



Recent Status & Progress of Article 14 of the Maputo Protocol in South Africa

Status and impact of the Maputo Protocol on Women's Rights in South Africa



- South Africa **signed** the Maputo Protocol (MP) on **16 March 2004** and **ratified** it on **17 December 2004**.



Impact of the MP on Women's Rights

- Strengthening the legal framework for the protection of women's rights.
- Progress on the Reduction of Maternal Mortality e.g. Campaign on Accelerated Reduction of Maternal Mortality in Africa (CARMMA).
- Policy on prevention and management of pregnancy in schools.
- Provision of support for maternal health through technological access to information and education.

Efforts to encourage the state to implement its obligation on the Maputo Protocol since 2020

Since 2020, efforts to encourage the state to implement its obligation to the MP include:

- Formulating Guidelines on state reporting by the African Commission on Human and Peoples' Rights (ACHPR).
- General comments and recommendations by the ACHPR.
- Issuing of concluding observations and holding of Promotional missions by the ACHPR.
- Initiatives by civil society organizations (CSOs) to train relevant stakeholders on state parties' obligations to implement the MP and to hold states accountable.

Impact of the Domestication of the MP on Laws in South Africa

Domesticated treaties in South Africa are enforceable laws if they do not conflict with the constitution or domestic laws.

The MP has positively impacted SA's domestic law by:

- Providing a framework and setting guidelines for interpreting and promoting the protection of women's rights and gender equality.
- Strengthening the existing legal instruments relating to the rights of women.

Women's right to breastfeeding under Article 14 of the Maputo Protocol

Article 14 (2) (a) & (b) of the MP requires that States Parties:

- Ensure that women can access the necessary information, education, and counselling support to effectively breastfeed their children.
- Establish and strengthen existing pre- and post-natal health and nutritional services for women during pregnancy and breastfeeding.



Status, progress, and challenges of women's right to breastfeeding in South Africa

Status

- Women's right to breastfeeding is recognized and promoted.
- Government is making efforts to protect breastfeeding from negative influences.

Progress

- Support for breastfeeding for all women regardless of HIV status.
- Government and CSOs are working to improve access to breastfeeding resources and support to increase awareness of the benefits of breastfeeding.

Challenges

- The Code of Good Practice regarding breastfeeding at work has several limitations.
- The breastfeeding and maternity rights of informally employed women are not recognised.

Government Efforts towards the realisation of women's right to breastfeed in South Africa

- Legislation on the Basic Conditions of Employment Act 75 of 1997 (BCEA) (Section 87(l)(b)) covers the protection for employees during pregnancy and after the birth of a child.
- Implementing the Mother Baby-Friendly Initiative (MBFI), a policy to protect, promote and support breastfeeding practices in healthcare facilities, workplaces, and communities.
- Commitment to promoting exclusive Breastfeeding for six months for all mothers, regardless of HIV status, in line with WHO's recommendations (2011 Tshwane Declaration).
- Enforcing Regulation 991 of the Foodstuffs, Cosmetics and Disinfectants Act 54 of 1972, which prohibits the marketing of foodstuffs for infants and young children.
- Health and Education Departments should be cognizant of maternity and breast feeding rights of school going teenage mothers.
- Providing two breastfeeding breaks of 30 minutes/day for 6 months.



Steps to Address/Redress access to the right to breastfeeding

- Talk to your healthcare provider.
- Connect with breastfeeding support groups, breastfeeding consultants, and breastfeeding advocates at <https://www.lllsa.org/>, <https://flourishnetwork.org.za/>, and www.wellbeingafrica.co.za.
- Contact Side by Side, a campaign for pregnant women and caregivers of children younger than 5 years led by the National Department of Health at <https://sidebyside.co.za>.
- In the case of denial of breastfeeding support at your workplace.
 - Lodge a formal written grievance to your employer.
 - If the grievance is unresolved, contact the Commission for Conciliation, Mediation, and Arbitration (CCMA) for support at www.ccma.org.za.

About Well Being Africa

Well Being Africa (WBA) is an NGO (242-102 NPO) based in Pretoria, South Africa, providing nutrition and nutrition-related services, psychosocial support, and skills development. WBA is a member of the Solidarity for African Women's Rights (SOAWR), a coalition ensuring that the rights of girls and women as articulated in the Maputo Protocol are prioritized by policymakers on the African continent.

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