

14
OCT
2024

Roundtable on Obstetric Violence: Leveraging Regional Mechanisms for Litigation and Strategic Advocacy

Concept Note

Organizer:

Bridging the Gap Coalition under the Women's Platform (Initiative for Strategic Litigation in Africa, Kenya Legal and Ethical Issues Network on HIV and AIDS, and the Dullah Omar Institute)

Time:

13:00 - 16:00

Location:

Jawara International Conference Centre

Mode:

In-person and Virtual via Zoom

Introduction

Obstetric violence, which encompasses a range of abuses, coercive practices, and mistreatment that women experience during and after childbirth, represents a significant challenge within healthcare systems across Africa. This violence manifests in various forms, from non-consensual medical procedures to verbal abuse, physical mistreatment, and the violation of reproductive rights. While obstetric violence is increasingly recognized as a serious issue, its complexity is compounded by the lack of consistent definitions, the normalization of these practices, and the absence of



adequate legal frameworks to address them. This violence intersects deeply with gender, race, and socio-economic status, disproportionately affecting vulnerable groups, such as low-income women and black women.

The Bridging the Gap Coalition,¹ through its Women's Platform, has been at the forefront of efforts to highlight and litigate cases of obstetric violence across the continent. This roundtable builds on a previous discussion held on the sidelines of the 78th Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR), where civil society organizations, legal experts, and human rights advocates gathered to examine the role of regional mechanisms in addressing obstetric violence. That roundtable served as a critical platform for unpacking the definitional and legal challenges surrounding obstetric violence, and it provided a foundation for developing strategies to leverage regional human rights bodies like the ACHPR to hold states accountable.

During the previous roundtable, which took place on 18 October 2023, participants focused on understanding obstetric violence through both the Violence Against Women (VAW) and Sexual and Reproductive Health and Rights (SRHR) frameworks. These frameworks, though distinct, intersect in addressing the gendered and reproductive dimensions of the violence that women experience during childbirth. Additionally, the discussion highlighted key barriers in litigating obstetric violence cases, particularly in regard to the limited recognition of women's reproductive rights and the complexities involved in proving medical negligence when psychological harm is prevalent.

Building on these discussions, this 14 October 2024 roundtable aims to move the conversation forward by delving into how strategic litigation and advocacy at the regional level, especially through ACHPR, can be used to advance protections against obstetric violence. Drawing from recent ACHPR communication 564 of 2015) Community Law Centre and three others v. Nigeria, this session will provide a critical reflection on the emerging jurisprudence in the region and how it can shape our understanding of Obstetric Violence.

¹ Bridging the Gap Coalition, is a coalition that aims to strengthen legal protection of SRHR in East and Southern Africa through research, advocacy, and strategic litigation. The Coalition of KELIN, DOI and ISLA optimizes existing expertise, experience, partnerships, and resources to meaningfully impact upon protection and promotion of SRHR in East, Central and Southern Africa Counties.



Furthermore, the session will explore normative standards and procedural tools within the African human rights system—such as general comments, resolutions, and model laws—that can be utilized to strengthen advocacy and hold states accountable for their obligations to protect women from Obstetric Violence.

The outcomes of this roundtable will contribute directly to shaping advocacy and legal strategies, as well as building partnerships for sustained engagement with regional human rights mechanisms. Participants will also benefit from reflecting on recent developments and challenges in advocating for the recognition of obstetric violence as both a gender-based violation and a critical reproductive health issue.

Objectives of the Roundtable

- To build on the discussions from the 78th ACHPR session and advance the dialogue on obstetric violence.
- To share findings from research on obstetric violence from select African countries and inform ACHPR advocacy.
- To analyze emerging jurisprudence, including the Nigeria case, and assess its implications for state accountability.
- To strategize on using ACHPR mechanisms to address obstetric violence, focusing on resolutions, general comments, and model laws.

Key Themes for Discussion

- Review of Previous Discussions
- Ground the roundtable in the previous ACHPR session's discussions. Present the outcomes of the last meeting to frame the background of this session.
- The concept note and meeting reports will serve as the foundational documents.
- Jurisprudence on Obstetric Violence - the Community Law Centre and three others v. Nigeria and Implications
- Discuss the Community Law Centre and three others v. Nigeria case. Reflect on the implications for state accountability and how the ACHPR's response to such cases shapes future litigation strategies.
- Strategic Use of Human Rights Mechanisms
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- Examine the procedural possibilities within ACHPR mechanisms (resolutions, general comments, model laws) that can help address obstetric violence. Identify the most appropriate approaches for strengthening advocacy through ACHPR.

Expected Outcomes

- A coherent strategy to engage regional human rights mechanisms to address obstetric violence.
- Recommendations for advancing normative frameworks at the ACHPR level.
- Action points for future collaboration among partners to ensure sustainable advocacy and litigation efforts.
- A repository of research and knowledge on Obstetric Violence in Africa

Contact Information

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Agenda

Time	Session	Facilitator
13:00-13:15	Welcome Remarks & Introduction	Bridging the Gap Coalition
13:15-13:30	Review of Previous ACHPR Roundtable Outcomes	Mai Aman <i>ISLA</i>
13:30-14:00	Jurisprudence from the Community Law Centre and three others v. Nigeria and Implications	Prof. Maria Assim <i>DOI</i>
14:00-14:30	Strategic Use of Human Rights Mechanisms for Addressing Obstetric Violence	Ngina Muyanag <i>KELIN</i>
14:30-15:50	Open Discussion and Reflections on Partnerships and Next Steps	All participants
15:50-16:00	Closing Remarks	Bridging the Gap Coalition

