



THE INAUGURAL REGIONAL REPRODUCTIVE JUSTICE LITIGATION BARAZA

Theme: **Reimagining a Regional Africentric Approach**

📅 07th - 10th August 2023



CONSENSUS STATEMENT

Greetings,

In reflection of the recently concluded Inaugural African Regional Reproductive Justice Litigation Baraza, we stand united in our commitment as we present this Consensus Statement. This significant event, held under the thought-provoking theme “Reimagining a Regional Africentric Approach,” has ignited a new chapter in our ongoing pursuit of reproductive justice across the African continent.

The Baraza provided a unique platform that transcended borders, uniting delegates from Kenya, Malawi, Rwanda, Nigeria, Uganda, and Zimbabwe. Among the participants were distinguished representatives from various sectors including the Judiciary, Civil Society Organizations (CSOs), academia, the research community, government leaders, officials, and accomplished experts specializing in public health, law, and policy formulation.

Central to our collective vision is an unwavering consensus on the pivotal significance of Forging Strong Regional Alliance, rooted in the potency of country-based litigators. This alliance stands as a fortified response to the intricate challenges surrounding Sexual and Reproductive Health and Rights (SRHR), navigating through a landscape marked by various legal and policy constraints. In this dynamic landscape, these litigators serve as vanguards, adeptly manoeuvring within and beyond the restrictions to champion justice and equity.

The heart of our discourse revolved around the pivotal subject of advancing the reproductive justice framework within the African context. One of the foremost areas of focus was addressing the issue of unsafe abortions and their consequences on SRHR. We recognized the urgency of developing comprehensive strategies to reduce the prevalence of unsafe abortions, ensuring access to safe and legal options, and providing adequate post-abortion care to safeguard the health, autonomy and dignity of women. Another paramount point of focus was

the role of the judiciary in fostering a positive narrative concerning sexual and reproductive health and rights (SRHR) within the African landscape. It was evident throughout our conversations that the essence of justice extends far beyond the confines of mere legal rights; it encompasses the very fabric of equity across all facets of life.

At the core of our deliberations was a profound emphasis on the concept of Africentrism, an ideology that underscores the significance of developing and interpreting laws that not only honour but also mirrors the rich tapestry of African culture and values at the regional level. This principle inherently recognizes the essence of our collective identity and heritage.

Our collective dedication to addressing the challenges arising from Eurocentric legal frameworks became resoundingly clear. Moreover, we acknowledged the obstacles that hinder universal access to justice, particularly for marginalized individuals with limited resources. As catalysts for change, we also committed to devising strategies aimed at regional litigation and fostering collaborative initiatives throughout the African continent.

While We Acknowledge that some Progress has been made, we agreed that:

- i. The innate power of the reproductive justice framework to bring about transformation is realized through **regional alliance**. This alliance will stand as a fortified reaction to the complex obstacles encircling Sexual and Reproductive Health and Rights (SRHR), manoeuvring adeptly through the varied landscape of legal and policy restrictions. Amidst this dynamic environment, these litigators will assume the role of pioneers, deftly navigating within and beyond these limitations to champion justice and fairness.



- ii. Our collective strength lies in our ability to **pool resources together**, be it research, knowledge, or funding. This conference laid the groundwork for a robust network where stakeholders across the region can share their research findings, best practices, and valuable insights. By fostering an environment of openness and collaboration, we create a reservoir of knowledge that informs evidence-based policies and practices, ultimately enhancing the well-being of individuals throughout the region.
- iii. Without disputing the significance of national legal frameworks, we also acknowledge that certain challenges require a **unified regional response**. By coordinating efforts in pursuing legal avenues and leveraging collective influence, we are equipped to address systemic issues that might otherwise remain elusive at the national level.
- iv. A spotlight was cast on the importance of **identifying existing opportunities**, particularly those driven by progressive judges who champion SRHR services. By doing so, we not only acknowledge their efforts but also pave the way for mentorship, knowledge exchange, and the proliferation of best practices. These individuals serve as beacons of hope and sources of inspiration, guiding us toward the realization of our collective goals.

CALL TO ACTION: To address the emerging issues, our general consensus was:

- a) **Forging Strong Regional Alliance** that extends beyond national borders. By fostering a regional alliance that unites stakeholders from Kenya, Malawi, Rwanda, Nigeria, Uganda, Zimbabwe, and beyond, this Alliance will serve as the foundation for litigating reproductive justice in Africa. It will also enable us to fearlessly confront the intricate tapestry of SRHR challenges amidst the diverse legal and policy restrictions, particularly regarding access to safe abortion and post-abortion services, ensuring justice and fairness for women and girls in Africa.
- b) **Establish a Resource Sharing Framework** for the exchange of knowledge, research, and funding. Through this framework, stakeholders across the region will contribute their expertise, enabling evidence-based policy formulation and the implementation of best practices. By sharing financial resources, we ensure that initiatives born from this collaboration are adequately funded, maximizing their potential for meaningful impact.
- c) We need to **engage Funders in sharpening the agenda of the reproductive justice framework**. While these organizations hold the financial capacity to support our endeavours, their input should be sought to collaboratively determine how their funding can be strategically utilized to achieve the most impactful outcomes.
- d) **Advance Regional Litigation and Collaboration** that transcends national boundaries. This approach amplifies our collective voice, enabling us to address systemic issues that demand a unified response. Through coordinated efforts, we can navigate legal frameworks with regional influence, ensuring justice and equity for all.
- e) **Regular Convenings Supported by Diverse Organizations need to be organized**. These gatherings should include a diverse group of stakeholders, including journalists, to ensure comprehensive coverage and informed reporting. By fostering a space for informed dialogue, we can drive awareness and inspire meaningful action.
- f) **Prioritizing consultation and inclusion of women and marginalized groups is integral for regional collaboration**. Their perspectives and experiences should be at the heart of discussions, ensuring that the convened spaces are centred around the stakeholders who are most affected by SRHR issues
- g) **Amplifying the voices of affected individuals like those living with HIV, LGBTQI communities, and other marginalized groups** is integral. Their insights will shape our decisions, ensuring that strategies and solutions resonate with the real experiences and needs of the affected individuals.
- h) **Inclusive representation is pivotal to meaningful discussions**. Inviting stakeholders from diverse sectors, including law enforcement such as the police, and engaging young people, enriches the dialogue and enhances the potential for comprehensive solutions.
- i) **Monitoring ongoing Cases and Judgments is essential to promoting the reproductive justice framework in Africa**. This proactive approach allows us to provide timely feedback, technical assistance, or financial support where needed. By closely following legal proceedings, we can contribute to the advancement of justice and rights across the region.
- j) There should be **integration of psycho-social support services within the justice system**. Addressing the emotional and psychological well-being of individuals navigating legal processes is vital to ensuring fair and effective outcomes.
- k) To demystify the process of accessing justice, there should be **creation of clear and accessible guidelines**. These guidelines should provide strategic steps and key areas for litigants to navigate the journey of strategic litigation. By simplifying the process, we empower individuals to assert their rights with confidence. We also agreed that **access to justice** extends to developing accessible guidelines that encourage fairness and inclusivity. These guidelines should encourage a stigma-free approach and foster a justice system that upholds dignity and equality for all.
- l) We need to **recognize and amplify champions of change**, particularly those championed by forward-thinking judges dedicated to advancing SRHR services. This recognition not only pays tribute to their tireless endeavours but also lays the foundation for mentorship, knowledge sharing, and the dissemination of exemplary practices. These remarkable individuals stand as beacons of optimism and fountains of motivation, steering us steadfastly towards the achievement of our collective objectives.
- m) It is imperative to foster a **partnership between Ahaki and judicial training institutions across diverse countries**. By forging this strategic alliance, we extend our reach to a broader spectrum of judicial officers engaged in cases at various levels. This collaboration offers a channel through which we can engage, educate, and empower these officers, amplifying the positive impact of SRHR services in the courts. Through this cooperative effort, we solidify our commitment to meaningful progress and uphold the principles of justice and equity.
- n) **Monitor and Evaluate Progress to** ensure that our actions remain aligned with our shared goals. By measuring outcomes and adjusting strategies, we guarantee that our efforts yield tangible improvements in the lives of individuals across the African continent.
- o) **Promote Public Awareness and Education to** shape attitudes and behaviours towards SRHR. We pledge to engage in outreach campaigns, community dialogues, and educational initiatives that empower individuals with accurate information, enabling them to make informed decisions about their reproductive health.
- p) **Media** also plays an important role in communicating and amplifying the important message surrounding reproductive justice. Social media, in particular, can be leveraged to spread awareness and other media stakeholders can help create a community of journalists who are committed to advocating for reproductive justice. However, the messaging should be evidence-based and well-targeted to the right audiences.

Participants

1. Dr Mulumba Moses-Director General, Afya na Haki
2. Hon. Justice Cheborion Barishaki, Justice of Appeal, Uganda, Member of EACJ
3. Justice Batema David-Senior Resident Judge, H.C Uganda
4. Justice Mandala Mambulasa Dick- Justice of the H.C of Malawi
5. Justice Susan Okalany- Justice of the H.C of Uganda
6. H/W Matanda Abubakar Hassan-Magistrate Grade 1 Uganda
7. Prof Ben Kiromba Twinomugisha-Prof. of Law, Makerere University
8. Ibrahim Nsereko-Head, Advocacy Capacity Enhancement, Afya na Haki
9. Nimrod Muhumuza-Head of Research, Afya na Haki
10. Leni Sharon Pamela- Advocacy Capacity Enhancement Officer, Afya na Haki
11. Oga Jessica-PhD Fellow, Afya na Haki
12. Molly Nkosi-Research Fellow, Afya na Haki
13. Maseruka Andrew- Communications Associate, Afya na Haki
14. Dr. Busingye Kabumba- Director HURIEPC
15. Joel Okweny- HURIEPC
16. Maxine Twijukye- HURIEPC
17. Obbo Geoffrey D-Fellow, HURIEPC
18. Zam Ssali- Principal Communications Officer, Makerere University School of Law
19. Kasemiire Mariam- Web/social media, Makerere University
20. Anthony Wesaka-Reporter, Daily Monitor News paper
21. Deogratius Wamala – Reporter, The East African
22. Tambudzai Manjonjo- Deputy Director, Southern Africa Litigation Centre (SALC)
23. Tracy Rita Achola- Program Associate, CEHURD
24. Shamiso B. Masokovere Magoko-Legal Associate CLAC
25. Hilda Mahumucha-Women and Law in Southern Africa (WLSA)
26. Debra Mwase-Programme Manager, Katswe Sistahood
27. Sengoga Christopher-Director of Health, HDI-Rwanda
28. Ajalo Ruth-Program Officer, CEHURD
29. Anne Lumbasi-Programme Manager, CEHURD
30. Denise Babirye-Vice Chairperson ULS Health and the Law cluster/KCCA
31. Allan Malehe-Executive Director, KELLIN
32. Ashah Mwanga-Executive Director, IWILAP
33. Christopher Mbazira-Professor of Law, Makerere University, PILAC
34. Betty Balisalamu- Executive Director, Women with a Mission
35. Nakibuuka Noor Musisi- Deputy Director Programs, CEHURD
36. Bamidele Jacobs-Director Legal, Lawyers Alert
37. Adrian Jjuko- Executive Director, HRAPF
38. Matsiko Godwin-Head of Strategic Litigation, ULS
39. Dorothy Amuron- Manager Strategic Litigation, CEHURD
40. Dr. Godfrey Kangaude-Executive Director, NYALE Institute
41. Martin Onyango-Ass Director CRR-Kenya
42. Dr. Othiniel Musana- President, Association of Obstetricians and Gynaecologists of Uganda
43. Okwalinga Moses – President, Uganda Law Society
44. Anthony.C. K. Kakooza- Lecturer, Makerere University School of Law

