



ORAL STATEMENT

BY AFYA NA HAKI INSTITUTE - OBS.554

Honourable Chairperson, Esteemed Commissioners, Distinguished Delegates,

It is with a deep sense of responsibility that I address this esteemed Commission today, as a representative of the African Reproductive Justice Litigation Alliance (ARJLA), and as an advocate for the millions of women, adolescents, and marginalised communities across Africa who continue to face insurmountable barriers to their reproductive rights. The urgency of this issue cannot be overstated: reproductive justice is not merely a health concern, but a human rights imperative.

Globally, 45% of all abortions are unsafe, and 77% of these occur in Africa. Sub-Saharan Africa, in particular, bears the brunt of this crisis with unsafe abortions contributing to approximately 9% of all maternal deaths in the region. This translates to 16,000 preventable deaths annually. This is not just a health crisis—it is a profound failure of our legal and policy systems to protect the most basic of human rights: the right to life, the right to dignity, and the right to health.

In many African nations, reproductive health continues to be governed by colonial-era laws that criminalise abortion and restrict access to contraception. These laws deny women agency over their bodies and contradict African values of communal responsibility, care, and respect for dignity. We must ask ourselves: how long will we allow these colonial-era statutes to dictate the reproductive rights of African women? How long will we permit systems of control that do not reflect the realities, aspirations, and cultural values of our people?

Honourable Commissioners, the Maputo Protocol, provide a clear mandate for states to safeguard reproductive rights. The Protocol, ratified by 42 countries, calls for the decriminalisation of abortion in cases of sexual assault, rape, incest, and where the life or health of the mother is at risk. Yet, the reality on the ground paints a starkly different picture. Only a handful of African states have translated these commitments into domestic law, and even fewer have operationalised the necessary healthcare services to ensure safe, legal access to abortion.

The African Commission on Human and Peoples' Rights, with its moral and legal authority, has a critical role to play in addressing these injustices. The time has come for the Commission to go beyond recommendations and issue strong, enforceable directives that compel states to fulfil their obligations under the Maputo Protocol. It is no longer sufficient for states to merely ratify treaties; they must be

held accountable for their implementation. To this end, we call upon the Commission to establish a more robust mechanism for monitoring state compliance, with a focus on ensuring that reproductive health services are available, accessible, and of sufficient quality for all women, regardless of their economic or social status.

Let us not forget that reproductive justice is not a standalone issue. It intersects with broader global challenges, including gender inequality, poverty, and underdevelopment. Research shows that when women are able to access reproductive health services, they are more likely to pursue education and participate in the workforce, which in turn contributes to economic growth and social stability. The stakes are high, and the evidence is clear: advancing reproductive rights is not only a moral imperative but a development necessity.

Honourable Commissioners, the pathway forward requires bold action and decisive leadership. First, we urge the Commission to encourage states to comply with the Maputo Protocol and integrate reproductive rights into their legal systems. Second, the Commission should work with national governments, human rights institutions, and civil society to monitor and improve reproductive health services, particularly in rural areas. Third, we call for stronger judicial capacity building to equip courts with the tools needed to challenge discriminatory reproductive health laws.

This is a collective struggle that requires all of us to act with urgency, compassion, and determination. Reproductive justice is not simply about the law—it is about the futures of millions of African women, girls, and families who deserve the right to shape their own destinies. We must act now to ensure that reproductive health services are not a privilege for the few but a right guaranteed to all.

In conclusion, I leave you with this: reproductive justice is justice for all. It is about equality, dignity, and the future of our continent. The African Commission on Human and Peoples' Rights has the power to drive this change, and we stand ready to support you in this vital work. Together, we can build a future where reproductive rights are recognised, respected, and realised across Africa.

Thank you!

