

**83<sup>rd</sup> Ordinary Session of the African Commission on Human and Peoples' Rights  
Banjul, The Gambia, 2-22 May 2025**

**Item 5: Activity report of the Special Rapporteur on the Rights of Women in Africa – 4  
May 2025**

Honourable Commissioners and Special Rapporteur,

The International Commission of Jurists (ICJ) fully agrees with the Special Rapporteur's assessment in her activity report that the ratification of the Maputo Protocol alone is not enough; it must be fully implemented through reforms of national laws, policies and practices. The ICJ is profoundly concerned at the failure by a number of States to adopt adequate legal frameworks or effective enforcement mechanisms, which have sustained the prevalence of sexual and gender-based violence (SGBV) across Africa, also facilitated by adherence to certain retrogressive socio-cultural norms.

For example, while Libya has ratified the Protocol, women and girls face serious challenges barring them access to justice for sexual and gender-based crimes (SGBC), which are widespread in Libya today.

Survivors often decline to lodge complaints because they fear the ensuing stigma. Family members may pressure them not to file a complaint so as not to "sully" the family's "honour" or, in the case of rape, to marry their rapist, consistent with article 424 of the Penal Code which exonerates the rapist if he marries the victim. The real risk of retaliation against survivors of SGBC, in the absence of protective measures, further dissuades them from lodging complaints. Oftentimes, instead of prosecuting her aggressor, the authorities charge the victim or survivor with zina (extramarital sexual relations), "prostitution" or, in the case of migrants, refugees and asylum-seekers, with "illegal" entry or stay in the country. All of these discriminatory laws and practices have a detrimental impact on women's access to justice.

A recent study conducted by the ICJ in Ghana, Kenya, Malawi, Nigeria, Rwanda, Sierra Leone, South Africa, Uganda and Zimbabwe, reveals that women and girls with disabilities typically face grave challenges in accessing socio-economic opportunities and face discrimination in accessing sexual and reproductive health care services. Further, inaccessible justice systems were found to adversely affect women and girls with disabilities due to the inaccessibility of court infrastructure, services and lack of procedural accommodations.

In light of the above, the ICJ urges the Commission to call on the Libyan authorities to address the legal and practical challenges to women's access to justice for SGBC in line with the Maputo Protocol, including by adopting the Draft Law on Protecting Women from Violence in accordance with global and regional human rights law and standards.

The ICJ also urges the Commission to call on States to take concrete measures to safeguard the rights of women and girls with disabilities to freedom from violence and discrimination and the right to be treated with dignity in line with the Maputo Protocol. The ICJ further welcomes the adoption of the AU Convention on ending Violence against Women and Girls and urges that the Convention be made public.

Thank you.