

RIGHTS vs REALITY: HARMFUL PRACTICES



Fifty-one out of fifty-four African countries have signed a ground-breaking legal framework known as the Maputo Protocol; forty-one have ratified it. The Maputo Protocol is a powerful instrument enshrining women's and girls' rights. Fifteen years after the Protocol was conceived, progress has been made, yet many women and girls are still deprived of their fundamental human rights.

i WHAT ARE HARMFUL PRACTICES?

Harmful practices are defined in the Maputo Protocol as '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'. These include, among others:

- Female genital mutilation (FGM): the partial or complete removal of the external female genitalia, or any other injury to the genitals for non-medical reasons.
- Child, early and forced marriage: formal marriage or an informal union where one or both partners are under the age of 18.

? WHAT RIGHTS ARE GUARANTEED BY THE MAPUTO PROTOCOL?

According to the Maputo Protocol, every woman has the right to:

PROTECTION

from negative behaviour, attitudes, and practices

EQUAL RIGHTS

and recognition as an equal partner in marriage

RESPECT

as a person and for the free development of her personality

Her government has the responsibility to:



PROTECT

women and girls who are being subjected to harmful practices.



PROHIBIT

all forms of female genital mutilation in order to eradicate them.



CREATE

public awareness regarding harmful practices.



SUPPORT

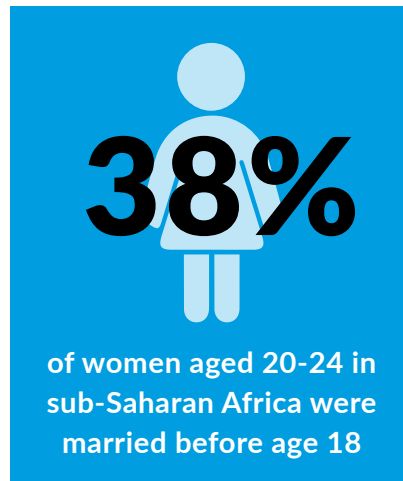
survivors of harmful practices through health services, legal support, counselling, and vocational training.



ENSURE

that no marriage takes place without the free and full consent of both parties and that no girl marries before the age of 18.

WHAT IS THE REALITY?



The legal age of marriage does not apply
to customary and religious marriages in

12 AFRICAN COUNTRIES

WHAT NEEDS TO CHANGE?

All countries who committed to the
Maputo Protocol must:

- **Enact** legislation, in constitutions or statutory law, that explicitly prohibits harmful practices.
- **Include** a provision in the country's constitution that customary and religious law cannot contradict fundamental rights guaranteed by the constitution, and in particular cannot infringe on women's and girls' rights.
- **Reform** legislation regarding all marriages (including customary and religious) to ensure that both parties must fully and freely consent, and have the minimum age of 18.
- **Allocate** financial resources, and put in place institutional bodies and mechanisms for the implementation and progress monitoring of policies and action plans to end harmful practices.
- **Ensure** access of girls and young women to information and education on harmful practices, sexuality, and rights, as well as access to sexual health services.
- **Strengthen** girls' and young women's leadership and participation in decision-making on human rights and in the ending of child marriage and FGM.

The #RightByHer Campaign works across Africa to reduce the gap between rights and reality. At #RightByHer, we analyse the status of inequality, raise awareness, facilitate empowerment and together advocate for change.

This factsheet is based on the State of African Women Report. Full report and more info at rightbyher.org Oct. 2018

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