

Thematic Recommendation (NGO/TREC/00 -05-09) on the Situation of Women and Girls in Africa

We participants of the Forum of NGOs in the 45th Ordinary Session of The African Commission on Human and Peoples' Rights and the 19th African Human Rights Book Fair, held at the Kairaba Beach Hotel in Banjul, The Gambia from 9-11 May, 2009-05-11

Recognising the various violations to women's human rights in Africa

Reaffirming women's equality in protection, freedom of expression as well as all other rights included in international, regional instruments

Considering that the African Women's Protocol has entered into force and has been ratified by only 27 states to date

Futhermore, not all states that have ratified have started the domestication and implementation process

Concerned with the violence which women are subjected to such as: rape, sexual exploitation, harassment, particularly in situations of armed conflict

Reaffirming women's equality in protection, security, freedom of expression, assembly and political participation in sub-regional, regional and international agreements

Recall articles 3 and 9 of the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa which require states parties to adopt and implement appropriate measures to ensure the protection of every woman's right to respect her dignity and protection of women from all forms of violence, particularly sexual and verbal violence; guarantees women the right to participate in the political and decision-making process including taking specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures.

Taking note that the Universal Declaration of Human Rights in articles **5, 8, 9, 11, 19 and 20 completely forbid** torture or cruel, inhuman or degrading treatment or punishment of anyone; guarantees everyone including women, the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights ; forbids arbitrary arrest, detention or exile; guarantees everyone the right to freedom of opinion, expression, assembly and association

Hereby recommend that

1. Civil society organisations mobilise governments to

- submit reports on the SDGEA;
- support for the African women's decade 2010-2020;
- support the Violence Against Women campaign;
- collaborate in the search for funds for campaign and the popularisation of the SDGEA and VAW;

2. The African Commission urge States to

1. Adopt the good practice of protocols at sub-regional level like the SADC protocol on gender and development;
2. Adopt holistic approaches to empower women by developing informal ways to reach those who have access to grassroots such as Imams, trade union leaders and other gatekeepers;
3. Incorporate HR education into school curricula and de-mystify religious notions that contradict and impact on women's rights;
4. Formulate budgets to incorporate support the work of CSO's on popularisation of the protocol;
5. Enforce joint reporting of state and CSOs on thematic issues;
6. Encourage men to actively engage in the gender and violence against women debate and to urge them to campaign for women's rights within initiation, schools and around issues of circumcision;
7. Dedicate one AU Summit to the Decade for African Women's Rights;
8. Pay special attention to the specific risk and violations faced by female Human Rights Defenders;

3. The Special Rapporteur on the Rights of Women in Africa to

1. set up a special taskforce to look into the situation of women and girls in regards to HIV and AIDS;
2. investigate issues relating to women prisoners in Guinea Conakry with particular reference to possible creation of separate cells for women prisoners; sexual violence against women; overcrowding and on women in prisons ostracised from their communities; women living with children from prison; and rape in prison;
3. raise concern and attention about the situation of women in Sudan urging the AU to protect women inside and outside camps;
4. urge the Sudanese government to recall all international essential aid services providing health services, particularly reproductive health and food security, that have been expelled by the current government.

Done in Banjul

11/05-09

Thematic Recommendation (NGO/TREc/005-05-09) on the Situation of Children's Rights in Africa

We, participants to the Forum on the Participation of NGOs in the 45th Ordinary Session of the African Commission on Human and Peoples' Rights held at the Kairaba Beach Hotel in Banjul, The Gambia from 9-11 May, 2009

Recalling the African Charter on the Rights and Welfare of the Child, The African Charter on Human and Peoples' Rights, the Protocol to the African Charter on the Rights of Women in Africa, the Solemn Declaration on Gender Equality in Africa, the AU Declaration on an Africa fit for Children among many treaties and declarations

Considering the Resolutions of the African Commission on the Right to a Remedy and Reparation for Women and Girls Victim of Sexual Violence made during the 42nd Ordinary Session; and on the situation of Women and Children in Africa

Concerned about the increasing vulnerability of millions of children on the African continent due to poverty and its acute impact on the children, their families and society as a whole and the insufficient political will to protect them

Noting that to effectively address children's rights issues on the continent, diverse, wide reaching and strong partnerships are required

Hereby recommend that the African Commission to

- **Work** effectively with the media to circulate information on children, and also circulate information on the work of the various national child networks
- **Multiply** its collaborative efforts with the African Committee of Experts on the Rights and Welfare of the Child by :
 - Establishing a formal relationship with the African Committee of Experts on the Rights and Welfare of the Child (ACERWC)
 - Designating a Focal Point on the Rights of Children in Africa, who would be the main contact point between the two treaty bodies;
 - Attending the Committee's sessions;
- **Address** the issue of children's rights in a cross-cutting manner through its own mechanisms by:
 - Carrying out joint missions with ACERWC members in the implementation of the mandates of Special Rapporteurs, during promotional and investigative missions;
 - Sharing information on children's rights stemming from the consideration of state party reports, with the ACERWC;
 - Taking into account progress of State implementation of other child rights/human rights treaties while examining state reports;
 - Making children's rights a cross- cutting theme in the special mechanisms of the Commission;

- **Accord** high priority to the Call for Accelerated Action and the Plan of Action on Africa Fit for Children on its agenda and work in collaboration with the African Committee of Experts on the Rights and Welfare of the Child and the Department of Social Affairs in implementing these commitments.
- **Permit** child rights defenders to visit detention centres and observe trials involving children.

Further call on the African Commission to urge Member States to

- **stop** the use of child soldiers and to ensure that children are protected in conflict situations and never used shields in war.
- **ensure** Pro-Child budgets that prioritise issues concerning children.
- **encourage** the nine African Governments that have not ratified the African Charter on the Rights and Welfare of the Child to do so immediately
- **establish** special mechanism, structures and policies within the context of UN Security Council Resolution 1325 of Women Peace and Security.
- **implement** the STOCHOLM AGENDA on Commercial Sexual Exploitation of Children and the Agreed Conclusions of the World Congress 111, Rio De Janeiro 2008, on Commercial Exploitation of Children (CSEC).
- **give** recognition to EU provisions of the UN Convention on the Rights of Persons with Disabilities by ensuring Children with Disabilities are given special recognition and protection within all thematic areas.
- **Ensure** children are at the lowest possible risk of morbidity and mortality, including Mother to Child Transmission of HIV, by providing highest possible level of health and counselling services.
- **Ensure** the right of the child to optimal health, nutrition and care including enactment and enforcement of a national code of marketing of breastmilk substitutes, particularly with regard to current global economic crisis and risk of food insecurity.
- **Ensure** that Children's right to health is assured through access to *ethical* public private interaction (PPI) .programmes on food, nutrition, child's health and development.

Done in Banjul
11/05/09