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67th Session of the African Commission on Human and People's Rights

On behalf of the Human Rights Institute of South Africa, I will like to thank you for giving me the opportunity to present my statement on the situations of human rights in Africa. Women and girls continue to be on the receiving ends, besides the existence of the African Charter on Human and People's Rights Protocol on the Rights of Women in Africa (Maputo Protocol /the Protocol). Although we commend progress made in the ratification status of the Protocol by 42 States Parties and encourage States that are still behind with ratification to submit their instruments of ratification before end of the year 2020. This will give impetus to the AU and United Nations mechanisms advancing women's rights, peace and security espoused in the African Women Decade 2010-2020 promoting gender equality, acceleration of regional mechanisms, to end wars, conflicts, genocide in the region. It is also encouraging that the AU themed the year 2020 as a year of Silencing the Guns to make peace effort realisable and sustainable in the continent. Furthermore, a commitment to achieve universal ratification and enforcements of the Maputo Protocol by 2015 and domestication in 2020 will end these heinous crimes which the Protocol Request States to consider as crimes against humanity, under Article 11 of the Protocol. Although South Africa is making progress in realisation of guaranteed rights in the Maputo Protocol through the judiciary to advance women remedies enshrined in the Protocol, there is still more work to be done by the government. In 2016 after examination of South Africa periodic report the African Commission recommended South Africa to outlaw traditional practice of Ukuthwala as it forces women and girls into marriages regardless of age, through abductions, constituting torture, inhuman and degrading treatments. Human trafficking remain high in South Africa and abduction of women and children found dumped in rubbish places brutally murdered, gender-based violence & femicide have increased, especially in the context of COVID-19 mitigation. These measures missed the opportunity to instil the AU non-violent measures to solve problems, particularly in women taking their frustrations in the streets to protests against law enforcement failure to address these hideous crimes. It has also come to our attention that while efforts are made to improve submission record of South Africa's periodic reports on African Charter on Human and People's Rights, little is done to fast-track development of Part B of the report which constitute a section elaborating progress made to implement Maputo Protocol. Women face many challenges despite living in a non-conflict country. Statistics indicates that more guns are owned by civilians than by the state so in most cases partners are using guns to intimidate, control, hurt and kill

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women and children. From the government's side they have never been adequate budget allocated to the WPS agenda. South Africa condemns gender-based violence and femicide, but there are no resources to match the articulations and the condemnations of these atrocious acts against women. There's also an emergence of targeting women human rights defenders in promoting human rights protection in the mining communities. These have manifested in extra judicial killings, death threats of leaders of community based organisations and activists working in this areas.

In terms of women roles in peace process, women have been pushing for the effective implementation of National Strategic Plan on GBVF. Regarding this, there are three bills considered with stringent provisions for successful prosecutions of the perpetrators of GBVF. COSs advocated cabinet to adopt the NAP 1325. The delay in passing the NAP by cabinet means there's no concrete plan to combat crimes that impedes achievement of women peace and security.

We call upon the Africa Commission on Human and People's Rights through its special mandate holder of the SR on the Rights of Women in Africa to urge the AU state to do the following:

- To domesticate Maputo Protocol, and those that have not yet ratify the Protocol to fast-track efforts for ratification in 2020.
- Withdrawal of reservations made during ratification of the Protocol and fast-track development and submission of outstanding periodic reports demonstrating progress made to give effect to Maputo Protocol.
- To collaborate with the office of the Special Envoy of the Chairperson of the African Union on Women Peace and Security to assess the impact of the AU African Women Decade, especially in conflict and post conflict countries, giving priority to women living in vulnerable communities, rural areas, minority groups, refugees/ migrants, trafficking of women and girls and develop recommendations to sustain peace and security in the region.
- To consider adopting a resolution for development of General Comment on Article 10&11 of Maputo Protocol, to assist State Parties with extensive elaboration for implementation and sustaining peace in the region.
- To reinvigorate efforts to achieve gender equality, end wars, conflict, genocide, gender-based violence / femicide, involvement of women in peace negotiation, construction and mediation through development of NAP within the UN Security Council Resolution 1325 auspices, and availing budgets for addressing these crimes that are clearly constituting crimes against humanity.
- To the Special Rapporteur on Human Rights Defenders in Africa and focal points on reprisals, continue to encourage State Parties develop laws for promotion and protection of women organisations, including community based organisations and human rights defenders to promote and protect rights without fear and intimidation of reprisals in line with ACHPR resolutions 275 adopted in 2014.
- To urge state parties to promote and protect the right to life by prioritising investigation of the perpetrators of the extrajudicial killings.
- We also call the Chairperson of the Working Group on Extractive Industries, Environment and Human to encourage State Parties to find amicable solutions in conflict between mining companies, CSOs, CBO activists, environmentalists & women human rights defenders in protecting extraction of natural resources.

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