

PRESS STATEMENT

FOR IMMEDIATE RELEASE

Status of family laws in Africa

Nairobi, Kenya

6 October, 2022

Good morning ladies and gentlemen of the press. Thank you for honoring our call.

Discriminatory family laws continue to deny and rob millions of women and girls in Africa access to the full realization of their human rights. Most of the countries on the continent have family laws that discriminate or imply discrimination against women and girls and prevent them from accessing and enjoying various rights including economic rights, access to health, protection from violence against women and girls, gender based violence among others. Additionally, over 45 countries in the world have codified or uncoded Muslim family laws which legitimise inequality and discrimination against women.

In Kenya for instance, Muslim women are not protected by the Matrimonial Property Act while non-Muslim women are barred from holding on to their matrimonial property when they remarry. Additionally, marital rape is exempted from being a crime.

Furthermore, countries such as Angola, Cote d'Ivoire, Egypt, Nigeria, South Sudan, Sudan, and The Gambia have discriminatory inheritance laws that deny women and girls equal access to familial property. These laws range from customary laws that exclude women from inheriting their deceased husband's property or after the dissolution of marriage to girls being barred from inheriting their parents' property.

The continent also continues to record high rates of unsafe abortions and child marriage with countries such as Tanzania legitimizing the practice by placing the minimum age of marriage for boys at 18 and 15 for girls, despite a court decision that upheld the minimum age of marriage at 18. Marriage of girls aged 14 is also permissible with the consent of the court.

These inequalities are further exacerbated by various human crises including pandemics and climate change. The COVID-19 pandemic for instance was not only a health crisis, but also an economic and social one that negatively and disproportionately impacted and aggravated the lived realities of many women and their families.

Advocates know that these crises have gendered impacts as the rate of domestic violence surges, child and forced marriages continue, amongst other abuses. We believe that without real equality and urgent reform of discriminatory laws and practices, women will continue to bear the consequences both in their private and public lives.

It is for this reason and our collective desire to hold our governments to account that today we are launching the Africa Family Law Network. This is a result of three years of consistent efforts by women activists on the ground. This Network has been designed to galvanize our energies around the need to adopt and implement Family Laws that promote gender equality and women's rights in Africa.

Our shared vision is an Africa where family laws and practices guarantee equality in line with regional and international human rights standards.

As a Network, we are therefore calling for the following:

We call on all African states to:

- Ratify, domesticate and implement the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol) without any reservations;
- Enact and enforce family laws and practices that abide by international human rights standards including, the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and its Optional Protocol without reservations;
- Criminalize harmful practices such as child marriage and forced marriages, widow inheritance, and Female Genital Mutilation (FGM) which impede women and girls from accessing their rights;
- Recognize and ensure equality in religious, customary and civil marriages;
- Guarantee substantive equality between men and women pre, during a marriage and in the event of the dissolution or separation of a marriage;
- Protect and safeguard all women and girls, from inhuman, humiliating or degrading treatment and should be accorded the right to an equitable share in the inheritance and distribution of property;
- Enact and implement progressive legislative framework that protects women and girls from all forms of violence particularly, domestic and intimate partner violence;
- We call all African state actors, religious and traditional leaders to protect, promote and respect women's rights by acting in line with the principles of international and regional human rights law and ensuring accountability where there have been human rights violations;

- Implement General Comment No. 6 on the Maputo Protocol focused on substantive equality on property distribution between men and women upon dissolution or separation of marriage;
- We call on African governments to provide a safe and conducive work environment for women human rights defenders, particularly those working on family laws.

We call all media, journalists, and campaigners present today to continue advocating for women's rights and providing a voice to women's rights defenders to continuously hold state actors accountable on their obligation to protect women's rights;

We insist on intergenerational dialogue and call other advocates of women's and human rights to amplify the voices of the network; and call all women's rights' advocates and defenders in the region to stand in solidarity and to amplify the voices of this network, and to reach out for partnerships as we continue to collectively strategize for family law reform.

Ends

Notes to the editor

About Musawah

[Musawah](#) is the global movement for equality and justice in the Muslim family. Since launching in 2009 in Malaysia, Musawah has built a knowledge-based global movement, bringing together activists, policy makers and scholars to challenge the ways Islam is used to justify discriminations against women in law and practice, and to offer a rights-based discourse and framework to advocate for equality and justice for women and marginalised groups living in Muslim contexts. You can check our brand guidelines and communications kit on [this](#) link. For media requests, kindly get in touch with Mariam: mariam@musawah.org

About SIHA

The [Strategic Initiative for Women in the Horn of Africa \(SIHA Network\)](#) is a regional network of civil society organizations from Sudan, South Sudan, Somalia, Somaliland, Ethiopia, Djibouti and Uganda working to address women's subordination and inequality in the region. Established in 1995 by a coalition of women's rights activists, SIHA, together with its member organizations, aims to improve the situation of women and girls in the Greater Horn of Africa by combatting violence against women and girls, ending human trafficking, challenging harmful social norms and religious dogma, and by improving women's economic empowerment and access to justice.



**The African Women's
Development and
Communication Network**

Strategic Initiative
for Women in the
Horn of Africa



For media requests, kindly get in touch with SIHA's Regional Director Hala Al-Karib:
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About Equality Now

Founded in 1992, [Equality Now](#) is an international human rights organization that works to protect and promote the rights of women and girls around the world in the areas of Harmful practices including Female Genital Mutilation (FGM) and Child Marriage, Discrimination in Law, Sexual Violence, and Trafficking. Equality Now combines grassroots activism with international, regional, and national legal advocacy to achieve legal and systemic change to benefit women and girls, and works to ensure that governments enact and enforce laws and policies that uphold their rights.

For media requests, please contact Sarah Wambui, Communication Lead, Africa, Equality Now – E: swambui@equalitynow.org; M: +254724436855.

About Femnet

[The African Women's Development and Communication Network](#) (FEMNET) is a pan- African, feminist and membership-based network based in Nairobi with over 800 members across 48 African countries. FEMNET envisions an African society where gender equality is achieved, and women and girls enjoy all their rights and live in dignity. FEMNET exists to facilitate and coordinate the sharing of experiences, ideas, information, and strategies for human rights promotion among African women's organizations through networking, communication, capacity-building and advocacy at the regional and international levels. FEMNET was conceived in 1988 but formally registered in 1993 under Kenya's applicable incorporation laws and/or regulations.

For media requests, please contact Rachel Kagoiya, Information Manager- FEMNET: r.kagoiya@femnet.or.ke