



Recent Status & Progress of Article 14 of the Maputo Protocol in South Africa

Status and impact of the Maputo Protocol on Women's Rights in South Africa



South Africa **signed** the Maputo Protocol (MP) on **16 March 2004**, it was **ratified** on **17 December 2004**, and **deposited** on **14 January 2005**.



Impact of the MP on Women's Rights

1. Strengthening the legal framework for the protection of women's rights.
2. Progress on the Reduction of Maternal Mortality e.g. (CARMMA).
3. Policy on prevention and management of pregnancy in schools.
4. Provision of support for maternal health through technological access to information and education.

Efforts to encourage the state to implement its obligation on the Maputo Protocol since 2020

Since 2020, efforts to encourage the state to implement its obligation to the MP include:

1. Providing guidelines on state reporting.
2. Providing general comments and recommendations.
3. Issuing of concluding observations and holding of missions and meetings.
4. Advocacy support to civil society organizations to train state parties on the implementation and use of the MP to hold states accountable.

Impact of the Domestication of the MP on Laws in South Africa

Domesticated treaties in South Africa are enforceable laws if they do not conflict with the constitution or domestic laws.

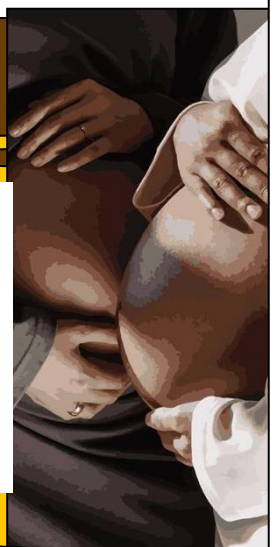
The MP has positively impacted SA's domestic law by:

1. Providing a framework and setting guidelines for interpreting and promoting the protection of women's rights and gender equality.
2. Strengthening the existing legal instruments relating to the rights of women.

Women's right to breastfeeding under Article 14 of the Maputo Protocol

The MP requires that States Parties:

1. Ensure that women can access the resources and support to breastfeed their children.
2. Provide adequate breastfeeding information, counselling, and services.
3. Protect mothers' right to breastfeed in public and at work.
4. Protect mothers from harmful practices that can interfere with breastfeeding.



Status, progress, and challenges of women's right to breastfeeding in South Africa

Status

1. Women's right to breastfeeding is recognized and promoted.
2. Government is making effort to protect breastfeeding from negative influences.

Progress

1. Support for breastfeeding in the circumstances of HIV.
2. Government and CSOs are working to improve access to breastfeeding resources and support to increase awareness of the benefits of breastfeeding.

Challenges

1. The Code of Good Practice regarding breastfeeding at work has several limitations.
2. The capacity and resources to implement the legislation and policies are limited.

Government Efforts towards the realisation of women's right to breastfeed in South Africa

• Legislation	1. Code of Good Practice on the Protection of Employees during Pregnancy and after the Birth of a Child.
• Policies	1. Mother Baby-Friendly Initiative (MBFI). 2. National Breastfeeding Policy, with guidelines on promoting, protecting, and supporting breastfeeding in the country.
• Institutional measures	1. Enabling breastfeeding-friendly communities. 2. Supporting the implementation of the MBFI.
• Administrative measures	1. Providing paid maternity leave for government employees. 2. Providing two breastfeeding breaks of 30 minutes /day for 6 months. 3. Promoting community-based breastfeeding support groups.



Steps to Address/Redress access to the right to breastfeeding

1. Talk to your healthcare provider.
2. Seek support from a breastfeeding consultant or breastfeeding support group.
3. Talk to community-based organisations such as Well Being Africa.
4. In the case of denial of breastfeeding support at the workplace.
 - Lodge a formal written grievance to your employer.
 - If the grievance is unresolved, contact the Commission for Conciliation, Mediation, and Arbitration (CCMA) for support.

About Well Being Africa

Well Being Africa (WBA) is an NGO (242-102 NPO) based in Pretoria, South Africa, providing nutrition and nutrition-related services, psychosocial support, and skills development. WBA is a member of the Solidarity for African Women's Rights (SOAWR), a coalition ensuring the rights of girls and women, as articulated in the Maputo Protocol, are prioritised by policymakers on the African continent.

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