

RELEASE IN PART
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From: Rubiner, Laurie [redacted]
Sent: Friday, July 31, 2009 2:26 PM
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Subject: Kenya

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Secretary Clinton –

I understand you are going to Kenya next week and while I know the trip is primarily focused on trade issues, I wanted to flag an issue for you because I know it is near and dear to your heart.

Kenya has one of the strictest anti-abortion laws in Africa – it is illegal unless a woman's life is at risk and criminalizes both the woman and the provider. Two years ago, Kenyan authorities imprisoned a doctor and two nurses, falsely accusing them of providing illegal abortions. After a year in prison, the providers were found innocent and released, but it galvanized the legal and provider community who formed a coalition to make abortion less restrictive. It will come as no surprise to you that, as a result of their abortion law, Kenya has one of the highest maternal mortality rates in all of Africa, with an estimated 800 women a day seeking the procedure, often through dangerous means.

Kenya is restarting a long-stalled constitutional review process and they hope to produce a final Constitution by next year. Religious groups are on a concerted crusade to include new language in the Constitution which would codify that "life begins at conception". The current Constitution is largely silent on the issue. If this fetal personhood amendment goes forward, it would place Kenya in the small community of nations with such a provision. It would clearly mark Kenya as out of step with countries attempting to institutionalize the African Union's Maputo Protocol, one of the most progressive regional documents on women, development and reproductive rights, and with the vast majority of African countries in general. For a country trying to regain the momentum of stability and success it enjoyed until recently, such a policy imposition would be a regression for women's rights and for the country writ large.

I went to Kenya last month to work with the coalition that has formed to strategize against the Constitutional amendment and to work toward a less restrictive abortion law. I also visited several of our clinics and providers in Nairobi and in nearby villages where Planned Parenthood has programs to train providers in post abortion care. You have seen this a million times in your travels around the world, so I don't need to tell you how poignant the stories were of the lives saved and lost, the bravery in standing up to constant government harassment, and the fear of what this potential Constitutional amendment will mean to the provision of safe medical services. I know it is asking a lot, but if there is any way that you could draw attention to this issue when you are in Kenya, you would be even more of my personal hero than you already are. It is our hope that if Kenya knows the world is watching they may be more careful in how they proceed. Of course we would be happy to help you in any way if you decide you want to do something on this while you are there. There is also a Congressional delegation going to Kenya the week of August 8th and we are working on them to have a side meeting on this issue as well.

As always, thank you so much for all you do. We are all so grateful that you are there! All best, Laurie

Laurie Rubiner

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