

LEGAL AND SOCIAL NORM CHANGE FOR THE REALISATION OF WOMEN AND GIRLS' RIGHTS IN SRHR: ACHIEVEMENTS AND UNFINISHED BUSINESS IN AFRICA.

PERSPECTIVES FROM THE STATE OF AFRICAN WOMEN REPORT (2018)*



BACKGROUND

15th anniversary of the AU Maputo Protocol

- Comprehensive understanding of **women and girls' rights in SRHR** in 32 articles; explicit on discrimination
- Extensive provisions on the eradication of gender-based violence against women (GVAW) and harmful practices (HP)
- Explicit reference to **marginalised groups**

Progress made with regard to national level domestication on GVAW

Legal frameworks on child marriage



- Legend**
- Legislation on domestic violence, sexual harassment and criminalisation on marital rape.
 - Only legislation on domestic violence and sexual harassment. Marital rape not criminalised.
 - Only legislation on domestic violence. No legislation on sexual harassment and marital rape not criminalised, or missing data.
 - Only legislation on sexual harassment. No legislation on domestic violence and marital rape not criminalised.
 - No legislation on domestic violence nor on sexual harassment. Marital rape is not criminalised
 - Marital rape is criminalised and legislation on sexual harassment. No legislation on domestic violence.
 - Data not available.

- Legend**
- Legal age of marriage set at 18, with full and free consent, applying to all marriages. Action/strategic plan or campaign to end child marriage in place.
 - Legal age of marriage set at 18, with full and free consent, applying to all marriages. No action/strategic plan or campaign to end child marriage in place (or missing data).
 - Legal age of marriage set at 18 but presence of legal loopholes (either or both: no full and free consent and/or not applying to all marriages, or missing data).
 - Legal age of marriage not set at 18 or missing data. Action/strategic plan or campaign to end child marriage in place.
 - Legal age of marriage not set at 18 and no action/strategic plan or campaign to end child marriage in place.
 - No data available.

APPROACH AND RESULTS

Strategies for legal and social norm change

Approach	Results
Court case for rape, abduction and forced marriage (Ethiopia). CSOs file a complaint at the ACHPR who rules in favour of the girl	Strengthened accountability standards and reform of law that allows a rapist to escape charges if he marries his victim
Addressing legal pluralism with respect to child marriage (SADC region). A regional multi-stakeholder dialogue leads to a draft model law that is reviewed by CSOs	Model law that serves as a reference document to facilitate countries to develop their own child marriage related laws
ECOWAS Court making first judgment on Maputo protocol on state accountability for failing to protect women's right (Nigeria)	Compensation of victims; request to strengthen GVAW prevention and response system
Distribution of guidelines among church leaders condemning child marriage and FGM and promoting girls' education and engagement of boys (Kenya)	Emerging social norms change among church members and in communities
Safe ride Campaign on sexual violence in public transport. Public sensitization and education and engagement with the taxi industry (SA)	Social norm change among taxi drivers, leadership and public transport companies
Stop Child Marriage campaign. Training of girls to lobby traditional chiefs who adopted a declaration calling for age at marriage to be set at 18 (Malawi)	Local by-laws to sanction child marriage and annulment of child marriages

PROBLEM

- ⚖️ Lack of comprehensive legal frameworks
- ⚖️ Legal loopholes regarding legal age of marriage at 18
- 👥 Contradictions between codified and customary law; gender norms and attitudes
- 🔗 Limited translation into action plans and weak law enforcement; financial and human resource constraints
- ⚠️ Focus has been on legal norm change

LESSONS LEARNED

- ➡️ Legal reforms come about in response to different strategies
- ➡️ Intersections between GVAW, HP, sexual rights and reproductive health and HIV and AIDS require simultaneous action in all areas & both legal and social norm change
- ➡️ Training of legal and health professionals is key to the translation of legal and policy frameworks into practice

FUTURE DIRECTIONS

- 🤝 Further support continental, regional and national campaigns
- ⚠️ Raise awareness on, and further the use of, the Maputo protocol
- 👥 Strengthen learning and collaboration across and between the RECs; support and use regional gender infrastructure and courts
- 🤝 Strengthen collaboration and coordination with traditional authorities and customary courts
- ♀️ Support women and girls' rights organisations

* The State of African Women report is published in the EU funded State of African Women Campaign (SOAWC) project, whose overall objective is to contribute to securing, realising and extending women's rights enshrined in African Union (AU) policies in African countries. The project is being implemented by a consortium of eight organisations, under the lead of the International Planned Parenthood Federation Africa Region (IPPF AR). More about this campaign can be found on www.rightbyher.org.