidelines

8. During the last Session, I reported that on March 2020, the Commission adopted a **Resolution ACHPR/Res. 436 (EXT.OS/ XXVI1) 2020** on the need to develop Guidelines on Shadow Reporting and tasked three (3) Mechanisms with developing the Guidelines. [The Commission tasked the SRRWA, the Special Rapporteur on Human Rights Defenders and the Focal Point on Reprisals in Africa and the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa, with developing the Guidelines on Shadow Reporting.]

9. On 1 June 2022, following directives from the 71st Ordinary Session of the Commission, a 2nd Consultation on the draft Guidelines was convened to allow the Mechanisms involved in the drafting to endorse the content of the draft, towards finalization for presentation at the 72nd Ordinary Session of the Commission.

10. During that Meeting, the draft Guidelines were validated by the Commissioners responsible for the Mechanisms involved, and I am happy to report that the draft Guidelines were adopted during the Commission's 72nd Ordinary Session and launched on 23 October 2022.

D. Validation of the Training Manual on CSO Shadow/Alternative Reporting on Women's Rights in Africa

11. On 2 June 2022, I was invited by Equality Now and Solidarity for African Women's Rights (SOAWR) in partnership with the UNDP to attend the virtual validation of the Training Manual. The Meeting was convened to share and discuss the contents of the Manual; Provide

stakeholders with the opportunity to evaluate the content and structure of the Manual; Receive stakeholders' feedback and comments for consideration of inclusion into the final Manual, and to improve the quality of the Manual through a participatory approach and constructive feedback on the content.

12. In my remarks during the Meeting, I commended the laudable initiative. I also congratulated Equality Now, SOAWR and partners of the Spotlight Initiative for their resourcefulness and foresight, to develop a comprehensive training and reference resources to inform capacity building initiatives, as well as to aid the CSOs in the preparation and submission of periodic reports. I acknowledged the fact that there are currently no Civil Society Guidelines or Manual on Shadow Reporting women's rights, and this has resulted in a lack of clear pathway on how best CSOs can produce useful reports for the Commission. This Training Manual would therefore be invaluable to facilitate CSO's role and effective participation in the state reporting process.

13. I also informed the authors of the current initiative by the Commission to formulate appropriate Guidelines for Shadow Reporting, and that the Guidelines would complement and enrich the Training Manual, especially in matters relating to women's rights in Africa. In addition, I told them the aim of the Shadow Reporting Guidelines is to provide an outline of the various elements to be considered by civil society in developing Shadow Reports for submission to the Commission. I noted that a standardised Guideline on Shadow Reporting under the African Charter, the Maputo Protocol, the Kampala Protocol, and other relevant African human rights treaties will enable the Commission to get a more comprehensive picture of the human rights situation in a Member State under consideration.

E. Experts' Consultation on the draft Joint General Comment on Female Genital Mutilation (FGM) by the Commission and the African Committee of Experts on the Rights and Welfare of the Child (the Committee)

14. On 7 to 8 June 2022, the above Meeting took place in Pretoria, South Africa, with a purpose to facilitate expert input and consultation on the draft Joint General Comment on FGM. The Meeting aimed at undertaking a constructive dialogue with representatives of various sectors working for the elimination of FGM in Africa. This was done with the intention of strengthening and democratising the draft Joint General Comment prior to its finalisation.

15. My welcoming remarks during the Meeting acknowledged the development of the Joint General Comment as being, in itself, a joint endeavor. I thanked the former Commissioner, Lucy Asuagbor for her valuable contributions and expertise at the Meeting, and outlined the pertinent instruments already in place, which informed the drafting of the joint General Comment. I also remarked that the empowerment of women is key to Africa's prosperity, and recognized that the meeting is an opportunity to reflect on the necessary steps to be taken to ensure the effective implementation of this joint General Comment.

16. The Joint General Comments on FGM are scheduled for consideration and adoption at this Session of the Commission, as well as the Session of the Committee.

F. Regional workshop on strengthening States' compliance on reporting obligations to Commission and Maputo Protocol

17. From 14 to 16 June 2022, together with Commissioner Maria Teresa Manuela, I took part in a training on Building the Capacity of Member States on their reporting obligations to the Commission. The training was organised jointly with the Centre for Human Rights, University of Pretoria. The Meeting took place in Maputo, Mozambique and drew participants from 5 Portuguese speaking countries, Mozambique, Angola, Guinea Bissau, Cape Verde and Sao Tome and Principe. One of the objectives of the training was to encourage these countries to report, given that some of them have either never reported under Articles 62 of the African Charter and 26 of the Maputo Protocol, while others have several reports overdue.

18. I gave a presentation on the introduction to the Commission, in which I sought to make sure that the participants had a clear understanding of the structure of the Commission, the special mechanisms, how Member States and stakeholders can interact with the Commission and where State Reporting fits into the mandate of the Commission.

19. It was also an opportunity to engage directly with Member States on some of the challenges they face in State Reporting, which ranged from resource constraints, lack of technical knowledge and the daunting task of reporting every two years. Together we brainstormed solutions to some of these challenges, including leveraging on other reporting processes that States are already engaged in, under the UN system.

G. 13th Meeting of the Platform of Independent Expert Mechanisms on Discrimination and Violence against Women (EDVAW Platform)

20. On 17 June 2022, I participated at 13th EDVAW Platform held in Geneva from XXX. The meeting brought together Platform Members from different Human Rights Systems. During the Meeting, I informed Participants about the ongoing work on the Joint General Comment on FGM, to which Members of the Platform are invited to provide input. I also mentioned current initiatives by the African Union to develop a Treaty on VAW, and that, it is anticipated that the proposed Treaty would take onboard innovations in the Istanbul Convention that are relevant to the African continent.

21. The Meeting discussed other important thematic issues, including: Digital dimension of violence against women – Connecting the women's rights field with the cybercrime field; parental alienation syndrome in the context of pushbacks on women's rights; and a global women's rights Treaty on VAW.

22. At the end of the Meeting Platform members held a brief discussion on a possible topic for a joint statement for the International Day for the Elimination of Violence Against Women (25 November), and it was suggested that the theme be centered on "Women's access to justice".

H. Experts & Stakeholders Webinar on the Judgement in Constitutional Petition no. 122 of 2013

23. On 22 June 2022, I was invited by Utu Wetu to participate in the above-mentioned Webinar whose objectives included highlighting and discussing the achievements and gaps in the trial court judgment delivered in Constitutional Petition No. 122 of 2013. The Petition was aimed at pursuing accountability, reparation and enhanced prevention and responses to massive and systematic sexual and gender-based violence (SGBV) committed during periods of election-related violence in Kenya. It was also aimed at identifying strategic litigation and other advocacy opportunities to build on the achievements of and address the gaps in the trial court judgment, including through Appeal Case no. E645 of 2021, to ensure meaningful prevention and responses to SGBV, particularly in the context of the 2022 General Election in Kenya.

24. Following the Webinar, together with Hon. Commissioner Dersso, Country Rapporteur for Kenya, we published a Joint Press Statement on the need to prevent SGBV in the runup to the August 2022 Presidential Elections in Kenya reported further below.

I. Second Joint Continental Seminar on the Right to Health and Social Protection in Africa

25. From 27 to 29 June 2022, together with the ECOSOC Mechanism of the Commission, we organised the above joint Seminar in Windhoek, Namibia. Amongst other things, the Seminar was organised to enable stakeholders understand the obligations of States Parties under the African Charter, the Maputo Protocol and other relevant instruments in respect of the right to health care and health services and social protection; identify the gaps in the health care systems and social protection sector in AU Member States as well as at regional and continental levels; raise awareness on/address the issue of deficient health care systems and insufficient social protection coverage/implementation; and raise awareness on the Draft Protocol on the Rights of Citizens to Social Protection and Social Security.

J. Consultation with FIDH on collaboration of activities

26. On 22 August 2022, I was invited by FIDH to a consultation Meeting aimed at renewing their partnership with the SRRWA which had been in hiatus for some time. The Meeting discussed various areas of collaboration including research, technical support to the Mechanism and most importantly, popularisation of the Guidelines on Combating Sexual Violence and its Consequences in Africa adopted by the Commission during its 60th Ordinary Session held in Niamey, Niger from 8 to 22 May, 2017.

27. FIDH agreed to take a series of steps to strengthen and promote more collaboration between the Organisation and the SRRWA at both strategic and operational levels. The Consultation provided an opportunity for the SRRWA and FIDH to develop their ties further and identify better ways of working together.

K. Validation Meeting on the Model Guide and Guidelines for the Protection of Women Human Rights Defenders (WHRDs) in Africa

28. On 6 September 2022, I was invited by Equality Now in partnership with UN Women to attend the virtual validation Meeting of the above-mentioned Model Guide and Guidelines developed in March to July 2022. The documents were developed following an internal study that was conducted on the status of WHRDs.

29. The Model Guide and Guidelines provide information and guidance on the best systems and protocols on protection of WHRDs and how they can be adopted by AU Member States. In particular, the Model Guide, and the assessment that it is based on, emphasises the responsibility of the State to ensure WHRDs are protected from Violence Against Women (VAW) including extrajudicial killings and prosecutions.

30. The objectives of the Meeting were to share the findings of the status of WHRDs in Africa; share and discuss the contents of the Model Guide and Guidelines; provide stakeholders with the opportunity to evaluate and question the content and structure of the Model guide and Guidelines; improve the quality of the Model Guide through a participatory approach and constructive and objective feedback on the content; and to receive stakeholders' feedback and submissions for consideration in the final Model Guide and Guidelines for WHRDs.

31. In my remarks, I once again congratulated Equality Now and Partners for Commissioning the preparation of this very important Guide, and for the tremendous progress made leading to the validation process. I stated that I find the Guide very useful to the mandate of the SRRWA as it focuses attention on the unique risk and challenges faced by women defenders at different levels, and the need to strengthen their protection. I particularly appreciated the fact that the Guidelines highlight the various opportunities available at the level of the Commission for protection of WHRD, including Complaint procedure, Press Releases, Urgent letters of Appeal and Resolutions.

L. Meeting with Human Rights Watch

32. On 21 September 2021, together with Hon. Commissioner Mudford Mwandenga, we participated in a Meeting organised by Human Rights Watch to discuss the Organisation's most recent findings and work on the rights of pregnant students and adolescent mothers across the African continent.

33. The Meeting informed us that reports are published by Human Rights Watch annually, to provide a status report on steps taken by Member States on the subject matter and also provide concrete human rights analysis of how country policies and laws comply with or hinder their human rights obligations. The Meeting agreed on next steps which includes collaboration with my mandate, that of the ECOSOC Mechanism of the Commission, as well as the African Committee of Experts on the Rights and Welfare of the Child.

M. NGO Forum

34. From 17 to 18 October 2022, I participated in the NGO Forum, organized by the African Centre for Democracy and Human Rights in Banjul, The Gambia. I took part in the Panel themed

“Climate and Reproductive Justice.” My intervention highlighted the fact that in Africa, extreme climatic events such as a heat waves, floods, and drought have distinctive gendered effects, and that women suffer disproportionately, because of vulnerability arising from the gender division of labour and allocation of power at the household, work, and other levels. I also highlighted that during harsh climatic conditions, risks of GBV, including sexual violence, exploitation, and abuse, as well as intimate partner violence increase.

35. I stated that my mandate over the years has played a critical role in monitoring and setting regional standards for protecting women under such circumstances, including adopting resolutions on the health and reproductive rights of women on Africa, and the Continental Campaign for the Decriminalisation of Abortion in Africa, in collaboration with IPAS. I also highlighted the Commission’s Resolution ACHPR/Res/153(XLVI) 09 on Climate Change and Human Rights which urged the Assembly of Heads of State and Government to ensure that special measures for protection of vulnerable groups such as children, women, elderly, indigenous communities and victims of natural disasters and conflict are included in any international agreement or instruments on climate change.

N. Panel Discussion on the State Reporting Obligation and Guidelines to Reporting under the Maputo Protocol

36. On 22 October 2022, the Mechanism organised the above Panel discussion with the objectives to re-emphasise the importance of State Reporting under the Maputo Protocol by Member States to improve the rights of women in Africa; explore challenges faced by Member States and jointly seek solutions to improve the efficiency of the reporting process; encourage Member States to report on the Maputo Protocol; and encourage stakeholders’ participation and advocacy efforts to improve state reporting under the Maputo Protocol.

O. Launch of the Guidelines on Shadow Reports

37. In Paragraphs 8 to 10 of this Report, I reported on the validation and adoption of the Commission’s Guidelines on Shadow Reports. As earlier stated, on 23 October 2022, the Commission launched the referenced Guidelines which will later be published on the website of the Commission and also widely disseminated. It is hoped that the standardized Guidelines on Shadow Reporting under the African Charter, the Maputo Protocol, and other relevant African human rights treaties will enable the Commission to get a more comprehensive picture of the human rights situation in the country under consideration in the State Reporting process.

Panel on Women in Prisons

38. On 28 October 2022, together with the Mechanism on Prisons; Conditions of Detention and Policing in Africa, we will be organizing the above-mentioned Panel, as a follow up to the Sensitisation Webinar on the Vulnerable Situation of Women in Prison organised in 2021.

39. My contribution focused on the sexual violence in prison and I also used the opportunity to advocate for the Commission’s Guidelines on Sexual Violence and its Consequences prepared in

collaboration with FIDH, adopted during the Commission's 60th Ordinary Session in April 2017. I informed Participants that the Guidelines focus on the practical measures necessary to prevent sexual violence and successfully prosecute perpetrators. The Guidelines also focus on practical ways to ensure access to justice, sexual and reproductive rights, restitution, protection and other services for victims of sexual violence, and includes aspects relating to the responsibility of correction/police officers towards protecting women from sexual violence especially in detention centres which often times, tend to be isolated incidents.

40. I stated that the Guidelines aligns with some of the most progressive standards in the fight against sexual violence and its consequences, and includes very progressive provisions, which will allow the Commission to play a pioneering role in the fight against sexual violence and its consequences in Africa. The *raison d'être* for adopting the Guidelines can therefore not be understated.

PART TWO: LETTERS OF APPRECIATION, CONCERNS, AND PRESS STATEMENTS

A. Letter of Appreciation on the ratification of the Maputo Protocol by Saharawi Arab Democratic Republic (SADR)

1. On 2 June 2022, following the ratification of the Maputo Protocol by the SADR on 29 April 2022, I sent a Letter of Appreciation to H.E. Mr. Brahim Ghali, President of the SADR, in my dual capacity as Country Rapporteur and SRRWA. In the letter, I congratulated His Excellency for this commendable step towards the promotion and protection of women's human rights in the SADR. I noted that the ratification also demonstrates the country's commitment to the ideals of human rights provided for by the African Charter and other relevant human rights instruments. I called on the Government of the SADR to continue this laudable effort in the respect, promotion, protection, and fulfilment of women's rights in all spheres of life, as embodied in the Maputo Protocol, by effectively domesticating the Maputo Protocol.

2. In addition, I informed His Excellency that State Parties to the African Charter and the Maputo Protocol, have an obligation to report to the Commission in accordance with Article 62 of the African Charter, which requires State Parties to submit a Report every two years upon ratification or accession, detailing the legislative and institutional measures undertaken to give effect to the African Charter. In reporting under Article 62 of the African Charter, State Parties are also required to report on the Maputo Protocol in line with Article 26(1). While elucidating on the Guidelines on State Reporting under the Maputo Protocol, I encouraged the Government of SADR to submit its Periodic Report to the Commission, (alongside the Report on Maputo Protocol), in the near future.

B. Joint Letter of Appreciation for Improvement on Women's Healthcare in Cote d'Ivoire

3. On 26 September 2022, together with the Chairperson of the Commission, Hon. Commissioner Remy Ngoy Lumbu, Commissioner Rapporteur on the Human Rights Situation in the Republic of Côte d'Ivoire, we sent a Joint Letter of Appreciation H. E Mr Alassane Ouattara, President of the Republic of Republic of Côte d'Ivoire for improvement on women's healthcare in the country. The Commission welcomes this move and the statement by the First lady Mrs.

Dominique Ouattara encouraging women with Obstetric Fistula to avail themselves of the free health care services available at the health centers and hospitals in Cote d'Ivoire.

C. Joint Letter of Appreciation on the advancement of gender parity in Senegal

4. On 26 September 2022, together with Commissioner Maya Sahli-Fadel, Commissioner Rapporteur on the Human Rights Situation in the Republic of Senegal, we sent a Joint Letter of Appeal to H. E Mr Macky Sall, with respect to the number of seats occupied by women in Parliament. Specifically, that out of one hundred and sixty-five (165) seats in the Parliament of Senegal, seventy-three (73) women have been elected during the July 2022 Parliamentary elections, resulting in women constituting 44% of parliamentary seats, thereby further implementing Senegal's Gender Parity law adopted in June 2010.

D. Joint Letter of Concern on the human rights situation in The Sudan

5. On 30 September 2022, together with Hon. Commissioner Essaiem Hatem, Commissioner Rapporteur on the Human Rights Situation in the Republic of The Sudan & Chairperson of the Committee for the Prevention of Torture; and Hon. Commissioner Idrissa Sow, Chairperson of the Working Group on the Death Penalty, Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa, we sent a Joint Letter of Concern to H. E. Abdel Fattah al-Burhan Chairman of the Transitional Sovereignty Council of the Republic of the Sudan. The letter welcomed the positive move of the Government of The Sudan, to increase the enjoyment of human rights in The Sudan, particularly the dismissal of apostacy charges against four (4) men: Badar Haroun Abdul-Jabbar, Mohamed Haroun Abdul-Jabbar, Tariq Aref Abdallah and Mortada Ismael Yousef, who had been arrested, accused and were being prosecuted for converting to Christianity. We also recognised various challenges in the country over the past several months, including flooding which reportedly led to displacement of Sudanese families fleeing the tribal conflicts and acute food insecurity affecting about 15 million people.

6. The letter addressed reports alleging freedom of conscience and religion; and the right to life and the integrity of the person. It also alleged violation of the rights of women, particularly the imposition of the Death Penalty by stoning of a 20-year-old woman for allegedly committing the crime of adultery in Kotsi of White Nile State, and that women accused of adultery are constantly being terrorized by flogging, amputation, other degrading punishments, and sentencing them to death by stoning.

7. We jointly urged the Government of Sudan to amongst other things: Take the necessary measures to guarantee the right to life and to physical and moral integrity, to protect the lives of people in its territory from arbitrary killings, as well as their right to freedom and security, freedom of religion, freedom of opinion and expression. We also called on the Government, to include training on human rights for its military and security personnel in accordance with Article 25 of the African Charter and the Commission's Resolution ACHPR/Res.6(XIV)93; eliminate all forms of discrimination against women, adopt legislations and other measures to effect and promote respect for the rights of women in the country.

E. Joint Press Statement on the need to prevent SGBV in the runup to the August 2022 Presidential Elections in Kenya

8. On 4 August 2022, together with Country Rapporteur for Kenya Hon. Commissioner Solomon Ayele Dersso, we published the referenced Joint Press Statement following human rights issues relating to the electoral process in Kenya. In the Press Statement, we highlighted the alarming allegations of increasing political tension and risks and incidents of violence, hate speech and the production and circulation of content for inciting division and violence during the electoral campaign.

9. We particularly underscored the urgency and need to prevent the incidence of acts of SGBV against women to prevent the recurrence of such violence reported during earlier electoral disputes in Kenya. In this connection, we urged the Government of Kenya and the Opposition, especially the presidential candidates not to encourage any form of violence, to initiate dialogue, and use established dispute settlement mechanisms with a view of resolving any differences or disputes.

10. We also called on the Government to respect and guarantee freedom of opinion, expression, assembly and freedom of peaceful demonstration, as well as civil and political rights of all citizens during this electoral period in conformity with the Constitution of Kenya.

11. The Press Statement is available on the website of the Commission and can be accessed on: <https://t.co/gc6vdjoV5F> .

F. Press Statement on Global Day of Action for Access to Safe and Legal Abortion

12. On 28 September 2022, I published a Statement to commemorate the “Global Day of Action for Access to Safe and Legal Abortion,” recognizing and reflecting on the journey of realising women’s right and access to reproductive health services and information. The Statement acknowledged the great achievements of the Maputo Protocol, including ratification of the same by 43 AU Member States, and also highlighted challenges which persist, that hinder women and girls from attaining their full rights. The Statement further highlighted that despite many years of campaigns in Africa and the world, advocating for the right to safe and legal abortion, the criminalisation of abortion continues in African countries, and that criminalizing abortion violates many basic human rights, including the right to life, liberty, security, health, and freedom from torture.

13. While I commended countries that have adopted equally innovative laws, policies, and other institutional mechanisms to advance women's human rights, I called on State Parties to prioritise the lives and well-being of women and girls by domesticating and fully implementing the Maputo protocol. I also called on Member States to amongst other things, decriminalise abortion in line with the Campaign launched by the Commission in 2016 to decriminalise abortion in Africa, and to increase the allocation of resources for reproductive health services for women.

14. The Press Statement is available on the Commission's website: <https://t.co/I9yRHzk5D>.

PART THREE: SIDE EVENTS.

15. I also participated in the following Side-Events organised on the Margins of this Session, namely:

- On 24 October 2022, I was invited by Equality Now to partake in a Panel on 'using the multi- sectoral approach to address female genital mutilation: lessons from the change makers.' My presentation highlighted interventions by the Commission in addressing FGM, including its State Reporting Procedure; Concluding Observations; General Comments, Promotion and Protection Missions; Resolutions, Letters of Appeal, amongst other methods. I deplored the fact that despite development of human rights norms, achievements and initiatives on ending FGM and other harmful practices continue to persist as millions of girls and women are still at risk of being subjected to such practices. I underscored the importance of continued collaboration with governments, international and regional organizations, civil society, media, religious and traditional leaders, women and girls, boys and men to end FGM on the continent.
- Side-Event on Reparations for Survivors of Conflict-Related Sexual Violence: Status, Challenges and Opportunities in Africa organised by the Global Survivors' Fund and REDRESS on 27 October 2022. This Side-Event provided a platform for the Commission and the participants to engage in discussions on the challenges and opportunities at the regional level for ensuring the realisation of reparations for survivors of Conflict-related Sexual Violence (CRSV). Its objectives were to spotlight the challenges CRSV survivors and victims' face in pursuit of their right to adequate reparations in Africa; create a platform for positive dialogue and exchanges between survivors of CRSV, policy and decision-makers, and the Commission; and to share policy recommendations to advance justice and reparations for CRSV survivors across Africa.

PART FOUR: BRIEF OVERVIEW ON THE SITUATION OF WOMEN AND GIRLS IN AFRICA

16. During the intersession period, I noted the following triumphs and challenges on the situation of women and girls on the continent.

Algeria

17. The level of violence against women in Algeria is reaching alarming rates in particular the killing of women. Records by Femicide Algeria indicate that between the months of May and June 2022 alone, 12 women died violent deaths at the hands of men, mostly family members. [List of feminicides in 2022 <https://femicides-dz.com/femicides/femicides-2022/liste-des-femin...> Accessed 8 September 2022.] The majority of these women were killed by intimate partners, fathers or brothers and it indicates the vulnerability that women in Algeria face in the spaces that are meant to be safe for them. Femicide Algeria reports that the authorities have not been doing enough to investigate and prosecute the perpetrators of these heinous crimes.

Chad

18. During the intersession, the Higher Islamic Council in Mangalme in Chad ruled that rejecting a marriage proposal is no longer an option and one is liable to pay a fine if they do so. [<https://www.news24.com/w24/style/bride/weddings/rejecting-a-marriage-pr...> Accessed 7

September 2022.] Women are required to pay a much higher fine than men, and given the patriarchal society, are more likely to be at the receiving end of the proposal. This is a concerning discriminatory practice which has the potential to result in women failing to leave abusive relationships. The idea of not being allowed to reject a marriage proposal is tantamount to a forced marriage and is a cause of grave concern.

Central African Republic

19. I note with grave concern that despite the calls for cease-fire in the Central African Republic, there are continued persistent cease-fire violations. [Press release OHCHR <https://www.ohchr.org/en/press-releases/2022/07/central-african-republi...> Accessed 7 September 2022.] It is reported that armed groups and pro-government militia are perpetrating recurring acts of sexual violence in a widespread and systematic manner. This is a serious cause for concern, especially since services for responding to the assaults have not been restored in the country.

Cote d'Ivoire

20. The mandate is watching with interest and caution developments in the Ivorian parliament where a Bill that legalises polygamy was introduced on 30 June 2022. [4 H Ferdjani 'Ivorian bill that would legalise polygamy for men earns the ire of women's groups' France 24 19 July 2022 <https://www.france24.com/en/africa/20220719-ivorian-bill-that-would-leg...> (Accessed 8 September 2022).] The Maputo Protocol in Article 6(c) is clear that monogamy is the prefer

Kenya

21. I would like to congratulate Kenya for the record number of women elected into office during the recently concluded elections. These include a total of 7 Governors, 3 Senators and 26 Members of Parliament. However, I note with grave concern that the campaign period was marred with female candidates facing a barrage of online abuse, including aggressive sexist language, gender stereotypes and sexual overtures. [L Madowo and B Feleke 'A record number of women are running in Kenya's elections but many face harassment and abuse' CNN 6 August 2022 <https://edition.cnn.com/2022/08/06/africa/kenya-elections-women-candida...> (Accessed 8 September 2022).] These were tactics aimed at discouraging women from participating and should be condemned in the strongest terms.

22. While appreciating the fact that some African States, including Kenya, have started legislating crimes and violations occurring in the digital space, through various versions of cybercrime laws, I wish to take this opportunity to raise awareness about the menace of digital violence against women and girls.

23. During its 72nd Ordinary Session, the Commission adopted ACHPR 522 (LXXII) 2022 Resolution on the Protection of Women Against Digital Violence in Africa, which amongst other things, called on States to review/adopt legislation that aims at combating all forms of digital

violence against women. The Resolution is available on the Commission's website and can be accessed on <https://www.achpr.org/sessions/resolutions?id=558>.

Lesotho

24. In July 2022 the Parliament of Lesotho unanimously passed the Harmonisation of the rights of customary widows with legal capacity of married persons Act of 2022. I am indeed encouraged by this innovative piece of legislation, which seeks to strengthen the economic status of customary widows, in securing their property status. The effective implementation of this law w, once fully enacted, will go a long way towards eliminating discrimination. The instrument is now awaiting the King's approval and I urge this process to be expedited.

25. In the same month of July 2022, Parliament also passed the Counter Domestic Act 2022. This law seeks to strengthen protections against physical and economic abuse of women and children. It also supports healthcare, psycho-social support and justice for survivors. I encourage and urge the government of Lesotho to finalise the legislative process and to effectively implement these two important and innovative pieces of legislation. [Millenium Change Corporation <https://www.mcc.gov/blog/entry/blog-082522-womens-rights-lesotho> (Accessed 8 September 2022).]

Liberia

26. The intercession has seen a significant improvement in the laws and policies that protect women's rights, and an additional development can be seen in Liberia. On 5 August 2022 the country signed into law an amendment to the Aliens and Nationality Law thus removing gender-discriminatory provisions that prevented children from acquiring the nationality of their mother. [UNHCR Press Release '<https://www.unhcr.org/news/press/2022/8/62f500724/unhcr-applauds-liberi...>' (Accessed 8 September 2022).]

Morocco

27. In June 2022, the Moroccan government approved a decree establishing the National Commission for Gender Equality and the Empowerment of women which is a welcome development for the realization of gender equality. [A Benazizi Morocco World News <https://www.moroccoworldnews.com/2022/06/349600/morocco-approves-new-co...> (Accessed 7 September 2022).]

SADR

28. I take this opportunity to congratulate once again, the Government of SADR, for becoming the 43rd country to ratify the Maputo Protocol. Amongst other things mentioned in my Letter of Appreciation earlier referenced, I encourage the Member State to put in place adequate structures and funding to domesticate and implement the instrument in order to improve the situation of the women in the Republic. [AU Press release <https://au.int/en/pressreleases/20220504/saharawi-arab-democratic-repub...> (Accessed 7 September 2022).]

Sao Tome and Principe

29. On 28 July 2022, Sao Tome and Principe passed the Political Parity Law which provides a minimum of 40% of seats in elected bodies to be reserved for women, including Cabinet

positions. This is a welcome development on a continent where women's participation has woefully been lacking, and it is hoped that the Member State will put in place the enabling environment to encourage women to participate. [UN Sustainable Development Group <https://unsdg.un.org/latest/blog/tangible-gains-women-politics-resident...> (Accessed 7 September 2022).]

Sierra Leone

30. The mandate would like to applaud the ECOWAS Court for handing down a judgment that will go a long way to assert women's access to justice on 13 July 2022. In the case of Adama Vandi v Sierra Leone ECW/CCJ/APP/52/21, the ECOWAS Court awarded damages to the tune of USD\$10 000 to the Applicant. She was raped by a paramount chief in her community. Although she reported the incident and took several medical tests to prove the assault, there had been no effective investigation and the perpetrator has not been punished. The Court found that among others, the Applicant's rights under the Maputo Protocol had been infringed. [IHRDA <https://www.ihrda.org/2022/07/ecowas-court-orders-sierra-leone-to-compe...> (Accessed 8 September 2022)]

South Africa

31. The mandate welcomes the decision of the Constitutional Court in South Africa on 28 June 2022, in the case of Women's Legal Centre Trust v President of the Republic of South Africa and Others. The Court, in this case, confirmed the constitutional invalidity of provisions of the Marriage Act and the Divorce Act which were found to be inconsistent with the Constitution of the Republic, in as far as they failed to recognize marriages solemnized in accordance with Sharia Law, which have not been registered as civil marriages. Further the Divorce Act was found to be unconstitutional in as far as it fails to protect the rights and interests of minor or dependent children born of Muslim marriages, at the dissolution of the Muslim marriage. [Constitutional Court of South Africa <https://www.concourt.org.za/index.php/judgement/475-women-s-legal-centr...> (Accessed 8 September 2022)]

32. However, the level of violence against women in South Africa remains a major cause for concern. On 28 July 2022, a group of illegal miners, known as Zama Zamas, who were armed with guns, gang-raped 8 women in Krugersdorp. The assault took place for an average of 12 hours leaving the women injured and bleeding profusely. Such a brutal ordeal should be condemned in the strongest of terms and the mandate encourages the Government of South Africa to investigate the matter and prosecute the perpetrators to the fullest extent of the law. [<https://www.theguardian.com/global-development/2022/aug/03/south-africa...> (accessed 8 September 2022).]

Uganda

33. During the intercession, sexual violence against girls has been a major cause for concern in Uganda.

- On May 8, 2022, at a primary boarding school in Kiwoko Town Council, a 50-year-old head teacher raped a female student [Express Staff. "Primary school headteacher on the run after raping 15-year-old pupil." Daily Express, 25 May 2022, <https://bit.ly/3e0zLJn> (). The head teacher asked the student to take a few textbooks to the library and then followed her and forced himself on her. When the victim went back to the dormitory and recounted the ordeal to her senior female teacher, the teacher instructed the victim not to disclose this information to any other person. The victim's parents found out

about this horrific incident when the students were released from the boarding school to get the school fees.

- In May 2022 in Mbale City, locals caught a 45-year-old medical doctor raping a 12-year-old student in his treatment room[Mukiibi, Everest. “Mbale medical doctor caught red handed having sex with 12 year old sick girl in treatment room, arrested.” Watchdog Uganda, 28 May 2022, <https://bit.ly/3Q2gMLO>.]. The student felt sick and was given approval by school authorities to go and get treatment at a nearby health facility. Residents living in the same area where the incident took place have heard, on multiple occasions, that the doctor has a habit of raping female patients who show up for treatment.
- On June 23 2022, in Nsamizi, Entebbe Municipality, a 43-year-old woman was allegedly assaulted and almost raped by a Special Forces Command soldier next to the Nsamizi barracks[Achom, Pamela. “43-year-old widow accuses SFC soldiers of assault, attempted rape.” Galaxy FM, 22 August 2022, <https://bit.ly/3pXBcLm>.]. Just as she was about to reach her house, the soldier hit her on the back with a stick and then held her hands together while trying to undress her. The woman was able to scream and attract the locals who quickly came to her help and found the attacker with his pants down. It is reported that two soldiers rescued the attacker from the angry mob and informed everyone that they will be taking the attacker and the victim to a nearby hospital to be treated. Instead of driving to the hospital, the soldiers stopped at the gate of the Nsamizi barracks and continued to beat the woman until one of their colleagues stopped them. They later put her back in the vehicle and drove to Entebbe Police Station where she spent the night and a day in detention. It was reported that the woman struggles to walk and sit due to her severe injuries.
- On August 8 2022, a 24-year-old woman was promised a job as a fuel pump attendant at one of the petrol stations in Mukono town by two suspects. The woman travelled from Libu to Mukono to meet with the two suspects who booked her a room at a guesthouse for the night. Around 4am, one of the suspects picked her up to take her to her new job as promised but instead, he chloroformed her and dragged her into a banana plantation where he and the other suspected gang raped her.

Ratification and Implementation of the Maputo Protocol

34. There remain concerns around the ratification and implementation of the Maputo Protocol. To date, 43 countries have ratified the Maputo Protocol, which leaves 12 countries who are yet to commit to the provisions of the Maputo Protocol. It is the objective of the mandate to ensure that there is universal ratification of the Maputo Protocol by all the AU Member States. The report of this intercession offers some encouragement by the way of improvement of laws that protect the rights of women across the continent, but sufficient concerns remain in most States that would be improved by the implementation of the Maputo Protocol.

35. Of the countries who have ratified, a total of 17 countries have fully complied with their reporting obligation under the Maputo Protocol, with some of these 17 having reported more than one cycle. State reporting is an important part in taking stock of the implementation strategies that states are employing to ensure the effectiveness of the Maputo Protocol.

PART FIVE: CONCLUSIONS AND RECOMMENDATIONS

36. In view of the above developments, I would like to make the following recommendations:

To the Government of Algeria

- I strongly urge the Government of Algeria to investigate the root causes of the rampant intimate partner violence against women and femicide;
- Additionally, I urge the Government to fully investigate the reported cases, bring perpetrators to book in a manner that is deterrent to other would-be perpetrators; and
- I also urge the government to increase social protection programmes for women at risk so that they can leave abusive relationships before they result in fatalities

To the Government of Chad

- I recommend that the Government of Chad consider reversing the decision that effectively forces women to stay in unsuited and potentially abusive relationships by penalizing them for rejecting a proposal; and
- I would also like to take this opportunity to encourage the Government of Chad to ratify the Maputo Protocol, whose Article 6(a) provides for full and free consent by both parties to a marriage.

To the Governments of Central African Republic

- I take the opportunity to encourage the Government of Central African Republic to ratify the Maputo Protocol to enhance the protection of the rights of the women in its territory.

To the Governments of Lesotho, Liberia and Sao Tome and Principe

- I once again commend you for passing laws that are aimed at eliminating discrimination against women and protecting their rights. I encourage all these States to ensure that the new laws are publicized extensively and effectively implemented in order to achieve their desired objective.

To the Government of SADR

- I applaud the commendable step taken by the Government to ratify the Maputo Protocol. I urge the State to immediately put plans to domesticate and implement the treaty; work towards aligning the domestic laws with the provisions of the Protocol; and submit a Report under Article 26 of the Maputo Protocol based on the Commission's Guidelines on State Reporting under the Maputo Protocol.

To the Governments of Sierra Leone and South Africa

- I welcome once again progressive judgments in the advancement of women's rights both at domestic and regional level. I urge the Governments of both Sierra Leone and South Africa to respect judicial authority and implement the decisions issued by the ECOWAS Court and the Constitutional Court respectively.

On sexual violence against women

- I condemn in the strongest sense the perpetration of sexual violence against women in both South Africa and Uganda. I urge the Governments of both countries to take stern measures to bring the perpetrators to book and to increase access to justice for women and girls who are subjected to sexual violence.

CONCLUSION

37. Since the establishment of the Mechanism of the SRRWA, the latter has worked relentlessly to achieve its mandate with efficiency, devoted commitment and self-sacrifice in order to promote and protect women's rights. Today, one can be proud of the visibility and importance of the Women's Mechanism thanks to the combined and continued efforts of Partners who support the Mechanism financially and technically, and for this, I say Thank you!