INTER-SESSION ACTIVITY REPORT

(May to October 2019)

OF

HON. COMMISSIONER LUCY ASUAGBOR

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➢ Member of the Committee on the Protection of the Rights of People Living with HIV and Those at Risk, Vulnerable to and Affected by HIV

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I. INTRODUCTION

1. In accordance with Rules 23.3 and 72 of the Rules of Procedure of the African Commission on Human and Peoples’ Rights (the Commission) and in line 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; the Special Rapporteur on the Rights of Women in Africa and a Member of the Committee on the Protection of the Rights of People Living with HIV and Those at Risk, Vulnerable to and Affected by HIV (CPLWHIV).

2. The Report, which is presented in six (6) parts, covers activities carried out in the period between the 64th and present 65th Ordinary Session: Part one covers my activities as Commissioner; Part two, as Special Rapporteur on the Rights of Women in Africa; Part three includes information on Press Statements published during the reporting period, Part four my activities as a Member of the CPLWHIV; Part five of the Report highlights recommendations in relation to my mandate and Part 6 my conclusions.
II. INTER-SESSIONAL ACTIVITIES

PART ONE: ACTIVITIES AS COMMISSIONER

26th Extra-Ordinary Session

3. I participated in the 26th Extra-Ordinary Session of the Commission which took place from 16 to 30 July 2019, in Banjul, The Gambia, organised to consider outstanding and urgent issues such as Communications and urgent human rights issues of concern on the continent.

12th Meeting of the Bureaux & 8th Annual Joint Meeting of the Commission & the African Court on Human and Peoples’ Rights

4. From 17 to 18 October 2019, I attended the 12th Meeting of the Bureaux and the 8th Annual Joint Meeting of the Commission and the African Court on Human and Peoples’ Rights (the Court), which took place in Banjul, The Gambia. The Meeting was organised to discuss issues within its complementarity mandates.

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

A. Sixth Meeting of the Platform of International and Regional Mechanisms on Violence against Women and Women’s Rights & Conference on “Women’s Rights at the Crossroads: Strengthening International Co-operation to close the gap between Legal Frameworks and their Implementation

5. On 24 May 2019, I was invited by the United Nations Special Rapporteur on Violence against Women to participate in the Sixth Meeting of the Platform of International and Regional Mechanisms
on Violence against Women and Women’s Rights, which took place in Strasbourg, France. The Meeting was organized to explore strategies to institutionalize the platform and discuss common emerging issues.

6. On 25 May 2019, I participate in a Conference on “Women’s Rights at the Crossroads: Strengthening International Co-operation to close the gap between Legal Frameworks and their Implementation”, which took place in Strasbourg, France. The Conference was organised by the Council of Europe in collaboration with the UN Special Rapporteur on Violence against Women, its Causes and Consequences, and under the auspices of the French Presidency of the Committee of Ministers of the Council of Europe.

7. The objective of the conference was to identify the key challenges in eliminating all forms of violence against women and bring government representatives, policy makers, NGOs and other partners active in these fields, to explore how international co-operation and synergy could be strengthened, in order to help close the gap between law and practice.

8. I was one of the speakers at the session on the “Presentation of the Platform or Regional Independent Mechanisms on Violence against Women and Women’s Human Rights”. The panel discussions addressed national and international case-law on child custody and domestic violence, as well as, work towards putting an end to violence against women and girls which is a condition for, and accelerates, the achievement of the sustainable development goals (SDGs) and 2030 Agenda for Sustainable Development.
B. Informal Consultative Ministerial Meeting on “Women Empowerment within the Islamic Context & Regional High Level Conference on Eliminating Child Marriage and Female Genital Mutilation

9. On 17 June 2019; I was invited by the Government of the Arab Republic of Egypt to attend an informal Consultative Ministerial Meeting on “Women Empowerment within the Islamic Context” in Cairo, Egypt. The meeting was organised to discuss pathways to the empowerment of women, amongst which is women’s economic, political, and social empowerment, as well as, protection from all forms of violence. During the conference, I gave a presentation on ‘Women’s Role in Combating Extremism’ and highlighted women’s role in violent extremism and radicalization as victims, perpetrators and agents of peace.

10. From 19 to 20 June 2019, I was invited by the African Union Commission in collaboration with the Government of the Arab Republic of Egypt to participate in a Regional High-Level Conference on Ending Child Marriage and FGM in Cairo, Egypt. I delivered the opening remarks in which I highlighted measures undertaken by the Commission to address Child Marriage and FGM.

C. Workshop for Women Human Rights Defenders on Engagement with International and Regional Human Rights Mechanisms

11. From 9 to 11 July 2019, I was invited by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Uganda; the Steering Committee of the National Network of Women Human Rights Defenders in Uganda, with the support by the Embassies of Norway and Sweden, to participate at a Workshop for Women Human Rights Defenders on Engagement with International and Regional Human Rights Mechanisms, in Entebbe, Uganda. The objective of the workshop was to provide an opportunity for Women Human Rights Defenders nationwide to interact and gain knowledge on advocacy with international and regional human rights mechanisms.
12. During the Workshop, I delivered the welcoming remarks and also made three (3) presentations on ‘Overview of African Union Human and Peoples Mechanisms; Tips on Engagement and Advocacy with African Union Human Rights Mechanisms with special focus on Special Mechanisms; and Feedback on the Situation of Rights of Women in Uganda.

13. In my presentations, I saluted women human right defenders for the incredible work they do in standing up for human rights and gender equality. I reminded them of their duty to refrain from igniting public violence and also operate according to defined principles and standards.

14. I highlighted the African human rights treaties and mechanisms while noting that the large number of specific and non-specific instruments gives the African human rights system a great potential for the promotion of fundamental human rights on the continent. Furthermore, I noted the need for regular communication to be in place and strategies developed to enhance synergies and strengthen collaborative actions among monitoring mechanisms in the pursuit of common goals.

15. I recommended that Institutional arrangements and rules for coordination need to be in place, clarified and formalized and their application monitored, to improve coordination between the mechanisms. It further recommended that collaboration with civil society, women’s organizations and other social partners, will therefore widen the impact.

D. Visit to Geneva

16. On 17 September 2019, during the visit of the Chairperson of the Commission, Hon. Commissioner Soyata Maiga, to sign the MOU with the OHCHR, I participated in a coffee briefing organised by the United Nations OHCHR, which permitted the Chair to brief participants on the mandate of the Commission and its special mechanisms. I briefed
participants on the mechanism of the Special Rapporteur on the Rights of Women in Africa.

17. I also held a meeting with the UN Special Rapporteur on Violence against Women, Causes and Consequence, Dubravka Simonovic in the course of which we discussed the holding of the next meeting of the Platform of International and Regional mechanisms on violence against women in Africa.

E. Meetings preceding the 65th Ordinary Session

NGO Forum

18. From 17 to 19 October 2019, I participated in the Forum on the participation of NGOs in the 65th Ordinary Session of the Commission and the 39th African Human Rights Book Fair, which took place in Banjul, The Gambia. The Forum which is organised bi-annually by the African Centre for Democracy and Human Rights Studies was to foster closer collaboration between NGOs and the Commission, with the aim of promoting and protecting human rights in Africa.

Side Event Workshop on Security of Human Rights Defenders in West African in a context of Terrorism or unsafe Environment

19. On 19 October 2019, I attended a side event on “Security of Human Rights Defenders in West African in a context of Terrorism or unsafe Environment” in Banjul, The Gambia, organized by West African Human Rights Defenders Network. The event was organised to advocate with the Commission on violations of the rights of human rights defenders and women human rights defenders in the sub region. I made a presentation on the Role of Human Rights Defenders, the Challenges faced by them and the Protection afforded them by Regional and International Instruments.
NHRIs Human Rights Exchange Forum


Side Event Workshop on Advancing Sexual and Reproductive Health and Rights in Africa: The Role of National Human Rights Institutions in Eliminating Sexual Harassment

21. On 20 October 2019, I participated at a side event on Advancing Sexual and Reproductive Health and Rights in Africa: The Role of National Human Rights Institutions in Eliminating Sexual Harassment. The event was organized by the Coalition for the Advancement of Sexual and Reproductive Health and Rights in Southern and East Africa, comprising of the Dullah Omar Institute (DOI), Kenya Legal and Ethical Issues Network on HIV and AIDS (KELIN) and the Initiative for Strategic Litigation (ISLA).

22. The objective of the event was to discuss the role of NHRI in eliminating sexual harassment, as well as expand knowledge of the forms and prevalence of sexual violence and sexual harassment. I delivered the keynote address at the workshop.
Panel on Reviewing the Beijing Declaration and Platform for Action of 1995

23. On 22 October 2019, I organized and participated in a Panel Discussion on Reviewing the Beijing Declaration and Platform for Action of 1995, during the 65th Ordinary Session of the Commission, which took place in Banjul, The Gambia. The Panel was organised to reflect on the strides made on the continent since the adoption of the Beijing Declaration.

24. The Panel highlighted the challenges faced in the promotion and protection of women’s rights, with a view to accelerate the implementation and adoption of legislation, policies and other measures geared towards gender equality and women empowerment. The Panellist included myself as the Special Rapporteur, Commissioner Soyata Maiga, former Special Rapporteur on the Rights of Women in Africa and partners from the Department of Social Affairs of the AUC; Centre for Human Rights- University of Pretoria; IPAS Alliance; and Kenya Human Rights Commission.


Side Event on the Promotion of Women Peace & Security in Africa

26. On 23 October 2019, I attended a Side Event on the Promotion of Women Peace & Security in Africa organised by the Commission for Gender Equality of South Africa, Foundation for Human Rights and HURISA. The objective of the meeting was to lobby Africa to make the promotion of Women Peace and Security in their national agenda for the sustainable peace keeping within the continent and beyond.
Side Event Workshop on Access to Sexual and Reproductive Health and Services by Women and Girls in Conflict-Settings: A Call for Action’ in line with African Union theme ‘the Year of Refugees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement’


28. The objectives of the event was to create a platform to brainstorm and dialogue on how to protect and ensure access to full range of sexual and reproductive health services and information by women and girls in conflict settings, as well as disseminate the findings of the ACHPR’s Resolution 332 in-depth study in relation to sexual and reproductive health and rights of women.

PART THREE: PRESS STATEMENTS

Statement on Violence and Harassment against Women and Girls in the World of Work

29. On 29 May 2019, in Geneva, the Platform of Independent United Nations and Regional Expert Mechanisms on Violence against Women and Women’s Rights¹, of which I am a member, issued a statement on

¹ Dubravka Šimonovic, Special Rapporteur on violence against women, its causes and consequences; Hilary Gbedemah Chairperson of the UN Committee on the Elimination of Discrimination against Women; Ivana Radačić, Chair of the UN Working Group on the issue of
Violence and Harassment against Women and Girls in the World of Work, following ongoing negotiations of a new International Labour Organisation (ILO) instrument to address violence and harassment in the world of work.

30. We expressed concern at the possibility of eroding already accepted international standards on women’s rights, including harassment as a form of violence. We called on all States taking part in the negotiations to uphold standards from the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the Declaration on the Elimination of Violence against Women, the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, (Belém do Pará Convention), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, (Maputo Protocol) and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, (the Istanbul Convention).

31. The platform members urged States to support the adoption of a strong new ILO instrument which is aligned to the already agreed standards on human rights.

**Statement on Intimate Partner Violence against Women and Child Custody**

32. On 30 May 2019, in Geneva, the Platform of Independent United Nations and Regional Expert Mechanisms on Violence against Women and Women’s Rights, issued a statement where it voiced its concerns over patterns across various jurisdiction of the world that ignore intimate partner violence against women in determining child custody cases.

discrimination against women in law and in practice; **Feride Acar**, President of the Group of Experts on Action against Violence against Women and Domestic Violence of the Council of Europe; **Margarette May Macaulay**, Rapporteur on the Rights of Women of the IACHR, **Lucy Asuagbor**, Special Rapporteur on Rights of Women in Africa and **Sylvia Mesa**, President of the Committee of Experts of the Follow-up Mechanism to the Belém do Pará Convention.

2 Ibid.
33. The Platform members expressed the view that abusive relationships between parents predominantly affect women and have direct impact on the children’s life, yet violence against women is rarely considered as relevant factor by national authorities in child custody decisions. The Platform members stressed that a holistic and coordinated approach based on the existing international and regional standards must be applied at the national level in such cases, not only to uphold the principle of the best interest of the child but also the principle of equality between women and men.

34. The Platform reiterated its call that in determination of custody and visitation rights of children, violence against women is taken into account in all custody cases and that perpetrators rights or claims during and after judicial proceedings, including with respect to property, privacy, child custody, access, contact and visitation, should be determined in light of women and children’s human rights to life and physical, sexual and psychological integrity and guided by the principle of the best interest of the child.

Statement on the Decision of the High Court of Kenya regarding the Standards and Guidelines for Reducing Morbidity and Mortality from Unsafe Abortion in Kenya & the National Training Curriculum for the Management of Unintended, Risky and Unplanned Pregnancies

36. We jointly welcomed the decision, noting that it is in line with the campaign for the decriminalization of abortion in Africa, launched by the Special Rapporteur on the Rights of women in Africa on 18 January 2017; as well as Article 9 of the African Charter on Human and Peoples’ Rights and Articles 14 and 14(2) (c) of the Maputo Protocol.

37. We urged all State Parties to ensure that women and girls can access comprehensive and accurate sexual and reproductive health information in order to exercise their right to the highest attainable standard of health. We further urged the Republic of Kenya to consider lifting its reservation of Article 14 (2) (c) of the Maputo Protocol, to ensure that women may have full exercise of the constitutional protection established in Article 26 (4) of the Constitution and affirmed by the High Court.

Statement on Xenophobic attacks in South Africa

38. On 4 September 2019, together with the Commissioner Rapporteur on the Human Rights Situation in the Republic of South Africa, Honourable Commissioner Solomon Ayele Dersso, the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa, Honourable Commissioner Rémy Ngoy Lumbu and the Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced Persons, Honourable Commissioner Maya Sahli Fadel, we issued a Press Statement on Xenophobic attacks in South Africa.

39. We recalled Resolutions of the Commission, which expressed grave concern over xenophobic attacks that took place in 2008, 2015, 2017 and 2019 respectively. We reiterated our previous calls to the Government of South Africa to fully respect and ensure respect by all members of the South African public to the human rights and freedoms of non-nationals living in South Africa, including persons from other African countries, refugees, migrants, asylum seekers with particular attention
to women and girls who are predominantly vulnerable to xenophobic attacks.

40. We further requested the Government of South Africa to take deliberate and urgent action to address the underlying social and economic conditions that ferment sentiments against foreign nationals, particularly those coming from other African countries, including through creating conditions for instituting community dialogue that promotes tolerance, peaceful co-existence and harmony in communities where non-nationals reside and work, among others.

PART FOUR: ACTIVITIES AS A MEMBER OF THE COMMITTEE ON CPLWHIV

National Dialogue on the Study: “HIV, the Law and Human Rights in the African Human Rights System: Key Challenges and Opportunities for Rights-Based Responses to HIV

41. From 4 to 5 October 2019, as a Member of the Committee on PLWHIV, I participated at a National Dialogue on the Study: “HIV, the Law and Human Rights in the African Human Rights System: Key Challenges and Opportunities for Rights-Based Responses to HIV”, organised by the Committee in Nairobi, Kenya.

42. The National Dialogue was organised to launch, popularize and widely disseminate the Commission’s Study on “HIV; engage relevant stakeholders particularly state and non-state entities on the findings of the Study; and deliberate on ways, means and mechanisms for the implementation of the recommendations made by the Study. The Meeting was attended by Members of the Commission and the Committee on PLWHIV, representatives of NHRIs, NGOs and persons living with HIV. I moderated the panel on the adoption of the Final Communiqué.
43. On 5 October 2019, I participated in a Meeting of the Committee on PLWHIV organised to discuss and propose activities of the Committee for the year 2020.

PART FIVE: RECOMMENDATIONS

44. Significant progress has been made at the regional and national levels towards advancing the human rights of women and ensuring gender equality on the continent, including the adoption of various legislations and monitoring bodies on the promotion and protection of the rights of women on the continent. These include, the African Charter on Human and Peoples’ Rights; the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa; the African Union Solemn Declaration on Gender Equality in Africa; the African Union Gender Policy; Agenda 2063; and the African Union Strategy on Gender Equality and Women’s Empowerment.

45. The Maputo Protocol is one of the world’s most comprehensive and progressive women’s human rights instruments adopted in 2003. The Protocol is unique as it recognizes abortion under certain conditions and women accessing safe abortion services as a human right. It also protects the rights of women living with HIV/AIDS and guarantees extensive rights to African women, as it covers the entire range of civil and political, economic, social and cultural, as well as, environmental rights. Since the Maputo Protocol came into force in 2005, 49 of the 55 African Union Member States have signed and 41 States have ratified. I would like to commend the Republic of Sao Tome and Principe for ratifying the Maputo Protocol in April 2019.

46. Six countries\(^3\) have made reservations on certain articles upon ratification of the Maputo Protocol on the grounds that certain articles are incompatible with their national laws, traditions, religion or cultures. The majority of countries on the continent have given effect

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\(^3\) These are: Cameroon, Kenya, Mauritius, Namibia, South Africa and Uganda
to the principles contained in the Maputo Protocol through concrete and effective policies and programmes on gender equality. Yet, there continue to be significant gaps between the provisions of the Protocol, its domestication at the national level, and women’s enjoyment of their rights in practice.

47. Another challenge affecting the full realization of women’s rights has been the slow progress of State Parties to report on legislative and other measures undertaken by the States to ensure the full realization of the Maputo Protocol, in accordance with Article 62 of the African Charter. To date, of the 41 States that have ratified the Maputo Protocol, a total of 14 States\(^4\) have fully complied with their reporting obligations under article 26 of the Maputo Protocol. While commending the States who have submitted these reports, I must urge all State Parties to take the necessary steps to honour their obligation under Article 26 of the Maputo Protocol and to comply with the State Reporting Guidelines for Reporting under the Maputo Protocol adopted by the Commission.

48. During the 64\(^{th}\) Ordinary Session of the Commission, we made a pledge \#MaputoProtocol2020, for a continental partnership to ensure that all African States ratify the Maputo Protocol by 2020, to achieve full ratification of the Protocol. Since this pledge was made, only one (1) state\(^5\) have ratified. I therefore urge States that have not yet ratified the Maputo Protocol, to do so and States that have made reservations during ratification of the Maputo Protocol to lift those reservations.

49. Another major challenge confronting the full realisation of women’s rights on the continent is the implementation of the Maputo Protocol which has been admittedly slow. The African Union adopted the African Women’s Decade (2010 -2020), which committed AU Member States to universal ratification, full domestication and implementation of the Maputo Protocol by 2020. Implementing the Maputo Protocol

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\(^4\) These are Angola, Burkina Faso, Democratic Republic of Congo, Lesotho, Malawi, Mauritania, Namibia, Nigeria, Rwanda, Senegal, South Africa, The Gambia, Togo and Zimbabwe.

\(^5\) Sao Tome and Principe
therefore requires commitment by governments to gender equality as well as strategic efforts by civil society to hold States accountable to their obligations under the Maputo Protocol. The frameworks on human rights across the international, regional and national levels are robust, what is needed is for more coordinated engagement at the local, national and regional levels to ensure that women are able to claim and exercise their rights as provided for under these frameworks.

50. The significance of gender equality and women’s empowerment is paramount to achieving the full realization of women’s fundamental human rights. States and other stakeholders play a crucial role in the promotion and protection of women’s rights in Africa. I would like to take this opportunity to remind states of their obligations towards the full realization of women’s rights and to encourage them to take a human rights-based approach to confront the challenges of gender inequality and women’s empowerment.

51. The Commission calls for renewed commitment and solidarity with women, girls and other marginalized groups who face perpetuating systems of inequality, oppression and violence. More concerted efforts should also be deployed in the area of education, training and inclusion of women in all spheres of life, in particular, political and decision-making processes.

52. I continue to commend the women’s rights movement and all other stakeholders, for their tireless advocacy on the women’s rights. I implore on all of us to continue to sensitize and popularize the Maputo Protocol as this will promote gender equality and advance the promotion and protection of the rights of women on the continent.
PART SIX: CONCLUSION

53. The mandate of the Special Rapporteur is one of the oldest Special Mechanisms of the Commission. Since its establishment, tremendous work has been done by all the various Special Rapporteurs of the Commission assigned this important mandate of promoting and protecting the rights of women in Africa. As my mandate comes to an end as a Member of the Commission and as Special Rapporteur, I would like to thank my Government for nominating me and supporting my Candidature, which has permitted me to contribute in a modest way in advancing the human rights agenda on the continent.

54. During my nine (9) years at the Commission, I have served in many capacities as:
   i. Special Rapporteur on the Rights of Human Rights Defenders in Africa;
   ii. Chairperson of the Committee on the Protection of the Rights of People Living with HIV and Those at Risk, Vulnerable to and Affected by HIV;
   iii. Special Rapporteur on the Rights of Women in Africa;
   iv. Chairperson of the Working Group on Communications;
   v. Member of the Working Group on Indigenous Populations/Communities;
   vi. Member of the Committee on the Prevention of Torture in Africa;
   vii. Member of the Committee on the Protection of the Rights of People Living with HIV and Those at Risk, Vulnerable to and Affected by HIV; and
   viii. Member of the High level Committee to Investigate Harassment at the AUC.

55. The balance sheet of my activities in terms of Missions, Norm Settings by way of Guidelines and General Comments were highlighted in Sharm El Sheikh, during the 64th Ordinary Session of the Commission and I will not be coming back to that.
56. I must confess here that it was a great honour for me to serve the people of Africa. I had a particular hatred for Geography and as such I had little or no interest in discovering countries beyond the borders of Cameroon. Thanks to my passage here, I have visited a significant number of African Countries.

57. I therefore wish to thank all my colleagues for the knowledge exchange, love and support, in particular Commissioner Soyata Maiga, who was my predecessor as the Special Rapporteur on the Rights of Women in Africa, for the important work she accomplished and for the numerous times she stepped in my shoes when I was not available. I would also like to thank all State Parties, NHRI’s and NGOs for their continued support.

58. My sincere gratitude goes to the Secretary and staff to the Commission, in particular all the dedicated Legal Officers that assisted me throughout my mandate: Irene, Aminata, Abiola, Eva and Albab. Special thanks goes to all the Partners of the respective mandates I held and the Legal Assistants they put at my disposal. I would also like to thank all the Interpreters and translators.

59. I have made a lot of friends but since to err is human, I would like to tender my apologies to whoever may have been hurt or offended by my actions unintentionally or unknowingly, during my passage at the Commission.

60. The two hardest things to say in life are hello for the first time and goodbye for the last time. Life is made up of meetings and partings. While there is always joy in meeting, it is always difficult to say goodbye. It is thus with a heavy heart that I say Good bye to you all and pledge to remain an Ambassador of the Commission.

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