Mandate of the Special Rapporteur on violence against women and girls, its causes and consequences

Ref.: OL OTH 10/2026
(Please use this reference in your reply)

5 February 2026

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on violence against women and girls, its causes and consequences, pursuant to Human Rights Council resolution 59/20.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the special procedures system of the United Nations, which has 59 thematic and country mandates on a broad range of human rights issues. We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information we have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

In this connection, I would like to provide my observations **on the text of the African Union Convention on Ending Violence Against Women and Girls (hereafter, the "Convention"), offer recommendations from the perspective of international human rights law, and seek clarification about the further steps that the African Commission on Human and Peoples' Rights and the Member States of the African Union are planning to undertake to address the identified gaps and ambiguities in the text employed in the Convention.**

The Convention marks an important milestone in defending women's human rights and aligning regional standards of protection with the requirements of international human rights law. By establishing obligations relating to prevention, protection, and accountability, its effective implementation has the potential to close existing normative gaps and to contribute to positive policy developments. Nonetheless, while many of the provisions contained therein are commendable, certain issues remain

His Excellency
Mr. João Goncalves Lourenço
Chair of the African Union

insufficiently addressed or unaddressed, and some articles employ language that raises concerns from the perspective of ensuring effective protection of women and girls against sex-based violence.

Definition of violence against women and girls

The definition used in the Convention could have been strengthened by drawing upon the consortium of definitions contained in key relevant international and regional instruments, including but not limited to the Istanbul Convention, the Belem do Para Convention, the Declaration on Violence Against Women, and general recommendation No. 35 by the Committee on the Elimination of Discrimination against Women (CEDAW Committee). In particular, I note with concern that the Convention's definition of "violence against women and girls" does not expressly recognize that it is a form of discrimination directed against a woman or a girl because she is a woman or a girl, that is, because she is female. and that such violence affects them disproportionately.

Article 7 is especially commendable in its articulation of States Parties' obligations concerning the multiple and interconnected factors that exacerbate violence against women and girls. This provision makes an important effort to identify both situations of heightened vulnerability – including inter alia disability, health-related shocks, displacement, widowhood, and old age – and specific groups of women requiring protection, including older women, women and girls with disabilities, and women and girls who are stateless, internally displaced, asylum-seekers, refugees. Another notable strength of the Convention lies in its repeated reference to the protection of women in cyberspace (preamble, articles 3, 5, 8(c), 10(b)), where they face growing risks of harassment, threats, coercion, and emerging forms of abuse, such as digital manipulation and forgery otherwise known as "deepfake" technologies. Such a specification helps to clarify States' duties and, as a result, increases the prospects for advancing the meaningful protection of rights. Nevertheless, I wish to note that the African Union did not seize an important opportunity to position the Convention at the forefront of regional and international human rights instruments by failing to recognize the exploitation of the sexual and reproductive functions of women and girls, including in the contexts of prostitution and surrogacy, as a distinct form of violence against women and girls.

Furthermore, the Convention, in articles 1 and 7(2), rightly affirms women's right to have their dignity respected in accordance with the Universal Declaration of Human Rights and other core human rights instruments, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Declaration on Ending Violence against Women (DEVAW) or the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). I recommend that these relevant international treaties be expressly mentioned in the preamble as they articulate internationally recognized standards and include obligations binding on most Member States of the African Union.

The Convention's preamble should also expressly reference the Convention on the Rights of the Child (CRC) and acknowledge the rights that girls are entitled to by virtue of being children, including the right not to be discrimination against; the right

to life, maximum survival and development; the right to have their views taken into consideration and the right to have their best interest taken as the primary consideration in all decisions affecting their lives.

The definition of "harmful practices"

While I welcome the reference to need to outlaw and abolish harmful practices in the Convention, the definition of the term "harmful practices" should be more specific, aligning more closely with the definition proposed in the Joint CEDAW-CRC general recommendation No. 31/general recommendation No. 18 (2014) as "(…) persistent practices and forms of behavior that are grounded in discrimination on the basis of sex, gender, and other grounds and that are often justified by invoking sociocultural and religious customs and values". I also wish to note that the current definition of the term "harmful practices" in the Convention makes no reference the right of women and girls to the enjoyment of the highest attainable standard of physical and mental health.

The definition of "positive masculinity"

The Convention also identifies positive masculinity as one of its guiding principles – a concept with the potential to engage men and boys in supporting the equality and rights of women and girls, rather than casting their advancement as a threat. Under article 10, States Parties are required to ensure that "no customs, traditional or religious considerations are invoked to justify violence against women and girls," thereby aligning the Convention with CEDAW (art. 2(f) and 5(a)) and the UN Declaration on the Elimination of Violence against Women (A/RES/48/104 art. 4). Consistent with the UN Declaration on Human Rights Defenders (A/RES/53/144), and subsequent UN resolutions (e.g. A/RES/68/181) article 11(2) further commit States to protect and engage with women and girl human rights defenders and other women's organizations.

The definitions of "sex" and "gender"

As important issues remain to be clarified, I wish to stress that certain gaps must be addressed for the Convention to be fully operationalized, come into force and applied in a predictable and coherent manner in practice. In particular, the text would benefit from greater clarity and consistency in its use of the terms "sex" and "gender"; a more precise identification of the forms of violence against women and girls that it seeks to address, including the explicit naming of the most widespread harmful practices; stronger provisions on data collection; and more robust accountability mechanisms to ensure States' compliance with their due diligence obligations. It is also crucial to avoid any unwarranted broadening of the scope of permissible reservations.

Article 1 of the Convention defines gender as "the roles, duties and responsibilities that are culturally or socially ascribed to a particular gender," a circular definition which, owing to its conflation of the concepts of "gender" and "sex", does not conform to internationally agreed definitions, according to which gender encompasses the "the roles, duties and responsibilities that are culturally or socially ascribed to a particular **sex**," [emphasis added]. Similar ambiguities appear in the same provision's definition of femicide as the "killing of women and girls because of their

gender", as well as in the article 4, which identifies among the Convention's aims the "systematic collection and use of gender-disaggregated data on violence against women and girls."

As I have referenced in my report "Sex-based violence against women and girls: new frontiers and emerging issues" (A/HRC/59/47):

> "(…) 'sex' is understood as a biological category[1] and as a distinction between women and men,[2] as well as between boys and girls. References to 'sex' refer to the biological distinction between males and females, characterized by divergent evolved reproductive pathways through which, all else being equal, males develop bodies oriented around the production of small gametes and females develop bodies oriented around the production of large gametes.[3] As evolutionary biologist Richard Dawkins notes: 'Sex is a true binary. It all started with the evolution of anisogamy – sexual reproduction where the gametes are of two discontinuous sizes: macrogametes or eggs, and microgametes or sperm.'[4]

The term 'gender', on the other hand, has been defined by the Committee on the Elimination of Discrimination against Women as the social meanings given to biological sex differences.[5] It is supplementary to and built upon biological differences between women and men.[6] It refers to the stereotyped roles, attitudes, prejudices and social and cultural practices that result in the subordination of women to men. It is supplementary to and built upon biological differences between women and men."[7]

Minimum disaggregated data to be collected

The Convention addresses data collection and monitoring mechanisms in several provisions. Article 4 requires "systematic collection and use of gender-disaggregated data on violence against women and girls, including by age, to inform normative and policy-making measures, monitoring, and evaluation." Article 5(c) mandates that States Parties "conduct periodic censuses and surveys to inform the development of judicial and administrative policies that support evidence-based laws, plans, and strategies to end all forms of violence against women and girls," while article 9(c) requires surveys and reviews to assess progress in protecting women at work. Furthermore, article 11(1)(a) stipulates that States Parties shall put in place "gender-responsive reporting procedures" as part of minimum standards for protective and supportive interventions.

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1 Marsha A. Freeman, Christine Chinkin and Beate Rudolf, eds., The UN Convention on the Elimination of All Forms of Discrimination against Women: A Commentary, first edition (Oxford, Oxford University Press, 2012), p. 15

2 CEDAW, General recommendation No. 28 (2010), para. 5

3 Emma Hilton and Colin Wright, "Two sexes", in Sex and Gender: A Contemporary Reader, Alice Sullivan and Selina Todd, eds. (London, Routledge, 2023).

4 Richard Dawkins, "Why biological sex matters", The New Statesman, 26 July 2023

5 CEDAW, General recommendation No. 25 (2004), footnote 2.

6 Ibid., paras. 8 and 16.

7 UN Special Rapporteur on violence against women and girls, its causes and consequences, Sex-based violence against women and girls: new frontiers and emerging issues, Report of the Special Rapporteur on Violence against Women and Girls, Its Causes and Consequences, UN Doc. A/HRC/59/47

While welcoming the attention to age, it is essential that data disaggregation captures the reality of women and girls experiencing multiple and intersecting forms of discrimination, including but not limited to discrimination based on sex, disability, ethnicity, race, migration or asylum status, geographic location (urban/rural), or socioeconomic status, as contemplated inter alia in the 2030 Agenda for Sustainable Development (SDG Target 17.18).

Bearing in mind the aforementioned concerns about and in the interest of attaining greater legal clarity and greater protection against all forms of violence, I wish to recommend that the African Union, through its Member States and with support from the Commission, take into consideration rewording article 4 to advocate for the "systemic collection and use of disaggregated data **of relevant socio-economic indicators** on violence against women and girls, including **age, sex, and other characteristics relevant to national contexts,"** including, sexual orientation and gender identity. The latter would be important to record and understand crimes committed against women and girls because they may be same sex attracted or bisexual, as well as women and girls that may not identify as female.

Sex-disaggregated data

As highlighted in my report "Sex-based violence against women and girls: new frontiers and emerging issues" (A/HRC/59/47), "the lack of data disaggregated by "sex", confidentiality, data security and underreporting of violence by victims are barriers to obtaining the high-quality data necessary to end violence against women and girls". In this respect, "collecting sex-based data does not reduce people to biological categories. It simply records information that is necessary to track outcomes for distinct groups to eliminate unjust disparities among them and provide targeted support, including for transgender persons. Preserving sex-based categories is also necessary to "ensure an appropriate and relevant understanding of the multi-causality of violence against females including on intersecting grounds" including single-sex facilities, services and spaces. Similarly, "the erasure of sex as a distinct vector of analysis within law and policy obscures the unique vulnerabilities of females, increasing the risk of exploitation". It would also make it difficult to measure the impact of special measures that have been designed to increase the participation of women and girls in society, including quotas and separate female categories in politics, awards and sport.[8] Finally, sex-blind language makes it impossible to monitor existing and emerging forms of violence against women and girls.

While the language of the Convention appears to draw inspiration from the Beijing Declaration and Platform for Action (BDPA), which in paragraph 206(a) refers to statistics "collected, compiled, analyzed and presented by sex and age,"[9] two points merit particular attention. First, the BDPA explicitly refers to sex, rather than gender, a distinction that is important for the reasons highlighted earlier in this letter. Second, in the immediately following provision, notably subparagraph 206(b), the BDPA further specifies that such data should be disaggregated by "age, sex, socioeconomic and other relevant indicators, including number of dependents."[10]

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8 Ibid.

9 Beijing Declaration and Platform for Action, Fourth World Conference on Women, UN Doc A/CONF.177/20 (15 September 1995) para 206(a).

10 Ibid., para. 206(b).

The Convention also does not identify any specific indicators to be implemented in periodic censuses and surveys. The development of such indicators – through an implementation guide or explanatory report, by means of example – would be particularly important considering the absence of *travaux préparatoires* and the expedited drafting process of the Convention. Indicative measures could include, inter alia, lifetime prevalence of intimate partner violence (IPV), past-12-month IPV, per cent of survivors who access health services, arrest and conviction rates for sexual violence or number of shelter beds per 100,000 women. Equally concerning is the absence of an explicit requirement to publish the collected data, which could enable States with the weakest records in combating violence to obscure deficiencies in implementation. Without comparable, public national datasets, the African Union cannot effectively track regional trends, allocate resources, or ensure effective accountability for progress.

Monitoring existing and new forms of violence against women

The Convention repeatedly refers either to "violence against women and girls" or "all forms of violence against women and girls" and in article 1(k) defines it as "acts perpetrated against women and girls that cause or could cause them verbal, emotional, physical, sexual, psychological, or economic harm, including the threat to take such acts, or to undertake the imposition of arbitrary restrictions on, or deprivation of, fundamental freedoms in the private and public spheres, or in cyberspace, in times of peace, armed conflict, transition, post-conflict, disaster, and post-disaster situations." It also defines harmful practices as "all behaviors, attitudes, and practices that negatively affect the rights of women and girls to live free from all forms of violence and enjoy their human rights and fundamental freedoms."

While these definitions do not rely on any wrong assumptions, using "soft language" and the lack of further specificity is likely to hamper their effectiveness in practice and undermine the accountability for violations and abuses of women's and girls' human rights. Although no exhaustive list of harmful practices exists, it remains crucial to identify at least the most prominent ones, particularly those for which some mechanisms of prevention and redress are already developed, such as child marriage, forced marriage and marital rape, female genital mutilation (FGM), the exploitation of women's and girls' sexual and reproductive functions within the context of prostitution and surrogacy, or technology-facilitated digital abuse, including pornography. Yet none of these are expressly mentioned in the Convention. Moreover, while the Convention dedicates two articles (8-9) to protecting women in the workplace, it fails to address sexual harassment at work or, even more broadly, sexual harassment as such.

The reality faced by African women and girls also calls for particular attention to these harmful practices. According to 2025 data, 31 per cent of girls in Sub-Saharan Africa are married before the age of 18, and 9 per cent before turning 15. In Eastern and Southern Africa, the figures are 29 per cent and 8 per cent, respectively, while in West and Central Africa, they are 11 per cent and 31 per cent.[11] Penal codes in some States still presume a married woman's consent to sex, thereby legitimizing marital rape (*see* CEDAW/C/CIV/CO/4, para. 29). More than 144 million girls in Africa have been

11 https://data.unicef.org/topic/child-protection/child-marriage/

subjected to FGM.[12] Women and girls who enter prostitution, often in order to escape extreme poverty,[13] are exposed to sexual, physical, and psychological forms of abuse, including femicide (A/HRC/56/48, paras. 10-15).

The prohibition of these harmful practices and protection from related forms of violence are already recognized in universal human rights instruments. Under CEDAW, child marriage should have no legal effect, and the Convention on the Rights of the Child in article 24(3) mandates States Parties to take all effective measures "to abolish traditional practices prejudicial to the health of children" – a provision consistently interpreted by the Committee on the Rights of the Child and CEDAW Committee as including child marriage (CEDAW/C/GC/31/Rev.1–CRC/C/GC/18/Rev.1). Moreover, under articles 16(1)(b) and 5(a) CEDAW also safeguards the right to choose a spouse freely and to enter into marriage only with free and full consent. Forced marriage is explicitly prohibited by article 16(2) of the Universal Declaration of Human Rights and article 23(3) of the International Covenant on Civil and Political Rights.

Current African human rights instruments already establish a clear regional commitment to prohibiting sexual exploitation, yet they do not comprehensively address the exploitation of prostitution of women and girls in the context of violence against women and girls. For instance, the African Charter on the Rights and Welfare of the Child obliges States Parties to protect children from "all forms of sexual exploitation" and specifically to take measures to prevent "the use of children in prostitution or other sexual practices." Likewise, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) requires States Parties to adopt and implement appropriate measures to prohibit "any exploitation or degradation of women" and to prohibit "all forms of violence against women," while also calling for the prevention and condemnation of trafficking in women and protection of those most at risk. These provisions demonstrate that the sexual and reproductive exploitation of women and girls, including in the contexts of prostitution and surrogacy, is recognized as a human rights issue within the African legal framework. Therefore, the current Convention on Ending Violence Against Women and Girls in Africa should explicitly include related provisions to align with and reinforce these regional norms, close existing gaps, and ensure comprehensive protection of women and girls against all forms of sexual and reproductive exploitation.

In this regard, it is worth recalling that international instruments that most African countries are bound by oblige States to combat the exploitation of prostitution. The 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others criminalizes the exploitation of prostitution even with the victim's alleged "consent," while articles 2 and 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), which is also applicable in the context of surrogacy, obliges States Parties to prevent such exploitation and protect its victims. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, which is highly relevant for the protection of girls, also mandates that states hold the perpetrators effectively accountable, including through extradition, and provide the survivors with all the appropriate remedies.

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12 https://data.unicef.org/topic/child-protection/female-genital-mutilation/

13 https://www.reuters.com/article/world/cheap-as-bread-girls-sell-sex-to-survive-crisis-in-africa-idUSKBN1ZT2PY/

Moreover, article 6 of CEDAW requires State Parties to take all appropriate measures, including legislation, to suppress all forms of trafficking in women and exploitation of prostitution of women, using the same language that made third parties responsible in the 1949 Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others. In its general recommendation No. 38, the CEDAW Committee acknowledged that sexual exploitation persisted due to the failure of States to effectively discourage the demand that fosters exploitation and leads to trafficking (CEDAW/C/GC/38 para. 10 and recommendations). The CEDAW Committee further stressed that States must ensure that all appropriate laws, systems, regulations and funding are in place to eradicate trafficking and eradication of prostitution in an effective rather than illusory way (para. 4).

With regards to harassment at the workplace, the ILO Violence and Harassment Convention, 2019 (No. 190), ratified by eleven African countries,[14] mandates strong protections against sexual harassment at work, together with enforcement and remedies mechanisms.

Mirroring these commitments to address concrete forms of violence and harmful practices in the Convention, including the obligation to criminalize perpetrators – never victims – would serve as an effective tool to promote meaningful legal and policy reforms. Such a specification would require states to adhere to binding obligations they accept through ratification, in line with the *pacta sunt servanda* principle outlined in article 26 of the Vienna Convention on the Law of Treaties. Naming specific harms strengthens prevention and enforcement, enables targeted training and protocols, ensures focused resource allocation and data collection, facilitates predictable legal interpretation, and helps overcome cultural denial. By contrast, a vague reference to "all forms of violence" leaves the treaty overly flexible and allows states to evade their responsibilities.

Accountability mechanisms for states' due diligence obligations

The Convention refers to **state obligations to ensure perpetrators, both State and non-State actors, are held accountable in** article 7(2)(f), specifying in article 10(a)(iii)-(iv) that states shall put in place "effective sanctions and remedies" and "effective implementation and accountability mechanisms." Similarly, articles 12(c)-(d) mandate "effective and timely investigation … ensuring perpetrators are prosecuted and judgements rendered" and call for "measures to protect victims, dependents, and witnesses" throughout judicial processes. While those are all crucial points, in addition to them, States must themselves also be held accountable for their due diligence obligations in preventing and punishing violence against women and girls.

However, unlike other regional or international human rights treaties, the Convention does not establish a dedicated monitoring body. The implementation of CEDAW, for example, is monitored by the CEDAW Committee, while the Istanbul Convention is overseen by the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO). By contrast, article 14 of the Convention

14 Zambia, Mauritius, Rwanda, Uganda, Nigeria, Namibia, Somalia, South Africa, Lesotho, Central African Republic, Angola. The Convention will enter into force for Zambia on 13 Dec 2025 and for Angola on 11 Jun 2026. https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:3999810

only requires States to include "the legislative and other measures undertaken to end all forms of violence against women and girls" in their routine reports to the African Commission on Human and Peoples' Rights. In practice, this means oversight is left solely to the African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights, both of which face serious constraints. Before being published, in accordance with article 59 of the African Charter on Human and Peoples' Rights, the Commission's reports must first be considered by the Assembly of Heads of State and Government, which might give states effective control over whether and how they are released. Moreover, only seven countries allow individuals or NGOs direct access to the African Court,[15] so most victims cannot petition it, having their access to justice severely limited.

A dedicated monitoring unit could operationalize article 14's implementation duty through conducting audits and country visits, initiating confidential inquiries where grave patterns of violations emerge, as well as providing technical support. It would also be beneficial to require States to adopt and publish National Action Plans on combating violence against women with specific budget allocations, indicators, timelines, and independent oversight mechanisms, which would also take into consideration civil-society shadow (alternative) reporting. Since the Convention's Preamble expressly refers to the African Union's Agenda 2063, such plans could incorporate concrete benchmarks and targets aligned with that agenda.

The scope of permissible reservations

Article 19 permits a Member State, at the time of ratification or accession, to submit "a reservation with respect to any provision of this Convention." The only requirement is that a reservation must not be "incompatible with the object and purpose" of the Convention. This formulation adopts the VCLT compatibility standard, which is also explicitly contained in article 28 of CEDAW, article 46 of the Convention on the Rights of Persons with Disabilities and article 51 of the Convention on the rights of the Child, but none of these treaties explicitly state that reservations can be made with regard to *any provision*, as this formulation might be interpreted as highly permissive, even perhaps creating the impression of encouraging States to enter reservations. Given that article 19 contains no operational rules, such as the list of non-reservable provisions, the African Union's review or clearance mechanisms, and the Convention's language can already be perceived as rather soft and vague, such a clause risks undermining the seriousness of States' commitment and the perceived legal weight of the Convention.

Although the Convention has already been adopted, article 18 provides for an amendment or revision process that can be initiated by any state party. This opens the path – in addition to the possible future ratification of Additional Protocols – to addressing the gaps and clarifying the language, which could be simultaneously strengthened through legal interpretation. Further action would be necessary to avoid merely symbolic ratification and lead to the actual transformation of the reality on the ground. This must be particularly urgent for countries that do not have a strong

15 https://www.african-court.org/wpafc/welcome-to-the-african-court/ Burkina Faso, Ghana, Guinea-Bissau, the Gambia, Malawi, Mali, and Niger. Tunisia recently withdrew its declaration https://www.ejiltalk.org/renewed-state-backlash-against-the-african-court-tunisia-is-the-fifth-state-to-withdraw-individual-and-ngo-access/

legislative framework in place to protect women and girls from violence, and for whom the Convention should establish the minimum standards of protection.

Procedural shortcomings in the drafting and negotiation of the Convention

Insufficient involvement of African civil society organizations

According to information received from African human rights and women's organizations, civil society was not afforded meaningful opportunities and sufficient time to provide input or participate in the drafting of the Convention. Draft versions of the Convention were reportedly kept confidential and circulated only among a limited group of "insiders." As a result, many African human rights organizations working to end violence against women and girls were reportedly taken by surprise by the announcement that the African Union had adopted the Convention.[16] The Convention was "negotiated and adopted within an unusually compressed timeframe" of approximately three months, raising serious concerns regarding the depth of consultation and the legitimacy of the process, particularly given that the initial drafting team of twenty-four members was reduced to five individuals between May and October 2024 without prior notice.[17] Moreover, the text of the treaty reportedly remained unavailable for some time after its adoption.[18]

It was also brought to my attention that the only stakeholder consultations conducted during the drafting process took place online through a "citizen engagement" portal, which now appears to be inactive. This consultation process reportedly concluded abruptly in October 2024 and allowed stakeholders only to submit written "inputs," without any subsequent transparency regarding how those submissions were used or incorporated into the drafting process. Moreover, the Preamble of the Convention states that the resolution to negotiate it was adopted in February 2025, the same month the treaty itself was adopted, which suggests that the process was rushed or insufficiently and mistakenly documented.

The exclusion of human rights and women's organizations from meaningful engagement in drafting the Convention would be in violation, inter alia, of article 7 of CEDAW, which obliges States Parties to ensure women's participation in public and political life, including in the formulation of policies. The CEDAW Committee. in its general recommendation No. 23, noted that States have a responsibility to consult and incorporate the advice of groups that are broadly representative of women's views and interests (A/52/38, par. 26). The same concerns extend to compliance with article 25(a) of ICCPR, which safeguards the right of everyone to take part in the conduct of public affairs. The Human Rights Committee in its general comment No. 25 clarified that this right covers **all aspects of public administration, and the formulation and implementation of policy at international, national, regional and local levels** (CCPR/C/21/Rev.1/Add.7, para. 5).

16 https://www.the-isla.org/wp-content/uploads/2025/08/AUCEVAWG-Concept-Note.pdf
17 https://aucevawg.org/legal-analysis-of-the-african-union-convention-on-ending-violence-against-women-and-girls/
18 https://africlaw.com/2025/09/18/objection-the-au-convention-on-ending-violence-against-women-and-girls-and-the-question-of-participatory-legitimacy/

The absence of traveaux preparatoires

Under article 31 of the Vienna Convention on the Law of Treaties, a treaty must be interpreted in good faith in accordance with the "ordinary meaning" of its terms, in their "context," and in light of the treaty's "object and purpose." To clarify this context, article 32 permits recourse to supplementary means of interpretation, most notably the preparatory work of the treaty (*travaux préparatoires*), when the meaning of a provision is ambiguous or obscure. The absence of *travaux préparatoires* for this Convention leaves the interpretation of relatively under-specified concepts, such as "African values" or "positive masculinity," "family," and even "gender" largely to the discretion of States and significantly constrains the Convention's potential as a tool for precise and effective advocacy.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned observations.

2. Please provide information on whether the African Union, through its Member States and/or the African Commission on Human and Peoples' Rights, envisages the possibility of amending certain provisions of the Convention in order to ensure alignment with its stated objectives and relevant and applicable human rights norms and standards; in particular, whether it plans to initiate the amendment procedure provided for under Article 18 of the Convention or pursue other relevant avenues pending its entry into force.

3. Please provide information on whether the African Union or the African Commission on Human and Peoples' Rights intends to publish an implementation guide, explanatory report, or other document supplementary to the Convention.

4. Please explain how such guide, report or amendment – actual or prospective – would address the points addressed in this letter, particularly with regard to: (1) definition of "gender" and its potential conflation with sex; (2) specification of forms of violence against women; (3) data collection; (4) accountability mechanisms for States Parties' due diligence obligations; and (5) scope of permissible reservations.

5. Please provide information on the measures taken to ensure the effective participation of civil society organizations, particularly women's and grassroots human rights organizations, in the drafting process of the Convention.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency's Government will be made public via the communications reporting website after 48 hours. They will

also subsequently be made available in the usual report to be presented to the Human Rights Council.

I look forward to receiving further information on the issues mentioned in this letter, and I stand ready to cooperate with you to enhance the protection of the human rights of all women and girls in the African Union.

Please be informed that a copy of this letter has been sent to the attention of Hon. Idrissa Sow, Chairperson of the African Commission on Human and Peoples' Rights.

I would be grateful if a copy of this letter could be shared with Member States of the African Union.

Please accept, Excellency, the assurances of my highest consideration.

Reem Alsalem
Special Rapporteur on violence against women and girls, its causes and consequences