

**OPTIONAL PROTOCOL  
TO THE AFRICAN CHARTER ON  
HUMAN & PEOPLE'S RIGHTS ON  
THE RIGHTS OF WOMEN IN  
AFRICA**

A Simplified version with illustrations

**Edited by:**  
Susan Bassegy Duke  
&  
Deborah Effiong

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**Design/Layout**

Phillip Madu

Emmanuel I. Willie

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**Port Harcourt Office:**

C/O Zonal Empowerment Office

Ministry of Women Affairs, Marine Base

Port Harcourt, Rivers State. Nigeria.

E-mail: [livelihoodgada@yahoo.com](mailto:livelihoodgada@yahoo.com), [info@gadanigeria-phc.org](mailto:info@gadanigeria-phc.org)

Tel: +234-84-794126, +234 (0)803-333-5978

Website: [www.gadanigeria.org](http://www.gadanigeria.org), [www.gadanigeria-phc.org](http://www.gadanigeria-phc.org)

**Head Office:**

14 Adebola Street

Off Adeniran Ogunsanya street

Surulere, Lagos State.

E-mail: [gadanigeria@yahoo.com](mailto:gadanigeria@yahoo.com)

Tel: +234-(0)1-773-4636, +234-(0)1-8966017

Website: [www.gadanigeria.org](http://www.gadanigeria.org),

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**Deborah Effiong**

# About GADA

Gender and Development Action (GADA) is a non-profit, non governmental organization committed to gender equality and pursuit of sustainable development and social justice in Nigeria.

Our work promotes greater understanding and proactive responses to gender and development issues through research, information documentation and dissemination, training, consultation, dialogue, advocacy and mobilization.

GADA works to realize her vision of an equitable society in which the values and aspirations of men and women can be fully realized through the following goals;

- i. Promoting gender equity and equality in Nigeria.
- ii. Influencing policy making and fostering partnerships that work for social justice.
- iii. Promoting equitable and sustainable development in Nigeria through gender based and people centered interventions.

## **Our Program Focus Areas**

- i. Conflict Resolution/Peace Building
- ii. Education
- iii. Environmental Justice
- iv. Governance / Democracy\
- v. Human Rights
- vi. Social and Community Development

## **Ongoing Projects and Programmes**

- i. Publications
- ii. Women in Politics
- iii. Women's Human Rights Trainings
- iv. Policy Analysis
- v. Legislative Advocacy (Affirmative Action/Equal Opportunities Bill)
- vi. Campaigns Against Violence Against Women
- vii. Networking and Coalition Building
- viii. Research, Documentation and Information Dissemination

## INTRODUCTION TO GADA/ SDN's GROUNDWORK PROJECT

**T**he Groundwork Project is a human rights platform for the Niger Delta. Women remain marginalized, repressed and under represented in many aspects of Nigerian Society, however women in the Niger Delta do have a strong and important role to play and are particularly visible in promoting progressive domestic agendas and community activities. This places them in a unique position to become a force for non violence across the region. One of the factors preventing more women from capitalizing on their potential is their lack of education in and awareness of universally accepted principles of human rights and their applications. Through empowering women and increasing understanding of social and political rights this programme is expected to improve the capacity of women to give voice and vision to their aspirations in a society where men and violence currently hold centre stage.

## Table of Contents

	<b>Page</b>
Acknowledgment	iii
About Gada	iv
Introduction to GADA/SDN's Ground working Project.	v
Optional Protocol to the African charter on Human & People's right and the rights of a women	7
<b>Agreement</b>	
Article 1 - Definition	8
Article 2 - Elimination of Discrimination against women	8
Article 3 - Right to dignity	9
Article 4 - Right to life, Integrity & Security of person	9
Article 5 - Elimination of harmful traditional practice	11
Article 6 - Marriage	12
Article 7 - Separation, Divorce & Annulment of Marriage	12
Article 8 - Access to justice, equal & protection before the land	13
Article 9 - Right to participate in the political and decision making process	14
Article 10 - Right to peace	15
Article 11 - Protection of women in Armed conflict	15
Article 12 - Right to Education and Training	15
Article 13 - Economic & Social welfare right	16
Article 14 - Health & Reproductive rights	17
Article 15 - Right to food security	18
Article 16 - Right to adequate housing	18
Article 17 - Right to positive cultural context	18
Article 18 - Right to sustainable environment	18
Article 19 - Right to sustainable Development	19
Article 20 - Widows rights	20
Article 21 - Right to inheritance	20
Article 22 - Protection of the elderly	21
Article 23 - Woman with disabilities	22
Article 24 - Special protection of women in distress	23
Article 25 - Remedies	24
Article 26 - Implementation & Budgeting	24
Article 27 - African court on Human & people's rights, etc.	24

# **OPTIONAL PROTOCOL TO THE AFRICAN CHARTER ON HUMAN & PEOPLE'S RIGHTS ON THE RIGHTS OF WOMEN**

## **What is the Optional Protocol?**

This is a an agreement which describes in detail the rights of women as approved and agreed to by Nigeria to be respected, preserved and promoted in addition to the provisions of the African Charter on Human and Peoples' Rights.

Gender equality which means men and women shall be treated equally is a principle enshrined in the Act that sets up the African Union to which Nigeria is a member country.

To that end, Nigeria agreed to eliminate all forms of discrimination against women and to make sure the rights as contained in the Charter are protected.

The African Union members including Nigeria recognise that women play a very important role in the preservation of African values based on equality, peace, freedom, dignity, justice, solidarity and democracy.

Nigeria is concerned that despite her approval and agreement to the Charter and the commitment she made to carry out the agreements contained in the Charter, women are still being treated unequally and remains victims of harmful practices and violence.

Our country Nigeria through these agreements is determined to protect the rights of women for the development of Nigeria.

# The Agreements

## Article 1

### Definition

**Discrimination against women :** This means anything that is done to exclude or restrict women because of their sex which limits their enjoyment of their human rights and freedom to take part in the economic, social, cultural and civil areas of our lives.

**Harmful practices:** This means all behaviour, attitudes and practices that deny or limit women and girls their right to life, health, education and physical integrity.

**Violence against Women:** This means all acts carried out against women which can cause them physical, sexual, psychological and economic harm including the threat to take such acts. It also includes denying of freedoms in private or public in peace time or during armed conflicts.

## Article 2

### Elimination of Discrimination Against women

Nigerian Government agrees to fight all forms of discrimination against women through laws, institutions and other steps. In particular to include in the national constitution the principle of equality of men and women and to make sure that the principle is carried out in all development plans, programmes and activities of national life.

Where discrimination continues to exist in laws, she shall take corrective and positive action to end it.

The nation shall engage actively in public education to change social and cultural patterns of behaviour of women and men to end discrimination.

### **Article 3**

#### **Right to dignity**

Every woman has a right to dignity as a human being and the right to recognition and protection of her human rights as men do.

Every woman has a right to develop herself and so government shall take steps to make sure that women are not treated unfairly or taken advantage of and are protected against violence.

### **Article 4**

#### **Right to life, Integrity and security of person**

Every woman deserves respect for her life, integrity and security of her person.

Nigeria shall take steps to make sure that laws are made and enforced to stop sexual violence whether in private or public.

She shall take legislative, administrative, social and economic measures as are necessary to prevent, punish and stop violence against women such as:

- i. promote peace education in schools
- ii. punish those who carry out violence against women
- iii.  carry out programmes to treat and train victims to live well in the  society
- iv. stop carrying out death sentences on pregnant or nursing mothers
- v. allocate and release enough money and other resources for carrying out programmes and monitoring prevention and eradicating of violence against women

Now look woman we want you to hand over all that belonged to our late brother in your possession to us and to prove your innocence over his death, you will drink the water used in bathing his corpse

Oh this is discriminatory and contrary to Article 3, 4 of the optional protocol on the rights of women in Africa



Looking at the woman you would know she killed her husband, she should prove her innocence



## Article 5

### Elimination of harmful traditional practices

Nigerian government shall stop and condemn all forms of harmful traditional practices which make women not to enjoy their human rights. To do this she shall make laws and take other steps such as:

- i. Public enlightenment campaigns on harmful traditional practices
- ii. Support to victims of harmful traditional practices , e.g. health services/ legal and judicial support/ emotional and psychological counselling/ vocational training
- iii. Protection of women at risk of violence, abuse and intolerance imposing sanctions towards putting an end to it.



## **Article 6**

### **Marriage**

Nigerian government shall ensure that women and men enjoy equal rights in marriage. National laws are to ensure:

- i. Free and full consent of both parties
- ii. Minimum age of 18 years before marriage
- iii. Marriage shall be in writing and registered to be legal
- iv. Preference for monogamy but rights of women in polygamy must be promoted and preserved
- v. Mutual agreement on type of marriage and place of residence
- vi. Right of a married woman to retain her maiden name, use it as she pleases either jointly or separately with her husband's name
- vii. Right to retain or acquire the nationality of her husband
- viii. Joint contribution to safeguard interest of family
- ix. Right of a woman to acquire, administer and manage property freely.

## **Article 7**

### **Separation, Divorce & Annulment of marriage**

Women and men are to enjoy same rights in separation, divorce or annulment of marriage.

Nigeria is to ensure that women and men enjoy the right to seek for it and same reciprocal rights and responsibilities towards their children.

Women and men have right to a just share of joint property.



## Article 8

### Access to justice and Equal protection before the law

Women and men are equal before the law and are to have right to equal protection and benefit of the law.

Nigeria shall take steps to ensure equal access to judicial and legal services including legal aid by:

- i. Sensitising women to know their rights
- ii. Equipping enforcement organs to interpret and enforce gender equality
- iii. Equal representation of women in the judiciary and law enforcement agencies
- iv. Reform of law to protect women.

## Article 9

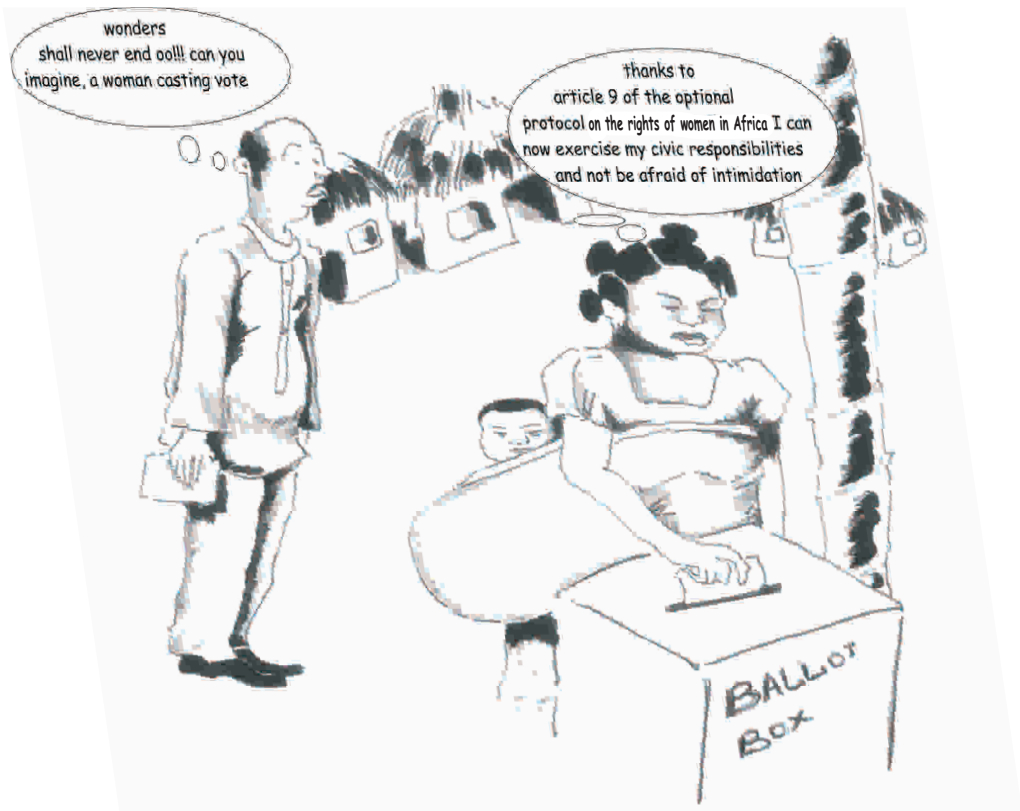
### Right to participate in the political and decision-making process.

Nigeria is to take positive action to ensure that women participate equally with men in politics through affirmative action and laws.

Participate at all elections equally with men.

Be represented equally with men at all levels.

Participate equally with men in the development and implementation of State policies and development programmes.



## **Article 10**

### **Right to peace**

Women have the right to a peaceful existence and to participate in the promotion and maintenance of peace.

Nigeria must take all steps to ensure increased participation of women at all levels of the structure and processes of conflict prevention, management and resolution of conflict.

Women must also be involved in the planning, formulation and implementation of post- conflict reconstruction and rehabilitation.

Nigeria must also plan to reduce military spending in favour of spending on social development and promotion of women.

## **Article 11**

### **Protection of women in armed conflict**

Nigeria shall take steps to protect civilians including women during armed conflict/ war from all forms of violence like rape and sexual exploitation. Every person found to have inflicted violence must be tried in a court of law. Nigeria further agreed to make sure no child is recruited as a soldier during armed conflicts and that a girl under 18yrs do not take direct part in conflicts.

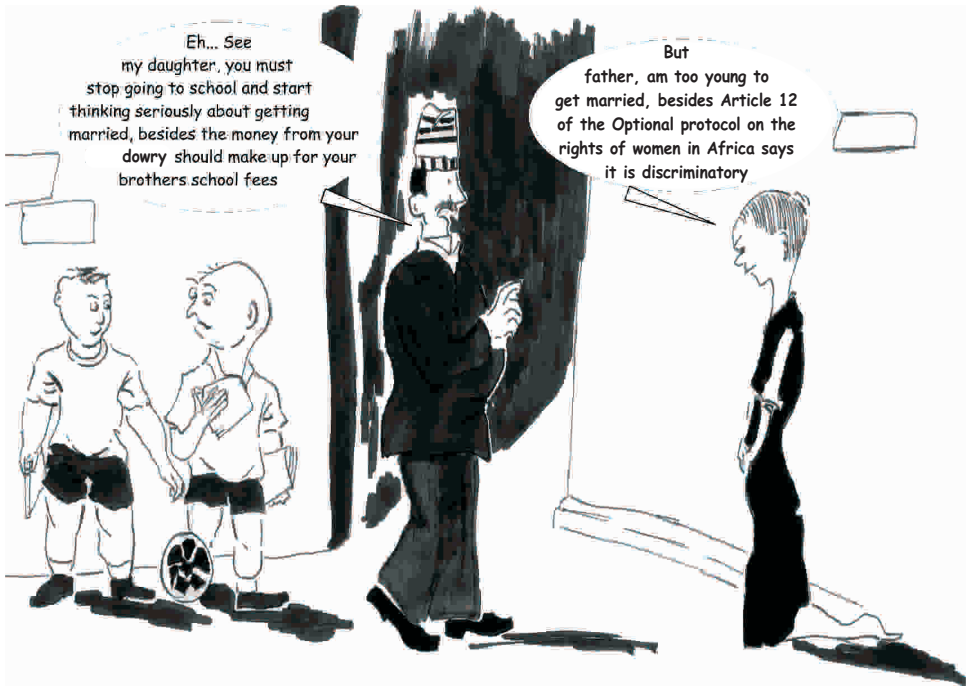
## **Article 12**

### **Right to education and Training**

Nigeria shall take all steps to stop all forms of discrimination in education and training and ensure equal opportunity and access.

Protect women and the girl child from all forms of abuse in schools, providing for sanctions against those who abuse them.

Remove all items in textbooks, syllabus and media that refer to girls and women as not being equal to men.



## Article 13

### Economic & Social Welfare Rights

Nigeria agreed to make laws, policies and take steps to protect women equal opportunities in work and other career advancement, economic activities- Equal pay for equal value of job for men and women.

Guarantee freedom of choice of profession /freedom from exploitation.

Promote informal sector economy where women are mostly found e.g. subsistence farming, petty trading and craftwork, care giving etc.

## Article 14 Health & Reproductive Rights

Nigeria has agreed to protect women's right to:

- i. Control whether or not to be pregnant, when to be pregnant, number of children and spacing of children
- ii. □ Be protected against HIV/AIDS and other sexually transmitted diseases
- iii. Family planning education

The government has also agreed to provide affordable, adequate, accessible health services to women especially in rural areas and pre natal & post natal health services during pregnancy and breast feeding.



## **Article 15**

### **Right to food security**

The government is to provide access to clean drinking water, domestic fuel, land, and means of producing nutritious food apart from establishing system of supply and storage needed for food security.

## **Article 16**

### **Right to adequate housing**

Government shall grant to women no matter their marital status access to adequate housing.

## **Article 17**

### **Right to positive cultural context**

Every woman is entitled to live in a cultural setting that adds meaning to her life. She is to participate in the formulation of all cultural policies.

## **Article 18**

### **Right to Sustainable Environment**

Women have the right to live in a healthy environment that is passed on from generation to generation.

Women shall be part of the planning, management, and preservation of the environment and use of natural resources for other generations.

Women shall have the right to manage, process, store and dispose of domestic/ poisonous materials that are no longer useful.

Government shall protect and give meaning to women's indigenous knowledge of their environment.

## Article 19

### Right to Sustainable Development

Women shall be involved from the beginning of development programmes to the end, (from concept to evaluation).

Nigeria is to ensure that:

- i. In every national development planning, how the programmes will affect men and women must be taken into account.
- ii.  Women access to and control over land must be protected.
- iii. Their access to credit, training, skills development, extension services must also be promoted.



## Article 20

### Widows' Rights

A widow shall enjoy all the rights as a human being.

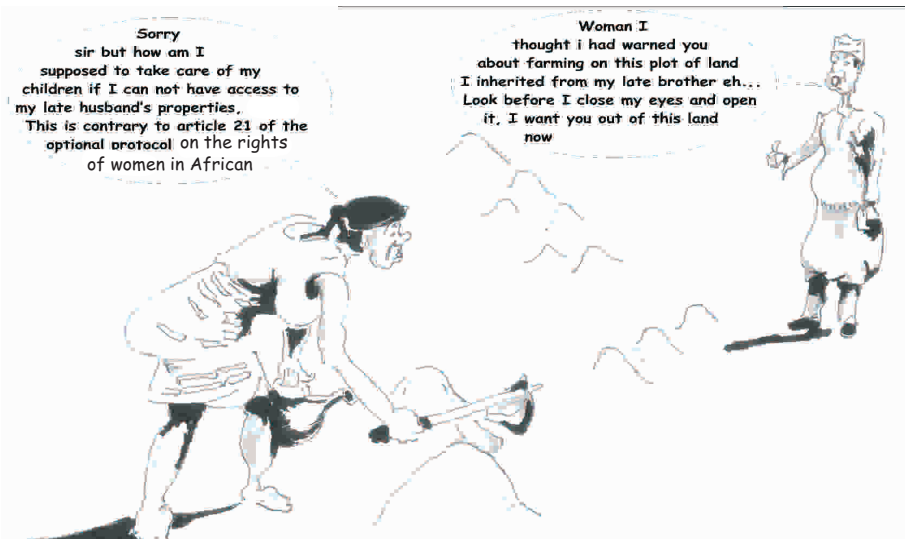
- i. She shall not be degraded, humiliated or treated in an inhumane way because she has lost her husband.
- ii. A widow is the automatic guardian of her children except against the interest of the children.
- iii. A widow has a right to remarry a husband of her choice.

## Article 21

### Right to inheritance

Women and men shall have the right to inherit the property of their parents.

A widow shall inherit her husband's property in a fair and just manner. She shall have the right to continue to live in the matrimonial house. Where she remarries, she shall retain the right to live in if it is her own house or she inherited it.



## Article 22 Protection of the Elderly

Ensure the right of the elderly from violence, sexual abuse and to be treated with dignity. They are not to be refused, excluded or denied anything only because of their age.

The elderly are to be provided with specific needs to enhance their access to employment, training, profession and participation in decision making process.



## Article 23 Women with disabilities

Protect women with disabilities and provide them with specific needs to enhance their access to employment, training, profession and participation in decision making process.



## Article 24 Special Protection of Women in Distress

Poor women and women head of households should be provided suitable conditions for their physical, social and economic needs. Pregnant and Nursing women and women in detention should be provided with suitable accommodation for their needs.



## **Article 25**

### **Remedies**

Nigeria shall make right any woman whose right or freedom contained in this document is violated/ broken.

## **Article 26**

### **Implementation & Budgeting**

Nigeria agreed to carry out this Protocol and to make reports showing laws she has passed and steps she has taken to fully realise the rights contained in the Protocol

## **Article 27 & 32**

### **African Court on Human & peoples' rights, etc**

The African Court on Human & People's Rights when established is to handle matters of application concerning the application and implementation of the Protocol when it is established. In the meantime, African Commission on HPR shall act in its place.