



## **Statement by Commissioner Lucy Asuagbor during launch of ACHPR Campaign for the Decriminalization of Abortion in Africa**

**18<sup>th</sup> January 2016, Addis Ababa, Ethiopia**

The Special Envoy on Women, Peace and Security, Her Excellency Madam Bineta Diop, the Vice Chairperson of the ACHPR Honorable Commissioner Soyata Maiga, Honorable Ministers present, representatives from the AU and UN, distinguished guests, ladies and gentlemen, all protocols respectfully observed;

In June 2013, Member States through a regional meeting of Ministers of Health and Gender and Senior Government Officials met under the auspices of the Special Rapporteur on the Rights of Women in Africa in collaboration with the AU Commission, UNFPA and the UN Economic Commission for Africa. They deliberated on the status of maternal health in Africa and the impact of unsafe abortion and committed to: redouble efforts to improve provision of sexual and reproductive health services in line with existing international and regional commitments including the reform of national legislations as may be necessary; and expand access to family planning and other reproductive health services including safe abortion services.

Informed by the above commitment, in March 2015 the African Commission on Human and Peoples' Rights (ACHPR) issued a communique on accountability for women's reproductive health and rights. One of the commitments we made under the communique was to commence a continental campaign on decriminalization of abortion in Africa.

I am here today to speak to you about this campaign which is informed by the reality that unsafe abortion is a gross violation of human rights that constitutes a serious public health concern. Millions of girls and women in Africa are dying from consequences of unsafe abortion. Countless others are sustaining serious injuries and disabilities.

The gross nature of this violation comes alive when backed by statistics. In a report released in 2012 by the World Health Organization (WHO) it was estimated that over 40 million abortions occurred worldwide in 2008. The report further noted that 22 million unsafe abortions occurred globally; of these, 6.2 million or 29% happened in Africa. 60% of these unsafe abortions were reportedly performed on women under the age of 25. As a result over 47,000 women and girls died globally from the consequences of unsafe abortion. 29,000 of these women, which is about 62% came from Sub-Saharan Africa alone. It is also notable that 5 million disabilities directly linked to unsafe abortion were reported in that year.

These statistics show that Africa and the world is still lagging behind despite its many commitments to secure the human rights of women and girls on the continent. Globally, nations have passed declarations committing to Sexual and Reproductive Health Rights. These commitments include the following: International Conference on Population and Development (ICPD) in 1994 where States reaffirmed the right to sexual reproductive health; the 1995 Beijing Plan of Action called on countries to decriminalize abortion; ICPD+5 reaffirmation of Cairo promises which stated that countries MUST provide abortion services when not against the law; and UN Treaty monitoring bodies have also reaffirmed the right to access safe legal abortion and for states not to criminalize abortion in their domestic laws.

At the regional level the following commitments and statements have been made: Maputo Protocol in 2003 – enshrined access to safe abortion as a right of all African women.

In 2006 one of the objectives of the Maputo plan of action was to reduce unsafe abortion in the continent; in 2009 the Campaign for the Accelerated Reduction of Maternal Mortality in Africa (CARMMA) Best Practice Document stated that: reviewing restrictive laws and making safe services accessible reduces maternal

mortality; the 2012, 2013 and 2014 Maternal, Newborn & Child Health Reports to AU Heads of State all make mention of unsafe abortion and urge member states to improve access to safe abortion services, to review laws, and also to work to remove stigma associated with abortion; in 2014 the AU published the Compendium of African Abortion Laws – Interpreting and Implementing Existing Abortion laws in Africa.

One may want to ask this question: if we have all these laws and frameworks, why are our women and girls still dying due to unsafe abortion? The answer is mainly that most African states have maintained colonial and punitive domestic laws that criminalize the right to safe abortion.

Laws that criminalize abortion presume that the threat of arrest or imprisonment will prevent women and girls from having abortions. This means the state has punitive power over women's reproductive autonomy. When these laws are enforced, women's rights are denied. As a consequence, women and girls are punished for making reproductive decisions in the interest of their own health and wellbeing. However the evidence that exists shows that restrictive laws do not prevent women from seeking abortions: they only make them unsafe.

The other important aspect of criminal laws on abortion is that they are discriminatorily enforced and unfairly impact the most vulnerable women and girls. Those who are poor *or from the rural area or* lack education are at the highest risk of police investigations, arrest, prosecution, and imprisonment for unsafe abortions. The truth is that women with financial resources are rarely arrested or prosecuted for an illegal abortion—this is because they can get safe and private abortion services locally or have the funds to travel to get a safe abortion. Therefore, unsafe abortion is a social equity issue as well.

In launching this campaign, the ACHPR is complying with its mandate to promote the protection, respect and fulfilment of the rights set out in the African Charter on Human and People's Rights and the Maputo Protocol. This campaign builds on existing work by the ACHPR, to promote greater protection and respect of sexual and reproductive rights of women. In particular, the ACHPR developed General Comment 2 which elaborates on the right to sexual and reproductive health. These guidelines are important reference point for civil society organizations and governments as you engage the ACHPR during reporting sessions, undertake law

reform in your countries and push for implementation of laws. Prior to that the ACHPR had in its 41<sup>st</sup> ordinary session held from 16<sup>th</sup> to 30<sup>th</sup> May 2007 adopted a resolution requesting states to reduce the maternal mortality rate and take adequate measures to provide effective access for women and to take reproductive health services including access to lawful medical abortion in accordance with Maputo Protocol.

This campaign hopes to leverage on the 2016 AU Year of Human Rights with particular Focus on the Rights of Women. Specifically, the ACHPR hopes that the campaign will translate into actual implementation of Article 14 (2) (c) of the Maputo Protocol; and that States will take concrete action to remove legal and other barriers that prevent women and girls from realizing their sexual and reproductive health rights including access to safe abortion services.

As I conclude, I would like to emphasize that we are because you are; therefore this campaign will only be successful if you, the organizations that are working with the people, integrate it into your programs and begin demanding change in your contexts.

African Women and Girls are counting on all of us to save their lives: Decriminalize Abortion in Africa!

With those few remarks, I declare the ACHPR Campaign for the Decriminalization of Abortion in Africa officially launched!

Thank you.

**Honorable Commissioner Lucy Asuagbor**

**Special Rapporteur on the Rights of Women in Africa**

