

## What Is the Maputo Protocol?

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (commonly known as the Maputo Protocol) was adopted in 2003 by the African Union to uphold equal rights for girls and women. Along with provisions related to women's economic and political empowerment, and health and well-being, the Maputo Protocol is the first pan-African treaty to explicitly recognize abortion as a human right, under specific circumstances:

- Sexual assault.
- Rape.
- Incest.
- Life-threatening fetal anomalies.
- When the continued pregnancy **endangers** the woman's **mental** and **physical health** or her **life**.

### Article 14: Health and Reproductive Rights (2)(c).

States Parties shall take all appropriate measures to: protect the reproductive rights of women by authorising 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.

– "Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa" (Maputo: African Union, 2003).

## Why Is Unsafe Abortion a Concern?

Globally, unsafe abortions account for about **1 in 7** deaths related to pregnancy and childbirth.<sup>1</sup> This problem is exacerbated in Africa, which has the most maternal deaths of any region. Annually, at least 6 million women in Africa end their pregnancies unsafely.<sup>2</sup>

If women have access to legal abortions, the safety of the procedure improves and maternal deaths decline. More than **9 out of 10** African women of reproductive age live in countries with restrictive abortion laws.<sup>3</sup> **Only 1 in 4 abortions** in Africa are performed safely—by a qualified medical provider in an environment that meets minimum medical standards.<sup>4</sup>

Restricting abortion does not stop it from occurring but does increase the likelihood of women **resorting to unsafe—and potentially life-threatening—methods**. Where abortion is legally permitted, it is not necessarily more frequent, but it is much safer.

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**In South Africa, where an expanded abortion law went into effect in 1997, the number of women who died from abortion complications declined by 90% over a seven-year period.<sup>5</sup>**

Only **1 IN 4 ABORTIONS** in Africa are performed safely—by a qualified medical provider in an environment that meets minimum medical standards.



# How Many Countries Have Signed the Maputo Protocol?

**Fifty-two African countries have signed or ratified** the Maputo Protocol, but **six of them** have contradictory laws that do not permit abortion under any circumstances.<sup>6</sup> In another **28 countries**, abortion is permitted under some circumstances but not all those listed in the Maputo Protocol.<sup>7</sup>

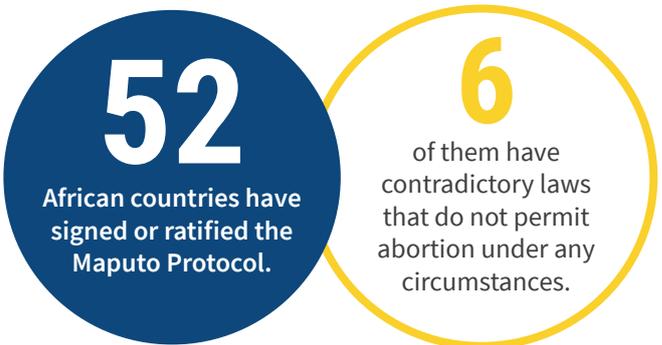
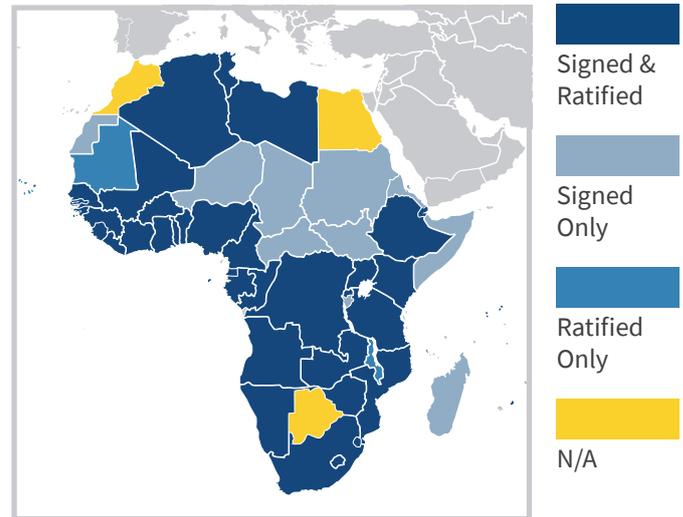
## Countries Face Challenges Implementing the Maputo Protocol

Among those countries that have ratified the Maputo Protocol, women still face challenges accessing safe abortions due to:<sup>8</sup>

- Failure to integrate Maputo Protocol language into national laws.
- Inconsistent interpretation and implementation of national legal frameworks by the judiciary and health care systems.
- Stigma and misinformation about abortion.

The African Union provides guidance that can help parliamentarians align their laws with the Maputo Protocol and help health ministries interpret and implement existing abortion laws so that fewer women resort to clandestine and dangerous procedures.<sup>9</sup>

## Status of Maputo Protocol Ratification



# How Can Governments Expand Access to Safe Abortion?

- » **Harmonize all laws** to be in accordance with Article 14(2)(c) where the Maputo Protocol has been signed and ratified.
- » **Train judges, lawyers, and law enforcement officials** to understand the legal framework and allow abortion to the fullest extent of the law; judicial experts can facilitate harmonizing national legal frameworks with the Maputo Protocol.
- » **Train and support health professionals** to provide safe abortion services within the full scope of the law.
- » **Ensure that women have access** to safe, legal procedures, free from shame and stigma.

## References

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