



Family Policy Brief

The Maputo Protocol

The Maputo Protocol is an assault on the African family and unborn children and where instituted fully will contribute to the continued breakdown of the traditional family resulting in myriad of negative consequences to men, women and children throughout Africa.

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, also known as The Maputo Protocol, was adopted by the 2nd Ordinary Session of the Assembly of the Union in Maputo, Mozambique on 11 July, 2003.¹ The Maputo Protocol is a human rights instrument that is legally binding for all African Union member states that ratify it.

The Protocol was drafted by an expert group of members of the African Commission on Human and Peoples' Rights, African NGOs, and international observers including the International Planned Parenthood Federation (IPPF) and the International Commission of Jurists (ICJ).²

The Protocol was instituted as a way to address and find solutions for the numerous legitimate human rights concerns faced by millions of African women, the primary concern supposedly being female genital mutilation (FGM), but rights concerning inheritance, education and employment, among others, were also to be addressed.

Since FGM is only mentioned in the final document in one sentence, and a plan to eradicate FGM is glaringly absent from the Protocol, and items high on the agenda of the "international observers" are prominent in the outcome document, it is doubtful that the "international observers" were there just to observe. These "observer" organizations were likely the driving force behind the creation of the Maputo Protocol, deliberately using the important topic of eradicating FGM to bring African nations together to manipulate them into legalizing abortion and other controversial sexual rights.

IPPF is the largest abortion provider in the world and stands to make millions of dollars where abortion is legalized. They participate in every UN conference dealing with women's issues attempting to pressure countries into legalizing abortion. Since they have largely failed at the UN in this quest, they have been using alternative routes such as regional negotiation to advance their abortion agenda.

The ICJ also has a history of promoting radical sexual rights which run counter to African culture. They created the Yogyakarta Principles which seeks to force nations into accepting homosexuality and to have governments facilitate sex change operations among other things all under the guise of "international human rights obligations." With these two organizations involved as "international observers" it is no wonder that the Maputo Protocol calls for the legalization of abortion for any reason under the pretext of "sexual and reproductive health" and calls for governments to cease recognizing differences between men and women in order to eliminate "discrimination."

Article 14 2 (c) of the Protocol under Health and Reproductive Rights states:

2. States Parties shall take all appropriate measures to:

c) protect the reproductive rights of women by authorizing medical abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus.

This section thus requires African states to legalize abortions where a continued pregnancy might endanger the “mental and physical health of the mother,” which translates to abortion on demand for any reason at any time during a pregnancy as any mother who wants to abort her baby can claim that continuing with the pregnancy will cause her mental distress.

The Protocol would also remove virtually any distinction between men and women. Article 1 calls for the condemnation and elimination of “discrimination against women” defined as:

“ any distinction, exclusion or restriction or any differential treatment based on sex and whose objectives or effects compromise or destroy the recognition, enjoyment or the exercise by women, regardless of their marital status, of human rights and fundamental freedoms in all spheres of life.”

Prohibiting governments to recognize any distinction based on sex that would destroy the ability of women to enjoy their “human rights and fundamental freedoms in all spheres of life” is a sneaky way to lay the foundation for legalizing same-sex marriage. The ICJ has clearly established in their document the Yogyakarta Principles, which they claim constitutes international human rights standards that all nations are bound by, that they consider the expression of “sexual orientation” to be one of these fundamental freedoms and human rights. Thus the above provision eliminating any legal distinctions between men and women opens the door to same-sex marriage and adoption, and would subject women to military and combat duties as equals with men among other things.

The language in Article 1 ignores the scientific fact that men and women *are* different—physically, biologically and emotionally and that this is a good thing. Healthy societies recognize these differences in men and women and the different but equally important roles played by men and women in their families and communities. Recognizing that there are differences between men and women doesn’t constitute discrimination as long as men and women are treated equitably.

The Protocol also insists that “stereotypes” must be eliminated in every aspect of life including “in textbooks, syllabuses and the media.”³ The UN CEDAW Committee considers motherhood to be negative stereotype for women, yet in African culture, as in most cultures, motherhood is a highly valued role as mothers produce the human capital of the world.

It is the radical feminist agenda being promoted by the West and which is promoted by IPPF and the ICJ that constantly drives proposals in UN documents to eliminate “stereotypes” for women. Eliminating “stereotypes” depending on how you define stereotypes opens the door for the lesbian agenda, as depicting women always as heterosexuals constitutes a “negative stereotype” for those advancing the homosexual agenda. The motive behind this kind of language (if you look at the organizations most often behind these proposals at the international, national and state level) is not just to protect women from unjust discrimination, but it is to eliminate the traditional roles of husband and wife, mother and father, thereby destroying the family unit.

The Universal Declaration of Human Rights Article 16 states that the family is the fundamental group unit of society and is entitled to protection from society and the state. African nations that desire to protect their families would do well to do one or more of the following: 1) Countries that have not yet signed or ratified the Maputo Protocol should refuse to do so; 2) If a country has already signed or

ratified the Protocol, they should issue formal reservations to the anti-family provisions of the Protocol or seek to “un-sign” the Protocol.

Of the 53 member states of the African Union, 45 have signed the Maputo Protocol, 27 have ratified it and 27 have deposited it. See dates for individual countries below.

African countries that have signed and/or ratified the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa⁴

	Date Signed	Date Ratified	Date Deposited
Algeria	29/12/2003	-	-
Angola	22/01/2007	30/08/2007	09/11/2007
Benin	11/02/2004	30/09/2005	13/10/2005
Botswana	-	-	-
Burkina Faso	26/02/2004	09/06/2006	09/08/2006
Burundi	03/12/2003	-	-
Cameroon	25/07/2006	-	-
Central African Republic	17/06/2008	-	-
Cape Verde	-	21/06/2005	22/07/2005
Chad	06/12/2004	-	-
Côte d’Ivoire	27/02/2004	-	-
Comoros	26/02/2004	18/03/2004	16/04/2004
Congo	27/02/2004	-	-
Djibouti	18/12/2003	02/02/2005	04/02/2005
Democratic Rep. of Congo	05/12/2003	09/06/2008	09/02/2009
Egypt	-	-	-
Equatorial Guinea	30/01/2005	-	-
Eritrea	-	-	-
Ethiopia	01/06/2004	-	-
Gabon	27/01/2005	-	-
Gambia	11/09/2003	25/05/2005	06/09/2005
Ghana	31/10/2003	13/06/2007	20/07/2007
Guinea-Bissau	08/03/2005	19/06/2008	14/10/2008
Guinea	16/12/2003	-	-
Kenya	17/12/2003	-	-
Libya	05/11/2003	23/05/2004	30/06/2004
Lesotho	27/02/2004	26/10/2004	05/11/2004
Liberia	16/12/2003	14/12/2007	15/07/2008
Madagascar	28/02/2004	-	-
Mali	09/12/2003	13/01/2005	03/02/2005
Malawi	-	20/05/2005	29/06/2005
Mozambique	15/12/2003	09/12/2005	30/12/2005
Mauritania	-	21/09/2005	14/12/2005
Mauritius	14/12/2005	-	-
Namibia	09/12/2003	11/08/2004	26/08/2004
Nigeria	16/12/2003	16/12/2004	18/02/2005
Niger	06/07/2004	-	-
Rwanda	19/12/2003	25/06/2004	01/07/2004

South Africa	16/03/2004	17/12/2004	14/01/2005
Sahrawi Arab Democratic Republic	20/06/2006	-	-
Senegal	26/12/2003	27/12/2004	30/01/2005
Seychelles	24/01/2006	09/03/2006	25/04/2006
Sierra Leone	09/12/2003	-	-
Somalia	23/02/2006	-	-
Sao Tome & Principe	-	-	-
Sudan	30/06/2008	-	-
Swaziland	07/12/2004	-	-
Tanzania	05/11/2003	03/03/2007	07/05/2007
Togo	30/12/2003	12/10/2005	26/10/2005
Tunisia	-	-	-
Uganda	18/12/2003	-	-
Zambia	03/08/2005	02/05/2006	07/06/2006
Zimbabwe	18/11/2003	15/04/2008	05/09/2008

¹ The Maputo Protocol was entered into force after ratification by the required 15 member states of the 53 members of the African Union on 25 November 2005.

² The International Commission of Jurists is infamous for drafting and promoting the radical sexual rights document, the Yogyakarta Principles. The text of the Yogyakarta Principles is available here: http://www.yogyakartaprinciples.org/principles_en.pdf. Our policy brief on the Yogyakarta Principles is available here: <http://www.familywatchinternational.org/fwi/yogyakarta.pdf>

³ Article 12-1 (b).

⁴ From the African Union available: <http://www.africa-union.org/root/au/Documents/Treaties/List/Protocol%20on%20the%20Rights%20of%20Women.pdf>