

THE MAPUTO PROTOCOL ON HARMFUL PRACTICES

What does the Maputo Protocol say about harmful practices?

Harmful practices, defined by the Maputo Protocol as behaviours, attitudes, or traditions that negatively impact the fundamental rights of women and girls—including their rights to life, health, dignity, education, and physical integrity—remain a pressing concern in Africa. **Article 5 of the Maputo Protocol calls on States Parties to take decisive and comprehensive measures.** It uniquely mandates not only the legislative prohibition of harmful practices, such as Female Genital Mutilation (FGM), but also emphasises the importance of public awareness campaigns, education initiatives, and the provision of healthcare, legal assistance, psychological support, and vocational training for survivors. Concurrently, **Article 17** of the Maputo Protocol also reinforces that African women should be able to and can maintain their cultural identities without being harmed by them.



Article 5 - Elimination of Harmful Practices

States Parties shall prohibit and condemn all forms of harmful practices which negatively affect the human rights of women and which are contrary to recognised international standards. States Parties shall take all necessary legislative and other measures to eliminate such practices, including:

- a) creation of public awareness in all sectors of society regarding harmful practices through information, formal and informal education and outreach programmes;
- b) prohibition, through legislative measures backed by sanctions, of all forms of female genital mutilation, scarification, medicalisation and para-medicalisation of female genital mutilation and all other practices in order to eradicate them;
- c) 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;
- d) protection of women who are at risk of being subjected to harmful practices or all other forms of violence, abuse and intolerance.

HOW HAVE GOVERNMENTS IMPLEMENTED THIS SO FAR?



Several African **constitutions explicitly prohibit harmful practices**, such as FGM, and mandate the elimination of such practices. For instance, Côte d'Ivoire's Constitution (Article 35) commits the state to eliminating all forms of violence against women and girls, including FGM, while Guinea, Chad, and Somalia's constitutions similarly outlaw FGM.



More than 20 African countries have **passed laws criminalising FGM**. For example, Central African Republic's Penal Code (2010) criminalises FGM, and Cameroon's Penal Code (2016) introduced stringent penalties for the practice, including life imprisonment for those who routinely perform FGM. Legal frameworks have also been strengthened by judicial decisions, such as Kenya's 2021 court ruling upholding the constitutionality of the Prohibition of Female Genital Mutilation Act (2011), reinforcing efforts to eliminate FGM.



Several African states have enacted laws and policies aimed at **ensuring girls can continue their education** during pregnancy or motherhood. For example, Niger and Togo repealed policies that previously barred pregnant students and young mothers from attending school.

Many countries have **developed action plans to eradicate harmful practices**. Nigeria, for instance, has implemented a National Policy & Plan of Action for the Elimination of Female Genital Mutilation (2021–2025), while Côte d'Ivoire's National Youth Policy includes the elimination of all harmful practices by 2030.

Countries like **Kenya have established the Anti-FGM Board**, which coordinates national efforts to end FGM. Additionally, Liberia and Eritrea have introduced community-based initiatives to engage traditional leaders and FGM practitioners, helping shift cultural practices and support survivors.

WHAT MORE COULD GOVERNMENTS BE DOING?



- ✓ **Strengthen Legal Frameworks:** Enact and enforce comprehensive laws criminalising harmful practices beyond FGM, including early marriage and widow inheritance, ensuring victim protection and access to justice.
- ✓ **National Awareness Campaigns:** Launch nationwide educational campaigns targeting multiple platforms (social media, schools, radio, TV) to raise awareness about the harms of FGM and other harmful practices.
- ✓ **Training for Law Enforcement:** Provide gender sensitisation and legal training for law enforcement, judicial officers, and health professionals to enhance their ability to address harmful practices effectively.
- ✓ **Engage Traditional Leaders:** Partner with community and religious leaders to advocate for the abandonment of harmful practices, creating culturally-sensitive, locally-led initiatives.
- ✓ **Support Systems for Survivors:** Establish accessible, multi-disciplinary support services for survivors, including legal, medical, and psychological care, integrated into national health and justice systems.
- ✓ **Promote Community-Led Change:** Support grassroots programmes that offer alternative rites of passage and leadership opportunities for women and girls to shift harmful social norms from within the community.

WHAT WOULD A FUTURE WHERE ARTICLE 5 OF THE MAPUTO PROTOCOL IS IMPLEMENTED LOOK LIKE?

Women and girls live free from harmful practices such as FGM and early marriage. Laws are enforced to protect their rights, while communities actively abandon harmful traditions, choosing healthier alternatives that prioritise the wellbeing of girls. Judicial systems provide justice with sensitivity and fairness, while healthcare professionals offer both medical and psychological support to survivors. Education and awareness campaigns, led by governments and civil society, dismantle harmful myths and spread knowledge about the consequences of these practices. **The social fabric of societies is transformed as communities lead the charge in changing harmful social norms, with local leaders advocating for the abandonment of dangerous practices.** Women's mental, physical, and sexual health are markedly improved, as the abandonment of these practices leads to fewer complications and a better quality of life. At the same time, culture continues to thrive and is celebrated, with traditions and practices that enrich communities, but no longer at the expense of women's rights or wellbeing.



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