INTER-SESSION ACTIVITY REPORT

(May -October 2016)

OF

HON. COMMISSIONER LUCY ASUAGBOR

Special Rapporteur on the Rights of Women in Africa

Member of the Committee for the Prevention of Torture in Africa

Chairperson of the Working Group on Communications

Presented to the 59th Ordinary Session of the African Commission on Human and Peoples’ Rights

INTRODUCTION

1. In keeping with Rules 23.3 and 72 of the Rules of Procedure of the African Commission on Human and Peoples’ Rights (the Commission) and in accordance with its Resolution ACHPR/res.38 (XXV) 99 of 5 May 1999, I present this Report in my capacities: as a Member of the Commission; as the Special Rapporteur on the Rights of Women in Africa; as a Member of the Committee for the Prevention of Torture in Africa (CPTA), and as the Chairperson of the Working Group on Communications (WGC).

2. The Report, which is presented in four parts, covers activities carried out in the period between the 58th Ordinary Session, and this 59th Ordinary Session: Part one covers my activities as Commissioner; Part two, as Special Rapporteur on the Rights of Women in Africa; Part three will discuss my activities as a Member of the CPTA, and Part four, activities as the Chairperson of the WGC. I will conclude my Report with recommendations related to the rights of women in Africa.

PART ONE: ACTIVITIES AS COMMISSIONER

A. 20th Extra-Ordinary Session

3. I participated in the 20th Extra-Ordinary Session of the Commission which took place in Banjul, The Islamic Republic of The Gambia from 9 to 18 June 2016, organised to consider outstanding and urgent issues such as Communications and urgent human rights issues of concern on the continent.

B. Sensitization Meeting on the African Court on Human and Peoples’ Rights and the African Commission on Human and Peoples’ Rights

4. On 30 June 2016, in Yaoundé, Cameroon, I attended the above Meeting organized by the Coalition for an Effective African Court on Human and Peoples’ Rights. I made presentations on the Mandate of the Commission; Communications Procedure; and the complementarity relationship between the Commission and the African Court.

C. AU Policy Organs’ Meetings

5. I participated in the Policy Organs’ Meetings which took place in Kigali, Rwanda, from 10 – 18 July 2016, as follows:

✓ The 32nd Ordinary Session of the Permanent Representatives Committee (PRC) – 10/12 July 2016;
The 29th Ordinary Session of the Executive Council – 13/14 July 2016; and
The 27th Ordinary Session of the Assembly of Heads of State and Government (the Assembly) – 17/18 July 2016.

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

A. Press Release on the International Day for the Elimination of Sexual Violence in Conflict

6. On 21 June 2016, together with Commissioner Solomon Ayele Dersso, in his capacity as Focal Point for the Study on Human Rights in Conflict Situations of the Commission, we issued a Press Release on the International day for Elimination of Sexual Violence in Conflict, where we condemned all forms of sexual violence in conflict as grave violations of human and peoples’ rights. The full content of the Press Statement is available on the link: Press Release on the International Day for the Elimination of Sexual Violence in Conflict / Press Releases / ACHPR.

B. Child Marriage Dialogue - Democratic Republic of Congo (DRC)

7. On 24 June 2016, the Special Rapporteur on the Rights of Women in Africa, in partnership with the Centre for Human Rights, University of Pretoria, organized a Child Marriage Dialogue in Kinshasa, DRC with relevant stakeholders working at the community level.

8. The Special Rapporteur, in addition to facilitating the Dialogue, made a presentation on “Child marriage in the DRC.” This presentation made reference to the prevalence of child marriage in the DRC, to the causes of child marriage and to the legal framework for child marriage in the country. In the ensuing discussions, the different stakeholders came up with a Plan of Action with recommendations and committed to implementing the recommendations therein.

C. Responses to inquiries from Dr. Dubravka Šimonović, UN Special Rapporteur on violence against women, its causes and consequences

9. On 27 June 2016, I responded to inquiries from Dr. Dubravka Šimonović regarding the adequacy of legal framework on violence against women (VAW) and whether there is need for a global VAW’s Treaty. My view was
that, instead of a global treaty on VAW, the most significant measures that need to be taken are those that will reverse the present narrative on state and perpetrator impunity in instances of VAW and turn it into a narrative of accountability. This can be done through the availability of legal avenues to hold perpetrators to account; complementarity mechanisms where justice for victims can be sought internationally particularly for gross or systemic violations; as well as an effective domestic criminal justice system.

10. I particularly noted that fostering cooperation among international and regional accountability mechanisms in identifying solutions at the global level will lead to the formulation of harmonious standards and measures that are cognizant of the nuances and complexities of VAW as well as the lived realities of victims from across the globe.

D. African Union pre-summit activities

3rd AU High Level Panel on Gender Equality and Women’s Empowerment

11. From 8 to 9 July 2016, in Kigali, Rwanda, I attended the 3rd AU High Level Panel on Gender Equality and Women’s Empowerment, organized by the African Union Commission (AUC)’s Women, Gender and Development Directorate in Kigali, Rwanda. I participated in the Round table on the “Contributions of Maputo Protocol on Women’s Rights in Achieving Gender Equality in Africa: From Maputo Protocol to Agenda 2063”. During the interactive discussions, I gave a brief snapshot of the Maputo Protocol particularly its more progressive provisions on discrimination against women, violence against women, harmful cultural practices, marriage & family, women’s health and reproductive rights and its articulation of a positive cultural context. I also gave a status update of the ratification and related reservations by States; domestication and implementation of the Protocol; State reporting and State obligations, and the trends so far and developments in reporting, amongst other things.

12. The High level Dialogue which was attended by AU Ministers responsible for Gender and Women’s Affairs, Heads of Organs, Civil Society Organizations and other Stakeholders, generally called on State Parties to the Maputo Protocol to comply with their obligations therein, and encouraged the 17 States that have not ratified, to ratify without delay. It also inter alia, urged all stakeholders to take an urgent stand of zero tolerance on violence against women; to adopt gender-sensitive planning and budgeting schemes, with a view to accelerating the implementation of the Maputo Protocol; to prioritize
programmes and activities in support of women’s right to peace; to involve Ministries of Gender in all affairs affecting the lives of women and girls; adopt a holistic approach to realizing girls’ rights to access, remain and complete their education; and initiate legislative and institutional reforms to support women’s ownership of land and land rights.

28th Gender is my Agenda (GIMAC) Civil Society Pre-Consultative Meeting

13. I participated in the above mentioned meeting from **10 to 11 July 2016** in Kigali, Rwanda under the theme: “Implementing Women’s Rights in Africa: If not now, when?” I participated in Session 3 of the Consultations which dealt with “Safeguarding sexual and reproductive health and rights in Africa- Can there be development in the absence of health access for women and girls?”

14. My presentation focused on women’s sexual and reproductive health as it relates to multiple human rights including the right to life, the right to be free from torture, the right to health, the right to privacy, the right to education and the prohibition of discrimination. I highlighted Article 14 of the Maputo Protocol which clearly indicates that women’s rights to health includes their sexual and reproductive health, and Article 26 of the Maputo Protocol which supposes an obligation on State Parties to take measures, legislative and others, for the full realization of this right. In the recommendations that emanated from the discussions, I called on States to ratify the Maputo Protocol where they have not; remove reservations including to Article 14 (2) (c); and domesticate the instrument; improving access to reproductive health services and provide comprehensive sexuality education; urged the use the data to prepare shadow reports to aid the Commission and other treaty monitoring bodies to make practical recommendations to Member States regarding sexual and reproductive health rights.

15. I also participated in the GIMAC launch of the first civil society monitoring Report, the Solemn Declaration Index (SDI) on the margins of the Consultations, which provides evidence-based monitoring of the progress of the Solemn Declaration on Gender Equality in Africa (SDGEA, 2004).

16. The GIMAC Consultations which were very interactive led to the following recommendations amongst others: Urged States to sign, ratify, domesticate and implement the Maputo Protocol in line with the 2015 and 2020 commitments, and to lift existing reservations; implement the SDGEA and to
report annually on progress; implement gender parity principles on political participation and ensure young women’s effective inclusion in policy dialogues; hold armed parties accountable for violence against innocent civilians in South Sudan and Burundi; institute laws where needed and strengthen judiciary processes to implement existing laws abolishing child marriage; promote gender-sensitive peace education in schools and develop referral, reporting, tracking and response guidelines to combat violence and provide access to quality and safe education for girls and young women; and encourage gender quotas to increase female representation in corporate boards and for women-owned businesses to secure public procurement contracts.

E. Contribution to a Publication on the State of Women’s Rights in Africa – Focus on Child Marriage

17. In August 2016, I was invited to contribute to the development of a Report/publication on the State of Women’s Rights in Africa-Focus on Child Marriage. My written contribution discussed Child Marriage and what it means to my mandate in practice, with particular reference to the Maputo Protocol. I highlighted the AU’s interventions towards ending child marriage in Africa and through my contribution, I had an opportunity to lend my expertise as well as showcase some of the work that the mandate has undertaken towards bringing an end to child marriage in Africa.

F. Foreword for Book on Gender Equality in Political Representation

G. First Meeting of the Honorary Champions of the Guidelines for combating sexual violence and its consequences

19. On **22 August 2016**, in Johannesburg, South Africa, I attended the above Meeting organized by FIDH and its member organization in South Africa, Lawyers for Human Rights, in collaboration with the Commission. The Guidelines will recommend the adoption of a range of concrete measures aiming at fighting against the consequences of sexual violence, in particular with regards to women and girls’ sexual and reproductive rights; repressing perpetrators and protecting and supporting the survivors, in compliance with States’ regional and international obligations.

H. Press Statement on Global Day of Action for Access to Safe and Legal Abortion


I. Statement commemorating the International day of Rural Women

21. On **15 October 2016**, I issued a Statement to commemorate the International Day of Rural Women, where I noted that rural women face particular problems on account of their rural context. Their life is characterised by hard labour whereas they rarely reap from this rigour on account of the fact that the burdens and sectors they find themselves engaging are non-monetised and their domestic contributions go unrecognised. I called on States to prioritise the equal treatment of rural women, ensure their equal access to control and use land resources towards promoting gender equality and improve women’s social, political and economic status. Details of the Statement on [http://www.achpr.org/news/2016/10/d261/](http://www.achpr.org/news/2016/10/d261/).

J. Press Statement on the Release of 21 Chibok girls in Nigeria

22. On **17 October 2016**, I issued a Press Statement on the above, where I commended the Government of Nigeria for its efforts that led to the release of the 21 girls who are part of the 276 school girls who were abducted by the militant Boko Haram at a boarding school in Chibok in April 2014. I also
appreciated the work of stakeholders such as the International Committee of the Red Cross and the Swiss Government for working indefatigably with the Nigerian Government in efforts and negotiations that lead to the release of the 21 girls who had been in captivity for more than two years. In however expressed concern on acts of violence committed by Boko Haram that have resulted in a trail of human rights violations inflicted on the people of Nigeria especially women and girls. Details of the Statement on [http://www.achpr.org/news/2016/07/d225/](http://www.achpr.org/news/2016/07/d225/).

K. NGO Forum


L. Consultation on the Guidelines on Combatting Sexual Violence


M. Other Activities

25. My Mechanism organized two Child Marriage Dialogues on **5 to 6 May 2016**, Pretoria, South Africa, and **28 to 29 September 2016** in Dakar, Senegal, respectively. These were organised in collaboration with the Gender Unit of the Centre for Human Rights.

26. The Dialogues were held in the context of supporting my mechanism towards the eradication of child marriage. The main objectives of the Dialogues are to bring together stakeholders working at the community level, including religious and community leaders, to discuss the different initiatives, the challenges faced and the different ways in which partnerships could be strengthened, amongst other things.

27. From **21-23 September 2016** in Nairobi, Kenya, my mandate in partnership with IPAS, organized the African Regional Sensitization Workshop on the Commission’s Campaign for the Decriminalization of Abortion in Africa. The Campaign falls within the framework of the Commission’s ongoing campaign to decriminalize abortion in Africa.
28. Unfortunately, I could not take part in any of the above Meetings due to circumstances beyond my control.

PART THREE: ACTIVITIES AS A MEMBER OF THE CPTA

A. Meeting between the Commission’s Committee for the Prevention of Torture in Africa and Members of the United Nations Sub-committee for the Prevention of Torture

29. On 5 September 2016, I attended the above-mentioned Meeting in Bristol, United Kingdom organised by the Human Rights Implementation Centre of the University of Bristol. The Meeting discussed the mandates and modes of operation of the two Institutions, and identified potential areas of collaboration, on the basis of short-term, mid-term and long-term initiatives.

PART FOUR: ACTIVITIES AS A CHAIRPERSON OF THE WGC

30. From 16 to 18 October 2016, in my capacity as Chairperson of the WGC, I attended the WGC Meeting convened to consider Communications on Seizure, Admissibility and other Communications-related matters.

CONCLUSION AND RECOMMENDATIONS

31. My conclusion and recommendations in this Report will focus on matters related to my mandate as the Special Rapporteur on the Rights of Women in Africa.

32. This year marks very important milestones in the continental and global women’s agenda for gender equality and women empowerment in Africa. Over the years, gains have been registered on the continent in the protection and promotion of women’s rights. Despite these gains however, a lot still needs to be done, as women in Africa nevertheless regularly suffer violations of their human rights throughout their lives. We therefore have to take stock of the achievements and challenges, and collectively seek solutions to deal with these challenges, as: “Women’s rights are our collective responsibility”.

33. Attaining equality between women and men by eliminating all forms of discrimination against women are fundamental human rights and values embedded in the African Charter and most especially, the Maputo Protocol which is the flagship document on women’s rights on our continent.

34. The African Charter prohibits discrimination in its Article 2, on any grounds, including sex, and Article 18 specifically mentions the obligation of African States to “ensure the elimination of every discrimination against women and
also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions”. The Maputo Protocol represents a milestone in the struggle to ensure the rights of women in Africa. However, despite protection afforded to women’s rights through international and regional instruments, women continue to face additional forms of discrimination based on their age, ethnicity, nationality, religion, health status, marital status, education, disability and socioeconomic status, among other grounds.

35. Apart from equality between men and women, women’s rights are abused through *inter alia*: violence against women; early marriages; traditional practices; lack of education etc.

36. States and other stakeholders play a crucial role in the promotion and protection of women’s rights in Africa. States, in particular, those that have ratified the Maputo Protocol are encouraged to honour their obligations therein by harmonising their domestic laws and enacting new laws that will safeguard women’s rights in their respective countries. In the same vein, States that have not ratified the Maputo Protocol, are urged to do so as soon as possible and adopt strategies to give effect to the provisions of the Protocol. More concretely, intersecting forms of discrimination against women must be taken into account when developing measures and responses to combat discrimination against women and ensure that all strategies are in line with the AU’s Agenda 2063.

37. Apart from the challenges directly affecting women, most, if not, all of which are caused by the non-implementation of the Maputo Protocol, another challenge besets State Reporting under the Maputo Protocol which at the moment is the general non-compliance of States to treaty reporting obligations including the African Charter. For instance, only about five countries have submitted Reports of their implementation of the Maputo Protocol since its adoption to the Commission.

38. States are therefore urged to adhere to the submission of Reports which is a well-articulated legal obligation under both the African Charter (Article 62) and the Maputo Protocol (Article 26).

39. From an advocacy and promotional perspective, there is the need to accelerate the popularization of the existing Commission’s Guidelines on State Reporting of the Maputo Protocol. These Guidelines simplify the reporting endeavor by providing States with a template. There exists some positive traction in this regard in that most of the first States to Report under the Maputo Protocol have all utilized the envisaged Guidelines.
40. Let me conclude my Report by expressing my gratitude to all Partners of the Mechanism of the Special Rapporteur on the Rights of Women in Africa, for the continued support and collaboration.