

May 10, 2012

His Excellency President Paul Kagame
 President of the Republic of Rwanda
 State House
 Kigali, Rwanda

Your Excellency,

RE: Appeal on Rwanda Safe Abortion Law Reform

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 extends its compliments to His Excellency, and applauds the continued leadership and commitment shown to women's empowerment and gender equality in Rwanda and on the continent as a whole.

Your Excellency, SOAWR 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."*

However, the Rwandan Penal Code 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

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doctors in Rwanda, the law should allow for mid-level providers such as nurses and midwives to provide these services as well.

Your Excellency, 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 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 kindly urge you Your Excellency, 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 urge you to prevail on this matter with urgency, considering your government's exemplary commitment to upholding women's rights and respecting the human rights instruments it has ratified.

While looking forward to your kind consideration of this appeal, please accept the assurances of our highest consideration and esteem.

Yours sincerely,



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Executive Director

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Cc:
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Speaker of Parliament of the Republic of Rwanda
Speaker of Senate of Republic of Rwanda
Chief of Gender Monitoring and Observatory Commission (GMO)
Minister of Justice

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