

AFRICA DISRUPT CSW70

CALL TO ACTION ON ACCESS TO JUSTICE FOR WOMEN AND GIRLS IN AFRICA

Preamble

We, African feminists, women, adolescents, and girls' rights organisations, activists, scholars, legal practitioners, community and religious leaders, and allies, convened under the banner of Africa Disrupt CSW70, reaffirm that access to justice is a fundamental human right and a prerequisite for gender equality, peace, and sustainable development in Africa

Grounded in Africa's continental commitments including the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), the African Charter on Human and Peoples' Rights, and global commitments under the Beijing Declaration and Platform for Action and the International Conference on Population and Development (ICPD) we affirm that access to justice goes beyond the existence of policies, laws and institutions. It requires systems that are gender-responsive, inclusive, accessible, and accountable to the lived realities of all women and girls.

Without access to justice, women, adolescents, and girls are unable to claim their rights, challenge discriminatory laws, participate meaningfully in shaping the decisions that affect their lives, and create change in their communities.

1.0 Understanding Access to Justice in the African Context

Access to justice for all women and girls encompasses:

- a.** Laws and policies that are just, equitable, non-discriminatory, and aligned with national, regional, and international human rights mechanisms and standards.
- b.** Accessible, affordable, gender-responsive and survivor-centred justice institutions
- c.** Effective implementation and enforcement of rights and remedies of women and girls in all diversities.
- d.** Meaningful participation and actual representation of women and girls in decision-making spaces and processes at national, regional, and global levels
- e.** Removal of structural, social, cultural, economic, political, religious, and environmental barriers that limit the ability to claim and fully enjoy rights.
- f.** Armed conflict, political instability, and insecurity across the continent significantly undermine women and girls' rights and severely restrict their ability to access justice, protection, and redress.

2.0 Persistent Barriers to Justice

Across Africa, women and girls continue to face entrenched barriers, including:

- a.** Discriminatory laws and practices in family, inheritance, nationality, health and reproductive rights, economic opportunities and criminal justice systems.
- b.** Gender bias within formal and informal (national and regional) institutions in the justice, parliamentary and executive systems where women are underrepresented and normalisation of violence against women in these spaces is still rife.
- c.** Weaponised technology for Sexual Gender Based Violence (SGBV) for women in urban and rural areas noting the digital divide between the two groups; and further noting the mismatch between the policy and legal that are not gender responsive especially in Technology-Facilitated Gender-Based Violence (TFGBV).
- d.** Poor and lack of survivor related systems and services for adult and children survivors in SGBV situations which amplify the lack of trust, prejudice, fear, shame.
- e.** Under-resourced and inaccessible legal aid and justice services that deter the reporting and investigation of crimes.
- f.** Structural inequalities linked to poverty, disability, age, geography, conflict, migration status, climate change and digital exclusion
- g.** Weak accountability mechanisms and low enforcement of court decisions in and out of the country; further the challenge of implementation of decisions owing to conflict of national and religious/ cultural laws undermines access to justice for survivors.

These barriers are experienced most acutely by women in rural and urban areas, women with disabilities, internally displaced women and girls, women in the formal and informal economy, women from ethnic minorities, migrants, refugees, women from other marginalized groups, and women in conflict and post-conflict settings.

3.0 Participation as a Pillar of Access to Justice

- a.** We recognise that meaningful and inclusive participation in policy and accountability spaces is an essential component of access to justice. Women and girls must be able to influence the laws, policies, and global commitments that shape their lives.
- b.** We reaffirm that freedom of movement and the ability to participate in decision-making spaces are integral to access to justice, including the movement of migrants and refugees for their participation. Justice cannot be realised for all women and girls if those most affected by injustice are systematically excluded from the spaces where laws, norms, and accountability frameworks are shaped.
 - In this regard, we express concern about restrictive visa regimes, visa bans, and the imposition of excessive visa bonds that disproportionately affect African women, feminist leaders, human rights defenders, legal practitioners, and grassroots activists seeking to participate in regional and global processes, including the Commission on the Status of Women. Their exclusions risk reinforcing existing global inequalities and undermining the principle of inclusive multilateralism.
- c.** While not the sole barrier to justice, such restrictions highlight broader challenges related to whose voices are heard, whose knowledge is valued, and who is able to shape global gender equality agendas.

4.0 Addressing Backlash and Regression in the Context of Family Laws

We affirm that equality in the family and in marriage is key to ensuring women's and girls' access to justice as firmly anchored in the African Charter on Human and Peoples' Rights; the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) and the Convention on the Elimination of All Forms of Discrimination against Women.

Additionally, African families are beautiful and broad with diverse structures that we all belong to. We therefore express concerns about the so-called African Charter on Family, Values, and Sovereignty, as, instead of embracing our African values of equality, equity, inclusion, and Ubuntu, it promotes a singular Western Family Model.

1. The proposed African Charter on Family, Values, and Sovereignty is not aligned with existing regional and international human rights and women's rights instruments for the protection of the family.
2. We decry the non-consultative and non-transparent drafting process of the proposed charter that is devoid of the guidance and mandate of the African Union structures and devoid of the input of women's rights organisations, human rights defenders, and the affected communities.
3. We are concerned that this proposed charter will undermine the current human rights regime at the regional level and national laws, as well as roll back gains at a societal level.
4. We are concerned that anti-rights groups are working to dismantle normative protections by reframing family law with restrictive interpretations that will weaken already established protections in national legislation and international instruments for women, girls, and sexual and gender minorities.
5. We are concerned that this colonial framing of what African Families should look like jeopardizes the diversity of Family structures that exist in our African Culture on the continent, regressing African Women, adolescents, and girls' rights
6. We remain concerned that the proposed Charter risks creating legal ambiguity and undermining hard-won regional protections. In its current form, it does not reflect the breadth, diversity, and rights commitments of African peoples.

5.0 Our Collective Position

We affirm that:

- a. Access to justice must be survivor-centred, effective, gender-responsive, substantive, and not symbolic
- b. Meaningful participation and representation of all women and girls is integral to accountability and equality
- c. The lived experiences, expertise, and leadership of African women and girls in all their diversities are essential to national, regional and global gender justice.
- d. Justice systems at national, regional, and global levels must be responsive to African realities and feminist demands.
- e. The African family is diverse, inclusive, and intersectional.

Our Call to Action

6.0 We call on African Governments to:

- a.** Strengthen national and regional justice systems to ensure they are accessible, reliable, gender-responsive, and adequately resourced.
- b.** Review, amend and repeal discriminatory laws and fully align domestic legislation with the Maputo Protocol and other African human rights instruments.
- c.** Invest in legal aid, community justice mechanisms, and survivor-centred approaches.
- d.** Promote and defend the meaningful participation of African women and girls in regional and global decision-making spaces.
- e.** Criminalise discriminatory customs norms and practices.
- f.** REJECT the Proposed Draft Charter on Family, Values, and Sovereignty.
- g.** Accelerate efforts to address (legal, policy, regulatory, financial, and societal) barriers and expand equitable access to comprehensive multisectoral HIV prevention and treatment, care, and support programs for women and girls, including to the latest technologies for HIV treatment and biomedical HIV prevention; pursuant to resolution 60/2 - Women, Girl Child and HIV.

7.0 We call on UN Women and the CSW Secretariat to:

- a.** Uphold meaningful, holistic and inclusive participation as a core principle of CSW processes.
- b.** Address structural and systemic barriers that limit the effective participation of women, civil society, people living with disabilities and gender diverse people from the Global South, including through equitable hybrid participation models.
- c.** Strengthen and safeguard civil society participation through accountability mechanisms to ensure that CSW outcomes reflect diverse regional perspectives and priorities.
- d.** Ensure transparency and accessible documentation in multiple formats regarding participation, exclusion and CSW priorities.
- e.** Reporting and documenting stories of African women as role models on women's rights.
- f.** Recognize and support GBV action coalition commitment makers as critical drivers of delivering humanitarian development peace commitments in Africa, particularly in strengthening survivor-centered access to justice.
- g.** Urgently address the ongoing global backlash and regress on women's rights with Africa as a priority region and the family as a priority thematic area.

8.0 We call on the African Union, the African Commission on Human and Peoples' Rights, and relevant UN Special Procedures to:

- a. Ensure state compliance with obligations on access to justice and non-discrimination.
- b. Address emerging barriers to participation and accountability within national, regional, global and digital governance spaces.
- c. Co-create and support African women's rights organisations and feminist movements in advancing justice-centred reforms and address conflict strategically.
- d. Establish a **World Memorial Day for African women activists**, recognizing their contributions and sacrifices.
- e. Adopt a resolution led by the African Court and proposed by a Member State, with a request for the UN Secretary-General to report on representation, budget allocation, and funding constraints affecting participation in CSW.
- f. Issue statements on the alarming provisions in the Proposed Draft Charter on Family Values, and Sovereignty including the provisions for Member States to withdraw from AU/UN treaties and reject the recommendation of special mechanisms; and distorted definitions of gender equality and SRHR concepts.

Closing Declaration

- a. We affirm and declare that access to justice for women and girls in Africa requires political will and systems that are inclusive, accessible, listen, respond, and are accountable; locally, nationally, and globally.
- b. We reaffirm our commitment to collective action to advance justice that is inclusive, feminist, and grounded in African realities and lived experiences.
- c. We oppose the adoption of the Proposed African Charter on Family, Sovereignty, and Values, and urge Member States to prioritize instruments and policies that reinforce, rather than weaken, existing continental obligations on the rights of women and marginalized groups.

Adopted at Africa Disrupt CSW 70