



STATEMENT BY EQUALITY NOW

(Observer Status No. 281)

ON THE OCCASION OF THE 69TH 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.

Implementation of ACHPR Decision

We commend the Commission for upholding its decision in Communication 341/07 – Equality Now v The Federal Republic of Ethiopia. The case is a ground-breaking decision on adolescent girls' rights to equality before and equal protection of the law, dignity, integrity and security, including not to be subjected to sexual violence in the form of forced marriage by abduction and rape. **We urge the Commission to impress upon the Ethiopian government to implement the Commission's Decision in full and to collaborate with the Commission and other actors in the process.**

Kenya's State Report on the Banjul Charter and Maputo Protocol

Honorable Chairperson, Equality Now would like to commend Kenya's submission of its first state report on the Maputo Protocol alongside its third state report on the Banjul Charter, reports that will be considered during the 69th Ordinary Session of the African Commission. We note, however, that only 17 out of 42 signatories to the Maputo Protocol so far have submitted state reports highlighting their efforts to implement the treaty. State reports on efforts taken to implement these treaties are an important opportunity to assess the status of women's rights in a particular jurisdiction, create meaningful opportunities for dialogue between governments and civil society organisations, and create pathways for state accountability through the intervention of the African Commission. **We therefore urge the Commission to take active steps, through cooperation with government representatives to the AU as well as National Human Rights Institutions (NHRIs) to encourage the submission of state reports under both the Banjul Charter and the Maputo Protocol.**

In our Shadow Report on Kenya's Initial Report on the Implementation of the Maputo Protocol, Equality Now and 17 organisations (referred to in the shadow report as "Joint Stakeholders") commend the Kenyan government for "significant policy, legislative and institutional measures" it has

taken towards realisation of women's rights but notes with concern that many of these policies, laws and institutions in place have been "ineffective in ensuring women's rights" on account of the Kenyan government's "disobedience of the letter and spirit" of its own Constitution and international human rights standards it has bound itself to, including the Maputo Protocol. The Joint Stakeholders provide a list of questions that may be helpful for the African Commission to raise with the Kenyan government during consideration of its reports, as well as recommendations to the Kenyan government aimed at bolstering its implementation of the Maputo Protocol in line with the Constitution, statute and domestic policies. **We therefore urge the Commission to consider the Joint Stakeholders' Shadow Report in its consideration of Kenya's state report on the Banjul Charter and the Maputo Protocol. Further, we urge the Kenyan government to consider the Joint Stakeholder Shadow Report and take active steps to implement its recommendations, and consider working closely with civil society organizations in this endeavour.**

Ongoing sexual and gender-based violence in the Tigray Region of Ethiopia

Honorable Chairperson, Equality Now's attention has been drawn to reports of sexual violence against women and girls being used as a weapon of war during the ongoing Tigray conflict. These reports, as well as other violations of international human rights and international humanitarian law are well documented through media reports, eye witness statements, as well as the joint report between the Ethiopian Human Rights Commission and the UN Office of the High Commissioner for Human Rights. We acknowledge the Commission of Inquiry on the Tigray Region of the Federal Republic of Ethiopia. **We call upon the African Commission to remain seized of the matter, and adopt specific measures and approaches aimed at documenting and investigating these grave violations of international humanitarian law and international human rights law, with a view of contributing to current and future efforts aimed at accountability for all actors involved.**

Ban on pregnant school going children in Tanzania

Honorable Chairperson, Equality Now is concerned with the ongoing prohibition of pregnant school-going girls in the United Republic of Tanzania. These prohibitions are not only a violation of the girls' right to education, but infringements on other rights including the right to dignity and equality, among others, as espoused under the African Charter, the Maputo Protocol and the African Charter on the Rights and Welfare of the Child. By putting in place these policies, the Tanzanian government has decided to punish school-going children as opposed to addressing the root causes of the significant number of pregnancies in the country, a policy and practice that are unlawful under Africa's human rights framework. **We therefore urge the Commission to reiterate state parties' obligations to uphold the right of pregnant school-going girls to education, dignity and equality, and urge the Tanzanian government to take positive steps to address the root causes of this phenomenon.**

High prevalence of sexual trafficking and sexual exploitation in Africa

Equality Now would like to draw the Commission's attention to the high prevalence of sexual exploitation and sex trafficking in Africa. Most African countries are known to be a source, transit and destination for traffickers, targeting victims of all ages, but especially young women and girls rendered vulnerable due to poverty and other factors, as well as a continuous demand for this practice by perpetrators.

Although most states have a legal and policy framework in place for the protection of women and girls from various forms of exploitation and are signatories to various instruments, including the Maputo Protocol, which set standards on freedom from sexual exploitation including for sex trafficking and sex tourism, there remains a huge implementation gap, especially on the part of law enforcement. **We therefore encourage the Commission to highlight to the states parties their duty to protect women and girls from sexual exploitation, including for sex trafficking and sex tourism, and to ensure that perpetrators are held accountable as provided for under the legal and policy framework. States parties should also be reminded of their duty to report on measures taken to eliminate trafficking and other forms of exploitation as required under the African Charter on Human and Peoples' Rights and its Protocol on the Rights of Women in Africa.**

Thank you.

Done in Nairobi on 16 November 2021