

Denial runs through Lebanon

Reality contradicts Lebanese law on abortion

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Abortion is a controversial issue in almost every society. Here, pro-life demonstrators gather in Paris on January 20, 2008. (AFP / JACQUE DEMARTHON)

26-year-old Nisrine* (not her real name) panicked when she found out that she was eight weeks pregnant. Asid fact that she was not ready to have a baby, she was unwed. Fearing the consequences she would face if her fi learned of her pregnancy, she hurried to see a general practitioner, who referred her to a physician willing to an abortion.

Days later, Nisrine showed up at a private clinic, where the abortion was quietly and swiftly performed by a fer gynecologist. Before the procedure, the doctor tried to convince Nisrine to marry her boyfriend and keep the Distracted and in pain, both during and after the procedure, Nisrine was made to feel like a criminal. With no s groups to turn to, she began to see a therapist shortly thereafter.

Nisrine's story is far from unique. She is just one of many women in Lebanon, from all socio-economic and relig backgrounds, who have had abortions. Because there are no official statistics, it is difficult to accurately estim prevalence of abortions in Lebanon. Anecdotal evidence and testimony from doctors, however, suggest that th is relatively widespread.

Legal status

The Lebanese Penal Code of 1943 defined abortion as illegal under all circumstances. However, a presidential c passed in 1969 permits curative abortion in cases where it is the only way to save a pregnant woman's life, in w the procedure can be performed even over the objections of the woman's husband or relatives (the woman, h must give consent, unless she is unconscious). Still, by international standards, the grounds for permitting abor Lebanese law are very strict.

For example, Lebanon does not permit abortions even in the case of rape. According to a 2007 United Nations world abortion policies, this is in contrast to 84% of developed countries and 37% of developing countries, all o have laws permitting abortion when pregnancy is caused by rape or incest.

By law, any person who performs an abortion is subject to one to three years imprisonment. Women who indu own abortions or who allow for an abortion to be performed on them are considered to have committed a crin be sentenced to six months to three years imprisonment. If a gynecologist administers the abortion without cc or she faces at least five years of forced labor. (Interestingly, penalties are reduced for all parties when an abc performed as an act of honor.)

According to human rights activist Lina Osseiran Beydoun, the state of abortion laws in Lebanon is indicative of broader fact that Lebanese law, in general, is not progressing. In particular, she said that this is true with respect to humanitarian law.

Doctors' dilemma

Dr. Haddad*, a Beirut-based gynecologist who agreed to speak with NOW Lebanon on the condition of strict anonymity, said that unreported abortions, performed in secret, are not uncommon in Lebanon. Haddad said that he performs the procedure and also advocates the practice to those who are qualified, noting that his patients range from “young women who are not married but do not want children.” In the latter case, he said, many women ask for abortions but do not inform their husbands. According to Haddad, “more gynecologists - rather than some - perform abortions for their patients to those who do.”

Haddad described his own reasons for choosing to perform abortions as a modest attempt to prevent unqualified and untrained doctors and midwives from taking advantage of, or “butchering,” women seeking to terminate a pregnancy.

Abortion, given its illegal status, is unmonitored by the state. And with no regulation, doctors are free to charge whatever they want for the procedure, often extorting their vulnerable patients.

Another significant problem stemming from abortion's illegality, Haddad said, is that women have almost no protection against malpractice. With no professional oversight or safety regulations, many patients receive substandard care at the risk of maternal mortality. Most doctors do not keep any records of abortion procedures for fear that documentation could be used against them, making it nearly impossible to hold them accountable. Moreover, many women are reluctant to come forward with complaints because they fear that they will face criminal charges. Haddad revealed that some doctors also “pay their patients off” to keep them quiet when complications occur after the operation.

Of course, many doctors do refuse to perform abortions, on legal and moral grounds. Another gynecologist who works in the South, Dr. Youssef, said that while it is not uncommon for women to show up at his clinic asking for an abortion, he refuses to administer the procedure. Like many others, Dr. Youssef's choice is rooted in his religious convictions. “It is strictly against the law. Abortion is a dangerous issue,” he said. “Anyone who dares to perform it is playing with fire.”

Promoting contraception use

As Dr. Haddad observed, the abortion issue is linked to broader questions about contraceptive use and general education in Lebanon. “There is no answer to the question of whether or not actually conducting abortions is the first place,” Haddad stated. “The only solution is to promote the use of contraception and to raise awareness among women.”

Unlike abortion, contraceptive use is not prohibited under Lebanese law. A wide range of contraceptive options is readily available to consumers. Moreover, awareness and use of contraceptives have increased significantly over the past few decades. But despite a measure of success, there is an urgent need to tackle the taboos still overshadowing contraceptive use.

Though legal, Dr. Haddad said that the use of contraceptives is still “prohibited in the heads of the people. People assume that unwed women do not have sex and that married women always want to have children.” Though these expectations may be increasingly unrealistic, Haddad said that they are a major factor in why “religious and political figures would never allow for the anti-abortion law to be repealed.”

The importance of raising awareness about contraceptives was also stressed by Loyal Assad, a social worker at Lebanon Family Planning Association, a Beirut-based NGO. Tellingly, the organization does not directly address abortion in its programs, despite being the country's leader in non-governmental family planning services.

“The society we live in does not accept it,” said Assad. Although she recognizes the importance of the issue, Assad nevertheless explained that, “as an organization, we can't at all get into it.”

Out of the shadows

It is not unusual in Lebanon for civil society to fill a void left by the state. But in the case of abortion, it is not the state that is absent. The legal status of abortion and the social taboos surrounding it have frightened off civil society actors as well. As a result, the difficult questions raised by the issue remain unresolved, and countless women, left with little support or protection and no regulation, continue to suffer from extortion and malpractice.

But it is not only the state and civil society that need to face facts. The conspicuous absence of any debate on the issue is evidence that the Lebanese population, too, is shutting its collective eyes. The abortion issue urgently needs to be brought out into the open, so a solution can be found that best balances the need to protect women with respect for the country's traditions.

Unwanted pregnancies occur in Lebanon. That is simply reality. If the state and society want to keep abortion without jeopardizing the well-being of Lebanese women, they need to give them other options. This means, for example, abolishing all legal protections for the perpetrators of so-called "honor crimes," developing a stronger support and shelter network for unwed mothers, and promoting adoption as an alternative to abortion.

As Haddad and Assad stressed, the best solution is reducing the number of unwanted pregnancies in the first place. At this end, Lebanese society must work to break down lingering taboos around contraceptive use and sex education. For this strategy to succeed, women and men - and particularly young people - will have to be provided with full access to family planning and sexual health services.

Living in denial will not make the problem of abortion go away; on the contrary, it will only exacerbate it. As much as it is the duty of the state to ensure that Lebanese women are protected, rather than victimized, by the law, it is also the responsibility of civil society to bring the debate on this highly sensitive subject out of the shadows.