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# The Law Came in a Ship

*Africa's Colonial Abortion Laws and the Case  
for Safe Abortion*



SOLIDARITY FOR  
AFRICAN WOMEN'S RIGHTS  
A force for freedom



MOUVEMENT DE SOLIDARITÉ  
POUR LES DROITS  
DES FEMMES AFRICAINES  
Une force pour la liberté

# **The Law Came in a Ship: Africa's Colonial Abortion Laws and the Case for Safe Abortion**

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*The views expressed are those of BAOBAB for Women's Human Rights and do not necessarily reflect those of Akina Mama wa Afrika.*

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## **CONTACT**

4 Freedom Garden Flats, Nasir El-Rufai Street, Sam Nujoma Estate, Galadimawa, Abuja, Nigeria

[info@baobabforwomen.org](mailto:info@baobabforwomen.org) · [baobabforwomen.org](http://baobabforwomen.org)

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IN BRIEF

# The Argument in Six Sentences

- 1** Seventy-seven per cent of abortions in sub-Saharan Africa are unsafe, and nearly fifteen thousand women die of abortion there each year; prohibition does not prevent abortion, it makes abortion dangerous.
- 2** Most of Africa's abortion law was written elsewhere: the English Offences Against the Person Act of 1861, the Indian Penal Code of 1860, the Queensland Criminal Code of 1899 and the French Code pénal of 1810 account for most of it.
- 3** Five neighbouring countries in Anglophone West Africa carry five different colonial inheritances, so the grounds on which a woman may lawfully end a pregnancy depend less on African belief than on which empire arrived, and when.
- 4** After independence, religious institutions that had outlasted colonial rule became the guardians of these statutes, until a prohibition drafted in Westminster, Brisbane, Calcutta and Paris came to be defended as African tradition.
- 5** Where African states have owned and rewritten their law, women's lives have been saved: in South Africa, abortion-related deaths fell by ninety-one per cent within a few years of reform.
- 6** The Maputo Protocol and the African Commission's General Comment No. 2 set an African standard for safe abortion, one set out in a Protocol that African governments negotiated, adopted and ratified, and must now implement.





## CHAPTER ONE

# What Prohibition Costs

*Safe abortion is among the safest procedures in medicine, yet across Africa it remains a crime, under laws defended as African values and written in London, Calcutta, Brisbane and Paris.*

**A** woman in Freetown who needs to end a pregnancy lives under a statute passed at Westminster in 1861. In Banjul the law that governs her was drafted in Brisbane in 1899, in Jos it descends from a code written for British India, and in Dakar it repeats a sentence written in Paris in 1810. None of these laws was written by an African, and each makes abortion unsafe by making it a crime.

Africa has its own standard for safe abortion, and African governments set it themselves. Article 14 of the Maputo Protocol guarantees women the right to control their fertility and obliges States Parties to authorise medical abortion in cases of sexual assault, rape and incest, and where continued pregnancy endangers the woman's mental and physical health, or her life or that of the foetus. The African Commission on Human and Peoples' Rights, in its General Comment No. 2 adopted in Luanda in 2014, spelt out what that obligation means in practice: safe abortion must be available, accessible, acceptable and of good quality, and States should revisit, where necessary, the restrictive laws, policies and administrative procedures that stand in its way. The Commission was blunt about the stakes, observing that only a very low percentage of abortions in Africa are safely conducted and that unsafe abortions remain a factor in preventable maternal mortality.

The evidence bears the Commission out. Safe abortion is one of the lowest-risk procedures in medicine, safer than childbirth, while abortion performed unsafely carries a risk of death hundreds of times higher. Prohibition does not prevent abortion, for rates are much the same where it is banned and where it is broadly legal; what the law changes is safety. Where abortion is banned or permitted only to save a woman's life, about 25 per cent of abortions are safe, while under broader laws the figure is nearly 90 per cent.

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**25%**

of abortions are safe where the law bans abortion or allows it only to save the woman's life

**Nearly 90%**

of abortions are safe where the law is broader

Sub-Saharan Africa lives with the consequences more than any region on earth. Ninety-two per cent of its women of reproductive age live under highly or moderately restrictive laws. Seventy-seven per cent of its abortions are unsafe, and nearly half fall into the least safe category, performed by untrained people using dangerous methods. The region records about 185 deaths for every hundred thousand abortions, against 14 in Asia and 16 in Latin America, and nearly fifteen thousand women die of abortion there every year.



*What the law changes is safety.*

Nigeria carries a heavy share of that toll. The country accounts for almost three in every ten maternal deaths in the world, about seventy-five thousand in 2023, and unsafe abortion is estimated to cause at least one in ten of them. A national study found that of the 1.25 million abortions in Nigeria in 2012, some 212,000 ended in complications that were treated, while another 285,000 women needed treatment and never received it; a later estimate, for 2017, put the number of abortions at about two million, nearly two-thirds of them in the least safe conditions.



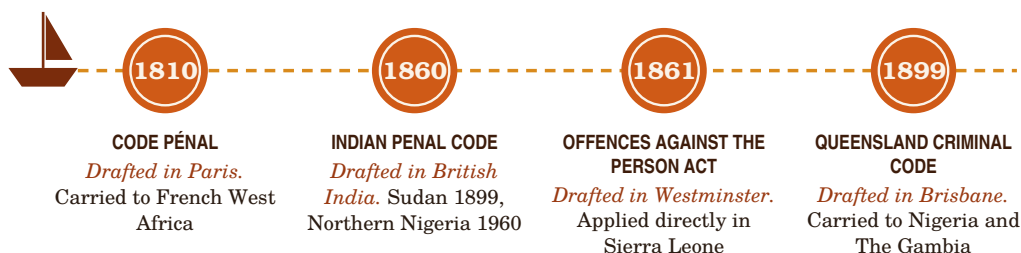
## CHAPTER TWO

# Written Elsewhere

*Four texts, drafted in four imperial capitals, account for most of the abortion law in force across Africa today.*

**T**hose deaths are not the price of any African tradition; they are the product of statutes, and the statutes have a history. There is a phrase that appears, in one form or another, in statute books from Freetown to Banjul to Abuja: a woman “whether she be or be not with child.” It was written by the Parliament of England in 1861, in section 58 of the Offences Against the Person Act. In Dakar, the courts still apply its French counterpart, which punishes whoever procures an abortion “*par aliments, breuvages, médicaments, violences, ou par tout autre moyen*” (by food, drink, medicines, violence, or by any other means), and which was written in Paris in 1810.

Neither text was written by an African or debated by an African legislature before it became law here, yet both remain in force and are defended in our parliaments and pulpits as the moral inheritance of the continent. Four texts account for most of Africa’s abortion law: the English Offences Against the Person Act of 1861; the Indian Penal Code of 1860, drafted under Thomas Babington Macaulay for British India; the Criminal Code of colonial Queensland, drafted by Sir Samuel Walker Griffith in 1899, which one leading study of colonial criminal law describes as the second most influential penal code in the British Empire after Macaulay’s, “especially in British Africa”; and Napoleon’s Code pénal of 1810. The map of abortion law in Africa is, to a startling degree, a map of which empire arrived, and when.





## CHAPTER THREE

# Five Neighbours, Five Inheritances

*In one corner of West Africa, the law a woman lives under depends on which empire arrived, and when.*

**B**AOBAB convenes the Anglophone West Africa cluster of the Solidarity for African Women's Rights coalition: Ghana, Liberia, Nigeria, Sierra Leone and The Gambia. They are neighbours, sharing a language and much of a history, yet their abortion laws have almost nothing in common, and the differences track the accidents of empire with unsettling precision.

## SIERRA LEONE

Sierra Leone is the purest case on the continent. It has no colonial code at all; it applies the English Act of 1861 itself, as received English law, and is thought to be the only former British colony still doing so. A Victorian statute, passed by a parliament in which no woman and no African sat, is live law in Freetown today. Sierra Leone's Parliament has twice tried to replace it, passing a Safe Abortion Act on 8 December 2015 and receiving a Safe Motherhood and Reproductive Health Care Bill on 17 December 2024, and neither has become law, for reasons we return to below.

## THE GAMBIA AND SOUTHERN NIGERIA

The Gambia and southern Nigeria received Griffith's Queensland code. The correspondence is exact enough to be read side by side: Queensland's sections 224, 225 and 226 impose fourteen, seven and three years for procuring a miscarriage, for a woman procuring her own, and for supplying the means; Nigeria's sections 228, 229 and 230 impose the same three penalties for the same three acts, and The Gambia's sections 140, 141 and 142 carry the same ladder. Queensland's surgical defence at section 282 reappears as Nigeria's 297 and The Gambia's 198. Griffith's code reached Northern Nigeria by proclamation in 1904 and the whole of Nigeria on 1 June 1916, and it has not been amended on this point since.

## ONE CODE, THREE COUNTRIES, FROM THE QUEENSLAND CRIMINAL CODE OF 1899

| PROVISION                                    | QUEENSLAND | NIGERIA | THE GAMBIA | PENALTY  |
|----------------------------------------------|------------|---------|------------|----------|
| <b>Procuring another woman's miscarriage</b> | s 224      | s 228   | s 140      | 14 years |
| <b>A woman procuring her own miscarriage</b> | s 225      | s 229   | s 141      | 7 years  |
| <b>Supplying the means</b>                   | s 226      | s 230   | s 142      | 3 years  |
| <b>Surgical operation in good faith</b>      | s 282      | s 297   | s 198      | Defence  |

## NORTHERN NIGERIA

Northern Nigeria then acquired a second inheritance by a longer road. Its Penal Code was modelled on the Sudan Penal Code of 1899, on the recommendation of a panel chaired by the Chief Justice of Sudan. Sudan's code, however, was itself an adaptation of Macaulay's Indian Penal Code. The northern code makes causing a miscarriage an offence "if such miscarriage be not caused in good faith for the purpose of saving the life of the woman", and that proviso is Macaulay's sentence, in Macaulay's words, unchanged since 1860. The code came into force on 30 September 1960, the day before Nigerian independence. For the entire life of the Nigerian state, a woman's reproductive rights have been governed by two texts, neither written by a Nigerian, one of them installed twenty-four hours before the flag changed.

## GHANA

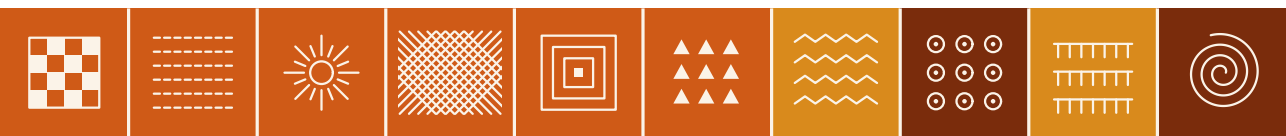
Ghana took a third road, through the Gold Coast Criminal Code Ordinance of 1892, based on a Colonial Office draft code of 1877. In 1985, under PNDC Law 102, Ghana added grounds for rape, defilement and incest, for risk to life or to physical or mental health, and for serious foetal abnormality, and from 2006 its health service built comprehensive abortion care around the new law. Even so, a study of 2017 found that seven in ten abortions in Ghana still took place outside the law, a reminder that a statute alone does not make abortion safe.

**LIBERIA**

Liberia, finally, breaks the pattern altogether, for it was never a European colony. Its law came from America: the settlers who arrived from 1822 brought the common law with them, and the Republic's criminal law was codified through a project run out of Cornell University, with the New Penal Law approved on 19 July 1976. It permits abortion up to twenty-four weeks where there is substantial risk of grave impairment to the woman's physical or mental health, where the child would be born with grave defects, or where the pregnancy resulted from rape, on the written certification of two physicians. Liberia never passed a liberalising reform to get those grounds; it simply wrote its code in 1976 instead of inheriting one from 1861 or 1899. Sierra Leone, with no reform, is stranded in 1861; Liberia, with no reform, sits in 1976. The distance between two neighbouring women is a hundred and fifteen years of drafting history that neither of them chose.



*The distance between two neighbouring women is a hundred and fifteen years of drafting history that neither of them chose.*



## CHAPTER FOUR

# The Same Sentence in French

*A clause drafted in Paris in 1810 is still read, almost word for word, in Dakar.*

## SENEGAL

**A**cross the language border, the pattern repeats. French law did not extend to the colonies automatically; it applied where specially promulgated, and the Code pénal was extended to French West Africa by decree. Article 317 of 1810 is still recognisable in article 305 of Senegal's Penal Code, which punishes whoever, “by food, drink, medicine, violence, or by any other means”, procures an abortion: the 1810 sentence, in the 1810 order. Senegal permits abortion only to save the woman's life, and when rape and incest grounds were proposed during the passage of its 2005 reproductive health law, they were dropped after legislators threatened to withdraw support.

*“Quiconque, par aliments, breuvages, médicaments, violences, ou par tout autre moyen, aura procuré l'avortement d'une femme enceinte...”*

ARTICLE 317, CODE PÉNAL OF 1810, WHOSE WORDING SURVIVES IN ARTICLE 305 OF SENEGAL'S PENAL CODE

## BENIN

Benin, holding the same inheritance, reformed its law in 2021, after its Health Minister reported that nearly two hundred women were dying each year from abortion complications, about a fifth of the country's maternal deaths. The inherited text is not destiny, but it is the default, and defaults endure.



## CHAPTER FIVE

# How the Statute Found a Pulpit

*The empires withdrew, their partners stayed, and a colonial prohibition came to be preached as African faith.*

**I**f the prohibition is a colonial import, the obvious question is why so many of Africa's most influential religious leaders now defend it as the law of God and the custom of the ancestors at once. The answer lies in who stayed when the empires left, and in what happened to the memory of where the law had come from.

## BEFORE THE CODES

Before colonial rule, knowledge of how to regulate fertility and end a pregnancy existed in many African societies, and where its use was governed at all, it was governed by custom, lineage and, in places, councils of women, rather than by criminal statute. How often it was used, and how it was judged, varied greatly from one society to another, and no honest account should claim more than that. The colonial state did not leave such matters to custom: in Meru, in colonial Kenya, officials in the first half of the twentieth century set out deliberately to eradicate abortion, overriding the authority of the women's councils that had governed it.

## THE PARTNERS WHO STAYED

The colonial state did not act alone. In southern Nigeria and the Gold Coast, the missions carried much of the schooling and many of the hospitals, and the Marriage Ordinances of 1884 wrote English Christian marriage into colonial law. Nothing in the record suggests that missionaries drafted the abortion sections of the criminal codes; they had no need to, since the churches that ran the classrooms and the wards preached the same morality the codes enforced. In the north, indirect rule kept Christian missions out of most of the region and made the emirates and their Maliki jurists the colonial state's moral partners instead.

When the empires withdrew, their partners remained: Nigeria began taking over its mission schools only in 1970, and in Ghana faith-based health institutions, most of

them Christian, still provided some forty per cent of national health services as recently as 2015. The statutes stayed too, while the memory of their origin faded, until a prohibition drafted in Westminster and Brisbane came to be read as scripture and ancestral custom in a single breath. The Catholic bishops of Uganda put that fusion into words in their open letter of 19 January 2006, appealing against the Maputo Protocol to “the heritage of both our Christian and African traditions”.

### A RELIGIOUS WARRANT

Northern Nigeria shows the same process at the level of the statute itself. The panel that designed the Northern Penal Code in 1958 held that the new code “should not be in conflict with the injunctions of the Holy Qur’an and Sunna”, and it then adopted, on abortion, Macaulay’s text from British India. The colonial section received a religious warrant on the eve of independence. From 27 January 2000, when Zamfara’s Sharia law came into force, twelve northern States adopted Sharia penal codes, and Kano’s code of 2000 addresses abortion directly. The punishments changed, with compensation and caning in place of imprisonment, yet the prohibition passed intact from colonial statute into religious law.

### THE CONTINENTAL FIGHT

The Maputo Protocol turned what had been national questions into a continental one, and religious opposition organised against Article 14 in particular. In January 2007 Pope Benedict XVI, addressing the diplomats accredited to the Holy See, criticised what he described as an attempt to trivialise abortion surreptitiously through the Protocol. When Cameroon ratified in 2009, the Catholic Church there was reported to have called the Protocol “a Trojan horse aimed at legalizing abortion and homosexuality”, and Cardinal Christian Tumi of Douala declared that abortion “is murder... whether it’s for medical reasons, incest or rape”.

### MONEY FROM ABROAD

Money followed the argument. An investigation by openDemocracy found in 2020 that more than twenty Christian groups based in the United States had spent at least \$54 million in Africa since 2007 campaigning against safe abortion, contraception, comprehensive sexuality education and the rights of LGBT people. The United States reinstated its Mexico City Policy in January 2025, and its final rules of January 2026 made it the widest version yet, reaching most non-military foreign aid. The evidence on its effect is the opposite of what its authors intend: a study in *The Lancet Global Health* found that across twenty-six sub-Saharan countries, abortion rates rose by around forty per cent in the countries most exposed to the policy while it was in force.

### THE VETO TODAY

The consequences are visible in West Africa today. In Sierra Leone, the Inter-Religious Council met President Ernest Bai Koroma on 6 January 2016, and he returned the Safe Abortion Act to Parliament that same day; in December 2024 the Council condemned its successor as “gravely contradictory to religious teachings”, and that bill has not moved since. In Lagos, the Catholic Archbishop, Alfred Adewale Martins, called abortion “tantamount to murder” in opposing the State’s new guidelines on safe termination of pregnancy, and the State suspended the guidelines on 7 July 2022, nine days after publishing them. When the Federal Ministry of Health began reviewing the abortion provisions of the Criminal Code in 2024, the Catholic Secretariat of Nigeria condemned the review as an expression of “postmodern secularistic ideologies” that would undermine Nigerians’ “cultural, moral, and religious beliefs”. The provisions it was defending as Nigerian culture were written for colonial Queensland in 1899.



*The provisions it was defending as Nigerian culture were written for colonial Queensland in 1899.*

### A TEXT, NOT A DOCTRINE

There is an irony here that deserves to be stated with care. Some of those who defend the prohibition as African are financed from America, and what they defend is a text drafted in Westminster, Brisbane, Calcutta and Paris. Faith leaders are entitled to teach their doctrine to those who share their faith, and many women will freely choose to live by it. What the record does not support is the claim that a colonial criminal statute is that doctrine, or that the criminal law should impose it on every woman, whatever her faith, at the cost of her safety.



## CHAPTER SIX

# The States That Rewrote the Law

*Where African states have owned and rewritten their law, women have lived.*

## SOUTH AFRICA

**T**he strongest evidence for safe abortion comes from the African states that rewrote their law. South Africa replaced its apartheid-era statute with the Choice on Termination of Pregnancy Act, in force from February 1997.

Abortion-related deaths fell from 425 in 1994 to an average of about forty a year between 1998 and 2001, a fall of ninety-one per cent, and hospitals treated fewer complications from incomplete abortion.

## 91%

fall in abortion-related deaths in South Africa within a few years of the 1996 Act, in force February 1997

## 27% to 53%

share of abortions in Ethiopia performed in health facilities, 2008 to 2014

## ETHIOPIA

Ethiopia was never colonised, yet its 1957 Penal Code, written domestically on European models, prohibited abortion much as its neighbours' laws did. In 2004 Ethiopia repealed that code, and the Criminal Code in force since 9 May 2005 permits abortion for rape or incest, for risk to the woman's life or health, for serious foetal deformity, and on grounds of minority or disability. For rape or incest, the woman's own statement suffices as proof, with no panel of physicians and no requirement of corroboration: her word is enough. The share of abortions performed in health facilities rose from twenty-seven per cent in 2008 to fifty-three per cent in 2014. The reform passed over the objection of the Ethiopian Orthodox Patriarch, who denounced abortion as a sin in December 2003 and wrote to the government and to Parliament; his intervention narrowed what might have been full decriminalisation into a list of grounds, yet the government held its course.



*Her word is enough.*

## TUNISIA

Tunisia inherited a penal code modelled on French law in 1913, and in 1973 made first-trimester abortion available on request, two years before France itself passed the *loi Veil*. Habib Bourguiba presented the reform as *ijtihad*, reasoning from within Islam itself, and his reformers drew on Hanafi and Shafi'i rulings that permitted abortion before the hundred and twentieth day; the law met little opposition from religious leaders.

None of these states escaped prohibition by escaping empire. They escaped it by owning their law, treating the criminal code as a text their own legislatures could open, read and rewrite through ordinary politics, and, where religious authority objected, by answering it rather than deferring to it.



*Ownership of the text, not the absence of a prohibition, is what made reform possible.*



## CHAPTER SEVEN

# An African Standard

*The Maputo Protocol and the African Commission have set the benchmark; governments have only to meet it.*

**T**he standard for safe abortion services has already been written in Africa, by Africans. General Comment No. 2 asks States to train mid-level providers such as midwives to provide safe abortion care; it reads the Protocol's health ground broadly, as complete physical, mental and social well-being, so that no prior psychiatric examination is required; it holds that conscientious objection cannot be invoked where a woman's health is at serious risk, and that States must ensure a woman is referred to another provider in time; and it endorses an end to the extortion of confessions from women who seek emergency care after an abortion, and to any legal duty on health workers to denounce them. It even names the audience that most needs persuading, calling for the sensitisation of religious leaders, traditional chiefs and political leaders.

*"It is crucial to ensure availability, accessibility, acceptability and good quality reproductive health care, including family planning/contraception and safe abortion for women."*

GENERAL COMMENT NO. 2, AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS, 2014

Nigeria already holds several of the pieces. The Federal Ministry of Health issued National Guidelines on Safe Termination of Pregnancy for Legal Indications in 2018, and States including Anambra, Akwa Ibom and Ogun have adopted guidelines of their own; the national medicines regulator registered a combined pack of mifepristone and misoprostol, the medicines used for medical abortion, in July 2024. In June 2025 the Federal High Court in Abuja ruled, in a case concerning survivors of sexual violence, that such pregnancies violate their rights to physical and mental health, a judgment the Center for Reproductive Rights has described as affirming survivors' right to safe abortion. What is missing is the political will to let women use what the guidelines, the courts and the national register of medicines already allow.



## CHAPTER EIGHT

# What Must Change

*What we ask of African governments, and of the coalition that holds them to the Protocol.*

**T**he Maputo Protocol was adopted in Maputo on 11 July 2003 by African states, negotiated by African delegations, and drafted with African women's organisations in the room, and its Article 14 is, on any measure of provenance, the most African instrument in this entire story.

So when a legislator or a cleric in Abuja, Freetown or Dakar objects that Article 14(2)(c) is alien, the record answers him, for the alien text is the one he is defending. It was drafted for colonial Queensland, for British India, for the Parliament at Westminster and for Napoleonic France, carried here by administrators who consulted nobody, and left in place by governments that have never read it as history.

We ask three things of African governments and of the coalition that holds them to the Protocol: first, that they make safe abortion available at once on every ground their laws already permit, adopting national guidelines where they exist and guaranteeing post-abortion care to every woman who needs it, without fear of prosecution; second, that they domesticate Article 14(2)(c) in full and, as General Comment No. 2 asks, revisit the restrictive laws, policies and administrative procedures that keep safe abortion out of women's reach; and third, that they ask their law reform commissions to establish, provision by provision, which parts of their criminal codes are original colonial text, since no government can defend as heritage what it has never examined as history.

On 28 September, when the world marks a day for safe abortion, African advocates should say plainly what our statute books show: the prohibition arrived by ship, and it has never made a single abortion safe.

***The Protocol was written here.***

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## THE PUBLISHER

# About BAOBAB for Women's Human Rights

BAOBAB for Women's Human Rights is a Nigerian feminist organisation founded in 1996, and this paper is published in its thirtieth year. For three decades it has worked where law, culture and social justice meet, defending women's rights under each of the legal systems that govern their lives and building the leadership of the women who will carry that work forward.

## WOMEN UNDER THREE LEGAL SYSTEMS

Nigerian women live under three parallel systems of customary, religious and statutory law, and BAOBAB was founded to understand all three and to use each of them in women's favour. Its research and legal literacy work has shown, community by community, that many of the rules defended as tradition are neither ancient nor settled, and that women's rights can be argued within customary and religious law as well as within the statutes. When Sharia penal codes were introduced in twelve northern States from 2000, and women were brought before the courts on charges of zina, BAOBAB was among the organisations that supported their defence, including the appeals of Safiya Hussaini and Amina Lawal, both of which ended in acquittal.

## ACROSS NIGERIA

BAOBAB works in all six geopolitical zones, including Muslim-majority and rural communities where rights-based advocacy is most contested. Its Volunteer Outreach Teams carry the work into those communities, and its advocacy with legislators, ministries and justice institutions takes what is learned there to the people who make, apply and oversee the law.

## THE MAPUTO PROTOCOL

Since 2021 BAOBAB's advocacy for the Maputo Protocol has moved through three phases, from making the Protocol known, to building a movement around it, to anchoring it in the institutions that must implement it. It publishes knowledge products on the Protocol's domestication, including a plain-language guide for Nigerian readers, and it is a member of the Coalition for the Domestication of the Maputo Protocol (CODMAP).

### IN THE REGION AND ACROSS AFRICA

BAOBAB has been a member of the Solidarity for African Women's Rights Coalition (SOAWR) since 2005 and leads its Anglophone West Africa Cluster, covering Nigeria, Ghana, Liberia, Sierra Leone and The Gambia. It also hosts, in Abuja, the Secretariat of the Pan-African Feminist Solidarity Network (PAFSO), whose mandate includes the universal ratification and full implementation of the Maputo Protocol across the continent.

### THE NEXT TEN YEARS

BAOBAB's Ten-Year Strategic Plan for 2026 to 2035 organises its work under six strategic objectives, STAND, VOICE, SPARK, TERRA, NEXUS and PILLAR, and takes systems change as its founding principle, so that laws, institutions, social norms and the leadership that sustains them are worked on together rather than one at a time.

### THIS PAPER

The Law Came in a Ship is published in commemoration of International Safe Abortion Day, 28 September 2026, under the project Advancing Bodily Autonomy and Integrity: Making the Maputo Protocol a Reality in Africa, which BAOBAB implements as SOAWR Anglophone West Africa Cluster Lead with the support of Akina Mama wa Afrika.

### CONTACT

4 Freedom Garden Flats, Nasir El-Rufai Street, Sam Nujoma Estate, Galadimawa, Abuja, Nigeria

[info@baobabforwomen.org](mailto:info@baobabforwomen.org) · [baobabforwomen.org](http://baobabforwomen.org)

Facebook: Baobab Rights · Instagram: [baobab\\_rights](https://www.instagram.com/baobab_rights) · X: [BAOBABRights](https://twitter.com/BAOBABRights)

## ANNEX

# Article 14 of the Maputo Protocol

*Article 14 is the African standard this paper applies throughout, and its text is reproduced here in full so that every reader can hold governments to its exact words.*

## 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 recognised 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 programmes 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 authorising 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 foetus.

*Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, adopted in Maputo on 11 July 2003. Article 14(2)(c) is interpreted by the African Commission on Human and Peoples' Rights in General Comment No. 2 (2014).*

## ABOUT THIS PAPER

*“The prohibition arrived by ship. The Protocol was written here.”*

Across Africa, abortion laws are defended as the moral inheritance of the continent, yet most were drafted in London, Calcutta, Brisbane and Paris and have never been examined as history. This paper traces how those colonial statutes reached Africa, how religious authorities came to guard them after independence, and what they cost women, in a region where seventy-seven per cent of abortions are unsafe.

It sets out the African standard for safe abortion in the Maputo Protocol and the African Commission’s General Comment No. 2, and what governments must do to meet it.

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[baobabforwomen.org](http://baobabforwomen.org) · [info@baobabforwomen.org](mailto:info@baobabforwomen.org)

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