







THE BARAZA REPORT

Reimagining a **Regional Africentric Approach** to Litigating Reproductive Justice through South-to-South Knowledge Exchange

15th -17th August 2024 | Lake Victoria Hotel, Entebbe - Uganda











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Introduction

The Reproductive Justice Litigation Baraza, held from August 14th to 17th, 2024, at Lake Victoria Hotel in Entebbe, Uganda, convened legal professionals, academics, activists, and policymakers from across Africa, Asia, and Latin America to address critical issues related to reproductive justice. The event served as a platform for dialogue on the complex intersections of law, health, and social justice, with a particular focus on developing an *Africentric Approach to Reproductive Justice*. This report provides a comprehensive overview of the discussions and outcomes of the Baraza, highlighting the challenges and opportunities identified, and presenting strategic recommendations for advancing reproductive justice across Africa.

DAY 1: THURSDAY, 15TH AUGUST 2024



The Reproductive Justice Litigation Baraza opened with a focus on the enduring impact of colonialism on Africa's reproductive health laws. Professor Ben Twinomugisha, Chairperson of the Board of Trustees of Afya na Haki, delivered the opening remarks, emphasising how colonial legal frameworks, imposed by European powers, continue to shape reproductive health systems in Africa. He highlighted the necessity of dismantling these colonial-era laws and replacing them with an Africentric legal framework that aligns with African values, traditions, and contemporary realities. He further underscored the importance of South-South knowledge exchange in advancing these objectives, pointing to lessons from other post-colonial regions that have successfully decolonised their legal systems.

Following his address, the panel discussion titled "Challenging Colonial Legacies in Reproductive Justice Litigation" expanded on Professor Twinomugisha's insights. Panelists discussed how colonial legacies still influence reproductive justice in Africa, especially through restrictive reproductive health laws. They highlighted the role of strategic litigation in dismantling these legal structures and advancing reproductive rights across the continent.

Keynote Presentations and Opening Remarks:

- (1.) **Professor Ben Twinomugisha** initiated the discussions by highlighting colonial impositions on African laws, particularly regarding reproductive health. He emphasised the importance of dismantling colonial structures and adopting an Africentric legal framework, with South-South knowledge exchange as a key tool for achieving these goals.
- (2.) Madame Mabel Nimwesiga (represented by Mr. Godfrey Masiko), Acting Executive Officer of the Uganda Law Society, reaffirmed the Society's commitment to advancing sexual reproductive health rights (SRHR) through training and continuous legal education for advocates.
- (3.) Honourable Mudford Zachariah Mandenga, Commissioner of the African Commission on Human and People's Rights (ACHPR) emphasised the need for engaging African regional bodies to advance reproductive justice. He encouraged participants to consider escalating reproductive justice cases to the African Commission after exhausting domestic remedies.
- **4. Prof. Moses Mulumba,** Director General of Ahaki, provided historical context on how colonialism continues to influence access to reproductive health services. He called for decolonising African legal systems and stressed the role of public interest lawyering in achieving reproductive justice.





Morning Panel Discussion: **Challenging Colonial Legacies**

The first-panel discussion of the day focused on "Challenging Colonial Legacies in Reproductive Justice Litigation". The discussion was moderated by Dr Adrian Jjuuko and featured a diverse panel of experts:

- Hadijah Namyalo Ganafa, a Ugandan lawyer and academic, explored the role of Afrocentrism in shaping legal strategies that reflect African values and experiences. She highlighted the need to create positive African narratives around reproductive justice to challenge the remnants of colonial legal frameworks.
- Nyokabi Nyogu, a Kenyan feminist lawyer and social education expert, addressed the intersection of religion, morality, and law in reproductive health decisions. She emphasised the importance of acknowledging the agency of young people, particularly adolescents, in making reproductive health choices.
- Honourable Justice Eva Luswata, Chief Judge of the Uganda Court of Appeal, discussed the pivotal role of judicial activism in advancing reproductive justice. She called for more judicial training on human rights and reproductive justice to ensure that judges are equipped to handle these complex issues sensitively.
- Deirne Roose-Synder, Senior Director of the Preclusion Project, provided insights into the neocolonial threats to reproductive justice, including the impact of international declarations like the Geneva Consensus on African legal systems. She called for more coordinated efforts to expose and counter anti-rights actors in Africa.

The panel discussion titled "Challenging Colonial Legacies in Reproductive Justice Litigation" provided an in-depth exploration of how colonial-era legal frameworks continue to shape reproductive health laws across Africa. Panellists highlighted several key areas where strategic litigation could be employed to dismantle these legacies and advance reproductive justice.

Key Points from the Panel Discussion:

- Hadijah Namyalo Ganafa, a Ugandan lawyer and academic, emphasised the need for an Africentric legal approach that reflects African values and experiences. She advocated for creating positive African narratives around reproductive justice to counter the remnants of colonial legal frameworks.
- Nyokabi Nyogu, a Kenyan feminist lawyer, discussed the intersections of religion, morality, and law in reproductive health decisions. She underscored the importance of recognising young people's agency, particularly adolescents, in making reproductive health choices, which are often constrained by colonial-influenced legal systems.
- Honourable Justice Eva Luswata, Chief Judge of the Uganda Court of Appeal, discussed the pivotal role of judicial activism in advancing reproductive justice. She called for increased judicial training on reproductive rights to equip judges to handle these cases with sensitivity and fairness.
- Beirne Roose-Synder, Senior Director of the Preclusion Project, provided insights into neocolonial threats to reproductive justice, including international declarations that impose foreign moral values on African legal systems.

Recommendations

- Strategic Litigation to Challenge Colonial Laws: Building on Hadijah Namyalo Ganafa's
 point, it was recommended that legal professionals engage in strategic litigation to
 challenge colonial-era laws that continue to criminalise reproductive health services.
 This includes leveraging Africentric legal principles to create frameworks that reflect
 African values and prioritise community-based approaches.
- Advocating for Judicial Activism and Training: Echoing Justice Eva Luswata's remarks, the panel recommended increased investment in judicial training programs to ensure judges are well-versed in reproductive justice and human rights law. By equipping the judiciary with the necessary knowledge, reproductive health cases can be handled with a greater understanding of the socio-cultural and historical context.
- 3. Empowering Youth in Reproductive Health Decision-Making: Nyokabi Nyogu's emphasis on young people's agency led to the recommendation of youth-focused legal reforms that ensure adolescents have the autonomy to make informed reproductive health decisions. This requires addressing the colonial-influenced restrictions that limit youth access to sexual and reproductive health services.
- 4. Countering Neo-Colonial Threats to Reproductive Justice: Following Beirne Roose-Synder's discussion, it was recommended that African legal systems develop regional legal mechanisms to resist neo-colonial influences, particularly those stemming from international agreements like the Geneva Consensus. A coordinated effort to expose and counter these influences is necessary to preserve the integrity of Africentric legal reforms.



Afternoon Session: **The State of Reproductive Justice in Africa**

The afternoon session was devoted to case studies from Uganda, Malawi, Zimbabwe, Kenya, and South Africa, with the theme "The State of Reproductive Justice Practice in Africa." The session highlighted both the successes and challenges faced by these countries in advancing reproductive justice.

- Betty Balisalamu, Executive Director of Women with Mission, Uganda, discussed the role of Uganda's Legal Response Team in preventing the escalation of reproductive health cases and ensuring that health workers accused of performing abortions are released without charge.
- Michael Kaiyastya, Executive Director of the Center for Human Rights and Rehabilitation in Malawi, shared insights on how strategic engagement with media and civil society helped gain public support for reproductive justice cases in Malawi, particularly in instances where girls who were denied abortions were able to challenge the legal barriers.
- Khanyisa Mpipa, Head of Programs at Section 27 in South Africa, shared the challenges faced in implementing South Africa's progressive abortion laws, highlighting the socioeconomic barriers and stigma that continue to impede access to safe abortion services.

Key Outcomes from Day 1

The discussions emphasised the critical role of collaboration between legal and medical professionals in advancing reproductive justice. The following key strategies were proposed:

- Building a network of trained lawyers capable of engaging in strategic reproductive justice litigation across Africa.
- Engaging in continuous legal education programs to equip judges and lawyers with the knowledge necessary to advance reproductive rights.
- Partnering with the media to amplify positive narratives and counter anti-rights movements that threaten reproductive justice in Africa.

The day concluded with closing remarks from Honorable Lady Justice Okalanyi, who commended the participants for their commitment to reproductive justice and emphasised the importance of continued collaboration and engagement with both national and regional legal bodies.

HISTORICAL CONTEXT AND RATIONALE

The pursuit of reproductive justice in Africa is intrinsically linked to the continent's historical context, particularly the enduring impacts of colonialism on legal and social systems. During the colonial period, European powers imposed legal frameworks that criminalised various aspects of reproductive health, such as abortion, contraception, and non-heteronormative sexual practices. These laws were often grounded in foreign moral and religious ideologies that were misaligned with, and often directly opposed to, indigenous African cultural norms and practices that typically embraced more nuanced and community-oriented approaches to sexuality and reproductive health.

At the Reproductive Justice Litigation Baraza, these colonial legacies were a central theme of discussion. Professor Ben Twinomugisha, Chairperson of the Board of Trustees of Afya na Haki, underscored the importance of confronting these historical injustices, stating, "We must address the colonial legacy on African laws and judicial systems and adopt an Africentric approach to reproductive justice that respects our own cultural contexts and histories". This call for an Africantric approach reflects a growing recognition that effective reproductive justice¹ in Africa must involve a comprehensive decolonisation of legal frameworks—removing colonial-era statutes and replacing them with laws that are informed by African values, traditions, and contemporary needs.

The rationale for this decolonisation is twofold. Firstly, it seeks to rectify historical wrongs by dismantling legal structures that perpetuate inequality and restrict access to reproductive health services. These laws have not only criminalised specific reproductive behaviours but have also marginalised women, LGBTQ+ individuals, and other vulnerable groups by denying them agency over their own bodies. Secondly, a decolonised legal framework is essential for fostering an inclusive and equitable approach to reproductive health that is grounded in the principles of ubuntu—community, mutual respect, and shared humanity.

Furthermore, the Baraza highlighted that the decolonisation of reproductive justice is beyond a symbolic act but a practical necessity. Current legislation and legal systems indicate that colonialera laws continue to influence modern legal systems, creating barriers to accessing reproductive health services and upholding patriarchal and discriminatory practices. These outdated laws often clash with contemporary human rights standards and the lived realities of African communities. As such, the call for an Africentric approach to reproductive justice is also a call for legal and social reform that prioritises the health, dignity, and autonomy of all individuals, particularly those who have been historically marginalised.

The second day of the Baraza deepened the discussions on how colonial legacies continue to impact Africa's legal systems, particularly concerning reproductive justice. It focused on the role of strategic litigation as a tool to advance reproductive justice and dismantle colonial-era legal structures that continue to impede access to reproductive health services across Africa. The day's discussions not only highlighted the successes and challenges of strategic litigation but also laid the foundation for the official launch of the African Reproductive Justice Litigation Alliance (ARJLA).

¹ Ahaki, 'Towards a Reproductive Justice Framework for Africa – Ahaki' (Afyanahaki.org2024) https://www.afyanahaki.org/download/framework-a-reproductive-justice-towards-for-africa/ accessed 12 September 2024.

DAY 2: FRIDAY, 16TH AUGUST 2024



Keynote Address: Anand Grover

Mr Anand Grover, a renowned human rights lawyer, delivered the keynote address, emphasising the role of litigation in challenging colonial-era laws that criminalise reproductive health services. He discussed the need for a united legal front to decriminalise safe abortion across Africa, stressing that successful litigation must be grounded in local realities and Afrocentric principles.

Panel Discussions

The day's discussions focused on practical steps for engaging in strategic litigation to advance reproductive justice. Justice Eva Luswata moderated a panel on the successes and challenges of strategic litigation in Africa.

Panelists highlighted the role of legal professionals in ensuring that reproductive health rights are protected and expanded, with particular emphasis on the lessons learned from Latin American and Asian legal systems.



Launch of the African Reproductive Justice Litigation Alliance

A major highlight of Day 2 was the launch of the African Reproductive Justice Litigation Alliance (ARJLA), a pan-African alliance aimed at advancing strategic litigation for reproductive justice. The alliance brings together legal professionals, civil society actors, and academics to collaborate on challenging oppressive laws and promoting reproductive rights across the continent. Participants hailed this initiative as a monumental step toward unifying efforts to decolonise Africa's legal frameworks.



Key Themes and Takeaways from Day 2

Several key themes emerged from Day 2:

- The need for unified litigation efforts across Africa, facilitated by the newly launched ARJLA.
- The importance of drawing on regional and international experiences to inform reproductive justice litigation.
- The integration of Africentric principles into legal frameworks ensures that the lived experiences of African communities are reflected in reproductive health policies.
- A call for continuous capacity building among African legal professionals to equip them with the tools needed to challenge colonial legacies.

The discussions throughout the day underscored the importance of collaborative efforts between legal professionals, medical experts, and human rights advocates to advance reproductive justice in Africa.

THEORETICAL FRAMEWORK: AFRICENTRIC LEGAL THEORY

Africentric legal theory emerged as a cornerstone of the Baraza's discussions, providing a lens through which participants reflected on the need for transformative legal reforms in Africa. Grounded in the philosophy of ubuntu, which emphasises community, interconnectedness, and shared humanity, this theory stood in direct contrast to the colonial-era legal structures that had been imposed on the continent. These structures, designed to enforce foreign values, continued to marginalise African cultural norms and obstruct progress in reproductive justice.

Throughout the Baraza, speakers consistently returned to the theme of decolonisation, advocating for the reclamation of Africa's legal systems from colonial legacies. Africentric legal theory was presented as a necessary framework for this reclamation, one that called for legal reforms deeply rooted in African cultural values and reflective of the lived experiences of its people. The theory did not merely critique colonial impositions but also offered a clear vision for a legal system that prioritised justice, community welfare, and human dignity.

In the context of reproductive justice, Africentric legal theory underscored the importance of creating legal frameworks that were both inclusive and protective of individual autonomy, while recognising the collective responsibilities inherent in African society. Colonial-era laws, often punitive and exclusionary, had restricted access to reproductive health services, creating barriers that conflicted with traditional African approaches to health and wellbeing. The discussions at the Baraza reinforced the need for these outdated laws to be dismantled, advocating instead for legal systems that upheld African principles of fairness and respect.

Strategic litigation was identified as a crucial tool within the Africentric legal framework, serving not only to challenge specific laws but to set broader legal precedents that aligned with African values. Participants discussed how such litigation could be used to deconstruct colonial legal foundations and establish new systems that reflected the collective ethos of ubuntu.

The launch of the African Reproductive Justice Litigation Alliance (ARJLA) during the Baraza exemplified this approach, symbolising the practical application of Africentric legal theory. The alliance aimed to drive forward strategic litigation efforts that would challenge oppressive legal structures while creating space for new, culturally resonant legal frameworks to emerge across the continent.



Africentric legal theory, therefore, was not simply a theoretical framework;

it provided a guiding principle that informed every aspect of the Baraza's discussions. It offered a vision for a legal future where reproductive justice could be realised within a framework that was authentically African, prioritising the dignity and rights of individuals while remaining deeply connected to the continent's cultural heritage.

COMPARATIVE ANALYSIS: LESSONS FROM LATIN AMERICA AND ASIA

The 2024 Baraza highlighted the importance of learning from other regions where reproductive justice has seen substantial advancements through strategic litigation and grassroots advocacy. Latin America and Asia stood out as regions that have not only confronted restrictive reproductive laws but have also pioneered innovative legal strategies and advocacy models that resonate with the social and cultural contexts of their societies. These regions offer valuable lessons for Africa, especially in their approach to decolonising legal frameworks and leveraging community-based activism.

In Latin America, the "Green Wave" movement has become emblematic of the power of coordinated grassroots efforts combined with strategic litigation. This movement, which began in Argentina and spread across the region, has been instrumental in shifting the legal and cultural landscape around abortion and reproductive rights. The Green Wave successfully decriminalised abortion in several countries by utilising a multi-pronged strategy that included mass mobilisations, strategic use of media, and well-drafted legal arguments that framed abortion as a public health issue and a matter of social justice. As Melissa Ayala, a legal practitioner from Mexico, articulated during the Baraza, "The success of the Green Wave in Latin America demonstrates the power of grassroots movements and strategic litigation in challenging restrictive laws and advancing reproductive rights". This approach is particularly instructive for Africa, where social movements are increasingly becoming a powerful force for change.

Similarly, Asia offers compelling examples of how legal reinterpretation and strategic litigation can advance reproductive rights in highly diverse cultural and legal contexts. In India, for instance, the reinterpretation of the constitutional right to life to encompass reproductive rights has catalysed significant legal reforms. Indian courts have progressively recognised that the right to life and personal liberty, as enshrined in Article 21 of the Indian Constitution, includes the right to make decisions about one's own body, including reproductive choices. This legal strategy has been reinforced by robust civil society advocacy including community mobilisation and public awareness campaigns, which have effectively complemented public interest litigation in challenging restrictive laws and policies. This combination of legal and social strategies provides a model for African countries where constitutional rights to life, health, and dignity could similarly be leveraged to advance reproductive justice.

Furthermore, the Baraza underscored the importance of South-South cooperation as a dynamic tool for enhancing advocacy efforts across the Global South. For instance, Colombia's success in decriminalising abortion was not solely a product of judicial activism; it also involved a carefully orchestrated campaign that included evidence-based research, strategic communication, and building alliances across various sectors of society, including religious groups. These efforts highlight the importance of a holistic approach that goes beyond the courtroom and actively involves the community in shaping legal and policy outcomes.

The experiences of Latin America and Asia illustrate that strategic litigation and advocacy must be adaptive and responsive to local contexts while also learning from global successes and challenges. For Africa, this means crafting legal strategies that are deeply rooted in Africentric values, such as the principles of ubuntu, while also being informed by global human rights standards. The Baraza emphasised that learning from these regions involves more than just adopting their tactics; it requires a critical examination of what works, why it works, and how similar approaches can be contextualised to fit Africa's unique cultural and legal environments.

DAY 3: SATURDAY, 17TH AUGUST 2024

The third and final day of the Baraza was a powerful culmination of the key themes and strategic discussions that had shaped the preceding days. With a strong focus on action-oriented outcomes, Day 3 embodied the essence of Pan-African collaboration and the commitment to decolonising Africa's legal frameworks for reproductive justice. The day's sessions were designed to chart a clear path forward, translating the rich knowledge exchange into concrete initiatives.

Opening Address: **Reflections on South-South Collaboration**

The day commenced with an address by Soledad Deza, a prominent lawyer and reproductive justice advocate from Argentina. She provided a profound reflection on the intersections of reproductive justice and human rights, drawing on Latin America's experiences in challenging the criminalisation of abortion. Deza emphasised the importance of "legal disruption" through strategic litigation and grassroots mobilisation, stressing that true reproductive justice cannot be achieved without dismantling entrenched colonial legal structures. Her presentation underscored the need for solidarity between Africa, Latin America, and Asia, advocating for a collective South–South approach to challenging global systems of reproductive oppression.

Deza's keynote was a rallying call for African advocates to harness the power of evidence-based litigation and to persist in challenging oppressive laws that continue to criminalise reproductive health services. She further highlighted how confidentiality, medical ethics, and patient dignity should be at the heart of legal reforms, warning against the dangers of overlooking these fundamental principles.



Panel Discussions: **Decolonising Legal Frameworks and Sustaining Strategic Litigation**

The discussions that followed were framed around the theme of Decolonising Africa's Legal Frameworks. This session, moderated by Justice Eva Luswata, focused on the necessity of stripping away the colonial legacies embedded in African judicial systems. Panellists, including Beirne Roose-Synder and Prof Moses Mulumba, engaged in a deep exploration of how reproductive justice litigation can be a vehicle for broader social transformation. They argued that the push for reproductive justice must go beyond legal wins and extend into creating a legal environment that is reflective of African values, traditions, and lived realities.

The discourse also centred on the role of strategic litigation as a transformative tool, especially in challenging discriminatory laws that disproportionately affect marginalised groups, such as women, adolescents, and LGBTQ+ individuals. It was reiterated that strategic litigation must be grounded in robust evidence, with a concerted effort to ensure that legal arguments are supported by medical, social, and cultural research. Participants agreed that fostering collaboration between legal professionals, healthcare providers, and human rights activists is essential to achieving successful litigation outcomes.



Launch of the African Reproductive Justice Litigation Alliance (ARJLA)

Building on the momentum of the previous day, the official launch of the African Reproductive Justice Litigation Alliance (ARJLA) was further explored. The alliance was hailed as a groundbreaking initiative that has the potential to transform the legal landscape of reproductive justice in Africa. Designed to be a platform for cross-border collaboration, the ARJLA aims to unite legal practitioners, civil society actors, and academics in advancing strategic litigation across the continent.

Participants celebrated the launch as a critical step towards creating a coordinated and unified Pan-African legal response to reproductive injustices. It was noted that the ARJLA would not only serve as a hub for litigation but also provide mentorship and capacity-building programs aimed at developing the next generation of African legal minds committed to advancing reproductive justice. The alliance's mission of decolonising Africa's legal frameworks, combined with its strategic focus on the decriminalisation of safe abortion, was recognised as a bold and necessary step forward.

Key Themes and Takeaways from Day 3

The concluding discussions of Day 3 were marked by reflections on the overarching themes of the Baraza, with participants sharing insights on the future of reproductive justice litigation in Africa. Several key takeaways were distilled:

- Decolonising Legal Frameworks: There was unanimous agreement that the decolonisation
 of African legal systems is not merely symbolic, but a practical necessity. Participants
 underscored the importance of aligning legal frameworks with African philosophies such
 as Ubuntu, which centres on community, mutual respect, and shared humanity.
- 2. Pan-African Collaboration and South-South Exchange: The discussions emphasised the need to strengthen Pan-African networks, building on the foundations laid by the ARJLA. The Baraza reinforced the critical importance of learning from the successes of Latin America and Asia, with a particular focus on how grassroots mobilisation and litigation can work in tandem to achieve systemic change.
- 3. Strategic Litigation as a Catalyst for Social Change: The role of strategic litigation was highlighted as a potent tool not only for challenging specific laws but for setting broader legal precedents that can transform reproductive health policies across the continent. The integration of medical expertise into legal cases was seen as essential to ensure the success of litigation efforts.
- 4. Sustaining the African Reproductive Justice Litigation Alliance (ARJLA): There was a strong call to ensure that the ARJLA remains a dynamic and sustainable platform for advancing reproductive justice in Africa. The alliance's capacity to generate evidence, foster knowledge exchange, and provide legal support to cases across the continent was identified as key to its long-term success.
- 5. Building Capacity for the Next Generation: Mentorship, training, and capacity-building emerged as critical themes, with participants calling for the creation of more opportunities to train legal professionals, healthcare providers, and activists in the intricacies of reproductive justice litigation.

Closing Remarks

The final session of the Baraza was brought to a close by Prof. Moses Mulumba, Director General of Ahaki, who reflected on the profound impact of the Baraza. He emphasised that while significant progress had been made, the real work lay ahead in implementing the strategies and initiatives discussed during the convening. Prof. Mulumba urged participants to take the lessons from the Baraza back to their respective countries and continue working collaboratively to advance reproductive justice across Africa.

In his closing words, he reaffirmed the commitment of Ahaki and its partners to continue championing the cause of reproductive justice and to support the ongoing work of the ARJLA. He encouraged participants to view the Baraza not as a conclusion, but as the beginning of a renewed and unified effort to reshape Africa's legal frameworks in a way that truly reflects the values, needs, and aspirations of its people.



KEY OUTCOMES OF THE 2024 BARAZA

The discussions at the Baraza yielded several significant outcomes that highlight the critical role of strategic litigation, cross-regional knowledge exchange, capacity building, and innovative collaborations:

- Strategic Litigation and Advocacy: A central outcome of the Baraza was the development of a Pan-African regional strategic litigation strategy. This strategy is designed to harness the power of the judiciary to drive social change and advance reproductive justice. The Baraza emphasised learning from the successes of other regions, particularly Latin America and Asia, where strategic litigation has been effectively used to challenge restrictive reproductive laws and expand access to reproductive health services. The experience of Colombia in decriminalising abortion was highlighted as a compelling example of how legal advocacy, supported by robust evidence and social mobilisation, can lead to significant policy shifts. As Honorable Justice, Eva Luswata noted, "Judges have a critical role in advancing reproductive justice, and we must encourage judicial activism to address gaps in the law and promote human rights". The Baraza called for similar strategic litigation efforts in Africa, tailored to the continent's unique legal and cultural contexts, to challenge oppressive structures and advocate for reproductive rights.
- ▶ Implementation of Court Judgments: A recurring theme was the gap between securing favourable court rulings and the actual implementation of these judgments. Despite winning cases in court, many judgments are not fully implemented, limiting their impact on reproductive justice. Prof. Moses Mulumba, Director General of Ahaki, pointed out, "Winning a case in court is only half the battle; the real challenge is ensuring that these rulings are implemented and lead to real change on the ground". To address this, the Baraza emphasised the need for continuous advocacy, strategic partnerships with government bodies, and leveraging regional and international human rights mechanisms like the African Commission on Human and Peoples' Rights (ACHPR) to ensure compliance with court decisions. The discussions underscored that escalating cases to the ACHPR and other bodies when domestic avenues fail is not just a strategy but a moral imperative.
- Capacity Building and Training: Building capacity among legal and medical professionals emerged as a critical priority. The Baraza underscored the importance of continuous legal education (CLE) programs and specialised training on human rights and reproductive justice. This includes learning from other regions, such as Asia, where legal and judicial training programs have been instrumental in supporting reproductive rights. Hadijah Namyalo Ganafa, a Ugandan lawyer and academic, stressed, "We need to create a cadre of lawyers and judges who are wellversed in reproductive rights and can navigate the intricacies of these cases with sensitivity and skill". The Baraza also emphasised the importance of South-South knowledge exchange, fostering a dynamic platform for sharing experiences and strategies between Africa, Latin America, and Asia.
- South-South Knowledge Exchange: The Baraza was a crucible for South-South knowledge exchange, bringing together partners from Africa, Latin America, and Asia in a collective endeavour to dismantle colonial legacies in reproductive justice. Participants drew valuable lessons from the legal reforms and advocacy strategies of these regions, emphasising that shared struggles against coloniality can inform and inspire effective legal strategies. For instance, Colombia's success in decriminalising abortion and the strategic use of litigation in India to expand reproductive rights were discussed as models for Africa. These exchanges highlighted the importance of building a unified Southern-based strategy in litigating reproductive justice—one that is informed by the unique cultural contexts and legal realities of each region.

- Leveraging Traditional Legal Systems and Progressive Religious Leaders: Recognising the diversity of legal systems in Africa, the Baraza highlighted the role of traditional legal frameworks—such as customary laws and indigenous dispute resolution mechanisms—as essential pathways to advancing reproductive justice. Unlike formal justice systems that were largely influenced by colonial rule, traditional legal frameworks have preserved indigenous African values, focusing on community-based mediation and restorative justice. For instance, the gacaca courts in Rwanda² and customary legal practices in various African communities have continued to reflect local traditions and norms. Strategic engagement with these systems, along with the involvement of progressive religious leaders, offers a culturally resonant approach to advancing reproductive justice, particularly in contexts where formal legal institutions may lack relevance or accessibility
- Launch of the African Reproductive Justice Litigation Alliance: A significant outcome of the Baraza was the launch of the African Reproductive Justice Litigation Alliance. This Alliance is dedicated to advancing reproductive justice through strategic litigation, focusing on the decriminalisation of safe abortion services across Africa. The alliance aims to spearhead legal actions that challenge oppressive laws and set new legal precedents aligned with Africentric values.
- Fellowship, Apprenticeship, and Mentorship Programs: To support the objectives of the alliance and broader capacity-building efforts, the Baraza introduced the apprenticeship, and mentorship programs in addition to the already existing fellowship programs, aimed at cultivating a new generation of African legal minds. These programs are designed to provide comprehensive training and hands-on experience in strategic litigation and reproductive justice advocacy. As highlighted in the concluding statement, these programs are seen as vital to "cultivating a new generation of African legal minds equipped with the tools to challenge colonial legacies and advance reproductive justice".

These outcomes represent a strategic and unified approach to advancing reproductive justice in Africa, grounded in Africentric values and informed by global best practices. The emphasis on strategic litigation, capacity building, and the creation of new alliances and programs underscores a commitment to sustained advocacy and systemic change, laying the groundwork for a more just and equitable future.



² Human Rights Watch, 'Justice Compromised | the Legacy of Rwanda's Community-Based Gacaca Courts' (Human Rights Watch31 May 2011) https://www.hrw.org/report/2011/05/31/justice-compromised/legacy-rwandas-community-based-gacaca-courts accessed 12 September 2024.

OPPORTUNITIES FOR STRATEGIC PARTNERSHIPS

To effectively address the challenges identified at the Baraza and build on the successes of other regions, several opportunities for strategic partnerships were highlighted. These partnerships are essential for mobilising resources, amplifying advocacy efforts, and fostering innovative solutions to advance reproductive justice in Africa.

- (1) Collaboration with Regional and International Bodies: The Baraza emphasised the critical role of regional and international human rights bodies, such as the African Commission on Human and Peoples' Rights (ACHPR) and the United Nations Human Rights Council (UNHRC), in advancing reproductive justice. Engaging with these bodies provides a platform to influence policy changes and hold states accountable for their human rights obligations. For instance, the ACHPR's Special Rapporteur on the Rights of Women in Africa has been instrumental in advocating for gender equality and reproductive rights, offering a framework that African advocates can leverage to push for legal reforms at the national level. Honourable Mudford Zachariah Mandenga highlighted the importance of these collaborations, stating, "Regional and international mechanisms offer critical avenues for holding states accountable and advancing reproductive justice".
- **2. Engaging Religious and Cultural Leaders:** Recognising the profound influence of religious and cultural leaders in shaping public opinion and community norms, the Baraza proposed building strategic alliances with these leaders to promote reproductive justice. Religious and cultural narratives can be powerful tools in reframing the discourse around reproductive rights, especially in contexts where such rights are often contested. This approach requires nuanced engagement and deep respect for diverse beliefs, ensuring that advocacy efforts do not alienate potential allies but rather build broad-based support. For example, in some countries, religious leaders have played a pivotal role in advocating for maternal health and family planning services, demonstrating that faith-based perspectives can be harmonised with reproductive rights objectives.
- 3. Leveraging South-South Cooperation: The Baraza underscored the potential of South-South cooperation in advancing reproductive justice. This form of cooperation involves the exchange of knowledge, strategies, and best practices among countries in the Global South, which often face similar socio-economic and political challenges. The Baraza highlighted that learning from the experiences of countries in Latin America and Asia, where significant strides have been made in reproductive justice, can provide valuable insights for African advocates. For example, the collaboration between African and Latin American activists during the campaign to decriminalise abortion in Colombia illustrates how cross-regional solidarity can bolster advocacy efforts and lead to successful outcomes. South-South cooperation fosters mutual learning and solidarity, enabling countries to share resources, strategies, and innovations that are contextually relevant and effective. This cooperative approach also challenges the traditional North-South aid dynamic, promoting a more equitable and reciprocal model of collaboration that respects the agency and expertise of countries in the Global South.

- 4. Partnerships with Civil Society Organisations (CSOs) and Non-Governmental Organisations (NGOs): The Baraza also highlighted the importance of collaborating with CSOs and NGOs that have a strong track record in advocacy, legal reform, and community engagement. These organisations often serve as the bridge between grassroots movements and policymakers, translating community needs and demands into actionable policy recommendations. Additionally, CSOs and NGOs can provide critical support in areas such as capacity building, public education, and legal representation, all of which are essential for advancing reproductive justice. The Baraza emphasised that these partnerships should be based on mutual respect and shared goals, ensuring that they are truly collaborative and not merely transactional.
- **Engaging Academic and Research Institutions**: Finally, Baraza emphasised the importance of partnering with academic and research institutions to support evidence-based advocacy and inform policy decisions. These institutions are crucial for conducting rigorous research and evaluating the impact of legal and policy changes. Such partnerships enhance the theoretical foundations of advocacy strategies, complementing practical training initiatives like fellowship programs by providing a more structured academic environment. Engaging with universities and research centres ensures that advocacy efforts are both data-driven and aligned with the latest scholarly developments, fostering a well-rounded and sustainable approach to advancing reproductive justice in Africa.



STRATEGIC ACTIONS FOR ADVANCING REPRODUCTIVE JUSTICE

To translate the insights and opportunities identified into concrete outcomes, the following strategic actions are proposed. These actions focus on implementation, leveraging partnerships and resources to advance reproductive justice in Africa.

- Building a Network of Equipped Litigants: Establishing a comprehensive database of lawyers trained in strategic litigation and committed to advancing reproductive justice is essential. This network would serve as a resource pool for taking on strategic cases and providing expertise and support to ensure successful outcomes. Additionally, fostering a culture of mentorship and knowledge-sharing among legal professionals would enhance the overall capacity of the network.
- Sustaining Advocacy and Activism: Sustained advocacy is critical to countering the efforts of anti-rights actors and building momentum for positive legal reforms. This involves not only strategic litigation but also public education campaigns, media engagement, and community mobilisation. Developing context-specific advocacy initiatives that resonate with local communities can help reduce stigma and foster support for reproductive justice.
- ▶ Enhancing Capacity Building Initiatives: Investing in continuous training programs for legal and medical professionals is crucial for advancing reproductive justice. These programs should focus on human rights, reproductive justice, and the ethical considerations surrounding reproductive health services
- **Description**Leveraging South-South Knowledge Exchange: One of the key insights from the Baraza was the importance of learning from other regions with similar colonial histories. The success of the Green Wave movement in Latin America, which decriminalised abortion through a combination of grassroots mobilisation and strategic litigation, was highlighted as a valuable example for Africa. Similarly, legal reforms in India were cited as evidence of how constitutional reinterpretation can advance reproductive rights. The Baraza emphasised that Africa could benefit greatly from adopting and adapting these lessons while remaining grounded in Africentric values.
- Pan-African Collaboration: Collaboration between African countries was identified as a crucial factor for the success of reproductive justice initiatives. The Baraza emphasised the need for African nations to work together in developing legal strategies that reflect shared cultural values and collective experiences. The formation of ARJLA represents a concrete commitment to fostering a Pan-African network of legal professionals dedicated to advancing reproductive rights.
- Integrating Medical Expertise into Legal Advocacy: Another takeaway was the importance of integrating medical expertise into legal strategies. The intersection of law and health was emphasised as crucial for advancing reproductive justice, and participants highlighted the need for collaboration between legal professionals and healthcare providers to ensure that litigation efforts are well-informed and holistic.
- Building Alliances with Progressive Religious and Cultural Leaders: Recognising the influence of religious and cultural leaders in shaping public opinion, the Baraza underscored the need to engage these leaders in the fight for reproductive justice. Participants highlighted the importance of finding common ground with progressive leaders who can act as advocates for reproductive rights within their communities.

- Engaging with Regional and International Human Rights Mechanisms: Use regional and international human rights platforms, such as the ACHPR, to hold states accountable and push for broader legal reforms. This engagement can amplify advocacy efforts and ensure reproductive justice is framed within a global human rights context.
- Promoting Evidence-Based Research and Policy: Strengthen partnerships with academic institutions and research centres to conduct evidence-based research on reproductive health laws and policies. This data-driven approach can support litigation and advocacy efforts by providing a solid evidence base for legal and policy reforms.
- **Expanding Fellowship and Mentorship Programs:** Expand the fellowship, apprenticeship, and mentorship programs to include more participants from diverse regions within Africa. This expansion will help build a broader and more diverse pool of advocates and legal professionals dedicated to advancing reproductive justice.

Conclusion

The 2024 Reproductive Justice Litigation Baraza underscored the urgent need for a holistic and collaborative strategy to advance reproductive justice across Africa. Legal reform, capacity building, and sustained advocacy emerged as critical pillars for overcoming the complex challenges that impede progress in this area. However, to realise these objectives and build a more equitable future, a concerted effort from every stakeholder to reshape systems and mindset is essential.





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