

ACHPR/Res.365(EXT.OS/XX1)2017: Resolution on Developing Guidelines on Combatting Sexual Violence and its Consequences

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 21st Extraordinary Session held from 23 February to 4 March 2017 in Banjul, Republic of The Gambia;

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);

Recalling its Resolution ACHPR/Res.38 (XXXVIII) 99, adopted at its 25th Ordinary Session, held from 26 April to 5 May 1999 in Bujumbura, Burundi, on the establishment of a Special Mechanism on the Rights of Women in Africa;

Recalling the adoption and entry into force of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa; in particular Articles 4, 5 and 14, which prohibits all forms of violence and harmful practices against women and promotes the reproductive health rights of women;

Further recalling Resolutions ACHPR/Res.111 (XXXII) 07 on the Right to a Remedy and Reparation for Women and Girls as Victims of Sexual Violence, ACHPR/Res.284 (LV) 14 on the Suppression of Sexual Violence against Women in the Democratic Republic of Congo; ACHPR/Res.288 (XVI) 14 Condemning the Perpetrators of Sexual Assault and Violence in the Arab Republic of Egypt; the Joint Statement by the UN Human Rights Experts, the Rapporteur on the Right of Women of the Inter- American Commission on Human and Peoples' Rights and the Special Rapporteurs on the Rights of Women and Human Rights Defenders of the Commission on women's sexual and reproductive health rights; and the Joint Press Release by the Commission's Focal Point for the Study on Human Rights in Conflict Situations and its Special Rapporteur on the Rights of Women in Africa, expressing its condemnation of all forms of sexual violence in conflict as grave violations of human and peoples' rights;

Concerned that sexual violence remains widespread throughout Africa, in peacetime as well as in wartime, and that the perpetrators enjoy impunity, which contributes to the repetition of those crimes;

Further concerned that these victims suffer very serious and long-lasting consequences, such as unwanted pregnancies, gynaecological complications, sexually transmitted diseases, and social stigmatization; that victims struggle to get access to the necessary medical and psycho-

social services, live in fear of reprisals and most are denied their right to truth, justice and reparation;

Recognising the need to fight sexual violence through concrete measures aimed at preventing these violations, bringing the perpetrators to justice and protecting and supporting the survivors, in compliance with States' obligations under regional and international human rights instruments;

Further recognising the lack of adequate national laws for States to address the sexual violence and its consequences particularly at the regional level;

Considering the need to prepare guidelines to address the fight against sexual violence and its consequences;

The Commission:

1. welcomes the initiative by the Special Rapporteur on Rights on Women in Africa to develop a set of Guidelines to combat Sexual Violence and its consequences; and
2. decides that the Guidelines be presented to the Commission for v consideration and adoption within a year.

Done in Banjul, Republic of the Gambia, on 4 March 2017.