

INAUGURAL REPRODUCTIVE JUSTICE LITIGATION BARAZA: REIMAGINING A REGIONAL AFRICENTRIC APPROACH

Concept Note

■ Introduction

Afya na Haki Institute (Ahaki) has developed the Litigating Reproductive Justice in Africa (LIRA) Programme to create an environment where Africa embraces reproductive justice through progressive, evidence-based and collaborative litigation for access to sexual and reproductive health and rights (SRHR). The Programme aims to establish, strengthen and sustain a regional network of stakeholders passionately advancing reproductive justice litigation on access to sexual and reproductive health and rights (SRHR) in Africa. The Programme will also build an African-based grant-making portfolio that specifically focuses on litigating reproductive justice through advancing access to SRHR.

■ The Conceptual Framework

The programme seeks to consolidate the positive landmark decisions that have interpreted and clarified the application of reproductive rights and freedoms to proactively address African SRHR crisis: a maternal mortality rate of 336 women per 100,000 live births (UBOS, 2016); teenage pregnancy accounts for 22.3% of school dropouts among girls aged 14-18 years and 15-20% of dropout for girls is caused by child marriage and teenage pregnancy (Republic of Uganda, 2022). 55 per cent of adolescents aged 15-19 and 42 per cent of women aged 15-49 on the continent do not have access to contraceptive services. 8.3 million African women have abortions in unsafe conditions, while 209,000 die annually from pregnancy and childbirth-related causes (Guttmacher Institute 2020).

The above notwithstanding, both the bar and bench have narrowly focused on the dominant human-rights discourse centred on individual rights at the cost of addressing the structural underlying causes that shape the enjoyment of rights and dignity (AHAKI 2022; Macleod, Benyon and Toerin 2017). Yet, the achievement of full reproductive autonomy cannot be divorced from Africa's socioeconomic, political, religious, cultural and gendered realities in order to yield substantive justice outcomes. Further the work within the continent is not wholly in tandem with the aims and objectives of the reproductive rights framework (Rebouche 2011).⁶

Put differently, reproductive justice and autonomy within the African context is inextricably linked to the economic and social (in)equalities that shape reproductive health discourse and has an intersectional dimension. Doing so would treat litigation as a lynchpin for addressing the realities of the most marginalised in society and foster the administrative activism in service delivery across the spectrum of SRHR.

■ Objectives

- To frame an Africentric reproductive justice litigation agenda for Africa.
- To design a reproductive justice framework that contextually resonates with the legal systems in Africa
- To support ongoing and new strategic litigation to serve as a catalyst for progressive administrative and institutional action

■ Structure Of Litigation Baraza

- Setting the stage with critical leaders: Why the issue concerns them (Academia, Judiciary, religious leaders, health officials: What would they do differently to promote an Afri-centric approach) ;
- Background academic papers to develop new jurisprudence;
- Case studies on progressive evidence based and collaborative Litigation surgery from Selected countries; and
- Experiential sharing from activists, community actors, public officials, medical professionals, prosecutors, religious and cultural leaders.

■ Expected Deliverables

An SRHR litigation agenda and implementation roadmap with clear roles and terms of engagement premised on the (LIRA) Programme objectives.

■ References

Republic of Uganda (2022) The National strategy to end child marriage and teenage pregnancy 2022/2023-2026/2027. Kampala: Republic of Uganda.

UBOS (2016) Demographic and Health Survey. Kampala: UBOS.