

INTERSESSION REPORT

By

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Special Rapporteur on the Rights of Women in Africa

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Banjul, The Gambia

9 - 23 April 2013

This Report is presented in accordance with the Rules of Procedure of the African Commission on Human and Peoples' Rights (the Commission), and gives an account of promotion activities undertaken since the 52nd Ordinary Session held in October 2012 in Yamoussoukro, Côte d'Ivoire.

It includes activities undertaken in my capacity as:

1. Commissioner;
2. Member of the Committee on the Rights of People Living with HIV, and Those at Risk, Vulnerable to, and Affected by HIV; and
3. Special Rapporteur on the Rights of Women in Africa.

I - Activities undertaken in my capacity as Commissioner

1. Addis Ababa, **24 - 25 January 2013**: I participated in the 22nd Ordinary Session of the Executive Council of the African Union.
2. Addis Ababa, **27 - 28 January 2013**: I participated in the 28th Ordinary Session of the African Union Conference on the theme "Pan-Africanism and African Renaissance" and on the celebration of the 50th Anniversary of the OAU/AU.
3. Banjul, **18 - 25 February 2013**: I participated in the 13th Extraordinary Session of the Commission. During the Session, the Commission considered Communications on Seizure, Admissibility and Merits, and adopted resolutions on specific situations/countries, as well as concluding observations and promotion mission reports.

II - Activities undertaken in my capacity as Member of the Committee on the Rights of People Living with HIV, and Those at Risk, Vulnerable to, and Affected by HIV

4. Cotonou, **21 - 23 March 2013**: I participated in an awareness-raising seminar jointly organised with the mechanism of the Special Rapporteur on the Rights of Women in Africa. In addition to the members of the Committee, the seminar brought together experts, representatives of associations and NGOs working in the areas of HIV/AIDS and the legal protection of the rights of women. Participants reviewed and discussed strategies, progress made and challenges regarding the protection of women's rights in the context of HIV/AIDS, based on the experiences of Benin, Mali and Cameroon.
5. Participants also discussed effective ways of monitoring the implementation of the relevant recommendations made during the seminar towards reversing the current

trend observed in several countries regarding the vulnerability of women and girls with regard to HIV/AIDS.

III- Activities undertaken in my capacity as Special Rapporteur on the Rights of Women in Africa

A- Seminars and Meetings with Civil Society Organisations, Institutions and Other Partners Involved in Women's Rights Promotion

6. From 11 - 14 December 2012, I participated in Geneva, at the invitation of the UN Office of the High Commissioner for Human Rights, in a panel discussion of UN and regional mechanisms dealing with issues of women's rights and torture.

7. During the Geneva meeting, I presented two papers: one on the progress made regarding women's rights since the adoption in January 2012 of the Addis Ababa roadmap; and the other on the way forward and activities to be conducted under the implementation of the roadmap in order to strengthen partnership among UN and regional human rights protection mechanisms.

8. On 22- 23 January 2013: I participated in the 21st GIMAC consultative meeting bringing together African and international civil society organisations and networks on gender mainstreaming in the AU, and evaluation of the implementation of the Solemn Declaration on Gender Equality in Africa.

9. On the occasion of this institutionalised pre-summit event, women from African civil society organisations discussed the theme of the Summit and the contributions of other organisations to pan-Africanism, in particular the Pan-African Women's Organisation (PAWO). Building inter-generational relationships was identified as key to meeting the goals set by the Heads of State and Government towards making African Renaissance a major issue for a common future.

10. A panel discussion was specifically organised on the situation of women in times of conflict which served as a basis for women delegates from Mali, Central African Republic and the Democratic Republic of the Congo to share the concerns and needs of women in the three countries in terms of prevention, protection and participation in the ongoing peace negotiation efforts in these countries.

11. GIMAC made several recommendations to regional economic communities and the AU.

12. The recommendations included involving women in these three countries in peace negotiation efforts; protecting women's rights and putting an end to impunity for perpetrators of sexual violence; providing the necessary financial resources for the economic, social and psychological support of women victims of rape and other forms of violence; ensuring equal participation for men and women at all levels of decision-making; and implementing legislation on women's access to land and property.

13. GIMAC validated specific recommendations towards the restoration of peace and security made by women from Mali, Central African Republic and the Democratic Republic of the Congo to the UN, AU and Governments of the three countries concerned.

14. On **26 January 2013**, I participated in a high-level panel discussion in Addis Ababa on the Initiative to Empower Women in Agriculture (EWA), chaired by the former President of Nigeria, Mr Obasanjo, and the World Bank. EWA is a three-year initiative managed by GIMAC. Several technical and financial partners including UN agencies, such as AFDB, FAO, WFP and the World Bank, pledged to support the capacity building of grassroots women towards their access to land and productive and financial resources.

15. From **1 - 5 March 2013**, I participated in several panel discussions organised in New York on the margins of the 57th Session of the UN Commission on the Status of Women.

16. On **1 March 2013**, I attended a workshop organised by the international NGO Global Initiative for Economic, Social and Cultural Rights on women's access to land and property in Africa which brought together several female activists and representatives of rural women from Zambia, Uganda, Malawi and South Africa.

17. The issues discussed included an update, instruments for change, the way forward after 2015 in terms of progress to be made regarding rural women, and the material for a draft action plan.

18. I presented a paper on the Commission's role in protecting women's rights regarding access to land and property. I underscored the Guidelines on Social and Economic Rights which was adopted by the Commission as an advocacy instrument and a tool for raising the awareness of States and other stakeholders towards gender mainstreaming.

19. On **4 March 2013**, I participated in two panel discussions organised by Open Society Foundation Law and Hairy Commission, two international NGOs dealing with access to justice by grassroots women in the area of the protection of their rights regarding inheritance and access to land, especially those infected or affected by HIV/AIDS.

20. I made a presentation on a women's rights approach, which should be a holistic approach in accordance with the provisions of the Maputo Protocol in line with which it should be read and implemented.

21. I made a presentation on the mandate and activities of the Committee on HIV of the Commission, as well as the Communication/Complaint procedure before institutions of the African human rights system.

22. On **5 March 2013** in New York, I participated in a panel discussion organised by the international NGO *Femmes Africa Solidarité* on the theme “Strengthening Preventive Actions to Curb Conflict-Related Violence against Women”.

23. The panel discussion was attended by women’s NGOs working in the area of gender-based violence. The experiences of several countries were highlighted to identify examples of best practices regarding prevention and protection.

24. Presentations were made by the AU Gender Director, Africa Director of UN Women, and Innocent Balemba Zalinda, an expert from the UN Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict.

25. I made a presentation on the specific situation of violence suffered by women in the north of Mali, carried out by terrorists and jihadists since the beginning of the armed conflict.

26. Several recommendations were made by participants regarding the urgent need for the UN and States to increase financial and material resources towards empowering women and lifting them out of poverty and the pain of rape-related stigmatisation.

27. On **15 March 2013**, the Special Rapporteur on the Rights of Women in Africa, together with the Special Rapporteur on Freedom of Expression and Access to Information in Africa, sent a joint letter of Appeal to the President of the Somali Republic.

The letter addressed allegations of rape, arbitrary arrest and detention of an internally displaced Somali woman in the Somali Republic. It also addressed allegations of arbitrary arrest and detention of a number of journalists in the country.

We urged the Government of the Somali Republic to investigate these allegations and bring the perpetrators to justice. We also urged the Government to inform the Commission of the progress being made to curb violence against women, arbitrary arrests, and detention of journalists in the Somali Republic.

28. From **21-23 March 2013**, a joint “Regional Sensitization Seminar on Women and HIV/AIDS in Africa” was organised by the Special Rapporteur on the Rights of Women in Africa and the Committee on the Rights of People Living with HIV, and Those at Risk, Vulnerable to and Affected by HIV, in Cotonou, Benin. The objectives of the Seminar were *inter alia*, to raise the awareness of participants about the role played by the Commission’s subsidiary mechanisms (the Committee for the Protection of the Rights of People Living with HIV and Those At Risk, Vulnerable to and Affected by HIV in Africa and the Special Rapporteur on the Rights of Women in Africa) in addressing violations against the rights of PLWHIV and the rights of women.

B- Notes Verbales / Reminders to States Parties

29. Notes verbales were sent to the Governments of Rwanda, Congo and Equatorial Guinea. I am still waiting for their responses.

Press Release/Statements, Articles

30. I issued a statement on the occasion of the International Women's Day, on **8 March 2013**, on the theme chosen by the UN General Assembly which was widely disseminated among civil society organisations.

Letters of Reminder

31. I continued to send reminders to States which have not yet ratified the Maputo Protocol at a time when it is almost 10 years since the instrument was adopted in July 2003 by the Assembly of Heads of State and Government of the African Union.

32. To date, the Protocol has been ratified by 35 States even though none of them has presented an activity report in conformity with the Commission's Guidelines, in order to monitor the instrument's implementation.

Writing of Articles

33. I was requested by the NGO Equality Now to write the preface of an article for a publication on 10 years of implementation and monitoring of the Maputo Protocol.

Conclusion and Recommendations

34. Few positive developments have been recorded since the last Session regarding the protection of women's rights, despite the intensive advocacy campaign conducted by the mechanism of the Special Rapporteur and the activities to combat gender-based violence organised by NGOs with the support of technical and financial partners.

35- Instead, with the continuous conflict in the DRC and especially the situation in the north of Mali since March 2012, gender-based violence has taken a criminal dimension given the forced Islamisation imposed on the population, in particular women, by MUJAO terrorists and other jihadist movements: wearing of the djihab; public beatings; gang rape; stoning of unmarried couples; women's inadequate detention conditions; unwanted pregnancies; forced marriage; inhuman, cruel and degrading treatment; and the destruction of health centres, schools, and women's working tools such as multifunctional platforms and credit institutions.

Recommendations

The African Union:

- Urge Member States which have not yet done so to ratify and/or expedite the ratification of the Maputo Protocol;
- Encourage Member States which have ratified the Protocol to present without delay their periodic reports to the African Commission, based on the relevant Guidelines;
- Urge countries which have not yet done so to present their annual reports on progress made in mainstreaming gender in their policies and programmes in accordance with paragraph 12 of the AU Solemn Declaration on Gender Equality in Africa;
- Encourage States to include women in peace processes and awareness-raising campaigns towards the restoration of peace and security in conflict countries.

Member States:

- Accelerate the implementation of the Solemn Declaration on Gender Equality in Africa; and for States which have not yet done so, the ratification and implementation of the Maputo Protocol;
- Enact legislation and adopt national action plans for implementing UN Security Council Resolution 1325, towards putting an end to violence against women and girls, and allocate the necessary financial resources to conflict prevention programmes and activities;
- Ensure the protection of women's rights through women's greater access to justice by providing judicial assistance and community legal services;
- Ensure women's access to land, property and productive resources, including credit and other financial services.

The African Commission:

- Support the activities of the mechanism of the Special Rapporteur to enable it to participate in AU programmes and strategies under the African Women's Decade.