

# WHAT IS THE MAPUTO PROTOCOL?



The **Maputo Protocol**, officially called the “Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa”, was adopted by the African Union (AU) in **Maputo, Mozambique**, on **11 July 2003**.

This Protocol is a **binding legal framework** that aims to protect and promote the **rights of women and girls across Africa**. To come into force, at least 15 countries needed to ratify it. By 26 October 2005, the Protocol had achieved its 15th ratification, and it officially entered into force on 25 November 2005, making it the fastest ratified treaty in AU history.

The Maputo Protocol is **arguably the most comprehensive treaty** addressing the rights of women and girls in Africa.

## WHAT RIGHTS ARE COVERED BY THE MAPUTO PROTOCOL?



The **Maputo Protocol** covers a wide range of rights designed to protect and empower women and girls across Africa. Below are the key rights included in the Protocol - you can read the full treaty (in 11 languages) by scanning the **QR code!**



## KEY RIGHTS INCLUDED IN THE PROTOCOL:



**Article 1:** Definitions

**Article 2:** Elimination of Discrimination Against Women

**Article 3:** Right to Dignity

**Article 4:** The Rights to Life, Integrity and Security of the Person

**Article 5:** Elimination of Harmful Practices

**Article 6:** Marriage

**Article 7:** Separation, Divorce and Annulment of Marriage

**Article 8:** Access to Justice and Equal Protection before the Law

**Article 9:** Right to Participation in the Political and Decision-Making Process

**Article 10:** Right to Peace

**Article 11:** Protection of Women in Armed Conflicts

**Article 12:** Right to Education and Training

**Article 13:** Economic and Social Welfare Rights

**Article 14:** Health and Reproductive Rights

**Article 15:** Right to Food Security

**Article 16:** Right to Adequate Housing

**Article 17:** Right to Positive Cultural Context

**Article 18:** Right to a Healthy and Sustainable Environment

**Article 19:** Right to Sustainable Development

**Article 20:** Widows' Rights

**Article 21:** Right to Inheritance

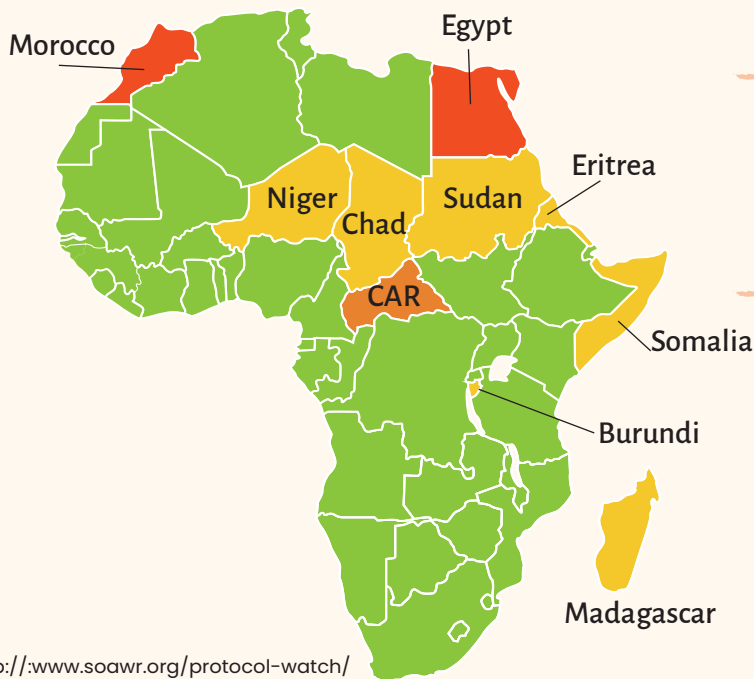
**Article 22:** Special Protection of Elderly Women

**Article 23:** Special Protection of Women with Disabilities

**Article 24:** Special Protection of Women in Distress

**Article 25:** Remedies

**Articles 26-31:** Interpretation and Administrative sections on signing, ratification and application of the Protocol



**45** Member States Ratified

<http://www.soawr.org/protocol-watch/>

## WHAT DOES IT MEAN TO SIGN, DEPOSIT, AND RATIFY?



**SIGN**

When a country **signs** a treaty like the Maputo Protocol, it shows its intention to support the agreement, but it's not fully committed yet. Think of it as the first step.



**RATIFY**

For a country to become fully bound by the treaty, it needs to ratify it. **Ratification** is when a country officially agrees to follow the treaty, both internationally and according to its national laws or constitution. Each country's legal system has different procedures to follow, which might involve the parliament or the government. In some cases, a country that didn't sign the treaty initially may still decide to join later. This process is called accession, and it has the same legal effect as ratification.



**DEPOSIT**

Once a country ratifies or accedes to the Maputo Protocol, it needs to **deposit** its instrument of ratification or accession with the AU. This is a formal document sent to the AU Commission, confirming that the country is now officially bound by the Protocol. The African Union actively encourages its member states to sign, ratify, or accede to the Maputo Protocol.

## WHAT ARE RESERVATIONS?



A **reservation** is when a state says, 'we agree with this treaty/instrument except for a particular provision'. Reservations allow countries to avoid certain parts of a treaty that may conflict with their national laws, cultural practices, or religious beliefs. Within Human Rights movements, in general, it is broadly agreed that it is better to allow a state to submit reservations than not become a party to it at all, unless the reservation undermines the whole essence or purpose of a treaty.

Several AU member states have made **reservations** on specific provisions of the Maputo Protocol. **Ethiopia**, **Kenya**, and **Uganda** expressed reservations related to **reproductive rights**, particularly on abortion and women's right to control their fertility. Ethiopia also has reservations on **marriage registration**, **inheritance rights** for widows, and how separation of spouses is handled, similar to **Namibia**, which reserved judgement on marriage registration until its laws cover customary marriages. **Mauritius**, **Algeria**, and **South Africa** raised concerns about provisions related to marriage laws, with South Africa also making a reservation on the death penalty (which it has abolished). **Cameroon** and the **Sahrawi Arab Democratic Republic (SADR)** made broader reservations, stating that the Protocol should not be interpreted to endorse practices they consider contrary to their moral, cultural, or religious values. Under international law, reservations are not intended to be permanent. Instead, member states are expected to work towards creating conditions that allow them to eventually remove these reservations: The **Gambia** and **Rwanda** are examples of countries who previously had reservations, but have since lifted them.

## ARE THERE ANY ACCOUNTABILITY MEASURES?

**Yes!** According to **Article 26(1)** of the Maputo Protocol, **states must report every two years** on their efforts to implement the Protocol at the national level. These reports are submitted in two parts: Part A covers rights in the African Charter, while Part B focuses on the Maputo Protocol. The African Commission on Human and Peoples' Rights (ACHPR) outlines that an initial report should include the preparation process, background information, specific provisions of the Protocol, and measures taken for implementation, grouped by eight themes. Subsequent periodic reports must detail actions taken in response to previous recommendations, challenges faced, progress made, and future plans for implementation.

**Shadow reporting** allows civil society organisations to submit their own assessments of a state's compliance with the Protocol, providing an independent perspective that can highlight areas of concern and encourage accountability.

Additionally, governments can and have been taken to national and regional courts to address non-compliance and violations of the Maputo Protocol.



## THE MAPUTO PROTOCOL IS MORE THAN 20 YEARS OLD NOW, DO WE STILL NEED IT?

**Absolutely!** The Maputo Protocol remains vital even after 20 years. It clearly outlines women's and girls' rights in Africa and holds governments accountable for protecting these rights. What's unique about the Protocol is that it's designed specifically for African women and girls, addressing challenges that are often overlooked in international treaties.

It covers critical issues like the right to medical abortion and women's and girls' rights concerning HIV/AIDS, which remain as key rights areas today. As we continue to face new challenges and inequalities, the Maputo Protocol serves as a crucial tool for change, ensuring that all women and girls have the opportunity to enjoy healthy, free, and fulfilling lives. Its relevance endures, making it a key part of the fight for gender equality in Africa.

# 20+



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