

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



Canadian International
Development Agency



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



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

CONTENTS

CONTENTS	3	HEALTH & REPRODUCTIVE RIGHTS	47
ACRONYMS	4	Key Achievements/Progress	47
FOREWORD	5	Key Challenges	52
EXECUTIVE SUMMARY	8	Recommendations	55
Objectives	8	Case Study	56
Methodology	9	PROTECTION FROM VIOLENCE (INCLUDING FGM)	57
KEY FINDINGS AND TRENDS	11	Key Achievements/Progress	57
Economic and Social Welfare Rights	12	Key Challenges	61
Rights Related to Marriage (Including Child Marriage)	12	Recommendations	64
Health and Reproductive Rights	13	Case Study	64
Protection from Violence (Including FGM)	13	RIGHT TO PARTICIPATION IN THE POLITICAL & DECISION-MAKING PROCESS	66
Rights to Peace and Protection from Armed Conflict	14	Key Achievements/Progress	67
Specially Protected Women	15	Key Challenges	72
Challenges and Gaps	15	Recommendations	73
INTRODUCTION	16	Case Study	74
Status of Ratification of the Maputo Protocol	18	RIGHTS TO PEACE & PROTECTION FROM ARMED CONFLICT	75
Reservations to the Maputo Protocol	19	Key Achievements/ Progress	75
Member States that have lifted reservations to the Maputo Protocol	20	Key Challenges	79
State Reporting on the Maputo Protocol	21	Recommendations	81
Maputo Protocol Reporting Status As Of 12 June 2023	22	Case Study	82
Challenges	25	SPECIALLY PROTECTED WOMEN	84
Recommendations	26	Key Achievements/Progress	84
DOMESTICATION AND IMPLEMENTATION	27	Key Challenges	90
ECONOMIC & SOCIAL WELFARE RIGHTS	28	Recommendations	91
Key Achievements/Progress	28	Case Study	92
Key Challenges	31	CONCLUSION	93
Recommendations	35	REFERENCES	95
Case Study	36		
RIGHTS RELATED TO MARRIAGE (INCLUDING CHILD MARRIAGE)	37		
Key Achievements/Progress	37		
Key Challenges	40		
Recommendations	45		
Case Study	46		

ACRONYMS

ACFODE	Action for Development
ACHPR	African Commission on Human and Peoples' Rights
AEPB	Abuja Environmental Protection Board
AfA	Alliances for Africa
AIDS	Acquired Immune Deficiency Syndrome
AU	African Union
AWD	African Women's Decade
CSV	Centre for the Study of Violence and Reconciliation
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CSOs	Civil Society Organisations
CREAW	Centre for Rights Education and Awareness
ECOWAS	Economic Community of West African States
FGM	Female Genital Mutilation
GBV	Gender-based Violence
GDP	Gross Domestic Product
GLIHD	Great Lakes Initiative for Human Rights and Development
HIV	Human Immunodeficiency Virus
ILO	International Labour Organization
M&E	Monitoring and Evaluation
MEWC	Make Every Woman Count
MMR	Maternal Mortality Ratio
NAP	National Action Plan
NGO	Non-Governmental Organisation
REC	Regional Economic Community
SGBV	Sexual and Gender-based Violence
SRHR	Sexual and Reproductive Health and Rights
SOAWR	Solidarity for African Women's Rights Coalition
STI	Sexually Transmitted Infection
TTP	Trauma and Transition Programme
UNSCR	United Nations Security Council Resolution
VAW	Violence Against Women
VAWG	Violence Against Women and Girls
WRAPA	Women's Rights Advancement and Protection Alternative

“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
EQUALITY NOW –
SOAWR SECRETARIAT

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 African's Development, 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. We are also grateful to the Government of Canada and the UNDP- RSCA for their invaluable financial support in facilitating the development of this progress report.

SOAWR members also deserve recognition for the tremendous work they accomplished through various interventions that challenged governments and equipped citizens, 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 DIPO-SALAMI
SOAWR STEERING
COMMITTEE MEMBER
CHAIR, MAPUTO PROTOCOL
@ 20 PLANNING COMMITTEE

EXECUTIVE SUMMARY

To mark the 20th anniversary of the adoption of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (commonly referred to as "the Maputo Protocol"), the Solidarity for African Women's Rights Coalition (SOAWR), Equality Now and Make Every Woman Count (MEWC) have prepared this Progress Report "20 Years of the Maputo Protocol: Where Are We Now?"

The Maputo Protocol demonstrates African states' commitment to advancing and realising women and girls' rights and gender equality. It is widely considered to be a progressive and innovative legally binding framework. The Maputo Protocol guarantees African women and girls' equality and non-discrimination and covers various civil, political, economic, social and cultural rights. Among its notable provisions, the Maputo Protocol explicitly references HIV/AIDS, prohibits female genital mutilation (FGM) and recognises access to safe abortion (under specific conditions) as a women and girls' right.

The aim of the Progress Report is to provide an overview of where we are now, 20 years since the adoption of the Maputo Protocol, in realising the rights of African women and girls. In this regard, the Report hopes to provide a resource and tool and contribute to advancing the rights of women and girls as articulated in the Protocol beyond this momentous occasion.

The Progress Report summarises the status of ratification and reporting of the Maputo Protocol. It presents key achievements in domesticating and implementation by African Union (AU) Member States and identifies challenges for each of seven thematic rights areas, listed below.

The Progress Report also features case studies highlighting initiatives, tactics and strategies different actors (state and non-state) use to advance the rights addressed in the Report. It also includes recommendations from SOAWR member organisations for AU Member States to promote the implementation of the Maputo Protocol.

OBJECTIVES

The main objectives of this Progress Report, in alignment with SOAWR's strategic objectives, are to:

1. Increase appreciation of the demonstrable value of the Maputo Protocol for transforming the lived realities of women and girls in Africa;
2. Enhance states' accountability to ensure fulfilment of their obligations under the Protocol;
3. Enrich the popularisation and utilisation of the Maputo Protocol.

To this end, the sub-objectives are to:

- a. Summarise the status of and progress on the ratification of the Maputo Protocol and the reservations entered by some Member States;
- b. Thematically summarise Member States' progress in domesticating and implementing the Maputo Protocol;
- c. Summarise the status and progress of state reporting on the Maputo Protocol;
- d. Highlight challenges, recommendations and key case studies, for each of the above, representing the contributions of SOAWR member organisations.

METHODOLOGY

The research process on progress and challenges was informed by desk reviews of publicly available data:

1. Ratification and reservations:

SOAWR has advocated on and monitored the status of ratification continually since the adoption of the Maputo Protocol and publishes monthly updates on this on the SOAWR website. Dates of signature and ratification as well as reservations entered and their lifting are informed by records from the AU, SOAWR members and the Centre for Human Rights at the University of Pretoria; these have been supplemented by state reports where necessary and possible.

2. Domestication and implementation:

The sources here d academic studies and reports from international organisations such as UN Women and the International Labour Organization as well as UN and AU Special Rapporteurs. State reports, shadow reports and African Commission on Human and Peoples' Rights (ACHPR) Concluding Observations and Recommendations were also central sources. Additionally, relevant datasets relating to constitutions, national legislation and policies, as well as their effects on the lives of women and girls in Africa, were manually extracted and reviewed, such as those from the Constitute Project; the World Bank's Women, Business and the Law; the Women's International League for Peace and Freedom; and WomenStats, in addition to MEWC's existing African Women's Decade (2010–2020) reports data. The data visuals (maps, tables, graphs and infographics) for each thematic area were chosen according to whether full or almost full data points were available for the 55 AU Member States and/or whether data was reliably comparable over the two decades. Each data visual has been created manually by MEWC using the mentioned secondary data sources.

3. Reporting:

Each state report submitted to the ACHPR, as available and downloadable on the ACHPR website, was reviewed manually to determine whether a state had reported on the Maputo Protocol and complied with the Commission's guidelines. While some state reports referenced the Maputo Protocol and reported on women's rights as they relate to Article 18 of the African Charter, if they had not fully complied with the Maputo Protocol reporting guidelines (initial or periodic), this was not classified as having submitted a report on the Maputo Protocol. This was the case for Côte d'Ivoire's report for the period of 2016–2019, Senegal's report for 2015–2022 and Uganda's report for 2010–2012.

This Progress Report explores the rights of African women and girls as enshrined in the Maputo Protocol articles through seven thematic rights areas.

Thematic rights area	Maputo Protocol articles addressed
Economic & Social Welfare Rights	13 & 19(c)
Rights Related to Marriage (Including Child Marriage)	6
Health & Reproductive Rights	14
Protection from Violence (including FGM) ⁱ	3, 4 & 5
Right to Participation in the Political & Decision-Making Process	9
Rights to Peace & Protection from Armed Conflict	10 & 11
Specially Protected Women	20, 21, 22, 23 & 24

These thematic rights areas were chosen in alignment with those in the ACHPR's State Reporting Guidelines; however, in this Progress Report:

- Equality & Non-Discrimination (Maputo Protocol Articles 2, 8) is mainstreamed throughout all other thematic areas.
- Right to Participation in the Political & Decision-Making Process has been explored as a distinct thematic area.
- Rights to Peace & Protection from Armed Conflict have been combined into one thematic area.

These slight differences serve to enhance the accessibility of the Progress Report. All articles of the Maputo Protocol can be found in full in the annex and can also be accessed in nine different languages as well as aurally via soawr.org/about-us/maputo-protocol/

The **case studies** showcase different initiatives, tactics and strategies taken by different groups (state and non-state actors) to advance the women's rights agenda across the continent that have taken place during the 20 years of the Maputo Protocol (2003–2023). Some were solicited from SOAWR member organisations via a virtual open call by MEWC on behalf of SOAWR. MEWC prepared the writing guidelines in both English and French. Those case studies originally submitted in French were translated to English. Other case studies were a result of desk research

to identify various initiatives on the domestication and implementation of agreed actions to uphold women's rights and gender equality.

Similarly, **recommendations** were submitted by SOAWR member organisations under each thematic area, translated from French where necessary and reconciled by MEWC.

Lastly, the research and writing processes faced some **limitations**, namely:

- The timeframe for researching and soliciting responses from SOAWR member organisations and preparing the Report, as well as gathering and responding to feedback, was short.
- The task of reviewing as many AU Member State reforms as possible under each thematic area and giving justice to the significant progress made in an accessible Report length was a large one.
- Six articles of the Maputo Protocol (7, 12, 15, 16, 17 and 18) were not specifically but rather indirectly examined.
- While the analysis, data and case studies speak to many aspects of the implementation of the Maputo Protocol, fully capturing not just what is on paper but how the diverse lived realities of women and girls in Africa have progressed because of the Maputo Protocol is difficult.

ⁱ This report uses the Maputo Protocol's definition of violence against women (VAW). Under the Maputo Protocol, "women" means "persons of female gender, including girls." VAW is used throughout the analysis of the thematic area "Protection from Violence (including FGM)", except when referencing specific constitutional, legal, policy or institutional reforms. In these cases, the report will use the terms that the states themselves use, such as gender-based violence (GBV) and female genital mutilation (FGM).



Across the continent, governments have introduced constitutional, legal, policy and institutional reforms in line with the commitments and rights of the Maputo Protocol. Progress and achievements under each thematic rights area covered in this Progress Report have been notable. Concerning economic and social welfare rights and the right to participate in the political and decision-making process, the review indicates that AU Member States have undertaken several reforms, thus considerably strengthening women and girls' rights in these areas. There have also been notable advances in enhancing women and girls' rights in marriage, reproductive health and protection against various forms of violence and harmful practices (such as female genital mutilation (FGM)). The review of reforms adopted concerning the rights to peace and protection from armed conflict and for specially protected women suggests that work remains to be done. Generally, protections in these two thematic areas are not as well developed as those in the others. Meanwhile, even though, as stated, there has been progress in each thematic rights area, challenges remain. The section below presents key findings on progress made under each thematic area and challenges.

“Across the continent, governments have introduced constitutional, legal, policy and institutional reforms in line with the commitments and rights of the Maputo Protocol.”

ECONOMIC AND SOCIAL WELFARE RIGHTS

- Over 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. Several countries, such as Comoros, Djibouti and Senegal, prohibit discrimination in employment based on gender and sexual harassment in the workplace and provide for paid maternity leave (of varying durations). 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.)

RIGHTS RELATED TO MARRIAGE (INCLUDING CHILD MARRIAGE)

- Several countries have adopted constitutional reforms related to 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, such as in 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.)

HEALTH AND REPRODUCTIVE RIGHTS

- 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.

PROTECTION FROM VIOLENCE (INCLUDING 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).

RIGHT TO PARTICIPATION IN THE POLITICAL AND DECISION-MAKING PROCESS

- 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.

RIGHTS TO PEACE AND PROTECTION FROM ARMED CONFLICT

- The 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.
- Over half of the AU Member States have adopted at least one UNSCR 1325 National Action Plan (NAP). Some countries have adopted two NAPs, and a few states 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).

SPECIALY PROTECTED WOMEN

- Nearly all countries maintain constitutional provisions 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).

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 VAW 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."

INTRODUCTION

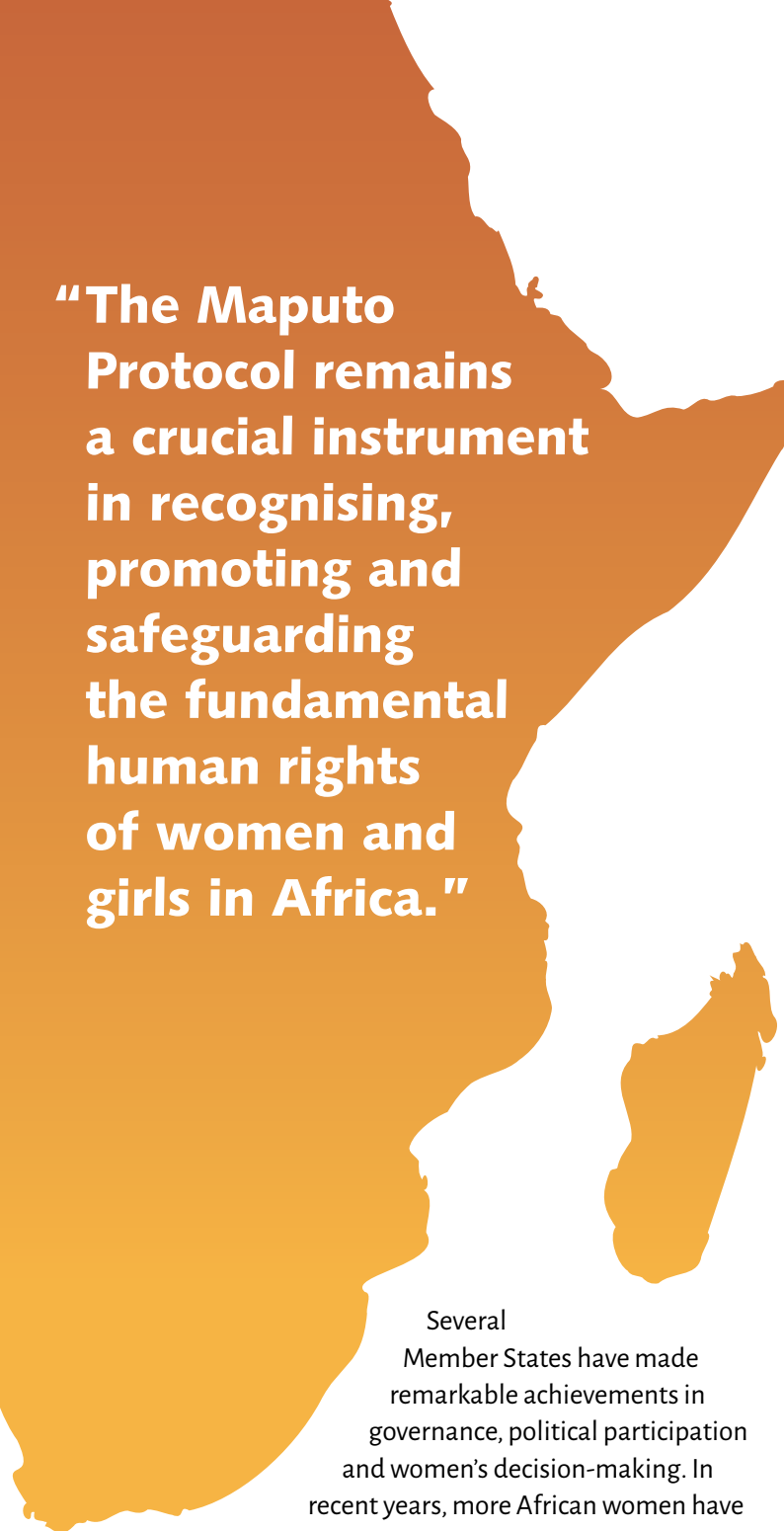
Twenty years ago, the African heads of state and governments adopted in Maputo, Mozambique, on 11 July 2003, the Maputo Protocol, also known as the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.¹ The Maputo Protocol came into force in November 2005 after being ratified by the required 15 AU Member States. As of June 2023, out of the 55 Member States, 44 have ratified/acceded to it, and 49 countries have signed it (including those that have ratified/acceded to it), making it one of the most ratified instruments in the African Union (AU).² However, a few Member States, namely Botswana, Egypt and Morocco, have neither signed nor ratified the Protocol, thereby limiting its impact for women in those countries.

The Maputo Protocol remains a crucial instrument in recognising, promoting and safeguarding the fundamental human rights of women and girls in Africa. This landmark instrument is widely considered to be one of the world's most important, comprehensive and progressive frameworks for women's rights, earning the nickname of the African Bill of Rights for Women's Human Rights.³ Its progressive provisions on issues such as harmful traditional practices, reproductive health and rights, roles in political processes and participation, economic empowerment and ending violence against women (VAW) represent significant strides towards gender equality.

Since the adoption of the Maputo Protocol, there have been significant efforts made by states and heads of government across the continent to promote economic development and empowerment for women. These efforts have resulted in increased employment opportunities, mobilisation and training of women, as well as the creation of social safety nets in various countries. In particular, governments have implemented initiatives that provide access to funds and finances, leading to decent working conditions for women, equal pay for equal work and the establishment of women-owned enterprises. Notable examples of such initiatives include cash transfers to protect women in vulnerable households in Ghana and South Africa, improved access to finance through mobile money platforms such as M-Pesa in Kenya and government funds such as the Women's Enterprise Fund in Kenya, the Damane Ilayki Fund in Morocco and AgriBEE in South Africa, all of which have significantly facilitated women's entrepreneurship.⁴

Furthermore, governments have made efforts to increase women's access to agricultural land, credit and technology in the agriculture sector, as well as to expand women's access to markets, water and land. This has contributed significantly to economic growth for women. Several countries, such as Angola, Kenya and Namibia, have also introduced initiatives to include women in accessing global markets, with support from national and international partners.⁵ These initiatives have played a vital role in improving the economic status of women in these countries.

Furthermore, African governments have made notable strides in improving the health, safety and dignity of women and girls on the continent. There have been some remarkable efforts by AU Member States to eradicate harmful traditional practices such as child marriage and female genital mutilation (FGM), promote reproductive health and rights and end VAW. African Member States have invested in improving health infrastructure and sexual and reproductive health for girls and preventing teen pregnancy. Strategies to eradicate FGM, gender-based violence (GBV), domestic violence and rape are being implemented and innovative methods such as digital platforms are being integrated to engage women and girls on their reproductive health. South Africa, for instance, has launched campaigns to provide information and services on HIV, sexually transmitted infections (STIs) and unwanted pregnancies.⁶ Countries like Mauritius, Namibia, Sierra Leone and Sudan have established roadmaps to eliminate FGM, GBV and child marriage, while accelerating the reduction of maternal and neonatal mortality. Several countries, including Benin, Eswatini, Rwanda and Zimbabwe, have adopted laws and national policies, such as the Eswatini's Sexual Offences and Domestic Violence Bill and national laws on VAW, to eradicate violence and abuse against women and girls.



“The Maputo Protocol remains a crucial instrument in recognising, promoting and safeguarding the fundamental human rights of women and girls in Africa.”

Several Member States have made remarkable achievements in governance, political participation and women’s decision-making. In recent years, more African women have been participating in political advocacy and electoral processes, thanks to established legislation and policies on electoral quotas, improved access to campaign financing and national policies mandating gender parity. Countries like Burkina Faso, Cabo Verde, Eritrea and Mozambique have established policies on electoral quotas, while Kenya has created a Democracy Trust Fund and a legal aid fund for young women aspirants, providing opportunities for political participation.⁷ Other governments, like those of Algeria, Burundi, Congo Republic and Togo, have established laws and national policies mandating gender parity across the public sector and in the executive, legislative and judicial branches. Notably, Rwanda has been a global leader in women’s parliamentary representation, with 61.3% in 2018, contributing to its

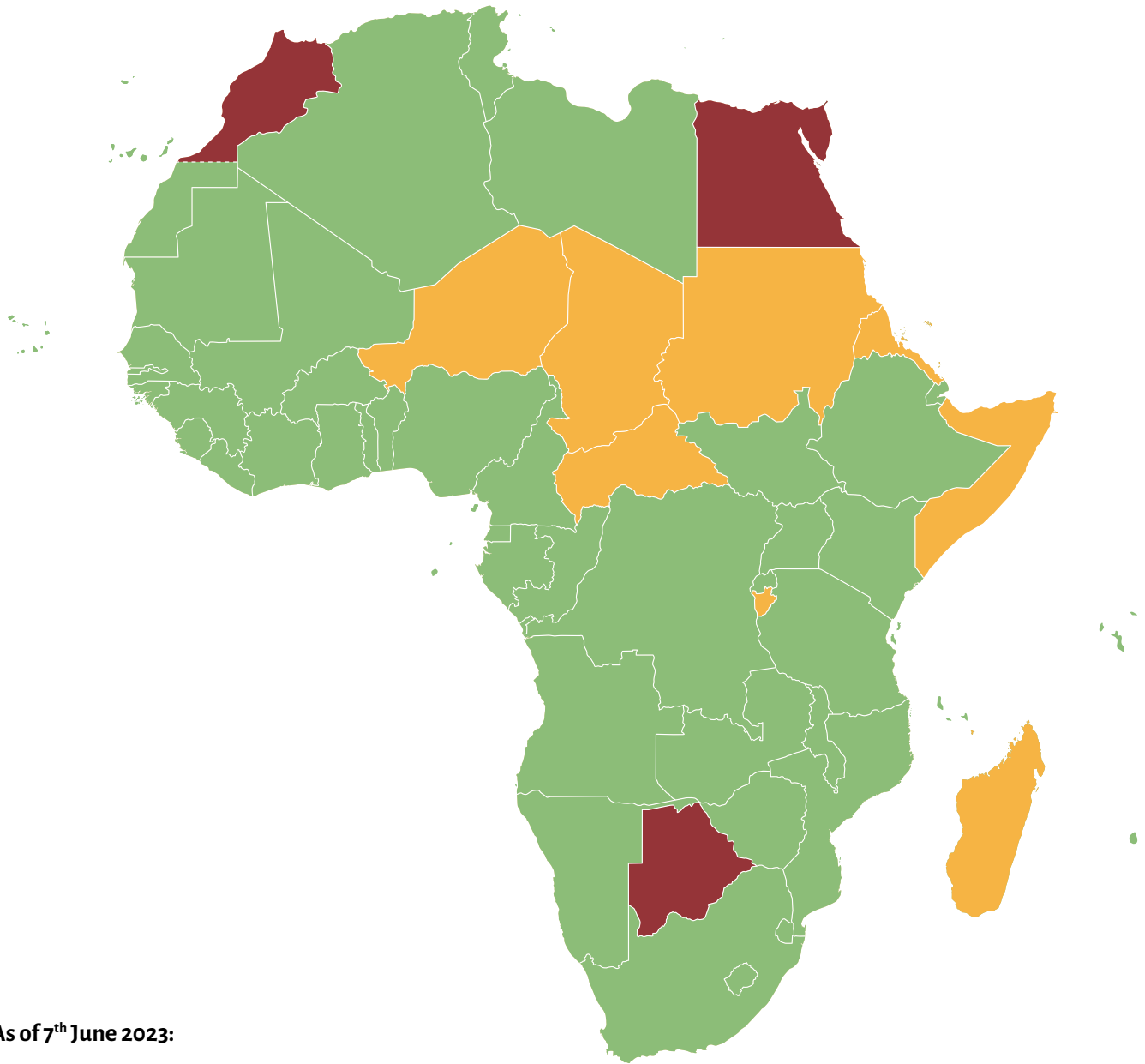
position in the top 10 on the World Economic Forum’s Global Gender Gap Index 2022.

Despite notable improvements in areas such as women’s literacy and girls’ education, reproductive rights and maternal and child mortality, and overall improvements in health, there remain significant challenges that continue to impede the full enjoyment of women’s rights on the continent. First, there remains a significant challenge related to alignment with the priorities of African governments. Additionally, some countries have enacted and domesticated laws that contradict the principles outlined in the Maputo Protocol, despite having ratified or acceded to the latter. Although the majority of African countries have ratified the Maputo Protocol, there is still low and slow implementation, as legal frameworks have not been harmonised and domesticated into national legislations.




Women and girls continue to face low access to education, limited participation in decision-making processes, a lack of awareness of their economic and social rights and inadequate financial resources, perpetuating gender inequality. Meanwhile, although systemic changes are crucial, it is also important to tackle deeply entrenched societal practices that perpetuate gender inequality. Harmful cultural and religious practices such as FGM, breast ironing, early marriage, marital and sexual violence and GBV remain prevalent owing to deep-rooted societal beliefs. These cultural and religious practices threaten women’s safety and reinforce their lack of economic empowerment, discriminatory land and inheritance rights, inadequate abortion rights and the under-representation of women in political processes.

Member States must work to eliminate these practices through targeted interventions and community-based approaches. Challenges such as inadequate gender-disaggregated data, lack of accessible and affordable health services, insufficient investments in rural women and limited engagement by non-governmental organisations (NGOs) and women’s organisations persist. Strategies, programmes and initiatives should be developed to fill gaps in health care provision, political representation, financial and technological ecosystems, economic empowerment and reproductive health awareness for women. To ensure transparency and accountability, monitoring and reporting on progress in addressing these challenges are critical. Much work remains to be done, then, but continued efforts towards advancing gender equality and the rights of women and girls in Africa will be key to achieving sustainable development and progress on the continent.

STATUS OF RATIFICATION OF THE MAPUTO PROTOCOL



As of 7th June 2023:

-  **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.

The most recent ratification was South Sudan on June 7th 2023. In 2022, the Solidarity for African Women's Rights coalition (SOAWR) conducted joint Ratification Missions in Egypt (October), Morocco (November) and Botswana (December), meeting with key government ministries and civil society stakeholders.

RESERVATIONS TO THE MAPUTO PROTOCOL

A reservation means a “unilateral statement, however phrased or named, made by a State, when signing, ratifying, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State.”⁸ More plainly put, it is when a state says, “We agree with this treaty/instrument except for a particular provision.” Within human rights movements in general, it is broadly agreed that it is better to allow a state to submit reservations than not become party to it at all, unless the reservation undermines the whole essence or purpose of a treaty.

The table below attempts to note and verify every reservation submitted; however, there are no contemporary consolidated data sources on total reservations by all AU Member States. Additionally, most Member States’ proclamations of ratifications (which include any reservations) have not been made public, with the exception of a few, such as for Ethiopia.⁹ Previously, other researchers have resorted to directly contacting Member States’ gender and justice departments to determine if they submitted any reservations upon ratification.¹⁰ The table does not include interpretative declarations.

Article	AU Member States that have submitted and maintained reservations
Article 4: The Rights to Life, Integrity and Security	Mauritius (4(2k)) South Africa (4j)
Article 5: Elimination of harmful practices	Cameroon
Article 6: Marriage	Mauritius (6b & c) Namibia (6d) South Africa (6d & h) Ethiopia (6c, d & f)
Article 7: Separation, Divorce and Annulment of Marriage	Ethiopia (7a)
Article 9: Right to Participation in the Political and Decision-Making Process	Mauritius
Article 10: Right to Peace	Kenya (10(3)) Mauritius (10(2d)) Ethiopia (10(3))
Article 11: Protection of Women in Armed Conflicts	Mauritius (11(3))
Article 14: Health and Reproductive Rights	Cameroon Kenya (14(2c)) Mauritius (14(2c)) Uganda (14(1a & 2c))
Article 21: Right to Inheritance	Ethiopia (21(1))
Article 27: Interpretation	Ethiopia

MEMBER STATES THAT HAVE LIFTED RESERVATIONS TO THE MAPUTO PROTOCOL

In 2006, The Gambia lifted its blanket reservations to Articles 5, 6, 7 and 14 one year after submitting them, following “intense advocacy” from civil society organisations (CSOs) and because The Gambia was hosting the AU Summit and the Beijing+10 Review Conference.¹¹

Rwanda lifted its reservation to Article 14(2c) after reforming its Penal Code in 2012, legalising abortion “when performed to save the life of the woman, protect her health, or when the pregnancy is a result of rape, incest or forced marriage.”¹² Both the Penal Code revision and the lifting of the reservation were key outcomes of strategic advocacy efforts of SOAWR members, including the Great Lakes Initiative for Human Rights and Development (GLIHD) Rwanda, the Centre for Human Rights at the University of Pretoria and the Centre for Reproductive Rights, among other women’s rights and health organisations. Aspects of these lobbying campaigns included preparing position papers, consultations with relevant government ministries and organising workshops for the media and CSOs.

Since then, Rwanda has also adopted Law No. 21/05/2016 relating to human reproductive health, the Reproductive, Maternal, Newborn, Child and Adolescent Health Policy 2018 and the National Family Planning and Adolescent Sexual and Reproductive Health Strategic Plan 2018–2024. Article 148 of Law No. 68/2018 determining offences and penalties in general criminalises the denial of freedom to practise family planning. At a conference in 2020, Dr Aflodis Kagaba, Executive Director and co-founder of Health Development Initiative, also noted shifts in cultural norms:

“Ten years ago, it was rare for people to gather and discuss topics like abortion. But today, it is an open debate because people are starting to understand. All we need to do is keep educating. I am hopeful that it is only a matter of time until Rwandans are fully comfortable discussing their sexual reproductive health and rights.”¹³

However, women are still jailed in some circumstances, although 50 were pardoned in 2020,¹⁴ and SOAWR members Ipas and GLIHD in addition to Musabwasoni et al. (2022) have noted ongoing legal and accessibility barriers to the full implementation of Article 14 of the Maputo Protocol.¹⁵

STATE REPORTING ON THE MAPUTO PROTOCOL

Under Article 26(1) of the Maputo Protocol, every two years, “States Parties shall ensure the implementation of this Protocol at national level, and in their periodic reports submitted in accordance with Article 62 of the African Charter, indicate the legislative and other measures undertaken for the full realisation of the rights herein recognised.” A state party to the African Charter and the Protocol must submit its report in two parts: Part A, dealing with the rights in the African Charter, and Part B, dealing with the rights in the Maputo Protocol. The African Commission on Human and Peoples’ Rights (ACHPR) updated its Rules of Procedure in 2020.¹⁶ Its State Reporting Guidelines on the Maputo Protocol, published in 2010,¹⁷ outline that a state’s Initial Report must include, in summary:

1. Process of preparation;
2. Background information;
3. Specific provisions of the Protocol (explaining measures of implementation);
4. With reference to the measures of implementation above, reporting on all the provisions of the Protocol, preferably grouped according to the eight themes.

Subsequent State Periodic Reports must then cover, in summary:¹⁸

- Measures taken to implement, publicise and disseminate the Concluding Observations and Recommendations of the ACHPR;
- Progress made, challenges and steps taken to address these challenges in the implementation of the Protocol since the last report;
- Future plans with regard to the implementation of the Protocol;
- Measures that have been taken to implement recommendations made during country visits by the “Special mechanism on women’s rights”¹⁹ (the African Union Special Rapporteur on Rights of Women).

Civil society can also submit shadow reports; the ACHPR published guidelines²⁰ for this process in October 2022.

The table below demonstrates which AU Member States have and have not yet reported on the Maputo Protocol in accordance with its Article 26(1) and AU guidelines as of 12 June 2023. Since the Maputo Protocol came into force in 2005, only 19 Member States have submitted their Initial Report, with the most recent being Zambia in March 2023 for the period 2006–2019. Of these 19, it has taken an average of 11.74 years between date of ratification and submission of the Initial Report. Only three Member States have submitted their first Periodic Report in accordance with the AU guidelines: Mali, Namibia and Nigeria.

It is important to note here that, while many Member States that have ratified the Maputo Protocol have since submitted reports to the ACHPR on the African Charter and included some discussion on women’s rights under Article 18 of the Charter, even mentioning/citing the Maputo Protocol (such as Côte d’Ivoire, Senegal and Uganda), these have not conformed with the AU reporting guidelines, which requires a separate and comprehensive Part B to be submitted. Similarly, while Mauritania has submitted its Initial Report on the Maputo Protocol in compliance with the AU guidelines, its first Periodic Report combines the reporting on the Maputo Protocol with the reporting on the African Charter and therefore it cannot qualify as having submitted its first Periodic Report.

In comparison with state reporting on the Maputo Protocol, as of 31 May 2023, acknowledging that the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) entered into force much earlier, in 1981, all but three AU Member States (Sahrawi Republic, Somalia and Sudan) have ratified the Convention and all of these have submitted at least one CEDAW State Report. The average number of State Reports to the CEDAW Commission per AU Member State is 3.5, with Rwanda having submitted eight, Egypt seven and Angola, Burkina Faso, DR Congo, Malawi and Nigeria six each. However, 31 AU Member States have outstanding CEDAW reports.²¹

MAPUTO PROTOCOL REPORTING STATUS AS OF 12 JUNE 2023

Colour coding

No existing report according to ACHPR guidelines

Reported but for a period more than 10 years ago

Reported on a period within the last 10 years

AU Member State	Most recent reporting on Article 18(3) of the African Charter	Maputo Protocol			
		Signed	Ratified/ acceded	Initial Report	1st Periodic Report
Algeria	Submitted 18 November 2015 (for 2010–2016)	2003	2016		
Angola	Submitted 12 March 2018 (for 2011–2016)	2007	2007	Submitted 12 March 2018 (for 2011–2016)	
Benin	Submitted 27 August 2020 (for 2009–2018)	2004	2005	Submitted 27 August 2020 (for 2009–2018)	
Botswana	Submitted 13 November 2018 (for 2011–2019)				
Burkina Faso	Submitted 7 August 2015 (for 2011–2017)	2004	2006	Submitted 7 August 2015 (for 2011–2017)	
Burundi		2003	No		
Cabo Verde		Unknown	2005		
Cameroon	Submitted 3 January 2020 (for 2015–2020)	2006	2012	Submitted 3 January 2020 (for 2015–2020)	
Central African Republic	Submitted 25 May, 2006 (for 1988–2006)	2008	No		
Chad	Submitted 18 April 2018 (for 1998–2018)	2004	No		
Comoros		2004	2004		
Congo Rep.	Submitted 25 November 2009 (for 2001–2009)	2004	2011		
Côte d'Ivoire	Submitted 14 October 2022 (for 2016–2019)	2004	2011		
Djibouti	Submitted 12 July 2015 (for 1993–2015)	2003	2005		
DR Congo	Submitted 15 November 2017 (for 2005–2015)	2003	2008	Submitted 15 November 2017 (for 2005–2015)	
Egypt	Submitted 26 October 2018 (for 2001–2018)	No	No		
Equatorial Guinea		2005	2009		

Eritrea	Submitted 9 May 2018 (for 1999–2016)	2012	No		
Eswatini	Submitted 10 March 2021 (for 2001–2019)	2004	2012	Submitted 10 March 2021 (for 2004–2019)	
Ethiopia	Submitted 7 May 2015 (for 2009–2013)	2004	2018		
Gabon	Submitted 25 February 2013 (for 1986–2012)	2005	2011		
The Gambia	Submitted 3 September 2018 (1994–2018)	2003	2005	Submitted 3 September 2018 (for 2005–2014)	
Ghana	Submitted 7 May 2001 (for 1993–2001)	2003	2007		
Guinea	Submitted 29 April 1998 (for 1958–1997)	2003	2012		
Guinea- Bissau		2005	2008		
Kenya	Submitted 15 March 2021 (for 2015–2020)	2003	2010	Submitted 15 March 2021 (for 2010–2020)	
Lesotho	Submitted 30 November 2018 (for 2001–2017)	2004	2004	Submitted 30 November 2018 (for 2004–2017)	
Liberia	Submitted 12 May 2014 (for 1982–2012)	2003	2007		
Libya	Submitted 1 January 2011 (for 2009–2010)	2003	2004		
Madagascar	Submitted 24 November 2008 (for 1992–2008)	2004			
Malawi	Submitted 7 February 2020 (for 2015–2019)	Unknown	2005	Submitted 7 May 2015 (for 2005–2013)	Submitted 7 February 2020 (for 2015– 2019)
Mali	Submitted 20 April 2016 (for 2001–2011)	2003	2005		
Mauritania	Submitted 10 June 2022 (for 2018–2021)	2003	2005	Submitted 22 March 2017 (for 2006–2014)	
Mauritius	Submitted 6 February 2020 (for 2016–2019)	2005	2017		
Morocco					
Mozambique	Submitted 12 May 2014 (for 1999–2010)	2003	2005		

Namibia	Submitted 5 February 2021 (for 2015–2019)	2003	2004	Submitted 20 April 2016 (for 2011–2013)	Submitted 5 February 2021 (for 2015–2019)
Niger	Submitted 25 November 2019 (for 2017–2019)	2004			
Nigeria	Submitted 9 May 2018 (for 2015–2016)	2003	2004	Submitted 7 May 2015 (for 2011–2014)	Submitted 9 May 2018 (for 2015–2016)
Rwanda	Submitted 22 May 2017 (for 2009_2016)	2003	2004	Submitted 22 May 2017 (for 2009–2016)	
Sahrawi Republic	Submitted 1 March 2013 (for 2002–2012)	2006	2022	Not due until 2024	
São Tomé and Príncipe		2010	2019		
Senegal	Submitted 13 March 2023 (for 2015–2022)	2003	2015		
Seychelles	Submitted 25 May 2006 (for 1994–2004)	2006	2006	Submitted 23 April 2021 (for 2006–2019)	
Sierra Leone	Submitted 18 November 2015 (for 1983–2013)	2003	2015		
Somalia		2006			
South Africa	Submitted 10 February 2015 (for 2005–2014)	2004	2004	Submitted 10 February 2015 (for 2005–2014)	
South Sudan		2013	2023	Not due until 2025	
Sudan	Submitted 1 May 2012 (for 2008–2012)	2008			
Tanzania	Submitted 22 May 2008 (for 1992–2006)	2003	2007		
Togo	Submitted 26 March 2018 (for 2011–2016)	2003	2005	Submitted 26 March 2018 (for 2011–2016)	
Tunisia	Submitted 28 November 2007 (for 1995–2006)	2015	2018		
Uganda	Submitted 7 May 2015 (for 2010–2012)	2003	2010		
Zambia	Submitted 13 March 2023 (for 2005–2019)	2005	2006	Submitted 13 March 2023 (for 2006–2019)	
Zimbabwe	Submitted 1 August 2019 (for 2008–2019)	2003	2008	Submitted 1 August 2019 (for 2008–2019)	

Source: Reports manually reviewed from ACHPR's 'States Reporting Status', accessed 12 June 2023.

CHALLENGES

The low rate of and delays in state reporting on the Maputo Protocol may be attributed to:

- Insufficient state resource allocation and human resources/staff expertise;
- A multiplicity of treaties, with both the AU and other international bodies, with various reporting procedures and formats.
- A short periodic reporting timeframe of every two years;
- Limited capacity-strengthening initiatives/technical support on state reporting;
- Lack of contemporary, sex-disaggregated and reliable and verifiable state data/insufficient monitoring and evaluation (M&E) mechanisms;
- Political instability of some Member States and government staff turnover;
- Lack of effective measures for non-compliance.

Other challenges for civil society include:

- Lack of consolidated and clear monitoring on which AU Member States have reported, which are yet to report and which are due to report – and when: The ACHPR currently uploads state reports and Concluding Observations and Recommendations to its website on their States Reporting Status page, listing these under each AU Member State, but it does not necessarily do so within a clear and defined timeframe after their adoption by the ACHPR, and many, though listed, are missing. To determine whether a Member State has submitted a Part B on the Maputo Protocol, one must manually review all these reports individually. It is also unclear where to find information on when an AU Member State is next due to report on the Protocol.
- Delays in the ACHPR publishing its Concluding Observations and Recommendations to the public: for example, Rwanda submitted its Initial Report in January 2017, it was adopted in November 2017 and the ACHPR published its Concluding Observations and Recommendations in 2022.

These challenges inhibit civil society's capacity to hold states accountable and to support them in reporting processes and implementing the ACHPR's Recommendations.

RECOMMENDATIONS

- The ACHPR and the Special Rapporteur on the Rights of Women could conduct a consultative study on how best to harmonise reporting procedures on the African Charter and the variety of AU Protocols without compromising the required detail and quality of reporting, using the 2006 United Nations Harmonized Guidelines on Reporting to the International Treaty Monitoring Bodiesⁱⁱ as a model.

Further, whilst the Maputo Protocol contains additional rights and protections that CEDAW does not cover and that are necessary to report on, much of the data and some of the information from a state's CEDAW report could be used in a state's report on the Maputo Protocol. Some Member States have already done this, such as Malawi, as it describes in the background to its Initial Report (submitted 7 May 2015 for the period of 2005–2013): “Part B of the Report comprises the African Protocol on the Rights of Women. The information in this report was compiled as Malawi prepared her Report under the Convention on the elimination of all forms of Discrimination against Women (CEDAW) which will be submitted by early 2014.”²²

- The ACHPR could also consider increasing the reporting timeframe from two years. This would also enable the ACHPR to publish its Concluding Observations and Recommendations more efficiently.
- African Regional Economic Communities (RECs), the AU and other regional and international bodies could invest in strengthening states' capacity and provide technical support for reporting.
- The ACHPR could continually maintain a reporting status table and due dates to increase clarity and enable greater accountability.
- Member States could work more closely and consistently with civil society to strengthen information and data for the reports, especially regarding women and girls' lived realities.

ii The 2006 United Nations Harmonised Guidelines on Reporting to the International Treaty Monitoring Bodies. Please access it here <https://digitallibrary.un.org/record/574830?ln=en>



DOMESTICATION AND IMPLEMENTATION

This section covers each of the seven themes (with Equality & Non-Discrimination as a cross-cutting issue) as outlined in SOAWR's Strategic Plan and the AU Reporting Guidelines on the Maputo Protocol.

- > ECONOMIC & SOCIAL WELFARE RIGHTS
- > RIGHTS RELATED TO MARRIAGE (INCLUDING CHILD MARRIAGE)
- > HEALTH & REPRODUCTIVE RIGHTS
- > PROTECTION FROM VIOLENCE (INCLUDING FGM)
- > RIGHT TO PARTICIPATION IN THE POLITICAL & DECISION-MAKING PROCESS
- > RIGHTS TO PEACE & PROTECTION FROM ARMED CONFLICT
- > SPECIALLY PROTECTED WOMEN

ECONOMIC & SOCIAL WELFARE RIGHTS

Article 13 of the Maputo Protocol²³ provides for women and girls' economic and social welfare rights. It guarantees women equal remuneration for work of equal value and paid pre- and post-natal maternity leave in both the private and the public sectors. It also enshrines equality and prohibits discrimination in allowances and entitlements. States must adopt and enforce legislative and other measures to realise the rights contained in Article 13. They shall, for example, promote equality of access to employment and transparency in women's recruitment, promotion and dismissal.

Notably, Article 13 also calls on states to create conditions to promote and support women's occupations and economic activities, particularly within the informal sector, and to establish a system of protection and social insurance. It also calls on states to recognise the economic value of women's work in the home. In addition to Article 13, other sub-articles contain relevant women's economic rights provisions. For example, Article 19(c) calls on states to promote women's access to and control over productive resources such as land and to guarantee their property rights.

KEY ACHIEVEMENTS/PROGRESS

At the constitutional level:

All countries have provisions that broadly guarantee economic and social welfare rights and enshrine the principles of equality and non-discrimination. Many explicitly guarantee rights, such as the rights to work, equal access to labour opportunities and to choose employment, land and property. Several also include provisions relevant to social welfare rights, such as on access to social services or assistance, social protection/security, pensions and retirement benefits, and specific ones concerning unemployed persons, pregnant women, persons with disabilities and older persons.

Nearly half of the African states guarantee equal remuneration for work of equal value or fair/just pay. Under Senegal's constitution, "any discrimination between men and women in ... salary ... is forbidden."²⁴ Sudan's constitution ensures equal pay for work of equal value and other professional benefits.²⁵

Regarding the right to paid maternity leave, Ethiopia, Ghana and Zimbabwe stand out. Under the constitution, Ethiopian women have the right to maternity leave with full pay; the duration of this takes into account factors such as the health of the mother and the well-being of the child and family.²⁶ The Ghanaian constitution provides for paid leave before and after childbirth. Moreover, to enable women to realise their full potential, "facilities shall be provided for the care of children below school-going age."²⁷ The constitution of Zimbabwe guarantees women the right to fully paid maternity leave for at least three months.²⁸

The constitutions of Egypt and Lesotho include notable provisions on social welfare. Under the Egyptian constitution, "all citizens who have no access to the social security system have the right to social security to ensure a decent life." Moreover, the state commits to providing appropriate pensions to informal labour per the law.²⁹ The constitution of Lesotho guarantees women "pension or retirement benefits, not inferior to those enjoyed by men... and a decent living for themselves and their families."³⁰

Several constitutions enshrine the right to ownership of property and/or land. While the provisions regarding land rights are often gender-neutral relate to the role of the state, the constitution of Ethiopia is notable. It gives women the right to property and, in particular, notes that they have equal rights with men concerning the use, transfer, administration and control of the land.³¹ Under the constitution of Malawi, women are guaranteed the same

rights as men to enter into contracts and to “acquire and maintain rights in property, independently or in association with others, regardless of their marital status.”³²

At the legislation level:

More than half of African states maintain legislation providing for equal remuneration for work of equal value. Most countries also prohibit discrimination in employment based on gender. The Labour Act of South Sudan has expanded the definition of discrimination to cover “any distinction, exclusion or preference with the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation’ based on a series of grounds including sex and pregnancy or childbirth.”³³ In Comoros, the law mandates non-discrimination based on sex in employment, covering, among others, recruitment, hiring, promotions, training and termination.³⁴ Most countries also maintain laws prohibiting sexual harassment in the workplace. In some countries, the legislation provides criminal penalties and civil remedies; others provide only civil remedies. In Senegal, the revised Penal Code has increased the severity of the offence of sexual harassment.³⁵ Djibouti has amended its Labour Code to include sexual harassment.³⁶ The Anti-Sexual Harassment and Anti-Gender Discrimination Regulation of Tanzania requires employers to follow anti-sexual harassment procedures.³⁷

More than half of African states provide paid maternity leave that is 98 daysⁱⁱⁱ or longer. Djibouti (182 days),³⁸ The Gambia (180 days),³⁹ South Africa (120 days)⁴⁰ and Ethiopia (120 days)⁴¹ provide mothers with the longest paid leave. The countries differ, however, in the government’s role in administering and covering maternity leave benefits. Several countries have also enacted legislation to protect mothers’ rights in the workplace. Employees with young children have the right to have flexible or part-time work hours in Côte d’Ivoire.⁴² In Tanzania, an amendment to the Employment and Labour Relations Act has increased the number of “breastfeeding hours for employed mothers.”⁴³ Many African states also provide for paid paternity leave, which is commonly between one and three days. However, in The Gambia, Kenya, Malawi, Seychelles and South Sudan, fathers have 14 days of paid leave.

Concerning equal opportunities and freedom to choose employment, the revised Labour Code of DR Congo states that women can work nights and gives pregnant women the right to suspend their employment contract without this being considered a reason for termination.⁴⁴ Senegal

has amended its Mining Code to ensure equal opportunities for women and men and guarantees equal pay.⁴⁵ São Tomé and Príncipe has repealed provisions that limited women’s ability to work at night thus opening up more employment opportunities for them.⁴⁶

Several countries have adopted laws that facilitate women’s access to financial resources and provide equal rights to property and land. The revised Penal Code of Mozambique prohibits gender-based discrimination in financial services.⁴⁷ Legislation in Mali guarantees gender equality regarding land ownership and aims to give women and youth 15% of arable land.⁴⁸ The amended Local Government Authorities Financial Act in Tanzania requires these authorities to set aside funds providing “interest free loans to registered groups of Women, Youth and Persons Living with Disabilities.”⁴⁹ Other reforms promote female entrepreneurship by providing informal businesses with specific tax concessions and reducing the cost of establishing an enterprise (Cabo Verde)⁵⁰ or remove taxes to encourage women’s economic empowerment (Togo).⁵¹ Some countries have removed discriminatory legal provisions and/or ambiguities. Law 21-2018 of Congo Rep. deems “customs and traditions tending to suppress or restrict the right of women to occupy or acquire customary land, or land in urban and peri-urban areas” null and void.⁵² Legislation in Mali guarantees gender equality regarding land ownership and aims to give women and youth 15% of arable land.⁵³

In 2010, the High Court of Eswatini ruled that the government must amend the 1968 Deeds Registry Act, thus giving women the right to register immovable property (home or business, for example) in their name.⁵⁴ Additionally, the Supreme Court of Eswatini upheld a widowed woman’s right to land in an unprecedented intervention in customary law.⁵⁵ The Labour Court of Lesotho ruled that dismissal on the grounds of pregnancy constituted unconstitutional discrimination.⁵⁶

Most African countries maintain legislation on pensions and have equalised the retirement age between men and women. Notably, Malawi’s Pensions Act protects part-time, temporary, seasonal and home-based workers.⁵⁷ More than half of the countries reviewed consider periods of absence owing to childcare in their pension benefits.

iii ILO Convention on Maternity Protection 2000 (No. 183) states that maternity leave shall be no less than 14 weeks (98 days.)

At the policy level:

African states have adopted policies to increase women's economic and social welfare opportunities and reduce inequalities, most commonly through national gender policies/strategies or national development plans. They have also adopted policies focusing on promoting female entrepreneurship and financial inclusion. Zimbabwe's Financial Inclusion Strategy 2016–2020 included objectives on prioritising women entrepreneurs in credit disbursement and working with banks to develop collateral alternatives to make credit more accessible to women.⁵⁸

Other policy reforms seek to enhance women's access to employment opportunities and training. These include improving the condition of women working in the tourism sector (Cabo Verde);⁵⁹ providing women with equal training and employment opportunities (Gabon);⁶⁰ reducing disparities between women and men in the private sector (Mauritania);⁶¹ establishing equal rights to any position and opportunities in public service (Morocco);⁶² and encouraging women's employment in traditionally male jobs (Mozambique).⁶³

Regarding access to land, many countries have adopted strategies focusing specifically on women and agriculture. Some aim to strengthen women's capacities in agribusiness, agricultural entrepreneurship and value chain development (Madagascar)⁶⁴ and women's rights to land ownership (Tanzania⁶⁵ and Uganda⁶⁶).

Some policies seek to improve the situation of women in the informal sector and vulnerable women. In Ghana, the President's Coordinated Programme for Economic and Social Development Policies 2017–2024 focuses on the economic empowerment of women in the informal sector, including reserving 30% of assistance for female enterprises.⁶⁷ The National Strategy for the Empowerment of Egyptian Women 2030 aims to create equal opportunities for women in all sectors with a particular focus on rural women, women living in poverty, and elderly and disabled women.⁶⁸

Several countries have adopted policies aimed at enhancing social protection. For example, Burundi aims at guaranteeing alternative incomes during periods of, for example, unemployment, old age, maternity and illness.⁶⁹

In response to the Covid-19 pandemic, most African countries introduced gender-sensitive policy measures that address women's economic security. For example, Kenya's National Safety Net Programme prioritised women as beneficiaries.⁷⁰ In Algeria, Angola, Burundi, Cabo Verde, Egypt, Seychelles, South Africa and Tunisia, these measures also addressed unpaid care work.⁷¹

At the institutional level:

Many African countries have implemented institutional reforms to increase women's access to financial resources and promote female entrepreneurship more equitably. For example, Chad has created a dedicated ministry responsible for the granting of microcredit to women and youth,⁷² and microcredit is granted to women who lack access to regular banking services.⁷³ Mauritius has established the National Home Ownership Programme to specifically promote women's home ownership and thereby increasing their access to loans and credit.⁷⁴ Guinea has launched the African Women's Financial Mutuals, a women-led micro bank.⁷⁵

Other reforms have focused on enhancing support and financing mechanisms for women in specific sectors such as agriculture (Nigeria and Togo), tourism and fishing (Guinea).⁷⁶ Morocco's Central Guarantee Fund, together with the Ministry of Economic and Finance, has launched a guarantee tool. This covers 80% of bank loans up to 1 million Moroccan dirhams that are granted to women.⁷⁷

Cabo Verde has undertaken notable initiatives to enhance the situation for workers, especially women, in the informal sector. It has established the first trade union for informal workers, helping them organise and defend their rights. The country has also provided informal businesses with a simplified model for tax payment and offered benefits such as reducing the cost of establishing an enterprise and accounting.⁷⁸ Finally, Cabo Verde has addressed women's unpaid care work and increased their social protection by launching a body that provides income support and a care system prioritising child up to three years old and the elderly.⁷⁹

KEY CHALLENGES

Despite the advances made through the various reforms, some gaps and challenges remain in meeting the commitments regarding economic and social welfare rights as provided for in the Maputo Protocol.

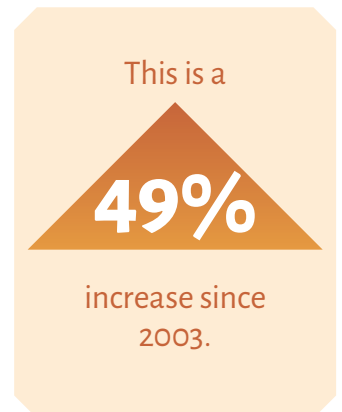
- Pay inequality persists across the continent. Several countries do not mandate equal remuneration for work of equal value. Under its constitution, the parliament of Eswatini is required to enact laws to ensure equal pay for equal work without discrimination. However, the review did not find any applicable legislation.⁸⁰ Where laws on equal remuneration exist, employers (public and private) often apply these differently. Pay inequality also contributes to a higher poverty rate among women.
- Not all countries maintain laws prohibiting sexual harassment in the workplace. Where these exist, they do not always provide for criminal penalties or civil remedies. Moreover, in some countries, the law on sexual harassment in the workplace applies only to businesses with more than 25 employees (Uganda)⁸¹ or fails to consider that the employer may be the perpetrator in cases of sexual harassment (Kenya).⁸²
- While many countries offer paid maternity and paternity leave, gender imbalances regarding child and unpaid care work remain. Paid leave for fathers is not provided in all countries. While women are the primary caregivers, not all countries consider periods of absence owing to childcare in their pension benefits. Protection for pregnant women is weak in many countries. In Sierra Leone, an employer may fire a woman if she becomes pregnant during her first year of employment.⁸³
- Women's economic rights and opportunities and access to social welfare and protection are significantly affected by external factors such as conflict, terrorism and extremism, pandemics (Covid-19), and climate and environmental changes.
- Women in the informal sector continue to work under precarious conditions with no or limited legal protection. They lack access to benefits such as maternity leave, social security and pensions, and unemployment protection. Moreover, their unpredictable income negatively affects their access to financial resources.
- Women still face barriers to accessing land, property and financing (loans, credit, etc.). Several countries maintain laws that permit discrimination in access to credit based on gender and prevent women from opening a bank account or signing a contract without their husband's permission.
- Some countries maintain discriminatory provisions that deny women the right to work or equal access to employment. Women are not permitted to work at night except in family businesses (Madagascar)⁸⁴ or in specific jobs in factories, agriculture and the energy sector (Angola),⁸⁵ or are required to have their husband's consent before pursuing their chosen profession (Niger).⁸⁶
- Dual legal systems and firmly held social and cultural beliefs and practices inhibit effective implementation and enforcement of laws. In Benin,⁸⁷ Mozambique⁸⁸ and Tanzania,⁸⁹ customary laws contradict civil laws on matters of inheritance and property rights for women. As a result, women have less access to and control over property and land than men.

RIGHTS IN EMPLOYMENT IN 2023



AU MEMBER STATES LEGALLY PROHIBIT DISCRIMINATION IN EMPLOYMENT BASED ON GENDER.

However, the following AU Member States do not: Botswana, Congo Rep., Nigeria, Sierra Leone, Sudan & Tunisia.



4 IN 5 AU MEMBER STATES have legislation on sexual harassment in employment. Of these, Lesotho is the only one that does not have criminal penalties or civil remedies.

However, the following AU Member States do not have legislation on sexual harassment in employment: Botswana, Equatorial Guinea, Eswatini, The Gambia, Guinea-Bissau, Libya, Mali, Mauritania, Seychelles, Somalia and Sudan

54% OF AU MEMBER STATES MANDATE EQUAL REMUNERATION FOR EQUAL WORK

46% OF AU MEMBER STATES DO NOT MANDATE EQUAL REMUNERATION FOR EQUAL WORK

The following AU Member States do not mandate equal remuneration for equal work: Botswana, Burkina Faso, Cabo Verde, Cameroon, Central African Republic, DR Congo, Congo Rep., Egypt, Eritrea, Eswatini, Ethiopia, The Gambia, Ghana, Guinea-Bissau, Madagascar, Mauritania, Mozambique, Nigeria, São Tomé and Príncipe, Seychelles, Sierra Leone, Sudan and Tunisia.

NB: These statistics do not include Sahrawi Republic due to missing data, therefore percentages are of a total of 54 AU Member States.

Source: World Bank (2003 & 2023) Women, Business and Law Database.

LABOUR FORCE PARTICIPATION: MALE AND FEMALE (% OF TOTAL LABOUR FORCE)

Over the past two decades, women and men's labour force participation rates have seen little change (see table below). In nearly all countries, women's labour force participation remains lower than that of men. As of 2022, women make up less than 30% of the labour force in five countries (Algeria, Djibouti, Egypt, Morocco and Tunisia). To advance women and girls' participation in the labour force and strengthen their economic and social welfare rights, African states have carried out constitutional, legislative, policy and institutional reforms.

% of total labour force ^{iv}					
Region	AU Member State	2003		2022	
		Female (%)	Male (%)	Female (%)	Male (%)
Central Africa	Burundi	52.2	47.8	52.0	48.0
	Cameroon	48.4	51.6	47.4	52.6
	Central African Republic	44.9	55.1	45.5	54.5
	Chad	43.7	56.3	40.9	59.1
	Congo Republic	50.0	50.0	49.9	50.1
	DR Congo	50.2	49.8	48.4	51.6
	Equatorial Guinea	43.3	56.7	42.4	57.6
	Gabon	39.3	60.7	39.9	60.1
	São Tomé and Príncipe	35.0	65.0	35.5	64.5
Eastern Africa	Comoros	40.6	59.4	37.7	62.3
	Djibouti	23.0	77.0	29.4	70.6
	Eritrea	47.7	52.3	47.0	53.0
	Ethiopia	45.3	54.7	46.8	53.2
	Kenya	49.2	50.8	49.7	50.3
	Madagascar	48.6	51.4	49.0	51.0
	Mauritius	34.4	65.6	39.9	60.1
	Rwanda	46.6	53.4	46.0	54.0
	Seychelles**	-	-	-	-
	Somalia	30.4	69.6	31.4	68.6
	South Sudan	51.1	48.9	51.3	48.7
	Sudan	28.9	71.1	30.4	69.6
	Tanzania	50.2	49.8	49.1	50.9
Uganda	47.8	52.2	49.6	50.4	

^{iv} Male and female labour force participation as a percentage of the total shows the extent to which men and women are active in the labour force. The labour force comprises people ages 15 and older who supply labour for the production of goods and services during a specified annual period. The labour force or the economically active portion of the population serves as the base for this indicator, not the total population. Estimates are based on labour force participation rates and population data from the International Labour Organization (ILO) and the United Nations Population Division. The labour force participation rates are part of the ILO modelled estimates database, including nationally reported observations and imputed data for countries with missing data, primarily to capture regional and global trends with consistent country coverage.

Northern Africa	Algeria	14.6	85.4	19.8	80.2
	Egypt	21.4	78.6	18.0	82.0
	Libya	33.1	66.9	36.0	64.0
	Mauritania	31.3	68.7	33.7	66.3
	Sahrawi Republic**	-	-	-	-
	Morocco	25.0	75.0	23.5	76.5
	Tunisia	25.9	74.1	29.4	70.6
Southern Africa	Angola	50.6	49.4	49.9	50.1
	Botswana	45.4	54.6	47.3	52.7
	Eswatini	46.7	53.3	47.3	52.7
	Lesotho	47.3	52.7	45.5	54.5
	Malawi	50.5	49.5	49.0	51.0
	Mozambique	53.6	46.4	51.6	48.4
	Namibia	46.3	53.7	49.8	50.2
	South Africa	46.4	53.6	46.5	53.5
	Zambia	46.2	53.8	45.6	54.4
Zimbabwe	50.2	49.8	50.7	49.3	
Western Africa	Benin	47.0	53.0	45.2	54.8
	Burkina Faso	44.5	55.5	45.3	54.7
	Cabo Verde	39.4	60.6	45.0	55.0
	Côte d'Ivoire	38.1	61.9	43.4	56.6
	The Gambia	42.3	57.7	47.3	52.7
	Ghana	49.3	50.7	48.0	52.0
	Guinea	50.6	49.4	41.0	59.0
	Guinea-Bissau	44.5	55.5	45.1	54.9
	Liberia	47.9	52.1	48.0	52.0
	Mali	42.6	57.4	39.8	60.2
	Niger	43.3	56.7	42.0	58.0
	Nigeria	47.3	52.7	43.9	56.1
	Senegal	34.4	65.6	39.0	61.0
Sierra Leone	50.9	49.1	48.1	51.9	
Togo	47.7	52.3	48.5	51.5	

Source: World Bank Gender Data Portal (2023) Indicator: Labour Force, Male & Female (% of Total Labour Force).

** Data not available.

RECOMMENDATIONS

- Provide economic empowerment in various aspects of life and seed funds for women.
- 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.
- Provide older persons with pensions, whether they have worked or not.
- 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.
- Involve the local population in identifying their needs.
- Encourage women and women-led companies to position themselves better to defend their interests and initiate coaching sessions to promote their economic interests.
- Inform and train women and women's groups on their economic and social welfare rights.

CASE STUDY

Unleashing the Empowering Force: The Inspiring Journey of Martin and Evelyn Transforming Cultural Norms for Women's Right to Own Land in Uganda

(Maputo Protocol Article: 19(c))

Meet Martin and Evelyn Thakondola, a couple from the Mt Rwenzori Coffee Farmers' Cooperative Union in Kasese District, Uganda. Their journey towards empowerment began in 2019 with a life-changing initiative by Action for Development (ACFODE) with financial support from We Effect, which provided them with the tools and knowledge to change their lives and their community.

Through the comprehensive training sessions offered by ACFODE to promote the economic and social rights of women, Martin and Evelyn underwent a remarkable transformation. They developed vital skills, gained valuable knowledge and made significant improvements in their lives, and the lives of their children and neighbours.

Their newfound empowerment enabled them to challenge the gender and social norms that inhibit women and girls from enjoying their economic and social welfare rights. They could purchase land in Evelyn's name. This groundbreaking decision challenged cultural norms and demonstrated the potential for change. In 2020, they established a primary school, using their resources to support its growth and development; this is thriving and has encouraged many parents to send their girl children to school. They have also established a mini bursary for the bright and needy girls in their community.

Martin and Evelyn's dedication to mentorship and community uplift has extended beyond their family. They have shared knowledge and experience promoting economic and social rights with over 30 families. They focus on GBV, women and children's rights, girls' education and distribution of carework among boys and girls, sharing the consequences of harmful practices such as forced and early marriage and property-grabbing from vulnerable people like widows and orphans. Their unwavering commitment to empowering their community has shown them to be a role model couple who have inspired others to follow in their footsteps.

Martin and Evelyn's transformative journey showcases the tremendous power of empowerment and collective action. Through their resilience, determination and unwavering dedication to ending domestic violence, they have become icons of hope and inspiration for their community, encouraging others to pursue a road to brighter, peaceful families and relationships. Their inspiring journey proves that individuals can unleash their power and achieve success, no matter the circumstances.

About ACFODE: ACFODE is a national women's interest organisation based in Uganda. A SOAWR member, it contributes to increased public awareness, consciousness and support on women's rights to social, economic and political participation. This is done through increasing awareness on laws and policies, particularly the Domestic Violence Act, CEDAW, the GBV Policy and the Referral Pathway, and holding training sessions for both men and women to promote the economic and social rights of women.



RIGHTS RELATED TO MARRIAGE (INCLUDING CHILD MARRIAGE)

The Maputo Protocol Article 6 provides that “States Parties shall ensure that women and men enjoy equal rights and are regarded as equal partners in marriage.”⁹⁰ The same article goes further to mention that “the minimum age of marriage shall be 18 years.” Therefore, any marriage involving one or both parties under the age of 18, whether it be a formal or informal union, is categorised as child marriage. Article 6 also prohibits forced marriages, stating that, “no marriage shall take place without the free and full consent of both parties.” The article also provides married women with the right to acquire her own property and to administer and manage it freely. Regarding nationality, a woman has the right to retain her nationality or to acquire that of her husband.

In 2018, it was predicted by the United Nations that, by 2050, more than half of the world’s child brides would be African.⁹¹ When this prediction was made in 2018, young girls from Africa made up a quarter of the 75 million child brides reported across the world. As of 2023, West and Central Africa alone make up 40% of the global child marriage burden.⁹² On the state level, several countries have launched national strategies to combat early and child marriage and made constitutional revisions and laws.

KEY ACHIEVEMENTS/PROGRESS

At the constitutional level:

Beyond provisions of equality and/or non-discrimination, many African countries also enshrine rights related to marriage in their constitutions. For example, the constitution of Ethiopia explicitly states that women have equal rights in marriage.⁹³

Many countries maintain constitutional provisions related to the prohibition of forced marriage, stating that marriage must be based on future spouses’ free and full consent. The constitution of Burundi prohibits forced marriage, stating that “marriage cannot take place without the free and full consent of the future spouses.”⁹⁴ Similarly, the constitution of Zimbabwe states that “no one may be compelled to enter into marriage against their will.”⁹⁵ The constitutions of Guinea,⁹⁶ Malawi,⁹⁷ Uganda⁹⁸ and Zimbabwe⁹⁹ set the legal age of marriage for boys and girls to 18 years thus prohibiting child and early marriages. The constitution of Chad explicitly refers to the prohibition of “premature marriages.”¹⁰⁰

Asides from child marriage, other constitutional provisions guarantee rights of citizenship related to marriage. For example, under the constitution of Kenya, citizenship is not lost through or on the dissolution of marriage.¹⁰¹

At the legislation level:

Across the continent, African countries maintain legislation on marriage. In several countries, the legal age of marriage for girls and boys is 18 years; in some states it is even higher. In Guinea, the Child Code makes it illegal for boys and girls below 18 years to enter into marriage.¹⁰² In some countries, the legislation setting the legal age of marriage does not allow exceptions. In Mauritius, the Children’s Act prohibits marriage under the age 18 without exception.¹⁰³ Similarly, the Marriage Divorce and Family Relations Act of Malawi, which has raised the marriage age to 18, applies to all marriages (civil marriage, customary marriage, religious marriage and marriages by repute or permanent cohabitation), which all are granted the same status.¹⁰⁴ Notably, the Law Governing Persons and Family of Rwanda sets the legal age of marriage at 21 for women and men, without exceptions. It also states that marriages of persons under 21 years are subject to “automatic, absolute annulment.”¹⁰⁵

Other countries have introduced laws or revised existing legislation, increasing the punishment for early, child and/or forced marriages. In Morocco, the Law on Ending Violence Against Women criminalises forced marriage,

doubling the penalty when the bride is below the legal age.¹⁰⁶ However, the law does not criminalise child marriage. The 2006 revision of the Penal Code of DR Congo outlawed forced marriage and doubled the penalties when under 18.¹⁰⁷ Mozambique passed the Prevention and Combat of Premature Unions Act in 2019 and also revised the Family Law to criminalise the marriage of persons under 18.¹⁰⁸ In Eswatini, the Children's Protection and Welfare Act, enacted in 2012, provides the right for any individual below 18 to decline any customary or traditional practices that may have detrimental effects on them.¹⁰⁹ South Sudan's Penal Code criminalises "kidnapping or abducting a woman to compel her to get married."¹¹⁰

Several countries also maintain legislation for equality in marriage and family decision-making. Kenya,¹¹¹ DR Congo,¹¹² Equatorial Guinea¹¹³, Rwanda,¹¹⁴ Senegal¹¹⁵ and South Africa¹¹⁶ have all amended their citizenship laws, allowing women and men to have equal rights to confer citizenship on their foreign spouses. Ghana's 1998 Children's Act,¹¹⁷ South Africa's Children's Act of 2005¹¹⁸ and Tanzania's Law of the Child Act 2009¹¹⁹ stipulate joint authority in guardianship and family decision-making.

In some countries, judicial decisions have contributed to prohibiting child marriage and strengthening the rights of women and girls. In 2016, the Constitutional Court of Tanzania declared the Law Marriage Act unconstitutional. The Act permitted girls to marry at age 14 with the Court's consent or at age 15 with parental consent while the age for boys was 18. The Court directed the Government of Tanzania to raise the minimum age of marriage for girls to 18 – the same as for boys – within one year.¹²⁰ The Attorney General of Tanzania appealed because it "interfered with the culture of the land."¹²¹ In 2019, Tanzania's Supreme Court of Appeal upheld the 2016 ruling. Zimbabwe's Constitutional Court has ruled that "no person may enter into any marriage, including an unregistered customary law union or any other union or any other union including one arising out of religion or religious rite, before attaining the age of 18 years."¹²² The decision has made child marriage illegal and removed any legal exceptions. Finally, in 2019, a court in South Sudan annulled child marriage. The ruling was the first of its kind in South Sudan and set a precedent for other girls in the country to make marriages entered at a young age illegal.¹²³

At the policy level:

Many countries have developed strategies to combat child and early marriages specifically. For example, the National Strategy on Ending Child Marriage 2016–2021 of Zambia seeks to achieve a 40% reduction in child marriage by 2021 and for the country to be free from child marriage by 2030.¹²⁴ In Madagascar, the overall goal of the National Strategic Plan on Child Marriage 2018–2024 is to reduce the prevalence of child marriage from 41.2% to 21.2% over the seven years and to ensure that all villages are declared free of child marriage.¹²⁵ The Malagasy Policy on Child Marriage also includes a budgeted plan.

Egypt has developed a National Strategic Plan for the Prevention of Early Marriage to reduce the prevalence of child marriage by 50% within five years.¹²⁶ In 2015, Egypt withdrew its reservation on Article 21(b) of the African Charter for Child Rights and Welfare, thereby aligning with the international obligation of prohibiting marriage under the age of 18.¹²⁷ Notably, the National Strategy on Ending Child Marriage in Malawi seeks to reduce the practice by initiating incentive-based programmes to support girls to enrol and remain in school, reduce the dropout rate and empower girls through increased economic opportunities.¹²⁸

Other policy initiatives seek to end child marriage and teenage pregnancies (Uganda)¹²⁹ and to provide social protection to girls who are married as children (Togo).¹³⁰ In South Sudan, the National Action Plan (NAP) on United Nations Security Council Resolution (UNSCR) 1325 (2015–2020) included as one of its strategic goals to eliminate child and forced marriage.¹³¹

Additional measures that have aided efforts to end child marriage in Africa have originated from the AU. During African Women's Decade (AWD) (2010–2020), the AU Campaign to End Child Marriage was nationally introduced by 30⁺ out of 55 African countries. While this campaign was still underway, the AU adopted the African Common Position on Ending Child Marriage, urging its Member States to establish and implement comprehensive laws and action plans to set the minimum marriage age at 18.

v Benin, Burkina Faso, Cameroon, Chad, Côte d'Ivoire, the Democratic Republic of Congo, Egypt, Lesotho, Ethiopia, Eritrea, Ghana, Guinea, Kenya, Liberia, Madagascar, Mali, Malawi, Mauritania, Mozambique, Niger, Nigeria, Senegal, Sierra Leone, Sudan, The Gambia, Tanzania, Uganda, Zambia, and Zimbabwe.

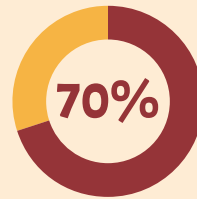
At the institutional level:

Several countries have implemented institutional reforms to address child marriage. Some have set up national committees to monitor actions and commitments on child marriage (Mali)¹³² or to coordinate efforts and harmonise measures to end the practice (Niger).¹³³ In Eritrea, a national steering committee, established in 2017, coordinates the work of committees on underage marriage at the regional, subregional and village level, among other activities.¹³⁴

Many countries have launched national campaign strategies targeting child marriage. In Zambia, the National Campaign to Combat Child Marriage, launched in 2014, was followed by the introduction of a national strategic plan.¹³⁵ Many national campaigns have worked to raise awareness of harmful practices such as child marriage and FGM, and many have directly included the engagement of community and traditional leaders. In its 2016–2019 Periodic Report to the ACHPR, Côte d'Ivoire reported conducting sensitisation campaigns for community leaders, religious guides, opinion leaders, and men and boys on the issues of early marriage and FGM.¹³⁶ In Malawi, campaigns have led to successful outcomes such as a traditional chief annulling hundreds of child marriages.¹³⁷ In Egypt, a Women's Complaints Bureau and Family Advice hotline was launched as part of raising awareness at the community level regarding combatting violence against women, including child marriage and FGM.¹³⁸

Other institutional reforms have included conducting national studies on the driving factors of child marriage (Cameroon)¹³⁹ as well as maintaining data on prevalence rates of FGM and child marriage (Chad).¹⁴⁰ In Burkina Faso, more than 700 "watch cells" have been established for the monitoring of child marriage and FGM in more than 700 villages.¹⁴¹ Countries such as Madagascar¹⁴² and Zimbabwe¹⁴³ have incorporated tackling child marriage into educational measures, such as by increasing programmes focusing on the retention of girls in school.

MARRIAGE AND DIVORCE RIGHTS IN 2023



OF AU MEMBER STATES ENABLE WOMEN TO OBTAIN A JUDGMENT OF DIVORCE IN THE SAME WAY AS A MAN.

The following AU Member States do not: enable a women to do so: Algeria, Comoros, Djibouti, Equatorial Guinea, Eswatini, The Gambia, Libya, Mauritania, Morocco, Niger, Somalia, Sudan, Uganda, Zambia & Zimbabwe.



AU MEMBER STATES ARE FREE OF LEGAL PROVISIONS THAT REQUIRE A MARRIED WOMAN TO OBEY HER HUSBAND.

The following AU Member States are not free of such legal provisions: Djibouti, Egypt, Equatorial Guinea, Mali, Mauritania & Sudan.



ONLY 40% OF AU MEMBER STATES GIVE A WOMAN THE SAME RIGHT TO REMARRY AS A MAN.

The following AU Member States do not give a woman the same right to remarry as a man: Algeria, Benin, Burkina Faso, Burundi, Cameroon, Chad, Comoros, Congo Rep., DR Congo, Côte d'Ivoire, Djibouti, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon, The Gambia, Guinea, Guinea-Bissau, Libya, Mali, Mauritania, Mauritius, Morocco, Niger, São Tomé and Príncipe, Senegal, Somalia, Sudan, Togo & Tunisia.

NB: These statistics do not include Sahrawi Republic due to missing data, therefore percentages are of a total of 54 AU Member States.

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

KEY CHALLENGES

- **Implementation gap:** Although there have been numerous efforts towards ending child marriage in Africa, such as the development of action plans, the ratification of international instruments and the enactment and amendment of laws, there remains a significant implementation gap. Across the continent, there is a discrepancy between what is stated on paper and what is put into practice. For countries with policies in place to protect the rights of children, especially girls, most of these laws are not effectively implemented, enforced or monitored. As a result, progress remains slow and inadequate.
- **Violation of child marriage laws:** There is also a worrying trend of disregard for the rule of law with regard to child marriage. Some countries do not uphold national laws that set the minimum age for marriage. Courts continue to make exceptions, and penalties that should be enacted against those who engage in child marriage are not being enforced. This leaves the practice unchecked and undermines global and regional efforts to end child marriage.
- **Conflict:** Conflict has exacerbated child marriage rates in Africa. Several factors, such as displacement, poverty and the breakdown of traditional protection systems, have led to girls being forced into marriage with combatants or being used as bargaining chips to control communities. In other cases, families are forced to marry off their daughters to protect them from sexual violence and exploitation. As a result of this instability, efforts to end the practice are hampered.
- **Cultural and traditional beliefs** contribute to the persistence of child marriage in African societies despite the adoption of numerous laws. The belief that girls are ready for marriage when they reach puberty is still prevalent in many places. Additionally, poverty and lack of access to education and financial opportunities mean girls are seen as an economic liability and married off early to alleviate their family's financial burden. This belief hampers the economic independence of women and girls. It also promotes the practice of child marriage in rural communities.
- **Increased risk of child marriage as a result of Covid-19:** Significant progress has been made in the past decade towards ending child marriage: 25 million child marriages have been successfully averted.¹⁴⁴ However, the ripple effects of the Covid-19 pandemic threaten to undo this progress. As a result of the economic downturn, the disruption in education and services and the unprecedented deaths caused by the pandemic, up to 10 million more girls are at risk of becoming child brides by 2030.¹⁴⁵ West and Central Africa – and particularly crisis-affected areas – will potentially bear the brunt of this. The pandemic has brought about new challenges and worsened pre-existing ones. Many families are still struggling to recover, especially from the economic impact of lockdowns, and have resorted to forcing their daughters into early marriage to ease the financial burden on the household.

AU MEMBER STATES WITH LEGAL EXEMPTIONS ON CHILD MARRIAGE¹⁴⁶

Region	AU Member State	Minimum Age of Marriage	Law(s) Permitting Child Marriage	Exemptions
Central Africa	Central African Republic	18 years (girls and boys)	Family Code (1998)	Girls and boys under the age of 18 may marry with parental consent or if a state prosecutor dispenses with the age requirement based on serious grounds.
	Chad	18 years (girls and boys)	Criminal Code (1967)	Customary law marriages of girls above 13 years are legal. ¹⁴⁷
	Congo Republic	18 years (girls) 21 (boys)	Family Code (1984)	Minors may marry before the legal age of marriage with parental or guardian consent or with exception granted by the public prosecutor of the district or county people's court for serious reasons.
	Gabon	18 years (girls and boys)	Civil Code (1995)	Girls may marry at 15 if the president of the republic or, failing that, the president of the Supreme Court, grants age exemptions for serious reasons.
	São Tomé and Príncipe	18 years (girls and boys)	Judicial Family Institution Regulation (1977)	Girls aged 14 and boys aged 16 may marry in exceptional cases and with parental, guardian or court consent.

Eastern Africa	Comoros	18 years (girls and boys)	Family Code (2005)	Girls and boys may marry before age 18 with judicial consent for serious and legitimate reasons.
	Djibouti	18 years (girls and boys)	Family Law (2002)	Marriage under age 18 is permitted with the consent of the guardian or, if the guardian refuses, by a judge.
	Eritrea	18 years (girls and boys)	Transitional Penal Code (1991)	Marriage under age 18 is permitted with parental consent.
	Ethiopia	18 years (girls and boys)	Revised Family Code, Proclamation 213/2000	The minister of justice may, on the application of the future spouses, or the parents or guardian of one of them, for serious cause permit marriage under the age of 18[...]
	Madagascar	18 years (girls and boys)	Law on Marriage and Matrimonial Regimes (2007)	The president of the Court of First Instance may authorise marriage before age 18 upon request of the father and mother, or the person who exercises authority over the child and with the consent of the child.
	Seychelles	15 years (girls) 18 years (boys)	Civil Status Act (1980)	In “grave situations” girls and boys may marry before the age of marriage if the minister gives consent. ¹⁴⁸
	Somalia	18 years (girls and boys)	Family Code (1975) Somali First Book on Marriage and Divorce (1978)	Girls may marry at the age of 16 or younger with parental consent. ¹⁴⁹ A judge may also grant exemption in cases of absolute necessity.
	Sudan	No minimum age	Personal Status Law of Muslims (1991)	<ul style="list-style-type: none"> - Marriage is valid with the existence of a guardian who can conclude the contract. - A guardian can give a woman in marriage once she reaches puberty, on the condition that she consents to the husband and to the dowry. - A 10-year-old can be married by his guardian with permission of the judge. The permission is based on considerations of advantage and good reason, provided that the husband is suitable and the dowry equals that of the girl’s peers.

Northern Africa	Algeria	19 years (girls and boys)	Family Code (2005)	While the age of marriage for men and women is 19, a judge may grant an exemption of age for a reason of interest or in case of necessity, when the aptitude for marriage of both parties is established.
	Libya	20 years (girls and boys)	Law No. 10 (1984)	Girls and boys are permitted to marry under the age of 20 with court authorization provided they have parental consent or that of a guardian.
	Morocco	18 years (girls and boys)	Family Code (2004)	Girls and boys under age 18 may be married with authorisation from the family affairs judge.
	Tunisia	18 years (girls and boys)	Personal Status Code (2007)	The marriage of a minor is permitted with the consent of the minor's guardian and his mother.
Southern Africa	Angola	18 years (girls and boys)	Family Code (1988)	A girl at age 15 and a boy at age 16 may marry in exceptional cases where it is in the interest of the minors involved. Parents or guardians can grant authorisation to marry, which may be supplied by the court, after hearing the advice of the family council.
	Lesotho	16 years (girls) 18 years (boys)	Lesotho Marriage Act (1974) Laws of Lerotoli (1903)	Girls under age 16 and boys under age 18 can marry with the consent of the minister and with parental consent. ¹⁵⁰ Boys and girls may marry as long as they are over puberty age. ¹⁵¹
	Namibia	18 years (girls and boys)	Married Persons Equality Act (1996)	With written permission from a minister or staff member in the public service authorised by the minister girls, and boys under 18 may marry.
	South Africa	18 years (girls and boys)	Marriage Act (1961) Recognition of Customary Marriages Act (1998)	Under the Marriage Act, girls aged 15 and boys aged 18 may marry with parental consent. Under the Recognition of Customary Marriages Act, minors may enter into customary marriages with parental consent, without specifying a minimum age limit for boys or girls. ¹⁵²
	Zambia	21 years (girls and boys)	Marriage Act (1964)	<ul style="list-style-type: none"> - Individuals aged 16–21 may marry with parental consent. - Individuals under age 16 may marry with judicial consent. The judge must be satisfied that the particular circumstances of the case are not contrary to public interest.

Western Africa	Benin	18 years (girls and boys)	Benin Child Code (2007)	Minors may marry before 18 years with parental consent or with judicial consent in some cases.
	Burkina Faso	17 years (girls) 20 years (boys)	Code of Persons and the Family (1989)	The legal age of marriage is 17 for girls and 20 years for boys; however, the court may provide an exemption. Minors may marry with parental consent.
	Burundi	18 years (girls) 21 years (boys)	Person and Family Code (1993)	Girls and boys may marry prior to their legal age of marriage with parental consent or the provincial governor may grant an exemption of age for serious reasons.
	Cabo Verde	18 years (girls and boys)	Civil Code (1997)	The law permits a parent or guardian to authorise the marriage of a child under age 18 but over age 16. In exceptional cases, the law allows minors under age 16 to marry provided an official request by a legal authority is made.
	Cameroon	18 years (girls and boys)	Order Organising the Civil Status (1981)	Although the Penal Code sets the age of marriage at 18, under the Order Organising the Civil Status girls aged 15 or boys aged 18 may marry if the president of the republic grants a waiver for serious reasons.
	Côte d'Ivoire	18 years (girls) 20 years (boys)	Marriage Act (1983)	Minors may marry with parental consent or if the public prosecutor grants an exemption for serious reasons.
	Guinea	18 years (girls and boys)	Child Code (2020)	The president of the court may, after advice of the public prosecutor, grant exemptions of age for legitimate reasons. ¹⁵³
	Guinea-Bissau	18 years (girls and boys)	Civil Code of Registry (1967)	16 years for both sexes is possible with a parent or legal guardian's consent. ¹⁵⁴
	Liberia	18 years (girls and boys)	Domestic Relations Law (1973)	For girls and boys over the age of 16 years, the consent of a parent, guardian or judge is required for marriage.
	Mali	16 years (girls) 18 years (boys)	Code of Persons and the Family (2011)	The head of the administrative district may grant an exemption from age for serious reasons. This authorisation can only be given to individuals who are at least 15 years old.
	Niger	15 years (girls) 18 years (boys)	Civil Code (2005)	Individuals may marry before with parental consent. The president of the republic may also grant age exemptions for serious reasons.
	Nigeria	18 years (girls and boys)	Child Rights Act (2003)	As 12 of the 36 Nigerian states have not included the Child's Rights Act (2003) in their legislation, state laws on child marriage apply. Therefore, the age of marriage varies. In some states it is as low as 12.
	Senegal	16 years (girls) 18 years (boys)	Family Code (1989)	Girls and boys may be married before the age of marriage if the president of the regional court makes an exception for serious reasons. Such an exception requires parental consent.
	Sierra Leone	18 years (girls and boys)	Customary Marriage and Divorce Act (2009)	The Act does not stipulate a minimum age of marriage; however, minors could marry under 18 with parental consent. ¹⁵⁵
	Togo	18 years (girls and boys)	Code of the Child (2007)	Marriage is permitted at age 16 for serious cause with permission from the judiciary and parental consent.

Source: African Union (2018) 'Marriage Laws in Africa: A Compendium from 55 African Union Member States', and Girls Not Brides (no date) 'Child Marriage Atlas'.

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.
- Ensure women and men have the same rights and duties in marriage.
- CSOs to advocate to help ensure marriage laws protect women.
- The AU to obligate Member States to formalise traditional, religious and civil marriages.

CASE STUDY

Improving Women's Rights to Marriage: Working with Faith and Cultural Leaders in the North-West Communities of Nigeria Addressing Harmful Religious and Cultural Norms and Improving Access to Justice for Girls Impacted by Early and Forced Marriage

(Maputo Protocol Article: 6(a)(b))

The harmful practice of child and early forced marriage in Nigeria is heavily influenced by cultural norms and religious practices. Even though legislation such as the Child Rights Act (2003) exists, girls as young as age nine are still married off, often forced to live with the physical, psychological and emotional abuse of their situation, with no help or respite. In addition, many young women, even those of marrying age, are denied their rights to choose whom they marry. Nigeria has one of the highest rates of child marriage globally; in northern Nigeria, 78% of girls are married before the age of 18.¹⁵⁶

To address the religious and cultural practices driving early and forced marriage in the north-western communities of Nigeria, the Women's Rights Advancement and Protection Alternative (WRAPA) worked with faith/religious and traditional cultural leaders to promote the rights of women and girls by improving their access to formal and informal justice systems, including supporting litigation within the three legal systems. The interventions were carried out over a 12-year period (2005–2017) and strategic engagements with influential stakeholders across the community and government led to positive impacts. These included increased awareness and commitments from religious leaders on tackling early marriage as well as new government policies improving the rights of women and girls.

To achieve this, WRAPA worked with religious and faith leaders to develop a Khutba.^{vi} The Khutba was used to dislodge common misconceptions of religious scriptures that continue to drive early and forced marriage. The translation of the Khutba into local languages was an important strategy to create awareness, disseminate knowledge, create support structures and increase women's access to channels when seeking redress. By working with traditional and community gatekeepers

vi Compiled sermons of the Prophet on good conduct of marriage.

to leverage community infrastructure, WRAPA was able to bring justice closer to women in hard-to-reach communities. Furthermore, the uptake of the Khutba by traditional leaders enabled shifts in societal attitudes and norms at the family and community level, helping improving advocacy to end child and early forced marriage. Additionally, together with faith and cultural leaders, WRAPA engaged with government actors and other political leaders to examine and strengthen existing legal and policy frameworks and improve women's access to justice.

Through these interventions, WRAPA reached 1.9 million women, who can now advocate for their rights and seek justice for victims of child and early forced marriage. In total, 105 mosques are now using the Khutba as sermons during Friday prayer to inform and advocate for good marriage policies and practice, while 136 imams' knowledge has been updated on how marriage in Islam should be practised, including through sensitisation techniques. The continued sensitisation of government actors has led to various policy and legal reforms across the different states, including improved policies concerning repayment of the original dowry on divorce.

The success of this project has led to women groups working with religious and cultural leaders to provide access to legal redress, safe spaces and training to women in communities. Along with helping in obtaining relief from the courts and local legal processes, WRAPA's interventions are having a direct impact on the lives of women and girls in the community who are facing or have experienced early and forced marriage. Because of WRAPA's work and partnering with influential leaders in the community, a 14-year-old girl from Kano state can now remain in school, finish her education and fulfil her dreams of becoming a radio presenter.

About WRAPA: WRAPA, a founding member of SOAWR, is an organisation that works to combat all types of violence against women and girls (VAWG) by advocating for their legal and social protection. WRAPA is deeply knowledgeable about the three legal systems in Nigeria. It works to confront discriminatory cultural practices and societal processes that have become embedded in Nigerian law, thereby working to shift systemic issues affecting women and girls and improve access to justice.



HEALTH & REPRODUCTIVE RIGHTS

Under Article 14 of the Maputo Protocol, African States “shall ensure that the right to health of women including sexual and reproductive health is respected and promoted.”¹⁵⁷ This includes a woman’s right to control her own fertility, to choose any method of contraception and to decide whether to have children and the number of and spacing of children. The Protocol enshrines protection from sexually infectious diseases including HIV/AIDS and STIs. It further stipulates that states must provide “adequate, affordable, and accessible health services”, including information, education and communication programmes prioritising women in rural areas. States must protect reproductive rights and authorise “medical abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus.” They must also take reasonable steps to strengthen services surrounding pregnancy, delivery and post-natal health, including nutritional health.

African countries have carried out constitutional, legislative, policy and institutional reforms related to health and reproductive rights (Article 14) as articulated in the Maputo Protocol.

KEY ACHIEVEMENTS/PROGRESS

At the constitutional level:

Nearly all countries constitutions contain provisions regarding citizens’ access to health and/or health care and/or the duty of the state to provide it. Some countries contain explicit provisions. Zimbabwe outlines the duty of the state to provide “basic, accessible and adequate health services,” including “education and public awareness programmes, against the spread of disease.”¹⁵⁸ In Guinea, the 2020 constitution protects the right to health, physical and mental well-being and covers the state’s duty to fight epidemics.¹⁵⁹ Madagascar references the provision of “free public healthcare.”¹⁶⁰

Many countries enshrine the general principle of non-discrimination based on health. Burundi explicitly prohibits discrimination based on health referencing “mental handicap, HIV/AIDS status or having any other incurable illness.”¹⁶¹

Few countries explicitly reference reproductive health care; instead, many countries commonly reference the care/protection of mother and child. Countries that stand out include Ethiopia, whose constitution states, “women have the right of access to family planning education, information and capacity.”¹⁶² Kenya,¹⁶³ South Africa¹⁶⁴ and Zimbabwe¹⁶⁵ also explicitly mention “reproductive health care” services while Angola references the provision of “maternity care.”¹⁶⁶ Ghana mentions that “special care shall be accorded to mothers during a reasonable period before and after childbirth; and during those periods.”¹⁶⁷

The right to health of other groups is also mentioned by some countries. Senegal guarantees access to health services for women and those living in rural areas in particular.¹⁶⁸ Additionally, Egypt mentions protection of health of the disabled and elderly.¹⁶⁹ DR Congo mentions protecting the health of youth.¹⁷⁰

At the legislation level:

Some countries have adopted individual legislation incorporating the rights contained within Article 14 of the Maputo Protocol. These have tended to take the form of standalone reproductive health legislation or have been enshrined into laws that promote equality or tackle GBV. Mali’s 2002 law on reproductive health aims to improve care for vulnerable groups such as women, children and young adults to reduce maternal and child mortality and morbidity.¹⁷¹

Many of these laws enshrine the right to family planning.

Burundi's 2016 GBV law provides for equal rights in matters of reproductive health and family planning between couples.¹⁷² Malawi's Gender Equality Act enshrines the right to "choose the number of children and when to bear those children; to control fertility; and choose an appropriate method of contraception."¹⁷³ Notably, it also outlines the duties of health officers in respect to sexual and reproductive health, including providing services without discrimination and family planning services irrespective of marital status and whether that person is accompanied by a spouse.¹⁷⁴ The right to education and information is also provided for across many of the reforms. The 2010 Women's Act in The Gambia guarantees women's right to health, including sexual and reproductive health. This includes the right to education and to make decisions about their own health.¹⁷⁵ Rwanda's law on reproductive health of 2016 governs equal rights, the right to decide and the right of access to education and medical services, among others.¹⁷⁶ In 2018, Chad gave legal effect to its 2002 Reproductive Health Law.¹⁷⁷ This covers the right to information, education, access to reproductive health services and equal rights in family planning, and prohibits harmful practices such as FGM.¹⁷⁸

Some countries have passed specific legal reforms on women's health. In 2016, Burkina Faso passed a decree to provide free health care to pregnant women and children under five. The decree also provides for post-partum treatment and cervical cancer screening as well as providing health care for women living with obstetric fistula.¹⁷⁹

Concerning the right to medical abortion, Benin, Guinea-Bissau, Equatorial Guinea, Mozambique, São Tomé and Príncipe and South Africa have the most liberal laws, and abortion is permitted at the request of the women (subject to gestational limits).¹⁸⁰ Several countries have expanded abortion access beyond saving a woman's life, with many countries now permitting abortion in cases of rape or incest, to prioritise women's health and in cases of foetal impairment. In Rwanda, abortion is legal in cases of pregnancy resulting from rape, incest or forced marriage, where the pregnancy puts the health of the mother or foetus at risk and where the pregnant person is a child (subject to legal parental consent)¹⁸¹ or has a mental disability (with the consent of a legal representative).¹⁸² Abortion in Ethiopia is allowed in cases of rape and incest, to save the life of the mother and where pregnancy will endanger the health/life of the mother or child, in cases of foetal impairment, where the mother is too physically or mentally unwell to bring up the child or where abortion is necessary to avoid grave and imminent danger. Extreme poverty is noted as an extenuating circumstance.¹⁸³ Notably,

in 2018, DR Congo legally published the text of the Maputo Protocol, expanding access to abortion in line with Article 14.¹⁸⁴

Many countries have enshrined protection from sexual diseases. Zambia's Gender Equity and Equality Act 2015 affirms a woman's right to sexual and reproductive health, including access to family planning, protection from STIs, reproductive rights education and contraception.¹⁸⁵ Central African Republic's Reproductive Health Law of 2006 enshrines the principles of non-discrimination and privacy and protects the rights of people affected by STIs and HIV/AIDS.¹⁸⁶

Nearly all countries have adopted individual HIV laws addressing protection from HIV transmission, including the right to be informed of their own health status and the health status of their partner. In 2019, Tanzania amended its law to lower the age of consent for HIV testing from 18 to 15.¹⁸⁷

At the policy level:

African countries have adopted policies to improve access to sexual and reproductive health services. Most often, interventions have been integrated into national gender policies/strategies or national development plans or adopted as standalone health plans. Addressing the sexual and reproductive health rights of youth populations is a priority in the prevention of early pregnancy, early marriage and STIs including HIV. Burundi's National Health Plan 2016–2025 prioritises young people aged 20–24 accessing sexual and reproductive health services.¹⁸⁸ Ethiopia's standalone National Adolescent and Youth Health Strategy 2021–2025 aims to, among other things, reduce teenage pregnancy from 13% to 7% and HIV prevalence among young people to 0.1%.¹⁸⁹ It also focuses on the most vulnerable and hard-to-reach young people, including those living with HIV or disability and in fragile contexts.

Rwanda has declared family planning and adolescent sexual reproductive health a national priority for poverty reduction and socioeconomic development of the country. Its costed National Family Planning and Adolescent Sexual and Reproductive Health Strategic Plan 2018–2024 contains six strategic objectives. These include awareness-raising and community engagement (including youth-friendly services and spaces). Additionally, it aims to improve the capacity of family planning health providers to deliver quality and accessible services, to reach 100% coverage of the population.¹⁹⁰

Some countries have targeted health strategies in place.

The National Strategic Framework for the Elimination of Obstetric Fistula in Nigeria 2019–2023 revolves around four strategic pillars: prevention through “universal access to high quality comprehensive maternal health services”; treatment, including of complex cases; rehabilitation, ensuring that women with fistula are reintegrated into their communities; and communication strategies to create advocacy, social mobilisation and behaviour change.¹⁹¹ Ethiopia’s National Strategic Plan for Elimination of Obstetric Fistula 2021–2025 takes a holistic approach to prevention and treatment. This includes improving detection by integrating case detection into house-to-house/community health programmes, strengthening the capacity of health workers to identify cases and enhancing the engagement of adolescents and youths inside and outside of school.¹⁹² Other plans include Kenya’s Menstrual Hygiene Management Strategy 2019–2024, which ensures that women and girls have access to safe and hygienic menstrual products, services and facilities.¹⁹³ Meanwhile South Africa’s Cervical Cancer Prevention and Control Policy 2019 aims to reduce morbidity and mortality of women diagnosed with invasive cervical cancer.¹⁹⁴

Many countries have adopted standalone plans to address HIV. Cameroon’s National Strategic Plan for the fight against HIV/AIDS/STIs 2021–2023 includes standalone measures for the prevention of mother-to-child transmission, ensuring that all women diagnosed as HIV-positive receive antiretroviral drugs.¹⁹⁵ Noting that young women and adolescents face a higher burden of HIV infections, South Africa’s policy responses have been developed to centre women and young girls, including through increasing access to services and addressing the social and structural factors that increase their vulnerability. The National Strategic Policy also works to expand training and sensitisation programmes to reduce stigma and discrimination across laws that address health epidemics such as STIs and HIV.¹⁹⁶

African countries have made notable progress in reducing maternal mortality rates (see table below). Noting that these countries continue to have some of the highest maternal mortality rates globally,¹⁹⁷ reducing these has been a common policy goal across all countries along with improving pre-natal and post-natal care. In Chad, the goals of the National Health Policy 2016–2030 focus on reducing the maternal mortality rate by 2030. This includes providing universal access to sexual and reproductive health services, including family planning, and mainstreaming reproductive health into national strategies and programmes.¹⁹⁸

Countries are moving towards implementing universal

health coverage, including improving women’s access to services in rural areas. As part of removing barriers to health care, Benin has introduced free operations for women giving birth by caesarean.¹⁹⁹ Similarly, in 2017, Côte d’Ivoire introduced a policy on targeted free health care for women and children under five.²⁰⁰ The Kenyan Health Policy 2014–2030 provides for free maternity services to improve the number of deliveries by skilled health professionals.²⁰¹

Improving nutritional health is a national policy priority for many countries. Benin’s 2025 policy goals include reducing anaemia in women of childbearing age by at least 50%.²⁰² Plans focus on the health and nutrition of vulnerable groups, including children, women of reproductive age, pregnant and breastfeeding women and the elderly (Comoros)²⁰³ as well as adolescent girls and post-partum women (Togo).²⁰⁴ Recognising the increased vulnerability to malnutrition of women and childbearing women, Niger’s Covid-19 response included the distribution of complementary food rations for pregnant and nursing women.²⁰⁵

At the institutional level:

Many African countries have implemented institutional reforms to reduce common health problems faced by women, such as cervical and breast cancer. National health campaigns have been launched by, for example, Guinea,²⁰⁶ Malawi,²⁰⁷ Nigeria,²⁰⁸ Sierra Leone²⁰⁹ and Zambia.²¹⁰ The first ladies of many Central and West African countries have also launched national campaigns to combat obstetric fistula.²¹¹

Countries have introduced institutional reforms to create accessible services for youth. Adolescent-friendly health facilities in Cabo Verde provide sexual and health services as well as mental health and nutritional education services. Centres are integrated at the community level.²¹² In Botswana, the Adolescent Sexual and Reproductive Health Programme employs youth-friendly communication strategies such as social platforms to target youth populations, providing education and services including contraception.²¹³

Concerning maternal care, many countries have adopted institutional reforms to improve access to pre-natal care. Safe Motherhood Action Groups to assist pregnant women in accessing pre- and post-natal and nutrition services have been created in Zambia.²¹⁴ In Namibia, the Community Health Worker Programme has expanded the number and training of community health workers and has lowered maternal mortality rates by increasing pre-natal care, including through identifying pregnancy and referring mothers for additional care services earlier.²¹⁵ Expanding

health care access in Liberia through the creation of additional health facilities has also increased care around child labour and delivery, as well as post-partum and newborn care.²¹⁶ Malawi has taken measures to ensure post-natal care for women, including mobile outreach clinics in hard-to-reach areas, as well as the provision of information, education and counselling on the importance of post-natal care to mothers and across the community.²¹⁷

As a means of responding to HIV/AIDS and other health issues such as tuberculosis, many countries have introduced institutional reforms, such as national council bodies to oversee and coordinate the national HIV and other disease response (Eswatini,²¹⁸ Kenya,²¹⁹ Lesotho,²²⁰ South Africa²²¹ and Zambia²²²).

PROGRESS ON THE MATERNAL MORTALITY RATIO (DEATHS PER 100,000 LIVE BIRTHS): ESTIMATES FROM 2003 COMPARED WITH 2020 ACROSS 55 AFRICAN STATES

Colour key

MMR has reduced

MMR has increased

Region	AU Member State	MMR 2003	MMR 2020
Central Africa	Burundi	779	494
	Cameroon	574	438
	Central African Republic	1,248	835
	Chad	1,255	1,063
	Congo Republic	587	282
	DR Congo	655	547
	Equatorial Guinea	317	212
	Gabon	223	227
	São Tomé and Príncipe	166	146
Eastern Africa	Comoros	385	217
	Djibouti	440	234
	Eritrea	619	322
	Ethiopia	906	267
	Kenya	525	530
	Madagascar	626	392
	Mauritius	47	84
	Rwanda	715	259
	Seychelles	34	3
	Somalia	1,094	621
	South Sudan	1,404	1,223
	Sudan	598	270
	Tanzania	625	238
	Uganda	449	284

Northern Africa	Algeria	153	78
	Egypt	66	17
	Libya	52	72
	Mauritania	678	464
	Morocco	217	72
	Sahrawi Republic **	-	-
	Tunisia	60	37
Southern Africa	Angola	676	222
	Botswana	184	186
	Eswatini	660	240
	Lesotho	610	566
	Malawi	445	381
	Mozambique	442	127
	Namibia	451	215
	South Africa	205	127
	Zambia	308	135
	Zimbabwe	534	357
Western Africa	Benin	505	523
	Burkina Faso	457	264
	Cabo Verde	82	42
	Côte d'Ivoire	539	480
	The Gambia	770	458
	Ghana	424	263
	Guinea	916	553
	Guinea-Bissau	1,100	725
	Liberia	805	652
	Mali	586	440
	Nigeria	1,084	1,047
	Niger	863	441
	Senegal	565	261
Sierra Leone	1,451	443	
Togo	458	399	

Source: World Bank (2021) Development Indicator: Maternal Mortality Ratio.

** No data available.

KEY CHALLENGES

Despite the advances made through various reforms, some gaps and challenges remain in meeting the commitments regarding health and reproductive rights enshrined in the Maputo Protocol.

- **Lack of autonomy and stigma restricting the ability to access and use services:** The right to make decisions over one's health and reproductive choices continues to be a challenge in some countries and can be undermined by restrictive social norms. In Mali, it is common for a woman's husband or mother-in-law to make health care decisions on her behalf.²²³ In Zambia, women often lack control over the use of contraception and how many children they can have.²²⁴ Additionally, harmful practices guided by social norms and cultures, such as high incidence of early, forced child marriages or cultural and customary law practices surrounding widowhood, continue to infringe on women and girls' health and reproductive health rights from a very young age.

Additionally, stigma related to GBV prevents women from seeking assistance and accessing various services, including health care. This undermines their reproductive and health rights.
- **Issues with access to and ability to use modern contraceptive methods** severely restricts women's ability to control their own reproductive health decisions. Adolescent girls are at risk of pregnancy, STIs and harmful practices. They still face barriers to accessing reproductive health care. For example, Rwanda's Reproductive Health Law, which includes access to contraception and education, applies to those aged 18 and over.²²⁵ In Zimbabwe, inconsistencies across laws and policies are reported to create confusion when trying to establish the legal age at which adolescents can freely access sexual health services.²²⁶ Access to adequate, affordable and accessible health services for women and girls regardless of age, geography or characteristics is essential. While the use of modern contraception methods has increased, prevalence rates still vary; in Malawi, they can range from 31% in one district to 68% in another, and the rate decreases among poorer women.²²⁷
- **Access to comprehensive sexual education remains a challenge,** and gaps prevent young people from being able to access information and education and undermine their ability to make decisions concerning their own reproductive health. Even where sexual education programming has been provided in schools, it is often patchy and does not include family planning education.²²⁸
- **The primary constraints to women's access to health services are lack of money and physical access to health facilities.** According to the UN, "poor quality of care and a lack of access to high-quality sexual and reproductive health services are a leading cause of morbidity and mortality for women of 15 to 49 years of age."²²⁹ Obstetric fistula is debilitating but preventable: delaying the age of first pregnancy, eliminating FGM and improving access to quality care and emergency obstetric treatment are all important factors to preventing the disease.²³⁰ Rural women in particular face barriers in the form of both costs and proximity of quality health care services, especially for reproductive health care.²³¹ In Benin, the majority of rural communities live more than 5 km from a hospital,²³² and in South Africa poor quality infrastructure, such as lack of and functioning clinics and public health care facilities, still presents a challenge for women being able to visit a health clinic.²³³ One of the main challenges facing women in accessing quality health care is that of affordability. Poorer women in rural areas are less likely to access health care services compared with more affluent women living in urban areas. In Uganda, women aged 15–49 noted that "getting money for treatment" was the most common barrier to accessing health care.²³⁴ Similarly, 69% of women in DR Congo cited this as the main barrier.²³⁵

- **Criminalisation of HIV:** While many countries across Africa have adopted laws that address the treatment, detection and prevention of HIV, many of these laws also include provisions that criminalise the non-disclosure, exposure or transmission of HIV. In recent years, the over-criminalisation of HIV has been identified as creating barriers to accessing prevention, treatment and care services.²³⁶ Difficulties in accessing treatment may also disproportionately affect marginalised groups such as those in same-sex relationships and sex workers.^{237,238}
- **Covid-19:** The global pandemic has strained and pressured existing public health systems. On top of Covid-19, some African countries have tackled other health emergencies, including Ebola outbreaks, which have all had impacts on already weakening health systems²³⁹ This has undermined the ability to deliver quality services, including reproductive and maternal health services. Covid-19 has also widened economic inequalities. Poverty is a contributing factor in difficulties accessing timely and quality health care services, with many marginalised women being further excluded from health and reproductive health services.²⁴⁰
- **Conflict and insecurity:** Conflict and insecurity exacerbate pre-existing challenges related to health service delivery, which harms maternal and neonatal health.²⁴¹ In Central African Republic, persistent conflict and insecurity have affected the level of resources being allocated to reproductive health services.²⁴²
- **Lack of safe abortion laws:** Access to quality, safe abortion care is a fundamental part of health and reproductive rights. However, a lack of legal frameworks enshrining this right continues to represent a barrier. In many cases, active criminalisation of abortion continues in some African countries (five countries still criminalise abortion outright). In Senegal, abortion is illegal, and a woman is punished with six months to two years imprisonment and/or a fine of 20,000 to 100,000 francs under the Penal Code.²⁴³

Abortion continues to be regulated by criminal laws rather than health legislation. Restrictive abortion laws mean women and girls encounter harassment, threats of arrest and imprisonment, and ultimately unsafe medical care. Laws are often discriminatorily enforced and disproportionately affect vulnerable women, including those who lack economic resources or education or live in rural areas.²⁴⁴ Unsafe abortion procedures contribute to high numbers of preventable deaths and diseases of women and girls, resulting in higher rates of maternal mortality.²⁴⁵ The launch of the AU Campaign for the Decriminalisation of Abortion in Africa (2016) has brought attention to unsafe abortion, which poses a serious threat to women and girl's rights to sexual and reproductive health.²⁴⁶

ABORTION AND UNINTENDED PREGNANCIES: REGIONAL TRENDS AND RATES

**FROM 1990 - 2019,
IN AFRICA:**

**THE UNINTENDED
PREGNANCY RATE
DECLINED BY 15%**



**ABORTION RATES
INCREASED BY 13%**

Central Africa



- The unintended pregnancy rate declined by 3% between 1990-1994 and 2015-2019.
- During the same period, the abortion rate increased by 20%.
- The share of unintended pregnancies ending in abortion rose from 25% to 31%.
- In 2015-2019, there were a total of 9,380,000 pregnancies annually.
- Of these, 4,010,000 pregnancies were unintended and 1,240,000 ended in abortion.

Eastern Africa



- The unintended pregnancy rate declined by 17% between 1990-1994 and 2015-2019.
- During the same period, the abortion rate increased by 20%.
- The share of unintended pregnancies ending in abortion rose from 24% to 35%.
- In 2015-2019, there were a total of 20,900,000 pregnancies annually.
- Of these, 9,890,000 pregnancies were unintended and 3,500,000 ended in abortion.

Northern Africa



- The unintended pregnancy rate declined by 27% between 1990-1994 and 2015-2019.
- During the same period, the abortion rate declined by 4%.
- The share of unintended pregnancies ending in abortion rose from 42% to 56%.
- In 2015-2019, there were a total of 10,000,000 pregnancies annually.
- Of these, 4,800,000 pregnancies were unintended and 2,680,000 ended in abortion.

Southern Africa



- The unintended pregnancy rate declined by 18% between 1990-1994 and 2015-2019.
- During the same period, the abortion rate increased by 41%.
- The share of unintended pregnancies ending in abortion rose from 21% to 36%.
- In 2015-2019, there were a total of 2,280,000 pregnancies annually.
- Of these, 1,480,000 pregnancies were unintended and 526,000 ended in abortion.

Western Africa



- The unintended pregnancy rate declined by 8% between 1990-1994 and 2015-2019.
- During the same period, the abortion rate increased by 33%.
- The share of unintended pregnancies ending in abortion rose from 30% to 42%.
- In 2015-2019, there were a total of 19,900,000 pregnancies annually.
- Of these 6,490,000 pregnancies and 2,740,000 ended in abortion.

Source: Directly quoted from Guttmacher Institute (2022) 'Unintended Pregnancy and Abortion in Africa'.

RECOMMENDATIONS

- Address the right to abortion cautiously, and treat each case differently.
- Use the Maputo Protocol to protect women and girls' reproductive health rights.
- Provide health services and insurance at all levels, particularly for specially protected and pregnant women.
- Adopt universal health coverage.
- Provide free or low-cost care to vulnerable people.
- Improve health services in rural areas by providing good infrastructure, trained personnel, equipment and adequate supplies.
- Eradicate gender inequalities and ensure women and girls are empowered to realise their sexual and reproductive health rights.
- Implement information and awareness campaigns on women and girls' reproductive rights in communities and schools. Radio programmes, discussion forums and short films in local languages can help raise awareness of reproductive rights in Africa among communities and local leaders.
- Integrate menstrual hygiene management in national legal frameworks through awareness-raising activities from more actors, especially parliamentarians.

CASE STUDY

Norm Shifting for Abortion in Kakamega County, Kenya

Building Social Support for Safe Abortion Services and Creating an Enabling Environment for Sexual and Reproductive Health and Rights

(Maputo Protocol Article 14)

Unsafe abortion is a leading cause of death and suffering among women in Kenya. Despite the government's commitment, policies surrounding sexual and reproductive health and rights (SRHR) are unclear. Barriers such as stigma and discrimination resulting from cultural and religious beliefs, and the existence of entrenched inequalities, prevent safe reproductive choices, access to safe abortion and the realisation of bodily autonomy. This results in early and unintended pregnancies, SGBV and unsafe abortion.

The Norm Shifting Initiative in Kakamega county, Kenya, is part of an approach carried out by the Ipas Africa Alliance, which aims to build social support for safe abortion services, thereby creating an enabling environment for SRHR. To achieve this, Ipas trains and engages the most influential reference groups in communities. Trained government administrative officers such as chiefs and county commissioners and civic leaders such as religious ministers, teachers, community health workers and opinion leaders spearhead reflective community and intergenerational dialogues on unsafe abortion. The dialogues address the harmful social norms that drive SRHR harm and correct myths and misperceptions surrounding abortion.

Working with community-based organisation partners, Ipas Africa Alliance trains the community leaders using customised curricula. In addition to leading value clarification exercises, the community-based organisations create unsafe abortion survivors' groups and mother-to-mother support groups for young and teenage mothers. They work to increase awareness on SRHR harm through local radio stations and media personalities in the county.

The Norm Shifting Initiative has resulted in an increase in safe abortion services, from an annual caseload of 102 cases recorded in July 2016–June 2017 to 1,207 recorded in July 2017–June 2018. Similarly, the increase in abortion cases recorded in Kakamega county during 2018 (115%) was significantly higher than that in other Ipas implementing counties that do not implement the intervention, during the same period (Bungoma 25% and Vihiga 64%).

In collaboration with community-based organisation partners and community stakeholders, Ipas's Norm Shifting work has also altered the abortion narrative in Kakamega county, normalising abortion conversations and entrenching social support for girls and women seeking safe abortion services. This is captured in the testimony given by a local religious leader:

I am a pastor and I have one story about one lady who is a member of my congregation. She had a daughter who was in form one and by good or bad luck [the daughter] became pregnant. When that happened the mother came to me seeking advice on what to do. She... hoped I could be of assistance to her... we had a discussion and I told her that if the daughter would be okay with it then she could go and see the health centre personnel who could help her even more. Religious leader, Kakamega county

About the Ipas Africa Alliance's Norm Shifting Initiative: The initiative works towards strengthening SRHR social protection systems. By strengthening and expanding the network of community stakeholders and abortion actors, the initiative aims to normalise abortion access and reduce the condemnation of women and girls seeking safe abortion services.



PROTECTION FROM VIOLENCE (INCLUDING FGM)

African countries have carried out constitutional, legislative, policy and institutional reforms related to the rights and commitments on protection of women from violence (Article 3 and 4) including FGM (Article 5) as articulated in the Maputo Protocol. The Protocol defines VAW as physical, sexual, psychological and economic harm, including the threat to take such acts. This extends to private and public spaces in peace and during times of conflict or war.

States have a duty to implement measures to protect a woman's right to dignity, integrity and security. Among others, they have a duty to adopt "legislative, administrative, social and economic measures as may be necessary to ensure the prevention, punishment and eradication of all forms of violence against women." This includes a duty to prevent and condemn trafficking. Additionally, states have a duty to identify the causes of violence and allocate budget and resources to monitor implementation of actions as well as provide accessible services and education for rehabilitation and reparation for victims of violence.

Under the Maputo Protocol, states shall prohibit and condemn all forms of harmful practices. States have a duty to prohibit "through legislative measures backed by sanctions, of all forms of female genital mutilation." Additionally, they must create public awareness through education. They also have a duty to provide support to those who have undergone FGM via basic services including health, legal and judicial support, emotional and psychological counselling and vocational training for economic empowerment.

KEY ACHIEVEMENTS/PROGRESS

At the constitutional level:

All countries have, at a minimum, constitutional provisions related to protecting the personal or physical integrity of persons, notably referring to torture or degrading acts. Several constitutions prohibit slavery, forced labour and/or human trafficking.

Many countries' constitutions expressly commit to protection of women from violence (Egypt)²⁴⁷ or to eradicate violence against women (Tunisia).²⁴⁸ Central African Republic's constitution specifically mentions protecting women and children from violence and insecurity,²⁴⁹ while DR Congo speaks to the elimination of sexual violence as well as prohibiting VAW in public and private life.²⁵⁰ In Niger, "The State takes, among others, measures to combat the violence done to women and children in public and private life" (Article 22).²⁵¹ Notably the constitution of Zimbabwe explicitly mentions that the state and government will adopt measures to prevent domestic violence (Article 25).²⁵²

Côte d'Ivoire's constitution notes that the state will "take the necessary measures to eliminate all forms of violence against women and girls" (Article 35). It also prohibits FGM, medical experimentation and organ trafficking (Article 5).²⁵³

Notably, some constitutions expressly prohibit FGM (Chad,²⁵⁴ Côte d'Ivoire,²⁵⁵ Guinea²⁵⁶, Somalia²⁵⁷). Others mention protecting against harmful customs and traditions. Uganda's constitution prohibits "Laws, cultures, customs and traditions which are against the dignity, welfare or interest of women or any other marginalised group."²⁵⁸

At the legislation level:

Since adopting the Maputo Protocol, several African countries have implemented legislation addressing multiple forms of VAW. This has commonly taken the form of standalone laws and/or VAW has been addressed in the national penal code. Burundi's GBV law of 2016 prohibits multiple forms of violence and outlines measures and protections to protect victims.²⁵⁹ Similarly, Burkina Faso's 2015 GBV law applies to all forms of VAW, including physical, psychological, sexual and economic violence. It also expressly prohibits the use of tradition, culture or religion as a justification for such acts.²⁶⁰

Some countries have enacted legal reforms prohibiting domestic violence. Burundi's 2016 GBV law prohibits domestic violence and marital rape,²⁶¹ while Rwanda's Criminal Law prohibits sexual violence against a spouse and harassment of a spouse.²⁶² Chad's 2017 Penal

Code criminalises domestic violence (Article 342) by imprisonment of six months to three years and a fine of 20,000 to 200,000 francs.²⁶³

Other countries have enacted standalone laws targeting domestic violence. Liberia signed its national Domestic Violence Bill into law in 2019²⁶⁴ and Seychelles did so in 2020.²⁶⁵ Kenya's Protection Against Domestic Violence Act 2015 defines a domestic relationship beyond being married to the person and includes being a family member. The Act also sets out the duties of police officers in relation to domestic violence cases.²⁶⁶ In Nigeria, the 2015 Violence Against Persons (Prohibition) Act goes towards eliminating violence in private and public life.²⁶⁷ Spousal battery is punishable by up to three years' imprisonment and/or a fine (Article 19).²⁶⁸ This law was passed after 14 years of vigorous campaigning and aimed to codify the legal framework.²⁶⁹ Prior to the adoption of Eswatini's Sexual Offences & Domestic Violence Act 2018 there was no comprehensive legal framework to protect people from domestic violence or sexual assault.²⁷⁰

Additionally, some countries have amended existing legislation to increase the severity of punishment for VAW. Senegal²⁷¹ and Sierra Leone²⁷² have made legal reforms to extend the severity of punishment of rape offences. The 2006 amendment to the DR Congo Penal Code aligned national law on sexual violence with international standards, widening the definition of rape and adding new types of sexual assault.²⁷³ In 2019, the president of Sierra Leone declared rape a national emergency; the Sexual Offences (Amendment) Act was later passed,²⁷⁴ which increased the punishment for rape of a child under 15 to life imprisonment and introduced the offence of aggravated sexual assault.²⁷⁵

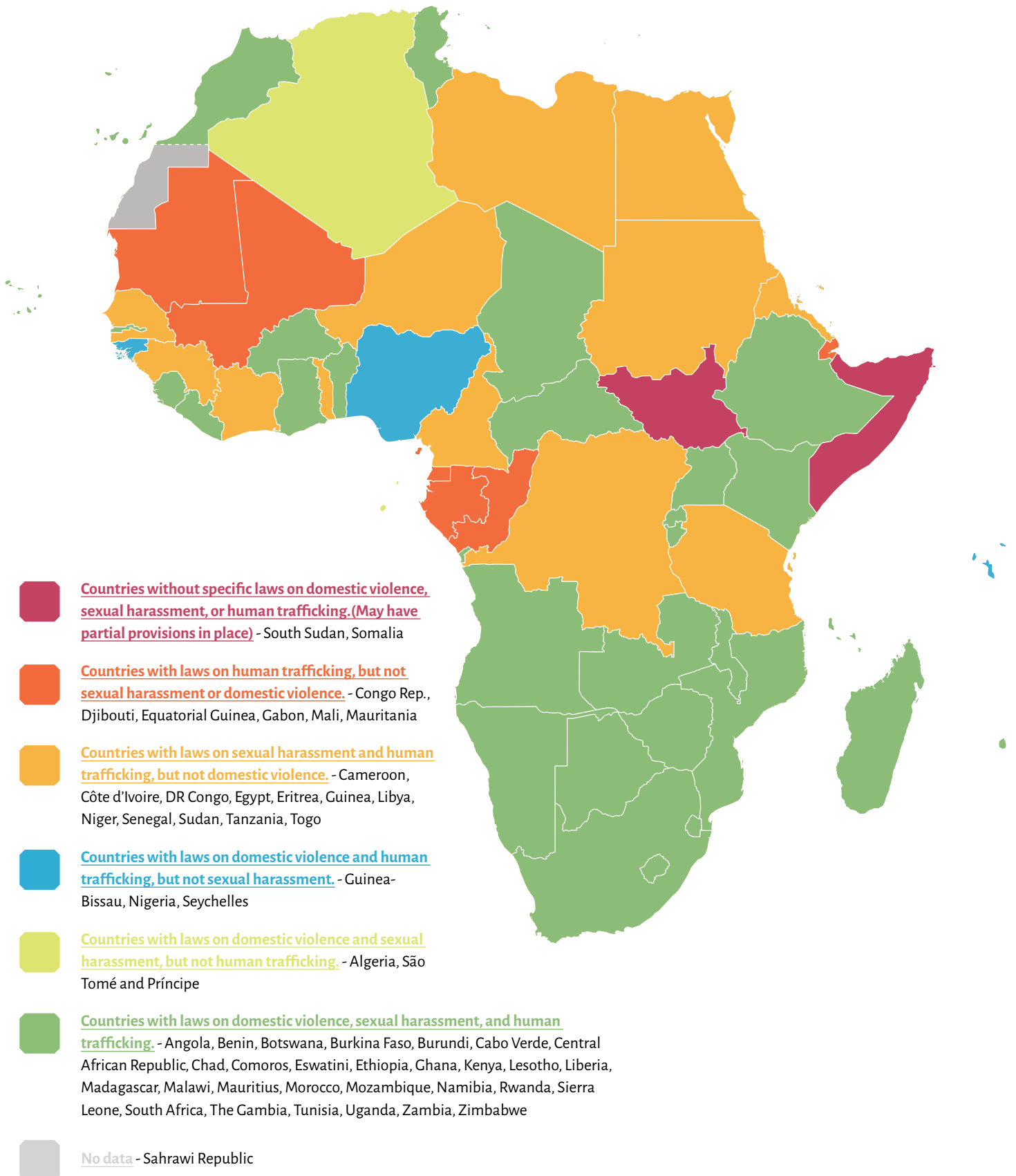
Most African countries have adopted legislation prohibiting trafficking and slavery. Rwanda's law on the prevention, suppression and punishment of trafficking in persons and exploitation of others protects against human trafficking. Article 24 specifically prohibits sexual exploitation.²⁷⁶ In Eswatini, the Sexual Offences and Domestic Violence Act 2018 established new penalties for perpetrators of sex trafficking and new legal protections for victims of exploitation, including sex trafficking.²⁷⁷ Namibia's Combating of Trafficking in Persons Act 2018 criminalises sex and labour trafficking, the penalty for which is up to 30 years' imprisonment and/or a fine not exceeding 1 million Namibian dollars.²⁷⁸

More than 20 countries have laws banning/criminalising FGM.²⁷⁹ Many African countries have criminalised FGM through penal/criminal codes and/or individual FGM laws. Central African Republic's Penal Code criminalises FGM "by traditional or modern methods."²⁸⁰ Cameroon's revised Penal Code of 2016 introduced new offences concerning VAW.²⁸¹ Section 277/1 now criminalises "genital mutilation," the punishment being 10–20 years' imprisonment,, increasing to life for those that routinely practice.²⁸² In 2020, Sudan's new government outlawed the practice of FGM with a three-year jail sentence for offenders.²⁸³ The amendment made to the federal Criminal Act²⁸⁴ is seen as an achievement, given that Sudan has one of the highest estimated prevalence rates of FGM, at 87%.²⁸⁵

Other legislation includes The Gambia's Women's (Amendment) Act 2015, which now prohibits FGM perpetrators along with accomplices who request, incite or promote FGM.²⁸⁶ The inclusion of FGM in Chad's 2002 Reproductive Health Law²⁸⁷ was strengthened after it was finally given legal effect in 2018.²⁸⁸

In 2017, a medical doctor challenged whether Kenya's 2011 Prohibition of Female Genital Mutilation Act and the national Anti-FGM Board were constitutional. The petitioner argued that women's cultural, ethnic and/or religious identities and choices were being undermined. However, in 2021, citing Articles 1, 2, 3 and 5 of the Maputo Protocol, among other instruments, the Court dismissed the petition, concluding that it was "devoid of merit" and, "From the medical and anecdotal evidence presented by the respondents, we find that limiting this right is reasonable in an open and democratic society based on the dignity of women." In fact, the Court also directed the Attorney General to file proposals to the National Assembly to amend the 2011 Act to strengthen the legislation further, "prohibiting all harmful practices of FGM as set out in this judgement."²⁸⁹

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?'

At the policy level:

Most African countries have adopted policies to address/eradicate VAW, most commonly through national gender policies/strategies, national development plans or standalone action plans. More than half of African countries have adopted standalone strategies or national action plans to eradicate VAW including tackling SGBV.²⁹⁰

Cameroon's latest national strategy addressing GBV (2022–2026) commits to reducing the rate of GBV by at least half by 2026, noting a context weakened by Covid-19, security and humanitarian crises.²⁹¹ Malawi's National Plan of Action to Combat GBV 2014–2020 included five priority areas including “addressing the root causes and promoting the transformation of harmful social norms.” Other priorities included promoting the use of an early referral system and an effective response mechanism supporting survivors as well as coordination, implementation and sustainable financing.²⁹² Tanzania's five-year National Plan of Action consolidates various plans into one comprehensive policy approach for eradicating VAW.²⁹³

South Africa's National Strategic Plan on Gender-Based Violence and Femicide 2020–2030 provides a framework “to ensure a coordinated national response to the crisis of gender-based violence and Femicide.” Its six-pillar approach aims to strengthen accountability across government, creating adequate technical and financial resources. It also aims to strengthen capacity within the criminal justice system to respond to cases and facilitate justice for survivors.²⁹⁴ The president of South Africa hosted a National Summit on Gender-Based Violence and Femicide in 2019. The resulting Policy Declaration included, among other things, a commitment to reallocate funds for effective responses to GBV including the provision of effective support services.²⁹⁵

Namibia's dedicated Action Plan on GBV notes the need “to pay special attention to cross-cutting strategies aimed at the protection of persons with disabilities.”²⁹⁶ Zimbabwe's National GBV Strategy falls under the responsibility of the Ministry of Women Affairs, Gender and Community Development, which is also responsible for M&E of the strategy. It includes tracking trends of GBV cases, as well as conducting programmatic and financial monitoring of the plan.²⁹⁷

Some countries have introduced plans to be adopted by specific state agencies, often in a bid to curb violence, such as DR Congo's national action plan to fight sexual violence by the Congolese National Police,²⁹⁸ or to improve treatment

of victims of GBV by officials, such as Burundi's protocol guiding police officers in charge of GBV cases.²⁹⁹

There are some instances of countries adopting strategies and activities to involve men in the fight against SGBV. To provide a guiding framework to all stakeholders, Uganda adopted the National Male Involvement Strategy for the Prevention and Response to Gender-Based Violence in Uganda (2017).³⁰⁰

Concerning combatting trafficking, many countries have introduced dedicated action plans. Mali launched a National Action Plan to Combat Trafficking in Persons and Assimilated Practices 2018–2022.³⁰¹ The National Plan of Action for the Elimination of Human Trafficking in Ghana 2017–2021 contains specific objectives surrounding four pillars: prevention, protection, prosecution and partnership. It also includes a budget summary plan for each pillar and implementing year.³⁰²

Around half of the countries have adopted national strategies to eliminate FGM. In addition to addressing FGM in its National Health Policy 2016,³⁰³ Nigeria has adopted a standalone National Policy & Plan of Action for the Elimination of Female Genital Mutilation 2021–2025.³⁰⁴ As part of its National Youth Policy Document 2021–2025, Côte d'Ivoire commits to eliminating all forms of VAW by 2030 including in public and private life, as well as eliminating all harmful practices including FGM.³⁰⁵

At the institutional level:

Many African countries have implemented institutional reforms to address VAW. These include broad measures related to improving prevention and response measures. In Namibia, Woman and Child Protection Units operate countrywide to facilitate the response to GBV cases,³⁰⁶ while Egypt has increased the number of women police officers.³⁰⁷ Other countries have enacted dedicated reporting avenues. In DR Congo, a toll-free number has been established to report instances of SGBV.³⁰⁸

Several countries have established support services such as one-stop centres and shelters. As part of South Africa's national anti-rape strategy, Thuthuzela Care Centres are one-stop facilities where a rape survivor receives medical, psychosocial and legal support.³⁰⁹ In Rwanda, Isange One Stop Centres across the country have played an essential role in addressing GBV and improving service delivery to victims. The centres take a multi-disciplinary approach, providing free law enforcement services and medical and psychosocial care.³¹⁰

Countries have introduced measures to improve access to justice for victims of GBV. Zambia has created a fast-track court to expedite the hearing of GBV cases as well as to create safeguards for victims when attending court.³¹¹ Congo Republic has established dedicated areas in police stations for those reporting violence, as well as carrying out training for police and gendarme officers receiving and interacting with victims of violence.³¹² Countries have also implemented training beyond police force officials. In Cabo Verde, training has been conducted for legal professionals such as judges or public prosecutor officials as well as health officials, including doctors, nurses, psychologists and administrative staff involved in handling GBV cases.³¹³

Several countries have worked to increase awareness of the different forms of GBV as well as the national resources available to those who have experienced violence. The South African government has produced a booklet to provide information to individuals and communities and to increase awareness of their rights.³¹⁴ In 2018, Burkina Faso organised awareness sessions across the 45 provinces on the issue of VAW.³¹⁵

Concerning the prevention of and response to FGM, some countries have developed dedicated institutional frameworks. In Kenya, the Anti-FGM Board is the lead government agency coordinating the implementation of the national eradication policy, while the County Anti-FGM Steering Committee coordinates policy direction and mobilises resources at the county level and a Sub-County Committee acts as a watchdog for prevention and response at the community level.³¹⁶

Education and social mobilisation are critical tools to create awareness and shift attitudes about FGM practice.³¹⁷ Several countries have implemented awareness-raising to tackle FGM. To foster change at the community level, Liberia has implemented training sessions for traditional leaders and religious leaders to address VAW and harmful practices.³¹⁸ Some countries have also integrated awareness of FGM into other sectors, such as health. The Gambia has developed a training manual on FGM for integration into the nursing and midwifery school teaching curriculum.³¹⁹ Other prevention reforms have included targeting those who conduct FGM. Eritrea has launched programmes to engage FGM practitioners providing interventions and supporting their transition into an alternative means of livelihood and source of income.³²⁰

KEY CHALLENGES

- **Legal gaps:** While many countries have enacted laws, some countries lack comprehensive legislation criminalising VAW. Countries such as Congo Republic,³²¹ Equatorial Guinea,³²² Gabon³²³ and South Sudan³²⁴ lack any law explicitly addressing VAW, including specific provisions for investigation, prosecution and support services. Even where laws do exist, not all countries criminalise all forms of violence. For example, not all countries explicitly reference marital rape in their laws. Many countries, such as Egypt³²⁵ and Uganda,³²⁶ do not even address/criminalise marital rape. Another challenge is weak laws. For example, Somalia passed a watered-down sexual offence bill in 2020, which posed concerns as it redefined some sexual offences, including rape.³²⁷ Additionally, legal gaps have been reported to exist between standalone legislation and the national penal code. In 2022, discrepancies were found between Burundi's comprehensive 2016 GBV law and the country's Penal Code since its revision in 2017.³²⁸

Concerning FGM, some countries lack any legislation. Attempts to include provisions prohibiting FGM in Liberia in 2017 were blocked as a result of political pressure.³²⁹ Mali³³⁰ and Sierra Leone³³¹ are yet to pass any national legislation on FGM. The time taken to award legal effect to laws is also a challenge in eradicating VAW and harmful practices such as FGM. In Chad, the primary legislation relating to FGM (Law 006/PR/2002 on reproductive health) was given legal effect 16 years after it was first introduced.³³² Political and religious pressures result in bills being stalled for many years or being revised; this is a challenge and leaves gaps. Such gaps, whether patchy or glaring, result in weak legal infrastructure. This prevents the investigation and prosecution of offences. It also creates a culture of impunity for violent acts committed against women.

- **Lack of knowledge and awareness of laws and policies** is a challenge and prevents women from being able to exercise their rights. For example, in Eswatini there is a lack of publicly available accurate information on what the Sexual Offences and Domestic Violence Act 2018 addresses.³³³ In Angola lack of legal literacy and trust in law enforcement results in the underreporting of cases.³³⁴

- **Provisions facilitating access to justice remain a barrier**, which contributes to underreporting. In Gabon, the lack of training of officials such as judges, police, social workers and health workers prevents reporting and the effective handling of cases.³³⁵ In Uganda, barriers in navigating legal processes and accessing support services stop women accessing reparation and rehabilitation services.³³⁶ There also remains a gap in support services provided to victims of violence. For example, in Nigeria, only 19 out of 36 states have established Sexual Assault Referral Centres to provide free medical, counselling and support services to survivors of sexual violence.³³⁷
- **The traditional beliefs** driving the continuation of FGM and other harmful practices represent a challenge to preventing and eradicating VAW. Although several countries have made notable strides to eliminate harmful practices like FGM, prevalence rates continue to be high across the continent. The patchy legal framework and limited number of prosecutions also contribute to the continuation of FGM.³³⁸
- **Incohesive policy approaches and sustainable financing** continue to remain a challenge and hinder the effective implementation of policy responses. Even though many countries have adopted action plans, challenges remain. Many of the national plans reviewed lack details concerning budget or resource allocation. Overall, many countries allocate a small proportion of the budget to the promotion of gender (often less than 1%), which is insufficient for tackling and eradicating GBV, among all of the other issues related to the unequal rights of women and girls.³³⁹ Additionally, many countries' national action plans are out of date and, even though many countries report that plans are being updated, the gaps between plans result in patchy implementation. There are also challenges related to inadequate coordination and communication among key stakeholders concerning the implementation of policies.³⁴⁰
- **Conflict and insecurity** across many African countries have exacerbated GBV. Central African Republic³⁴¹ and DR Congo³⁴² continue to see rape and sexual violence used against women by armed groups. In Mali, Somalia and Sudan, sexual violence, rape, sexual slavery, abduction and forced marriage are all causes for concern.³⁴³ The impacts of the Boko Haram insurgency have included increased conflict-related sexual violence for millions of women and girls across several countries (Cameroon, Chad, Niger and Nigeria), while the political conflict in Burundi has seen sexual violence used as a coercive method or act of punishment for the political beliefs woman hold.³⁴⁴ The lack of comprehensive support services for victims of conflict-related sexual violence continues to prove challenging in addressing VAW in these contexts³⁴⁵
- **Covid-19:** Existing gendered inequalities combined with strict lockdowns put in place in response to the Covid-19 pandemic have renewed fears globally regarding increased VAW, referred to as a "shadow pandemic."³⁴⁶ Lockdowns and school closures also increased girls' risk of and exposure to harmful practices including FGM.³⁴⁷ In South Africa, calls to the police increased by 37% on the weekly average of GBV cases reported for 2019.³⁴⁸ Uganda Police noted a 29% increase in domestic violence cases reported between 2019 and 2020 and a 16% increase in domestic violence-related homicides.³⁴⁹ Liberia recorded a 50% increase in GBV in the first half of 2020.³⁵⁰

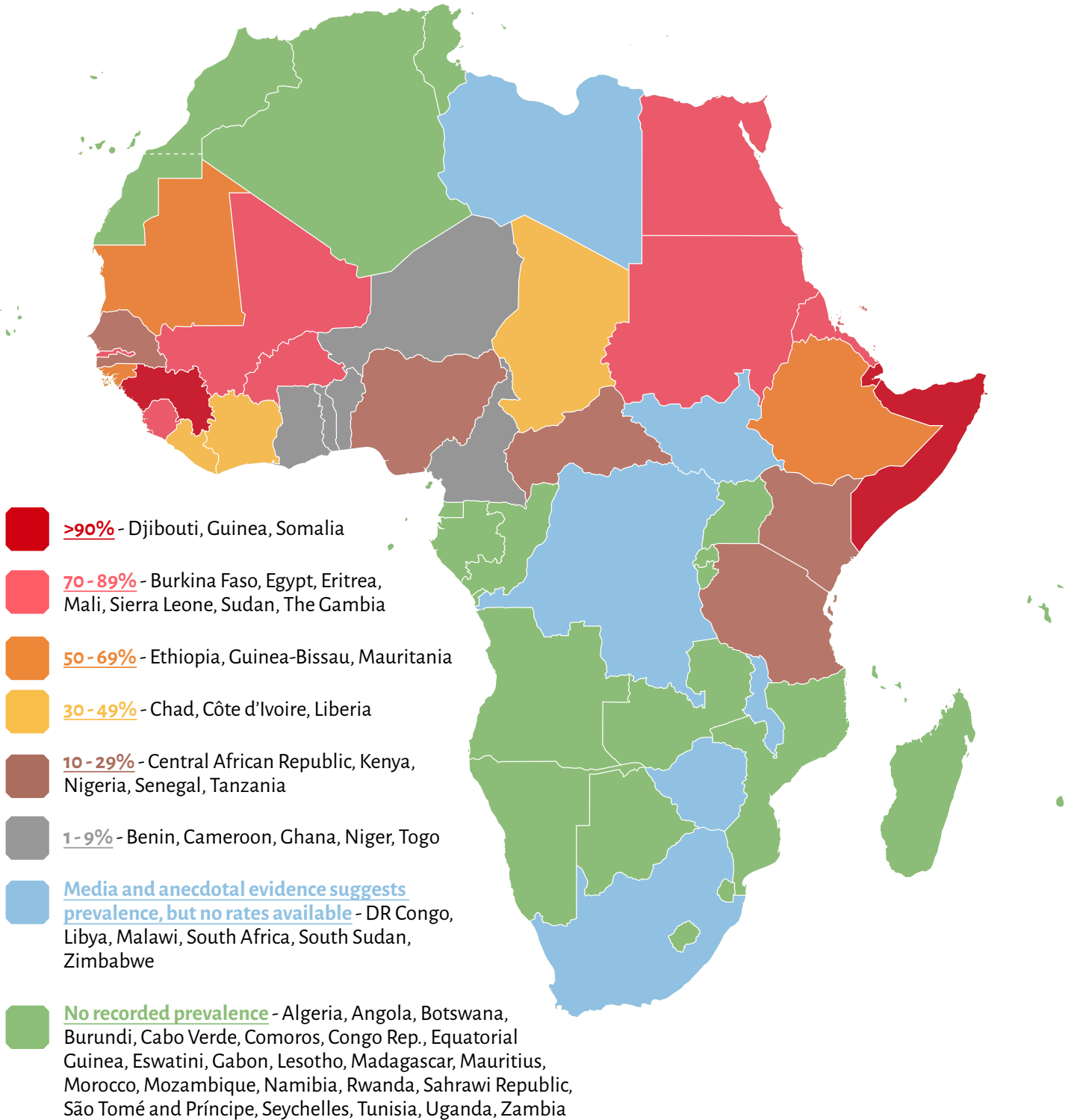
AU MEMBER STATES THAT HAVE THE HIGHEST FGM PREVALENCE* RATES:

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*.

RECOMMENDATIONS

- Treat violence against women and girls as a severe national security issue that demands the same government attention as other national security issues, including the allocation of sufficient funding to tackle violence against women and girls.
- Enact and implement policies that criminalise violence against women and girls, including FGM.
- Provide reliable data on prevalence rates by location.
- Ensure that women and girls have friendly access to education and protection services.
- Create a National Independent Gender Observatory to collect, manage, monitor and document GBV cases.
- Train magistrates and court officers on FGM to increase their familiarity with fundamental issues related to FGM. In addition, NGOs and CSOs should develop information and awareness programmes on FGM to reach local communities (via radio, TV and social media).
- Strengthen awareness at all social levels against violence against women and girls and implement an effective mechanism to fight impunity.
- Promote change in favour of protecting girls from FGM through a change in behaviour and social norms in practising families.
- Encourage and facilitate understanding of the consequences of FGM among women and girls by implementing awareness campaigns reaching different communities.
- Engage decision-makers and people from practising communities so they can advocate for the abandonment of the practice.

CASE STUDY

Setting a Legal Precedent using the Maputo Protocol: ECOWAS Court Case Holding the Nigerian State Accountable: Violence Against Women and Girls – Alliances for Africa (AFA)

(Maputo Protocol Articles 2, 3, 4(1), 4(2), 5, 8 & 25)

In 2009, the Abuja Environmental Protection Board (AEPB), a government agency responsible for waste collection and sanitation on the streets of Abuja, Nigeria, began carrying out raids in the company of police officers and/or military officers, often at night, under the guise of ridding Abuja city of prostitutes. Many women were found outside their homes at night and picked up by these government agencies and labelled as prostitutes just for walking at night and for no other reason. They were physically assaulted and threatened with violence, including being shot if they resisted, verbally abused and abducted in stationed vehicles used for that purpose.

At detention centres, many women suffered or were threatened with beating, harassment, sexual assault and rape. Some were coerced to sign confessions, and cash and valuables were taken from them, including mobile phones, as payment for illegal bail or as bribes. Despite several complaints to the authorities, including petitions to the Public Complaints Commission and editorials in national newspapers, the violence and abuse continued.

Four women, Dorothy Njemanze, Edu Ene Okoro, Justina Etim and Amarachi Jessy, agreed to jointly bring an application to enforce their human rights in this case before the Economic Community of West African States (ECOWAS) Court. The decision to do this was based on many reasons, but primarily the aim was to get faster access to justice. Like other national courts in Africa, Nigerian courts suffered many delays, and cases could take years to be concluded. Unlike similar regional or international courts, the ECOWAS Court, a supra-national court set up by the ECOWAS Treaty, does not insist on



applicants showing that they have exhausted local remedies before they bring a matter before it. The case was filed on 17 September 2014 as a joint action between Alliances for Africa (AfA), the Institute for Human Rights and Development in Africa, the Nigerian Women Trust Fund and the law firm of S.P.A. Ajibade with support from the Open Society Initiative for West Africa representing the women.

Judgment was given in favour of these women on 12 October 2017. The claim of one of the applicants was ruled as statute-barred because the ECOWAS Court can admit cases only within three years of them occurring. The other three applicants were awarded 6 million naira (\$16,750) each as compensation. The Nigerian state had failed to protect the rights of the first, second and fourth plaintiffs as there were multiple violations of Articles 2, 3, 4(1), 4(2), 5, 8 and 25 of the Maputo Protocol. The Nigerian state had failed to investigate and prosecute the allegations of mistreatment meted out to the plaintiffs. Treatment of the plaintiffs amounted to unequal gender discrimination and SGBV. The court found that there was arbitrary arrest, leading to a violation of the applicants' rights to liberty. The verbal abuse meted out to the applicants, including labelling them prostitutes, was humiliating and degrading, violated their rights to dignity and was GBV. The AEPB and the other government agents had no basis for arresting and maltreating these women and labelling them prostitutes merely because they were found outside at night. Only women were picked up and, clearly, this was a targeted and systematic attack against women because of their gender and amounted to gender-based discrimination.

In addition to the challenge of the length of time necessary to get the judgement, which mean there was a need to continually apply for new grants to resource the required legal teams, AfA reflected a key lesson learnt: "It was important to get partnerships with other organisations who had stronger strategic litigation experiences than ourselves."

The landmark judgement in favour of Dorothy Njemanze & 3 Others v Nigeria is significant because it represents the first time a regional justice or human rights institution has held a state in breach of protecting women's rights as provided for in the Maputo Protocol. More importantly, it demonstrates the potential to change how we handle cases of GBV and gender discrimination for the improvement of women's lives and human dignity. Unfortunately, while the judgement was in the women's favour, the Government of Nigeria has failed to implement the decision of the courts despite several reminder letters.

About AfA: AfA is an international African-led feminist non-governmental human rights, peace and sustainable development organisation. AfA was created to enhance and reconstruct the human rights and development interface, with a vision to contribute innovatively to tackling causes of endemic poverty and exclusion in Africa. AfA works with partners in, around and beyond the continent of Africa to advocate for the protection of human rights; promote women's participation in leadership and governance; build institutional capacity; advocate for gender justice, equality and non-discrimination; and promote peace, security and conflict resolution interventions. AfA has observer status with ACHPR, sits on the Coalition for an Effective African Court's Executive Committee and is a member of SOAWR. In July 2012, AfA was granted consultative status with the UN Economic and Social Council.



RIGHT TO PARTICIPATION IN THE POLITICAL & DECISION-MAKING PROCESS

Article 9 (Right to Participation in the Political and Decision-Making Process) of the Maputo Protocol calls on states to, among other things, “promote participative governance and the equal participation of women in the political life of their countries through affirmative action,” legislation and other measures.³⁵¹ These aim to ensure that women participate equally and without discrimination in all elections and electoral processes

and the development and implementation of state policies and development programmes. Finally, states shall also ensure the increased and effective representation and participation of women at all levels of decision-making. To this end, African states have sought to realise the goals of Article 9 through constitutional, legal, policy and institutional reforms.

WOMEN POLITICAL LEADERS

(As of May 31st 2023)

Current Presidents



Samia Suluhu Hassan
President of Tanzania
Head of State &
Government (since
2021)



Sahle-Work Zewde
President of Ethiopia
Head of State
(since 2018)

Current Vice-Presidents



Jewel Taylor
Vice-President
of Liberia
(since 2018)



**Rebecca Nyandeng
de Mabior**
Fourth Vice-President
of South Sudan (since
2018)



Jessica Alupo
Vice-President
of Uganda
(since 2021)



**Mutale
Nalumango**
Vice-President
of Zambia
(since 2021)



**Maraïam
Chabi Talata**
Vice-President
of Benin
(since 2021)



**Esperança da
Costa**
Vice-President
of Angola
(since 2022)



**Rose
Christiane
Raponda**
Vice-President
of Gabon
(since 2023)

Current Prime Ministers



**Saara
Kuugongelwa**
Prime Minister
of Namibia
(since 2015)



**Victoire
Tomegah
Dogbé**
Prime Minister
of Togo
(since 2020)



Najla Bouden
Prime
Minister of
Tunisia
(since 2021)



**Robinah
Nabbanja**
Prime Minister
of Uganda
(since 2021)



**Manuela Roka
Botey**
Prime Minister
of Equatorial
Guinea (since
2023)

Source: *Make Every Woman Count* (2023).

KEY ACHIEVEMENTS/PROGRESS

At the constitutional level:

Ten countries (Burundi, Egypt, Eswatini, Kenya, Rwanda, South Sudan, Sudan, Tanzania, Uganda and Zimbabwe) have adopted constitutional provisions to increase women's representation in political life and decision-making processes by establishing quotas. However, the constitutions differ as to whether the quota applies to all political life levels and the percentage or number of seats guaranteed to women. For example, under the Sudanese constitution, "the participation of women must not be less than 40% of the Transitional Legislative Council's members."³⁵² The constitution of Burundi guarantees women 30% of the seats at the National Assembly, in the judiciary and among government ministers.³⁵³ In Kenya, the constitution reserves 47 out of the 350 seats in the National Assembly and 16 of the 68 seats in the Senate for women.³⁵⁴ Regarding female representation and participation at the subnational levels, the Egyptian constitution reserves one-quarter of the seats for women in elected local councils.³⁵⁵

Concerning women's representation and participation in decision-making, the constitution of Zimbabwe provides that women shall constitute "at least half the membership of all Commissions and other elective and appointed governmental bodies established by or under this Constitution or any Act of Parliament."³⁵⁶ In Rwanda, women are constitutionally guaranteed "30% of positions in decision-making organs."³⁵⁷ The South Sudanese constitution commits all levels of government to promote women's participation and representation in legislative and executive organs by at least 25%.³⁵⁸

Other constitutions contain provisions on affirmative action. In Uganda, "women shall have the right to affirmative action for the purpose of redressing the imbalances created by history, tradition or custom."³⁵⁹ Under the revised constitution of Rwanda, political organisations have the responsibility to, among others, "operate in such a manner as to ensure that women and men have equal access to elective offices."³⁶⁰

At the legislation level:

Several African states have adopted legislated quota on women's representation in legislatures at the national and/or subnational levels. The countries differ, however, on legal sanctions for non-compliance. Six countries (Burundi, Congo Republic, Côte d'Ivoire, Egypt, Eswatini and Rwanda) maintain quotas for both houses of parliament and for elected bodies at the subnational level. Notably, Central African Republic has adopted legislation that provides for

a minimum quota of 35% of women in decision-making bodies, both nominative and election in state and private structures.³⁶¹ The law also provides for sanctions for non-compliance with the gender parity principle and affords victims with the right to reparations. In Sierra Leone, the Gender Equality and Women's Empowerment Act sets the quota at 30% for women's participation in government for both elected (local councils and parliament) and appointed (cabinet, ministry and ambassador) positions.³⁶²

Some countries have adopted quotas for other bodies comprising traditional leaders. The Traditional Leadership and Governance Framework Act of South Africa requires that "at least 30% of members of the National House of Traditional Leaders to be women and includes measures for gender parity of representation of traditional leaders in district and local municipalities."³⁶³

Other countries have adopted legislated candidate quotas. Notably, in Cabo Verde, the legislation states that "the minimum representation of 40% of each of the sexes in the candidacy lists for the collegiate bodies of power, namely, the National Assembly, City Council, Municipal Assembly and other supra- or sub-municipal bodies."³⁶⁴ In Guinea-Bissau, the Parity Law establishes quotas of 36% for women on the list of candidates of political parties for legislative elections and imposes sanctions on parties that do not comply, such as reducing the public subsidies allocated to the electoral campaigns to which political parties are entitled and removing tax exemptions.³⁶⁵ In Gabon, the quotas for access of women and young people to political elections and that of women to senior state jobs is 30% for women on political party lists.³⁶⁶

In Senegal, the amended Election Law requires gender parity on candidate lists for contests in legislative, regional, municipal and rural elections; any lists that do not comply with the parity principle are disqualified.³⁶⁷ At the subnational level, the Local Government Municipal Structures Act in South Africa provides for the equal representation of women and men on political party lists and in ward committees.³⁶⁸

Several countries have also introduced legislation that provides financial incentives for political parties that comply with the quota set. For example, in Cabo Verde, only those political parties or coalitions whose lists presented for national elections include at least 25% female candidates will receive public funding if elected.³⁶⁹ In Mauritius, political parties that elect more women than required by the quota (20%) will receive a financial benefit.³⁷⁰ In Togo, "political parties that meet parity on their lists are entitled

to bonuses” and, in efforts to encourage more women to stand for elections, the cost of applications forms for parliamentary and local elections has been reduced by 50% for female candidates.³⁷¹ In Algeria, political parties may receive specific state funding based on the number of their female women candidates elected at the national and subnational levels.³⁷²

Other legislative reforms seek to eliminate discrimination in political life and electoral processes. Rwanda has revised its Organic Law Governing Political Parties to eliminate any form of discrimination.³⁷³ The Elections of Act of Eswatini prohibits discrimination in terms of political participation of a voter and an electorate.³⁷⁴

At the policy level:

Across the continent, states have adopted policies concerning women’s representation and participation in elections, political life and decision-making processes, commonly through national gender policies/strategies or development plans. Among the priority areas of the National Gender Policy 2017–2019 of Liberia is to develop laws that promote equal representation of women and men in decision-making at all levels and to translate and disseminate such texts in the national languages.³⁷⁵ Djibouti’s Vision 2035 sets as one of its objectives that 40% of parliamentarians should be women in the National Assembly by 2035.³⁷⁶ The Nigerian National Gender Policy “provides a 35% minimum threshold for women’s participation in politics whether in appointive or elective positions.”³⁷⁷ Namibia’s 5th National Development Plan 2017/18–2021/22 sets a target of 50% women in politics.³⁷⁸ Similarly, the National Development Plan 2019/20–2021/22 of Eswatini also sets a target of 50% women in the cabinet, executive bodies in the public sector, the judiciary and parliament.³⁷⁹

Several countries have policies specifically addressing women in politics, decision-making and/or elections. Women’s groups in the respective parliaments have adopted policies to increase female representation and participation in some countries. The Uganda Women Parliamentary Plan 2016–2021 includes goals such as 50/50 representation in all decision-making bodies.³⁸⁰ The Strategic Plan 2019–2023 of the Kenya Women Parliamentary Association includes goals to retain and augment the number of women in parliament.³⁸¹

Other initiatives include campaigns promoting female representation and participation in national and local governments. For example, Malawi³⁸² and Namibia³⁸³ have introduced 50/50 campaigns to increase female

representation in decision-making. Côte d’Ivoire has implemented a study on the state of women’s representation in decision-making bodies and elected assembly and collected sex-disaggregated data on candidates and voters.³⁸⁴ Similarly, the Pro-Poor Agenda for Prosperity and Development 2018–2023 of Liberia aims to increase women’s political participation through the collection of data concerning women in leadership roles at national and local levels and capacity-building of women leaders.³⁸⁵ In Zimbabwe, the Girls’ and Young Women’s Empowerment Framework seeks to increase the percentage of girls participating in decision-making policy dialogues at community and national levels.³⁸⁶

At the institutional level:

Several countries have implemented institutional reforms concerning women in the electoral process, either as candidates or as voters. Cameroon has updated the Women’s Political Training Manual, which lays out the principles, rules and requirements for participating in elections as voters or elected officials.³⁸⁷ The country has also organised training for female candidates in parliamentary and municipal elections. Before the 2018 elections, the Government of Zimbabwe organised mobile registration, allowing women and youth to obtain identity documents and register to vote.³⁸⁸ As part of efforts to encourage women over 18 to seek political office, the Government of Kenya and various non-state actors established the Democracy Trust Fund. This provides aspiring female candidates with financial support, especially during campaigns.³⁸⁹

At the legislative level in several countries, women’s groups work to strengthen female participation and representation and ensure legislative and policy initiatives have a gender perspective. In Somalia, the Women’s Caucus of the Upper House works to get quotas adopted and increase women’s impact on political decision-making.³⁹⁰ The country currently has a quota only for the lower house.³⁹¹ In Namibia, the Committee on Women Caucus works to strengthen women’s voices and ensure that legislation passed by the parliament is gender-sensitive.³⁹² In Seychelles, the Women Parliamentarians Committee offers an opportunity for female members and other interested stakeholders to meet and share experiences, discuss significant women’s issues and seek solutions.³⁹³ The Women’s Parliamentary Caucus committee of Eswatini aims to enhance women’s participation in parliamentary matters at the national, regional (such as the Southern African Development Community (SADC) Parliamentary Forum) and international levels.³⁹⁴

Other institutional reforms aim to raise awareness of legislation and initiatives on increasing women’s representation and participation in decision-making. To popularise the law on quotas, Burkina Faso organised a workshop for administrative, customary and religious authorities and political leaders in 13 regions.³⁹⁵ The Ministry of Social Welfare, Gender and Children’s Affairs in Sierra Leone has established a network for women in rural areas to ensure their “participation in decisions affecting their lives and livelihoods.”³⁹⁶ In Togo, a young women leaders’ political academy has been established to build the capacity of young women to enter politics.³⁹⁷

PERCENTAGE OF WOMEN IN LOWER, UPPER AND SINGLE HOUSES: APRIL 2003 AND APRIL 2023^{vii}

Region	AU Member State	National house	% of women	
			April 2003	April 2023
Central Africa	Burundi	National Assembly (lower house)	18.8	38.2
		Senate (upper house)	18.9	41
	Cameroon	National Assembly (lower house)	8.9	33.9
		Senate (upper house)	-	31
	Central African Republic	National Assembly (single house)	-	12.9
	Chad	Transitional National Council (single house)	5.8	25.9
	Congo	National Assembly (lower house)	8.5	14.6
		Senate (upper house)	15	18.8
	DR Congo	National Assembly (lower house)	-	12.8
		Senate (upper house)	-	23.9
	Equatorial Guinea	Chamber of Deputies (lower house)	5	31
		Senate (upper house)	-	21.6
	Gabon	National Assembly (lower house)	9.2	14.7
		Senate (upper house)	13.2	23.9
São Tomé and Príncipe	National Assembly (single house)	9.1	14.6	

vii % of women calculated by dividing the current number of women by the current number of members

Data is unavailable for some houses in some years.

Eritrea has not had an election since February 1994.

For Nigeria the official results from the 2023 election are still pending.

The Parliament of Sudan was dissolved following a coup d'état in April 2019.

Eastern Africa	Comoros	Assembly of the Union (single house)	-	16.7
	Djibouti	National Assembly (single house)	10.8	23.1
	Eritrea	National Assembly (single house)	22	-
	Ethiopia	House of Peoples' Representatives (lower house)	7.7	41.3
		House of the Federation (upper house)	8.3	30.6
	Kenya	National Assembly (lower house)	7.1	23.3
		Senate (upper house)	-	31.8
	Madagascar	National Assembly (lower house)	3.8	18.5
		Senate (upper house)	11.1	11.1
	Mauritius	National Assembly (single house)	5.7	20
	Rwanda	Chamber of Deputies (lower house)	25.7	61.3
		Senate (upper house)	-	34.6
	Seychelles	National Assembly (single house)	29.4	22.9
	Somalia	House of the People (lower house)	-	19.7
		Upper House (upper house)	-	25.9
	South Sudan	Transitional National Legislative Assembly (lower house)	-	32.4
		Council of States (upper house)	-	32.1
	Sudan	National Assembly (lower house)	9.7	-
		Council of States (upper house)	-	-
Tanzania	National Assembly (single house)	22.3	37.4	
Uganda	Parliament (single house)	24.7	33.8	
Northern Africa	Algeria	National People's Assembly (lower house)	6.2	7.9
		Council of the Nation (upper house)	5.6	4.1
	Egypt	House of Representatives (single house)	2.4	27.5
	Libya	House of Representatives (single house)	-	16.5
	Mauritania	National Assembly (single house)	3.7	20.3
	Morocco	House of Representatives (lower house)	10.8	24.3
		House of Councillors (upper house)	0.4	11.7
	Sahrawi Republic	Parliament (single house)	-	-
	Tunisia	Assembly of People's Representatives (single)	11.5	16.2

Southern Africa	Angola	National Assembly (single house)	15.5	33.6
	Botswana	National Assembly (single house)	17	11.1
	Eswatini	House of Assembly (lower house)	3.1	14.9
		Senate (upper house)	13.3	40
	Lesotho	National Assembly (lower house)	11.7	26.5
		Senate (upper house)	36.4	24.2
	Malawi	National Assembly (single house)	9.3	20.7
	Mozambique	Assembly of the Republic (single house)	30	43.2
	Namibia	National Assembly (lower house)	26.4	44.2
		National Council (upper house)	7.7	14.3
	South Africa	National Assembly (lower house)	29.8	46.2
		National Council of Provinces (upper house)	31.5	44.4
	Zambia	National Assembly (single house)	12	15
Zimbabwe	National Assembly (lower house)	10	30.6	
	Senate (upper house)	-	44.2	
Western Africa	Benin	National Assembly (single house)	6	25.7
	Burkina Faso	Transitional Legislative Assembly (single house)	11.7	16.9
	Cabo Verde	National Assembly (single house)	11.1	41.7
	Côte d'Ivoire	National Assembly (lower house)	8.5	13.7
		Senate (upper house)	-	21.4
	The Gambia	National Assembly (single house)	13.2	8.6
	Ghana	Parliament (single house)	9	14.6
	Guinea	Transitional National Council (single house)	19.3	29.6
	Guinea-Bissau	People's National Assembly (single house)	7.8	13.7
	Liberia	House of Representatives (lower house)	7.8	11
		The Liberian Senate (upper house)	19.2	6.7
	Mali	Transitional National Council (single house)	-	28.6
	Niger	National Assembly (single house)	1.2	30.7
	Nigeria	House of Representatives (lower house)	-	-
		Senate (upper house)	-	-
	Senegal	National Assembly (single house)	19.2	46.1
	Sierra Leone	Parliament (single house)	14.5	13
Togo	National Assembly (single house)	7.4	19.8	

Source: Inter Parliamentary Union (2023) *Parline Global Data on National Parliaments*.

KEY CHALLENGES

- **Lack of quota or other temporary measures:** Many countries do not have constitutional provisions establishing a minimum for women's representation and participation. More than half of African countries do not have quotas at the subnational level. Most countries with bicameral parliaments maintain quotas only for the lower house. Four countries (Cameroon, Chad, Nigeria and Tunisia) do not have quotas at the national and subnational levels. Lesotho, Mauritius, Namibia and South Africa maintain them only at the subnational level. While many countries maintain legislative and/or voluntary quotas, these measures have, in many instances, not had a positive impact. Thus, women remain underrepresented.
- **Weak implementation and enforcement of legislation** on gender parity impede advances in realising women's political rights. While many countries have legislated candidate quotas, the laws do not always contain provisions on the rank order of female candidates (Rwanda)³⁹⁸ or provide any placement rules (Djibouti).³⁹⁹ In DR Congo, the law lacks binding measures and explicitly states that candidate lists cannot be rejected because they lack gender parity.⁴⁰⁰ Moreover, the Constitutional Court has ruled that gender quotas are unconstitutional.⁴⁰¹ Burkina Faso recently removed sanctions for non-compliance (loss of 50 percent of public funding), which further weakens opportunities for women.⁴⁰² Despite constitutional provisions and court decisions (including from the Supreme Court), the two-thirds gender principle has yet to be implemented in Kenya.
- **Candidate requirements pose a significant barrier** to women's political participation. For example, under Zambia's constitution, candidates must pay a nomination fee and meet the minimum academic qualification to stand for election to the National Assembly.⁴⁰³ As women often lack the financial resources or access to funding, many are discouraged from standing for elections. In South Sudan, women are required to be literate, which prevents many from standing for election, as well as exercising their right to vote.⁴⁰⁴
- **VAW in politics and during elections**, ranging from online abuse, intimidation and harassment to physical and sexual violence, is widespread. Many female candidates withdraw from the electoral process or elected office because of persistent threats, intimidation and acts of violence. While many countries maintain legislation prohibiting violence in general and political parties from engaging in such actions, no provisions explicitly prohibit VAW in politics and elections. Instead, such protections are implicit in existing laws. Most parliaments lack a sexual harassment policy.⁴⁰⁵
- **Conflicts, fragile and unstable political environments** adversely affect women's ability to enjoy and realise their political rights. In Eritrea, women have been unable to participate in the electoral process, either as candidates or as voters, as no elections have been held. There are reports of arrests of women who voice their opposition.⁴⁰⁶ Despite their participation in the Arab Spring, in many North African countries women's right to equal participation and representation has not been fully realised.
- **Persistent cultural and social views and traditions** such as patriarchal and gender-based stereotypes impede the acceptance of women in leadership positions and participation in political life. Women who enter politics are often expected to fulfil traditional duties. These views also lead to challenges in implementing and enforcing legislation, such as on non-discrimination or gender parity. Political parties often place male candidates in top positions while devoting little, if any, time to their female candidates.
- **Impacts of Covid-19:** The imposition of lockdowns and restrictions on large public gatherings negatively affected women's participation in elections and decision-making. Female candidates received less coverage in the media, which is often male dominated. Women candidates and voters struggled to share and obtain information as a result of unequal technology access and use.

RECOMMENDATIONS

- Give women opportunities and ensure their safety and protection in political spaces beyond just quotas, and open spaces so they can participate freely in the country's leadership, 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.
- Encourage women not to be manipulated by men to give up their place during appointments.
- Highlight the work female parliamentarians do to deconstruct all the stereotypes women face.
- Share good experiences between states.

CASE STUDY

Realising the Two-Thirds Gender Principle in Kenya

Working to Improve Women's Right to Participation in the Political and Decision-Making Process

(Maputo Protocol Article: 9)

The 2010 Kenyan constitution entrenches the principle of equality and requires the state to adopt affirmative action programmes and policies to redress any disadvantages suffered by individuals or groups because of past discrimination. More specifically, it requires that elective and appointive bodies be composed of “not more than two-thirds of either gender.” To give effect to this principle, the constitution requires the state to put in place a legislative framework and other measures. However, to date, there is no mechanism to operationalise this principle. Recent results from the 2022 general elections indicate that women's representation in the National Assembly and Senate remains low.

The Centre for Rights Education and Awareness (CREAW) has been working to realise the two-thirds gender principle in Kenya. Since 2010, in collaboration with other partners, CREAW has continued to challenge the non-implementation of the two-thirds principle, especially in legislative bodies, where women are underrepresented.

CREAW has pursued multiple advocacy strategies, including legal actions that have led to important decisions and actions concerning the failure to respect the 2010 constitution. This included seeking guidance from the Supreme Court through Advisory Opinion No. 2 of 2012 on “Whether to Implement the Two-Thirds Gender Principle Immediately or Progressively.” This resulted in the court ruling that the two-thirds principle would be realised progressively and that the legislative measures to give effect to the principle should be taken before^{viii} the 2017 elections. After failure to implement the Supreme Court ruling, CREAW filed at the High Court, requiring the attorney general to “Prepare the Bill to Implement the Two-Thirds Gender Principle” (CREAW v Attorney General & Another [2015] eKLR). The Court directed that the relevant bill be prepared and submitted to parliament within 40 days from the date of judgement. These rulings/judgements/court orders were never adhered to. This forced CREAW and six other partners to petition the chief justice to advise the president to dissolve the parliament as a result of its failure to meet the “not-more-than two thirds” gender principle, which amounted to a violation of the rights of women to equality and freedom from discrimination.

In addition to litigation, CREAW has conducted various advocacy initiatives, including with the Kenya Women Parliamentary Association, to push for bills in parliament that would lead to realisation of the two-thirds principle. CREAW's continuous hard work through campaigns, awareness-raising, capacity-building trainings and campaign material support, has led to an increase in the number of women being elected as well as a change of attitude regarding the capacity of women to lead. The litigation processes that have reached the highest levels of the Kenyan court system have contributed to important legal precedent for women's political equality. Additionally, the continuous conversations and initiatives surrounding women's political participation, which have included a memo from the president to the parliament instructing compliance with the two-thirds principle, have all been noted as successes. CREAW's knowledge and experience working to advance women's political representation reveals valuable lessons learnt – including the need for an enabling legal and policy environment; the need to influence political parties to support women members; the need to provide safe spaces, including reducing incidence of online attacks; the need to address social norms and attitudes that deter women from running for office and being voted for; and the need for negotiated democracy that upholds and supports women to occupy political spaces.

About CREAW: CREAW is a national feminist women's rights NGO based in Kenya, and a SOAWR member. Its innovative, bold and holistic interventions focus on challenging practices that undermine equity, equality and constitutionalism, promoting women's participation in decision-making and deepening the ideology and philosophy of women's empowerment.



viii The court gave 27 August, 2015 as the deadline for a mechanism to be in place to actualise the not more than two thirds gender principle.

RIGHTS TO PEACE & PROTECTION FROM ARMED CONFLICT

Enshrined continentally shortly after the unanimous adoption of UNSCR 1325, Articles 10 and 11 of the Maputo Protocol outline African women and girls' rights to a maintained "peaceful existence," protection from armed conflict and participation in all stages of conflict prevention and resolution, and peace processes.⁴⁰⁷

Subsequently, many AU Member States have made efforts to reform their constitutions, legislation and policies accordingly. Despite this, it is clear that, in this thematic area, what is on paper has not yet been effectively realised; with numerous targets yet unmet, women and girls in Africa continue to experience the disproportionate effects of political instability, war and exclusion at all levels of conflict prevention and resolution and peace maintenance.

KEY ACHIEVEMENTS/ PROGRESS

At the constitutional level:

AU Member States' constitutional reforms have broadly strengthened rights to protection from violence in conflict, and a few have specified women's rights to participation in security and peace processes. Article 127 of Somalia's 2012 constitution stipulates that "every Somali citizen is entitled to be considered for positions in the national armed forces at all levels, without discrimination, and the rights of women shall be protected in this respect."⁴⁰⁸ Sudan's 2019 constitution calls for actions to combat discrimination against women that occurs during war and peace and Article 68 paragraph 3 calls for the application of "UN Security Council Resolution 1325 and the relevant African Union resolutions regarding the participation of women at all levels in the peace process."⁴⁰⁹

At the legislation level:

There has been a steady increase in how many peace agreements include provisions referencing women, girls and gender. The Lou Nuer-Dinka Bor-Murle Action for Peace agreement of 2021 in Jonglei, South Sudan, contains detailed gender provisions that are seemingly "more contextually rooted in the community mediation processes preceding them."⁴¹⁰

Additionally, women's participation in peace processes has resulted in progressive legal reforms. For example, following women's significant contribution to the national dialogue in Mali, the gender parity law was integrated into the revised electoral law in June 2022. Further, women notably participated in Libya's peace negotiations. Three Libyan women were among the signatories of the Libyan Political Agreement of 2015.⁴¹¹ This Agreement is a positive model on increasing specificity regarding women's participation in peace processes, recognising the vital role of women in conflict prevention and resolution in resolving the crisis, and in peacebuilding. The Agreement also led to the now-established Women's Support and Empowerment Unit under the authority of the Presidential Council.⁴¹² The Unit is a technical advisory body with a legal personality and an independent budget.

States have also adopted pivotal new legislation regarding GBV and sexual violence in conflict settings. For example, Kenya has adopted the Sexual Offences Act and the Domestic Violence Act, thus increasing protections for women and girls. Eswatini's Sexual Offences and Domestic Violence Act 2018 makes provisions for redress for victims of GBV, which can also be applied to refugees and migrants.⁴¹³ In 2019, Central African Republic⁴¹⁴ and DR Congo⁴¹⁵

STATUS OF ADOPTION OF NATIONAL ACTIONS PLANS ON UNSCR 1325

(AS OF FEBRUARY 2023)



- AU Membership States who have had one UNSCR1325 NAP** - Angola, Burkina Faso, Cameroon, Djibouti, Gabon, Guinea, Guinea-Bissau, Malawi, Mozambique, Namibia, South Africa, South Sudan, Sudan, The Gambia, Togo

- AU Membership States who have had two UNSCR1325 NAPs** - Burundi, Mali, Uganda

- AU Membership States who have had three UNSCR1325 NAPs** - Central African Republic, Congo Rep., Côte d'Ivoire, DR Congo, Ghana, Kenya, Liberia, Niger, Nigeria, Rwanda, Senegal, Sierra Leone

- AU Membership States who have never had a UNSCR1325 NAP** - Algeria, Benin, Botswana, Cabo Verde, Chad, Comoros, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Lesotho, Libya, Madagascar, Mauritania, Mauritius, Morocco, Sahrawi Republic, São Tomé and Príncipe, Seychelles, Somalia, Tanzania, Tunisia, Zambia, Zimbabwe

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

renewed their commitment to fighting sexual violence in conflict. Both countries have renewed their existing joint communiqué agreements with the UN Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict from 2012 and 2013, respectively.

At the policy level:

Situated within the continental aim of Silencing the Guns in Africa, UNSCR 1325 NAPs are central to policy, legal and institutional reforms. As of February 2023, 32 AU Member States^{ix} have adopted at least one UNSCR 1325 NAP, and four African RECs (ECOWAS, SADC, Great Lakes Region and the Economic Community of Central African States) have each developed a Regional Action Plan.⁴¹⁶ Most recently, Malawi (2021)⁴¹⁷ and Morocco (2022)⁴¹⁸ adopted their first NAP. Central African Republic,⁴¹⁹ Congo Republic,⁴²⁰ Côte d'Ivoire,⁴²¹ DR Congo,⁴²² Ghana,⁴²³ Kenya,⁴²⁴ Liberia,⁴²⁵ Niger,⁴²⁶ Nigeria,⁴²⁷ Rwanda,⁴²⁸ Senegal⁴²⁹ and Sierra Leone⁴³⁰ have adopted two NAPs, and Burundi,⁴³¹ Mali,⁴³² and Uganda⁴³³ have adopted three NAPs since the adoption of UNSCR 1325 in 2000. However, of the 32 NAPs, 47% are expired and 9 have no budget allocations.

At the institutional level:

African women have consistently involved themselves in peace processes; however, formal institutions have often excluded them. The following highlights diverse examples of the institutional reforms that have aimed to elevate women's role in decision-making over the past two decades as they relate to Articles 10 and 11 of the Maputo Protocol.

The South African Spousal Office and the Office on the Status of Women have spearheaded programmes that “seek to assist women from conflict-ridden African countries to contribute to the culture of peace on the continent and beyond. This goal is achieved through facilitating dialogue among these women with the South African Women in Dialogue.”⁴³⁴ Rwanda is one of the highest contributors of women police officers worldwide to UN peacekeeping missions; in 2017, Rwanda reported that 30% of formed police unit contingents in Central African Republic, Haiti and South Sudan were women.⁴³⁵

From 2005 to 2014, South Africa reported an increase in both the number and the percentage of women in its Defence Force as well as 30% of “top management positions” and 23% of “senior management positions” being taken by women.⁴³⁶ In Central African Republic, women now represent more than 25% of the national police and almost 16% of the gendarmerie.⁴³⁷ At the local level in South Sudan, 11 women have been appointed to traditional courts in the Ngok Dinka community and 1 woman to the joint Misseriya and Ngok Dinka Court in Amiet; women represent more than a quarter of volunteers in the 34 community protection committees.⁴³⁸

There has been some progress, albeit slow and inconsistent, in the proportion of women negotiators of peace across the continent. For example, in 2003, there were zero women negotiators in the Linas-Marcoussis Peace Accords (Côte d'Ivoire); in 2006, 8% of negotiators in the Darfur Peace Agreement were women; in 2008, 25% of negotiators in Kenya's Acting Together for Kenya: Agreement on the Principles of Partnership of the Coalition Government were women; in 2020, 23% of negotiators in the Libyan Political Dialogue Forum were women; and in 2022, 38% of the Malian Agreement Monitoring Committee were women. While this is still far from parity, some of these figures stand above the global average of 11% of negotiators being women.⁴³⁹

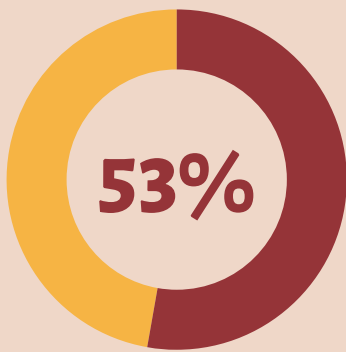
There are decision-making structures, camps and settlements to protect asylum seekers, refugees, returnees and displaced persons, particularly women. Structures that elevate the concerns and realities of these specific groups of women and involve them in decision-making have been difficult to determine. However, it was found that the Burkinabe Ministry of Women's Affairs and Gender has carried out assessment missions to Malian refugee sites, resulting in training on SRHR, GBV, early and forced marriage, and protection of the civilian population in times of war, especially women and children; donation of materials and hygiene kits; and granting of microcredit.⁴⁴⁰

In The Gambia, the testimony of Toufah Jallow in the country's Truth, Reconciliation and Reparations Commission on her experience of sexual violence at the hands of the former president, “sparked a nationwide movement to address violence against women and girls.”⁴⁴¹

ix Angola, Burkina Faso, Burundi, Cameroon, Central African Republic, Congo Republic, Côte d'Ivoire, DR Congo, Djibouti, Gabon, The Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Liberia, Malawi, Mali, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, South Africa, South Sudan, Sudan, Togo, Tunisia and Uganda.

PEACE AGREEMENTS THAT TOOK PLACE BETWEEN 2003 AND 2022 THAT MENTION WOMEN AND GENDER^x

FROM 2003 - 2022, THERE WERE 103 RECORDED PEACE AGREEMENTS ACROSS THE CONTINENT. OF THESE:



REFERENCE VIOLENCE AGAINST WOMEN



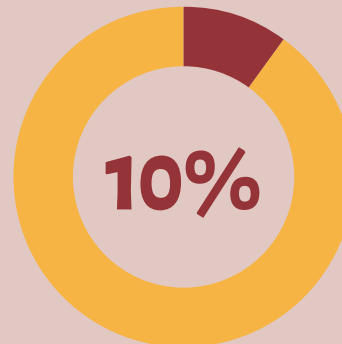
32

HAVE PROVISIONS WHICH OUTLINE A SPECIFIC QUOTE COMMITMENT, OR SPECIFY PARTICULAR NUMBERS OF WOMEN THAT ARE TO PARTICIPATE

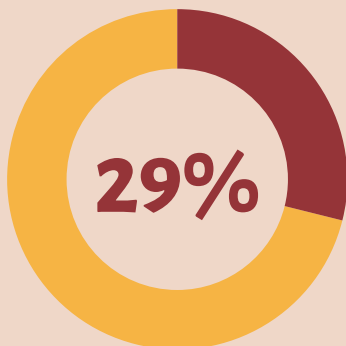


9

MENTION/DISCUSS WOMEN'S ROLE IN RECONCILIATION AND PROMOTING THE PEACE PROCESS



MENTION SPECIFIC PROTECTION OF REFUGEE OR DISPLACED WOMEN



HAVE GENERAL POLITICAL OR LEGAL EQUALITY PROVISIONS OR PROVISIONS CONCERNING NON-DISCRIMINATION ON GROUND OF GENDER OR SEX

Source: Professor Christine Bell for the University of Edinburgh PA-X Women, Girls, and Gender (PA-X Gender) Database (2023).

^x "Peace agreement" is defined as "formal, publicly available documents, produced after discussion with conflict protagonists and mutually agreed to by some or all of them, addressing conflict with a view to ending it." These include agreements related to interstate conflict, interstate/mixed or intrastate conflict, intrastate agreements relating to intrastate conflict and intra-local conflict (agreements that are related to or an intrastate conflict but are aiming to resolve local issues rather than what is perceived as a conflict-wide issue).

KEY CHALLENGES

- **Persisting barriers to women's participation in peace-building and conflict resolution:** Of those that states that report figures, many still have limited women's involvement in key decision-making positions. For example, in 2020, Namibia reported no police women deployed in decision-making positions in conflict and peace-building processes.⁴⁴² Additionally, from 2012 to 2019, Seychelles reports training just 35 women and 5 men enforcement officers in "gender-related" courses.⁴⁴³ In the 2015 negotiations for the Agreement for Peace and Reconciliation in Mali, just five of the hundred negotiators were women.⁴⁴⁴ In 2022, there were no women among the almost 30 delegates from DR Congo participating in the Nairobi consultations and only 1 woman out of 50 participants in the Chad peace talks.⁴⁴⁵ A recent qualitative study of several African nations highlights that patriarchal norms continue to see women as afterthoughts or "secondary" in peace-related policy platforms; even when "invited" to contribute, women are often not listened to.⁴⁴⁶

Further, women with intersecting identities are rarely included, such as women from Indigenous communities, women with disabilities and younger women. While being substantively ignored, women's human rights defenders, women in decision-making roles and women protestors are subject to violence. In the 2022 report, the Secretary-General of the UNSC particularly noted that, in Sudan, "many women have been targeted with violence, arbitrary arrests, and detention during their participation in the protests following the coup"⁴⁴⁷ as well as the threats and hate speech experienced by the minister of state for women's affairs of Libya. The regional director of the Strategic Initiative for Women in the Horn of Africa, Hala Al-Karib, poignantly stated in 2021 that "the modern history of the Sudan is littered with peace agreements that have failed because they excluded women."⁴⁴⁸ Despite research⁴⁴⁹ demonstrating the mutual advantages, women's participation in peace and conflict-prevention processes remains undervalued; 21 AU Member States do not yet have UNSCR 1325 NAPs.

- **Budgeting issues:** While Member States have committed to certain targets via policy reforms, many lack sufficient or any budget allocations and corresponding fundraising plans. Nine countries (DR Congo, Ghana, Guinea-Bissau, Kenya, Nigeria,

Rwanda, South Sudan, Sudan and Togo) do not have an estimated and/or allocated budget in their most recent NAP. The Gambia has an estimated budget but there is no mention on actions that formulate fundraising strategies, or what accountability mechanisms will ensure funding is raised and used in implementing the NAP.

- **Violations:** From 2003 to 2023, violations of Article 11 have been reported in at least 38 Member States.⁴⁵⁰ For example, in 2019, it was reported that peacekeepers for the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic had "sexually exploited over 100 victims since [its] 2014 inception." Additionally, in 2021 it was reported that women and girls in Tigray were "targeted for rape and other sexual violence by fighting forces", subjecting them to "gang rape, sexual slavery, sexual mutilation and other forms of torture, often using ethnic slurs and death threats."⁴⁵¹
- **Immunity:** While many Member States have specifically outlawed sexual violence in the context of conflict as a weapon of war, prosecutions are rare, and loopholes are often employed, culminating in immunity for perpetrators. For example, Mali's Penal Code provides that "rape, sexual slavery, forced prostitution, forced pregnancies, forced sterilisation or any other form of sexual violence which is a grave breach of the 1949 Geneva Conventions constitutes a war crime in international armed conflicts." However, in 2016, a UN Committee reported its concern regarding a provision in the Code of Military Justice detailing that "permission must be sought from the Minister of Defence before prosecuting members of the security and defence forces," adding an additional barrier for survivors.⁴⁵² Another example of a barrier was found by a study examining 'Somalia Peacekeeper Rape Allegations,' which found that 22,000 AU Mission in Somalia troops originated from countries outside of Somalia and were therefore immune from prosecution by the Somali government; instead, the responsibility fell on their respective governments, leaving Somali survivors with little to no further course of action in seeking justice.⁴⁵³
- **Girl child soldiers:** Girls have continually been used as child soldiers across the continent. In 2021, it was found that, in Africa, "nearly 40 % of girls recruited by armed forces and groups directly engage in hostilities." They are also used as literal weapons: "Armed groups in Nigeria and the Lake Chad basin are known to use

abducted girls in suicide attacks with improvised explosive devices. Between 2014 and 2016, girls were used in a shocking 75% of these attacks.⁴⁵⁴ If they survive, they are also subjected to ongoing violations. For example, in DR Congo, “29% of girls released from armed forces and groups between 2018 and 2020 reported being subjected to rape, sexual slavery or forced marriage during their association.”⁴⁵⁵

- **Military expenditure:** Article 10(3) is one of the Protocol’s most unique and progressive mandates: “States Parties shall take the necessary measures to reduce military expenditure significantly in favour of spending on social development in general, and the promotion of women in particular.” There is almost no available data on the latter, with most governments not making their social development spending public and/or clear, especially not any gender budgets; however, there is clear comparative information on the former. Contrasting Member States’ military expenditure via the percentage of their gross domestic product (GDP) from 2003 to 2021 (the most recent dataset), the continent has increased its proportionate military expenditure by 9% on average. Twenty-three Member States have decreased their proportional military expenditure (by an average of -41%), 21 have increased their proportionate military expenditure (by an average of 63%) and 11 lack sufficient data. Zimbabwe has decreased its proportional expenditure the most over the 18 years, by -99% (0.01% of GDP in 2021), and The Gambia has increased its the most, by 229% (at 0.75% of GDP in 2021). The Member State with the highest proportionate expenditure is Algeria, at 5.59% of GDP in 2021.

Regionally, on average, East, Southern and North Africa have decreased their proportionate military expenditure but West and Central Africa have seen an average increase by 24%, perhaps correlating to political instability, extremism insurgency and civil wars in the region; for example, DR Congo’s Initial Report discusses that military expenditure is necessary because it is a “post-conflict country” but that “substantial financial resources for social expenditure is allocated.”⁴⁵⁶ It is important to note that, even if a Member State reduced its military expenditure, it remains unclear whether these funds were then spent in favour of social development and the promotion of women. This remains a persisting issue within the broader context of gender inequality; as empirically re-emphasised by a UN Women 2022 study: “Militarisation leads to higher gender inequality

and lower female labour force participation.”⁴⁵⁷ Lastly, Ethiopia and Kenya have maintained their reservations to Article 10(3) of the Maputo Protocol.

- **M&E and state reporting difficulties:** 15 states have directly reported on Articles 10 and 11; 3 have reported indirectly and 4 states have not reported on either article in their state reports. The ACHPR also highlights that “there is a limited effort by African Member States when it comes to including gender dimensions in monitoring and evaluation of different sectors of peace and security. African Member States also have limited capacity when it comes to collecting and reporting gender issues in conflict-affected countries.”⁴⁵⁸ Only seven states have specifically reported on Article 10(3); of these, three attempt to justify why their military expenditure has increased, three ambiguously report that some funding is allocated to social development and only one, Rwanda, reports that military spending has reduced “to increase other budget areas like agriculture, health and education” as well as “eliminating the possession of small arms and light weapons in the population.”⁴⁵⁹ No state includes specific figures, although some report on the budget for their gender units – but not whether this is an increase on previous years.

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 instruments.
- 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.).



CASE STUDY

Women Refugees and Asylum Seekers Controlling Their Own Narrative, Decision-Making Structures and Economic Independence

Centre for Study Violence and Reconciliation Trauma and Transition Programme in South Africa

(Maputo Protocol Articles 4(2k) and 10(2c, d, e))

Over the past two decades, a large number of women have come from the Great Lakes Region and the Horn of Africa to South Africa, seeking refuge and asylum from civil war, dictatorship, political oppression, economic instability and poverty. The trauma of refugee women is compounded by continuous threats of xenophobic violence, accompanied by police harassment and hostility from the general public in South Africa. By and large, refugee women live in fear, and feel dislocated and displaced. A high incidence of major depression, anxiety disorders and post-traumatic stress disorder among the refugee population has been documented.⁴⁶⁰

From 2005 to 2011, facilitators from the Centre for Study Violence and Reconciliation (CSVR) Trauma and Transition Programme (TTP) met with a group of women refugees and asylum seekers (originally from Burundi, DR Congo and Zimbabwe) with the overall aims of facilitating the economic and social empowerment of these women and setting in motion increased integration into mainstream South African society. Language barriers, lack of documentation, police harassment, xenophobia and no access to the justice system render migrants particularly vulnerable in South Africa. Nevertheless, the TTP's intervention with this group of women broke the stereotypes that cast women refugees and asylum seekers as helpless victims in need of "hand-outs," by galvanising their self-reliance and agency to form an organisation that will advocate for refugee rights and establish income-generating projects.

In alignment with the Maputo Protocol, CSVR advocates that marginalised groups should take the lead in dealing with their problems, and the facilitators empowered the women refugees and asylum seekers to take charge. They subsequently identified and achieved the following objectives:

- Unite and bring women refugees and asylum seekers together and establish an independent organisation to advocate for the needs and rights of refugee women:
 - ▶ In 2009, the women established the Women on the Journey organisation and wrote their own constitution. They found that the process of drafting the constitution was very empowering and stimulated them at an intellectual level as they vigorously debated its clauses. They eventually registered as a non-profit organisation with the South African Department of Social Development, becoming fully independent. CSVR has since assisted in writing funding proposals in order to raise money to support their income-generating activities.
- Start income-generating projects:
 - ▶ In their monthly meetings, the women continuously discussed the importance of achieving economic empowerment, and in 2009 the group negotiated with the City of Johannesburg to acquire a piece of land in the suburb of Observatory in order to start a gardening project. Group members took the lead in the negotiations and in organising to make the financial contribution to pay for the costs of water for their gardening project.



- Educate and raise awareness on the rights of refugees:
 - ▶ Various workshops and public events have been organised for participants to explore socio-political issues and provide information on rights. The topics have included GBV, xenophobia, HIV/AIDS and the legal rights of refugees. Group members have also attended public events to mark Women's Day and International Women's Day, organised by the Department of Home Affairs.

Despite the challenges faced, including resourcing issues and instability owing to the inherent fluidity of the refugee and asylum-seeking populations, the group of women has been able to fulfil its objectives. Assessments of CSVR's approach to empowering women refugees and asylum seekers to set their own agenda and generate their own economic resources have suggested that this serves as a model to be replicated, "ultimately to help to break the cycle of dependence on humanitarian organisations."⁴⁶¹

About CSVR: CSVR has been a proud member of SOAWR for many years. Founded in 1989, it is an independent, non-profit organisation. It engages in research, community interventions, policy formation, service delivery, education and training. For three decades, CSVR has worked to understand violence, heal its effects, reconcile communities and build sustainable peace in South Africa, on the continent and elsewhere in the world. In particular, CSVR undertakes targeted research and advocacy in partnership with civil society and affected communities in order to hold state, continental and global institutions accountable. A multidisciplinary institute, CSVR's expertise and skill set offer a comprehensive and integrated service. CSVR provides technical support and works with individuals and communities, to focus on the wide range and forms of violence and conflict, including collective and interpersonal, political and criminal, and state and social violence. CSVR provides mental health and psychosocial support and other interventions to address and prevent violence and human rights violations. CSVR's work is rooted in an analysis of the shifting forms of conflict and violence within societies enduring a transition to democracy.



SPECIALLY PROTECTED WOMEN

The Maputo Protocol is one of the most progressive women's rights instruments, in part because of its intersectional nature, giving specific rights to specific groups of women who experience multiple forms of discrimination. These are widows (Articles 20 and 21(1)), elderly women (Article 22), women with disability (Article 23) and women in distress (Article 24).⁴⁶² The latter are qualified as “poor women and women heads of families including women from marginalized population groups” (Article 24(a)) as well as “pregnant or nursing women or women in detention” (Article 24(b)). States commit to taking appropriate measures, such as legal, to ensure specially protected women enjoy their human rights, such as protecting widows from inhuman, humiliating or degrading treatment. They shall also ensure the right of elderly women and women with disabilities to freedom from violence (including sexual abuse) and the right to be treated with dignity and discrimination based on age and/or disability.

Many legal and policy reforms related to these broader groups (elderly, people with disability and people in distress) have occurred across the continent over the past two decades, although centring women within each of these, both as beneficiaries and as decision-makers, remains an area for further growth. Positively, a variety of institutional reforms have contributed to significant progress for specially protected women. At the continental level, the AU has adopted the African Disability Rights Protocol and the Protocol on the Rights of Older Persons in Africa.

KEY ACHIEVEMENTS/PROGRESS

At the constitutional level:

All Member States include general constitutional provisions on non-discrimination based on gender and/or sex. Guinea's constitution also proclaims adhesion to (among other treaties) “the African Charter of the Rights of Man and of Peoples and its additional protocols relative to the rights of women.”⁴⁶³

Concerning women in distress, all constitutions generally prohibit discrimination based on socioeconomic status and/or contain general socio-economic rights. The constitution of Senegal is the only one that specifically emphasises rights for rural women.⁴⁶⁴ Additionally, concerning women in distress, AU Member States such as Côte d'Ivoire, The Gambia, Kenya, Morocco, Sierra Leone and Uganda enshrine special rights and/or protections that consider particular vulnerabilities and/or marginalisation of women among other groups.

Fifty AU Member States include constitutional provisions generally prohibiting discrimination based on disability and/or include rights for persons with disability; however, the following countries do not: Djibouti, Equatorial Guinea, Liberia, Mali and Mauritania. Twenty-six constitutions have at least one article dedicated to disability rights. While ix constitutions indirectly mention the intersection of gender and disability (Botswana, The Gambia, Ghana, Lesotho, Mauritius and Zambia) and three give distinct rights to children with disability (Egypt, Malawi and Mozambique), none mention or give rights specifically to women or girls with disability.

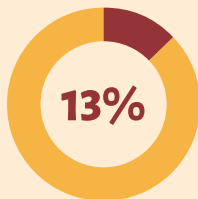
Only six constitutions prohibit discrimination based on marital status and/or provide rights for all surviving spouses (Kenya, Malawi, South Sudan, Uganda, Zambia and Zimbabwe). Seven AU Member States’ constitutions (Botswana, Eswatini, The Gambia, Guinea-Bissau, Mauritius, Sahrawi Republic and Sierra Leone) guarantee widows of public servants, military personnel and/or martyrs social welfare rights. Four countries (Malawi, São Tomé and Príncipe, South Sudan and Uganda) enshrine rights specifically for widows (women surviving spouses), such as inheritance rights.

Most constitutions forbid discrimination based on age and/or have rights for elderly people; however, the following countries do not: Burundi, Comoros, Djibouti, Equatorial Guinea, Lesotho, Liberia, Mali, Mauritania, Mauritius and Tunisia. Twenty constitutions have at least one article dedicated to disability rights. The constitution of Egypt serves as a model as its Article 11 specifically obligates the state to protect and ensure care for both elderly women and women in distress (“women most in need”).⁴⁶⁵

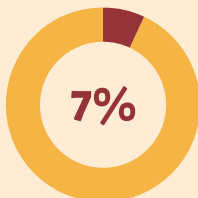
AFRICAN CONSTITUTIONS WITH GENERAL AND SPECIFIC PROVISIONS ON SPECIALLY PROTECTED WOMEN

All 55 AU Member States’ constitutions include general provisions on non-discrimination on the basis of gender and/or sex.

WIDOWS

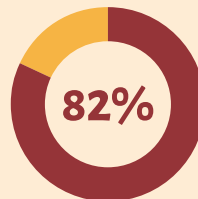


of constitutions prohibit discrimination on the basis of marital status and/or include rights for all surviving spouses.

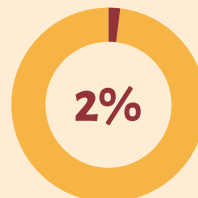


of constitutions enshrine rights specifically for widows (women surviving spouses).

ELDERLY WOMEN

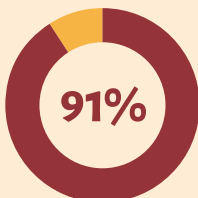


of constitutions prohibit discrimination on the basis of age and/or include rights for elderly people.



of constitutions enshrine rights specifically for elderly women

WOMEN WITH DISABILITY



of constitutions prohibit discrimination on the basis of disability and/or include rights for people with disability.

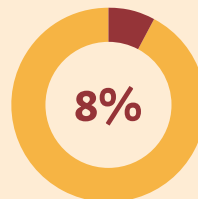


of constitutions enshrine rights specifically for women with disability.

WOMEN IN DISTRESS



of constitutions prohibit discrimination on the basis of socio-economic status and/or include general socioeconomic rights.



of constitutions enshrine rights or special protections to account for particular categories of women with certain vulnerabilities.

Source: *Make Every Woman Count* (2023).

At the legislation level:

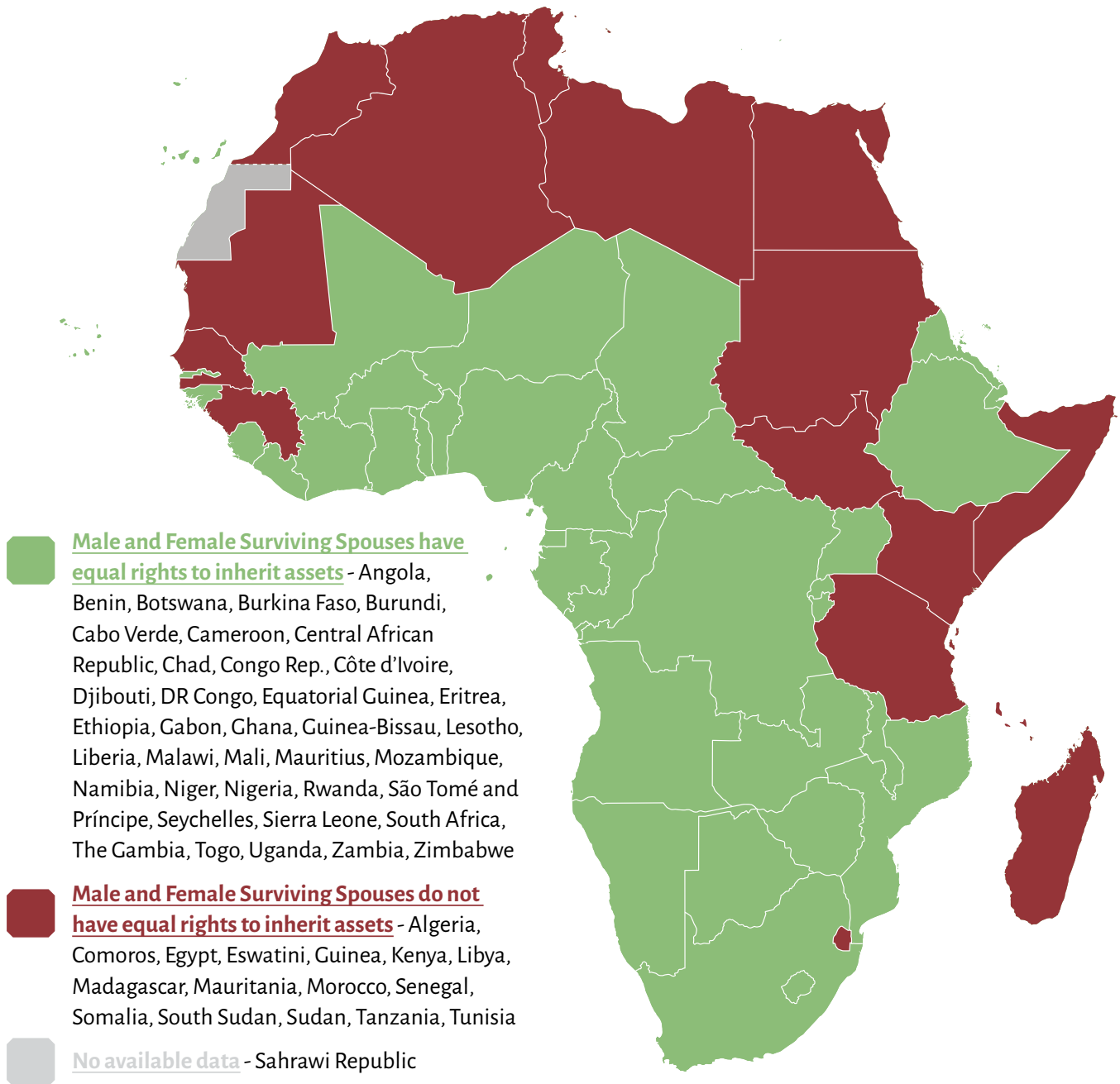
Positively, many Member States have introduced layered ranges of legislation related to disability, which have led to policies and social protection infrastructure related to disability, as further discussed below. While these laws are often broad, the implementation initiatives sometimes go further to provide measures specifically for women with disability. Angola's 2012 law on persons with disabilities establishes legal status applicable to the prevention from discrimination, qualification, rehabilitation and participation of persons with disabilities in social life, binding all natural and legal persons, public and private. Benin has adopted a law on the protection and promotion of the rights of persons with disabilities (2017). Eswatini enacted the Persons with Disabilities Act in 2018, obligating the state party to "take appropriate non-discriminatory measures to improve the socio-economic status of all groups including women with disabilities in an effort to ensure that they have equal opportunities to education, health and other services at all levels."

In Tanzania, an amendment to the Local Government Authorities Financial Act of 2018 requires authorities to set aside funds to provide "interest-free loans to registered groups of Women, Youth and Persons Living with Disabilities."⁴⁶⁶ Disability has also been referenced throughout other legislation, such as in Article 3(2)(e) of the Environment Management Act of Malawi 2017, which states that those responsible for protection and management shall take steps and measures necessary to ensure that social issues, such as gender, human rights and disability, are mainstreamed in the development of interventions to minimise negative impacts on the environment and enhance sustainable use of natural resources.⁴⁶⁷

Some Member States have introduced new or enhanced legislation for the protection of widows' rights, such as DR Congo's Article 19 of Law 15/013 of 2015, which prohibits and penalises the "inhuman, humiliating and degrading treatment of women in the event of the demise of a spouse."⁴⁶⁸ Regarding widows' inheritance rights, (34 AU Member States have legislated for equality in asset inheritance between male and female surviving spouses.⁴⁶⁹ Four Member States have adopted new legislation to give legal equality between male and female surviving spouses to inherit assets: Benin's 2007 Law on Persons and the Family (Articles 630 and 634), Mali's 2011 Law on Persons and the Family (Articles 770, 798 and 800); Sierra Leone's Devolution of Estates Act, Section 6, and Customary Land Rights Act, Sections 5 and 6(2b); and Uganda's 2022 Succession (Amendment) Act.⁴⁷⁰

In 2013, the Supreme Court of Eswatini upheld a widow's rights not to be arbitrarily deprived of her property and dignity.⁴⁷¹ Malawi's 2011 Deceased Estates (Wills, Inheritance and Protection) Act serves as a comprehensive model, giving specific rights to widows in situations that are often overlooked or where ambiguous legislation allows for loopholes, including entitling all widows of a polygamous union to a share of property, and expressly criminalises property grabbing perpetrated under customary law in the absence of a will. Instead, distribution of property must follow the Act, which also declares any property grabbing by a deceased spouse's relatives to be a criminal act and subject to criminal prosecution.

MAP OF LEGAL PROVISIONS ON EQUALITY FOR SURVIVING SPOUSES TO INHERIT ASSETS^{xi}



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

A number of Member States have included the rights of elderly persons in new legislation, such as DR Congo's Law No. 13/011 of 21 March, 2013 on the institution, organisation and operation of the National Human Rights Commission, which must, in accordance with Article 6, "ensure the respect of the rights of the elderly, persons living with HIV/AIDS, prisoners, refugees, victims of all forms of disasters and vulnerable groups."⁴⁷² Further, a comparison of the World Bank's Women, Business and Law Pension Score from 2003 to 2023 shows that 13 Member States improved their score: Cabo Verde, Central African Republic, Comoros, DR Congo, Djibouti, Ethiopia, Lesotho, Madagascar, Mauritania, Mozambique, São Tomé and Príncipe, Sudan and Togo. However, Libya and South Sudan's scores decreased. The Pension Score assesses "laws affecting the size of a woman's pension" such as equal retirement ages and pension credits for periods of childcare.⁴⁷³ Twenty-four AU Member States have a perfect score of 100.

xi 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.

At the policy level:

While there have been numerous new and reformed national policies related to disability, Zambia's National Social Protection Policy of 2014 stands out. This prioritises disability as one of its main pillars in its implementation and states that social protection measures must recognise the needs and status of different individuals, such as age, gender, disability, health and socioeconomic conditions. The following year, Zambia developed the National Policy on Disability, building on other instruments that had already specifically included disability, such as the Zambian Education Act 2011.

Many Member States have developed relevant policies for elderly women, such as Eswatini's Social Development Policy of 2010, which protects "the rights of elderly persons and provides the poor with the means to support themselves and any children in their care."⁴⁷⁴ Zambia's National Ageing Policy of 2015 aims to "realise the vision of ageing with dignity and security, provides policy guidance on the recognition of the fundamental rights of older persons and abolishment of all forms of discrimination based on age and gender," and the National Social Protection Policy of 2014 "protects elderly women from all forms of abuse, violence, discrimination, denial and

neglect."⁴⁷⁵ In 2016, Malawi adopted a National Policy for Older Persons, establishing the Community Elderly Committees "with gender and inclusive representation quotas which are responsible for implementation of the Policy, designing and implementation of old age gender sensitive and inclusive programmes."⁴⁷⁶

There have been few policy reforms specifically for the benefit of widows. However, in 2019, Botswana adopted the Revised Land Policy (2015), giving women greater rights to land and protecting widow heads of households from poverty.⁴⁷⁷ During the Covid-19 pandemic, the Policy increased in significance for women, particularly for widows, who can now support themselves and remain independent.⁴⁷⁸

Almost all Member States have produced multiple development and poverty alleviation plans and strategies, which often mention women and/or include initiatives for women in general. However, few have targeted the multifaceted challenges facing women in distress. Positively, the protection pillar of Zambia's National Social Policy 2014 goes the extra step by ensuring the protection of "vulnerable populations" from all forms of abuse, violence, discrimination, denial and neglect.



At the institutional level:

As noted by those Member States that have submitted State Reports on the Maputo Protocol, there have been a multitude of institutional reforms and strengthening of institutions for the benefit of women living with disability. Angola's Presidential Decree 1057/12 of 1 June 2012 established the National Council for Persons with Disabilities and approved its own rule. Additionally, in 2011–2016, Angola's Social Support Programme benefited 12,457 women with disabilities via compensation and technical assistance.⁴⁷⁹ Eswatini's Deputy Prime Minister's Office, in collaboration with NGOs, provides training on leadership and entrepreneurship skills for women with disabilities. The Government of Eswatini also supports persons with disabilities to participate in International Trade Fairs to showcase their talent and, in 2015, one woman (under the Disability Category) won an Award of Excellence in the Businesswomen of the Year Award.⁴⁸⁰

In 2014, the Government of Kenya established the Uwezo (Ability) Fund to empower youth, women and persons with disabilities by providing interest-free loans (up to \$5,682) as start-up capital to establish small and micro businesses.⁴⁸¹ In Namibia, the Income Generating Activity Fund provides grants for small businesses/projects, especially targeting women with disabilities.⁴⁸² Under Article 18 of Benin's Law No 2017-06, "an equality of opportunities" card has been introduced; this enables the bearer to enjoy certain rights and benefits (as a rebate or free) in terms of access to health care, readapting to financial and technical assistance.⁴⁸³ In Zambia, women with disability are eligible to benefit from many social assistance programmes, including the Food Security Pack Programme and the Social Cash Transfer Scheme. Under the latter, they may receive double cash transfers.⁴⁸⁴

In addition to aid services, some Member States have undertaken advocacy initiatives regarding challenges specific to widows. For example, in 2015–2016 in Cameroon, "nearly 448 widows were received at socio-legal clinics, while more than 15 000 people were sensitised on specific problems confronting widows during educational talks organised at the regional level."⁴⁸⁵ Other Cameroonian community engagement initiatives have sought to

transform discriminatory cultural norms: "from January 2015 to June 2017 in eight villages of the West Region, customary codes establishing standard norms for the performance of widowhood rites were developed by the communities. To ensure acceptance and enforcement of these codes, an Observatory of Widowhood Rites has been set up in each of the 8 villages with a total of more than 400 members."⁴⁸⁶ To enhance implementation of inheritance legislation, Zambia maintains a Victim Support Unit under the Police Service to protect widows where their right to inherit from the estate of their spouse is violated.

Member States have also introduced new social protection benefits and resources for elderly women. Angola has established the Assistance Programme for the Elderly, which includes a set of social responses to assist this group, mainly those who live in absolute vulnerability. Also, in 2011–2016, the Social Support Programme supported 37,391 elderly women in the community.⁴⁸⁷ In 2009, Burkina Faso established the Centre for Listening and Care for Older Persons in Ouagadougou.⁴⁸⁸ Eswatini provides free health care services in all government facilities for elderly persons.⁴⁸⁹ In Zambia, households headed by elderly women are eligible to benefit from the Food Security Pack Programme and the Public Welfare Assistance Scheme with the latter providing them with an opportunity to access health support.⁴⁹⁰

A diverse range of progressive mechanisms have been established to protect the rights of women in distress. Some of these centre around social protection initiatives, such as Angola's Social Support Programme, which provided "support to 48,320 deprived and dependent women" in 2011–2016.⁴⁹¹ For women in distress in rural areas, DR Congo has put in place a rural development fund to facilitate access to credit. Specifically relating to Article 24(b) of the Maputo Protocol, Eswatini's Correctional Services Act "provides that nursing mothers be afforded an environment which is suitable for bonding and breastfeeding." The Correctional Services Department has also put in place several facilities to "cater for children born while their mothers are detained", such as nurseries, prenatal and postnatal care for mother and child, and a preschool with trained instructors.⁴⁹²

KEY CHALLENGES

- **Lack of data:** Across all groups of specially protected women, there is a lack of contemporary, sex-disaggregated data, which inhibits quantitative measures of progress, limits governments' capacities to make evidence-based decisions and slows advocacy efforts.
- **Ambiguity of domestic disability legislation and policies:** While many Member States have laws dedicated to those with disability, as discussed by Zambia in its Initial Report to the ACHPR, these often “do not provide for any special measures to address specific challenges that women with disabilities face.”⁴⁹³
- **Persisting challenges for widows:** Harmful practices persist on the continent, including widows being accused of witchcraft, “cleansing” rituals, social stigma, property dispossession, forced eviction and denial of child custody.⁴⁹⁴ Further, despite progress in inheritance laws, as highlighted in Eswatini’s State Report, “redress for widows is limited by the high costs of legal representation, if they were to contest the distribution of the estate. The majority of them cannot afford legal representation and in the absence of legal aid system, there can be very little recourse to justice.”⁴⁹⁵
- **Elderly women’s economic disempowerment:**
 - ▶ **Gender division of labour:** Across the continent, elderly women continue to be underrepresented in the formal workforce. Exacerbating economic challenges is the enduring gender divide of unpaid care work: data from national time use surveys in a number of African countries shows that older women spend substantial amounts of time each day on such labour – ranging from about 2.5 hours in Benin, Cameroon, Ethiopia, Ghana and Tanzania to about 3.5 hours in Algeria and South Africa, and 4 hours or more in Mauritius and Tunisia. Consistently, the extent of older women’s unpaid work far exceeds that performed by older men.⁴⁹⁶
 - ▶ **Pension exclusivity:** In North Africa, just under half of adults above the statutory retirement are covered by a pension. However, as reported by the ILO, less than a quarter of older adults above the statutory retirement age in sub-Saharan Africa are covered. This is because the bulk of labour (85.8%) continues to be informal, where women are disproportionately represented, and statutory retirement and associated pensions cover only a small minority of older people who were employed in the public and other sectors of the formal economy. Virtually all older workers aged 65 and over in Africa (96.0%) are engaged in the informal economy, a considerably larger share than for adults aged 35–54 (79.7%), 30–34 (83.1%) or 25–29 (85.5%).⁴⁹⁷ Only 12 African countries thus far – Algeria, Botswana, Cabo Verde, Egypt, Eswatini, Kenya, Lesotho, Mauritius, Mozambique, Namibia, Seychelles and South Africa – have established national social pension schemes for the large remainder of the older population⁴⁹⁸. Of the existing schemes, only five are universal – Botswana, Kenya, Mauritius, Namibia and Seychelles – the others being either means- or pension-tested; and ages of eligibility vary from 70 years in Kenya and Lesotho to 65 in Botswana and Egypt, 63 in Seychelles, and 60 in Algeria, Cabo Verde, Eswatini, Mauritius, Mozambique, Namibia and South Africa.
- **Elderly women’s social disempowerment:** African regions are among those with the largest share of the population holding moderately or highly ageist attitudes (85.2%).⁴⁹⁹ Additionally, elderly African women continually to be baselessly accused of witchcraft, often resulting in social isolation and experiences of violence and even death, such as in Burkina Faso, Ghana, Nigeria⁵⁰⁰ and Tanzania.⁵⁰¹ In Burkina Faso, “hundreds of older women accused of witchcraft ... have been either killed or banished.”⁵⁰² And “in northern Ghana, more than 1000 older women who were alleged to be witches have been driven out of their homes and are living in makeshift camps.”⁵⁰³ Older African women have also reported higher rates of disability or functional limitations compared with men, and greater severity of difficulties performing activities of daily living.⁵⁰⁴ Africa’s population of people aged over 60 is set to triple from the current 74.4 million (2020) to 223.2 million in 2050. There is “inadequate infrastructure to cope with the demand of the increasing number of the elderly. Furthermore, stigma stereotypes and lack of comprehensive social protection systems to provide sustainable livelihoods for the elderly women remains a challenge.”⁵⁰⁵
- **There is a lack of specific policies for women in distress** as well as a lack of consultation and their involvement in decision-making and development plans and strategies.

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.

CASE STUDY

Swazi Customary Court, High Court and Supreme Court Rulings Align: Hadebe v Khumalo and Others (2013)

Eswatini: Ensuring a Widow's Rights to Dignity and to Her Matrimonial House

(Maputo Protocol Articles 20a 21(1))

In 2012, following the sudden death of her husband and in the midst of shock and grief, Nelisiwe Ndlangamandla and her two young children were forcefully evicted from their home in eZulwini, eNyonyane area, by her late husband's brother, Mbonwa Hadebe. The Supreme Court describes the heartbreak and "merciless and heartless" actions of Mbonwa, especially when "they were most vulnerable and in need of human sympathy and support, from the home where they had lived with their husband and father respectively immediately preceding his untimely death."

Knowing both her customary and civil rights, Nelisiwe complained and sought redress from the traditional Swazi authorities, the Umphakatsi. The chief then summoned her brother-in-law to address the issue. Failing to show, he was fined two cows by the Umphakatsi and ordered to establish his own, separate home. This fine was never paid and he still refused to move out of the property he had stolen.

However, the traditional authorities persisted on behalf of Nelisiwe and her children, not only forcefully removing Mbonwa from Nelisiwe's home but also evicting him from the chiefdom for his defiance. It was only then that Mbonwa decided to engage with court systems, filing an appeal with the High Court of Eswatini "seeking to interdict and restrain his eviction." When this ruling did not go in his favour, with the court finding no customary or legal right to the home, Mbonwa elevated his appeal to the Supreme Court.

In 2013, the Supreme Court upheld the following decisions from the High Court:

- "The decision of the first respondent evicting the applicant from the home of Mbonwa Hadebe in Ezulwini Chiefdom is confirmed.
- The applicant is hereby interdicted and restrained from evicting Nelisiwe Ndlangamandla and her children from their homestead at Ezulwini area.
- In terms of Swazi Law and Custom, the first respondent has a right to evict him from the chiefdom for defying his authority."⁵⁰⁶

The appeal was subsequently dismissed with costs.

Eswatini's Initial Report on the Maputo Protocol submitted in 2021 highlights this judicial case as significant in enforcing the rights under Article 21(1) of the Protocol, as well as Section 34(1) of the constitution, which explicitly provides that, "A surviving spouse is entitled to reasonable provision under the estate of the other spouse regardless of whether the other spouse left a valid will or not and whether the spouse was married by civil rites or customary law."⁵⁰⁷



CONCLUSION

When, on 11 July 2003, AU heads of state and government adopted the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol), they reaffirmed the principle of promoting gender equality as enshrined in the Constitutive Act of the AU, thus reiterating their commitment to ensuring the full participation of women in Africa's development agenda. The adoption of the Maputo Protocol was also driven by the shared concern of the AU heads of state and government that, despite the ratification of notable international and regional instruments, African women and girls continued to be subjected to discrimination and harmful practices. The adoption of the Maputo Protocol thus signifies a continental determination "to ensure that the rights of women are promoted, realized, and protected in order to enable them to fully enjoy all their human rights."⁵⁰⁸

Over the past 20 years since the Protocol was adopted, the AU governments have made considerable progress in keeping with these promises and commitments. As evidenced in this Report, the progress has been multi-paced on different fronts. With regard to ratification and entry into force, the Maputo Protocol stands as the fastest human rights treaty to enter into force, having received the requisite 15 ratifications on 26 October 2005 and entry into force a month later. The steady ratifications by 44 of the 55 AU Member States have been notable, albeit slow, against a backdrop of several promises for all 55 AU Member States to ratify by the end of African Women's Decade (2010–2020). Two decades after its adoption, there are still 12 countries that are yet to ratify this important legal instrument, meaning that the women and girls in those countries cannot enjoy the same rights as the other women and girls 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 and ratify the Maputo Protocol in order to deliver on their promises to the women and girls in their countries.

The SOAWR coalition lauds the positive steps that Member States have taken towards making the text of the Maputo Protocol a living reality for millions of women and girls in Africa. This has been exhibited by legislative progress as well as institutional measures that Member States have made to domesticate and implement the Maputo Protocol. Numerous pieces of legislation have been enacted at the national level in conformity with the Maputo Protocol. Moreover, a number of countries have set up institutional infrastructure to further the implementation of the Maputo Protocol and thereby deliver on the promises for gender equality and the enjoyment of all human rights by women and girls. All these steps are critical pieces in positively changing the realities of African women and girls.

Over the past two decades, as this Report illustrates, the continent and indeed Member States have made commitments to gender equality, including those contained in binding treaties such as the Maputo Protocol. However, a major challenge to the fulfilment of these commitments has been a lack of full, effective and meaningful implementation that produces tangible and measurable changes in the lives of women and girls. This is compounded by limited political will and low levels of accountability on the part of Member States, exhibited through non-compliance with commitments or implementation of judicial decisions and treaty body recommendations. Often, lack of or inaccessible data impedes the monitoring and documentation of progress, which deprives the continent of the opportunity to learn from best practices, for instance.

Overall, the general landscape of women's rights and gender equality on the African continent presents a mixed bag of notable progress, opportunities for greater advancement, missed opportunities, challenges and aspirations for the fulfilment of this continental promise of gender equality so eloquently espoused in the Maputo Protocol, which is lauded as the most progressive and comprehensive women's rights treaty in Africa and globally. Reflections on the 20 years since the AU adopted the Maputo Protocol, put forward in this Report, present an opportunity for the continent – including the AU heads of state and government, state and non-state actors, and women and girls – to define, restructure and refine the future landscape of women's rights and gender identity. To do this, all these actors must reaffirm their commitments, accelerate efforts and employ all resources towards realising the aspirations of all women and girls to live in a world that is free from all forms of discrimination and violence; and where they can enjoy all their rights and live in the reality of the letter, purpose and intent of the Maputo Protocol. This is the time to accelerate the promise for African women and girls.

REFERENCES

- 1 AU (2003) “Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa”.
- 2 AU (2021) “Maputo Protocol Scorecard & Index: A Stepping Stone Towards Achieving Women’s Rights”.
- 3 AU (2016) “Maputo Protocol on Women’s Rights: A Living Document for Women’s Human Rights in Africa”.
- 4 AU (2022) “The African Women’s Decade (AWD) Report (2022): Grassroots Approach to Gender Equality and Women’s Empowerment 2010–2020”.
- 5 AWD Report (2022).
- 6 AWD Report (2022).
- 7 AWD Report (2022).
- 8 Vienna Convention on the Law of Treaties (1969), Article 2(1d).
- 9 FDRE (2018) “Proclamation to Ratify the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa”. www.fao.org/faolex/results/details/en/c/LEX-FAOC184377/
- 10 Ayeni, V.O. (ed.) (2016) *The Impact of the African Charter and the Maputo Protocol in Selected African States*. Pretoria: PULP
- 11 Nabenah, S. (2016) “The Impact of the African Charter and the Maputo Protocol in The Gambia” in Ayeni (2016).
- 12 Republic of Rwanda (2012) Penal Code, Arts 165–166.
- 13 Iliza, A. (2020) “Renewed Call to Ease Women Access to Reproductive Health Services”. www.newtimes.co.rw/article/178331/News/renewed-call-to-ease-women-access-to-reproductive-health-services
- 14 Hitayezu, C. (2020) “Rwanda to Release 50 Women Jailed for Having Abortions”. www.theguardian.com/global-development/2020/may/21/rwanda-to-release-50-women-jailed-for-having-abortions
- 15 Kane, G. (2015) *When Abortion Is a Crime: Rwanda*. Chapel Hill, NC: Ipas; Musabwasoni, M. et al. (2022) “Lived Experience of Healthcare Professionals Providing Safe Abortion in Rwanda”. *Rwanda Medical Journal* 79(3): 70–77.
- 16 ACHPR (2020) “Rules of Procedure on the African Commission on Human and Peoples’ Rights”. www.african-court.org/wpafc/wp-content/uploads/2020/10/25-RULES-OF-PROCEDURE-ON-THE-AFRICAN-COMMISSION-ON-HUMAN-AND-PEOPLES-RIGHTS.pdf
- 17 ACHPR (2010) “State Reporting under the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa”. <https://achpr.au.int/en/documents/2010-02-05/state-reporting-under-protocol-rights-women-africa>
- 18 ACHPR (2010) “State Reporting under the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa”. <https://achpr.au.int/en/documents/2010-02-05/state-reporting-under-protocol-rights-women-africa>
- 19 ACHPR (2010) “State Reporting under the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa”. <https://achpr.au.int/en/documents/2010-02-05/state-reporting-under-protocol-rights-women-africa>
- 20 ACHPR (2022) “Guidelines on Shadow Reports of the African Commission on Human and Peoples’ Rights”. <https://achpr.au.int/en/documents/2022-10-28/guidelines-shadow-reports-african-commission-human-and-peoples>
- 21 United Nations Treaty Body Database “Deadlines for the Submission of Documentation for CEDAW”. https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/MasterCalendar.aspx?Treaty=CEDAW (accessed May 2023).
- 22 Republic of Malawi (2015) “Implementation of the African Charter on Human and Peoples’ Rights 1995–2013 and the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women 2005–2013”, page 2.
- 23 African Union, (2003), “Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa”, https://au.int/sites/default/files/treaties/37077-treaty-charter_on_rights_of_women_in_africa.pdf
- 24 Constitute Project “Senegal 2001 (rev. 2016)”. www.constituteproject.org/constitution/Senegal_2016?lang=en
- 25 Constitute Project “Sudan’s Constitution of 2019”. www.constituteproject.org/constitution/Sudan_2019.pdf?lang=en
- 26 Constitute Project “Ethiopia 1994”. www.constituteproject.org/constitution/Ethiopia_1994?lang=en
- 27 Constitute Project “Egypt 2014 (rev. 2019)”. www.constituteproject.org/constitution/Egypt_2019?lang=en
- 28 Constitute Project “Zimbabwe’s Constitution of 2013”. www.constituteproject.org/constitution/Zimbabwe_2013.pdf
- 29 Constitute Project “Egypt 2014 (rev. 2019)”. www.constituteproject.org/constitution/Egypt_2019?lang=en
- 30 Constitute Project “Lesotho 1993 (rev. 2018)”. www.constituteproject.org/constitution/Lesotho_2018?lang=en
- 31 Constitute Project “Ethiopia 1994”. www.constituteproject.org/constitution/Ethiopia_1994?lang=en
- 32 Constitute Project “Malawi 1994 (rev. 2017)”. www.constituteproject.org/constitution/Malawi_2017?lang=en

- 33 Republic of South Sudan (2019) “National Review of the Implementation of the Beijing Declaration and Platform for Action (1995)”, page 8.
- 34 Comoros Labour Code 2005, Articles 2, 44, 104. www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=96290&p_count=10&p_classification=01
- 35 Senegal Law 2020-05 of 2020 Amending Law 65-60 of 1965 on the Penal Code. <https://justice.sec.gouv.sn/wp-content/uploads/2020/12/loi-2020-05-du-10-janvier-2020-criminalisant-les-actes-de-viol-et-de-pedophilie.pdf>
- 36 Women, Business and the Law (2023) “Djibouti”. <https://wbl.worldbank.org/en/data/exploreeconomies/djibouti/2023>
- 37 United Republic of Tanzania (2019) “Country Report on the Review and Progress Made in Implementation of the Beijing Declaration and Platform for Action – Beijing +25”, page 32.
- 38 Women, Business and the Law (2023) “Djibouti”. <https://wbl.worldbank.org/en/data/exploreeconomies/djibouti/2023>
- 39 Women, Business and the Law (2023) “Gambia, The”. <https://wbl.worldbank.org/en/data/exploreeconomies/gambia-the/2023>
- 40 Women, Business and the Law (2023) “South Africa”. <https://wbl.worldbank.org/en/data/exploreeconomies/south-africa/2023>
- 41 Women, Business and the Law (2023) “Ethiopia”. <https://wbl.worldbank.org/en/data/exploreeconomies/ethiopia/2023>
- 42 AU (no date) “AU Strategy for Gender Equality & Women’s Empowerment 2018-2028”, page 42.
- 43 United Republic of Tanzania (2019) “Country Report on Beijing +25”, page 29.
- 44 DR Congo Law 16/010 of 2016 Amending and Completing Law 015-2002 of 2002 on the Labour Code, page 1.
- 45 *Republic of Senegal* (2019) « Rapport national de la mise en œuvre de la Déclaration et du Plan d’action de Beijing du Sénégal », page 5.
- 46 World Bank (2020) “Reforms – São Tomé and Príncipe”. <https://wbl.worldbank.org/en/reforms>
- 47 Mozambique Law 24/2019 of 2019 Amending the Penal Code of 2014. www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=110012&p_count=29&p_classification=01
- 48 *Republic of Mali* (2019) « Cinquième rapport national du Mali de suivi de la mise en œuvre de la Déclaration et du Programme d’action de Beijing de 1995, Rapport Beijing +25 », page 8.
- 49 United Republic of Tanzania (2019) “Country Report on Beijing+25”, page 10.
- 50 Republic of Cabo Verde (2019) “Cabo Verde National Report: Beijing +25”, pages 22–23. www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/64/National-reviews/Cabo_Verde.pdf
- 51 *Republic of Togo* (2019) « Vingt-cinquième anniversaire de la quatrième conférence mondiale sur les femmes et de l’adoption de la Déclaration et du Programme d’action de Beijing (1995) : Examen de la mise en œuvre des engagements de la Déclaration et du Plan d’action de Beijing entre 2014 et 2019 », page 15.
- 52 *Congo Republic* (2019) « Rapport national d’évaluation de la Déclaration et du Plan d’action de Beijing+25 », page 11.
- 53 Republic of Mali, (2019), “Fifth Mali National Report on Monitoring the Implementation of the 1995 Beijing Declaration and Platform for Action, Beijing +25 Report”, p.8
- 54 TNH (2010), “Swaziland: Some Women Can Now Own Property”. <https://reliefweb.int/report/swaziland/swaziland-some-women-can-now-own-property>
- 55 Stewart, S. (2019) “Eswatini Court Upholds a Widow’s Rights to Customary Land Use – A Beacon of Hope?” <http://ohrh.law.ox.ac.uk/eswatini-court-upholds-a-widows-rights-to-customary-land-use-a-beacon-of-hope/>
- 56 Cornell Law School Legal Information Institute “Women and Justice – Lesotho”. www.law.cornell.edu/women-and-justice/location/lesotho; Makafane v Zhongxian Investment Pty Ltd and Another (LC/76/2013) [2014] LSLC 36 (11 July 2014).
- 57 Republic of Malawi (2019) “National Review on the Beijing+25: Twenty-Fifth Anniversary of the Beijing Declaration and Platform for Action (1995)”, page 25.
- 58 Reserve Bank of Zimbabwe (2016) “Zimbabwe National Financial Inclusion Strategy 2016-2020”, pages 57–60. <https://library.buse.ac.zw/docs/gvt-publications/zim-fin-strat.pdf>
- 59 Republic of Cabo Verde (2019) “Cabo Verde National Report: Beijing+25”, page 22.
- 60 United Nations Human Rights and AU (nd) “Developments in Laws: Since the Maputo Protocol”, page 16.
- 61 Republic of Mauritania (2019) « Évaluation de la mise en œuvre de la Déclaration et du Programme d’action de Beijing, rapport national Beijing+25 », page 39.
- 62 Kingdom of Morocco (2019) “National Review of the Implementation of the Beijing Declaration and Platform for Action, after 25 Years”, page 21.
- 63 Republic of Mozambique (2019) “Beijing+25: Mozambique Report on the Implementation of Beijing Declaration and Platform for Action”, page 13.

- 64 Republic of Madagascar (2019) “Rapport de la République de Madagascar dans le cadre du vingt-cinquième anniversaire de la quatrième conférence mondiale sur les femmes et de l’adoption de la déclaration et du programme d’action de Beijing en 2015”, page 19. www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/64/National-reviews/Madagascar.pdf
- 65 Republic of Uganda (2019) “National Report on Implementation of the Beijing Declaration and Platform for Action”, page 33.
- 66 United Republic of Tanzania (2019) “Country Report on Beijing+25”, page 26
- 67 Republic of Ghana (2017) “The Coordinated Programme of Economic and Social Development Policies 2017–2024”, page 76.
- 68 Arab Republic of Egypt (2017) “National Strategy for the Empowerment of Egyptian Women 2030 Vision and Pillars”, page 21.
- 69 Republic of Burundi (nd) « La politique nationale de la protection sociale (PNPS) », page 1.
- 70 UNDP and UN Women (2020) “COVID-19 Global Gender Response Tracker – Factsheet: Sub-Saharan Africa”. www.undp.org/sites/g/files/zskgke326/files/publications/UNDP-UNWwomen-COVID19-SSA-Regional-Factsheet-2020.pdf.pdf
- 71 UNDP (2021) “Covid-19 Global Gender Response Tracker”. <https://data.undp.org/gendert Tracker/>
- 72 Republic of Chad (2014) « Rapport national d’évaluation des vingt (20) ans de mise en oeuvre des recommandations du Programme d’action de Beijing », page 17.
- 73 CEDW Committee (2011) “Concluding Observations of the Committee on the Elimination of Discrimination against Women”, page 10. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/TCD/CO/1-4&Lang=en
- 74 Republic of Mauritius (2014) “National Review of the Implementation of the Beijing Declaration and Platform for Action”, page 18.
- 75 Republic of Guinea (2019) « Rapport national sur l’évaluation de la mise en œuvre du Programme d’action du Beijing+25’ », page 12.
- 76 Republic of Guinea (2019) « Rapport national sur l’évaluation du Programme d’action du Beijing+25’ », page 14
- 77 OECD (2017) *Women’s Economic Empowerment in Selected MENA Countries: The Impact of Legal Frameworks in Algeria, Egypt, Jordan, Libya, Morocco and Tunisia*. Paris: OECD, page 122.
- 78 Republic of Cabo Verde (2019) “Cabo Verde National Report: Beijing+25”, pages 22–23.
- 79 Republic of Cabo Verde (2019) “Cabo Verde National Report: Beijing+25”, pages 15–16.
- 80 Women, Business and the Law (2021) “Eswatini”. <https://wbl.worldbank.org/en/data/exploreeconomies/eswatini/2021>
- 81 Human Rights Watch (2021) “Human Rights Watch Submission to the Universal Periodic Review of Uganda”. www.hrw.org/news/2021/07/21/human-rights-watch-submission-universal-periodic-review-uganda
- 82 Nyaga, K. (2020) “Examining the Reporting Mechanism for Sexual Harassment at the Workplace: A Focus on Section 6 of the Kenyan Employment Act”, page 27. [https://press.strathmore.edu/uploads/journals/strathmore-law-review/SLR5/5th%20Volume%20\(SLR\)-35-52.pdf](https://press.strathmore.edu/uploads/journals/strathmore-law-review/SLR5/5th%20Volume%20(SLR)-35-52.pdf)
- 83 SIGI (2019) “Sierra Leone”. www.genderindex.org/wp-content/uploads/files/datasheets/2019/SL.pdf
- 84 US Department of State (2021) “Human Rights Reports Custom Reports Excerpts: Madagascar”. www.state.gov/report/custom/3f6b4f5206/
- 85 Women, Business and the Law (2023) “Angola”. <https://wbl.worldbank.org/en/data/exploreeconomies/angola/2023>
- 86 SIGI (nd) “Niger”. www.genderindex.org/wp-content/uploads/files/datasheets/NE.pdf
- 87 Committee on Economic, Social and Cultural Rights (2020) “Concluding Observations on the Third Periodic Report of Benin*”, page 3.
- 88 US Department of State (2021) “Human Rights Reports Custom Reports Excerpts: Mozambique”.
- 89 US Department of State (2021) “Human Rights Reports Custom Reports Excerpts : Tanzania”.
- 90 African Union, (2003), “Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa”, https://au.int/sites/default/files/treaties/37077-treaty-charter_on_rights_of_women_in_africa.pdf
- 91 UN Women (2020) “Africa Marriage Laws: A Compendium from 55 African Union Member States”. https://africa.unwomen.org/sites/default/files/Field%20Office%20Africa/Attachments/Publications/2020/Infographics_English_Marriage_Laws_In_Africa.pdf
- 92 Filipenco, D. (2023) “Child Marriage in Africa: Facts and Statistics”. www.developmentaid.org/news-stream/post/154809/child-marriage-in-africa-facts-and-statistics
- 93 Constitute Project “Ethiopia 1994”. www.constituteproject.org/constitution/Ethiopia_1994?lang=en
- 94 Constitute Project “Burundi’s Constitution of 2018”. www.constituteproject.org/constitution/Burundi_2018.pdf?lang=en
- 95 Constitute Project “Zimbabwe 2013 (rev. 2017)”. www.constituteproject.org/constitution/Zimbabwe_2017?lang=en

- 96 Republic of Guinea (2020) « Journal officiel de la republique : Constitution ». www.coursupgn.org/wp-content/uploads/2021/01/La-Constitution-Guine%CC%81enne-de-2020.pdf
- 97 UN Women (2017) “Malawi Parliament Adopts Amendment to End Child Marriage”. www.unwomen.org/en/news/stories/2017/2/news-malawi-parliament-adopts-amendment-to-end-child-marriage
- 98 Constitute Project “Uganda 1995 (rev. 2017)”. www.constituteproject.org/constitution/Uganda_2017?lang=en
- 99 Plan International (2016) “Law Passed to End Child Marriage in Zimbabwe”. <https://plan-international.org/news/2016/01/21/law-passed-to-end-child-marriage-in-zimbabwe/>
- 100 Constitute Project “Chad’s Constitution of 2018”. www.constituteproject.org/constitution/Chad_2018.pdf?lang=en.
- 101 Constitute Project “Kenya 2010”. www.constituteproject.org/constitution/Kenya_2010?lang=en
- 102 Republic of Guinea Code de l’Enfant Guineeen 2008. <https://extranet.who.int/mindbank/item/2428>
- 103 Republic of Mauritius Children’s Bill 2020, page 1.
- 104 Malawi Marriage, Divorce and Family Relations Act 2015.
- 105 Rwanda Law N° 32/2016 of 28/08/2016 Governing Persons and Family. www.refworld.org/docid/5ebc1d1b4.html
- 106 UN Women (2019) *Multicultural Analytical Study of Legislation, Policies, Interventions and Cultural Practices of Child Marriage in Africa*. <https://africa.unwomen.org/en/digital-library/publications/2018/multicountry-fgm>
- 107 DR Congo Law 06/018 of 2006 Amending and Completing Decree of 30 January 1940 on the Penal Code, Article 174f. www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=79516
- 108 Club of Mozambique. (2019) “Premature Marriage Now Punishable by up to 12 Years in Prison”. <https://clubofmozambique.com/news/premature-marriage-now-punishable-by-up-to-12-years-in-prison-mozambique-136935/>
- 109 Swaziland Children’s Protection and Welfare Act 2012. www.osall.org.za/docs/2011/03/Swaziland-Childrens-Protection-and-Welfare-Act-6-of-2012-Part-2.pdf
- 110 South Sudan Penal Code Act 2008. www.warnathgroup.com/wp-content/uploads/2015/03/South-Sudan-Penal-Code-TIP-Articles.pdf
- 111 SIGI (2019) “Kenya”. www.genderindex.org/wp-content/uploads/files/datasheets/2019/KE.pdf
- 112 SIGI (2019) “Democratic Republic of the Congo”. www.genderindex.org/wp-content/uploads/files/datasheets/2019/CD.pdf
- 113 SIGI (2019) “Equatorial Guinea”. www.genderindex.org/wp-content/uploads/files/datasheets/2019/GQ.pdf
- 114 SIGI (2019) “Rwanda”. www.genderindex.org/wp-content/uploads/files/datasheets/2019/RW.pdf
- 115 SIGI (2019) “Senegal”. www.genderindex.org/wp-content/uploads/files/datasheets/2019/SN.pdf
- 116 SIGI (2019). “SIGI”. www.genderindex.org/wp-content/uploads/files/datasheets/2019/ZA.pdf
- 117 ILO. (n.d.). The Children’s Act 1998. www.ilo.org/dyn/natlex/docs/ELECTRONIC/56216/101251/F514833765/GHA56216.pdf
- 118 South Africa Children’s Act 2005. www.gov.za/sites/default/files/gcis_document/201409/a38-053.pdf
- 119 United Republic of Tanzania Law of the Child Act 2009. www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_151287.pdf
- 120 Girls Not Brides (nd) “Child Marriage Atlas – Tanzania”. www.girlsnotbrides.org/learning-resources/child-marriage-atlas/atlas/tanzania
- 121 Girls Not Brides, (no datend) “Child Marriage Atlas – Tanzania”, <https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/atlas/tanzania>.
- 122 AU (2018) “Marriage Laws in Africa: A Compendium from 55 African Union Member States”, page 40.
- 123 Reuters (2019) “South Sudan Court Rules Against Marriage of Girl, 16, in Landmark Case”. www.reuters.com/article/us-southsudan-women-court/south-sudan-court-rules-against-marriage-of-girl-16-in-landmark-case-idUSKCN1U42CK
- 124 Republic of Zambia (2015) “National Strategy on Ending Child Marriage in Zambia 2016-2021”. <https://zambia.unfpa.org/sites/default/files/pub-pdf/CHILD%20MARRIAGE%20STRATEGIC%20PLAN%20FINAL.pdf>
- 125 Girls Not Brides (nd) “Child Marriage Atlas – Madagascar”. <https://atlas.girlsnotbrides.org/map/madagascar>
- 126 Girls Not Brides (2015) “Country Fact Sheet: Egypt”. www.girlsnotbrides.org/documents/1048/Fact-sheet-Egypt-national-strategy-May-2015.pdf
- 127 OHCHR (2019) “Egypt”. www.ohchr.org/sites/default/files/Documents/Issues/Women/WRGS/ForcedMarriage73-153/States/Egypt_Submission.pdf
- 128 Republic of Malawi (2019) “National Review on the Beijing+25”, page 19.
- 129 Girls Not Brides, “Uganda”. www.girlsnotbrides.org/child-marriage/uganda/
- 130 Girls Not Brides, “Togo”. www.girlsnotbrides.org/child-marriage/togo/
- 131 South Sudan (2015) “South Sudan National Action Plan 2015-2020 on UNSCR 1325 on Women, Peace and Security and Related Resolutions”. <http://1325naps.peacewomen.org/wp-content/uploads/2020/12/SS-NAP-1325.pdf>

- 132 Girls Not Brides, “Mali”. www.girlsnotbrides.org/child-marriage/mali/
- 133 SIGI (2019) “Niger”. www.genderindex.org/wp-content/uploads/files/datasheets/2019/NE.pdf
- 134 Eritera (2019) “Sixth Periodic Report Submitted by Eritrea under Article 18 of the Convention, Due in 2019”, page 8.
- 135 Republic of Zambia (2023) “Combined 1st, 2nd, 3rd, 4th, 5th, 6th & 7th, Periodic Report, 2005–2019”. <https://achpr.au.int/en/state-reports/zambia-combined-1st-2nd-3rd-4th-5th-6th-7th-periodic-report-2005-2019>
- 136 Republic of Côte d’Ivoire (2022) “Periodic Report, 2016–2019”. <https://achpr.au.int/en/state-reports/cote-divoire-periodic-report-2016-2019>
- 137 Equality Now (2023) “Regional Mapping and Assessment”.
- 138 Arab Republic of Egypt (2019) “Combined Periodic Reports (9th to 17th), 2001–2017”. <https://achpr.au.int/en/state-reports/arab-republic-egypt-combined-periodic-reports-9th-17th-2001-2017>
- 139 Republic of Cameroon (2019) « Rapport de l’état du Cameroun au titre du 25e anniversaire du Programme et de la Plateforme d’action de Beijing ». www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/64/National-reviews/Cameroon.pdf
- 140 Republic of Chad (2019) « Rapport national d’évaluation des vingt cinq (25) ans de mise en œuvre de la Déclaration et du Programme d’action de Beijing ». www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/64/National-reviews/Chad.pdf
- 141 Burkina Faso (2019) « Rapport National Beijing+25 ». www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/64/National-reviews/Burkina_Faso.pdf
- 142 Republic of Madagascar (2019) « Rapport dans le cadre du vingt-cinquième anniversaire ».
- 143 Republic of Zimbabwe (2019) “Twenty-Fifth Anniversary of the World Conference on Women and Adoption of the Beijing Declaration and Platform for Action (1995)”. www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/64/National-reviews/Zimbabwe.pdf
- 144 UNICEF (2021) “COVID-19: A Threat to Progress Against Child Marriage”. <https://data.unicef.org/resources/covid-19-a-threat-to-progress-against-child-marriage/>
- 145 UNICEF (2021) “COVID-19: A Threat to Progress Against Child Marriage”.
- 146 AU (2018) “Marriage Laws in Africa: A Compendium from 55 African Union Member States”, pages 13–39.
- 147 Girls Not Brides “Child Marriage Atlas – Chad”. www.girlsnotbrides.org/learning-resources/child-marriage-atlas/atlas/chad
- 148 Girls Not Brides “Child Marriage Atlas – Seychelles”. www.girlsnotbrides.org/learning-resources/child-marriage-atlas/atlas/seychelles
- 149 Girls Not Brides “Child Marriage Atlas – Somalia”. www.girlsnotbrides.org/learning-resources/child-marriage-atlas/atlas/somalia
- 150 Girls Not Brides “Child Marriage Atlas – Lesotho”. www.girlsnotbrides.org/learning-resources/child-marriage-atlas/atlas/lesotho
- 151 Girls Not Brides “Child Marriage Atlas – Lesotho”.
- 152 Girls Not Brides “Child Marriage Atlas – South Africa”. www.girlsnotbrides.org/learning-resources/child-marriage-atlas/atlas/south-africa
- 153 Republic of Guinea Child Code 2020. www.coursupgn.org/wp-content/uploads/2021/01/Code-de-lenfant.pdf
- 154 UNICEF (nd) “Guinea-Bissau”. <https://data.unicef.org/crvs/guinea-bissau/>
- 155 Girls Not Brides “Child Marriage Atlas – Sierra Leone”. www.girlsnotbrides.org/learning-resources/child-marriage-atlas/atlas/sierra-leone
- 156 Save the Children (2021) “78% of Girls in the Northern Region of Nigeria Marry Before the Age of 18, a New Report by Save the Children International Reveals”. <https://nigeria.savethechildren.net/news/78-girls-northern-region-nigeria-marry-age-18-new-report-save-children-international-reveals>
- 157 African Union, (2003), “Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa”, https://au.int/sites/default/files/treaties/37077-treaty-charter_on_rights_of_women_in_africa.pdf
- 158 Constitute Project “Zimbabwe’s Constitution of 2013 with Amendments through 2017”, Article 29. www.constituteproject.org/constitution/Zimbabwe_2017.pdf?lang=en
- 159 Republic of Guinea “La Constitution 2010”, Article 21.
- 160 Constitute Project “Madagascar’s Constitution of 2010”, Article 19. www.constituteproject.org/constitution/Madagascar_2010.pdf?lang=en
- 161 Constitute Project “Burundi’s Constitution of 2018”, Article 22. www.constituteproject.org/constitution/Burundi_2018.pdf?lang=en
- 162 Constitute Project “Ethiopia’s Constitution of 1994”, Article 35. www.constituteproject.org/constitution/Ethiopia_1994.pdf?lang=en
- 163 Constitute Project “Kenya’s Constitution of 2010”, Article 43. www.constituteproject.org/constitution/Kenya_2010.pdf?lang=en

- 164 Constitute Project “South Africa’s Constitution of 1996 with Amendments through 2012”, Article 27. www.constituteproject.org/constitution/South_Africa_2012.pdf?lang=en
- 165 Constitute Project (“Zimbabwe’s Constitution of 2013 with Amendments through 2017”, Article 76. www.constituteproject.org/constitution/Zimbabwe_2017.pdf?lang=en
- 166 Constitute Project “Angola’s Constitution of 2010”, Article 77. www.constituteproject.org/constitution/Angola_2010.pdf?lang=en
- 167 Constitute Project “Ghana’s Constitution of 1992 with Amendments through 1996”, Article 27. www.constituteproject.org/constitution/Ghana_1996.pdf?lang=en
- 168 Constitute Project (no date) “Senegal’s Constitution of 2001 with Amendments through 2016 Subsequently Amended”, Article 17. www.constituteproject.org/constitution/Senegal_2016.pdf?lang=en
- 169 Constitute Project “Egypt’s Constitution of 2014 with Amendments through 2019”, Articles 81, 83. www.constituteproject.org/constitution/Egypt_2019.pdf?lang=en
- 170 Constitute Project “Congo (Democratic Republic of the)’s Constitution of 2005 with Amendments through 2011”, Article 42. www.constituteproject.org/constitution/Democratic_Republic_of_the_Congo_2011.pdf?lang=en
- 171 Mali Law 02-044 of 2022 on Reproductive Health. <https://scorecard.prb.org/wp-content/uploads/2018/05/Loi-n%C2%Bo-02-044-Relative-a%CC%80-la-Sante%CC%81-de-la-Reproduction-2002.-Mali.pdf>
- 172 Burundi Law 1/13 of September 2016 on GBV Prevention, Protection and Eradication , Article 7. www.ilo.org/dyn/natlex/natlex4.detail?p_lang=fr&p_isn=104446
- 173 Republic of Malawi (2014) “Gender Equality Act”, Article 19. <https://media.malawilii.org/files/legislation/akn-mw-act-2013-3-eng-2014-12-31.pdf>
- 174 Republic of Malawi (2014) “Gender Equality Act”, Article 20. <https://media.malawilii.org/files/legislation/akn-mw-act-2013-3-eng-2014-12-31.pdf>
- 175 Republic of The Gambia (2010) “Women’s Act No. 12/2010”, Part VII. www.ilo.org/dyn/natlex/natlex4.detail?p_isn=90619&p_lang=en#:~:text=%22The%20act%2C%20among%20other%20things,view%20to%20eliminating%20all%20forms
- 176 Republic of Rwanda Law Relating to Human Reproductive Health N° 21/2016 of 20/05/2016. www.partners-popdev.org/docs/2016/Rwandan_Reproductive_Health_Law_2016.pdf
- 177 Nzau, J., Denemadjbe, B., Dumas, E. and Rodriguez, M. (2019) “Catalysing Change for Reproductive Health in Chad through a Multi-Stakeholder Coalition’. *Sexual and Reproductive Health Matters* 27(1): 310–312.
- 178 Chad Law 006/PR/2002 of 15 April 2002 on Reproductive Health. www.ilo.org/dyn/natlex/natlex4.detail?p_isn=111133&p_lang=en
- 179 Burkina Faso Decree 2016-311/PRES/PM/MS/MATDSI of 29 April 2016 on Free Health Care for Pregnant Women and Women under Five Years”. www.sante.gov.bf/fileadmin/user_upload/arrete_depenses_gratuite_15-nov.-2016_15-45-01.pdf
- 180 Centre for Reproductive Rights “The World’s Abortion Laws”. <https://reproductiverights.org/maps/worlds-abortion-laws/> (accessed 2023).
- 181 Rwanda Law 68/2018 of 30/08/2018 Determining Offences and Penalties in General, Articles 125, 126. www.refworld.org/docid/60873c654.html
- 182 Rwanda Ministerial Order 002/MoH/2019 of 08/04/2019 Determining Conditions to Be Satisfied for a Medical Doctor to Perform an Abortion”. www.moh.gov.rw/index.php?eID=dumpFile&t=f&f=17715&token=ccac39dc-49b2a2c4d81f95b57809ce320221a4ff
- 183 Ethiopia Criminal Code 2004, Proclamation No. 414/2004 (9 May 2005), Section II, Articles 545–552. <https://reproductiverights.org/maps/provision/ethiopias-abortion-provisions/>
- 184 Ipas 50 (2022) “Legal Access to Abortion Expands in Democratic Republic of Congo”. www.ipas.org/news/legal-access-to-abortion-expands-in-democratic-republic-of-congo/
- 185 Republic of Zambia (2015) “The Gender Equity And Equality Act, 2015”, page 19.
- 186 *Central African Republic Law* 06.005 of 20 Juin 2006 Bangayassi on Reproductive Health. www.ilo.org/dyn/natlex/natlex4.detail?p_lang=fr&p_isn=88169&p_country=CAF&p_count=89
- 187 UNAIDS (2019) “United Republic of Tanzania Lowers Age of Consent for HIV Testing”. www.unaids.org/en/resources/presscentre/featurestories/2019/november/united-republic-of-tanzania-lowers-age-of-consent-for-hiv-testing
- 188 Republic of Burundi (2016) « Politique nationale de santé 2016-2025 du Burundi ». <http://minisante.bi/wp-content/uploads/politiques/Politique%20Nationale%20Sante%202016%202025%20VF%2021052016.pdf>
- 189 UNFPA (2021) “Ethiopia’s New Adolescent and Youth Health Strategy Aims to Halve Teenage Pregnancy”. <https://ethiopia.unfpa.org/en/news/ethiopias-new-adolescent-and-youth-health-strategy-aims-halve-teenage-pregnancy>
- 190 Republic of Rwanda (2018) “National Family Planning and Adolescent Sexual and Reproductive Health (FP/ASRH) Strategic Plan (2018–2024)”. https://fp2030.org/sites/default/files/Rwanda%20FP-ASRH_Strategic%20Plan%202018%20-2014%20final.pdf

- 191 Federal Republic of Nigeria (2019) “National Strategic Frame Work for the Elimination of Obstetric Fistula in Nigeria 2019 – 2023”. <https://nigeria.unfpa.org/en/publications/national-strategic-frame-work-elimination-obstetric-fistula-nigeria-2019-2023>
- 192 Federal Democratic Republic of Ethiopia (2021) “National Strategic Plan for Elimination of Obstetric Fistula 2021-2025 (2013-2017 EFY)”. http://repository.iifphc.org/bitstream/handle/123456789/1688/OFT_NATIONAL-STRATEGIC-PLAN.pdf?sequence=1&isAllowed=y
- 193 Republic of Kenya (2020) “Menstrual Hygiene Management Strategy 2019–2024”.
- 194 Republic of South Africa (2019) “Cervical Cancer Prevention and Control Policy”. www.health.gov.za/wp-content/uploads/2021/07/cervical-cancer-policy.pdf
- 195 Republic of Cameroon (2021) “Cameroon National Strategic Plan For fight against HIV/AIDS and STIs 2021–2023”. www.prepwatch.org/wp-content/uploads/2022/10/Cameroon-National-Strategic-Plan-For-fight-against-HIVAIDS-and-STIs-2021-2023.pdf
- 196 Republic of South Africa (2017) “South Africa’s National Strategic Plan for HIV, TB and STIs 2017–2022”. www.gov.za/sites/default/files/gcis_document/201705/nsp-hiv-tb-stia.pdf
- 197 WHO (2023) “Maternal Mortality”. www.who.int/news-room/fact-sheets/detail/maternal-mortality
- 198 Republic of Chad (2016) « Politique Nationale De Santé 2016-2030 ». https://extranet.who.int/countryplanningcycles/sites/default/files/planning_cycle_repository/chad/pns_2016_2030_version_deufinitive_adoptee_le_29juin2016.pdf
- 199 Republic of Benin (2020) “Periodic Report Combined 6th to 10th, 2009–2018”. <https://achpr.au.int/en/state-reports/benin-periodic-report-combined-6th-10th-2009-2018>
- 200 African Commission on Human and Peoples’ Rights (Republic of Côte d’Ivoire (2022) “Periodic Report, 2016–2019”. ACHPR) (2022) “Cote d’Ivoire: Periodic Report, 2016-2019” <https://achpr.au.int/en/state-reports/cote-divoire-periodic-report-2016-2019>
- 201 Republic of Kenya (2021) “Combined Report of the 12th and 13th Periodic Reports”. <https://achpr.au.int/en/state-reports/kenya-combined-report-12th-and-13th-periodic-reports>
- 202 Republic of Benin (2016) « Politique du secteur santé pour la nutrition 2016–2025 ». <https://faolex.fao.org/docs/pdf/Ben183998.pdf>
- 203 Union of Comores (2012) « Politique nationale de nutrition et d’alimentation ». <https://faolex.fao.org/docs/pdf/com200506.pdf>
- 204 Republic of Togo (2012) « Plan stratégique national d’alimentation et de nutrition (2012–2015) ». <https://faolex.fao.org/Docs/Pdf/Tog180384.Pdf>
- 205 Republic of Niger (2020) « Dispositif national de prevention et de gestion des crises alimentaires, plan de soutien aux populations vulnérables actualisé covid-19 ». https://fscluster.org/sites/default/files/documents/plan_soutien_2020_revise_covid19_vff_o.pdf
- 206 WHO (2023) “Bringing Care Closer to Eliminate Cervical Cancer”. www.afro.who.int/countries/guinea/news/bringing-care-closer-eliminate-cervical-cancer
- 207 UNFPA (2015) “UNFPA and the first lady of Malawi launch Stop Cervical Cancer Campaign”. <https://malawi.unfpa.org/en/news/unfpa-and-first-lady-malawi-launch-stop-cervical-cancer-campaign>
- 208 WHO (2021) “Spearheading Cancer Awareness Drive in Nigeria”. www.afro.who.int/news/spearheading-cancer-awareness-drive-nigeria
- 209 WHO (2022) “Sierra Leone Targets Cervical Cancer Mortality by Vaccinating Girls”. www.afro.who.int/countries/sierra-leone/news/sierra-leone-targets-cervical-cancer-mortality-vaccinating-girls-o
- 210 Republic of Zambia (2023) “Combined 1st, 2nd, 3rd, 4th, 5th, 6th & 7th, Periodic Report, 2005–2019”.
- 211 Girls Not Brides (2017) « Communiqué du Forum des Premières Dames de la CEDEAO ». www.girlsnotbrides.org/learning-resources/resource-centre/communiqué-finale-forum-1ere-dame-cedeao/
- 212 Republic of Cabo Verde (2019) “Cabo Verde National Report: Beijing+25”.
- 213 Republic of Botswana (2019) “National Review for Implementation of the Beijing Platform for Action Beijing+25”. www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/64/National-reviews/Botswana.pdf
- 214 Republic of Zambia (2023) “Combined 1st, 2nd, 3rd, 4th, 5th, 6th & 7th, Periodic Report, 2005–2019”.
- 215 Republic of Namibia (2023) “7th Periodic Report, 2015-2019”. <https://achpr.au.int/en/state-reports/namibia-7th-periodic-report-2015-2019>
- 216 Republic of Liberia (2019) “Beijing+25 National Review Report 25th Anniversary of the Fourth Conference on Women and Adoption of the Beijing Declaration and Platform for Action (1995)” www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/64/National-reviews/Liberia.pdf
- 217 Republic of Malawi (2022) “Concluding Observations and Recommendations on the 2nd and 3rd Combined Periodic Report of the Republic of Malawi, 2015-2019”. <https://achpr.au.int/en/state-reports/concluding-observations-and-recommendations-2nd-and-3rd-combined-periodic>

- 218 Eswatini National AIDS Programme <http://swaziidsprogram.org/>
- 219 NSDCC <https://nsdcc.go.ke/>
- 220 National Aids Commission www.nac.org.ls/about-us/
- 221 SANAC <https://sanac.org.za/about-sanac/>
- 222 Republic of Zambia (2023) “Combined 1st, 2nd, 3rd, 4th, 5th, 6th & 7th, Periodic Report, 2005–2019”.
- 223 Cone, D. and Lamarche, A. (2021) “A Crisis of Care: Sexual and Reproductive Health Competes for Attention Amid Conflict and Displacement in Mali”. www.refugeesinternational.org/reports/2021/4/13/a-crisis-of-care-sexual-and-reproductive-health-competes-for-attention-amid-conflict-and-displacement-in-mali
- 224 ACHPR (2023) “Zambia: Combined 1st, 2nd, 3rd, 4th, 5th, 6th & 7th, Periodic Report, 2005–2019”.
- 225 Rwanda Today (2022) “MPs Reject Bill Seeking to Allow 15-Year-Old Girls Access Family Planning Drugs”. <https://rwandatoday.africa/rwanda/news/mps-reject-bill-seeking-to-allow-15-year-old-girls-access-family-planning-drugs--4005458>
- 226 Amnesty International (2018) “Barriers to Sexual and Reproductive Health Information in Zimbabwe”. www.amnesty.org/en/documents/afr46/7700/2018/en/
- 227 Republic of Malawi (2020) “Malawi: 2nd–3rd Periodic Report, 2015–2019”. <https://achpr.au.int/en/state-reports/malawi-2nd-3rd-periodic-report-2015-2019>
- 228 Republic of Zambia (2023) “Combined 1st, 2nd, 3rd, 4th, 5th, 6th & 7th, Periodic Report, 2005–2019”.
- 229 UN General Assembly (2022) “Intensifying Efforts to End Obstetric Fistula within a Decade: Report of the Secretary-General”. www.unfpa.org/sites/default/files/resource-pdf/A_77_229-EN.pdf
- 230 WHO (2018) “Obstetric Fistula”. www.who.int/news-room/facts-in-pictures/detail/10-facts-on-obstetric-fistula
- 231 Ngongo, C., Raassen, T., Mahendeka, M. et al. (2022) “A Retrospective Review of Genital Fistula Occurrence in Nine African Countries”. *BMC Pregnancy Childbirth* 22: 744.
- 232 Republic of Benin (2020) “Combined Periodic Report 6th to 10th, 2009–2018”. <https://achpr.au.int/en/state-reports/benin-periodic-report-combined-6th-10th-2009-2018>
- 233 Republic of South Africa (2019) “Beijing +25 South Africa’s Report on the Progress Made on the Implementation of the Beijing Platform for Action 2014-2019”. www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/64/National-reviews/South%20Africa.pdf
- 234 Republic of Uganda (2018) “Uganda Demographic and Health Survey 2016”. <https://dhsprogram.com/pubs/pdf/FR333/FR333.pdf>
- 235 DR Congo (2014) “Deuxième enquête démographique et de santé (Eds-Rdc li 2013-2014)”. <https://dhsprogram.com/pubs/pdf/FR300/FR300.pdf>
- 236 Amnesty International (2018) “Body Politics: A Primer on Criminalization of Sexuality and Reproduction”. www.amnesty.org/en/wp-content/uploads/2021/05/POL4077632018ENGLISH.pdf
- 237 ACHPR (2018) “HIV, the Law and Human Rights in the African Human Rights System: Key Challenges and Opportunities for Rights-Based Responses”. www.unaids.org/sites/default/files/media_asset/HIV_Law_AfricanHumanRightsSystem_en.pdf
- 238 Odendal, L. (2016) “HIV Criminalisation on the Rise, Especially in Sub-Saharan Africa”. www.aidsmap.com/news/jul-2016/hiv-criminalisation-rise-especially-sub-saharan-africa
- 239 Republic of Liberia (2019) “Beijing+25 National Review Report”. <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/64/National-reviews/Liberia.pdf>
- 240 UN General Assembly (2022) “Intensifying Efforts to End Obstetric Fistula within a Decade: Report of the Secretary-General”. www.unfpa.org/sites/default/files/resource-pdf/A_77_229-EN.pdf
- 241 Altare, C., Malembaka, E., Tosha, M. et al. (2020) “Health Services for Women, Children and Adolescents in Conflict Affected Settings: Experience from North and South Kivu, Democratic Republic of Congo”. *Conflict and Health* 14(31).
- 242 Central African Republic (2019) « Rapport national de la mise en œuvre du Programme d’action et la Déclaration de Beijing+25 ». www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/64/National-reviews/Central_African_Republic.pdf
- 243 Senegal Penal Code, Law 65-60 of 21 July 1965. www.refworld.org/docid/49f5d8262.html
- 244 ACHPR (2022) “Statement by the Special Rapporteur on the Rights of Women in Africa, on the Occasion of the ‘Global Day of Action for Access to Safe and Legal Abortion’”. <https://achpr.au.int/en/news/press-releases/2022-09-28/rights-women-africa-global-day-action-access-safe-legal-abortion>
- 245 ACHPR (2022) “Statement by the Special Rapporteur”. <https://achpr.au.int/en/news/press-releases/2022-09-28/rights-women-africa-global-day-action-access-safe-legal-abortion>
- 246 FEMNET (2016) “Launch of the Campaign for the Decriminalization of Abortion in Africa”. Press Release. <https://femnet.org/2016/02/press-release-launch-of-the-campaign-for-the-decriminalization-of-abortion-in-africa/>

- 247 Constitute Project “Egypt’s Constitution of 2014 with Amendments through 2019”, Article 11. www.constituteproject.org/constitution/Egypt_2019.pdf?lang=en
- 248 Constitute Project “Tunisia’s Constitution of 2014”, Article 46. www.constituteproject.org/constitution/Tunisia_2014.pdf?lang=en
- 249 Constitute Project “Central African Republic’s Constitution of 2016”, Article 7. www.constituteproject.org/constitution/Central_African_Republic_2016.pdf?lang=en
- 250 Constitute Project “Congo (Democratic Republic of the)’s Constitution of 2005 with Amendments through 2011”. Article 14 and Article 15. www.constituteproject.org/constitution/Democratic_Republic_of_the_Congo_2011.pdf?lang=en
- 251 Constitute Project “Niger’s Constitution of 2010 with Amendments through 2017”. www.constituteproject.org/constitution/Niger_2017.pdf?lang=en
- 252 Constitute Project (no date) “Zimbabwe’s Constitution of 2013 with Amendments through 2017”. www.constituteproject.org/constitution/Zimbabwe_2017.pdf?lang=en
- 253 Constitute Project “Côte d’Ivoire’s Constitution of 2016 Subsequently Amended”. www.constituteproject.org/constitution/Cote_DIvoire_2016.pdf?lang=en
- 254 Constitute Project “Chad’s Constitution of 2018”, Article 19. www.constituteproject.org/constitution/Chad_2018.pdf?lang=en
- 255 Constitute Project “Côte d’Ivoire’s Constitution of 2016 Subsequently Amended”, Article 5.
- 256 Republic of Guinea “Constitution 2010”.
- 257 Constitute Project “Somalia’s Constitution of 2012 Subsequently Amended”, Article 15. www.constituteproject.org/constitution/Somalia_2012.pdf?lang=en
- 258 Constitute Project “Uganda’s Constitution of 1995 with Amendments through 2017”, Article 32. www.constituteproject.org/constitution/Uganda_2017.pdf?lang=en
- 259 Burundi Law 1/13 of September 2016 on GBV Prevention, Protection and Eradication. www.ilo.org/dyn/natlex/natlex4.detail?p_lang=fr&p_isn=104446
- 260 Burkina Faso Law 061-2015 on VAWG Prevention, Eradication and Rehabilitation and Care for Victims, Article 2. www.refworld.org/docid/5d42bdfd4.html
- 261 Burundi Law 1/13 of September 2016 on GBV Prevention, Protection and Eradication. www.ilo.org/dyn/natlex/natlex4.detail?p_lang=fr&p_isn=104446
- 262 Rwanda Law 68/2018 of 30/08/2018 Determining Offences and Penalties in General. www.refworld.org/docid/60873c654.html
- 263 Chad Penal Code 2017. www.droit-afrique.com/uploads/Tchad-Code-penal-2017.pdf
- 264 Republic of Liberia Executive Mansion (2019) “First Lady Hails Passage of Domestic Violence Act with Calls to Address Issues of FGM”.
- 265 The Commonwealth (2020) “Commonwealth Secretariat Welcomes New Domestic Violence Law for Seychelles”. <https://thecommonwealth.org/news/commonwealth-secretariat-welcomes-new-domestic-violence-law-seychelles>
- 266 Kenya Protection Against Domestic Violence Act No. 2 of 2015. www.ilo.org/dyn/natlex/docs/ELECTRONIC/101063/121597/F1978815707/KEN101063.pdf
- 267 Federal Republic of Nigeria Violence Against Persons (Prohibition) Act 2015. [www.ilo.org/dyn/natlex/docs/ELECTRONIC/104156/126946/F-1224509384/NGA104156.pdf%20\(VAPP%20law\)](http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/104156/126946/F-1224509384/NGA104156.pdf%20(VAPP%20law))
- 268 Federal Republic of Nigeria Violence Against Persons (Prohibition) Act 2015, Article 19.
- 269 Onyemelukwe, C. (2016) “Legislating on Violence Against Women: A Critical Analysis of Nigeria’s Recent Violence Against Persons (Prohibition) Act, 2015”. *DePaul Journal of Women, Gender and the Law* 5(2).
- 270 Shongwe-Thring, Z. (2018) “The Sexual Offences & Domestic Violence Act Analysis”. <https://genderlinks.org.za/news/the-sexual-offences-domestic-violence-act-analysis/>
- 271 UN Women (2020) « Sénégal : la loi criminalisant le viol et la pédophilie promulguée par le président de la République ». <https://africa.unwomen.org/fr/news-and-events/stories/2020/02/criminalisation-du-viol--au-senegal>
- 272 Human Rights Council (2021) “National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21* Sierra Leone”, page 18. www.ohchr.org/EN/HRBodies/UPR/Pages/SLindex.aspx
- 273 Cornell Law School (nd) “Democratic Republic of Congo”. www.law.cornell.edu/women-and-justice/location/democratic_republic_of_congo
- 274 M’Cormack-Hale, F. and Akua Amoah Twum, M. (2022) “Gender-Based Violence a High Priority in Sierra Leone, but Citizens Say It Is a Private Matter”. *Afrobarometer Dispatch* 565. www.afrobarometer.org/wp-content/uploads/2022/10/AD565-Gender-based-violence-a-top-priority-in-Sierra-Leone-Afrobarometer-25oct22-1.pdf
- 275 Sierra Leone The Sexual Offences (Amendment) Act 2019. www.parliament.gov.sl/uploads/bill_files/THE%20SEXUAL%20OFFENCES%20BILL%202019.pdf
- 276 Rwanda Law 51/2018 of 13/08/2018 Relating to the Prevention, Suppression and Punishment of Trafficking in Persons and Exploitation of Others. www.refworld.org/docid/6087389a4.html#:~:text=Refworld%20%7C%20Rwanda%3A%20Law%20N%C2%BA%2051,Persons%20and%20Exploitation%20of%20Others
- 277 US Department of State (2019) “2019 Trafficking in Persons Report: Eswatini”. www.state.gov/reports/2019-trafficking-in-persons-report-2/eswatini/

- 278 United States Government (2022) “Trafficking in Persons Report July 2022”. www.state.gov/wp-content/uploads/2022/10/20221020-2022-TIP-Report.pdf
- 279 AU (nd) “Saleema Initiative Africa Union Initiative on Eliminating Female Genital Mutilation Programme And Plan of Action 2019–2023”. https://au.int/sites/default/files/newsevents/workingdocuments/41106-wd-Saleema_Initiative_Programme_and_Plan_of_Action-ENGLISH.pdf
- 280 Central African Republic Law 10.001 of 6 January 2010 on the Penal Code, Article 114. www.wipo.int/wipolex/en/text/195086
- 281 Republique Du Cameroun Republic of Cameroon (2019) “« Rapport de l'état du Cameroun au titre du 25e anniversaire ». Rapport De Letat Du Cameroun Au Titre Du 25e Anniversaire Du Programme et de la Plateforme d'action De Beijing” <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/64/National-reviews/Cameroon.pdf>
- 282 Cameroon Law 2016/007 of 12 July 2016 on the Penal Code”. www.droit-afrique.com/uploads/Cameroun-Code-2016-penal1.pdf
- 283 Africa Renewal (2020) “Sudan Bans Female Genital Mutilation, UNICEF Vows to Help Support New Law”. www.un.org/africarenewal/news/sudan-bans-female-genital-mutilation-unicef-vows-help-support-new-law
- 284 28TooMany “FGM Legislation in Sudan”. www.28toomany.org/country/sudan/
- 285 Equality Now (2020) “FGM in Africa”. www.equalitynow.org/fgm_in_africa/
- 286 The Gambia Women’s (Amendment) Act 2015. [www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=112946#:~:text=Equality%20of%20opportunity%20and%20treatment&text=In%20December%202015%2C%20Women’s%20\(Amendment,on%20eliminating%20harmful%20traditional%20practices](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=112946#:~:text=Equality%20of%20opportunity%20and%20treatment&text=In%20December%202015%2C%20Women’s%20(Amendment,on%20eliminating%20harmful%20traditional%20practices)
- 287 Chad Act No. 6/PR/2002 of 15 April 2002 on the Promotion of Reproductive Health. <https://evaw-global-database.unwomen.org/en/countries/africa/chad/2002/law-no-6-pr-2002-on-the-promotion-of-reproductive-health#:~:text=6%2FPR%2F2002%20of%202015,their%20reproductive%20organs%20in%20particular>
- 288 Nzau, J. et al (2019) “Catalysing Change for Reproductive Health in Chad”.
- 289 Kamau v Attorney General & 2 others; Equality Now & 9 others (Interested Parties); Katiba Institute & another (Amicus Curiae) (Constitutional Petition 244 of 2019) [2021] KEHC 450 (KLR) (Constitutional and Human Rights) (17 March 2021) (Judgement).
- 290 Equality Now (2023) “Regional Mapping and Assessment on the Enforcement of Laws on Ending Violence Against Women and Girls”. www.equalitynow.org/resource/regional-mapping-and-assessment-on-the-enforcement-of-laws-on-ending-violence-against-women-and-girls/
- 291 Republic of Cameroon (2022) « Stratégie nationale de lutte contre les violences basees sur genre 2022–2026 ». <https://minproff.cm/wp-content/uploads/2023/02/STRATEGIE-NATIONALE-DE-LUTTE-CONTRE-LES-VBG.pdf>
- 292 Republic of Malawi (2014) “National Plan of Action to Combat Gender-Based Violence in Malawi 2014–2020”. <https://files.mutualcdn.com/tfg/assets/files/National-Plan-of-Action-to-Combat-Gender-Based-Violence-in-Malawi-2014-%E2%80%932020.pdf>
- 293 United Republic of Tanzania (2017) “National Plan of Action to End Violence Against Women and Children in Tanzania 2017/8–2021/2 Five-year National Plan of Action”. www.unicef.org/tanzania/reports/national-plan-action-end-violence-against-women-and-children-tanzania-20178-20212
- 294 Republic of South Africa (2020) “National Strategic Plan on Gender-Based Violence and Femicide”. www.gov.za/sites/default/files/gcis_document/202006/stratplan-gbvs.pdf
- 295 Republic of South Africa (2019) “Beijing +25 South Africa’s Report”.
- 296 Republic of Namibia (2016) “National Plan of Action on Gender-Based Violence 2012–2016”. www.svri.org/sites/default/files/attachments/2016-07-20/Namibia.pdf
- 297 Republic of Zimbabwe (2012) “National Gender Based Violence Strategy 2012–2015”. www.veritaszim.net/sites/veritas_d/files/Zimbabwe%20National%20Gender%20Based%20Violence%20Strategy%202012%20-%202015.pdf
- 298 United Nations Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (2019) “United Nations Officials Welcome the Signing of an Action Plan to Fight Sexual Violence by the Congolese National Police”. www.un.org/sexualviolenceinconflict/press-release/united-nations-officials-welcome-the-signing-of-an-action-plan-to-fight-sexual-violence-by-the-congolese-national-police/
- 299 Republic of Burundi (2016) « Protocol de la Police Nationale sur la lutte contre les violences basees sur le genre et la prise en charge des victims des violence basees sur le genre ». <https://pnb.gov.bi/documents/1653208829.pdf>
- 300 Republic of Uganda (2017) “The National Male Involvement Strategy for the Prevention and Response to Gender Based Violence in Uganda”. https://uganda.unfpa.org/sites/default/files/pub-pdf/15_03_18_%20MALE%20INVOLVEMENT%20STRATEGY%2024%20JULY%202017.pdf

- 301 UNODC (2019) “Government of Mali Launches New National Action Plan to Combat Trafficking in Persons and Assimilated Practices 2018–2022”. www.unodc.org/unodc/en/human-trafficking/glo-act/the-government-of-mali-launches-new-national-action-plan-to-combat-trafficking-in-persons-and-assimilated-practices-2018-2022.html
- 302 Republic of Ghana (2017) “National Plan of Action For The Elimination of Human Trafficking In Ghana 2017–2021”. www.unicef.org/ghana/media/1851/file/National%20Plan%20of%20Action%20for%20the%20Elimination%20of%20Human%20Trafficking%20in%20Ghana.pdf
- 303 Federal Republic of Nigeria (2016) “National Health Policy 2016”. www.health.gov.ng/doc/National-Health-Policy-2016-21032019.pdf
- 304 Federal Republic of Nigeria (2021) “National Policy & Plan of Action for the Elimination of Female Genital Mutilation in Nigeria (2021–2025)”. https://nigeria.unfpa.org/sites/default/files/pub-pdf/fgm_national_policy_and_plan_of_action_nigeria.pdf
- 305 Republic of Côte d’Ivoire (2021) « Politique nationale de la jeunesse 2021–2025 ». www.mutualisation.ccmefp-uemoa.org/system/files/cotedivoire_pnj_2021-2025.pdf
- 306 Republic of Namibia (2016) “National Plan of Action on Gender-Based Violence 2012–2016”. <http://www.svri.org/sites/default/files/attachments/2016-07-20/Namibia.pdf>
- 307 Arab Republic of Egypt (2019) “Combined Periodic Reports (9th to 17th), 2001–2017”.
- 308 DR Congo (2019) « Examen au niveau national (Beijing +25) ». www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/64/National-reviews/Democratic_Republic_of_the_Congo.pdf
- 309 Sonke Gender Justice (2021) “Helpline Numbers” <https://genderjustice.org.za/helpline-numbers/>
- 310 Republic of Rwanda (2021) “Revised National Gender Policy”. www.migeprof.gov.rw/fileadmin/user_upload/Migeprof/Publications/Guidelines/Revised_National_Gender_Policy-2021.pdf
- 311 Republic of Zambia (2023) “Combined 1st, 2nd, 3rd, 4th, 5th, 6th & 7th, Periodic Report, 2005–2019”.
- 312 Equality Now and UNDP (2019) “Gender Equality and International Law in Africa: The Role of Regional Economic Communities”. www.equalitynow.org/resource/gender-equality-and-international-law-in-africa-the-role-of-regional-economic-communities/
- 313 Republic of Cabo Verde (2019) “Cabo Verde National Report: Beijing+25”.
- 314 Republic of South Africa (nd) “Gender-based Violence Resource Guide”. www.gov.za/sites/default/files/images/GBV%20_booklet.pdf
- 315 Burkina Faso (2019) “Rapport National Beijing+25”, page 40.
- 316 Republic of Kenya (2019) “National Policy for the Eradication of Female Genital Mutilation”. <https://gender.go.ke/wp-content/uploads/2019/10/NATIONAL-POLICY-FOR-THE-ERADICATION-OF-FEMALE-GENITAL-MUTILATION-.pdf>
- 317 Sabi Boun, S., Otu, A. and Yaya, S. (2023) “Fighting Female Genital Mutilation/Cutting (FGM/C): Towards the Endgame and Beyond”. *Reproductive Health* 20(1): 51.
- 318 Equality Now and UNDP (2019) “Gender Equality and International Law in Africa”.
- 319 Equality Now and UNDP (2019) “Gender Equality and International Law in Africa”.
- 320 UN Women Global Database on Violence against Women (2019) “Providing Female Genital Mutilation or Cutting Practitioners with Alternate Means of Livelihood”. <https://evaw-global-database.unwomen.org/en/countries/africa/eritrea/na/providing-female-genital-mutilation-or-cutting-practitioners-with-alternate-means-of-livelihood>
- 321 SIGI (2019) “Republic of Congo”. www.genderindex.org/wp-content/uploads/files/datasheets/2019/CG.pdf
- 322 SIGI (2019) “Equatorial Guinea”. www.genderindex.org/wp-content/uploads/files/datasheets/2019/GQ.pdf
- 323 SIGI (2019) “Gabon”. www.genderindex.org/wp-content/uploads/files/datasheets/2019/GA.pdf
- 324 SIGI (2019) “South Sudan”. www.genderindex.org/wp-content/uploads/files/datasheets/2019/SS.pdf
- 325 UNDP (2019) “Gender Justice & The Law – Egypt”. www.undp.org/sites/g/files/zskgke326/files/migration/arabstates/Egypt.Summary.19.Eng.pdf
- 326 Ssenkaaba, S. (no date) “Uganda: Violence Against Women Unabated Despite Laws and Policies”. *Africa Renewal*. www.un.org/africarenewal/news/uganda-violence-against-women-unabated-despite-laws-and-policies
- 327 Open Democracy (2022) “Religious Backlash Threatens Somaliland’s Progressive Rape Law”. www.opendemocracy.net/en/5050/somaliland-rape-law-backlash/
- 328 Amnesty International (2022) “Submission to the 43rd Session of the UPR Working Group, 4 May 2023”.
- 329 28TooMany “FGM Legislation in Liberia”. www.28toomany.org/country/liberia/
- 330 28TooMany “FGM Legislation in Mali”. www.28toomany.org/country/mali/
- 331 28TooMany “FGM Legislation in Sierra Leone”. www.28toomany.org/country/sierra-leone/
- 332 28TooMany “FGM/C Legislation in Chad”. www.28toomany.org/country/chad/

- 333 ICJ (2020) “Access to Justice Challenges Faced by Victims and Survivors of Sexual and Gender-Based Violence in Eswatini, March 2020”. www.icj.org/wp-content/uploads/2020/09/Eswatini-SGBV-Report-Advocacy-Analysis-brief-2020-ENG.pdf
- 334 Human Rights Committee (2019) “Concluding Observations on the Second Periodic Report of Angola**”. www.ohchr.org/en/documents/concluding-observations/ccprcagoco2-human-rights-committee-concluding-observations-second
- 335 SIGI (2019) “Gabon”. www.genderindex.org/wp-content/uploads/files/datasheets/2019/GA.pdf
- 336 Republic of Uganda (2020) “National Survey on Violence in Uganda Qualitative Report”. www.ubos.org/wp-content/uploads/publications/o2_2022VAWG_qualitative_report.pdf
- 337 Equality Now (2023) “Regional Mapping and Assessment”.
- 338 28TooMany “FGM Legislation in Mauritania”. www.28toomany.org/country/mauritania/
- 339 Republic of Benin (2018) « Plan national de développement 2018-2025 ». www.climate-laws.org/documents/national-development-plan-pnd-2018-2025_d6ed
- 340 Republic of Namibia (2016) “National Plan of Action on Gender-Based Violence 2012–2016”.
- 341 UN (2020) “Conflict-Related Sexual Violence Report of the United Nations Secretary-General”. www.un.org/sexualviolenceinconflict/wp-content/uploads/2020/07/report/conflict-related-sexual-violence-report-of-the-united-nations-secretary-general/2019-SG-Report.pdf
- 342 UN (2020) “Conflict-Related Sexual Violence Report”.
- 343 UN (2020) “Conflict-Related Sexual Violence Report”.
- 344 UN (2020) “Conflict-Related Sexual Violence Report”.
- 345 HRW (no date) “Sexual Violence by Armed Groups in the Central African Republic”. www.hrw.org/video-photos/interactive/2017/10/05/they-said-we-are-their-slaves
- 346 UN Women (nd) “The Shadow Pandemic: Violence Against Women during COVID-19”. www.unwomen.org/en/news/in-focus/in-focus-gender-equality-in-covid-19-response/violence-against-women-during-covid-19
- 347 Republic of Kenya (2021) “Generation Equality Forum: Kenya’s Roadmap for Advancing Gender Equality and Ending All Forms of Gender Based Violence and Female Genital Mutilation by 2026”. www.icrw.org/wp-content/uploads/2021/06/GEF_Kenya_GBV_roadmap-05.21-web.pdf
- 348 Commission for Gender Equality (2022) “Submission to the UN Special Rapporteur on violence against women Increase of gender-based violence against women and domestic violence in the context of the COVID-19 pandemic” <https://www.ohchr.org/sites/default/files/2022-01/south-afri-commission-gender.pdf>
- 349 Uganda Police (2020) “Annual Crime Report”. www.upf.go.ug/wp-content/uploads/2021/04/ANNUAL-CRIME-REPORT-2020-1.pdf?x74136
- 350 AU (2019) “African Union Legal Frameworks Aim to Break the Cycle of Violence against Women and Girls.” <https://au.int/en/pressreleases/20211125/african-union-legal-frameworks-aim-break-cycle-violence-against-women-and>
- 351 African Union, (2003), “Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa”, https://au.int/sites/default/files/treaties/37077-treaty-charter_on_rights_of_women_in_africa.pdf
- 352 Constitute Project “Sudan 2019”. www.constituteproject.org/constitution/Sudan_2019?lang=en
- 353 Constitute Project “Burundi 2018”. www.constituteproject.org/constitution/Burundi_2018?lang=en
- 354 Constitute Project “Kenya 2010”. www.constituteproject.org/constitution/Kenya_2010?lang=en
- 355 Constitute Project. “Egypt 2014 (rev. 2019)”. www.constituteproject.org/constitution/Egypt_2019?lang=en
- 356 Constitute Project “Zimbabwe 2013 (rev. 2017)”. www.constituteproject.org/constitution/Zimbabwe_2017?lang=en
- 357 Constitute Project “Rwanda’s Constitution of 2003 with Amendments through 2015”. www.constituteproject.org/constitution/Rwanda_2015.pdf?lang=en
- 358 Constitute Project “South Sudan 2011 (rev. 2013)”. www.constituteproject.org/constitution/South_Sudan_2013?lang=en
- 359 Constitute Project “Uganda 1995 (rev. 2017)”. www.constituteproject.org/constitution/Uganda_2017?lang=en
- 360 IDEA “Gender Quota Database – Rwanda”. www.idea.int/data-tools/data/gender-quotas/country-view/255/35 (accessed 23 February 2023).
- 361 IDEA “Gender Quota Database – Central African Republic”. www.idea.int/data-tools/data/gender-quotas/country-view/75/35 (accessed 1 April 2022).
- 362 NDI (2023) “Sierra Leone: A Groundbreaking Gender Equality Bill Passes”. www.ndi.org/our-stories/sierra-leone-groundbreaking-gender-equality-bill-passes
- 363 Republic of South Africa (2015) “Combined Second Periodic Report under the African Charter on Human and People’s Rights and Initial Report under the Protocol to the African Charter on the Rights of Women in Africa”. page 197.
- 364 IDEA “Gender Quota Database – Cabo Verde”. www.idea.int/data-tools/data/gender-quotas/country-view/89/35 (accessed 14 February 2023).
- 365 IDEA “Gender Quota Database – Guinea - Bissau”. www.idea.int/data-tools/data/gender-quotas/country-view/120/35 (accessed 21 February 2023).

- 366 IDEA “Gender Quota Database – Gabon”. www.idea.int/data-tools/data/gender-quotas/country-view/107/35 (accessed 14 February 2023).
- 367 IDEA “Gender Quota Database – Senegal”, www.idea.int/data-tools/data/gender-quotas/country-view/269/35 (accessed 20 February 2023).
- 368 Republic of South Africa (2015) “Combined Second Periodic Report and Initial Report”, page 197.
- 369 IDEA “Gender Quota Database – Cabo Verde”.
- 370 IDEA “Gender Quota Database – Mauritania”. www.idea.int/data-tools/data/gender-quotas/country-view/214/35 (accessed 4 April 2022).
- 371 GenderLinks (2021) “Women’s Political Participation – Africa Barometer 2021”, page 103.
- 372 GenderLinks (2021) “Women’s Political Participation – Africa Barometer 2021”, page 103.
- 373 Republic of Rwanda (2017) “The 11th, 12th and 13th Periodic Reports of the Republic of Rwanda on the Implementation Status of the African Charter on Human and Peoples’ Rights & the Initial Report on the Implementation Status of the Protocol to the African Charter on Human and Peoples’ Rights and the Rights of Women in Africa (Maputo Protocol), Period covered 2009–2016”.
- 374 Kingdom of Eswatini (2021) “Combined 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th and 9th Periodic Report on the African Charter on Human and Peoples Rights and Initial Report to the Protocol to the African Charter on the Rights of women in Africa”, pages 171–172.
- 375 Republic of Liberia (2019) “Final Report: Beijing+25 National Review Report”, pages 12–47.
- 376 Republic of Djibouti (2016) “Vision 2035”.
- 377 Federal Republic of Nigeria, (2019), “National Beijing +25 Review”, page. 20.
- 378 Republic of Namibia (2017), “Namibia’s 5th National Development Plan 2017/18–2021/22”, page 123.
- 379 Kingdom of Eswatini (2019) “National Development Plan 2019/20–2021/22”, page 169.
- 380 Uganda Women Parliamentary Association (2016) “Strategic Plan 2016–2021”, page 9.
- 381 KEWOPA (2018) “Strategic Plan 2019–2023”. www.kewopa.org/wp-content/uploads/2018/12/KEWOPAstrategic-Plan.pdf
- 382 The Commonwealth (2019) “Malawi Election Is Big Win for Women, Says Gender Expert”. <https://thecommonwealth.org/news/malawi-election-big-win-women-says-gender-expert>
- 383 GenderLinks (2020) “50/50 Policy Brief Namibia”. <https://genderlinks.org.za/wp-content/uploads/2020/10/50-50-PB-NAMIB-MAY20rev.pdf>
- 384 Republic of Côte d’Ivoire (2019) « Rapport d’évaluation de la mise en œuvre de la Déclaration et du Programme d’actions de Beijing vingt-cinq ans apres son adoption (Beijing) » , page 21.
- 385 Republic of Liberia (2018) “Pro Poor Agenda for Prosperity and Development (PAPD) 2018–2023”, page 48
- 386 Republic of Zimbabwe (2014) “Girls’ and Young Women’s Empowerment Framework”, page 8.
- 387 Republic of Cameroon (2018) “Single Report Comprising the 4th, 5th and 6th Periodic Reports of Cameroon Relating to the African Charter on Human and Peoples’ Rights and 1st Reports relating to the Maputo Protocol and the Kampala Convention”, page 124
- 388 Republic of Zimbabwe (2019) “ National Review Report 2014–2019”, page 6.
- 389 Republic of Kenya (2020) “Combined Report of the 12th and 13th Periodic Reports on the African Charter on Human and Peoples’ Rights and the Initial Report on the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa”, page 67.
- 390 IPU (2021) “Specialized Body - Women’s Caucus: Somalia”. https://data.ipu.org/node/158/parliamentary-bodies/specialized-bodies/womens_caucus?chamber_id=13572
- 391 IDEA “Gender Quota Database – Somalia”. www.idea.int/data-tools/data/gender-quotas/country-view/270/35 (accessed 21 February 2023).
- 392 Republic of Namibia (2020) “7th Periodic Report (2015–2019) on the African Charter on Human and Peoples’ Rights and the Second Report under the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa”, page 94.
- 393 Republic of Seychelles (2019) “Country Report: Protocol to the African Charter on Human and Peoples’ Rights of Women in Africa”, page 24.
- 394 Kingdom of Eswatini (2021) “Combined 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th and 9th Periodic Report and Initial Report”, page 173.
- 395 Republic of Burkina Faso (2015) “Periodic Report of Burkina Faso within the Framework of the Implementation of Article 62 of the African Charter on Human and Peoples’ Rights”, page 82.
- 396 Republic of Sierra Leone, (2019) “Country Report by Sierra Leone on Implementation of the Beijing Platform for Action (1995) and the Outcome of the Twenty-Third Special Session of the General Assembly (2000)”, page 69.
- 397 Republic of Togo (2019) « Examen de la mise en œuvre des engagements de la Déclaration et du Plan d’action de Beijing entre 2014 et 2019 », page 28.
- 398 IDEA “Gender Quota Database – Rwanda”. www.idea.int/data-tools/data/gender-quotas/country-view/255/35 (accessed 21 February 2021).

- 399 IDEA “Gender Quota Database – Djibouti”. www.idea.int/data-tools/data/gender-quotas/country-view/93/35 (accessed 13 March 2022); IPU (nd) “Djibouti – National Assembly”. https://data.ipu.org/content/djibouti?chamber_id=13377
- 400 USAID and CEPPS (2018) “Assessment of Electoral Preparations in the Democratic Republic of the Congo (DR Congo)”, page 29.
- 401 CEDAW Committee (2019) “Concluding Observations on the Eighth Periodic Report of the Democratic Republic of the Congo”, page 7.
- 402 IDEA “Gender Quota Database – Burkina Faso”. www.idea.int/data-tools/data/gender-quotas/country-view/61/35 (accessed 13 February 2023).
- 403 Constitute Project “Zambia 1991 (rev. 2016)”. www.constituteproject.org/constitution/Zambia_2016?lang=en
- 404 GenderLinks (2021) “Women’s Political Participation – Africa Barometer 2021”, page 100.
- 405 GenderLinks, (2021) “Women’s Political Participation – Africa Barometer 2021”, page 105.
- 406 HRCE (2020) “Shadow Report to the CEDAW Committee by Human Rights Concern-Eritrea (HRCE)”, page 7.
- 407 African Union, (2003), “Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa”, https://au.int/sites/default/files/treaties/37077-treaty-charter_on_rights_of_women_in_africa.pdf
- 408 Somalia Constitution 2012, page 46. <http://hrlibrary.umn.edu/research/Somalia-Constitution2012.pdf>
- 409 Constitute Project (Sudan Constitution 2019). www.constituteproject.org/constitution/Sudan_2019.pdf?lang=en
- 410 UNSC (2022) “Report of the Secretary-General on Women and Peace and Security (S/2022/740)”, page 8.
- 411 Libya (2019) “Comprehensive National Review of the Progress Made Towards the Implementation of the Beijing Declaration and Platform for Action +25: Libya National Report – 2019 Review – Implementation of the Beijing Declaration and Plan of Action”, page 10.
- 412 Libya (2019) “Comprehensive National Review”, page 82.
- 413 Kingdom of Eswatini (2021) “Combined 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th and 9th Periodic Report and Initial Report”, page 176.
- 414 Central African Republic and UN (2019) « Communiqué conjoint entre la République centrafricaine et l’Organisation des Nations Unies ». www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/05/joint-communique/joint-communique-of-the-central-african-republic-and-the-united-nations-on-prevention-and-response-to-crsv/20190531-Joint-Communique-of-Govt-of-CAR-and-UN.pdf; UN Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (2012) “Joint Communiqué of the Government of Central African Republic and the United Nations on Addressing Conflict-Related Sexual Violence”. www.un.org/sexualviolenceinconflict/joint-communique-with-the-government-of-the-central-african-republic/
- 415 DR Congo (2019) « Addendum au communiqué conjoint sur les violences sexuelles liées au conflit entre la république démocratique du Congo et l’organisation des Nations Unies ». www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/12/joint-communique/addendum-au-communique-conjoint-sur-les-violences-sexuelles-liees-au-conflit-entre-la-republique-democratique-du-congo-et-lorganisation-des-nations-unies/RDC.pdf
- 416 WILPF “National Action Plans by Region” <http://1325naps.peacewomen.org/index.php/nap-overview/> (accessed May 2023).
- 417 PeaceWomen “Malawi”. <http://1325naps.peacewomen.org/index.php/malawi/>
- 418 PeaceWomen “Morocco”. <https://1325naps.peacewomen.org/index.php/morocco/>
- 419 PeaceWomen “Central African Republic”. <http://1325naps.peacewomen.org/index.php/central-african-republic/>
- 420 PeaceWomen “Republic of Congo”. <http://1325naps.peacewomen.org/index.php/republic-of-congo-brazzaville/>
- 421 PeaceWomen “Côte d’Ivoire”. <http://1325naps.peacewomen.org/index.php/cote-divoire/>
- 422 PeaceWomen “Democratic Republic of the Congo, DRC”. <http://1325naps.peacewomen.org/index.php/democratic-republic-of-the-congo-drc/>
- 423 PeaceWomen “Ghana”. <http://1325naps.peacewomen.org/index.php/ghana/>
- 424 PeaceWomen “Kenya”. <http://1325naps.peacewomen.org/index.php/kenya/>
- 425 PeaceWomen “Liberia”. <http://1325naps.peacewomen.org/index.php/liberia/>
- 426 PeaceWomen “Niger”. <http://1325naps.peacewomen.org/index.php/niger/>
- 427 PeaceWomen “Nigeria”. <http://1325naps.peacewomen.org/index.php/nigeria/>
- 428 PeaceWomen “Rwanda”. <http://1325naps.peacewomen.org/index.php/rwanda/>

- 429 PeaceWomen “Senegal”. <http://1325naps.peacewomen.org/index.php/senegal/>
- 430 PeaceWomen “Sierra Leone”. <http://1325naps.peacewomen.org/index.php/sierra-leone/>
- 431 PeaceWomen “Burundi”. <http://1325naps.peacewomen.org/index.php/burundi/>
- 432 PeaceWomen “Mali”. <http://1325naps.peacewomen.org/index.php/mali/>
- 433 PeaceWomen “Uganda”. <http://1325naps.peacewomen.org/index.php/uganda/>
- 434 Republic of South Africa (2015) “Combined Second Periodic Report and Initial Report”, page 208.
- 435 Republic of Rwanda (2017) “The 11th, 12th and 13th Periodic Reports and the Initial Report”, page 85.
- 436 Republic of South Africa (2015) “Combined Second Periodic Report and Initial Report”, page 209.
- 437 UNSC (2022) “Report of the Secretary-General on Women and Peace and Security”, page 9.
- 438 UNSC (2022) “Report of the Secretary-General on Women and Peace and Security”, page 9.
- 439 CFR “Women’s Participation in Peace Processes: Explore the Data”. www.cfr.org/womens-participation-in-peace-processes/explore-the-data (accessed April 2023).
- 440 Republic of Burkina Faso (2015) “Periodic Report of Burkina Faso”, page 88.
- 441 UNSC (2022) “Report of the Secretary-General on Women and Peace and Security”, page 16.
- 442 Republic of Namibia (2020) “7th Periodic Report (2015–2019) and Second Report under the Protocol”, page 95.
- 443 Republic of Seychelles (2019) “Country Report 2019, Table 3”, page 25.
- 444 Lorentzen, J. (2020) “Women’s Inclusion in the Malian Peace Negotiations: Norms and Practices”. *Swiss Political Science Review* 26(4): 487–505.
- 445 UNSC (2022) “Report of the Secretary-General on Women and Peace and Security”, page 6.
- 446 Mwiine, A.A., Namutebi, L., Kanyange, P and Tumwesigye, S. (2020) “Shrinking Spaces for Women Peacebuilders and Organizations Advancing Feminist Peace”, www.wipc.org/wp-content/uploads/2021/06/Shrinking-Spaces-for-Women-Peacebuilders-and-Organizations-Advancing-Feminist-Peace_English.pdf
- 447 UNSC (2022) “Report of the Secretary-General on Women and Peace and Security”, page 3.
- 448 Al-Karib, H. (2021) “UN Security Council Briefing on Sudan”. www.womenpeacesecurity.org/resource/un-security-council-briefing-sudan-hala-al-karib/#:~:text=Yet%20the%20modern%20history%20of,their%20vision%20for%20Sudan's%20future
- 449 O’Reilly, M. Súilleabháin, A.Ó and Paffenholz, T. (2015) *Reimagining Peacemaking: Women’s Roles in Peace Processes*. New York: International Peace Institute.
- 450 WomanStats Database Indicator GEW-PRACTICE-1, Bibliography Year 2003–Present. www.womanstats.org/new/download/ (accessed April 2023).
- 451 Amnesty International (2021) “Ethiopia: Troops and Militia Rape, Abduct Women and Girls in Tigray Conflict – New Report”. www.amnesty.org/en/latest/news/2021/08/ethiopia-troops-and-militia-rape-abduct-women-and-girls-in-tigray-conflict-new-report/
- 452 WomanStats Database Indicator GEW-LAW-1, Bibliography Reference 30367. www.womanstats.org/new/download/, accessed April 2023.
- 453 WomanStats Database Indicator GEW-LAW-1, Bibliography Reference 21293. www.womanstats.org/new/download/ (accessed April 2023).
- 454 Fore, H. (2021) “Female Child Soldiers Often Go Unseen But Must Not Be Forgotten”. <https://news.trust.org/item/20210211143359-cpm3z> (accessed April 2023).
- 455 UNICEF (2021) “Democratic Republic of Congo, Humanitarian Situation Report Number 1”. www.unicef.org/media/96646/file/DRC-Humanitarian-SitRep-January-2021.pdf
- 456 DR Congo (2017) “Report to the African Commission on Human and Peoples’ Rights on the Implementation of the African Charter on Human and Peoples’ Rights from 2008 to 2015 (11th, 12th and 13th Periodic Reports) and of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women from 2005 to 2015 (Initial Report and 1st, 2nd and 3rd Periodic Reports)”, page 64.
- 457 UN Women (2022) “The Impact of Militarization on Gender Inequality”. New York: UN Women.
- 458 AUC (2019) “Report on the Implementation of Women, Peace and Security Agenda in Africa”.
- 459 Republic of Rwanda (2017) “The 11th, 12th and 13th Periodic Reports and the Initial Report”, page 86.
- 460 Friedman, E.J. (2003) ‘Gendering the agenda: the impact of the transnational women’s rights movement at the UN conferences of the 1990s’, *Women’s Studies International Forum* 26(4): 313–331; and Bandeira M, Higson-Smith C, Bantjes M, Polatin P (2010) ‘The land of milk and honey: a picture of refugee torture survivors presenting for treatment in a South African trauma centre’, *Torture*. 2010 20(2) :92-103.
- 461 Langa, M. (2011) ‘Women Empowerment: A Case Study of a Refugee Women’s Group at the Centre for the Study of Violence and Reconciliation’.

- 462 African Union, (2003), “Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa”, https://au.int/sites/default/files/treaties/37077-treaty-charter_on_rights_of_women_in_africa.pdf
- 463 Constitute Project “Guinea 2010”, Preamble. www.constituteproject.org/constitution/Guinea_2010.pdf?lang=en
- 464 Constitute Project “Senegal 2001 (rev. 2016)”, (Article 17) www.constituteproject.org/countries/Africa/Senegal?lang=en
- 465 Constitute Project (no date) “Egypt 2014 (rev. 2019)”, available at: . https://www.constituteproject.org/constitution/Egypt_2019?lang=en
- 466 United Republic of Tanzania (2019) “Country Report on Beijing +25”, page 10.
- 467 Malawi Environment Management Act 2017. www.fao.org/faolex/results/details/en/c/lex-faoc169354
- 468 DR Congo (2016) “11th, 12th and 13th Periodic Reports and Initial Report and 1st, 2nd and 3rd Periodic Reports”, page 68.
- 469 Women, Business and the Law “Assets”. https://wbl.worldbank.org/en/data/exploretopics/wbl_ma (accessed 2023).
- 470 IBRD and World Bank (2023) *Women, Business and the Law 2023*. Washington, DC: World Bank, page 21.
- 471 Oxford Human Rights Hub (2019) “Eswatini Court Upholds a Widow’s Rights to Customary Land Use—a Beacon of Hope?” <http://ohrh.law.ox.ac.uk/eswatini-court-upholds-a-widows-rights-to-customary-land-use-a-beacon-of-hope/>
- 472 DR Congo (2016) “11th, 12th and 13th Periodic Reports and Initial Report and 1st, 2nd and 3rd Periodic Reports”, page 71.
- 473 Women, Business and the Law “Pension”. https://wbl.worldbank.org/en/data/exploretopics/wbl_gpen (accessed 2023).
- 474 Kingdom of Eswatini (2021) “Combined 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th and 9th Periodic Report and Initial Report”, page 219.
- 475 Republic of Zambia (2023) “Combined 1st, 2nd, 3rd, 4th, 5th, 6th & 7th, Periodic Report, 2005–2019”, page 149.
- 476 Republic of Malawi (2020) “Periodic Report on the African Charter on Human and Peoples’ Rights and the Maputo Protocol May 2015 to March 2019”, page 101.
- 477 Reuters (2020) “Botswana Opts to Make Land Owners of Wives with New Law”. www.reuters.com/article/us-botswana-women-landrights-trfn-iduskbn2682xf
- 478 The Borgen Project (2020) “Botswana Wives Granted Equal Land Ownership”. <https://borgenproject.org/equal-land-ownership/>
- 479 Republic of Angola (2017) “Sixth and Seventh Report on the Implementation of the African Charter on Human and Peoples’ Rights and Initial Report on the Protocol on the Rights of Women in Africa”, page 60.
- 480 Kingdom of Eswatini (2021) “Combined 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th and 9th Periodic Report and Initial Report”, page 220.
- 481 Republic of Kenya (nd) “Review of the Implementation of the Beijing Platform for Action”, page 13.
- 482 Ministry of Gender Equality, Poverty Eradication and Social Welfare (nd) “Income Generating Activity Fund (IGA)”. 483 Republic of Benin (2019) “Combined Periodic Report from the Sixth to the Tenth (6th -10th) Periodic Reports on the Implementation of the Provisions of the African Charter on Human and Peoples’ Rights”, page 61.
- 484 Republic of Zambia (2023) “Combined 1st, 2nd, 3rd, 4th, 5th, 6th & 7th, Periodic Report, 2005–2019”, page 147.
- 485 Republic of Cameroon (2018) “Single Report Comprising the 4th, 5th and 6th Periodic Reports of Cameroon Relating to the African Charter on Human and Peoples’ Rights and 1st Reports Relating to the Maputo Protocol and the Kampala Convention”, page 153.
- 486 Republic of Cameroon (2018) “Single Report”, page 169.
- 487 Republic of Angola (2017) “Sixth and Seventh Report”, page 61.
- 488 Republic of Burkina Faso (2015) “Periodic Report of Burkina Faso”, page 87.
- 489 Kingdom of Eswatini (2021) “Combined 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th and 9th Periodic Report and Initial Report”, page 219.
- 490 Republic of Zambia (2023) “Combined 1st, 2nd, 3rd, 4th, 5th, 6th & 7th, Periodic Report, 2005–2019”, page 145.
- 491 Republic of Angola (2017) “Sixth and Seventh Report”, page 61.
- Republic of Burkina Faso (2015) “Periodic Report of Burkina Faso”, page 69.
- 492 Kingdom of Eswatini (2021) “Combined 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th and 9th Periodic Report and Initial Report”, page 222.
- 493 Republic of Zambia (2023) “Combined 1st, 2nd, 3rd, 4th, 5th, 6th & 7th, Periodic Report, 2005–2019”, page 140.
- 494 Ude, P. and Njoku, O. (2017) “Widowhood Practices and Impacts on Women in Sub-Saharan Africa: An Empowerment Perspective”. *International Social Work* 60(6): 1512–1522; The Loomba Foundation (2016) “World Widows Report: A Critical Issue for the Sustainable Development Goals”; HRW (2017) “You Will Get Nothing: Violations of Property and Inheritance Rights of Widows in Zimbabwe”.
- 495 Kingdom of Eswatini (2021) “Combined 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th and 9th Periodic Report and Initial Report”, page 214.

- 496 He, W., Aboderin, I. and Adjaye-Gbewonyo, D. (2020) *Africa Aging*. International Population Reports, P95/20-1. Washington, DC: U.S. Census Bureau.
- 497 ILO (2018) *Women and Men in the Informal Economy: A Statistical Picture, Third Edition*, Geneva, Switzerland.
- 498 ILO (2018) 'Social Protection for Older Persons: Policy Trends and Statistics 2017–19', *Social Protection Policy Papers*, Paper 17, Geneva, Switzerland; and HelpAge International (2019) Pension Watch, Social Pensions Data Base, available at: www.pension-watch.net/
- 499 WHO (2021) *Global Report on Ageism*. Geneva: WHO, page 32.
- 500 Eboiyehi, F.A. "Convicted Without Evidence: Elderly Women and Witchcraft Accusations in Contemporary Nigeria". *Jounral of International Women's Studies* 18(4): 247–265.
- 501 Idehen, N. (2014) "Tackling Witchcraft Accusations in Tanzania". <https://www.helpage.org/blog/tackling-witchcraft-accusations-in-tanzania/>
- 502 HAI (2010), in WHO (2021) *Global Report on Ageism*, page 36.
- 503 Igwe, L. (2011), in WHO (2021) *Global Report on Ageism*, page 36.
- 504 He et al. (2020) *Africa Aging*.
- 505 Republic of Zambia (2023) "Combined 1st, 2nd, 3rd, 4th, 5th, 6th & 7th, Periodic Report, 2005–2019", page 146.
- 506 Supreme Court of eSwatini (2013) Hadebe v Khumalo and Others (25 of 2012) [2013] SZSC 39 (31 May 2013); Case 25 of 2012.
- 507 Kingdom of Eswatini (2021) "Combined 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th and 9th Periodic Report and Initial Report".
- 508 African Union, (2003), "Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa", https://au.int/sites/default/files/treaties/37077-treaty-charter_on_rights_of_women_in_africa.pdf

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

To find out more, visit equalitynow.org/mp20report

Or scan the code below with your smartphone camera.

