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Columns

Abortion ... let's get rid of those ancient laws

Dr Dayton CAMPBELL

Sunday, June 01, 2014 2 Comments

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Abortion ... let's get rid of those ancient laws

THE World Health Organization (WHO) estimates that over 22,000 abortions are performed in Jamaica each year.

Complications arising from unsafe abortion are among the top 10 causes of maternal death in the island, especially among teenagers. Review of legislation governing abortion has been 30 years in the making. Efforts by various governments to address these concerns have been halted by conservative religious groups not sensitive to the reproductive rights and realities of women, girls, their families and partners.

In Jamaica, Sections 72 and 73 of the Offences Against the Persons Act (1861) reads:

* Criminalise women who chose to terminate a pregnancy, who, if convicted "shall be liable to be imprisoned for life with or without hard labour."

* Criminalise medical professionals who facilitate a woman's exercise of choice to have her pregnancy terminated, and the parents and guardians who facilitate termination of pregnancies of girls under the age of 18. If convicted, they "shall be liable to be imprisoned for a term not exceeding three years with or without

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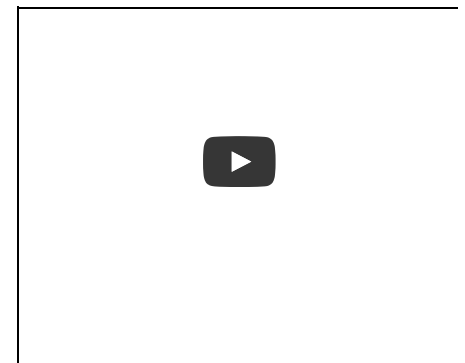
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Poll

hard labour."

Too often we enjoy the comfort of opinion without the discomfort of thought.

Think! Does the illegality of abortion prevent its practice?

Is pregnancy only unwanted because the woman has been sexually reckless?

The answer to these questions is NO. The current law frustrates THOUSANDS of Jamaican women, the poor especially, who are in desperate need of abortion services. Nearly half of all pregnancies -- 41 per cent -- are unplanned (2002 Reproductive Health Survey); only 50 per cent of pregnancies were planned (2008 Reproductive Health Survey) In 2009, some 7,612 live births occurred to mothers under the age of 20 - a decrease from the 7,680 recorded at the end of 2008 (data obtained from National Family Planning Board - NFPB).

Eighty-one per cent of recent births reported by women aged 15-19 were unplanned. Nearly all of these unintentional births were mistimed (occurred earlier than desired) as opposed to unwanted (no children or no more children desired). The information is also obtained from the NFPB.

Who is affected?

According to the WHO, "abortions and complications thereof are the eighth leading cause of maternal deaths in Jamaica, affecting adolescents primarily". Between March 1 and August 31, 2005, there were 641 patients at Ward 5, which deals exclusively with abortions at the Victoria Jubilee Hospital.

All patients were from inner city communities, single, and nearly half were Christians, while a third were teenagers. About 40 per cent admitted to having had a previous termination of pregnancy and 30 per cent had two or more previous abortions.

Do Jamaicans support abortion?

YES!!!!!! Many of us support efforts to make services for the termination of pregnancy legal, safe and affordable. A 2006 public opinion survey conducted by Hope Enterprise found about "60 per cent of respondents support the legalisation of termination of pregnancy" under "special conditions" such as "incest, endangerment of the woman's physical or mental health and/or life".

From the public health perspective, we need to address these women who burden the public health system after botched abortion attempts. Evidence in Italy, the Netherlands, Romania, South Korea, Guyana and Barbados shows that where abortion is legal, maternal morbidity and mortality rates fall. Rates may initially seem to rise because of the previous under-reporting.

For women in the middle and upper income groups, the law can be circumvented by access to financial resources to pay for private medical services to procure a safe abortion. The law is restrictive and unjust to women in the lower income groups who cannot afford private medical services and therefore resort to the illegal informal market. In both instances, the quality of the service that the woman receives is entirely determined by the ethics and integrity of the individual practitioner. There are no minimum standards and no norms. Legal provision of abortion by qualified practitioners in both the public and private health care systems as recommended will ensure that safe abortions can be accessed by all women thus protecting their lives and health.

While debates on when life begins and ends may persist along the continuous range of religious perspectives, the realities surrounding this public health matter which affects so many women will not disappear unless addressed based on existing, objective realities. It is a woman's right to have all the options available to her, to be provided with information that allows her to make an informed decision, and not be persecuted for this decision. The State has a responsibility to ensure that the rights of all its citizens are protected.

The current illegal status of abortion in all circumstances exposes women to stigma and discrimination when they are faced with this choice. Women should not be punished for what is a difficult decision about their body, life and future. It is a misuse of Government power to take that right from them. Denying women access to medical services that enable them to regulate their fertility or terminate an unwanted or dangerous pregnancy amounts to a refusal to



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provide health care that only women need. Women are consequently exposed to health risks not experienced by men. Repealing the prohibitive provisions under the Offences Against the Persons Act concerning abortion, as recommended by the Policy Review Group would restore this right to women and prevent further stigmatization and gender discrimination.

Let us consider cases where:

- Contraception was used but it failed and the woman is not in a position to go through with the pregnancy and adequately support a child.
- The pregnancy resulted from rape or an abusive relationship.
- The pregnancy places them at severe mental, emotional and/or physical risk.
- The compromised development and health of the foetus.

To abort or not to abort is an extremely difficult decision for any woman.

There is not only the financial cost to consider, but risk to her mental and physical health as well. Adequate access to appropriate counselling services to help her consider all the options, strengthening of sexual and reproductive education at all levels, and the strengthening of family planning services, help women make the best choices.

Regrettably, pregnancy is often not a question of choice for women, not only in cases of rape and incest, but also in the everyday dynamic of gender relations where many women are subject to domination and/or the threat of violence from men.

We as a nation need debate this issue and lay the facts bare without shrouding them in misconceptions, prejudice and religious absolutism. It is about time such an important issue be dealt with once and for all, the women of Jamaica deserve no less.

What of the bright young 16-year-old girl in the inner city who is getting ready to do CSEC examinations and who is the only option to lift that family out of the abyss of poverty, who is sent for by the "don" in the community, then abused and subsequently takes the morning after pill but still ends up missing her period and later diagnosed as pregnant? Should she be forced to carry that child? Or to seek abortion on the black market? As a man of faith, I humbly suggest that we allow common sense to prevail.

Let me make it abundantly clear that I am not proposing abortion as a means of contraception, nor am I suggesting that mere poverty should be a reason for it, as I stand as a true example that it is possible to break the changes of poverty and rise from poverty to prosperity.

Of paramount importance is also the need to revise our adoption laws so that we can provide this service to those persons who are in need. I anxiously await a vigorous debate on this matter, as we seek to establish a new paradigm: to dispel myth and to embrace a true sense of liberty and prosperity.

Dr Dayton Campbell, a medical doctor and lawyer, is member of parliament for St Ann North West. His views do not necessarily represent those of the government.

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Jamaica Observer

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Carlton Reynolds • a month ago

Hello, you make a great case for abortion, if you were aborted you would not be here trying to legalize murder. "Think, you say, " does the illegality of abortion....?" Does the illegality of murder, rape, theft prevent them being practised?

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Ellydeedo • a month ago

All the laws in which we've been governed by in Jamaica are ancient British laws which were written nearly 200) years ago. To abolish one make's no sense. Lawmakers would Today perhaps form laws to suit their agenda. I therefore would suggest that they remain as they are. Buggery Law must remain and several others. Whipping for rape and aggravation must be returned. There must also be whipping for illegal Firearms, Child molestation, and a Minimum of 45 year in Prison, and an Appeal can only be made after serving 21) Years.

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