

## The Moral and Factual Case for the Safe Abortion Act in Sierra Leone

1. **Her body. Her right:** The most foundational right is one's right to her body. Punishing women for exercising a fundamental right to her body is simply unjust and violates the principles of key international conventions that Sierra Leone is a party to. The MAPUTO protocol recently signed by our parliament affirms a woman's right to choose and this Act is firmly rooted in those principles. The African Union Human and People's Right Commission recently urged all African countries to legalize abortion and called especially on Sierra Leone to pass this law. Women are moral agents and capable of making decisions about their lives and whether or not to have children. Our country should not have laws that punish them for exercising that basic right.
2. **Personhood:** Some have asked "what about the right of the "baby"? Most scientists agree that a fetus does not become viable- gain personhood and become capable of existing outside of the womb- until at least **24 weeks** of pregnancy. That's why most countries- USA and United Kingdom, for example permit abortions across the board up to the 24-week period of a pregnancy. This Act permits and legalizes majority of abortions for an incredible shorter period of time - **only 12 weeks**. It's therefore already a very conservative Act. As someone said if we want to argue that we are persons at conception then our birthdays should not be the day we are born, but 9 months before then. So the abortion that this Act will make legal and safe **does not constitute 'murder'** by a long stretch. Murder requires the willful killing of a "being" or "person" and by all medical and factual account, the fetus is not such. And this Act does not come close to doing anything like that.
3. **The 13 Weeks Plus exception:** Irrespective of our religious or moral objections to abortion, we can at least agree that if a doctor finds that keeping a pregnancy might lead to the death of a woman, the right thing to do is for her to have the right to terminate that pregnancy and save her life. And if after being raped, a person finds out weeks later that she is pregnant, the moral thing to do is to have the right- without the fear of prosecution- to make a choice as to whether they want to keep the baby or not. The same will be applicable to a girl, who is a victim of incest- and whose baby will have serious, moral and health issues to contend with forever. The Act simply says that in these extreme situations, women and girls should at least have the right to choose whether or not to keep that pregnancy and exercise that right in a safe and legal way.
4. **It saves lives:** Every year 68 000 women die because of unsafe abortions. WHO estimates that up to a third of maternal mortality are because of unsafe

abortions. In fact, a significant portion of maternal mortality in our country - is one of the highest in the world- is attributable to unsafe abortion. Hundreds die in our country- our sisters, aunts, moms, friends. The Act does not promote abortions. It will simply save the lives of many of our women and girls who will try one way or another to have an abortion every year. Instead of going to quacks, the Act will give them the opportunity- after counseling, to choose legal and safe abortions, in designated, regulated centers that will unquestionably save many lives. Just six years after **South Africa reformed its laws to make abortion safe and legal, deaths from unsafe abortions reduced by 50%.**

5. **It saves money:** A 2011 study conducted by the Ministry of Health and IPAs found that our government spends up to \$230 000 annually to treat post-abortion carried out mostly by untrained, unqualified and unregulated quacks. The same study found that our government would save at least \$121 000 if safe abortions were provided. The Act does not only save precious lives, it will also cut waste and save us significant resources.
6. **It helps the poor:** When abortion is illegal, it becomes unavailable through legitimate means in public hospitals at affordable cost. Practitioners therefore charge a high premium to perform the “secretive and illegal service”. Private practitioners who perform the service also charge as they wish- often-high costs and without the regulation that the state can provide. Rich people can always afford to pay for these services as and when they need them. The poor on the other are forced to resort to cheaper, inferior and often unsafe services at the mercy of quacks, resulting in huge health risks including sometimes death. Making abortion legal will ensure it’s provided in public hospitals, regulated and at a cost that will be available to all. It does not only save the state money, it helps poor people and save their lives.
7. **It protects women from abuse:** Studies have found that women unable to obtain safe abortions were more likely to stay in a relationship with an abusive partner than women who had an abortion, and were more than twice as likely to become victims of domestic violence. Providing women with this important option could contribute to reducing abuse and exploitation.
8. **It will increase safe and regulated services-** some have argued that they are against the Act because we simply do not have the facilities in country to provide safe abortions. This argument misses some significant facts. First, abortions already happen in the country- a lot! Making it legal will not increase the number of abortions; it will only increase our chances of making them safer and regulated. The argument that the lack of specialized services for a procedure justifies its ban is a very tenuous one. We only have one heart surgeon in the country, but that’s not a reason to make heart surgery illegal. We have limited gynecologists in the country but we are not going to make C-Sections illegal because of that. The law gives us the opportunity to increase services via the following:

- i. Currently qualified doctors at public hospitals who deny the services to their clients will now be free to do so in a safe, legal, accessible and regulated context. This will definitely increase access.
- ii. Making abortions safe and legal will save us money that we can use to increase the number of services that provide the procedure around the country. It will encourage our partners to support us to train qualified health practitioners in an open, regulated and safe way to provide the service when it's needed.
- iii. Ongoing efforts to provide accelerated Surgery training for Nurses and other Medical officers around the country to respond to the current dearth of doctors provide an opportunity. These practitioners can be trained as well in providing safe and regulated abortions and hence contribute to increasing the service.

9. **It advances Gender Equality:** Sierra Leone has international commitments to advance gender equality. Our President and this parliament have often affirmed our commitment to the rights and equality of women. This Act will do just that. Pregnancy affects females disproportionately. Women's freedom and life choices are limited by bearing children, and the stereotypes, social customs, and oppressive duties that go with it. Pregnancy affects her body, her education, employment opportunity and other life choices. Women need legal access to abortion in order to achieve full political, social, and economic equality with men. The right to a safe abortion gives women the same freedoms as men to have full rights over their own bodies (including the right to decide whether or not to carry a fetus to birth) - without this right they do not have the same moral status as men. The US Supreme Court decision in *Roe v Wade*, which gave women a right to abortion is seen by many as having transformed the status of women in the USA. The same is true for African countries like South Africa, Tunisia, Cape Verde and Mozambique among others, all of which have reformed their laws to permit safe, regulated abortion in ways that this Act proposes.

10. **Banning Abortion doesn't stop the practice.** It only makes it unsafe and unregulated. Any woman who wants an abortion will likely find ways- often dangerous and fatal - of getting it anyway. Making it legal and safe would not increase abortions, but could in fact reduce it. Giving women and girls access to counseling and professional advice- provided under the Act- could contribute to lowering the rate of abortion in the country.

11. **It reduces poverty:** Reproductive choice protects women from financial disadvantage. Many women who choose abortion don't have the financial resources to support a child. Majority of seeking having unsafe abortion around Africa are very poor. A Sep. 2005 survey in the peer-reviewed *Perspectives on Sexual and Reproductive Health* asking women why they had an abortion found that 73% of respondents said they could not afford to have a baby, and 38% said giving birth would interfere with their

education and career goals. The Act provides an option for these women and helps our society in our collective poverty reduction goal.

12. **It could reduce crime.** According to a study co-written by *Freakonomics* co-author Steven D. Levitt, PhD, and published in the peer-reviewed Quarterly Journal of Economics, "legalized abortion has contributed significantly to recent crime reductions" in the United States. Around 18 years after abortion was legalized, crime rates began to drop abruptly, and crime rates dropped earlier in states that allowed abortion earlier. Because "women who have abortions are those most at risk to give birth to children who would engage in criminal activity," and women who had control over the timing of childbearing were more likely to raise children in optimal environments, crime is reduced when there is access to legal abortion.
13. **Avoids Punishing Victims:** Although our laws expressly state that sex with a person below 18 years constitutes statutory rape, about half of girls in Sierra Leone would have been pregnant at least once by the age of 19. The men who commit these crimes do not only walk scot free, they often also abandon their victims who are left to care for the pregnancies and the babies that result from them. Little wonder therefore, that about 40% of unsafe abortions are by women below 25 years of age. The punishing young girls for attempting abortion, when they are often victims of statutory rape and abuse is simple meting out double punishment to victims. This law prevents that and gives young girls the option to safe abortion and other reproductive services.
14. **A baby should not come into the world unwanted.** Having a child is an important decision that requires consideration, preparation, and planning. WHO states that unintended pregnancies are associated with birth defects, low birth weight, maternal depression, increased risk of child abuse, lower educational attainment, delayed entry into prenatal care, a high risk of physical violence during pregnancy, and reduced rates of breastfeeding. Nearly half of all pregnancies among Sierra Leone girls and women are unintended.
15. **Religious Ideology should regulate our Private Lives, not Public Policy:** We are proud of our religious identity as Sierra Leoneans and our piety and tolerance. But we remain a secular state where our laws and policies are guided by Science and the best interest of all- including those who do not believe. This Act is sound public policy that will save lives, reduce cost, respect our heritage and advance women's right. Our various religious texts contain multiple foreboding- fornication, adultery, drinking, lying, not eating pork or certain meat, what to touch or wear etc. We respect those edicts and continue to aspire to live up to them. But we surely do not base our public policy and laws solely on them because all of us would be criminals. If religion dictates our public policy, what would the fate of those who do not practice any religion be? Besides, that would be a slippery slope to a religious caliphate that our country is not. *This is not a theocracy. It's a democracy.*

16. **Many religious organizations and people of faith support women's reproductive choice** that the Safe Abortion Act promotes. Although many religious groups oppose abortion, many other people of faith- including those in the coalition support this Act because of the many good reasons outlined above. We respect our religious positions on abortion, but simply refuse to impose it on everyone else as a matter of public policy. Besides, these benefits we outline above are all inspired by some of our religious values and beliefs.