



A just world for all women and girls ,

STATEMENT BY EQUALITY NOW

(Observer Status No. 281)

**ON AGENDA ITEM 4 ON THE OCCASION OF THE 85TH ORDINARY SESSION OF
THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS**

*Honourable Chairperson of the ACHPR, Commissioners, State-Party Representatives,
National Human Rights Institutions present, and Fellow Civil Society Representatives:*

**1. Call for Follow Up on the Implementation of the Decision in
Communication 686/18 - Association des femmes avocates défenseurs des
droits humains, Institute for Human Rights and Development in Africa &
Equality Now c/ République Démocratique du Congo**

Equality Now welcomes the above-referenced [decision](#) of this Commission, which pertains to the atrocities committed by the Congolese military personnel on 1 January 2011 in Fizi Territory, South Kivu, including rape, murder, torture, looting, and destruction of houses, after which the denial of justice ensued for more than a decade. It is thus a reprieve that the Commission confirmed that the DRC violated multiple articles of both the African Charter on Human and Peoples' Rights and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol), including the rights to life, dignity, health, protection from torture, and reproductive autonomy. Crucially,

the Commission acknowledged the gendered nature of the violence, recognising that the attacks were targeted and designed to degrade women specifically. We welcome the holistic range of remedies ordered by the African Commission including: compensation of the victims; prosecution and sanction of those responsible for the atrocities within six months; free and adequate medical and psychological care; issuance of a public apology in the affected region; integration of women's rights into the training of military, police, and judiciary personnel, and publication of the decision in an official national journal to ensure public transparency and accountability. **We urge the Commission to put in place concrete measures to ensure the implementation of the decision, including following up on the status of submission of the report on the status of the implementation of the decision by the State within 180 days of receipt of the decision; and thereafter convening a hearing on the status of the implementation of the decision in light of the ongoing deployment of rape as a weapon of war in the DRC conflict.**

2. Alarm Over the Retrogressive Framing of Family Values in Africa by the Anti Gender Movement

Equality Now is disquieted by the rise of an anti-gender movement in Africa [defined](#) by the UN Working Group on Discrimination against Women and Girls as consisting of conservative governmental, religious, and civil society actors who have formed transnational alliances around fighting 'gender ideology'. The anti-gender groups [conceptualise](#) the family as constituting the 'traditional' male-headed nuclear family of a husband, wife, and children. The Second Pan African Conference on Family Values, convened in May 2025, caused [uproar](#) as it was dominated by largely white male conservative anti-gender groups from the

West. The [Declaration](#) on Family Values in Africa, adopted at the conference, declared that *“the family is not a flexible or negotiable construct, but a biologically and socially rooted institution essential to Africa’s survival, peace, and development”*. The declaration reinforces a heteronormative and patriarchal definition of the family, which fails to recognise the [diverse](#) family structures common in Africa, including extended families, matrilineal families, refugee families, and families headed by women, older persons, or persons with disabilities. It further idealises the family as a safe unit, completely ignoring that it is frequently a site where gender based violence is frequently reproduced and sustained, per the findings of our [Gender Inequality in Family Laws in Africa](#) Report. Additionally, we would like to call the attention of the Commission to the [Proposed African Charter on Sovereignty and Family Values](#) being developed under the auspices of the Inter-Parliamentary Forum through sponsorship by anti-rights groups without participation by African Women’s Rights Organizations, and the mandated organs of the African Union.

We urge the African Commission to call upon Member States to ensure that the development of treaties, laws, and policies on the family and African values must be anchored on the provisions of the Maputo Protocol on equality in marriage and the family (Article 6); the right of women to live in a positive cultural context and to participate at all levels in the determination of cultural policies (Article 17); and recognition of the crucial role of women in the preservation of African values based on the principles of equality, peace, freedom, dignity, justice, solidarity and democracy (the Preamble). We further urge the African Commission to join hands with the [Africa Family Law Network](#) to develop a soft law instrument to elaborate on the normative content of equality in marriage and the family as enunciated under the Maputo Protocol.

3. Call for harmonisation of Member States' Laws on Reproductive Health with Article 14 of the Maputo Protocol

Equality Now remains deeply concerned with the alarming statistics on maternal mortality in Africa. The African Region alone accounts for over [70%](#) of global maternal deaths, underscoring the urgent need to accelerate progress towards the Sustainable Development Goal targets for maternal health. Unsafe abortion continues to be a major contributor, compounded by restrictive laws, high adolescent birth rates, and harmful practices such as child marriage. A key driver of these poor outcomes is the lack of harmonisation between national laws and Article 14 of the Maputo Protocol, which guarantees women's sexual and reproductive health rights. Twenty-two years after its adoption, the Maputo Protocol remains the most progressive women's rights treaty globally. Yet its transformative potential is undermined by inadequate domestication, contradictory laws, and weak enforcement. In [Benin](#), contradictions persist between constitutional guarantees of equality and restrictive criminal codes that curtail reproductive autonomy. In [Kenya](#), although the Constitution permits abortion when a woman's life or health is in danger, conflicting statutes and restrictive guidelines have created legal uncertainty, leading to arrests of providers and women. In [Uganda](#), reservations placed on Article 14 limit women's right to control their fertility and access safe abortion, despite constitutional guarantees to health. In [Nigeria](#), some of the most restrictive abortion laws on the continent remain in force, criminalising women and healthcare providers outside the narrow exception of saving a woman's life. In [Tanzania](#), abortion remains prohibited except to save the woman's life, while comprehensive sexuality

education continues to be contested. Such contradictions and ambiguities not only stifle advocacy and reform but also discourage individuals from seeking or providing essential reproductive healthcare services due to fear of stigma or prosecution. **We urge the African Commission to call upon Member States to harmonize their constitutions, penal codes, and reproductive health laws with Article 14 of the Maputo Protocol; lift reservations on Article 14 , and implement the Commission’s [General Comment No. 2 on Article 14.1 \(a\), \(b\), \(c\) and \(f\) and Article 14. 2 \(a\) and \(c\)](#) that provides interpretive guidance on the overall and specific obligations of States Parties towards health and reproductive rights.**

4. The Need for Holistic Reparations for Survivors of Sexual Violence

In April 2025, we highlighted how [gaps in rape laws](#) across 45 African countries systematically deny survivors justice and urged Member States to adopt both the [Niamey Guidelines](#) and [ACHPR Resolution 111](#) on remedies and reparations for SGBV survivors. Since then, the continent has seen both alarming regressions and hopeful signs of progress. In terms of regress, girls and women in the Democratic Republic of Congo continue to be subjected to conflict-related sexual violence, with over [73,400 cases](#) reported in 2025 alone. In Sudan, the International Criminal Court has [warned](#) that systematic rape and sexual violence are being used as weapons of war. In Tanzania, [the abduction](#) and sexual assault of Ugandan activist Agather Atuhairu underscores how rape continues to be weaponised against dissent. On the other hand, there was progress in Kenya, which [paid](#) KES 16 million (approximately USD 123,839) in reparations to 4 survivors of post-election sexual violence. These realities reflect a continental crisis. Rape and sexual violence persist as some of the gravest human rights violations in Africa; weaponised in conflict, tolerated in peace, and frequently facilitated by

discriminatory laws and weak enforcement. Survivors are silenced not only by perpetrators but by stigma, intimidation, and systemic denial of justice. **Therefore, in line with the AU's 2025 theme on Justice and Reparations, we call upon this Commission to: Reaffirm that rape during conflict, protests and states of unrest is a grave human-rights violation, and demand full, independent investigations; Urge Member States to repeal discriminatory rape laws including marital exemptions; Promote the institutionalization of survivor-centred justice mechanisms, including specialized SGBV courts; Ensure meaningful holistic reparations; and Call for protective measures for women human-rights defenders.**

5. Acceleration of Multi-Stakeholder Efforts to End Female Genital Mutilation

Equality Now welcomes the decision of the ECOWAS Court of Justice in [Forum Against Harmful Practices v. Republic of Sierra Leone](#), where the Court found that a lack of a specific law against female genital mutilation in Sierra Leone was a violation of the country's international and regional human rights obligations. **We call on the Commission to urge the government of Sierra Leone to swiftly and effectively implement this groundbreaking judgment.**

In The Gambia, a case has been filed [challenging](#) the constitutionality of the existing anti-FGM law. This is deeply concerning, as any weakening of this legal protection would expose countless women and girls to harm and roll back the hard-won gains towards the protection of fundamental rights. In a horrific incident, a one-year-old recently [bled to death](#) after being subjected to the practice. We [reiterate](#) that *"FGM is not a cultural tradition or a religious practice to be*

defended -- it is a form of gender-based violence that can kill". We, therefore, urge the Commission to call on the government of The Gambia to uphold and fully implement the Women's (Amendment) Act, 2015.

In Liberia, where FGM is still not outlawed, countless women and girls continue to [suffer](#) from this harmful practice. **We call on the Commission to urge the Government of Liberia to demonstrate leadership and commitment by urgently enacting a comprehensive law prohibiting FGM, accompanied by strong enforcement.**

6. The Imperative to End Sex Trafficking and Sexual Exploitation

Sexual exploitation and sex trafficking continue to deny survivors justice, reinforce gender inequality, and perpetuate cycles of poverty. In Kenya, investigative reports from Maai Mahiu [exposed](#) how girls as young as 13 are sexually exploited by truck drivers, with little action taken against perpetrators. In Uganda, a sex trafficking ring targeting vulnerable young women for the [degrading sex trade](#) in Dubai, often under the guise of employment opportunities, sometimes resulting in the death of the women, was recently exposed. In conflict-affected regions such as the Sahel, armed groups and militias continue to [traffic](#) women and girls for forced marriage and sexual slavery, demonstrating the intersection of conflict, displacement, and trafficking. Sexual exploitation and sex trafficking continued to be fueled by poverty, discriminatory gender norms, corruption, and impunity. Progress is possible when laws are enforced and survivors' voices are prioritised, as evident in Nigeria, where a woman was [sentenced](#) to 12 years for recruiting girls for sexual exploitation in Belgium. Yet,

instruments alone are not enough. To end sexual exploitation and trafficking, Member States must translate commitments into budgets, prosecutions, cross-border cooperation, and survivor-led services. **We, therefore, call upon this Commission to: Reaffirm that sexual exploitation and sex trafficking are grave violations of human rights and demand full investigations and accountability; Harmonise and strengthen anti-trafficking laws; Promote survivor-centred justice mechanisms, including specialised anti-trafficking units; Ensure comprehensive reparation for survivors, and enhance regional cooperation, particularly across ECOWAS, EAC, and IGAD, to dismantle trafficking networks; and Protect victims in transit and destination countries.**

Done in Nairobi on 30th September 2025