

**SOLIDARITY FOR
AFRICAN WOMEN'S RIGHTS**

A force for freedom



**MOUVEMENT DE SOLIDARITÉ
POUR LES DROITS
DES FEMMES AFRICAINES**

Une force pour la liberté

SOAWR Appeal on Rwanda Safe Abortion Law Reform

May 25 2012

The Solidarity for African Women's Rights Coalition (SOAWR) is a pan African coalition of 40 organisations in 20 countries, working towards the popularisation, domestication and implementation of the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa (hereinafter the Protocol). SOAWR applauds the continued leadership and commitment shown by the President and government of Rwanda to women's empowerment and gender equality.

SOAWR also welcomes the recent amendments to the relevant articles in the Rwandan Penal Code that would make it permissible for a woman to procure a safe abortion if she becomes pregnant because of incest, rape, forced marriage or if the pregnancy threatens the health of the unborn baby or the pregnant woman. This is in line with Article 14 (2) (c) of the Protocol, to which Rwanda acceded in June 2004. In this Article the Protocol compels African Union member states to "*protect the reproductive rights of women by authorising medical abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus.*"

Despite this good news, the Rwandan Penal Code unfortunately stipulates that exemption from criminal liability shall be permitted only if the woman seeking safe abortion services obtains a court order followed by approval from two doctors. Cases such as rape and incest are rarely reported due to societal stigma and therefore rarely reach the courts. This condition will effectively make it impossible or very difficult for women, in particular poor and rural women, to obtain medical abortions even under the permissible conditions. In addition, Article 165 of the Penal Code allows only doctors to perform safe abortions under the prescribed conditions. Given the shortage of doctors in Rwanda, the law should allow for mid-level providers such as nurses and midwives to provide these services as well.

Women in sub-Saharan Africa have a 1 in 16 chance of dying in pregnancy and childbirth as compared to a 1 in 4000 risk in developed countries. Almost all the causes of maternal deaths in Africa are preventable, including from unsafe abortion. Research shows that unsafe abortion contributes about 14% of maternal deaths in Africa. This means that every day almost 100 women

Coalition Members

African Centre for Democracy And Human Rights Studies (ACDHRS), African Women's Development and Communication Network (FEMNET), African Women's Development Fund (AWDF), Akina Mama wa Afrika (AMWA), Alliances for Africa, Action for Development (ACFODE), Association des Juristes Maliennes (AJM), The Association of Egyptian Female Lawyers (AEFL), BAOBAB for Women's Human Rights, Cellule de Coordination sur les Pratiques Traditionnelle Affectant la Sante des Femmes et des Enfants (CPTAFE), Centre for Justice Studies and Innovations (CJSI), Coalition on Violence Against Women (COVAW), Collectif des Associations et ONGS Féminines de Burundi (CAFOB), Eastern Africa Sub-regional Support Initiative (EASSI), Equality Now, FAHAMU for Social Justices, Federation of Women Lawyers Kenya (FIDA-Kenya), Forum Mulher, Girl Child Network (GCN), Human Rights Law Service (HURILAWS), Inter-African Committee on Harmful Traditional Practices (IAC), Inter-African Network For Women, Media, Gender and Development (FAMEDEV), Legal and Human Rights Centre (LHRC), NGO Gender Coordination Network (NGOGCN), Oxfam GB, People Opposing Women Abuse (POWA), Sister Namibia, Strategic Initiative for the Horn of Africa (SIHA), Tomorrow's Child Initiative (TCI), Reproductive Health and Rights Alliance (RHRA), Uganda Women's Network (UWONET), Union Nationale des Femmes de Djibouti (UNFD), University of Pretoria Center for Human Rights, Women Direct, Voix de Femmes, Women of Liberia Peace Network (WOLPNET), Women and Law Southern Africa (WLSA), Women in Law and Development in Africa (WiLDAF), Women's Rights Advancement and Protection Alternatives (WRAPA), Women NGO's Secretariat of Liberia (WONGOSOL)

and girls die from unsafe abortions, and almost 60 percent of these deaths are women and girls under age 25 (WHO, 2007). Research also shows that restrictive abortion laws do not reduce incidences of abortion, but rather put women's lives at risk when they result to unsafe or "back alley" abortions.

To make progress towards Millennium Development Goal 5 on maternal health, and comprehensively address the crisis of preventable maternal deaths in Africa, governments have the responsibility to address the issue of unsafe abortion. African Health Ministers acknowledged this when they adopted the Maputo Plan of Action for Sexual and Reproductive Health and Rights in 2006, and its extension in 2010, which identifies unsafe abortion as one of the nine key areas for action.

It is in this light that we urge His Excellency President Kagame to remove the pre-conditions in Articles 164 and 165 of the Penal Code before signing it into law, in order to decrease the number of Rwandese women and girls dying or hospitalized daily from the tragedy of unsafe abortions, and to ensure that Rwanda is in compliance with the Protocol.

We further urge the Government and civil society of Rwanda to refer to the international, regional and national policy frameworks and research on the issue of women's reproductive health, in their endeavours to ensure women's access to family planning, protection from sexually transmitted infections including HIV, and access to affordable and quality health services including pre and post natal care.

We finally urge civil society organisations and faith based groups to refrain from citing culture as a reason to deny women their reproductive health rights as stipulated in the AU Protocol on the rights of women, CEDAW and other commitments that Rwanda is party to.

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Also Endorsed By:

1. Action Canada for Population and Development
2. Association of Women's Rights in Development (AWID)
3. Catholics for Choice, International Program
4. Center for Reproductive Rights, Africa Program
5. International Planned Parenthood Federation – Africa Region
6. International Consortium on Medical Abortion
7. Ipas Africa Alliance
8. Rutgers WPF, Netherlands
9. Rwandese Association for Family Welfare (ARBEF)
10. Sexuality Policy Watch, Brazil
11. Women's International League for Peace and Freedom (WILPF), Switzerland
12. Astou Sylla, Senegal
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15. Imane Belghiti, Association Nationale Al Hidn, Morocco
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