

Press Release

**Access to safe and legal abortions is vital as the unintended consequences are dire.**

*Even though abortions are legal in South Africa, the Women's Legal Centre is concerned that many women do not have access to safe and legal abortions. Added to this there is an emerging trend by health care professionals who are using conscientious objection to prevent women from access to abortion. The unintended consequences of this is having a dire effect on many South African women.*

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Cape Town, Monday 24 October 2016; The legalisation of abortion in South Africa has been hailed as one of the most progressive pieces of legislation globally. It has liberalised women's access to abortion and has represented a significant step forward in decreasing the number of unsafe abortions.

However, women's health advocates, such as the Women's Legal Centre (WLC), argue that illegal and unsafe abortions in South Africa are thriving due to the poor access to public health services. Despite the progressive legal framework, some experts argue, that the Department of Health is failing to ensure effective implementation of the progressive legal framework. This failure of the Department of Health is forcing women to risk dangerous and illegal abortions. A constant barrier, when accessing abortion services, which is given very little attention to is the conscientious objector. Health care professionals refuse to assist or make it very difficult for women to access safe abortions due to their conscientious objection to abortion.

Cases have been reported of health care professionals, in specific nurses verbally abusing women who request abortions, sometimes deliberately using delaying tactics to ensure that women are unable to access abortion services within the 12-week period of gestation. Effectively, this results in women being forced into the second trimester where access to abortion services is limited as shockingly, very few State facilities provide second trimester abortions. Which makes accessing abortions extremely challenging. In addition, alarmingly cases have been reported in which the procedure is made to be as unpleasant, painful and punitive as possible to ensure the women suffers and never forgets the experience of an abortion. This has devastating emotional and psychological effects on the women's well being

According to Seehaam Samaai, Director of WLC; "Not enough is being invested in sexual and reproductive health in South Africa and under these circumstances, and the illegal abortion business is booming with catastrophic results."

In fact, it has been reported that illegal abortions in Southern Africa are estimated at between 52% and 58% of the total terminations of pregnancy.

Ignorance of the law, unavailability of abortion, taboos and stigmatisation play a substantial role. In addition, appeals to conscientious objection by health care professionals in State-run institutions are a major contributor to the high number of unsafe abortions.

In regards to being a conscientious objector, meaning a health care professional can choose not to perform an abortion if it infringes on their moral or religious beliefs, it is a Constitutional right for the health professional

However, Samaai comments that since there are competing interests at stake, it is important to remember that the right to conscientious objection is not a blanket right and needs to be limited so

that the right to abortion is considered. This means that the legislation does not force health care professionals to perform abortions. However, they do need to provide information to women and they are not permitted to prevent or obstruct an abortion from taking place. The right to conscientious objection can never give a health care professional the right to refuse to assist a woman in need of emergency medical treatment where her life is in danger.

The crux of the matter is that conscientious objection can have a negative impact on women's health. The World Health Organisation(WHO) warns that allowing conscientious objection without referrals on the part of health care professionals and facilities is one of the major barriers to access of safe abortion services in the context where abortion is legal. Where health care information and treatment options are withheld, patients do not receive optimal health care and cannot make informed choices. It can force patients to seek illegal and unsafe abortions elsewhere.

"It is important for women in South Africa to know their rights in regards to abortion. Women have the right to be informed and have access to safe, effective, affordable and acceptable methods of fertility of their choice. The State has a responsibility to provide reproductive health to all, and to provide safe conditions under which the right of choice to have an abortion can be exercised without fear or harm," says Samaai.

What exactly are the rights of women who choose to have an abortion:

- a pregnancy may be terminated upon request of a woman during the first 12 weeks of her pregnancy;
- only the consent of the woman herself is required for the termination;
- woman shall have access to information concerning their rights;
- non-mandatory and non-directive counselling shall be promoted by the State.

From 13 weeks, onward up to and including 20 weeks a termination of pregnancy is no longer the woman's decision alone and is only permitted if a medical practitioner agrees under certain circumstances. Therefore, it is essential for women to access an abortion within the first 12 weeks as it is not restrictive. Additionally, the unintended consequences of an illegal abortion could lead to serious health complications, including infections that could cause very long absences from work, permanent infertility or, in the worst and most heart-breaking cases, death.

"We urge all women to know their rights in regards to access to safe and legal abortions but we also urge health care professionals to consider the unintended consequences of making access to abortion difficult," concludes Samaai.

*Ends.*

### **About the Women's Legal Centre**

The WLC is a non-profit, independently funded law centre, started by a group of lawyers in Cape Town in 1999, with a vision to achieve equality for women in South Africa. The centre has identified five strategic focus areas. These are: violence against women; fair access to resources in relationships; access to land/housing; access to fair labour practices; and access to health care (particularly reproductive health care).

The WLC has been at the forefront of legal reform in relation to women's equality in South Africa since the Constitution came into effect, having won several precedent setting cases in the past.

In order to empower women through knowledge of their rights, the Centre also offers free legal advice to women. Women are assisted or referred to the relevant body, NGO or court for assistance.

**Distributed by The Press Office on behalf of Women's Legal Centre**

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