



CEHURD
social justice in health



JOINT STATEMENT ON THE CONSTITUTIONAL COURT JUDGEMENT IN CONSTITUTIONAL PETITIONS NOS. 25 OF 2020 & 10 OF 2017 ON TERMINATION OF PREGNANCY IN UGANDA

Today, we acknowledge the Constitutional Court's decision in the consolidated cases of Center for Health Human Rights and Development & Others v Attorney General and Human Rights Awareness and Promotion Forum v Attorney General.

We specifically welcome the powerful and principled minority decision of the Court. The minority decision affirms what evidence, constitutional values and medical realities have consistently shown: the criminalisation of abortion endangers women's lives, violates their dignity, undermines their right to health, and contradicts Uganda's obligations under both national and international human rights law.

The minority decision recognised that sections 130, 131 and 132 of the Penal Code Act harm women and girls by driving abortions underground, exposing them to unsafe methods, and obstructing health workers from providing life-saving care. They further affirmed that Article 22(2) of the Constitution clearly envisages a law regulating termination of pregnancy and that the State's continued failure to enact such a law violates constitutional duties and contributes to preventable maternal deaths and morbidities. This minority judgment is a vital affirmation of women's autonomy, bodily integrity, equality and the right to health.

We note, however, that the majority of the Court dismissed the petitions. Their position upholds criminalisation and interprets abortion largely through a restrictive lens that prioritises punitive approaches over public health, human rights, gender equality, locally available scientific evidence and the lived realities of women and girls. This position remains blind to the plight of the many girls and women who face defilement, incest and rape evidenced by national documents such as the annual police crime reports. The majority declined to acknowledge the State's constitutional duty to enact a clear legal framework for safe abortion care, and it dismissed evidence demonstrating the harms caused by criminalisation.

While the majority decision stands, the strength, clarity, and constitutional grounding of the minority opinion provide a solid foundation for the next stage in advancing the reproductive health and rights of women and girls in Uganda.

In light of the above, we hereby declare our intention to **APPEAL** the majority decision of the Constitutional Court to the Supreme Court.

We remain committed to ensuring that Uganda fulfils its Constitutional and human rights obligations to guarantee women and girls the enjoyment of lawful, safe and dignified reproductive health services.

You can access the full judgement at <https://www.cehurd.org/download/consolidated-judgements-10-25-of-2020-on-abortion-for-cehurd-and-hrapf/>. For more information, contact **Mr. Edward Mwebaza 0758867869** and **Ms Noor Nakibuuka Musisi 0782496681** and on emails **info@hrapf.org** and **info@cehurd.org** respectively.