

# THE KAMPALA CHARTER

ON DECRIMINALIZING  
SEXUAL AND REPRODUCTIVE  
HEALTH AND RIGHTS  
(SRHR) IN AFRICA



ADOPTED AT THE 3RD ANNUAL REPRODUCTIVE JUSTICE  
LITIGATION BARAZA

Kampala, Uganda, 8 August 2025



# THE KAMPALA CHARTER

ON DECRIMINALIZING  
SEXUAL AND REPRODUCTIVE  
HEALTH AND RIGHTS  
(SRHR) IN AFRICA

ADOPTED AT THE  
3RD ANNUAL REPRODUCTIVE JUSTICE LITIGATION BARAZA

Kampala, Uganda, 8 August 2025

**ahaki**  
Afya na Haki  
Harnessing Africa's Potential

**ARJLA**  
Africa Reproductive Justice Litigation Alliance

**LIRA**  
Litigating  
Reproductive Justice in Africa

**CATALYSTS**  
BOLD  
ON REPRODUCTIVE  
AFRICAN-LED

**FOS**  
FEMINISTA

**RÍOS**  
STRATEGIC LAWYERS  
FOR SOCIAL JUSTICE

 **UNAIDS**



**Reach a hand**  
Every hand for every need



**THE PRECLUSION PROJECT**  
Creating pathways to the  
unrealized rights

# TABLE OF CONTENTS

<b>PREAMBLE</b>	<b>III</b>
ARTICLE I <b>PURPOSE, MISSION AND SCOPE</b>	<b>1</b>
ARTICLE II <b>GUIDING PRINCIPLES</b>	<b>1</b>
ARTICLE III <b>NORMATIVE AND LEGAL FRAMEWORK</b>	<b>2</b>
ARTICLE IV <b>CONTEMPORARY CHALLENGES (THE MISCHIEF)</b>	<b>3</b>
ARTICLE V <b>KEY OBJECTIVES</b>	<b>4</b>
ARTICLE VI <b>CORE COMMITMENTS AND DUTIES</b>	<b>4</b>
ARTICLE VII <b>IMPLEMENTATION, MONITORING, AND REVIEW</b>	<b>6</b>
<b>REFERENCES</b>	<b>7</b>

# THE KAMPALA CHARTER

## ON DECRIMINALIZING SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS (SRHR) IN AFRICA

### PREAMBLE

**W**e, the convenors and delegates of the 3rd Annual Reproductive Justice Litigation Baraza, held in Kampala, Uganda, adopt this Charter in full recognition of Africa's comprehensive normative architecture for SRHR and the urgent imperative to translate legal commitments into lived realities for women, girls, and gender-diverse persons across the continent.

**Guided** by the African Charter on Human and Peoples' Rights, the Maputo Protocol, the African Charter on the Rights and Welfare of the Child, and complementary global instruments, we affirm human dignity, equality, the right to health, bodily autonomy, and freedom from discrimination as foundational principles for reproductive justice across Africa.

# ARTICLE I

## PURPOSE, MISSION AND SCOPE



**Purpose:** This Charter consolidates and operationalizes continental commitments to decriminalize SRHR-related conduct and to ensure universal, equitable access to comprehensive SRHR services, information, and education.



**Mission:** The mission is to restore Africa's legal integrity, health equity, and human dignity by uniting states, institutions, and communities in dismantling reproductive injustice across the continent.



**Scope:** The Charter applies to Member States, regional bodies, national institutions, civil society, traditional and religious leaders, development partners, and all relevant stakeholders in the African human rights ecosystem.

# ARTICLE II

## GUIDING PRINCIPLES

The guiding principles form the acronym DANCE: Decriminalization as health justice, Alignment across stakeholders, National and Regional harmony in values and voices, Consistency with flexibility and Evidence-based messaging.

- › **Decriminalization as Health and Justice:** Human dignity; equality and non-discrimination; accessibility, availability, acceptability, and quality of care are at the core of reproductive justice for Africa.
- › **Alignment Across Stakeholders, SDG 2063 and the SDGs:** Every audience has a role and messages connect to specific functions and actions.
- › **National and Regional Harmony:** The issues represented in the Charter address both national and regional values and voices around SRHR and reproductive justice.
- › **Consistency with Flexibility:** Adapt to local context while retaining the Charter's core intent.
- › **Evidence-based & Values-rooted:** Anchor in African norms (African Charter, Maputo Protocol) and indigenous values (ubuntu, dignity, communal care).

**These** guiding principles will be upheld with accountability, transparency and collaboration through member participation.

# ARTICLE III

## NORMATIVE AND LEGAL FRAMEWORK

### Continental Legal Architecture for Sexual and Reproductive Rights

The African continent has established a robust normative framework for the protection and promotion of SRHR, anchored primarily in the African Charter on Human and Peoples' Rights (1981). As the foundational human rights instrument for the continent, the African Charter enshrines fundamental principles of human dignity, equality, and the right to health that form the bedrock of reproductive justice.<sup>1</sup> Article 4 guarantees the right to life and the integrity of the person, Article 16 affirms the right to the best attainable state of physical and mental health, and Article 18 recognizes the state's duty to protect women and children, establishing the normative foundation upon which all subsequent reproductive rights instruments have been built.

Building upon this, the Protocol to the African Charter on the Rights of Women in Africa (Maputo Protocol) (2003/2005) represents the most comprehensive and progressive articulation of women's rights globally. Article 14 guarantees women's rights to reproductive health, including access to family planning information and services, protection of reproductive rights,<sup>2</sup> and, notably, the right to 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 foetus.<sup>3</sup> This provision reflects indigenous African values of ubuntu, communalism, and holistic well-being.

The African Charter on the Rights and Welfare of the Child (1990) recognizes children's rights to health services, including age-appropriate reproductive health information and services. Article 14 addresses children's health and health services, while Article 21 protects children from harmful cultural practices, creating additional layers of protection for young people's SRHR.

The African Commission on Human and Peoples' Rights, as the primary interpretive body, has provided authoritative guidance on states' obligations regarding SRHR through General Comment No. 2 on Article 14 of the Maputo Protocol (2014).<sup>4</sup> It clarifies immediate obligations to respect, protect, promote, and fulfill SRHR, including ensuring availability, accessibility, acceptability, and quality of services.<sup>5</sup> The Commission has recognized that criminalization of reproductive health services violates multiple provisions of the African Charter and constitutes a barrier to the enjoyment of fundamental rights.<sup>6</sup> The African Court on Human and Peoples' Rights has jurisdiction to adjudicate violations of the African Charter and its protocols.<sup>7</sup> Regional Economic Communities (RECs) like SADC have adopted complementary frameworks, such as the SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage (2016).<sup>8</sup>

This continental framework is reinforced by global instruments: ICCPR,<sup>9</sup> ICESCR,<sup>10</sup> CEDAW,<sup>11</sup> and the CRC,<sup>12</sup> as interpreted by the HRC, CESC, CEDAW Committee, and CRC Committee to require decriminalization of reproductive health services and comprehensive SRHR care.<sup>13</sup> Agenda 2030 SDG 3, SDG 5, and SDG 16 further reinforce these commitments (Targets 3.7 and 5.6).

Recent continental developments Agenda 2063,<sup>14</sup> the AADPD Beyond 2014,<sup>15</sup> the Continental Framework on SRHR (2006) and subsequent policy documents<sup>16</sup> call for removing legal, policy, and social barriers to SRHR.

Several African countries have demonstrated leadership by implementing Maputo Protocol provisions: Rwanda (comprehensive services and legal reforms),<sup>17</sup> Benin (legal alignment),<sup>18</sup> South Africa (constitutional jurisprudence),<sup>19</sup> and others (Tunisia, Cape Verde, Mozambique).

# ARTICLE IV

## CONTEMPORARY CHALLENGES (THE MISCHIEF)

### A. External Pressures and Global Backlash

The reinstatement and expansion of the Global Gag Rule have created funding gaps, increasing maternal mortality, reducing contraception access, and forcing facility closures.<sup>21</sup> Evidence shows each dollar lost yields measurable harms.<sup>22</sup> Anti-rights movements mischaracterize SRHR as foreign, despite African origins of the Maputo Protocol and its grounding in African values.<sup>23</sup> Religious fundamentalism and cultural traditionalism have been weaponized, ignoring diverse traditions historically supportive of women's autonomy.<sup>24</sup> COVID-19 exacerbated inequalities, increasing GBV, unintended pregnancies, and maternal mortality.<sup>25-26</sup> Digital authoritarianism has created new risks via surveillance and suppression of SRHR advocacy and information.<sup>27</sup>

### B. Systemic Internal Failures

- iii. **Domestication and Legal Harmonization:** Many states have not domesticated commitments; colonial-era criminal codes persist.<sup>28-29</sup> Contradictions within national frameworks (e.g., DRC) create legal incoherence.<sup>30-32</sup> Dual/federal systems exacerbate fragmentation and inconsistency.<sup>33-35</sup>
- iv. **Reservations and Non-Implementation:** Two decades on, reservations to Article 14 persist, undermining continental consensus and enabling cross-border inequities.<sup>36-38</sup> Withdrawal processes have stalled due to institutional resistance; non-implementation endures even after formal withdrawal.<sup>39-40</sup> Weak enforcement at AU/Commission levels further enables non-compliance.
- v. **State Responsibility Failures:** Criminalization prosecutes women and providers under colonial codes in several countries, disproportionately harming marginalized communities.<sup>41-44</sup> Resource allocation failures contravene Abuja commitments; modest investments could close unmet need for modern contraception.<sup>45-47</sup> Provider shortages, fear of liability, and service gaps persist.<sup>48-51</sup> Comprehensive sexuality education remains unimplemented in many contexts despite evidence of benefits.<sup>52-53</sup>
- vi. **Civil Society Fragmentation and Capacity Constraints:** Geographic, generational, strategic, and resource-based fragmentation weakens collective advocacy; digital divides and capacity gaps further limit effectiveness.<sup>54-60</sup>

# ARTICLE V

## KEY OBJECTIVES



**Decriminalize** SRHR-related conduct and remove legal, policy, and practical barriers to comprehensive SRHR services.



**Harmonize** domestic legal frameworks with continental and international obligations, ensuring coherent, rights-based implementation across legal systems.



**Guarantee** equitable access to SRHR information, education, and services, including emergency contraception, post-abortion care, and comprehensive sexuality education.



**Strengthen** accountability, monitoring, and reporting mechanisms with disaggregated data to track progress and address inequities.

# ARTICLE VI

## CORE COMMITMENTS AND DUTIES

This is the Charter's call to action organized according to stakeholder functions and agreed upon actions.

### A. Member States: Immediate Legal and Policy Reform

1. **Legal Harmonization & Domestication.** Conduct legal audits; repeal colonial criminal codes; fully domesticate Maputo Protocol Art. 14, including grounds for abortion (sexual assault, rape, incest, and endangerment to maternal/fetal life and health). Ensure harmonization across federal/dual systems through inclusive consultations.
2. **Withdrawal of Reservations & Full Implementation.** Initiate and complete withdrawal within defined timeframes; develop implementation toolkits, train providers, and allocate adequate resources.
3. **Health System Strengthening & Financing.** Meet Abuja commitments; invest in infrastructure, workforce, and supply chains; ensure over-the-counter emergency contraception and strengthened post-abortion care; integrate evidence-based, age-appropriate comprehensive sexuality education.
4. **Accountability & Monitoring.** Publish budgets, statistics, and progress; develop national action plans with clear targets, timelines, and indicators; report regularly to regional/international bodies with civil society participation.

### B. African Union: Continental Leadership and Coordination

1. **Policy Leadership.** Issue model laws, guidance, and implementation toolkits aligned with Agenda 2063 and the Continental SRHR Framework; engage traditional and religious leaders on culturally grounded advocacy.

2. **Diplomacy & Peer Pressure.** Utilize peer review and diplomatic channels to encourage compliance; coordinate responses to external restrictive funding; diversify financing for SRHR.
3. **Resource Mobilization & Knowledge Sharing.** Partner with UN agencies and continental financial institutions; support South-South exchanges and technical assistance.

### **C. African Commission on Human and Peoples' Rights: Monitoring & Enforcement**

1. **Jurisprudence & Interpretation.** Expand General Comments, resolutions, and case law addressing emerging issues (digital SRHR, adolescent rights, intersections).
2. **Monitoring & Reporting.** Intensify state reporting scrutiny; follow-up on recommendations; deploy fact-finding missions.
3. **Civil Society Engagement & Protection.** Enhance consultation, capacity building, and defender protection; facilitate continental CSO networks and judicial engagement.

### **D. Civil Society Organizations: Coordination & Advocacy**

1. **Continental Networks.** Bridge geographic/linguistic/generational divides; develop shared platforms, joint campaigns, and collaborative fundraising.
2. **Strategic Litigation.** Build legal literacy and referral networks; fund test cases; support judicial training and amicus participation.
3. **Research & Evidence.** Standardize indicators; conduct service availability/quality surveys; document violations; strengthen digital literacy and secure online advocacy.
4. **Community Mobilization.** Engage traditional and religious leaders, youth, and community groups; prioritize intersectional approaches addressing poverty, disability, rurality, and other marginalization.

### **E. National Human Rights Institutions (NHRIs): Protection & Oversight**

1. **Monitoring & Investigation.** Assess availability, quality, and accessibility; investigate violations and provide complaints/redress mechanisms.
2. **Policy & Legal Reform.** Review draft laws; advise on reforms; engage parliament, judiciary, and training institutions.
3. **Public Education.** Develop culturally appropriate materials; drive media engagement and community dialogues.

### **F. Traditional and Religious Leaders: Reclaim Progressive Narratives**

1. **Theological & Cultural Reinterpretation.** Advance faith- and culture- grounded support for reproductive autonomy and care.
2. **Community Leadership** Advocate for services; challenge harmful practices; support modern SRHR access; engage policymakers.

3. **Interfaith & Cross-Cultural Dialogue.** Promote joint statements, collaborative advocacy, and shared education.

## G. Regional Economic Communities (RECs): Supportive Integration

1. **Policy Harmonization.** Align regional laws and policies; harmonize professional certification; build cross-border referrals.
2. **Trade & Access.** Ensure trade policies reduce costs and barriers for SRHR commodities and technologies.
3. **Programming & Resources.** Develop regional training, research, data, and advocacy initiatives.

## H. Development Partners: Principled Partnership

1. **Flexible, Long-Term Funding.** Provide unrestricted/core support and health systems investment; counter restrictive policies by offering alternatives.
2. **Technical Assistance & Capacity.** Build local capacity, fund regional training, and support requested legal reform expertise.
3. **Diplomatic Support.** Use bilateral and multilateral fora to advance SRHR protections and support regional mechanisms.

## I. Communities and Media

1. **Conduct community dialogues.** Lead grassroots awareness, social accountability and creating safe spaces for youth engagement.
2. **Promote accurate unbiased SRHR reporting.** Partner in information dissemination that is rooted in evidence and African values on SRHR.

# ARTICLE VII IMPLEMENTATION, MONITORING, AND REVIEW



**National Action Plans.** Each Member State shall adopt a time-bound national SRHR decriminalization and implementation plan aligned with this Charter, with measurable indicators, budget lines, and annual public reporting.



**Continental Review.** The AU, in collaboration with the African Commission and RECs, shall convene a biennial review to assess progress, share lessons, and issue recommendations.



**Data & Transparency.** States shall publish disaggregated SRHR data and budget execution reports annually; independent verification by NHRIs and CSOs is encouraged.

# REFERENCES

1. African Charter on Human and Peoples' Rights. Articles 4, 5, 16, 18(3), 2, and 3
2. Maputo Protocol, Article 14(1)(a-c, e).
3. Maputo Protocol, Article 14 (2)(c).
4. African Commission on Human and Peoples' Rights. (2014). General Comment No. 2 on Article 14(1)(a), (b), (c) and (f) and Article 14(2)(a) and (c) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), Adopted at the 55th Ordinary Session, Luanda, Angola, 28 April–12 May 2014.
5. Ibid.
6. Ibid.
7. The Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, Article 3.
8. SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage, 2016.
9. International Covenant on Civil and Political Rights (1966), Articles 6(1), Articles 7, 17, and 26.
10. International Covenant on Economic, Social and Cultural Rights (1966), Articles 12(1), 12(2) (a-d), Committee on Economic, Social and Cultural Rights, General Comment No. 22 (2016), Article 12.
11. Convention on the Elimination of All Forms of Discrimination Against Women (1979), Articles 12(1), 12(2), 16(1) (e), CEDAW Committee, General Recommendation No. 24 (1999).
12. Convention on the Rights of the Child (1989), Articles 6(2), Article 24(1), Article 24(2)(f).
13. United Nations, 'International Covenant on Civil and Political Rights: General Comment No. 36 -Article 6 Right to Life' (Un.org2025) <https://docs.un.org/en/CCPR/C/GC/36> accessed 22 August 2025. See also, United Nations, 'General Comment No. 22 (2016) on the Right to Sexual and Reproductive Health (Article 12 of the International Covenant on Economic, Social and Cultural Rights)' (Un.org2025) <https://docs.un.org/en/E/C.12/GC/22> accessed 22 August 2025. See also, United Nations, 'General Comment No. 20 (2016) on the Implementation of the Rights of the Child during Adolescence' (Un.org2025) <https://docs.un.org/en/CRC/C/GC/20> accessed 22 August 2025.
14. African Union, 'AU Strategy for Gender Equality & Women's Empowerment' [https://au.int/sites/default/files/documents/36195-doc-52569\\_au\\_strategy\\_eng\\_high.pdf?utm\\_source](https://au.int/sites/default/files/documents/36195-doc-52569_au_strategy_eng_high.pdf?utm_source) accessed 22 August 2025.
15. AADPD, 'Third Ordinary Session of the Specialised Technical Committee on Health, Population and Drug Control (Stc-Hpdc-3) ... Five-Year Review of the AADPD' (2019) [https://srjc.org.za/wp-content/uploads/2019/10/Final-5-year-review-report-of-the-AADPD-EN.pdf?utm\\_source](https://srjc.org.za/wp-content/uploads/2019/10/Final-5-year-review-report-of-the-AADPD-EN.pdf?utm_source) accessed 22 August 2025.
16. African LII, 'Decision on the Continental Policy Framework for the Promotion of Sexual and Reproductive Health and Rights in Africa' (21 January 2006) <https://africanlii.org/akn/aa-au/statement/decision/AU-EC/2006/249/eng@2006-01-21> accessed 22 August 2025. See also, Africa CDC, 'Reproductive Health | Strategic Priorities 2022-2026' (4 December 2023) [https://africacdc.org/download/africa-cdc-reproductive-health-strategic-priorities-2022-2026/?utm\\_source](https://africacdc.org/download/africa-cdc-reproductive-health-strategic-priorities-2022-2026/?utm_source) accessed 22 August 2025.
17. Guttmacher Institute, 'Abortion in Rwanda' (15 February 2016)...; AFP, 'Rwanda Lowers Contraception Access Age to 15' (6 August 2025)...; Dana R Thomson et al., BMJ Global Health (2018)...
18. Sexual Health and Reproduction (SRH) 2003 Law (Law No. 2003-04)...; 2021 amendment...; Ipas (9 May 2022)...
19. South Africa's 1996 Constitution, Section 12(2)(a) and Section 10.

20. MSI Reproductive Choices, 'Abortion Rights' (25 June 2025)...; Keita Ohashi, 'Trends of Abortion in Francophone Sub-Saharan Africa' (2025) 15 *Sociology Study*.
21. Patty Skuster, Elizabeth A Sully and Amy Friedrich-Karnik (2024)...; AP News (20 November 2024)...
22. Guttmacher Institute, 'Just the Numbers' (14 February 2025)...; Floriane Borel, Samira Damavandi and Irum Taqi (30 July 2025)...
23. Amnesty International (4 June 2025)...; Jessie Williams, *The Guardian* (9 May 2025)...
24. Sexual Rights Initiative (2019)...; Gertrude Lucky et al. (2019)...; Moroole et al. (2020)...; Don Lauro (2011)...
25. VanBenschoten et al. (2022)...; Bolarinwa et al. (2024)...; Center for Reproductive Rights (26 May 2022)...; UN '12 Million Women Denied Access...' (11 March 2021)...
26. Justus Aungo (2022)...; Wondwosen Molla et al. (2022)...; UNFPA (2022)...
27. Joshua Muhammed (5 February 2025)...; Eromo Egbejule (9 March 2025)...; Clair MacDougall (23 October 2016)...
28. African LII, General Comment No. 2 (2014)...
29. Afya na Haki (2025)...; Jessica Oga, SRHM (21 July 2025)...
30. Annie L Glover et al. (2023)...
31. Glover et al. (2020)...
32. Center for Reproductive Rights (2023)...
33. Bolanle Eniola et al. (2017)...
34. - 35. PAK & another v Attorney General & 3 others (Constitutional Petition E009 of 2020) [2022] KEHC 262 (KLR)...
36. Madhumita Paul (14 July 2025)...
37. AU Treaty Status list (2023)...; SOAWR (2025)...
38. Cecilia, Tinda (2023)...
39. Madhumita Paul, supra note 36.
40. Center for Reproductive Rights, supra note 32.
41. Ngwena & Durojaye (2014)...
42. Durojaye, *Litigating the Right to Health in Africa*...; Andre Moreau...
43. Ibid.
44. Uganda Penal Code Act (1950); Kenyan Penal Code (Cap.63) §§158–160; Nigerian Criminal Code §§228–230, 297; Nigerian Penal Code §§232–234.
45. Durojaye (Routledge 2016).
46. Abuja Declaration (2001); WHO, 'The Abuja Declaration: Ten Years On' (2010)...
47. Guttmacher Institute, 'Adding It Up...' (September 2017)...
48. - 50. Ibid.; Fiona de Londras et al. (2022)...
51. WHO, 'Abortion' (17 May 2024)...
52. UNESCO, 'International Technical Guidance on Sexuality Education' (2018)...
53. Frederick Wekesah et al. (2019)...
54. Calkin, Freeman & Moore (2022)...
55. Mabona Machaba (14 April 2023)
56. - 57. Kermani & Anna (2023)...; Baldursdóttir et al. (2018)...; Giorgio et al. (2020)...; Vernaelde (2022)...; Mavodza, Goldman & Cooper (2019)...
58. UN Women, 'The Status of Women Movement in Africa – Policy Brief' (2024)...
59. Digital Democracy Initiative, Synthesis Report...
60. Shammah Anyalebechi et al. (2024)...

# THE KAMPALA CHARTER

ON DECRIMINALIZING  
**SEXUAL AND REPRODUCTIVE  
HEALTH AND RIGHTS  
(SRHR) IN AFRICA**