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On 25 April 2019, the Initiative for Strategic Litigation in Africa (ISLA) and Kenya Legal and Ethical Issues Network on HIV & AIDS (KELIN) submitted an individual communication against the Republic of Namibia before the African Commission on Human and Peoples' Rights (African Commission). The communication pertains to the enforcement of AU member states' human rights obligations to victims of human trafficking for the purposes of sexual exploitation.

The communication is lodged in terms of Article 56 of the African Charter on Human and Peoples' Rights (African Charter). It is lodged on behalf of a 24-year-old woman who was lured through a false online job advertisement to travel to Namibia where she was held captive and abused for purposes of sexual exploitation.

The aim of the communication is to have the African Commission clarify the obligation on member states to prevent, protect and respond to instances of human trafficking for purposes of sexual exploitation when they become aware of these cases within their territory. The obligations on member states include: ensuring that survivors access and obtain justice and compensation; punishing perpetrators and challenging the impunity they enjoy; forcing state action to end or prevent trafficking and driving legal reform.

The most common form of human trafficking is trafficking for purposes of sexual exploitation. The victims of trafficking for purposes of sexual exploitation are predominantly women and girls. Article 5 of the African Charter and Article 4 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women (Maputo Protocol) prohibit exploitation, degradation, cruel, inhuman and degrading treatment. Article 4(2)(g) of the Maputo Protocol requires the AU member states to take appropriate and effective measures to prevent and condemn trafficking in women, respond where it has occurred by prosecuting the perpetrators of such trafficking, providing redress for violations and protecting those women most at risk of exploitation.

Instituted as a strategic litigation case, the communication authored by ISLA and KELIN has important implications for the continent. It calls on the African Commission to determine the content of the obligations undertaken by member states under the African Charter and the Maputo Protocol in cases of human trafficking for purposes of sexual exploitation. This clarity will assist with enforcement of rights against member states regionally and domestically and assist member states and their advisors in the formulation of policy and legislation to meet their regional and international obligations to victims of trafficking for purposes of sexual exploitation.

This marks the beginning of the first of three stages at which the African Commission separately considers individual communications, the seizure stage. On considering

the communication, the African Commission will determine whether it will be seized of the matter. ISLA and KELIN are also representing the victim in this matter.

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