

**9 MINISTERIAL ORDER N°002/MoH/2019
A OF 08/04/2019 DETERMINING
A CONDITIONS TO BE SATISFIED FOR A
U MEDICAL DOCTOR TO PERFORM AN
ABORTION**

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**MINISTERIAL ORDER N°002/MoH/2019
OF 08/04/2019 DETERMINING
CONDITIONS TO BE SATISFIED FOR A
MEDICAL DOCTOR TO PERFORM AN
ABORTION**

The Minister of Health,

Pursuant to the Constitution of the Republic
of Rwanda of 2003 revised in 2015, especially
in Articles 120, 122 and 176;

Pursuant to Law n° 68/2018 of 30/08/2018
determining offences and penalties in general
especially in Article 125;

After consideration and approval by the
Cabinet, in its session of 03/04/2019;

ORDERS:

Article One: Purpose of this Order

This Order determines conditions to be
satisfied for a medical doctor to perform an
abortion.

Article 2: Definitions

For the purpose of this Order, the following
terms are defined as follows:

1° **abortion:** induced termination of

pregnancy under circumstances determined by the law;

2° **health:** a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity;

3° **recognised medical doctor:** a person qualified to practice the medical profession after obtaining at least a Bachelor's Degree in Medicine, registered and licensed by a health profession regulatory body in Rwanda and working in public or private health facility.

Article 3: Allowed grounds for abortion

Abortion is performed on the following grounds:

1° the pregnant person is a child;

2° the person requesting for abortion became pregnant as a result of rape;

3° the person requesting for abortion became pregnant after being subjected to a forced marriage;

4° the person requesting for abortion became pregnant as a result of incest committed with a person to the second degree of kinship;

5° the pregnancy puts at risk the health of the pregnant person or of the foetus.

Without prejudice to the provisions of Article 11 of this Order, the person requesting for abortion is not required to produce evidence of the grounds she invokes.

If, after abortion, it is proved that the person on whom abortion was performed provided false information, she is liable in accordance with the law.

Article 4: Pregnancy age for termination

Except in case the pregnancy puts at risks the health of the pregnant person or the foetus, the abortion cannot be performed if the gestation is beyond twenty - two (22) weeks.

Article 5: Eligible health facility to perform abortion

Abortion is performed in a public or private health facility licensed as a hospital or a polyclinic by the Minister in charge of health.

Article 6: Procedure by which an application for a child to abort is made

If a person who wishes to abort is a child, the application to do so is made by her legal representatives after agreeing upon it.

If her legal representatives disagree among themselves or if they disagree with the child, the wish of the child prevails.

Article 7: Pre-procedure for abortion care

Before performing abortion, the medical doctor must:

1° conduct comprehensive pre-abortion counselling;

2° conduct thorough clinical assessment.

Article 8: Giving a written consent to receive abortion services

A person requesting for abortion must give her written consent to receive abortion services after comprehensive explanations on abortion.

If the person requesting for abortion services is a child or a person with mental disability her legal representative gives the written consent for abortion. If her legal representative refuses to give consent, the consent of the child is considered.

Article 9: Access to abortion services

A person who wishes to get abortion services has the right to access an accredited health facility of her choice and to receive the services without necessarily presenting the medical transfer.

Article 10: Confidentiality

The medical doctor and the health facility that received the person requesting for abortion services must ensure the respect of the right to confidentiality.

Article 11: Termination of pregnancy due to the risk on the health of the pregnant person or of the foetus

Termination of pregnancy due to the risk on the health of the pregnant person or of the foetus is done under the following conditions:

- 1° confirmation of the risk on the health of the pregnant person or of the foetus, done by at least two (2) medical doctors, one being a specialist in the area of obstetrics and gynaecology;
- 2° a personal written consent of the pregnant person or of her legal representative if the person seeking for abortion is a child or a person with mental disability;
- 3° a written report in two (2) copies signed by the recognised medical doctor and the pregnant person or her legal representative if the pregnant person is a child or a person with mental disability, one copy is given to the pregnant person or her legal representative and another is kept by the health facility.

go **Article 12: Repealing provision**

di All prior provisions contrary to this Order are repealed.

ra **Article 13: Commencement**

si This Order comes into force on the date of its
ra publication in the Official Gazette of the
Republic of Rwanda.

Kigali, on **08/04/2019**

(sé)

Dr. GASHUMBA Diane
Minister of Health

**Seen and sealed with the Seal of the
Republic:**

(sé)

BUSINGYE Johnston
Minister of Justice/Attorney General

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