



**Statement by Alliances for Africa at the
71st Ordinary Session of the African Commission on Human and Peoples' Rights
Observer Status Number 235**

Honorable Chairperson of the ACHPR,

Alliances for Africa is an international African led non-governmental human rights, peace and sustainable development organization. AfA works with partners in, around and beyond the continent of Africa. Alliances for Africa is a member of the Solidarity for African Women's Rights (SOAWR), a coalition of over 60 organizations working on women's rights in 32 countries in Africa. SOAWR was formed with the principal objective of advocating for the ratification, domestication and implementation of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol), which was adopted 17 years ago.

Need to Promote and Protect Women's Right to be Free from Violence during Kenya's Election Season

Previous Kenyan elections have been marked by violence against women and girls, perpetrated by law enforcement, organised criminal groups and militias, and other violent criminals who take advantage of the ensuing chaos occasioned by election-related conflict. We call upon the Commission to urge the Kenyan government to put in place prevention measures for violence, including election-related sexual violence; to ensure legal frameworks are implemented in order to curb the recurrence of these violations and the impunity enjoyed by their perpetrators, including politicians and senior law enforcement officers; and provide effective redress avenues for survivors of election-related sexual violence.

Harmonization of Laws Prohibiting Child Marriage

SOAWR remains concerned with the incidences of child marriage across the continent resulting from weak enforcement of laws criminalising this harmful practice as well as the lack of laws prohibiting it. In Sierra Leone, the presence of two conflicting laws has created a huge gap resulting in weak

implementation of provisions prohibiting child marriage. Its Child Rights Act of 2007 sets the minimum age of marriage at 18 years for both women and men. However, its Registration of Customary Marriage and Divorce Act of 2009 allows marriage under the age of 18 years with parental consent. In Kenya, the prosecution of cases of child marriage as provided for under the Children Act of 2001 remain minimal. Prosecuting authorities prefer instead to charge perpetrators with the crime of defilement (rape of a minor) under the Sexual Offences Act of 2006 since the latter provision carries a heavier penalty upon conviction and is easier to prosecute. While this approach ensures that the perpetrator is punished at all cost, it does not give “child marriage” due attention and prevents collection of crucial data and conduction of research which is crucial for the development of law and interventions to address child marriage.

We therefore call on all State Parties to harmonize and amend their marriage laws to set the minimum age of marriage as 18 years for both men and women, without exception. Further, we urge State Parties to amend their marriage laws to eliminate contradictions that affect the implementation of child marriage provisions. Finally, we encourage State Parties to adequately train their departments involved in the justice chain to better understand the nuances of child marriage and to add it as one of the offences in the charge sheet when such cases arise as opposed to only giving preference to heavily punished and easy-to-prove offences.

Protecting the Sexual and Reproductive Health Rights (SRHR) of Women and Girls in Conflict

In times of peace, women and girls face challenges in access to and enjoyment of their sexual and reproductive health and rights, which are foundational to the attainment of other fundamental rights including the right to life, right to health, the right to education, the right to equality and the right to dignity. Conflict worsens this situation and has dire consequences on the sexual and reproductive health and rights of women and girls. This is evidenced by the higher rates of maternal mortality, sexual exploitation, sexual and gender-based violence including rape; sex trafficking and slavery; early and forced marriage; female genital mutilation; and forced and unintended pregnancy. This is clearly seen in countries such as Nigeria where the Boko Haram insurgency began in the northern states in 2009 and, as a result, between 2008 and 2013, the maternal mortality ratio in the region increased from 620 maternal deaths to 709 maternal deaths per 100,000 live births. Additionally, both in the conflict areas and in the camps for internally displaced persons, sexual and gender-based violence is rampant and includes practices such as forced and child marriage; rape; and sexual exploitation in exchange for basic commodities, such as food, water, medicine and feminine hygiene products. This situation is further exacerbated by the lack of access to contraceptive information and services and the criminalisation of abortion in all cases except where the mother’s life is in danger. This results in an increase in unsafe

abortion which, together with the lack of access to maternal health services, results to an increase in maternal mortality. Similar challenges are experienced by women and girls in Uganda and the Democratic Republic of Congo. **Thus, we call on the Commission to urge relevant States to take immediate steps to comply with their obligations under the African Charter and the Maputo Protocol and ensure that the provision of sexual and reproductive health information and services is fully integrated into humanitarian responses, and that services are available, accessible, acceptable, and of good quality. These should include access to maternal health, safe abortion, and contraception services and information. We also call on the Commission to urge the relevant states to put in place measures, including legislative, administrative and budgetary measures, to protect women in conflict from reproductive rights violations and abuse; to ensure women and girls who are victims of sexual and gender-based violence, can access comprehensive medical and support services, including psychosocial support; and to ensure there are functioning mechanisms to confer meaningful and effective remedies and reparations. Additionally, we call on the Commission to provide States with interpretive guidance on their obligations to ensure effective promotion, protection and fulfillment of the reproductive rights of women and girls in conflict and humanitarian settings.**

Addressing Sexual Exploitation in Africa

Sexual exploitation is a form of violence against women and its various manifestations are well protected within the provisions of the Maputo Protocol including Articles 2, 4, 5, 8, 11, 13 and 24. We note however that there is a general lack of awareness on the prevalence and manifestation of sexual exploitation of women and girls in Africa. The most prevalent forms of sexual exploitation as noted in the contexts that we work are sex trafficking, sex tourism, commercial sexual exploitation of children, especially girls, and online sexual exploitation and abuse. Trafficking for sexual exploitation is the fastest-growing criminal enterprise in the world, worth nearly \$99 billion each year. Young girls are particularly vulnerable to traffickers because of men's demand for sex with young girls, and they are also easier for traffickers to coerce and control. Unfortunately in many AU member states implementation of relevant laws and policies remain inadequate to address this global problem, and perpetrators continue to exploit with widespread impunity.

We therefore call on state parties to amend laws for more punitive measures for sexual exploitation in its various manifestations, harmonize related crimes and penalties between different legislative enactments for consistency across the framework, address gender and sex based inequalities and

discrimination to reduce the vulnerability of women and girls through adopting appropriate legislative measures and enhancing existing social protection mechanisms, and strengthen training institutes and develop a centralised and standardised curriculum for law enforcement actors on the identification of victims of sexual exploitation, evidence collection, prosecution, conviction and sentencing of cases of sexual exploitation.

Honorable Chairperson, African Union member states committed to achieve universal ratification of the Maputo Protocol by 2020. Regrettably, to date, 13 AU member states are yet to ratify the Maputo Protocol. **We urge the remaining 13 AU member states – Botswana, Burundi, Central African Republic, Chad, Egypt, Eritrea, Madagascar, Morocco, Niger, Sahrawi Arab Democratic Republic, Somalia, South Sudan and Sudan – to urgently ratify the Maputo Protocol in order to ensure that the women and girls in these countries enjoy their rights as enshrined in the Protocol. Additionally, we call upon the ACHPR, in cases where countries have ratified the Maputo Protocol, to increase engagements on the implementation of the treaty, including relevant legal and policy reforms on key priority areas as identified by women’s rights activists and organizations and to submit regular and timely reports on the progress made in line with the ACHPR reporting guidelines**

The SOAWR Coalition is comprised of:

1. Action for Development (ACFODE)
2. African Centre for Democracy and Human Rights Studies (ACDHRS)
3. African Women’s Development Fund
4. African Women's Development and Communication Network (FEMNET)
5. Akina Mama wa Afrika
6. Alliances for Africa
7. Association des Juristes Maliennes (AJM)
8. Association des Juristes Sénégalaises
9. Association of Egyptian Female Lawyers (AEFL)
10. Atwar Organization for Research and Social Development (Atwar)
11. BAOBAB for Women's Human Rights
12. Cellule de Coordination sur les Pratiques Traditionnelle Affectant la Sante des Femmes et des Enfants (CPTAFE)
13. Center for Health Human Rights and Development (CEHURD)
14. Center for Human Rights – University of Pretoria
15. Center for Reproductive Rights
16. Centre for Rights Education and Awareness (CREAW)
17. Centre for Justice Studies and Innovation (CJSI)
18. Centre for the Study of Violence and Reconciliation (CSVR)
19. Coalition on Violence Against Women
20. Collectif des Associations et ONGs Féminines du Burundi
21. Eastern African Sub-regional Support Initiative
22. Equality Now
23. Fahamu Networks for Social Justice

24. Federation of Women Lawyers Kenya
25. Fondation Pour l'Egalité/ CIDDEF
26. Forum Mulher
27. Girl Child Network
28. Great Lakes Initiative for Human Rights and Development (GLIHD)
29. Human Rights Law Service (HURILAWS)
30. IGED Africa
31. ICJ Kenya
32. Inter-African Committee (IAC) on Harmful Traditional Practices
33. Inter-African Network for Women, Media, Gender Equity and Development (FAMEDEV)
34. Ipas Africa Alliance for Women's Reproductive Health and Rights
35. Jossour
36. KADIRAT
37. Legal and Human Rights Centre (LHRC)
38. Make Every Woman Count
39. Malawi Human Rights Resource Centre/ NGOGCN
40. NAFGEM Tanzania
41. NGO Gender Coordination Network
42. Oxfam GB
43. People Opposing Women Abuse (POWA)
44. Question de Femmes
45. Reproductive Health and Rights Alliance
46. Réseau des Femmes Leaders pour le Développement (RFLD)
47. Sister Namibia
48. STEWARD Women
49. Strategic Initiative for Women in the Horn of Africa (SIHA)
50. Tomorrow's Child Initiative
51. Tshwaranang Legal Advocacy Centre (TLAC)
52. Uganda Women Network (UWONET)
53. Union Nationale Des Femmes Djiboutiennes
54. Voix de Femmes
55. WANET
56. WLSA ZAMBIA
57. Women in Law and Development in Africa
58. Women NGO Secretariat of Liberia
59. Women of Liberia Peace Network
60. Women's Advocacy and Communication Network
61. Women's Counselling and Information Centre (WCIC)
62. Women's Rights Advancement & Protection Alternative (WRAPA)
63. Young Liberian Women Organization for Improvement (WOFIM)