

AMNESTY INTERNATIONAL

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African Union: Protocol on the Rights of Women in Africa must be ratified

Amnesty International called on the African Union (AU) Assembly to encourage more African states to ratify the Protocol on the Rights of Women in Africa promptly and without reservations. To date, only Comoros, Libya and Rwanda have ratified the Protocol; 27 other countries have signed the document. Fifteen ratifications are required for the Protocol to enter into force.

Three days to the 1st anniversary of the adoption of the Protocol, African women continue to suffer human rights violations simply because they are women. It is imperative that AU member states ensure a speedy ratification of the Protocol, in fulfilment of the various commitments of the AU Assembly.

The Protocol guarantees a wide range of women's civil and political rights as well as economic, social and cultural rights, thus reaffirming the universality, indivisibility and interdependency of all internationally recognized human rights of women. These rights include the right to life, integrity and security of person; protection from harmful traditional practices; prohibition of discrimination and the protection of women in armed conflict. Moreover, the Protocol guarantees the right to health and reproductive rights of women; access to justice; equal protection before the law and prohibits exploitation or degradation of women. In sum, the Protocol obligates states parties to integrate a gender perspective in their policy decisions, legislation, development plans and to ensure the overall well-being of women.

Amnesty International welcomes the recent decisions by the AU Assembly to place women at the heart of the AU agenda through the proposed "African Trust Fund for Women"; the adoption of the "Addis Ababa declaration on gender in Africa", and the agreement to push for ratification of the Protocol by the end of 2004. However, as the current ratification status shows, the previous commitment to achieve a speedy and regional wide ratification of the Protocol made by the AU Assembly in 2003 at its 2nd Summit in Maputo, Mozambique remains largely unfulfilled.

Amnesty International urged African governments to demonstrate their commitment to make women's human rights a reality in their country by ratifying the Protocol quickly. The Protocol is an important tool relevant to every day lives of women and would enable women to bring their concerns to the attention of regional human rights bodies such as the African Court on Human and Peoples' Rights. Amnesty International urges AU member states that have not yet done so to:

- Publicly condemn all violations of women's human rights and refrain from engaging in such violations;
- Take action to investigate all allegations of violations of women's human rights by members of the police, security and armed forces and others acting with the acquiescence of the state and bring to justice those suspected to be responsible;
- Ratify the Protocol on the Rights of Women in Africa without further delay and without reservations;

Implement the Protocol by reviewing all national laws, policies, practices and procedures to ensure that they meet the obligations set out in the Protocol. States parties should incorporate the rights enshrined in the Protocol into their domestic legislation and take all necessary measures to implement the instrument in good faith;

Ratify all other regional and international human rights instruments essential for the effective promotion and protection of women's human rights in Africa and examine any limiting reservations, with a view to withdrawing them. This is particularly important in the case of the Convention on the Elimination of All Forms of Discrimination against Women, where the commitment of many governments is seriously undermined by the extent of their reservations;

Ensure the provision of specialized assistance for the support, rehabilitation and compensation for women whose rights have been violated under the Protocol;

Train and sensitize judicial and police officials with regards to the women's human rights recognized under the Protocol and other relevant instruments.

Background Information

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa was adopted by the AU Assembly on 11 July 2003, in Maputo Mozambique. The African Commission will monitor the implementation of the Protocol through states submission of periodic reports under the African Charter but the African Court on Human and Peoples' Rights "shall be seized with matters of interpretation arising from the application or implementation of this Protocol." However, the African Commission shall have the mandate to interpret the Protocol pending the full establishment of the African Court.

As of 1 July 2004 the following countries have signed the Protocol: Algeria; Benin; Burkina Faso; Burundi; Côte d'Ivoire; Comoros, Congo; Democratic Republic of Congo; Djibouti; Ethiopia, Gambia; Ghana; Guinea; Kenya; Lesotho; Liberia; Libya; Madagascar; Mali; Mozambique; Namibia; Nigeria; Rwanda; Senegal; Sierra Leone; South Africa; Tanzania; Togo; Uganda and Zimbabwe.

In the context of its ongoing global campaign to stop violence against women, Amnesty International recently published a document, (The Protocol on the Rights of Women in Africa: Strengthening the promotion and protection of women's human rights in Africa, AI Index IOR 63/05/2004) which summarizes the main provisions of the Protocol and its implementation mechanism, and calls on AU member states to promptly ratify the Protocol.