



On the Global Day of Action for Access to Safe Abortion: the Egyptian government should sign the Maputo Protocol and take action to protect the life and health of women

The Egyptian Initiative for Personal Rights and the feminist global alliance Realizing Sexual and Reproductive Justice (RESURJ) call on the Egyptian government to amend the abortion law and to ratify the protocol on the rights of women in Africa. The Maputo Protocol of the African Charter on Human and Peoples' Rights guarantees safe medical abortions for women whose lives or health are endangered by the continuation of the pregnancy, and where the pregnancy is a result of rape or incest (Article 14, Paragraph 2C).¹

EIPR and RESURJ note that Egypt has not signed the protocol, adopted by the African Union General Assembly in 2003. Apart from Egypt, the only other members of the African Union that have neither signed nor ratified the protocol are Tunisia and Botswana.

1 Article 14 - Health and reproductive rights

1. States Parties shall ensure that the right to health of women, including sexual and reproductive health is respected and promoted. This includes:

- a) the right to control their fertility;
- b) the right to decide whether to have children, the number of children and the spacing of children;
- c) the right to choose any method of contraception;
- d) the right to self protection and to be protected against sexually transmitted infections, including HIV/AIDS;
- e) the right to be informed on one's health status and on the health status of one's partner, particularly if affected with sexually transmitted infections, including HIV/AIDS, in accordance with internationally recognized standards and best practices;
- f) the right to have family planning education.

2. States Parties shall take all appropriate measures to:

- a) provide adequate, affordable and accessible health services, including information, education and communication programs to women especially those in rural areas;
- b) establish and strengthen existing pre-natal, delivery and post-natal health and nutritional services for women during pregnancy and while they are breast-feeding;
- c) protect the reproductive rights of women by authorizing medical abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the fetus.

The two thus renew their call for the Egyptian parliament to amend the law in order to guarantee women's access to safe abortion in cases where pregnancy constitutes a threat to the woman's life or health, or if the pregnancy is the result of rape or incest.

Egyptian law pertaining to abortion is among the most restrictive worldwide, as it criminalizes abortion and stipulates imprisonment for women who intentionally abort.² This is despite repeated [attempts](#) by civil society organizations, as well as activists and former [MPs](#), to amend the law. Several human rights bodies have issued clear recommendations urging the government to amend legislation to allow access to abortion for women whose life or health is threatened or whose pregnancy is the result of rape or incest, and to annul all punitive measures against women seeking abortions.³ However, the Egyptian government persists in violating women's rights and harming their health and well-being.

The current legal framework also discriminates against women in multiple ways. EIPR and RESURJ assert that amending the Egyptian Penal Code on abortion is in essence a matter of social equality.

While women who have the money — and access to information — can often access relatively safe abortion despite its criminalization, this is not true of their poorer counterparts especially girls living on the street, domestic workers, refugees and those with disabilities. These women, many of them the survivors of rape, are unable to access safe abortions in the appropriate time and often resort to desperate and life-threatening measures, such as inserting a sharp object into the vagina or ingesting traditional concoctions.

That the physicians' Code of Ethics permits doctors to conduct an abortion in cases where the life or health of the woman are

2 Egyptian criminal code articles pertaining to abortion:

Article 261: Anyone who intentionally induces a miscarriage in a pregnant woman by giving her medication or by using means leading to such or by directing her to them, with or without her consent, shall be subject to imprisonment.

Article 262: A woman who willingly and knowingly takes medication or willingly uses the aforementioned means, or enables another party to use such means, thereby inducing a miscarriage shall be subject to the aforementioned penalty.

Article 263: If the person inducing the miscarriage is a doctor, surgeon, pharmacist, or midwife, he shall be subject to a defined term of hard labor.

Article 264: There shall be no penalty for attempted induced miscarriage.

3 A series of media publications on health and reproductive and sexual rights issued by the Office of the United Nations High Commissioner for Human Rights:

http://www.ohchr.org/Documents/Issues/Women/WRGS/SexualHealth/INFO_Abortion_ARB_WEB.pdf

endangered is insufficient. It leaves women with no guarantee of access to safe abortions, and at the mercy of doctors, pharmacists and hospitals who often refuse to provide them with assistance, or may ask for a religious opinion (fatwa) allowing the abortion before the physician performs it. Some doctors request money or sexual favors in exchange for performing an abortion.

We publish the stories of women and their experiences of unsafe abortions or being unable to access abortions at all. These testimonies shed light on the hardships that women face are not reducible simply to their being women, but are linked to the multiple levels of discrimination and marginalization that they face.

Summary of the Maputo Protocol:

The Maputo Protocol consists of 32 articles and is considered one of the most progressive documents on women's rights. Its provisions span personal, economic, civic and political rights, including health and reproduction, harmful traditional practices, non-discrimination, education and the right to participation. The comprehensive document also takes account of other rights such as the right to peace and the right to a positive cultural environment.