

## KEY FINDINGS

# TWENTY YEARS OF THE MAPUTO PROTOCOL: WHERE ARE WE NOW?



### PREPARED BY:

The Solidarity for African Women's Rights Coalition (SOAWR)

Make Every Woman Count (MEWC)

Equality Now



SOLIDARITY FOR  
AFRICAN WOMEN'S RIGHTS  
A force for freedom



MOUVEMENT DE SOLIDARITÉ  
POUR LES DROITS  
DES FEMMES AFRICAINES  
Une force pour la liberté

MP  
20  
Maputo  
Protocol  
at 20



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Equality Now  
A just world for women and girls.

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**“As we mark 20 years of the Maputo Protocol’s existence, we stand at 80% of African Union Member States ratifying or acceding to it.”**

## FOREWORD

The past 20 years of breathing life into the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (“the Maputo Protocol,” as it is commonly known) has often felt like both a sprint and a marathon. Members of the Solidarity for African Women’s Rights (SOAWR) coalition made huge strides not only in popularising the Maputo Protocol throughout the African continent but also in shaping the discourse for the advancement of the human rights of African women and girls. The Maputo Protocol became a blueprint, framework and tool to guide us in our various interventions that were strategically aimed at creating change. Our early “naming and shaming” of countries using coded cards for not signing (red), only signing (yellow) and ratifying (green) the Maputo Protocol secured the required 15 ratifications and enabled the Maputo Protocol to enter into force in record time. And as we mark 20 years of the Maputo Protocol’s existence, we stand at 80% of African Union Member States ratifying or acceding to it.



**FAIZA JAMA MOHAMED**  
DIRECTOR, AFRICA OFFICE  
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Ratification or accession aside, our strategic investments have been holistic in nature and have enabled us to reach and influence a wide range of state and non-state actors. Our actions have always been supportive and aimed at enabling positive changes for women and girls. There is no space to list all the work the SOAWR coalition has undertaken in the past 20 years, but key highlights include:

- Support for and collaboration with the African Commission on Human and Peoples' Rights to develop state and non-state reporting guidelines on the Maputo Protocol to enhance accountability on the progress countries are making in fulfilling their obligations under the Protocol, and further training of state and non-state actors on the submission of reports;
- Support to the development of general comments on various articles of the Maputo Protocol, adopted by the African Commission and in two instances jointly with the Committee of Experts on the Rights and Welfare of the Child, addressing reproductive health rights, child marriage, land rights and female genital mutilation. These are helpful guides to Member States in delivering on their obligations to women and girls;
- Knowledge-building of lawyers and judicial officers on the application of the Maputo Protocol in defending the rights of women and girls. The Judicial Digest documentation of judgements referencing the Maputo Protocol in cases across Africa is testimony that the Maputo Protocol is serving its purpose;
- Enabling African law students to interrogate the Maputo Protocol and engage in defending women's rights violations through moot competitions, which has widened the knowledge base on international treaties across universities in Africa, benefiting future lawyers and judicial officials. In the long term, this will result in improved protection and access to justice for women and girls.

These examples are just the tip of the iceberg; those interested to learn more are encouraged to visit the SOAWR coalition website.

Aside from the various advocacy interventions that African women's organisations have engaged in with support from their development partners, this progress report "**Twenty Years of the Maputo Protocol: Where Are We Now?**" demonstrates that countries themselves are making progress. However, such progress is not evenly distributed across the board: women are faring better in some areas and less well in others. Challenges persist, and countries need to prioritise to overcome them to enable full enjoyment of the rights provided for in the Maputo Protocol. In the same vein, non-ratifying countries (Botswana, Burundi, Central Africa Republic, Chad, Egypt, Eritrea, Madagascar, Morocco, Niger, Somalia and Sudan) must prioritise acceding to the treaty so that the target of universal ratification is achieved before 2028.

As we continue on the journey to uphold the rights of women and girls under the Maputo Protocol, our hope is that African Union Member States will achieve more in the next five years by embracing the multi-sectoral approach framework to fast-track fulfilment of their obligations under the Maputo Protocol, and by investing significant money and resources to do so.

As human rights defenders and activists, the SOAWR coalition members will do what they know best to support countries on this important journey: name, shame and hold accountable those that are lagging behind; spread good practices to encourage more of the same; and hold all countries accountable to their commitments to African women and girls. We will continue to build the movement and encourage young women and men to join and lead in the struggles to safeguard the human rights of women and girls across the continent.

Let us all do even better in the next five years!

# ACKNOWLEDGEMENT

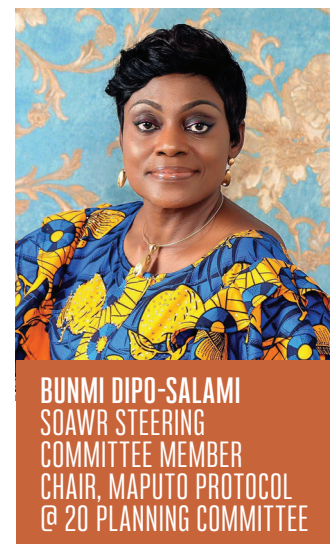
On behalf of the Solidarity for African Women's Rights (SOAWR) Coalition, I would first like to appreciate all our supporters that enabled us to consistently campaign for the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol). It will be a tall order to list everyone here, nevertheless we do need to recognise several development partners whose support, at different times, through several SOAWR members in the past 20 years has enabled us take actions that benefited non-state and state actors as well as women and girls in their diversity. These are the Swedish International Development Agency (Sida), Wellspring Philanthropic Fund, Sigrid Rausing Trust, UN Spotlight Initiative Africa Regional Program through UN Women and the United Nations Development Programme, Ford Foundation, Oxfam Novib, African Women's Development Fund, the UK Department for International Development, the New Partnership for Africa's Development (NEPAD), the Spanish Fund for African Women's Empowerment, New Field Foundation, Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI), Ipas Alliance for Africa, Equality Now, ActionAid, Foundation for Open Society Institute, Global Fund for Women, the International Planned Parenthood Federation - Africa, Mama Cash, Trust Africa, UN Millennium Campaign, UNDP New York, Open Society Justice Initiative, Oxfam GB and last but not least, the African Union Commission.

SOAWR members also deserve recognition for the tremendous work they accomplished through various interventions that challenged governments and equipped citizens and specifically women to know about the rights that their governments committed to in the Maputo Protocol. We have come a long way but the journey is still long for African women and girls to fully enjoy their rights as provided for in the Maputo Protocol.

To all the women, girls, boys, and men who came across the Maputo Protocol and embraced it, using it in one way or the other to defend the rights of women and girls, we shout a big thank you to all of you! Your efforts are building blocks for the change we desire for all African citizens to thrive and prosper.

Our deepest gratitude to the Make Every Woman Count team (Rainatou Sow, Vivian Nilsson-van Iperen, Grace Marwa-Pattison, Naomi Ndifon, Chelsie Loveder and Jeptum Tuitoek) for pulling together this rich report in the shortest time possible and to Equality Now for providing financial means towards its development. Finally, we are also grateful to the Government of Canada and the UNDP for their invaluable support and contribution towards the development of this progress report.

We remain committed to working tirelessly to bring about lasting change for African women and girls.



**BUNMI DIPTO-SALAMI**  
SOAWR STEERING  
COMMITTEE MEMBER  
CHAIR, MAPUTO PROTOCOL  
@ 20 PLANNING COMMITTEE

# INTRODUCTION

On 11 July 2003, African heads of state and government representatives gathered in Maputo, Mozambique, to adopt one of the most important, comprehensive, and progressive legal frameworks for women's rights the world has ever seen. Twenty years later, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women – also known as the Maputo Protocol – remains a crucial instrument in recognising, promoting and safeguarding the fundamental human rights of women and girls across Africa.

Significant efforts have been made over the past two decades to promote gender equality under all the provisions of the Maputo Protocol, including efforts by many States and heads of government to address harmful traditional practices, advance reproductive health and rights, facilitate equal access to and participation in political processes, promote economic empowerment, and end violence against women. Despite these efforts, full domestication of the Maputo Protocol provisions into national legislature has in many cases been slow or ineffective, while some African States are yet to ratify or accede to the Protocol.

# EXECUTIVE SUMMARY

To mark the 20th anniversary of the Maputo Protocol and to promote the continued adoption and implementation of its progressive provisions, a landmark report has been prepared by the Solidarity for African Women's Rights Coalition (SOAWR), Equality Now, and Make Every Woman Count (MEWC), titled *20 Years of the Maputo Protocol: Where are we now?*

The full report summarizes the progress that has been made in Africa to date toward the ratification, domestication, and implementation of the Maputo Protocol, with a series of detailed case studies illustrating some key achievements and challenges along the way. This evidence is presented alongside recommendations from SOAWR Member Organisations to support States in their continued efforts towards advancing gender equality on the continent.

The structure of the report is informed by the rights-based themes identified in the African Commission on Human and Peoples' Rights (ACHPR) Member State Reporting Guidelines, with evidence and recommendations being grouped according to the following seven areas:

1. **Economic & Social Welfare Rights**
2. **Rights Related to Marriage (Including Child Marriage)**
3. **Health & Reproductive Rights**
4. **Protection from Violence (including FGM)**
5. **Right to Participation in the Political & Decision-Making Process**
6. **Rights to Peace & Protection from Armed Conflict**
7. **Specially Protected Women**

The key findings and recommendations within each of these areas are summarized on the following pages. They are covered in more detail alongside a comprehensive contextual analysis in the full report, which can be accessed on the SOAWR's website at [www.soawr.org](http://www.soawr.org).

# KEY FINDINGS OF THE MAPUTO PROTOCOL REPORT

Advancing equality through the Maputo Protocol begins with ratification or accession to it by individual States. Today, twenty years after its initial adoption in July 2003, the Maputo Protocol is one of the most ratified instruments in the African Union (AU) – as of June 2023, it has been ratified or acceded to by 44 of the 55 AU Member States, and signed but not yet acceded to by eight (Botswana, Burundi, Central African Republic, Chad, Eritrea, Niger, Somalia and Sudan). It has been neither signed nor acceded to by three Member States (Botswana, Egypt and Morocco).

However, ratification/accession is only part of the process. Not all of the provisions of the Maputo Protocol have been fully implemented, with some States submitting ‘reservations’ to modify the legal effect of certain provisions. While this is not an ideal situation, it is broadly agreed by human rights campaigners that it is better to allow a State to submit reservations to a treaty than to not adopt it at all. Some of the reservations that have been submitted, including by The Gambia and Rwanda, have subsequently been lifted following efforts by SOAWR members and other civil society organisations to influence government decisions through strategic advocacy campaigns.

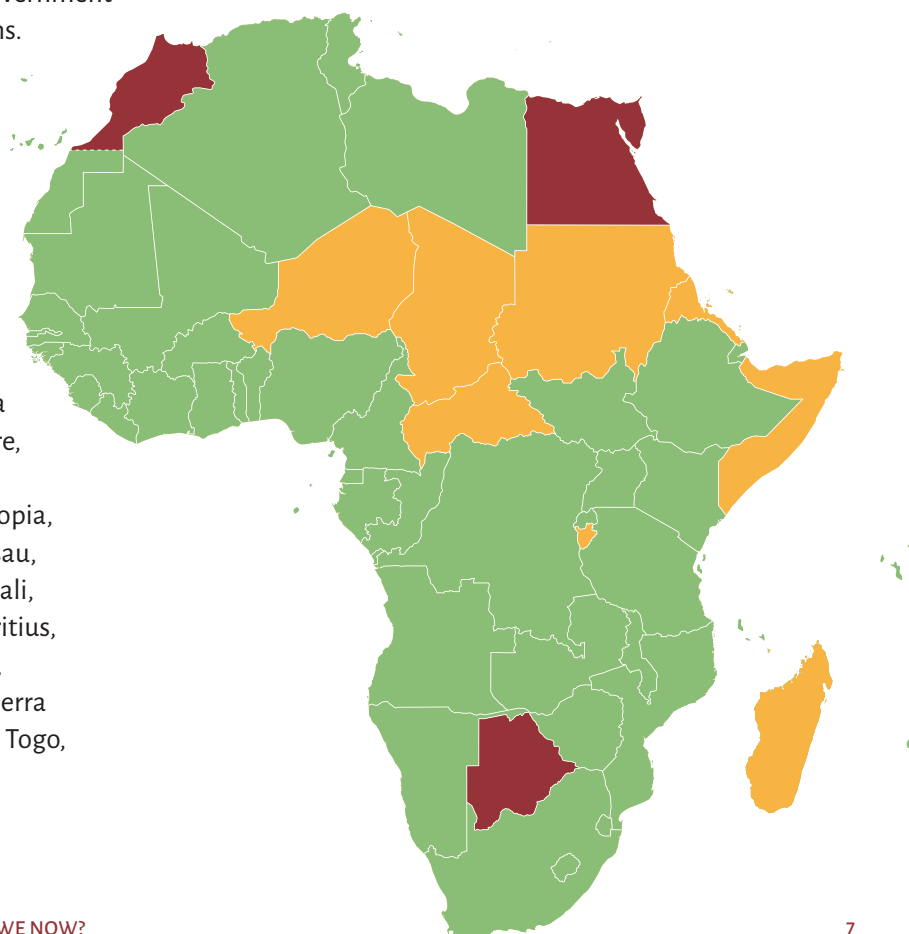
Assessment of the extent to which the provisions of the Protocol are being adopted and implemented can be compromised by inconsistent reporting by Member States. Under Article 26(1), Member States are required to submit periodic reports outlining the measures they have taken toward all provisions of the Protocol. However, since the Maputo Protocol came into force, only 19 States have submitted an initial report, with just three States – Mali, Namibia and Nigeria – doing so in accordance with AU guidelines (the majority were significantly delayed, with an average gap of 11.74 years between ratification and submission of initial report).

To address this issue, SOAWR members have offered a number of recommendations, which include increasing the reporting time frame from two years; investing in States’ capacity for reporting; improving clarity and accountability through the publication of reporting deadlines and submission status; and strengthening data collection through cross-sector collaboration.

**Not signed:** Botswana, Egypt, Morocco.

**Signed but not ratified:** Burundi, Central African Republic, Chad, Eritrea, Madagascar, Niger, Somalia, Sudan.

**Ratified:** Algeria, Angola, Benin, Burkina Faso, Cabo Verde, Cameroon, Côte d’Ivoire, Comoros, Congo Republic, Djibouti, DR Congo, Equatorial Guinea, Eswatini, Ethiopia, Gabon, The Gambia, Ghana, Guinea-Bissau, Guinea, Kenya, Libya, Lesotho, Liberia, Mali, Malawi, Mozambique, Mauritania, Mauritius, Namibia, Nigeria, Rwanda, South Africa, Sahrawi Republic, Senegal, Seychelles, Sierra Leone, São Tomé and Príncipe, Tanzania, Togo, Tunisia, Uganda, Zambia, Zimbabwe.



## ECONOMIC AND SOCIAL WELFARE RIGHTS

The rights of women and girls to equal pay, paid pre- and post-natal maternity leave, and freedom from discrimination at work are provided for by Article 13 of the Maputo Protocol, while Article 19(c) calls for equal access to land and equal property rights.

- Nearly half of African states maintain constitutional provisions guaranteeing equal remuneration for work of equal value or the right to fair or just pay. Three countries (Ethiopia, Ghana and Zimbabwe) enshrine rights related to maternity leave in their respective constitutions. Two countries (Egypt and Lesotho) have notable constitutional provisions on social welfare rights, such as pensions. Several constitutions enshrine the right to ownership of property and/or land.
- More than half of African states have laws mandating equal remuneration for work of equal value. Most countries, such as Comoros, Djibouti and Senegal, prohibit discrimination in employment based on gender and sexual harassment in the workplace. More than half of African states provide paid maternity leave that is 98 days or longer. Other laws address women's right to equal opportunity and freedom to choose employment (DR Congo), pensions (Malawi) and access to financial resources (Mozambique), property and land (Mali).
- While policy reforms related to economic and social welfare rights are often integrated into national gender or development strategies, several reforms take a targeted approach. These include enhancing women's access to employment and training (Cabo Verde, Gabon, Morocco and Mozambique) and increasing access to land (Madagascar, Tanzania and Uganda). Other reforms focus on the situation of women in the informal sector (Ghana) or aim to enhance social protection (Burundi.)
- Across the continent, African governments have introduced institutional reforms to increase women's access to financial resources, such as microcredit (Chad) or establishing women-led banks (Guinea.) Other reforms have sought to enhance support and financing mechanisms for women in specific sectors, such as agriculture (Nigeria and Togo) or the informal sector (Cabo Verde.)

## RECOMMENDATIONS

- Create accessible opportunities and systems for women and girls' economic and social welfare and engage women and girls in socioeconomic activities.
- Promote the engagement of men and boys as partners in advancing economic and social welfare rights for women.
- CSOs to pressure states to respect international conventions related to economic rights and social protection and to promote protections in these areas.
- Adopt effective measures to enable people to cope with the cost of living.
- Develop and strengthen training frameworks for young people, especially women and girls.
- Set up incentive systems for women and girls in the scientific sectors.
- Encourage transparent management and equitable income distribution by considering women's economic rights.
- Advocate for women's right to access the benefits of work, particularly in the extractives sector.
- Encourage women and women-led companies to position themselves better to defend their interests and initiate coaching sessions to promote their economic interests.



## RIGHTS RELATED TO MARRIAGE (INCLUDING CHILD MARRIAGE)

The right to marital equality, including the protection of women's rights around property ownership and citizenship, and the prohibition of forced marriage (including child marriage), is provided for by Article 6 in the Maputo Protocol.

- Several countries have adopted constitutional reforms related to the prohibition of forced marriage. For example, the constitution of Burundi guarantees marriage equality. The constitutions of Guinea, Malawi, Uganda and Zimbabwe set the legal age of marriage at 18 years.
- AU Member States have enacted legislation on rights related to marriage. Regarding the legal age of marriage, in countries such as Mauritius and Rwanda the law setting the legal age of marriage does not allow for exceptions. However, in more than half of African states exemptions are permitted, in cases of parental, guardian and judicial consent. Other legislative reforms include increasing the punishment for early, child and/or forced marriages and providing marriage and family decision-making equality. Judicial decisions have contributed to prohibiting child marriage in countries such as South Sudan.
- Governments have introduced policy reforms across the continent to prevent and reduce the prevalence of child and/or early marriage. The policies in Egypt, Madagascar and Zambia, for example, set a target for reducing child marriage. Over half of the countries have launched the African Union Campaign to End Child Marriage.
- At the institutional level, governments have undertaken various reforms. These include setting up national committees to monitor action and commitments on child marriage (Mali) or to coordinate efforts (Eritrea). Other countries have launched sensitisation or awareness campaigns for the community, religious and opinion leaders, and boys and men (Côte d'Ivoire) or conducted national studies on factors driving child marriage (Cameroon.)

## RECOMMENDATIONS

- Pass family laws to protect women's rights before, during and after marriage and establish special courts to deal with complex marriage issues.
- Governments to implement regional and international treaties such as the Maputo Protocol and educate women and girls on these.
- Promote programmes that allow young women to return to school after giving birth.
- Criminalise early marriage and the use of customary laws that decide what happens to women in marriage.
- Strengthen awareness on early and forced marriage.
- Review and harmonise marriage laws in line with the Maputo Protocol concerning marital domicile, paternal responsibilities and legal age of marriage/ consent and provide proper training before such commitments are entered.
- CSOs to advocate to help ensure marriage laws protect women.
- The AU to encourage Member States to formalise traditional, religious and civil marriages.



## HEALTH AND REPRODUCTIVE RIGHTS

Article 14 of the Maputo Protocol calls for protection of women's rights to sexual and reproductive health, including women's right to control their own fertility, to choose any method of contraception, and to decide whether and/or when to have children.

- Almost all African states maintain constitutional provisions related to health and/or health care, and many enshrine the principle of non-discrimination based on health. Notably, six countries (Angola, Ethiopia, Ghana, Kenya, South Africa and Zimbabwe) enshrine rights related to reproductive health care, such as access to family planning education or reproductive/maternity care.
- Legislative reforms related to Article 14, particularly those on reproductive health care, are integrated with laws addressing equality and gender-based violence (GBV), or come as standalone legislation. Regarding the right to medical abortion, national legislation differs regarding when it is permitted, ranging from at the woman's request to only under certain circumstances. Nearly all countries have adopted individual HIV laws.
- Across the continent, African states have implemented policy measures to improve access to health and/or sexual and reproductive health services. There are examples of targeted health strategies addressing, for instance, obstetric fistula (Nigeria), menstrual hygiene management (Kenya), cervical cancer (South Africa), HIV (Cameroon) and maternal mortality (Chad).
- Among the institutional reforms undertaken by African states are those seeking to reduce health problems faced by women, such as cervical cancer, and to improve access to health care, such as maternal care.

## RECOMMENDATIONS

- Address the right to abortion cautiously, and treat each case differently.
- Use the Maputo Protocol to protect women and girls' reproductive health right
- Member states to remove reservations that fail to protect reproductive health rights.
- Provide universal access to health services and insurance, especially for pregnant, vulnerable, and/or specially protected women.
- Improve infrastructure, training, and equipment for health services in rural areas.
- Empower women and girls to realise their sexual and reproductive health rights through awareness campaigns delivered in communities and schools.
- Integrate menstrual hygiene management into national legal frameworks through awareness-raising activities from more actors, especially parliamentarians.

## PROTECTION FROM VIOLENCE (INCLUDING FGM)

Articles 3, 4, and 5 of the Maputo Protocol require Member States to protect women against physical, sexual, and psychological violence, and to prohibit and condemn all forms of harmful practices, including female genital mutilation (FGM).

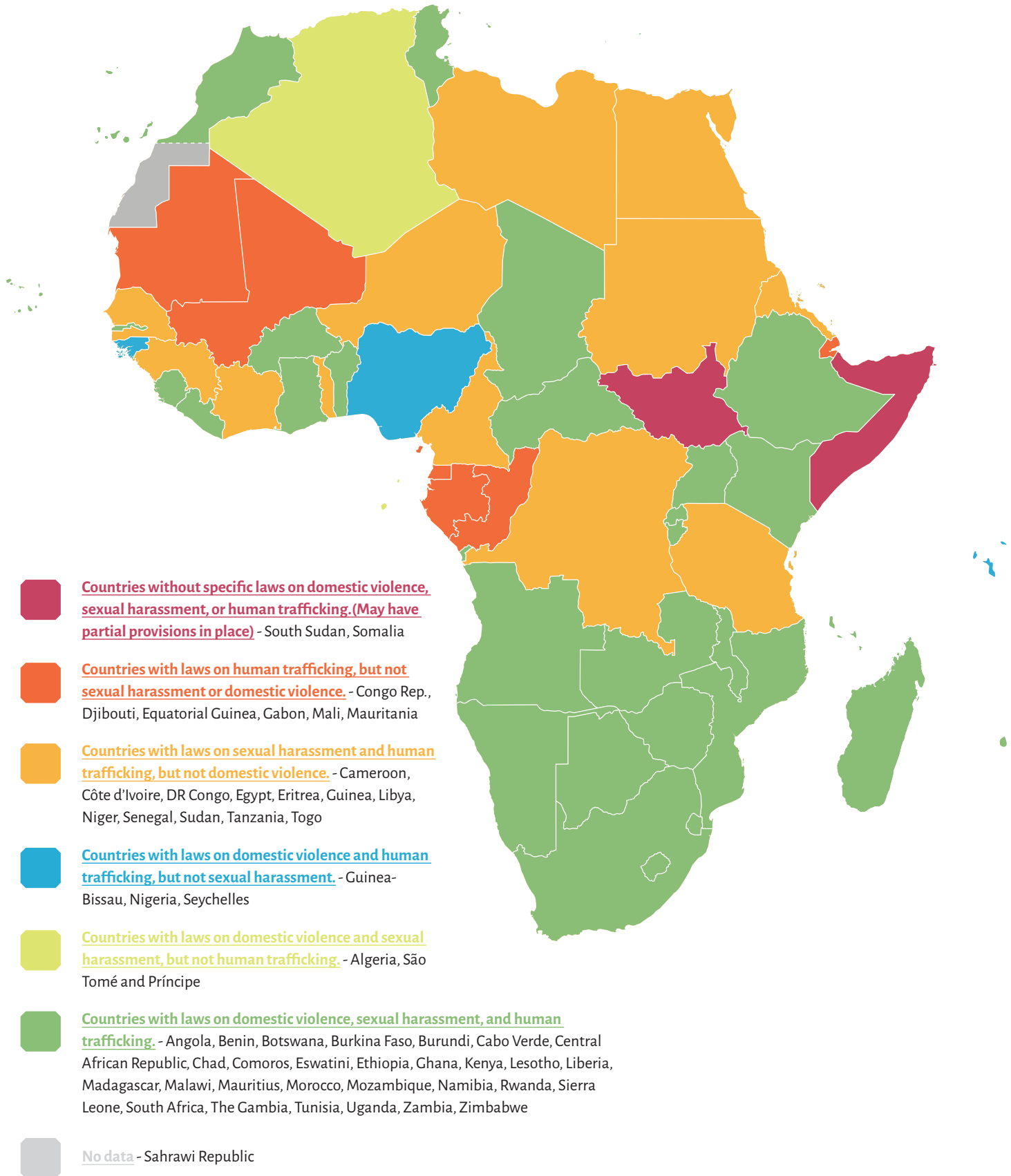
- Several countries, such as Central African Republic, DR Congo, Egypt and Niger, have enacted constitutional reforms providing protection against or seeking to eradicate violence against women (VAW). In Chad, Côte d'Ivoire, Guinea and Somalia, the respective constitutions explicitly prohibit FGM. Others, such as Uganda, enshrine protection against harmful customs and traditions.
- Across the continent, governments have enacted laws addressing multiple forms of VAW. There are legislative reforms that address gender-based violence (GBV) (Burundi) or domestic violence (Seychelles). Other legal reforms have increased the severity of punishment for violence against women (VAW), for example in Senegal and Sierra Leone. More than 20 countries have laws banning/criminalising FGM.
- Over half of the African countries have adopted standalone strategies or national action plans to eradicate VAW. Countries such as Cameroon, Malawi, Namibia and Zimbabwe have strategies addressing GBV, while the South African Strategy addresses GBV and femicide. Around half of the countries have adopted national strategies to eliminate FGM.
- Several countries have implemented institutional reforms establishing support services, such as shelters. Other reforms have sought to improve the prevention of and the response to FGM (Kenya) or access to justice for survivors of GBV (Congo Republic) or to raise awareness about various forms of GBV (South Africa) or FGM (Liberia).

### RECOMMENDATIONS

- Reframe VAW as a national security issue and resource its prevention accordingly.
- Enact laws and implement policies that criminalise VAW, including FGM.
- Record data on prevalence of VAW by location and establish a National Independent Gender Observatory to document and monitor GBV cases.
- Train criminal justice professionals to improve their understanding of FGM.
- Conduct public education and media campaigns to highlight the harms of FGM, including by engaging decision-makers in FGM-practising communities.
- Strengthen awareness of VAW at all social levels, and implement effective measures to prevent impunity for perpetrators.



# NATIONAL LEGAL PROVISIONS ON VIOLENCE AGAINST WOMEN AND HUMAN TRAFFICKING



**Source:** Make Every Woman Count (2021) 'African Women's Decade Report 2010–2020: Ten years on, where are we?'

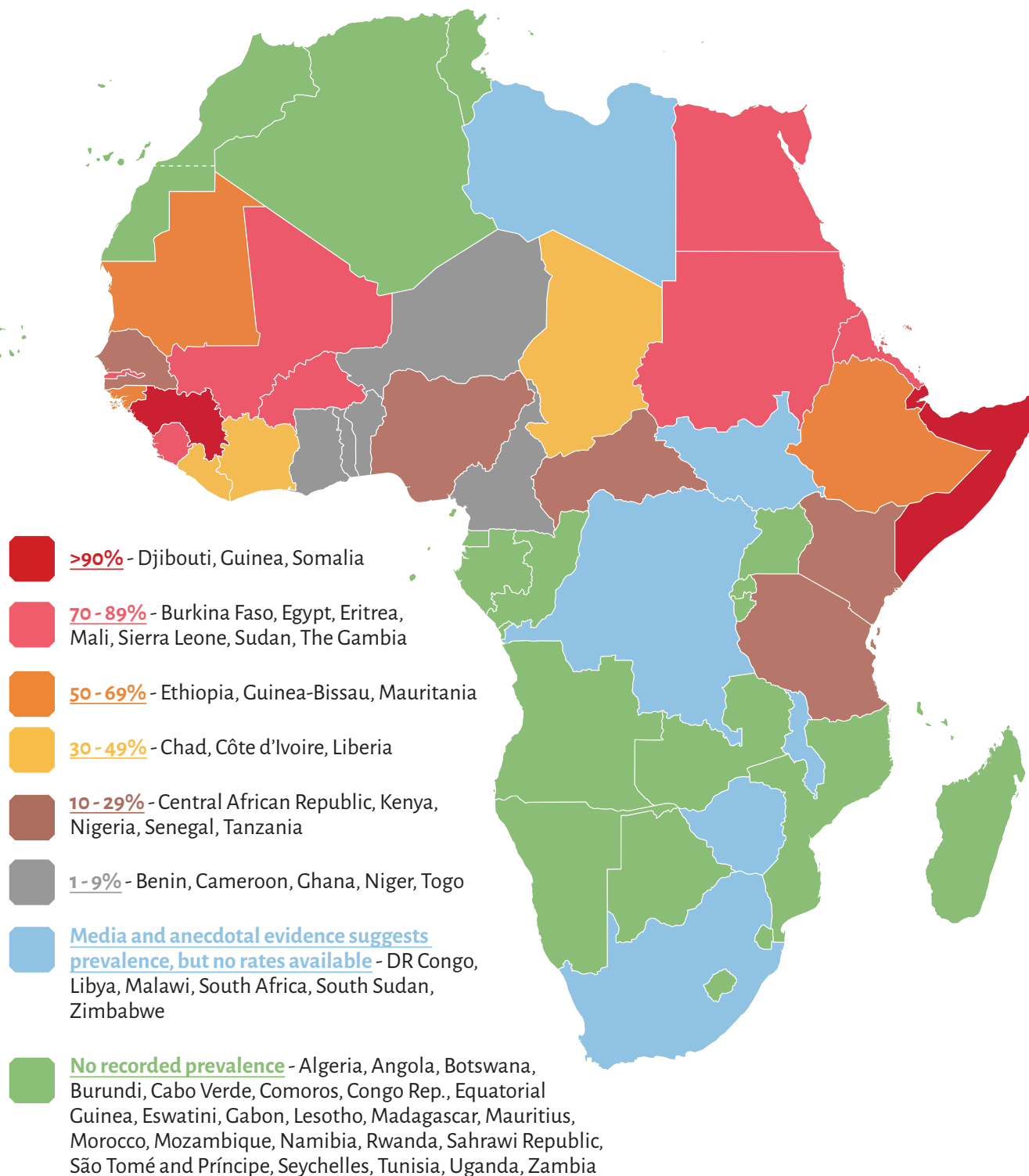
## AU MEMBER STATES THAT HAVE THE HIGHEST FGM PREVALENCE\* RATES:

1. Somalia (99%)
2. Guinea (95%)
3. Djibouti (94%)
4. Mali (89%)

5. Egypt & Sudan (87%)
6. Eritrea & Sierra Leone (83%)
7. Burkina Faso (76%)
8. The Gambia (73%)

9. Mauritania (67%)
10. Ethiopia (65%)

\*% of girls and women aged 15-49 years who have undergone FGM



**Sources:** The United Nations Children's Fund (UNICEF) (2022) Global Databases, and Equality Now (2020) FGM in Africa, from *Female Genital Mutilation/Cutting: A Call for a Global Response*.

## RIGHT TO PARTICIPATION IN THE POLITICAL AND DECISION-MAKING PROCESS

Article 9 of the Maputo Protocol outlines the rights of all women to participate in decision-making on an equal basis and without discrimination, including the freedom to participate in elections and contribute to policy development and implementation.

- Ten countries (Burundi, Egypt, Eswatini, Kenya, Rwanda, South Sudan, Sudan, Tanzania, Uganda and Zimbabwe) have adopted constitutional provisions establishing quotas. Other constitutions provide for affirmative action, such as in Uganda.
- Several AU Member States maintain legislated quotas on women's representation in national and/or subnational legislatures. Six countries (Burundi, Congo Rep., Côte d'Ivoire, Egypt, Eswatini and Rwanda) maintain quotas for both houses of parliament and for elected bodies at the subnational level.
- Countries such as Cabo Verde and Mauritius have introduced legislation imposing sanctions for non-compliance with the established quota and/or financial incentives for parties that do comply. Other legal reforms aim to eliminate discrimination in politics and during elections (Eswatini and Rwanda).
- Across the continent, governments have most commonly integrated approaches related to women's participation in the political and decision-making process in national gender or development strategies. These often include objectives such as reaching 40% female representation in parliament (Djibouti). Countries such as Malawi and Namibia have introduced 50/50 campaigns to increase women's representation in decision-making at the national and local levels. National women's parliamentary groups have also introduced policies to increase female participation and representation in decision-making.
- In several countries, for example in Cameroon, institutional reforms have focused on women in the electoral process by providing training for women candidates or facilitating access for female voters. Other reforms have sought to strengthen female participation, raise awareness of women's political participation or ensure that legislative and policy initiatives include a gender perspective. For example, Burkina Faso organised a workshop for various authorities and leaders as part of the government's efforts to popularise the law on quotas.

### RECOMMENDATIONS

- Provide safe, open spaces for women to participate freely in politics and decision-making.
- Adopt capacity-building programmes for women and a parity system in the political and decision-making process at all levels.
- Establish systems to identify and facilitate the development of girls and women leaders.
- Implement information and awareness campaigns in local languages on women who have succeeded in politics at the communal, regional and governmental levels to help reduce the existing disparities and gaps.
- Conduct awareness-raising and continuous training of young people so that the different generations have the same level of information to take an interest in political participation.
- Deconstruct stereotypes about women in politics, including through the identification and promotion of positive role models.
- Share good experiences between States.

## RIGHTS TO PEACE AND PROTECTION FROM ARMED CONFLICT

Enshrined continentally in October 2000, following the unanimous adoption of the UN Security Council Resolution (UNSCR) 1325, Articles 10 and 11 of the Maputo Protocol outline women's rights to equal participation in conflict prevention and resolution.

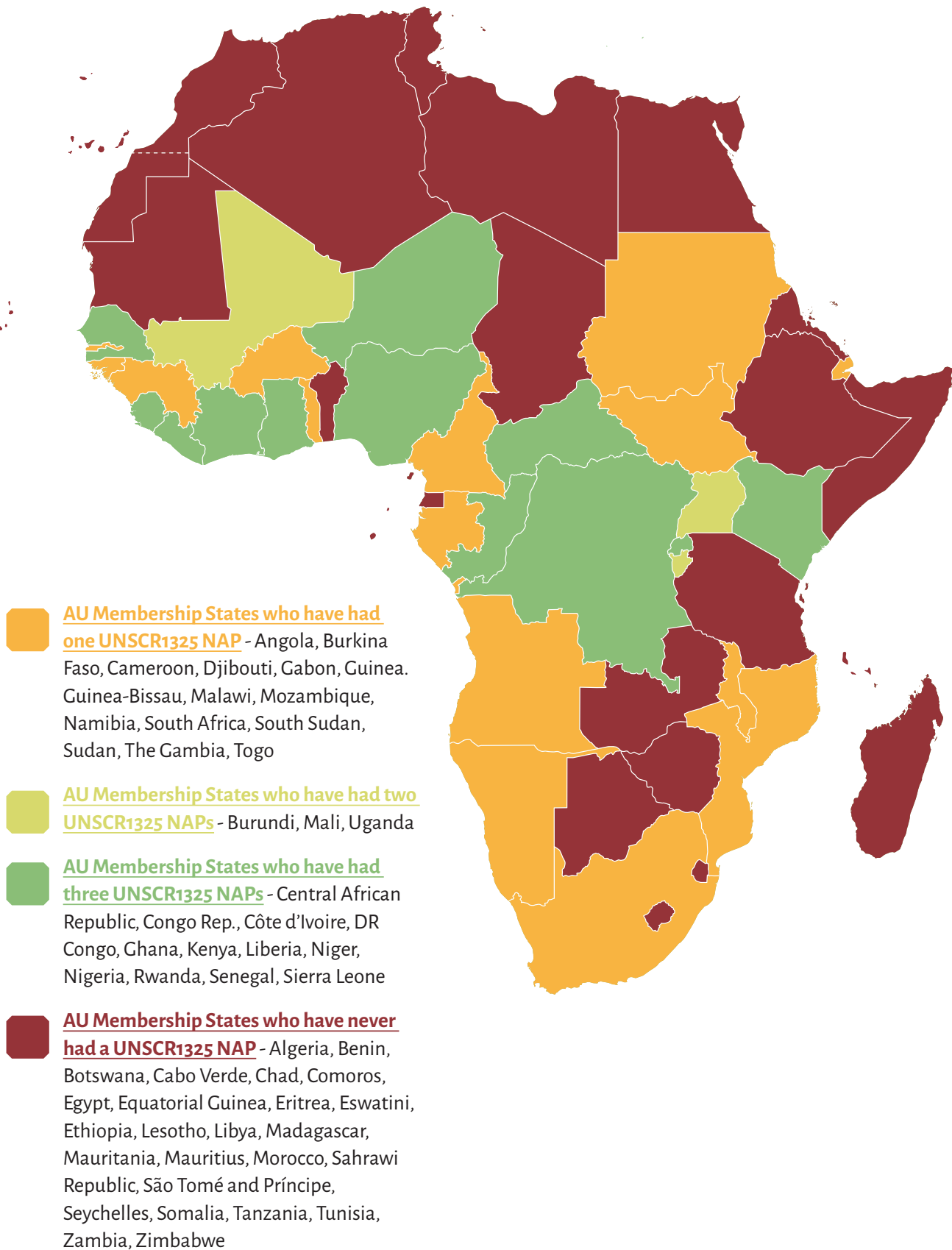
- AU Member States have adopted constitutional reforms strengthening the rights to protection from violence in conflict. The constitution of Sudan, for example, calls for the application of United Nations Security Council Resolution (UNSCR) 1325 and relevant AU resolutions on women's participation at all levels in the peace process.
- At the legislation level, more peace agreements include provisions on women, girls and gender, such as the 2021 Peace Agreement in South Sudan. Countries such as Central African Republic, DR Congo, Eswatini and Kenya have adopted laws on sexual violence and GBV in conflict settings.
- Thirty-two AU Member States have adopted at least one UNSCR 1325 National Action Plan (NAP). Some countries have adopted two NAPs, and Burundi, Mali and Uganda have adopted three.
- The AU Member States have also introduced institutional reforms. For example, South Africa has established programmes assisting women from conflict-ridden African countries. In other countries, the percentage of women has increased in the police force (Central African Republic) and UN peacekeeping (Rwanda).

### RECOMMENDATIONS

- The AU to sanction countries committing crimes against civilians and violating international human rights law so that peace will prevail.
- Implement fully CEDAW and the Maputo Protocol, with CSOs to closely monitor the implementation of these two treaties.
- Involve women and girls as much as possible in identifying and containing conflicts.
- Follow up on the practical implementation of the NAP of the UNSCR 1325 and related resolutions.
- CSOs to assist states in complying with international humanitarian law and other international civil and political rights instruments.
- Address the multiple causes of conflict (access to wealth and minerals, attraction of resources that do not exist at home, border and governance issues, etc.).
- Promote a culture of peace in Africa through awareness and information programmes on conflict risks.
- Reduce military resources and increase budgets for social sectors (health, education, gender, etc.).



# STATUS OF ADOPTION OF NATIONAL ACTIONS PLANS ON UNSCR 1325 (AS OF FEBRUARY 2023)



**Source:** PeaceWomen (2023) National Action Plans by Region.



## SPECIALLY PROTECTED WOMEN

Articles 20, 21, 22, 23, and 24 of the Maputo Protocol afford specific rights to women from marginalized groups, including those who experience discrimination on the basis of age, disability, pregnancy, socioeconomic status and/or carceral status.

- Nearly all countries maintain constitutional provisions generally prohibiting discrimination against specially protected women's groups (elderly women, women with disabilities and women in distress.) In 11 countries, the respective constitution guarantees rights for widows. They provide for social welfare rights (Botswana, Eswatini, The Gambia, Guinea-Bissau, Mauritius, Sahrawi Republic and Sierra Leone) and the right to inherit (Malawi, São Tomé and Príncipe, South Sudan and Uganda.)
- Across the continent, states have adopted legislation promoting the rights of specially protected women's groups. Regarding widows' rights, 34 states have laws providing equal asset inheritance between female and male surviving spouses. Countries such as Angola, Benin, Eswatini, Malawi and Tanzania have introduced laws strengthening the opportunities and rights of persons with disabilities. Other countries, for example DR Congo, have introduced provisions on the rights of the elderly in new legislation.
- Countries such as Zambia have introduced policies relevant to women with disabilities, Eswatini on elderly women and Botswana on widows. Other policy initiatives address the multi-faceted challenges women in distress face.
- Member States have also implemented institutional reforms to benefit, for example, women with disabilities, such as establishing a council for persons with disabilities (Angola), facilitating access to training on leadership and entrepreneurship (Eswatini), providing financial resources (Namibia), providing social assistance (Zambia) and implementing advocacy initiatives (Cameroon).

## RECOMMENDATIONS

- Ensure the inclusion of specially protected women by creating or improving existing structures and mechanisms to provide support and service to these groups.
- Provide specially protected women with adequate housing and safe spaces in cases of distress.
- CSOs to conduct outreach programmes to help advance the rights of specially protected women.
- Adopt practical measures, such as policies at all levels, to reduce discrimination against specially protected women.
- Define, adopt and fund an African programme dedicated to specially protected women.
- Address gaps in compliance with the Convention on the Rights of Persons with Disabilities to reduce the exclusion and widespread discrimination women and girls with disabilities face.
- Ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa.
- Ratify the African Union Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa.



# MAP OF LEGAL PROVISIONS ON EQUALITY FOR SURVIVING SPOUSES TO INHERIT ASSETS<sup>i</sup>



**Source:** World Bank (2023) *Women, Business and Law Database*.

<sup>i</sup> The indicator measures whether both spouses have equal rank and rights to inherit assets when there is no will. For this question, it is assumed that the deceased spouse has left no children or any other heirs, other than the surviving spouse.

# CHALLENGES AND GAPS

- **Legislation, implementation and enforcement gaps:** Gaps and weak implementation of existing legislation mean that women continue to face discrimination and are denied the full enjoyment and exercise of their rights. Competing legal systems, ambiguities of legislation and discrepancies between law and practice often result in weak enforcement of laws and compliance monitoring. Additionally, pressures from various groups stall or prevent the adoption of laws related to women and girls' rights. Many women and girls are unaware of their rights guaranteed under, for example, the Maputo Protocol and national constitutions and laws, because of lack of or insufficient information.
- **Conflicts, insecurity and the impact of environmental and climate-related changes** threaten the gains and hamper current and future efforts in realising African women and girls' rights. Factors such as displacement, poverty and reduced or insufficient access to resources and services put women and girls at increased risk of SGBV and harmful practices and prevent them from exercising their rights.
- **Covid-19:** Governments responded to the pandemic by imposing measures such as lockdowns and restrictions on movements and gatherings across the continent. Covid-19 negatively affected the realisation and advancement of women and girls' rights, exacerbated existing gender and economic inequalities and increased acts of violence and exposure to harmful practices both physically and in the digital space.
- **Cultural and social views and traditions** obstruct the adoption, implementation and enforcement of laws and policies to ensure and advance the rights of women and girls. Gender-based stereotypes and patriarchal structures impede the acceptance of women and girls in all spheres of life, hinder their economic and political independence and permit harmful practices and VAWG to continue.
- **Budgeting:** Despite the demonstrated commitment by African states to advancing women and girls' rights through the adoption of legislative, policy and institutional reforms, lack of or insufficient budget allocations and financial resources hinder effective implementation and enforcement, which is contradictory to Article 26(2) of the Maputo Protocol, which stipulates that, "States Parties undertake to adopt all necessary measures and in particular shall provide budgetary and other resources for the full and effective implementation of the rights herein recognised."

# CONCLUSION

The SOAWR coalition lauds the positive steps taken by Member States towards making the vision outlined in the Maputo Protocol a living reality for millions of women and girls in Africa. The legislative progress that has been made to domesticate the Maputo Protocol, along with the political and institutional measures taken to further its implementation, illustrate the power of collective commitment to promoting sustainable equality for all African people.

However, despite notable progress towards equality in some areas such as literacy, health, and reproductive rights, structural and systematic gender inequality persists across much of Africa. Women and girls continue to face significant barriers to participation in education and decision-making, and a general lack of awareness of economic and social rights hinders financial equality. Meanwhile, deeply entrenched societal beliefs about women continue to legitimise cultural and religious practices that harm women, such as FGM, breast ironing, child marriage, marital and sexual violence and other forms of gender-based violence.

Two decades after the adoption of the Maputo Protocol, 11 countries are yet to accede to this important legal instrument, leaving millions of women and girls with fewer rights, protections, and freedoms as others on the continent. There is an urgent need for Botswana, Burundi, Central African Republic, Chad, Egypt, Eritrea, Madagascar, Morocco, Niger, Somalia, and Sudan to renew their commitments to equality by acceding to the Maputo Protocol.

Meanwhile, other States must invest in targeted interventions, explore community-based approaches, and monitor their progress towards gender equality. Doing so is not only key to unlocking the potential of generations of African women and girls: it is also crucial to sustainable development – and ultimately, to achieving peace and prosperity for everyone as reflected in the African Union's Agenda 2063.







**The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women – also known as the Maputo Protocol – is one of the most comprehensive and progressive legal frameworks for women's rights the world has ever seen.**

To mark the 20th anniversary of the Maputo Protocol, a landmark report has been prepared by the Solidarity for African Women's Rights Coalition (SOAWR), Equality Now, and Make Every Woman Count (MEWC), charting and analyzing the progress that has been made toward the ratification, domestication, and implementation of the Protocol across Africa.

The full report – *20 Years of the Maputo Protocol: Where are we now?* – is summarized here to provide an overview of the key achievements and challenges involved to date, alongside recommendations from SOAWR Member Organisations to support all African Union Member States in their continued efforts towards advancing gender equality on the continent.

**Join us in celebrating the 20 year anniversary of the Maputo Protocol.**

To find out more, visit [equalitynow.org/mp20report](https://equalitynow.org/mp20report)

Or scan the code below with your smartphone camera.

