

Abortion is an issue that has always generated a passionate debate. However, in the world at large, the overwhelming majority of countries, 97 per cent, permit abortion to save the woman's life. Only in five countries, is abortion not permitted on any grounds. Abortion laws and policies are significantly more restrictive in the developing world. In developed countries, abortion is permitted for economic or social reasons in 78 per cent of countries and on request in 67 per cent of countries. In contrast, 19 per cent of developing countries permit abortion for economic or social reasons, while in 15 per cent of developing countries abortion is available on request. Many countries have additional procedural requirements that must be met before an abortion may be legally performed. Additional requirements may relate to the gestational limits within which abortion may be performed, mandatory waiting period, parental or spousal consent, third-party authorization, the categories of health providers permitted to perform abortions, the types of medical facilities where abortions may be performed and mandatory counseling. In addition, even when abortion is legally permitted, access to abortion services may be limited. It is important to point out that up-to-date information on the status of abortion policy is not readily available for all countries. Moreover, women may be unaware of the availability of abortion services or their right to access within the legal framework, particularly in developing countries.

Although abortion is commonly practiced throughout Africa, it is a subject that arouses there even more controversy as it raises fundamental questions such as the purpose of human existence and the right of women to control their own bodies. Recently, the issue of abortion generated contention among member states at the African Union (AU) conference and after a long debate the consensus reached was that the issue of abortion should be addressed within the laws of each country with a focus on providing comprehensive contraception and family planning services to prevent unwanted pregnancies.

The purpose of the paper is to examine abortion laws and policies, the incidence of legal abortions when possible and their impact on maternal mortality in Africa. The study will address in specific countries some of the additional requirements that must be met before an abortion may be legally performed. Although, data on abortions is scarce or limited, abortion has been cited as one of the main causes of fertility decline in several African countries as the prevalence of contraceptive use is still very low in the vast majority of them. Indeed, in many countries women rely heavily on abortions to control fertility. Hence, the study will take a look at abortions laws and their impact on fertility. It will also link abortions policies with the use of contraceptive, maternal mortality and age at first marriage in various countries in Africa.

The study will present the distribution of countries by grounds on which abortions is permitted. It will discuss the changes in the laws or regulations concerning abortions since 1990. Indeed for years, abortions laws in Africa have been based on colonial models, which were generally very restrictive in their view of abortion. As a result, in most of sub-Saharan Africa the performance of abortions has remained largely prohibited

except to save the life of the woman. However, several countries have changed their laws recently.

Concern over adolescent pregnancies and adolescent abortions has moved the overall issue of adolescent sexual and reproductive behaviour to the top of the international agenda. Hospital and clinic-based surveys suggest that in some African countries abortion has become common among adolescent girls, particularly schoolgirls living in urban areas. The paper will also address this issue.

At the International Conference on Population and Development in 1994, although the question of abortion proved to be one of the most controversial, there was a consensus that unsafe abortion is a “major public health concern”, on making a commitment to deal with the health impact of unsafe abortion and to reduce the recourse to abortion through expanded and improved family planning services” as an integral commitment to women’s health (International Conference on Population and Development (ICPD) Programme of Action, United Nations, 1995).

The study will also discuss the magnitude of unsafe abortions in Africa. The risk of death from unsafe abortion is quite high in Africa where the case fatality rate is estimated at 7 deaths per 1,000 unsafe abortions. According to the World Health Organization (WHO), an estimated 4.2 million African women resort to dangerous practices each year to abort, and 30,000 die as a result. Although only 10 percent of the global total of abortions happen in Africa, the continent accounts for almost half of the world's deaths from unsafe abortions, with one in 12 women dying. Besides the heavy toll on deaths due to unsafe abortions, for every death, 20 to 30 women suffer permanent damage to their uterus, cervix, fallopian tubes, intestines or bladder.

In addition, it has been established that treatment of large numbers of women with complications of unsafe abortion is a major problem in the health care systems in Africa. Abortion complications are an important contributor to hospital-based maternal mortality and morbidity. More over, studies on the relationship between contraceptive behaviour and abortion illuminate the fact that almost all patients suffering from complications of an unsafe abortion do not use an effective, or any, method of contraception prior to becoming pregnant. The study will also discuss the incidence of unsafe abortions in Africa and its impact on maternal mortality.

It is generally agreed that legalization of abortions in developed countries together with the use of new technology and the training of providers rapidly resulted in a reduction of abortion-related mortality. Making abortion services widely available and affordable was critical to this development. In contrast, in a number of developing countries that have legalized abortions, the procedure is neither broadly available nor uniformly safe. In many countries where abortions are legally permitted, the availability and quality of post abortion care services is often limited. The management of the post-abortion facilities and care services may be problematic. The study will discuss the availability of abortion facilities in countries where abortion is permitted.

African Health Ministers adopted a new proposal that will increase legal abortion throughout the continent, under the policies of the controversial Maputo Protocol on the rights of women. On April 9, 2007, health ministers from more than 40 African countries participated in a weeklong conference discussing health strategies for the continent under the Maputo Protocol that was "approved" by the ministers in October 2006 --ratified by just 15 of the 53-member states of the African Union, the protocol calls for all member states to implement abortion legislation. The official strategy approved by the health ministers included the increased promotion of abortion services. The report states "Amongst other factors, recognizing the morbidity and mortality from unsafe abortions, safe abortion services should be included, as far as the law allows." Finally, the study will therefore document the follow-up of the Maputo Protocol with respect to the adoption of abortions laws throughout the continent.