

INTER-SESSION REPORT

By

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Human and Peoples' Rights**

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This report is presented in accordance with the provisions of the Rules of Procedure of the African Commission on Human and Peoples' Rights (ACHPR). It covers the promotion activities undertaken since the 56th Ordinary Session held in Banjul, The Gambia, from 21 April to 7 May 2015.

The report includes the activities undertaken in my capacity as:

1. Commissioner;
2. Special Rapporteur on the Rights of Women in Africa.

I - Activities undertaken as Commissioner

1. 27/28 July, Nairobi

I took part in the statutory meeting between the ACHPR and the African Court during which the two institutions discussed issues of common interest and the various programmes and agendas in progress, in particular the transfer of communications, preparations for the commemoration of 2016 which has been declared African Year of Human Rights with Particular Focus on the Rights of Women, and the issue of legal aid.

2. 29 July to 7 August, Nairobi

I participated in the 18th Extraordinary Session of the African Commission during which the Commission adopted important decisions on Communications, including on seizure, admissibility and merits. Country resolutions and publications were also adopted.

II Activities undertaken as Special Rapporteur on the Rights of Women in Africa

A- Collaboration of the Mechanism with States Parties

Concerning Collaboration with States Parties

3. - 25 - 31 May 2015: Promotion Mission to Djibouti

Regarding the mechanism on the rights of women, I participated in a joint human rights promotion mission in Djibouti, with the Chairperson and Commissioner in charge of the country, and Commissioner Maya Sahli Fadel, in her capacity as Special Rapporteur on Refugees.

4. - Several meetings were held with government authorities, including the Prime Minister, the Minister of Justice and the Minister of Family Affairs, as well as with representatives of UN agencies, the National Human Rights Commission, NGOs and the media.

5. – During the meetings, the delegation held frank and fruitful discussions on the general human rights situation, the challenges faced in the country, in particular with regard to the thorny issue of the reception and treatment of refugees, the persistence of traditional practices that are harmful to the health of women and girls, as well as the coexistence of several legal standards that do not take into account all the obligations of the State in the area of equality and non-discrimination.

6. - A detailed Report including recommendations to the State Party and to other stakeholders will be submitted to the Commission at its private session for adoption.

7. - 15 - 23 July: Promotion mission to Cape Verde

With Commissioner Reine Alapini Gansou, Commissioner responsible for the promotion of humans rights in the country, we undertook a joint human rights promotion mission in Praia. The

delegation held discussions with government authorities and other stakeholders involved in the protection of human rights in the country, and was pleased with the progress made in the area of human rights promotion, in particular with regard to the high level of women's representation in decision-making institutions – including in politics and in the administration, women's empowerment and the progress made to reduce maternal and child mortality.

8. - A detailed report with the appropriate recommendations addressed to all stakeholders will be presented to the Commission for adoption.

B - Seminars/workshops and meetings with civil society organizations, agencies and other partners involved in the promotion of women's rights

9. GIMAC, 8 and 9 June 2015

I participated in the 26th Pre-Summit Consultative Meeting on Gender Mainstreaming in the African Union (AU), held before the AU Summit in Johannesburg, South Africa. The Consultative Meeting was attended by African civil society organizations, African and international networks on Gender Mainstreaming in the AU and States Parties to the Maputo Protocol.

10. - UNAIDS and the Office of the Chairperson of the African Union Commission (AUC) held a meeting of experts and launched an advocacy document entitled: “*Empowerment of young women and teenage girls: swiftly stamp out AIDS in Africa*”. This advocacy paper contains messages relating to young women and teenage girls in the context of gender equality and highlights the urgent need to put an end to the AIDS epidemic in Africa by 2030.

11. - On this occasion, I made a presentation entitled “*the African Commission on Human and Peoples' Rights and its efforts towards the empowerment of young women and teenage girls in the fight*”

against HIV/AIDS". The presentation laid emphasis on the vulnerability of women to the pandemic due to sexual violence, harmful cultural practices such as female genital mutilation, forced sexual relations, early and forced marriages, poverty, illiteracy, social and geographical mobility, conflicts, as well as the societies' poor understanding and misinterpretation of gender.

12. -I reported on the work done by the Committee on the Protection of People Living with HIV (PLWHIV) and Those at Risk, Vulnerable to and Affected by HIV as part of its mandate. Participants in the meeting of experts made recommendations regarding, in particular, the continental ratification of the Maputo Protocol as the key legal instrument for the protection of the rights of women and girls in Africa and its effective implementation by States.

13. - I also presented the General Comment on Article 14 (1) (d) and (e), General Comment No. 2 recently launched on Article 14.1 (1) (a), (b), (c) and (f) and on Article 14 (2) (a) and (c) of the Maputo Protocol. Participants had to work closely with all the national, regional and international actors to accelerate the responses to sexual and reproductive health by promoting investments and accountability among national and international partners.

14. *“Year of Women's Empowerment and Development towards Africa's Agenda 2063: The follow-up” and the “2nd AU High Level Panel on Gender Equality and Women’s Empowerment and Financial Inclusion*

15 - These activities undertaken between 9 and 12 June 2015 recognized women’s central role in national development. The discussions held during the meeting led to the formulation of strong recommendations to AU Heads of State and Government to place gender at the centre of their development agenda; adopt policy guidelines for decision-makers on the important role of women in development notably in the agricultural processing industry, the cultural value chain, food security and nutrition; create and develop mechanisms guaranteeing women's access to financing; promote the

development of their financial and entrepreneurial skills; implement women's right to access and control of property; intensify initiatives aimed at creating an environment conducive for agricultural processing industries.

16. 10 June 2015, South Africa: Amnesty International “Sexual and Reproductive Rights and Gender Equality”

Amnesty International organized a discussion panel to “recall the need for AU Member States to fulfil their obligations of promoting, protecting and enforcing sexual and reproductive rights and ensure that these rights impact on the Agenda of the Summit”.

17. I made a presentation on Article 14 of the Maputo Protocol which guarantees sexual and reproductive rights while insisting on its importance in the protection of the physical integrity and lives of women and teenage girls. I highlighted the fact that, unfortunately, men are seldom involved in discussions on sexual and reproductive rights. I further pointed out that domestic laws which protect the reproductive rights of women, in several countries, still contain provisions on discrimination and that in general few laws are implemented to effectively ensure the fulfilment of gender equality.

18. I underscored the challenges faced by African women on the continent, with regard to the enjoyment of their sexual and reproductive rights, particularly the shortage and lack of equipment, the distance of health centres as well as the cost of health care and drugs as constituting obstacles to the reduction of maternal and child mortality.

19. I also urged Member States to include sufficient financial resources in their national budgets in order to promote greater access by women to information and family planning: integrate safe abortion services in the national health care systems, in accordance with the conditions set out in Article 14 of the Maputo Protocol, in particular when the pregnancy is the result of incest, rape, or when it endangers the health or life of the mother or the foetus.

20. Participants made recommendations on the need to raise to 18 years the legal age for the marriage of girls and boys; the education of both girls and boys on sexual and reproductive rights; the submission by State Parties of Periodic Reports, pursuant to the Maputo Protocol, indicating steps taken to implement sexual and reproductive rights.

21. 11 June 2015: Regional Discussion on “women, peace and security”

HURISA and the Foundation for Human Rights, two South African NGOs, jointly organized an activity chaired by Commissioner Pansy Tlakula. Participants came from across Africa to discuss the issue of women's safety on the basis of regional and international instruments designed to protect them in times of conflict, particularly UN Security Council Resolution 1325.

22 My presentation was centred on the impact of conflict on the fundamental rights of women and the relevance of instruments such as Resolution 1325 and the Maputo Protocol which provide that women have equal access to peace and security. I underscored women's extreme vulnerability in times of conflict, exacerbated in most of the affected zones, by the weak legal system, corruption and unresolved socio-political and economic issues.

23. I further highlighted the need to popularise the instruments for the promotion and protection of women's rights as well as the mechanisms of the African human rights system. Articles 11 and 12 of the Maputo Protocol as well as UN Resolution 1325 highlight the important role that women could play in conflict resolution by contributing to reconciliation and post-conflict reconstruction.

24. I pointed out that the desperate plight of women is still clearly present since they continue to represent the largest group of refugees and displaced persons.

25. In this regard, I recommended that HURISA include in their work, the dissemination of the Maputo Protocol, to enable recipients to exert

pressure on Member States to get them to understand and report on their obligations with regard to the effective implementation of this instrument.

26. Participants made other recommendations, notably: the need for greater political will; representation of women in the security sector; training of women mediators; inclusion of women in peace negotiations and agreements; development of new gender mainstreaming strategies on security issues.

27. 13 June 2015, South Africa: Consultative dialogue with civil society organizations on the African Union Campaign to End Child Marriage

I participated in a workshop organized by the AUC and World YWCA. The importance of the continental campaign to end child marriage was recognized and participants agreed that the early marriage phenomenon should not be considered separately but as one of the causes of persistent discrimination against women and girls. Recommendations were made on the need to harmonise laws with the Maputo Protocol; provide adequate resources to strengthen programmes for the sensitization and training of legal practitioners and community and religious leaders on women's rights.

28. 19 and 20 October 2015, Nairobi: Meeting of Experts on the Draft Joint General Observations on Child Marriage

As Special Rapporteur on the Rights of Women in Africa, I took part in a meeting of experts convened to finalise the draft General Comment on Article 6 (b) of the Maputo Protocol and on Article 21 (2) of the African Charter on the Rights and Welfare of the Child.

29. The meeting was jointly organized by my special mechanism, the Pretoria Centre for Human Rights, the Office of Equality Now in Nairobi, Solidarity for African Women's Rights (SOAWR) Coalition,

and the Committee of Experts on the Rights and Welfare of the Child (the Committee).

30. Participants at the meeting included members of the above-mentioned organizations, in particular Commissioners, Members of the Committee; institutions working on the rights of the child and the independent expert-consultants on child marriage. Participants considered the first draft of the General Comment aimed at preventing and combating child marriage.

31. Following the discussions, participants made relevant contributions to the draft under consideration and agreed on the need to organise other meetings so as to finalise the document for consideration and adoption by the African Commission and the Committee of Experts.

32. 26/27 October 2015, Kampala: Activities commemorating the 10th anniversary of the East and Horn of Africa Human Rights Defenders Project

The celebration included several activities and was attended by many personalities, network representatives, technical and financial partners and human rights activists of Africa.

33. During the discussions, participants noted that the contribution and work of women human rights defenders were not sufficiently recognised and that they were still confronted with challenges because they lack special protection. Several avenues were however identified for reflection to achieve greater synergy with human rights networks and government services.

34. Recommendations were made to the ACHPR to remind States Parties about their obligations regarding the effective implementation of the Maputo Protocol.

E. Notes Verbales /Reminder letters to States Parties

35. Notes Verbales were sent to the Governments of Rwanda, Congo, Equatorial Guinea and Mozambique to authorize promotion missions. I would like to thank Mozambique and Rwanda for responding favourably.

36. As in the past, reminder letters were sent to States that have not yet ratified the Maputo Protocol.

37. It should be noted that to date 38 States have ratified the Protocol and that only Malawi has presented its initial report on the implementation of this instrument taking into account the Commissions' reporting guidelines. I urge the other 37 States to follow Malawi's example to enable us to appreciate the progress made as well as the persistent challenges faced in the protection of women's rights at the local and national level.

Drafting of documents

38. During the intersession, we continued to work on the General Comment on Article 6 of the Maputo Protocol relating to marriage.

39. The Mechanism also worked with civil society organizations on a project to prepare general comment on women's access to land and productive resources, which will be presented to the African Commission for consideration at this Session.

Conclusion and Recommendations

40. Since the last Ordinary Session, several major events have taken place at the national, regional and international levels involving State actors, technical and financial partners, NGOs and women's associations, regarding emerging issues and challenges faced by African girls and women, and which are likely to affect them.

41. African Union Member States reported to the African Union Summit about their efforts to strengthen the economic empowerment of women. I am pleased to note the several relevant programmes that are ongoing in many countries and encourage States and technical partners to mobilise greater financial resources, that meet the needs of women, and in particular those living in countries in conflict and post-conflict situations.

42. - At the International level, the United Nations' evaluation of the implementation of Security Council Resolution 1325 on "Women Peace and Security" **on 12 October 2015 in New York**, led to renewed commitments, according to the official report of the discussions. Indeed, UN-WOMEN pointed out that United Nations Member States are expected to come up with concrete plans to accelerate the implementation of Resolution 1325, including new funding for legal reforms, investments to promote women's leadership within the framework of peace consolidation and recovery operations, and a greater protection of women's rights in situations of conflict.

43. - The specific measures announced include the creation of a "global acceleration instrument", a special fund which can rapidly disburse financial assistance for those working to support Women, Peace and Security.

44. - A donors' conference is scheduled in early 2016 to raise funds for this new mechanism.

Recommendations

A - To the African Union:

- Urge Member States that have not yet done so, to ratify and/or accelerate the ratification of the Maputo Protocol;
- Encourage Member States that have ratified the Protocol to implement it and submit as soon as possible, their periodic reports before the African Commission, taking into account the Guidelines adopted in that regard;
- Moreover, urge countries that have not yet done so to submit their annual report on the progress made in mainstreaming gender in policies and programmes, in accordance with paragraph 12 of the African Union Solemn Declaration on Gender Equality in Africa.
- Encourage States to include women in Commissions for negotiations and dialogue as well as in sensitisation campaigns to encourage the restoration of peace and security in conflict-affected countries.

B- To Member States

- Accelerate the implementation of the Solemn Declaration on Gender Equality in Africa; the ratification and implementation of the Maputo Protocol for those that have not yet done so.
- Adopt national laws and action plans on United Nations Security Council Resolution 1325 in order to put an end to violence against women and girls, and allocate financial resources required for the implementation of conflict prevention programmes and activities.

- Strengthen peace building initiatives on the continent, by fully involving women on an equal basis, in conflict resolution processes.

- Take concrete measures to promote and accelerate women's access to land, and invest massively in innovation, science and technology in order to increase agricultural production and improve the economic condition of women.

- Adopt a human rights approach and incorporate gender equality and women's empowerment in all the objectives of the Common African Position on the Post-2015 Development Programme, while referring to the Maputo Protocol and all other relevant legal instruments.

- Ensure the effective protection of women and girls against all forms of gender-based discrimination and sexual violence as well as the institution of effective humanitarian intervention mechanisms that guarantee proper social assistance and an accessible and operational legal remedy.