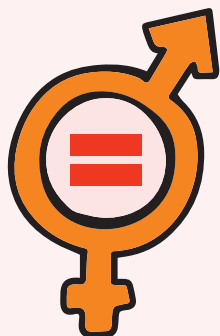


THE MAPUTO PROTOCOL ON EQUALITY UNDER THE LAW

What does the Maputo Protocol say about equality under the law?

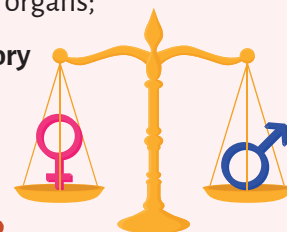


The Maputo Protocol ensures that women and men are treated equally under the law, guaranteeing that women have the same rights and protections as men in all areas of life. It calls for changes to laws that discriminate against women and urges governments to make sure women have equal access to legal help and representation, including free legal aid when needed. The Protocol also pushes for more women in leadership roles in the legal system and law enforcement. It promotes the idea that laws should support women's rights and works towards ending harmful cultural practices that treat women as inferior to men. These rights are integrated throughout the Maputo Protocol, but most explicitly called for in **Article 2**: Elimination of Discrimination Against Women, and **Article 8**, as seen below.

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:

- effective access** by women to judicial and legal services, including legal aid;
- support to local, national, regional and continental** initiatives directed at providing women access to legal services, including legal aid;
- the establishment** of adequate educational and other appropriate structures with particular attention to women and to sensitise everyone to the rights of women;
- that **law enforcement** organs at all levels are equipped to effectively interpret and enforce gender equality rights;
- that **women are represented** equally in the judiciary and law enforcement organs;
- reform of existing discriminatory laws** and practices in order to promote and protect the rights of women.



HOW HAVE GOVERNMENTS IMPLEMENTED THIS SO FAR?



Some countries have increased access to legal services: In **South Africa**, the Legal Aid Board offers free legal representation to women, and Kenya provides legal aid for gender-based violence cases through the Judiciary Training Institute. Additionally, **Liberia** established a legal aid clinic to support women in rural areas.



Several countries support regional and national legal aid initiatives: The African Union's Gender Strategy has led to reforms across the continent, including **Senegal** and **Uganda**, where women can access legal aid services for cases such as inheritance and land rights.



Many governments have launched educational and sensitisation campaigns: In **Tanzania**, legal education programs have been rolled out in rural areas, while **Nigeria** has implemented public outreach through media campaigns focusing on women's rights and gender-based violence.



Some nations have improved law enforcement training: **Rwanda** offers gender sensitivity training for law enforcement officers, and **Mozambique** has established a National Police Gender Desk to handle cases of violence against women more effectively.



A few countries have worked towards equal representation in the judiciary and law enforcement: **Rwanda** is a leader with high female representation in judicial and law enforcement roles, and **Namibia** has similarly made strides in increasing female participation within its police and judiciary.



Some governments have reformed discriminatory laws: **The Gambia** passed the Women's Rights Act, removing barriers to inheritance, while **Mozambique** reformed its family law to ensure equal property rights for women and men.

WHAT MORE COULD GOVERNMENTS BE DOING?



- ✔ **Establish mobile legal aid units, community-based legal clinics, or partnerships with local NGOs** to provide **free or affordable legal services** to women in rural or remote areas. These initiatives could include legal literacy programs to empower women to understand their rights and legal processes.
- ✔ **Allocate and increase resources for regular training sessions** focused on gender equality for judicial officers, law enforcement, and legal professionals. This should include sensitisation on domestic violence, sexual harassment, and gender-based violence to improve understanding of women's rights and prevent discrimination in legal proceedings.
- ✔ **Create and update gender-sensitive national policies** that address the legal, economic, and social needs of women. These policies should be rooted in the lived experiences of women and ensure access to justice for all women, especially in relation to family law, inheritance rights, and land ownership.
- ✔ **Ensure equal representation of women in judicial bodies, police, and law enforcement** by implementing quotas or targeted recruitment programs. Increasing women's presence in these fields helps to ensure that the needs and experiences of women are adequately considered in legal and policy decisions.
- ✔ **Address discriminatory laws, especially those related to marital rape, inheritance, and land rights.** Reforms should focus on removing barriers that disadvantage women, and should include regular reviews of national laws to ensure they align with international human rights standards.
- ✔ **Eliminate impunity for perpetrators** by strengthening accountability mechanisms for crimes against women, including gender-based violence and sexual harassment. This involves strengthening the capacity of law enforcement agencies to investigate and prosecute cases effectively, and ensuring that perpetrators of violence face legal consequences. Transparency in legal processes and support for survivors must be prioritised to reduce impunity and build trust in the justice system.

WHAT WOULD A FUTURE WHERE ARTICLE 8 OF THE MAPUTO PROTOCOL IS IMPLEMENTED LOOK LIKE?

Every woman and girl, regardless of her background or location, has the unwavering support of a justice system that is accessible, responsive, and deeply committed to upholding her rights. Women in rural areas are no longer isolated from legal protection, as mobile legal services and community initiatives ensure that justice reaches even the most remote places. Law enforcement and judicial systems are equipped to uphold gender equality, with women actively participating in every level of decision-making. Gender-sensitive education and public awareness campaigns have **transformed social attitudes, fostering a culture where discrimination is no longer tolerated or practiced.** With the reform of discriminatory laws, women no longer struggle to assert their rights, but confidently take their place as full citizens, creators, and leaders in their communities.



Where can I find more resources about this and how can I get involved?

Scan this QR Code to find out!



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