

Defending Kenya's Groundbreaking JMM Ruling

Safeguarding access to
safe and legal abortion for
survivors of sexual
violence



**Abortion
Access**



CASE BACKGROUND

The Ministry of Health in Kenya, in line with the Constitution, adopted the 2012 Standards and Guidelines for Reducing Morbidity and Mortality from Unsafe Abortion in Kenya (the Standards and Guidelines) and the National Training Curriculum for the Management of Unintended, Risky & Unplanned Pregnancies (the Training Curriculum). The Training Curriculum was developed to equip healthcare providers with the knowledge and skills necessary to manage unintended, risky, and unplanned pregnancies, including those that may require abortion.

In 2014, the Ministry of Health withdrew both the Standards and Guidelines and the Training Curriculum and banned the use of Medabon (abortion medication). This action created a legal and practical gap, as it effectively prevented access to safe abortion services and undermined existing training and guidance. The ban also created confusion and fear among healthcare providers regarding the provision of abortion-related services.

THE HUMAN COST: THE STORY OF JMM

The impact of this withdrawal was tragically clear in the case of JMM, a 14-year-old survivor of sexual violence. Unable to access safe abortion services, she sought help from an unqualified provider and died from complications of an unsafe abortion.

CENTER *for* REPRODUCTIVE RIGHTS

In response, in 2015, the Center for Reproductive Rights, together with partners, filed a case challenging the government's actions, the withdrawal of the Standards and Guidelines and the Training Curriculum, as well as the ban on Medabon. These actions created legal uncertainty and a chilling effect on access to, and provision of, safe and legal abortion in Kenya.

THE HIGH COURT RULING (2019): A LANDMARK VICTORY

In 2019, the High Court of Kenya ruled that the withdrawal of the Standards and Guidelines, the Training Curriculum, and the ban on Medabon violated the constitutional right to the highest attainable standard of health of Kenyan women and girls, including JMM.

The Court also ruled that:

- Survivors of sexual violence have the right to access safe abortion in line with the Constitution.
- Article 26(4) of the Constitution permits abortion when a trained health professional determines it is necessary for emergency treatment, to save the life or health of the pregnant woman, or if allowed by any other law.

THE COURT OF APPEAL CASE

The Kenyan Christian Professional Forum (KCPF) and the Attorney General, dissatisfied with the High Court's decision, appealed to the Court of Appeal.

Their appeals seek to reverse and set aside the progressive declarations and orders made by the High Court.

Meanwhile, unsafe abortion remains a national crisis. A 2025 report by the Ministry of Health and APHRC on the [*Incidence of Induced Abortions and the Severity of Abortion-related Complications in Kenya*](#) estimated:

- 792,694 induced abortions occurred in 2023
- 1.436 million unintended pregnancies in the same year

This reflects a significant unmet need for contraception and safe abortion services.

WHY THIS CASE MATTERS

The Center for Reproductive Rights, together with its partners, has asked the Court of Appeal to dismiss the appeal and uphold the High Court's decision.

A positive decision will:

- Provide legal certainty on access to safe and legal abortion in Kenya
- Strengthen protections for women and girls, especially survivors of sexual violence
- Give clear guidance to health providers on the provision of safe abortion
- Reaffirm Kenya's regional and international human rights obligations

The JMM case is more than a legal battle. It is about safeguarding women's and girls' health, dignity, and rights—and ensuring that no one else has to endure what JMM experienced.