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73rd Ordinary Session of the African Commission on Human and Peoples' Rights, 20 October – 9 November 2022, Banjul, The Gambia

Agenda Item 4: Human Rights Situation in Africa

Honourable Chairperson,

Amnesty International welcomes the convening of the 73rd ordinary session of the African Commission on Human and Peoples' Rights, the first in-person session in more than two years.

In this statement, Amnesty International highlights the issue of ensuring rights and justice for survivors of sexual violence in Ethiopia, Guinea and South Sudan. Contrary to the African Charter on Human and Peoples' Rights, its Protocol on the Rights of Women in Africa, and the African Commission's Guidelines on Combating Sexual Violence and its Consequences in Africa, sexual violence in the three countries continues to be perpetrated due to an entrenched culture of impunity.

In **Ethiopia**, grave human rights violations, including sexual violence, has been a defining element of the conflict in northern Ethiopia since its outbreak in November 2020. Multiple forms of sexual violence — including rape, gang rape, sexual slavery, sexual mutilation and torture — have been perpetrated against Tigrayan women and girls by Ethiopian government forces, their allied militias and by the Eritrean forces that have been fighting alongside the Ethiopian military. Similarly, the Tigrayan forces committed grave human rights violations including sexual violence against women and girls in Amhara and Afar regions. The widespread and grave human rights violations in the context of the conflict amount to crimes against humanity and may also constitute war crimes, which are crimes under international law.

The conflict-related sexual violence (CRSV) that Amnesty International has documented in northern Ethiopia has been accompanied by shocking levels of brutality, including beatings, death threats, and ethnic slurs. Some of the victims were held in captivity by the perpetrators for days and weeks, in circumstances constituting sexual slavery; others were raped in front of their children and other family members.

Ethiopian officials have acknowledged the existence of sexual violence in the ongoing conflict but have failed to take concrete measures to prevent the atrocities. Official statements have not reflected the scale and gravity of the abuses. Indeed, some of these statements have gone further to dismiss reports of widespread grave human rights violations including CRSV.

In **Guinea**, mobilization against sexual violence by women's rights organizations has gained traction in recent years. Successive governments between 2015 and 2021 have taken important steps to address sexual violence and in particular rape. The legal framework has been strengthened, awareness campaigns have been conducted, training has been given to magistrates, lawyers, police officers and gendarmes, the special unit for the protection of vulnerable persons has been created



within the gendarmerie, and judicial reform has made it possible to speed up the processing of criminal cases.

Despite these advances, there are still numerous breaches of Guinea's international obligations in terms of prevention and fight against rape, protection of victims' rights and fight against impunity. With regard to prevention, awareness raising remain disproportionately dependent upon the financial support of UN agencies, international cooperation and NGOs. In terms of protection, the country does not have a reliable toll-free number for reporting sexual violence or to enable victims to obtain initial advice and information, particularly with regard to medical care, psychological support or legal recourse.

In relation to access to justice, the process is often strewn with insurmountable obstacles. Customary authorities sometimes push for out-of-court settlements, which is against the law. Certain victims who do file complaints may find themselves the target of threats and pressure, including from within their own families. The physical conditions in which they are received when filing a complaint and the lack of training among police officers and gendarmes can prevent victims from making a statement in complete confidence and privacy.

In **South Sudan**, sexual violence has been and continues to be a persistent feature of the conflict that broke out in the country on 15 December 2013. Perpetrators include government security actors, non-state armed groups, militias, and armed and unarmed men. Guns are used to facilitate the commission of CRSV by threatening women and girls impacted to comply. CRSV in South Sudan is grounded in historical and pervasive gender inequality, discrimination against women and a patriarchal and militarized society in which women and girls are subordinate to men and boys.

Despite international obligations and the adoption in January 2021 of a joint Action Plan for the Armed Forces on addressing conflict-related sexual violence in South Sudan, impunity for CRSV remains the norm. CRSV survivors, witnesses of CRSV, and judicial actors, as well as civil society members working on CRSV, are left unprotected and exposed to threats and harassment by suspected perpetrators. Survivors are also left without redress and have inadequate access to critical services. CRSV survivors are not given an opportunity to participate meaningfully in the implementation of the 2021 action plan.

South Sudan's legal framework does not effectively address CRSV. The 2008 Penal Code remains unamended and does not include war crimes or crimes against humanity, defines rape in a limited manner, and does not contain command responsibility as a mode of criminal liability. South Sudan has not completed the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol) and has not ratified the African Charter on the Rights and Welfare of the Child (African Children's Charter).

Amnesty International calls on the African Commission on Human and Peoples' Rights to:

1. Urge the Ethiopian authorities to ensure that allegations of sexual violence perpetrated since the outbreak of the conflict in the Tigray region are promptly, effectively, independently and impartially investigated, and bring those suspected of criminal responsibility to justice in open, accessible civilian courts in full compliance with international standards for fair trial without recourse to the death penalty.



2. Urge the Guinean authorities to ensure that all cases of sexual violence are investigated and prosecuted in fair trials; end the practice of out-of-court settlements by raising the awareness of customary and traditional authorities to their prohibition, and by sanctioning those who violate this prohibition.
3. Issue a public statement or resolution condemning the prevalence of CRSV in South Sudan and Ethiopia and the lack of response to addressing it by the respective governments. The statement or resolution should also highlight the root causes of CRSV specifically and violence against women more broadly in the two countries.
4. Urge the Government of South Sudan to amend the 2008 Penal Code to domesticate crimes under international law and to amend the definition of rape so that it meets international standards.
5. Urge the Government of South Sudan to ratify and domesticate the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).

Thank you.