

INTERSESSION REPORT

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OF WOMEN IN AFRICA**

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on Human and Peoples' Rights**

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1- Pursuant to Article 72 of the Rules of Procedure, and by virtue of the mandate assigned to me in my capacity as Special Rapporteur on the Rights of Women in Africa, the present Report gives an account of the promotional activities I carried out since the 47th Ordinary Session of the African Commission held in Banjul in May 2010.

2- It consists of three parts: first, the activities carried out in my capacity as member of the African Commission; secondly in my capacity as member of the Working Group on Indigenous Populations/Communities and, thirdly as Special Rapporteur on the Rights of Women in Africa.

I – Activities carried out as Member of the African Commission

3- From 7 June to 11 June 2010, Dakar, Republic of Senegal, I took part in a seminar organised by the ACHPR on the communications/complaints mechanism. The aim of the seminar was to inform representatives from member States and NGO on the communications/complaints procedure. The process followed by the ACHPR after it receives a communication; the adoption and the completion of a decision; the Revised Internal Rules of Procedure and their consequences on the work of the ACHPR; and, the strategies for a more efficient and accessible communications/complaints procedure were among the topics covered by the seminar.

4- On 1 and 2 July, 2010, in Rabat, Morocco, I participated in a meeting organised by the United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People. The objective was to discuss the importance of building an international consensus on a just and viable solution of the question of Jerusalem and the role of African States and other actors in that regard. I delivered a presentation on “The Role of Non-State Actors, including Parliamentarians and African Civil Society” in the context of which we discussed different initiatives from the African Union and the African civil society in support of the Palestinian cause. With the aim of finding a just and viable solution to the conflict, the meeting also analysed the roles that regional, national, and local organisations could play.

5- On 19 August 2010, in Bamako, Mali, I participated in a workshop on the validation of the 2010-2014 strategic plan of the National Human Rights Commission of Mali.

6- On 2 October 2010, in Pretoria, South Africa, I participated together with Chairperson and the Vice-Chair of the ACHPR, in a meeting organized by the Human Rights Development Initiative (HRDI) with the Committee on the Protection of the Rights of People Living With HIV/AIDS (PLHIV) and those at

risk, vulnerable to and affected by HIV and other actors. The objective of the meeting was to discuss the mandate, the limits, and opportunities of the newly established Working Group of the AHCPR as well as the structures and mechanisms that could support the work of the Working Group. In addition the goal of the meeting was to explore various avenues for collaboration between the Working Group, NGO and the HRDI. Furthermore, we had the opportunity to meet and discuss with the UN Special Rapporteur on the Right to Health, Mr. Anand Grover.

7- From 4 to 6 October 2010, in Arusha, Tanzania, I participated in the Colloquium organised by the African Court on Human and Peoples' Rights, in partnership with the Danish Institute for Human Rights (DIHR) and with the support of the German agency for technical cooperation (GTZ) and the European Union, organized a colloquium for continental and sub-regional human rights institutions mandated with the promotion and protection of human rights in Africa. The goal of the colloquium was to initiate a judicial dialogue between such institutions, in order to reinforce the means and ways through which cooperation and coordination can be ensured (notably through the exchange of information and expertise) between judicial, quasi-judicial, continental and sub-regional organisations mandated with the promotion and protection of human rights in Africa. In addition to the African Court, the ACHPR, and the African Committee of Experts on the Rights and Welfare of the Child, high-ranking delegates from the Community Court of the Economic Community of West African States (ECOWAS), the East African Court of Justice and the Tribunal of the Southern African Development Community (SADC) attended the colloquium. The East African Community Chief Justices Forum was also represented. I delivered a presentation on the theme "Legal Aid/Assistance – Considered as a Human Right by the African Charter".

8- After three days of constructive discussions, participants agreed on the following:

- Participants reiterated their commitment to the promotion and protection of human and peoples' rights guaranteed by the African Charter and other regional and international human rights conventions;
- They recognized the importance of including national judicial institutions in the dialogue on the promotion and protection of human rights throughout the continent;
- They committed to sharing information on decisions which could be used by others in the context of their work in order to develop a rich African jurisprudence on human rights as well as a coherent approach;

- They highlighted the necessity of putting into place adequate and viable legal assistance systems at all levels;
- They committed to working together to reinforce the execution of their decisions and to sharing information on good practices in this area; and
- They agreed to institutionalise the colloquium and hold it every two years.

II- Activities carried out in my capacity as Member of the African Commission's Working Group on Indigenous Populations / Communities

9- From 6 – 8 November 2010, participation in the meeting of the Working Group on Indigenous Populations / Communities and discussion on the agenda items.

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

A – Seminars and Meetings with Civil Society Organizations, Bodies, Inter-governmental Institutions, and other partners involved in the promotion of women's rights

10- On 3 and 4 June 2010, in Bamako, Republic of Mali, I participated in a seminar organized by the Inter-Parliamentary Union (IPU) in partnership with the National Assembly of Mali on the topic "Violence Against Women and Girls" which was intended for Parliamentarians. The goal of the seminar was to analyze the causes and consequences of violence perpetrated against women and girls as well as the legal regional and international protection framework, and to provide Parliamentarians with information on the topic to help them shape public policies and understand the need to provide better legal protection for women and girls. I delivered a presentation on the Maputo Protocol and highlighted how, in particular, this instrument deals with violence against women and girls on the African continent and the innovative approach it favours.

11- From 21 to 23 June 2010, I participated in Montreal, Canada as foreign member, in the deliberations of the Board of Directors of Rights and Democracy. It is an Institution that works in several regions of the world on the themes of democratic development and human rights.

12- From 21 to 23 July 2010, in Kampala, Uganda, I participated in the 16th Consultative Meeting of African civil society organisations on Gender Mainstreaming in the African Union. The meeting was organized by the network “Gender is my Agenda” (GIMAC) and coordinated by Femmes Africa Solidarité (FAS). Participants discussed the following themes: Women, Peace and Security in Africa and the Tenth Anniversary of Resolution 1325; Review of the implementation of the Solemn Declaration; Maternal, infant and child health and development in Africa. Recommendations were formulated at the end of the meeting, in particular in the field of maternal health, for the Summit of Head of States and Government that was to follow.

13- From 23 – 25 August, 2010, in Dakar, I participated in a workshop organised by a Canadian organisation: the International Development Research Centre (IDRC), to plan a sub-regional study on the problematic of political participation of young women. The study will cover four West African countries, including Mali and should evaluate the current situation and formulate relevant recommendations to increase the level of participation and representation of young women in the political sphere.

14- On 2 September, 2010, in Geneva, I was invited by the Office of the High Commissioner on Human Rights (OHCHR) to participate in a meeting with the staff of the Office of Rashida Manjoo, UN Special Rapporteur on Violence against Women, its Causes and Consequences. During this meeting, we agreed to reinforce the partnership between our two mechanisms, by exchanging information and with regards to programs implemented by the OHCHR, particularly in the DRC.

15- On 3 September 2010, in Geneva, I took part in a conference on “Maternal Mortality, Morbidity, Human Rights and Accountability: A Dialogue with Human Rights Bodies”. This conference was organised by the United Nations Population Fund (UNFPA) and the Centre for Reproductive Rights. The objective of the conference was to bring together experts working in the different international and regional human rights systems to share their experiences and develop strategies aimed at recognizing and establishing legal standards in the area of maternal health and morbidity as human rights. We delivered a presentation on “The Regional African System of Human Rights and the Fight against Maternal Mortality” in which I looked at the protection of maternal health under the Maputo Protocol and from the perspective of the protection mandate of the ACHPR and the communications/complaints mechanism.

16- From 15 - 17 September 2010, in Dakar, Senegal, I participated in a regional forum on the implementation of United Nations Security Council Resolution 1325 on “Women, Peace, and Security”. This forum was organized by the United Nations Office for West Africa (UNOWA), in partnership with the African Union, the Economic Community Of West African States (ECOWAS), Mano River Union (MRU), the United Nations Population Fund (UNFPA), the United Nations Trust Fund for Women (UNIFEM), UN-INSTRAW, the Office of the UN High Commissioner for Human Rights (OHCHR), the United Nations Development Program (UNDP), the UN High Commissioner for Refugees (UNHCR) and the United Nations Children’s Fund (UNICEF). In addition to technical and financial partners, NGO and ECOWAS Gender Ministers were represented. The meeting took place under the auspices of Madam Vice-President of the Gambia.

During three days, participants reviewed existing national action plans in member States and looked at the challenges and perspectives relating to the implementation of Resolution 1325 in terms of participation, protection, prevention, assistance and reconstruction. At the end of the forum, participants adopted a regional action plan for the implementation of Resolution 1325 and agreed on a series of recommendations including the following:

1. Member States of the West African region which have not yet done so, should develop, before December 2010, a national action plan on the implementation of Resolution 1325 with the technical and financial support of the UN;
2. Member States should guarantee and promote the systematic integration of a gender perspective in the justice and security reform processes;
3. UNIFEM/UN-INSTRAW as entities of ONU-FEMMES must work with ECOWAS through its Gender Development Centre in order to support key actions from Ministries responsible for gender and security questions with regards to the implementation of national action plans and the UN Secretary General campaign on gender based violence;
4. Financial and technical partners must commit to support initiatives from civil society organisations in the area of peace and security.

Additionally, the Forum committed to:

- Reinforce preventive diplomacy: ask the Special Representative of the UN Secretary General to use his good offices to actively and systematically

discuss with women and convey their requests in preventive diplomacy efforts in the region;

- Promote the development of a peace culture by making use of women traditional roles as peace mediators and educators in order to prevent future generations from living in a climate of war and violence; set up a regional network and peace clubs in high schools and universities;
- Reinforce early warning mechanisms by publishing ECOWAS early warning indicators on gender and ensure that resources are available to complete them with data;
- Encourage research and documentation of lessons learned on the causes and conflict dynamics in order to improving the effectiveness of interventions.

17- On 12 October 2010, in Kinshasa, DRC, I participated in a Forum organized by the Office of the High Commissioner on Human Rights (OHCHR) and the United Nations Mission for Stabilization in DRC (MONUSCO) on the issue of sexual violence in DRC and the issue of reparation for victims of sexual violence. Representatives from the OHCHR, the Trust Fund for victims, NGO, associations of victims of sexual violence, and government delegates working in the field of gender and justice were represented at the Forum. The goal of this event was to inform participants on the global strategy initiated by the OHCHR and to ensure that all stakeholders working on the issue of sexual violence were being made aware of the latest developments.

18- From 13 to 15 October 2010, in Nairobi, Kenya, I participated in a meeting of experts and gender Ministers from the African Union in the context of the launch of the African Women Decade 2010-2020. The Meeting was officially opened by H. E. Hon. Kolonza Musyoko, Vice President of the Republic of Kenya and chaired by H. E. Atanas Manyala Keya, Assistant Minister for Gender, Children and Social Development. The meeting concluded with the adoption of the Nairobi Declaration. In addition to recognizing the importance of involving women in national development and the strong link which exists between their involvement and gender equality, signatories of the Nairobi Declaration committed themselves to improving the status of African women at the local level through the achievement of the Decade's objectives as well as the implementation of programs and international, regional and sub-regional instruments ratified by States.

19- From 19 to 22 October, in Brazzaville, Congo I participated in the third edition of the International Mibeko Forum. This Forum was organized by

Mibeko Association, in partnership with the Ministry of Gender and Integration of Women in Development with the support of the United Nations Development Programme (UNDP) and the United Nations Population Fund (UNFPA). The Mibeko International Forum offers the opportunity to exchange and share information on issues relating to gender and sustainable development in Africa. It brought together delegates from States, international, regional and sub-regional institutions as well as representatives from African civil society. We presented a communication on “Thirty years of CEDAW: Evaluation and Perspectives in Africa”. Participants discussed several themes relating to the African human rights system; harmonization of regional and international conventions with domestic legislation; maternal health and maternal and child mortality in Africa; political participation of women and parity; climate change and environmental preservation. Recommendations were formulated and took into account concerns raised throughout the discussions.

20- On 24 and 25 October 2010, I participated in Montreal, as foreign member, in the deliberations of the Board of Directors of Rights and Democracy. It is an Institution that works in several regions of the world on the themes of democratic development and human rights.

B- Collaboration with States Parties

21- From 13 to 15 July 2010, we organized, under the auspices of the Government of the Republic of Mali, the first Regional Conference in Bamako for West and North African States on the theme of “The Role of the ACHPR in the Promotion and Protection of the Rights of Women in Africa”. It was the first of a series of conferences that the ACHPR wishes to organize on women’s rights in Africa. The overall objective of the Conference was to highlight the role that can be played by the ACHPR in the promotion and protection of women’s rights in Africa and to provide a better understanding of its protection mandate through its communication/complaint mechanism. The specific objectives of the Conference were as follows:

- To discuss with representatives of member States of the AU from West and North Africa as well as with representatives from NGOs, the ACHPR’s achievements and its contribution to women’s rights in Africa;
- To identify strategies to contribute to strengthening the cooperation between the Special Rapporteur on the Rights of Women in Africa and other stakeholders to ensure a better protection of women’s rights in Africa;

- To ensure that legal practitioners and NGOs are equipped with practical knowledge of the ACHPR's complaint mechanism and of the integration of gender into their work, with a view to end all forms of discrimination and violence against women;
- To discuss the challenges faced by Member States in the adoption of new legislation as well as in the harmonization of its legislation with the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;
- To encourage the establishment of a network of Female Lawyers Associations in the region of North and West Africa.

22- Eighteen (18) member States were represented in addition to national and regional women NGOs, United Nations agencies, and international organisations, involved in the defence of human rights. The Conference registered the participation of eighty-five (85) delegates who were able to exchange on good practices, experiences, and challenges faced in their countries" Participants agreed on relevant recommendations for a better protection of women's rights in Africa. They have also adopted the "Bamako Declaration on Sexual and Reproductive Rights of Women" in light of the theme of the African Union Summit of Heads of State and Government: maternal and child health.

23- It is important to highlight and congratulate the active participation of the Chair of the ACHPR, who is also the Commissioner responsible for the promotion of human rights in Mali and her personal and effective involvement before the highest authorities of the host country, in the context of the advocacy efforts for the adoption of the Draft Code of Family and Persons of Mali. Actions and recommendations, adopted at the Conference were directed at participants and at the highest authorities of the Republic of Mali for implementation.

24- On 22 and 23 July 2010, I participated in the Ordinary Session of the African Union's Executive Council.

25- From 25 to 27 July 2010, I participated in the Summit of Heads of State and Government of the African Union.

C – Verbal Notes /Letters of reminder to States Parties

26- In September 2010, Verbal Notes were sent to two States Parties to the African Charter on Human and Peoples' Rights pertaining to future promotional missions. These are:

- The Republic of Niger for a mission to be carried out from the 6 to 10 December 2010;
- The Republic of Algeria, which responded to the verbal note and should welcome the mission from the 13 to 22 December 2010.

D- Press Release / Paper

27- On 31 July 2010, on the occasion of Pan African Women's Day, I published a press release which highlighted the importance of the topic of maternal health in the African human rights agenda in 2010. We recalled the theme of the African Union Campaign on Accelerated Reduction on Maternal Mortality (CARMMA): "Africa Cares, No woman should die while giving birth!" and that of the 15th Summit of Heads of States and Governments, which was "Maternal, Infant and Child Health and Development in Africa." We took the opportunity to congratulate the Republic of Uganda for filing its instruments of ratification of the Protocol to the African Charter on Human and Peoples' Rights relating to the Rights of Women in Africa at the opening of the 17th Ordinary Session of the African Union Executive Council in Munityonyo, Uganda on July 22, 2010. The number of States which have ratified the Maputo Protocol is now 28.

28- In September 2010, I wrote the preface of a publication by Rights and Democracy entitled "Sexual Violence in Armed Conflict from 1993 to 2003 in the Democratic Republic of Congo", which should be launched in the upcoming months.

E- Activities carried out during the 48th Ordinary Session of the African Commission

29- From 4-6 November 2010, participation in the work of the Committee on the Internal Rules of Procedure.

30- On 7 November 2010, I participated in a panel discussion organized by the NGO Forum where I made a presentation on "Women as a Critical Force in Democratic Governance".

31- On 8 November 2010, I facilitated a discussion on "Women's and Children's Rights in Africa". The discussion was held in the context of the NGO

Forum organized by the African Centre for Democracy and Human Rights Studies (ACDHRS).

32- On 9 November 2010, I made a presentation on the Mandate of the ACHPR and on the mandate of the newly established Committee on People Living with HIV/AIDS in Africa. The meeting was organized by People Opposing Women Abuse (POWA).

Conclusions and Recommendations

33- The year 2010 was fruitful and highly symbolic for African women. It marked the opening of the African Women Decade 2010-2020 and the 10th anniversary since the adoption of the UN Security Council Resolution 1325 on “Women, Peace, and Security”. The year 2010 was also the 5th anniversary since the entry into force of the Maputo Protocol. This year has therefore provided the opportunity for assessing the situation of women in Africa. At the national, regional, international levels, member States and civil society organizations organized various activities and discussion forums, which aimed at analyzing women’s rights on the continent and trying to find innovative solutions to ensure concrete and sustainable changes in the life of African women.

34- Despite an enhanced commitment from member States to improve the situation of women, women continue to be victims of poverty, illiteracy, and suffer from the consequences of armed conflicts and from all sorts of abuses and several forms of discrimination, as well as the weight of traditional practices.

35- The mechanism is however pleased to have contributed to raising awareness on challenging issues faced by women in decision-making institutions and forums, thanks to the existing collaboration and cooperation between the African Commission, States Parties, United Nations agencies, Regional Economic Commissions, Research Institutions and civil society organizations working on gender issues.

36- Thanks to this interaction, we noted during the visits, meetings and seminars organized in the different regions of Africa, differentiated progress at both the States Parties’ political level to close the gap in matters of gender equality and in the fight against discrimination and gender based violence.

Recommendations

To States Parties:

1. Women and Human Rights:

37- Ensure the ratification without reservation, the domestication, the effective implementation of all key human rights instruments which guarantee the rights of women and girls, in particular the CEDAW and its Optional Protocol, the Maputo Protocol, the African Charter on the Rights of the Child, the African Charter on Democracy.

38- Take appropriate measures to eliminate discrimination against women and girls with special attention to harmful cultural and religious practices.

39- Enact laws and additional programmes aimed at ensuring a better protection of maternal and child health and ensure their effective implementation and their ownership in local languages.

2. Women and Peace and Security

40- Adopt national action plans to facilitate the implementation of UN Security Council Resolutions 1325, 1820, 1888 and 1889.

41- Take appropriate measures to reinforce the role of women and to guarantee their participation in the prevention and the resolution of conflict as well as in peace consolidation, including their appointment to decision-making and direction positions.

3. Women and Governance

42- Reinforce the capacities of women and women NGOs to enable them to influence the systems, structures, and decision-making institutions.

43- Involve men, community and religious leaders, traditional communicators in dialogue and education and awareness-raising programs to accelerate changes of attitudes and behaviours, which perpetuate the marginalization of women in politics and in the private sphere.

44- Give priority to the implementation of the Charter of Democracy, Elections, and Governance by putting into place constitutional guarantees to provide gender equality strengthened by anti-discriminatory measures such as quota systems and proportional representation measures.

4. Women and Environment:

45- Invest in research on climate change in Africa and its implications on the life of women and integrate a gender perspective in mitigation, adaptability, response and compensation mechanisms.

5- African Women Decade 2010-2020

46- Devote special attention to the goals and objectives of the African Women Decade 2010-2020 through the effective implementation of its areas of priority and the adoption of positive measures that benefit women and girls. Ensure that sufficient budgetary resources are allocated to significantly reduce gaps in the implementation of laws, programs, policies, and development and national plans of actions.

6- Institutional Mechanisms for Gender Equality and Women's Empowerment:

47- To ensure that institutions established to manage gender equality and women's empowerment programs at the national, regional and continental levels are given adequate resources for the promotion and creation of wealth for women.

48- Allocate sufficient resources for the collection of data disaggregated by gender and for the development of indicators, which take gender into account, as one of the means of guaranteeing the effective implementation of the African Women Decade 2010-2020.

To the African Commission:

49- To disseminate the new Guidelines for state reporting under the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, which should include the legislative and other measures taken to implement the Maputo Protocol.

50- To support the efforts of the Special Rapporteur mechanism to enable her to support the activities and strategies of the African Union within the framework of the African Women's Decade.

