

# THE MAPUTO PROTOCOL

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Clear and Present Danger



Human Life International

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# EXECUTIVE SUMMARY

The Maputo Protocol is a classic Trojan Horse. It appears to be one thing — a gift to the African people — but is actually another thing which is far deadlier.

The Maputo Protocol was written in large part by the London-based International Planned Parenthood Federation, or IPPF, the largest abortion-promoting organization in the world. The values of this group are not African in any way, shape or form. IPPF has no regard for national or local traditions and customs in its efforts to legalize abortion worldwide. It has stated in its *VISION 2000* Strategic Plan that the objective of its affiliated organizations is to: “Campaign for policy and legislative change to remove restrictions against safe abortions.”

Since the people never want abortion, IPPF and other pro-abortion groups must resort to deception.

The Maputo Protocol is the ideal instrument to legalize abortion all over Africa. The Protocol allegedly is an instrument to fight female genital mutilation (FGM), but in all of its 23 pages, it mentions FGM *in only one sentence*.

However, Article 14 (2) (c) of the Maputo Protocol reveals what the true objective of the document really is. It states plainly that “States Parties shall take all appropriate measures to... 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.” The World Health Organization has defined “health” as “A state of complete physical, mental, and social well being and not merely the absence of disease or infirmity.”

## KEY POINTS

1. The Maputo Protocol is being marketed as a method to combat female genital mutilation (FGM), but out of 23 pages, it mentions FGM in only one sentence.

2. Large sections of the Protocol are devoted to the central desires of its drafters: Wholesale radical feminist transformation of African society and the destruction of traditional cultures. The traditional family of breadwinning father and homemaking mother is to be replaced with a genderless utopia.

3. Essential to the implementation of this new society is the elimination of all differences between men and women, insofar as that is possible. Abortion-on-demand is necessary to achieve this goal, and the Maputo Protocol aims to impose abortion-on-demand on the entire continent.

4. The Protocol calls for abortion for rape, incest, and to save the life of the mother, and wants abortion allowed for the physical and mental health of the mother. The mental health exception is interpreted in the United States and other Western countries as allowing abortion-on-demand because an abortionist can always claim a woman would have suffered distress if he had not performed the abortion.

5. Catholic leaders including the Pope, African cardinals, and African bishops have denounced the pro-abortion provisions of the Maputo Protocol.

6. The Maputo Protocol is a part of the decades-long campaign by Western elites to reduce the number of black Africans. Yet United Nations figures show that Africa is not overpopulated and cannot be for decades to come, if ever.

## BACKGROUND

The Maputo Protocol was originally adopted by the “Assembly of the African Union” in Maputo, Mozambique on July 11, 2003. The official document is titled “Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa.”<sup>1</sup>

The Maputo Protocol is a treaty instrument that is binding on all countries that ratify it. It went into effect in November 2005, after the minimum 15 of the 53 African Union member countries ratified it. As of June 2007, according to the African Union, 43 nations had signed it and 21 had formally ratified it: (Benin, Burkina Faso, Cape Verde, Comoros, Djibouti, Gambia, Libya, Lesotho, Malawi, Mali, Mozambique, Mauritania, Namibia, Nigeria, Rwanda, South Africa, Senegal, Seychelles, Tanzania, Togo and Zambia).<sup>2</sup> Those who ratify the treaty are called “States Parties.”

Proponents of the Maputo Protocol present it as a method of combating female genital mutilation in Africa, where it is more common than elsewhere. It is estimated that this harmful practice is performed on approximately two million women a year worldwide. Pro-Protocol forces often try to portray opponents of the Protocol as callous toward women’s rights, even though Maputo Protocol is not principally aimed at eradicating female genital mutilation.

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1 The full text of the Maputo Protocol may be found on the African Union website: [http://www.africa-union.org/root/au/Documents/Treaties/Text/Protocol\\_on\\_the\\_Rights\\_of\\_Women.pdf](http://www.africa-union.org/root/au/Documents/Treaties/Text/Protocol_on_the_Rights_of_Women.pdf)

2 For a constantly updated list of signatories and ratifications see this section of the African Union website: [http://www.africa-union.org/root/au/Documents/Treaties/List/Protocol\\_on\\_the\\_Rights\\_of\\_Women.pdf](http://www.africa-union.org/root/au/Documents/Treaties/List/Protocol_on_the_Rights_of_Women.pdf)

## “States Parties”

*As of June 2007, according to the African Union, 43 nations had signed it and 21 had formally ratified it. The countries that have ratified the treaty are labelled and shaded on the map below.*



# **DANGERS OF THE MAPUTO PROTOCOL**

## **False Advertising: The Maputo Protocol is Not Primarily About Female Genital Mutilation (FGM)**

The Maputo Protocol is being sold throughout Africa and the world as primarily an instrument to combat FGM in Africa. Yet the document, with 23 substantive pages, mentions FGM in only one sentence. That sentence does not appear until Article 5, Section b on page 7 of the protocol and is not highlighted as especially important. Article 5 (called “Elimination of Harmful Practices”), Section b insists on the “prohibition, through legislative measures backed by sanctions, of all forms of female genital mutilation, scarification, medicalisation and para-medicalisation of female genital mutilation and all other practices in order to eradicate them.”

Of course, all decent, educated people oppose FGM and want to see its eradication. This laudable goal of the Maputo Protocol is being used to distract attention from the other, more central goals of the treaty. Notice that the Protocol offers no new ideas on how to combat FGM, or any reason why national governments should not do it themselves without the African Union.

# **Death for the Unborn: The Maputo Protocol Demands Total Abortion Legalization**

Article 14, “Health and Reproductive Rights,” calls for the legalization of what would be in effect abortion-on-demand in Africa. As typically interpreted by international jurists and Western courts, the language of the Maputo Protocol would legalize any abortion for any woman at any point in pregnancy, even in the ninth month. All effective restrictions on abortion would be abolished by the Protocol. It also demands the governments promote other policies that Catholics and others believe to be immoral. Here is Article 14 in its entirety:

1. States Parties shall ensure that the right to health of women, including sexual and reproductive health is respected and promoted.

This includes:

- a) the right to control their fertility;
- b) the right to decide whether to have children, the number of children and the spacing of children;
- c) the right to choose any method of contraception;
- d) the right to self-protection and to be protected against sexually transmitted infections, including HIV/AIDS;
- e) the right to be informed on one’s health status and on the health status of one’s partner, particularly if affected with sexually transmitted infections, including HIV/AIDS, in accordance with internationally recognized standards and best practices;
- f) the right to have family planning education.

2. States Parties shall take all appropriate measures to:

- a) provide adequate, affordable and accessible health services, including information, education and communication programmes to women especially those in rural areas;
- b) establish and strengthen existing pre-natal, delivery and post-natal health and nutritional services for women during pregnancy and while they are breast-feeding;
- 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.

The Maputo Protocol, formulated with help from the International Planned Parenthood Federation, explicitly calls for all methods of contraception, including abortifacient ones such as the Pill, to be provided by governments. It not only calls for allowing the killing of unborn children conceived through rape and incest, but for the mental health of the mother. In the United States and elsewhere, this loophole has been used to justify any abortion at any time because an abortionist can claim that a woman would have been depressed or anxious if he had refused her an abortion. Make no mistake: The Maputo Protocol means abortion on demand for an entire continent. This is the first time an entire continent will have enshrined a right to abortion.

## **Culture War: The Maputo Protocol is About the Eradication of Traditional African Family Cultures**

In contrast to its passing mention of FGM, the Maputo Protocol is full of radical feminist language about the complete transformation of African cultures into a Western, Marxist-style genderless utopia. After World War II, the Frankfurt School of Marxists transferred concepts

about class warfare from the economic realm to the cultural and familial realms. Instead of focusing just on rich vs. poor, the Frankfurt School Marxists succeeded in sparking societal struggles based on concepts of men vs. women, Western vs. non-Western, white vs. black, etc. The Maputo Protocol is a blueprint aimed at Africa for continent-wide feminist social transformation that, like all radical leftist transformations, will destroy families, lessen community, uproot tradition, and enhance the power of ruling governmental elites.

Instead of talking about the harm of FGM and how to combat it, the Maputo Protocol is full of statements such as the following. These statements call for the total eradication of all forms of “discrimination” against women:

“Further considering that Article 18 of the African Charter on Human and Peoples’ Rights calls on all States Parties to eliminate every form of discrimination against women and to ensure the protection of the rights of women as stipulated in international declarations and conventions....”

“support the local, national, regional and continental initiatives directed at eradicating all forms of discrimination against women”

“Reaffirming the principle of promoting gender equality as enshrined in the Constitutive Act of the African Union....”

“States Parties shall combat all forms of discrimination against women through appropriate legislative, institutional and other measures. In this regard they shall: a) include in their national constitutions and other legislative instruments, if not already done, the principle of equality between women and men and ensure its effective application”

And what does discrimination mean? The Maputo Protocol, which never defines FGM or distinguishes it from true medical procedures, defines discrimination this way:

“Discrimination against women’ means 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.”

This broad definition would seem to outlaw almost any distinction based on sex. Even all-male military units seem to be forbidden, and the Maputo Protocol could be interpreted as requiring the military draft for women if one exists for men.

This “sex warfare” theory must be integrated into all spheres of life, according to the Maputo Protocol. All signatory nations must:

“integrate a gender perspective in their policy decisions, legislation, development plans, programmes and activities and in all other spheres of life”

In addition, the United Nations’ Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), among other international agencies, has declared denial of access to abortion to be discrimination against women. CEDAW has even ordered several countries to legalize abortion. This interpretation of the Maputo Protocol is likely to become dominant among international jurists.

The Maputo Protocol states very clearly that it mandates a totalitarian program to brainwash Africans into radical feminist ways of thinking:

“States Parties shall commit themselves to modify the social and cultural patterns of conduct of women and men through public education, information, education and

communication strategies, with a view to achieving the elimination of harmful cultural and traditional practices and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes, or on stereotyped roles for women and men.”

“eliminate all stereotypes in textbooks, syllabuses and the media, that perpetuate such discrimination”

A good question is what are the “stereotypes” to be eliminated? Feminists in the West argue that the traditional roles of husbands and wives in the family should be included as “stereotypes”. In Western nations, traditional families where the mother stays at home to be the primary care-giver for the children face discrimination in society, taxes, and government programs even though there are tens of millions of them. Girls are indoctrinated in schools and the media to believe that a professional career is their only valuable choice. The result has been dramatic increases in family breakdown, illegitimacy, fatherless families, involuntarily single and childless women, and suicidal birthrates far below replacement level. Africans also face crises with family formation and steadily increasing numbers of orphans. Do African women need to hear that they should not take on the stereotyped role of child care-giver? Do African men need to hear that they shouldn't serve as breadwinners for their families? The Maputo Protocol would even attack freedom of the press in this area if implemented.

The Maputo Protocol insists that “the minimum age of marriage for women shall be 18 years.” In Africa, as elsewhere, many young women become pregnant before age 18, and this situation is unlikely to change any time soon. This provision would forbid them to marry the fathers of their children, which could deprive them of the protection, income, and social status that such marriages could bring. Though true child marriage is unacceptable, it could be that a minimum marriage age younger than 18 would be more reasonable.

The Maputo Protocol states:

“States Parties shall adopt and implement appropriate measures to ensure the protection of every woman’s right to respect for her dignity and protection of women from all forms of violence, particularly sexual and verbal violence.”

“‘Violence against women’ means all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war”

The use of the term “verbal violence” indicates a desire to impose the kind of censorship already beginning in Canada and Western Europe, where journalists and pastors have been prosecuted for saying homosexual acts are sinful or harmful. These passages raise the prospect of men being dragged to court for “verbal abuse” of their wives or other speech. Might it one day include statements such as, “Mothers should primarily care for their children instead of working in factories,” or “Abortion is evil”? Couldn’t trying to outlaw abortion be construed as an attempt to “undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life” by courts of the same ideological slant as the drafters of the Maputo Protocol?

Feminists claim that quotas that help women to get jobs and discriminate against men are good. This is not true. Every wife and daughter of a man who is denied a job, promotion, or benefit suffers as well. Since many women and children depend on the father of the family for their primary income, they suffer all the more from sex preferences. Homemaking mothers and their children suffer most from this. Therefore,

sex preferences discriminate against intact traditional families in favor of single persons and non-traditional families.

Not only is the Maputo Protocol full of phrases about “affirmative action” for women and “the promotion of women” that mean discriminating against father-headed families, but it calls for equal representation for women in certain career areas even though far more women than men prefer to stay at home. The Maputo Protocol demands “that women are represented equally in the judiciary and law enforcement organs.”

## **The Maputo Protocol is Enforceable**

Many might believe that the Maputo Protocol is a bit of propaganda with no real practical effect. On the contrary, the Maputo Protocol is binding and enforceable. Currently, the African Commission on Human and Peoples’ Rights has the authority to interpret the Protocol until the African Court on Human and Peoples’ Rights is established. The African Union is moving toward greater integration and its power will only increase, just as the European Union, though unable to operate effectively on security matters, dictates social policy to its member states. The African Union’s website says that its goal “is full political and economic integration leading to the United States of Africa.” African heads of state have been participating in the process to realize this dream.

# CATHOLIC AND AFRICAN LEADERS OPPOSE THE MAPUTO PROTOCOL

Pope Benedict XVI himself said on January 8, 2007, in an address to the diplomatic corps accredited to the Holy See:

“How can we not be alarmed, moreover, by the continuous attacks on life, from conception to natural death? Such attacks do not even spare regions with a traditional culture of respecting life, such as Africa, where there is an attempt to trivialize abortion surreptitiously, both through the Maputo Protocol and through the Plan of Action adopted by the health ministers of the African Union —shortly to be submitted to the Summit of Heads of State and Heads of Government.”

On April 19, 2007, a joint statement was released by many prominent African bishops:

“We would like to draw the attention of the political leaders of Africa to our strong reservations concerning some aspects of Article 14 of the Maputo Protocol... We observe that the rights of women to protect and promote their sexual and reproductive health in this article exclude the rights of the couple, the family and the larger society (civil, traditional, cultural and religious) from playing a part in promoting precisely the women’s rights to their health care. For instance, the authorization to have recourse to abortion and the choice of any method of contraception by the women (cf. Article 14, # 1, c and # 2, c) are particularly incompatible with our Catholic Church teaching, tradition and practice.... Additionally,

the Church has continually affirmed since the first century that it is a moral evil for any person or agent to procure an abortion. This teaching has not changed and remains unchangeable.... In the light of this, we observe that abortion and infanticide are abominable crimes to almost all of our African cultures, traditional societies and religions.”

The statement was signed by Cardinal Polycarp Pengo, President of the Symposium of Episcopal Conferences of Africa and Madagascar (SECAM) and Archbishop of Dar-Es-Salaam, Tanzania, and many other cardinals and bishops of Africa.

The Ugandan Catholic Bishops Conference said in a statement on Jan. 19, 2006:

“Never before has an international protocol gone so far! We believe strongly that the people of Africa have no wish to see such a protocol introduced into their laws. We are sure the people of Uganda would never wish it.... The situations of severe distress mentioned by the text of the protocol (rape, incest, sexual assault) cannot create the right to suppress an innocent life. This applies even less to a much less well-defined ‘danger to the mental and physical health of the mother or the life of the mother or the life of the foetus’ which, as matter of fact, is the open door to abortion on demand.”

US congressman Chris Smith visited Nigeria recently and criticized the Protocol. According to the *Daily Champion* of Lagos, Feb. 26, 2007, Smith said:

“The lives of countless Africans have been lost or harmed by war, crime, famine or disease and abortion, legal and illegal threatens to destroy the next generation of African children.... It is false to claim that abortion will be safe if it is legal. Abortion is never safe for the child and can

harm the woman physically, emotionally and psychologically whether legal or illegal.”

## **The Promoters of the Maputo Protocol Include Radical Leftists**

The Western organizers of the promotion of the Maputo Protocol are radically left-wing. Taking the lead has been Emma Bonino, Member of the European Parliament and a founder of the group No Peace Without Justice. Bonino is a member of the Radical Party in Italy. On the Radical Party’s website, under a link called “Anticlericalism,” pictures of a demonstration by Radical Party members in St. Peter’s Square are proudly posted. One protest sign says, “No Vatican No Taliban.” Another says, “No God. Atheism and Liberty.” One of the projects on its website calls itself, “No to Vatican interference on internal affairs of EU and member states on GLBT rights.” (GLBT stands for gay, lesbian, bisexual, and transgendered) The Radical Party also boasts of its role in promoting abortion and divorce in Italy.

Furthermore, the Maputo Plan of Action, adopted in September 2006 by African health ministers, calls for “Universal Access to Comprehensive Sexual and Reproductive Health Services in Africa” and wants abortion fully provided in every African country as far as national laws allow. When the Maputo Protocol abolishes abortion restrictions, this plan of action will be used to expand abortion at government expense.

## **Africa Is Not Overpopulated**

The assumption often used to promote the Maputo Protocol and other such ideological plans is the overpopulation of Africa. It is assumed that there are too many black people, and that the wealthy nations of the world must work to reduce their numbers in cooperation with African governments. This is not true. Although many African nations have

high birthrates, they sadly also have wars, famines, epidemics and rapidly declining fertility rates. We must also remember that the scourge of HIV/AIDS alone will continue to claim tens of millions of lives. Population projections for Africa usually assume that the AIDS pandemic will be brought under control quickly, a questionable assumption. According to the United Nations Population Division, Africa's population density in 2005 was 30 people per square kilometer. That of Europe, including Russia, was 32. The sparsely populated United States had 31 people per square kilometer and Latin America and the Caribbean, 27. Asia is increasingly prosperous and had 124. Africa is a land of tremendous natural resources that would be wealthy if it did not suffer from political and economic exploitation. The Maputo Protocol is another example of wholesale social engineering imposed on Africa.

# CONCLUSIONS AND RECOMMENDATIONS

## Conclusions

A clear objective of the Maputo Protocol is to force abortion on every country in Africa.

The promoters of this document should be honest about its aims. If they say that the purpose of the Maputo Protocol is to fight FGM, then it should do just that, and not drag other issues like abortion and family planning into it.

Africans have always treasured life and family. The Maputo Protocol is an unprecedented assault on developing human life in the womb and the traditional family. Africa's power lies not in her natural resources, but in the vibrancy of her young population. Any nation — indeed, any continent — that kills the next generation cannot survive.

The Maputo Protocol was inspired by Europeans, not Africans. Perhaps it is significant that Europe, where most countries have had abortion on demand for many years, has suffered from a declining population for the last decade and is now the world's only “dying” continent.

Africa must not follow the example of suicidal Europe.

## Recommendations

(1) We recommend that the African nations which have not yet ratified the Maputo Protocol refuse to ratify this document.

(2) If preventing ratification is not possible, States should make formal reservations to the pro-abortion language in article 14 and anti-family provisions in other parts of the Protocol.

(3) African nations, especially health ministers, should resist anti-life policy changes coming from the Maputo Plan of Action which calls for “policies and legal frameworks to reduce the incidence of unsafe abortion,” training “service providers in the provision of comprehensive abortion care services where national law allows,” and implementation of “safe abortion services to the fullest extent of the law.”