

# Maputo Protocol on Women's Rights: A Living Document for Women's Human Rights in Africa

*Submitted by the Women, Gender and Development Directorate (WGDD)  
of the African Union Commission*

The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol) remains one of the most progressive legal instruments providing a comprehensive set of human rights for African women. Unlike any other women's human rights instrument, it details wide-ranging and substantive human rights for women covering the entire spectrum of civil and political, economic, social and cultural as well as environmental rights. It would not be incorrect to name it the African Bill of Rights of Women's Human Rights.

Since its adoption 13 years ago in 2003, the Maputo Protocol has contributed in shifting the trajectory on the promotion and protection of women's human rights in Africa. At the first instance, it challenges the old stereotypes about the role of women in society and places women as full, effective and equal partners with men in the development of their communities. It places a moral obligation on African Union Member States to promote equal opportunities for men and women to play meaningful roles in society. The Maputo Protocol is indeed a demonstration of the goodwill and total commitment of the African Union Member States to invest in the development and empowerment of women, who represent the majority population in most African countries.

Through this progressive instrument, Africa has witnessed the adoption of equally innovative laws, policies and other institutional mechanisms at a national level to advance women's human rights. For example, according to a report of the African Union Special Rapporteur on the Rights of Women in Africa,<sup>1</sup> Benin

has adopted a family code on gender equality that prohibits polygamy and affords children equal access to rights irrespective of their status; Sierra Leone's Registration of Customary Marriage and Divorce Act protects women entering into customary marriage from forced marriages; and South Africa promulgated the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) which is regarded as the most important law after its constitution. It guarantees women equal protection and benefit of the law. Policy arrangements in place include Algeria's introduction of the solidarity school bonus for students from disadvantaged communities and distribution of free books and uniforms to promote girls' education and women's literacy<sup>2</sup>; Ethiopia's establishment of a Health Extension Programme (HEP), which deploys Health Extension Workers (HEW) to communities as a means to take key maternal, neonatal and health interventions to communities in order to reduce maternal and child mortality;<sup>3</sup> and Tunisia's creation, within the development scheme of 2016 – 2020, of a programme which provides financial support to women's projects.

Many African Union Member States have established special national machineries to promote and protect the rights of women. In addition to human rights commissions, which are traditionally regarded as National Human Rights Mechanisms, there are specific Gender Equality or Equal Opportunities Commissions specifically dedicated to the rights of women. These are found, for example, in countries such as Uganda, Kenya, Rwanda, South Africa and Zimbabwe.

<sup>1</sup> The report was given as part of a presentation on the "State of Ratification of the Maputo Protocol" during the AU Ministerial Consultation Meeting held on 18 March 2016, on the margins of the 60th Session of the United Nations Commission on the Status of Women (CSW), in New York, USA. <http://www.peaceau.org/uploads/special-rappor->

[teur-on-rights-of-women-in-africa-presentation-for-csw-implementation.pdf](#) accessed on 14/05/2016 11h49.

<sup>2</sup> Algeria's 2015 report to the African Union Commission on the Solemn Declaration on Gender Equality in Africa

<sup>3</sup> Ethiopia's 2015 report to the African Union Commission on the Solemn Declaration on Gender Equality in Africa

The above demonstrates that indeed the Maputo Protocol is a living document that should continue to be translated into domestic laws and programmes to ensure that women enjoy the rights provided in the Protocol.

While celebrating the great achievements that the Maputo Protocol has brought to the African human rights agenda, it is also recognized that more action is needed to guarantee women and girls the full enjoyment of their human rights. Many challenges still persist that hinder women and girls from attaining their full rights. These include, among others, en-

trenched cultural and religious practices, exclusionary economic systems; low or lack of support for women candidates in politics and public life; as well as women's inability to own or inherit land.

The declaration of 2016 as the Year of African Human Rights with a Particular Focus on the Rights of Women represents a call for accelerated action for African Union Member States to remove all barriers that impede the full enjoyment of women's human rights and to create enabling environments for women and girls to reach their full potential, in furtherance of Africa's Agenda 2063.



*Photo credit: FEMNET*