

## Restrictive Abortion Laws in Sub-Saharan Africa: A Legacy of Colonization

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## **BACKGROUND**

Between the 1870s and 1900, sub-Saharan Africa faced European imperialist aggression, military invasions, and eventual conquest and colonization. By the early twentieth century, all of Africa aside from Liberia and Ethiopia had been colonized by European nations.<sup>1</sup>

Britain and France were the two major nations to colonize sub-Saharan Africa and their approaches varied tremendously. The British operated under a system of indirect rule, meaning that existing tribes still had authority within the country and could maintain traditions; however, the British colonizers had the authority to veto decisions. In contrast, the French operated under a system of direct rule and established themselves as leaders within their new colonies and dictated laws and governance. Many economists and social scientists attribute modern differences in the development of former British and French colonies to this inherent difference in colonial rule.<sup>2</sup>

This difference in colonial rule may also influence reproductive health laws including restrictions on abortion in these former British and French African colonies. Access to safe and legal abortion remains nonexistent in most African countries. A restrictive legal environment does not mean that women cease seeking abortion, but that when they do they are much more likely to be unsafe abortions that result in increased risk of maternal mortality and morbidity. In 2008, more than 97% of abortions in Africa were unsafe.<sup>3</sup>

## **THEORETICAL FOCUS**

We seek to examine the relationship between British and French colonization on thirty-six sub-Saharan African countries in the context of their current abortion laws. Further, we intend to determine if the imposition of colonialism continues to play a role in the legality of abortion in these countries, and if the legal abortion environment in former British colonies differs from former French colonies.

## **METHODOLOGY**

We will conduct a review of abortion laws and guidelines across sub-Saharan Africa, by former British or French colonization status, to determine if there are patterns that vary by colonial power.

While national abortion estimates are unavailable in many African countries, modern contraceptive prevalence rate (mCPR) and total fertility rate (TFR) estimates are available and serve as proxies of the local reproductive health context and access to services. Analysis is limited to African countries that were former British or French colonies.

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<sup>1</sup> Iweeriebor, E.E.G. The Colonization of Africa. Hunter College. Accessed: <http://exhibitions.nypl.org/africanaage/essay-colonization-of-africa.html#bib>.

<sup>2</sup> Bertocchi, Graziella, and Fabio Canova. "Did colonization matter for growth?: An empirical exploration into the historical causes of Africa's underdevelopment." *European economic review* 46.10 (2002): 1851-1871.

<sup>3</sup> Facts on Induced Abortion Worldwide, Guttmacher Institute In-Brief Fact Sheet, January 2012. Accessed: [http://www.guttmacher.org/pubs/fb\\_IAW.html](http://www.guttmacher.org/pubs/fb_IAW.html).

## **KEY INITIAL FINDINGS**

After reviewing the current abortion laws across sub-Saharan Africa, as well as the historical development of these laws, we found that many of the countries had laws that were originally imposed by colonial powers.

Table 1 shows that former British and French colonies in sub-Saharan Africa do not differ drastically on their overall degrees of abortion restrictiveness; however, former British colonies have less restrictive abortion laws overall. Among the 18 former British colonies, 2 countries have legal abortion without restriction, 1 has legal abortion on the basis of sociodemographic factors, 10 countries allow abortion to preserve the health of the woman, and 5 countries prohibit abortion entirely or allow it only to preserve the life of the woman. In contrast, nine former French colonies allow abortion to preserve the health of the woman and eight prohibit abortion entirely or only to preserve the life of the woman.

The mean TFR for the former British colonies is 4.46 and 5.00 for former French colonies. These differences are not significant. However, the mean mCPR of former British colonies (31.53) and former French colonies (15.83) differ significantly ( $p=0.01$ ).

In further analyses, we will investigate key covariates that may also contribute to these differences.

This colonial legacy might explain differences in the current restrictiveness of abortion laws and could shed light on the stagnation of CPR increases and TFR decreases in many African countries.

## **KNOWLEDGE CONTRIBUTION**

The reproductive health laws of a nation greatly influence an individual's access to safe delivery, contraception, and access to safe abortion. Former French colonies have maintained laws that are vestiges of French penal codes from 1920. Though many countries have added to and changed their various laws concerning reproductive health, these outdated laws remain official in many former French colonies. Because law making was less direct during colonial rule in former British colonies, their reproductive health laws, particularly those related to safe abortion, are generally more liberal. We note differences in mCPR and TFR between former British and French colonies, indicating that more restrictive policies surrounding abortion and reproductive health generally may play an important role in access to safe abortion and contraception, as well as overall family size.

## **APPENDIX**

**Table 1: Legality of Abortion Based on Documented National Laws in Sub-Saharan African Countries Formerly Colonized by the British and French**

Country	Former Colonial Power	Legality of Abortion			
		To Save Woman's Life or Prohibited Altogether	To Preserve Health	Sociodemographic Grounds	Without Restriction as to Reason
Botswana	Britian		X		
Ghana				X	
Kenya				X	
Lesotho				X	
Malawi					X
Mauritius				X	
Nigeria			X		
Seychelles				X	
Sierra Leone				X	
Somalia			X		
South Africa					X
Sudan (South Sudan)			X		
Swaziland				X	
Tanzania			X		
The Gambia				X	
Uganda			X		
Zambia					X
Zimbabwe				X	
Benin	France		X		
Burkina Faso				X	
Cameroon				X	
Central African Republic			X		
Chad				X	
Comoros				X	
Congo (Brazzaville)			X		
Côte d'Ivoire			X		
Djibouti				X	
Gabon			X		
Guinea				X	
Madagascar			X		
Mali			X		
Mauritania			X		
Niger				X	
Réunion					X
Senegal			X		
Togo				X	

*Source: The World's Abortion Laws 2015, The Center for Reproductive Rights*