



ISEJ EXPLAINER SERIES

The Maputo Protocol, Explained

Africa's own bill of rights for women and what it promises women in Zimbabwe

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa the Maputo Protocol was adopted by the African Union in Maputo on 11 July 2003 and entered into force in 2005. It is widely regarded as the most comprehensive binding instrument on women's rights anywhere in the world, and it was written by Africans, for African realities. Zimbabwe ratified it in 2008. That signature was a promise; this explainer is about what was promised.

What makes it different

- **It names what other treaties avoid.** It was the first human rights treaty to explicitly provide for medical abortion in cases of sexual assault, rape, incest, and where pregnancy endangers the mental or physical health or the life of the mother (Article 14(2)(c)).
- **It confronts harmful practices directly.** States must prohibit and condemn practices that harm women, including female genital mutilation, through law, education and support to survivors (Article 5).
- **It sees the whole of women's lives.** Beyond civil and political rights, it covers economic and social welfare, widows' rights, inheritance, food security, housing, and a healthy and sustainable environment and it recognises the value of women's work in the home.

The promises, in plain language

Area	What the Protocol guarantees
Dignity and safety (Arts 3-5)	Respect for dignity; the right to life, integrity and security of the person; state action against violence against women in public and in private and against harmful practices.
Marriage and family (Arts 6, 7, 20, 21)	Marriage only with free and full consent, a minimum age of 18, registration of marriages; equal rights in separation and divorce; protection of widows; equal rights to inheritance.
Participation (Art 9)	The right to take part in political and decision-making processes, including through affirmative action, and equal representation with men.
Justice (Art 8)	Equal access to justice and equal protection before the law, including legal aid and the training of law enforcement on women's rights.
Education and the economy (Arts 12, 13)	Equal access to education; equal pay for equal work; protection from exploitation; recognition of the economic value of women's work in the home.
Health (Art 14)	The right to health, including sexual and reproductive health: family planning, information, and medical abortion in the circumstances the Protocol specifies.
Environment and development (Arts 18, 19)	The right to live in a healthy environment and to fully enjoy the right to sustainable development including women's participation in climate and resource decisions.

Does it apply in Zimbabwe?

Yes, with a caveat every advocate should understand. Zimbabwe follows a dualist system: under section 327 of the Constitution, a treaty does not become part of domestic law until Parliament domesticates it. But ratification still matters, three ways. First, courts must consider international law when interpreting the Declaration of Rights (section 46), and the Constitutional Court has drawn on Africa's child rights instruments in striking down child marriage in *Mudzuru* (2015). Second, the Constitution of 2013 already carries much of the Protocol's content into binding domestic law equality and non-discrimination (section 56), the rights of women (section 80), and the state obligation to promote gender balance (section 17). Third, Zimbabwe must report to the African Commission on what it has done to implement the Protocol and civil society can submit shadow reports telling the other side of the story.

The Protocol is not a document for lawyers only. Quote it in parliamentary submissions. Measure proposed laws against it. Cite it in shadow reports. Use it to show that a demand is not radical it is a promise the state already made, twenty years ago.

Where ISEJ stands

ISEJ uses the Maputo Protocol as a measuring stick across its work from SRHR and gender-based violence to unpaid care and climate participation, where Articles 13, 18 and 19 give women's presence in environmental decision-making the force of a right, not a courtesy. The gap between ratification and reality is exactly the space where legal empowerment work happens: communities that know what was promised can ask what happened to the promise.

About ISEJ

The Institute for Sustainable Empowerment and Justice (ISEJ) is a Zimbabwe-registered Private Voluntary Organisation working at the intersection of law, public policy, gender equality, climate justice, public health and narrative change. ISEJ translates complex legal and policy frameworks into knowledge communities can use because access to the law should not depend on access to a lawyer.

Dignity · Rights · Transformation

Sources: Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003); Constitution of Zimbabwe (2013), ss 17, 46, 56, 80, 327; Mudzuru & Another v Minister of Justice CCZ 12/2015. This explainer is general information, not legal advice.