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PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLE'S
RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA
(Simplified)

WiLDAF-West Africa
Women in Law and Development in Africa

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“It is important to have a regional instrument that adequately protects the rights of women taking into account the cultural specificity of Africa and the special needs of African women which may not be adequately addressed by the CEDAW”.

DORCAS COKER-APPIAH
Chair of the board of WILDAF

New York – March 2005

FOREWORD

The Protocol to the African Charter on Human and People's Rights (ACHPR) on the Rights of Women in Africa was adopted in Maputo in July 2003, eight years after the commencement of the drafting process in Lomé, Togo in March 1995. This event marked a major achievement. However, before entering into force, the Protocol required ratification in fifteen member countries (Article 29). On 26 October 2005, Togo became the fifteenth country to ratify and deposit the Protocol before the Commission of the African Union. The Protocol entered into force a month later on 25 November 2005.

While celebrating this major achievement, the African women's movement remains vigilant in the pursuit of our next objective: the universal ratification of the instrument and its effective implementation. Only then will the status of African women significantly improve.

In pursuit of this objective, the WiLDAF sub-regional office for West Africa has taken the initiative to produce this simplified version of the Protocol, which can be used to educate and raise awareness of women's rights. It is our hope that this document will be of particular use to women's organizations working at the grassroots level in both rural and urban areas.

This initiative is only a first step in the implementation process. We hope that this simplified version will be translated into local languages. WiLDAF welcomes and supports any and all initiatives in this direction.

Once again, our thanks to GTZ for its financial support which made it possible to produce this handbook.

Kafui Adjamagbo-Johnson

Coordinator of Women in Law and Development in Africa, West Africa

Timeline of Important Dates in the History of the Protocol

Steps	Date
Beginning of the drafting of the Protocol Lomé, Togo	March 1995
Approval of the Assembly of Heads of State and Government of the OAU (resolution AHG/Res. 240 (xxx1)) Addis-Ababa, Ethiopia	26-28 June 1995
Preliminary version of the Protocol transmitted by ACHPR to the Secretary of OAU Kigali, Somalia	15 November 1999
First Expert meeting Addis-Ababa, Ethiopia	12-16 November 2001
Second Expert meeting Addis-Ababa, Ethiopia	25-26 March 2003
Meeting of the Council of Ministers Maputo, Mozambique	July 2003
Adoption of the Protocol to the ACHPR on the Rights of Women in Africa Maputo, Mozambique	11 July 2003
Entry into force of the Protocol to the ACHPR on the Rights of Women in Africa	25 November 2005

PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA

THE STATES PARTIES TO THIS PROTOCOL:

Considering that Article 66 of the African Charter on Human and Peoples' Rights may be supplemented by additional texts, the Assembly of Heads of State and Government met in Addis Ababa, Ethiopia, in June 1995 to endorse the drafting of a document on the Rights of Women in Africa to complete the Charter;

Considering that Article 2 of the African Charter on Human and Peoples' Rights prohibits discrimination on the grounds of race, ethnicity, sex, language, religion, political orientation or any other belief, national and social origin, wealth, birth or other status;

Considering that the content of the Charter conforms to international declarations and conventions and applies specifically to Africa;

Recalling that women's rights have been recognised and guaranteed in all international and African conventions and covenants as inalienable and indivisible human rights, *meaning that States Parties cannot decide to protect one of these rights and not another*;

Noting that the United Nations acknowledges women's essential role in keeping peace and security in the world; and considering that this role has been reaffirmed in the various plans of action on:

- the Environment and Development (1992),
- Human Rights (1993),
- Population and Development (1994),
- Social Development (1995).

This means that all of these meetings made provisions which restate States Parties commitment to women's rights, and recognise the important roles of women in society and the need to respect the rights of women.

Enshrined in the Constitutive Act of the African Union is the affirmation of equality between women and men and a call to African States to recognise the importance of women and men as equal partners in Africa's development;

Further noting that before the Beijing conference, African States met in Dakar and committed themselves to gender equality;

Recognising the fact that though States Parties accepted the texts and attended all the meetings on women's rights, women in Africa still continue to be absent from all the levels of development, thereby delaying the advancement of Africa.

The States Parties have decided to draft this document on women's rights to supplement the Charter

By agreeing as follows:

Article 1

Definitions

For the purpose of the present Protocol:

- a. **“African Charter”** means the African Charter on Human and Peoples' Rights;
- b. **“African Commission”** means the African Commission on Human and Peoples' Rights;
- c. **“Assembly”** means the Assembly of Heads of State and Government of the African Union;
- d. **“AU”** means the African Union;
- e. **“Constitutive Act”** means the Constitutive Act of the African Union;
- f. **“Discrimination against women”** means any distinction, exclusion or restriction or any differential treatment based on sex and whose objectives or effects compromise or destroy the recognition, enjoyment or the exercise by women, regardless of their marital status, of human rights and fundamental freedoms in all spheres of life;
- g. **“Harmful Practices”** means all behaviour, attitudes and/or practices which negatively affect the fundamental rights of women and girls, such as their right to life, health, dignity, education and physical integrity;
- h. **“NEPAD”** means the New Partnership for Africa's Development established by the Assembly;
- i. **“States Parties”** means the States Parties to this Protocol;
- j. **“Violence against women”** means all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war;
- k. **“Women”** means persons of female gender, including girls;

Article 2

Elimination of Discrimination

Against women

1. Discrimination against women is any action preventing a woman from enjoying all the rights recognised to all human beings and in all fields because of her sex.

States Parties undertake to combat all forms of discrimination against women at all levels and in all fields.

In this regard they shall:

- a. Take concrete steps to ensure that in its constitution, the highest law of the land, and all other laws of the State Party, it is clearly stipulated that women and men are equal, *they have the same rights*. This rule should be observed and applied by every one.

- b. undertake to enact and effectively implement appropriate laws or regulatory measures that prohibit and punish harmful practices which endanger the health and general well-being of women;
- c. ensure that the opinions of women are taken into account in all endeavours at the village, city, suburban or national level;

Thus, for example, when one wants to write or propose a village development plan, a proposal for the economic or social improvement of the village, or if the Parliamentarians want to vote on a law, the view of women should be sought and their opinions taken into account.

- d. where there are areas or situations in which women continue to be treated unjustly, the State Party must pass laws or take corrective action to ensure that women and men enjoy the same rights;

Thus, for example if there is a law that stipulates that a working woman must seek authorization from her husband before claiming social security benefits or other family benefits or tax exemptions this law should be corrected to state that the woman has the right to claim benefits for herself and her children just as a man would.

- e. The State Parties should assist and participate in all efforts aimed at removing from villages, cities, countries and the entire continent, all forms of discriminatory practices against women.

2. The States Parties commit themselves to change through public education, adult education, and mass communication, all cultural and traditional practices deemed harmful to the health of women or their welfare or anything that may cause women to be considered as inferior to men or which causes certain roles to be considered as being for men and others for women in society or within the family.

Article 3

Right to Dignity

The necessity to respect and ensure respect for women

1. Every woman shall have the right to be respected and protected as a human being;
2. Every woman shall have the right to be respected as a person and to complete respect for her personality;

This means that nobody can attack or injure a woman's body. Thus, for example, a woman shall not be beaten by her husband. She shall not be excised or suffer female genital mutilation, no part of her genitals shall be removed.

3. Women shall not be used for the sex trade;

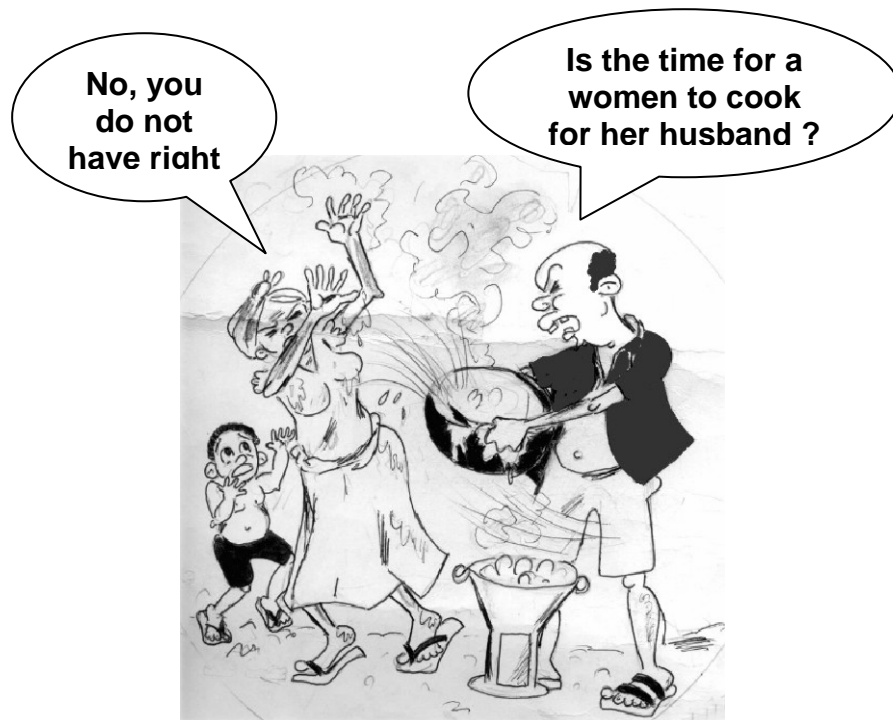
This means women shall not be sold for sex or forced to engage in prostitution.

Also, women shall not be compelled to perform work or anything that subjects them to humiliation or that violates their human dignity.

4. Women shall be protected against all forms of violence, *all that harms a person physically or mentally*, particularly sexual violence such as rape, *which is the act of having sex with a woman's without her consent*, or sexual harassment, *which is when a boss or a colleague at work or a teacher or colleague in school or any other person regularly pesters a woman in an unwanted or unsolicited manner to have sexual relations with him or employs verbal abuse such as slurs against her.*

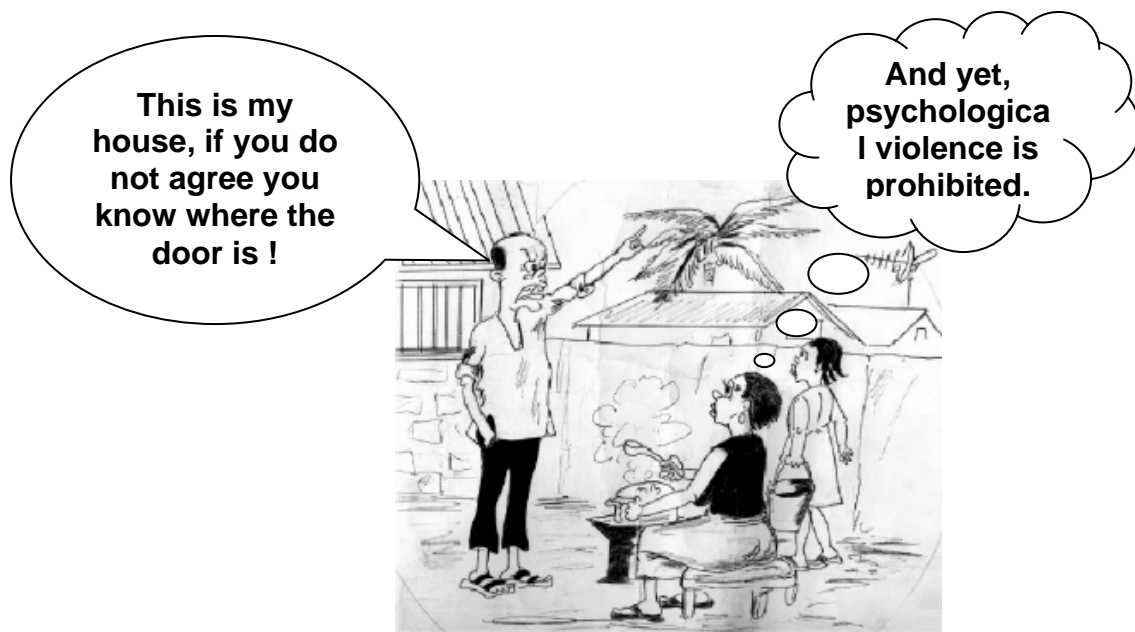
Article 4
The Rights to Life, Integrity and Security

1. Every woman shall be entitled to respect for her life and the integrity, security and protection of her person in the home, in her family, in society and throughout the country.



No one shall thus have the right to beat a woman or commit acts that publicly shame or humiliate her. This is why:

2. States Parties shall take appropriate and effective measures to:



- a. enact and enforce laws to prohibit all forms of violence against women including physical violence such as beating a woman, verbal abuse such as slurs or harassment, and rape, sexual relations that men force on women without their consent, be it in the marital home, workplace, on the farm or any other place;
- b. enact such laws as may be necessary in society to ensure the existence of economic resources and measures to ensure the prevention of all forms of violence, all forms of suffering against women. *It may concern physical suffering or moral or psychological suffering;*
- c. identify the causes and consequences of violence against women and take appropriate measures to prevent and eliminate such violence;
- d. actively promote all peace building initiatives in the village, city, suburbs, throughout the country and continent. This should be done through peace education curricula and social communication in order to eradicate all traditional and cultural beliefs which create inequalities between men and women or which consider women to be inferior to men. *The society is to be educated on peaceful means of dealing with conflict and settling matters to eliminate all the negative beliefs and violent practices used against women.*
- e. punish the perpetrators of violence against women. *They should be arrested and tried in a court of law, where if found guilty they may be sentenced to prison terms or fines.*
- f. establish mechanisms and accessible services for information distribution, rehabilitation and reparation for female victims of violence against women, *this includes the provision of mechanisms to ensure that the perpetrator of violence be compelled to make reparations.*
- g. prevent and condemn trafficking in women, including women and girls that are sent from one village to another or from one country to another to be sexually or economically exploited. Women exposed to this type of danger should be protected. Those who traffic in or exploit women should be punished;
- h. prohibit all medical or scientific experiments on women without their informed consent;
- i. provide adequate budgetary and other resources for the implementation and monitoring of actions aimed at preventing and eradicating violence against women;
- j. ensure that, in those countries where the death penalty still exists, death sentences are not carried out on pregnant or nursing women.

- k. ensure that women who have fled their country to another country as a result of war or for any other reason shall enjoy equal rights as the men with whom they fled.
- l. Women refugees should therefore be recognised as refugees, given their refugee cards and have their cases considered individually. *This means that in a refugee camp, the fact that the husband is not recognised as a refugee should not mean that the wife's status as a refugee is automatically denied. Document processing officers should consider the documents of each person whether it is a man or woman.* Every female refugee shall enjoy the same rights as a male refugee.

Article 5 **Elimination of Harmful Practices**

States Parties shall prohibit and condemn all forms of harmful practices which negatively affect women's human rights and which are contrary to recognised international standards.



States Parties shall take all necessary legislative and other measures to eliminate such practices, including:

- a. creation of public awareness in all sectors of society regarding harmful practices through information distribution, formal and informal education and outreach programmes;

For example train people who will then go from village to village to inform diverse population groups on the negative consequences of excision or female genital mutilation, forced marriage and widowhood practices that humiliate women.



- b. prohibition, through legislative measures of all forms of female genital mutilation, removing certain private parts of young girls and women, as well as making scars on their bodies;
- c. protection and support of girls or women who are at risk of being subjected to these harmful practices;
- d. ,with regards to those who have already suffered from these practices, States Parties should assist them by treating them in hospitals and taking legal action.

Article 6 **Marriage**

States Parties shall ensure that women and men enjoy equal rights and are regarded as equal partners in marriage. They shall enact appropriate national legislative measures to guarantee that:

- a. no marriage shall take place without the free and full consent of both parties. *This means that forced marriage is prohibited. Parents cannot compel their daughter to marry a man against her will.*
- b. the minimum age of marriage for women shall be 18 years.

Marriages shall not be concluded on the basis of physical development or growth, but rather based on age.

- c. it is ideal that each man marries only one woman (monogamy). However, in a home where the husband shall have several wives (polygamy), the State party shall enact appropriate measures or legislations to ensure that the rights of each woman are respected.



- d. every marriage shall be recorded in writing and registered in accordance with national laws in order to be legally recognised.

This means that if a woman or a man intends to enjoy the benefits of marriage before the State, the marriage should exist on a paper document called a Marriage Certificate or Marriage License.

- e. the husband and wife shall, by mutual agreement, choose their place of residence. They shall also by mutual agreement decide on how to manage their properties.

For example, they should decide whether all property belongs to them both or whether each spouse shall retain ownership of his or her own property separately.

- f. a married woman shall have the right not to take her husband's name; She can therefore retain her maiden (or father's) name. A woman shall also be allowed to join her maiden name with her husband's name if she so chooses.
- g. a woman shall have the right to retain her nationality or to acquire the nationality of her husband. A man also shall have the right to claim his wife's nationality if he wishes.

For example, a Togolese woman who marries a Ghanaian man shall have the right to retain her Togolese nationality and also acquire Ghanaian nationality.

- h. a woman and a man shall have equal rights with respect to the nationality of their children..

This means that a woman may give her nationality to her children, so may the husband.

But the application of this right shall depend on the laws of each country and the security requirements of the country.

- i. a woman and a man shall jointly contribute financially, materially and morally to safeguarding the interests of the family, protecting and educating their children.

This means that the man and woman should manage the matrimonial home together. National laws should therefore avoid making the man the sole head of family.

- j. during her marriage, a woman shall have the right to acquire her own property in any way (*buy, receive as a gift or inherit*) and to administer and manage it freely.

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

States Parties shall ensure that women and men enjoy the same rights in case of separation, *meaning the man and woman shall live in separate houses*, or divorce, *meaning the dissolution of the marriage*, or annulment of marriage, *meaning “not recognising” the marriage*. In this regard, the State Parties shall ensure that:

- a. separation, divorce or annulment of a marriage shall be pronounced by a judge;
- b. women and men shall have the same rights to seek separation, divorce or annulment of a marriage;
- c. in the case of separation, divorce or annulment of marriage, women and men shall have equal rights and duties towards each other and the children. In all cases the interests of the children shall be paramount.
- d. in the case of separation, divorce or annulment of marriage, women and men shall have the right to an equitable sharing of the joint property deriving from the marriage.

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

Women and men are equal before the law and shall have the right to equal protection and benefit of the law.



States Parties shall take all appropriate measures to ensure:

- a. the promotion of the right of women to seek justice in the cities and villages throughout country and continent.

Where the act of taking a case before the court shall entail costs for a woman, the State should provide assistance to women;

It can be decided for instance that women may take their cases to court free of charge or the State may provide legal aid to women free of charge.

- b. Give support to local and national initiatives directed at providing women access to justice in case their rights are violated;

For example support should be provided for the NGOs that train paralegals, who in turn explain the rights of women to members of their communities and assist women whose rights have been violated to seek redress in the courts.

- c. the establishment of services to train women and also the entire society on the rights of women;
- d. the training of judges and law enforcement organizations namely, the gendarmes, the policemen, lawyers, public prosecutors, immigration officers, and notaries public to effectively protect gender equality rights;
- e. that women are adequately represented among the notaries public, judges, magistrates, lawyers, bailiffs, prosecutors, policemen and gendarmes;
- f. the review of existing discriminatory laws and practices in order to promote and protect women's rights.

Article 9

Right to Participation in the Political and Decision-Making Process

1. States Parties shall take specific positive action such as enacting laws that clearly stipulate and encourage the participation of women in the political life of their countries on equal footing with men. These affirmative actions, national legislation and other measures should ensure that:
 - a. women participate without any discrimination in all elections;

On voting day, women shall have the right to freely choose the candidate of their choice. No law or policy shall prevent them from voting.

A husband cannot vote in the place of his wife. A husband cannot force his wife to vote for the candidate whom he supports..



- b. in the selection of Mayors, District Councillors, Ministers, Commissioners, Executive appointees, Parliamentarians or President of the Republic, that women are represented equally with men for each of these elections;

Thus, for example, if a political party has to present ten candidates as parliamentarians, five of the ten should be women.

Similarly if ten persons are to be appointed to decision-making posts, the State shall take measures to ensure that these posts are distributed fairly to women and men.

- c. women are equal partners with men at all levels of development and in the implementation of development policies and programmes.



2. States Parties shall ensure increased and effective representation and participation of women at all levels of decision-making.

Thank you for the confidence you have shown in me by electing me as chief of our village.



Article 10
Right to Peace

1. Women have the right to live peacefully wherever they may be.
2. States Parties shall take all appropriate measures to ensure the participation of women:
 - a. in programmes of education for peace and a culture of peace;
 - b. in the structures and processes for conflict prevention, management and resolution at local, national, regional, continental and international levels;
 - c. in the local, national, regional, continental and international decision-making structures to ensure physical, psychological, social and legal protection of asylum seekers, refugees, returnees and displaced persons, in particular women;
 - d. in all levels of the structures established for the management of camps and settlements for asylum seekers, refugees, returnees and displaced persons, in particular women;
 - e. in all aspects of planning, formulation and implementation of post conflict reconstruction and rehabilitation.

Article 11
Protection of Women in Armed Conflicts

1. States Parties undertake to respect and ensure respect for the rules of international humanitarian law applicable in armed conflict situations which affect the population, particularly women.
2. States Parties shall ensure that in the event of war, civilians, *those who are not soldiers or fighters*, shall be protected. In any event, State Parties shall ensure that women are protected;

This means that combatants shall not fire at women nor abduct them and compel them to become combatants or force them to have sexual relations with them or their superiors.

3. States Parties shall undertake to protect women who have fled war or internal conflict to seek asylum country in another country (asylum seekers) against all forms of violence, *their person shall not be violated in any way; for example beating them, firing at them, coercing them into forced sexual relations or handing them over to other persons for sexual purposes are all strictly prohibited*. Perpetrators of such acts shall be judged as perpetrators of genocide or war crimes or crimes against humanity and shall be punished. .
4. In event of armed conflict, States Parties shall take all necessary measures to ensure that no children under 18 years of age, especially girls, take a direct part in hostilities and that no child is recruited as a soldier.

Article 12
Right to Education and Training

1. States Parties shall take all appropriate measures to:
 - a. ensure that young girls and boys are guaranteed equal opportunity and access to education and success;

This means that within a family, the father and the mother shall enrol all their children at school regardless of their sex.

Parents should ensure that each of their children is provided with the means to succeed at school by paying school fees, buying books and other educational materials for each child, and by ensuring that household chores are evenly divided in order to give girls and boys an equal amount of time for studying their lessons.



- b. ensure that in textbooks, there are no exercises or games reserved solely for boys and other exercises and games reserved solely for girls;

For example, books should no longer contain images showing boys playing football and girls helping their mother in the kitchen or carrying babies on their backs.

- c. protect women, especially girls, from all forms of abuse, including sexual harassment in schools, *when the teacher or workshop boss uses his higher status to pursue sexual relations with a student or apprentice.* Perpetrators of such practices should be punished;
 - d. give advice and help victims of abuse and sexual harassment to return to living a normal life;
 - e. at all levels of education and training, children must be taught that men and women are both human beings who can do the same things except those made impossible by the nature; *for example, a man cannot carry a pregnancy, a woman cannot impregnate a man.*

2. States Parties shall take specific positive action to ensure that:
 - a. adult women who were unable to attend school, have the opportunity to learn to read and write through adult education.
 - b. girls attend school and learn professions at all levels and in all disciplines, particularly in the fields of science and technology.



- c. girls are enrolled in schools and other training institutions and pursue their training until they attain the required diplomas, certificates or degrees.

The State is obligated to organise training programmes for young women who are forced to drop out of school early. *For example girls who dropout of school as a result of pregnancy or violence perpetrated against them should be given an opportunity to continue their education.*

Article 13 **Economic and Social Welfare Rights**



States Parties shall enact laws to guarantee equal opportunities for women and men in work and career advancement and access to other economic opportunities. In this respect, States Parties shall:

- a. promote equal access to employment;

This means that when a company seeks to employ new workers, an equal opportunity must be given to all qualified applicants, women and men, to submit their applications and be considered for the job.

- b. promote the right to equal pay for jobs of equal value for both women and men;

In other words, a man should not be paid more than a woman for the same type of work.

- c. ensure transparency in recruitment, promotion and dismissal of women and combat and punish sexual harassment in the workplace;

This means that within the scope of work, nobody, not even the boss, may continually ask a worker to have sexual relations with him. Women should not be denied promotion or be dismissed on the basis of having refused sexual advances from their bosses.

Such behaviour should be prohibited and the culprits punished.

- d. women shall have the right to choose their occupation. Women should be protected from exploitation by their employers, who should respect worker's rights as recognised and guaranteed by the law, particularly as they apply to women workers;



- e. provide resources for job creation for women in the trade and craft industries (*informal sector*);
- f. encourage women working in the informal sector (*hairdressing, sewing, soap-making, etc.*) to have social security.

This means that State Parties should allow women working in the informal sector to put aside a small amount of money at the end of every month in preparation for their old age, when they can no longer work.

- g. fix a minimum age for work and prohibit the employment of children below that age.

The State must prohibit the exploitation of children, especially young girls, in the performance of certain harsh forms of work.

- h. take the necessary measures to recognise the value of the work of women in the home.

For example cooking, washing, catering to the children and maintaining the home should all be recognised as direct contributions to the family's income and well-being.

- i. guarantee adequate and paid pre- and post-natal maternity leave in the public sector;
- j. ensure the equal application of taxation laws to women and men;
- k. recognise and enforce the right of salaried women to the same allowances and entitlements as those granted to salaried men for their spouses and children;
- l. recognise that both parents bear the primary responsibility for the upbringing and development of children and ensure that the children are in good health. The State may assist in this;
- m. take effective legislative and administrative measures to prevent the exploitation and abuse of women in advertising and pornography.

This means that women should not be forced to expose their private parts, be treated as sex objects or be put in positions that disrespect their human dignity for the purpose of advertising or pornography.

Article 14 **Health and Reproductive Rights**

1. States Parties shall ensure that the right to health of women, including sexual and reproductive health, is respected and promoted. This includes:
 - a. the right to control their fertility, *ability to have children*;
 - b. the right to decide whether to have children, the number of children and the spacing of children;



- c. the right to choose any method of contraception;

A woman has the right to request that her husband use condoms during sexual relations or take a medical product that prevents pregnancy.

- d. the right to self protection and to be protected against sexually transmitted infections. This right also concerns the right to protect oneself against HIV/AIDS;
- e. the right to be informed of one's own health status and that of one's husband, particularly if he is infected with sexually transmitted diseases, including HIV/AIDS;
- f. the right to have family planning education.

2. States Parties shall take all appropriate measures to:

- a. provide health services to women in hospitals and health centres. These hospitals and health centres should not be far from their villages or places of residence and the costs should be affordable.

This means that the State should make an effort to build hospitals and health centres near each village or neighbourhood and the cost of care should be low.

- b. establish and strengthen existing pre-natal, delivery and post-natal health and nutritional services for women during pregnancy and while they are breast-feeding;



- c. protect the reproductive rights of women by authorising the right to a medical abortion when the pregnancy she carries is the result of rape, *forced sexual relations*, incest, *pregnancy resulting from intercourse with her father, brothers, or other male relative*, or when continuing with the pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus.

Article 15
Right to Food Security

States Parties shall ensure that women have the right to nutritious and adequate food. *This means that women shall eat food of high quality and in sufficient quantity.*

In this regard, State Parties shall take appropriate measures to:

- a. provide women with access to clean drinking water, sources of energy for cooking, land, and the means of producing nutritious food.

Women must be allowed access to cultivable land for crop production.

- b. establish adequate systems of supply and storage to ensure food security, guarantying that women never lack necessary foods for themselves and their families.

Article 16
Right to Adequate Housing

Women shall have the right to equal access to housing and to acceptable living conditions in a healthy environment. To ensure this right, States Parties shall grant to women, whatever their marital status, access to adequate housing. *To meet this requirement, the State could build houses and rent or sell them to both women and men.*

Article 17
Right to Positive Cultural Context

1. Women shall have the right to live in a positive cultural context, an environment where the practices, attitudes and behaviours accepted by the culture of the community have no harmful consequences (are positive for all human beings). Women also have the right to ensure that their ideas about these practices are taken into account by their community, village or district and the entire country.

2. States Parties shall take all appropriate measures to enhance the participation of women in the formulation of cultural policies at all levels.

Article 18
Right to a Healthy and Sustainable Environment

1. Women shall have the right to live in a clean environment and in an environment devoid of any gas or smoke that could make the air they breathe harmful to their health.
2. Hence, State Parties shall take all appropriate measures to:
 - a. ensure the active participation of women and the inclusion of their points of view in the planning, management and preservation of natural resources, including forests, water and animals;
 - b. search for new energy sources. *This applies directly to finding new sources of energy for cooking without firewood;*

- c. ensure that women know these means and how to use them;
- d. find solutions enabling the management, processing, storage and disposal of domestic waste;

For example, in each city, suburb or village, a place should be allocated for the dumping of refuse, and a means to transport refuse to these places or a means to recycle or destroy refuse should be provided.

- e. ensure that proper standards are followed for the storage, transportation and disposal of toxic waste.

Article 19 **Right to Sustainable Development**

Women shall fully enjoy their right to sustainable development. *This means women must always live in suitable material, physical and psychological conditions. This means that women should always be able to have their basic needs met and be free from physical and mental health problems.*

To meet these needs, the States Parties shall take all appropriate measures to:

- a. take account of the needs of men and women in development planning activities. *This means examining the needs of both sexes during the planning phase and before beginning development projects;*
- b. ensure participation of women at all levels of decision-making for the development of the community, village and nation, and ensure that women participate in implementation and follow-up activities after the initial decisions are made.
- c. promote women's access to and control over productive resources such as land and fertilizers and guarantee their rights to property;
- d. help women to have access to credit, *the lending of money*, training on how to use credit, and provide access to training, skills development and extension services in rural and urban areas in order to provide women with a higher quality of life and reduce poverty;
- e. examine the different indicators and aspects of human development, specifically relating to women, in the elaboration of development policies and programs;

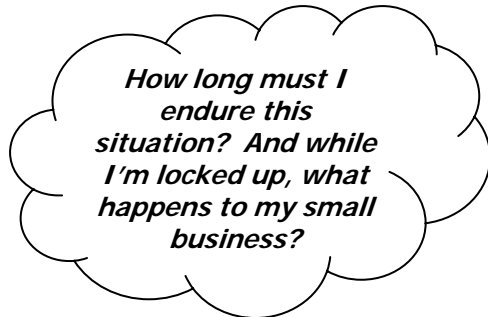
This means that before instituting a specific development policy the state must set guidelines to examine the impact of this development policy on women, so that the success or failure of the policy or program can be determined by specific measurable quantities.

- f. ensure that at the countrywide level, women are not affected negatively by economic globalisation.

Article 20 **Widow's Rights**

States Parties shall take appropriate legal measures to ensure that widows enjoy all human rights through the implementation of the following provisions:

- a. that widows, *women whose husbands have died*, are not subjected to inhuman, humiliating or degrading treatment, that is a widow should not be subjected to acts that shame or humiliate her or that do not respect her human dignity, *for example locking her away in a room for several months or having her head shaved*;



- b. a widow shall automatically become the guardian and custodian of her children and properties, *this means that children whose father has died must live with their mother or under her control*. Any property that the father left his children must be managed by their mother;
- c. a widow shall have the right to remarry, and in this event, to marry the person of her choice. *No member of her family or that of her late husband's shall compel her to marry a man against her will*.

Article 21 Right to Inheritance

1. A widow shall have the right to an equitable share in the inheritance of the property of her husband. A widow shall have the right to continue to live in the matrimonial house. *This means that, the relatives of the husband shall have no right to eject her from this house*. In case of remarriage, she shall retain this right, if the house belongs to her or she has inherited it.
2. Women and men shall have the right to inherit, in equitable shares, their parents' properties. *Nobody can therefore deny a woman or a girl the right to an equal part of the property of her deceased parents*.



Where are you going? All of my father's property is ours by law! Mother you have to do somethina!

Article 22
Special Protection of Elderly Women

The States Parties undertake to:

- a. provide protection to elderly women by making decisions that take into account their welfare needs in order to provide support for their economic and social needs;
- b. provide protection to elderly women against violence, including sexual abuse, discrimination based on age and the right to be treated with dignity. *Elderly women are entitled to all rights and respect. They should not be prevented from living a full life because of their age.*

Article 23
Special Protection of Women with Disabilities

The States Parties undertake to:

- a. ensure the protection of women with disabilities, *women with handicaps or infirmities*, by taking into account their health and welfare needs. In order to satisfy these needs, State Parties will facilitate access to employment, professional and vocational training, and promote handicapped women's participation in decision-making;
- b. ensure the right of women with disabilities to freedom from violence, including sexual abuse. *Women with disabilities are entitled to respect. They should not be prevented from living a full life because of their disabilities.*

*Miss, your application
has been considered by
Management, and we are
pleased to inform you
that we would like to
offer you the job.*



Article 24
Special Protection of Women in Distress

The States Parties undertake to:

- a. ensure the physical, economic, social protection of poor women, women heads of families and women from marginalized population groups;



- b. protect female prisoners who are pregnant or breastfeeding by providing them with an environment suitable for them and their children. They have right to be treated with dignity.

Article 25 **Remedies**

States Parties shall undertake to:

- a. provide for appropriate remedies to any woman whose rights or freedoms, as herein recognised, have been violated;

For example by granting them a sum of money and ensuring that they are properly cared for if a violation of their rights has led to an injury or illness

- b. ensure that such remedies are determined by judges or by another competent authority recognised by law.

Article 26 **Implementation and Monitoring**

1. States Parties shall ensure all that is provided in this Protocol is implemented at a national level, and send updates in their periodic reports to the African Commission on Human and People's Rights in accordance with Article 62 of the African Charter.

They shall highlight the legislative and additional measures taken for the full realisation of the rights herein recognised.

2. States Parties undertake to adopt all necessary measures and, in particular, shall provide budgetary resources for the full and effective implementation of the rights herein recognised.

Article 27 Interpretation

The African Court on Human and Peoples' Rights shall be seized with matters of interpretation arising from the application or implementation of this Protocol.

Article 28 Signature, Ratification and Accession

1. This Protocol shall be open for signature, ratification and accession by the States Parties, in accordance with their respective constitutional procedures.
2. The instruments of ratification or accession shall be deposited with the Chairperson of the Commission of the African Union.

Article 29 Entry into Force

1. This Protocol shall enter into force thirty (30) days after the deposit of the fifteenth (15) instrument of ratification. *This means that the Protocol shall automatically go into action in every country that has ratified it 30 days after the 15th country hands over their written confirmation to the AU.*
2. For each State Party that accedes to this Protocol after its coming into force, the Protocol shall come into force on the date of deposit of the instrument of accession.
3. The Chairperson of the Commission of the African Union shall notify all Member States of the coming into force of this Protocol.

Article 30 Amendment and Revision

1. Any State Party may submit proposals for the amendment or revision of this Protocol.
2. Proposals for amendment or revision shall be submitted, in writing, to the Chairperson of the Commission of the AU who shall transmit the same to the States Parties within thirty (30) days of receipt thereof.
3. The Assembly of Heads of State and Government, upon advice of the African Commission, shall examine these proposals within a period of one (1) year following notification of States Parties, in accordance with the provisions of paragraph 2 of this Article.
4. Amendments or revision proposals shall be adopted by the Assembly of Heads of State and Government by a simple majority.
5. The amendment shall come into force for each State Party, which has accepted it thirty (30) days after the Chairperson of the Commission of the African Union has received notice of the acceptance.

Article 31

Status of the Present Protocol

None of the provisions of the present Protocol shall affect more favourable provisions for the realisation of the rights of women contained in the national legislation of States Parties or in any other regional, continental or international conventions, treaties or agreements applicable in these States Parties.

Article 32 **Transitional Provisions**

Pending the establishment of the African Court on Human and Peoples' Rights, the African Commission on Human and Peoples' Rights shall be seized with matters of interpretation arising from the application and implementation of this Protocol.

Adopted by the 2nd Ordinary Session of the Assembly of the Union

Maputo, 11 July 2003