END OF MANDATE ACTIVITY REPORT

OF

HON. COMMISSIONER LUCY ASUAGBOR

Presented to the 66th Ordinary Session of the African Commission on Human and Peoples’ Rights

13th July to 7 August 2020

ZOOM WEBINAR
I. INTRODUCTION

1. **Honorable Commissioner Lucy Asuagbor** presents her end of mandate Report as a Member of the African Commission on Human and Peoples’ Rights (ACHPR). In particular, her achievements relating to her various capacities at the ACHPR over the years since her election, notably: The Special Rapporteur on Human Rights Defenders; 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 (HIV Committee); Chairperson of the Working Group on Communications; and the Special Rapporteur on the Rights of Women in Africa.

2. Honorable Commissioner Asuagbor, is a Cameroonian national and her tenure with the ACHPR runs from 2010-2020. Following her election as a Commissioner by the Assembly of Head of States and Government of the African Union (AU), Honorable Commissioner Asuagbor took her oath of office during the 48th Ordinary Session in November 2010. She was re-elected and sworn in during the 54th Ordinary Session in November 2013.

3. Her countries of responsibility wherein she monitored human rights are Malawi, Nigeria, Rwanda, Uganda, and Sierra Leone. She has also been responsible for Benin and Guinea Bissau.

4. In her personal capacity, she is a Judge at the Supreme Court of Yaoundé, Cameroon. She also has had a long professional career in the Magistracy, serving the Government of Cameroon in various capacities, including as a State Counsel, President of the High Court, Vice President of the Court of Appeal and Chief Justice of the Court of Appeal in the South West Region in Buea, Cameroon. She was also a Member of the Higher Judicial Council.

5. This Report will be presented in three (3) parts:

   i. **Part one** presents her inter-Session activities carried out in the period between the 65th Ordinary Session and this 66th Ordinary Session, including her activities as Commissioner; activities as Special Rapporteur on the Rights of Women in Africa; as well as information regarding Joint Letters of Appreciation/Urgent Appeal and Press Statements/Releases published during the reporting period;

   ii. **Part two** presents her achievements in her various capacities within the ACHPR: Special Rapporteur on Human Rights Defenders; Chairperson of HIV Committee; Chairperson of the Working Group on Communications and the Special Rapporteur on the Rights of Women in Africa;
iii. **Part three** deals with conclusions and recommendations in her capacity as the Special Rapporteur on the Rights of Women in Africa.

**PART ONE: INTER-SESSIONAL ACTIVITIES**

6. In accordance with Rules 23.3 and 72 of the 2010 Rules of Procedure of the ACHPR, and in line with its **Resolution ACHPR/res.38 (XXV) 99 of 5 May 1999**, Honorable Commissioner Lucy Asuagbor presents this Report in her capacity as a Member of the ACHPR, and the Special Rapporteur on the Rights of Women in Africa

**Activities as Commissioner:**

**A. 27th Extra-Ordinary Session**

7. She participated in the 27th Extra-Ordinary Session of the ACHPR which took place in Banjul, The Gambia, from **19 February to 4 March 2020**, organised to consider outstanding and urgent issues such as Communications and urgent human rights issues of concern on the continent.

**B. Zoom Webinar Meeting on Austerity Measures**

8. On **30 April 2020**, Commissioner Asuagbor participated in a Virtual Meeting for Commissioners organised by the Secretariat of the ACHPR on newly effected African Union Commission (AUC) and Organs Austerity Measures. The main objective of the Meeting was to discuss information received from AUC on the state of Finance of the African Union (AU) and the Austerity Measures and how these impact on the planned work of the ACHPR for the rest of the year 2020, as well as how the ACHPR can continue to deliver on its mandate which remains crucial in light of the COVID-19 pandemic; The financial implications/effects of the Austerity measures on the program budget of the ACHPR; The contribution of the ACHPR from its budget to the African Centre for Disease Control as support for combating and limiting the spread of the COVID-19 epidemic; and Steps being taken by the ACHPR and its Secretariat in light of all the above and the way forward.

**C. Joint Letter of Appeal on the Riot in Male Correctional Centre in Freetown during the Coronavirus Pandemic**

9. On **15 June 2020**, together with the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa; and the Chairperson of the Working Group on Death Penalty, Extra-Judicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa, of the ACHPR, Commissioner Asuagbor, in her capacity as Country Rapporteur for the Republic of Sierra Leone, sent a Joint Letter of Appeal to His Excellency Julius Maada Bio, President of the
Republic of Sierra Leone on the Riot in Male Correctional Centre in Freetown during the Coronavirus Pandemic. The Joint letter of Appeal addressed reports relating to a riot which took place on 29 April 2020, at the Pademba Road Prison in Freetown, allegedly resulting in the death of five inmates and two prison guards.

D. Press Statement on the Human Rights situation in the Republic of Malawi

10. On 22 June 2020, Commissioner Asuagbor, in her capacity as Country Rapporteur on the promotion of human rights in the Republic of Malawi, issued a statement on the human rights situation in the country, in particular, the human rights issues relating to the electoral process and the role of the Judiciary in Malawi. In order to ensure that the irregularities that marred the last election and created uncertainties and contestations in Malawi are not repeated, she urged the Government of Malawi to ensure that the election is free, fair, credible and transparent. She also urged the Government to ensure that the elections comply with the Constitution of Malawi and the standards laid down in the African Charter, and the African Charter on Democracy, Elections and Governance.

Activities as Special Rapporteur on the Rights of Women in Africa:

A. Nairobi Summit commemorating ICPD + 25 years

11. From 12 to 14 November 2019, the Special Rapporteur was invited by IPAS Alliance to the Nairobi Summit commemorating ICPD + 25 years in Nairobi, Kenya. She made a presentation on “Zero Deaths from Unsafe Abortion by 2030: How do we get there?” In her presentation, she noted that many countries continue to have restrictive abortion laws and as result many women and girls are forced to seek clandestine unsafe abortions. She said these restrictions disproportionately affect the vulnerable women and girls, including those in conflict settings that are survivors of sexual and gender-based violence resulting to unplanned and forced pregnancies.

12. The Special Rapporteur underpinned that ratification of the Protocol to the African Charter on the Rights of Women in Africa (the Maputo Protocol) without reservations by ALL African States will constitute a strong regional commitment towards the elimination of preventable maternal deaths due to unsafe abortion.

B. 10th Anniversary of REDHAC

13. From 19 to 20 November 2019, the Special Rapporteur was invited to participate in the 10th Anniversary of Network of Human Rights Defenders in Central Africa (REDHAC) in Yaoundé, Cameroon with the theme: "Protecting and supporting Human Rights Defenders: our engagement for durable peace."
During this Meeting she participated in a Panel on “Protection, effective security of Women Human Rights Defenders in the context of Violent Extremism in Africa: what specific protection.” In her presentation, she applauded the important role played by women human right defenders in the protection of human rights in general and women’s rights in particular. She highlighted the challenges faced by women human rights defenders and the legal framework protecting them at the global and regional levels including the soft law instruments adopted by the ACHPR. She concluded by explaining the impact of violent extremism on women as victim, perpetrator and agent of peace.

The Special Rapporteur received an award for her relentless work in the protection and promotion of human rights defenders in Africa, and in particular, the rights of women human rights defenders.

C. In-country Advocacy Mission and Capacity Building Workshop

From 24 to 28 November 2019, the Special Rapporteur attended the first In-Country Advocacy Mission and Capacity Building Workshop on the ratification of the Maputo Protocol in Khartoum, Sudan. She was invited by the Women, Gender and Development Directorate of the AU.

The Mission which was in line with the African Women’s Decade 2010-2020 committing AU Member States to achieve universal ratification, domestication and implementation of the Maputo Protocol by the end of the decade in 2020, was organised in collaboration with the Solidarity for African Women’s Rights Network and the Office of the High Commissioner for Human Rights (OHCHR).

The Mission was followed by a three (3) day capacity building Workshop aimed at strengthening the capacity of Sudanese women to continue their advocacy and campaign for ratification, domestication and implementation of the Maputo Protocol.

D. Launch and Workshop

From 2 to 4 December 2019, the Special Rapporteur participated in the launch of the United Nations Office on Drugs and Crimes (UNODC) Nigeria Training Module on Gender Dimensions of Criminal Justice Responses to Terrorism and a Workshop co-organised by UNODC and the National Association of Women Judges of Nigeria which took place in Abuja, Nigeria.

The Training Module was developed by UNODC together with Nigerian and international experts to provide a basis for capacity building in Nigerian criminal justice sector and counter-terrorism institutions. It is meant to mainstream a gender perspective into counter-terrorism, particularly into the
investigation and prosecution of terrorism cases, and to strengthen accountability for sexual and gender-based violence by Boko Haram and support for victims.

21. During the Launch, the Special Rapporteur was part of a High-level Panel where she shared her perspectives on the intersection of women’s rights and counter-terrorism in the African context. In her remarks, she stated that women’s rights are disparately affected by terrorism in specific ways compared to men. She said terrorist groups exercise power over territory and restrict women’s freedom of movement, access to education and healthcare, participation in public life, and their socio-economic development due to ideological norms dictating women’s roles in society.

22. During the Workshop, she made a key note address on “the impact of terrorism and counter-terrorism on women’s rights in Africa.” She stated that terrorist groups systematically subject women and girls to severe abuses, such as sexual violence, slavery, forced marriages, and conversions. She further stated that amongst other violations, women and girls are abducted to fulfill operational roles in the terrorist group’s activities through forced labour or as suicide bombers; women are subjected to discriminatory investigative practices; they are arrested and detained in order to gain information about male family members, or to compel male terrorism suspects to provide information or confessions.

E. Workshop on the Promotion of Women Lawyers on the African Continent and a Network of African Women Lawyers Associations

23. From 10 to 12 December 2019, she was invited to the aforementioned Workshop in Abidjan, Cote D’Ivoire organized by GIZ. She made a presentation on the African Human Rights System where she highlighted the role and mandates of the ACHPR; the African Court on Human and Peoples’ Rights and its complementary relationship with the ACHPR; as well as the African Committee on the Rights and Welfare of the Child.

24. In her presentation, while explaining components of the African Human Rights System, the Special Rapporteur gave an overview of the African Charter on Human and Peoples’ Rights (the African Charter), stating that it has provided a legal framework for the promotion and protection of human rights on the continent. She also explained features of the Maputo Protocol; African Charter on the Rights and Welfare of the Child and the Protocol to the African Charter on Human and Peoples’ Rights on the Establishment of an African Court on Human and Peoples’ Rights. She also had an interactive discussion with the participants on how to engage with the special mechanisms of the ACHPR.
F. Sensitization Seminar on the Rights of Women in Africa

25. From **17 to 19 December 2019**, together with the Chairperson of the HIV Committee; the Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa and the Chairperson Working Group on Death Penalty, Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa, the Special Rapporteur organized a Sensitization Seminar on the Rights of Women in Africa in Dakar, Senegal. The overall objective of the Seminar which was attended by about ninety (90) Participants was aimed at raising awareness to stakeholders on the work of the ACHPR in promoting and protecting the rights of women in Africa.

26. The Special Rapporteur made a presentation on the Mechanism of the Special Rapporteur on the Rights of Women in Africa which is one of the oldest Mechanisms of the ACHPR. She highlighted its achievements as well as challenges, noting the slow ratification and domestication of the Maputo Protocol. Amongst her recommendations, she stated that it is urgent for the ratification process to be expedited, followed by domestication and effective implementation of the Protocol and other relevant legal instruments for the protection of women’s rights.

27. The Special Rapporteur also made a presentation on the **AU Saleema Initiative on Elimination of Female Genital Mutilation (FGM)**. She explained that the Saleema Initiative\(^1\) which was endorsed by and launched on the side-lines of the 32\(^{nd}\) Session of the AU Heads of State and Government Summit, February 2019, is a continent-wide effort to accelerate action to end FGM. It championed positive terminology for girls who have not undergone FGM thus challenging mainstream terminologies to describe girls and women who have undergone this harmful practice. She stated that this approach aims to accelerate actions that ensure every African girl can grow to maturity in her natural and original form: complete, unharmed, saleema. She said the initiative is based on the premise that FGM is rooted in socio-cultural norms and contexts and therefore the power to abandon the practice resides with families and communities.

28. The Special Rapporteur underscored that the AU Saleema Initiative will advocate for accelerated action at AU Member States level for protection and care of young girls and women towards zero cases of FGM by 2030. It will involve prioritising a comprehensive package of interventions, including high level interventions on policy and legislative action, domestic financial resource allocation, and service delivery as well as a community engagement for social norms change through a holistic approach, and creating a new cultural narrative to address the underlying gender gaps and inequalities that drive the practice of female genital mutilation in the communities most affected, across the continent and globally.

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\(^1\) Saleema, Arabic for “whole, healthy in body and mind"
29. She said inclusiveness in positive communication will be key in the initiative to ensure uncut girls and women are accepted and empowered. To this end, National Human Rights Institutions (NHRIs) will be critical in advancing the human rights discourse and advocating for accountability on regional and international human rights obligations to eliminate FGM. She stated that the Plan of Action of the Saleema Initiative and its accountability framework will provide guidance to Member States, partners, civil society and community groups. It is expected that the Saleema Initiative shall create a momentum that results in scaling-up efforts to bring to an end the practice of FGM in Africa by 2030.

30. The Seminar had fruitful discussions from all stakeholders with groundbreaking recommendations to State Parties; the ACHPR; UN Agencies and other Development Partners; NHRIs; and women.

G. 35th Gender is My Agenda Campaign (GIMAC)

31. The Special Rapporteur participated in the 35th GIMAC Meeting held from 3 to 4 February 2020, in Addis Ababa, Ethiopia, under the theme “Recognising and Amplifying Women and Girls’ Agency to Silence the Guns in Africa.” This is in line with the AU theme of the year “Silencing the Guns: creating conducive conditions for Africa’s development.”

32. In the context of the GIMAC Meeting, she chaired a Panel on ‘Addressing the root causes of conflict-related gender-based violence and inequality as a means to silencing the guns: experiences from different regions (Africa, Europe, Americas)’. In her opening remarks, she noted that with the adoption of the Sustainable Development Goals, 2015 marked a watershed year in the international community’s efforts to advance gender equality. This agenda, with a deadline of 2030, emphasizes inclusion not just as an end in and of itself but as critical to development effectiveness.

33. She stated that at the level of the African continent, commitment to gender equality is enshrined in the African Charter which is strengthened by the Maputo Protocol. She further stated that the significance of gender equality and women’s empowerment have been further encompassed in Agenda 2063, Africa’s framework for sustainable development and growth, and that more importantly, Agenda 2063 specifically targets the year 2020 as the deadline by which all guns will be silent in Africa.

34. The Special Rapporteur stated that other root causes of conflicts including poverty, unemployment and corruption should be addressed in order for guns to be silenced. She said it is vital that in efforts to silence the guns and addressing the root causes of conflicts in Africa, reconciliation, and equality at all levels must be enhanced. Most importantly, that Member states of the AU
should be willing to sign, ratify and domesticate existing normative frameworks on human rights, peace, security and governance.

35. On the margins of the GIMAC Meeting she participated a Platform Meeting on Cooperation between the United Nations (UN) and Regional Mechanisms on the Violence against Women and Women’s Rights, organised by the UN Special Rapporteur on Violence against Women, the ACHPR, the GIMAC Secretariat, and the UN Office of the High Commissioner for Human Rights for Eastern Africa. The Meeting agreed on an official name for the independent women’s human rights expert mechanism, as follows: **Platform of experts on the Elimination of Discrimination and Violence Against Women, or EDVAW Platform.**

36. She also participated in a meeting of the EDVAW Platform Experts with Minata Samate Cessouma, Commissioner for Political Affairs; Amira Elfadil Mohammed Elfadil, Commissioner for Social Affairs; and Victoria Maloka, Acting Director of the Women, Gender and Development Directorate (WGDD) of the AUC.

37. On the side-lines of the 35th GIMAC Pre-Summit, the Special Rapporteur was invited by Africa Leadership Forum and Plan International in collaboration with WGDD, to a kick off cocktail event on the Development of Scorecard and Index Framework for the Maputo Protocol.

38. Finally, the Special Rapporteur was honoured with the African Woman Pioneer Award, in recognition of her vision, leadership and commitment to advance the status of women in Africa.

**H. High Level Continental Webinar**

39. On 3rd June 2020, the Special Rapporteur was invited by Plan International African Union Liaison Office to participate in a Webinar High Level Continental Panel on the theme: flattening the inequality curve: COVID-19 and the African girl. The Objective of the Webinar was to amongst others; provide space and opportunity for the panelists to share their perspectives on the impact of COVID-19 on women and children and what needs to be done to safeguard the rights of girls.

40. In her presentation, she acknowledged that prior to the unique challenges posed by the COVID-19 pandemic, gender-based violence has been a scourge that Africa has been battling with for a long time, with the World Health Organisation reporting that 45.6% of women 15 years or older in Africa have experienced some form of gender-based violence in their lifetime. She highlighted some of the challenges that have resulted in the spikes, including close proximity of women and girls to their abusers in confined spaces for days on end is a cause for concern; majority of women in the informal sector losing
their sources of income due to the pandemic which further propagates stress and conflict within the home; as well as restriction of movement compounded by the closure of courts.

I. Validation Meeting of the first ever Maputo Protocol Scorecard and Index.

41. On 23 June 2020, the Special Rapporteur was invited by Plan International and the African Leadership Forum to a Validation Meeting of the framework for the Maputo Protocol Scorecard and Index: A COVID-19 Response and Recovery Monitoring and Implementation Tool.

42. In her statement, she congratulated Plan International and the Africa Leadership Forum for the immense support provided to the Women, Gender and Development Directorate to develop the Scorecard and Index. She noted that the Maputo Protocol sets the standards for women’s human rights in Africa. However, despite the significant number of ratifications to the Maputo Protocol, and the progress made in the implementation of the rights of women in Africa, the gains have been quite slow and low.

43. The Special Rapporteur highlighted that according to studies, a number of factors including, among others, lack of accountability, absence of or limited access to verifiable data and limited capacity for data and information processing have contributed to these less than satisfactory levels of implementation. She said this slow progress might also hold back the full implementation of Africa’s development goals as encapsulated in Agenda 2063. Thus, in her view, policies to promote gender equality must be backed by strong support frameworks to ensure that there is accountability for their implementation, and one of those accountability frameworks is the Maputo Protocol Scorecard and Index.

44. She said she has no doubt that the Scorecard and Index will promote participatory and accountable institutions to reverse inequality trends, and push for action to accelerate greater change in the lives of African women and girls. It will also provide Member States with an easy and quick instrument to assess their progress in achieving equitable growth and transformative development for women and girls in Africa. This is especially true within the context of COVID-19 to ensure that women’s rights are not neglected and that the gains already attained are not reversed during the pandemic.

J. Webinar on NHRIs Response to Gender Based Violence in the Context of COVID19

45. On 24th June 2020 the Special Rapporteur was invited by the Network of African Human Rights Institutions to a Webinar on the theme: NHRIs Response to Gender Based Violence in the Context of COVID 19.
46. She stated that NHRIs have a crucial role to play in the pandemic, particularly in the prevention of gender-based violence. In particular, she informed participants that in the ACHPR’s Guidelines for state responses to COVID-19, the ACHPR highlighted the importance of monitoring, investigating and issuing of corrective measures which is the primary role of NHRIs. In this regard, she stated that NHRIs can assert this role through awareness raising; monitoring and documentation; public participation and consultations with their respective governments.

JOINT LETTERS OF APPRECIATION AND PRESS STATEMENTS

A. **Joint Letter of Appreciation to Tanzania on the decision to declare child marriage unconstitutional**

47. On 2nd December 2019, together with Honorable Commissioner Solomon Dersso, Commissioner Rapporteur on the Human Rights Situation in the United Republic of Tanzania, the Special Rapporteur, sent a Joint Letter of Appreciation to His Excellency, President John Magufuli, the President of the United Republic of Tanzania. The letter applauded the decision of the Tanzanian Court of Appeal on 23 October 2019 to uphold the decision of the High Court of Tanzania of 2016, which set the minimum age of marriage for females at 18, on par with the age of marriage for males, and up from the previous minimum age for females of 14. They were particularly pleased with this decision which declared the provisions of the 2002 Law of Marriage Act unconstitutional, given that according to Tanzania Demographic and Health Survey (2017) 36 percent of women aged 25-49 were married before the age of 18, and that child marriage leads to higher school dropout rates.

48. They noted with appreciation that by this action, Tanzania has demonstrated its commitment to the ideals of human rights provided for by the African Charter, the Maputo Protocol and other relevant regional and international human rights instruments. The letter also reminded His Excellency about a matter which is of continued concern to the ACHPR relating to the 2017 decision that pregnant school girls and teen mothers are not allowed to return to school. In that regard, they recalled their Joint Letter of Appeal of 21 July 2017, with the African Committee of Experts on the Rights and Welfare of the Child, addressed to His Excellency, in which they stressed that this position undermines the right to education and the right to equality of girls.

B. **Joint letter of appreciation to the Republic of Sudan on criminalising Female Genital Mutation**

49. On 8 May 2020, together with Honorable Commissioner Hatem, Commissioner Rapporteur on the Human Rights Situation in the Republic of Sudan, the Special Rapporteur sent a Joint Letter of Appreciation on the Human Rights
Situation in the Republic of Sudan to His Excellency, Dr. Abdalla Hamdok, Prime Minister of the Republic of Sudan, regarding the Criminalisation of Female Genital Mutilation (FGM) in the Republic of Sudan. In the Joint Letter of Appreciation, they urged the Government of Sudan to complement the already existing political will with ratification, domestication and implementation of the Maputo Protocol so as to effectively promote and protect the rights of women and girls in all spheres of life in the country.

C. **Joint Press Statement on International Day on the Elimination of Violence against Women**

50. On **25 November 2019**, together with independent UN and regional expert mechanisms on violence against women and women’s rights, the Special Rapporteur made a Joint statement on International Day on the Elimination of Violence against Women. They jointly called upon all States and relevant stakeholders worldwide to act against rape as a form of gender based violence and a human rights violation, and, to ensure that the definition of rape is based on the absence of consent, in line with international standards.

D. **Joint Press Statement on Gender-based Violence and discrimination**

51. Following a Panel on “**Addressing the root causes of conflict-related gender-based violence and inequality as a means to silencing the guns**”, which took place on **4 February 2020** in Addis Ababa, Ethiopia, together with the Platform of UN and regional independent mechanisms on violence against women and women’s rights,² the Special Rapporteur made another joint statement addressing gender-based violence and discrimination. They jointly called for renewed efforts by States, international and regional organizations and relevant stakeholders to place measures to promote women’s rights and combat violence and discrimination against women at the centre of all conflict prevention and resolution efforts. They also called for active and meaningful participation of women in all peacebuilding and prevention processes as an inescapable means for their effectiveness.

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² 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; Meskerem Geset Techane, Chair of the UN Working Group on the issue of discrimination against women and girls; Marcelline Naudi, President of the Group of Experts on Action against Violence against Women and Domestic Violence of the Council of Europe; Margarete May Macaulay, Rapporteur on the Rights of Women of the IACHR, Lucy Asuagbor, Special Rapporteur on Rights of Women in Africa and Tatiana Rein, President of the Committee of Experts of the Follow-up Mechanism to the Belém do Pará Convention.
E. Press Release of the Special Rapporteur on the Rights of Women in Africa on violation of women’s rights during the COVID-19 Pandemic

52. On 6 May 2020, the Special Rapporteur made a Press Statement on violations of women’s rights during the COVID-19 Pandemic. She expressed concern over the high level of complaints of violence against women, including gender-based violence (GBV) and domestic violence in African countries occasioned by lockdown measures imposed as a response to the COVID-19 Pandemic. She noted that calls have tripled from women trapped in their homes with abusive partners. She said the pandemic has given rise to economic consequences; limited access to sexual and reproductive health care services; closure of schools, with millions of girls out of school, leading to increased risk of sexual exploitation, early pregnancies, rape, as well as early and forced marriages.

53. She highlighted gains registered so far in the protection of women’s rights over the years and urged State Parties not to lose sight of these gains and adopt the principle of equality in all COVID-19 related responses. She further urged States to provide special protection to women and girls through access to sexual and reproductive health services; alternative accommodation to victims of GBV, as well as counseling services for women and girls who are victims of GBV support to women who have lost their sources of income, and involving women in all Plans and Actions aimed at protecting their rights during and after the pandemic.

PART TWO: ACHIEVEMENTS IN VARIOUS CAPACITIES WITHIN THE ACHPR

A. Special Rapporteur on Human Rights Defenders (2010-2011)

54. Honorable Commissioner Lucy Asuagbor was appointed Special Rapporteur on Human Rights Defender in Africa, in November 2010. Her key achievement in this capacity is initiating the Study on Freedom of Association and Assembly in Africa, which was later developed by Honorable Commissioner Reine Alapini-Gansou. The Study was adopted by the Commission in 2014 and launched in 2015.

B. Chairperson of the HIV Committee (2011-2015)

55. Honorable Commissioner Asuagbor was appointed Chairperson of the HIV Committee in November 2011 which she served until 2015. Her key achievements in this capacity include the following:
Regional Dialogues:

- Participated in various brainstorming sessions, focusing on strategies to ensure greater involvement of stakeholders from the legal sector in the fight against the HIV/AIDS pandemic, including the Regional dialogue on The Law and HIV in Pretoria, South Africa in 2011, and meetings with national partners in the Republic of Benin on the theme, The Law and HIV/AIDS the same year.
- Participated in various dialogues on ending Child Marriage in Africa organised in Kinshasa, DRC, Banjul, the Gambia and Dakar, Senegal.

Fact-finding visit and promotion mission:

- Nairobi, Kenya, October, 2011 and the Republic of Cameroon, September 2012. The Committee met with key stakeholders dealing with issues of HIV and AIDS and/or related human rights in order to get a perception of the actual issues, challenges and opportunities relating to the legal protection of PLHIV in the relevant countries.

Study/Research:

- Commissioned a research on the theme – HIV, the law and human rights in the African human rights system: Key challenges and opportunities for rights-based responses to HIV. The research, amongst others, sought to provide an overview of pertinent issues relating to human rights aspects of HIV in Africa. Under the leadership of Honorable Commissioner Soyata Maiga, the outgoing Chairperson of the Committee, the Report was finalized and adopted by the Commission at its 61st Ordinary Session, in November 2017.

C. Chairperson of the Working Group on Communications (2013-date)

56. Honorable Commissioner Asuagbor was appointed Chairperson of the Working Group on Communications in November 2013 to date. She achieved the following in this capacity:

- Successfully organized various Meetings of the Working Group prior to Sessions of the Commission which has facilitated consideration of Communications by the Commission during its plenary;
- Given her opinion on Communications during the inter-Session particularly relating to Provisional Measures;
- Collaborated with the University of Bristol on Implementation of Decisions of the Commission and held several meetings.
D. The Special Rapporteur on the Rights of Women in Africa (2015 to date)

57. Honorable Commissioner Asuagbor was appointed Special Rapporteur on the Rights of Women in November 2015 to date. Her achievements under this capacity are as follows:

- Continued the work initiated by her predecessor, Honorable Commissioner Soyata Maiga, including the launching of Decriminalization of Abortion Campaign; finalisation of the report which deals with more than 19 countries with the highest prevalence of child marriage; and the Joint General Comment on Ending Child Marriage in accordance with Article 6 of the Maputo Protocol with the Committee of Experts on the Rights and Welfare of the Child;

- Adoption of the Guidelines on Sexual Violence and its Consequences (Niamey Guidelines) which is now at the popularization stage. The goal of the Niamey Guidelines is to guide and support Member States of the AU in effectively implementing their commitments and obligations to combat sexual violence and its consequences. The Niamey Guidelines are designed as a tool to offer a methodology to African States, and to serve as the foundation for an adequate legal and institutional framework. They offer a set of practical, specific and concrete measures, and were developed pursuant to Article 45 (1) (b) of the African Charter, which gives the ACHPR a mandate to create and draft the principles and regulations relating to human rights, which African governments may use as the basis for their domestic legislation;

- Published the first Newsletter on Women’s rights during the ACHPR’s 30th anniversary commemorated at the ACHPR’s 60th Ordinary Session which included Articles relating to the Maputo Protocol and its State Reporting Procedure; sexual violence and its consequences; violence against women during conflict; sexual reproductive health rights of women; and abortion in Africa. The Newsletter also included an analysis of General Comment No.2 on Article 14(1)(a),(b),(c)and(f) and Article 14(2)(a)and(c) of the Protocol on reproductive health rights;

- Finalised the General Comment on Article 7(d) of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol).

E. Other Achievements/Activities

58. Hon. Commissioner Asuagbor was also:

- Member of the Working Group on Indigenous Populations/Communities in Africa;
PART THREE: CONCLUSIONS AND RECOMMENDATIONS

59. The Special Rapporteur unveils this section of her Report by expressing gratitude to all her partners that have extended material and financial support to the various Mechanisms she has headed over the years, especially the Mechanism of the Special Rapporteur on the Rights of Women in Africa, wherein she has served the longest. She acknowledges that her Partners have been very instrumental in the progress achieved by the Mechanism this far.

60. The Special Rapporteur would be remiss if she doesn’t also acknowledge the various mandate holders who have made significant contributions, and worked relentlessly to achieve their mission for the Mechanism with efficiency, devoted commitment and self-sacrifice in order to promote and protect women’s rights since its establishment. She recognizes that significant milestones have been achieved in advancing women’s rights and gender equality at the national, regional and international levels, and today, she is proud of the visibility and importance of the Mechanism thanks to their combined and continued efforts.

61. The Mechanism has demonstrated its commitment to the promotion of the rights of women and girls by developing and adopting soft laws including: Guidelines on State Reporting of the Maputo Protocol; General Comment No.1 on Article 14 (1) (d) and (e); General Comment No. 2 on Article 14 (1) (a), (b), (c) and (f) and Article 14 (2) (a) and (c) of the Maputo Protocol; Joint General Comment on Child Marriage and General Comment on Article 7(d) of the Maputo Protocol. In addition to these, the ACHPR adopted Resolution 111 on the Right to a Remedy and Reparation for Women and Girls Victims of Sexual Violence (2007); the Niamey Guidelines etc.

62. She notes however that, these efforts are watered down by the low rate of ratification of the Maputo Protocol, as well as the huge gap between commitments pursuant to the ratification of the texts and the reality of women’s lives. Indeed, she regrets that harmonization with domestic laws in several countries which have ratified the Protocol is yet to be conducted.

63. In the same vein, while the Special Rapporteur acknowledges that States can formulate reservations while signing, ratifying, or acceding to the Maputo Protocol, she decries that such reservations should not be aimed at excluding
the applicability of core provisions of the Protocol and undermining its objectives and purpose. She therefore calls on States who have made reservations under the Maputo Protocol to ensure that such reservations are not incompatible with the spirit and letter of the Protocol. She also encourages States to lift reservations that negatively impact on policies and legislations aimed at promoting and protecting the rights of women, thereby contravening the rights of women guaranteed in the Maputo Protocol.

64. The Special Rapporteur laments on the issue of the non-compliance of State Parties with the Guidelines for State Reporting under Article 26 of the Maputo Protocol. She notes that in effect, since the adoption of the Guidelines in 2009, only 14 States Parties have complied with them.

65. Furthermore, considering the global impact of women's movements around the world and the involvement particularly of African women in shaping the socio-economic and political landscapes of the continent, she recalls this year's International Women’s Day theme: “I am Generation Equality: Realising Women’s Rights” which she thinks is particularly fitting. In her view, this theme is geared towards mobilising collective activism for a "gender-equal" world. It serves as a clarion call for an end to gender-based violence; the need for substantive gains in comprehensive economic justice; bodily autonomy; sexual and reproductive health and rights; and a gender-conscious approach towards climate justice. The theme also emphasises the role of technological innovations in obtaining gender equality and developing feminist leadership.

66. She also recalls that this year marks 25 years in the implementation of the Beijing Platform for Action. In that respect, she notes that on 5 March 2020, the UN Entity for Gender Equality and the Empowerment of Women (UN Women) launched its Report "Women's Rights in Review 25 years after Beijing" which provides a broad inventory on the status of implementation of the Beijing Platform. The Report elaborates on several significant strides made during this period, including the rise of women in tertiary education outnumbering those of men, the 38 per cent drop in the ratio of maternal deaths across the globe since 2000 and the development of legal reforms across 131 countries to support gender equality and address discrimination.

67. The above notwithstanding, the Special Rapporteur still notes with concern the continued violation of women's rights in Africa. The Special Rapporteur has always maintained that gender inequality is a result of discrimination against women and girls in terms of access to and control over economic opportunities, social services and decision-making processes. Women's limited ownership of assets due to discriminatory inheritance laws, unpaid care work and work in the informal sector present persistent challenges to gender equality. The unequal distribution of decision-making powers necessarily exacerbates these challenges; reportedly, men still compose 75 per cent of parliamentarians, hold 73 per cent of managerial positions, are 70 per cent of climate negotiators and
almost all of the peacemakers. Seemingly, Generation Equality is patently unequal.

68. The Special Rapporteur would like to remind African Governments of their obligations towards the full realization of women's rights and to encourage them to take concrete steps towards adopting legislative and other measures that ensure substantive equality for women in all spheres. The Special Rapporteur urges the remaining thirteen (13) States that have not ratified the Maputo Protocol to concretize their commitment to women's rights by ratifying as soon as possible and those that have ratified to implement the Maputo Protocol. Implementation entails allocating appropriate budgetary resources towards gender-disaggregated statistics which are indispensable for the formulation, implementation, monitoring and evaluation of laws, policies and programmes on women's rights.

69. Furthermore, in line with this year’s theme adopted by the AU, she particularly calls on States Parties to recommit to the AU Vision 2020 of Silencing the Guns by 2020, and to ratify and implement the Maputo Protocol which obligates States to strengthen the capacity of women in peace building, conflict prevention and resolutions; condemn armed conflict and prevent violence against women in whatever form during armed conflicts. In the same vein, she calls on States Parties to provide comprehensive support to women and girls affected by war and other crises, including COVID-19.

70. Additionally, despite development of human rights norms, achievements and initiatives on ending harmful practices, including child marriage and FGM continue to persist. Millions of girls and women are still at risk of being subjected to such practices. The Special Rapporteur opines that these practices serve as obstacles to promoting the rights of girls to education, personal growth, health and access to employment, amongst others. Obtaining statistics on progress made towards the reduction and eradication of FGM and child marriage due to the lack of reliable survey data remains a challenge.

71. She notes that FGM and child marriage remain complex issues and ending them require a holistic approach that addresses the multiple and intersectional social and economic drivers including stronger laws and policies, and their enforcement. In this regard, she once again commends the Republic of Sudan for recently criminalising the practice of FGM and calls on other States Parties who have not yet done so, to follow suit.

72. The Special Rapporteur urges States Parties to continue to work with civil society, media, religious and traditional leaders, women and girls, boys and men to end FGM and child marriage in their countries. She underlines that addressing FGM and child marriage is not only critical to harnessing Africa’s demographic dividend, but also to achieving the sustainable development objectives of AU’s Agenda 2063 and UN’s Agenda 2030.
73. Other recommendations to States more generally include:
   - Submitting State Reports under Article 26 of the Maputo Protocol and complying with the Guidelines on State Reporting of the Maputo Protocol;
   - Supporting women’s participation in policy- and law-making bodies, as well as law enforcement and security mechanisms with a counter-terrorism mandate, and ensuring that counter-terrorism efforts are more gender responsive, through training and awareness-raising for both male and female national officials;
   - Applying the ACHPR’s soft laws on women as models in drafting national legislations and policies relating to the rights of women and girls;
   - Involving NHRIs and civil society in the development of plans and policies on women’s rights, including the establishment of monitoring mechanisms;
   - Ensuring prompt and impartial investigation and prosecution of perpetrators of acts of torture, in particular in cases involving children;
   - Reviewing legal frameworks on sexual violence and provide training on this legal framework to law enforcement officials;
   - Establishing help desks in relevant government institutions responsible for assisting victims of sexual violence;
   - Integrating comprehensive abortion care including contraceptives in reproductive health services;
   - Ensuring implementation of the laws on access to abortion health care services; and
   - Take legislative and other measures to eradicate socio-cultural practices that undermine women’s rights in accordance with regional and international standards.

74. The Special Rapporteur also calls on NHRIs and civil society organizations to continue monitoring human rights of women and girls at the national level and collaborating with the Special Rapporteur on joint initiatives.

75. The Special Rapporteur recognizes the role played by all Legal Officers who have assisted the various mandates handled by the Special Rapporteur during her tenure at the ACHPR.