

Special Rapporteur on the Rights of Women in Africa (SRRWA) - 75OS

May 06, 2023

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). The Report also covers my activities undertaken as a Member of the Commission during the period under review.

2. In that regard, the Report, which is presented in five (5) parts, covers activities carried out during the intersession period after the 73rd Ordinary Session of the Commission, held in Banjul, The Gambia, from 20 October to 9 November 2022. Part One covers my activities as a Member of the Commission; Part Two covers my activities as SRRWA, including Commemorative Days; Part Three presents Country Monitoring, including Letters of Urgent Appeal addressing human rights violations, and Letters of Commendation in some of the countries under my portfolio, and jointly with other Members of the Commission, as well as responses thereof (as applicable); 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 recommendations and a conclusion.

PART ONE: ACTIVITIES UNDERTAKEN AS A COMMISSIONER

A. 73th Ordinary Session (Public)

3. From 20 October to 9 November 2022, I attended the 73rd Ordinary Session which commemorated the 35th anniversary of the Commission. The commemorative event also involved the handing over of the Title Deed of a piece of land, by the Government of The Gambia to the Commission, for the construction of the Headquarters of its Secretariat, as well as launch of the Commission's new Logo. The Final Communique of the 73rd Ordinary Session can be accessed on the Commission's website: <https://achpr.au.int/index.php/en/news/final-communiques/2022-11-18/fin...>

B. 36th Extra-Ordinary Session

4. On 9 January 2023, I attended the 36th Extra-Ordinary Session which took place virtually, and adopted the Workplan of the Commission for 2023. The Session also considered outstanding Resolutions and matters arising from the 73rd Ordinary Session. The Final Communique of the 36th Ordinary Session is available on <https://achpr.au.int/en/news/final-communiques/2023-01-11/final-communi...>

C. 74th Ordinary Session (Private)

5. From 21 February to 7 March 2023, I attended the 74th Ordinary Session of the Commission, which was held virtually, and convened to consider Communications, outstanding Reports and other matters. The Final Communique can be accessed on <https://achpr.au.int/en/events/2023-02-21/74th-ordinary-session-private>.

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

A. 14th Meeting of the Platform of Independent Expert Mechanisms on the Elimination of Discrimination and Violence against Women (EDVAW Platform)

6. On 17 November 2022, I took part in the 14th EDVAW Platform Meeting which took place virtually. Platform Members discussed the thematic paper on the digital dimension of violence against women, as addressed by the mechanisms of the Platform and the statement of the Platform for commemoration of the International Day for the Elimination of Violence against Women, on 25 November 2022, amongst other items. During the Meeting, I made a presentation on “Climate Change and the Rights of Women in Africa”, where I highlighted Article 18 of the Protocol to the African Charter on the Rights of Women in Africa (the Maputo Protocol) which provides women’s right to live in a healthy and sustainable environment and the Commission’s Resolution ACHPR/Res. 417 (LXIV) 2019 on the human rights impacts of extreme weather in Eastern and Southern Africa due to climate change, which calls States to ensure that women and girls are protected from exposure to sexual abuse and manipulation in relation to accessing humanitarian assistance and other necessities such as shelter and food.

7. In my conclusions, I urged States to put in place measures to alleviate the plight of women caused by climate change, including the enactment of gender-sensitive legislation and policies; produce sex-disaggregated data in order to scope out the magnitude of the challenges that women face, and subsequently inform gender-sensitive programming.

B. High-Level Regional Policy Forum on the Gendered Impact of COVID- 19 on Livelihoods

8. From 23 to 25 November 2022, I participated in the above-mentioned Forum organized by Gender Is My Agenda Campaign (otherwise referred to as GIMAC Network) in collaboration with Oxfam and African Economic Research Consortium, held in Addis Ababa, Ethiopia. The theme of the Meeting was: “A Feminist, Just and Equitable Post-COVID Recovery in Africa.” I participated virtually and made a Presentation on “Navigating Gendered Crisis- COVID- 19, Climate Change and Conflict.”

9. In my presentation, I stated that the African Charter on Human and Peoples’ Rights (the African Charter) and the Maputo Protocol provide a good normative framework for the protection of the rights that are adversely affected by emerging challenges such as, COVID-19, climate change and armed conflict.

10. With respect to the gender perspective of climate crisis and COVID-19, I noted that, amongst other things, rural women are particularly vulnerable to the impacts of climate change, a lack of information and poor preparedness leads to greater loss of life, exploitation and gender-based violence and the response and recovery to the COVID-19 pandemic posed challenges that also exacerbated the challenges occasioned by climate change.

11. In my recommendations, I urged States to, inter alia, put in place measures to alleviate the plight of women during environmental and public health/socio-economic crisis, such as Climate Change, COVID-19 and conflict, ensure that a sustainable response provides benefits to all, address structural causes of discrimination and considering the disproportionate effect of both climate change and the COVID-19 pandemic on people and communities in general, and women in particular. I also stressed that both the climate finance and COVID-19 strategies should be designed to benefit rights-holders.

C. ECOWAS Judicial Colloquium on the Right to Equality under the Maputo Protocol

12. From 29 to 30 November 2022, I was invited to the above-mentioned Colloquium organised by the Centre for Human Rights, University of Pretoria in Abuja, Nigeria, where I made an Opening Statement. I was also a Panellist for the Panel on “Adjudicating cases where petitioners are claiming an entitlement to equality before judicial and quasi-judicial bodies: perspective from comparative jurisprudence.” During the Colloquium, I made a case commentary on

Communication 323/06-Egyptian Initiative for Personal Rights and INTERIGHTS v Egypt of the Commission, which was the first case that came before the Commission requiring it to decide specifically on women's rights. The Commission found that the principle of non-discrimination ensures the equal treatment of an individual or group of persons irrespective of their particular characteristics.

13. At the end of the Colloquium, I also made closing remarks, highlighting its significance, and the relevance of the Maputo Protocol in adjudicating women's rights before the regional Human Rights mechanism. I finally commended the Pretoria Centre for the Multi-disciplinary approach in organizing the Colloquium which brought onboard insights and perspectives, from academics, litigators and adjudicators.

D. AU Human Rights Organs Retreat on the AU Accountability Framework on Eliminating Harmful Practices

14. From 3 to 5 December 2022, I was invited to the referenced Retreat organised by the African Union Commission (AUC) under the auspices of the Spotlight Initiative Africa Regional Programme (Spotlight Initiative). The Retreat was convened following endorsement of the AU Accountability Framework by the 4th Meeting of the STC on Social Development, Labour and Employment, held in April 2022, and the Executive Council in July 2022. The Retreat provided adequate orientation to AU Organs and other stakeholders on the Framework. Participants also undertook work sessions to develop an operational plan towards implementation of the Framework.

15. In my opening remarks during the Retreat, I commended the laudable initiative, and stated that the Accountability Framework comes as a response to monitor State Party compliance on its obligations to accelerate the elimination of harmful practices guided by the AU human rights instruments and processes. It also seeks to provide technical guidance and oversight on the State Party obligations. I underlined that the Commission, especially my mandate as SRRWA, is strongly committed to ensuring that harmful practices that affect women and girls are eliminated and that women are free from all forms of discrimination and violence

E. Advocacy Mission to Botswana for the ratification of Maputo Protocol

16. At the invitation of the AUC, Women, Gender and Youth Directorate, I led an Advocacy Mission to Botswana for the ratification of Maputo Protocol, from the 13 to 17 December 2022. The Mission was fielded in collaboration with Solidarity for African Women's Rights (SOAWR), represented by FEMNET and the UN OHCHR. The Mission held High-Level consultative meetings with key Government institutions, such as, the Ministry of Foreign Affairs; Ministry of Justice; the Ministry in charge of Gender; the National Human Rights Commission; and Civil Society.

17. The overall objective of the Mission was to promote the full ratification, domestication, and implementation of the Maputo Protocol by Botswana. The Mission was very successful, as the delegation was able to receive the overwhelming commitment for the ratification of the Protocol, prior to the 20th anniversary of the Protocol, in July 2023.

F. 39th Gender Is My Agenda Campaign (GIMAC) Pre-Summit

18. The 39th GIMAC Pre-Summit was organized on the AU Theme of the year "Acceleration of the African Continental Free Trade Area (AfCFTA) Implementation," and took place from 13 to 15 February 2023. On the 14th of February 2023, I moderated a very interactive session on the "Human Rights Implication of the AfCFTA and Opportunities to Foster Women and Youth Inclusion." I underscored that women and youth should be involved in the development of

strategies and policies to implement the AfCFTA. In addition, that the strategies should be context specific, depending on education, experience, location, role in the economy and type of market. We also highlighted the need to make use of existing frameworks for women and youth either domestically or regionally in order to collaborate and participate in the implementation, while information should be packaged in user-friendly and simplified guides in order for it to be more accessible to women and youth.

19. I also did the Closing remarks at the end of the Meeting, where I noted that the creation of the AfCFTA is a building block towards the realization of 'the Africa We Want' under the AU Agenda 2063, which creates an integrated continental market for goods and services facilitated by the movement of persons, and contributes to the movement of capital and natural persons. I reechoed the position of UN Women, which is shared with my mandate, that increased women's income is an investment in the next generation, as women who have more control over household resources tend to spend more on food, better health and schooling for their children. I also said that in Sub-Saharan Africa, women play an important role in intra-trade activities; thus, the AfCFTA provides a significant opportunity for women, giving them a head start towards increasing their economic empowerment.

20. I however reiterated the fact that despite potential to bring significant benefits, there are also concerns about its implication for human rights, particularly for women and youth. I underscored the fact that, many of the challenges highlighted during the meeting constitute human rights violations, as defined in the human rights instrument relevant to African women and the youth. The right to work for all individuals is clearly stated in the African Charter (Article 15) with a specific reference to equal pay for equal work. In addition, the Maputo Protocol in Article 13 is clear on economic and social welfare of women, including equal access to employment and the right to equal remuneration for jobs of equal value for women and men.

21. Subsequently, I attended several activities organised on the margins of the Pre-Summit, namely:

High-level Multi-stakeholder Continental Summit on Elimination of Violence Against Women and Girls

22. From 15 to 17 February 2023, I was invited by UN Women to the above Summit in Addis Ababa, Ethiopia. I made a presentation on "Accountability initiatives for ending Violence against women: A regional, continental and international perspective," where I stated that the Maputo Protocol is amongst the most progressive instruments of international human rights law, dealing with violence against women (VAW). I noted that, accountability encompasses the fundamental principles of transparency, justice, democracy, efficiency, responsiveness, responsibility and integrity, and that the basis of State accountability toward ending VAW predicates on international regional and national legal mechanisms, which are mostly normative and institutional in nature.

23. I also informed Participants that my mandate has contributed to the discourse, by adopting Guidelines on Sexual Violence and its Consequences, which is currently at the popularization stage, and Resolutions relating to VAW adopted by the Commission, including ACHPR/res.284 (lv) 2014: Resolution on the suppression of sexual violence against women in the DRC; ACHPR/res.283 (lv) 2014: Resolution on the situation of women and children in armed conflict; ACHPR/res.173 (xlv111) 10: Resolution on the crimes committed against women in the DRC; ACHPR/res.111 (xxxii)07: Resolution on the right to a remedy and reparation for women and girls victims of sexual violence; and Resolution ACHPR/Res.522(LXXII) 2022 on the Protection of Women Against Digital Violence in Africa .

24. With respect to accountability mechanisms, I mentioned the Maputo Protocol Scorecard and Index geared towards ensuring the compliance and accountability of Member States and to accelerate the implementation of the Maputo Protocol on the continent. I also mentioned the State Reporting Procedure of the Commission under Article 62 of the African Charter, Article 26 of the Maputo Protocol and Article 14 of the Kampala Convention as other accountability initiatives under the African Human Rights System, as well as Filing of Complaints on human rights violations before the Commission.

AU Gender Pre-Summit; the Women and Youth Financial Inclusion and Presidential High-Level Advocacy Breakfast and Call for Action

25. From 17 to 18 February 2023, I was invited by the Women, Gender, and Youth Directorate of the AUC to the above-mentioned Meeting on the theme “Linking the Past to the Future: Accelerating Investments, Actions and Accountability for Gender Equality and Women Empowerment (GEWE) in Africa: 20 Years of Maputo Protocol.” The Event kick-started celebrations of the 20th Anniversary of the Maputo Protocol, and also advocated for ratification, implementation and domestication of the Maputo Protocol. I took part in a Panel discussion on “Maputo@20: Accountability For Women’s Rights in Africa.” The Objective of the Panel was to take stock of investments and actions of stakeholders towards realizing the goals of the Maputo Protocol with a focus on, strategic partnerships and legislation.

26. I also attended the Breakfast Meeting, convened by H.E President Nana Addo Dankwa Akufo-Addo, President of the Republic of Ghana and AU Champion on Gender and Development issues, where he launched the AU-UN Strategy on GEWE in Africa during the Pre-Summit.

G. Virtual Awareness raising Briefing for Civil Society Organizations (CSOs) on the use of regional and UN human rights mechanisms to tackle violence and discrimination against women and girls

27. On 28 February 2023, I was invited by the EDVAW Platform to participate in a virtual forum for briefing of CSO, as referenced above. I gave a presentation on “the Overview of the African Human Rights System with a focus on violence and discrimination against women and views from the Special Rapporteur on women’s rights of the African Commission on Human and Peoples’ Rights.” In my presentation, I applauded efforts made by Governments, Gender Advocacy Groups and CSOs to permanently address VAW, which appears in different forms and on different spaces.

28. I recognized the fact that within the African Human Rights System, the AU has adopted different normative, institutional and other approaches to tackle the issue of violence and discrimination against women on the continent. Furthermore, I highlighted some important Resolutions adopted by the Commission on the VAW, including Resolution ACHPR/Res.522(LXXII) 2022 on the Protection of Women Against Digital Violence in Africa, where the Commission reiterated its concern over the increasingly gendered nature of digital violence. I also explained the State Reporting Procedure of the Commission, and Shadow Reporting Guidelines. I additionally encouraged CSOs to apply for Observer Status before the Commission and utilize all available avenues to report on VAW on the continent.

29. In conclusion, I reiterated that to ensure the protection of women’s rights, mechanisms at the global and regional level need to find common ground to work together for a better result; enhanced partnerships among Government institutions, gender-specific ministries, organizations and agencies are essential; and existing international norms and standards, national policies and commitments towards gender equality and women’s empowerment need

to be utilized to inform sustainable development and environmental legal and policy frameworks and their implementation.

H. International Women's Day

30. On 8 March 2023, on behalf of the Commission, we published a Statement to commemorate International Women's Day under the theme "DigitAll: Innovation and technology for gender equality" and campaign theme #EmbraceEquity. In the Statement, we noted that the campaign theme reminds us of the immense potential that digital technologies have in improving the lives of women and achieving equality for all. We also highlighted some of the barriers to women's access to the internet, including the costs involved, the lack of appropriate infrastructure, as well as inadequate safety measures for women to freely participate online without being subjected to violence.

31. In this regard, we urged Governments to intentionally put in place policies that level the technological playing field for women and men, to include capacity building and access to financial resources, and most importantly, to put in place actionable measures to eliminate violence against women online. The text of the Statement is available on the Commission's Social Media Platforms as follows:

<https://t.co/Tte3f4RFWj> - English
https://twitter.com/achpr_cadhp/status/1633376092810534912 - Tweet
https://facebook.com/permalink.php?story_fbid=625498069587681&id=100063... - Facebook

<https://t.co/cymwFmUBmT> - French
https://twitter.com/achpr_cadhp/status/1633376255528652800 - Tweet
https://facebook.com/permalink.php?story_fbid=625498302920991&id=100063... - Facebook

<https://t.co/9FrAV94RoO> - Portuguese
https://twitter.com/achpr_cadhp/status/1633376409077907457 - Tweet
https://facebook.com/permalink.php?story_fbid=625498466254308&id=100063... - Facebook

I. The 67th Session of the Commission on the Status of Women (CSW67)

32. The 67th Session of the CSW took place from 6 to 17 March 2023, in New York, USA with the theme "Innovation and technological change, and education in the digital age for achieving gender equality and the empowerment of all women and girls".

33. On 9 March 2023, I was invited by the AUCWGUY to the Ministerial Consultative Meeting on the Common Africa Position, adopted by the Ministers responsible for Gender.

34. On 10 March 2023, I was invited to a Panel on the margins of CSW, organized by WILD AF-Oxfam on the theme "Addressing the issues and challenges of financing socio-economic development programs for women and girls, through the extractive sector in West Africa, as a lever for economic recovery in the region." During the Panel discussion, I stated that Article 21 of the African Charter, read together with Article 2 provides that all peoples shall freely dispose of their wealth and natural resources- a right that should be exercised in the exclusive interest of the people, meaning, the benefits and proceeds from natural resources should be enjoyed by all, including women and girls.

35. I also explained that Article 13 of the Maputo Protocol, which obliges States to put in place legislative and other measures to guarantee, among others, equality of access to employment, conditions to promote and support the occupations and economic activities of women, establishes a system of protection and social insurance for women working in the informal

sector. I also informed Participants about the Working Group on Extractive Industries, Environment and Human Rights Violations of the Commission, whose mandate is, among others, to examine the impact of extractive industries in Africa within the context of the African Charter.

36. Amongst my recommendations, I stated that transparency is key in extractive industries, in order for profits to be realized that can benefit key populations like women and girls. Furthermore, that the involvement of women in negotiations of agreements on extractive activities and resources has been proven to yield better outcomes for women's socio-economic development; and that the State Reporting Mechanism of the Commission is also an avenue to ensure accountability for revenue from extractive industries as well as reports on measures taken to effect gender-sensitive budgeting especially when States commit to 30% allocation to women and girls' socio-economic development programmes.

37. On 13 March 2023, I also attended a meeting on "Intra African Trade and the Gender Digital Divide", Co-Hosted by the AUC and UN Women, together with South Africa, Tanzania, Burundi and Niger.

38. I also took the opportunity within the margins of the CSW 67 to hold consultative meetings with, Director of the WGYP AUC and her team; and a Breakfast Meeting with CSO's organized by FEMNET, to discuss plans for the celebration of Maputo at 20.

J. High-Level Panel Dialogue to Commemorate the International Women's Day 2023

39. On 21 March 2023, I was invited to this activity organized by the United Nations Population Fund in The Gambia, in collaboration with the Government of The Gambia, the National Human Rights Commission, and other relevant stakeholders. I made an Opening Remarks where I emphasized, inter alia, the importance of technology to advance human rights in general and women's rights in particular, the gender divide in the digital era, the increasing digital violence against women and the impact of online facilitated violence on the exercise of women's rights.

40. In my remarks I also highlighted the importance of Article 18(1)(b) of the Maputo Protocol, the 2019 Declaration of Principles on Freedom of Expression and Access to Information and Resolution ACHPR/Res.522(LXXII) 2022 on the Protection of Women Against Digital Violence in Africa in promoting and protecting women's right to be involved in the digital era without being the subject of online violence and bridging the digital divide.

K. B-Tech Africa Kick-Off Event - Developing the framework for improving human rights by the tech sector

41. From 29 to 30 March 2023, I was invited to the B-Tech Africa Launch Event, on the theme "Stakeholder Engagement on Responsible Business in Africa's Tech Sector", where I made an Opening Statement. The Meeting was convened by the Office of the United Nations High Commissioner for Human Rights, in collaboration with GIZ, in Cape Town, South Africa.

42. In my Opening Statement, I submitted that a significant portion of our lives is moving from analogue to digital and in the human rights sense, this means that the rights we have offline apply online as well. Given this, I highlighted the need for tech businesses to place human rights at the heart of their policies, strategies and operations. I also highlighted some of the issues that have become apparent as they affect women and girls in the digital space, such as, access to the internet and technologies and the prevalence of violence against women in online platforms, and its impact. In exhibiting the Commission's commitment to combating digital violence, I cited the Commission's Resolution ACHPR/Res.550 (LXXIV) 2023: Resolution on Business and Human

Rights in Africa, which calls for African States to adopt regional legally binding instruments to regulate the activities of transnational corporations and other business enterprises; and once again, Resolution 522 on the Protection of Women Against Digital Violence in Africa., which as already stated, emphasizes the persistence of technology-assisted human rights violations while highlighting women's vulnerability to various forms of online violence.

43. In conclusion, I urged Tech Businesses to adopt utmost transparency in their operations by conducting human rights due diligence; engaging with governments in good faith; contributing their expertise in helping governments formulate legislative and policy frameworks that can protect the rights of women and girls in the tech space; and continuously seeking to understand new threats and loopholes in the digital space that impact the rights of women and girls while engaging with governments to find ways to overcome them.

L. Foreword for the Training Manual on CSO Shadow/Alternative Reporting on the Situation of Women and Girls Rights in Africa

44. On 31 March 2023, I was given the honours by Equality Now, SOAWR and Partners of the Spotlight Initiative, to prepare a Foreword for the Training Manual on CSO Shadow/Alternative Reporting on the Situation of Women and Girls Rights in Africa, which was validated on 2 June 2022.

45. The Training Manual is a comprehensive training and reference resource document to inform capacity building initiatives, as well as to aid the CSOs in the preparation and submission of Periodic Reports. The Training Manual will assist the Mechanism of the SRRWA, to amongst other things: monitor the implementation by State Parties of the African Charter and the Maputo Protocol, in particular by preparing reports on the situation of women's rights in Africa and proposing recommendations to be adopted by the Commission; and establish Guidelines for State Reporting in order to enable Member States to better address issues relating to women's rights in their Periodic and/or Initial Reports submitted to the Commission.

M. Academic and Learning Visit at the Georgetown University Law Center

46. From 17 to 19 April 2023, together with Hon. Commissioner Mudford Zachariah Mwandenga, Chairperson of the Working Group on Economic, Social, and Cultural Rights of the Commission, we undertook the above-mentioned Visit. The Visit was co-organized by the Dullah Omar Institute of the University of the Western Cape; the Kenya Legal & Ethical Issues Network on HIV and AIDS (KELIN), and the Global Center for Legal Innovation on Food Environments of the Health and Human Rights Initiative at the O'Neill Institute (Global Center) in Washington DC, USA.

47. The Visit was convened to provide a platform to share experiences and to explore areas of collaboration with regards to emerging health concerns, such as the escalating rate of non-communicable diseases and the growing concerns related to Sexual and Reproductive Health Rights in Africa and the Americas. Apart from the O'Neill Institute, other key stakeholders included the Inter-American Commission for Human Rights.

48. Several Sessions were held during the Visit, including how the Commission has utilized its promotional, protective, and special mandates towards realization of the right to health with a focus of areas of interest of the partners; the right to reproductive health right and the role of the Commission, amongst other things.

49.As part of the Study Visit, I was invited as a Guest of Honour for the Launch of the Georgetown African Law Society. During the Meeting discussions were held on emerging human rights issues in Africa.

N.NGO Forum

50.From 29 April to 1 May 2023, I participated in the NGO Forum, organized by the African Centre for Democracy and Human Rights in Banjul, The Gambia. Apart from Opening the Forum on behalf of the Chairperson of the Commission, Hon. Commissioner Remy Ngoy Lumbu, I participated in two Panel Discussions, namely “The inclusion of Women in driving the Implementation of the AfCFTA,” and “20 Years Anniversary of the Maputo Protocol: Breaking the Cycle of Gender-Based Violence: Strategies for Strengthening Women's Rights and Protection; Progress, Challenges, and the Way Forward.”

51.In the first Panel, I noted that Women constitute over 50% of Africa’s population and 50% of the workforce. I stated that Women and CSOs working on women’s empowerment should be involved in the development of strategies and policies to implement the AfCFTA, and that since women are often marginalized, care should be taken in strategizing for women to accommodate their specific needs. Thus, the strategies need to be context specific, depending on their education, experience, location, role in the economy and type of market. In addition, States should adopt a human rights-based approach, by linking policies to the provisions under the Maputo Protocol (art. 13-Right to economic and social welfare rights, art. 15 right to food security, art. 19 right to sustainable development).

52.In the Second Panel celebrating 20 years of the Maputo Protocol, I gave a brief overview of some of provisions in the Maputo Protocol aimed at economically empowering women as well as eliminating gender-based-violence (GBV) or violence against women (VAW); informed Participants about how the Commission and the mandate of the Special Rapporteur have contributed to the realization of the goals of the Maputo Protocol; how some of the Member States to the Maputo Protocol have implemented the instrument to work towards eliminating GBV and made a clarion call for all stakeholders, especially CSOs to come together to protect and promote the rights of women in Africa as envisioned by the Maputo Protocol.

O.18th AU-EU Human Rights Dialogue

53.On 4 May 2023, on behalf of the Chairperson of the Commission, I attended the 18th AU-EU Dialogue which took place in Brussels, Belgium. The Dialogue is an annual meeting held in pursuance of the decision of the 6th EU-Africa Ministerial Troika Meeting in Vienna, to hold a yearly human rights dialogue between the two institutions.

54.The Dialogue intends, among other things, to implement the AU-EU Action Plan and Joint Strategies on Democratic Governance and Human Rights. The overall objective of the 18th Dialogue was to share views and best practices on the protection of the human rights of migrants, refugees and asylum seekers in Africa and in the EU.

PART THREE: COUNTRY MONITORING

A.Federal Republic of Somalia

Letter of Urgent Appeal regarding the Federal Parliament of Somalia’s intention to pass a Sexual Intercourse Bill over the Sexual Offences Bill.

55.On 27 January 2023, in my capacities as the Commissioner Rapporteur of the Human Rights Situation in the Federal Republic of Somalia and the SRRWA, I sent a letter of Urgent Appeal to

H.E. Mr. Hassan Sheikh Mohamud. The letter addressed reports alleging the intention of the Parliament to pass the Sexual Intercourse Bill, which allegedly legalizes child marriages, omits the age of consent and the offence of sexual exploitation; permits significant reductions in types of admissible evidence, and changes the definition of rape.

56. In view of the existing challenges that women and girls in Somalia are confronted with, and prospective women's rights violations with the enactment of the Bill, I urged the Government of the Federal Republic of Somalia to, inter alia: approve the Sexual Offences Bill since it was an outcome of a 5-year process; enhance the security sector's zero tolerance stance; contribute to the strengthening of government institutional ability to effectively prevent and respond to sexual violence; and take immediate steps to prevent sexual violence against women and children.

Joint Letter of Urgent Appeal to the Federal Republic of Somalia regarding the alleged arbitrary detention of Mr. Abdalle Ahmed Mumin

57. On 12 April 2023, again in my capacity as Commissioner Rapporteur on the Human Rights Situation in the Federal Republic of Somalia, together with Commissioner Geereesha Topsy Sonoo, Special Rapporteur on Freedom of Expression and Access to Information, we sent a Letter of Urgent Appeal to H.E. Mr. Hassan Sheikh Mohamud. The letter addressed reports alleging the arbitrary detention of and consequent violation of human rights against Mr. Abdalle Ahmed Mumin, who is a Somali Journalist, Press Freedom Advocate, and Secretary General of the Somali Journalists Syndicate. Considering the alleged violation of human rights committed against Mr. Abdalle Ahmed Mumin, we called His Excellency's attention to the provisions of the African Charter and to the Principles of the 2019 Declaration of Principles on Freedom of Expression in Africa.

58. In addition, we jointly urged the Government of the Federal Republic of Somalia to, amongst other things: provide the Commission with sufficient clarification regarding the reported allegations; investigate the reasons for the arrest of Mr. Mumin and release him if it is found arbitrary; guarantee his right to legal representation and to be defended by counsel of his choice; give due attention to his health and provide him with access to health care; and eliminate the suppression of media practitioners and organizations.

B. Republic of Zimbabwe

Letter of Urgent Appeal to the Republic of Zimbabwe regarding the arrest and continuous detention of Zimbabwean opposition Member of Parliament

59. On 9 January 2023, in my capacity as Commissioner in Charge of Monitoring the Human Rights Situation in the Republic of Zimbabwe, I sent a letter of Urgent Appeal to H.E. Mr. Emmerson Mnangagwa. The letter addressed the reports alleging the arrest and detention of Zimbabwean opposition Member of Parliament, Mr. Job Sikhala, who was arrested on 14 June 2022. The letter further addressed the repeated denial of bail by the High Court and Magistrate Court of Zimbabwe and the deterioration of Mr. Sikhala's health since his detention.

60. I urged the Government of the Republic of Zimbabwe to, amongst other things: carry out prompt and impartial investigations into the allegations made and to release him if there are no grounds to detain him further; provide Mr. Sikhala with immediate and adequate medical care/assistance required; and respect Mr. Sikhala's right to liberty and security as well as his rights to a fair trial.

Response of the Government of Zimbabwe to the Urgent Letter of Appeal

61. I am pleased to inform you that following transmittal of the Urgent Letter of Appeal, the Government of Zimbabwe has responded and addressed the concerns raised in the Letter as follows:

– The Government clarified that Mr. Sikhala was arrested for the crime of public violence while he was in bail pending trial for an offense of the same. The Government added that since Mr. Sikhala admitted that he breached bail conditions, the denial of bail was based on the ground that he would likely commit a crime once granted bail, which is one of the legal grounds to deny bail to an accused pending trial.

– In responding to my recommendations to carry out a prompt investigation and ensure the right to liberty, security and a fair trial for Mr. Sikhala, the Government of Zimbabwe submitted that regardless of their status, all citizens are equal and guaranteed equal protection of the law. It added that despite the constitutionally guaranteed rights of the people, the Government shall not interfere in the processes of the courts as it would constitute a violation of the Constitution. The Government also stated that Medical treatment has been offered to Mr. Sikhala in the facility where he is currently detained.

62. Allow me to use this opportunity to commend the Republic of Zimbabwe for its response to concerns raised in the Urgent Letter of Appeal and for its support to the mandate of the Commission in protecting and promoting human and peoples' rights.

Joint Letter of Commendation to the Republic of Sierra Leone for Enacting the Gender Equality and Women's Empowerment Act.

63. On 12 April 2023, together with Commissioner Dr. Litha Musyimi-Ogana, Commissioner Rapporteur of the Republic of Sierra Leone, we sent a letter of Commendation to H.E. Julius Maada Bio, the President of the Republic of Sierra Leone, for enacting the Gender Equality and Women Empowerment Act. In the letter, we informed His Excellency that the enactment of the legislation portrayed their commitment to enhance the participation of women in positions of power both in the private and public spheres, while giving effect to the provisions of the African Charter and the Maputo Protocol.

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

64. During the intersession period, I noted the following developments and concerns on the situation of women on the continent:

Benin

65. I would like to congratulate the electorate in Benin for electing women into Parliament in the January 2023 elections. [<https://www.eda.admin.ch/deza/en/home/sdc/aktuell/newsuebersicht/2023/0...>] While the number of 28 women out of the 109 parliamentarians is still far below acceptable number for gender parity in leadership, it represents a jump from 10% to 25% which is a step towards the right direction. This is the first time in the history of Benin democracy that the number of women in parliament has increased to this extent.

Burkina Faso

66. The Commission condemns in the strongest terms the targeting of women and children in armed conflict. Thus, it is with dismay that we learnt of the abduction of at least 50 women in the Sahel region of Burkina Faso by suspected jihadists in January 2023. [<https://www.ohchr.org/en/press-releases/2023/01/turk-alarmed-abduction-...>] While the

women and children were eventually released later in the month, the trauma they suffered is regrettable.

Equatorial Guinea

67. The participation of women in positions of power politically and economically is an important step towards their empowerment and decision making. Thus, it is encouraging to note that Equatorial Guinea has appointed its first female Prime Minister, Manuela Roka Botey, in January 2023. It is hoped that this positive step will improve the situation of women in the Central African country and encourage more political participation of women.

Liberia

68. The Maputo Protocol in Article 5 provides for the prohibition of FGM as a harmful practice. The elimination of this practice is often difficult where it is embedded in the culture and traditional beliefs of a society. It is therefore encouraging to note that on 6 February 2023, Chief Zanzan Karwor, the Chairperson of the National Council of Chiefs and Elders in Liberia declared, on behalf of the entire council, a ban on FGM in Liberia. [https://www.equalitynow.org/press_release/traditional-leaders-in-liberi..] He made the declaration on the authority of 15 paramount chiefs across the country. This is a positive step towards changing the beliefs and behaviors of communities in Liberia, regarding the practice of FGM.

Malawi

69. The Mechanism of the SRRWA is concerned about the reports of women from African countries who find themselves in unfair labour conditions in countries in the Middle East while looking for employment opportunities. At least 50 women from Malawi were reported to be stranded in Oman and desperate to get back home due to untenable working conditions. [<https://www.dw.com/en/malawi-women-held-for-ransom-in-middle-east/a-648...>] This situation needs to be monitored as there are also concerns around trafficking of women and slavery.

Sierra Leone

70. As already reflected under the country monitoring section of this Report, it is with pleasure that I recognize and congratulate the Republic of Sierra Leone for enacting the Gender Equality and Women Empowerment Act in January 2023. The enactment of the legislation gives effect to Articles 13(1) and 18(3) of the African Charter, which provide that 'every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law' and 'that the State shall ensure the elimination of every kind of discrimination against women' respectively. The enactment of legislation to ensure gender equality and promote women's empowerment in the public space is also in compliance with Article 1 of the African Charter, which obliges Member States to the African Charter to take legislative and other measures to give effect to the provisions of the Charter. In addition, the enactment of the Gender Equality and Women Empowerment Act gives effect to the provisions enshrined in the Maputo Protocol. This includes Article 2(1)(c) which requires States to integrate a gender perspective in their policy decisions, legislation, development plans, programmes and activities and in all other spheres of life; and Article 9, which states that 'States Parties shall take specific positive action to promote participatory governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures'.

South Africa

71. I continue to monitor with concern the level of alleged violence against women in South Africa that continues unabated. Despite the country having robust legal frameworks and excellent justice mechanisms, the situation of violence against women and femicide remains dire. The South African Police Service announced that in the period between October and December 2022, cases of rape increased by 9.8% and attempted sexual offences were up by 45.6%. [<https://www.gov.za/speeches/minister-bheki-cele-quarter-crime-statistic...>] This is alarming, especially at a time when we are fighting for downward trends in rape and other violence against women. I encouragingly note however, that the Republic of South Africa has enacted the Criminal Law (Forensic Procedures) Amendment Act 8 of 2022, which will go a long way to assist in identifying the DNA of offenders and hopefully remove serial rapists off the streets.

South Sudan

72. The Mechanism of the SRRWA and the Commission as a whole, welcome and commend the Republic of South Sudan for acceding to a number of international human rights treaties during the intersession. In particular, the accession to the Maputo Protocol is a welcome step towards the protection of the rights of women in the country. In addition, South Sudan acceded to the International Covenant on Civil and Political Rights, the International Covenant on Economic Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities, and its Optional Protocol. These commitments are indeed commendable.

Sudan

73. The Mechanism is deeply concerned about the continued violations of women in the Sudan. On 17 November 2022, security forces allegedly threw a 24-year-old woman protester from a bridge in central Khartoum. [<https://ishr.ch/latest-updates/sudan-stop-escalation-of-violence-against...>] She sustained serious injuries which required 4 surgeries to her spine. In addition, various women's rights defenders are reported to have been illegally persecuted, beaten and teargassed, as well as smear campaigns against women journalists to discredit them. Zubaida Eisa, a 30-year-old woman teacher and farmer, was allegedly killed by armed militias in Kadugli Nuba Mountains/South Kordofan on 20 November 2022. According to reports, she was attempting to defend herself and another female farmer from the armed men who were trying to rape her.

Ratification and Implementation of the Maputo Protocol

74. As already indicated, South Sudan has recently acceded to the Maputo Protocol and shown commitment towards the protection of women's rights in the country. It is also encouraging to note that Zambia, whose report is being considered in this Session has included a Part B to its State Report which indicates the measures it has taken to implement the provisions of the Protocol. Most commendable is the fact that Zambia in its reporting, complied with the Commission's State Reporting Guidelines under the Maputo Protocol.

PART FIVE: RECOMMENDATIONS AND CONCLUSION

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

To the Government of Burkina Faso

- I strongly urge the Government of Burkina Faso to put in place stronger measures to protect women and girls in the context of the conflict; and

•Additionally, I urge the Government to fully investigate the reported cases, and bring perpetrators to book in a manner that is deterrent to other would-be perpetrators.

To the Government of Malawi

- I recommend that the Government of Malawi investigate and take necessary steps to alleviate the plight of migrant Malawian women in the Middle East countries for employment opportunities, and to put in place measures to stem the flow of would be illegal migration to such countries;
- The Government should strengthen its anti-human trafficking laws; and
- In addition, the Government should increase economic opportunities for women within the countries so that they do not become vulnerable to exploitative working environments.

To the Government of The Sudan

- I urge the Government of Sudan to investigate the allegations of assault, persecution and harassment of women human rights defenders; and
- In particular, I urge the Government to ensure that its Agents, refrain from participating in the persecution, and bring to book all the State Agents involved in such violations.

To the Government of South Africa

- I urge the Government of South Africa to put in place measures to address the social causes of violence against women, and to strengthen strategies to address its pervasiveness in the country, including strengthening of the justice system.

CONCLUSION

76.Despite the existence of global and regional human rights instruments, African women continue to face a wide range of human rights violations, reinforced by patriarchal attitudes and stereotypes. Against this backdrop, the adoption of the Maputo Protocol, with the inclusion of progressive and innovative provisions, serves as a silver bullet, to address the unique challenges African women continue to cope with. This year, 2023, marks the 20th Anniversary of the Maputo Protocol, raising questions about the progress made in the protection of women's rights within this time period and the renewed commitment of African Governments.

77.It should be noted that the adoption of the Protocol by itself does not bring any change to the lives of African women, unless it is ratified, domesticated and implemented by Member States of the AU. So far, 44 countries have ratified the Maputo Protocol and some have submitted Periodic Reports under the Protocol. I would like to commend these countries for breathing life into the Protocol and contributing to the continental effort of creating an Africa where women's rights are respected to the fullest.

78.On the other hand, a few countries, such as Botswana, Burundi, the Central African Republic, Chad, Eritrea, Egypt, Madagascar, Morocco, Niger, Somalia, and Sudan, are yet to ratify the Maputo Protocol. I, therefore, encourage these States to ratify the Protocol, so as to allow women benefit from its progressive provisions, thus contributing to the ultimate aim of universal ratification and joining the escalating continental movement towards gender equality.

79.The mechanism of the SRRWA continues to strive to fulfill its mandates and optimise the underlying rationales for its establishment. Although the SRRWA is always at the forefront of its activities, aimed at promoting and protecting women's rights, the support from Partner Organisations plays a vital role in making those activities a reality. Therefore, I would like to use this opportunity to thank Partner Organisations for their financial and technical support to the mandate of the SRRWA over the years.

