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ABORTION FACTS

Legal Assistance Centre

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This paper provides factual information about abortion in Namibia, Africa and the world in general, to inform the current national debate on abortion in Namibia.

Global perspective

How many abortions take place each year? According to the World Health Organisation, there were an estimated **56.3 million abortions per year globally between 2010 and 2014**. This means that about 25% of *all* pregnancies (1 out of 4) ended in abortion, legally or illegally.¹ According to the Guttmacher Institute, about 121 million *unplanned* pregnancies occurred each year **between 2015 and 2019**. About 61% of all *unplanned* pregnancies (somewhat less than 2 out of 3) end in abortion. In total, **about 73 million abortions took place each year** during that time period.²

Where are abortion rates highest? **Abortion rates are higher in countries where access to legal abortion is restrictive.** This sounds counter-intuitive. The reason for this odd statistic is that the number of *unplanned* pregnancies is higher in countries that restrict abortion than in countries where laws allow easier access to abortion.³

Are abortions rates rising or falling? This question has to be considered in perspective. The number of planned pregnancies is falling worldwide, but the percentage of unplanned pregnancies ending in abortion is rising. As a result, the global abortion rate in 2015-19 was about the same as in the early 1990s. **Abortion rates are rising most in countries that restrict access to abortion.** In such countries, about 36% of *unplanned* pregnancies ended in abortion during the period 1990-1994. This increased to 50% in 2015-2019.⁴ **This shows that laws restricting access to abortion do actually not prevent abortion, but are more likely to affect the circumstances in which abortion takes place.**⁵ The legality of abortion across the world has little to no effect on how many abortions take place every year in different countries.⁶

How many women die or are harmed by unsafe abortions? **Globally, unsafe abortions account for an estimated 8-11% of maternal deaths annually, which translates to the deaths of some 23 000-31 000 women each year** – although the percentage of abortions that end in the woman’s death are generally declining over time.⁷ About 7 million women in developing countries are admitted to hospitals every year as a result of unsafe abortion. During the period 2010-2014, 3 out of 4 abortions that occurred in Africa were unsafe. **The risk of dying from an unsafe abortion is higher in Africa than anywhere else in the world.**⁸

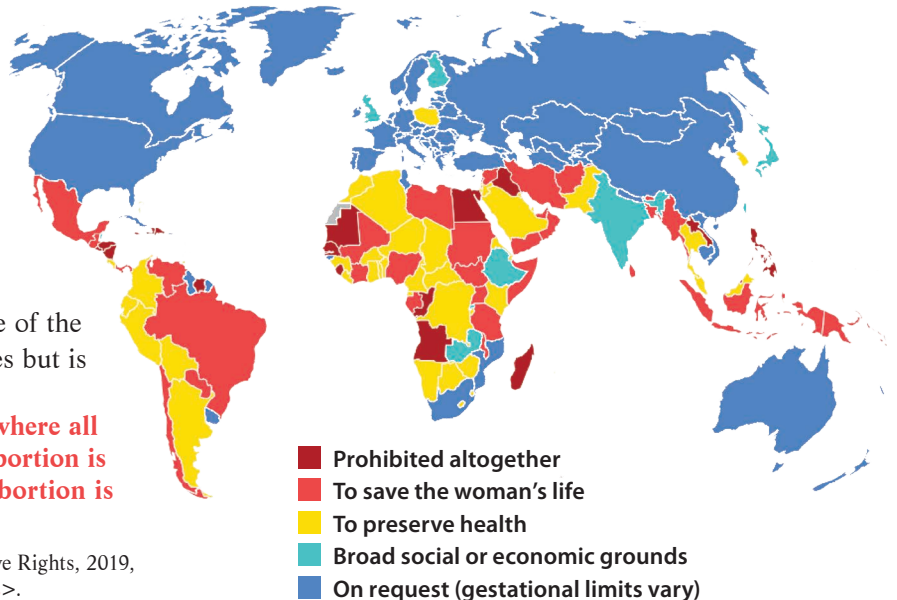
What do the laws of different countries say about abortion?

Access to abortion can be broadly categorised as:

- abortion completely prohibited;
- abortion allowed to preserve a woman’s life;
- abortion allowed to preserve a woman’s physical and/or mental health;
- abortion allowed on broad social or economic grounds;
- abortion allowed on request to a certain stage of the pregnancy (which varies in different countries but is most commonly 12 weeks).

There are currently 26 countries in the world where all abortions are illegal and 39 countries where abortion is illegal unless it saves the life of the mother. Abortion is available on request in 67 countries.⁹

Source: “The World’s Abortion Laws”, Centre for Reproductive Rights, 2019, <<https://reproductiverights.org/worldabortionlaws>>.



1 “Preventing unsafe abortion”, World Health Organisation, 26 June 2019, <www.who.int/news-room/fact-sheets/detail/preventing-unsafe-abortion>. The World Health Organisation is a specialised agency of the United Nations that works on international public health issues.

2 “Unintended Pregnancy and Abortion Worldwide”, Guttmacher Institute, July 2020, <www.guttmacher.org/fact-sheet/induced-abortion-worldwide>. The Guttmacher Institute is an international research organisation engaged in work on sexual and reproductive health.

3 Ibid.

4 Ibid. This calculation excludes China and India because their very large populations skew the data. If they are included, then abortion rates appear to be about the same in countries which allow abortion and countries which restrict it.

5 See, for example, J Bearak et al, “Unintended pregnancy and abortion by income, region, and the legal status of abortion: estimates from a comprehensive model for 1990–2019”, 8(9) *The Lancet Global Health* 1152 (2020), <[www.thelancet.com/journals/langlo/article/PIIS2214-109X\(20\)30315-6/fulltext](http://www.thelancet.com/journals/langlo/article/PIIS2214-109X(20)30315-6/fulltext)>.

6 J Bearak et al, “Unintended pregnancy and abortion by income, region, and the legal status of abortion: estimates from a comprehensive model for 1990–2019”, 8(9) *The Lancet Global Health* 1152 (2020), <[www.thelancet.com/journals/langlo/article/PIIS2214-109X\(20\)30315-6/fulltext](http://www.thelancet.com/journals/langlo/article/PIIS2214-109X(20)30315-6/fulltext)>; S Singh et al, “Abortion Worldwide 2017: Uneven Progress and Unequal Access”, March 2018, <www.guttmacher.org/report/abortion-worldwide-2017>.

7 S Singh et al, “Abortion Worldwide 2017: Uneven Progress and Unequal Access”, March 2018, <www.guttmacher.org/report/abortion-worldwide-2017>.

8 “Preventing unsafe abortion”, World Health Organisation, 26 June 2019, <www.who.int/news-room/fact-sheets/detail/preventing-unsafe-abortion>.

9 “The World’s Abortion Laws”, Centre for Reproductive Rights, 2019, <<https://reproductiverights.org/worldabortionlaws>>.

Abortion in Namibia

Current law: The relevant Namibian law is the **Abortion and Sterilization Act 2 of 1975** inherited from South Africa at independence. This law allows abortion only in these circumstances:

- where continuing the pregnancy will endanger the woman's life or constitute a serious threat to her physical or mental health
- there is a serious risk that the child will suffer from a physical or mental defect that will result in an irreparable and serious handicap
- the pregnancy resulted from rape, incest or unlawful carnal intercourse with a woman who has a severe mental incapacity.

Two medical practitioners must provide a certificate verifying the grounds for abortion. Where the basis for the abortion is unlawful intercourse (rape or incest), a certificate from a magistrate is also necessary. Abortion in any other circumstances is a criminal offence for both the woman who seeks it and the person who performs it. The punishment is a fine of up to N\$5 000 or imprisonment for up to five years, or both.

The criminalisation of abortion has driven many Namibian women to unsafe abortions.¹⁰ The contribution of unsafe abortion to maternal deaths is not known, but the little data that is available suggests that it may account for 12 to 16% of Namibia's annual maternal deaths.¹¹

How many abortions (legal and illegal) take place in Namibia each year? We do not know the answer to this question. It is difficult to count abortions in practice because people want to keep it secret if they have done something illegal. Women who can afford it will most likely travel to neighbouring South Africa to access legal abortion services (abortion has been available on request during the first 12 weeks of pregnancy in South Africa since 1996), while the practice of 'baby dumping' is a common occurrence which may result from the inability to access abortion. Namibian Police statistics indicated that they received ...

Reports of illegal abortion in Namibia	2013 ▼ 23	2014 ▼ 19	2015 ▼ 13	2016 ▼ 26	2017 ▼ 19	2018 ▼ 18	2019 ▼ 29	Source: Nampol statistics requested by LAC
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Beware of misleading statistics

Former Namibian Minister of Health and Social Services Dr Bernard Haufiku stated at one stage that over 7 000 women and girls had accessed health services with abortion-related complications in 2016.¹² However, a closer examination of the statistics showed that this number actually referred mostly to "spontaneous abortions" (miscarriages).¹³

Attitudes in Namibia: In June 2020, calls for legalising abortion in Namibia intensified. A petition to amend the law to increase access to legal abortion in Namibia has attracted over 60 000 signatures by September 2020.¹⁴ The authors of the petition proposed that the right to access legal abortion should be accompanied by education relating to sexual health and reproductive rights to prevent unwanted pregnancies and baby dumping.¹⁵ Attempts to liberalise the law on abortion have been met with strong opposition from religious groups and some women's groups and politicians.¹⁶

Legal Assistance Centre stance on abortion

The Legal Assistance Centre supports law reform which would expand freedom of choice in respect of abortion in support of women's reproductive rights. Although some of our staff members oppose abortion on moral or religious grounds, we believe that the decision is a matter of personal conscience which should not be mandated by the law in the absence of any scientific or human rights-based consensus on the issue. Furthermore, purely religious views cannot be imposed on the public by law in a secular state like Namibia. We advocate that increased scope to decide on whether or not to have an abortion should be coupled with:

- improved access to family planning measures for girls and women of all ages;
- continued action to prevent gender-based violence and gender inequality which can lead to unwanted pregnancies; and
- the provision of information before a decision on abortion is made since many people do not know about options such as foster care, adoption, or the mechanisms they can use to secure financial support from the father or the State.

10 S Mwatilifange and L Edwards-Jauch, "Reproductive justice in the face of conservatism: youth attitudes towards abortion on demand", 6(2) *Journal for Studies in Humanities and Social Sciences* 2017.

11 Unsafe abortion in Namibia: Country Factsheet", Durban: Health Economics and HIV/AIDS Research Division (HEARD), University of KwaZulu-Natal, 2016, <www.heard.org.za/wp-content/uploads/2016/06/Namibia-abortion-fact-sheet-May-2016-revised-2020.pdf>. HEARD is an applied research organisation affiliated with the University of KwaZulu-Natal, South Africa.

12 T Tjihenua, "Unsafe abortions reach 7 000 mark", *The Namibian*, 28 March 2017, <www.namibian.com.na/162911/archive-read/Unsafe-abortion-reach-7-000-mark>.

13 D Hubbard, "Abortion: Numbers, Rights And Practicalities", *The Namibian*, 11 April 2017, <www.namibian.com.na/163450/archive-read/Abortion-Numbers-Rights-And-Practicalities>.

14 "Legalize Abortion in Namibia", <www.change.org/p/honorable-dr-kalumbi-shangula-minister-of-health-and-social-services-legalize-abortion-in-namibia>.

15 "NAMIBIA – A true story of unsafe abortion & a petition to make abortion safe and legal", International Campaign for Women's Right to Safe Abortion, 2020, <www.safeabortionwomensright.org/namibia-a-true-story-of-unsafe-abortion-a-petition-to-make-abortion-safe-and-legal>.

16 See, for example, "Unsafe abortion in Namibia: Country Factsheet", Durban: Health Economics and HIV/AIDS Research Division (HEARD), University of KwaZulu-Natal, 2016, <www.heard.org.za/wp-content/uploads/2016/06/Namibia-abortion-fact-sheet-May-2016-revised-2020.pdf>.