

INFORMATION & COMMUNICATION DIRECTORATE

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25 things you need to know about the rights of women in Africa.

The [Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa](#) popularly known as Maputo Protocol, was adopted by the Assembly of the African Union Heads of State and Government in Maputo, Mozambique on the 11th of July 2003 and entered into force less than two years later on 25th November 2005 after gathering the requisite number of ratifications by member states. The Maputo Protocol on the Rights of Women in Africa was a women-specific supplement building on the [African Charter on Human and Peoples' Rights](#) to address the specific needs of women and to rally a continental call-to-action to eliminate every discrimination against women and protect of the rights of women.

At the time of adoption of the Protocol in 2003, women's rights had been recognised and guaranteed in other international human rights instruments, the [African Charter on the Rights and Welfare of the Child](#), and all other international and regional conventions and covenants relating to the rights of women as being inalienable, interdependent and indivisible human rights.

2023 marks 20 years since the adoption of the Maputo Protocol. As of July 2023, forty-four (44) member states had ratified the Protocol. Eleven (11) states are yet to ratify, three years after the commitment to a universal ratification by 2020. These are Botswana, Burundi, Central African Republic, Chad, Egypt, Eritrea, Madagascar, Morocco, Niger, Somalia and Sudan.

Under the Maputo Protocol, African states recognize the crucial role of women in the preservation of African values based on the principles of equality, peace, freedom, dignity, justice, solidarity and democracy. Here is a highlight of the rights of women and girls enshrined in the Maputo Protocol.

1. **Elimination of discrimination against women.** Member states are called upon to combat all forms of discrimination against women through appropriate legislative, institutional and other measures. This entails the inclusion in their national constitutions and other legislative instruments, the principle of equality between women and men and to ensure its effective application to prohibit and curb all forms of discrimination particularly harmful practices which endanger the health and general well-being of women. States are required to integrate a gender perspective in their policy decisions, legislation, development plans, programmes and activities and in all other spheres of life and to support the local, national, regional and continental initiatives directed at eradicating all forms of discrimination against women. Further, States commit provide public education, information, education and communication strategies to end harmful cultural and traditional practices.
2. **Right to dignity.** The Maputo Protocol recognizes the right to dignity as inherent in a human being and underscores the right of every woman to respect as a person and to the free development of her personality. Member states commit to adopt and implement appropriate measures to prohibit any exploitation or degradation of women and protection of women from all forms of violence, particularly sexual and verbal violence.
3. **The rights to life, integrity and security of the person.** Member states commit to enact and enforce laws to prohibit all forms of violence against women including unwanted or forced sex whether in private or public. Member states are required to actively promote peace education through curricula and social communication to eradicate elements in traditional and cultural beliefs, practices and stereotypes which legitimise and exacerbate the persistence and tolerance of violence against women. States equally commit to implement programmes for the rehabilitation and reparation for victims of gender violence. Medical or scientific experiments on women without their informed consent is prohibited, while in countries where the death penalty still exists, death sentences cannot be meted on pregnant or nursing women. The Protocol also secures the equal rights for women in terms of access to refugee status determination procedures to ensure they are accorded the full protection and benefits guaranteed under international refugee law, including their own identity and other documents.
4. **Elimination of harmful practices.** Member states commit to prohibit and condemn all forms of harmful practices such as all forms of female genital mutilation, scarification, medicalisation and para-medicalisation of female genital mutilation and all other practices which negatively affect the human rights of women. In addition to legislative and other measures to eliminate such practices, member states commit to create public awareness regarding harmful practices through information, formal and informal education and outreach programmes, and the provision of necessary support to victims of harmful practices through basic services such as health services, legal and judicial support, emotional and psychological counselling as well as vocational training to make them self-supporting.
5. **Marriage.** Maputo Protocol stipulates that women and men enjoy equal rights and are regarded as equal partners in marriage. Member states commit to enact appropriate national legislative measures to guarantee that no marriage takes place without the free and full consent of both parties while observing the minimum age of marriage for women as 18 years. Every marriage must be recorded in writing and registered in accordance with national laws, in order to be legally recognized.

Monogamy is encouraged as the preferred form of marriage. The rights of women in marriage and family, including in polygamous marital relationships must be promoted and protected. The husband and wife through mutual agreement, choose their matrimonial regime and place of residence. Further, a married woman has the right to retain her maiden name, to use it as she pleases, jointly or separately with her husband's surname, and has the right to retain her nationality or to acquire the nationality of her husband. In the marriage, the woman and man have equal rights with respect to the nationality of their children except where this is contrary to a provision in national legislation. The Maputo Protocol safeguards the rights of women to acquire property during marriage and to administer and manage it freely.

6. **Separation, divorce and annulment of marriage**. Member states commit to enact appropriate legislation to ensure women and men enjoy the same rights in case of separation, divorce or annulment of marriage. Under the Protocol, women and men enjoy the same rights to seek separation, divorce or annulment of a marriage and reciprocal rights and responsibilities towards their children and equitable sharing of the joint property deriving from the marriage. Separation, divorce or annulment of a marriage should be effected by a judicial order.
7. **Access to justice and equal protection before the law**. Women and men are equal before the law and should enjoy the right to equal protection and benefit of the law. Member states commit to take appropriate measures to ensure the effective access by women to judicial and legal services, including legal aid and the establishment of adequate educational and other appropriate structures with particular attention to women and to sensitise everyone to the rights of women. Law enforcement organs should be equipped to effectively interpret and enforce gender equality rights. Further, women should be represented equally in the judiciary and law enforcement organs.
8. **Right to participation in the political and decision-making process**. Under the Maputo Protocol, member states should promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure women participate without any discrimination in all elections and are represented equally at all levels with men in all electoral processes and all levels of decision-making.
9. **Right to peace**. Women have the right to a peaceful existence and the right to participate in the promotion and maintenance of peace. Member states commit to take appropriate measures to ensure the increased participation of women in programmes of education for peace, structures and processes for conflict prevention, management and resolution at local, national, regional, continental and international levels. Women must also be included in decision making structures to ensure physical, psychological, social and legal protection of asylum seekers, refugees, returnees and displaced persons, in particular women, and in all aspects of planning, formulation and implementation of post-conflict reconstruction and rehabilitation.
10. **Protection of women in armed conflicts**. Member states commit to undertake to respect, and ensure respect for the rules of international humanitarian law applicable in armed conflict situations. This includes protecting asylum seeking women, refugees, returnees and internally displaced persons, against all forms of violence, rape and other forms of sexual exploitation, and to ensure that such acts are considered war crimes, genocide and/or crimes against humanity, and that their perpetrators are brought to justice before a competent criminal jurisdiction. Member states commit to put in place measures to ensure that no child, especially

girls under 18 years of age, take a direct part in hostilities and that no child is recruited as a soldier.

11. **Right to education and training.** Member states commit to guarantee equal opportunity and access in education and training. This includes the elimination of stereotypes in textbooks, syllabuses and the media, that perpetuate discrimination. Maputo Protocol also calls for the protection of women, especially the girl-child from all forms of abuse, including sexual harassment in schools and other educational institutions and the provision of access to counselling and rehabilitation services to women who suffer abuses and sexual harassment as well as the integration of gender sensitisation and human rights education at education curricula including teacher training. The member states commit to promote literacy among women particularly in the fields of science and technology and the enrolment and retention of girls in schools and other training institutions.
12. **Economic and social welfare rights.** Member states commit to adopt and enforce legislative and other measures to guarantee women equal opportunities in work and career advancement and other economic opportunities. This includes equal rights in access to employment; remuneration for jobs of equal value for women and men, transparency in recruitment, promotion and dismissal, guaranteed freedom for women to choose their occupation, and conditions to promote and support the occupations and economic activities including social insurance for women working in the informal sector. Further, member states are required to introduce a minimum age for work and prohibit the employment of children below 18 years. Maputo Protocol recognises the economic value of the work of women in the home and advocates for adequate and paid pre- and post-natal maternity leave in both the private and public sectors, equal application of taxation laws to women and men, the right of salaried women to the same allowances and entitlements as those granted to salaried men for their spouses and children.
13. **Health and reproductive rights.** Member states commit to promoting the rights of women to health including sexual and reproductive health which includes the right to control their fertility, to decide whether to have children, the number of children and the spacing of children, right to choose the method of contraception, protection against sexually transmitted infections, including HIV/AIDS, and right to family planning education. Further, member states commit to provide adequate, affordable and accessible health services, including information, education and communication programmes to women especially those in rural areas. They also commit to establish and strengthen existing pre-natal, delivery and post-natal health and nutritional services for women during pregnancy and while they are breast-feeding, and protect the reproductive rights of women by authorising 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.
14. **Right to food security.** Member states commit to ensure women have the right to nutritious and adequate food by providing women with access to clean drinking water, sources of domestic fuel, land, and the means of producing nutritious food, and by establishing adequate systems of supply and storage to ensure food security.
15. **Right to adequate housing.** Women have the right to equal access to housing and to acceptable living conditions in a healthy environment. To ensure this right, member states commit to grant women, whatever their marital status, access to adequate housing.

16. **Right to positive cultural context.** Women have the right to live in a positive cultural context and to participate at all levels in the determination of cultural policies. Member states commit to take all appropriate measures to enhance the participation of women in the formulation of cultural policies at all levels.
17. **Right to a healthy and sustainable environment.** Member states commit to ensure greater participation of women in the planning, management and preservation of the environment and the sustainable use of natural resources. Further, states commit to promote research and investment in new and renewable energy sources and appropriate technologies, including information technologies and to facilitate women's access to, and participation in their control, protect and enable the development of women's indigenous knowledge systems, regulate the management, processing, storage and disposal of domestic waste, and ensure proper standards are followed for the storage, transportation and disposal of toxic waste.
18. **Right to sustainable development.** Member states commit to introduce the gender perspective in the national development planning procedures and ensure participation of women at all levels in the conceptualisation, decision-making, implementation and evaluation of development policies and programme. Maputo Protocol promotes women's access to, and control over productive resources such as land and guarantee their right to property, access to credit, training, skills development and extension services at rural and urban levels in order to provide women with a higher quality of life and reduce the level of poverty among women. States commit to ensure the negative effects of globalisation and any adverse effects of the implementation of trade and economic policies and programmes are reduced to the minimum for women.
19. **Widows' rights.** Member states commit to take appropriate legal measures to ensure widows enjoy all human rights and are not subjected to inhuman, humiliating or degrading treatment. The Protocol stipulates that a widow automatically becomes the guardian and custodian of her children, after the death of her husband, unless this is contrary to the interests and the welfare of the children. A widow shall have the right to remarry, and in that event, to marry the person of her choice.
20. **Right to inheritance.** A widow has the right to equitable share in the inheritance of the property of her husband and has the right to continue to live in the matrimonial house. In case of remarriage, the widow retains this right if the house belongs to her or she has inherited it. The Maputo Protocol stipulates that women and men have the right to inherit, in equitable shares, their parents' properties.
21. **Special protection of elderly women.** Member states are required provide protection to elderly women and take specific measures commensurate with their physical, economic and social needs as well as their access to employment and professional training. They also commit to ensure the right of elderly women to protection against violence, including sexual abuse, discrimination based on age and the right to be treated with dignity.
22. **Special protection of women with disabilities.** Member states commit to the protection of women with disabilities and to take specific measures commensurate with their physical, economic and social needs to facilitate their access to employment, professional and vocational training as well as their participation in decision-making and protection from violence, including sexual abuse, discrimination based on disability.

23. **Special protection of women in distress.** The Maputo Protocol requires member states to guarantee the protection of poor women and women from marginalized population groups, and to provide them an environment suitable to their special physical, economic and social needs. This includes the rights of pregnant or nursing women or women in detention by providing them an environment suitable to their condition, and ensure they are treated with dignity.
24. **Remedies.** Member states commit to provide for appropriate remedies to any woman whose rights or freedoms have been violated. This includes ensuring the remedies are determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by law.
25. **Implementation and monitoring.** Member states commit to ensure the Maputo Protocol is implemented at national level, for the full realisation of the rights of women in Africa. Further, member states are required to provide budgetary and other resources for the full and effective implementation of the rights enshrined in the Maputo Protocol.

Learn More about the African Unions' strategies and guiding legal instruments that focus on the attainment of gender equality and women's empowerment in all spheres of life in Africa including developing and implementing policies and programmes that address issues related to women and girls' rights, advocate for their protection and prohibit violence and harmful practices and other social norms that disempower women and girls. These include, the [AU Strategy for Gender Equality & Women's Empowerment](#), the [Solemn Declaration on Gender Equality in Africa](#) (SDGEA) and the [African Charter on the Rights and Welfare of the Child](#).

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