A Snapshot of the Protocol

The Maputo Protocol is elaborated in its protection of women and includes all categories of rights drafted from a women's rights perspective. A snapshot of the Maputo Protocol is provided here under key themes.

Equity & non-discrimination
- Elimination of discrimination (article 2)
- Access to justice, including legal aid and the training of law enforcement officials (article 8)
- Political participation and decision-making (article 9)
- Education (article 12)

Protection against violence
- Bodily integrity and dignity, including sexual violence, trafficking of women and medical and scientific experimentation (article 3 & 4)
- Practices harmful to women, including female genital mutilation (article 5)
- Gender stereotypes (article 4(2)(a) & (b))

Rights relating to marriage
- Marriage and its effect on property relations, nationality, name (article 4(b) to (d))
- Minimum age of marriage (article 4(b))
- Registration of marriages (article 4(b))
- Protection of women in polygamous marriages (article 6(c))
- Protection of women during separation, divorce or annulment of marriage (article 7)
- Protection of children in the family (article 6(b))

Health and reproductive rights
- Access to health services (article 14(1)(a)
- Reproductive health services, including the reduction of maternal mortality (article 14(1)(a) & (b)
- Protection for abortion (article 14(1)(b))
- HIV/AIDS (article 14(1)(b) & (c))
- Sex education (article 14(1)(g))

Economic, social and cultural rights
- Economic and welfare rights (article 15)
- Right to food security (article 15)
- Right to adequate housing (article 16)
- Right to positive cultural context (article 17)
- Right to a healthy and sustainable environment (article 18)
- Right to sustainable development, including the right to property, access to land and credit (article 19)

Rights relating to peace
- Women's participation in peace and conflict prevention and management (article 18(1)) and in all aspects of post-conflict reconstruction and rehabilitation (article 18(2))
- Reduction of military expenditures in favour of social spending (article 18(3))

Protection of women in armed conflicts
- Protection for women involved in armed conflicts, internally displaced women and the punishment of all violators of such protection (article 19)
- Protection of children especially girls from participating directly in hostilities and prevents children from being recruited as soldiers (article 11(4))

Rights of specially protected women's groups
- Women with disabilities (article 23)
- Widows, including inheritance rights (articles 20 & 21)
- Elderly women (article 22)

Economic, social and cultural rights
- Economic and welfare rights (article 15)
- Right to food security (article 15)
- Right to adequate housing (article 16)
- Right to positive cultural context (article 17)
- Right to a healthy and sustainable environment (article 18)
- Right to sustainable development, including the right to property, access to land and credit (article 19)

The Maputo Protocol is celebrated for its innovation in women's rights protection. The Maputo Protocol is the first global legally binding treaty to address the following issues:
- The right to medical abortion
- Women's rights protections in the context of HIV & AIDS
- Prohibition of harmful practices and female genital mutilation (FGM), in particular

State Obligations

Domestication & Implementation
States accede to certain key obligations on ratification of the Protocol. While ratification is an imperative first step, domestication is absolutely essential in order to ensure that the promises of the Protocol are realised for women and girls in Africa. The Protocol requires states to take legislative, institutional and other measures in implementing its provisions. In doing so, states are called to be cognisant of their obligations to protect, promote and fulfil women's rights.

State Reporting
Related to implementation is the obligation of state reporting under the Maputo Protocol. States are required to submit periodic state reports (every 2 years), indicating their progress, good practices and challenges in the implementation of the Maputo Protocol. The African Commission has the mandate to examine these reports and to issue states with concluding observations.

Innovations

- The long-standing controversy between monogamy and polygamy is resolved in the Maputo Protocol. Article 6(3) stipulates that “monogamy is encouraged as the preferred form of marriage” whereas the rights of women in polygamous marriages are also protected.
- The need to adopt a gender perspective in national development procedures including prioritisation of gender budgets.
- The requirement that the negative effects of globalisation, trade and economic programs be reduced for women.
Take Action!
Engage with the Maputo Protocol

- Find out your country’s ratification status. If it has not yet been ratified, undertake advocacy.
- Find out about your country’s reporting status. Get involved in the development of the state report.
- Develop and submit a shadow report to the African Commission to assist in their dialogue with states.
- Include a list of helpful questions on key women’s rights concerns.
- Submit communications (cases) of women’s rights violations. These can be submitted where local remedies have been exhausted or are unduly prolonged.

The African Commission has established the mandate of a Special Rapporteur on the Rights of Women in Africa (SRWRA) to inform and engage with the SRWRA on high-level advocacy and in the event of serious or massive violations of women’s rights.

The Centre for Human Rights (CHR) at the University of Pretoria in South Africa is a public law centre, a legal research institution, and a human rights organisation. It serves as a resource for civil society organisations, human rights practitioners, and the public at large. The Centre is a multidisciplinary human rights research and training institution.

The Centre was initially established in 1993 as the Gender Unit and has since evolved to focus on the improvement of the quality of life and the status of women (and the girl child) in Africa. It promotes gender sensitive policies and mechanisms with a commitment to the advancement of women’s rights. It promotes gender sensitive policies and mechanisms with a commitment to the advancement of women’s rights.


The Centre has served as technical advisers to both the interim and final reports of the Truth and Reconciliation Commission and the Independent Panel of Experts, and has undertaken international and national training programmes and workshops. The Centre is an active and influential member of the network of human rights centres across the continent and the Nelson Mandela World Human Rights Moot Court Competition.

The Centre is positioned in an unmatched network of practising and academic lawyers, international and national civil servants, human rights advocates, and human rights practitioners across the entire continent, including the regions and movements outside the borders of South Africa, organised as the African Human Rights System in International Law (AHSIL). The Centre has since become an essential position in the movement for human rights in South Africa, and, when the transition came, to the Pan-African movement for human rights.

The Centre has served as technical advisers to both the interim and final reports of the Truth and Reconciliation Commission and the Independent Panel of Experts, and has undertaken international and national training programmes and workshops. The Centre is an active and influential member of the network of human rights centres across the continent and the Nelson Mandela World Human Rights Moot Court Competition.

The Centre has served as technical advisers to both the interim and final reports of the Truth and Reconciliation Commission and the Independent Panel of Experts, and has undertaken international and national training programmes and workshops. The Centre is an active and influential member of the network of human rights centres across the continent and the Nelson Mandela World Human Rights Moot Court Competition.

The Centre has served as technical advisers to both the interim and final reports of the Truth and Reconciliation Commission and the Independent Panel of Experts, and has undertaken international and national training programmes and workshops. The Centre is an active and influential member of the network of human rights centres across the continent and the Nelson Mandela World Human Rights Moot Court Competition.

The Centre has served as technical advisers to both the interim and final reports of the Truth and Reconciliation Commission and the Independent Panel of Experts, and has undertaken international and national training programmes and workshops. The Centre is an active and influential member of the network of human rights centres across the continent and the Nelson Mandela World Human Rights Moot Court Competition.

The Centre has served as technical advisers to both the interim and final reports of the Truth and Reconciliation Commission and the Independent Panel of Experts, and has undertaken international and national training programmes and workshops. The Centre is an active and influential member of the network of human rights centres across the continent and the Nelson Mandela World Human Rights Moot Court Competition.

The Centre has served as technical advisers to both the interim and final reports of the Truth and Reconciliation Commission and the Independent Panel of Experts, and has undertaken international and national training programmes and workshops. The Centre is an active and influential member of the network of human rights centres across the continent and the Nelson Mandela World Human Rights Moot Court Competition.

The Centre has served as technical advisers to both the interim and final reports of the Truth and Reconciliation Commission and the Independent Panel of Experts, and has undertaken international and national training programmes and workshops. The Centre is an active and influential member of the network of human rights centres across the continent and the Nelson Mandela World Human Rights Moot Court Competition.

The Centre has served as technical advisers to both the interim and final reports of the Truth and Reconciliation Commission and the Independent Panel of Experts, and has undertaken international and national training programmes and workshops. The Centre is an active and influential member of the network of human rights centres across the continent and the Nelson Mandela World Human Rights Moot Court Competition.

The Centre has served as technical advisers to both the interim and final reports of the Truth and Reconciliation Commission and the Independent Panel of Experts, and has undertaken international and national training programmes and workshops. The Centre is an active and influential member of the network of human rights centres across the continent and the Nelson Mandela World Human Rights Moot Court Competition.

The Centre has served as technical advisers to both the interim and final reports of the Truth and Reconciliation Commission and the Independent Panel of Experts, and has undertaken international and national training programmes and workshops. The Centre is an active and influential member of the network of human rights centres across the continent and the Nelson Mandela World Human Rights Moot Court Competition.

The Centre has served as technical advisers to both the interim and final reports of the Truth and Reconciliation Commission and the Independent Panel of Experts, and has undertaken international and national training programmes and workshops. The Centre is an active and influential member of the network of human rights centres across the continent and the Nelson Mandela World Human Rights Moot Court Competition.

The Centre has served as technical advisers to both the interim and final reports of the Truth and Reconciliation Commission and the Independent Panel of Experts, and has undertaken international and national training programmes and workshops. The Centre is an active and influential member of the network of human rights centres across the continent and the Nelson Mandela World Human Rights Moot Court Competition.

The Centre has served as technical advisers to both the interim and final reports of the Truth and Reconciliation Commission and the Independent Panel of Experts, and has undertaken international and national training programmes and workshops. The Centre is an active and influential member of the network of human rights centres across the continent and the Nelson Mandela World Human Rights Moot Court Competition.

The Centre has served as technical advisers to both the interim and final reports of the Truth and Reconciliation Commission and the Independent Panel of Experts, and has undertaken international and national training programmes and workshops. The Centre is an active and influential member of the network of human rights centres across the continent and the Nelson Mandela World Human Rights Moot Court Competition.