



STATEMENT BY EQUALITY NOW

(Observer Status No. 281)

ON THE OCCASION OF THE 66TH ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

Honourable Chairperson of the ACHPR, Commissioners, State-Party Representatives, Fellow Civil Society Representatives, honoured participants.

Honourable Chairperson, the current COVID-19 crisis has led to an unprecedented spike in cases of violence against women and girls in Africa. School closures and extended school holidays, as is being witnessed in many African countries, due to the pandemic have occasioned a rise in cases of FGM and child marriage in practising communities across the continent. The breakdown of community surveillance systems due to social distancing guidelines, curfews and lockdowns and the fact that governments are currently prioritising COVID-19 response efforts, has provided an enabling environment for the practice to continue without detection. **In this regard, we call upon the ACHPR to collaborate and engage with governments, national human rights institutions and civil society actors to explore ways of ensuring COVID-19 responses integrate, mainstream and prioritise the need to address and prevent gender based violence and particularly harmful practices with a view to ensuring that the rights of women and girls across the continent are protected even in emergency and crisis situations. We call upon the Commission to urge AU member states to allocate resources to protect the most vulnerable from violations and to hold perpetrators to account. While most State Parties have laws and policies against SGBV, they are not effectively implemented to benefit women and children due to lack of adequate resource allocation.**

Honourable Chairperson, we commend the Commission's support of the African Union Saleema Initiative to end FGM and in this regard we applaud the Government of Sudan for criminalising FGM, and call upon the Governments of Mali, Liberia and Sierra Leone to enact laws that criminalise FGM and protect women and girls from this harmful practice.

Equality Now commends the Republic of Sierra Leone for the positive steps taken since December 2019 following the ECOWAS Court of Justice's decision in *WAVES v the Republic of Sierra Leone* which held that the policy ban prohibiting pregnant girls from attending school was discriminatory and violated the right to education, freedom from discrimination, equality before the law and

elimination from all forms of discrimination against children, as espoused under the African Charter. We call upon this Honourable Commission to urge the Republic of Sierra Leone to redress the harm suffered by girls who were out of school as a result of the ban, address the underlying causes of teenage pregnancy and the attendant discrimination and bias, and integrate sexual and reproductive health in school curricula so as to ensure that all girls in Sierra Leone are protected from sexual violence and that their right to education is realized in line with its obligations under the African Charter, the Maputo Protocol and the African Charter of the Rights and Welfare of the Child, among other international and regional obligations.

Equality Now has in the past appraised the Commission on the high prevalence of sexual and gender-based violence in Zambia. Although it has in place robust laws and policies on gender equality and gender-based violence, these laws and policies are yet to be fully operationalized. In addition, the legislative framework fails to adequately protect women and girls, as it is rife with conflicting provisions. These conflicts range from the non-application of constitutional discrimination provisions in customary, civil and personal law matters to the legal definition of a child (with different definitions employed in instances of marriage, employment and education). These inconsistencies, which violate the African Charter and the Maputo Protocol, render women and girls vulnerable to child marriage, sexual violence such as defilement and disenfranchisement in marriage and inheritance. We therefore urge the Commission to encourage the Republic of Zambia to expeditiously harmonise and operationalise its laws to align to its obligations under the African Charter, the Maputo Protocol and the African Charter on the Rights and Welfare of the Child.

Equality Now calls upon the Commission to urge the United Republic of Tanzania to ensure its education policies - including a re-entry policy for girl survivors of sexual violence and teenage mothers - are inclusive of all girls and provide protective measures and social support for teenage mothers seeking education in public schools.

Equality Now commends the enactment of anti-trafficking laws in Malawi and Uganda that provide for prosecution of persons accused of trafficking and for the protection of victims and recognizes ongoing efforts in both countries to strengthen their implementation. However, in both countries, Equality Now has noted unnecessary delays owing to long and unjustified adjournments in court proceedings in sex trafficking cases, thus delaying and/or denying justice for victims. We are concerned that sex trafficking and sexual exploitation cases are not being prioritized in both countries. Combating sex trafficking at all levels of law enforcement is an even more urgent priority in the midst of the current COVID-19 pandemic where the United Nations has warned that human traffickers across the world are becoming increasingly active, targeting impoverished women and children who have lost their income as a consequence of the pandemic. When victims and their families cannot trust the courts to deliver justice, it undermines the power of the law and emboldens offenders to continue exploiting and abusing with impunity.

Equality Now calls on the Commission to urge the Governments of Uganda and Malawi to prioritize the prosecution of sex trafficking cases and ensure that the law enforcement and judicial systems have the capacity and adequate resources to respond to the realities of those whose rights have been violated and have clear systems in place to ensure that cases are concluded within a reasonable time and without undue delay.

Honourable Chairperson, we commend the African Commission on Human and People's Rights (ACHPR) on the publication of statements covering a wide range of rights issues within the context of the COVID-19 crisis. These recommendations are a timely intervention into the fast-changing human rights environment on account of the COVID-19 pandemic. Given the differential effect of the current crisis on the rights of women and girls, it is important that approaches and mechanisms geared towards addressing these challenges are put forward. We continue to believe that the ACHPR is an important forum for the articulation of universal human rights principles in a way that responds to the continent's unique challenges and opportunities. **We urge the African Commission on Human and Peoples' Rights, in concert with states parties and civil society, to collaborate on ways of improving and enhancing women's and girls' rights protection during the COVID-19 crisis. In particular, we urge the African Commission on Human Rights to develop specific guidelines and recommendations, in line with the African Charter on Human and Peoples' Rights, the Maputo Protocol, and other relevant continental and international treaties, as well as soft law, that address the human rights challenges and opportunities presented by the COVID-19 pandemic in general and on women's and girls' rights in particular. Further, we urge the African Commission on Human and Peoples' Rights to publicize its recommendations to states parties and civil society to enable the infusion of these guidelines and principles at the national and local level.**

Lastly, Equality Now would like to take this opportunity to congratulate the incoming Commissioners on their appointment and wish them the very best during their tenure.

Thank you.

Done in Nairobi on 14 July 2020