



STATEMENT BY EQUALITY NOW

(Observer Status No. 281)

ON THE OCCASION OF THE 68TH 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.*

Urgent Intervention Needed to Investigate Human Rights Violations in the Tigray Region of Ethiopia

Honorable Chairperson, Equality Now's attention has been drawn to reports of sexual violence against women in the conflict-hit Tigray region of Ethiopia. These reports have also been raised by the United Nation's Office of the Special Representative on Sexual Violence in Conflict and have been characterised as a systematic use of sexual violence as a weapon of war. The Federal Democratic Republic of Ethiopia is a signatory to several international and regional human rights treaties including the African Charter and its Protocol on the Rights of Women in Africa. We therefore invoke the ACHPR's mandate to protect the rights of the women in the Tigray region and urge the Commission to urgently set in motion the mechanism of the Special Rapporteur on the Rights of Women in Africa and the Commissioner Rapporteur for Ethiopia to establish an immediate inquiry into the allegations and collaborate with relevant national, regional and global actors responsible for the promotion and protection of the rights of women to redress any violations of women's rights in the Tigray region. Further, we appeal that the Special Rapporteur urge the relevant authorities to put in place measures to ensure that women and girls in the region are protected from rape and sexual assault in line with Ethiopia's human rights obligations.

Addressing FGM and child marriage

Progress is being made towards ending FGM. In the last three decades, Africa has witnessed a reduction in the prevalence of FGM, particularly in the last ten years. Despite these efforts, the continent still has a long way to go in achieving full eradication of FGM. Demographic trends, particularly population growth, will increase the prevalence of FGM and the number of girls to have undergone the practice over time. There is also the threat of the COVID-19 pandemic, which has increased the risk of FGM as the spread of the pandemic has led to the rise of gender

based violence including FGM in many African countries. It is estimated that 2 million girls may not be protected due to interruption of anti-FGM programmes occasioned by the COVID-19 pandemic.

The practice of cross-border FGM is also another area of concern that requires strong action. Even though there are a number of countries with national legislations criminalising FGM, there is a high incidence of movement of families and circumcisers across borders for the purpose of evading prosecution. The lack of regional and national laws to directly address the cross border aspects of FGM (except in Guinea Bissau, Kenya, and Uganda) remains a challenge for organisations, activists, and government officials working to tackle this issue.

Child marriage, on the other hand, remains an issue not adequately addressed by State Parties and the rapid growth of the child population in the continent makes it increasingly urgent that governments accelerate efforts to combat the practice. While some State Parties' laws have set 18 years or 21 years as the minimum age of marriage without the requirement of judicial or parental consent, some State Parties allow girls to be married under the age of 18 years with the consent of the parents or via judicial consent. Implementation of laws prohibiting child marriage is underwhelming with most perpetrators avoiding prosecution and in cases where prosecution takes, charges that carry lower penalties (such as for the offence of child marriage as opposed to defilement) are filed. Decidedly, most State Parties do not implement programmes specifically aimed at preventing child marriage by changing social and traditional norms.

We call upon States Parties to:

- Enact laws against FGM and child marriage in line with the Banjul Charter, the Maputo Protocol and the African Charter on the Rights and Welfare of the Child;
- Adopt a multi-sectoral approach towards ensuring enforcement of legislation on ending FGM and child marriage both at a regional and national level. The approach would successfully bring together relevant state actors to coordinate national programmes to end FGM and child marriage through certain approaches such as targeting pooled resources as well as knowledge sharing;
- Address cross border trends and dynamics in the area of FGM including the need for harmonising laws, strengthening cross border law enforcement, and strengthening cross border community awareness and surveillance;
- Harmonise their national marriage laws to absolutely and unequivocally prohibit marriage under the age of 18 years;
- Ensure that child marriage cases are promptly investigated and perpetrators prosecuted to the fullest extent of the law, taking into consideration that many “child marriage” cases also involve sexual and other forms of abuse; and
- Develop and implement programmes aimed at changing social and traditional norms aimed at preventing child marriage such as undertaking intensive and consistent public awareness-raising.

The COVID-19 pandemic has exposed and exacerbated inequalities, and created conditions that increase vulnerability to human trafficking, putting many women and girls at the risk of sex trafficking and sexual exploitation. Worryingly, COVID restrictions have prompted traffickers to move to online spaces to groom, recruit and exploit their victims. Many children and adolescents are spending unsupervised time online and are falling prey to traffickers and sex predators on the internet. African countries have not been spared from the growing phenomenon of online sexual exploitation and abuse.

At the same time, trafficked persons' ability to access services and support has been greatly reduced. For instance, in Malawi, local CSOs have noted continued delays in the prosecution of traffickers and other actors involved in sexual exploitation and prostitution of women and girls, thus delaying justice for the victims. Despite Equality Now and local partners highlighting this issue in the past, the situation has not changed for women and girls, and in the COVID context their cases are not prioritized.

We call on the Commission to:

- Encourage States to address existing inequalities including on the grounds of sex, gender, age, race that increase the vulnerability of women and girls to trafficking and exploitation.
- Encourage States to adopt measures that take into account harms that occur online in particular online sexual exploitation and abuse.
- Call on States to ensure that COVID-19 responses are designed to reach the most vulnerable women and girls such as migrants, adolescents and young people, and those living in humanitarian settings, in poor economic or employment opportunities, and those from racial and ethnic minority groups who are at increased risk to sex trafficking and sexual exploitation.
- Call on African States to join efforts at the global community and work together with other governments to develop and adopt international standards that will provide a guiding framework for international cooperation, and enactment of national level laws that address the gendered and multi-jurisdictional nature of the problem.
- Urge the Government of Malawi to do more to ensure that courts conclude sex trafficking cases within a reasonable time, as recommended and accepted by Malawi during its UPR review in 2020.

Thank you.

Done in Nairobi on 12 April 2021