

Women's rights under international human rights instruments

Ibe Okegbe Ifeakandu

Associate Professor and Deputy Head of PG School, Nigerian Institute of Advanced Legal Studies, Abuja, Nigeria

Abstract

Although a myriad of international legal instruments exist for the protection of women, their rights remain in dire strait globally. While some of the international human rights instruments are of general application as they offer human rights protection for all, others are more specific, focusing solely on women's rights. The paper adopts the non-doctrinal approach in selecting and examining international human rights instruments and other documents that cuts across diverse disciplines, particularly those that directly and indirectly highlight the state of women's rights globally. In analysing the instruments and other documents, a content analysis strategy is engaged in examining specific rights of women that are mostly endangered within the framework of the various instruments highlighted in the paper. For example, while the women's rights specific instruments such as the Convention on the Elimination on All Forms of Discrimination Against Women (CEDAW), and its Optional Protocol as well as the Maputo Protocol contain extensive provisions for the protection of women, women's right to property, sexual and reproductive health, among others continue to be violated. Accordingly, the paper emphasise the need for states to fulfil their obligations under international human rights law by adopting and implementing measures that effectively protect women.

Keywords: women, women's rights, human rights, human rights law, international human rights

Introduction

Generally, human rights law preserves noblest ideals of humanity, which recognise that (a) every human being has a set of rights and freedoms, which accrues by virtue of being human, (b) these rights and freedoms cannot be taken away unnecessarily except as allowed by law. International human rights law (IHRL) constitutes the body of international norms and standards that have been established to deliberately promote and protect human rights at international and national levels. It forms part of international law;^[1] and so it is derived from treaties-legally binding agreements between states and customary international law-rules of law derived from consistent practice of states^[2].

International human rights law largely governs and regulates states obligation to protect the rights of persons residing in their jurisdictions. Although human rights had earlier found expression in the Covenant of the League of Nations^[3], leading to a number of outcomes including the establishment of the International Labour Organisation (ILO)^[4], the bedrock of international human rights law is

the 1948 Universal declaration of Human Rights (UDHR)^[5], which combines with the International Covenant on Civil and political Rights (ICCPR)^[6], the two Optional Protocols to ICCPR^[7], and the International Covenant on Economic, Social and Cultural Rights (ICESCR)^[8] to provide a well-established and comprehensive human rights regime across the globe tagged International Bill of Human rights^[9]. This paper examines the status of women's rights under international human rights law. Using a non-doctrinal approach, the paper makes use of existing sources such as books, academic journal articles, government statistics, peer review magazines, newspapers, official documents, virtual sources, and NGO statistics from diverse fields relating to the status of women's rights. Analysis of legal and non-legal sources is done using a content analysis approach^[10] to examine empirical materials from disciplines relating to the status of women's rights under international human rights law generally.

⁵ Adopted by the UN General Assembly on 10 December 1948.

⁶ ICCPR was adopted and opened to signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966. It entered into force on 23 March 1976, in accordance with Article 49. Nigeria acceded to the Covenant on 29 July 1993.

⁷ The First Optional Protocol to ICCPR was adopted and opened to signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966. It entered into force on 23 March 1976, in accordance with Article 9. The Second Optional Protocol, which aims at the abolition of the death sentence, was adopted and proclaimed by General Assembly resolution 44/128 of 15 December 1989

⁸ ICCPR was adopted and opened to signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966. It entered into force on 3 January 1976, in accordance with Article 27.

⁹ The International Bill of Rights comprises the UDHR, ICCPR and its two Protocols as well as ICESCR. UNODC, Fact Sheet No. 2 (Rev 1): The International Bill of Human Rights is available at <https://www.ohchr.org/documents/publications/factsheet2rev.1en.pdf>, accessed 15 September 2020.

¹⁰ Ibid.

¹ UN, The Foundation of International Human Rights Law, available at <https://www.un.org/en/sections/universal-declaration/foundation-international-human-rights-law/index.html>, accessed 12 September 2020.

² Bruno Simma, "Sources of International Human Rights Law: Human Rights Treaties"; in Samantha Besson and Jean d'Aspremont (Eds.), *The Oxford Handbook of the Sources of International Law* (Oxford: Oxford University Press, 2017).

³ Covenant of the League of Nations, was adopted on 28 April 1919; available at <https://www.refworld.org/docid/3dd8b9854.html> accessed 15 September 2020.

⁴ The ILO is the only tripartite UN. Agency since 1919 that brings together governments, employers and workers. Some of the work of the organisation includes setting labour standards, developing policies and devising programmes that promote decent work for all women and men across the globe. ILO, About ILO at <https://www.ilo.org/global/about-the-ilo/lang-en/index.htm>, accessed 11 August 2020.

Historical Foundation of International Women's Rights

The International Bill of Human Rights is symbolic in the historical development of international human rights for a number of reasons. For example, the UDHR is the first instrument to spell out all components of human rights—civil, political, economic, social and cultural, for every human being enjoyment; and establish the basis upon which a number of binding international, regional and sub-regional human rights treaties have developed. Under international human rights treaties, governments/state parties undertake to ensure the applicability of the treaty's provisions in their respective states by putting in place measures at the domestic level. Taking this step is particularly important for states characterised by dualist legal system where treaties are not directly applicable but must go through a process of domestication to become applicable as part of national law. For monist states, provisions of the human rights treaty becomes part of the national law upon ratification depending however on whether the state takes an approach that allow treaties that are self-executing to have such automatic application.

International human rights treaties such as those that constitute the *International Bill of Human Rights* and many others, including regional human rights instruments like the International Covenant on the Elimination of All Forms of Racial Discrimination^[11], Convention against Torture and Other Cruel, Inhuman or degrading Treatment or Punishment (CAT)^[12] and its Optional Protocol^[13], International Convention on Protection of the Rights of Migrant Workers and Members of their Families;^[14] and the African Charter on Human and Peoples Rights (ACHPR)^[15] addresses human rights of persons more generally to include the rights of women by prohibiting discrimination against anyone on the basis of gender as would be discussed below.

The focus of international human rights instruments that address human rights more generally is to engender *respect for the dignity* and equality of all persons. The UDHR for example, acknowledges the fact that “all human beings are born free and equal in dignity and rights”^[16]. This is reiterated in the ICCPR and the ICESCR. The ICCPR enjoin states to ensure that all individuals within their jurisdictions enjoy the rights enshrined in the Covenant without “distinction of any kind, such as race, colour, sex, language, religion, political and other opinion, national or social origin, property, birth or other status”^[17], and certainly not on the basis of “political, jurisdictional or international

status of the” to which a person belongs^[18]. This is re-echoed in the ICESCR, where states are enjoined to ensure the “equal rights of men and women to the enjoyment of all economic, social and cultural rights”^[19]. The ACHPR push further the programme of these instruments through regionalisation and declares equality and inviolability of all individuals, while reemphasising the obligation to respect the *dignity of all human beings*^[20].

Beyond these general human rights instruments are those that specifically address the rights of women such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)^[21], and its Optional Protocol^[22], which is the most comprehensive treaty relating to the specific rights of women. At the regional level, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)^[23] contain exhaustive provisions designed to protect women in Africa as well as the Inter-American Convention on the Prevention of, Punishment and Eradication of Violence against Women, among others.

Rights of Women under Women's Rights-Specific Instruments

With regards to the specific rights of women, the CEDAW, its Optional Protocol as well as the Maputo Protocol contain exhaustive provisions that address every aspect of the rights of women, and recognise women's rights as human rights, and emphasise duty of states to promote, protect and ensure the enjoyment of the rights therein by women.

Women under CEDAW

CEDAW is one of several instruments that address women's rights albeit, more elaborately as underscored in its preamble. The instrument brought to the fore the need to tackle women's rights within a broader and transformative framework. It emphasise the need to embrace a holistic approach that emphasise traditional roles of men and women in the family as well as the society as a potent tool in the quest for equality, that can foster peace, stability, development and economic growth of countries.

Usually, and as noted by Alston and Goodman^[24], CEDAW is historic because of its expansive protective provisions. For example, the notion of “discrimination” against women has hitherto been defined only in relation to domestic practices and state action as it relate to civil, political, cultural, economic and social sphere. But Article 1 changed that by defining discrimination expansively to include

¹¹ Adopted and opened for signature and ratification by the General Assembly resolution 2106 (XX) of 21 December 1965; entered into force 4 January 1969, in accordance with Article 19.

¹² Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984; entered into force 26 June 1987, in accordance with Article 27(1). Nigeria signed and ratified the Convention on 28 July 1988 and 28 June 2001 respectively.

¹³ Adopted on 18 December 2002 at the fifty-seventh session of the General Assembly of the United Nations by resolution A/RES/57/199; it entered into force on 22 June 2006. Nigeria accessed on 27 July 2009.

¹⁴ Adopted by General Assembly resolution 45/158 of 18 December 1990. It entered into force 1 July 2003 in accordance with Article 87 (1). Nigeria accessed to the document on 27 July 2009.

¹⁵ The African charter on Human and Peoples' Rights was adopted on 1 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 211. I. M58 (1982). It entered into force on 21 October 1986. The treaty has a total of 55 countries with 45 signatures, 54 ratifications and 54 deposits. Its registration with the UN took place on 10 September 1999 with Certificate No. 26363.

¹⁶ Article 1 of UDHR.

¹⁷ Article 2, ICCPR

¹⁸ Article 2, UDHR

¹⁹ Article 3 ICESCR.

²⁰ Articles 2-5 ACHPR. Interestingly, the ACHPR now forms part of Nigeria's national human rights law, after a wholesale domestication of the Charter vide The African Charter on human and Peoples' Rights (Ratification and Enforcement) Act, Chapter 10, Laws of Federation of Nigeria, 1991, No 2 of 1983.

²¹ Adopted by General Assembly resolution 34/180 of 18 December 1979. It entered into force 3 September 1981 in accordance with Article 27 (1). Nigeria signed and ratified the Convention 23 April 1984 and 13 June 1985 respectively.

²² Adopted by General Assembly resolution A/54/4 on 6 October 1999, and opened for signature on 10 December 1999. It entered into force 22 December 2000. Nigeria acceded the treaty on 27 July 2009.

²³ The Protocol was adopted in Maputo, Mozambique on 1 July 2003. It entered into force on 25 November 2005. Nigeria signed the treaty on 16 December 2003, ratified it on 16 December 2004 and deposited on 28 February 2005.

²⁴ Philip Alston and Ryan Goodman, *International human Rights: Text and Materials* (United Kingdom: Oxford University Press, 2013), 179-180.

“...any other field”. This effectively brings within the definition of “discrimination against women” any action and inaction of individuals, the state and the international community that have the effect or purpose of impairing the enjoyment of rights by women.

CEDAW further sets out some goals, which states must achieve “without delay”^[25], and ultimately include the “affirmative action” clause in Article 4. This clause, which is also found in the Convention on the Elimination of all Forms of Racial Discrimination, but absent in the ICCPR gives expression to Article 2 (e) which enjoin states to take all measures to eliminate discrimination against women by any “person, organisation or enterprise”.

Indeed, the goals such as ensuring the “full development and advancement of women”^[26] and eradication of all traditional, fundamental discrimination, subjugation of women^[27] achieving education and equality^[28] are not negotiable. Hence, states must take all necessary steps, including mainstreaming gender issues into laws and policies, to ensure that the goals and aspirations of the convention are achieved. More crucially, CEDAW interrelates all categories of rights, which were dichotomised under some domestic national human rights laws even though it limits the extent of states responsibility to provide free health care services,^[29] It calls on states to take cognisance of the peculiar problems confronting rural women and the vital role which these “women play in the economic survival of their families, including their work in the non-monetized sectors of the economy”^[30] As laudable as the Convention is, it lacked a mechanism through which victims of violations of rights entrenched in the Convention can make complaints, hence the consideration to set up of such a mechanism. More disappointingly, several states, including Nigeria have failed to domesticate this treaty, and certainly failed to provide measures for the protection of women; hence women’s rights are constantly violated without any form of redress.

Optional Protocol to CEDAW

The Optional Protocol to CEDAW was adopted to establish mechanism for complaint and inquiry for CEDAW, i.e. the Committee on the Elimination of Discrimination against Women (the Committee)^[31]. The purpose is to allow individuals who are victims of the violation of any of the rights set out in CEDAW, to bring complaints against the state^[32]. In the same vein, inter-state communications can be brought. Procedure for submitting communications is as set out in the Protocol Since the adoption of the Optional Protocol, a number of complaints have been filed against states and considered by the Committee on issues of gender violence^[33]. Crucially, many states that are party to

CEDAW have failed to sign, ratify or accede the Protocol.

Women in the Maputo Protocol

At the African regional level, the Maputo Protocol is a legally binding multilateral treaty supplementing the ACHPR, whose adoption speaks to the larger issue of the visibility and recognition of women’s rights as human rights. It came as an aftermath of a dual drafting process instigated by the “Inter-African Committee on Harmful Traditional Practices Affecting Women’s and Children’s Health,”^[34]

Deriving its legality from the Constitutive Act of the African Union (AU)^[35] the Protocol was adopted to address the concern that “despite the ratification of the African Charter on Human and Peoples’ Rights and other international human rights instruments by the majority of State Parties. women in Africa still continue to be victims of discrimination and harmful practices.”^[36] This shows that the adoption of the Maputo Protocol was not an effort to fill a void in international human rights provisions regarding women, or an effort to correct deficiencies in existing international women’s rights instruments. It was rather to highlight sustained discriminatory practices against women in Africa due to lack of implementation of international women’s rights instruments to which most African countries are parties. For example, CEDAW, which has a universal acceptance and the ACHPR, which is generally accepted in Africa, as well as the African charter on the Rights and welfare of the Child (ACRWC)^[37] which caters to the rights of children in Africa, including the girl child, were effective at the time of drafting and adoption of the Protocol. Another instrument, although not binding is the AU Solemn Declaration on Gender Equality in Africa^[38] which combine with other instruments to provide protection for women in an overlapping manner.

The necessity to adopt the Maputo Protocol was borne out of criticisms of Article 18(3) of ACHPR which according to critics, comingles the rights of women with those of children, the aged, and the disabled, and situating the rights of women in an article that primarily deals with the family^[39] It was also to provide for specificity-African women being protected in the African context and a tool to hold African leaders accountable. The protocol underscores the rights of women enshrined in the ACHPR. However, a crucial aspect of the Protocol that needs to be highlighted is its failure to provide a clear rationale due to its varied provisions. Consequently, some rights received less attention than others. For example, the right of women to

²⁵ Article 2 CEDAW

²⁶ Article 3 CEDAW

²⁷ Ibid, Article 16.

²⁸ Ibid, Articles 6-12

²⁹ Ibid, Article 14.

³⁰ Ibid.

³¹ Article 1, Optional Protocol to CEDAW

³² Ibid, Article 2.

³³ In *S. F. M v. Spain*, Complaint No. 138/2018; CEDAW/C/75/D/138/2018, the complaint relates to gender violence based on Articles 2,3, 5, 12 and 25 of CEDAW. The Committee on CEDAW adopted views on 28 February 2020. See also, *M. W. v. Denmark*, Complaint No. 46/2012; CEDAW/C/59/D/46/2012. The complaint relates to gender violence based on Articles 2,3, 5, 12 and 25 of CEDAW. The Committee on CEDAW adopted views on 22 February 2016.

³⁴ Rachel Murray, “Women’s Rights and the Organization of African Unity and African Union: The Protocol on the Rights of Women in Africa”; in Doris Buss and Ambreena Manji (Eds) *International Law: Modern Feminist Approaches* (2005) 253- 263.

³⁵ The Constitutive Act of the African Union, OAU Doc. CAB/LEG/23.15, which entered into force on 26 May 2001. The AU was established in 2002 in Durban, South Africa, during the AU’s inaugural meeting. It replaced the Organisation of African Unity (OAU). The AU Constitutive Act departs essentially from the 1963 OAU Charter by including the “promotion of gender equality” as one of its foundational principles.

³⁶ Preamble to the Maputo Protocol

³⁷ The African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49 (1990), entered into force November 29, 1999.

³⁸ Adopted

³⁹ *Media Rights Agenda and Others v. Nigeria* (2000), AFR. HUM. RTS. L.REP; and *Action Centre (SERAC) and Another v. Nigeria* (2001), AFR. HUM. RTS. L. REP. 60, 71–72.

own property is addressed as appendage of other rights^[40]. It is also interesting to note that the Protocol pragmatically goes beyond the rights addressed under the ACHPR to include the rights of women to food^[41], adequate housing^[42], and expand the scope of the right to health by imposing obligation on states to take "appropriate measures" to make health services accessible to women, especially rural women^[43].

For Vijoer^[44] the Protocol falls into error when it explicitly engage the need to strengthen "pre-natal, delivery and post-natal health services" but fails to emphasised the outcome of this obligation, i.e. reduction in reduction in maternal and infant mortality rates. Chirwa^[45] also opines that the Protocol contradicts the ACHPR because it omits the Charter's two most important characteristics: (1) rights accruing to both individuals and "peoples"; and (2) listing individual duties alongside individual rights. Beyond these positions, the potency of the Protocol is nearly non-existent in Africa as women continue to suffer discrimination, harmful practices, as well as domestic and gender based-violence, etc.

Women's Rights Issues for Governments Action under International Human Rights Law

Generally, every single international human rights instrument imposes obligation on states to protect women from all forms of violence, discrimination, victimisation, exploitation, and abuse, among others. In spite of this, women continue to suffer abuses, exploitation and other forms of violence-sexual, domestic, economic, racial etc.; and other human rights violations. Some of the areas where women suffer the most destructive and pervasive rights violations include, but are not limited to: (a) violence against women, (b) sexual and reproductive health rights, (c) female genital mutilation, (d) marriage and family, (e) property rights, (f) participation in politics and governance, among others. These relative areas of abuses are briefly discussed below.

Violence against Women

The Inter-American Convention on the Prevention of, Punishment and Eradication of Violence against Women (Convention of Belem Do Para)^[46] defines Violence against women "as any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or private sphere" and includes violence that occur in the family, community or within any other interpersonal setting^[47]. The term is also defined in the Declaration on the Elimination of Violence

against Women^[48] as:

Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

The scope of this definition extends to mere threat and it does not matter whether the threat is voiced out or perceived. Defining violence against women so expansively is with the sole purpose of achieving freedom from all forms of violence, including trafficking for women. Freedom from violence in itself includes the elimination of fear of violence, and the duty to ensure this state of affairs lies on the states under International human rights law. States have the dual responsibility of refraining from committing acts of violence against women and also to establish measures- in form of law and policy, among others to prevent others from violating the rights of women^[49]. A specific example of states obligation to not commit violence against women relates to ensuring that soldiers do not commit rape according to authors^[50].

States also have a duty to criminalize acts of violence using their national criminal law provisions. While it is not expected that states would be able to totally eliminate violence against women that emanate from individuals, it is expected that states are able to establish and effectively implement measures to reduce such violence, i.e. states are able to end impunity for perpetrators by prosecuting and punishing them and securing justice for victims to act as deterrent to would be offenders. This is in addition to states responsibility to afford women special and specific protection against violence committed by the state and third parties under the Maputo Protocol^[51]. The responsibility of states in that regard were emphasized in the case of *Eremia v. Republic of Moldova*^[52], the United States case of *Jessica Lenahan (Gonzales) and others*;^[53] and *Rosenda Cantu and others v. Mexico*^[54]. Violence against women manifests in different forms, including domestic violence, sexual exploitation, human trafficking, forced and child marriage, female genital mutilation (FGM), and sexual violence in conflict zones, among others.

Sexual and Reproductive Health Rights Violations

According to the Inter Agency Standing Committee^[55], sexual violence, which is a form of gender-based violence connotes:

⁴⁸ The Declaration on the Elimination of Violence against Women was proclaimed by UN General Assembly resolution 48/104, A/RES/48/104 of 20 December 1993. See Article 1.

⁴⁹ See for example, Article 7 Convention of Belem Do Para.

⁵⁰ Dorothy Q. Thomas and Regan E. Ralph, "Rape in War: Challenging the Tradition of Impunity" available at <http://www.hrw.org/legacy/women/docs/rapeinwar>, accessed 18 August 2020.

⁵¹ Article 4 of Maputo Protocol.

⁵² (2013) 3564/11, Inter-American Court of Human Rights, Judgment of 28 May 2013, paragraphs. 48-52 & 56.

⁵³ (2011), Report No. 80/81 Case 12.626

⁵⁴ (2010). See Inter-American Court of Human Rights, Judgment of 15 May 2011.

⁵⁵ The Inter-Agency Standing Committee was created by United Nations General Assembly resolution 46/182 in 1991 to make strategic and policy decisions with system-wide implications; endorse major operational decisions, arbitrate where no consensus can be reached, and advocate common principles, among others. See more at <https://interagencystandingcommittee.org/the-inter-agency-standing-committee>, accessed 28 September 2020.

⁴⁰ See Articles 7(d), 19(c), Maputo Protocol.

⁴¹ Ibid, Article 15

⁴² Ibid, Article 16

⁴³ Ibid, Article 14 (2)(e)

⁴⁴ Frans Viljoer, "An Introduction to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa" (2009) Wash & Lee J. C.R. & Soc. Justice, vol. 16, 11.

⁴⁵ Danwood Mzikenge Chirwa, "Reclaiming (Wo)manity: The Merits and Demerits of the African Protocol on Women's Rights" (2006) 53 Netherlands International Law Review, vol. 63,94-95

⁴⁶ The Inter-American Convention on the Prevention of, Punishment and Eradication of Violence against Women (Convention of Belem Do Para) was adopted on 9 June 1994. It entered into force 5 March 1995; available at <http://www.refworld.org/docid/3ae6b38b1c.html>, accessed 12 September 2020.

⁴⁷ Ibid, Articles 1 and 2 of the Inter-American Convention

Any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic a person's sexuality, using coercion, threats of harm or physical force, by any person regardless of relationship to the victim, in any setting, including but not limited to home or work^[56].

Sexual violence includes rape, enforced prostitution, and other forms of sexual assault. It differs in context and scale; and can take place anywhere- at home, in public place, in the office, school, church, market etc. Although men and boys may be victims of sexual and gender based violence, the vast majority of victims are women and girls, leading a number of organisations such as the World Health Organization (WHO)^[57] and United Nations Population Fund (UNFPA)^[58] to draw the following conclusions: (a) that violence against women and girls is one of the most prevalent human rights violations in the world, (b) it cuts across social, economic and national boundaries; and (c) an estimated one in three women are likely to experience physical or sexual abuse and violence in her lifetime.

Tied to violations of sexual rights is the right to reproductive health. Sexual and reproductive health is crucial to the health and wellbeing of women; and address sexual and reproductive processes, functions and system at all stages of a woman's life^[59]. It means people are able to make informed decision about their sexual and reproductive life. It also connotes a tacit recognition of basic rights of women and girls to make decisions regarding sex and reproduction without discrimination, force, coercion or violence; and includes equal rights of all couples to plan, space, decide the number of children^[60].

Unarguably, these are some of the most abused rights of women and girls, especially in countries where socio-cultural and religious practices have subjugated women and girls over a long period of time and illiteracy hold sway. According to World Health (WHO), violations of sexual and reproductive rights of women occur even during the period of pregnancy and labour^[61]. Report found that abuses against women during pregnancy and labour usually occur in domestic setting as much as they occur in public settings, including health facilities; and health officials normally commit violations in health facilities. Statistics from a 2019 report of a study on some African countries shows that more than one-third of women experienced mistreatment during childbirth in health facilities^[62].

The report states further that women suffer the following abuses: physical and verbal abuse, stigma and discrimination, failure to meet professional standards of

care, poor rapport between women and health care providers, health system conditions and constraints as primary manifestations experienced by women during childbirth in health facilities^[63]. Beyond these factors, law, culture and religion in some countries also limit the rights of women to sexual health, so that women and girls are denied the right to take charge of their sexual and reproductive health. As with other gender-based violence, sexual violence has a number of implications. For example, it undermines the health, dignity, security and autonomy of victims, hence the need for states to ensure that perpetrators are investigated, prosecuted and punished.

Generally, states have obligation to prevent violations of the sexual and reproductive rights of women sexual violence through the wholesale adoption of measures, including laws and policies targeted at preventing and punishing perpetrators-both private persons and state actors. States also have a duty to investigate, prosecute and punish violations. Failure of states to perform this obligation had led to judicial pronouncements holding affected states accountable. For example, in *Aydin v. Turkey*^[64], where a state agent had raped a detained 17-year old girl, the European Court of Human Rights found that (a) the action of the state agent amounted to torture, (b) there is a positive obligation of states to investigate allegations of rape; and (c) Turkey had violated Article 3 of European EU Convention on Human Rights that prohibit inhuman treatment. Likewise, sexual violence has been held to constitute crime against humanity by the International Criminal Tribunals for Rwanda and Yugoslavia during the prosecution of the cases of *Prosecutor v. Akayesu*^[65] and *Prosecutor v. Anto Furundzija*^[66].

Abortion

Abortion relates to sexual and reproductive health. The Maputo Protocol requires State parties to: ...protect the reproductive rights of women by authorizing medical abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus^[67]. Interestingly, this is the only core international human rights treaty that expressly addresses the issue of abortion bordering on sexual and reproductive rights of women. That notwithstanding, the UN Human Rights Committee and the European Court of Human Rights have addressed the issue of abortion at different times.

In the cases of *A. B. and C V. Ireland*; ^[68] *P and S v. Poland*; ^[69] and *R. R. v. Poland*^[70], the European Court of Human Rights drew a number of conclusions: (a) that states

⁵⁶ Inter Agency Standing Committee, Guidelines For Gender-Based Violence Interventions in Humanitarian Settings: Focusing on Prevention of and Response to Sexual Violence in Emergencies (Geneva: Inter-Agency Standing Committee, 2005).

⁵⁷ WHO, Q & A: Violence against Women during COVID-19 https://www.who.int/emergencies/diseases/novel-coronavirus-2019/question-and-answers-hub/q-a-detail/violence-against-women-during-covid-19?gclid=CjwKCAjwNf6BRAwEiwAkt6UQsXrDnag4SAjLTaGOXJ1-F58loQvZjqNSVeOolNI34vEo9jdsdzkZfhoCz7cQAvD_BwE, accessed 7 September 2020.

⁵⁸ UNFPA, Gender-based violence, <http://www.unfpa.org/gender-based-violence>, accessed 7 September 2020.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ WHO, Sexual Health, Human Rights and the Law (Geneva: World Health Organization, 2015), 11-16

⁶² WHO, "New WHO Evidence on Mistreatment of Women During Child Birth" (2019) at <https://www.who.int/reproductivehealth/mistreatment-of-women-during-childbirth/en/>, accessed 29 September 2020.

⁶³ Ibid.

⁶⁴ *Aydin v. Turkey*, 57/1996/676/866, Council of Europe: European Court of Human Rights, Judgment of 25 September 1997, available at <https://www.refworld.org/cases,ECHR,3ae6b7228.html>, accessed 29 September 2020.

⁶⁵ (Case No. ICTR-96-4), ICTR, Chamber 1, Judgment of 2 September 1998, p. 452

⁶⁶ See (Case IT-95-17/1-T), ICTY, Trial Chamber Judgment of 10 December 1998 (conviction confirmed on appeal; and (Case IT-95-17/1-A), ICTY, Appeals Chamber, Judgment of 21 July 2000). See also, UN Women, Factsheet No. 5: Women and Armed Conflict (2000), available at <> accessed 24 September 2020

⁶⁷ Article 14(2)(c), Maputo Protocol

⁶⁸ [GC], no. 25579/05, ECHR 2010, Judgment of 16 December 2010, para. 249.

⁶⁹ No. 57375/08, Judgment of 30 October 2012.

⁷⁰ No. 2761/04, ECHR 2011 (extracts), Judgment of 26 May 2011

have an appreciable leeway in deciding when to permit abortions under their domestic law, (b) states to respect its obligation under the European Convention on Human Rights by ensuring that domestic law adequately address the interests of all parties once such laws are passed, (c) states have a duty to ensure that a woman can access information and diagnosis facilities that will enable her make informed decision about the wellbeing of the foetus and be allowed to decide whether or not to abort; and also (D) Poland violated the applicant's right to private life by failing to meet its positive obligations "to secure the physical integrity of mothers-to-be" when the applicant was refused permission to obtain an abortion even though she had been advised that pregnancy and delivery could risk her eyesight, which it subsequently did in *Tysiqc v. Poland* [71].

Female Genital Mutilation

The World Health Organization has variously defined and described female genital mutilation (FGM) as a "procedure that intentionally alter or cause injury to the female genital organs for non-medical reasons"; [72] and also "a traditional harmful practice that involves the partial or total removal of external female genitalia or other injury to female genital organs for non-medical reasons" [73]. The organization further express the concern that FGM constitutes a human rights violation that is not medically justifiable, and is widespread as over 200 million women and girls "alive today have undergone female genital mutilation in the countries where the practice is concentrated" [74] even though the practice lacks probative value, medically speaking. This is in addition to the fact that "an estimated 3 million girls" remain vulnerable to the practice of FGM every year [75].

There is no gainsaying the fact that FGM has several implications for victims, which may be short term or long term. In the immediate, it can result in some health challenges and to physical, mental, psychological and sexual problems in the long term. Whether in the short term or long term, the practice is normally associated with suffering and some times death. As a result, it is important that states take their obligation to protect more seriously. Accordingly, the UN Committee on Economic, Social and Cultural Rights (CESCR) [76] called on states to fulfill their obligation under Article 12 of ICESCR, which require them to protect women from being coerced to participate in this harmful cultural practice [77]. The Committee on CEDAW also recommended that states should "enact and enforce laws" that target the prevention of the practice of FGM so as to protect the right to health of women [78]. In the same vein,

the Commission on the Status of Women (CSW) [79], and the UN General Assembly [80] has, on several occasions, called on states to adopt and implement effective measures to prevent and end FGM across the globe [81]. Sadly, this harmful practice continues unabated, especially in less developed countries. It occurs even where laws prohibiting the practice exist.

Marriage and Family

International human rights law recognizes the right of women to choose whom, when or whether to marry as stipulated in Article 16 of CEDAW; and underscores the importance of the consent of women in marriage. Consent connotes agreement between people to perform something, and in this context, get married. The most important aspect of consenting is that the consent so given must be informed consent. It means that women who consents to getting married must do so with understanding and the capacity-legal, mental etc. to do so.

According to the Committee on CEDAW, absence of these elements in a marriage amounts to violation of the affected woman's rights [82]. This effectively means arranged marriages, as well as child marriage is tantamount to women's rights violation except where the woman is able to consent to the arrangement. This is notwithstanding the fact that international human rights law does not explicitly declare arranged marriages illegal.

With regards to girl-child marriage, international human rights law, as well as domestic laws of countries makes it clear that child marriage is unacceptable, declaring it illegal. The United Nations Population Agency (UNFPA) [83], noted that child marriage violates a number of international human rights treaties, including CEDAW [84] and the Maputo Protocol [85] both of which require states to set minimum age for marriage, and to ensure that happens by enacting legislation.

It is recognized that the necessary outcome of marriage is the creation of a family unit within which both parties should have and be able to exercise diverse rights. Family as a concept is defined in international human rights law as a "natural and fundamental group unit of society [that] is entitled to protection by society and the State" [86]. International human rights law confers on women equal rights within the family, which also extends to the right to decide whether or not to have a family [87]. Exercise of the rights extend to the decision to terminate the marriage if need be [88]. Actions that contradict these ideals amount to violation of the right of the woman in the marriage.

CEDAW, General Recommendation No. 14, Female Circumcision, UN Doc. A/45/38 (SUPP), 1990, p. 438.

[79] The CSW was established by ECOSOC resolution 11(II) of 21 June 1946, <https://www.unwomen.org/en/csw>, accessed 24 September 2020.

[80] Information on the United Nations General Assembly can be found at <http://www.un.org/en/ga/about/index.shtml>, accessed 24 September 2020.

[81] The UN General Assembly res. 67/146, on Intensifying Global Efforts for the Elimination of Female Genital Mutilation, UN Doc. A/RES/67/146, 20 December 2012; and the Commission on the Status of Women, Ending Female Genital Mutilation, UN Doc. E/CN.6/2008/L.2/Rev.1, 2008.

[82] Committee on CEDAW, General Recommendation No. 21, UN Doc. A/49/38, 1994, paras. 15 and 16

[83] UNFPA, *Marrying too Young: End Child Marriage* (United States: United Nations Population Fund, 2012), 8-16, 32-36.

[84] Article 18, CEDAW

[85] Article 6 of Maputo Protocol

[86] Article 16 UDHR

[87] Articles 16(1)(e) of CEDAW and 14 of Maputo Protocol.

[88] Articles 9(1), 11(2), 16 of CEDAW

[71] no. 5410/03, ECHR 2007-I, Judgment of 20 March 2007.

[72] WHO, Factsheet No. 241, Female Genital Mutilation, (2014)

[73] WHO, Female Genital Mutilation: Overview, available at https://www.who.int/health-topics/female-genital-mutilation#tab=tab_1, accessed 24 September 2020.

[74] Ibid

[75] Ibid.

[76] The CESCR is a United Nations body of independent experts that considers reports submitted by UN member states on their compliance with the International Covenant on Economic, Social and Cultural Rights (ICESCR). See more at <https://www.ecoi.net/en/source/11512.html>, accessed 24 September 2020.

[77] CESCR, General Comment No. 14, The Rights to the highest Attainable Standard of Health, UN Doc. E/C.12/2000/4, 11 May 2000, paras 22 and 35.

[78] Committee on CEDAW, General Recommendation No. 24, Women and Health, UN Doc. A/54/38/Rev. 1(1), 1999; and also Committee on

Effectively, spouses in a marriage must be able to exercise rights equally and the female spouse should not lose her identity or fundamental rights due to marriage as stipulated in Articles 6 and 7 of Maputo Protocol. Similarly, marital status should not be used to define a woman's responsibilities and privileges. For example, marriage should not be a yardstick for determining a woman's nationality, parental rights, access to public benefits, and authority to own or transfer property under Articles 6, 20 and 21 of Maputo Protocol as well as Article 16 of CEDAW. The right to parenting, relates particularly to "guardianship, wardship, trusteeship and adoption of children," when deciding a family name, profession, and also in holding and managing property under Article 16 of CEDAW. In practical terms, women not only lose their identity in marriage, they are often denied equal right to parenting, especially where the woman is economically and financially dependent on the spouse.

Property Rights

One of the most fundamental rights of women that have always been jeopardized is property right, especially in traditional societies of several countries. In order to protect the property rights of women, Article 17 of UDHR and CEDAW provides for women to be able to exercise and enjoy property rights equally with men^[89]. This right is also recognized in the ACHPR, and also forms part of constitutionally guaranteed rights of countries. The Human Rights Committee^[90] importantly expanded the interpretation of Article 16 of ICCPR to include the protection of the capacity of women to own property, even though this right was not explicitly mentioned in the Covenant^[91]. The right to property of women is usually limited by the concept of feminization poverty in which women are unable to acquire and own movable and immovable property due to poverty, even where national laws allow them to.

Participation in politics and governance

The rights of women to participate in politics and governance are adequately protected under international human rights law. Like the ICCPR^[92] CEDAW prohibits discrimination against women in political and public life, which also encompasses governance^[93]. However, women continue to lag behind in terms of political representation in governance and political leadership across the world. Therefore, the Committee on the Elimination of Discrimination against Women advocates for states to adopt strategies, albeit temporarily to address the inequality. Some of the temporary strategies recommended includes, financial assistance and training, recruitment, and gender equality

⁸⁹ Articles 15 and 16 CEDAW

⁹⁰ The Committee examines each report and addresses its concerns and recommendations to the state party in the form of "concluding observations". See more at <https://www.ohchr.org/en/hrbodies/ccpr/pages/ccprindex.aspx>, accessed 29 September 2020.

⁹¹ Human Rights Committee, General Comment, No. 28, Article 3, The Equality of Rights between Men and Women, UN Doc UN Doc. HRI/GEN/1/Rev.9 (Vol. I), 29 March 2000, para. 19.

⁹² Article 3 of ICCPR, which protects women's equal right to participate in political and civil life; and also, Human Rights Committee, General Comment No. 28, Article 3, The Equality of Rights between Men and Women, UN Doc. UN Doc. HRI/Gen/1/Rev.9 (Vol. I), 29 March 2000.

⁹³ Article 7, CEDAW. See also, CEDAW Committee, General Recommendation No. 23, Political and Public Life, UN Doc. A/52/38, 1997.

campaigns, etc^[94].

The gross underrepresentation of women in political and public life was noted by the UN Women^[95] which observed that as of February 2019, only 24.3 per cent of all national parliamentarians were women indicating a 11.3 percent increase from 1995 figure; and women account for less than 10 per cent of parliamentarians in single or lower houses including 3 chambers with no women at all in 27 countries across the world^[96]. The organization notes further that 11 women were serving as Head of State and 12, serving as Head of Government as of June 2019, and praised Rwanda as a shining example for being the country with the highest number of women parliamentarians worldwide. Notably, women won 61.3 per cent of seats in the lower house of that country in that year^[97].

Trafficking in Persons

Trafficking in persons (TIP) is a multidimensional, multifaceted and multisectoral criminality that affects every single country in the world^[98]. It is the third largest criminal activity after drugs and arms trafficking, raking in billions of dollars in annual untaxed profits^[99]. According to the UN^[100], US Department of State^[101], International Labour Organization (ILO)^[102], International Office for Migration (IOM)^[103], WHO, and a number of other organizations, it affects women and children more.

To stem the prevalence of TIP, which is so clandestine that combating it remains a challenge, the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (TIP),^[104] was adopted to supplement the United Nations Convention against Transnational Organized Crime (UNTOC)^[105] in

⁹⁴ Committee on CEDAW, General Recommendation No. 23, Political and Public Life, 1997, para 15

⁹⁵ UN Women was established to accelerate progress on meeting their needs worldwide. See more at <https://www.unwomen.org/en/about-us/about-un-women>, accessed 29 September 2020

⁹⁶ UN Women, "Facts and figures: Leadership and Political Participation"; available at < <https://www.unwomen.org/en/what-we-do/leadership-and-political-participation/facts-and-figures>> accessed 29 September 2020.

⁹⁷ Ibid.

⁹⁸ US Department of State, Trafficking in Persons Report (United States, US Department of State, 2020), available at <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>, accessed 29 September 2020.

⁹⁹ Ibid.

¹⁰⁰ UNODC, "Committed to the Cause: Working on the Frontline to End Human Trafficking" available at <https://www.unodc.org/endht/>, accessed 29 September 2020.

¹⁰¹ US Department of State, Trafficking in Persons Report (United States, US Department of State, 2020), available at <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>, accessed 29 September 2020.

¹⁰² International Labour Organization, "Forced Labour, Modern Slavery and Human Trafficking", available at <https://www.ilo.org/global/topics/forced-labour/lang--en/index.htm>, accessed 30 September 2020.

¹⁰³ International Office for Migration, "End Human Trafficking", available at <https://www.iom.int/world-day-against-trafficking-persons-2020>, accessed 30 September 2020.

¹⁰⁴ Adopted by UN General Assembly resolution A/RES/55/25 of 15 November 2000. It entered into force on 25 December 2003 in accordance with Article 17.

¹⁰⁵ Adopted by the UN General Assembly: 15 November 2000, by resolution 55/25 Entry into force: 29 September 2003, in accordance with article 38 Signatories: 147

Parties: 190 as of 26 July 2018; available at <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>, accessed 1 October 2020.

affording specific protection for women and girls against TIP. This is important because of the myriad of violence that victims of TIP are normally subjected to, such as torture, sexual exploitation, as well as physical and psychological coercion. Hence the UN Office of the Human Rights High Commissioner (OHRHC) ^[106] through its Recommended Principles on Human Rights and Human Trafficking ^[107] enjoin the international community to take action to prevent trafficking of women and girls and to comply with the provisions of TIPP and the Recommended Principles in taking responsibility for preventing, suppressing and punishing TIP.

States Obligation and Failure to Protect

Recently, the Human Rights Watch (HRW) ^[108] called on governments to “expedite progress on gender equality”; ^[109] and emphasised the need to coordinate collaborative action, in addition to allotting resources towards gender-bias programmes-laws, economic, socio-cultural and religious practices. Doing this is to engender response capable of not only preventing but also eliminating gender-based violence ^[110]

This call was not made because gains have not been recorded with activism around women’s rights over the decades. Undeniably, gains have been recorded. In particular, there have been legal reforms in countries across the globe that focus on changing the dynamics in women’s rights through the removal of discriminatory practices. In that regard, there have been introduction of new laws, amendment of others and outright repeal where necessary by countries seeking to achieve gender equality and eliminate harmful practices. In the same vein, countries have strengthened gender policies and set forth minimum standards for women’s rights protection.

Despite the giant strides made, gender discrimination, neglect and gender-based violence remain entrenched in many societies across the globe, leading to the inability of women and the girl child to enjoy their rights in full arising from a variety of factors including weak enforcement of laws and abysmal policy implementation efforts. As a result, women and girls continue to be segregated on several fronts and on the basis of sex, ethnicity, religion, disability, sexual orientation, illiteracy, and gender identity, among others. In several countries, particularly in Africa, the rights of women and girls to inherit property continue to holdup. This is true of several communities in countries such as Nigeria, Zimbabwe, Republic of Benin and Kenya where married women reportedly find it difficult to access or inherit property, even as issues of domestic violence are rife in Ghana and Nigeria among others. Violence against women and girls living with disabilities is even worse while enjoyment of sexual and reproductive rights by women

¹⁰⁶ The OHRHC is a UN entity on human rights, which represents the world’s commitment to the promotion and protection of the full range of human rights and freedoms set out in the UDHR. See more at < <https://www.ohchr.org/EN/AboutUs/Pages/WhoWeAre.aspx> > accessed 1 October 2020.

¹⁰⁷ Recommended Principles and Guidelines on Human Rights and Human Trafficking, available at <http://www.ohchr.org/documents/publications/traffickingen.pdf>, accessed 29 September 2020.

¹⁰⁸ Human Rights Watch, <http://www.hrw.org/news/2020/03/06/governments-should-fulfill-womens-rights-pledges>, accessed 3 September 2020.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

remains a mirage, even though effort to enhance these rights continues ^[111]

The call by HRW on governments to expedite action in enhancing women’s rights is therefore borne out of states obligation under international human rights instruments to which they are parties.

Recommendations

States obligation under the various international human rights instruments involves the adoption of strategies targeted at the realization of human rights, and this can take diverse forms including taking steps to change practices, custom, and behaviour that are detrimental to women’s rights enjoyment. In most cases, states obligation extends to providing facilities that are incidental to the realisation of rights. For example, states obligation to enhance women political participation means that they have a duty to establish electoral institutions and processes that would enhance their participation; ^[112] and since rights are not static but dynamic and evolve, governments have a responsibility to continue to update measures and strategies to accommodate newly developed rights and also be able to monitor and evaluate those that have contracted over time.

The obligation of states under the various instruments were categorised by authors ^[113] into five as follows: (a) respect of the human rights of others, (b) creation of institutional machinery essential to the realization of rights, (c) protect rights and prevent violations, (d) provide goods and services to satisfy rights; and (e) promotion of rights.

a. *Respect of the human rights of others*

This obligation demands equal treatment of all persons—women and men alike, and respect for their dignity. This is in line with provisions of the various international human rights instruments that impose a duty on states and non-state actors to desist from human rights violations.

b. *Establishment of institutional machinery essential to the realization of rights*

It is incontrovertible that some rights would be impaired without government’s direct interventions ^[114]. For example, failure to provide institutional framework to prevent people from human rights violations would certainly aggravate human rights abuses. The ICCPR for example, obliges states to provide institutional mechanism such as the police for rights protection ^[115]

c. *Protection and prevention of rights violations,*

Human rights treaties impose specific obligation on states to protect human rights and prevent human rights violations generally, and women’s rights in specific human rights instruments such as CEDAW and Maputo Protocol. The protection of rights and prevention of violations entails the establishment of normative systems in addition to institutions empowered to address issues bordering on rights violations. This means that apart from establishing criminal, human rights and tort, etc. systems, courts and jails as well as processes guiding civil and criminal prosecutions must be established and enhanced for efficiency. This is to ensure that remedy is available to victims of human rights

¹¹¹ Philip Alston and Ryan Goodman, *International Human Rights: Text and Materials* (Oxford: Oxford University Press, 2013), 181.

¹¹² Ibid

¹¹³ Ibid

¹¹⁴ Article 2, ICCPR

¹¹⁵ See for example, Article 2 of ICCPR that gives rights to remedy to victims of human rights violations.

violations particularly women and sanctions are imposed on perpetrators.

d. *Provision of goods and services to satisfy rights*

The obligation of states to provide goods and services incidental to rights enjoyment is tied to the interrelatedness and interdependency of rights. This obligation requires the provision of material resources such as food, housing and healthcare services, clean water, affordable and clean energy, etc. without which socio-economic rights would not be realized. This duty may be performed directly through government's outright building of these resources or indirectly through subsidies to service providers such as estate developers who would in turn sell or rent out at reduced rates. Doing this would likely improve the wellbeing of people and goes beyond just respecting rights. It is unarguable that women have been at the receiving end of government failure to provide adequate housing, or adopt land reforms that allow women access to adequate lands, which has in turn resulted in the feminization of poverty. Policies are therefore crucial to government's fulfilment of this obligation.

e. *Promotion of Rights*

This obligation relates to creation of awareness on human rights and individual and collective duty to refrain from rights violations as well as existence of machinery for remedies for victims and punishment for perpetrators. This is with a view to changing public perceptions and understanding of human rights as well as specific problems or issues around women's rights in order to solve the problem. This action can potentially engender better recognition of and respect for women's rights by non-state actors.

Conclusion

Indeed, fulfilling the obligation to protect and promote human rights, particularly women's rights require funds. The requirement to establish institutions that are necessary to promote acceptance and compliance require huge financial resources. For example, the provision of schools, hospitals, national human rights bodies, etc. for public campaigns on human rights as provided under CEDAW are capital intensive. Formulating and implementing policies and programmes also require funds; and much more for creation and funding of normative institutions and processes for human rights protection. This simply means that government has the extended duty to dedicate funds and expenditure. The obligation on states to protect human rights and prevent abuses is the same whether the right is a negative or positive right, which connote a duty of state to not interfere with rights, and does not go beyond that. Protection and prevention of rights are concepts, which according to writers^[116] can take different meanings, depending on a specific context. More importantly, the promotion of cultural change about violence against women can help to prevent violations, which may be achieved, in the long run through a number of strategies that may not include the use of regular justice institutions such as the courts and police. Whatever it takes- financial and human, etc. resources, states must fulfil the obligation they have undertaken under international human rights instruments and ensure adequate promotion and protection of women's

rights.

References

1. Action Centre (SERAC) and Another v. Nigeria, AFR. HUM. RTS. L. REP. 2001; 60:71-72
2. African charter on Human and Peoples' Rights 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21I. I. M58, 1982.
3. African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49, 1990.
4. Aydin v. Turkey, 57/1996/676/866, Council of Europe: European Court of Human Rights, Judgment of 25 September 1997, <https://www.refworld.org/cases, ECHR, 3ae6b7228.html>, accessed 29 September, 2020.
5. Bruno Simma. "Sources of International Human Rights Law: Human Rights Treaties"; in Samantha Besson and Jean d'Aspremont (Eds.), *The Oxford Handbook of the Sources of International Law* (Oxford: Oxford University Press, 2017).
6. CESC, General Comment No. 14, The Rights to the highest Attainable Standard of Health, UN Doc. E/C.12/2000/4, 11 2000, 22-35.
7. Constitutive Act of the African Union, OAU Doc. CAB/LEG/23.15, 2001.
8. Covenant of the League of Nations, was adopted on 28 April 1919; available at <https://www.refworld.org/docid/3dd8b9854.html> accessed, 2020.
9. Danwood Mzikenge Chirwa, "Reclaiming (Wo)manity: The Merits and Demerits of the African Protocol on Women's Rights" 53 *Netherlands International Law Review*. 2006; 63:94-95.
10. Declaration on the Elimination of Violence against Women, UN General Assembly resolution 48/104, A/RES/48/104 of, 1993.
11. Dorothy Q. Thomas and Regan E. Ralph, "Rape in War: Challenging the Tradition of Impunity"
12. Frans Viljoen, "An Introduction to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa" Wash & Lee J. C.R. & Soc. Justice. 2009; 16:11.
13. Human Rights Committee, General Comment, No. 28, Article 3, The Equality of Rights between Men and Women, UN. Doc UN Doc. HRI/GEN/1/Rev.9, 2000; 1:29. Para. 19.
14. Human Rights Watch <<http://www.hrw.org/news/2020/03/06/governments-should-fulfill-womens-rights-pledges>> accessed, 2020.
15. Inter-American Convention on the Prevention of, Punishment and Eradication of Violence against Women (Convention of Belem Do Para)
16. Inter-Agency Standing Committee, Guidelines For Gender-Based Violence Interventions in Humanitarian Settings: Focusing on Prevention of and Response to Sexual Violence in Emergencies (Geneva: Inter-Agency Standing Committee, 2005)
17. International Labour Organization, "Forced Labour, Modern Slavery and Human Trafficking", available at < <https://www.ilo.org/global/topics/forced-labour/lang--en/index.htm>> accessed, 2020.
18. International Office for Migration, "End Human Trafficking", available at < <https://www.iom.int/world-day-against-trafficking-persons-2020>> accessed 30 September, 2020.
19. Media Rights Agenda and Others v. Nigeria, AFR.

¹¹⁶ Philip Alston and Ryan Goodman, *International Human Rights: Text and Materials* (Oxford: Oxford University Press, 2013), 181.

- HUM. RTS. L.REP, 2000. 2020.
20. *MWv. Denmark*, Complaint No. 46/2012; CEDAW/C/59/D/46/2012.
 21. Philip Alston and Ryan Goodman, *International human Rights: Text and Materials* (United Kingdom: Oxford University Press, 2013, 179-180.
 22. *S. F. M v. Spain*, Complaint No. 138/2018; CEDAW/C/75/D/138/2018.
 23. Rachel Murray, "Women's Rights and the Organization of African Unity and African Union: The Protocol on the Rights of Women in Africa"; in Doris Buss and Ambreena Manji (Eds) *International Law: Modern Feminist Approaches*, 2005, 253-263.
 24. Recommended Principles and Guidelines on Human Rights and Human Trafficking, available at <<http://www.ohchr.org/documents/publications/traffickinggen.pdf>> accessed, 2020.
 25. UN, The Foundation of International Human Rights Law, available at <https://www.un.org/en/sections/universal-declaration/foundation-international-human-rights-law/index.html> accessed, 2020.
 26. UNFPA, Gender-based violence <www.unfpa.org/gender-based-violence> accessed 7 September, 2020.
 27. UNFPA, *Marrying too Young: End Child Marriage* (United States: United Nations Population Fund,). 2012; 8-16:32-36.
 28. UNODC. "Committed to the Cause: Working on the Frontline to End Human Trafficking", <https://www.unodc.org/endht/>, accessed, 2020.
 29. UNODC, Fact Sheet No. 2 (Rev 1), <https://www.ohchr.org/documents/publications/factsheet2rev.1en.pdf>, accessed, 2020.
 30. UN Women, Factsheet No. 5: Women and Armed Conflict, 2000.
 31. UN Women. "Facts and figures: Leadership and Political Participation"; <https://www.unwomen.org/en/what-we-do/leadership-and-political-participation/facts-and-figures>> accessed, 2020.
 32. US Department of State, *Trafficking in Persons Report* (United States, US Department of State), 2020.
 33. WHO, Q & A: Violence against Women during COVID-19 <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/question-and-answers-hub/q-a-detail/violence-against-women-during-covid-19?gclid=CjwKCAjwNf6BRAwEiwAkt6UQsXrDnag4SAjLTaGOXJ1-F58loQvZjqNSVeOolNI34vEo9jsdzkZfhoCz7cQAvD_BwE> accessed, 2020.
 34. WHO, *Sexual Health, Human Rights and the Law* (Geneva: World Health Organization), 2015, 11-16.
 35. WHO, "New WHO Evidence on Mistreatment of Women During Child Birth" (2019) at <https://www.who.int/reproductivehealth/mistreatment-of-women-during-childbirth/en/>, accessed, 2020.
 36. WHO, Factsheet No. 241, Female Genital Mutilation, 2014.
 37. WHO, Female Genital Mutilation: Overview, https://www.who.int/health-topics/female-genital-mutilation#tab=tab_1, accessed, 2020.
 38. <http://www.un.org/en/ga/about/index.shtml>, accessed,