

**ACHPR/Res.283 (LV) 2014: Resolution on the Situation of Women and Children in Armed Conflict**

*The African Commission on Human and Peoples' Rights (the Commission), meeting at its 55<sup>th</sup> Ordinary Session held in Luanda, Republic of Angola, from 28 April to 12 May 2014*

*Recalling* its mandate to promote and protect human and peoples' rights in Africa under the African Charter on Human and Peoples' Rights (the African Charter);

*Further recalling* the United Nations Security Council Resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013) and 2122 (2013) on Women, Peace and Security which collectively aim to address *inter alia*, sexual violence in cases of conflict and impunity;

*Recalling* the prohibition of violence against women and women's rights to dignity, life, integrity, security and freedom from discrimination under the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol), in particular Articles 2, 3, 4, 5 and 11; as well as the right of access to justice and to equal protection of the law, under Article 8 of the same Protocol;

*Further recalling* the rights of children to life, survival, protection and development; as well as their rights to be protected from torture, discrimination, sexual abuse and particularly in situations of armed conflict, guaranteed under the African Charter on the Rights and Welfare of the Child, in particular Articles 3, 4, 5, 16, 22 and 27;

*Reaffirming* its Resolution ACHPR/Res.103 (XXXX) 06 of 29 November 2006 on the Situation of Women in the Democratic Republic of Congo and Resolution ACHPR/Res.111 (XXXII)07 of 28 November 2007 on the Right to Remedy and Reparation for Women and Girls Victims of Sexual Violence;

*Recalling* its Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, in particular the provisions calling upon States to ensure that they respect equality of women and their dignity and the right not to be subjected to cruel, inhuman or degrading treatment or punishment;

*Deeply concerned* that multiple forms of human rights violations continue to take place in the context of armed conflict on the continent, in particular sexual and gender-based violence such as rape, sexual slavery, and sexual mutilations of women and children, mostly used as a tactic of war;

*Concerned* that crimes of sexual violence are often defined as “crimes against morality or honour”, rather than against the victim’s bodily integrity and that perpetrators may receive more lenient penalties if they are perceived to act to protect “honour”, and sometimes go unpunished;

*Deploring* the impunity enjoyed by the perpetrators of crimes of sexual and gender- based violence;

*Concerned* that laws aimed at protecting women and children from violence are insufficient, discriminatory or non-existent and that legal definitions of crimes of sexual and gender-based violence are inadequate, especially in conflict situations;

### **The Commission:**

1. **Calls on** Member States to:
  - **Condemn and prevent** violence against women and children in conflict and post-conflict situations, and ensure that survivors receive adequate support, affordable and accessible health-care services, including sexual and reproductive health;
  - **Adopt** legislative, administrative, social and other measures to prevent and eradicate all forms of violence against women and children in conflict situations;
  - **Conduct** independent and effective investigations into all crimes of sexual and gender-based violence, and prosecute and punish perpetrators to end impunity;
  - **Provide** adequate training on investigating and prosecuting crimes of sexual and gender-based violence to personnel in the criminal justice system (police, forensic examiners, prosecutors, lawyers, judges);
  - **Guarantee** the right to just and equitable reparation to victims in all forms (restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition) and address the consequences of violence against women and children in a comprehensive manner;

- **Ensure** the rehabilitation of victims of sexual and gender-based violence, and their involvement throughout the post-conflict peacebuilding and consolidation processes;
- **Ensure** implementation of the Commission's Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa;
- **Harmonize** abortion laws with the Maputo Protocol to include access to safe abortion in cases of rape, incest and sexual assault;
- **Ratify** and ensure the effective implementation of the African Charter on the Rights and Welfare of the Child, the Maputo Protocol, the Convention on the Elimination of All Forms of Discrimination against Women, as well as other regional and international human rights instruments that protect women's and children's rights.

## **2. Decides to:**

- Initiate a study on the impact of armed conflicts on the rights of women and children in Africa;
- Mandate the Special Rapporteur on the Rights of Women in Africa and the Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced Persons in Africa to conduct the study, the report of which will be submitted at the 57<sup>th</sup> Ordinary Session of the Commission; and
- Request the African Committee of Experts on the Rights and Welfare of the Child to support the study.

**Adopted at the 55<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights held in Luanda, Angola, from 28 April to 12 May 2014**