



POSITION STATEMENT
REDUCTION OF MATERNAL MORBIDITY AND MORTALITY
ARISING FROM UNSAFE ABORTION IN KENYA

Background and Context

Each year it is estimated that about 465,000 abortions occur in Kenya, a majority of which are unsafe. Alarming, unsafe abortion remains a leading cause for maternal morbidity and mortality in Kenya which is also noted to be the highest in Africa. It is estimated that every year at least 2,600 women die from unsafe abortions in Kenya, while 21,000 more women are hospitalized annually due to complications arising from incomplete abortions whether spontaneous or induced. Despite these grim and alarming statistics, abortion remains an emotive, sensitive and even divisive subject. There has been a rift between those who have conscientious objection and those with conscientious commitment on this matter. The rift is exacerbated by lack of clarity on the legal framework pertaining to abortion in Kenya hindering efforts to effectively address maternal morbidity and mortality arising from unsafe abortion.

The Kenya Obstetrical and Gynaecological Society (KOGS), which operates as a national champion in sexual and reproductive health and rights recognizes the need to provide a position statement on the subject matter to inform and guide efforts towards the reduction of maternal morbidity and mortality arising from unsafe abortion.

Summary of Legal and Policy Frameworks:

- 1) Every human being is entitled to the highest attainable standard of health conducive to living a life in dignity.
- 2) The right to sexual and reproductive health is integral to the right to health.
- 3) The right to sexual and reproductive health entails the right to make free and responsible decisions and choices, free of violence, coercion and discrimination, regarding matters concerning one's body and sexual and reproductive health.
- 4) Women have autonomy over their sexual and reproductive health.
- 5) Abortion is not permitted unless, in the opinion of a trained health professional, there is need for emergency treatment, or the life or health of the mother is in danger, or if permitted by any other written law.
- 6) Practitioners who invoke conscientious objection must show the same respect for others rights and fundamental freedoms as they require their own.
- 7) Laws that require hospital personnel to report women who undergo abortion and the obstruction of willing providers noting constitutes a violation of women's reproductive rights.
- 8) The best interests of pregnant adolescents are paramount. Their views must always be heard and respected in reproductive health decisions.

- 9) Survivors of rape or defilement who fall pregnant from that ordeal have the right to terminate that pregnancy and when they decide or agree to terminate that pregnancy they should be treated with compassion and dignity.

Based on the legal and policy review on abortion KOGS holds the following position:

- 1) Unsafe abortion as well as abortion related stigma and criminal penalties put women's and girls' lives and health at risk which jeopardizes and contravenes protected rights under various legal frameworks.
- 2) Abortion is a medical issue.
- 3) The right to conscientious objection is enjoyed only by natural human beings. Conscientious objection is an individual decision that must be presented in writing and be exercised consistently.
- 4) The right to conscientious objection is an important freedom but those who invoke it must show the same respect for others rights and freedoms as they require their own
- 5) If a practitioner is unable and unwilling to provide a desired medical service given his/her conscientious objection, he/she is obligated to make referral in good faith to a non-objecting physician in a timely manner.
- 6) In emergency situations, to preserve life or physical or mental health, practitioners must provide the medically indicated care of their patients' choice regardless of the physician's personal objections. The care must be provided urgently and respectfully without punitive prejudice and biased behavior.
- 7) The best interests of pregnant adolescents are paramount. Their views must always be heard and respected in reproductive health decisions.
- 8) Survivors of rape or defilement who fall pregnant out of the ordeal who choose to terminate the pregnancy must be accorded the necessary support in a timely manner and be treated with compassion and dignity.

References

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