HISTORICAL CONTEXT (2026): COMMEMORATING 45 YEARS OF THE AFRICAN CHARTER

The year 2026 marks 45 years since the adoption of the landmark African Charter on Human and Peoples' Rights in Nairobi (1981) and 40 years since its entry into force (1986). As Africa celebrates this milestone in its human rights journey, the proposed 'Draft Charter on Family, Sovereignty and Values' attempts to dismantle the very legal institutions and regional mechanisms built by African jurists over the past four and a half decades.

What is the 'Draft African Charter on Family, Sovereignty and Values' (FSV)?

The draft charter is a proposed regional instrument developed across four annual inter-parliamentary conferences held in Entebbe (Uganda) and Accra (Ghana) between 2023 and 2026. While framed as a defence of African culture, family values, and state sovereignty against foreign influence, it is a values-based regulatory framework that retains human rights terminology in form while stripping it of protective substance. Its core operative provisions: i) Restrict Family Recognition: narrowly defines the family strictly through marriage between a man and a woman, creating a hierarchy of family forms and subordinating individual human rights to a collective "family impact lens"; ii) Roll Back Equality Protections: rejects substantive gender equality and non-discrimination guarantees; iii) Mandate Treaty Regression: directs African states to systematically review, nullify, rescind, or withdraw from existing legal and policy commitments that conflict with its moral objectives.

So we must interrogate: 'Sovereignty' for whom, and for what purpose? The Draft African Charter on Family, Sovereignty and Values redefines sovereignty as state authority over private lives, whereas genuine sovereignty derives its legitimacy from a state's capacity to uphold the dignity, health, and freedoms of its people.



Who is funding and driving this draft charter?

- Transnational Anti-Rights Networks: The charter text was drafted and driven by Global North conservative groups. The Netherlands-based Christian Council International (CCI) publicly claims authorship of the text, while US-based Family Watch International (FWI) and Poland-based Ordo Iuris serve as key strategists and convenors.
- Foreign Financial Inflows: Funding includes millions of dollars from US conservative evangelical organizations and Russian financial support for regional convenings.
- Local Parliamentary Vectors & Intermediaries: Promoted through parliamentary networks like the Conference of Speakers and Presidents of African Legislatures (COSPAL) and conservative legislators, alongside local intermediaries like the Kenya Christian Professionals Forum (KCPF) and the Foundation for African Cultural Heritage.



Why would signing this charter reflect poorly on African governments?

- Violating International Treaty Law: Ordering states to rescind or unilaterally re-interpret ratified treaties violates Articles 26 (pacta sunt servanda) and 27 of the Vienna Convention on the Law of Treaties (VCLT), which forbid invoking domestic laws to justify breaking international treaty commitments.
- Surrendering Continental Autonomy: While invoking Pan-Africanism, the charter text (Articles 10(9) and 24) explicitly commands African states to endorse the Geneva Consensus Declaration—a political document drafted directly by the United States government.
- Creating Domestic Constitutional Conflicts: Places governments in direct opposition to their own national constitutions, as demonstrated when South Africa and Mozambique refused to adopt the draft in Accra
- Public Health Regress: Promotes vaccine refusal (including against HPV/cervical cancer) and blocks adolescent access to confidential health services, shifting state policy away from cost-effective disease prevention toward late-stage treatment.
- Replacing Rights with Moral Policing: Shifts governance from protecting the equal dignity of citizens to state-enforced moral regulation over private life and civil society.

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What is the better option?

Rejecting foreign model laws in favour of our own African treaties is how we exercise genuine political autonomy and true African self-determination:

- **Universal Ratification, Removal of Reservations to the Maputo Protocol:** 46 of 54 AU member states have ratified the Maputo Protocol. Rather than creating regressive new instruments, all remaining AU states must ratify it, and states with existing reservations or claw-back clauses must lift them to ensure full legal protection for women and girls.
- **Full Funding for Implementation:** Fulfil domestic financing commitments, such as allocating at least 15% of national budgets under the Abuja Declaration, to resource gender equality, social protection, and public services.
- **Anchoring Genuine People-Centred Sovereignty:** Align governance with AU Agenda 2063 by grounding state sovereignty in human dignity, equality, democratic participation, and the rule of law.

Why this matters to you:

- **For Health & Social Affairs Ministers:** The charter threatens national disease control, undermines vaccination programs, blocks confidential adolescent STI/HIV care, and drives up public health costs.
- **For Justice Ministers & Legal Advisers:** It creates severe legal conflict between domestic constitutional guarantees, regional court authority, and international treaty obligations under the VCLT.
- **For AU & REC Representatives:** It fragmentates continental integration, weakens AU mechanisms, and causes administrative and legal paralysis across regional blocs.
- **For Foreign Affairs Diplomats:** It exposes national policy to global charges of hypocrisy by passing off Western lobby texts as "authentic African values".

Call to action

As we commemorate 45 years of the African Charter on Human and Peoples' Rights, African governments, AU organs, and REC representatives must reject the regressive Draft African Charter on Family, Sovereignty and Values, and instead uphold genuine continental sovereignty by fully funding and implementing the Maputo Protocol, the African Children's Charter, and the Abuja Declaration to guarantee health, dignity, and equality for all.

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What implications will this charter have for the African Union system and African sovereignty more broadly?

AU System Implications:

- Dismantles Home-Grown Treaties: Directly attacks and seeks to nullify binding African-authored treaties, including the Maputo Protocol, the African Charter on Human and Peoples' Rights, and the African Children's Charter (ACRWC).
- Subverts Regional Courts: Directs member states to ignore or override rulings and advisory opinions issued by the African Court on Human and Peoples' Rights and the ACHPR.
- Fragments AU Governance: Establishes a competing, ideologically-screened "Committee on Family, Sovereignty, and Values" that fragments regional legal systems.

African Sovereignty Implications:

- **Distorts Sovereignty:** Replaces a "people-centred" vision of sovereignty (focused on human dignity, health, and liberation) with "state-centred control" used to shield governments from human rights scrutiny. Sovereignty is weaponised when state authority is elevated above citizens' rights. Shielding governments from the scrutiny of the African Court and ACHPR is not Pan-Africanism; it is state-centred control used to insulate power from the rule of law.
- **Imports US Frameworks:** Subordinating African regional law to US political declarations undermines true continental autonomy.

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