

# **Summary of Analysis of Uganda Ministry of Health Policy on Abortion**

## **“Reducing Maternal Morbidity and Mortality from Unsafe Abortion in Uganda: STANDARDS AND GUIDELINES”**

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The *Standards and Guidelines* on abortion, published by the Uganda Ministry of Health in April 2015, do not reflect the beliefs, customs, and culture of the Ugandan people, and violate the Constitution and Penal Code of Uganda. The language is not Ugandan, but is typical of foreign and international organizations advocating abortion. The Technical Working Group was dominated by international and foreign funded pro-abortion groups. When a Ugandan expressed pro-life and pro-motherhood views, he was ignored. A look at the different parts of the document reveals it is very misleading and deceptive, and meant to promote the multi-million abortion industry.

Here are major concerns with the Ministry of Health (MoH) policy on abortion:

1. The policy is based on false premises:
  - The statement – “Unsafe abortion is one of the leading causes of maternal morbidity and mortality” – is misleading (Preface). The actual leading causes are hemorrhage and medical conditions that can be resolved with good health care.
  - The statement – “There is no absolute prohibition on the termination of pregnancy in Uganda” – is false and misleading.
  - The statement that abortion “is permitted to preserve the ... **health** of the pregnant woman ... (including) both physical and mental health,” is false. The term “health” is not in the Constitution or Penal Code respective provisions.
  - The goal of the policy is to “increase access to safe abortion related services, to the extent permitted by law,” but its provisions egregiously violate Uganda law.
  - The assertion that, “Uganda must expand access to safe abortion to protect women’s human rights under international law and agreements,” is false. There is no “right” to kill a child. True human rights never include a right to arbitrarily take the life of another human being. Further, there is no United Nations convention, including the ICCPR\*, ICESCR, CEDAW, or CRC mentioned, that contains a “right” to abortion. Each one protects life and motherhood.
2. It violates the Constitution and Penal Code of Uganda. The Constitution guarantees the “right to life” of “an unborn child” (Article 22). The Penal Code prohibits all abortions except when necessary to preserve “the mother’s life” (Section 224), although not even this exception has been operationalized by legislation.

### The Constitution of the Republic of Uganda:

#### 22. Protection of right to life.

- (1) No person shall be deprived of life intentionally except in execution of a sentence passed in a fair trial by a court ... in respect of a criminal offence ....
- (2) No person has the right to terminate the life of an unborn child except as may be authorised by law.

### The Penal Code Act, Chapter 120 (see also Section 142):

#### 141. Attempts to procure abortion.

Any person who, with intent to procure the miscarriage of a woman whether she is or is not with a child, unlawfully administers to her or causes her to take any poison or other noxious thing, or uses any force of any kind, or uses any other means, commits a felony and is liable to imprisonment for fourteen years.

143. Supplying drugs *etc.*, to procure abortion.

Any person who unlawfully supplies to or procures for any person any thing, knowing that it is intended to be unlawfully used to procure the miscarriage ....

212. Killing unborn child.

Any person who, when a woman is about to be delivered of a child, prevents the child from being born alive ... imprisonment for life.

224. Surgical operation.

A person is not criminally responsible for performing in good faith and with reasonable care and skill a surgical operation upon any person for his or her benefit, or upon an unborn child for the preservation of the mother's life, if the performance of the operation is reasonable, having regard to the patient's state at the time, and to all the circumstances of the case.

The unmistakably clear intent of both the Constitution and Penal Code provisions is to protect the life of "an unborn child" and his mother.

3. It was crafted and reviewed by foreign and foreign funded pro-abortion groups:
  - Ipas (9 members) – lead organization developing the policy, is well known for abortion in UK and other countries, which also gives funding to CEHURD
  - CEHURD (9 members) – funded by International Planned Parenthood Federation (IPPF), which recently was found to be selling body parts of aborted babies
  - Reproductive Health Uganda (2 members) – also funded by IPPF
  - PACE (3), funded by USAID and other agencies, including government of Uganda
  - Marie Stopes Uganda (3) – funded by Marie Stopes International, a leading worldwide abortion provider
  - International Planned Parenthood Federation [IPPF] (3)
  - UNFPA (2); World Health Organization (1); World Bank (1); USAID (1)
4. It attempts to authorize abortion for any reason through the second trimester, in violation of the Constitution and Penal Code of Uganda. It would authorize abortion:
  - For unlimited "health" reasons, including "physical and mental health";
  - Of any "unintended" child who is not yet born (pre-birth infanticide);
  - For mothers who are in any type of crisis;
  - Up to "12 weeks gestation";
  - "Before 28 weeks gestation";
  - By medical (drugs) or surgical means;
  - On children as young as age 10;
  - Without parental knowledge or consent;
  - For victims of "rape, defilement, incest, or other" sexual violence, without investigation, thus murdering the innocent baby and not punishing the criminal.
5. It disregards rights of conscience guaranteed in the Uganda Constitution (Art. 29).
6. It would transform hospitals, clinics and schools nationwide into contraception providing centers for children as young as 10, sanctioning immorality, without parental knowledge or consent.
7. It would transform hospitals and clinics into abortion-providing or referring centers nationwide for children as young as 10, without parental knowledge or consent.

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\*United Nations Conventions:

ICCPR (1966): International Covenant on Civil and Political Rights (Article 6.1)

ICESR (1966): International Covenant on Economic & Social Rights

CEDAW (1979): Convention on the Elimination of All Forms of Discrimination Against Women (Article 12)

CRC (1989): Convention on the Rights of the Child (Preamble, Article 6)