

**ACHPR/Res.111(XXXII)07: RESOLUTION ON THE RIGHT TO A
REMEDY AND REPARATION FOR WOMEN AND GIRLS
VICTIMS OF SEXUAL VIOLENCE**

The African Commission on Human and Peoples' Rights (the African Commission or ACHPR), meeting at its 42nd Ordinary Session held in Brazzaville, Republic of Congo, from 15 - 28 November 2007;

Recalling its mandate to promote human and peoples' rights and ensure their protection in Africa under the African Charter on Human and Peoples' Rights (the African Charter);

Bearing in mind that the right to a remedy and reparation is notably affirmed by: Article 25 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa; Article 8 of the Universal Declaration of Human Rights; Article 2 of the International Covenant on Civil and Political Rights; Article 39 of the Convention on the Rights of the Child; and Articles 68 and 75 of the Rome Statute of the International Criminal Court;

Deploring all forms of sexual violence against women and girls;

Considering that rape in times of conflicts has been categorised as a crime against humanity and as a war crime in the founding statutes of the International Criminal Tribunal for the former Yugoslavia (Art 5 (g)), of the International Criminal Court (Arts 7 and 8) and of the Special Court for Sierra Leone (Art 2(g)); and considering furthermore that the International Criminal Tribunal for Rwanda has qualified rape in conflict situations as an act of genocide case No. ICTR- 96-4-T (Sept 1998) and the International Criminal Tribunal for the former Yugoslavia classified rape as amongst the most serious crimes of war by defining it as a breach of the Geneva Conventions in case No.IT-94-1-T (May 1997);

Reaffirming its Resolution ACHPR/Res.103 (XXXX) 06 on the Situation of Women in the Democratic Republic of Congo, adopted during its 40th Ordinary Session held in Banjul, The Gambia, on 29 November 2006;

Recalling the United Nations' Security Council Resolution 1325 (2000) on Women, Peace and Security;

Recalling also the provisions of the Fourth Geneva Convention on the protection of civilians in armed conflicts;

Recalling furthermore the United Nations' General Assembly Resolution A/RES/60/147 adopting '*Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*' in March 2006;

Noting with great concern the prevailing impunity for the perpetrators and accomplices of crimes of sexual violence and emphasising that a culture of impunity encourages the commission of such crimes;

Taking into consideration the legal and practical obstacles existing in many countries and preventing victims of sexual violence in particular in times of conflict, from accessing their rights to truth, justice and reparation, notably the lack of adequate training on sexual violence issues for actors of the judiciary and the lack of information on services and access to justice for victims;

Concerned by the extent of physical and psychological trauma that women and girls victims face as a result of sexual violence and by the necessity for them to receive adequate and accessible health care, including psychological support;

Acknowledging the civil society initiative creating the '*Nairobi Declaration of the Right to A Remedy and Reparation for Women and Girls Victims of Sexual Violence*', which provides guiding principles for the implementation of programmes intended to achieve reparation for crimes of sexual violence perpetrated in times of conflicts;

Convinced that participation of women at all stages of creation and implementation of reparation programmes is necessary to ensure efficient programmes and to achieve sustainable peace;

The African Commission on Human and Peoples' Rights:

13. **CONDEMNS** all forms of sexual violence against women and girls;
14. **URGES** States Parties to the African Charter on Human and Peoples' Rights to:
 - Criminalise all forms of sexual violence, ensure that the perpetrators and accomplices of such crimes are held accountable by the relevant justice system;
 - Ensure that police and military forces, as well as all the members of the judiciary receive adequate training on the principles of international humanitarian law, women's rights and the children's rights;
 - Identify the causes and consequences of sexual violence and to take all necessary measures to prevent and eradicate it;
 - Develop campaigns to raise public awareness on existing remedies for cases of sexual violence;
 - Put in place efficient and accessible reparation programmes that ensure information, rehabilitation and compensation for victims of sexual violence;
 - Ensure that victims of sexual violence have access to medical assistance and psychological support;
 - Ensure participation of women in the elaboration, adoption and implementation of reparation programmes;
 - Ratify without reservations and ensure the effective implementation of the *Protocol to the African Charter on Human and Peoples' Rights on the*

Rights of Women in Africa and the *Convention on the Elimination of All Forms of Discrimination against Women* as well as its Optional Protocol;

- Ratify the *Protocol to the African Charter on Human and Peoples' Rights on Establishing an African Court on Human and Peoples' Rights* and make a declaration according to Article 34(6) of this Protocol, and ratify as well the *Rome Statute of the International Criminal Court*.