



COUNTRY BRIEFS · 2026

Lifting the Reservations: Nine Country Briefs on the Maputo Protocol

An advocacy agenda built on the African Commission's 2026 Advocacy Framework for
Withdrawing Reservations

4 October 2026

Women Leaders Network for Development (RFLD)

Pan-African feminist network · 1,143 member organisations · 35+ countries

About RFLD

Founded in 2013 by Dossi Sêkonnou Gloria AGUEH, the Women Leaders Network for Development (RFLD) is a pan-African, Afrofeminist network of 1,143 member organisations working in more than 35 African countries on human rights, gender equality, health, development, and peace and security.

RFLD is registered as an International Organisation in Senegal and as a non-governmental organisation in Benin, Ghana, Nigeria and The Gambia. Its Africa Office is in Accra, with Francophone hubs in Dakar and Porto-Novo, an ACHPR liaison office in Banjul, a Nigeria office in Lagos and a member platform office in Igolo.

- Observer status with the African Commission on Human and Peoples' Rights (No. 553)
- Co-chair of the SEA-T Programme Advisory Council (BMZ/GIZ)
- NGOsource 501(c)(3) Equivalency Determination
- Candid Seal of Transparency 2025
- DCONÈSÈ Data Center: twelve open data tools on women's rights in Africa

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Introduction

Forty-six African States have ratified the Maputo Protocol. Nine of them still limit its reach through reservations or declarations. In March 2026 the African Commission adopted a framework to bring these limits to an end. These briefs turn that framework into a country-by-country advocacy agenda.

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) is in force for 46 of the 55 AU Member States.^{1,2,19} Nine States Parties maintain reservations or interpretive declarations: Algeria, Cameroon, Ethiopia, Kenya, Mauritius, Namibia, the Sahrawi Arab Democratic Republic, South Africa and Uganda.¹ Three States have already shown that reservations can be withdrawn: The Gambia in 2006, Rwanda in 2012 and Mauritius, for Article 6(b), on 10 April 2023.¹

In March 2025 the African Commission asked its Special Rapporteur on the Rights of Women in Africa to draft

an advocacy framework for the withdrawal of reservations (Resolution 632).³ The Advocacy Framework for Withdrawing Reservations was adopted at the 86th Ordinary Session (23 February to 9 March 2026).¹ It sets out roles for States, the Commission, the Special Rapporteur, the African Committee of Experts on the Rights and Welfare of the Child, the African Court, AU organs, national human rights institutions and civil society.

Four arguments that apply to every brief

- 1. Object and purpose.** The Protocol has no reservations clause, so the general rule of the Vienna Convention on the Law of Treaties applies: a reservation incompatible with the object and purpose of a treaty is not permitted (Article 19(c)).⁴ The Commission considers that it has competence to assess the validity of reservations.¹
- 2. Article 31 makes protective reservations unnecessary.** The Protocol already states that nothing in it affects more favourable provisions in national law. Reservations justified by a higher domestic standard are therefore, in the framework's words, "superfluous".¹
- 3. Religion is not a barrier in practice.** At least eight States Parties with majority or significant Muslim populations, including Djibouti, The Gambia, Libya, Mali, Mauritania, Nigeria, Senegal and Tunisia, have made no reservations.¹
- 4. Declarations can work as reservations.** Applying the test of the UN Human Rights Committee, the framework treats any statement that excludes or modifies the legal effect of a provision as a reservation, whatever it is called.¹

Table 1. The nine States and the provisions concerned

State	Provisions reserved or declared	Ratified
Algeria	Arts 6, 7 and 14 (marriage, divorce, health and reproductive rights)	2016
Cameroon	General interpretive declaration	2012
Ethiopia	Reservations: Arts 6(c), (d), (f); 7(a); 10(3); 21(1); 27. Declarations: Arts 4(2), 6(b), 6(j), 7(d), 13(i), 14(1)(b)	2018
Kenya	Arts 10(3) and 14(2)(c)	2010
Mauritius	Arts 4(2)(k), 6(c), 9, 10(2)(d), 11(3), 12(2), 14(2)(c)	2017
Namibia	Art. 6(d)	2004
Sahrawi Republic	Arts 2(c); 6(a), (b), (c), (e); 7(b), (d); 8(d), (e); 14(1)(a), (b), (c); 14(2)(c); 19(a); 21	2022
South Africa	Reservations: Arts 4(2)(j), 6(d), 6(h). Declarations: Arts 1(f), 31	2004
Uganda	Arts 14(1)(a) and 14(2)(c)	2010

Source: ACHPR (2026), Advocacy Framework, table p. XII; African Union treaty status list.

How to use these briefs

Each brief gives the facts, the reason the reservation can be lifted and a concrete ask for government, parliament, the national human rights institution and civil society. Use them in meetings, in shadow reports to the African Commission and during the State report examinations listed under "Next moment".

Methods and limits

These briefs were prepared by RFLD in 2026. They rely on the Advocacy Framework adopted by the African Commission, the African Union treaty status list, State reports, concluding observations and public legal sources listed in the references.^{1,2,20}

Readers should note four limits.

- 1. Exact text of reservations.** The annex of the African Union depositary containing the full text of each reservation could not be consulted. The briefs rely on the descriptions given in the Advocacy Framework.
- 2. Uganda.** The framework lists reservations to Article 14(1)(a) and 14(2)(c). The Commission’s 2024 concluding observations also refer to Article 21. Advocates should check the depositary text.
- 3. Later reports.** Some concluding observations adopted in 2025 and 2026 were not yet published when these briefs were finalised. The reporting information is accurate as of October 2026.
- 4. Framework chapters.** The briefs summarise the chapters of the framework on States, the Commission, the Special Rapporteur, the ACERWC and the African Court. The roles proposed for national human rights institutions and civil society are RFLD’s own proposals.

Corrections are welcome at programs@rflgd.org.

Why reservations matter

A reservation is a statement by which a State excludes or modifies the legal effect of certain provisions of a treaty in their application to that State.⁴ For the women and girls who live in that State, a reservation means that a right written in the Maputo Protocol cannot be claimed in the same way as in the other 37 States Parties without reservations.

The framework adopted by the African Commission in 2026 describes concrete effects. In Kenya, the reservation to Article 14(2)(c) “leaves women and girls to procure unsafe abortions”, which increases maternal mortality.¹ In Uganda, survivors of rape are “compelled to carry pregnancies to term”.¹ In its 2024 concluding observations on Uganda, the Commission recorded that unsafe abortion accounts for 26 per cent of maternal deaths.¹⁸

The reservations are concentrated on a small number of articles. These are the articles that protect women within the family and their control over their own bodies.

Table 2. Provisions most often reserved or declared

Article of the Protocol	States concerned	Number
Article 6 (marriage)	Algeria, Ethiopia, Mauritius, Namibia, Sahrawi Republic, South Africa	6
Article 14 (health and reproductive rights)	Algeria, Kenya, Mauritius, Sahrawi Republic, Uganda; declaration by Ethiopia on 14(1)(b)	6
Article 10 (right to peace)	Ethiopia, Kenya, Mauritius	3
Article 7 (separation, divorce, annulment)	Algeria, Ethiopia, Sahrawi Republic	3

Article of the Protocol	States concerned	Number
Article 21 (inheritance)	Ethiopia, Sahrawi Republic; Uganda according to the 2024 concluding observations	2 to 3
Article 4 (life, integrity and security)	Mauritius, South Africa; declaration by Ethiopia on 4(2)	3

Source: RFLD analysis of ACHPR (2026), Advocacy Framework, table p. XII, and the 2024 concluding observations on Uganda.

Articles 6 and 14 together account for most reservations. Article 6 sets out the conditions for a valid marriage: free and full consent, a minimum age of 18, monogamy as the preferred form, and the written recording and registration of every marriage. Article 14 guarantees the right to health, including sexual and reproductive health, and requires States to authorise medical abortion in cases of sexual assault, rape, incest and danger to the life or health of the woman.

What a reservation does not do

- It does not remove the obligations of the State under the African Charter, which protects equality and non-discrimination (Articles 2, 3 and 18(3)).
- It does not prevent the African Commission from asking about the situation of women in that area during the examination of State reports.
- It does not bind the courts of other States or other treaty bodies.
- It does not last forever: a State may withdraw a reservation at any time.⁴

The legal framework

No reservations clause

Neither the Maputo Protocol nor the African Charter contains an express provision on reservations.¹ The general rules of the Vienna Convention on the Law of Treaties therefore apply. Article 19(c) of the Vienna Convention forbids a reservation that is incompatible with the object and purpose of the treaty.⁴ The object and purpose of the Maputo Protocol is the elimination of discrimination against women and the guarantee of their rights. Reservations to its core provisions on equality in marriage, family and health are hard to reconcile with that purpose.⁵

Reservation or interpretive declaration

States sometimes describe their statements as “declarations” or “interpretations”. The framework applies the test of the UN Human Rights Committee: if a statement, whatever its name, purports to exclude or modify the legal effect of a treaty provision in its application to the State, it is a reservation.¹ This test matters for three of the nine States. Cameroon has made a general declaration on moral values. Ethiopia and South Africa have made declarations on specific articles in addition to their reservations.

The competence of the African Commission

The Commission considers that it has competence, in accordance with its mandate, to assess and pronounce its views on the validity of a reservation.¹ It can do so in its concluding observations, in resolutions, in general comments and when it decides communications. The framework also suggests that the Commission ask the African Court for an advisory opinion on the validity of specific reservations.¹

Article 31: the more favourable provision

Article 31 of the Protocol provides that none of its provisions shall affect more favourable provisions for the realisation of the rights of women contained in national legislation or in other treaties. A State that already protects women better at home has nothing to fear from the Protocol. The framework therefore describes reservations justified by a higher domestic standard as “superfluous”.¹

How a reservation is withdrawn

Under the Vienna Convention a reservation may be withdrawn at any time, and the consent of the other States Parties is not required.⁴ The withdrawal must be made in writing and notified to the depositary, which for the Maputo Protocol is the Chairperson of the African Union Commission. The withdrawal takes effect when the depositary receives the notification and informs the other States.⁴ In most national systems, the decision is taken by the executive, sometimes after approval by parliament. The framework recommends a process that involves the executive, parliament and the public.¹

A withdrawal does not need a new ratification. It is a short letter from the Minister of Foreign Affairs to the Chairperson of the African Union Commission. A model is given in the toolkit at the end of this publication.

Five types of reservation

The framework groups the reasons given by States into several categories.¹ Knowing the category helps advocates choose the right argument.

Table 3. The reasons given and the counter-argument

Type	States	Counter-argument
Religious grounds	Sahrawi Republic	At least eight States Parties with majority or significant Muslim populations apply the Protocol without reservations. ¹
Domestic law	Kenya, Mauritius, Ethiopia	A State may not invoke its domestic law to escape a treaty obligation. In Kenya, the Constitution already allows abortion on grounds close to Article 14(2)(c).
Protective (higher standard)	South Africa, Ethiopia	Article 31 already preserves more favourable national law.
Vague or no reason	Algeria; some reservations of Ethiopia and Mauritius	The framework asks States to avoid general and vague reservations, which make it impossible to know the scope of the obligation. ¹

Type	States	Counter-argument
Interim	Namibia	The condition for withdrawal is stated by the State itself. Advocacy should focus on meeting it.
Moral values declaration	Cameroon	Under the Human Rights Committee test, a declaration that limits legal effect operates as a reservation. ¹

Source: RFLD, based on ACHPR (2026), Advocacy Framework, pp. XIV to XIX.

Religious grounds

The Sahrawi Republic states that the reserved provisions contravene Islamic law.¹ The framework asks States to engage critically with this argument.¹ It points to Djibouti, The Gambia, Libya, Mali, Mauritania, Nigeria, Senegal and Tunisia, which apply the Protocol without reservations.¹ The Gambia is a useful reference because it withdrew reservations to Articles 5, 6, 7 and 14 in 2006.¹

Domestic law

Kenya, Mauritius and Ethiopia justify their reservations by the content of their domestic legislation.¹ This argument reverses the logic of the treaty: the State accepted the Protocol in order to bring its law in line with it. Article 27 of the Vienna Convention states that a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty.⁴ The advocacy task is to show how domestic law has changed, or can change.

Protective reservations

South Africa made its reservations to keep a higher national standard: the death penalty is abolished, and unregistered customary marriages remain valid.¹ Ethiopia states in its initial report under the Protocol that its reservations provide “better protection” and that it has no plans to withdraw them.¹ Article 31 answers this argument.

Vague reservations

Algeria reserves Articles 6, 7 and 14 in full and gives no reasons.¹ Several reservations of Ethiopia and Mauritius are also described by the framework as vague.¹ A reservation that does not say what it excludes leaves women, courts and the Commission unable to know what the State has accepted.

Interim reservations

Namibia has made its reservation to Article 6(d) conditional on legislation for the registration of customary marriages.¹ The framework encourages States that cannot avoid a reservation to make it interim, with clear measures to end it.¹ It also asks the Commission to call for the withdrawal of interim reservations regularly.¹

Lessons from three withdrawals

Three States have already withdrawn reservations to the Maputo Protocol.¹

Table 4. Withdrawals recorded by the African Commission

State	Year	Provisions
The Gambia	2006	Articles 5, 6, 7 and 14
Rwanda	2012	Article 14(2)(c)
Mauritius	2023 (10 April)	Article 6(b)

Source: ACHPR (2026), Advocacy Framework, p. XIII.

These withdrawals carry four lessons for advocates.

- 1. Withdrawal is possible on every type of provision.** The Gambia withdrew reservations on harmful practices, marriage, divorce and health. Rwanda withdrew a reservation on medical abortion.
- 2. A State can withdraw part of its reservations.** Mauritius withdrew its reservation to Article 6(b) on the minimum age of marriage and kept others. Partial withdrawal is a realistic first step for States with long lists.
- 3. Withdrawal can come many years after ratification.** Mauritius ratified in 2017 and withdrew in 2023. Advocacy remains useful long after ratification.
- 4. Withdrawal is a political signal.** The framework notes that withdrawal reaffirms a State's political willingness to protect women's rights.¹ States that withdraw deserve public recognition.

What the framework asks of each actor

The Advocacy Framework assigns tasks to several actors.¹ The table below summarises those relevant to RFLD and its members.

Table 5. Main tasks under the Advocacy Framework

Actor	Main tasks
States	Ratify without reservations; prefer interpretive declarations; make any unavoidable reservation interim; set up a withdrawal process involving executive, parliament and the public; review and object to incompatible reservations of other States
African Commission	Call for withdrawal regularly in concluding observations; use promotion missions; adopt country and thematic resolutions; identify core provisions that cannot be reserved; praise States that withdraw; consider a general comment; seek an advisory opinion from the African Court
Special Rapporteur on the Rights of Women in Africa	Country campaigns and advocacy missions; support to government organs drafting withdrawal measures; impact studies with national human rights institutions and civil society; joint work with the ACERWC and UN Special Procedures

Actor	Main tasks
ACERWC	Address reservations to the African Children's Charter; joint general comment with the Commission; joint missions on child marriage
African Court	Rule on reservations when cases arise; give advisory opinions on validity

Source: ACHPR (2026), Advocacy Framework, pp. XVI to XXVI.

Roles for national human rights institutions and civil society

The framework also contains chapters on AU organs, the Pan-African Parliament, regional economic communities, national human rights institutions and civil society. RFLD proposes the following roles, in line with the general approach of the framework.

- **National human rights institutions:** issue an advisory opinion on each reservation; include the reservations in their annual reports; raise them during their own engagement with the African Commission.
- **Civil society organisations:** document the impact of each reservation on women and girls; submit shadow reports before each State report examination; meet the Country Rapporteur Commissioner; brief members of parliament; recognise publicly any withdrawal.
- **Regional networks such as RFLD:** compare practice across States; share the experience of States that have withdrawn; bring the voices of national members to the sessions of the Commission.

The reporting calendar

The examination of a State report is the main moment when the Commission can recommend withdrawal.¹ The table gives the last and next moments known to RFLD as of October 2026.

Table 6. Reporting moments for the nine States

State	Last examination or report	Next moment
Algeria	5th and 6th periodic reports (2010 to 2014), examined at the 57th session (2015); no report yet under the Protocol	First report under the Protocol
Cameroon	4th to 6th periodic reports, examined at the 67th session	Combined 7th to 9th report (2019 to 2024), 89th session, Dakar
Ethiopia	7th to 10th periodic reports (2015 to 2023), 83rd session (2025); initial report under the Protocol (2024)	Follow-up of the 2025 concluding observations
Kenya	14th periodic report (2022 to 2025), 87th session (2026)	Follow-up of the concluding observations
Mauritius	11th periodic report (2019 to 2024)	89th session, Dakar (15 October 2026)
Namibia	7th periodic report (2015 to 2019); concluding observations 2022	Next periodic report
Sahrawi Republic	Combined periodic reports (2013 to 2025) with initial report under the Protocol	Concluding observations

State	Last examination or report	Next moment
South Africa	Combined 2nd periodic report and initial report under the Protocol; concluding observations 2016	Overdue periodic report
Uganda	Combined 6th to 8th periodic reports, 77th session; concluding observations March 2024	9th periodic report, due February 2026

Source: ACHPR, States Reporting Status page and State report pages, consulted October 2026.²⁰

Algeria

Key facts

Item	Detail
Signed / ratified / deposited	29 Dec 2003 / 20 Nov 2016 / 10 Jan 2017
Provisions reserved	Articles 6, 7 and 14 in full
Reason given	None stated
Last State report	5th and 6th periodic reports (2010 to 2014), examined at the 57th Ordinary Session (2015). No report under the Maputo Protocol found

What the reservation does

Algeria's reservation removes three complete articles: marriage (Article 6), separation, divorce and annulment (Article 7), and health and reproductive rights (Article 14).¹ The framework lists it among reservations that give no reasons and are general and vague.¹ The International Commission of Jurists notes that it "effectively excludes obligations relating to women's health and reproductive rights".⁵

Why it can be lifted now

A reservation to whole articles that are central to the Protocol is difficult to reconcile with its object and purpose. Algeria's Family Code, as amended in 2005, still provides for a matrimonial guardian and allows polygamy, which shows why the obligations in Articles 6 and 7 matter.⁶ Eight other States with Muslim-majority or large Muslim populations apply these articles without reservation.¹

What the African Commission has said

Algeria has not been examined since it ratified the Protocol, so the Commission has had no occasion to issue concluding observations on the reservation. The framework asks the Commission to use State reporting to press for withdrawal.¹

Questions for the next dialogue

1. What are the reasons for the reservation to Articles 6, 7 and 14 in full, which have never been stated?
2. When will Algeria submit its initial report under Article 26 of the Protocol?
3. Would Algeria consider a partial withdrawal, starting with Article 14(2)(c) on medical abortion in cases of rape and incest?
4. How does the Family Code protect women at the dissolution of a marriage?

Evidence to collect

- Cases of women affected by the rules on the matrimonial guardian and polygamy, documented with consent
- Data on maternal health and unsafe abortion from national health statistics
- Positions of Algerian women's organisations and religious scholars on reform

The ask

- **Government:** submit the initial report under Article 26 of the Protocol and review the reservation, starting with Article 14.
- **Parliament:** request a written explanation of the reasons for the reservation, which have never been stated.
- **National human rights institution:** advise publicly on the compatibility of the reservation with the Protocol's object and purpose.
- **Civil society:** include the reservation in shadow reports and in dialogue with the Special Rapporteur on the Rights of Women.

Next moment: Algeria's next periodic report under Article 62 of the African Charter, which should include its first report on the Maputo Protocol.

Cameroon

Key facts

Item	Detail
Signed / ratified / deposited	25 Jul 2006 / 13 Sep 2012 / 28 Dec 2012
Provisions concerned	General interpretive declaration
Content	Acceptance "does not mean that it endorses, encourages or promotes homosexuality, non-therapeutic abortion, FGM, prostitution or any other practice which is not consistent with universal or African ethical and moral values"
Next State report	Combined 7th to 9th periodic report (2019 to 2024), scheduled for the 89th Ordinary Session, Dakar (17 October 2026)

What the reservation does

Cameroon made a general declaration rather than a reservation on a specific article.¹ Under the test used in the framework, a declaration that changes the legal effect of a provision operates as a reservation.¹ Its broad wording creates uncertainty about how Cameroon applies Article 14(2)(c) on medical abortion.

Why it can be lifted now

Cameroon's own law already goes further than the declaration suggests. Section 339 of the Penal Code of 2016 allows abortion to save the mother from serious danger to her health and in cases of rape, under conditions set by law.⁷ The Protocol itself prohibits female genital mutilation (Article 5), so that part of the declaration repeats an existing obligation. Child marriage remains a concern: 30 per cent of girls are married before 18.⁸

What the African Commission has said

The Commission has not yet commented on the declaration in concluding observations. The examination of Cameroon's combined report at the 89th Ordinary Session is the first occasion to do so since the framework was adopted.⁹

Questions for the next dialogue

1. Does the general declaration restrict the application of Article 14(2)(c) in any of the cases listed in the Protocol?
2. How are the cases allowed by section 339 of the Penal Code applied in practice, and how long does authorisation take?
3. When will the minimum age of marriage of 18 be applied to girls and boys alike?
4. Would Cameroon consider withdrawing the declaration, given that the Protocol itself prohibits female genital mutilation?

Evidence to collect

- Data on child marriage by region
- Information on access to abortion in the cases allowed by law, including after rape
- Court decisions that cite the Maputo Protocol

The ask

- **Government:** confirm, in the dialogue with the Commission, that the declaration does not restrict Article 14(2)(c) in the cases provided for by section 339 of the Penal Code, and consider withdrawing it.
- **Parliament:** align the minimum age of marriage at 18 for girls and boys.
- **National human rights institution:** publish an opinion on the legal effect of the declaration.
- **Civil society:** brief the Country Rapporteur Commissioner before the examination and follow up the concluding observations.

Next moment: examination of Cameroon's combined 7th to 9th report at the 89th Ordinary Session (17 October 2026) and the concluding observations that follow.

Ethiopia

Key facts

Item	Detail
Signed / ratified / deposited	1 Jun 2004 / 18 Jul 2018 / 17 Sep 2019
Reservations	Arts 6(c), (d), (f); 7(a); 10(3); 21(1); 27
Interpretive declarations	Arts 4(2), 6(b), 6(j), 7(d), 13(i), 14(1)(b)
Last State report	7th to 10th periodic reports (2015 to 2023), examined at the 83rd Ordinary Session (2025); initial report under the Maputo Protocol (January 2024)

What the reservation does

Ethiopia has one of the longest lists of reservations and declarations.¹ It subordinates Article 4(2) (a) on violence to its Criminal Code provision on rape, applies Article 6(b) on the minimum age of marriage subject to dispensations, and limits Article 21(1) on inheritance so that a spouse inherits as a legatee by will.¹ In its initial report under the Protocol, Ethiopia stated that the reservations do not impede the realisation of women's rights and that it has no plans to withdraw them.¹

Why it can be lifted now

The Revised Family Code of 2000 sets the minimum age of marriage at 18 but allows a dispensation of up to two years, and the Criminal Code of 2004 defines rape as an act committed outside wedlock, which excludes marital rape.¹⁰ These are the gaps that Articles 4 and 6 of the Protocol are designed to close. Under Article 31, provisions of national law that are more favourable remain in force anyway.

What the African Commission has said

The framework records Ethiopia's position and lists several of its reservations among those that are vague.¹ It asks the Commission to use reporting reviews and promotion missions to press for withdrawal.¹

Questions for the next dialogue

1. What steps will Ethiopia take to criminalise marital rape and align Article 620 of the Criminal Code with Article 4(2) of the Protocol?
2. How many dispensations to the minimum age of marriage are granted each year?
3. Would Ethiopia consider withdrawing the reservations listed as vague by the framework, starting with Articles 10(3) and 27?
4. How do the rules on inheritance protect surviving spouses who have no will?

Evidence to collect

- Data on dispensations to the minimum age of marriage
- Cases of marital violence brought to justice
- Information on the registration of marriages under the Vital Events Proclamation

The ask

- **Government:** start a review of the reservations with Article 4(2) and Article 6(b), and report on progress in the next periodic report.
- **Parliament:** amend the Criminal Code to criminalise marital rape and remove the dispensation to the minimum age of marriage.
- **Ethiopian Human Rights Commission:** advise on the compatibility of each reservation with the Protocol.
- **Civil society:** document the impact of the reservations on women and girls for the next State report examination.

Next moment: follow-up of the concluding observations on Ethiopia's 7th to 10th reports and preparation of its next periodic report.

Kenya

Key facts

Item	Detail
Signed / ratified / deposited	17 Dec 2003 / 6 Oct 2010 / 13 Oct 2010
Provisions reserved	Article 10(3) (military spending) and Article 14(2)(c) (medical abortion)
Reason given	Inconsistency with domestic law on health and reproductive rights
Latest State report	14th periodic report and 2nd report under the Maputo Protocol, examined at the 87th Ordinary Session (May 2026)

What the reservation does

Kenya's reservation to Article 14(2)(c) excludes the obligation to authorise medical abortion in cases of sexual assault, rape, incest, and where the pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus.¹¹ The framework records the impact: the reservation "leaves women and girls to procure unsafe abortions, increasing maternal mortality".¹

Why it can be lifted now

Kenya's Constitution of 2010 already permits abortion where, in the opinion of a trained health professional, there is need for emergency treatment or the life or health of the mother is in danger, or where permitted by any other written law (Article 26(4)).¹² The reservation therefore protects a narrower position than the Constitution itself. Kenya's periodic report of 2025 nevertheless states that it maintains the reservation.¹³

What the African Commission has said

In its concluding observations on Kenya's 12th and 13th reports (2022), the Commission recommended that Kenya consider withdrawing the reservation to Article 10(3) and withdraw the reservation to Article 14(2)(c), "since Article 26(4) of the Constitution permits abortion for the same reasons".¹

Questions for the next dialogue

1. Why does Kenya maintain the reservation to Article 14(2)(c), when Article 26(4) of the Constitution permits abortion on similar grounds?
2. What is the timetable for implementing the 2022 recommendation to withdraw the reservation?
3. What guidance is given to health workers on the application of Article 26(4)?
4. Would Kenya consider withdrawing the reservation to Article 10(3)?

Evidence to collect

- Data on maternal deaths linked to unsafe abortion
- Court decisions applying Article 26(4) of the Constitution
- Reports of the Kenya National Commission on Human Rights on reproductive health

The ask

- **Government:** implement the 2022 recommendation and withdraw the reservation to Article 14(2)(c).
- **Parliament:** pass a resolution supporting withdrawal, in line with Article 26(4) of the Constitution.
- **Kenya National Commission on Human Rights:** monitor the implementation of the concluding observations adopted after the 87th Ordinary Session.
- **Civil society:** use the concluding observations in county and national advocacy on maternal health.

Next moment: publication and follow-up of the concluding observations on Kenya's 14th report, adopted at the 88th Ordinary Session (July 2026).

Mauritius

Key facts

Item	Detail
Signed / ratified / deposited	29 Jan 2005 / 16 Jun 2017 / 23 Jun 2017
Provisions reserved	Arts 4(2)(k), 6(c), 9, 10(2)(d), 11(3), 12(2), 14(2)(c)
Already withdrawn	Article 6(b), on 10 April 2023
Next State report	11th periodic report (2019 to 2024), scheduled for the 89th Ordinary Session, Dakar (15 October 2026)

What the reservation does

Mauritius reserves Article 6(c) on monogamy where it is incompatible with domestic law, Article 12(2) because its Constitution does not recognise positive discrimination, and Article 14(2) (c) where a pregnancy has exceeded 14 weeks.¹ Several other reservations are listed by the framework as vague.¹

Why it can be lifted now

Mauritius has already shown leadership by withdrawing its reservation to Article 6(b) on the minimum age of marriage in 2023.¹ Its Criminal Code, amended in 2012, permits termination of pregnancy where the woman’s life or health is at risk, in cases of severe foetal malformation, and in cases of rape or incest up to 14 weeks.¹⁴ The reservation can be narrowed or lifted as the law develops.

What the African Commission has said

The 2026 framework cites the 2023 withdrawal as an example of good practice.¹ The examination of the 11th report at the 89th Ordinary Session gives the Commission the chance to recommend further withdrawals.

Questions for the next dialogue

1. Following the 2023 withdrawal on Article 6(b), which reservation does Mauritius intend to review next?
2. Would Mauritius consider temporary special measures for women in public life, as provided for in Article 9?
3. What is the scope of the reservations described as vague by the framework?
4. Would Mauritius narrow the reservation to Article 14(2)(c) where the woman’s life or health is in danger after 14 weeks?

Evidence to collect

- Data on women’s representation in the National Assembly and local councils
- Information on the application of section 235A of the Criminal Code
- Positions of political parties on special measures

The ask

- **Government:** announce, during the 89th session dialogue, a timetable to review the remaining reservations, starting with Articles 12(2) and 14(2)(c).
- **National Assembly:** examine temporary special measures for women’s political representation.
- **National Human Rights Commission:** advise on each remaining reservation.
- **Civil society:** brief Commissioners before 15 October 2026 and follow up the concluding observations.

Next moment: examination of the 11th periodic report at the 89th Ordinary Session (15 October 2026).

Namibia

Key facts

Item	Detail
Signed / ratified / deposited	9 Dec 2003 / 11 Aug 2004 / 26 Aug 2004
Provision reserved	Article 6(d) (recording and registration of marriages)

Item	Detail
Condition	Withdrawal contingent on legislation on the recording and registration of customary marriages
Last State report	7th periodic report (2015 to 2019), examined at the 69th Ordinary Session; concluding observations adopted in 2022

What the reservation does

Namibia reserved Article 6(d), which requires every marriage to be recorded in writing and registered. It stated that withdrawal depends on the adoption of legislation on the registration of customary marriages.¹ The reservation is therefore openly temporary.

Why it can be lifted now

Namibia adopted a new Marriage Act in 2024, which sets the minimum age of marriage at 18 and refers to subsisting customary marriages.¹⁵ The remaining step is a clear system for recording and registering customary marriages, which protects women's rights to property and inheritance when a marriage ends.

What the African Commission has said

In 2022 the Commission did not call on Namibia to withdraw the reservation.¹ The framework now asks the Commission to call for withdrawal regularly, including for interim reservations.¹

Questions for the next dialogue

1. When will the regulations on the registration of customary marriages be adopted?
2. What date has Namibia set for the withdrawal of the reservation once the legislation is in force?
3. How are women in unregistered customary marriages protected on divorce or death?
4. What resources are planned for registration in rural areas?

Evidence to collect

- Information on the entry into force of the Marriage Act 2024
- Data on the share of customary marriages registered
- Cases of women who lost property because their marriage was not registered

The ask

- **Government:** complete the legal framework for registering customary marriages and set a date for withdrawal.
- **Parliament:** ensure that the regulations under the Marriage Act and civil registration law cover customary marriages.
- **Office of the Ombudsman:** monitor registration in rural areas.
- **Civil society:** run awareness campaigns on registration and its benefits for women.

Next moment: Namibia's next periodic report, which should report on the conditions for withdrawal.

Sahrawi Arab Democratic Republic

Key facts

Item	Detail
Signed / ratified / deposited	20 Jun 2006 / 19 Mar 2022 / 27 May 2023
Provisions reserved	Arts 2(c); 6(a), (b), (c), (e); 7(b), (d); 8(d), (e); 14(1)(a), (b), (c); 14(2)(c); 19(a); 21
Reason given	Provisions said to contravene Islamic law
Latest State report	Combined periodic report (2013 to 2025) including the initial report under the Maputo Protocol, examined at the 87th Ordinary Session (2026)

What the reservation does

The Sahrawi Republic has the broadest set of reservations among the nine States. They cover the elimination of harmful practices (Article 2(c)), marriage (Article 6), divorce (Article 7), access to justice (Article 8), health and reproductive rights (Article 14), development (Article 19) and inheritance (Article 21).¹

Why it can be lifted now

The Sahrawi Constitution guarantees complete equality between men and women in rights and duties (Article 26), and the State reports a high share of women in parliament and a Gender Equality Declaration adopted in 2022.¹⁶ The reservations sit uneasily with these commitments. At least eight States Parties with Muslim-majority or large Muslim populations apply the Protocol without reservations.¹

What the African Commission has said

The framework lists the Sahrawi reservations among those justified by religious grounds and calls on States to engage critically with the argument that provisions contravene Islamic law.¹ The first concluding observations on the State's initial Maputo report are the next opportunity.

Questions for the next dialogue

1. How does the State reconcile its reservations with Article 26 of its Constitution on equality between women and men?
2. Would the State consider withdrawing reservations that raise no religious question, such as those to Articles 8 and 19?
3. Has the State studied the practice of other States Parties with Muslim populations that apply the Protocol in full?
4. What role did women's organisations play in the decision to make the reservations?

Evidence to collect

- Positions of Sahrawi women's organisations
- Information on access to justice for women (Article 8)
- Comparative material from Djibouti, The Gambia, Mauritania, Senegal and Tunisia

The ask

- **Government:** review the reservations in light of Article 26 of the Constitution, starting with Articles 8 and 19, which raise no religious question.
- **Sahrawi National Council:** hold hearings with women's organisations on each reservation.
- **Civil society:** share experiences from other Muslim-majority States Parties that apply the Protocol in full.
- **African Commission:** address the reservations in the concluding observations on the initial report.

Next moment: concluding observations on the combined periodic report and initial Maputo report.

South Africa

Key facts

Item	Detail
Signed / ratified / deposited	16 Mar 2004 / 17 Dec 2004 / 14 Jan 2005
Reservations	Arts 4(2)(j), 6(d), 6(h)
Interpretive declarations	Arts 1(f) and 31
Last State report found	Combined 2nd periodic report and initial report under the Maputo Protocol; concluding observations adopted in 2016

What the reservation does

South Africa reserved Article 4(2)(j) on not executing pregnant or nursing women, because the death penalty is abolished and national law sets a higher standard; Article 6(d), because a marriage should not be invalid simply because it was not recorded; and Article 6(h), which leaves the nationality of children subject to national legislation and national security.¹

Why it can be lifted now

These are protective reservations: they aim to keep South African law more favourable to women. Article 31 of the Protocol already guarantees that more favourable national provisions prevail, which makes the reservations unnecessary.¹ Withdrawing them would cost nothing and would send a strong regional signal.

What the African Commission has said

In its 2016 concluding observations the Commission asked South Africa to “lift all reservations under the Maputo Protocol in line with the spirit of the Protocol” and to adopt legislation domesticating it.¹⁷ RFLD could not find a later State report on the Commission’s website as of October 2026.

Questions for the next dialogue

1. Since South African law already provides a higher standard, would South Africa withdraw its reservations and rely on Article 31?
2. When will South Africa submit its overdue periodic report?
3. What steps have been taken on the 2016 recommendation to domesticate the Protocol?
4. What is the legal effect of the interpretive declarations on Articles 1(f) and 31?

Evidence to collect

- Overview of the national laws that give a higher standard than the reserved provisions
- Status of the overdue periodic report
- Positions of the Commission for Gender Equality

The ask

- **Government:** withdraw the three reservations, relying on Article 31, and submit the overdue periodic report.
- **Parliament:** request a report from the Department of Justice on the 2016 recommendation.
- **South African Human Rights Commission and Commission for Gender Equality:** support withdrawal publicly.
- **Civil society:** use South Africa’s example to encourage other States with protective reservations.

Next moment: submission of South Africa’s next periodic report under Article 62 of the African Charter and Article 26 of the Protocol.

Uganda

Key facts

Item	Detail
Signed / ratified / deposited	18 Dec 2003 / 22 Jul 2010 / 22 Jul 2010
Provisions reserved	Article 14(1)(a) and 14(2)(c); the Commission’s 2024 concluding observations also refer to Article 21
Latest State report	Combined 6th to 8th periodic reports and initial report under the Maputo Protocol, examined at the 77th Ordinary Session (2023); concluding observations of March 2024
Next report due	9th periodic report, due in February 2026

What the reservation does

Uganda's reservations limit the right of women to control their fertility (Article 14(1)(a)) and the obligation to authorise medical abortion in the cases listed in Article 14(2)(c).¹ The framework notes that survivors of rape are "compelled to carry pregnancies to term".¹

Why it can be lifted now

Uganda's Constitution provides that no person may terminate the life of an unborn child "except as may be authorised by law" (Article 22(2)). The Commission found that unsafe abortion accounts for 26 per cent of maternal mortality in Uganda.¹⁸ A law under Article 22(2) would allow Uganda to align with Article 14(2)(c) and lift the reservation.

What the African Commission has said

In its concluding observations of March 2024, the Commission asked Uganda to consider lifting the reservations on Articles 14 and 21, and to adopt legislation to allow safe abortion as provided in Article 14(2)(c).¹⁸

Questions for the next dialogue

1. What steps have been taken on the March 2024 recommendation to consider lifting the reservations on Articles 14 and 21?
2. When will Parliament adopt the law envisaged by Article 22(2) of the Constitution?
3. Does Uganda's reservation extend to Article 21, as stated in the 2024 concluding observations?
4. What measures reduce maternal deaths linked to unsafe abortion?

Evidence to collect

- Data on maternal deaths linked to unsafe abortion
- Testimonies of survivors of sexual violence, collected with consent
- The exact text of the reservation, from the African Union depositary

The ask

- **Government:** report on the 2024 recommendations in the 9th periodic report and start the review of the reservations.
- **Parliament:** adopt the law envisaged by Article 22(2) of the Constitution.
- **Uganda Human Rights Commission:** monitor maternal deaths linked to unsafe abortion.
- **Civil society:** submit a shadow report when the 9th report is scheduled.

Next moment: submission and examination of Uganda's 9th periodic report.

Advocacy toolkit

This toolkit gives models that members can adapt. Replace the text in square brackets. Check every fact against the latest State report and concluding observations before use.

A twelve-month plan

Table 7. A model advocacy plan for one State

Period	Actions
Months 1 to 2	Collect the exact text of the reservation from the African Union depositary; read the last concluding observations; identify the officials responsible in the ministries of foreign affairs, justice and gender
Months 3 to 4	Document the impact of the reservation with data and testimonies collected with consent; prepare a two-page brief in the national language
Months 5 to 6	Meet the ministries; send the letter to the minister (Model 1); ask a member of parliament to table a question (Model 2)
Months 7 to 8	Ask the national human rights institution for an advisory opinion (Model 4); organise a meeting with women's organisations, religious and traditional leaders
Months 9 to 10	Submit a shadow report paragraph (Model 3) before the State report examination; brief the Country Rapporteur Commissioner
Months 11 to 12	Follow up the concluding observations; propose the model notification of withdrawal (Model 5); recognise any progress publicly

Model 1. Letter to the Minister

TEMPLATE Model letter to the Minister of Foreign Affairs or Justice

Heading	<i>Text to adapt </i>
Subject	<i>Withdrawal of the reservation of [State] to Article [X] of the Maputo Protocol </i>
Opening	<i>We write on behalf of [organisation], a member of the Women Leaders Network for Development (RFLD). We welcome the commitment of [State] to the rights of women, shown by its ratification of the Maputo Protocol in [year]. </i>
The issue	<i>[State] maintains a reservation to Article [X]. In [month, year], the African Commission adopted the Advocacy Framework for Withdrawing Reservations, which calls on all States to review their reservations. </i>
Why now	<i>[Domestic law reform, constitutional provision or recent concluding observation]. The reservation no longer reflects the law and practice of [State]. </i>
The ask	<i>We respectfully ask the Ministry to start the review of the reservation and to notify its withdrawal to the Chairperson of the African Union Commission. </i>
Offer	<i>We are ready to share data and to support consultations with women's organisations. </i>

Closing	Name, title, organisation, contact details
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Model 2. Parliamentary question

TEMPLATE Model written question to the Government

Element	Text to adapt
To	The Minister of [Foreign Affairs / Justice / Gender]
Question 1	What steps has the Government taken to review the reservation of [State] to Article [X] of the Maputo Protocol, as recommended by the African Commission in [year]?
Question 2	Does the Government consider that the reservation remains necessary in view of [constitutional provision or law]?
Question 3	When does the Government intend to notify the withdrawal of the reservation to the African Union?

Model 3. Paragraph for a shadow report

EXERCISE Model paragraph. “[State] maintains a reservation to Article [X] of the Maputo Protocol, made at ratification in [year]. The reservation excludes [describe the obligation]. Since then, [describe the change in law or practice]. The reservation has the following effect on women and girls: [data with source]. We invite the Commission to recommend that [State] withdraw the reservation, in line with the Advocacy Framework for Withdrawing Reservations adopted at the 86th Ordinary Session, and to request information on the timetable for withdrawal in the next periodic report.”

Model 4. Request to the national human rights institution

TEMPLATE Model request to the national human rights institution

Element	Text to adapt
Purpose	Request for an advisory opinion on the reservation of [State] to Article [X] of the Maputo Protocol
Background	Summary of the reservation, the reason given and the latest recommendation of the African Commission
Questions	Is the reservation compatible with the Constitution and the object and purpose of the Protocol? What is its effect on women and girls? What steps would allow its withdrawal?
Offer	Civil society data and testimonies, shared with consent

Model 5. Notification of withdrawal

EXERCISE Model text for the State. “The Minister of Foreign Affairs of [State] presents his or her compliments to the Chairperson of the African Union Commission, in the capacity of depositary of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, and has the honour to notify that the Government of [State] withdraws the reservation made upon ratification of the Protocol with respect to Article [X]. This withdrawal takes effect on the date of receipt of this notification.”

Answering common objections

Table 8. Objections and answers

Objection	Answer
“The provision is against our religion.”	At least eight States Parties with majority or significant Muslim populations apply the Protocol without reservations. ¹ The Gambia withdrew its reservations in 2006. ¹
“Our law already protects women better.”	Then the reservation is unnecessary. Article 31 of the Protocol preserves more favourable national law. ¹
“Our domestic law is different.”	A State may not invoke its internal law to justify failure to perform a treaty. ⁴ Ratification was a promise to bring the law in line.
“This is a matter of national sovereignty.”	The State exercised its sovereignty when it ratified. Withdrawal is also a sovereign act, done by a simple notification.
“It is only a declaration.”	A declaration that excludes or modifies the legal effect of a provision operates as a reservation. ¹
“Nobody asks us to withdraw.”	The African Commission adopted Resolution 632 in 2025 and the Advocacy Framework in 2026 for that purpose. ^{1,3}

Monitoring checklist

- The exact text of the reservation has been obtained from the depositary.
- The last concluding observations have been read and the recommendation on reservations noted.
- The impact of the reservation has been documented with sources.
- The ministries and parliamentary committees concerned have been contacted.
- The national human rights institution has been asked for an opinion.
- A shadow report paragraph has been submitted before the next examination.
- Any withdrawal has been verified on the African Union treaty page and announced.

What RFLD will do

- Share these briefs with the Special Rapporteur on the Rights of Women in Africa and with the Country Rapporteur Commissioners for the nine States.
- Raise the reservations of Cameroon and Mauritius during the 89th Ordinary Session in Dakar (October 2026).
- Support member organisations in the nine States to include the reservations in shadow reports, using RFLD's manual *Reporting on the Maputo Protocol*.
- Track withdrawals on the Maputo Protocol Hub of the DONÜESE Data Center at rflgd.org.



Women leaders at an RFLD convening. Every withdrawal of a reservation widens the protection the Maputo Protocol offers.

Annex 1. The reserved provisions explained

The table gives a plain-language summary of each provision reserved or declared by at least one of the nine States. Advocates should always quote the official text of the Protocol.¹¹

Table 9. Provisions of the Maputo Protocol concerned

Provision	What it guarantees	States
Art. 2(1)(c)	Integration of a gender perspective in policy, legislation and development plans	Sahrawi Republic
Art. 4(2)	Measures to prevent and punish all forms of violence against women	Ethiopia (declaration)
Art. 4(2)(j)	No execution of the death penalty on pregnant or nursing women	South Africa
Art. 4(2)(k)	Equal access for women and men to refugee status and protection	Mauritius
Art. 6(a)	No marriage without the free and full consent of both parties	Sahrawi Republic

Provision	What it guarantees	States
Art. 6(b)	Minimum age of marriage of 18	Sahrawi Republic; Ethiopia (declaration)
Art. 6(c)	Monogamy encouraged as the preferred form of marriage	Ethiopia, Mauritius, Sahrawi Republic
Art. 6(d)	Every marriage recorded in writing and registered	Ethiopia, Namibia, South Africa
Art. 6(e)	Spouses choose together their matrimonial regime and residence	Sahrawi Republic
Art. 6(f)	A married woman may keep her name	Ethiopia
Art. 6(h)	Equal rights of women and men on the nationality of their children	South Africa
Art. 6(j)	A married woman may acquire and manage her own property	Ethiopia (declaration)
Art. 7	Equal rights in separation, divorce and annulment, including the equitable sharing of joint property	Algeria (whole article); Ethiopia 7(a) and declaration on 7(d); Sahrawi Republic 7(b) and (d)
Art. 8(d), (e)	Law enforcement equipped to apply gender equality; equal representation of women in the judiciary and law enforcement	Sahrawi Republic
Art. 9	Participation of women in political life, including through affirmative action	Mauritius
Art. 10(2)(d), 10(3)	Protection of refugee women; reduction of military spending in favour of social development	Mauritius (10(2)(d)); Ethiopia and Kenya (10(3))
Art. 11(3)	Protection of asylum-seeking, refugee, returnee and displaced women against violence	Mauritius
Art. 12(2)	Specific positive action to promote the education and training of women and girls	Mauritius
Art. 14(1)(a), (b), (c)	Control of fertility; decision on having children and their spacing; choice of contraception	Sahrawi Republic; Uganda 14(1)(a); Ethiopia (declaration on 14(1)(b))
Art. 14(2)(c)	Medical abortion in cases of sexual assault, rape, incest and danger to the life or health of the woman	Kenya, Mauritius, Sahrawi Republic, Uganda; Algeria (whole article)
Art. 19(a)	Gender perspective in national development planning	Sahrawi Republic
Art. 21	Equitable share of inheritance for widows and for women and men	Sahrawi Republic; Ethiopia 21(1); Uganda according to the 2024 concluding observations
Art. 27	Interpretation of the Protocol by the African Court	Ethiopia

Source: RFLD summary of the Protocol (African Union, 2003) and ACHPR (2026), Advocacy Framework, p. XII.

Annex 2. Glossary

Key terms

- **Reservation:** a unilateral statement by which a State excludes or modifies the legal effect of certain provisions of a treaty in their application to that State.
- **Interpretive declaration:** a statement by which a State explains how it understands a provision. If it changes the legal effect of the provision, it operates as a reservation.
- **Withdrawal:** the written notification by which a State ends a reservation. It does not require the consent of other States.
- **Depositary:** the authority that keeps the original treaty and receives notifications. For the Maputo Protocol, it is the Chairperson of the African Union Commission.
- **Object and purpose:** the essential aim of a treaty. A reservation incompatible with it is not permitted.
- **Concluding observations:** the recommendations adopted by the African Commission after it examines a State report.
- **Country Rapporteur Commissioner:** the member of the African Commission responsible for following a given State.
- **Shadow report:** a report submitted by civil society to a treaty body to complement or challenge the State report.
- **Interim reservation:** a reservation that the State itself presents as temporary, linked to a reform.

Abbreviations

ACERWC	African Committee of Experts on the Rights and Welfare of the Child
ACHPR	African Commission on Human and Peoples' Rights
AU	African Union
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
FGM	Female genital mutilation
ICJ	International Commission of Jurists
NHRI	National human rights institution
RFLD	Women Leaders Network for Development
SADR	Sahrawi Arab Democratic Republic
VCLT	Vienna Convention on the Law of Treaties

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A pan-African, Afrofeminist network of 1,143 member organisations in more than 35 African countries, working for the rights, health and leadership of women and girls.

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