

Achieving Gender Equality: Abortion in Laws and Practices in Algeria, Morocco and Tunisia

Theme(s):

- Reproductive Health

Type of Program:

- Raising Awareness (research analysis)

Country/Region:

- Maghreb region

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Initiative overview: The initiative starts from an existing problem. At least 60% of maternal deaths in the Arab Maghreb are the result of unsafe abortion. This issue has not received enough attention from politicians, women's organizations, or health specialists. Three Maghreb countries, Algeria, Morocco and Tunisia, were chosen because of their different specific approaches to reproductive rights and gender equality. The objective was to answer the following questions through field visits and discussions with specialists:

- What is unsafe abortion? How is it related to gender discrimination?
- What is the reality of effective and official abortions in the Arab Maghreb?
- What are the social beliefs and practices which contribute to determining women's access to abortion services in the Arab Maghreb?
- What are the best practices that can be drawn from the experiences of the Arab Maghreb?
- What can be done to improve the reality?

Social discriminatory practices targeted: Women's access to sufficient information on sexual and reproductive health and the possibility of safe delivery or abortion is considered socially unacceptable, thus contributing to increasing levels of maternal deaths and unsafe abortions in the region.

Socio-cultural context: The Arab Human Development Report 2005 shows that gender inequality is one of the main obstacles to development in the Middle East and North Africa.

The statistics on reproductive health indicators demonstrate that at least 60% of maternal deaths result from unsafe abortions in the Arab Maghreb. Morocco records between 130,000 and 150,000 illegal and unsafe abortions every year, thus resulting in the highest number of maternal deaths. It also records 240 deaths among 100,000 women at the reproductive age, during pregnancy or delivery. At least 6% of them are due to unsafe abortion. In Algeria, 10% of admissions to maternities are linked to abortion and 5.5% of maternal deaths are due to unsafe abortion. The legal factor is very important in this area. Tunis, which enacted abortion laws, records the lowest rate of maternal deaths due to unsafe abortion. In general, however, women in the Arab Maghreb still face many hazards because of the limited safe options accessible to them in the case of unwanted pregnancy. Legal consequences also add to the health hazards that accompany unsafe abortion, thus impacting on women's health and reproductive rights.

National laws and policies: In spite of the new amendments to the personal status laws and nationality laws, we still see a delay in women's enjoyment of their basic rights. Issues with a direct impact on gender equality, such as sexual and reproductive rights, have been ignored. Abortion laws reinforce women's inferior position to men by underscoring women's household and reproductive roles.

Objectives and Goals

The main objectives are:

1. Determine the discriminatory social practices and standards which have a negative impact on reproductive health and contribute to gender inequality.
2. Monitor women's access to social services and their ability to benefit from safe abortion as part of reproductive health services.
3. Highlight the practices that support challenging the misguided social standards, on the basis of a comparative approach.
4. Lay the foundations for future research, policy analysis and effective activities.

Good Practices

Note: Since this analytical study does not rely on any specific project, Tunisia's good practices can inspire the advocacy of improved and reinforced women's reproductive health rights.

Innovative Approach

The study is comparative because the three Arab Maghreb states have relied on different policies in the area of women's human and reproductive rights. Tunisia is known for its pioneering role in personal status laws, family planning and abortion laws. It is the only state in the region to adopt a methodology for putting women's reproductive rights within the general framework of basic rights. In 1956, Tunisia abolished polygamy and granted equal divorce rights to women and men.

It developed labour laws to more fully integrate women into the economic field. Tunisia is the first Arab and African country to issue a law authorizing willing women to abort in the first three months of pregnancy for various economic and social reasons without the husband's approval. This service is provided free of charge in state hospitals. Tunisia is at the forefront of establishing a governmental policy on youth sexual and reproductive health.

Immediate Successes

- Using research results as well as the country's and women's experiences to raise awareness of the negative implications of unsafe abortion and its close correlation with maternal mortality
- Using the comparative approach to highlight the progress made in a given country, when abortion services are as part of national health policies and programmes, and the reported delay in another country, when the issue is addressed from a moral viewpoint as a dishonour for state and society
- Highlighting the most important laws addressing this sensitive issue, as well as the positive implications on health policy and the degree of social awareness of the need for ensuring safe health conditions for women in abortion or delivery, noting that strict laws, however, jeopardize women's health and the comfort of all family members
- Highlighting the need that, by authorizing some health practices, the law does not lead to excessive resort to abortion and is not a burden to the existing health system

Contribution to social transformations

The study made it possible to identify some ways to contribute to social transformations by underlining good practices and lessons learned:

- Breaking the wall of silence on abortion and supporting women's access to services by creating spaces for discussing unsafe abortion and its impact on women's and family members' welfare.
- Advocating the amendment of gender discriminatory laws by having women's organizations adopt comprehensive, innovative sectoral strategies, if need be, to call for amendments, not only at the level of personal status laws, but at the level of labour laws and penal laws.
- Confronting gender-based violence by advocating the principles of partnership and cooperation between men and women in personal status laws to ensure the right to making vital decisions, including decisions regarding reproduction and abortion.
- A new reading of the religious text by informed women and religious authorities supporting women's rights, in light of universal values and contemporary socio-demographic conditions.

Lessons for Replication

- Build indicators based on the correlation between safe abortion and maternal mortality reduction.
- Demonstrate the correlation between successful reproductive health policies and socio-economic development.
- Build up the possibility of advocacy to obtain the support of decision makers and local leaders to change the strict laws in this area.
- Use the opportunity to argue how different experiences lead to contradictory results according to the adopted policies, laws and practices in each of the studied countries.
- Highlight the strong correlation between decision-making concerning women's reproductive health and the remaining decisions that can be made in the public and private spheres.
- Demonstrate the gender discrimination aspect of unsafe abortion in order to reduce it.

