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**Research Paper**

# Putting the Maputo Protocol to Use

(For Women Rights Organization Training  
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**Hon. Esther Ikere Eluzai**

**Corresponding author: Eluzai I.E.**

**E-mail: [estherikere36@gmail.com](mailto:estherikere36@gmail.com)**

Undersecretary, Ministry of Gender, Child and Social Welfare, August 2024 **Author's e-mails:**

[estherikere36@gmail.com](mailto:estherikere36@gmail.com)

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**Abstract:** The Maputo Protocol, adopted in 2003, aims to promote and protect women's rights in Africa. It addresses comprehensive rights such as equality, political participation, and reproductive rights. It commits states to eliminate violence against women, emphasizes economic rights, and eradicates harmful practices like female genital mutilation and forced marriages. The protocol establishes mechanisms for monitoring and requires state accountability.

**Keywords:** Existing legal frame works, Constitution, South Sudan.

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## SESSION OBJECTIVE

- This session is to explore how women Rights Organization can put Maputo protocol into use
- Secondly, devise strategies of how WRO/A can contribute to holding governments accountable in implementing the protocol and other treaties?

## Contents

- Introduction
- Advocate for ratification of the Maputo protocol
- Reform Legislation that Hinders Women's Rights
- Promote National Policies and Programs that Support the Implementation of Women's Rights
- Redress Violations of the Protocol in National Courts
- Use the Protocol to Raise Public Awareness of Women's Sexual and Reproductive Rights

## Contents Cont.

- Conduct trainings on the African Human Rights System and the Role of the Protocol
- Advocate for Effective Regional Enforcement Mechanisms Compliance with and implementation of the protocol

## Introduction

- The protocol provides a strategic platform for advocates seeking to bring women's sexual
- and reproductive rights to the attention of citizens, organizations, governments, and policymakers throughout Africa.
- This section provides both advocates and policymakers with suggested guidelines on how to use the protocol to advance women's sexual and reproductive rights, both nationally and locally

## Advocate for Ratification of the Protocol

- The protocol, which has received the necessary 15 ratifications, has entered into force and is a legally binding instrument on ratifying parties
- Uphold Protocol's Objectives. Once a state has ratified the protocol, that state is bound under international law to refrain from any acts that would defy the object or purpose of the protocol.
- As a result, any state that ratifies the treaty immediately assumes an obligation to uphold its stated objective

To ensure that the rights of women are promoted, realized and protected in order to enable them to enjoy fully all their human rights.

## Laws that protect women's rights include:

- criminal laws that penalize gender-based violence, including violence that occurs in the family and the home;
- laws, with education and outreach components, that prohibit FC/FGM
- family laws that guarantee women's right to equality in marriage, including their right to land and property ownership during and upon the dissolution of marriage; and
- legislation that penalizes sexual harassment in schools and the
- workplace

## Reform Legislation that Hinders Women's Rights

- Advocates working at the national level can lobby the government to amend existing laws that fail to respect the rights guaranteed in the protocol.
- Advocates can also lobby governments to adopt laws that will protect the rights guaranteed under the protocol.
- Finally, advocates can use the protocol to urge governments to pass laws that implement the rights laid out in the treaty

## Examples of Laws that implement women's rights

- legislation that guarantees women the full range of reproductive health services; and
- laws that establish institutional mechanisms for monitoring women's status and adjudicating complaints concerning gender discrimination.

## Promote National Policies and Programs that Support the Implementation of Women's Rights

- sexual violence may be penalized under a state's criminal law, but sexual violence cases will not be effectively reported or addressed by the courts without a policy or program to train police officers, lawyers, and judges to take this crime seriously and handle victims with dignity
- Governments must therefore translate the protocol's guarantees into national laws and policies, which are backed by programs that implement the rights promised in the protocol

## Examples of laws that require accompanying policies or programs

- violence against women; sexual discrimination against women's, right to sexual and reproductive health; and a woman's right to abortion.

Ensure support for nongovernmental organizations (NGOs) that serve women; and

- Advise policymakers on the conditions necessary for women to effectively exercise the rights guaranteed under the protocol

## Redress Violations of the Protocol in National Courts

- Article 25 of the protocol requires all states parties to “provide for appropriate remedies to any woman whose rights or freedoms...have been violated.”
- States that have incorporated the protocol into national law can use their courts to uphold their international legal obligations to protect women's human rights.
- In states that have yet to incorporate the protocol into national law, courts can still play a crucial role by enforcing domestic legislation regarding reproductive rights.
- Advocates can bring cases before national courts to help address violations of women's sexual and reproductive rights.

## Use the Protocol to Raise Public Awareness of Women's Sexual and Reproductive Rights

- Treaties help advocates articulate the nature and content of women's human rights. The language of the protocol, therefore, may be used to educate women and men,
- policymakers, and advocates on the meaning and significance of legal standards, entitlements, and obligations as they apply to women's rights in South Sudan .
- Because the protocol largely affirms, and in some cases surpasses, existing global standards, it can help educate and remind policymakers about their existing obligations to women

## To raise public awareness of women's rights, advocates can consider the following initiatives:

- Disseminate information to the public on the women's rights guaranteed by the protocol and the state's obligations to women that result from those guarantees;
- stage information campaigns in national and local media outlets to reach and educate a broad spectrum of citizens; and
- Distribute information on the protocol to organizations, lawyers, judges, law students, policymakers, and other government officials

## Conduct trainings on the African Human Rights System and the Role of the Protocol

- In addition to raising public awareness of the rights and obligations espoused in the protocol, it is critical to train those who play a role in protecting, promoting, and advancing women's rights.
- Advocates can take the following actions
  - conduct civil society training sessions on the rights espoused in the protocol and the mechanisms available to enforce compliance with and implementation of the protocol;
  - train women at the grassroots level on how to redress violations of the rights they are guaranteed by the protocol

## Trainings cont.

- train public officials on the rights guaranteed in the protocol and their obligation to respect, promote, and fulfill them; and
- train members of the legal community—including lawyers, judges, and law students—on the content of women's rights and the mechanisms available to enforce them at regional and national levels.



## Cases brought before national courts may involve:

- denied access to abortion;
- lack of state protection from FC/ FGM;
- challenges to criminal laws that do not recognize marital rape; a remedy for child marriage; lack of adequate access to emergency obstetric services;
- protection from customary or religious laws that discrimination against women

## Trainings cont.

- trainings on the African Human Rights System and
- the Role of the Protocol
- In addition to raising public awareness of the rights and obligations espoused in the protocol, it is
- critical to train those who play a role in protecting,
- promoting, and advancing women's rights. To this
- end, advocates can take the following actions

- conduct civil society training sessions on the rights espoused in the protocol and
- the mechanisms available to enforce compliance with and implementation of the
- protocol;
- train women at the grassroots level on how to redress violations of the rights they are guaranteed by the protocol;
- train public officials on the rights guaranteed in the protocol and their obligation to respect, promote, and fulfill them; and
- train members of the legal community—including lawyers, judges, and law
- students—on the content of women’s rights and the mechanisms available to enforce them at regional and national levels

## Advocate for Effective Regional Enforcement Mechanisms

### Compliance with and implementation of the protocol

- African Commission, the body established to monitor compliance with the African Charter and its protocols, until the establishment of the African Court.
- Whether the African Commission will be effective is unclear.
- At present, the African Commission lacks the legal authority to enforce remedies in cases of rights violations, and it also lacks any mechanism to encourage and track states' compliance with its decisions.
- Despite individuals' ability to bring complaints before the African Commission,

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- collaborate with women's and human rights advocates around the world to lobby for a more effective African Commission;

pressure governments to ratify the Protocol to the African Charter Establishing an African Court on Human and Peoples' Rights, and to make declarations accepting the jurisdiction of the African Court over cases brought by individuals and NGOs;

- urge governments to properly staff and fund the African Court;
- advocate for the nomination of female judges to the African Court; and
- lobby member states of the African Union to ensure that the African Court's rules of procedure address issues of specific concern to female victims and witnesses (e.g. assuring that there be adequate protection for and sensitivity to victims

## CONCLUSION

- The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa significantly advances human rights protections in Africa to better
- Its significance lies in its affirmation of women's reproductive rights as human rights, its articulation of women's rights within an African regional context, and in the legal and moral pressure
- it exerts over the governments and policymakers responsible for its implementation

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