

INTER-SESSION REPORT

By

Soyata MAIGA

**Commissioner/ Special Rapporteur on Women's Rights in
Africa**

**54th Ordinary Session of the African Commission on
Human and Peoples' Rights**

**Banjul (The Gambia)
22 October – 5 November 2013**

In accordance with the provisions of the Rules of Procedure of the African Commission on Human and Peoples' Rights (ACHPR), this report recounts the promotion activities undertaken since the 53rd Ordinary Session held in Banjul, The Gambia from 9 to 23 April, 2013.

The report includes the activities carried out in my capacity as:

1. Commissioner;
2. Member of the Committee for the Protection of People Living with HIV and Those at Risk;
3. Special Rapporteur on the Rights of Women in Africa.

I – Activities carried out in my capacity as Commissioner:

1- 18 to 19 July

I took part in a joint meeting in Nairobi which brought together the members of the African Commission and the African Court on Human and Peoples' Rights on issues of common interest.

2 - 25 July, 2013.

I participated in the deliberations of a workshop on transitional justice organized in Nairobi by the Center for the Study of Violence and Reconciliation (CSV) upon the initiative of Commissioner Pacifique Manirakiza, Chairperson of the Working Group on Extractive Industries.

3- 19 September, 2013

I was invited to join a High-Level Panel organized in Geneva by the Human Rights Council on cooperation with the human rights protection Mechanisms of the African Union.

4- The event was chaired by the Chairman of the Human Rights Council (HRC), pursuant to Resolution 60/251 of the General Assembly establishing the HRC, and which urged this organ to closely

cooperate with regional organizations pursuing the same objectives in the area of human rights.

5- In this regard, the HRC adopted several resolutions, particularly Resolution 18/14 which requires the holding of a workshop in 2014 with the regional human rights mechanisms in order to discuss the various experiences gained, best practices as well as challenges encountered.

Three presentations were made before the Panel on the African Court, the African Commission and the Committee of Experts on the Rights and Welfare of the Child.

6- I made a presentation on “**The African Commission: Progress and Challenges**”. With regard to the experience of the African Commission, the issues focused particularly on the progress and shortcomings of the implementation of the road map adopted by the OHCHR and the ACHPR in January, 2012.

II – Activities carried out in my capacity as a member of the Committee for the Protection of the Rights of People Living with HIV-AIDS

7 - 3 to 5 October, 2013

The mechanism participated in a sensitization seminar organized by the Committee in Dakar with the support of UN/AIDS. The theme of the seminar was: “*Key Human Rights Issues Affecting Women Living with HIV in Africa*” and one of the objectives was to provide a forum for the various stakeholders working with women living with HIV (WLHIV) in Africa in order to understand, discuss and consider the main issues relating to human rights which affect WLHIV within the context of access to health care in Africa.

This seminar was attended by the members of the Committee and several experts, government representatives and NGOs working on the issue of HIV/AIDS.

8- The experiences of several countries, particularly Benin, Mali, Cameroon, Kenya, Senegal, South Africa, Swaziland, Tanzania, Togo and Zambia, in the area of the fight against the AIDS pandemic were the subject of discussions. Owing to the persistence of numerous challenges linked particularly to the inadequacy of financial resources of the States and specialized Institutions, the participants agreed on the need to continue the sensitization campaigns in order to ensure that all stakeholders subscribe to the objectives targeted by the national, regional and international Policies.

III – Activities carried out in my capacity as the Special Rapporteur on the Rights of Women in Africa

A-Seminars and Meetings with the international and regional Organizations and other partners involved in the promotion and protection of women’s rights

9- 24 to 26 April – Yaounde:

Participation in a Continental Consultative Seminar on the African Court for women’s human rights NGO. This meeting was attended by associations of women lawyers, State representatives, bar associations, members of Parliament and NHRIs.

10- The interactions focused on the mandate, missions and challenges encountered by the African Court both with regard to the knowledge of its work and the difficulties encountered given the lack of urgency on the part of the States to make the declaration, pursuant to Article 34(6) authorizing the NGOs and individuals to refer cases to this court. Relations between the Court and the African Commission were clarified and commented upon.

11- I presented the mandate, missions and interaction of the mechanism of the Special Rapporteur on Women’s Rights in Africa with the various stakeholders involved in the promotion and protection of the rights of women.

12- 20 -21 May, 2013

I took part in the 22nd Consultative Meeting on Gender Integration within the African Union (GIMAC) in Addis-Ababa. Discussions centred on reflection towards the commemoration of the 50th Anniversary of the OAU/AU and the 10th Anniversary of GIMAC. The meeting was attended by young girls who led the inter-generational dialogue as well as elderly women, the trailblazers who won fame in the building and consolidation of the Pan-African women's organization. Interactions focused on the evaluation of the contribution of African women and the impact of the Policies, Laws and Programmes adopted by the AU in the area of the protection of women's rights.

13- Participants welcomed the commitment and support of the Chairperson of the African Union Commission for the integration of gender in the African Union and took note of the Declaration adopted on 13 May, 2013 by the Consultative Conference of the African Union Commission on the contribution of women to Pan Africanism. Important recommendations emerged from the discussions, particularly in the area of land issues, cultural barriers as well as measures to be taken in order to eliminate violence against women.

14- 18 to 19 June, 2013

The mechanism of the Rapporteur was requested by IPAS to assist in the organization of a high-level workshop on the issue of maternal mortality linked to unsafe abortions in Africa. In attendance were several African ministers responsible for health and gender issues, top officials of health institutions; representatives of UNFPA, the universities and research centres; ECA, UN/WOMEN, legal practitioners and NGOs.

15- The experiences and best practices of the States in the area of sexual and reproductive health were the subject of discussions, with emphasis on the urgent measures to be adopted in order to decriminalize abortion, reduce the high level of maternal mortality and increase contraceptive prevalence among young adolescent girls in particular.

16- At the end of the deliberations, the Ministers responsible for health and gender undertook to increase the financial resources allocated to the maternal health sector; to strengthen programmes for the training of medical personnel as well as the capacity and quality of basic health facilities. The issue of unsafe abortions was discussed at length from the human rights perspective and with relation to the specific obligations of States Parties under the provisions of Article 14 of the Maputo Protocol.

17- 3 to 19 August, 2013

I took part in the deliberations of an experts' consultative workshop on the formulation of General Observations on Article 14 of the Maputo Protocol held in Nairobi on the initiative of IPAS.

The meeting had contributions from experts, representatives of the WHO, UNFPA and NGOs on sexual and reproductive rights. The objective was to have interactions on the relevance of such a tool for the States Parties to understand their general and specific obligations. The participants made substantial improvements to the draft document in order to ensure a better consideration of the participation of women in sexual and reproductive health, in accordance with prevailing international practices and standards.

18- At the end of the deliberations, I took stock of the workshop and the prospects which will arise from the adoption of the General Observations by the African Commission for the various stakeholders in the area of training, information and sensitization on the issue.

19- 21 to 24 August, 2013

The mechanism collaborated with the Centre for Human Rights of the University of Pretoria for the organization of a capacity strengthening seminar in Dakar for stakeholders involved in the promotion of women's rights, representatives of the States, NGOs and NHRIs. The objective was to train the various stakeholders in the technique of the drafting of periodic State reports, pursuant to the Maputo Protocol and in accordance with the guidelines adopted to this effect by the African Commission in 2009.

20- On this occasion, I gave an overview of the Maputo Protocol by stating the progress, challenges and opportunities linked to the implementation of this instrument. At the end of the deliberations, the participants adopted several relevant recommendations which urged States Parties to honour the promises they made to women.

21- 9-10 September, 2013

I took part in a training programme in Dakar centred on the results-based approach. It was a capacity strengthening session which brought together several African women leaders on the initiative of the Femmes Africa Solidarité (FAS) international NGO in order to equip them to be more efficient in situational analysis or the analysis of specific problems as well as in the formulation of the objectives of a given project in the area of women's rights.

22- 19- September, 2013

I was invited to join a Panel organized by the African Union Delegation to the United Nations in Geneva, in collaboration with the Organisation of Islamic Cooperation (OIC), on the theme: "Women as Main Stakeholders in Public Life and the Decision-Making Process: Prospects of the AU and the OIC".

23- Several important statements relating to the place and role of women in governance and the political processes throughout the world marked the opening of the Panel. These statements were made by Ms. Navi Pillay, UN High Commissioner for Human Rights; H.E. Jean-Marie Ehouzou, Ambassador and Permanent Observer to the AU; and H.E. Slimane Chikh, Permanent Ambassador to the OIC.

24- The holding of this Panel is in furtherance of one of the recommendations of the Vienna+20 Conference organized in June 2013 in Austria on the evaluation of legal instruments on the promotion and protection of women's human rights. Discussions focused on the 2003 Maputo Protocol and the 2008 OIC Action Plan

on the Advancement of Women. The objectives pursued by the organizers were to highlight best practices and lessons learnt with regard to the representation of women in decision-making bodies on equal terms with men as well as to point out the challenges and to explore ways and means of eradicating all forms of discrimination against women.

25- I made a presentation on the progress, challenges and prospects of the Maputo Protocol. This contribution stimulated interesting discussions.

26- 25 to 26 September, 2013

27- The mechanism took part in a workshop whose main theme was: Gender, Human Rights and Water Governance in Africa. This activity was organized by the *International Water Management Institute* NGO in Broederstroom, South Africa.

28- Deliberations basically focused on the difficulties encountered by women in the enjoyment of their right to water and sanitation. Contributors studied the various international and regional instruments dealing with the right to water and sanitation. They made a specific analysis of the situation in four countries, namely Kenya, Malawi, South Africa and Zimbabwe.

29- I made a presentation on the role of the African Commission in the promotion and protection of the rights of women to access to potable water and sanitation. Emphasis was laid on Resolution 204 on a Human Rights-based Approach to the Governance of Natural Resources; the Principles and Directives on the implementation of economic, social and cultural rights which deal extensively with the right to water and sanitation; and finally the precedents of the Commission relating to the right to water and sanitation.

30- 1 October, 2013

31- I took part in a Panel discussion organized by the United Nations Working Group on Legal and de facto Discrimination against Women which focused on the strengthening of collaboration between the regional mechanisms for the protection of women's rights and the United Nations Mechanism which were established in 2010.

32 – In addition to the mechanism of the African Commission's Rapporteur, representatives of the CEDAW Committee, the Inter-American Commission, the ASEAN Commission, the OIC's Commission on Gender and the European Union Commission were present at this Panel discussion. Each regional mechanism was expected to present its legal instrument for the protection of women's rights, the policies arising there out, the observed achievements, persistent challenges as well as the post-2015 prospects.

33- For my part, I articulated our intervention with regard to the innovative and complementary articles of the CEDAW of the Maputo Protocol by laying emphasis on the obstacles encountered by the mechanism both in the attainment of continent-wide ratification and, more specifically, with regard to the generally poor level of implementation of the said instrument.

34- The same observations were made by the OIC mechanism, while the others welcomed certain good practices in terms of jurisprudence which have had a positive impact on the lives and rights of women in these regions.

35- The Working Group undertook to establish formal relations for collaboration between the various mechanisms following the example of the road map adopted in Addis Ababa in January 2012 by certain UN mechanisms and two of the ACHPR in order to define the needs of women and to provide comprehensive and specific solutions for them.

36- 3 – 5 October, 2013

I was invited to join the First High-Level Panel on Gender Equality and Empowerment of Women within the context of the post-2015 MDG attainment date. This Panel jointly organized by the Ministry of

Solidarity, Family, Women and Children's Affairs of Côte d'Ivoire, the Department of Gender of the African Union and development partners is part of continental movement for the formulation of background documents which should identify Africa's priorities.

37- Stakeholders from several countries had interactions on the laws and programmes existing in various countries to bring up the contribution of African women in order to incorporate it into the document relating to the common African position in the post-2015 development agenda.

38- All the participants agreed that in spite of the obvious advances made in several areas in the fight against poverty suffered by women, there still remain serious disparities between men and women, particularly with regard to economic empowerment.

39- The Recommendations of the High-Level Panel which was opened by the Prime Minister of Côte d'Ivoire should, according to him, elicit a strong response to the improvement of the situation of women on our continent. These recommendations were centred on land, means of productivity, credit, access to water and the financing of the activities of rural women and those working in the informal sector.

B – Notes Verbales / Reminders to States Parties

40- Notes verbales were sent to the Governments of Gabon, Congo and Equatorial Guinea to authorize the promotion and follow-up missions. Only Gabon responded favourably to our request and scheduled the mission for the first week of December, 2013.

41- Just like in the past, reminders were sent to States which have not yet ratified the Maputo Protocol, even as the African Union and the NGOs have just celebrated the 10th anniversary of the adoption of the said instrument.

Declarations

42- A Declaration was issued by the Mechanism on the occasion of Pan African Women's Day observed on 31 July, 2013 which was widely replicated at the level of the States Parties and Civil Society Organizations.

43- On the occasion of the celebration of the International Day of the Girl Child on 11 October, I was invited by the Working Group on Legal and de facto Discrimination against Women to assist in the drafting of a joint Declaration with all the other regional mechanisms for the protection of women's rights.

Drafting of Articles

1. Addis Ababa: 24 and 25 January, 2013

I attended the 22nd Ordinary Session of the Executive Council of the African Union;

2. Addis Ababa: 27 and 28 January, 2013

I attended the 28th Ordinary Session of the Conference of the African Union which focused on the theme: "Pan-Africanism and African Renaissance" and the Celebration of the 50th Anniversary of the OAU/AU;

I wrote the preface of a publication of the "Solidarity of African Women's Rights" (SOAWR) coalition which took stock of the status of the ratification and implementation of the Maputo Protocol since its adoption in July, 2003 and made recommendations in order to speed up the positive impacts of this instrument on the lives of women. The SOAWR coalition is made up of 43 NGOs based in 23 African countries. Its work is to ensure that the Maputo Protocol is ratified across the continent, adapted for domestic law, disseminated and implemented in all the countries of the African continent.

Conclusion and Recommendations

44- Since the last session, not many changes have been made in the area of the protection of women's rights, in spite of the intense advocacy role played by the Rapporteur's Mechanism and the

visibility given to gender-based violence due to activities and concerted efforts of the NGOs and the technical and financial partners.

45- However, with the persistent conflict in the DRC and the consequences of the conflicts in Mali and the CAR on the physical safety and the mental and reproductive health of women, we are powerless before the frequency and increase in the rape of and other forms of violence against women as well as the impunity the perpetrators of these crimes continue to enjoy, particularly the warlords, all types of rebels and even some uncontrollable members of the troops operating under the auspices of the United Nations.

Recommendations

46 – To the African Union

Urge Member States which have not yet done so, to ratify and/or speed up the process of ratification of the Maputo Protocol;

- Encourage Member States which have ratified the Protocol to implement it and to submit as soon as possible their periodic reports before the African Commission on the basis of the Guidelines adopted to this effect.

- Urge countries which have not yet done so, to submit their annual report on the progress they have made in the incorporation of gender into the policies and programmes, in accordance with Item 12 of the Declaration on Gender of the African Union.

- Encourage the States to include women on the Commissions set up for negotiations and dialogue as well as the sensitization campaigns in order to facilitate the return to peace and security in conflict-stricken countries.

47 – To Member States

- Speed up the implementation of the Solemn Declaration on Gender Equality in Africa as well as the ratification and implementation of the Maputo Protocol for those which have not yet done so.

- Adopt national action plans on the implementation of Resolution 1325 of the United Nations Security Council in order to combat violence against women and girls, and allocate adequate financial resources for the implementation of conflict prevention programmes and activities.

- Ensure a better protection of women's rights through greater access to the public justice system by women and the effectiveness and practicality of free legal aid.

- End the impunity of sexual violence by strengthening the legal mechanisms and arraigning perpetrators before the courts./.