

Joint Statement on World Human Rights Day: Ending Violence Against Women and Girls – A Call for Action and Accountability in Africa

10.12.2024 (PRESS STATEMENT) - Today, 10 December, we mark the 76th anniversary of the United Nations Human Rights Day, under the theme: ‘Our Rights, Our Future, Right Now’, and the culmination of the 16 Days of Activism Against Gender-Based Violence.

We the undersigned civil society organizations commend African governments that have made notable strides to address human rights abuses and violations against women and girls across the continent. Noteworthy efforts include the adoption of constitutions that explicitly prohibit violence, as well as specific laws such as the protection against Domestic Violence laws in Kenya, Nigeria, and Uganda, and Anti-Gender-Based Violence laws in Malawi, Zambia, and Rwanda. These legal and policy frameworks have significantly advanced the protection of women and girls, particularly within private spaces, against intimate partner violence.

However, significant efforts are still needed to ensure African governments fully meet their obligations under national, regional and global human rights frameworks, particularly in protecting and promoting the right to health, including strong and resilient public health systems that address Sexual and Reproductive Health and Rights (SRHR).

We want to draw attention to the restrictive laws, policies and practices that continue to deny women and girls access to safe abortion services while failing to address patient detention and obstetric violence within the public healthcare systems. This denial exacerbates the mental trauma experienced by women and girls seeking safe abortion services especially, survivors of SGBV and increases the risk of unsafe abortions which can lead to preventable deaths. They also force women and girls to endure unwanted pregnancies in silence, perpetuating cycles of harm and inequality.

We, therefore urge African governments that have not yet enacted domestic laws to ensure immediate care and treatment for survivors of sexual violence, including prompt access to safe abortion services. Furthermore, we call on countries that have ratified the Maputo Protocol with reservations to remove their reservations on Article 14(2), which safeguards women's reproductive rights including access to safe abortion services.

The full enforcement of these laws should be accompanied by the allocation of adequate budgets for their implementation, support for survivors, and the timely prosecution of perpetrators. Without these measures, these laws remain an insufficient remedy to redress the pervasive violence that hinders women and girls from achieving their full potential. We therefore urge African governments to allocate the necessary resources and establish concrete measures to address gender-based violence in all forms.

We must also address a form of violence that remains largely unrecognized due to systemic failures - obstetric violence. Throughout Africa, women and adolescent girls

face neglect, abuse, and violence during pregnancy, childbirth, and the postpartum period. Obstetric violence includes physical abuse, verbal harassment, denial of informed consent, and the detention of women for failing to pay hospital bills. This mistreatment undermines the dignity and autonomy of women, leaving many feeling traumatized and disempowered. Contributing factors include resource shortages, inadequate staffing, and insufficient training of healthcare providers.

Women who have experienced obstetric violence are less likely to seek childbirth services in health facilities in the future, increasing their risk of death from pregnancy-related complications and undermining progress in promoting skilled birth attendance. The mistreatment of women seeking sexual and reproductive health services constitutes a human rights violation, a form of gender-based violence and should be recognised as such.

We commend the progressive judicial decisions in Kenya, where the judiciary has recognized maternal health services as a fundamental right. In its September 2015 judgement, the High Court of Kenya declared the detention and abuse of women seeking maternal health services a violation of their rights and acknowledged their experiences with obstetric violence. This was further solidified by the 2024 landmark decision by the Court of Appeal, which upheld the High Court's judgment and held the national and county governments accountable for violating Josephine Majani's rights to health, dignity, and freedom from cruel, inhuman, and degrading treatment.

We call on African governments to recognize obstetric violence, patient detention and the denial of access to abortion care as a form of violence and torture. Laws and frameworks must be established to hold perpetrators accountable and to ensure that healthcare environments respect the rights and dignity of women.

Call to Action:

As we mark these 16 Days of Activism, we call on the following from the respective governments:

- The African Commission on Human and People's Rights to adopt a resolution, general comment, and/or guidelines that recognize obstetric violence as a widespread violation of the rights of women and girls in reproductive health and as a form of violence against women and girls.
- We call on all African Ministries of Health to ensure that all health facilities that offer reproductive health services are sufficiently resourced with adequate facilities and skilled health care providers who are trained on dignified maternal health care.

- All respective governments reform obstetric health care providers training guides and put laws in place that penalize those that violate women and girls during pregnancy and childbirth.
- The Government of Malawi to prioritize passing the amended Termination of Pregnancy Bill to reduce restrictions and expand permissible grounds for safe abortion, including cases of rape, incest, threats to the physical or mental health of the mother, or severe fetal abnormalities.
- The Kenyan government to revert and affirm commitment to the ESA Ministerial Commitment on Comprehensive Sexuality Education (CSE) and Sexual and Reproductive Health Services for Adolescents and Young People.
- African governments to fully resource and implement the 2017 Guidelines on Combating Sexual Violence and its consequences in Africa as adopted by the African Commission.

The fight against violence in all its forms requires sustained effort and commitment. Together, we can create a future where women and girls live free from violence and are empowered to reach their full potential.

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